

Fifteenth Kerala Legislative Assembly

Bill No. 134

**THE KERALA INDUSTRIAL SINGLE WINDOW
CLEARANCE BOARDS AND INDUSTRIAL
TOWNSHIP AREA DEVELOPMENT
(AMENDMENT) BILL, 2022**

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[Translation in English of “2022-ലെ കേരള വ്യവസായ ഏകജാലക ക്ലിയറൻസ് ബോർഡുകളും വ്യവസായ നഗരപ്രദേശ വികസനവും (ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

**THE KERALA INDUSTRIAL SINGLE WINDOW
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TOWNSHIP AREA DEVELOPMENT
(AMENDMENT) BILL, 2022**

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BILL

further to amend the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999 (5 of 2000) for the purposes hereinafter appearing;

BE it enacted in the Seventy-third year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development (Amendment) Act, 2022.

(2) It shall be deemed to have come into force on the 14th day of September, 2021.

2. *Amendment of section 2.*—In the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999 (5 of 2000) (hereinafter referred to as the Principal Act), in section 2,—

(i) after clause (c), the following clauses shall be inserted, namely:—

“(ca) “District Grievance Redressal Committee” means District Grievance Redressal Committee constituted under section 13A of the Act;

(cb) “Designated Officer” means an officer appointed by the authority as specified in clause (a) of section 2, for providing service to any person who has submitted an application for clearances or licences or certificates or permits or consents or renewal thereof or any other matter incidental thereto, required under various State enactments for setting up, running, expansion, diversification or modernisation of enterprises;”;

(ii) after clause (l), the following clause shall be inserted, namely:—

“(la) “service” means any act or decision to be taken by a designated officer within the period as provided under the Act, or rules or bye-laws made thereunder with respect to processing of application submitted by any person for clearances, licences, certificates, permits, consents or renewal thereof or any other matter incidental thereto, required under various State enactments, for setting up, running, expansion, diversification and modernisation of enterprises;”;

(iii) after clause (o), the following clause shall be inserted, namely:—

“(p) “State Grievance Redressal Committee” means the State Grievance Redressal Committee constituted under section 13C of the Act.”.

3. *Insertion of new Chapter after Chapter II.*—In the principal Act, after Chapter II, the following Chapter shall be inserted, namely:—

“Chapter II A

DISTRICT GRIEVANCE REDRESSAL COMMITTEE AND STATE GRIEVANCE REDRESSAL COMMITTEE

13A. *District Grievance Redressal Committee.*—(1) The Government may, constitute a committee to be called 'District Grievance Redressal Committee' at District level to monitor that the services to any person who has submitted an application for clearances or certificates, licences, permits, consents or renewal or any other matter related thereto, required under various State enactments, for setting up, running, expansion, diversification or modernisation of enterprises having Capital Investment upto five crores are provided within the time limit as provided under this Act or rules or bye-laws made thereunder, and also to redress the grievances of such persons in an effective manner and to take steps against such designated officer who has failed or caused delay to provide the services, as

may be prescribed, within such time limit, without sufficient and reasonable cause.

(2) Every District Grievance Redressal Committee shall consists of the following members, namely:—

- (a) District Collector;
- (b) General Manager, District Industries Centre;
- (c) Regional Joint Director, Urban Affairs;
- (d) Deputy Director, Panchayat;
- (e) District Labour Officer;
- (f) District Officer of the State Pollution Control Board;
- (g) Deputy Chief Engineer, the Kerala State Electricity Board Limited;
- (h) District level officer of the Department, nominated by the Chairman, as he deems fit.

(3) The District Collector shall be the Chairman and the General Manager, District Industries Centre shall be the Convenor of the District Grievance Redressal Committee.

(4) The District Grievance Redressal Committee shall meet at least once in every months, at such time as decided by the Chairman. The first meeting in a month shall be on the first working day of that month. The procedure in regard to transaction of business of the said Committee shall be as decided by the Chairman of the Committee.

13B. *Powers and Functions of the District Grievance Redressal Committee.*—(1) Notwithstanding anything contained in any other law for the time being in force, any person aggrieved by the denial or delay in providing the services as may be prescribed, within the time limit provided under this Act or rules or bye-laws made thereunder, by a designated officer, may submit an application through online or otherwise in such manner and in such form, as may be prescribed, to the Convenor of the District Grievance Redressal Committee specifying the nature of denial or delay of service, within thirty days from the date of expiry of such time limit:

Provided that the Convenor of the said Committee may admit an application after the expiry of the period of thirty days if he is satisfied that the applicant had sufficient cause for not filing the application within such time.

