

THE UNITED PROVINCES AERIAL, ROPEWAYS¹ ACT, 1922

(U.P. Act No. I OF 1922)

Adapted and modified by the Government of India (Adaptation of Indian Laws) Order, 1937

Adapted and modified by the Adaptation of Laws Order, 1950.

[Received the assent of the Governor on the 8th Februry, 1922 and of the Governor General on the 10th March, 1922, and was published under section 81 of the Government of India Act on the 25th March, 1922.]

AN

ACT

To authorize, facilitate, and regulate the construction and working of aerial ropeways in the United Provinces.

Whereas it is expedient to authorize, facilitate, and regulate the construction and working of aerial ropeways in the United Provinces;

It is hereby enacted as follows:-

Title, extent and commencement

1. (1) This Act may be called the United Provinces Aerial Ropeways Act, 1922.

(2) It extends to the territories administered by the State Government of Uttar Pradesh.

(3) It shall come into force at once.

Definitions

2. In this act unless there is anything repugnant in the subject or context,-

(1) "Aerial Ropeway" means an aerial ropeway (or any portion thereof) for the public carriage of passengers animals or goods, and includes all ropes, posts, carriers, stations, offices, ware-houses, workshops, machinery and other works used for the purposes of, or in connection with, and all land appurtenant to, such aerial ropeway;

(2) "Carrier" means any vehicle or receptacle hung or suspended from, or hauled by, a rope and used for the carriage of passengers, animals, or goods or for any other purpose in connection with the working of an aerial ropeway;

1. For S.O.R. see Gaz. 1921 Pt. VIII, p. 576;

(3) "Collector" means the Chief Officer in charge of the revenue administration of a district and includes any officer specially appointed by the State Government to discharge the functions of a Collector under this Act;

(4) "Inspector" means an Inspector of Aerial Ropeways appointed under this Act;

(5) "Order" means an order authorizing the construction of an aerial ropeway under this Act, and includes a further order substituted for, or amending, extending or revoking, that order;

(6) "Post" means a post, trestle, standard, strut, stay or other contrivance or part of contrivance for carrying, suspending or supporting a rope ;

(7) "Prescribed" means prescribed by rules made by the State Government under section 30 ;

(8) "Promoter" means the State Government, a local authority, a company incorporated under the Indian Companies Act, 1913, a railways company as defined in the Indian Railways Act, 1890, or any person in whose favour an order has been made under section 7, and includes the State Government, a local authority, a company, a railway company, or a person on whom the rights and liabilities conferred and imposed on the promoter by this Act and by rules and orders made under this Act, as to construction, maintenance, and use of the aerial ropeway have devolved ;

(9) "Rate" includes any fare, charge or other payment for the carriage of passengers, animals, or goods;

(10) "Rope" includes any cable, wire, rail or way, whether flexible or rigid, for suspending. Carrying or hauling a carrier, if any part of such cable, wire, rail or way is carried overhead and is suspended from or supported on posts.

PROCEDURE AND PRELIMINARY INVESTIGATION

Application for Concession

3. Every application by an intending promoter other than the State Government for permission to undertake the necessary preliminary investigations shall be submitted to the State Government.

Contents of application

4. Every such application shall include-

(a) a description of the undertaking and of the route to be followed by the proposed aerial ropeway;

(b) description of the system of construction and management and the advantages to the community to be expected from the ropeway ;

(c) an approximate estimate of the cost of construction thereof ;

(d) a statement of the estimated working expenses and profits expected ;

(e) a statement of the maximum and minimum rates proposed to be charged ;

(f) such maps, plans, sections, and diagrams as the State Government may require in order to form an idea of the proposal.

**Preliminary
investigation
Act No. I of
1894**

5. Subject to the provisions of this Act, and of section 4 of the Land Acquisition Act, 1894, the State Government may accord sanction to the promoter to make such surveys as may be necessary, and require him to submit such detailed estimates, plans, sections, specifications, and such further information as it may deem necessary for the full consideration of the proposal.

The promoter shall not be entitled to claim any compensation from the Government for any expense incurred under this section in the event of his application being ultimately refused.

ORDERS AUTHORIZING THE CONSTRUCTION OF AERIAL ROPEWAYS

**Publication of
proposed
order
authorizing
construction
and contents
of such order**

6. (1) The State Government may, on application made by any promoter and after due consideration of the details supplied in accordance with section 5, publish in the official Gazette, a draft of the proposed order authorizing the construction by or on behalf of such promoter, subject to such restrictions and conditions as the State Government may think proper, of an aerial ropeway within any specified area or along any specified route –

- (a) for the public carriage of passengers;
- (b) for the public carriage of passengers, animals and goods;

Or

- (c) for the public carriage of animals and goods.

