



The Karnataka Lifts, Escalators and Passenger Conveyors Act, 2012

Act 9 of 2013

Keyword(s):

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KARNATAKA ACT NO 09 OF 2013
THE KARNATAKA LIFTS, ESCALATORS AND PASSENGER CONVEYORS ACT, 2012
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STATEMENT OF OBJECTS AND REASONS

Act 9 of 2013.- It is considered necessary to repeal the Karnataka Lifts Act, 1974 and to enact a new comprehensive law to register and regulate persons involved in erection and maintenance of lifts including escalators, passenger conveyers and for the matters connected there to or incidental therewith.

Hence the Bill.

[L.A. Bill No.37 of 2012, File No. Samvyashae 16 Shasana 2012]

[Entry 13 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT NO 09 OF 2013

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THE KARNATAKA LIFTS, ESCALATORS AND PASSENGER CONVEYORS ACT, 2012

(Received the assent of the Governor on the fifteenth day of January, 2013)

An Act to provide for the regulation of the construction, maintenance and safe working of certain classes of Lifts, Escalators and Passenger conveyor and all machinery and apparatus pertaining thereto in the State of Karnataka.

Whereas it is expedient to provide for the regulation of the construction, maintenance and safe working of certain classes of Lifts, Escalators and Passenger conveyor and all machinery and apparatus pertaining thereto in the State of Karnataka.

Be it enacted by the Karnataka State Legislature in the sixty-third year of the Republic of India as follows:-

1. Short title, extent and commencement.— (1) This Act may be called the Karnataka Lifts, Escalators and Passenger Conveyors Act, 2012.

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

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

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

(a) “Authorized Officer” means Chief Inspector of Lifts, Escalators & Passenger conveyors or such other officer as may be authorized by the Government by notification;

(b) “Balustrade“ means a part of the escalator/moving walk which ensures the user's safety by providing stability, protecting from moving parts and supporting the handrail;

(c) “Chief Inspector of Lifts, Escalators & Passenger conveyors” means an officer appointed as such by the Government;

(d) “Comb plate” means a platform at each landing to which the combs are attached;

(e) “Escalator” means a power driven, inclined, continuous moving stairway used for raising or lowering persons in which the user carrying surface (e.g steps) remains horizontal ;

Note: Escalators are machines which cannot be considered as fixed stair cases even when they are out of operation.

(f) “Government” means the State Government;

(g) “Inspector of Lifts, Escalators & Passenger conveyors” means an officer appointed as such by the Government;

(h) “Landing” means the portion of the building or structure which is used to receive or discharge passengers into or from a lift/escalator/ passenger conveyor;

(i) “Licence” means a licence granted under section 4;

- (j) "Lift" means elevator or a hoisting mechanism equipped with a car which moves in a substantially vertical direction, is worked by power and is designed to carry passengers or goods or both;
- (k) "Lift Car" means the cage or car of a lift used whether for the conveyance of passengers or goods or both and includes the floor or platform car frame, sling and enclosing body work but shall not include a hoist or lift to which the Factories Act, 1948 applies;
- (l) "Lift installation" means installation of any lift including the operating mechanism of the lift, the lift car, the lift way, the way enclosure and all ropes, cables, wires and plant, directly connected with the operation of the lift;
- (m) "Passenger conveyor" means Moving walk/travellator a power driven installation with endless moving walkway (e.g., pallets, belt) for the conveyance of passengers and goods either on the same or between different traffic levels;
Note: Passenger conveyors (Moving walk or travellator) are machines which should not be considered as a fixed access even when they are out of operation.
- (n) "Power" means any form of energy which is not generated by human or animal agency;
- (o) "Rated Load" means the load at which the lift or escalator or passenger conveyor is designed and installed to operate at the rated speed;
- (p) "Rated speed" means the speed at which the lift or escalator or passenger conveyor is designed to operate;
- (q) "Registration" means registering of any Manufacturer or makers of lift or escalator or Passenger Conveyor or any other person intending to erect/install and/or to maintain the lift or escalator or Passenger conveyor already installed within the State of Karnataka with the Chief Inspector of Lifts, Escalators & Passenger conveyors;
- (r) "Registered person" means any manufacturer or maker of lift or escalator or Passenger Conveyor or any other person intending to erect or install and/or to maintain the lift or escalator or Passenger conveyor already installed within the State of Karnataka registered with the Chief Inspector of Lifts, Escalators & Passenger conveyors;
- (s) "Travel (Rise)" means the vertical distance between the bottom terminal landing and the top terminal landing of a lift/ escalator/ passenger conveyor.

