

[Translation in English of “1999-ലെ കേരള വ്യവസായ ഏകജാലക ക്ലിയാൻസ് ബോർഡുകളും വ്യവസായ നഗരപ്രദേശ വികസനവും ആക്ട്” published under the authority of the Governor.]

ACT 5 OF 2000

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

AN

ACT

to provide special provision for speedy issue of various licences, clearances and certificates ¹[including renewal thereof required for setting up and for expansion, diversification and modernisation of enterprises] in the State of Kerala and for the Constitution of Industrial Township Area Development Authorities and for matter connected therewith.

Preamble.—WHEREAS it is necessary to make special provision to promote and assist the orderly establishment and rapid growth and development of industries² [and enterprises] in the State;

³[AND WHEREAS, for the speedy issue of various licences, clearances and certificate required for setting up and running of enterprises and for issue of clearances for expansion, diversification, modernisation and renewal of licences for enterprises in the State of Kerala and for that purpose it is necessary to establish Single Window Clearance Boards at the State, District and Industrial Area Level];

AND WHEREAS clause (1) of Article 243 Q of the Constitution provides for the constitution of an industrial Township in the manner provided therein;

AND WHEREAS for the purpose of administering the affairs of an Industrial Township and to promote the industrial growth, it is necessary to constitute Industrial Area Development Authorities;

* Received the assent of the Governor on the 18th day of January, 2000 and published in the Kerala Extraordinary Gazette No.770 dated 27th April, 2000.

1 Substituted by Act 14 of 2018(w.e.f. 20-10-2017).

2 Inserted by Act 14 of 2018(w.e.f. 20-10-2017).

3 Substituted by Act 14 of 2018(w.e.f. 20-10-2017).

AND WHEREAS it is expedient to provide for all these and other matters connected therewith;

Be it enacted in the Fiftieth Year of Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Industrial Single Window Clearance Boards and Industrial Township Area Development Act, 1999.

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

(3) It shall come into force on ¹such date as the Government may, by ²notification in the Gazette, appoint.

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

(a) "Authority" means any Department of Government or Government agencies or Grama Panchayat or Municipality ³[any statutory bodies or service providers] which are required to issue clearances or licences or certificates or permits ⁴[or consents or renewal thereof] for setting up an ⁵[enterprise] in the State;

(b) "Bye-laws" means bye-laws made by the State Board under this Act;

⁶[(ba) "Clearances" means various clearances including licences, certificates, permits or consents required under various Central or State enactments and rules made thereunder, and for providing utility services and renewal thereof from, time to time, for setting up and running, expansion, diversification and modernisation of any enterprise in the State of Kerala;]

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

1 1st day of June, 2000 vide S.R.O.No. 457/2000 dated 30-05-2000 published in the Kerala Gazette Extraordinary No. 996 dated 30th May, 2000.

2 G.O (Rt) No.596/2000/ID dated 30th May, 2000 and published as S.R.O No. 457/2000 in the Kerala Gazette Extraordinary No.996 dated 30th May, 2000 (w.e.f. 01-06-2000).

3 Inserted by Act 14 of 2018(w.e.f. 20-10-2017).

4 Inserted by Act 14 of 2018(w.e.f. 20-10-2017).

5 Substituted by Act 25 of 2024(w.e.f.02-11-2024).

6 Inserted by Act 14 of 2018(w.e.f. 20-10-2017).

¹[(ca) "District Grievance Redressal Committee" means District Grievance Redressal Committee constituted under section 13A of the Act;

(cb) "Designated Officer" means an officer appointed as specified in clause (a) of section 2, for providing service to any person who has submitted an application for obtaining clearances or licences or certificates or permits or consents or renewal thereof which the State Government is empowered to issue under various Central and State enactments or any other matter incidental thereto, for setting up, running, expansion, diversification or modernisation of enterprises;]

(d) "designated Authority of Industrial Area" means the Managing Director of the Industrial Area or any other Officer appointed by the Government for purposes of promoting and maintaining the industrial area concerned;

