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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

**GOVERNMENT OF WEST BENGAL****LAW DEPARTMENT****Legislative****NOTIFICATION**

No. 825-L.— 5th August, 2019.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

**Bill No. 20 of 2019****THE WEST BENGAL LIFTS, ESCALATORS AND TRAVELATORS BILL, 2019.****A  
BILL**

*to provide for the regulation of the installation, maintenance and safe working of lifts, escalators and travelators and all machinery and apparatus pertaining thereto in the State of West Bengal and for matters connected therewith or incidental thereto.*

WHEREAS it is expedient to provide for the regulation of the installation, maintenance and safe working of lifts, escalators and travelators and all machinery and apparatus pertaining thereto in the State of West Bengal and for matters connected therewith or incidental thereto:

It is hereby enacted in the Seventieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the West Bengal Lifts, Escalators and Travelators Act, 2019.

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Travelators Bill, 2019.*

(Clauses 2, 3.)

(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.

Application.

2. Nothing in this Act shall apply to installation and working of any lift, escalator or travelator—

- (i) in any mine within the meaning of the Mines Act, 1952; 35 of 1952.
- (ii) to which the provisions of the Factories Act, 1948, apply; 63 of 1948.
- (iii) in the premises of Central Government or its undertakings;
- (iv) in the premises owned or controlled by the Public Works Department of the Government of West Bengal;
- (v) in any premises or any class or sub-class of elevating device as the State Government may, by notification, exempt.

Definitions.

3. 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 Electrical Inspector” means the person appointed as the Chief Electrical Inspector by the State Government;
- (d) “contract load” means the load specified in the maker’s specification of a lift or an escalator or a travelator as being the maximum load which the lift or the escalator is capable of carrying;
- (e) “counter weight” means the weight or series of weights to counterbalance the weight of a lift car and part of the load;
- (f) “escalator” means a moving inclined continuous stairway or runway used for raising and lowering passengers, which is worked by power;
- (g) “Inspector of Lift” means the person appointed as the Inspector of Lift by the State Government;
- (h) “license” means a certificate granted in prescribed form under section 5;
- (i) “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 and includes a machine room less lift;
- (j) “lift Car” includes the platform, car frame and the enclosure of a lift car;
- (k) “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;
- (l) “lift well” means the unobstructed space provided for the movement of a lift car and any counter-weight and includes the pit and the space for top clearance for the lift car and the counterweight;

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(Clause 4.)

- (m) “lift well enclosure” includes any permanent substantial structure which separates a lift well either wholly or in part from its surroundings;
- (n) “machine room less lift” is kind of lift without having the conventional machine room and having all the machineries within the lift shaft;
- (o) “notification” means the notification published in the *Official Gazette*;
- (p) “Owner of any premises” includes a person, authority or organization, 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, authority or organization is called a managing trustee, an agent, a correspondent, manager, superintendent, secretary or by any other name whatsoever;
- (q) “pit” means the space in a lift well below the level of the lowest lift landing;
- (r) “pit depth” means the vertical distance between the level of the lowest lift and the bottom of pit;
- (s) “power” means energy generated by electricity, water, oil, gas, steam or any combination of them;
- (t) “prescribed” means prescribed by rules made under this Act;
- (u) “State Government” means the Government of West Bengal;
- (v) “travelator” means a kind of escalator which is also known as moving walkway having angle of inclination normally within 10° and pallet width of minimum 800 mm and will follow the International Standards till any Indian Standard comes in force.
- (w) “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 counter weight — 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.

Authorities under  
the Act.

4. (1) For the purpose of this Act, the State Government may authorise the Chief Electrical Inspector to perform such duties and discharge such function, as may be prescribed.

(2) The State Government may appoint duly qualified persons to be Inspectors of Lifts in such manner as may be prescribed for the performance of duties imposed upon them by or under this Act or as may be assigned to them by the State Government or the Chief Electrical Inspector, as the case may be.

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Travelators Bill, 2019.*

(Clauses 5, 6.)

Permission to  
install lift,  
escalator or  
travelator.

5. (1) No owner of any premises shall on or after the commencement of this Act, install lift or escalator or travelator in such premises except under, and in accordance with the permission granted under this Act.

(2) Every application for permission to install lift or escalator or travelator shall be made to the Chief Electrical Inspector in such form, specifying such particulars and on payment of such fees in such manner, as may be prescribed.

