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കേരള സർക്കാർ
Government of Kerala
2018



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

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

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

12th February, 2018
Dated, Thiruvananthapuram, 29th Makaram, 1193
23rd Magha, 1939.

The following Ordinance promulgated by the Governor of Kerala on the 12th day of February, 2018 is hereby published for general information.

By order of the Governor,
B. G. HARINDRANATH,
Law Secretary.

ORDINANCE No. 8 OF 2018**THE KERALA INVESTMENT PROMOTION AND
FACILITATION ORDINANCE, 2018**

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

AN

ORDINANCE

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

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

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Legislative Assembly of the State of Kerala, in its session which held on the 9th day of November, 2017;

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, the Kerala Investment Promotion and Facilitation Ordinance, 2017 (35 of 2017) was promulgated by the Governor of Kerala on the 20th day of December, 2017;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature was introduced in the Kerala Legislative Assembly as Bill No. 88 of the Fourteenth Kerala Legislative Assembly and the same could not be passed by the Legislative Assembly during its session which commenced on the 22nd day of January, 2018 and ended on the 7th day of February, 2018;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the said Ordinance will cease to operate on the 5th day of March, 2018;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session, and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action:

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

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

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

2. *Acts 34 of 1960 and 20 of 1980 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Shops and Commercial Establishments Act, 1960 and the Kerala Headload Workers Act, 1978 shall have effect subject to the amendments specified in sections 3 and 4.

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

4. *Amendment of Act 20 of 1980.*—In the Kerala Headload Workers Act, 1978 (20 of 1980), after section 9, the following section 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.”.

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

(2) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session, in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

6. *Repeal and saving.*—(1) The Kerala Investment Promotion and Facilitation Ordinance, 2017 (35 of 2017) 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 principal Acts as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Acts as amended by this Ordinance.

P. SATHASIVAM,
GOVERNOR.