



झारखण्ड गजट

असाधारण अंक

झारखण्ड सरकार द्वारा प्रकाशित

संख्या 646 राँची, गुरुवार 12 भाद्र, 1937 (श०)

3 सितम्बर, 2015 (ई०)

विधि (विधान) विभाग

अधिसूचना

03 सितम्बर, 2015

संख्या-एल0जी0-37/2015-83--लेज0 झारखंड विधान मंडल का निम्नलिखित अध्यादेश जिस पर राज्यपाल दिनांक 3 सितम्बर, 2015 को अनुमति दे चुके हैं, इसके द्वारा सर्वसाधारण की सूचना के लिए प्रकाशित किया जाता है ।

झारखण्ड इन्डस्ट्रीज फेसिलिटेशन एंड सिंगल विडों क्लियरेंस अध्यादेश, 2015

(झारखण्ड अध्यादेश, 05, 2015)

JHARKHAND INDUSTRIES FACILITATION AND
SINGLE WINDOW CLEARANCE ORDINANCE – 2015

An Ordinance to provide for accelerated and time bound grant for various licenses, permissions and approvals to promote industrial development; to facilitate new investments; to simplify the regulatory framework by reducing procedural requirements and rationalizing documents; to improve ease of doing business; and to provide for an investor friendly environment in the State of Jharkhand.

1. Short title, extent and commencement

- (1) This ordinance may be called the “**Jharkhand Industries Facilitation and Single Window Clearance Ordinance, 2015**”. *Short title, extent and commencement*
- (2) It shall extend to whole of the State of Jharkhand. *commencement*
- (3) It shall come into force on such date as the Government of Jharkhand may issue, by notification in the official Gazette appoint.

2. In this Ordinance, unless the context otherwise requires

- (1) “Agency” means the Jharkhand Industrial Infrastructure Development Corporation (JIIDCO); *Definitions*
- (2) “Apex Committee” means the committee constituted under Section 4;
- (3) “Appellate Authority” means the committee as empowered under section 22;
- (4) “Applicable Acts” means
- a. The Bihar Shops and Commercial Establishment Act, 1953
 - b. The Central Sales Taxes Act, 1956
 - c. The Maternity Benefit Act, 1961
 - d. The Payment of Bonus Act, 1965
 - e. The Contract Labour (Regulation and Abolition) Act, 1970
 - f. The Gratuity Act, 1972
 - g. The Equal Remuneration Act, 1976
 - h. The Jharkhand Value Added Tax Act, 2005
 - i. The Water (Prevention & Control of Pollution) Act, 1974
 - j. The Water Cess Act, 1977
 - k. The Air (Prevention & Control of Pollution) Act, 1981
 - l. The Environment (Protection) Act, 1986
 - m. The Boiler Act, 1923
 - n. The Payment of Wages Act, 1936

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- o. The Factories Act, 1948
 - p. The Minimum Wages Act, 1948
 - q. The Jharkhand Electricity Act, 1948
 - r. The Jharkhand Entertainment Tax Act, 2012
 - s. The Jharkhand Municipal Act, 2011
 - t. The Jharkhand Building (Lease, Rent & Eviction) Control Act, 2011
 - u. The Bihar Town Planning and Improvement Trust Act, 1954
 - v. The Bihar Restriction of Uses of Land Act, 1948
 - w. The Bihar Mineral Area Development Authority Act, 1986
Or successor/amended Act or any other relevant Act notified by the State Government;
- (5) “Appropriate Authority” means any department or agency of the Government, Local Authority, Statutory Body, State Owned Corporation, Panchayat Raj Institutions, Urban Local Bodies or any other authority or Agency constituted or established under any Act or under administrative control of the Government, which is entrusted with the powers and responsibilities to grant or issue permissions for setting up or commencement of operations of an enterprise in the State;
- (6) “Clearance” means grant or issue of no-objection certificate, allotment, consents, approvals, permissions, registrations, enrolments, licenses and the like, by any Appropriate Authority in connection with the setting up of an enterprise in the State of Jharkhand and shall include all such permissions as are required under any applicable act;
- (7) “Department” means a department of the State Government of Jharkhand;
- (8) “District Executive Committee” means the committee constituted under Section 9;
- (9) “District Level Nodal Agency” means the agency specified under Section 11;
- (10) “Entrepreneur” means a person or body of persons or a company, having or proposing to have majority investment or controlling interest in an enterprise and who brings forth a proposal for investment;