(3) On receipt of an application under sub-section (2), the Chief Electrical Inspector shall, after making such inspection as he deems necessary, either grant or refuse to grant permission:

Provided that the Chief Electrical Inspector shall authorise an officer not below the rank of Inspector of Lifts to discharge his function for the purposes of this section:

Provided further that before refusing the permission, the Chief Electrical Inspector or the officer duly authorised in his behalf shall give the applicant an opportunity of being heard.

(4) The permission granted under sub-section (3) shall be in such form, subject to such terms and conditions and shall be valid for such period, as may be prescribed, and shall be renewable by the said officer from time to time on sufficient cause being shown.

(5) On grant of permission under sub-section (3), the owner of any premises shall get lift or escalator or travelator erected or installed by approved contractor holding a valid licence to erect or install such lift or escalator or travelator.

Licence to work  
lifts, escalators or  
travelators.

6. (1) No lift or escalator or travelator shall be worked except a licence granted under this Act and is in conformity with the terms and conditions of the licence and is in accordance with such rules as may be prescribed in this behalf under this Act.

(2) The owner of any premises, who has been granted permission under section 5 to install lift or escalator or travelator in the premises, shall, within one month after the completion of the installation of such lift or escalator or travelator, give to the Chief Electrical Inspector in this behalf notice in writing of such completion and shall make an application to him in such form and on payment of such fees in such manner as may be prescribed for a licence for working the lift or escalator or travelator:

Provided that different fees may be prescribed having regard to the object or the purpose for which the lift or escalator or travelator is ordinarily used or for different kinds or classes of lifts or escalators or travelators.

(3) On receipt of an application under sub-section (2), the Chief Electrical Inspector shall, after making such inspection as he deems necessary, either grant or refuse to grant licence:

Provided that the Chief Electrical Inspector shall authorise an officer not below the rank of Inspector of Lifts to discharge his function for the purposes of this section:

Provided further that before refusing the licence, the Chief Electrical Inspector or the officer duly authorised in his behalf shall give the applicant an opportunity of being heard.

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(Clauses 7-10.)

Renewal.

7. Every licence granted under section 6 shall be renewed in such form and on payment of such fee in such manner as may be prescribed.

Provision in respect of existing lift, escalator or travelator.

8. Notwithstanding anything contained in any other provisions of this Act, any licence for working lift, escalator or travelator, which has been granted before the date of commencement of this Act, shall be deemed to be granted under the provision of section 6 of this Act and shall be valid upto the due date of expiry and shall be renewed as per the provisions of section 7.

Right to enter in any building for inspection of lift, escalator or travelator and its installation.

9. An Inspector of Lifts or an officer authorised in this behalf by the State Government may at any time after giving notice in writing to the owner, agent or occupier enter upon any premises in which a lift or escalator or travelator has been installed or is being installed or in connection with which an application for a licence has been received, for the purpose of inspecting the lift or escalator or travelator 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.

Annual inspection of lift installation and proper maintenance thereof.

10. (1) Where a licence to work a lift or escalator or travelator in any premises has been granted under this Act, such installation shall be inspected by an Inspector of Lifts or by an officer authorised in this behalf by the State Government at least once in every five year or more often if such Inspector or officer *suo moto* deems it necessary.

(2) An inspection fee as may be prescribed shall be levied from the owner of the premises 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 but a fee shall be levied for every such inspection from such owner.

(3) Any fee leviable under sub-section (2), 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.

*Explanation.*—Inspection includes testing also.

(4) The owner of any premises 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, 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 Kolkata to the Commissioner of Police and elsewhere to the District Magistrate within such time from the date of the granting of the licence as may be specified in the licence.

(5) 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.

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Travelators Bill, 2019.*

(Clauses 11-15.)

Order for  
repairing lift,  
escalator or  
travelator and  
prohibiting use  
thereof.

11. 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 or escalator or travelator 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 or escalator or travelator 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 or escalator or travelator as he may deem necessary, and may also, if necessary, forbid the use of such lift or escalator or travelator until such repairs or alterations are made or the cause of the danger is eliminated or the term, condition or rule is complied with.

Report of  
accident and  
inquiry.

12. (1) If any accident occurs in connection with the operation of a lift or escalator or travelator 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 or escalator or travelator 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 or escalator or travelator shall not be resumed except under the written permission of the Inspector of Lifts.

(2) For the purpose of section 11 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.

Delegation of  
power of State  
Government.

13. 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  
and conditions.

14. The breach of any of the terms and conditions under which a license is granted, shall render the licence 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 licence.

Penalty.

15. Whoever contravenes any of the provisions of this Act or any rule made thereunder or any order passed under sections 11 and 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 ten thousand rupees and in the case of a continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continued after conviction for the first such contravention.

