

West Bengal Act V of 1955¹

THE WEST BENGAL LIFTS AND ESCALATORS ACT, 1955.

AMENDED

West Ben. Act XXII of 1958.
West Ben. Act XXIII of 1961.
West Ben. Act XVII of 1975.

[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 in the Sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (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. 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;

Short title,
extent,
commence-
ment and
application.

Definitions.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 3rd February, 1956, Pt. IVA, page 106; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of the West Bengal Legislative Assembly held on the 23rd and 24th February, 1955; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of the West Bengal Legislative Council held on the 4th March, 1955.

²This Act came into force with effect from the 1st May, 1958, vide notification No. 2031 M.P., dated 29th April, 1958, published in the *Calcutta Gazette, Extraordinary*, of 1958, Part I, page 1645.

(Section 2.)

- (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 instal or work or instal and work a lift therein;
- (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 this Act;
- (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.

¹Clause (ia) was inserted by s. 2 of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

(Sections 3-5.)

3. The owner of any premises intending to instal a lift in such premises shall make an application to such officer as the State Government may authorise in this behalf, for ¹[permission to instal such lift]. The application shall specify—

Application for permission to erect lift.

- (a) the type of the lift,
- (b) the contract speed of the lift,
- (c) the contract load of the lift in ²[kilograms],
- (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.

)* * * * *

4. 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 ⁴[permission to instal the lift]. 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.

Permission to erect lift.

5. (1) The owner of any premises, who has been granted ⁵[permission under section 4 to instal a lift in the permises] shall, within one month after the ⁶[completion of the installation] 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.

License to work a lift.

(2) An application for such license shall be in such form as may be prescribed.

¹These words within the square brackets were substituted for the words "permission to erect such lift" by s. 3(1) of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

²The word within the square brackets was substituted for the word "pounds" by s. 2 of the West Bengal Lifts and Escalators (Amendment) Act, 1975 (West Ben. Act XVII of 1975).

³The *Explanation* was omitted by s. 3(2) of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

⁴These words within the square brackets were substituted for the words "permission to erect the lift" by s. 4, *ibid*.

⁵These words within the square brackets were substituted for the words "permission to erect a lift under section 4" by s. 5(1), *ibid*.

⁶These words within the square brackets were substituted for the words "completion of the

(Sections 6-8.)

(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) ¹[Such fee, not exceeding two hundred rupees, as may be prescribed] shall be paid along with such application, which shall not be refunded whether the license is granted or not.

Annual license fee.

6. ²[Such annual fee for renewal of license, not exceeding ³(one hundred rupees), 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.

Lift not to be worked without license.

7. 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 ⁴[six months] from such commencement, or if an application for license is made within that period in accordance with the provisions of ⁵[sub-section (1) of section 8], until such application is finally disposed of under the said section.

Application for license in case of existing lift installation.

8. (1) ⁶[The] owner of any premises in which a lift has been installed before the commencement of this Act, shall within ⁷[six months] from such commencement apply for a license for the working of such lift.

⁸(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

¹The words within the square brackets were substituted for the words "A fee of fifty rupees" by s. 3 of the West Bengal Lifts and Escalators (Amendment) Act, 1975 (West Ben. Act XVII of 1975).

²These words within the square brackets were 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 s. 6 of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

³The words within the brackets were substituted for the words "fifty rupees" by s. 4 of the West Bengal Lifts and Escalators (Amendment) Act, 1975 (West Ben. Act XVII of 1975).

⁴These words within the square brackets were substituted with retrospective effect for the words "three months" by s. 2(1) of the West Bengal Lifts and Escalators (Amendment) Act, 1958 (West Ben. Act XXII of 1958).

⁵These words and figures within the square brackets were substituted with retrospective effect for the word and figure "section 8" by s. 2(2), *ibid.*

⁶This word was substituted with retrospective effect for the words "Notwithstanding anything contained in sections 4 and 5, the" by s. 3(1) (i), *ibid.*

⁷Substituted with retrospective effect for the words "three months" by s. 3(1) (ii), *ibid.*

⁸Sub-section (1A) was substituted for the original sub-section (1A), which was inserted by s. 3(1) (iii), *ibid.*, by s. 7 of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

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(Sections 9-11.)

(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:

¹Provided that a fee of double the amount ²{as may be prescribed under sub-section (4)] 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. 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.

Appointment of Inspectors of Lifts.

10. 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.

Right to enter any premises for inspection of lift installation.

11. (1) Where a license to work a lift ³[in any premises] 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). ⁴[Such fee, not exceeding one hundred rupees, as may be prescribed] shall be levied annually from the owner of the premises ⁵* * * * for such inspection, irrespective of the number of such inspections made:

Annual inspection of lift installation and proper maintenance thereof.

¹This proviso was added by s. 3(2) of the West Bengal Lifts and Escalators (Amendment) Act, 1958 (West Ben. Act XXII of 1958).

