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RNI No. MAHBIL /2009/37831

सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-ब

वर्ष १२, अंक १६२] गुरुवार, ऑक्टोबर २२, २०२६/आश्विन ३०, शके १९४८ [पृष्ठे २, किंमत : रुपये ९.००

असाधारण क्रमांक ५८०

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमांन्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

ऊर्जा विभाग

मंत्रालय, मादाम कामा मार्ग, हुतात्मा राजगुरू चौक, मुंबई ४०० ०३२, दिनांक २२ ऑक्टोबर, २०२६.

अधिसूचना

महाराष्ट्र उद्वाहने, सरकते जिने व सरकते मार्ग अधिनियम, २०१७.

क्रमांक मुविनि-२०२६/प्र.क्र.१३५/ऊर्जा-१.— महाराष्ट्र उद्वाहने, सरकते जिने व सरकते मार्ग अधिनियम, २०१७ (२०१८ चा महा. १५) च्या कलम १ उप-कलम (३) अन्वये प्रदान करण्यात आलेल्या अधिकारांचा वापर करुन, महाराष्ट्र शासन याद्वारे १ नोव्हेंबर, २०२६ ही तारीख उक्त अधिनियमातील तरतुदी अंमलात येण्याची तारीख म्हणून निश्चित करीत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सुर्यकांत निकम,
शासनाचे सह सचिव.

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ENERGY DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, Dated the 22nd October, 2026.

NOTIFICATION

MAHARASHTRA LIFTS, ESCALATORS AND MOVING WALKS ACT, 2017.

No. CEI-2026/CR-135/ENR-1.— In exercise of the powers conferred by sub-section (*3*) of section 1 of the Maharashtra Lifts, Escalators and Moving Walks Act, 2017 (Maha. XV of 2018), the Government of Maharashtra hereby appoints 1st November, 2026 to be the date on which the provisions of the said Act shall come into force.

By order and in the name of the Governor of Maharashtra,

SURYAKANT NIKAM,
Joint Secretary to Government.

ON BEHALF OF GOVERNMENT PRINTING, STATIONERY AND PUBLICATION, PRINTED AND PUBLISHED BY DIRECTOR, SMT. MANISHA KUMBHAR, PRINTED AT GOVERNMENT CENTRAL PRESS, 21-A, NETAJI SUBHASH ROAD, CHARNI ROAD, MUMBAI 400 004 AND PUBLISHED AT DIRECTORATE OF GOVERNMENT PRINTING, STATIONERY AND PUBLICATIONS, 21-A, NETAJI SUBHASH ROAD, CHARNI ROAD, MUMBAI 400 004. EDITOR : DIRECTOR, SMT. MANISHA KUMBHAR.

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महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ३(४)] बुधवार, जानेवारी १७, २०१८/पौष २७, शके १९३९ [पृष्ठे १४, किंमत : रुपये २७.००

असाधारण क्रमांक १५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Lifts, Escalators and Moving Walks Act, 2017 (Mah. Act No. XV of 2018), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XV OF 2018

(*First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 17th January 2018.*)

An Act to provide for the regulation of the construction, erection, maintenance and safe working of all classes of lifts, escalators, moving walks and all machinery and apparatus pertaining thereto in the State of Maharashtra and for matters connected therewith or incidental thereto.

WHEREAS due to rapid improvements in technology and standards, radical changes have been ushered in the field of lifts, and new equipments like escalators, moving walks have been introduced which are not covered under the Maharashtra Lifts Act; X of 1939.

AND WHEREAS due to rapid improvements in technology and standards, it is expedient to make a comprehensive law to provide for regulation of the construction, erection, maintenance and safe working of all classes of lifts, escalators and moving walks and all machinery and apparatus

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pertaining thereto, and to provide for matters connected therewith or incidental thereto; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title, extent and commence-ment.

1. (*1*) This Act may be called the Maharashtra Lifts, Escalators and Moving Walks Act, 2017.