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(Clauses 16, 17.)

Appeal.

16. (1) An appeal shall lie to the State Government from any of the following orders, namely:—

- (a) an order under section 5 refusing permission to install a lift;
- (b) an order under section 6 refusing the grant of licence to work a lift;
- (c) an order under section 11 for repairing lift and prohibiting use thereof;
- (d) an order under section 14 suspending or cancelling the licence to work a lift.

(2) The decision of the State Government on such appeal shall be final.

Power of State  
Government to  
make rules.

17. (1) The State Government may, 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) the form in which an application for permission to erect or install a lift or escalator or travelator shall be made and the manner in which erection plans of lift, escalator or travelator would be submitted, and such other particulars to be specified in the application, amount and manner of payment of fee under sub-section (2) of section 5;
- (b) form and terms of condition of permission granted under sub-section (4) of section 5;
- (c) the form in which an application for licence to work a lift or escalator or travelator shall be made and such other particulars to be specified in the application, amount and manner of permission to work a lift or escalator or travelator under sub-section (2) of section 6;
- (d) form and terms of condition of licence granted under sub-section (4) of section 6;
- (e) form of application for renewal, amount and manner of payment of fees under section 7;
- (f) amount and manner of payment of fee under sub-section (2) of section 10;
- (g) form of intimation and report of accident and the time within which intimation and report of accident to be given under section 12;
- (h) any other matter which is required to be or may be prescribed, for carrying out the purposes of this Act.

(3) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so

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(Clauses 18-21.)

laid and any modification of the said rules made by the State Legislature shall be published in the *Official Gazette*, and shall, unless some later date is appointed by the State Government, come into force on the date of their publication in the *Official Gazette*.

Protection of  
action taken in  
good faith.

**18.** No suit, prosecution or other legal proceedings shall be instituted against the State Government, Chief Electrical Inspector, Inspectors of Lifts or any other officer authorized by the State Government for anything which is in good faith done or intended to be done under this Act or under rule or order made thereunder.

Act in addition to  
and not in  
derogation of any  
other Act.

**19.** The provisions of this Act shall be in addition to, and not in derogation of, any other Act for the time being in force.

Repeal and  
savings.

**20.** (1) On the commencement of this Act the West Bengal Lifts and Escalators Act, 1955 shall stand repealed.

West Ben. Act V  
of 1955.

(2) Notwithstanding such repeal, anything done, including any rule, notification, inspection, order or notice made or issued or any licence, permission, authorization or exemption granted or any document or instrument executed or any direction given under the repealed Act, insofar as it is not inconsistent with the provisions of this Act, deemed to be done or taken under the corresponding provisions of this Act.

(3) Notwithstanding anything contained in sub-section (2), the working of the lift or escalator or travelator for which licence was granted before the commencement of this Act shall be governed by the provisions of repealed Act till the expiry of the terms of existing licence.

Power to remove  
difficulties.

**21.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.



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**STATEMENT OF OBJECTS AND REASONS.**

The West Bengal Lifts and Escalators Act, 1955 (West Ben. Act V of 1955) had been enacted with the object 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. The said Act has been in force for about sixty-four years and had been amended several times.

2. In view of upgradation and changes in technical specification and parameters of the lifts including Machine Room Less Lift as well as escalators since 1955 and with the introduction of Bureau of Indian Standards and other technical standards as well as new mode of communication like travelators etc., the State Government has decided to repeal the West Bengal Lifts and Escalators Act, 1955 and enact a new legislation *inter alia* to provide for—

- (a) inclusion of travelators or moving walkways under the purview of the Act;
- (b) the regulation of the installation, maintenance and safe working of such lifts, escalators and travelators in West Bengal and of all machinery and apparatus thereof;
- (c) enabling provisions to prescribe modalities for on-line submission and disposal of applications for installation and operation of lifts, escalators and travelators as well as mode of payment of fees and approval by appropriate authorities in electronics form without physical intervention incorporating present valuation and requirements.

3. The Bill has been framed with the above objects in view.

KOLKATA,  
*The 28th May, 2019.*

SOBHANDEB CHATTOPADHYAY,  
*Member-in-charge.*

**FINANCIAL MEMORANDUM.**

The implementation of the proposed Bill will not have any implication on expenditure from the Consolidated Fund of West Bengal.

KOLKATA,  
*The 28th May, 2019.*

SOBHANDEB CHATTOPADHYAY,  
*Member-in-charge.*

By order of the Governor,

SANDIP KUMAR RAY CHAUDHURI,  
*Secy. to the Govt. of West Bengal,  
Law Department.*