

Haryana Lifts And Escalators Act, 2008

27 of 2008

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Haryana Lifts And Escalators Act, 2008

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AN ACT to provide for the regulation of the construction, installation, maintenance and safe working of lifts and escalators and all machinery and apparatus pertaining thereto in the State of Haryana. Be it enacted by the Legislature of the State of Haryana in the Fifty-ninth Year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Haryana Lifts and Escalators Act,

2008.

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force on such date, as the Government may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "automatic rescue device" means a device which, in case of power failure in the building, enables the lift to land and stop at the nearest landing floor and open the landing and lift cage doors simultaneously;

(b) "escalator" means a moving inclined continuous stairway or runway used for raising or lowering passengers, which is worked by power;

(c) "Government " means the Government of the State of Haryana;

(d) "Inspector" means an officer appointed under section 3 by the Government and also includes Chief Inspector;

(e) "lift" means a hoisting and lowering mechanism equipped with a cage which moves in an upward and downward direction, and is worked by power and is designed or is actually used to carry passengers or goods or both;

(f) "lift cage" means the car or cage of a lift used for the conveyance of passengers or goods or both;

(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, safety provisions and plant and machinery connected with the operation of the lift;

(h) "lift way" means the shaft or hoist way in which the lift cage travels;

(i) "lift way enclosure" includes any substantial structure surrounding or enclosing the lift way;

(j) "owner" means the owner or occupier or office bearer of a society or association, or a tenant, of the whole or part of a premises, who has applied for registration;

(k) "passenger" means any person who uses the lift or escalator for the purpose of his conveyance;

Explanation.- For the purpose of this clause a lift operator shall also be deemed to be a passenger;

(l) "power" includes electrical, hydraulic, pneumatic or mechanical power, etc. or a combination of any of these;

(m) "premises" means any structure, whether temporary or

permanent, where a lift or escalator is installed;

(n) "prescribed" means prescribed by rules made under this Act;

(o) "registration" means assignment of a number to a lift or escalator by the Inspector under section 4;

(p) "section" means a section of this Act;

(q) "State" means the State of Haryana.

3. Appointment Of Officers And Officials :-

(1) The Government shall, by notification in the Official Gazette, appoint a Chief Inspector Lifts and Escalators, and as many Inspectors Lifts and Escalators and other officers and officials, as may be necessary, having such qualifications as may be prescribed, for the purpose of performing the functions assigned to them by or under this Act.

(2) The Chief Inspector Lifts and Escalators shall have general superintendence and control over the Inspectors Lifts and Escalators and other officers and officials in the State and may issue necessary directions for carrying out the purpose of this Act.

4. Registration :-

(1) Every owner shall, within a period of one month after the completion of the erection of a lift or escalator, apply for registration for such lift or escalator, in such form and manner along with such fee as may be prescribed. The fee shall be non-refundable.

(2) On receipt of an application, complete in all respects, the Inspector shall register the lift or escalator, by assigning a number to it within a period of thirty days.

(3) Every owner of a lift or escalator, shall submit every year a copy of the annual lift or escalator maintenance contract or any other arrangement made for maintenance of lifts and escalators to the Inspector in token of having the contract or arrangement made with any lift or escalator maintenance company for the smooth and safe running of the lift or escalator.

(4) Every owner of a lift or escalator, shall also furnish an annual safety certificate in such form and manner as may be prescribed for the smooth and safe running of the lift or escalator.

5. Automatic Rescue Device :-

The owner shall make arrangement to provide for an automatic

rescue device to rescue the travelling passengers trapped in the lift in the event of breakdown of power supply by bringing and stopping the lift at the nearest landing floor and keeping the landing and lift cage doors open.

6. Alternate Power Supply System :-

The owner shall make arrangements to provide for alternative automatic power supply system to ensure the functioning of the lift in the event of breakdown of power supply within a period of ten seconds.

7. Inspection :-

Every lift and escalator which has been registered shall be inspected once in a period of three years by the Inspector or by an officer or an agency authorized by the Government in this behalf. A fee as may be prescribed shall be charged for such inspection, in addition to any other electrical installation testing fees.

8. Code Of Practice :-

(1) Save as otherwise provided in this Act, the relevant code of practice of the Bureau of Indian Standards (including National Building Code and National Electrical Code), if any, may be followed to carry out the purposes of this Act and in the event of any inconsistency, the provisions of this Act and the rules made thereunder shall prevail.

(2) The material and apparatus used shall conform to the relevant specifications of the Bureau of Indian Standards where such specifications have already been laid down.

