

(Authoritative English text of this Department Notification No. Tsm-F(5)-9/2000 dated 10-6-2005 required under clause (3) of article 348 of the Constitution of India).

Government of Himachal Pradesh
Department of Tourism & Civil Aviation

No. Tsm-F(5)-9/2000

Dated : Shimla -2, the 10-6-2005

NOTIFICATION

Whereas the draft Himachal Pradesh River Rafting Rules, 2002 were published in the Rajpatra Himachal Pradesh (Extra Ordinary), dated 28-9-2002 vide this Department Notification of even number dated the 24th August, 2002 for inviting objections suggestions from the general public, as required under the provision of clauses (f) and (g) of sub –section (2) of section 64 of the Himachal Pradesh Tourism Development and Registration Act, 2002 (Act No. 15 of 2002)

And whereas, no objection(s) suggestion(s) has been received in this behalf during the stipulated period;

Now therefore, in exercise of the powers conferred under clauses (f) and (g) of sub-section (2) of section 64 of the Himachal Pradesh Tourism Development and Registration Act, 2002, the Governor of Himachal Pradesh is pleased to make the following rules for carrying out the purpose of the aforesaid Act, namely:-

Rules

Chapter-I

Preliminary

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| 1. Short title, extent and Commencement | 1 | These rules may be called the Himachal Pradesh River Rafting Rules, 2005 |
| | 2 | These rules shall extend to the whole of the State of Himachal Pradesh. |
| | 3 | They shall come into force from the date of publication in the Rajpatra, Himachal Pradesh. |
| 2. Definitions | 1 | In these Rules, unless there is any thing repugnant in the subject or context:- |
| | a | “Act” means the Himachal Pradesh Tourism Development and Registration Act, 2002. |
| | b | “association” means 4 society registered under the Himachal Pradesh Cooperative Societies Act, 1968. |
| | c | “crew member “ means the persons who conduct the river rafting operation including the guides accompanying the operation. |
| | d | “guide” means a person who the purpose of these rules are registered as such and accompany the operation for guiding it’s smooth and safe completion. |

- e “operator” means a travel agent(s) whether individual company or an association or a society who is registered as such under the Act for carrying out the river rafting.
- f ‘operation” means a river rafting trip to be undertaken or undertaken under these rules;
- g “participant” means the person(s)who participant in an operation.
- h “raft” means a floated structure as a substitute for a boat to be floated down on a river;
- i “Season” for the purposes of these rules means whole of the year excluding the period from 15th July to 15th September during which no river rafting operation shall be permitted;
Providing that rafting operation may be permitted in Distirct Lahaul and Spiti during the 15th July to 15th September, if the weather conditions permit to do so.
- j “section” means a section of the Act;
- k “travel agent” for the purpose of these rules means a person who is registered and engaged in the business of river rafting operation rearrangements for monitory considerations ;and
- 1 “Technical Committee” means committee constituted by the State Government under rules-6
- 2 Word and expression used in these rules but not defined in these rules shall have the same meaning assigned to them in the Act.

Chapter –II **Registration**

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| 3. Procedure for Application for river rafting | 1 | Application for river rafting operation during the ensuring season shall be received in the office of District Tourism Development Officer or Assistant of Tourism Development Officer, as the case may be, from the operator from 1 st of January to 1 st April each year. The concerned District Tourism Development Officer or Assistant Tourism Development Officer, as the case may be shall scrutinize there applications initially and put up the same before the Technical Committee, which shall hold the meeting before, 15 th of April each year and fix date time and venue for the scrutiny/inspection of the documents, equipments, conducting practical, physical tests of guides and final approval by giving at least 15 days clear notice to all the qualified operators. |
| | 2 | No operator shall be permitted to operate river rafting in the middle of the season. All operators shall follow the procedure as laid down in sub rule(1) |
| | 3 | The operator (s) or Associations, as the case maybe shall be registered with the Tourism Department, Himachal Pradesh and have a local office for at least one year. |
| 4. Registration and qualifications of operator for river rafting | 1 | An operator intending to operator river rafting shall apply for registration to the concerned District Tourism Development Officer or Assistant Tourism Development Officer, as the case may be along with a demand draft of Rs. 100/- in favour of concerned District Tourism Development Officer or Assistant Tourism Development |