- (11) “Government” means the State Government of Jharkhand;
- (12) “High Powered Committee” means the committee constituted under Section 6;
- (13) “Industrial Policy” means Jharkhand industrial policy or other sector specific policies or schemes of Central or Government of Jharkhand as notified from time to time for industrial promotion.
- (14) “Notification” means a notification published in the Jharkhand Gazette and the word ‘notified’ shall be construed accordingly;
- (15) “Prescribed” means prescribed by rules made under this Ordinance and rules made under applicable Acts to implement this Ordinance.
- (16) “Web Portal” means web portal maintained by the Agency.

3. Notification of Agency

- (1) The Government of Jharkhand shall notify the “Jharkhand Industrial Infrastructure Development Corporation (JIIDCO) as agency to provide single window clearance of the proposals for the new investments in the State. *Notification of JIIDCO as Agency*
- (2) The industries facilitation and single window clearance shall have an Apex Committee – AC, High Powered Committee (HPC), District Executive Committee – DEC, District Industrial Centers as Nodal agency of District Executive Committee and Managing Director to discharge its functions.

4. Apex Committee (AC)

- (1) There shall be constituted an ‘Apex Committee’ for the purposes of this Ordinance. *Constitution of Apex*
- (2) The Apex Committee constituted under section 4.1 shall consist of the Chairman and the following members: *Committee*

Members	Designation	<i>Chairman and Members of Apex Committee</i>
a. Hon’ble Chief Minister	Chairman	<i>Chairman and Members of Apex Committee</i>
b. Industry Minister	Vice Chairman	
c. Planning cum Finance Minister	Member	
d. Commercial Tax Minister	Member	
e. Labour, Employment, Training and Skill	Member	

	Development Minister	
f.	Agriculture, Animal Husbandry and Cooperative Minister	Member
g.	Urban Development and Housing Minister	Member
h.	Rural Development Minister	Member
i.	Forest, Environment and Climate Change Minister	Member
j.	Energy Minister	Member
k.	Revenue, Registration and Land Reform Minister	Member
l.	Water Resources Minister	Member
m.	Mining and Geology Minister	Member
n.	Chief Secretary	Member
o.	Development Commissioner	Member
p.	Principal Secretary/Secretary, Planning cum Finance	Member
q.	Principal Secretary/Secretary, Commercial Tax	Member
r.	Principal Secretary/Secretary, Revenue, Registration and Land Reform	Member
s.	Principal Secretary/Secretary, Forest, Environment and Climate Change	Member
t.	Principal Secretary/Secretary, Mining and Geology	Member
u.	Principal Secretary, /Secretary Urban Development and Housing	Member
v.	Principal Secretary/Secretary, Rural Development	Member
w.	Principal Secretary/Secretary, Labour, Employment, Training and Skill Development	Member
x.	Principal Secretary/Secretary, Energy	Member
y.	Principal Secretary/Secretary, Water Resources	Member
z.	Director of Industries	Member
aa.	Chairman, Jharkhand state Pollution Control Board	Member
bb.	Managing Director of the Agency	Member
cc.	Principal Secretary/Secretary, Industry	Member - Secretary
dd.	Other nominations by the State Government if any.	Members

(1) The Apex Committee may co-opt any other member if so required, for

proper and effective discharge of its functions.

The Apex Committee may co-opt any other member if so required, for proper and effective discharge of its functions

5. Functions of Apex Committee

Subject to the overall control and superintendence of the State Government, the Apex Committee shall provide overall policy guidance and direction under this Ordinance.

