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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 14th March, 2000 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2000.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 14th March, 2000).

AN ACT

to consolidate law relating to regulation of the construction, maintenance and safe operating of lifts and escalators and the machinery and apparatus pertaining thereto in the State of Gujarat.

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

1. (1) This Act may be called the Gujarat Lifts and Escalators Act, 2000.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires,—
 - (a) "Baluster" means a short pillar slender above and bulging below;
 - (b) "Balustrade" means a row of balusters meant for supporting moving handrails;
 - (c) "Chief Inspector" and "Inspector" means respectively the person appointed to be the Chief Inspector of lifts and escalators and the Inspector of lifts and escalators under sub-section (1) of section 15;

Short title,
extent and
commencement.

Definitions.

(d) "combplate" means a pronged plate that forms part of an escalator landing and engages with the cleats of the steps at the limits of travel;

(e) "escalator" means a power driven inclined continuous stairway used for raising or lowering passengers;

(f) "escalator installation" includes the escalator, the track, the trusses or girders, the balustrading, the step treads and landings and all chains, wires and plants directly connected with the operation of the escalator;

(g) "licence" means a licence granted under section 4;

(h) "lift" means an appliance designed to transport persons or materials between two or more levels in a vertical or substantially vertical direction by means of a guided car or platform;

(i) "lift car" means the load carrying unit with its floor or platform car frame and enclosing body work;

(j) "lift installation" includes the lift car, the lift way, the lift way enclosure and the operating mechanism of the lift and all ropes, cables, wires and plant, directly connected with the operation of the lift;

(k) "power" means any form of energy which is not generated by human or animal agency;

(l) "prescribed" means prescribed by rules;

(m) "rated speed" means the speed at which the lift or escalator is designed to operate;

(n) "rules" means rules made under this Act.

Permission to
erect lift or
escalator.

3. (1) Every owner of a place intending to instal a lift or an escalator in such place after the commencement of this Act, shall make an application in such form as may be prescribed, to such officer as the State Government may authorise in this behalf, for permission to erect such lift or escalator. Such application shall specify-

(a) the type of the lift or escalator;

(b) the rated maximum speed of the lift or the speed at which the escalator is designed to operate;

(c) the maker's or designer's rated capacity in weight;

(d) the maximum number of passengers in addition to the lift operator which the lift can carry;

(e) the total weight of the lift car carrying the maximum load;

(f) the weight of the counter weight of the lift;

(g) the number, description, weight and size of the supporting cables of the lift or escalator;

(h) the depth of the pit from the lowest part of the car when at the lowest floor of lift;

(i) such details of the construction of the overhead arrangement with the weights and size of the beams for the lift, as may be prescribed;

- (j) angle of inclination for escalator;
- (k) type of balustrading in escalator;
- (l) the width between balustrades in escalator;
- (m) details of handrails, steps treads, landing, combplates, trusses or girders and step wheel tracks in escalator;
- (n) the rated load in Kilogrammes on escalator;
- (o) the factor of safety based on the static loads in the lift or escalator; and
- (p) such other particulars as may be prescribed.

(2) On receipt of an application under sub-section(1), the officer authorised under this section shall, after making such inquiry and requiring the applicant to furnish such information as may be necessary, forward the application with his remarks to the Chief Inspector. The Chief Inspector may there upon either grant or refuse the permission to erect lift or escalator. The permission so granted shall be valid for a period of six months from the date on which it is granted or for such further period not exceeding six months as may be allowed by the Chief Inspector for sufficient reasons.

(3) On grant of permission under sub-section (2), the owner shall get his lift or escalator erected by a person authorised under section 13.

4. (1) The owner who is permitted to instal a lift or escalator under section 3 shall, within one month after the completion of erection of such lift or escalator, make an application to such officer as the State Government may authorise in this behalf, for a licence for operating the lift or an escalator.

Licence to use lift or escalator.

(2) An application for licence made under sub-section (1) shall be in such form and accompanied by such fees as may be prescribed.

(3) On receipt of an application under sub-section (1), such officer may, after making such inquiry as may be necessary, forward the application with his remarks to the Chief Inspector.

(4) If the Chief Inspector is satisfied that the applicant has complied with the requirements of the provisions of this Act, he may grant the licence to use lift or escalator in such form and on such terms and conditions as may be prescribed:

Provided that where the Chief Inspector refuses to grant the licence, he shall give a reasonable opportunity of being heard to the applicant.

