

The West Bengal Lifts And Escalators Act, 1955

WEST BENGAL

India

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Act 5 of 1955

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The West Bengal Lifts And Escalators Act, 1955 West Bengal Act 5 of 1955 [28th March, 1955.] An Act to provide for the regulation of the installation, maintenance and safe working of lifts and escalators in West Bengal and of all machinery and apparatus pertaining to such lifts and escalators. It is hereby enacted as follows:-

1. Short title, extent, commencement and application.

(1) This Act may be called the West Bengal Lifts and Escalators Act, 1955. (2) It extends to the whole of West Bengal. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint. (4) Nothing in this Act shall apply to any lift or escalator in any mine within the meaning of the Mines Act, 1952, or to any lift or escalator to which the provisions of the Factories Act, 1948, apply.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a) "contract load" means the load specified in the maker's specification of a lift or an escalator as being the maximum load which the lift or the escalator is capable of carrying; (b) "contract speed" means the speed specified in the maker's specification of a lift or an escalator as being the maximum speed which the lift or the escalator is capable of attaining in the up direction with contract load; (c) "counterweight" means the weight or series of weights to counterbalance the weight of a lift car and part of the load; (d) "escalator" means a moving inclined continuous stairway or runway used for raising and lowering passengers, which is worked by power; (e) "lift" means a hoisting and lowering mechanism equipped with a lift car which is designed to move in guides in a substantially vertical direction and is worked by power; (f) "lift car" includes the platform, car frame and the enclosure of a lift car; (g) "lift installation" used in relation to a lift includes the lift (that is to say the mechanism and the lift car), the lift well, the lift well enclosure and all ropes, cables, wires and plant directly connected with the operation of the lift; (h) "lift well" means the unobstructed space provided for the movement of a lift car and any

counterweight and includes the pit and the space for top clearance for the lift car and the counterweight;(i)"lift well enclosure" includes any permanent substantial structure which separates a lift well either wholly or in part from its surroundings;(ia)["owner of any premises" includes a tenant or other person in occupation of the whole or any part of such premises who is authorised to install or work of install and work a lift therein;] [Clause (ia) inserted by West Bengal Act 23 of 1961.](j)"pit" means the space in a lift well below the level of the lowest lift landing;(k)"pit depth" means the vertical distance between the level of the lowest lift landing and the bottom of pit;(l)"power" means energy generated by electricity, water, oil, gas, steam or any combination of them;(m)"prescribed" means prescribed by rules made under(n)"suspension ropes" means the ropes by which a lift car and counterweight are suspended;(o)"top clearance" means-(i)for a lift car, - the distance which the lift car floor can travel above the level of the highest lift landing without any part of the lift car or its attachments coming into contact with overhead structure or other obstruction,(ii)for counterweight, - the distance between any part of the counterweight assembly and the nearest part of the overhead structure or any other obstruction when the lift car floor is levelled with the lowest lift landing.

3. Application for permission to erect lift.

- The owner of any premises intending to install a lift in such premises shall make an application to such officer as the State Government may authorise in this behalf, for [permission to install such lift] [Words substituted for the words 'permission to erect such lift' by West Bengal Act 23 of 1961.]. The application shall specify-(a)the type of the lift,(b)the contract speed of the lift,(c)the contract load of the lift in [kilograms] [Word substituted for the word 'pounds' by West Bengal Act 17 of 1975.],(d)the maximum number of persons which the lift can carry,(e)the total weight of the lift car including the contract load,(f)the weight of the counterweight,(g)the number, description, weight and size of the suspension ropes,(h)the pit depth,(i)such other details of construction as may be prescribed including in particular details regarding construction of the overhead arrangement and the weight and size of the beams,(j)such other particulars as may be prescribed.[* * * * *]
[['Explanation' omitted by West Bengal Act 23 of 1961, which was as under:- 'Explanation. - In this Act, the expression, 'owner of any premises' shall be deemed to include a tenant of the whole or part of such premises, who has obtained permission in writing from the owner of the premises to install a lift.'.]]

4. Permission to erect lift.

- On receipt of an application made under section 3 the officer authorised under that section shall, after making such enquiry and requiring the applicant to furnish such information (if any) as may be necessary and after giving him an opportunity of being heard, either grant or refuse the [permission to install the lift] [Words substituted for the words 'permission to erect the lift' by West Bengal Act 23 of 1961.]. The permission granted under this section shall be valid for such period as may be prescribed, but may be renewed by the said officer from time to time on sufficient cause being shown.

