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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the
Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the
proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT LIFTS AND ESCALATORS (AMENDMENT) BILL, 2013.

GUJARAT BILL NO. 25 Of 2013.

A BILL

further to amend the *Gujarat Lifts and Escalators Act, 2000*.

It is hereby enacted in the Sixty-fourth Year of the republic of India as
follows:-

1. (1) This Act may be called the Gujarat Lifts and Escalators Short title and
commencement.
(Amendment) Act, 2013.

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

Amendment of section 2 of Guj. 4 of 2000. 2. In the Gujarat Lifts and Escalators Act, 2000 (hereinafter referred to as "the principal Act"), in section 2, for clause (c), the following clause shall be inserted, namely :-

Guj. 4 of 2000.

"(c) "Chief Inspector", "Inspector" and "Assistant Inspector" means respectively the person designated or appointed, as the case may be, to be the Chief Inspector of Lifts and Escalators, the Inspector of Lifts and Escalators and the Assistant Inspector of Lifts and Escalators under sub-section (1) of section 10A or under sub-section (1) of section 15,;"

Amendment of section 6 of Guj. 4 of 2000. 3. In the principal Act, in section 6, in sub-section (1), for the words "three years", the words "five years" shall be substituted;

In sertion of new section 10A of Guj. 4 of 2000. 4. In the principal Act, in, after section 10, the following section shall be inserted, namely :-

Power of State Government to designate in the areas comprising of municipal corporations or municipalities.

"10A. (1) Notwithstanding anything contained in this Act, for the area comprising of the Municipal Corporations constituted under the Gujarat Provincial Municipal Corporations Act, 1949, or for the area comprising of the Municipalities constituted under the Gujarat Municipalities Act, 1963, as the case may be, the State Government may by notification in the *Official Gazette*, designate, subject to such terms and conditions, any person of the Municipal Corporation or of the Municipality, as the case may be, who possesses the prescribed qualifications to be the officer, the Chief Inspector, the Inspector and the Assistant Inspector, for the purposes of sections 3 to 10 and sections 12 and 16 of this Act or any other section wherever necessary, and the provisions of the said sections shall "*mutatis mutandis*" apply from such date as specified in the notification.

Bom. LIX of 1949.

Guj. 34 of 1964.

(2) The Chief Inspector designated under sub-section (1) shall in addition to the powers conferred on him under this Act, exercise the powers of an Inspector within such area as may be notified by the State Government.

(3) Every Inspector so designated under sub-section (1) shall exercise the powers and perform the functions of the Inspector under this Act within such areas or in respect of such class of lifts or escalators installations and subject to such restrictions as the State Government may direct.

(4) The Municipal Corporation or the Municipality may authorise any person for the areas comprising of the Municipal Corporation or the Municipality, as the case may be, as may be specified and subject to such terms and conditions, who possesses the qualifications for being appointed as the Inspector or the Assistant Inspector, as the case may be, to exercise the powers and functions of the Inspector or the Assistant Inspector, respectively.”.

5. In the principal Act, in section 13, in sub-section (1), for the words “The Chief Inspector”, the words and figures “ The Chief Electrical Inspector appointed under the Electricity Act, 2003” shall be substituted; Amendment of section 13 of Guj. 4 of 2000.

36 of 2003.

6. In the principal Act, for section 15, the following shall be substituted, namely:- Substitution of section 15 of Guj. 4 of 2000.

Appointment of Chief Inspector, Inspector and Assistant Inspector of Lifts and Escalators. “15. (1) The State Government may, by notification in the *Official Gazette*, appoint a person having such qualifications as may be prescribed in this behalf to be-

(a) the Chief Inspector of Lifts and Escalators;

(b) the Inspector of Lifts and Escalators;

(c) the Assistant Inspector of Lifts and Escalators.

(2) The Chief Inspector shall in addition to the powers conferred on him under this Act, exercise the powers of an Inspector within such area as may be notified by the State Government.

(3) Every Inspector so appointed shall exercise the powers and perform the functions of the Inspector under this Act within such areas or in respect of such class of lifts or escalator installations and subject to such restrictions as the State Government may direct.

(4) The State Government may, by notification in the *Official Gazette*, authorise any person, for the areas other than the areas comprising of the Municipal Corporation as may be specified and subject to such terms and conditions, who possesses the qualifications for being appointed as the Inspector or the Assistant Inspector, as the case may be, to exercise the powers and functions of the Inspector or the Assistant Inspector, respectively.

Amendment of 7.
section 16 of
Guj. 4 of 2000.

In the principal Act, in section 16,-
(1) for sub-section (1), the following sub-sections shall be substituted, namely:-

“(1) Every lift or escalator-

(a) shall be inspected by the Chief Inspector or by the Inspector authorised in this behalf by the State Government before the grant of a license under section 4;

(b) shall be inspected by the Assistant Inspector, either appointed or authorised by the State Government, at an interval of five years from the date of license;

(c) may be inspected by the Inspector to check up compliance with the order made under sub-section (2) of section 10, if necessary.

(1A) Notwithstanding anything contained in this Act, the Chief Inspector may inspect at any time any lift or escalator for the purposes of this Act and the rules made thereunder.”;

(2) in sub-section (2) the words “six months”, the words “one year” shall be substituted.

