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Government of Kerala
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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA

Local Self Government (RD) Department

NOTIFICATION

G. O. (P) No. 80/2017/LSGD.

Dated, Thiruvananthapuram, 31st October, 2017.

S. R. O. No. 674/2017.—In exercise of the powers conferred under sections 232, 233 and 234 of the Kerala Panchayath Raj Act, 1994 (13 of 1994) read with section 254 thereof and section 10 of the Kerala Investment Promotion and Facilitation Ordinance, 2017 (22 of 2017), Government of Kerala hereby makes the following rules further to amend the Kerala Panchayat Raj (Issue of Licence to Dangerous and Offensive

Trades and Factories) Rules, 1996 issued by Notification under G. O. (P) No. 14/96/LAD dated 18th January, 1996 and published as S. R. O. No. 76/96 in the Kerala Gazette Extraordinary No. 88 dated 18th January, 1996, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called as the Kerala Panchayat Raj (Issue of Licence to Dangerous and Offensive Trades and Factories) Amendment Rules, 2017.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Panchayat Raj (Issue of Licence to Dangerous and Offensive Trades and Factories) Rules, 1996;

(1) in the long title, for the words and brackets “(Issue of licence to Dangerous and Offensive Trades and Factories)” the words and brackets “(Issue of Licence to Factories, Trades, Entrepreneurship activities and other services)” shall be substituted;

(2) In the short title, for the words and brackets “(Issues of licence to Dangerous and Offensive Trades and Factories)” the words and brackets “(Issue of Licence to Factories, Trades, Entrepreneurship activities and other services)” shall be substituted;

(3) for rule 3, following rule shall be substituted, namely:—

“3. *Description of Trades, Services and Factories.*—The Government may, for the purpose of section 232, specify in the First schedule appended to these rules, the matters which, in the opinion of the Government, shall be classified as factories, trades, entrepreneurship activities and other services.”;

(4) in rule 4, for the marginal heading, the following marginal heading shall be substituted, namely:—

“Publication of notification regarding Trades, Services and Factories”.

(5) after rule 5, the following rule shall be inserted, namely:—

“5A. The Secretary or the officer authorized by him shall issue an acknowledgment to the applicant on the receipt of application along with the supporting documents in Form No. I appended to these rules. The Secretary or the officer authorised by him, shall, immediately on receipt of the application, verify the application and all the supporting documents on the support and if any supporting document required is not attached with the application, the Secretary or the officer authorized by him shall immediately inform the applicant regarding the details of the missing document, if any, and allow the applicant to submit the missing document at the earliest but not later than three days from the date of receipt or application.”;

(6) to rule 6 the following proviso, shall be added, namely:—

“provided if the application is submitted along with the requisite clearance from other Departments stipulated under these rules for grant of license along with the fee specified in the Schedule II, the President shall issue the license applied for within seven days from the date of receipt of the application along with the requisite clearances.”;

(7) for rule 10, the following rule shall be substituted, namely:—

Renewal of Licence.—

“10. A license issued under these rules shall be renewed on payment of the fee specified under Schedule II along with a self-certificate from the applicant within thirty days before the end of an year.”;

(8) in Rule 12,—

(a) in sub-rule (1) in clause (b) for the words “Village Panchayat” the word “Secretary” shall be substituted.

(b) for the opening sentence in sub-rule (3) the following sentence shall be substituted with the following, namely:—

“(3) The village panchayat shall, as soon as may be after receipt of application and within 30 days in all cases,”

(c) in sub-rule (3)(i) for clause (b) the following clause shall be substituted, namely:—

“(b) if it is of the opinion that such construction or establishment is objectionable by reason of high density of population in the neighborhood and is likely to cause nuisance the Secretary shall as soon as may be after the receipt of application obtain an expert opinion of department concerned with regard to the determination of the nuisance or its abatement, at the cost of the owner or person in charge of the factory, workshop, workplace or machinery concerned and such report shall be furnished as soon as possible but not later than fifteen days of reporting of such nuisance and the village panchayat shall issue permission subject to such conditions as may be required for abatement of nuisance, if any, as recommended in the expert opinion of the concerned department; or”

(ii) in sub-rule (3) for clause (c) the following clause shall be substituted, namely:—

“if any order on an application for permission under this Act or rule is not communicated to the applicant within fifteen days from the date of receipt of application by the Secretary the permission shall be deemed to have been issued for the period required in the application subject to the Act, rules and bye laws and all conditions which would have been imposed; or”

(d) in the proviso to clause (b) of sub-rule (7) after the words “or functioning with the recognition of Industries Department” the words “or declared by Kerala State Pollution Control Board as Green and white category industries” shall be inserted.

(9) in Rule 13,—

(a) In sub-rule (1), for the words “Village Panchayat”, the words “Secretary” shall be substituted.

(b) to sub-rule (1), the following proviso shall be added, namely:—

“provided before issue of such directions the secretary shall obtain expert opinion from the department concerned regarding the extend of nuisance caused due to noise, vibration created in any factory, workshop or workplace in which steam power, water power or other mechanical power or electricity is used and the condition to be imposed for abatement of such nuisance.”

(c) in sub-rule (2) for the words “Village Panchayat may” the words “Secretary shall” shall be substituted.

(10) In the SCHEDULE, for Schedule II the following schedule shall be substituted.

Maximum fees which may be fixed towards licence fee

	<i>Annual licence fee that may be charged</i>
1. Micro Enterprises (where the capital investment is not exceeding twenty five lakh rupees in the case of manufacturing sector, and not exceeding ten lakh rupees in the case of service sector)	₹ 500
2. Mini Enterprises (where the capital investment exceeding twenty five lakh rupees and not exceeding one crore rupees in the case of manufacturing sector and exceeding ten lakh rupees and not exceeding fifty lakh rupees in the case of service sector)	₹ 1,000
3. Small Enterprises (where the capital investment exceeding one crore rupees and not exceeding five crore rupees in the case of manufacturing sector and exceeding fifty lakh rupees and not exceeding two crore rupees in the case of service sector)	₹ 5,000

	<i>Annual licence fee that may be charged</i>
4. Medium Enterprises (where the capital investment exceeding five crore rupees and not exceeding ten crore rupees in the case of manufacturing sector and exceeding two crore, rupees and not exceeding five crore rupees in the case of service sector)	₹ 10,000
5. Large Enterprises (where the capital investment exceeding ten crore rupees in the case of manufacturing sector and exceeding five crore rupees in the case of service sector)	₹ 15,000

By order of the Governor,

T. K. JOSE,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Kerala Investment Promotion and Facilitation Ordinance, 2017 (22 of 2017) has been promulgated by Governor on 20th October, 2017 amending seven Acts including the Kerala Panchayat Raj Act, 1994 to avoid delay in granting various licences, permission, approvals and clearances required under various enactments.

Accordingly, Government have decided to amend the Kerala Panchayat Raj (Issue of Licence to Dangerous and Offensive Trades and Factories) Rules, 1996 suitably.

The notification is intended to achieve the above object.