(*2*) It extends to the whole of the State of Maharashtra.

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

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "approved contractor" or "contractor" means a person or a firm or company who possess a licence for erection, maintenance or testing of lift, escalator or moving walks issued by the Chief Electrical Inspector ;

(*b*) "Assistant Electrical Inspector (Lifts) " means a person appointed by the Government under sub-section *(4)* of section 3 to assist Electrical Inspector (Lifts) ;

(*c*) "authorized representative" means a person or a firm who is empowered by the owner, to act on his behalf, for the purposes of the Act ;

(*d*) "balustrade" means a part of the escalator or moving walk which ensures the user's safety by providing stability, protecting from moving parts and supporting the handrail ;

(*e*) "brake load" means a load on step or pallet or belt for which the brake system is designed to stop the escalator or moving walk ;

(*f*) "Chief Electrical Inspector" or "Electrical Inspector (Lifts)" means the person appointed as the Chief Electrical Inspector or Electrical Inspector (Lifts) by the Government under section 3 ;

(*g*) "escalator" means a power-driven, inclined continuous moving stairway used for raising or lowering persons in which the user carrying surface, *i.e.* steps remain horizontal ;

(*h*) "escalator installation" means an installation which includes the escalator, the operating mechanism, the track, the trusses or girders, the balustrade, the step treads and landings and all chains, wires and plants directly connected with the operation of the escalator ;

(*i*) "Government" or "State Government" means the Government of Maharashtra ;

(*j*) "initial inspection" means the verification of reports of tests conducted on site, verification of all relevant documents, including inspection of or checking of operation of all safety devices of lift or escalator or moving walk in view of safety, before grant of licence ;

(*k*) "licence" means a licence granted under this Act ;

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(*l*) "lift" means an equipment designed to safely carry passengers or goods or both, that moves between guide rails in a substantially vertical direction, and equipped with hoisting and lowering mechanism with electric traction or hydraulic drive serving defined landing levels, and is suspended by ropes or belts or jack excluding the hoists or lifts which are covered under the Factories Act, 1948 ;

63 of 1948.

(*m*) "lift car" means the cage or car of a lift used whether for the conveyance of passengers or goods or both or automobiles and includes the floor or platform, car frame, sling and enclosing body work including roof and door or doors ;

(*n*) "lift installation" includes the lift car, the lift well, the operating mechanism of the lift and all ropes or belts, cables, wires and plant, directly connected with the operation of the lift ;

(*o*) "lift pit" means the space in the lift well below the level of the lowest lift landing served ;

(*p*) "moving walk" means a power-driven installation for the conveyance of persons or passengers in which the user carrying surface remains parallel to its direction of motion and is uninterrupted (*e.g.* pallets, belt) ;

(*q*) "moving walk installation" means an installation which includes the moving walk, the operating mechanism, the track, the trusses or girders, the balustrade, the step treads and landings and all chains, wires and plants directly connected with the operation of the moving walk ;

(*r*) "occupant" means the owner or person in occupation of the premises where lift, escalator or moving walk is installed or proposed to be installed ;

(*s*) "owner" means a person or a body of persons or a body corporate who owns or operates or maintains lift, escalator or moving walk ;

(*t*) "periodical inspection" means on site verification of test reports, checking or inspection of operation of safety devices and verification of all related documents of lifts or escalator or moving walk after initial inspection at least once in a year or at such earlier intervals as the Government may specify by notification in the *Official Gazette* ;

(*u*) "power" means any form of energy which is not generated by human or animal agency ;

(*v*) "prescribed" means prescribed by rules ;

(*w*) "rated load" or "contract load" means the load at which the lift is designed to move as specified in the approved drawings ;

(*x*) "rated speed" in case of a lift means maximum speed of the lift car in any part of its travel in up and down direction for which the lift equipment has been designed and in case of an escalator or moving walk means a speed in the direction of the movement of the steps, pallets or belt for which the escalator or moving walk has been designed as specified in the approved drawing ;

(*y*) "rules" means rules made under this Act.

