

Tourism Department, Jaipur

Notification

Jaipur, August 14, 2000

G.S.R. 41.- In exercise of the powers conferred by Section 26 of the Rajasthan Ropeways Act, 1996 (Act No 18 of 1997) and other enabling powers under the said Act in this behalf, the state Government hereby makes the following rules, namely:

Rajasthan Ropeway Rules

1. Short title and commencement:

- (1) These rules may be called the Rajasthan Ropeways Rules, 2000.
- (2) They shall come into force at once.

2. Definitions: In these rules, unless the subject or context otherwise requires-

- (a) "Act" means the Rajasthan Ropeways Act, 1996 (Act No.18 of 1997); and
- (b) The terms and expressions used in these rules but not defined shall have the meanings assigned to them under the Act or as have been provided there under.

3. Power and duties of Chief Inspector:

- (1) The Chief Inspector shall have power to inspect any Ropeway in the State at any time and it shall be his duty to inspect every Ropeway at least once in a year;
- (2) It shall be the duty of the Chief Inspector, while inspecting any Ropeway, to ensure that -
 - (i) the same is being maintained in a fit condition;
 - (ii) the same is being maintained with due regard to the safety of persons using the same or to the general public;

- (iii) The same is being operated in accordance with the provisions of the Act and these rules;
 - (iv) The moving and fixed dimensions as specified under rule 7. of these rules are being complied with by the promoter;
 - (v) The Ropeway is sufficiently equipped for the traffic for which it is intended;
 - (vi) Due compliance of the provisions of the Act, rules and conditions of the License have been made;
 - (vii) Sufficient measures have been taken to prevent control of pollution caused or likely to be caused by working of the Ropeway;
 - (viii) The Ropeway is fit for traffic and can be used without danger to those using it or to the person employed thereon or to the general public;
 - (ix) The carriers and other components of the Ropeways including the cable, wire or rail are in safe workable conditions;
 - (x) The arrangements for embarkation and disembarkation of persons, animals and goods are safe and efficient and do not involve danger to life or property;
 - (xi) in the case of public Ropeways, the rates as fixed under the provision of the Act alone are being charged by the servants of the promoter for carriage of persons, animals and goods and there is no violation of such provision: and
 - (xii) Proper receipt or ticket of charges or fair collected by the servants of the promoter is given to the persons using the rope ways for carriage of persons, animals or goods.
- (3) The Chief Inspector shall have power to call for information from the District Inspector as to the working of the Ropeways at any time as also of the out come of his periodic³¹ or other inspection.

4. Power and duties of the District Inspector:

- (1) The District Inspector shall have power to inspect any Ropeway under his jurisdiction at any time and it shall be his duty to inspect every Ropeway at least once in a quarter.
- (2) The District inspector, while inspecting the Ropeway shall ensure that -

- (i) The same is being maintained in a fit condition;
 - (ii) The same is being maintained with due care and regard to the safety of persons using the same or the general public;
 - (iii) The same is being operated in accordance with provisions of the Act and these rules;
 - (iv) The moving and fixed dimensions as specified under rule 7 of these rules are being complied with by the promoters;
 - (v) The Ropeway is sufficiently equipped with for the traffic for which it is intended;
 - (vi) Due compliance of the provisions of the Act, rules and conditions of the license have been made;
 - (vii) Sufficient measures have been taken to control pollution caused or likely to be caused by working of the Ropeways;
 - (viii) The Ropeway is fit for traffic and can be used without danger to those using in or to the person employed thereon or to the general public;
 - (ix) The carriers and other components of the Ropeways including the cable, wire or rail are in safe working condition;
 - (x) The arrangements of embarkation and disembarkation of persons, animals and goods are safe and sufficient and do not involve danger to life or property;
 - (xi) in case of public Ropeways, the rates as fixed under the provisions of the Act alone are being charged by the servants of the promoters for carriage of persons, animals and goods and there is no violation of such provisions;
 - (xii) in case of public using the Ropeway for carriage of persons proper receipt of ticket or charges or fair collected by the servants of the promoter is given to the persons using the Ropeways for carriage of person, animal or goods;
- (3) The District Inspector shall report without delay to the Chief Inspector about the short comings, deficiencies and violations of the conditions of license noticed during periodical or any other inspection carried out by him;
- (4) The District Inspector shall have power to call for information from the promoter as to the working of the Ropeway at any time as also of the outcome of his periodical or other inspections.

