

Tramways Act, 1886

Section 3 - DEFINITIONS In this Act, unless there is something repugnant in the subject or context,

1) "Local authority" means a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by⁵[the Central Government or any State Government] with, the control or management of a municipal or local fund: (2) "road" means the way of a road, street, thoroughfare, passage or place along or across which a tramway authorized under this Act is, or is intended to be, laid, and includes the surface-soil and sub-soil of road, and the footway, berms, drains and ditches of a road, and any bridge, culvert or causeway forming part of a road: (3) "road-authority", in relation to a road, means- (a) if a local authority maintains and repairs the road, then that authority; (b) if a local authority does not maintain and repair the road, and the road is neither vested in Government nor maintained and repaired by ap[* * * Government]], then the person in whom the road is vested; and (c) if a local authority does not maintain and repair the road, and the road is vested in Government or maintained and repaired by chase[** * Government], then "[the Government for whose purposes a road is so vested or by which the road is maintained and repaired, as the case may be]: (4) "circle", in relation to a local authority or road-authority, means the area within the control of that authority: 9[(5) "tramway" means a tramway having one, two or more rails, and includes - (a) any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway; (b) any electrical equipment of a tramway; and (c) any electric supply -line transmitting power from a generating station or sub -station to a tramway or from a generating station to a sub-station from which power is transmitted to a tramway.] 131 Substituted for the original clause by the Indian Tramways (Amendment) Act, 1911 (5 of 1911), S. 2. (6) "order" means an order authorizing the construction of a tramway under this Act, and includes a further order substituted for or amending, extending or varying that order: (7) "promoter" means a local authority or person in whose favour an order has been made and includes a local authority or person on whom the rights and liabilities conferred and imposed on the promoter by this Act and by the order and any rules made under this Act as to the construction, maintenance and use of the tramway, have devolved: (8) "undertaking" includes all moveable and immoveable property of the promoter suitable to and used by him for the purposes of the tramway: (9) "carriage", in the case of a tramway on which steam-power or any or mechanical power or electrical power] is used, includes an engine worked on the tramway for the purpose of producing⁹[or utilizing] that power: (10) "toll" includes any charge leviable in respect of the use of a tramway: (11) "lessee" means a person to whom a lease has been granted of the right of user of a tramway and of demanding and taking the authorized toils: (12) "District Magistrate" includes an officer empowered by the¹⁰[Government] by name or by virtue of his office to discharge within any local area all or any of the functions of a District Magistrate under this Act: (13) "District Court" means a principal Civil Court of original jurisdiction, and includes a High Court having ordinary original civil jurisdiction: (14) "Collector" means the chief officer in charge of the revenue administration of a district, and includes an officer empowered by the¹¹[Government] by name or by virtue of his office to discharge within any local area the functions of a Collector under this Act¹²[*]: (15) "prescribed" means prescribed by rules made by the¹³[Government] under this Art:¹⁴[and] ¹⁵[(16) "Government", in relation to a tramway which is wholly within a municipal area or which is declared not to be a railway under clause (20) of Article .366 of the Constitution, means the State Government and, in relation to any other tramway, means the Central Government.] CHAPTER 2 ORDERS AUTHORIZING THE CONSTRUCTION OF TRAMWAYS