²[(da) "Enterprise" means any undertaking or factory or workshop or workplace or any other establishment or industry engaged in manufacturing or processing or providing services or any commercial activities including trade or investment in infrastructure;]

(e) "Government" means the Government of Kerala;

(f) "Industrial Area" means any area in the State declared to be an industrial area by the Government by notification in the Gazette from time to time and includes industrial estates, development areas, development plots, mini industrial estates, industrial parks and growth centres;

(g) "Industrial Area Board" means the Industrial Area Single Window Clearance Board constituted under sub-section (1) of section 5 of the Act;

(h) "Industrial Township Area" means an industrial area referred to in section 14 of this Act;

(i) "Industrial Township Authority" means an Industrial Township Authority constituted for an industrial township area under section 15 and the Scheme;

³[(j) xxxx]

(k) "Prescribed" means prescribed by rules made under this Act;

1 Inserted by Act 19 of 2022 (w.e.f. 14-09-2021).

2 Inserted by Act 14 of 2018(w.e.f. 20-10-2017).

3 Omitted by Act 14 of 2018 (w.e.f. 20-10-2017).

(l) "Scheme" means the Scheme framed under this Act;

¹[(la) "service" means any act or steps 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 obtaining clearances, licences, certificates, permits, consents or renewal thereof which the State Government is empowered to issue under various Central and State enactments or any other matter incidental thereto, for setting up, running, expansion, diversification or modernisation of enterprises;]

²[(m) xxxx]

(n) "State Board" means the "Kerala State Single Window Clearance Board" constituted under sub-section (1) of section 3 of the 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.

³[(p) "State Grievance Redressal Committee" means the State Grievance Redressal Committee constituted under section 13C of the Act.]

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 ⁴[setting up, running, expansion, diversification and modernisation 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.

(2) The Kerala State Single Window Clearance Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal.

¹ Inserted by Act 19 of 2022 (w.e.f. 14-09-2021).

² Omitted by Act 25 of 2024(w.e.f. 02-11-2024).

³ Inserted by Act 19 of 2022 (w.e.f. 14-09-2021).

⁴ Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

⁵[(3) The State Board shall consist of the following members, namely:—

- (a) Chief Secretary to the Government;
- (b) The Secretaries to the Government in charge of Industries, Finance, Labour, Local Self Government, Revenue, Taxes, Water Resources, Power, Forests, Environment, Tourism, Health, Investment Promotion and Public Works Departments;
- (c) Managing Director, Kerala State Industrial Development Corporation Limited;
- (d) Director of Industries and Commerce, Government of Kerala;
- (e) Chairman and Managing Director, Kerala State Electricity Board Limited;
- (f) Chief Town Planner;
- (g) Chairman, Kerala State Pollution Control Board;
- (h) Chief Electrical Inspector;
- (i) Director of Factories and Boilers;
- (j) Director of Mining and Geology;
- (k) Director General, Fire and Rescue Services Department.]

(4) The Chief Secretary to Government shall be the Chairman, ²[Principal Secretary in charge of Industries department shall be the Vice Chairman] and the Managing Director, Kerala State Industrial Development Corporation shall be the Convener of the State Board.

(5) The State Board shall meet ³[at such intervals not exceeding thirty days] and places to be fixed by the Chairman of the State Board and shall observe such procedure in regard to its transaction of business as may be made in the bye-laws.

(6) The State Board may associate itself, in such manner and for such purposes as may be prescribed with any person whose assistance or advice it may desire to have in the performance of any of its functions under the Act, and the person so associated shall have the right to take part in the meetings of the State Board relating to that purpose as a special invitee and shall not be considered as a member of the State Board.

5 Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

2 Inserted by Act 23 of 2019 (w.e.f. 07.12.2019).

3 Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

¹[(7) For assisting the State Board in discharging the functions of such Board and for coordinating the functions of various departments and agencies for discharging such functions, there shall be a secretariat, subject to such terms and conditions, in such manner as may be prescribed.]

4. District Boards.—(1) For the purpose of speedy issue of various licences, clearances of certificates required under the various State enactments for ²[setting up, running, expansion, diversification and modernisation of enterprises having a capital investment up to rupees fifteen crores] in each district of the State, the Government may, by notification, constitute a District Single Window Clearance Board for each district in the State.