5. Notice of accidents to the Licensing Authority and the District Inspector:

- (1) Whenever any accident occurs in the working of a Ropeways involving loss of human life or serious physical injury to a human being, the promoter or any person acting for the time being as in charge of Ropeways system on his behalf, or any person duly authorised by him in this behalf shall, besides informing the officer in charge of a police station having Jurisdiction over the area where the site of the accident is situated and taking necessary steps for first aid and seeking necessary medical aid from the nearest hospital or Dispensary, inform forthwith in writing to the Licensing Authority, the Collector and District Magistrate of the District in which the accident occurs, setting out all necessary details of the persons involved with accident including name parentage, age, sex, address and nationality of the person as also circumstances under which the accident occurred.
- (2) Whenever any accident occurs in the course of working of a Ropeways and no loss of human life or serious physical injury to any person is involved but serious injury to property is occasioned, the promoter or any person acting on his behalf or duly authorised by him in this behalf, shall, besides reporting incident of accident to the officer in charge of the police station having jurisdiction over the site of accident, inform in writing to Licensing Authority, the Collector and District magistrate of the District in which the accident occurs.
- (3) A copy of the reports of the accidents sent by the promoter or any person acting in his behalf to the Licensing Authority and the Collector and District Magistrate of the District under sub-rules (1) or (2), as the case may be, shall simultaneously be sent to the District Inspector.

6. Duties of the promoter, promoter's servants and of police officers and the District Magistrate on the occurrence of an accident:

- (1) The Promoter and his servants running the Ropeways, on occurrence of any accident, besides taking necessary steps and intimating the various authorities about the accident under rule 5, shall take urgent steps providing for medical facilities to the persons injured in the accident and when loss of human life is involved, the dead bodies of the victims of accidents shall be kept with due care and dignity till such time the officers in charge the police station having jurisdiction takes charge of the bodies or are carried to a Hospital or Dispensary for post-mortem.

- (2) The Collector and District Magistrate on receipt of information of accident involving loss of human life shall either personally visit the site of accident or direct the Executive Magistrate having Jurisdiction to visit the site of accident and supervise the expeditious and timely completion of legal prerequisites for handing over to the next of kin, of the dead bodies of the persons met with accident on a Ropeway.
- (3) The Collector and District Magistrate or any other Executive Magistrate deputed by him under sub-rule (2), shall besides acting as contemplated under sub-rule (2), take steps for informing the next of kin of the victims of accident and assist in timely completion of legal requirements for handing over of dead bodies to them.
- (4) The officer in-charge of the police station having jurisdiction over the site of accident shall act promptly in accordance with law.
- (5) When the accident in the working of the Ropeway involves no loss of human life but involves serious physical injuries to any person -
 - (a) the Collector and District Magistrate or any other Executive Magistrate having jurisdiction, on receipt of information of the accident, shall personally visit the site of accidents and supervise relief operations and the help being provided to the victims of accidents and ensure that the incident is properly conveyed to the next of kin of the persons involved in accident;
 - (b) The Collector and District Magistrate or the Executive Magistrate shall ensure that proper medical facilities are provided promptly at the Hospital where the victims of accidents are admitted and are being treated.
- (6) It shall be the duty of the promoter or any person for the time being in-charge of and responsible for the running of the Ropeway to seek and arrange for treatment of the injured in a Hospital and bear the expenses of all the hospital charges in connection with treatment which shall however be liable to be set off, out of the charges or damages/compensation, if any, awarded by any court in accordance with law.
- (7) Where any accident in the running of the Ropeway neither involves any loss of human life nor serious physical injury but involves serious mental, physical stress and agony with imminent danger to life owing to dis-functioning of the Ropeway, the promoter or any person for the time being acting on his behalf or being the in-charge of the Ropeway system, shall take all possible steps to ensure safety of the persons involved in the accident or malfunctioning of the Ropeway and seek all possible help and take all prudent steps for safety and providing relief to the persons involved in the accident or malfunctioning of the Ropeway.

- (8) Upon reporting of an accident of the nature contemplated under sub rule (7), the Collector and District Magistrate of the District where the site of accident on the Ropeway is situated, shall either visit personally or direct any other Executive Magistrate to visit the site of accident to supervise and where the collector and District Magistrate is satisfied that the things are beyond the control of the promoter or his servants to save the life of the persons, he shall take necessary steps to assist the promoter or his servant, in seeking help from other quarters competent to render help and for that purpose he may exercise all powers vested him under any law, for the time being in force, and expenses incurred on seeking such outside help shall be borne by the promoter.

7. Standard dimension and specification of a Ropeway:

The standard dimensions and specifications of a Ropeway shall be such as may be specified by the State Government in the Tourism Department, on receipt of a project report from the Licensing Authority, in respect of each and every individual Ropeway project and the same shall form part of the license agreement.