(5) The owner who has been granted licence under sub-section (4) shall get his lift or escalator maintained by a person authorised under section 13.

5. (1) Notwithstanding anything contained in sections 3 and 4, every owner of a place in which a lift or an escalator has been installed before the date of the commencement of this Act shall, within three months from such date apply for a licence for operating of such lift or escalator.

Application for licence in case of existing lifts and escalators.

(2) The provisions of sub-sections (2) and (3) of section 4 shall, as far as may be, apply to such application.

Duration and renewal of licence.

6. (1) Every licence shall be valid for a period of three years from the date on which it is granted.

(2) A licence may be renewed on an application made in that behalf to the Chief Inspector in such form and accompanied by such fee as may be prescribed alongwith the report made under section 16 and every such application shall be made not less than thirty days before the date on which the period of validity of the licence is due to expire.

Lift or escalator not to be operated with out licence.

7. No lift or escalator shall be operated except under and in conformity with the terms and conditions of the licence granted in respect of the same.

Suspension or cancellation of licence.

8. If the licensee has contravened any of the provisions of the Act or rules or any of the conditions of the licence or directions given to him, the Chief Inspector may, after giving a reasonable opportunity of being heard, suspend the licence for such period as he thinks fit or cancel it.

Additions and alterations to lift or escalator installation.

9. No additions or alterations other than those required to be made under sub-section (2) of section 10 shall be made to any lift or escalator installation except with the previous permission in writing of an officer authorised in this behalf by the State Government.

Right to enter any building for inspection of lift or escalator and lift or escalator installation, etc.

10. (1) An officer authorised in this behalf by the State Government or a person authorised under section 13 may, at any time after giving a reasonable notice to the occupant, enter upon any building in which a lift or an escalator is installed or is being installed or in connection with which an application has been made for licence for the purpose of inspecting the lift or escalator or lift or escalator installation or the site thereof.

(2) The officer, on such inspection, or on the basis of report made under sub-section (3) of section 16 is of the opinion that any lift or escalator in any building is in unsafe condition, he may direct by an order to the owner of the building or his agent appointed under sub-section (2) of section 14 to make such repairs or alterations to be made to such lift or escalator as he may deem necessary, within the time specified therein and may also if necessary, order the use of such lift or escalator to be discontinued until such repairs or alterations are made or such unsafe condition is removed. The owner or, as the case may be, his agent shall thereupon comply with the order within the period specified therein and shall forthwith report in writing to the officer of having so complied with.

Appeal.

11. (1) Any person aggrieved by an order of the Chief Inspector made under sub-section (4) of section 4 or section 8, may within thirty days from the date of such order, appeal to the State Government.

(2) Any person aggrieved by an order of the officer made under sub-section (2) of section 10, may within thirty days from the date of such order, appeal to the Chief Inspector.

(3) Any person aggrieved by an order of the Chief Inspector made under sub-section (2), may within thirty days from the date of such order, appeal to the State Government.

(4) An appellate authority may pass such order on appeal as it deems just and proper.

(5) The order made by the Chief Inspector on appeal, shall be subject to the appeal to the State Government, and the decision of the State Government on appeal shall be final and shall not be called in question in any court.

(6) Notwithstanding any appeal made under this section, any order to discontinue the use of lift or escalator made by the officer under sub-section (2) of section 10 shall be complied with unless the appellate authority has suspended such order.

12. The owner of a building in which a lift or an escalator is installed or his agent appointed under sub-section (2) of section 14 shall afford all reasonable facilities to the officer or a person authorised under section 13 for inspecting a lift or an escalator under sections 10 and 16 and whenever ordered to do so by the officer shall, at his own cost, procure at such inspection the attendance of the person, if any, with whom he has entered into a contract for the erection or maintenance of the lift or an escalator (being a person authorised under section 13 for the work of erection or maintenance of a lift or an escalator) or a representative of such person who is competent to assist the officer in inspecting the lift or an escalator.

Owner to give facilities for inspection.

13. (1) The Chief Inspector may authorise a person for the purpose of carrying out erection, maintenance, inspection and test of lift or escalator.

Authorisation to a person for erection, maintenance, inspection and test.

(2) The manner, terms and conditions and the fees for authorisation under sub-section (1) shall be such as may be prescribed.