3. Permission to erect or install a lift / escalator / passenger conveyor.- (1) Every owner of a place intending to erect or install a lift or an escalator or a passenger conveyor in such a place after the commencement of this Act, shall make an application to such officer as the Government may authorize by a notification in this behalf for permission to erect such lift or escalator or passenger conveyor. Such application shall be in writing and in such form as may be prescribed. Such application shall specify,–

A. Lift Installation:

- (1) The type of the lift;
- (2) The rated maximum speed of the lift designed to operate;
- (3) The maker's or designer's rated capacity in weight;

- (4) The maximum number of passengers in addition to the lift operator which the lift can carry;
- (5) The total weight of the lift car carrying the maximum load;
- (6) The weight of the counter weight;
- (7) The number, description, weight and size of the supporting cables;
- (8) The depth of the pit from the lowest part of the lift car when at the lowest floor;
- (9) Such details of the construction of the overhead arrangement with weight and sizes of the beams as may be prescribed; and
- (10) Such other particulars as may be prescribed.

B. Escalator or passenger conveyer Installation:

- (a) The type of the escalator or passenger conveyer;
- (b) The speed at which the escalator/passenger conveyer is designated to operate;
- (c) Angle of inclination;
- (d) The width between balustrades;
- (e) Details of handrails, step treads, landing comb plates, trusses or girders and step wheel tracks;
- (f) The rated load in kilogramme;
- (g) The number of persons per hour with rated load;
- (h) The factor of safety based on the static loads in the escalator or passenger conveyer;
- (i) Travel Rise in metre; and
- (j) Such other particulars as may be prescribed.

(2) Every application for issue of erection or installation permission shall be accompanied by such fee as may be prescribed.

(3) On receipt of such application along with fee paid treasury challan, the authorized officer shall, after making such enquiry and requiring the applicant to furnish such information as may be necessary and may thereupon either grant or refuse to grant the permission to erect or install lift or escalator or passenger conveyer. Such permission shall be valid only for a period of twelve months from the date on which it is granted.

(4) In case if the erection of lift or escalator or passenger conveyer is not completed within the period of validity of permission, the same shall be got renewed by submitting the application afresh.

(5) No person, who is also the owner of lift or escalator or passenger conveyer, shall get his lift or escalator or passenger conveyer erected or installed without getting erection or installation permission from the authorized officer.

(6) No person, who is the owner of lift or escalator or passenger conveyer, shall get his lift or escalator or passenger conveyer erected by the manufacturer or maker of lift or escalator or passenger conveyer or any other person other than those who is registered with the Chief Inspector of Lifts, Escalators & Passenger conveyers.

4. Licence to use a lift or escalator or passenger conveyer.- (1) Every owner of a place, who is permitted to erect a lift or escalator or passenger conveyer under section 3, shall get his lift or escalator or passenger conveyer installed as per the existing relevant code of practices of Bureau of Indian Standard and Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010. All materials and apparatus used shall conform to the relevant specifications of the Bureau of Indian Standards or International Electro –Technical Commission where such specifications have already been laid down.

(2) Every owner of a place who is permitted to erect a lift or escalator or passenger conveyer under section 3, shall, within one month after the completion of the erection of such lift or escalator or passenger conveyer, deliver or send or cause to be delivered or sent to the authorized officer, a notice in writing of such completion and shall make an application to him for a licence for working or use of the lift or escalator or passenger conveyer as the case may be.

(3) Application for a licence made under sub-section (1) shall be in such form as may be prescribed.

(4) The inspection fee as may be prescribed by the Government shall be paid along with such application.

(5) On receipt of such application along with prescribed fee paid challan, the authorized officer after making such enquiry and inspection as may be necessary, forward the recommendation with his remarks to the Chief Inspector of Lifts, Escalators & Passenger conveyers. The Chief Inspector of Lifts, Escalators & Passenger Conveyers, thereupon, either grant subject to conditions specified in this Act or rules made thereunder or refuse to grant the licence for the reasons to be recorded in writing:

Provided that where the Chief Inspector of Lifts, Escalators & Passenger conveyers refuses to grant the licence, shall give a reasonable opportunity of being heard to the applicant.