8. The manner of serving notice under the Act :

The notice under the provisions of the Act shall be served by delivering the same personally or by means of registered post. '

9. Safe and efficient working of Ropeways:

- (1) Every promoter of a Ropeway installed for the purpose of carrying passengers, goods or animals shall make necessary arrangement for efficient and safe working of the Ropeways.
- (2) The person in charge of the Public Ropeways acting on the authority of the promoter shall each time before the start of the Ropeway Operations ensure that -
- (a) An inspection all its systems and appurtenances is carried out;
 - (b) It is fit for traffic;
 - (c) It can be used without danger to those using it or to those employed thereon or to the general public;
- (3) Every promoter of a Ropeway meant for industrial use shall make necessary arrangement for efficient and safe working of the Ropeway.

- (4) The person in-charge of the Ropeway (meant for industrial use) acting on the authority of the promoter shall, each time before the start of Ropeway operation ensure that-
- (a) An inspection of all its system or appurtenance is carried out;
 - (b) It is fit for use;
 - (c) It can be used without danger to those using it or to those working in that industrial undertaking.
- (5) Every promoter shall ensure that besides regular checking and inspection of the Ropeway system by the employees and officers, special checking and inspection is also carried out periodically as per directions of the Licensing Authority by the engineers and staff of the company which initially installed the system or by any other company or consultant specialized in the field of Ropeways installation or maintenance.
- (6) The wear and tear of the equipments trolley or Gondola shall be promptly serviced and the defective parts shall be replaced immediately without delay.
- (7) Every promoter or its manager shall maintain register of inspections regularly for each Ropeway system and all necessary details of day to day and periodical inspections shall be maintained in Form 'C' appended to these rules and shall be submitted to the Licensing Authority or the District Inspector or the Chief Inspector of Ropeways as and when they come to inspect the Ropeway system.
10. Exercise of powers conferred on the promoter under section 14 and 15 of the Act:
- (1) The promoter may, in respect of the property not belonging to the promoter, exercise power under subsection (1) of 14 of the Act only when the Collector of the District authorizes him to do so after following the due procedure under and in accordance with the provisions of the Land Acquisition Act, 1894 (Central Act No. 1 of 1894).
 - (2) In respect of the matter covered under proviso to subsection (1) of section 14 of the Act, the power can be exercised by the promoter only when the Collector passes orders and determines compensation under subsection (2) of section 14 and the amount of compensation or in the case of annual rent, the first annual installment has been paid to the owner of the property affected there by.

- (3) The promoter while exercising power under section 14 and 15 of the Act, shall act with dignity and honour with the owner of the property effected by the exercise of power under section 14 and 15 and before entering in or upon any land or premises, he shall give due notice to the owner or occupants of the land or premises and no ingress or egress upon such land and other properties 1 premises shall be effected before sun rise or after sunset:

Provided that in case of grave emergency when any accident occurs on the Ropeway and life of the human beings cannot be saved except by having ingress or egress in or over of the Land and premises of other person, the promoter may do so even at odd hours after according a memo in this behalf.

11. The opening of the Ropeway closed under sub-section (1) of section 19 : Whenever any Ropeway is closed to all traffic or any specified class of traffic under sub-section(1) of section 19 of the Act, the same shall not be opened to said traffic until the -

- (a) the promoter requests the Licensing Authority in writing stating that the grounds on which the Ropeway was closed, no longer exist and that the defect 1 faults in the Ropeway system or part thereof, as the case may be, have been removed and the Ropeway is in a safe and fit condition; and (b) Licensing authority has got the Ropeway or part thereof which was closed to traffic, inspected by the Distract Inspector or the Chief Inspector, as the Licensing Authority may deem necessary and the report of the said Inspector certifies that the Ropeway or part thereof, as the case may be, is in a safe and fit condition to traffic for which it was closed earlier owing to unsafe condition.
- (2) Upon consideration of the report of the Distract Inspector or Chief Inspector, as the case may be, if the Licensing Authority is-satisfied that there is no danger to the class of traffic for which the Ropeway was closed and the Ropeway is in a safe and fit condition for said traffic, he may sanction the opening of the Ropeway by order in writing and there upon the - promoter may be authorised to open the Ropeway.

12. Procedure for filing, hearing and disposal of appeals:

- (1) All appeals under section 22 of the Act shall be preferred in the form of a plaint as provided under the Code of Civil, Procedure, 1908 (Central Act No. 5 of, 1908) stating the cause of action, grounds of appeal and the relief sought and shall be addressed to the Secretary to the Government of Rajasthan, Tourism Department.

