

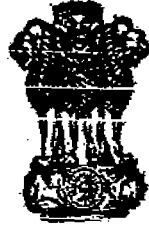


The Bombay Aerial Ropeways (Gujarat Amendment) Act, 2004

20 of 2004

Keyword(s):
Aerial Ropeways, Compensation

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 17th June, 2004 is hereby published for general information.

S. S. PARMAR,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 20 OF 2004.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 18th June, 2004).

AN ACT

further to amend the Bombay Aerial Ropeways Act, 1955.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Bombay Aerial Ropeways Short title and (Gujarat Amendment) Act, 2004. commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of
section 3 of
Bom.III of 1956.**

2. In the Bombay Aerial Ropeways Act, 1955 (hereinafter Bom.III of 1956. referred to as "the principal Act") , in section 3, for sub-section (2), the following shall be substituted, namely:-

“(2) The Advisory Board shall consist of a Chairperson who shall be the Chief Electrical Inspector and seven other members to be appointed by the State Government amongst the persons having knowledge or experience in the fields of ropeway, structural, mechanical, electrical and metallurgical engineering:

Provided that the Board may invite an expert in the meeting of the Board and such invitee may take part in the meetings but shall not have right to vote in the meeting.”.

**Amendment of
section 5 of
Bom.III of 1956.**

3. In the principal Act, in section 5, the following words shall be added at the end, namely:-

“and the rules made thereunder and in conformity with the provisions of the relevant code of practice of the Bureau of Indian Standard.”.

**Amendment of
section 7 of
Bom.III of 1956.**

4. In the principal Act, in section 7, after clause (f), the following clauses shall be added, namely:-

“(g) a description of basic engineering design and risk analysis of ropeway, schemes for safety requirements and emergency plan for rescue operations;

(h) drawings showing the electrical layouts control circuits, lighting circuits and earthing systems;

(i) such other information and documents as may prescribed.”.

5. In the principal Act, in section 9, in sub-section (4), in clause (vi), the following words shall be added at the end, namely:- **Amendment of section 9 of Bom.III of 1956**

“and the requirement of the certificate of a recognised testing laboratory of the major materials to be used and essential for the safety of the installation.”.

6. In the principal Act, after section 14, the following new section shall be inserted, namely:- **Insertion of new section 14A in Bom.III of 1956.**

Periodical inspection after opening of aerial ropeway.

“14A. (1) Every aerial ropeway shall be inspected by the Inspector at least once in a year.

(2) Before the initial inspection is carried out by the Inspector under section 14 or the periodical inspection under sub-section (1), the promoter shall also submit a report of inspection carried out by an agency authorised by the Advisory Board in this behalf.”.

7. In the principal Act, after section 19, the following new sections shall be inserted, namely:- **Insertion of new sections 19A and 19B in Bom.III of 1956.**

Insurance against the third party risk.

“19A. (1) The promoter of every aerial ropeway shall obtain a policy of insurance in respect of the aerial ropeway from an authorised insurer recognised under the relevant insurance law.

(2) The policy of insurance obtained by the promoter under sub-section (1) shall cover the insurance of the person traveling in the aerial ropeway including those persons employed by the promoter in connection with the operation of such aerial ropeway against any liability which may be incurred by him in respect of the death of or bodily injury to any person including of the goods or his authorized representatives carried in the aerial ropeway or damage to any property of third party caused by or arising out of the use of aerial ropeway.

Liability to pay compensation on the principles of no fault.

- 19B. (1) Where death or permanent disablement of any person has resulted from an accident arising out of the use of aerial ropeway, the promoter or promoters of the aerial ropeway shall jointly and severally, be liable to pay compensation in respect of such death or disablement of any person.
- (2) The amount of compensation to be paid under sub-section (1) shall be a fixed sum of rupees two lacs in case of death of any person and rupees fifty thousand in case of permanent disablement of any person and in the case of minor injuries such sum not exceeding rupees twenty-five thousand as may be determined by the Advisory Board.
- (3) A claim for compensation under sub-section (1) shall neither be defeated by reason of any wrongful act, neglect or default of the person in respect of whose death or permanent disablement, the claim has been made nor shall the quantum of compensation recoverable in respect of such death or permanent disablement be reduced on the basis of the share of such person in the responsibility for such death or permanent disablement.
- (4) The right to claim compensation under this section in respect of death or permanent disablement of any person shall be in addition to the right of any such person to claim compensation in respect thereof under any other law for the time being in force:

Provided that the amount of compensation payable under any other law for the death or bodily injury shall be reduced from the amount of compensation payable under this section."

8. In the principal Act, in section 20,- Amendment of section 20 of Bom.III of 1956.
- (1) for the words "send notice of the accident to the State Government and to the Inspector". the words "give intimation to the State Government and to the Inspector and send a notice of the accident to the State Government and to the Inspector in such form and within such period as may be prescribed " shall be substituted;
- (2) for the words "Greater Bombay, to the Commissioner of Police", the words "Commissioner of Police in the City area" shall be substituted.
9. In the principal Act, in section 29, for the words "revision by the District Judge", the words "revision by a judge of the City Civil Court in the city of Ahmedabad and elsewhere by the District Judge" shall be substituted. Amendment of section 29 of Bom. III of 1956.
10. In the principal Act, in section 30, in the *Explanation*, for the words and figures "the Indian Companies Act, 1913", the words and figures "the Companies Act, 1956" shall be substituted. Amendment of section 30 of Bom. III of 1956.
- VII of 1913.
I of 1956.
11. In the principal Act, in section 33, in sub-section (2),- Amendment of section 33 of Bom. III of 1956.
- (1) after clause (c), the following clause shall be inserted, namely:-
"(cc) fails to carry out inspection under sub-section (2) of section 14A, or";
- (2) after clause (c), the following clauses shall be inserted, namely:-
"(ee) fails to obtain policy of insurance under sub-section(1) of section 19A; or
(eee) fails to pay within reasonable time, compensation payable under section 19B, or";

(3) for the words "two hundred rupees", the words "ten thousand rupees" shall be substituted;

(4) for the words "fifty rupees", the words "two thousand five hundred rupees" shall be substituted;

(5) for the words "one thousand rupees", the words "fifty thousand rupees" shall be substituted.

Amendment of section 34 of Bom. III of 1956.

12. In principal Act, in section 34, for the words "two hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment of section 35 of Bom. III of 1956.

13. In the principal Act, in section 35, for the words "two hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment of section 42 of Bom. III of 1956.

14. In the principal Act, in section 42, in sub-section (1), for the figures "14, 15, 16, 17", the figures and letters "14, 14A, 15, 16, 17, 19A, 19B" shall be substituted.

Amendment of section 45 of Bom. III of 1956.

15. In the principal Act, in section 45, in sub-section (2)-

(1) after clause (a), the following clauses shall be inserted, namely:-

“(aa) construction, opening, maintaining and working of aerial ropeway under section 5;

(aaa) other information and documents which shall contain with the application under section 7;”;

(2) in clause (d), for sub-clause (vi), the following sub-clauses shall be substituted, namely:-

“(vi) the conduct of the employees of the promoter and the requirements, qualifications and experience of such employees;

“(vi-a) the provision regarding emergency plan covering risk assessment connected with such operation.”;

(3) in clause (g), for the words “the accidents of which”, the words “form in which, the period within which and the accident of which” shall be substituted.

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