(6) Except for the purpose of tests, supply of electricity shall not be arranged to the lift or escalator or passenger conveyer without obtaining the licence from the Chief Inspector of Lifts, Escalators & Passenger conveyers.

(7) No person who is the owner or erector of the lift or escalator or passenger conveyer shall use the lift or escalator or passenger conveyer without obtaining the licence from the Chief Inspector of Lifts, Escalators & Passenger conveyers.

5. Duration of licence.- Unless any addition or alteration is made to the lift or escalator or passenger conveyer, every licence shall be valid for a period of ten years from the date on which it is granted. Before the expiry of the period of licence, the licence shall be got renewed. The licence may be renewed for a further period of every five years on an application along with such fee and subject to such conditions as may be prescribed.

6. Registration of Lift or Escalator or Passenger Conveyer manufacturer or maker or other person.- (1) No person shall engage in the business of erection or installation or periodical testing and maintenance of lift or escalator or passenger conveyer, as the case may be, unless he

gets registered himself or has got renewed his registration with the Chief Inspector of Lifts, Escalators & Passenger conveyors.

(2) The Chief Inspector of Lifts, Escalators & Passenger conveyors may register or after such interval of time as may be prescribed renew registration of any person including manufacturer or maker of Lift or Escalator or Passenger Conveyor intending to erect or to undertake periodical testing or maintenance, as the case may be, on an application along with such fee and subject to such terms and conditions as may be prescribed or may refuse to register or to renew registration for the reasons to be recorded in writing.

(3) Every person registered under sub-section (1) shall maintain such books of accounts, such number of technicians, installation, erection and testing instruments etc. and submit such returns and produce such documents as required at such intervals as may be prescribed to the authorized officer.

(4) No person including a manufacturer or maker of lift, escalator or passenger conveyor shall erect or install a Lift or escalator or passenger Conveyor before permission is granted under section 3 of the Act.

(5) Every Lift or Escalator or Passenger Conveyor manufacturer or maker or any other person as the case may be, who engages in the erection or installation of lift or escalator or passenger conveyor, shall not let a Lift or Escalator or Passenger Conveyor for usage before ensuring license to use the Lift or Escalator or Passenger Conveyor, is granted under section 4 of the Act.

7. Lift or escalator or passenger conveyor not to be operated without a licence.- Subject to such rules as may be made in this behalf, no lift or escalator or passenger conveyor shall be used or worked, except under and in conformity with the terms of the licence granted in respect of the same.

8. Additions and alterations to the lift or escalator or passenger conveyor installation.- No additions or alterations other than those required to be made under sub-section (1) of section 15, shall be made to any lift or escalator or passenger conveyor installation as the case may be, except with the previous permission in writing of the authorized officer.

9. Right to enter any building for inspection of Lifts or Escalators or Passenger Conveyors installation.- (1) The authorized officer or the Inspector of Lifts, Escalators & Passenger Conveyors may at any time after giving reasonable notice to the occupant enter upon any building in which a lift or escalator or passenger conveyor, 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 passenger conveyor installation or the site thereof.

(2) If on such inspection, the authorized officer or the Inspector of Lifts, Escalators & Passenger Conveyors is of the opinion that any lift or escalator or passenger conveyor in any building is in an unsafe condition, he may issue an order, on the owner of the building or his agent appointed under sub-section (2) of section 11 requiring such repairs or alterations to be made to such lift or escalator or passenger conveyor as he may deem necessary within the time specified therein

and may also, if necessary, order the use of such lift or escalator or passenger conveyer to be discontinued until such repairs or alterations are made or such unsafe conditions are removed.

(3) Notwithstanding any appeal made under sub-section (2) of section 17, any order to discontinue the use of a lift or escalator or passenger conveyer made by the authorised officer or Inspector of lifts or Escalator or passenger conveyer under sub-section (2) of this section shall be complied with unless the Appellate Authority has reversed such order.

