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Government of Kerala
കേരള സർക്കാർ
2012



Reg. No. രജി. നമ്പർ
KL/TV(N)/12/12-14

KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. LVII വാല്യം 57	Thiruvananthapuram, Friday തിരുവനന്തപുരം, വെള്ളി	20th January 2012 2012 ജനുവരി 20 30th Pousha 1933 1933 ചൈതൃം 30	No. നമ്പർ	148

GOVERNMENT OF KERALA

Law (Legislation-F) Department

NOTIFICATION

No. 22812/Leg. F1/2011/Law. Dated, Thiruvananthapuram, 20th January, 2012.
30th Pousha, 1933.

The following Ordinance promulgated by the Governor of Kerala on the 18th day of January, 2012 is hereby published for general information.

By order of the Governor,

C. K. PADMAKARAN,
Special Secretary (Law).

PRINTED AND PUBLISHED BY THE SUPERINTENDENT OF GOVERNMENT PRESSES
AT THE GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM, 2012.

ORDINANCE No. 11 OF 2012**THE KERALA LIFTS AND ESCALATORS ORDINANCE, 2012**

Promulgated by the Governor of Kerala in the Sixty-second year of the Republic of India.

AN

ORDINANCE

to provide for the regulation of the erection, maintenance and safe working of Lifts and Escalators and all machinery and apparatus pertaining thereto in the State of Kerala and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS, the Kerala Lifts and Escalators Ordinance, 2011 (53 of 2011) was promulgated by the Governor of Kerala on the 23rd day of November, 2011;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 9th day of December, 2011 and ended on the same day;

AND WHEREAS, under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Kerala Lifts and Escalators Ordinance, 2011 (53 of 2011) will cease to operate on the 20th day of January, 2012;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala Lifts and Escalators Ordinance, 2012.

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

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

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) “escalator” means a power driven continuous moving stairway used for transporting passengers up and down short vertical distances;

(b) “escalator installation” includes the escalator, the track, the trusses or girders, the balustrade, the step treads and landings and all chains, wires and plant, directly connected with the operation of the escalator;

(c) “Government” means Government of Kerala;

(d) “Inspector” means the Electrical Inspector appointed by State Government under sub-section (1) of section 162 of the Electricity Act, 2003 (Central Act 36 of 2003), who has territorial jurisdiction over the place of installation of a lift or escalator;

(e) “licence” means licence granted under section 4;

(f) “lift” means a hoisting mechanism designed to carry passengers or goods or both and equipped with a car which move in a substantial vertical direction and is worked by power, but does not include a hoist or lift to which the Factories Act, 1948 (Central Act LXIII of 1948) applies;

Explanation.—For the purpose of this clause, “power” means electrical energy or any other forms of energy which is mechanically transmitted and is not generated by human or animal energy;

(g) “lift car” means the cage or car of a lift and includes the floor or platform, car frame sling, and enclosing body work;

(h) “lift installation” includes the lift car, the lift way, the lift way enclosure and the operating mechanism of the lift and all ropes, cables, wires and plant, directly connected with the operation of the lift;

(i) “prescribed” means prescribed by rules made under this Ordinance;

(j) “Rules” means rules made under this Ordinance;

(k) "owner" includes,—

- (i) a lessee,
- (ii) a licensee,
- (iii) a mortgagee in possession; and

(iv) any person or authority 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 or authority is called a managing trustee, an agent, a correspondent, manager, superintendent, secretary or by any other name whatsoever.

3. *Permission to erect lifts and escalators.*—(1) No owner of a place shall on and after the commencement of this Ordinance erect a lift or escalator in such place except under, and in accordance with a permission granted under this Ordinance.

(2) Every application for permission to erect a lift or escalator shall be made in writing to the Inspector in such form and specifying such particulars and accompanied by such fees as may be prescribed.

(3) On receipt of an application under sub-section (2), the Inspector may, after making such enquiry as he deems necessary, either grant or refuse to grant permission. Every permission granted shall be in such form and subject to such terms and conditions as may be prescribed and shall be valid for a period of six months from the date on which it is granted.

(4) Every owner of a place who is granted permission under sub-section (3) shall, within one month after the completion of the erection of such lift or escalator, send a report of completion to the Inspector in such form as may be prescribed.

(5) Where the Inspector refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.

4. *Licence for working lifts and escalators.*—(1) No owner of a place shall work or cause to be worked or allow the working of any lift or escalator in such place except under and in accordance with a licence.

(2) Every application for a licence under sub-section (1) shall be made to the Inspector in such form and shall be accompanied by such fees as may be prescribed.

(3) On receipt of an application under sub-section (2), the Inspector, after making such inspection and enquiry as he deems necessary, may, either grant or refuse the licence.

(4) Every licence granted under sub-section (3), shall be in such form and subject to such terms and conditions as may be prescribed.

(5) Every licence granted under sub-section (3), shall be valid for a period of one year from the date on which it is granted and shall be renewable yearly after an inspection and on payment of such fees as may be prescribed.

(6) Where the Inspector refuses to grant licence under sub-section (3), he shall give reasons in writing for such refusal.

5. *Provision in respect of existing lifts and escalators.*—(1) Notwithstanding anything contained in this Ordinance but subject to the provisions of sub-section (2), every owner of a place in which a lift or escalator has been erected and is being worked immediately before the commencement of this Ordinance, may continue the working of such lift or escalator at such place.

(2) Every person entitled to continue the working of a lift or escalator under sub-section (1), shall not continue the working of such lift or escalator after the expiry of a period of two months from the date of commencement of this Ordinance unless he obtains a licence under section 4 in respect of such lift or escalator.

(3) Every application for a licence under sub-section (2), shall be in such form and shall be accompanied by such fees, as may be prescribed.

6. *Renewal.*—(1) Every application for the renewal of a licence granted under this Ordinance shall be made not less than three months before the date of expiry of the period of such licence.