5. License to work a lift.

(1)The owner of any premises, who has been granted [permission under section 4 to install a lift in the premises] [Words and figure substituted for the words and figure 'permission to erect a lift under section 4' by West Bengal Act 23 of 1961.] shall, within one month after the [completion of the installation] [Words substituted for the words 'completion of the erection' by West Bengal Act 23 of 1961.] of such lift, give to the officer authorised in this behalf notice in writing of such completion and shall make an application to him for license for working the lift.(2)An application for such license shall be in such form as may be prescribed.(3)On receipt of the application the officer referred to in sub-section (1), after making such enquiry as may be necessary, and after giving the applicant an opportunity of being heard, may either grant the license on such terms and conditions as may be prescribed or refuse the grant thereof.(4)[Such fee, not exceeding two hundred rupees, as may be prescribed] [Words substituted for the words 'A fee of fifty rupees' by West Bengal Act 17 of 1975.] shall be paid along with such application, which shall not be refunded whether the license is granted or not.

6. Annual license fee.

- [Such annual fee for renewal of license, not exceeding [one hundred rupees] [Words substituted for the words 'The owner of any premises to whom a license to work a lift has been granted, shall pay such annual license fee as may be prescribed' by West Bengal Act 23 of 1961.], as may be prescribed shall be paid for working a lift in any premises] and different annual license fees may be prescribed having regard to the object or the purpose for which the lift is ordinarily used or for different kinds or classes of lifts.

7. Lift not to be worked without license.

- No lift shall be worked except under a license granted under this Act and in conformity with the terms and conditions of the license and in accordance with such rules as may be prescribed in this behalf:Provided that nothing in this section shall apply to a lift installed before the commencement of this Act, for a period of [six months] [Words substituted for the words 'three months' by West Bengal Act 22 of 1958.] from such commencement, or if an application for license is made within that period in accordance with the provisions of [sub-section (1) of section 8] [Words, figures and brackets substituted for the word and figure 'section 8' by West Bengal Act 22 of 1958.], until such application is finally disposed of under the said section.

8. Application for license in case of existing lift installation.

(1)[The] [Word substituted for the words and figures 'Notwithstanding anything contained in sections 4 and 5, the' by West Bengal Act 22 of 1958.] owner of any premises in which a lift has been installed before the commencement of this Act, shall within [six months] [Words substituted for the words 'three months' by West Bengal Act 22 of 1958.] from such commencement apply for a license for the working of such lift.(1A)[Without prejudice to the provisions of section 18, the owner of any

premises-(a)in which a lift has been installed but no license for the working of the lift has been applied for in accordance with the provisions of this Act, or(b)in which a lift has been installed without the permission required to be applied for under section 3,shall as soon as may be apply for a license for the working of such lift.(2)The provisions of sub-sections (2), (3) and (4) of section 5 shall, so far as may be applicable, apply to such application:] [[Sub-section (1A) first inserted by West Bengal Act 22 of 1958, then substituted by West Bengal Act 23 of 1961. Previous sub-Section (1A) was as under:-(1A) Without prejudice to the provisions of section 18, the owner of any premises in which a lift has been installed before the commencement of this Act who has not applied for a license for the working of such lift within the period of six months referred to in sub-section (1) may apply after the expiry of the said period of six months for a license for the working of such lift.'.]] [Provided that a fee of double the amount [as may be prescribed under sub-section (4)] [Proviso inserted by West Bengal Act 22 of 1958.] of section 5 shall be paid along with an application under sub-section (1A), which shall not be refunded whether the license is granted or not].

9. Appointment of Inspectors of Lifts.

- The State Government shall, by notification in the Official Gazette, appoint duly qualified persons to be Inspectors of Lifts for the performance of duties imposed upon them by or under this Act or as may be assigned to them by the State Government.

10. Right to enter any premises for inspection of lift installation.

- An Inspector of Lifts or an officer authorised in this behalf by the State Government may at any time after giving written notice to the owner, agent or occupier enter upon any premises in which a lift has been 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, or for carrying out such tests as may be considered necessary and the owner, agent or occupier of such premises shall afford all reasonable facilities to him for the purpose.