(2) A notice shall be published with the draft stating that any objection or suggestion which any person may desire to make with respect to the proposed order will, if submitted to the State Government on or before a date to be specified in the notice, be received and considered.

(3) The State Government shall cause public notice of the intention to make the order to be given at convenient places within the said area, or along the said route, and shall so far as may be conveniently possible, cause a like notice to be served on every owner or occupier of land over which such route lies, and shall consider any objection or suggestion with respect to the proposed order which may be received from any person within a date to be specified in such notice.

(4) The draft of the proposed order may specify-

- (i) a time within which the capital required for the construction of the aerial ropeway shall be raised;
- (ii) a time within which the construction shall be commenced ;
- (iii) a time within which the construction shall be completed;
- (iv) conditions under which a concession, guarantee or financial assistance may be given by the State Government, or a local authority to the promoter;
- (v) rights of purchase by the State Government or a local authority ;
- (vi) rules regarding audit and accounts ;
- (vii) rules regarding arbitration for the settlement of disputes ;

(viii) specifications relating to the structural design, quality of materials, factors of safety, method of computing stresses, and other such technical details as may be considered necessary ;

(ix) rules relating to the construction of the ropeway over railways, roads or other public ways of communication;

(x) conditions under which the promoter may sell or transfer his rights to another Company;

(xi) conditions under which the ropeway may be taken over by the State Government to be worked by itself or by a local authority or by a company other than the promoter;

(xii) the motive power to be used on the aerial ropeway and the conditions, if any, on which such power may be used;

(xiii) the minimum headway to be maintained under different parts of the rope;

(xiv) the points under the rope at which bridges or guards shall be constructed and maintained;

(xv) the amount of security, if any, to be deposited by the promoter in the event of his application being granted; and

(xvi) such other matters as the State Government may deem necessary.

Final order

7. (1) If after considering any objections or suggestions which may have been made in respect to the draft on or before the specified date, the State Government is of opinion that the application should be granted with or without modification or subject or not to any restriction or condition, it may make an order accordingly.

(2) Every order authorizing the construction of a ropeway shall be published in the official Gazette and such publication shall be conclusive proof that the order has been made as required by this section.

Cessation of powers given by an order

8. If a promoter authorized by an order to construct an aerial ropeway does not within the time specified in the order;

(a) succeed in raising the full amount of capital required for the completion of the ropeway ; or

(b) make, in the opinion of the State Government substantial progress with the construction of the ropeway; or

(c) complete the construction thereof,

the powers given to the promoter by such order shall unless the State Government prolongs the time so specified, cease to be exercised.

Further order

9. (1) The State Government in its discretion 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 it 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.

INSPECTION OF AERIAL ROPEWAYS

**Inspection of
aerial
ropeways
before opening**

10. (1) No aerial ropeways shall be opened for any kind of traffic until the State Government has by order sanctioned the opening thereof for that purpose. The sanction of the Government under this section shall not be given until an Inspector has, after inspection of the ropeway, reported in writing to the State Government:

(a) that he has made a careful inspection of ropeway and appurtenances;

(b) that the moving and fixed dimensions and other conditions prescribed under sections 6 (4) and 7(1) have been complied with;

(c) that the ropeway is sufficiently equipped for the traffic for which it is intended;

(d) that the bye-laws and working rules prescribed by sections 26 and 30 have been duly made, approved and promulgated in the manner prescribed in those sections; and

(e) that in his opinion the ropeway is fit for public traffic and can be used without danger to the public using it or to the general public.

(2) The provisions of sub-section (1) shall extend to the opening of additional sections of the ropeway; to deviation lines and any alteration or reconstruction materially affecting the structural character of any work to which the provisions of sub-section (1) apply or are extended by this sub-section.

**Appointment
of Inspector**

11. (1) The State Government may appoint an Inspector of aerial ropeways.

(2) It shall be the duty of such Inspector from time to time to inspect aerial ropeways and to determine whether they are maintained in a fit condition and worked with due regard to the convenience and safety of the public, and consistently with the provisions of this Act.

**Powers of
Inspector
Act No. XLV of
1866**

12. An Inspector shall, for the purpose of any of the duties which is authorized or required to perform under this Act, be deemed to be a public servant, as defined in the Indian Penal Code, and shall for that purpose have such powers as may be prescribed by the State Government under clause (a) of sub-section (2) of section 30.

**Facilities to be
afforded to
Inspector**

13. The promoter and his servants and agents shall afford to the Inspector all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon him by this Act or by rules made thereunder.