*Functions of
Apex*

Committee

- (1) The Committee shall be responsible for setting the strategic directions and guidance for the Agency required for its effective functioning.
- (2) The orders passed and decisions taken by the Apex Committee shall be final and binding on all Government Departments, Authorities and Agency and such Departments. Authorities and Agency shall issue requisite clearance and permissions within the stipulated time limit, provided that the relevant provisions of the applicable Acts and Rules of the State Government or Central Government are complied by the investor/ applicant.
- (3) The Committee may assign or revoke its functions/ powers respectively to and from High Powered Committee for effective implementation of this Ordinance.
- (4) The Committee shall meet as often as required to carry out its functions but it shall meet at least twice in every year at such place, as the Chairman of the Committee may decide, for performance review of the High Powered Committee and the Agency; and for providing necessary recommendations where required.
- (5) The Apex Committee may also consider matters referred to by the High Powered Committee and the State Government and take appropriate decisions.
- (6) A member of the Apex Committee shall personally attend its meeting and in case he/she is unable to attend, he/she may depute a Senior Level Officer with a written authorization to take appropriate decision in the meeting.

6. High Powered Committee (HPC)

- (1) There shall be constituted a single point clearance committee called

Constitution of

High Powered Committee.

High Powered

- (2) The High Powered Committee constituted under section 6.1 shall consist of the Chairman and the following members:

Committee

Members	Designation	<i>Chairman and Members of High Powered Committee</i>
a. Chief Secretary	Chairman	
b. Development Commissioner	Member	
c. Principal Secretary/Secretary, Industry	Member	
d. Principal Secretary /Secretary, Planning cum Finance	Member	
e. Principal Secretary/Secretary, Revenue, Registration and Land Reform	Member	
f. Principal Secretary/Secretary, Urban Development and Housing	Member	
g. Principal Secretary/Secretary, Labour, Employment, Training and Skill Development	Member	
h. Principal Secretary, Forest, Environment and Climate Change	Member	
i. Principal Secretary/Secretary, Energy	Member	
j. Principal Secretary/Secretary, Water Resources	Member	
k. Principal Secretary/Secretary, Rural Development	Member	
l. Principal Secretary/Secretary, Mining and Geology	Member	
m. Chairman, Jharkhand State Pollution Control Board	Member	
n. Director of Industries	Member	
o. Managing Director of the Agency	Convener	

- (3) The High Powered Committee may invite the concerned Administrative Secretary or any other officer of a Department as a special invitee if so required.

7. Functions of High Powered Committee

- (1) The High Powered Committee shall regularly monitor, supervise and review the functioning of the Agency, District Level Nodal Agency and District Executive Committee for industries facilitation and single window clearance.

Functions of

High Powered

Committee

- (2) It shall carry out such other functions as may be assigned to it by the Apex Committee or the State Government.
- (3) The Committee may assign or revoke the functions/ powers to the Agency and District Executive Committee within the powers/ functions assigned under this Ordinance or by the Apex Committee for effective implementation of this Ordinance.
- (4) The High Powered Committee shall meet at least once in every quarter at such place, as the Chairman of the Committee may decide, for performance review of the Agency and District Executive Committee; and for providing necessary recommendations where required.
- (5) It shall be responsible for approving the investment proposals, for which it is empowered under Jharkhand Industrial Policy and other cases as referred by Managing Director of the Agency.
- (6) The High Powered Committee may also consider matters referred to it by the Agency and take appropriate decisions.
- (7) It shall further refer any case / issue / proposal to the Apex Committee with its recommendations and suggestions, if considered necessary.
- (8) A member of the High Powered Committee shall personally attend its meeting and in case he/she is unable to attend, he/she may depute a Senior Level Officer with a written authorization to take appropriate decisions in the meeting.
- (9) The Committee shall be responsible for promoting investments in the state and other related activities.
- (10) The High Powered Committee shall recommend the time-line for each service provided under various applicable Acts to the concerned department.
- (11) The High Powered Committee shall recommend self-certification, deemed clearances, rationalization of inspections and third party inspections under various applicable acts wherever applicable to the concerned department.
- (12) It shall recommend annual grants and the other financial incentives for the Agency and District Industrial Centers for discharging responsibility under the various sections of this Ordinance to the Department of

Industries.

- (13) It shall recommend additional manpower and their service conditions for this additional manpower for the Agency and District Industrial Centers and financial grants thereof, to discharge its responsibility under this Ordinance to the Department of Industries.
- (14) The decisions of the High Powered Committee shall be final and binding on the District Executive Committee, Agency or District Level Nodal Agency and Appropriate Authorities and if there is any conflict, the decision of the High Powered Committee shall prevail.

