

Himachal Pradesh River Rafting Rules, 2005

Tourism & Civil Aviation Department

Notification

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

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Shimla-2, the 10th June, 2005

Now therefore, in exercise of the powers conferred under clause (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:-

#### CHAPTER-I

##### Preliminary

##### 1. Short title, extent and commencement.-

(1) These rules may be called the Himachal Pradesh River Rafting Rules, 2005.

(2) These rules shall extent 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 a society registered under the Himachal Pradesh Cooperative Society Act, 1968;

(c) "New member" means the persons who conduct the river rafting operation including the guides accompanying the operation.

(d) "guide" means a person who for the purposes of these rules, are registered as such and accompany the operation for guiding it's smooth and safe completion.

(e) "operator" means as 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 participate 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:

Provided that rafting operation may be permitted in District Lahaul-Spiti during the 15th July to 15 September, if the weather conditions permit to do so;

(j) "section" means a section of the Act;

(k) "travel agent" for the purposes of these rules means a person who is registered and engaged in the business of river rafting operation arrangements for monitoring considerations; and

(l) "Technical Committee" means committee constituted by the State Government under rule 6.

(2) Words and expressions used in these rules but not defined in these rules shall have the same meaning as assigned to them in the Act.

## CHAPTER-II

### REGISTRATION

#### 3. Procedure for application for River Rafting.-

(1) Application for river rafting operation during the ensuing season shall be received in the office of District Tourism Development Officers or Assistant Tourism Development Officers, as the case may be, from the operator from 1st of January to 1st of April, each year. The concerned District Tourism Development Officer or Assistant District Tourism Development officer, as the case may be, shall scrutinize these applications initially and put up the same before the Technical Committee, which shall hold the meeting before 15th 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 operator shall, follow the procedure as laid down in sub rule (1).

(3) The operator(s) or Associations, as the case may be, shall be registered with the Tourism Department, Himachal Pradesh and have a local office for atleast one year.

#### 4. Registration and qualifications of operator for river rafting.-

(1) An operator intending to operate river rafting shall apply for registration to the concerned, District Tourism Development Officer or Assistant Tourism Development Officer, as the case may be, alongwith 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 or Assistant 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 licence so issued shall be valid for a period of one year from 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 for through his employees unless the Technical Committee is satisfied that the operator has all the equipments and he/she fulfills 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 atleast experience of 5 years in river rafting of the required standard with good track records.

#### 5. Registration and qualifications 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 the case may be, in an application alongwith a Bank demand draft of Rs. 100/- in favour of District Tourism Development Officer, Assistant District 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 the approval of Technical Committee shall issue a certificate to the person applying for 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 of river rafting, which shall be consisted of the following members, namely:-

1.The Director, Mountaineering Institute, Manali	Chairman
2. The Sub Divisional Officer (Civil) concerned	Member
3. The Superintendent of Police of the	Member

3. The Superintendent of Police or his representative concerned area or his representative.	
4. The Chief Medical Officer of the concerned area on his representative.	.. Member
5. The Senior Water Sports Instructor	.. Member
6. Two members of the Local Rafting Associations	.. Member
7. The District Tourism Development Officer/ Assistant Tourism Development Officer.	.. Member Secretary.

#### 7. Functions of the Technical Committee.-

The Technical Committee shall meet at least twice a year, once before the start of season in 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 equipment 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 to conduct their physical test in order to ascertain their expertise and by doing so to approve the issue of licence both to the operators as well as their guides;
- (c) to ensure that the operation(s) and the guide(s) shall follow all safety procedures indicated in these rules;
- (d) to notify new river and areas for river rafting in the State apart from those already mentioned in rule 11.
- (e) to identify 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 guides.

