

Fourteenth Kerala Legislative Assembly

Bill No. 227

**THE KERALA INDUSTRIAL SINGLE WINDOW CLEARANCE
BOARDS AND INDUSTRIAL TOWNSHIP, AREA
DEVELOPMENT (AMENDMENT)
BILL, 2019**

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THE KERALA INDUSTRIAL SINGLE WINDOW CLEARANCE
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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 Seventieth 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, 2019.

(2) It shall come into force at once.

2. *Amendment of Section 3.*— In Section 3 of the Principal Act,—

(1) in sub-section (4), after the words “chairman”, the words “Principal Secretary in charge of Industries department shall be the Vice Chairman” shall be inserted;

(2) after sub-section (6), the following sub-section shall be inserted, namely:—

“(7) For assisting the State Board, in discharging the functions of such Board and for co-ordinating the functions of various departments and agencies for discharging such functions, a secretariat shall be constituted subject to such terms and conditions, in such manner as may be prescribed.”

3. *Amendment of section 5.*—In the principal Act, in section 5, for item (r) of sub-section (3), the following item shall be substituted, namely:—

“(r) in case of private park, declared by Government as Industrial area, the General Manager, District Industries Centre of the district concerned;”

(2) In Section 5 of the principal Act, for sub-section (4) the following sub-section shall be constituted, namely:—

“(4) District Collector shall be the Chairman of the industrial area board and, the Designated Authority of the industrial area concerned shall be the convener, and in the case of private park declared as Industrial Area by the Government, General Manager, District Industries Centre of the district concerned shall be the Convener of the Industrial Area Board.”;

4. *Insertion of Section 10A.*—After Section 10 of the principal Act, the following section shall be inserted, namely:—

“10A Power of the Chairman of the State Board to recommend to take disciplinary action against the members of the State Board, District Board and Industrial Area Board who have failed to attend the meeting.— The Chairman of the State Board may, suo-motu, or on the basis of the report of the District Board or Industrial Area Board is satisfied that, the members of the State Board or District Board or Industrial Area Boards have failed to attend, the meetings of such Boards, without reasonable cause, recommend to the concerned heads of departments to take suitable departmental proceedings, against such members for dereliction of duty.”

STATEMENT OF OBJECTS AND REASONS

The Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999 (5 of 2000) is an Act to provide special provision for the speedy issue of various licenses, clearances and certificates including renewal thereof, required for setting up and for expansion, diversification and modernization of enterprises in the State and for the Constitution of Industrial Township Area Development Authorities and for matters connected therewith.

The Government have decided to constitute a secretariat for assisting the State Board in performing the functions and also for co-ordinating the functions of various departments and agencies, and also decided to empower the Chairman of the Board to recommend to the heads of department to take departmental action against the members of the State Board, District Board and Industrial Area Board who fails to attend the meetings of such boards without reasonable cause and it is also decided to amend the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999 by incorporating the above said provisions along with certain other provisions for the said purpose.

The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

Sub-section (7) of section 3 of the principal Act proposed to be inserted by clause 3 of the Bill seeks to empower the Government to constitute a secretariat to assist the State Board in discharging its functions and also for co-ordinating the functions of various departments and agencies for the purpose of discharging such functions. But the recurring and nonrecurring expenditure that may be incurred on this account from the Consolidated Fund of the State cannot be estimated with any degree of accuracy at present.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (7) of section 3 of the principal Act proposed to be inserted by clause 3 of the Bill, seeks to empower the Government to prescribe the terms and conditions subject to which and the manner in which a secretariat shall be constituted to assist the State Board, for discharging its functions.

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

E. P. JAYARAJAN.

“(3) Every Industrial Area Single Window Clearance Board shall consist of the following members, namely:—

- (a) Principal Secretary to Government, Industries Department or his nominee;
- (b) District Collector;
- (c) Chief Executive of the Agency owning or managing the industrial area;
- (d) Designated Authority of industrial area concerned;
- (e) District Officer of the State Pollution Control Board;
- (f) District Officer of the Electrical Inspectorate;
- (g) District Officer of the Town and Country Planning Department;
- (h) District Medical Officer;
- (i) Deputy Chief Engineer of the Kerala State Electricity Board Limited;
- (j) District Officer, Factories and Boilers;
- (k) Divisional Officer, Department of Fire and rescue services;
- (l) Divisional Forest Officer;
- (m) District Labour Officer;
- (n) An officer of the State Goods and Service Tax Department not below the rank of Deputy Commissioner;
- (o) Executive Engineer, Kerala Water Authority;
- (p) Secretary District Tourism Promotion Council;
- (q) General Manager, District Industries Centre;
- (r) Designated authority of Industrial Area concerned and in case of private park, General Manager, District Industries Centre of the district concerned.”;

(4) District Collector shall be its Chairman and the Designated Authority of the industrial area concerned or in the case of private park, General Manager, District Industries Centre of the district concerned shall be the Convener of the Industrial Area Board.

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10. Issuing of clearances, licences, certificates or renewal thereof.—

Notwithstanding anything contained in any other law for the time being in force or any other provisions of this Act, the State Board, District Boards or Industrial Area Board shall issue the clearance, license, certificate or renewal thereof, as the case may be, within thirty working days from the date of receipt of the application by the Board concerned, and if no clearance, licences, certificates or renewal thereof, as the case may be, is issued or the said application is not rejected within the said time limit, the clearance, licence, certificate or renewal thereof, as the case may be, shall be deemed to have been issued after the expiry of said period of thirty days.”;

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