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CHAPTER II

Appointment of Chief Electrical Inspector, Electrical Inspectors (Lifts), Assistant Electrical Inspectors (Lifts), etc. and Their Powers and Functions

Appointment of Chief Electrical Inspector, Electrical Inspectors (Lifts), Assistant Electrical Inspectors (Lifts).

3. (*1*) The State Government may, by notification in the *Official Gazette*, appoint persons possessing such qualifications as may be prescribed, to be—

(*a*) the Chief Electrical Inspector ;

(*b*) the Electrical Inspector (Lifts) ;

for the purposes of this Act.

(*2*) The Chief Electrical Inspector so appointed shall, in addition to the powers conferred on him under this Act, exercise the powers of an Electrical Inspector (Lifts) throughout the State.

(*3*) Every Electrical Inspector (Lifts) so appointed shall exercise the powers and perform the functions of the Electrical Inspector (Lifts) under this Act within such areas or in respect of such class of lift or escalator or moving walk installations and subject to such conditions as the State Government may, by an order, direct.

(*4*) The State Government may, by notification in the *Official Gazette*, appoint persons possessing such qualifications as may be prescribed, as the Assistant Electrical Inspector (Lifts) for assisting the Electrical Inspector (Lifts).

(*5*) The Government may appoint such number of technical and other persons as may be necessary, possessing such qualifications, as may be prescribed to assist the Electrical Inspector (Lifts) or Assistant Electrical Inspector (Lifts).

CHAPTER III

Permission to Erect Lift, Escalator and Moving Walk and Grant of Licence For Working of the Same

Permission to erect a lift or escalator or moving walk.

4. (*1*) Every owner of a place intending to install a lift or escalator or moving walk in a place after the commencement of this Act, shall make an application in such form as may be prescribed to the Electrical Inspector (Lifts) for permission to erect lift or escalator or moving walk. Such application shall be accompanied by the erection plans of lift, escalator or moving walk which may be submitted in such manner, as may be prescribed. Such application shall contain the following particulars :—

(*i*) *For lift* :

(*1*) type of lift ;

(*2*) rated speed of lift ;

(*3*) passenger capacity of lift ;

(*4*) rated load of lift ;

(*5*) total weight of lift car carrying the maximum load;

(*6*) weight of counterweight of the lift ;

(*7*) number, description, weight and size of the supporting suspension media of lift ;

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(*8*) depth of lift pit and lift overhead ;

(*9*) number of stops;

(*10*) such other particulars, as may be prescribed.

(ii) For escalator or moving walk :

(*1*) type of escalator or moving walk;

(*2*) rated speed of escalator or moving walk;

(*3*) rated passenger carrying capacity per hour of escalator or moving walk;

(*4*) brake load of escalator or moving walk;

(*5*) angle of inclination for escalator or moving walk;

(*6*) type of balustrade in escalator or moving walk;

(*7*) step width between balustrades in escalator or moving walk ;

(*8*) details of total travel, rise, landings of escalator or moving walk ;

(*9*) number of flat steps;

(*10*) factor of safety for driving elements based on static load;

(*11*) such other particulars, as may be prescribed.

(*2*) Every application for issue of erection or installation permission under sub-section (*1*) shall be accompanied by such fee, as may be specified by the Government by notification in the *Official Gazette*.

(*3*) On receipt of such application, the Electrical Inspector (Lifts) shall, after making such an inquiry and requiring the applicant to furnish such information as may be necessary, forward the application with his remarks to the Chief Electrical Inspector who may thereupon either grant or refuse the permission to erect or install lift, escalator or moving walk, as the case may be. If such permission has been granted it shall be valid only for a period of one year from the date on which it is granted or for such further period of six months at a time as may be allowed by the Chief Electrical Inspector for sufficient reasons in writing.