(3) No person shall be authorised under sub-section (1) unless he fulfils qualifications and such other requirements as may be prescribed.

14. (1) Where any accident occurs in the operation of any lift or escalator which results or is likely to have resulted in loss of human life or injury to any person, the owner of the building in which the lift or escalator is working or if such owner has appointed an agent and has communicated his name to the Inspector under sub-section (3), such agent, shall as soon as may be after such accident, give notice in such form and in such manner as may be prescribed, with full details of the accident to the Inspector and also in the area for which a Commissioner of Police has been appointed, to the Commissioner of Police and elsewhere to the District Magistrate or such other officer as the State Government may, by order, specify and the lift or escalator installation shall not be interfered with in any manner and the working of such lift or escalator shall not be resumed except with the written permission of the officer authorised in this behalf by the State Government.

Report of accidents and inquiries.

(2) For the purposes of sub-section (1), the owner of every building in which a lift or an escalator has been installed, or in the case where such owner does not reside in such building, an agent (who shall be a resident in the town or village in which the building is situate) appointed by the owner, shall give notice of any accident occurring in the operation of the lift or escalator.

(3) The name of every agent appointed under sub-section (2) shall be communicated in writing to the Inspector.

(4) The State Government may authorise the Inspector or any other competent person appointed in this behalf, to inquire and report—

(a) as to the cause of any accident affecting the safety of the persons which may have been occasioned by, or in connection with, the lift or escalator installation, or

(b) as to the manner in, and extent to, which the provisions of this Act or the rules made thereunder so far as those provisions affect the safety of any person, have been complied with.

(5) Every Inspector or other person holding an inquiry under sub-section (4) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 for the purpose of enforcing the attendance of witness and compelling the production of documents and material objects; and every person required by an Inspector or such other person as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

V of 1908.

XLV of 1860.

Appointment of
Chief Inspector,
Inspectors and
Assistant
Inspectors of
lifts and
escalators.

15. (1) The State Government may, by notification in the *Official Gazette*, appoint persons duly qualified as Electrical Inspector under the Indian Electricity Act, 1910, to be-

IX of 1910.

(a) the Chief Inspector of lifts and escalators;

(b) the Inspector of lifts and escalators.

(2) The Chief Inspector so appointed shall, in addition to the powers conferred on him under this Act, exercise the powers of an Inspector through out the State.

(3) Every Inspector so appointed shall exercise the powers and perform the functions of the Inspector under this Act within such areas or in respect of such class of lift or escalator installations and subject to such restrictions as the State Government may direct.

(4) The State Government may, by notification in the *Official Gazette*, appoint persons duly qualified to assist an Electrical Inspector under the Indian Electricity Act, 1910 to be the Assistant Inspector of lifts and escalators.

IX of 1910.

Inspection of
lifts and
escalators and
charging of fees.

16. (1) Every lift or escalator-

(a) shall be inspected by the officer authorised in this behalf by the State Government,-

(i) before the grant of a licence under section 4; and

(ii) in every three years from the date of grant of licence;

(b) may be inspected by such officer to check up compliance with the order made under sub-section (2) of section 10, if necessary.

(2) Notwithstanding anything contained in sub-section (1), the owner of a building in which a lift or an escalator is installed, shall get his lift or escalator inspected and tested by a person authorised under section 13 at an interval of every six months from the date of grant of licence under section 4 and shall submit such inspection and test report to the Chief Inspector.

(3) The officer authorised under clause (a) of sub-section (1) and the person who has inspected and tested the lift or escalator under sub-section (2) shall submit their report to the Chief Inspector in such form as may be prescribed.

(4) The fee as may be prescribed shall be paid by the owner of the building in which the lift or escalator is installed for each inspection under sub-section (1) and such fee shall be inclusive of the fee for the inspection of electrical installation attached to the lift or escalator installation. The fee shall be paid within such period and in such manner as may be prescribed.

(5) Where the owner or any person liable to pay fee under this section does not pay the same within the prescribed period, there shall be paid by such owner for the period commencing immediately after the prescribed period and ending on the date of payment of fees, simple interest at the rate of twenty-four per cent per annum on the amount of fees not so paid.

17. All sums payable as fees or interest under this Act shall be recoverable as arrears of land revenue. Recovery of fees, etc.

