

Fourteenth Kerala Legislative Assembly
Bill No. 88

**THE KERALA INVESTMENT PROMOTION AND
FACILITATION BILL, 2018**

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BILL

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

Preamble.—WHEREAS, it is expedient to give effect to certain proposals of the Government of Kerala to avoid delay in granting various licences, permissions, approvals, clearances required under various enactments and to provide for other matters connected therewith or incidental thereto;

BE it enacted in the Sixty-eighth Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Investment Promotion and Facilitation Act, 2018.

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

2. *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.

3. *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.*—(1) 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.

(2). 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.”.

4. *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 Act.

(2) Every rule made under this Act 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.

5. *Repeal and saving.*— (1) The Kerala Investment Promotion and Facilitation Ordinance, 2017 (35 of 2017) except section 5, is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the Kerala Shops and Commercial Establishments Act, 1960 and the Kerala headload Workers Act, 1978 as amended by the said Ordinance, shall be deemed to have been done or taken under the above said Acts as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Government have decided to amend certain provisions regarding the issue of various licences, permissions, approvals and clearances under the Kerala Shops and Commercial Establishments Act, 1960, the Kerala Headload Workers Act, 1978, the Kerala Panchayat Raj Act, 1994, the Kerala Municipality Act, 1994, the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999, the Kerala Ground Water (Control and Regulation) Act, 2002 and the Kerala Lifts and Escalators Act, 2013 in order to avoid delay in granting various licences, permissions, approvals and clearances under the above said enactments and decided to bring a legislation for the above purpose.

2. As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, 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 the same was published in the Kerala Gazette Extraordinary No.2242 dated 20th October, 2017.

3. 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 convened on the 9th day of November, 2017.

4. As the provisions of the said Ordinance are to be kept alive, the Kerala Investment Promotion and Facilitation Ordinance, 2017 (35 of 2017) and the Kerala Investment Promotion and Facilitation (No.2) Ordinance, 2017 (36 of 2017) were promulgated by the Governor of Kerala on the 20th day of December, 2017 and published in the Kerala Gazette Extraordinary Nos. 2779 and 2782 dated 20th day of December, 2017.

5. The Bill seeks to replace Ordinance No.35 of 2017 except the provision contained in section 5 of the said Ordinance, by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

A. C. MOIDEEN.

EXTRACT FROM THE KERALA SHOPS AND COMMERCIAL
ESTABLISHMENTS ACT, 1960 (34 OF 1960)

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5A. *Registration of Establishments.*—(1) The employer of every establishment shall make an application to such authority as the Government may by notification in the Gazette, specify in this behalf (in this Chapter referred to as the “competent authority”), in such form and on payment of such fees, as may be prescribed, for a registration certificate in respect of that establishment.

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(4) On receipt of an application under sub-section (1), the competent authority shall, if it is satisfied that the application is in accordance with the provisions of this Act and the rules made thereunder, register the establishment and issue to the employer a registration certificate in the prescribed form which shall be conclusive evidence that such establishment is duly registered under this Act.

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EXTRACT FROM THE KERALA HEADLOAD WORKERS ACT, 1978
(20 OF 1980)

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9. *Wages payable to Headload workers.*—Every employer shall pay to any headload worker employed by him such wages, as may be prescribed, and different wages may be prescribed for different establishments and for different kinds of work:

Provided that every headload worker shall give a signed receipt to the employer in token of the amount received towards wages.

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