CONSTRUCTION AND MAINTENANCE OF AERIAL ROPEWAYS

**Authority of
promoter to
execute works**

14. Subject to the provisions of this Act, and in the case of immovable property not belonging to the promoter, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, a promoter may—

(a) make such bridges, culverts, drains embankments, and roads as may be necessary;

(b) erect and construct such machinery, offices, stations, warehouses and other buildings, works and conveniences as may be necessary;

(c) erect such structures for protection purposes, over railways, roads, or other public ways of communication as may be deemed necessary ; and

(d) do all other acts necessary for constructing maintaining, altering, repairing, and using the aerial ropeways.

Authority of promoter to place posts and suspend ropes

15. (1) Notwithstanding anything contained in the provisions of any enactment for the time being in force for the acquisition of land for public purposes, a promoter may-

(a) place and maintain posts in or upon any immovable property, and

(b) suspend and maintain a rope over, along or across any immovable property :-

Provided that—

(i) the promoter shall not exercise the power conferred by this sub-section except for the purposes of an aerial ropeway, the construction of which has been authorized by an order under section 7;

(ii) the promoter shall not acquire any right other than that of user only in the property under, along, in or upon which the promoter places a post or suspends or maintains a rope ;

(iii) in the exercise of the powers conferred by this sub-section the promoter shall do as little damage as possible, and when he has exercised those powers in respect of any property, shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.

(2) If the exercise of the powers conferred by sub-section (1) is resisted or obstructed, the Collector may, in his discretion, order that the promoter shall be permitted to exercise them.

(3) In case of any dispute as to the amount of compensation to be paid by the promoter under clause (iii) of the proviso to sub-section (1) that matter shall be referred to the Collector for decision.

Temporary entry upon land for repairing or preventing accident

16. (1) A promoter may at any time, for the purpose of examining, repairing or altering an aerial ropeway or of preventing any accident , enter upon any immovable property adjoining such ropeway and may do all such works as may be necessary for such purposes.

(2) In the exercise of the powers conferred by sub-section (1) the promoter shall cause as little damage as possible, and compensation shall be paid by him for any damage so caused; and, in the case of any dispute as to the amount of such compensation, the matter shall be referred to the Collector for decision.

Removal of obstruction

17. (1) Where any tree standing or lying near an aerial ropeway, or where any structure or other object which has been placed or has fallen near an aerial ropeway, subsequent to the construction of such aerial ropeway interrupts or interferes with or is likely to interrupt or interfere with the construction, maintenance, alteration or use of the ropeway, the Collector may, on the application of the promoter, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit.

Explanation :- For the purpose of this sub-section the expression "tree" shall be deemed to include any shrub, hedge, junglegrowth or other plant.

(2) When disposing of an application under sub-section (1) the Collector shall award to the person interested such compensation as the Collector thinks reasonable, and the Collector may recover such amount from the promoter as if it were an arrear of land revenue.

Procedure regarding disputes on matters referred to in sections 15, 16 and 17

18. No suit shall lie, in respect of any matter referred to in section 15, 16 or 17, but every order, other than an award, made by a Collector under any of those sections shall be subject to revision by the State Government while every award of his may be questioned in the court of the District Judge in conformity, as far as possible, with the procedure prescribed in the Land Acquisition Act.

WORKING OF AERIAL ROPEWAYS

Promoter to fix rates or fares

19. A promoter shall, for the purposes of working an aerial ropeway and subject to such maximum and minimum rates as may be prescribed, have power from time to time to fix rates for the carriage of passengers, animals, or goods on the aerial ropeway.

Duty of promoter to work serial ropeway without partiality

20. No promoter shall, for the purposes of working an aerial ropeway make or give any undue or unreasonable preference or advantage to or in favour of any particular person or any particular description of traffic in any respect whatsoever, or subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Reporting of accidents

21. When any of the following accidents occur in the course of working an aerial ropeway, namely,-

(a) any accident attended with loss of human life or with hurt as defined in the Indian Penal Code, or with serious injury to property;

(b) any accident of a description usually attended with loss of human life or with such hurt as aforesaid or with serious injury to property;

(c) any accident of any other description which the State Government may notify in this behalf in the official Gazette;

The promoter shall, without unnecessary delay, send notice of the accident to the State Government and the Inspector of the aerial ropeway and the promoter's servant in charge of the station on the aerial ropeway nearest to the place at which the accident occurred, or where there is no station, the promoter's servant in charge of the section of the aerial ropeway on which the accident occurred, shall with the least possible delay, give notice of the accident to the magistrate of the district in which the accident occurred and to the officer in charge of the police station within the local limits of which it occurred or such other magistrate and police officer as the State Government may appoint in this behalf and shall also send information to the nearest dispensary.