Insertion of 8. In the principal Act, after section 23, the following new section shall
new sections
23A in
Guj.4 of 2000.

Power of State
Government to
give directions.

“23A. The State Government shall have the powers to issue directions to the persons as designated under sub-section (1) of section 10A from time to time as may be required for the compliance of the provisions of this Act and the rules made thereunder and the persons so designated shall, notwithstanding any provision in the relevant law, be bound to comply with such directions.

Amendment of 9.
section 24 of
Guj. 4 of 2000.

In the principal Act, in section 24, in sub-section (2), after clause (m), the following clause shall be inserted, namely:-

“(mm) the qualifications and other requirements for appointment of the Chief Inspector, the Inspector and the Assistant Inspector under sub-section(1) of section 15;”.

10. In the principal Act, for section 25, the following section shall be substituted, namely:-

Provisions of "25. Nothing contained in this Act shall affect the provisions of the Electricity Act, 2003 or any rules made thereunder.".

Electricity Act, 2003 not affected.

Substitution of section 25 of Guj. 4 of 2000.

11. Each of the Acts specified in the second column of the Schedule shall be amended in the manner and to the extent specified against it in the third column thereof.

Amendment of Bom. LIX of 1949 and Guj. 34 of 1964.

SCHEDULE

Sr. No.	Short title.	Extent of Amendment.	
1	2	3	
1.	The Gujarat Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949).	Insertion of new section 63A in Bom. LIX of 1949.	After section 63, the following section shall be inserted, namely:- Functions relating to Lifts and Escalators. "63A. It shall be incumbent upon the municipal corporation to implement the provisions of the Gujarat Lifts and Escalators Act, 2000 consequent upon the issuance of notification by the State Government under section 10A of the said Act."
2.	The Gujarat Municipalities Act, 1963 (Guj. 34 of 1964).	Insertion of new section 87A in Guj. 34 of 1964.	After section 87, the following section shall be inserted namely:- Functions relating to Lifts and Escalators. "87A. It shall be incumbent upon the municipality to implement the provisions of the Gujarat Lifts and Escalators Act, 2000 consequent upon the issuance of notification by the State Government under section 10A of the said Act."

Guj.4 of 2000.

Guj.4 of 2000.

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Gujarat Lifts and Escalators Act, 2000, license is granted and renewed for a period of three years. However, there has been substantial increase in the number of lifts in the State and therefore, it is proposed to increase the said period of three years to five years. *Clause 3* of the Bill provides for the same.

It is considered necessary to delegate the powers of granting permission to erect lift and issue license to use, to the officers of Municipal Corporation or of Municipality who possess the prescribed qualifications and also empower them to authorise any person to function as Inspector or Assistant Inspector. *Clause 4* of the Bill provides for the same.

It is considered necessary that authorisation for erection, maintenance, inspection and testing of lifts is granted by one authority for whole of the State. Hence the said function is delegated to the Chief Electrical Inspector. *Clause 5* of the Bill provides for the same.

It is considered necessary to prescribe the qualifications for the appointment of the Chief Inspector, the Inspector and the Assistant Inspector. Provision is proposed to be made to the effect that a person possessing such qualifications may be authorised by the State Government, subject to such conditions to function as an Inspector or an Assistant Inspector, as the case may be, for the purpose of inspection and testing of lifts and escalators. *Clause 6* of the Bill provides for the same.

Under the existing provisions of section 16 of the Act, the owner of the lift is required to get the lift inspected at interval of every six months by the authorised person. The said period of six months is enhanced to one year. Sub-clause (2) of *Clause 7* of the Bill provides for the same.

As the officers of the Municipal Corporations and of the Municipalities are to be granted powers and functions under the said Act, it is felt necessary to make provisions to give directions to them by the State Government. *Clause 8* of the Bill provides for the same.

As functions of the said Act are to be entrusted to the Municipal Corporations or to the Municipalities, consequential changes are required to be made in the Gujarat Provincial Municipal Corporations Act, 1949 and in the Gujarat Municipalities Act, 1963. *Clause 11* of the Bill provide for the same.

SAURABH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects:-

Clause 1. – Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2. – New section 10A proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, to designate any person of the Municipal Corporation or of the Municipality, as the case may be, who possesses the prescribed qualifications to be the Officer, the Chief Inspector, the Inspector and the Assistant Inspector for the area comprising of the Municipal Corporation or of the Municipality.

Clause 6. – (i) Sub-section (1) of section 15 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the qualifications for appointment of the Chief Inspector of Lifts and Escalators, the Inspector of Lifts and Escalators and the Assistant Inspector of Lifts and Escalators;

(ii) sub-section (4) of section 15 proposed to be substituted by this clause empowers the State Government by notification in the *Official Gazette*, to authorise any person, who possesses the qualifications for appointment to the post of Inspector or Assistant Inspector, to exercise the powers and functions of the Inspector or the Assistant Inspector, subject to such terms and conditions.

The delegation of legislation powers as aforesaid is necessary and is of a normal character.

Gandhinagar,
Dated the 21st March, 2013.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat.

Gandhinagar,
Dated the 22nd March, 2013.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.