

AUTHORITATIVE ENGLISH TEXT

BILL NO. 11 OF 2019

**THE HIMACHAL PRADESH AERIAL ROPEWAYS
(AMENDMENT) BILL, 2019**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

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(AMENDMENT) BILL, 2019**

ARRANGEMENT OF CLAUSES

Clauses:

1. Short title.
2. Amendment of section 6.
3. Amendment of section 9.
4. Amendment of section 18.
5. Omission of section 18-A.
6. Amendment of section 27.
7. Amendment of section 33.
8. Amendment of section 35.

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*further to amend the Himachal Pradesh Aerial Ropeways Act,
1968 (Act No. 7 of 1969).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in
the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Himachal Pradesh Aerial Ropeways Short title.
(Amendment) Act, 2019.

5 2. In section 6 of the Himachal Pradesh Aerial Ropeways Act, Amendment
of section
6.
1968 (hereinafter referred to as the “principal Act”), in sub-section (4),
clause (xiii-a) shall be omitted.

3. In section 9 of the principal Act.— Amendment
of section 9.

10 (a) in sub-section (2), after the words “further order”, the
words “other than extension of time” shall be inserted;

(b) in sub-section (3), after the words “make the further
order”, the words “other than extension of time” shall be
inserted; and

15 (c) after sub-section (3), the following sub-section shall be
inserted, namely:—

“(4) The promoter may submit a simple application to
the State Government for extension of time, giving detailed
reasons. The State Government after due consideration,
if satisfied may grant extension of time.”.

Amendment
of section
18.

4. In section 18 of the principal Act, for the sign and words “, and subject to such maximum rates as may be prescribed or ordered, have power”, the words “has power” shall be substituted.

Omission of
section 18-
A.

5. Section 18-A of the principal Act, shall be omitted.

Amendment
of section
27.

6. In section 27 of the principal Act, in sub-section (2), for the words “not exceeding fifty rupees”, the words “as may be prescribed from time to time” shall be substituted.

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Amendment
of section
33.

7. In section 33 of the principal Act,—

(a) for the words “which may extend to five thousand rupees”, the words “as prescribed from time to time” shall be substituted; and

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(b) for the words “which may extend to five hundred rupees”, the words “as prescribed from time to time” shall be substituted.

Amendment
of section
35.

8. In section 35 of the principal Act, for the words “which may extend to two hundred rupees”, the words “as prescribed from time to time” shall be substituted.

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STATEMENT OF OBJECTS AND REASONS

The Himachal Pradesh Aerial Ropeways Act, 1968 (7 of 1969) provides for construction and regulation of aerial ropeways in the State of Himachal Pradesh. The Act was basically aimed for regulation of transportation by ropeways in remote areas in the State because of limited road connectivity at that time. With the passage of time, the Himachal Pradesh has emerged as big tourist destination and the Government has taken various initiatives in this direction and invited private sector to set up passenger ropeways under Public Private Partnership and Built Operate and Transfer mode on an annual license fee basis. The present provision of minimum headway of 10 meters between the roof top of the houses or buildings and the base of the cabin as per section 6 of the Act is creating technical problems in designing the ropeways from seismic and wind velocity point of view and execution at site. Hence, the said provision is proposed to be omitted.

In section 9, the provision for applying for extension of time needs amendment because at present, procedure for granting extension of time is very lengthy. Therefore, a simple procedure is required to facilitate the ease of doing business. In order to make the projects more viable, there is a proposal to allow the promoters to fix rates for the carriage of passengers, animals or goods.

The provisions under sections 27, 33 and 35 are required to be amended in order to prescribe the different fines in the rules to avoid frequent amendments.

This Bill seeks to achieve the aforesaid objectives.

(JAI RAM THAKUR)
Chief Minister.

SHIMLA :

The, 2019

FINANCIAL MEMORANDUM

—NIL—

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 6, 7 and 8 of this Bill seek to empower the State Government to make rules for carrying out the purposes of this Act. This delegation of power is essential and normal in character.

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further to amend the Himachal Pradesh Aerial Ropeways Act, 1968 (Act No.7 of 1969).

(JAI RAM THAKUR)
Chief Minister.

(YASHWANT SINGH CHOGAL)
Pr. Secretary (Law).

