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കേരള സർക്കാർ
Government of Kerala
2017



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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA
Law (Legislation-C) Department
NOTIFICATION

No. 21469/Leg.C3/2017/Law.

Dated, Thiruvananthapuram,

20th December, 2017
5th Dhanu, 1193
29th Agrahayana, 1939.

The following Ordinance promulgated by the Governor of Kerala on the 20th day of December, 2017 is hereby published for general information.

By order of the Governor,

B. G. HARINDRANATH,
Law Secretary.

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ORDINANCE No. 35 OF 2017

**THE KERALA INVESTMENT PROMOTION AND
FACILITATION ORDINANCE, 2017**

Promulgated by the Governor of Kerala in the Sixty-eighth Year of the Republic of India.

AN

ORDINANCE

to give effect to certain proposals of the Government of Kerala to avoid delay in granting various licences, permission, approvals, clearances required under various enactments and for other matters connected therewith or incidental thereto.

Preamble.—WHEREAS, the Kerala Investment Promotion and Facilitation Ordinance, 2017 (22 of 2017) was promulgated by the Governor of Kerala on the 20th day of October, 2017;

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, in its session which held on the 9th day of November, 2017;

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 and commencement.*—(1) This Ordinance may be called the Kerala Investment Promotion and Facilitation Ordinance, 2017.

(2) It shall be deemed to have come into force on the 20th day of October, 2017.

2. *Acts 34 of 1960, 20 of 1980 and 19 of 2002 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Shops and Commercial Establishments Act, 1960, the Kerala Head Load Workers Act, 1978, and the Kerala Ground Water (Control and Regulation) Act, 2002 shall have effect subject to the amendments specified in sections 3 to 5.

3. *Amendment of Act 34 of 1960.*—In the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960), in section 5A, in sub-section (4), after the words “in the prescribed form”, the words “on the same day of the receipt of application” shall be inserted.

4. *Amendment of Act 20 of 1980.*—In the Kerala Headload Workers Act, 1978 (20 of 1980), after section 9, the following sections shall be inserted, namely:—

“9A. *Engaging the services of headload workers.*—Notwithstanding anything contained in any of the provisions of this Act, no employer is under the obligation to engage headload workers for the work

connected with the establishment, such as loading and unloading any articles from or to any vehicle, vessels or any other containers, that is done either by the employer or owner himself or by engaging his own workers or by means of any machinery.

9B. Every headload worker shall be entitled to wages notified by the Government under the provisions of this Act only if their services have been engaged by the employer or owner of an establishment.”

5. *Amendment of Act 19 of 2002.*—In the Kerala Ground Water (Control and Regulation) Act, 2002 (19 of 2002),—

(1) in section 7,—

(i) to sub-section (1), the following proviso and explanation shall be added, namely:—

“Provided that no permit shall be required for extracting groundwater below the level specified by the Ground Water Authority, from time to time, for various zones in this State, based on the availability of ground water in each zone..

Explanation.—The quantum of ground water to be drawn shall be as specified in the self-certification of the applicant in the prescribed form along with the fee prescribed.”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in any other Act or rules made thereunder, permit shall be issued in all other cases by the District level officers of the district concerned, within a period of thirty days, wherever eligible:

Provided that if permits are not issued within the time specified above, and no reasons are communicated within fifteen days, the permit shall be deemed to have been issued:

Provided further that in case of violation of the terms of the permit a penalty may be imposed for an amount not exceeding rupees five lakh.”;

(2) after section 10, the following section shall be inserted, namely:—

“10A. *Recycling and reusing of waste water.*—Any person extracting ground water shall make special provision for treating and recycling and reusing used groundwater for industrial, commercial or residential purposes in such manner as may be prescribed.”.

6. *Power to make rules.*—(1) The Government may, by notification in the Gazette make rules either prospectively or retrospectively for the purposes of carrying into effect the provisions of this Ordinance.

(2) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session, in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter 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 that rule.

7. *Repeal and saving.*—(1) The Kerala Investment Promotion and Facilitation Ordinance, 2017 (22 of 2017), except the provisions contained in sections 1, 2, 5, 6, 7, 9 and 10, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Acts as amended by the said Ordinance, except by sections 1, 2, 5, 6, 7, 9 and 10, shall be deemed to have been done or taken under the principal Acts concerned as amended by this Ordinance.

P. SATHASIVAM,
GOVERNOR.