- (2) On receipt of an appeal, the Secretary to the Government shall process the appeal on a new file and submit forthwith the same to the Minister In-charge of the Tourism Department and the Minister shall fix time place and date of hearing and orders for issue of the notices to the concerned parties including the authority against whose order the appeal h& been preferred. The notice shall be served either personally or by registered post.
- (3) On the date so fixed under sub-rule (2), the Minister In-charge shall hear the parties and record evidence and also allow any documents to be exhibited.
- (4) After hearing the parties, the Minister In-charge may confirm or modify or set aside or revise the order or may remit it for reconsideration. %
- (5) The Minister In-charge of the Tourism Department may delegate his power to the Secretary to the Government, Department of Tourism, Government of Rajasthan.
- (6) The certified copies of the order passed by the State Government shall be made available to all the parties.

13. Fees to be charged from an applicant promoter and other persons for services rendered under the Act :

- (1) An application made by any person to the Licensing Authority under section 6 for the permission to undertake preliminary investigation for the Ropeway shall be accompanied by an application fee of rupees one thousand .
- (2) The application fee shall be deposited in head of account of the State Government and in the manner as may be specified by the Licensing Authority.
- (3) The Chief Inspector of Ropeway for the State and the Inspector of Ropeways for a District appointed under section 4 of the Act shall be paid a fee of rupees one thousand by the promoter as and when he may visit for inspection of the Ropeway or called upon to do so by the promoter. The fee thus received by the Chief inspector and the Inspector for the District, shall be deposited in the account of the State Government in the manner as may be specified by the State Government.
- (3) Whenever any license is granted to any promoter, he shall deposit a license fee of rupees five thousand in the account of the Tourism Department of the State Government in the manner as may be specified by the State Government.

14. Procedures for the making hearing and disposing of applications:

- (1) An Application by an intending promoter for permission to undertake investigation in regard to setting up a Ropeway shall be made in Form 'A' appended to these rules.
- (2) Upon receipt of an application under sub-rule (I), the Licensing Authority shall scrutinize the application and may seek such further information from the applicant (the intending promoter) in order to form any fair idea of the proposal.
- (3) After considering all the details in the application and as also additional details, if any, if the Licensing Authority is satisfied that proposal to undertake preliminary investigation for setting up of a Ropeway is worth acceptable, he may accord sanction for preliminary investigation in accordance with 'the provisions of section 8 of the Act.
- (4) Where the preliminary Investigation is proposed to be conducted in or over the land or premises not belonging to the applicant (the intending promoter), the Licensing Authority in his capacity as Collector of the District shall before according sanction for preliminary investigation proceed under and in accordance which the provisions of the Land Acquisition Act 1894 Central Act No. 1 of 1894) and comply with the provision of that law.
- (5) Once an award is made and that becoming final and payment of compensation having been made in accordance with the provisions of the Land Acquisition Act 1894 (Central Act No. 1 of 1894) or section 14 of this Act, the Licensing Authority may proceed further to consider the proposal of the applicant (intending promoter) on receipt of preliminary investigation report from him.
- (6) The Licensing Authority after considering all the details supplied by the applicant and on being satisfied that License can be granted to the applicant (the intending promoter) may publish the proposed license in the manner as provided under section 9 of the Act.
- (7) The draft proposed License shall contain the following details of the proposed Public Ropeway namely :-
 - (i) the name, address and other descriptions of the proposed Licensee;
 - (ii) the place or places where the Ropeway is to be constructed / installed with the route over which the same shall operate;

- (iii) the time within which the capital required for construction of the Ropeway shall be raised;
- (iv) the time within which the construction shall be completed;
- (v) the time within which the Ropeway shall be completed
- (vi) the condition under which the concession, guarantee or financial assistance may be given to the promoter.
- (vii) the right of purchase of Ropeway by the State Government or Local Authority.
- (viii) the conditions regarding audit and accounts;
- (ix) the conditions regarding arbitration for settlement of disputes.
- (x) The specifications relating to structural designs, quality of material, factors of safety, methods of computing stresses and other such technical details as may be considered necessary by the Licensing Authority with power approval of the state Government in the Tourism Department.
- (xi) The moving and fixed dimensions of the rope way, its sub-systems and appurtenances;
- (xii) the maps ,plans ,sections and diagrams as approved by the Licensing Authority with the prior concurrence of the State Government in the Tourism Department.
- (xiii) the condition relating to the construction of Ropeway over roads or other public ways of communication except Railways for which previous sanction of the Railways shall have to be obtained through the Central Government before constructing or communicating Ropeway over the Railways;
- (xiv) the condition under which the promoter may sell or transfer his right to the State Government or to a Local Authority or to any person, body corporate, firm, association of individuals other than the promoter;
- (xv) The motive power to be used on the rope way and the condition, if any, on which such power may be used;
- (xvi) The minimum headway to be maintained under different parts of the rope;
- (xvii) The points of or under rope way at which bridges or guards shall be constructed or maintained or parks shall be developed;