(2) Every District Single Window Clearance Board shall be a body corporate by the name of the District for which it is constituted, having perpetual succession and a common seal.

³[(3) Every District Single Window Clearance Board shall consist of the following members, namely:—

(a) District Collector concerned;

(b) General manager, District Industries Centre;

(c) The President of the Village Panchayat concerned or Chairperson of the Municipality/Mayor of the Corporation concerned in cases where licence is required from local bodies;

(d) The District Officer of the Kerala State Pollution Control Board or any other officer of the said Board nominated by the Chairman, Kerala State Pollution Control Board;

(e) The District Officer of the Electrical Inspectorate or any other officer nominated by the Chief Electrical Inspector;

(f) The District Officer of the Town and Country Planning Department or any other officer nominated by the Chief Town Planner ;

(g) District Medical Officer;

(h) The Deputy Chief Engineer of the Electrical Circle of the Kerala State Electricity Board Limited having jurisdiction over the district;

(i) District Officer, Factories and Boilers;

1 Inserted by Act 23 of 2019 (w.e.f 07.12.2019).

2 Substituted by Act 25 of 2024 (w.e.f. 02-11-2024).

3 Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

(j) Divisional Officer, Fire and Rescue Services;

(k) Divisional Forest Officer;

(l) District Labour Officer;

(m) Secretary, Urban Development Authority or Secretary, District Panchayat;

(n) An Officer of the State Goods and Services Tax Department not below the rank of Deputy Commissioner;

(o) An Officer of the Kerala Water Authority not below the rank of Executive Engineer nominated by the Managing Director, Kerala Water Authority;

(p) An Officer of the Tourism Department not below the rank of Deputy Director nominated by the Director of Tourism Department;

(q) An Officer of the Public Works Department not below the rank of Executive Engineer nominated by the Secretary, Public Works Department;

(r) District Officer of the Department of Mining and Geology.]

(4) The Collector of the District shall be the Chairman and the General Manager, District Industries Centre shall be the Convener of the District Board.

(5) The District Board shall meet ¹[at such intervals not exceeding twenty days] and place to be fixed by the Chairman of the District Board and shall observe such procedure in regard to its transaction of business as may be made in the bye-laws;

(6) The District Board may associate itself, in such manner and for such purposes as may be prescribed with any person whose assistance or advice it may desire to have in the performance of any of its functions under the Act, and the person so associated shall have the right to take part in the meetings of the District Board relating to that purpose as a special invitee and shall not be considered as a member of the District Board.

5. Industrial Area Boards.—(1) For the purpose of speedy issue of various licences, clearances or certificates required under the various State enactments for ²[³setting up, running, expansion, diversification and modernisation] of enterprises] in the Various Industrial areas of the State, the Government may, by

¹ Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

² Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

³ Substituted by Act 25 of 2024 (w.e.f.02-11-2024).

notification constitute Single Window Clearance Boards for every industrial areas in the State to be called Industrial Area Single Window Clearance Board.

(2) Every Industrial area Single Window Clearance Board shall be a body corporate by name of the Industrial Area for which it is constituted, having perpetual succession and a common seal.

¹[(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;]

²[(r) in case of a private park declared by Government as Industrial area, the General Manager, District Industries Centre of the district concerned;]

³[(4) District Collector shall be the Chairman of the Industrial Area Board and the Designated Authority of the industrial area concerned shall be the

¹ Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

² Substituted by Act 23 of 2019 (w.e.f. 07.12.2019).

³ Substituted by Act 23 of 2019 (w.e.f. 07.12.2019).

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.]

(5) The Industrial Area Board shall meet at such time and place to be fixed by the Chairman of the Industrial Area Board and shall observe such procedure in regard to its transaction of business as may be made in the bye-laws.