#### 8. Establishment of the Regulatory Committee and it's functions.-

(1) The Government shall by notification constitutes 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 (Civil) or his nominee,	..Member
(c) Medical Officer of the concerned area	..Member

(d) Senior Water Sports Instructor	..Member
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(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 inspections 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 members of minimum Rs. two lacs each;
15. straps;
16. bowline;

17. guides must have current first and licence;
18. dry Bags;
19. communication set up for rescue;
20. any other thing decided by the technical committee; and
21. special inflatable raft; minimum 14 ft – maximum 22 ft. 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 roughing tool and water proof tape/duck tape. A raft shall also carry an oar, an oar lock, safety line around all the rafts a bow line and preferably astern line as well. All rafts shall have a throw bag, two flip lines and a bailing bucket not needed for self bailing.

11. Safety measures for operators.-

No operator shall be permitted to operate an operation unless:-

(a) he has two guides 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 for measures on the same lines as are required for participants:

(b). he has two rescue rafts or one raft and a kayak for the safety of the participants. This may be relaxed for a float trip i.e. upto class two rapid Rescue rafts shall always be inside or in a 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 all guides are swimmers and are well-trained in water rescue technique. A guide shall be deemed to be qualified with a minimum training experience period of five years and has completed river rafting of 1000 km. 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 guide/instructor. The guide shall have the basic knowledge of the current on the river grades of rapids, should be well versed with use of trip drills rescue proper, use of the throw bag raft repair etc. Every guide must be qualified in first aid/CPR and he/she should have successfully completed the basic course in first aid from Govt. hospital or any recognised institution. The technical committee shall introduce in a year or two a system or grading of guides depending upon their experience and expertise;

(d) he has rafters/instructors and guides who are to accompany the trip equipped with personal life jacket and a helmet at all times 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 have US Coast guard approved, with a provision of ensuring a snug fit by straps. The life jacket must be worn correctly. Inflated life jackets and Keyhole type lifejacket shall not be permitted. All river guides 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 a 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 or 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 persons than the capacity shall be dangerous.

(h) the Government develops and allots the operation sites 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 or 6 PM whichever is earlier. Operators shall, before commencing operations for the season inform the respective SDO (Civil)/Police Station concerned/District Tourism Development Officer/ Assistant Tourism Development Officer regarding the duration, timings and nature of operators 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. 5,000/- shall be charged.

(4) The operator shall display the laminated license and safety guidelines on the raft for the knowledge of the visitors and participants 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 members 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 start of each trip shall be mandatory made;

(d) persons suffering from 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 Development;

(f) each participant shall give an undertaking as at annexure "A" before the start of the 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.-

River Rafting to begin with shall be confined only on the following stretches of the following rivers:-

(i) Beas Shamshi to Jheri;

(ii) Beas -Bebli to Pirdi;

(iii) Sutlej - Luhri to Tattapani;

(iv) Bhaga - Darcha to Jispa; and

(v) Spiti River -Kaza bridge to Tabbo.

## 16. Classification of rapid grading.-

(1) The Technical Committee shall grade all the rivers identified for rafting purposes 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 clear 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: Unburnable.

(2) Tourism shall not be allowed beyond Class 2 rapid.

## 17. Collection of Registration Fees and User fee.-

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 Distt. Tourism Development Officer in consultation with the Association in case facilities have been created out of govt. funds at the boarding and landing sites.

(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 Distt. Tourism Development Officer.

(d) Funds shall be used only for the promotion of river rafting repair and maintenance of common facilities connected with the spot.

## 18. Association to be formed.-

The Government shall form association for each of the major rivers for the purpose of river rafting in which there shall be atleast 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 camping lodging and boarding of the participants of the operation and the crew members.

(4) The Association may conduct the operation on its own.

(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 aspect of the sport of river rafting.

### 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 hazards of travelling 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 risk, 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 on 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 all 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 of 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, to evacuate 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 foregoing waiver and release of operator to be as broad and inclusive as permitted by law, that I am not relying on oral or written representations 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 elsewhere 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 case of cancellations, trip delays, damage or loss of baggage and medical emergency howsoever caused.

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 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 .....

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Date .....

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(R.H.P. Extra, dated 8.7.2005, p. 1703-1713)