(2) On receiving an application under sub-section (1), the Convenor or the officer authorised by him shall duly acknowledge the receipt and the Convenor shall keep register of the applications received, as prescribed.

(3) The Convenor shall call for the report from the designated officer on the application received under sub-section (1) within five days from the date of receipt of application and the designated officer concerned shall furnish the report called for within seven days and on receipt of such report, after considering such report and after giving an opportunity of being heard to the applicant and the designated officer concerned, dispose the application, within a period of thirty days from the date of receipt of application either directing the designated officer to provide the service, within a specified time or rejecting the application, and the decision thereon shall be intimated to the designated officer concerned and the applicant with reasons to be recorded in writing.

(4) The Chairman of District Grievance Redressal Committee shall forward applications which are not disposed within the time as specified in sub-section (3), to the State Grievance Redressal Committee with reasons for not disposing the applications within the said time limit, and in the case of application submitted through online, the District Grievance Redressal Committee shall forward the applications which are not disposed of to the State Grievance Redressal Committee through online, and such application shall be deemed to be an appeal to the State Grievance Redressal Committee and such procedure as may be specified under section 13 E shall be followed in disposing such appeals.

13C. *State Grievance Redressal Committee.*—(1) The Government may, constitute a Committee to be called 'State Grievance Redressal Committee' at State level to monitor the services to a person who has submitted an application for clearances, certificates, licences, permits, consents or renewal thereof or any other matter related thereto, required under various State enactments, for setting up, running of, expansion, diversification or modernisation of enterprises having Capital Investment exceeding five crores are provided within the time limit as provided under this Act or rules or bye-laws made thereunder, and also to redress

the grievances of such persons in an effective manner and to initiate action against such designated officer who has denied or caused delay in providing service as may be prescribed within such time limit without sufficient and reasonable cause.

(2) The State Grievance Redressal Committee shall consists of the following members, namely:—

(a) The Secretary to Government, in charge of the investment promotion, in the Industries Department;

(b) The Secretary to Government in charge of Local Self Government Department or an officer not below the rank of Special Secretary, Local Self Government Department, nominated by him;

(c) Law Secretary, or an officer not below the rank of Additional Law Secretary, Law Department nominated by him;

(d) a person retired from the Government Service, who was holding the post, not below the rank of Principal Secretary, appointed by the Government;

(e) Land Revenue Commissioner;

(f) Labour Commissioner;

(g) Chairman, Kerala State Electricity Board Limited;

(h) Chairman, State Pollution Control Board;

(i) Director of Factories and Boilers Department;

(j) Director of Industries;

(k) Secretary or Director of the Department as may be nominated by the Chairman, as he deems fit.

(3) The term of office of the member appointed under clause (d) of subsection (2), shall be such period i.e., three years or till another person is appointed as member by the Government to that post, whichever is earlier. The conditions of service and salary of such person appointed shall be as fixed by Government by order.

(4) The Chairman and Convenor of the State Grievance Redressal Committee shall be as decided by the Government from among the members of the Committee. The State Grievance Redressal Committee shall meet at least once in every month at such time and place as may be decided by the Chairman. The procedure in regard to the transaction of business of the said Committee shall be such as may be determined by the Chairman of the Committee.

13D. *Powers and functions of the State Grievance Redressal Committee.*— Notwithstanding anything contained in any other law for the time being in force, any person aggrieved by the denial or delay in providing the services as may be prescribed within the time limit, as provided under this Act or rules or bye-laws made thereunder, by a designated officer, may submit an application through online or otherwise in such manner and in such form as may be prescribed, to the Convenor of the State Grievance Redressal Committee, specifying the nature of denial or delay of service, within thirty days from the date of expiry of such time limit:

Provided that the Convenor of the State Grievance Redressal Committee may admit an application after the expiry of the period of thirty days if he is satisfied that the applicant had sufficient cause for not filing the application within such time.

(2) On receiving an application under sub-section (1), the Convenor or the officer duly authorised by him shall duly acknowledge the receipt and the Convenor shall keep a register of the applications received, as prescribed.

(3) The Convenor shall call for the report from the designated officer on the application received under sub-section (1) within five days from the date of receipt of application and designated officer concerned shall give the report called for within seven days and on receipt of such report, after considering such report and after giving an opportunity of being heard to the aggrieved person and the designated officer concerned dispose the application, within a period of thirty days from the date of receipt of application either directing the designated officer to provide the service, within a specified time or rejecting the application, with reasons to be recorded in writing and it shall be intimated to the designated officer concerned and the applicant forthwith.