(6) The Industrial Area Board may associate itself, in such manner and for such purposes as may be prescribed, with any person whose assistance or advice it may desire to have in the performance of any of its functions under the Act, and the person so associated shall have the right to take part in the meetings of the Industrial Area Board relating to that purpose as a special invitee and shall not be considered as a member of the Industrial Area Board:

¹[Provided that in the case of a private park, declared as Industrial Area, the Chief Executive Officer of the private park concerned shall be a special invitee.]

6. *Exemption from licences etc.*—Notwithstanding anything contained in any law for the time being in force ²[all enterprises being established or proposed to be established or operating] in industrial area shall be exempted from obtaining permits from Municipalities or Grama Panchayats Town Planning Department or Development Authorities for construction of buildings ³[including expansion, diversification, modernisation and issue of trade licences] for starting an ⁴[enterprise].

7. *Powers and functions of Industrial Area Boards.*—(1) Notwithstanding anything contained in any law for the time being in force, every person intending ⁵[for setting up or running or expansion or diversification or modernisation of] ⁶[enterprises] in any of the notified industrial areas shall submit the application in the prescribed form to the designated authority of that industrial area for clearances or licences or certificates ⁷[or ⁸[renewal thereof]] required under various State enactments together with the fee if any to be paid, under the

1 Added by Act 25 of 2024(w.e.f.02-11-2024).

2 Substituted by Act 14 of 2018(w.e.f. 20-10-2017).

3 Inserted by Act 14 of 2018(w.e.f. 20-10-2017).

4 Substituted by Act 25 of 2024 (w.e.f.02-11-2024).

5 Substituted by Act 25 of 2024(w.e.f.02-11-2024).

6 Substituted by Act 14 of 2018(w.e.f. 20-10-2017).

7 Inserted by Act 14 of 2018(w.e.f. 20-10-2017).

8 Substituted by Act 25 of 2024(w.e.f.02-11-2024).

respective enactment. The application shall also contain such details as may be prescribed.

(2) The Industrial Area Board shall after complying the procedure prescribed in this behalf and within thirty days from the date of receipt of the application take a decision ¹[xxxx],—

(a) ²[to issue the licence, renewal of licences] or permission applied for without any modifications or with such modifications as it thinks to fit to make; or

(b) to refuse clearance if it is of the opinion that the proposed construction, establishment or installation is objectionable.

(3) The decision taken by the Industrial Areas Board shall be communicated to the applicant and the authority concerned by the designated authority of the Industrial Area Board ³[if no communication is received by the applicant within thirty days from the date of submission of application to the Board, the permission applied for shall be deemed to have been granted by the Board for such period requested for in the application].

8. Powers and functions of District Board.—(1) Notwithstanding anything contained in any law for the time being in force, every person ⁴[intending for setting up or running or expansion or diversification or modernisation of] any ⁵[enterprises having capital investment upto fifteen crores] rupees shall submit the application in the prescribed form to the Convener of the District Board for clearances or licences or certificates ⁶[or renewal thereof] required under various State enactments along with the required fee under the respective enactment. The application shall contain such details as may be prescribed.

(2) The District Board shall, after complying the procedure prescribed in this behalf and within ⁷[thirty days] from the date of receipt of the application take a decision ⁸[xxxx],—

1 Omitted by Act 14 of 2018(w.e.f. 20-10-2017).

2 Substituted by Act 14 of 2018(w.e.f. 20-10-2017).

3 Inserted by Act 14 of 2018 (w.e.f. 20-10-2017).

4 Substituted by Act 25 of 2024 (w.e.f.02-11-2024).

5 Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

6 Inserted by Act 25 of 2024 (w.e.f.02-11-2024).

7 Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

8 Omitted by Act 14 of 2018 (w.e.f. 20-10-2017).

(a) to recommend to the authority concerned the issue of the licence or permission applied without any modifications or with such modifications as it thinks fit to make; or

(b) refuse clearance if it is of the opinion that the proposed construction, establishment or installation is objectionable.

(3) The decision taken by the District Board shall be communicated to the applicant and the authority concerned by the Convener of the District Board ¹[and the same shall be binding on the authority concerned, and if no clearance, licence or certificate or renewals thereof, as the case may be, is issued within thirty days from the date of submission of application to the Board, the clearance, licence or certificate or renewals thereof applied for, shall be deemed to have been issued after the expiry of said period of thirty days].