Power of State Government to close and reopen aerial ropeways

22. (1) If, after inspecting any aerial ropeway opened to traffic, an Inspector is of opinion that the use of the ropeway or of any specified part thereof may be attended with danger to the public, he shall state that opinion, together with the grounds therefor to the State Government and the State Government may thereupon order that, for reasons to be set forth in the order, the aerial ropeway, or the part thereof so specified, be close to all traffic or to any special class of traffic. In cases of extreme urgency the inspector may order the suspension of the working of the ropeway or any part thereof which he considers necessary pending the final orders of the State Government.

(2) When under sub-section (1) an aerial ropeway or any part thereof has been closed to any traffic it shall not be re-opened to such traffic until it has been inspected and its re-opening sanctioned in accordance with the provisions of this Act.

DISCONTINUANCE OF AERIAL ROPEWAYS

Cessation of powers of promoter on discountinuanee of aerial ropeways

23. If, at any time after the opening of an aerial ropeway, it is proved to the satisfaction of the State Government that the promoter has discontinued the working of the ropeway or of any part thereof, without a reason sufficient, in the opinion of the State Government to warrant such discountinuanee the stat Government may, if it thinks fit, declare that the powers of the promoter in respect of such aerial ropeway or part thereof shall, from such date as it may determine, beat an end; and thereupon the said powers shall cease and determine.

Explanation - The working of a ropeway shall be deemed to have been discontinued if it has ceased for a period to be determined in the order published under section 7.

Power of State Government to remove aerial ropeway on cessation of promoter's powers

24. (1) When a declaration has been made by the State Government under section 23 in respect of any aerial ropeway or of any part thereof, an officer appointed in that behalf by the State Government may, at any time after the expiration of two months from the date determined, as aforesaid, remove such aerial ropeway or part thereof, as the case may be; and the promoter shall pay to the officer so appointed such costs of removal as shall be certified by that officer to have been incurred by him.

(2) If the promoter fails to pay the amount of costs so certified within one month after the delivery to him of the certificate or of a copy thereof such officer may; either by public auction or private sale and without any previous notice to the promoter and without prejudice to any other remedy which he may have for the recovery of the said amount, sell and dispose of the materials of the aerial ropeway or part of costs of the sale; and shall pay over the residue (if any) of such and reimburse himself; the amount of costs certified as aforesaid and thereof so removed; and may, out of the proceeds of the sale, pay proceeds to the promoter.

INABILITY OF INSOLVENCY OF PROMOTER

**Proceedings in
case of
inability or
insolvency of
promoter**

25. (1) If, at any time after the opening of an aerial ropeway, it appears to the State Government that the promoter is insolvent or is unable to maintain the ropeway or to work the same with advantage to the public, or at all, the State Government may, after considering any statement which the promoter may desire to make, and after such inquiry as it deems necessary, declare that the powers of the promoter, in respect of such aerial ropeway, shall at the expiration of six months from the date of such declaration, be at an end; and thereupon the said powers shall, at the expiration of that period, cease and determine.

(2) At any time after the expiration of the said six months an officer, appointed by the State Government in that behalf, may remove the aerial ropeway in the same manner and subject to the same provisions as to the payment of costs and to the same remedy for the recovery thereof in every respect as in cases of removal under section 23.

BYE-LAWS

**Power of
promoter to
make bye-laws**

26. (1) A promoter shall subject to the provisions of sub-section (3), make bye-laws consistent with this Act-

(a) for regulating the speed at which carriers are to be moved or propelled;

(b) for declaring what shall be deemed to be dangerous or offensive goods and for regulating the carriage of such goods;

(c) for regulating the maximum number of passengers and animals and the maximum weight of goods to be carried in each carrier;

(d) for regulating the use of steam power or any other mechanical power or electrical power on the aerial ropeway;

(e) for regulating the conduct of the promoter's servants;

(f) for regulating the terms and conditions on which the promoter will warehouse or retain goods at any station on behalf of the consignee or owner of such goods; and

(g) generally for regulating the travelling upon, and the use, working, and management of the aerial ropeway.

(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 (e) 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) A bye-law made under this section shall not take effect until it has been confirmed by the State Government and published in the Official Gazette:

Provided that no such bye-law shall be so confirmed until it has been previously published by the promoter in such manner as may be prescribed.