13 E. *Appellate jurisdiction of the State Grievance Redressal Committee.*—(1) Any person aggrieved by any decision of the District Grievance Redressal Committee may file an appeal before the State Grievance Redressal Committee, against such decision, within thirty days from the date of receipt of such decision, in such manner and in such form, as may be prescribed :

Provided that the State Grievance Redressal Committee may admit an appeal after the expiry of the period of thirty days, if it is satisfied that the appellant had sufficient cause for not filing appeal within such time.

(2) The State Grievance Redressal Committee may call for report from the District Grievance Redressal Committee and the designated officer concerned, and after considering such reports, and after giving an opportunity of being heard to the designated officer and appellant, dispose the appeal within thirty days from the date of submission of the appeal. The decision of the State Grievance Redressal Committee on such appeal shall be final.

(3) If any denial or delay with regard to any matter, which comes under the purview of service, as defined in the Act, has come to the notice of the State Grievance Redressal Committee, the Committee may *suo motu* examine the matter and may pass appropriate orders on it.

(4) Notwithstanding anything contained in any other law for the time being in force, the decision taken by the State Grievance Redressal Committee under this section, shall be final and binding on the designated officer.

(5) The designated officer concerned shall implement such decision within a period of fifteen days from the date of receipt of the decision of the State Grievance Redressal Committee and if such officer failed or delayed to implement the decision, he shall be subjected to the penalty as specified in section 13F.

(6) The District Grievance Redressal Committee or the State Grievance Redressal Committee, as the case may be, shall have the same powers of a Civil Court while trying a suit under the Civil Procedure Code, 1908 (Central Act 5 of 1908) in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person or examining him on oath;
- (b) discovery and production of documents and deeds;
- (c) receiving evidence on affidavit;
- (d) issuing commission for the examination of witnesses.

13 F.*Penalty.*—If the District Grievance Redressal Committee or the State Grievance Redressal Committee, as the case may be, finds that the designated officer has failed to provide the services without sufficient and reasonable cause, the Chairman of the Committee concerned may by order in writing impose a fine on the designated officer at the rate of two hundred and fifty rupees for each day's delay, which shall not exceed ten thousand rupees and may recommend disciplinary action against such designated officer to the authority concerned, under the service rules applicable to him :

Provided that the designated officer shall be given a reasonable opportunity of being heard before imposing a penalty.”.

4. *Validation.*—Notwithstanding the cessation of operation of the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development (Amendment) Ordinance, 2022 (6 of 2022) (hereinafter referred to as the said Ordinance) on the 8th day of August, 2022,—

(a) anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the provisions of the principal Act as amended by this Act;

(b) anything done or any action taken after the cessation of operation of the said Ordinance and before the date of publication of this Act in the Gazette, which could have been done or taken under the principal Act as amended by the said Ordinance, had it not been ceased to operate, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999 (5 of 2000) provide for the speedy issue of various licences, clearances and certificates required for the setting up, expansion, diversification and modernisation of enterprises in the State, and renewal thereof and for the constitution of Industrial Township Area Authorities and for matters connected therewith.

The Government have decided to amend the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999(5 of 2000)by incorporating provisions to constitute a District Grievance Redressal Committee at District level to monitor that the services to any person who has submitted an application for clearances or certificates, licences, permits, consents or renewal or any other matter incidental thereto, required under various State enactments, for setting up, running, expansion, diversification or modernisation of enterprises having Capital Investment upto five crores and to redress the grievances of such persons and to take steps against such designated officer who has failed or caused delay to provide the services and to constitute a State Grievance Redressal Committee as an appealte authority upon the orders of the said Committee and for the matters connected therewith.

As the Legislative Assembly of the State of Kerala is not in session and the above proposal had to be given effect to immediately, the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development (Amendment) Ordinance, 2021 had been promulgated by the Governor of Kerala on the 10th day of September, 2021 and the same had been published as Ordinance No. 137 of 2021 in the Kerala Gazette Extraordinary No.2681 dated 14th September, 2021.

In order to keep alive the provisions of the said Ordinance the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development (Amendment) Ordinance, 2021 (142 of 2021) and the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development (Amendment) Ordinance, 2022 (6 of 2022) had been promulgated by the Governor of Kerala.

As the said Ordinance had ceased to operate on the 8th day of August, 2022, the Government have decided to bring an Act of the State Legislature by incorporating the provisions of the said Ordinance and for giving validation to anything done or any action taken under the Principal Act as amended by the said Ordinance after the cessation of operation of the said Ordinance and before the date of publication of this Bill as an Act in the Gazette.