²[(4) Notwithstanding anything contained in any other law for the time being in force, the application for clearance, licence or certificate or any renewal thereof, submitted before the District Board concerned for ³[setting up or running or expansion or diversification or modernisation] of an enterprise having a capital investment of less than fifteen crore rupees is rejected or granted with conditions, the person aggrieved may file an appeal before the State Board against such order of refusal or grant of licence with conditions within thirty days from the date of receipt of order from the District Board, in the manner prescribed, and appeal shall be disposed of by the State Board within twenty days from the date of receipt of the appeal.]

9. Powers and functions of the State Board.—(1) Notwithstanding anything contained in any law for the time being in force every person intending ⁴[for setting up or running or expansion or diversification or modernisation of] any ⁵[enterprise having total investment above fifteen crore rupees] in the State, shall submit the application for clearances or licences or certificates ⁶[or renewals thereof] required under various State enactments to the Convenor of the State Board in the prescribed form along with the required fee under the respective enactment. The application shall contain such details as may be prescribed.

¹ Inserted by Act 14 of 2018 (w.e.f. 20-10-2017).

² Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

³ Substituted by Act 25 of 2024 (w.e.f.02-11-2024).

⁴ Substituted by Act 25 of 2024 (w.e.f.02-11-2024).

⁵ Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

⁶ Inserted by Act 14 of 2018 (w.e.f. 20-10-2017).

(2) The State Board shall after complying the procedure prescribed in this behalf and within ¹[thirty days] from the date of receipt of the application take a decision ²[xxxx],—

(a) ³[to issue licence, clearance or renewal] or permission applied for without any modification or with such modification as it thinks fit to make; or

(b) to refuse clearance if it is of the opinion that the proposed construction, establishment or installation is objectionable.

(3) The decision taken by the State Board shall be communicated to the applicant and the authority concerned by the Convenor of the State Board ⁴[and the same shall be binding on the authorities concerned and if no clearance, licence, certificate or renewals thereof, as the case may be, is issued within thirty days from the date of submission of application to the Board, the clearance, licence, certificate or renewals thereof applied for shall be deemed to have been issued after the expiry of said period of thirty days].

⁵[(4) The State Board is also empowered to recommend to the Government on policy matters concerning various issues and problems faced by any entrepreneur in establishing any enterprise or for the development, diversification of modernisation or implementation or operation or running of such enterprises in the State and suggest remedial measures to address such issues and problems in good industrial practice to promote investment opportunity in the State.]

⁶[10. *Issuing of clearances, licences, certificates or renewals 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, licence, 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 the said period of thirty days.]

1 Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

2 Omitted by Act 14 of 2018 (w.e.f. 20-10-2017).

3 Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

4 Inserted by Act 14 of 2018(w.e.f. 20-10-2017).

5 Inserted by Act 14 of 2018(w.e.f. 20-10-2017).

6 Substituted by Act 14 of 2018(w.e.f. 20-10-2017).

¹[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 report of the District Board or Industrial Area Board, if satisfied that any member of the State Board, District Board or Industrial Area Board has failed to attend the meeting of such Board without reasonable cause, recommend to the head of department of such member to take departmental proceedings against such member for dereliction of duty.]

11. *Appellate Jurisdiction of the State Board.*—(1) If the clearance or licence or certificate applied for before the District Board or Industrial Area Board has been refused or ²[issued with such conditions], the aggrieved person may, within thirty days from the date of receipt of ³[such order of refusal or order] ⁴[issued with such conditions] from the District Board or Industrial Area Board, file an appeal to the state board against such order, in the manner prescribed.

(2) The State Board may, if it is considered necessary call for additional details and on production of such details and after giving an opportunity of being heard to the aggrieved person and the authority concerned, shall dispose of such appeal within a period of ⁵[twenty days] from the date of filing the appeal. The decision of the State Board on such appeal shall be final.

(3) The State Board may, with the previous approval of the Government delegate to any Sub Committee constituted by it such of its powers and functions under this section subject to such restrictions and conditions, if any, as it may specify.