11. Annual inspection of lift installation and proper maintenance thereof.

(1)Where a license to work a lift [in any premises] [Words inserted by West Bengal Act 23 of 1961.] has been granted under this Act, the lift installation shall be inspected by an Inspector of Lifts or by an officer authorised in this behalf by the State Government, at least once every year (or oftener if such Inspector or officer suo motu deems it necessary). [Such fee, not exceeding one hundred rupees, as may be prescribed] [Words substituted for the words 'A fee of ten rupees' by West Bengal Act 17 of 1975.] shall be levied annually from the owner of the premises [* * * *] [Words 'to whom a license has been granted' omitted by West Bengal Act 23 of 1961.] for such inspection, irrespective of the number of such inspections made:Provided that inspection may be made from time to time by such Inspector or officer at the request of the owner of the premises [* * * *] [Words and brackets 'to whom the license has been granted (or any occupier thereof who ordinarily uses the lift)' omitted by West Bengal Act 23 of 1961.] but [such fee, not exceeding one hundred rupees, as may be prescribed] [Words substituted for the words 'a fee of ten rupees' by West Bengal Act 17 of 1975.] shall be levied for every such inspection from such owner [* * *] [Words and brackets '(or such

occupier)' omitted by West Bengal Act 23 of 1961.].Explanation. - Inspecting includes inspecting or testing or both.(1A)[Any fee leviable under sub-section (1), may, without prejudice to any other mode of recovery, be recovered on application to a Magistrate having jurisdiction where the person liable to pay the sum is for the time being resident, by the distress and sale of any movable property belonging to such persons.] [Sub-Section (1A) inserted by West Bengal Act 23 of 1961.](2)The owner of any premises [who works a lift in such premises under a license granted] [Words substituted for the words 'to whom a license to work a lift has been granted' by West Bengal Act 23 of 1961.] under this Act shall appoint a duly qualified and competent person or firm [holding a certificate of registration granted in this behalf by such authority, in such manner and on payment of such fee, not exceeding [one hundred rupees] [Words within third brackets inserted by West Bengal Act 23 of 1961.], as may be prescribed] for the proper maintenance of the lift installation and shall communicate the name of such person or firm to the Inspector of Lifts and also in the city of Calcutta to the Commissioner of Police and elsewhere to the District Magistrate within such time from the date of the granting of the license as may be specified in the license. Any change of person or firm appointed as aforesaid shall be notified to the Inspector of Lifts and also to the Commissioner of Police or the District Magistrate, as the case may be.(3)[Save as may otherwise be provided by rules made under this Act, the owner of any premises who works a lift in such premises under a license granted under this Act shall, for the purpose of working such lift, appoint, in such manner as may be prescribed, one or more lift attendants who shall be persons possessing a certificate of authorisation granted in this behalf by such authority, in such manner and on payment of such fee, not exceeding five rupees, as may be prescribed.] [Sub-Section (3) inserted by West Bengal Act 23 of 1961.]

12. Orders for repairing lift and prohibiting use thereof.

- If as a result of an inspection, the Inspector of Lifts or the officer duly authorised in this behalf is of the opinion that a lift in any premises does not fulfil any of the terms and conditions of the license or any rule made under this Act or is in an unsafe condition or is likely to be attended with danger to human life, he may issue an order in writing on the owner, agent or occupier of the premises or other person responsible for the working of the lift calling upon him to comply with such term or condition or rule or require him within a time to be specified in the order to cause such repairs or alterations to be made to such lift as he may deem necessary, and may also, if necessary, forbid the use of such lift until such repairs or alterations are made or the cause of the danger is eliminated or the term, condition or rule is complied with.

13. Report of accidents.

(1)If any accident occurs in connection with the operation of a lift and the accident results or is likely to have resulted in the loss of human life or personal injury, the owner of the premises in which the lift is working or if such owner has appointed an agent and has communicated his name to the Inspector of Lifts under sub-section (3), such agent shall as soon as may be after the accident give notice to the Inspector of Lifts and also in the city of Calcutta to the Commissioner of Police and elsewhere to the District Magistrate with full details of the accident and any loss of human life or personal injury, and the working of such lift shall not be resumed except under the written

permission of the Inspector of Lifts.(2)For the purpose of section 12 and of sub-section (1), the owner of any premises in which a lift has been installed may, and if such owner does not reside in such village or town in which the premises are situated shall, appoint an agent who shall be resident in the town or village in which the premises are situated.(3)The name of every agent appointed under sub-section (2) shall be communicated to the Inspector of Lifts and the Commissioner of Police or the District Magistrate, as the case may be.