- Officer as the case may be. The District Tourism Development Officer, as the case may be shall issue a certificate of registration to the concerned operator after the approval of the Technical Committee. The license so issued shall be valid for a period of one year the date of issue.
- 2 No person other than a operator registered for carrying out the river rafting operations shall be permitted to carry on any operation either directly himself or through his employees unless, the Technical Committee is satisfied that the operator has all the equipments and he /she fulfils other requirements under these rules and his/her proposal has been duly approved cleared by the technical committee.
- 3 No operator shall be permitted to operate the river rafting unless he/she has trained and qualified guides with at least experience of 5 years in river rafting of the required standard with good track records.
5. Registration and qualification of the guide
A person intending to participate in an operation as a guide shall apply to the concerned District Tourism Development Officer or Assistant Tourism Development Officer, as case may be , in an application along with a Bank demand draft of Rs. 100/- in favour of District Tourism Development Officer or Assistant Tourism Development Officer, as the case may be, who on being satisfied that the person applying for registration fulfills the requisite qualifications and standard for registration with approval of Technical Committee shall issue a certificate to the person applying fir registration. The certificate so issued shall be valid for a period of one year.
6. Constitution of the Technical Committee
The Government shall, by notification constitute a Technical Committee for each area of river rafting which shall be consisted of the following members, namely:-
1. The Director, Mountaineering Institute, Chairman Manali
 - 2 The Sub-Divisional Officer (civil) Member Concerned Member or his representative
 - 3 The Superintendent of Police of the Member concerned area or his representative
 - 4 The Chief Medical Officer of the Member concerned area or his representative
 - 5 The Senior Water Sports Instructor Member
 - 6 Two member of the local Rafting Member Associations
 - 7 The District Tourism Development Member – Officer or Assistant Tourism Secretary Development Officer
7. Functions of the Technical Committee
The Technical Committee shall meet at least twice a year, once before the start of season on the first week of April every year and the second in the last week of October every year. The Committee shall be responsible for the following:-
- a to inspect and certify the equipments with the operator from safety point of view as per rule 3.
 - b to scrutinize the bio-data of the operator(s) and guide(s)

- and in conduct their physical test in order to ascertain their expertise and by doing so to approve the issue of license both to the operators as well as their guides;
- c to ensure that the operator(s) and the guide (s) shall follow all safety procedures indicated in their rules;
 - d to identify new river and areas for river rafting in the State apart from those already mentioned in rule 11;
 - e to notify the exact stretches on the identified rivers where operation can be safely conducted ; and
 - f to determine the river capacity of each river every year before the start of any operation;
 - g To determine the medical fitness of the guide.
8. Establishment of the Regulatory Committee and it's function
- 1 The Government shall by notification constitute a Regulatory Committee for each river rafting area consisting of the following :-
 - (a) The Deputy Commissioner of the concerned District Chairman
 - (b) Sub-Divisional Officer Concerned Member (Civil) or his nominee
 - (c) Medical Officer of the concerned Member area ;and
 - (d) Senior Water Sports Instructor Member
 - 2 The regulatory Committee shall have the overall control for regulating the operations taking place in the area with the assistance of the Association.
 - 3 The regulatory Committee may conduct surprise inspection during the operation to ascertain that these rules are being implemented properly.
 - 4 The Regulatory Committee may be entrusted with any other function in relation to river rafting operation by the Government.