(4) The composition of the Sub Committee shall be such as may be prescribed.

(5) Notwithstanding anything contained in any law for the time being in force any licence, clearance or certificate granted on the basis of a decision under this section by the State Board or a Sub Committee of the State Board shall be deemed to be issued under the respective statute.

1 Inserted by Act 23 of 2019 (w.e.f.07.12.2019).

2 Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

3 Inserted by Act 25 of 2024 (w.e.f.02-11-2024).

4 Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

5 Substituted by Act 14 of 2018 (w.e.f. 20-10-2017).

¹[11A. *Overriding powers of the State Board, District Boards and Industrial Area Boards.*—(1) Notwithstanding anything contained in any other law for the time being in force, or other provisions of the Act, the State Board, the District Boards or the Industrial Area Boards as the case may be, on receipt of composite application prescribed under rules along with recommendations of the departments concerned, shall issue a composite licence to the applicant in the form prescribed for establishing and running an enterprise in the State and such composite licence issued by the respective Board shall be binding on all authorities concerned and shall be valid for a period of five years from the date of its issue:

Provided that if an enterprise is being established on a rented or leased premises the validity of the composite licence shall expire on the expiry of the lease or rental period or five years whichever is earlier and such authorities shall not cancel such licence without the consent of the respective Board.

(2) The authorities concerned, shall have the right to conduct inspection of the enterprise periodically, but not exceeding one year at a time, and enquire whether the enterprise has violated any provisions of the Act or rules made thereunder, and if any violation is noticed by the authorities concerned or the information given in the application for the grant of composite licence is found to be false, the authority concerned may recommend to the Board concerned to cancel the composite licence for non-compliance of any conditions imposed on issue of such licences or violation of any provisions of Act or rules, and on receipt of such recommendation, the Board concerned shall cancel the composite licence and may, impose a penalty, as may be prescribed, on such enterprises after issue of a show cause notice and after considering any submission, if any, made by such enterprises.

(3) All composite licences issued under this section shall be renewed for a period of five years at a time on submission of an application along with the prescribed fee, within seven days from the date of receipt of such application.]

12. *Appellate Jurisdiction of the Government.*—Any person aggrieved by the decision of the State Board other than on matters decided by it on appeal under section 11 over the decision of the District Board or Industrial Area Board, as the case may be, may appeal to the Government within thirty days from the date of such decision by the State Board and the decision of the Government on such appeal shall be final.

1 Inserted by Act 14 of 2018 (w.e.f. 20-10-2017).

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 of licence under this Act has been obtained by misrepresentation as 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 order affecting any party unless such party has had an opportunity of making a representation.

(2) If the State Board is satisfied either on a reference made to it in this behalf or otherwise, that any person or authority to whom or to which the clearance or licence or certificate has been issued under this Act failed to establish or to take effective steps to establish the ¹[enterprise] in respect of which the clearance or licence or certificate has been issued within the time specified therein or within such extended time as the State Board may think fit to grant in any case, it may direct the authority concerned to revoke the licence or clearance or certificate already granted.

(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).

²[CHAPTER IIA

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 obtaining clearances or certificates, licences, permits, consents or renewal thereof which the State Government is empowered to issue under various Central and State enactments or any other matter incidental thereto, for setting up, running, expansion, diversification or modernisation of enterprises having Capital Investment upto ten 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

¹ Substituted by Act 25 of 2024 (w.e.f.02-11-2024).

² Inserted by Act 19 of 2022 (w.e.f. 14-09-2021).

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 consist 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 Chairperson, as he deems fit.

(3) The District Collector shall be the Chairperson 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 place and time as decided by the Chairperson. 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 Chairperson of the Committee. The quorum shall not be less than one third of the total members.