SHIMLA:

THE 2019

Authenticated

**Chief Minister
Himachal Pradesh**

EXTRACT OF THE PROVISIONS OF THE HIMACHAL PRADESH AERIAL ROPEWAYS ACT,1968 (ACT NO.7 OF 1969) LIKELY TO BE AMENDED BY THIS AMENDMENT BILL

Sections:

6. Publication of proposed order authorising construction and contents of such order.- (1) to (3) xxx xxx xxx

(4) The draft of the proposed order may specify:—

- (i) to (xiii) xxx xxx xxx
- (xiii-a) the minimum headway of 10 meters between the rooftop of the houses or buildings and base of the cabin, in the case of ropeway projects to be build under Public Private Partnership (PPP) mode;
- (xiv) to (xviii) xxx xxx xxx

9. Further order.—(1) The State Government may, on the application of the promoter, revoke, amend, or extend the order by a further order.

(2) An application for a further order shall be made in the same manner, and subject to the same conditions, as an application for an order.

(3) If the State Government grants the application it shall make the further order in the same manner as an order, except that the rights, powers and authorities asked for in the said application shall not be increased, modified or restricted by the further order without the consent in writing of the promoter.

18. Promoter may fix rates.— The promoter shall, for the purpose of working an aerial ropeway, and subject to such maximum ¹⁴[XXX] rates as may be prescribed or ordered, have power, from time to time, to fix the rates for the carriage of passengers, animals or goods on the aerial ropeway.

18-A. Fixation of fare rates of Public Private Partnership and Built Operate and Transfer Ropeway Projects.- (1) The State Government, on the recommendations of the Expert Committee, shall fix and notify the maximum limit of the fare rates for the Ropeway Projects build under Public Private Partnership (PPP) and Built Operate and Transfer (BOT) mode.

(2) Every application made under this section for fixation of fare rates shall be decided within a period of 90 days from the date of receipt of such application, failing which the application shall be deemed to have been accepted for fixation of fare rates.

27. Power of promoter to make bye-laws.- (1) xxx xxx xxx

(2) Such bye-laws may provide that any person who contravenes the provisions of any of them shall be liable to fine which may extend to any sum not exceeding fifty rupees and that, in the case of a breach of a bye-law made under clause (c) of sub-section (1), the promoter's servant responsible for the same shall forfeit a sum not exceeding one month's pay, which sum may be deducted by the promoter from his pay.

(3) xxx xxx xxx

33. Failure of promoter to comply with Act.- If a promoter.—

- (a) Constructs or maintains an aerial ropeway otherwise than in accordance with the terms of an order made under section 7; or
- (b) opens an aerial ropeway or permits it to be opened in contravention of any of the provisions of section 10; or
- (c) fails to comply with the provisions of section 13; or
- (d) fails to pay within a reasonable time any compensation awarded by a Collector under sections 14, 15, 16 or by the State Government or a District Judge under section 17; or
- (e) contravenes any of the provisions of section 19; or
- (f) fails to send notice of any accident as required by section 20; or
- (g) fails to close an aerial ropeway in accordance with an order passed under sub-section (1) of section 21 or reopens any aerial ropeway in contravention of sub-section (2) of that section; or
- (h) continues to exercise the powers of a promoter in respect of any aerial ropeway in contravention of the provisions of section 22 or section 26; or

- (i) fails to comply with the provisions of section 27 or section 28; or
- (j) contravenes any of the provisions of section 29; or
- (k) contravenes the provisions of any rule made under section 32:

he shall, without prejudice to the enforcement of specific performance of the requirements of this Act, or of any other remedy which may be obtained against him, be punishable with fine which may extend to ²⁰[five thousand] rupees and in the case of a continuing offence, to a further fine which may extend ²¹[five hundred] rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

35. Unlawfully interfering with aerial ropeways.- If any person, without lawful excuse, the burden of proving which shall lie upon him, willfully does any of the following things, namely:—

- (a) interferes with, removes or alters any part of an aerial ropeway or of the works connected therewith;
- (b) does anything in such manner as to obstruct any carrier travelling on an aerial ropeway;
- (c) attempts to do or abets within the meaning of the Indian Penal Code, 1860 (Central Act 45 of 1860) the doing of anything mentioned in clause (a) or clause (b);

he shall, without prejudice to any other remedy which may be obtained against him in a civil court, be punishable with fine which may extend to two hundred rupees.