The Bill is intends to achieve the above object.

FINANCIAL MEMORANDUM

In sub-section (3) of section 13 C of Chapter II A intended to be inserted as clause 3 of the Bill provides that the conditions of services and salary of the member of the State Grievance Redressal Committee, appointed as per clause (d) of sub-section (2) of the said section, shall be as fixed by Government by order. Expenses in connection with this item shall be met from the industrial promotion budget of the Kerala State Industrial Development Corporation and shall be refund from the Consolidated Fund of the State thereafter.

The Bill, if enacted and brought into operation, a recurring expenditure to the tune of Rs.37,56,000 (Rupees Thirty Seven Lakh and Fifty Six thousand only) and a non-recurring expenditure to the tune of Rs.80,000 (Rupees Eighty Thousand only) is expected annually from the Consolidated Fund of State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

In Chapter IIA intended to be inserted in the principal Act as per clause 3 of the Bill,—

(a) sub-section (1) of section 13 A seeks to empower the Government to constitute a District Grievance Redressal Committee for the purpose of the matters specified in the said section.

(b) section 13B,—

(i) sub-section (1) seeks to empower the Government to prescribe the manner and form of the application, to be filed by any person who aggrieved by the failure or denial in providing prescribed services to be provided by any designated officer, to the Convenor of the District Grievance Redressal Committee;

(ii) sub-section (2) seeks to empower the Government to prescribe the manner and form of the register for keeping the details of the applications received by the convener of the District Grievance Redressal Committee.

(c) section 13C,—

(i) sub-section (1) seeks to empower the Government to constitute a State Grievance Redressal Committee for the purpose of the matters specified in the said section;

(ii) sub-section (2) seeks to empower the Government to fix the conditions of service and salary of the member appointed as per sub-section(2) of the said section by the Government by Order.

(d) section 13D,—

(i) sub-section (1) seeks to empower the Government to prescribe the manner and form of the application to be filed by any person who aggrieved by the failure or denial in providing prescribed services to be provided by any designated officer, to the State Grievance Redressal Committee;

(ii) sub-section (2) seeks to empower the Government to prescribe the manner and form of the register for keeping the details of the applications received by the convener of the District Grievance Redressal Committee.

(e) sub-section (1) of section 13E seeks to empower the Government to prescribe the manner and form of the appeal filed to the State Grievance Redressal Committee against the decision of the District Grievances Redressal Committee.

The matters in respect of which rules may be made or notification may be issued are matters of procedure and are of routine or administrative in nature. Further, the rules, after they are made subject to scrutiny by the Legislative Assembly. The delegation of legislative powers is, thus, of a normal character.

EXTRACT FROM THE KERALA INDUSTRIAL SINGLE
WINDOW CLEARANCE BOARDS AND INDUSTRIAL
TOWNSHIP AREA DEVELOPMENT ACT, 1999

(5 of 2000)

** ** ** ** ** **

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

** ** ** ** ** **

(c) “ District Board” means the District Single Window Clearance Board constituted under sub-section (1) of section 4 of this Act;

** ** ** ** ** **

(l) “ Scheme” means the Scheme framed under this Act;

** ** ** ** ** **

(o) “State enactment” means a Proclamation or Act of Travancore or Cochin, an Act or Ordinance of Travancore-Cochin, an Act passed by the Legislature of the State of Kerala, or an Ordinance promulgated by the Governor and in force in the State and includes a rule, order, bye-law or regulation made in exercise of a power conferred by any such Act or Ordinance by the Government or an authority subordinate to Government.

CHAPTER II

State Board, District Boards and Industrial Area Boards

3. *State Board.*—(1) For the purpose of speedy issue of various licences, clearances, certificates required under various State enactments for setting up, running, expansion, diversification and modernization of enterprises in the State, the Government may, by notification, constitute Single Window Clearance Board for the State to be called the Kerala State Single Window Clearance Board.

** ** ** ** ** **

13. *Powers of the State Board to revoke the Licences.*—(1) If the State Board may *suo motu* at any time examine the record of a District Board or an Industrial

Area Board in respect of any proceedings under this Act, and if the State Board is satisfied that the clearance or certificate or licence under this Act has been obtained by misrepresentation as to the essential facts, the State Board may, by order direct the authority concerned to revoke the licence or certificate or clearance issued by them:

Provided that the State Board shall not pass any orders affecting any party unless such party has had an opportunity of making a representation.

** ** ** ** ** **

(3) The provisions contained in the proviso to sub-section (1) shall apply in respect of any proceedings under sub-section (2) as they apply to a proceeding under sub-section (1).

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