10. Owner to give facilities for inspection of Lifts or Escalators or Passenger Conveyors.- (1) The owner of a building in which a lift or escalator or passenger conveyer is installed or his agent appointed under sub-section (2) of section 11, shall afford all reasonable facilities to the authorized officer or the Inspector of Lifts, Escalators & Passenger Conveyors for inspecting a lift or escalator or passenger conveyer as the case may be and whenever ordered to do so by the authorized officer or the Inspector of Lifts, Escalators & Passenger Conveyors shall, at his own cost, procure at such inspection, the attendance of the person, if any, with whom he has entered into a contract for the erection or maintenance of the lift or escalator or passenger conveyer or a representative of such person who is competent to guide the authorized officer or the Inspector of Lifts, Escalators & Passenger Conveyors in inspecting the lift or escalator or passenger conveyer.

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

11. Report of Accidents.- (1) Where any accident occurs in the operations of any lift or escalator or passenger conveyer which results or was likely to result in injury to any person, the owner of the building in which the lift or escalator or passenger conveyer is working or if such owner has appointed an agent and has communicated his name to the Inspector of Lifts, Escalators & Passenger conveyors under sub-section (3), such agent shall, as soon as may be, after such accident give notice with full details of the accident to the authorized officer and also to the Commissioner of Police and the District Magistrate in such form and manner as may be prescribed. The lift or escalator or passenger conveyer installation shall not be interfered within any way and the working of such lift or escalator or passenger conveyer shall not be resumed except with the written permission of the Chief Inspector of Lifts, Escalators & Passenger conveyors.

(2) For the purposes of sub-section (1), the owner of every building in which a lift or escalator or passenger conveyer has been installed may, and if such owner does not reside in such building shall, appoint an agent who shall be a resident in the town or village in which the building situated, to give notice of any accident occurring in the operation of the lift or escalator or passenger conveyer.

(3) The name of every agent appointed under sub-section (2), shall be communicated to the authorized officer.

(4) Where any accident occurs in the operations of any lift or escalator or passenger conveyer, such accidents shall be investigated by such authorised officer as may be notified by the Government and he shall forward the investigation report to the Chief Inspector of Lifts, Escalators & Passenger conveyors and to the Government.

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

(i) where a Government is the addressee, at the office of the agent appointed under sub-section (2) of section 11;

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

(iii) 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 ;

(iv) 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 be authorized to be addressed to the owner or the agent 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 'agent of the owner' '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.

13. Delegation of powers of Government.- (1) The Government may, by order, published in the official Gazette, delegate any of the powers conferred on it, by or under this Act other than the power to make rules under section 23, subject to such conditions as may be specified in the order, to such officer as it thinks fit.

(2) The Government may, by notification in the official Gazette, appoint persons duly qualified as Electrical Inspector under the Electricity Act, 2003 from the Department of Electrical Inspectorate to be,-

(A) the Chief Inspector of Lifts, Escalators & Passenger conveyors;

(B) the Inspector of Lifts, Escalators & Passenger conveyors.

(3) The Chief Inspector of Lifts, Escalators & Passenger conveyors or the Inspector of Lifts, Escalators & Passenger conveyors so appointed shall exercise the powers and perform the functions under this Act within such areas or in respect of such class of lift or escalator or passenger conveyor as may be notified and subject to such restrictions as the Government may specify.

14. Inspection of Lifts or Escalators or Passenger Conveyors.- (1) Every lift or escalator or passenger conveyor shall be inspected at such intervals, by such authorized officer or the Inspector of Lifts, Escalators & Passenger conveyors, as may be prescribed in this behalf by the Government.

(2) Inspection fee charged for such inspection shall be at such rate as may be prescribed.

(3) Notwithstanding anything contained in sub-section (1), the owner of a building in which Lift or Escalator or Passenger conveyor is installed, shall get his Lift or Escalator or Passenger conveyor, tested and maintained by any registered person once in every three months, and a register shall be kept containing such particulars of every such examination as may be prescribed and shall submit

copy of annual testing and maintenance report to the authorized officer or the Inspector of Lifts, Escalators & Passenger conveyors.

15. Maintenance of lifts or escalator or passenger conveyors.- (1) Every owner of lift or escalator or passenger conveyor shall enter into a contract with the registered person, for the satisfactory maintenance, including cleaning, oiling, adjusting and repairing of the lift or escalator or passenger conveyor.

(2) Any dispute, controversy or claim between the owner of lift or escalator or passenger conveyor and registered person, arises out of or in connection with annual maintenance contract, including the existence, breach, termination or validity thereof, the seat of arbitration shall be in the State of Karnataka.