Chapter –III **Safety Measures**

9. Equipments required for carrying out operation
- Each operator shall have to arrange for the following equipments before he is permitted to carry out the operation and at the time of inspection the Technical Committee shall check each equipment and shall get the same stamped through the Tourism Department, Himachal Pradesh, namely:-
- 1 two rafts with no leaks;
 - 2 eighteen lifejackets – US Coastguard Type 4/5;
 - 3 twelve Paddles;
 - 4 two frames;
 - 5 six oars, preferably wooden oars;
 - 6 Eighteen Helmets;
 - 7 three throw bags;
 - 8 two Pumps;
 - 9 six Flip Lines
 - 10 two repair Kits
 - 11 two First Aid Kits
 - 12 Wetsuits for winter operation i.e during –November to February;
 - 13 garbage bags to be carried at all times;
 - 14 Insurance Cover of each of the participants and crew-member of minimum Rs. Two lac each;

- 15 straps;
- 16 bowline;
- 17 guide must have current first aid license;
- 18 dry Bags;
- 19 communication set up for rescue;
- 20 any other thing decided by the technical committee ; and
- 21 special inflatable raft minimum 14ft –maximum 22ft which are compartmentalized and unsinkable. They should be maneuvered by an oar/paddle combination.

10. Medical facilities and other facilities to be available during operation

- 1 The operator during each operation shall carry two well – equipped first aid kits consisting of triangular bandages, sterile pads, gauze roller, bandages, pressure bandages, first aid adhesive tape, splints, scissors, as a bare minimum.
- 2 The operator during an operation shall carry two repair kits, which shall contain half a meter of repair material, sufficient amount of glue and accelerator, sand paper or rouging tool and water proof tape, duck tape. A raft shall also carry an oar, an oar lock, safety lines around all the rafts a bow line and preferably a stem line as well. All parts shall have a throw bag, two flip lines and a bailing bucket not needed for self bailing.

11. Safety measures for operators

- No operators shall be permitted to operate an operation unless
 - a He has two guide for the guidance of participants and the persons operating the raft having the requisite qualifications and experience prescribed under these rules and have equipment individually for safety measures on the same lines as are required for participants ;
 - b He has tow rescue rafts or one raft and a kayak for the safety of the participants. This may be relaxed for a float trip i.e. up to class two rapid. Rescue rafts shall always be inside or in ratio contact with the person or group engaged in water sports. The rescue rafts should also carry emergency equipments and first aid kit;
 - c he has guides not less than 18 years of age and guides are swimmers and are well-trained in water rescue techniques. A guide shall deemed to be qualified with a minimum trained/experience period of five years and has completed river rafting of 1000km. A trainee guide shall have guided independently at least for 15 trips on the section in which he is to operate commercially. This shall be done under a qualified instructor. The guide shall have the basic knowledge of the currents on the river grades of rapids, should be well versed with use of flip drills rescue proper use of the throw bag raft etc. Every guide must be qualified in first aid CPR and he/she should have successfully completed the basic course in first aid from Government hospital or any recognized institute. The technical committee shall introduce in a year or two a system of grading of guides depending upon their experience and expertise;
 - d he has rafters instructors and guides who are to accompany the trip quipped with personal lifejackets and a helmet at all time on the water. The life jackets

must have a minimum buoyancy of 22.5 lbs a sq. inch and must be type three or type five US Coast guard approved, with a provision of ensuring a snug fit by straps. The life jackets must be worn correctly. Inflated lifejackets and Keyholes type lifejackets shall not be permitted. All river guide shall ensure that all the lifejackets and helmets are snugly on the participants before start of the trip. The list of the equipments and accessories recommended must be displayed and available at all times at the rafting site and with the guide instructor respectively;

- e he has ensured that the guides shall cover all safety details for the trip as given to the participants before start of every trip. The operator shall ensure that all the participants are in suitable attire (bulky clothes, sarees, turbans, neck ties, long skirts and three piece suits shall be avoided). Non swimmers shall not be allowed to body surf. Wet suits shall be worn during winters and in glacier melt rivers with cold air temperatures;
- f he maintains a log book of each raft, which shall be a record of usage, inspection, repairs and safety measures to be undertaken by them. This shall be countersigned by the member of the Association on duty for the fortnight. The inspecting authorities shall also countersign the log book on the date of the visit and record his remarks;
- g he has displayed the capacity of the rafts at the rafting site and made visible to the user along with a warning that to carry more person than the capacity shall be dangerous;
- h The Government develops and allots the operation site for staging camps on the banks of the rivers in Himachal Pradesh on charging fees for the same income of which shall accrue to the Association and;
- i The Technical Committee in consultant with the Association shall notify a roaster indicating on fortnight basis the Operation for the season. The operator shall be responsible for ensuring the strict adherence to safety standards for the fortnight on the river course;