(*4*) No person, including the owner of the lift or escalator or moving walk, shall get lift or escalator or moving walk erected or installed without obtaining prior permission of erection or installation from the Chief Electrical Inspector.

(*5*) On grant of permission under sub-section *(3)*, the owner shall get lift or escalator or moving walk erected or installed by approved contractor holding a valid licence under this Act.

Grant of licence to electrical contractor for erection, maintenance of lifts, escalator or moving walk.

5. (*1*) Any person or body of persons or body corporate having valid electrical contractor licence issued by the Licencing Board constituted under the provisions of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 framed under the Electricity Act, 2003, who intends to obtain a licence for erection, maintenance and testing of lifts, escalators or moving walks, may make an application in such form as may be prescribed to the Electrical Inspector (Lifts). Such application

36 of 2003.

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shall be accompanied by such fees as may be specified by the Government, from time to time, by notification in the *Official Gazette.*

(*2*) On receipt of such application, the Electrical Inspector (Lifts) may require the applicant to furnish such information as may be necessary and after making such enquiry forward the application with his remarks to the Chief Electrical Inspector.

(3) The Chief Electrical Inspector may grant a licence to such person, body of individuals or body corporate in such form as may be prescribed for erection, maintenance and testing of lifts, escalators or moving walks subject to such terms and conditions as may be prescribed or refuse the same after recording reasons therefor.

(*4*) The licence granted under sub-section (*3*) shall be valid for such period as the Government may specify by notification in the *Official Gazette*, subject to the validity of Electrical Contractors Licence issued under the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010.

(*5*) An application for the renewal of licence granted under sub-section (*3*) shall be submitted to the Chief Electrical Inspector thorugh concerned Electrical Inspector (Lifts) at least thirty days prior to the date of expiry of licence or renewed licence, as the case may be, in such form as may be prescribed and shall be accompanied by such fees as may be specified by the Government, from time to time, by notification in the *Official Gazette.*

Initial inspection before grant of licence for working of lift, escalator or moving walk.

6. (*1*) Before granting of licence for working of a lift or escalator or moving walk, the Electrical Inspector (Lifts) or Assistant Electrical Inspector (Lifts) shall inspect in such manner as may be prescribed the safe working of lift, escalator or moving walk, as the case may be, and verify the reports of the tests conducted on site and all relevant documents.

(*2*) Inspection fee shall be charged for initial inspection at such a rate, as may be specified by the Government by notification in the *Official Gazette.*

Licence for working of a lift or escalator or moving walk.

7. (*1*) Every owner of a place who is permitted to erect or install a lift or escalator or moving walk under section 4, shall, within one month after the completion of the erection or installation of such lift or escalator or moving walk deliver or send or cause to be delivered or sent to the Electrical Inspector (Lifts) the notice in writing of such completion and shall make an application to him for a licence for working or using the lift or escalator or moving walk.

(*2*) An application for a licence under sub-section *(1)* shall be in such form as may be prescribed. Such application shall be accompanied by such fees, as may be specified by the Government, from time to time, by notification in the *Official Gazette*.

(*3*) On receipt of such application the Electrical Inspector (Lifts) after making such inquiry as may be necessary forward the application with his remarks to the Chief Electrical Inspector. The Chief Electrical Inspector may, thereupon, either grant the licence in such form and subject to such terms and conditions, as may be prescribed or refuse the licence.

(*4*) The Chief Electrical Inspector shall record reasons in writing for refusal of licence under sub-section (*3*).

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(*5*) The owner who has been granted licence under sub-section *(3)* shall get his lift or escalator or moving walk maintained by the approved contractor who has been granted licence under this Act.

(*6*) The application for licence shall be accompanied by a certificate signed by the approved contractor in the following format :—

"I ....., the approved contractor, have carried out the examination, inspection and testing of the lift, escalator or moving walk in accordance with the Maharashtra Lifts, Escalators and Moving Walks Act, 2017 and the rules framed thereunder, and I am of the opinion that the installation is fit for use.".