16. Suspension or cancellation of licence of lift or escalator or passenger conveyor.- If the licensee has contravened any of the provisions of the Act or rules or any of the conditions of the licence or directions given to him, the Chief Inspector of Lifts, Escalators & Passenger conveyors, may after giving reasonable opportunity of being heard, suspend or cancel the licence of lift or escalator or passenger conveyor for such period as he thinks fit or cancel it.

17. Appeal.- (1) In case of any dispute between owner or agent of lift or escalator or passenger conveyor, and the registered person with regards to quality of work and or material used may appeal to the Chief Inspector of Lifts, Escalators & Passenger conveyors within thirty days of such dispute.

(2) Any person aggrieved by an order of any authorized officer or Inspector of Lifts, Escalators & Passenger conveyors under this Act, may within thirty days from the date of such order, appeal to the Chief Inspector of Lifts, Escalators & Passenger conveyors.

(3) Any person aggrieved by the order made by Chief Inspector of Lifts, Escalators & Passenger conveyors under sub-section (1) or sub-section (2) above or regarding registration under section 6, within thirty days from the date of such order, may appeal to the Government in such manner along with such fee as may be prescribed. The decision of the Government on appeal shall be final and shall not be called in question in any court.

(4) The Appellate Authority shall dispose of the Appeal, after giving both parties to the appeal a reasonable opportunity of being heard and pass such orders thereon as it thinks fit and proper.

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

19. Violations and Penalty.- Whoever contravenes any of provisions of this Act, rules or conditions of a licence or registration or a direction given by such officer as the Government may authorize under this Act or the rules shall be punishable with fine which may extend to ten thousand rupees or simple imprisonment which may extend to six months or both and in the case of a continuing contravention with a further fine which may extend to one hundred rupees, for every day after the first during which the breach has continued.

20. Offences by companies.- (1) If a person committing an offence under this Act is a company, every person, who at the time of the offence was committed was in charge of and was

responsible to, the company for the conduct of the business of the company, as well as the 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 provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

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

Explanation.- For the purposes of this section,-

- (a) 'Company' means a body corporate and includes a firm or other association of individuals; and
- (b) 'Director' in relation to a firm means a partner in the firm.

21. Cognizance of offences.- No Court shall take cognizance of any offence punishable under section 19, except with the previous sanction of the Chief Inspector of Lifts, Escalators & Passenger conveyors.

22. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall be instituted against any officer for anything which is in good faith done or intended to be done by or under this Act.

23. Power to make rules.- (1) The Government may, after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely:-

- (a) specifications for Lifts or Escalators or Passenger conveyor;
- (b) the manner in which erection plans of Lifts or Escalators or Passenger conveyor shall be submitted;
- (c) the manner in which the Lifts or Escalators or Passenger conveyor may be tested;
- (d) the form of application for the erection of a Lifts or Escalators or Passenger conveyor or a licence for working the same;
- (e) the terms and conditions subject to which and the form in which the licences may be granted for the working of a Lifts or Escalators or Passenger conveyor under section 7 ;
- (f) the manner in which notice of accidents shall be given and the form of such notice under section 11;
- (g) the manner of serving notice to be given under section 12;
- (h) the terms and conditions to register or renew registration of Lifts or Escalators or Passenger conveyor manufacturer or makers of Lifts or Escalators or Passenger conveyor, or any other person under section 6.

(3) Every rule made under this section 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 immediately following the session, or successive sessions aforesaid, both Houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall, from the date on which the modification or annulment is notified by the Government 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 under such rule.

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

25. Repeal and savings.- The Karnataka Lifts Act, 1974 is hereby repealed:

Provided that the provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act 3 of 1899) shall be applicable on repeal of the said Act and sections 8 and 24 of the said Act shall be applicable as if the said enactment and law had been repealed and re-enacted by this Act.

The above translation of the ಕರ್ನಾಟಕ ಲಿಫ್ಟ್‌ಗಳ, ಎಸ್ಕಲೇಟರ್‌ಗಳ ಮತ್ತು ಪ್ಯಾಸೇಂಜರ್ ಕನ್ವೇಯರ್‌ಗಳ ಅಧಿನಿಯಮ, 2012 (2013ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 09) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka,

G.K. BOREGOWDA
Secretary to Government,
Department of Parliamentary
Affairs and Legislation