

THE ASSAM EASE OF DOING BUSINESS (AMENDMENT) BILL, 2020

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BILL

further to amend the Assam Ease of Doing Business Act, 2016.

Preamble

Whereas it is expedient to streamline regulatory structures and processes and to simplify the procedures related to renewals of Certificates, Licenses, Permissions, etc in enterprises in the State of Assam;

AND Whereas, it is expedient to improve the effectiveness of the Ease of Doing Business Act, 2016, in the interest of speedy disposal of the applications seeking clearances and approvals including those relating to renewals submitted in various Departments of the Government of Assam, by means of Auto Renewal of Clearances based on self-declaration and upon payment of prescribed fees as payable under different State laws;

Assam
Act V of
2016.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Assam Ease of Doing Business (Amendment) Act, 2020.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of section 3

2. In the principal Act, in section 3, existing clause (l), shall be re-numbered as clause(m) and the following new clause (l) shall be inserted, namely:-
 - “(l) “Renewals” means re-grant or re-issue of no-objection certificate, approval, permission, registrations, licenses and like, by any competent authority or authorities of the State Government, required to be renewed or re-issued under state enactments, in connection with the setting up of, or in connection with the operation of an Industrial or Service Sector undertaking.”

Amendment of section 8

3. In the principal Act, in section 8, in sub-section (1),-
 - (i) in clause (i), in fourth line, after the word “clearances” ,the words “and renewals” shall be inserted ;
 - (ii) in clause (iii), in second line, after the word “clearances” ,the words “and renewals” shall be inserted .

- Amendment of section 14
4. In the principal Act, in section 14, in clause (e), in second line, after the words “necessary clearances”, the words “and renewals” shall be inserted.
- Amendment of section 15
5. In the principal Act, in section 15, in fourth line, after the words “of clearance/s”, the words “and renewals” shall be inserted.
- Amendment of section 16
6. In the principal Act, in section 16,-
- (i) in sub-section (1), in first paragraph, in second and third line and in third paragraph, in first line, after the word “clearance”, the words “or renewal” shall be inserted;
 - (ii) in sub-section (3), in sixth line, after the word “clearances”, the words “or renewals” shall be inserted;
 - (iii) in sub-section (4), in second line, after the word “clearances”, the words “or renewals” shall be inserted;
 - (iv) after sub-section (4), the following new sub-sections (5) and (6), shall be inserted, namely:-
 - “(5) (i) Any authorized person who intends to renew clearances as defined in clause (m) of section (3) of the Act, any Industrial or Service Sector undertaking may file a declaration and pay the requisite fee online in such form and in such manner as may be prescribed.
 - (ii) On receipt of the application and requisite fees as stipulated above, the online system shall auto-generate the renewal of clearances, which can be downloaded by the applicant. However, auto generation of renewal of clearances shall not prevent the competent authority to inspect and cancel the renewal of clearances in case of violation of the law concerned.
- (6) A Computerized Central Inspection System shall be implemented wherein allocation of Inspectors shall be done centrally at random by auto allocation and the same Inspector shall not be assigned to the same unit in subsequent year. Prior notice shall be provided to the business owner and inspection report shall be uploaded on the web portal within 48 hours of inspection.”.

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| Amendment of section 22 | 7. | In the principal Act, in section 22, in first line, after the word “clearance”, the words “or renewal” shall be inserted. |
| Amendment of section 25 | 8. | In the principal Act, after section 25, the following new section 25A shall be inserted, namely:- |
| “ Act to override other laws. | | 25A. The provisions of this Act shall have overriding effect, notwithstanding anything inconsistent therewith contained in any other state law, for the time being in force.” |
| Amendment of section 28 | 9. | In the principal Act, in section 28, in fifth line, after the word “clearance” ,the words “or renewal” shall be inserted. |

STATEMENT OF OBJECTS AND REASONS

The objective to introduce the Bill, namely 'The Assam Ease of Doing Business (Amendment) Bill, 2020' is to speed up the clearances and permissions for setting up industries and to continue the industrial operations in the State. This will simplify the procedures, bring transparency and efficiency in the existing system.

The Assam Ease of Doing Business Act, 2016 was enacted with the aim of streamlining regulatory structures and creating an investor-friendly environment. Government of Assam in Industries & Commerce Department has simplified and rationalized a wide-range of business processes and regulatory laws in order to facilitate regulatory clearances and approvals online, through a robust Single Window Clearance System under "The Assam Ease of Doing Business Act 2016".

It has been observed that large number of applications are pending at different levels and there is unreasonable delay in case of renewals etc. Therefore, it will be expedient to do away with the renewal of Certificates, Licenses, Permissions etc. The enterprises do submit all required documents for obtaining the initial License, Permission etc. As such, there is no need to submit the documents once again. In view of the above, it is proposed to do away with the requirement of renewals under various acts. However, the enterprises/ units will be required to deposit the required fee for renewal within the stipulated time for obtaining renewals.

The State Government is committed towards creating an investor friendly atmosphere in the State. Many steps have been taken in the past few years to promote investment and make Assam an investor friendly destination.

A Computerized Central Random Inspection System will be implemented wherein allocation of inspectors will be done centrally at random by the competent authority and the same inspector will not be assigned to the same unit in subsequent year. Prior notice will be provided to the business owner and inspection report will be uploaded on the web portal within 48 hours of inspection.

In view of the above, the new proposed system of auto renewal and Computerized Central Random Inspection System will speed up the clearances and permissions for setting up or to continue the industrial operation.

Further, the aforesaid amendments in the Assam Ease of Doing Business Act, 2016 will enable the State Government to avail the 0.25 percent Additional Borrowing from the Central Government.

CHANDRA MOHAN PATOWARY,
Minister, Industries & Commerce, Assam.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

This Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill proposes to delegate legislative power to the Executive.

A. N. DEKA,
Secretary-In-charge,
Assam Legislative Assembly.