Validity of licence of working of lift, escalator or moving walk.

8. (*1*) The licence granted for working of the lift, escalator or moving walk shall be valid for a period of twenty years from the date on which it is granted.

(*2*) Before expiry of the period of licence, the licencee may make an application for its renewal. The licence may be renewed for not more than five years at a time subject to satisfaction of the Electrical Inspector (Lifts) about the safe operation of the lift, escalator or moving walk.

(*3*) The renewal of the licence shall be subject to the proper maintenance of the lift, escalator or moving walk.

(*4*) The application for renewal of licence shall be accompanied with such fees, as may be specified by the Government, from time to time, by notification in the *Official Gazette*.

(*5*) The Electrical Inspector (Lifts) may impose certain conditions including major modernization to the lift, escalator or moving walk installation, if necessary, for safety improvements in the lift, escalator or moving walk before granting renewal of licence.

Application for licence in case of existing working escalators or moving walks.

9. (*1*) Notwithstanding anything contained in sections 4 and 7, every owner of a place in which an escalator or moving walk has been installed before the date of the commencement of this Act, shall, within six months from such commencement date apply for a licence for the working of such escalator or moving walk to the Electrical Inspector (Lifts). The aforesaid period of six months may by order and for reasons to be recorded be further extended by six months on an application being made.

(*2*) The provisions of sub-sections *(2), (3), (4)* and *(5)* of section 7 shall, *mutatis mutandis*, apply to such an application under sub-section *(1)*.

Additions or alterations to lift or escalator or moving walk installation.

10. No additions or alterations, which cause any change in the characteristics of lift or escalator or moving walk like change in passenger capacity, speed, stops, steps, etc., or other than those required to be made under section 21, shall be made to any lift or escalator or moving walk installation except with the prior permission in writing of an Electrical Inspector (Lifts).

Lift or escalator or moving walk not to be operated without licence.

11. No lift or escalator or moving walk shall be worked or used, except under and in conformity with the terms and conditions of the licence granted in respect of the same.

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Code of Practice.

12. (*1*) Save as otherwise provided in this Act, the relevant Code of Practice of Bureau of Indian Standards shall 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 specifications for lift, escalator or moving walk and the material and apparatus used therein shall conform to the relevant specifications of the Bureau of Indian Standards where such specifications have already been laid down or the rules made therefor.

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

CHAPTER IV

Inspection of Lift, Escalator and Moving Walk and its Installation

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

13. An officer authorized in this behalf by the State Government has right to enter in any building for inspection of lift or escalator or moving walk and its installation. Such authorities may, at any time after giving reasonable notice to the occupant, enter upon any building in which place a lift or escalator or moving walk is installed or is being installed or in connection with which an application for a licence has been received or otherwise, for the purpose of inspecting the lift or escalator or moving walk, or its installation alongwith the site thereof.

Owner to give facilities for inspection of lift, escalator or moving walk.

14. The owner of a building or his authorized representative in which place a lift or escalator or moving walk is installed shall provide all necessary facilities to the Electrical Inspector (Lifts) or any other officer authorised in this behalf by him for inspecting a lift or escalator or moving walk; and if required by the Electrical Inspector (Lifts) or officer authorised by him shall also procure attendance of contractor of lift, escalator or moving walk or his authorised representative.

Report of accident and inquiry.

15. *(1)* Where any accident occurs in the operations of any lift or escalator or moving walk which results or likely to have resulted in injury to any person or loss of human life, the owner or occupier or authorized representative of the owner of the building in which the lift or escalator or moving walk is working or if such owner has appointed the authorized representative under sub-section *(2)* and has communicated his name to the Electrical Inspector (Lifts) under sub-section *(3)*, such authorized representative shall give intimation of the accident and of any such loss or injury actually caused by the accident, and followed by a detailed report of the accident in such form and within such time, as may be prescribed, to the Electrical Inspector (Lifts) or such authorized officer and to such other authorities as the State Government may by an order direct. The lift or escalator or moving walk installation shall not be interfered with, in any way, and the working of such lift or escalator or moving walk shall not be resumed except with the written permission of the Electrical Inspector (Lifts).