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 Chairperson 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 the said matter shall be informed to the applicant in writing, 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 13E 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 obtaining clearances, certificates, licences, permits, consents or renewal thereof which the State Government is empowered to issue under various Central and State enactments or any other matter incidental thereto, for setting up, running, expansion, diversification or modernisation of enterprises having Capital Investment exceeding ten 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 consist of the following members, namely:—

(a) The Secretary to Government, in charge of the investment promotion, in the Industries and Commerce 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) Chairperson, Kerala State Electricity Board Limited;

(h) Chairperson, State Pollution Control Board;

(i) Director of Factories and Boilers Department;

(j) Director of Industries and Commerce;

(k) Secretary or Director of the Department as may be nominated by the Chairperson, 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 Chairperson 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 Chairperson. The procedure in regard to the transaction of business of the said Committee shall be such as may be determined by the Chairperson of the Committee. The quorum shall not be less than one third of the total members.

13D. Powers and functions of the State 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, 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 application 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.

13E. 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 moto* 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.

13F. *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 Chairperson 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.]

CHAPTER III

Establishment of Industrial Township

14. *Establishment of Industrial Township.*—(1) The Governor may, having regard to the size of an Industrial Area and the municipal services being provided or proposed to be provided by an agency in that area and such other factors as he may deem fit, by public notification under the proviso to clause (1) of article 243 Q of the Constitution of India, specify that area to be an Industrial Township Area.

Explanation.—In this section the expression an industrial area means an area benefited by an industrial area.

(2) Upon any area being specified an industrial township in the manner stated in sub-section (1), such area, if included in a Panchayat constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or, as the case may be, in a municipality constituted under the Kerala Municipality Act, 1994 (20 of 1994), shall, with effect from the date of such notification be deemed to be excluded from such Panchayat or Municipality, as the case may be.

(3) The authority shall have all the powers of a Municipality in an industrial township area.

(4) The Industrial Township Authority shall have the power to collect the taxes and fees and to realise the fine that can be collected or realised under the Kerala Municipality Act, 1994 (20 of 1994) from the area within the jurisdiction of the Industrial Township Area.

15. *Constitution of the Industrial Township Authority.*—(1) The Government may for the purposes of administering the affairs of an Industrial Township Area and for carrying out the provisions of this Act by notification constitute an Industrial Township Authority for each Industrial Township Area.

(2) The Industrial Township Authority shall consist of such number of Directors as may be appointed by the Government and they shall be chosen in such manner as may be provided for in the Scheme.

(3) The functions of the Industrial Township Authority shall be to administer the affairs and secure the planned development and maintenance of the Industrial Township Area.

(4) The Industrial Township Authority shall administer the Industrial Township Area in such manner as may be specified in this Act and the Scheme.

(5) Subject to the provisions of this Act the Scheme may provide for all or any of the following matters, namely:—

- (a) the manner in which the Directors of the Industrial Township Authority shall be chosen and appointed;
- (b) the manner in which the meeting of the Industrial Township Authority may be conducted;
- (c) the constitution of any committee for assisting the Industrial Township Authority;
- (d) the manner in which the preparation of the budget maintenance of accounts and the audit of accounts of the Industrial Township Authority may be made;
- (e) the registers and records to be maintained by the Industrial Township Authority;
- (f) any other matter which is to be provided for in the Scheme or which may be necessary or proper for the purpose of implementing the Scheme.

(6) Every Scheme framed under this section shall be laid, as soon as may be after it is issued 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 Scheme or decides that the Scheme should not be issued, the Scheme 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 the Scheme.

16. *Extension of provisions of the Municipal Act or the rules made thereunder.*—(1) The Government may, by notification, in the Gazette declare that any of the provisions of the law relating to the Municipalities in force for the time being or of any rules made thereunder, shall be extended to, and be in force in, an industrial township area.

(2) The provisions so notified shall be construed with such alterations not affecting the substance as may be necessary or proper for the purpose of adopting them to an industrial township area.

(3) Without prejudice to the generality of the foregoing provision, all reference to a Municipal Council or the Chairman or the Secretary thereof shall be construed as references to the Industrial Township Authority or the Chairman or the Chief Officer of the Industrial Township Authority thereof, all references to any officer or employee of a municipal council as references to the corresponding Officer or employee of the authority and all reference to the local limits of the municipality as reference to the limits of the industrial township area, as the case may be.