- (xviii) The traffic which may be carried on the rope way. The traffic which the promoter shall be bound to carry and the traffic which he may refuse to carry;
- (xix) The maximum and minimum rates that may be charged by the promoter subject, however to the maximum rates as may be ordered by the Licensing Authority
- (xx) The amount of security, if any. to be deposited by the promoter in the event of application being granted;
- (xxi) the measures that may be considered necessary to be taken by the promoter for the prevention and control of likely accident in the working of the Ropeways;
- (xxii) the measures that may be considered necessary for the prevention and control of any type of pollution caused of or likely to be caused by the working of the Ropeways;
- (xxiii) the measures for comfortable sitting and or standing space for persons using the rope way at the entry and exit points as also provisions for fresh air, drinking water and other civic amenities at these places;
- (xxiv) such matters as the State Government may deem necessary and lay down from time to time which shall be deemed to be forming part of the conditions of License; and
- (xxv) Duration of License (i.e. the date of commencement and termination)
- (8) The draft license for private or Industrial Ropeway, may contain such matters as the State Government may specify by order with respect to each such Ropeway.
- (9) After considering the objections or suggestions, if any, which are received before the expiry of the period specified in the notice published under section 9 of the Act, if the Licensing authority is of the opinion that the License should be granted with or without modification or subject to restrictions or conditions, he shall grant the license accordingly.
- (10) The License authorising the construction and running of a Ropeway shall be in form "B" appended to these rules.
- (11) The License granted to any promoter under section 10 of the Act shall be, as soon as may be, published in the Official Gazette.

15. Provisions for fire-fighting: The promoter shall take adequate measures for safety against outbreak of fire and shall install necessary firefighting equipment at the Ropeway establishment and its all systems.

16. First aid:

- (1) The promoter shall maintain sufficient stock of first aid material including common unrestricted medicines at convenient place of the Ropeway system for being used during emergencies.
- (2) the promoter shall get some of its employees trained in emergent handling of cases needing first aid and be in touch with the nearest hospital, dispensary and medical practitioner for prompt relief if the situation so warrants.

17. Amenities:

- (1) The promoter of a public Ropeway shall make necessary arrangements at the entry and exit points for safe, convenient and comfortable stay of the persons using the Rope way system.
- (2) Facility of pure drinking water may be provided at entry or exit points as also at various sub-systems or junctions, if any. During summer, it may be ensure that the water made available is cool.
- (3) Adequate facilities for toilets and urinals shall be provided by the promoter at all entry, exit and waiting places.
- (4) Where any stalls or eating jaunts or counter or stalls of cold drink or hot drinks are provided either by the promoter or under License from him in the premises under his control or possession shall ensure that reasonable rates of all these things are charged from the persons and each counter or stall shall conspicuously display rate chart.
- (5) In cases where the rates are found to be excessive in comparison to that class of things supplied in the areas/town/city, the Licensing authority may regulate the rates and direct the promoter to ensure due compliance from the vendors.
- (6) Where civic amenities, facilities as specified under this rule are found to be lacking or are inadequate, the Licensing authority may require the promoter to provide such facilities to the persons' using the Ropeway.

- (7) Non compliance of the directions of the Licensing Authority may be deemed to be breach of the conditions of License

18. Inspection by the Officers of Tourism Department:

- (1) With a view to ensure that the Ropeway attracts good number of inland and foreign tourists, the Director Tourism, Art and Culture Department, Rajasthan or any Officer subordinate to him duly authorised by him in that behalf may, inspect the Ropeway installations its appurtenances and facility areas and make suggestions to the promoter for improvements in the existing facilities as also to provide additional facilities to the tourists and other people using in the Ropeway.
- (2) Where suggestion made by the Officers of the Tourism Department are not taken into consideration by the promoter within a reasonable period, the matters shall be referred to the Licensing Authority and the Licensing Authority on being satisfied as to be appropriateness of those suggestions, shall take adequate measures under the provisions of the Act and these rules as also under the terms and conditions of License to implement the suggestions made under sub-rule (1).

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Sd/-
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Secretary to Govt.
Deptt of Tourism