(*2*) For the purpose of sub-section *(1)*, the owner of a building in which place a lift or escalator or moving walk has been installed does not reside in such building, he shall appoint authorized representative who shall be a resident in the town or village in which the building is situated, to give intimation and report of any accident occurring in the operation of the lift or escalator or moving walk.

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(*3*) The name of every representative appointed under sub-section *(2)* shall be communicated in writing to the Electrical Inspector (Lifts).

(*4*) The State Government may authorize the Electrical Inspector (Lifts) to inquire and report—

(*a*) as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with, the lift or escalator or moving walk installation, or

(*b*) as to the manner in which, and extent to which, the provisions of this Act or the rules made thereunder, so far as those provisions affect the safety of any person, have not been complied with.

The conclusion of the Electrical Inspector (Lifts) in respect of the accident and inquiry thereto shall be final.

(*5*) *(a)* Every Electrical Inspector (Lifts) or such other person holding an inquiry under sub-section *(4)* shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 for the purpose of enforcing the attendance of witness and compelling the production of documents and material objects.

V of 1908.

(b) Every person required by an Electrical Inspector (Lifts) or such other person as aforesaid to furnish any information shall be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

45 of 1860.

16. (*1*) Every intimation or notice, order or document by or under this Act required or authorized to be addressed to any person may be served by speed post or left— Service of intimation or notices, orders or documents.

(*a*) where a local authority is the addressee, at the office of the local authority;

(*b*) where a company is the addressee, at the registered office of the company or in the event of the registered office of the company not being in India, at the head office of the company in India ;

(*c*) where any other person is the addressee, at the usual or last known place of abode or business of the person.

(*2*) Every notice, order or document by or under this Act, required or authorized to be addressed to the owner or the authorized representative of the owner, or the occupant of any premises shall be deemed to be properly addressed, if addressed by the description of the "owner" or "authorized representative of the owner" or "occupant" of the premises (naming the premises) and may be served by delivering it or a true copy thereof, to some person on the premises or, if there is no person on the premises, to whom the same can, with reasonable diligence, be delivered, by affixing it on some conspicuous part of the premises.

17. (*1*) Every lift, escalator or moving walk shall be inspected periodically at least once in a year or at such earlier intervals as the Government may specify by notification in the *Official Gazette* by an Electrical Inspector (Lifts) or such officer appointed in this behalf by the Government. Periodical inspection of lift, escalator or moving walk.

(*2*) The Government may by notification in the *Official Gazette*, specify the rate of inspection fee to be charged for such periodical inspection.

18. Every owner of a lift or escalator or moving walk shall enter into a contract with the approved contractor, for the satisfactory maintenance, including cleaning, oiling, adjusting and repairing of the lift or escalator or moving walk. Maintenance of lift or escalator or moving walk.

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Suspension or cancellation of licence.

19. If the licensee to whom licence has been granted under this Act has contravened any of the provisions of this Act or rules or any of the conditions of the licence or directions given to him or it, the Chief Electrical Inspector may, after giving a reasonable opportunity of being heard, suspend the licence for such period as he thinks fit or cancel it after recording the reasons therefor.

Appeal.

20. (*1*) Any person aggrieved by an order of the Chief Electrical Inspector to refuse licence for working of lift, escalator or moving walk under sub-section (*3*) of section 7 or to suspend or cancel licence under section 19, may, within thirty days from the date of such order, file an appeal to the State Government.

(*2*) (*i*) Any person aggrieved by an order made by the Electrical Inspector (Lifts) under sub-section *(5)* of section 8, may, within thirty days from the date of such order, file an appeal to the Chief Electrical Inspector.