(3) The number of lifts or escalators to be installed in a premises and the spacing between them shall be governed as per the relevant code of practice of Bureau of Indian Standards and the National Building Code.

9. Registration Of Existing Lifts And Escalators :-

(1) Notwithstanding anything contained in section 4, every owner who has installed a lift or an escalator in premises before the date of the commencement of this Act shall, within a period of two months from such commencement, apply for a registration of such lift or escalator.

(2) The provisions of sub-sections (2), (3) and (4) of section 4

shall, apply to such application.

10. Right To Enter Any Building For Inspection :-

An Inspector at all reasonable hours, with such assistants, if any, being persons in the service of the Government, as he thinks fit, may enter any premises in which a lift or an escalator is installed or in connection with which an application for registration has been received, for the purpose of inspecting the lift or escalator or their installation or the site thereof.

11. Lifts Or Escalators In An Unsafe Condition :-

If, upon an inspection, as is carried out under section 7, the Inspector finds that any lift or escalator in any building is in an unsafe condition, he may direct the owner requiring such repairs or alterations to be made to such lift or escalators, as he may deem necessary, within the period specified by him and may also order the use of such lift or escalator to be discontinued until such repairs or alterations are carried out or such unsafe condition is removed to his satisfaction.

12. Sealing :-

(1) Any lift or escalator in respect of which a direction issued under section 11 has not been carried out to the satisfaction of the Inspector, such lift or escalator, in case the same is found being used may be ordered to be sealed by the Inspector.

(2) An appeal against an order under sub-section (1) shall lie to the Secretary to Government, Haryana, Power Department, whose decision shall be final.

13. Insurance :-

The owner shall, after the completion of the erection of such lift or escalator, ensure third party insurance mandatory so as to cover the risk of passengers using such lift or escalators.

14. Log Book And Reporting :-

(1) The owner shall, maintain a log book for each lift and escalator and enter therein the details of operation, break-down (other than failure in electrical supply) and accident, if any. These log books may be inspected by the Inspector as and when he so desires.

(2) Whenever any accident occurs in the process of operation of any lift or escalator causing injury to any person, the owner shall, within a period of twenty-four hours of the accident, give intimation with full details of accident, in such form as may be prescribed, to the Inspector. The working of such lift or escalator, shall not be resumed except, with the written permission of the Inspector.

15. Concurrent Liability :-

The lift or escalator erection or maintenance company, as the case may be, may also be prosecuted and held liable for punishment under this Act in case an accident occurs in the lift or escalator, due to malfunctioning of any of the safety provisions of the lift or escalator, if attributable to such lift or escalator erection or maintenance company.

16. Intimation About Closure :-

If any building where lift or escalator is installed or any lift or escalator installed in a building gets decommissioned, an intimation about this shall be given by the owner to the Inspector within a period of three months.

17. Life Span :-

A lift or escalator installed in the premises shall be replaced by the owner of the lift or escalator, after the period of twenty years of its installation. Such replacement shall be completed within the twenty-first year of the installation of the lift or escalator, and the owner shall apply for a fresh registration under section 4.

18. Power To Relax :-

The Government may, by order in writing, direct that any of the provisions of this Act or the rules made thereunder shall be relaxed subject to such conditions as it may deem fit.

19. Delegation Of Powers :-

The Government may, delegate any of its powers conferred on it by or under this Act, to such officer as it may deem fit.

20. Penalty :-

Whoever contravenes any of the provisions of this Act, or the rules

made thereunder shall, on conviction be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to fifty thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

21. Cognizance Of Offence :-

No Court shall take cognizance of any offence under this Act except on a complaint made by the Inspector.

22. Protection For Action Taken In Good Faith :-

No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or of the rules made thereunder.

23. Power To Make Rules :-

(1) The Government shall, from time to time, 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 qualifications for appointment of Chief Inspector Lifts and Escalators, Inspectors and other officers and officials under section 3;

(b) the types of lifts and escalators covered under the purview of this Act;

(c) the manner in which a lift or escalator may be tested;

(d) the form and manner for making application for registration under sections 4 and 9;

(e) the fees for registration, inspection and for testing of any electrical installation, etc.;

(f) the form and manner for issuing annual safety certificate under section 4;

(g) the terms and conditions subject to which and the form in which the registration may be granted;

(h) the manner in which and the terms subject to which a lift or escalator shall be installed;

(i) the form and manner in which intimation of accident shall be given under section 14;

(j) any other matter which may be or is required to be prescribed under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session, if the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form, or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

24. Savings :-

Nothing contained in this Act shall affect the provisions of the Electricity Act, 2003 (36 of 2003) or the rules made thereunder.