²The words, brackets and figure within the square brackets were substituted for the words, brackets and figure "mentioned in sub-section (4)" by s. 5 of the West Bengal Lifts and Escalators (Amendment) Act, 1975 (West Ben. Act XVII of 1975).

³These words within the square brackets were inserted by s. 8(1) (a) of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

⁴The words within the square brackets were substituted for the words "A fee of ten rupees" by s. 6(a) of the West Bengal Lifts and Escalators (Amendment) Act, 1975 (West Ben. Act XVII of 1975).

⁵The words "to whom a license has been granted" were omitted by s. 8(1) (b) of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

(Section 11.)

Provided that inspection may be made from time to time by such Inspector or officer at the request of the owner of the premises * * * * but ²[such fee, not exceeding one hundred rupees, as may be prescribed] shall be levied for every such inspection from such owner ³* * * * *

Explanation.—Inspecting includes inspecting or testing or both.

⁴(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 person.

(2) The owner of any premises ⁵[who works a lift in such premises under a license granted] under this Act shall appoint a duly qualified and competent person or firm ⁶[holding a certificate of registration granted in this behalf by such authority, in such manner and on payment of such fee, not exceeding ⁷(one hundred rupees), 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.

⁸(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.

¹The words "to whom the license has been granted (or any occupier thereof who ordinarily uses the lift)" were omitted by s. 8(1)(c)(i) of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

²The words within the square brackets were substituted for the words "a fee of ten rupees" by s. 6(b) of the West Bengal Lifts and Escalators (Amendment) Act, 1975 (West Ben. Act XVII of 1975).

³The words "(or such occupier)" were omitted by s. 8(1)(c)(ii) of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

⁴Sub-section (1A) was inserted with retrospective effect by s. 8(2), *ibid.*

⁵These words within the square brackets were substituted for the words "to whom a license to work a lift has been granted" by s. 8(3)(a) *ibid.*

⁶These words within the square brackets were inserted retrospectively by s. 8(3)(b), *ibid.*

⁷The words within the first brackets were substituted for the words "fifty rupees" by s. 6(c) of the West Bengal Lifts and Escalators (Amendment) Act, 1975 (West Ben. Act XVII of 1975).

⁸Sub-section (3) was inserted with retrospective effect by s. 8(4) of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

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(Sections 12-14.)

12. 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.

Orders for repairing lift and prohibiting use thereof.

13. (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.

Report of accidents.

(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. The owner of any premises intending to instal an escalator in such premises shall make an application to such officer as the State Government may authorise in this behalf for ¹[permission to instal] such escalator. The application shall specify—

Application for permission to erect escalator.

- (a) the width of the escalator,
- (b) the contract speed of the escalator,
- (c) the contract load of the escalator in ²[kilograms],

¹These words within the square brackets were substituted for the words "permission to erect" by s. 9 of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

²The word within the square brackets was substituted for the word "pounds" by s. 7 of the West Bengal Lifts and Escalators (Amendment) Act, 1975 (West Ben. Act XVII of 1975).

(Sections 15-19.)

- (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.

License,
inspection,
etc., for
escalator.

15. 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.

Delegation
of power of
State
Government.

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

Breach of
terms or
conditions.

17. 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.

Penalty.

18. 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.

Appeal.

19. (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 instal] 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.

¹These words within the square brackets were substituted for the words "permission to erect" by s. 10 of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961)

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(Sections 20, 21.)

20. 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.

Protection and indemnity.

21. (1) The State Government may, from time to time, by notification in the *Official Gazette*, make ¹rules for carrying out the purposes of this Act.

Power to make rules.

(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 ²[plans] 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;
- (e) the terms and conditions subject to which and the form in which the license may be granted;
- ³(ee) the fee to be paid along with an application for a license to work a lift under sub-section (4) of section 5;
- (f) the annual fees to be prescribed under section 6 and the time within which such fees are to be paid;
- ⁴(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;
- ⁵(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;

¹For the West Bengal Lifts Rules, 1958, made under section 21 read with sections 3 and 5 of the Act, see notification No. 2030M.P., dated 29.4.58, published in the *Calcutta Gazette, Extraordinary* of 1958, Part I, pages 1655-1694.

²This word within the square brackets was substituted for the words "erection plans" by s. 11(1) of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

³Clause (ee) was inserted by s. 8(a) of the West Bengal Lifts and Escalators (Amendment) Act, 1975 (West Ben. Act XVII of 1975).

⁴Clause (ff) was inserted by s. 8(b), *ibid*.

⁵Clause (g) was substituted with retrospective effect by s. 11(2) of the West Bengal Lifts and Escalators (Amendment) Act, 1961 (West Ben. Act XXIII of 1961).

(Section 22.)

- (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 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.

Savings.

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

IX of 1910.