(*ii*) Notwithstanding any appeal filed before Chief Electrical Inspector against order of Electrical Inspector (Lifts) under sub-section (*1*) of section 21, any order to discontinue the use of lift or escalator or moving walk made by the Electrical Inspector (Lifts) shall be complied with unless the Chief Electrical Inspector has stayed such order.

(*iii*) Any person aggrieved by an order made by the Chief Electrical Inspector, may file an appeal to the State Government, and the decision of the State Government thereon shall be final.

Lift or escalator or moving walk in an unsafe condition.

21. (*1*) If, upon an inspection by an officer authorized in this behalf by the State Government he is of the opinion that any lift or escalator or moving walk in any building is in an unsafe condition, he shall submit his report in writing to Electrical Inspector (Lifts), who may direct the owner of or his authorized representative to carry out such repairs or alterations to be made to such lift or escalator or moving walk, as he may deem necessary, within the period specified by him and may also order the use of such lift or escalator or moving walk to be discontinued until such repairs or alterations are carried out or such unsafe condition is removed to his satisfaction.

(*2*) The owner or his authorized representative, as the case may be, shall thereupon comply with the order within the period specified therein and shall forthwith report in writing to the Electrical Inspector (Lifts) of having so complied.

Sealing.

22. (*1*) Any lift or escalator or moving walk in respect of which a direction issued under sub-section *(1)* of section 21 has not been carried out to the satisfaction of the Electrical Inspector (Lifts), such lift or escalator or moving walk, as the case may be, if found being used may be ordered to be sealed by the Electrical Inspector (Lifts).

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

Insurance.

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

Log book and reporting.

24. The owner shall maintain a log book for each lift, escalator or moving walk 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 Electrical Inspector (Lifts) as and when he so desires.

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Concurrent liability.

25. The lift or escalator or moving walk 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 or moving walk, due to malfunctioning of any of the safety provisions of the lift or escalator or moving walk, if attributable to such lift or escalator or moving walk erection or maintenance company.

Intimation about closure.

26. If any building where lift or escalator or moving walk is installed gets decommissioned, an intimation about the same shall be given by the owner to the Electrical Inspector (Lifts) within a period of one month from date of decommissioning of lift, escalator or moving walk.

Life span.

27. A lift or escalator or moving walk installed in the premises may be replaced by the owner of the lift or escalator or moving walk, after the period of twenty years of its installation or as directed by the Electrical Inspector (Lifts) under section 8.

Power to relax provisions of this Act or rules made thereunder.

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

Delegation of powers of Government.

29. The State Government may delegate any of powers, except power to frame rules, conferred on it by or under this Act to the Chief Electrical Inspector or Electrical Inspector (Lifts).

Recovery of fees.

30. All sums payable as fees under this Act shall be recoverable as arrears of land revenue.

Application of Act to lift or escalator or moving walk belonging to Government.

31. The provisions of this Act shall apply to lift or escalator or moving walk installed by the Government and in the application of the said provisions to such lift or escalator or moving walk, the said provisions shall be deemed to have been adopted or modified as follows :—

1. In sub-section *(1)* of section 9, for the words "every owner of a place in which an escalator or moving walk has been installed", the following shall be substituted, namely :—

"an application for a licence shall be made by the Government which has or on whose behalf an escalator or moving walk has been installed".

2. In sub-section *(2)* of section 15, for the words beginning with the words "the owner of a building" and ending with the words "he shall appoint", the following shall be substituted, namely :—

"for a building in which a lift or escalator or moving walk has been installed by the Government, the Government shall appoint".

3. For clause *(a)* of sub-section *(1)* of section 16, the following shall be substituted, namely:—

"*(a)* where the Government is the addressee, at the office of the representative appointed by such Government under sub-section *(2)* of section 15;".

4. Section 32 shall be deleted.

CHAPTER V

Penalties

Penalty.

32. Whoever contravenes any of the provisions of this Act, rules or conditions of a licence or a direction given by the Electrical Inspector (Lifts) under this Act or the rules, shall, on conviction, be punished with a fine

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which may extend to rupees fifty thousand and, in the case of a continuing contravention, with an additional fine which may extend to rupees one thousand for every day during which such contravention continues after conviction for the first such contravention.