14. Application for permission to erect escalator.

- The owner of any premises intending to install an escalator in such premises shall make an application to such officer as the State Government may authorise in this behalf for [permission to install such escalator. The application shall specify-] [Words substituted for the words 'permission to erect' by West Bengal Act 23 of 1961.](a)the width of the escalator,(b)the contract speed of the escalator,(c)the contract load of the escalator in [kilograms] [Word substituted for the word 'pounds' by West Bengal Act 17 of 1975.],(d)the angle of inclination of the escalator with the horizontal,(e)such other details of construction including in particular details regarding the weight and size of beams as may be prescribed, and(f)such other particulars as may be prescribed.

15. License, inspection, etc., for escalator.

- The provisions of the Explanation to section 3 and of sections 4 to 13 (both inclusive) and sections 16 to 22 (both inclusive) shall apply mutatis mutandis to escalators, as they apply to lifts.

16. Delegation of power of State Government.

- The State Government may delegate any of the powers conferred on it by or under this Act to such officer as it thinks fit.

17. Breach of terms or conditions.

- The breach of any of the terms and conditions under which a license is granted, shall render the license liable to be suspended by an officer authorised in this behalf by the State Government for such period as may be specified in the order and if any terms or conditions of the license, for the breach of which the order of suspension is passed, are not complied with within such period, such officer may cancel the license.

18. Penalty.

- Whoever contravenes any of the provisions of this Act or any rule made thereunder or any order passed under section 12 by an Inspector of Lifts or an officer authorised by the State Government shall, on conviction, be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

19. Appeal.

(1)An appeal shall lie to the State Government from any of the following orders, namely:-(a)an order under section 4 or section 4 read with section 8, refusing [permission to install] [Words substituted for the words 'permission to erect' by West Bengal Act 23 of 1961.] a lift;(b)an order under section 5 or section 5 read with section 8, refusing the grant of license to work a lift;(c)an order under section 12;(d)an order under section 17 suspending or cancelling the license to work a lift.(2)The decision of the State Government on such appeal shall be final.

20. Protection and indemnity.

- No suit or other legal proceedings shall lie against the State Government and no suit, prosecution or other legal proceedings shall lie against any Inspector of Lifts or any person authorised by the State Government to exercise any powers or to perform any duties under this Act, for anything done or intended to be done in good faith under this Act.

21. Power to make rules.

(1)The State Government may, from time to time, by notification in the Official Gazette, make rules for carrying 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)specification for lift installation;(b)the manner in which [plans] [Word substituted for the words 'erection plans' by West Bengal Act 23 of 1961.] of a lift installation shall be submitted;(c)the manner in which a lift installation may be tested;(d)the form of application for a license to work a lift;(ee)[the fee to be paid along with an application for a license to work a lift under sub-section (4) of section 5;] [Clause (ee) inserted by West Bengal Act 17 of 1975.](e)the terms and conditions subject to which and the form in which the license may be granted;(f)the annual license fees to be prescribed under section 6 and the time within which such fees are to be paid;(ff)[the fee to be levied for annual inspection of a lift under sub-section (1) of section 11 and the fee to be levied for other inspection under the proviso to sub-section (1) of that section;] [Clause (ff) inserted by West Bengal Act 17 of 1975.](g)[the authority by which, the manner in which and the fee on payment of which a certificate of registration referred to in sub-section (2) and a certificate of authorisation referred to in sub-section (3) of section 11 may be granted;] [[Clause (g) substituted by West Bengal Act 23 of 1961, which was earlier as under:-(g) the qualifications and competency of person or firm, required to be appointed under sub-section (2) of section 11;'.]](h)the form in which an order under section 12 may be served;(i)the manner in which notice of accidents shall be given and the form of such notice;(j)the procedure in appeals under section 19, the period of limitation for such appeals, and the fees, if any, for such appeals; and(k)any other matter which may be or is required to be prescribed under this Act.

22. Savings.

- Nothing contained in this Act shall affect the provisions of the Indian Electricity Act, 1910, or any

rules made thereunder.