SUPPLEMENTARY PROVISIONS

Returns

27. A promoter shall in respect of the aerial ropeway submit to the State Government returns of capital and revenue expenditure, receipts and traffic at such intervals and in such forms as may be prescribed.

**Protection of
roads, railways,
tramways and
waterways**

28. No promoter shall, in the course of the construction, repair, working or management of an aerial ropeway, cause any permanent injury to any public road, railway, tramway, or waterway or obstruct or interfere with, otherwise than temporarily, as may be necessary, the traffic on any public road, railway, tramway of waterway.

**Acquisition of
land on behalf
of a promoter
Act No.-I of
1894**

29. The State Government may, if it thinks fit, subject to the provisions of this Act, on the application of any promoter desirous of obtaining any land for the purpose of constructing, working or managing an aerial ropeway, acquire on his behalf such land under the provisions of part VII of the Land Acquisition Act, 1894, whether the said promoter is or is not a company as defined in the Land Acquisition Act.

RULES BY STATE GOVERNMENT

**Power of State
Government to
make rules**

30. (1) The State Government may after previous publication, make rules¹ to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the power and duties of an Inspector appointed under section 11 ;

(b) the duties of the promoter's servants, police officers, and magistrates on the occurrence of an accident;

(c) the maximum and minimum rates which a promoter may fix under section 19 ;

(d) the standard dimensions and specifications to which the aerial ropeway is to conform ;

(e) the manner of previous publication of bye-laws made under section 26;

(f) the intervals at which a promoter shall submit returns under section 27 and the forms in which such returns shall be submitted;

(g) the manner in which notices under this Act shall be served ;

(h) the manner in which and the conditions under which the through booking of goods may be permitted between an aerial ropeway and a railway, tramway or another aerial ropeway ; and

(i) the safe and efficient working of aerial ropeways.

(3) All rules made under this section shall be published in the Official Gazette.

OFFENCES, PENALTIES AND ARREST

**Failure of
promoter to
comply with
Act**

31. 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

1. For rules see notifications no. 499 R/C-66-1930, dated June 19, 1931, no. 490-3 R/84 R-1936, dated May 1, 1937 and no. 490-(2)-R/84R, dated May 31, 1937 in Gaz. 1931 Pt. 1, pp. 672-674, ibid, 1937, Pt. 1 P. 1033 and ibid 1937 Pt. 1, P. 1128, respectively.

(b) opens an aerial ropeway or permits it to be opened in contravention of any of the provision 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 the Collector under section 15, 16, 17 or by the District Judge under section 18; or

(e) contravenes any of the provisions of section 20; or

(f) fails to send notice of any accident as required by section 21; or

(g) fails to close an aerial ropeway in accordance with an order passed under sub-section (1) of section 22, or re-opens 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 23 or section 25 ; or

(i) fails to comply with the provisions of section 26 or section 27; or

(j) contravenes any of the provisions of section 28; or

(k) contravenes the provisions of any rule made under section 30;

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 two hundred rupees, and in the case of a continuing offence, to a further fine which may extend to fifty rupees for everyday after the date of the first conviction during which the offender is proved to have persisted in the offence.

Unlawfully obstructing promoter's servant in discharge of his duty

32. If a person willfully obstructs or impedes any servant of the promoter in the discharge of his duty he shall be punishable with fine which may extend to one hundred rupees.

Unlawfully interfering with aerial ropeway

33. 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 a manner as to obstruct any carrier travelling on an aerial ropeway;

(c) attempts to do or obets, within the meaning of the Indian Penal Code, 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.

Punishment for acts or attempts tending to endanger safety of persons travelling or being upon aerial ropeway.

34. If any person does anything mentioned in clause (a), clause (b) or clause (c) of section 33 or does, attempts to do or abets, within the meaning of the Indian Penal Code, the doing of any other act or thing in relation to an aerial ropeway with intent or with knowledge that he is likely to endanger the safety of any person travelling or being upon the aerial ropeway, he shall be punishable with imprisonment for a term which may extend to fourteen years.

Arrest for offences against certain sections, and procedure thereupon

35. (1) If any person commits any offence under section 33 which obstructs the working of an aerial ropeway or commits any offence punishable with imprisonment under section 34, he may be arrested without warrant or other written authority by any servant of the promoter, or by any police officer or by any other person whom such servant or officer may call to his aid.

(2) A person so arrested shall, with the least possible delay, be taken before a magistrate having authority to try him or to commit him for trial.

Notification of claims to refunds of overcharges and to compensation for losses

36. A person shall not be entitled to a refund of an overcharge in respect of animals or goods carried by an aerial ropeway or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the promotor within six months from the date of the delivery of the animals or goods for carriage by the ropeway.