Offences by firms or companies.

33. (*1*) Where an offence under this Act or rules made thereunder has been committed by a firm or company, every person, who, at the time the offence was committed, was in-charge of, and was responsible to, the firm or company for the conduct of the business of the firm or company, as well as the firm or company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section *(1)*, where any offence under this Act or rules made thereunder has been committed by a firm or company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary, or other officer of the firm or company, such director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section,—

(a) "company" means any body corporate and includes a firm or other association of persons or body of individuals whether incorporated or not, and

(b) "director" in relation to a firm, means a partner in the firm and in relation to any association of persons or body of individuals, means any member controlling the affairs thereof.

Cognizance of offences.

34. No court shall take cognizance of any offence punishable under this Act, except with the previous sanction of the Government or such officer, not below the rank of the Electrical Inspector (Lifts) as the State Government may authorize in this behalf.

Protection of action taken in good faith.

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

CHAPTER VI

MISCELLANEOUS

Prohibition of use of lift, escalator or moving walk.

36. *(1)* No person shall use lift, escalator or moving walk, when owner, occupant or operator declares or puts up a warning that such lift, escalator or moving walk shall not be used as such as lift, escalator or moving walk :

Provided that, nothing in this sub-section shall apply in respect of the person who are permitted to use such lift, escalator or moving walk for its repairs.

(2) Any contravention of the provision of sub-section *(1)* shall be an offence and shall be punishable under section 32.

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Power to make rules.

37. *(1)* The State Government may, 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) qualifications of the person for appointment as Chief Electrical Inspector, Electrical Inspector (Lifts) and Assistant Electrical Inspector (Lifts) under sub-sections (*1*) and *(4)* of section 3;

(b) qualifications to be possessed by the person for appointment as technical and other persons to assist Electrical Inspector (Lifts) and Assistant Electrical Inspector (Lifts) under sub-section *(5)* of section 3;

(c) the form in which an application for permission to erect or install a lift or escalator or moving walk shall be made and the manner in which erection plans of lift, escalator or moving walk would be submitted, and such other particulars to be specified in the application for permission to erect a lift or escalator or moving walk under sub-section *(1)* of section 4;

(d) the form of application for licence and the form of licence and the terms and conditions for grant of licence to electrical contractor under sub-section (*1*) of section 5 for erection, maintenance and testing of lift, escalator or moving walk and form of application for renewal thereof;

(e) manner in which the lift, escalator or moving walk shall be inspected under section 6;

(f) the form of application of licence for working of lift, escalator or moving walk; terms and conditions and form of licence under section 7;

(g) the specifications for lift, escalator or moving walk under section 12;

(h) form of intimation and report of accident and the time within which intimation and report of accident to be given under section 15;

(i) any other matter which is required to be or may be prescribed, for carrying out the purposes of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session or sessions immediately following, both Houses agree in making any modification in any rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette,* the rule shall, from the date of publication of such decision in the *Official Gazette*, 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 or omitted to be done under that rule.

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

38. 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 of X of 1939 and saving.

39. On the commencement of this Act the Maharashtra Lifts Act shall stand repealed: X of 1939.

Provided that, the repeal shall not affect,—

(a) anything done or any action taken or purported to have been done or taken including any rule, notification, inspection, order or notice made or issued; or

(b) any appointment, confirmation or declaration made or any licence, permission, authorization or exemption granted; or

(c) any document or instrument executed or any direction given under the repealed Act,

in so far as it is not inconsistent with the provisions of this Act, and shall be deemed to have been done or taken under the corresponding provisions of this Act;

(d) any investigation, legal proceeding or remedy instituted before the commencement of this Act may be continued or enforced as if this Act had not been commenced.

Power to remove difficulties.

40. *(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 each House of the State Legislature.

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