CHAPTER IV

Supplementary and Miscellaneous Provisions

17. *Applicability of the Kerala Buildings (Lease and Rent control) Act, 1965 (2 of 1965).*—The Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965) shall not apply to any premises belonging to the Industrial Township Authority under section 15.

18. *Overriding effect of the Act.*—Upon any area being declared an industrial area under the provisions of this Act, such area, as included in the master plan or the zonal development plan under the Town Planning Act (IV of 1108) or the Madras Town Planning Act, 1920 (Madras Act VII of 1920) or any other Act enacted by the Kerala State Legislature, shall, with effect from the date of such declaration be deemed to be excluded from any such plan.

19. *Direction by Government.*—The Government may from time to time issue to the State Board or a District Board or an Industrial Area Board or an Industrial Township Authority such general or special directions of policy as they may deem

necessary or expedient for the purpose of carrying out the objects of this Act and the State Board or the District Board or the industrial area board, or the industrial township authority, as the case may be, shall be bound to follow and act upon such directions.

20. *Returns and Inspection.*—(1) The industrial township authority shall furnish to the Government such reports, returns and other information as the Government may from time to time require.

(2) Without prejudice to the provisions of sub-section (1) the Government or any officer authorised by the Government in that behalf, may call for reports, returns and other information from the industrial township authority in regard to the implementation of any Scheme.

(3) Any person authorised by the Government or the officer referred to in sub-section (2) may enter into or upon any land with or without assistance of workman for ascertaining whether the provisions of the schemes are being or have been implemented, or whether the development is being or has been carried out in accordance with such scheme.

(4) No such entry shall be made except between the hours of sun rise and sun set and without giving reasonable notice to the occupier or if there is no occupier, by the owner of the land or building.

21. *Members and Officers to be Public Servants.*—Every member and every officer and other employee of the industrial township authority or the State Board, the District board or the Industrial Area Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

22. *Protection of Action taken in Good Faith.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any Rule or regulation by law made thereunder.

23. *Acts not to be Invalidated by Irregularity, Vacancy etc.*—No act done or proceeding taken under this Act, by the State Board, the District Board or the Industrial Area Board or a Sub-Committee appointed by the State Board shall be invalidated merely on the ground of—

- (a) any vacancy in, or defect in the constitution of the State Board, the District Board or the Industrial Area Board or any Sub Committee of the State Board; or
- (b) any defect or irregularity in the appointment of a person acting as a member of any such Board or Sub Committee; or
- (c) any defect or irregularity in such Act or proceeding not affecting the merits of the case.

24. Powers of the State Board to make bye-laws.—(1) The State Board may, subject to the provisions of this Act and with the previous approval of the Government, by notification in the Gazette, make bye-laws generally to carry out the purposes of this Act.

(2) Such bye-laws may provide for,—

- (a) the procedure to be followed by the State Board, District Boards and Industrial Area Board for transaction of their business;
- (b) all matters connected with granting of licences, clearances or certificates by the State Board, District Boards and Industrial Area Boards.

25. Powers of the State Board, District Boards and Industrial Area Boards to Collect Fees.— The State Board, District Board and Industrial Area Board may with the previous approval of the Government fix, and collect fees from the beneficiaries.

26. Power to make Rules.—(1) The Government may, by notification in the Gazette, make Rules for carrying out the purposes 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 decides that the rule should be either modified or annulled, the rule shall thereafter have effect only in such modified form or have 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.

27. *Power of the Industrial Township Authority to make Regulations.*—(1) Subject to the provisions of this Act and the Rules made thereunder an Industrial Township Authority may, with the approval of the Government make regulations for carrying out any of the purposes for which it is constituted.

(2) The Government shall have power to make rule regarding the procedure for the making of regulations, the publication thereof, and the date on which they shall come into effect.

28. *Removal of Difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act the Government may, as occasion may require, by order to anything not inconsistent with this Act, which appear to them necessary for the purpose of removing the difficulty:

Provided that no such order shall be passed after two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid before the first meeting of the Legislative Assembly, after making the order.