

The Aerial Ropeways Act, 1923
(ACT NO. VII OF 1923)

♣An Act to authorise, facilitate and regulate the construction and working of aerial ropeways in Bangladesh.

Preamble

WHEREAS it is expedient to authorise, facilitate and regulate the construction and working of aerial ropeways in Bangladesh;

[* * *]

It is hereby enacted as follows:-

CHAPTER I
PRELIMINARY

**Short title,
local extent
and
commencement**

- 1.(1) This Act may be called the ¹[* * *] Aerial Ropeways Act 1923.
(2) It extends to the whole of Bangladesh.
(3) It shall come into force on such date as the Government may, by notification in the official Gazette, direct.

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 carriage of passengers, animals or goods, and includes all posts, ropes, carriers, stations, offices, warehouses, 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;

- (3) "Collector" means the chief officer in charge of the land-revenue administration of a district, and includes any officer specially appointed by the Government to discharge the functions of a Collector under this Act;
- (4) "Inspector" means an Inspector of aerial ropeways appointed under this Act;
- (5) "local authority" means a ²[Paurashava, Zilla Board], body of Port Commissioners or other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund;
- (6) "order" means an order authorising the construction of an aerial ropeway under this Act;
- (7) "post" means a post, trestle, standard, strut, stay or other contrivance or part of a contrivance for carrying, suspending or supporting a rope;
- (8) "prescribed" means prescribed by rules made by the Government under section 42;
- (9) "promoter" means-
- (i) the Government,
 - (ii) a local authority,
 - (iii) any person,
 - (iv) any company incorporated under the Companies Act, 1913, or
- ³[* * *]
- in whose favour an order has been made under section 7 or under section 28, or 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 the construction, maintenance and use of the aerial ropeway, have devolved or have been imposed by section 40;
- (10) "rate" includes any fare, charge or other payment for the carriage of passengers, animals or goods on an aerial ropeway; and
- (11) "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.

CHAPTER II

AERIAL ROPEWAYS FOR PUBLIC TRAFFIC

Procedure and Preliminary Investigations

**Application
for
concession**

3. Every application by an intending promoter other than the Government for permission to undertake the necessary preliminary investigations in regard to a proposed aerial ropeway for the public carriage of passengers, animals or goods shall be submitted to the 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) a description of the system of construction and management and of the advantages to the community to be expected from the ropeway;
- (c) an estimate of the cost of construction thereof;
- (d) a statement of the estimated working expenses and profits in respect thereof;
- (e) a statement of the maximum and minimum rates which it is proposed to charge;
- (f) such maps, plans, sections and drawings in connection therewith as the Government may require in order to form an idea of the proposal.

**Preliminary
investigations**

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

The intending promoter shall not be entitled to claim any compensation from Government for any expense incurred under this section in the event

Orders authorising the construction of Aerial Ropeways for Public Traffic

**Order
authorising
construction
and
contents of
such order**

6.(1) The Government may, on application made by any intending 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 authorising the construction by, or on behalf of, such promoter, subject to such restrictions and conditions as the 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 order stating that any objection or suggestion which any person may desire to make with respect to the proposed order, if submitted to the Government within such period, not being less than two months from the date of such publication, as may be specified in the notice, will be received and considered.

(3) The Government shall also 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 the date specified in such notice and decide thereon.

(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) the conditions under which a concession, guarantee or financial assistance may be given by the Government or a local authority to the

- (v) the rights of purchase by the Government or by a local authority;
- (vi) the conditions 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;
- (vii) the conditions relating to the construction of the ropeway over mining properties in accordance with rules made under section 42 and over roads and other public ways of communication;
- (viii) the conditions under which the promoter may sell or transfer his rights to the Government or to a local authority, company or person;
- (ix) the conditions under which the ropeway may be taken over by the Government to be worked by itself or by a local authority or by a company or person other than the promoter;
- (x) the motive power to be used on the ropeway and the conditions (if any) on which such power may be used;
- (xi) the minimum headway to be maintained under different parts of the rope;
- (xii) the points under the rope at which bridges or guards shall be constructed and maintained;
- (xiii) the amount of security (if any) to be deposited by the promoter in the event of his application being granted;
- (xiv) the traffic which may be carried on the ropeway, the traffic which the promoter shall be bound to carry, and the traffic which he may refuse to carry;
- (xv) the maximum and minimum rates that may be charged by the promoter and the circumstances in which and the manner in which these rates may be revised by the Government; and
- (xvi) such other matters as the 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