12. Duties of the “operator on duty” and other operators.

- 1) The operator shall report all incident/accident immediately to the Association/ District Administration/Chairman Technical Committee.
- 2) The operator shall ensure that the river rafting shall finish one hour before sunset of 6 PM which is earlier. Operators shall, before commencing operations for the season inform the respective SDO(Civil)/Police Station concerned/District Tourism Development Officer/ Assistance Tourism development Officer regarding the duration timings and nature of operations for the season.
- 3) The operator shall keep the environment clean. In case, if any operator or participants or guides is found not adhering to the environment guidelines,

his license will be suspended and a minimum fine of Rs. 5000/- shall be charged.

- 4) The operator shall display the laminated license and safety guidelines on the raft for the knowledge of the visitors and participant and he shall have to produce the same when asked by any authority to do so.

13. Claim on account of any mishap

The State Government/ Tourism Department shall in no way be responsible for any claims on account of any mishap.

14. other safety measures for operator

1 The operator shall ensure that :-

- a) Children below 12 years or less than 40 kg shall not be permitted beyond two rapid of the river.
- b) All participants and crew member shall be provided with full safety gear, US coast guard approved lifejackets, helmets, water proof dry bags and camping gear;
- c) Complete safety briefing to all the participants at the starts of each trip shall be mandatory made;
- d) Person suffering from the weak heart conditions, epilepsy, lung disorder, asthma and pregnant women shall not be allowed to participate in the operation;
- e) the right to alter or cancel any trip depending on the prevailing conditions vests with the technical Committee/ Tourism Department;
- f) each participant shall give an undertaking as at annexure-"A" before the start of operation;
- g) it shall be the responsibility of the operator that the participants shall adhere strictly to the norms laid down in these rules;
- h) Non swimmers shall not be allowed to go beyond rapid class 2;
- i) Any person consuming alcohol in any form or quantity or illicit drugs at least 8 hours prior to the operation shall not be permitted to participate in the operation and;
- j) no foreign guide shall be permitted to participate as such in an operation unless he /she has adequate experience and equipments.

Chapter –IV **Miscellaneous**

15. Areas for river rafting

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| i) | Beas | Shamshi to Jheri; |
| ii) | Beas | Bebli to Pridi; |
| iii) | Sutlej | Luhri to Tattapani ; |
| iv) | Bhaga | Darcha to Jispa ; |
| | | and |

v) Spiti River Kaza bridge to Tabo

16. Classification of rapid grading
- 1 The technical committee shall grade all the rivers identified for rafting purpose in following manner as per international standards, namely:-
- Class-1: Easy moving water, small waves, no obstacles;
- Class-2: Moderate, Difficulty with clear passage
- Class-3: Difficult, High irregular waves, narrow, clean passage, require precise maneuvering.
- Class-4: Very difficult long rapid, powerful irregular waves and hydraulics, require precise maneuvering.
- Class-5: Extremely difficult, long violent, and highly congested rapid, for team of experts only.
- Class-6: Unrunnables;
17. Collection Registration Fees and user fee
- 2 Tourists shall not be allowed beyond Class 2 rapid
The operator shall , pay the following fees before commencing the operations:-
- a) User Fee Rs. 1500/- per raft ,per year and Rs. 500/- per guide, per year
 - b) Facility fee shall be charged at such rate as may be determined by District Tourism Development Officer in consultation with the Association in case facilities have been created out of govt. funds at the boarding and landing site.
 - c) The funds collected from the above sources shall be deposited in the bank account of the Association which shall be operated jointly by the Association and the District Tourism Development Officer.
 - d) Funds shall be used only for the promotion for river rafting, repair and maintenance of common facilities connected with the sport.
18. Association to be formed
- The Government shall from associations for each of the major rivers for the purpose of river rafting in which there shall be at least two nominees of the Government and other members of the association shall be taken from amongst the local people who have interest in the river rafting ;
19. Functions of the association
- 1 The Association shall collaborate in the safe and convenient conduct of rafting
 - 2 The Association may extend assistance to the operator when asked for.
 - 3 The Association may manage the carrying lodging and boarding of the participants of the operation and the crew members.
 - 4 The Association may conduct the operation on its won.
 - 5 The Association shall conduct any other functions that may be assigned to the Association by the Government.

