

Himachal Pradesh Lifts Act, 2007

HIMACHAL PRADESH

India

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Act 22 of 2007

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Himachal Pradesh Lifts Act, 2007(Act No. 22 of 2007)Last Updated 11th March, 2020Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 30th August, 2007. pp. 4586 and 4596(Received the assent of the Governor on the 29th September, 2007 and was published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 6th October, 2007, pp. 6463-6478)An Act to provide for the regulation of the construction, maintenance and safe working of lifts, machinery and apparatus pertaining thereto in the State of Himachal Pradesh and matters connected therewith or incidental thereto.Be it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-eighth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Himachal Pradesh Lifts Act, 2007.(2)It extends to the whole of the State of Himachal Pradesh.(3)It shall come into force on such date as the State Government may, by [notification] [Act came in to force from 28th February, 2009 vide Not No. PBW (B) 3-1/2007, dated 6th March, 2009, published in the Rajpatra, Himachal Pradesh, dated 6th March, 2009, p. 8135.] in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Appellate Authority" means such authority as the State Government may, by notification publish in the Official Gazette, declare to be the Appellate Authority;(b)"State Government" means the Government of Himachal Pradesh;(c)"Inspector of Lifts" means an officer not below the rank of Executive Engineer (Electrical), Himachal Pradesh Public Works Department, appointed by the State Government;(d)"license" means a license granted under this Act;(e)"lift" means a hoisting mechanism equipped with a cage which moves in a substantially vertical direction, is worked by power and is designed or is actually used to carry passengers;Explanation. - For the purpose of this

clause a lift operator shall not be deemed to be a passenger.(f)"lift cage" means the car or cage of a lift used for the conveyance of passengers;(g)"lift installation" includes the lift cage, 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;(h)"lift way" means the shaft in which the lift cage travels;(i)"lift way enclosure" includes any permanent substantial structure surrounding or enclosing the lift way;(j)"notification" means a notification published under proper authority in the Official Gazette;(k)"Official Gazette" means the Rajpatra of Himachal Pradesh;(l)"power" means any form of energy which is not generated by human or animal energy;(m)"prescribed" means prescribed by rules made under this Act; and(n)"Revisional Authority" means Secretary, Public Works Department to the Government of Himachal Pradesh.

3. Permission to erect a lift.

(1)Every owner of a place intending to install a lift in such place shall make an application to such officer as the State Government may, by notification published in the Official Gazette, authorize in this behalf, for permission in such form as may be prescribed, specifying:-(i)the type of the lift;(ii)the rated maximum speed of the lift;(iii)the maker's or designer's rated capacity in weight;(iv)The maximum number of passengers in addition to the lift operator which the lift can carry;(v)The total weight of the lift cage carrying the maximum load;(vi)The weight of the counterweight;(vii)The number, description, weight and size of the supporting cables;(viii)The depth of the pit from the lowest part of the cage when at the lowest floor; and(ix)such other particulars and details of the construction of the overhead arrangement; with the weight and sizes of the beams as may be prescribed.(2)On receipt of application under sub-section (1), the officer authorized in this behalf shall, after making such enquiry and requiring the applicant to furnish such information as may be necessary, forward the application with his remarks to the Chief Engineer (Electrical) Himachal Pradesh Public Works Department or to the officer authorized by him in this behalf and thereupon he may either grant or refuse the permission.(3)The permission granted under sub-section (2) shall be valid for a period of six months from the date on which it is granted.

4. License to use a lift.

(1)Every owner of a place who is permitted to install a lift under section 3, shall, within one month after the completion of the erection of such lift, deliver or send or cause to be delivered or sent to such officer as the Chief Engineer (Electrical), Himachal Pradesh Public Works Department may authorize in this behalf, a notice in writing of such completion and shall make an application alongwith fee of Rs.750/- for grant of a license for operating the lift:Provided that no fee shall be required to be paid if the lift belongs to the State Government.(2)An application for a license made under sub-section (1) shall be in such form as may be prescribed.(3)On receipt of application under sub-section (1) such officer after making such enquiry as may be necessary forward the application with his remarks to the Chief Engineer (Electrical),Himachal Pradesh Public Works Department or to the officer authorized by him in this behalf and thereupon he may either grant or refuse the license.

5. Applications for license in case of existing lifts.

(1)Notwithstanding anything contained in sections 3 and 4 every owner of a place (except installation in State Government buildings), in which a lift has been installed before the commencement of this Act, shall, within two months from the date of commencement of this Act, apply for a license for the working of such lift.(2)The provisions of sub-sections (2) and (3) of section 4 shall, so far as may be, apply to such application and shall be subject to payment of fee of Rs. 750/-.

6. Lift not to be operated without a licence.

- Subject to such rules as may be made in this behalf, no lift shall be worked except under and in conformity with the terms of the license granted in respect of the same:Provided that nothing in this section shall apply to a lift already installed on the date of the commencement of this Act, for a period of two months from such date or if an application for license is made within that period in accordance with the provision of section 5, until such application is finally disposed of under the said section.