18. Whoever contravenes any of the provisions of this Act, rules or the conditions of a licence or a direction given by the Chief inspector or the inspector under this Act or the rules shall, on conviction, be punishable with fine not exceeding five thousand rupees and, in the case of continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention. Penalty.

19. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in-charge of and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary, or other officer of the company, such director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation . - For the purpose of this section, -

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director" in relation to a firm, means a partner in the firm.

20. No court shall take cognizance of any offence under this Act except with the previous sanction of the Chief Inspector or the State Government. Cognizance of offences.

21. (1) Every notice, order or document by or under this Act required or authorised to be addressed to any person may be served by post or left, - Service of notices, orders or documents.

(a) where a local authority is the addressee, at the office of the local authority,

(b) where a company is the addressee, at the registered office of the company or in the event of the registered office of the company not being in India, at the head office of the company in India,

(c) where any other person is the addressee, at the usual or last known place of abode or business of the person.

(2) Every notice, order or document by or under this Act required or authorised to be addressed to the owner or the agent of the owner or the occupant of any premises shall be deemed to be properly addressed, if addressed by the description of the "owner" or "agent of the owner" or "occupant" of the premises (naming the premises) and may be served by delivering it or a true copy thereof, to some person on the premises or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

Protection for acts done in good faith.

22. No suit, prosecution or other legal proceedings shall be instituted against any officer for anything which is in good faith done, or intended to be done under this Act or the rules or orders made thereunder.

Application of Act to lifts or escalators belonging to Government.

23. In the application of the provisions of this Act to lifts or escalators installed by the Government, the provisions of this Act shall be deemed to have been adopted or modified to the extent specified in the Schedule.

Power to make rules.

24. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

- (a) the specifications for lifts and escalators;
- (b) the manner in which erection plans of lifts and escalators shall be submitted;
- (c) the manner in which the lifts and escalators may be tested;
- (d) the form of application for permission to erect a lift or escalator under sub-section (1) of section 3;
- (e) details of the construction of the overhead arrangement with the weights and sizes of the beams under item (i) of sub-section (1) of section 3;
- (f) other particulars which the application for permission to erect a lift or an escalator shall specify under item (u) of sub-section (1) of section 3;
- (g) the form in which an application for licence shall be made and the fee which shall accompany such application under sub-section (2) of section 4;
- (h) the form in which and the terms and conditions on which the licence may be granted for the working of a lift or an escalator under sub-section (4) of section 4;
- (i) the form in which an application for renewal of licence shall be made and the fee which shall accompany such application under sub-section (2) of section 6;
- (j) the form of notice to be given under sub-section (1) of section 10;
- (k) the form in which an application for obtaining authorisation shall be made and the fee and the particulars which shall accompany such application under sub-section (2) of section 13.
- (l) the qualifications and other requirements for obtaining authorisation under sub-section (3) of section 13;
- (m) the form and the manner in which notice of accident shall be given under sub-section (1) of section 14;
- (n) the rate of fee which shall be charged for inspection of every lift or escalator and the period within which and the manner in which such fee shall be paid under sub-section (4) of section 16;
- (o) any other matter which is to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

IX of 1910. 25. Nothing contained in this Act shall affect the provisions of the Indian Electricity Act, 1910 or any rules made thereunder.

Provisions of
Indian
Electricity Act
not affected.

Bom. X of 1939. 26. On the commencement of this Act, the Bombay Lifts Act, 1939 in its application to the State of Gujarat, shall stand repealed:

Repeal and
savings.

Provided that such repeal shall not affect the previous operation of the said Act and anything done or action taken (including any appointment or delegation made, application or other document filed, licence granted, inquiry or inspection made, notification or notice issued, rule made, proceeding instituted, fees recovered or penalty imposed) by or under the provisions of the said Act, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act.

SCHEDULE

(See section 23)

(1) In section 5, in sub-section (1), for the words "every owner", the words "every Government Officer-in-charge" shall be substituted.

(2) In section 14, in sub-section (2),-

(i) for the words beginning with the words "the owner of every building" and ending with the words "in such building", the following shall be substituted, namely :-

"for every building in which a lift or an escalator has been installed by Government, the Government or";

(ii) for the words "appointed by the owner" the words "appointed by the Government" shall be substituted.

(3) In section 21, in sub-section (1), for clause (a), the following shall be substituted, namely :-

"(a) where Government is the addressee, at the office of the agent appointed by Government under sub-section (2) of section 14".