20.
Disciplinary
Committee of
Association.

The Association shall form a Disciplinary Committee comprising of three to five members to regulate the safety and cleanliness aspects of the sport of river.

Undertaking

See rule 14 (f)

I have been informed and I am aware that river rafting can be dangerous and includes many risks, and dangers, including but not limited to the hazard of traveling by raft accident or illness in remote places, without medical facilities, force of nature, acts of God, extreme weather conditions, physical exertion for which I may not be prepared and evacuation difficulties, should I be injured or disabled I have been informed and am aware of these and other inherent risks, and of the proposed trip and acknowledge that the enjoyment of adventuring beyond normal safety of home and work is in part the reason for my participation of this trip.

In full recognition of the foregoing and in consideration of being granted a reservation and acceptance for my participation in an adventure vacation under the auspices of name of operator who is registered travel agent under the Himachal Pradesh Tourism Development and Registration Act, 2002, operator his agents associates, assigns, employees and guides and successors in interest hereinafter referred as "the operator", I hereby agree as follows;

I hereby release, waive, indemnify and agree not to sue the operator or Government of Himachal Pradesh for full or any liability to me, my personal representatives, heirs, assigns and next of kin, for any and all losses, damages, or injuries or any claim or demand on account of any injury to my

person or property , or on account of my death resulting from any cause, including negligence of operator, or others, while I am participating in adventure, I further agree that I will assume the risk and will release operator of any liability for any injury or damage to my body or property or my death due to any negative failure to obtain or administer appropriate rescue operations in the event of injury or mishap, including failure to obtain adequate medical services, or to supply treatment, medicine, or trained rescue personnel;

I further agree that if I am injured or fall ill , operator may at my cost, arrange, or supply medical treatment , evacuation, or any other emergency services on my behalf as operator deems necessary or appropriate for my safety and well being.

I expressly acknowledge and agree that adventure travel, including the operators adventure trip in which I am participating can be dangerous and involves serious and unprecedented of bodily injury, property damage and death and I intend the forgoing waiver and release of operator to be as broad and inclusive as permitted by law that I am not relying on oral or written representation of operator regarding safety, that I am entering this agreement at my own free will.

I have read and agree to the policy on cancellation and refunds as stated in the general information else where in the operator brochure. I am aware that should I choose not to purchase insurance cover as put forth under the Insurance sub head of general information. I will be liable for all costs in the costs in the case of cancellations, trip delays, damage or loss of baggage and medical emergency howsoever caused.

I further agrees that any controversy or claim arising out of or relating to my participation in the river rafting and or this agreement or making preference or interpretation thereof shall be settled by binding arbitration in Shimla Himachal Pradesh in accordance with the Arbitration and conciliation Act, 1996.

I further agree that I will have no liquor or illegal drugs in my possession when participating in the river rafting trip.

I have read and understood all of the terms of this liability and assumption of risk and agree to it of my own free will and without reservation.

Participant's Name:.....

Address:.....

.....

Date:.....

**By Order
Pr. Secretary (Tourism) to the
Government of Himachal Pradesh.**

Endst No. As above

Dated:10-6-2005

Copy to

- 1. The Controller, H.P. Printing and Stationary, Shimla-5. He is requested to publish this notification in the Rajpatra (extraordinary) immediately and 50 copies of the said published notification may be sent to the Directorate, Tourism & Civil Aviation, HP, Shimla-9 along with its bill for further necessary action.**
- 2. The Director, Tourism & Civil Aviation, HP, Shimla-9 with 10 Copies of the above notification, He is also requested to publish this notification in news papers particularly in Hindi for the information of the general public.**
- 3. All the Deputy Commissioners/S.Ps/District Tourism Development Officers in Himachal Pradesh.**

**Under Secretary (Tourism) to the
Government of Himachal Pradesh.**

I further agree that any controversy or claim arising out of or relating to my participation in the river rafting and or this agreement or making preference, or interpretation thereof shall be settled by binding arbitration in Shimla Himachal Pradesh, in accordance with the Arbitration and concubation Act, 1996.

