

Assam raj pā



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THE ASSAM GAZETTE

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EXTRAORDINARY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT ::: LEGISLATIVE BRANCH

NOTIFICATION

The 9th March, 2006

No.LGL.148/2004/6.- The following Act of the Assam Ligislative Assembly which recieved the assent of the Governor is hereby published for general information.

ASSAM ACT NO.V OF 2006

(Received the assent of the Governor on 6th March, 2006)

THE ASSAM LIFTS AND ESCALATORS ACT, 2006

AN

ACT

to provide for the regulation of the installation, maintenance and safe working of electric lifts and escalators and of all machinery and apparatus pertaining thereto in the state of Assam.

Preamble

Whereas it is expedient to provide for the regulation of the installation, maintenance and safe working of electric lifts and escalators and of all machinery and apparatus pertaining thereto in the state of Assam:

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

Short title, extent and commencement

1. (1) This Act may be called the Assam Lifts and Escalators Act, 2006.
- (2) It extends to the whole of Assam.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions

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 persons appointed to be the Chief Inspector of lifts and escalators and the Inspector of lifts and escalators under sub-section (1) of section 15;
 - (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) "license" means a license 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 enclosures 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;
- (o) "owner" means -
 - (i) a lessee,
 - (ii) a licensee,
 - (iii) a mortgagee in possession, and
 - (iv) any person or authority to whom or to which the possession of and control over the affairs of the place in which a lift has been erected and work has been entrusted whether such person or authority is called a managing trustee, an agent, a correspondent, manager, superintendent, secretary or by any other name whatsoever.

Permission to erect lift or escalator

- 3.** (1) Every owner of a place intending to install a lift or an escalator in such place after the commencement of this Act, shall submit an application in such form as may be prescribed, to such officer as the State Government may authorize 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, comb plates, trusses or girders and step wheel tracks in escalator;
 - (n) the rated load in Kilogram 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 authorized 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/her 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 authorized under section 13.

- License for working of lift **4.** (1) The owner who is permitted to install 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 authorize in this behalf, for a license for operating the lift or an escalator.
- (2) An application for license 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 license 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 license, he shall give a reasonable opportunity of being heard to the applicant.
- Provision in respect of existing lift **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 license for operating of such lift or escalator.
- (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 licenses **6.** (1) Every license shall be valid for a period of three years from the date on which it is granted.
- (2) A license 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 along with 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 license is due to expire.
- Compliance of terms and conditions of license **7.** No lift or escalator shall be operated except under and in conformity with the terms and conditions of the license granted in respect of the same.

- Power to cancel or suspend license **8.** If the licensee has contravened any of the provisions of the Act or rules or any of the conditions of the license or directions given to him, the Chief Inspector may, after giving a reasonable opportunity of being heard, suspend the license for such period as he thinks fit or cancel it.
- Addition or alteration of lift 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 authorized in this behalf by the State Government.
- Power to entry **10.** (1) An officer authorized in this behalf by the State Government or a person authorized 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 license for the purpose of inspecting the lift or escalator or lift or escalator installation or the site thereof.
- (2) If 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.

Owner to give facilities for inspection

- 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 authorized 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 authorized 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.

Erection, addition or alteration work of lift installation to be entrusted to competent persons.

- 13.** (1) No owner erecting, adding to or altering a lift installation, shall entrust the work to any person unless duly authorized by the Chief Inspector for the purpose of carrying out erection, maintenance, inspection and test of lift or escalator.
- (2) The manner, terms and conditions and the fees for authorization under sub-section (1) shall be such as may be prescribed.
- (3) No person shall be authorized under sub-section (1) unless he fulfils qualifications and such other requirements as may be prescribed.

Report of accident

- 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, the Superintendent of Police of the concerned area and 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 authorized in this behalf by the State Government.

- (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 situated) 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 authorize 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 hereunder 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 (Act V of 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, 1860 (Act XLV of 1860).

Appointment of Chief Inspector and Inspector(s) 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 Electricity Act, 2003 (Act No.36 of 2003), to be -
- (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 Electricity Act, 2003 (Act No.36 of 2003) to be the Assistant Inspector of lifts and escalators.

Inspection and charges 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 license under section 4; and
 - (ii) in every three years from the date of grant of license;
 - (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 authorized under section 13 at an interval of every six months from the date of grant of license 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 percent per annum on the amount of fees not so paid.

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

Penalty **18.** Whoever contravenes any of the provisions of this Act, rules or the conditions of a license or a direction given by the Chief 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.

Offences by companies **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:

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.

- Cognizance of offences **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.
- Service of notices, orders or documents **21.** 1) Every notice, order or document by order under this Act required or authorized to be addressed to any person may be served by post or left, -
- (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 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 authorized 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 action 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.
- Lift installed by the 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 below :-
- 1) In section 5, in sub-section (1), for the words “every owner” shall be substituted by the words “every Government Officer-in-charge”.
- 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”.

- 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 (p) of sub-section (1) of section 3;
 - (g) the form in which an application for license 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 license 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 license 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 qualification 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 by the State Government under this Act shall, as soon as may be after they are made, be laid before the State Legislative Assembly while it is in session, for a total period of not less than fourteen days which may be comprised in one session or two or more successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the Legislative Assembly may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

Affect on Electricity Act, 2003 **25.** Nothing contained in this Act shall affect the provisions of the Electricity Act, 2003 (Act No.36 of 2003) or any rules made thereunder.

M.K.DEKA,
Commissioner & Secretary to the Govt. of Assam,
Legislative Department.