7. Right to enter any building for inspection of lifts and lift installation.

(1)An officer not below the rank of Executive Engineer (Electrical) Himachal Pradesh Public Works Department authorized by the State Government in this behalf may, at any time after giving reasonable notice to the occupant, enter upon any building in which a lift is installed or is being installed or in connection with which an application for a license has been received, for the purpose of inspecting the lift or the lift installation or the site thereof.(2)If on such inspection the Officer is of the opinion that any lift in any building is in an unsafe condition, he may issue an order to the owner of the building requiring such repairs or alterations to be made to such lift as he may deem necessary within the time specified therein and may also, if necessary, order the use of such lift to be discontinued until such repairs or alterations are made or such unsafe condition is removed.

8. Appeal.

(1)An appeal shall lie from the order issued under subsection (2) of section 7 to the Appellate Authority:Provided that no appeal shall be entertained against any order unless the appeal is filed within 15 days from the passing of such order:Provided further that any appeal may be admitted after the expiry of the period specified under this section, if the appellant satisfies the Appellate Authority that he has sufficient cause for not preferring appeal within that period.(2)The Appellate Authority shall, within 15 days of the filing of the appeal, pass an order confirming or setting aside the order appealed against.

9. Revision.

(1) Any person aggrieved by an order passed in appeal by the Appellate Authority under section 8 may, within 15 days of the communication of such order, file revision petition before the Revisional Authority against such order. (2) The Revisional Authority shall, within 15 days of filing of revision application against the order of the Appellate Authority, pass an order confirming or setting aside the order of Appellate Authority: Provided that no order shall be passed under this section which may be prejudicial to any person without giving such person a reasonable opportunity of being heard.

10. Report of accidents.

(1) Where any accident occurs in the operation of any lift resulting in injury to any person, either the injured person or on his behalf any other person or the owner of the building in which the lift is working or if such owner has appointed an agent and had communicated his name to the Inspector of Lifts under sub-section (3), such agent shall, as soon as may be, after such accident, give notice with full details of the accident to the Inspector of Lifts and also to the District Magistrate and the working of such lift shall not be resumed except with the written permission of the officer authorized in this behalf by the Chief Engineer (Electrical) Himachal Pradesh Public Works Department. (2) For the purpose of sub-section (1), the owner of every building in which a lift has been installed and if he does not reside in such building, shall appoint an agent who shall be a resident of the town or village in which the building is situated, to give notice of any accident occurring in the operation of the lift. (3) The name of every agent appointed under sub-section (2) shall be communicated to the Chief Engineer (Electrical) and the Superintending Engineer (Electrical), Himachal Pradesh Public Works Department.

11. Inspection of Lifts.

(1) Every lift shall be inspected at least once in six months by an officer authorized in this behalf by the State Government and annual fee of Rs.750/- shall be charged for such inspection (except lifts installed and maintained by the State Government) and such fee shall include the charges for the inspection of the motor. (2) Whoever contravenes any of the provisions of sub-section (3) of section 4, sub-section (2) of section 7 and sub-section (1) of section 10 of the Act or fails to perform the duties assigned under these sections shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

12. Cognizance of offence.

- No court shall take cognizance of an offence punishable under sub-section (2) of section 11 except on a complaint in writing made by an officer authorized by the State Government, by notification in the Official Gazette.

13. Penalty.

- Whoever contravenes any of the provisions of this Act, rules or conditions of a license or a direction given by the Chief Engineer (Electrical) or Superintending Engineer (Electrical) Himachal Pradesh Public Works Department, as the case may be, under this Act or the rules made thereunder, shall, on conviction, be punishable with a fine which may extend to five thousand rupees and in the case of a continuing contravention with an additional fine which may extend to five hundred rupees for every day, with maximum of forty five thousand rupees during which such contravention continues after conviction for the first such contravention and the license of the lift shall be liable to be cancelled.

14. Delegation of the powers.

- The State Government may delegate all or any of the powers conferred on it by this Act to such officer as it may think fit but not below the rank of Executive Engineer (Electrical) Himachal Pradesh Public Works Department.

15. Power to make rules.

(1)The State Government may, by notification published 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 provision, such rules may provide for all or any of the following matters, namely:-(a)Specifications for lifts;(b)The manner in which erection plans of lifts shall be submitted;(c)The manner in which the lifts may be tested;(d)The form of application for the erection of a lift or a license for working the same;(e)The terms and conditions subject to which and the form in which the licenses may be granted for the working of a lift under section 6;(f)The manner in which and the terms subject to which the lift shall work under section 6;(g)The manner in which notice of accidents shall be given and the form of such notice;(h)The form of notice to be given under section 7; and(i)Any other matter which is required to be or may be prescribed by the State Government.