I further agree that I will have no liquor or illegal drugs in my possession when participating in the river rafting trip.

I have read and understood all of the terms of this liability and assumption of risk and agree to it of my own free will and without reservation.

Participant's Name:

Address:

Date:

By Order
Pr. Secretary (Tourism) to the
Government of Himachal Pradesh

Endst No. as above

Dated: 10/6/05.

Copy to :-

1. The Controller, H.P. Printing and Stationary, Shimla-5. He is requested to publish this notification in the Rajpatra (extraordinary) immediately and 50 copies of the said published notification may be sent to the Directorate, Tourism & Civil Aviation, HP, Shimla-9 alongwith its bill for further necessary action.
2. The Director, Tourism & Civil Aviation, HP, Shimla-9 with 10 copies of the above notification. He is also requested to publish this notification in news papers particularly in Hindi for the information of the general public.
3. All the Deputy Commissioners/S.Ps/ District Tourism Development Officers in Himachal Pradesh.

P. J. Khan
Under Secretary (Tsm) to the
Government of Himachal Pradesh.

4
10/6/05

(Authoritative English text of this Department notification number Tsm-F(6)-2/2009-II dated 3-7-2012 as required under Article 348(3) of the Constitution of India).

Government of Himachal Pradesh
Department of Tourism & Civil Aviation

No.Tsm-F(6)-2/2009-II

Dated Shimla-2, the

3-7-2012

NOTIFICATION

Whereas, the draft notification regarding carrying out amendment in the Himachal Pradesh River Rafting Rules, 2005 was published in the Rajpatra, Himachal Pradesh dated 1-12-2011 vide this Department's notification of even number dated 14-10-2011 for inviting objection(s) / suggestion(s) from the general public, as required sub-section (3) of section 64 of the Himachal Pradesh Tourism Development and Registration Act, 2002 (Act No.15 of 2002);

And whereas, no objection / suggestion has been received in this behalf during the stipulated period.

Now therefore, in exercise of the powers conferred under clauses (f) and (g) of sub-section (2) of section 64 of the Himachal Pradesh Tourism Development and Registration Act, 2002 (Act No.15 of 2002), the Governor of Himachal Pradesh is pleased to make the following rules, namely :-

Short title.	1.	These rules may be called the Himachal Pradesh River Rafting (Amendment) Rules, 2012.
Amendment of rule 2.	2.	In sub rule (1) of rule 2 of the Himachal Pradesh River Rafting Rules, 2005, for clause (i), the following clause shall be substituted, namely :- “(i) “season” for the purposes of these rules means whole of the year excluding the period from 15 th July to 15 th September during which no river rafting operation shall be permitted: Provided that rafting operation may be permitted in District Lahaul and Spiti during 1 st June to 31 st October, if the weather conditions permit to do so.”

By Order

S.Roy

Chief Secretary(Tourism & Civil Aviation)to the
Government of Himachal Pradesh

Endst. As above.

Dated Shimla-2, the

3-7-2012

Copy forwarded to the following for information and necessary action to:-

1. All the Deputy Commissioners in Himachal Pradesh.
2. The Commissioner, Department of Tribal, H.P.
3. The Director, Tourism and Civil Aviation, H.P.Shimla-9.
4. The Director, ABV Institute of Allied Sports and Mountaineering, Manali, District Kullu, H.P.
5. The Superintendent of Police, Lahaul & Spiti, H.P.
6. The Sub Divisional Magistrate, Keylong, Kaza and Udaipur, District Lahaul and Spiti.
7. The District Tourism Development Officer, Kullu, H.P.
8. The Controller, Printing and Stationery, H.P. Shimla for publication in the Rajpatra through E-Gazette.

Under Secretary(Tourism & CA)to the
Government of Himachal Pradesh.