8. Functions of Managing Director (MD) of the Agency

- (1) The Senior Time Scale and above or equivalent grade Indian Administrative Service Officer shall be posted as MD of the Agency. The MD shall act on behalf of the Agency. *Functions of Managing Director of the Agency*
- (2) The MD shall examine, consider and process the proposals received from any entrepreneur relating to industrial and other projects to be set up in the State having such financial limit as notified by the State Government from time to time.
- (3) The MD shall take appropriate decisions, approvals and sanction incentive packages within the applicable Industrial Policy, as notified from time to time, subject to fulfillment of conditions specified for necessary and other approvals.
- (4) The MD shall exercise all the powers/ functions assigned by Apex Committee, High Powered Committee and as delegated from time to time by the State Government by notification
- (5) The MD shall coordinate all efforts for promoting investments in the state and other related activities.
- (6) The MD shall issue date of production for incentives in keeping with the applicable Industrial Policy, as notified from time to time.
- (7) The MD shall notify approvals in case where all necessary statutory and other approvals are received and deemed to have been received with respect to any investment proposal.
- (8) The MD shall further refer any case / issue / proposal to the High Powered Committee with its recommendations and suggestions, if considered

necessary.

- (9) The MD shall review and monitor investments in various projects for which the approvals have been granted by the Agency.
- (10) The MD shall assist the various administrative/ line departments whose powers are devolved upon agency under various Legislations / Acts / Rules / Regulations in evolving a procedure to carry out annual audit of the proposals approved by agency during a financial year. The Departments shall, report non-compliance, if any, to the Agency to ensure the desired compliance in a time-bound manner.
- (11) The MD shall be responsible for preparation, submission of monthly, quarterly, half yearly and yearly progress reports to Apex Committee and High Powered Committee.
- (12) The MD shall coordinate with concerned departments through various officers of departments placed or recruited in the Agency to implement the investment proposals on ground.
- (13) The MD shall assist entrepreneurs to set up industries in the State.
- (14) The MD shall render necessary assistance in policy formulation for industrial progress.
- (15) The MD shall provide any other information useful to the entrepreneurs.
- (16) The MD shall also undertake the necessary functions as required for successful implementation of this Ordinance and its objectives.
- (17) The MD shall regularly monitor, review and evaluate the functioning of web-portal of Single Window Clearance maintained and operated by the Agency.
- (18) The MD shall prepare proposal and submit annual grants and the other financial incentives for the Agency and District Industrial Centers for discharging responsibility under the various sections of this Ordinance to the High Powered Committee.
- (19) The MD shall prepare proposal and submit requirement of additional manpower, the service condition for this additional manpower for the Agency and District Industrial Centers and financial grants thereof, to discharge its responsibility under this Ordinance to the High Powered Committee.

9. District Executive Committee (DEC)

- (1) The State Government may by notification constitute committee at district level called as “District Executive Committee”. *Constitution of District Executive Committee*
- (2) The District Executive Committee constituted under section 9.1 shall consist of the Chairman and the following members, namely:-

Members	Designation	
a. Deputy Commissioner of the District	Chairman	<i>Chairman and Members of District Executive Committee</i>
b. Deputy Commissioner Commercial Tax Officer of the District	Member	
c. Regional Officer, Jharkhand Pollution Control Board	Member	
d. General Manager of DIC	Member Secretary	
e. District Planning Officer	Member	
f. District officer of Labour Department	Member	
g. Executive Engineer of the District of concerned Electricity Distribution Company under which district falls	Member	
h. District Mining Officer	Member	

- (3) The District Executive Committee may invite an officer of the concerned Department as a special invitee if so required

10. Functions of District Executive Committee

- (1) The District Executive Committee shall regularly monitor, supervise and review the functioning of the District Level Nodal Agency for the effective implementation of this Ordinance. *Functioning of District Executive Committee*
- (2) It shall carry out such other functions as may be assigned to it by the High Powered Committee under section 7.
- (3) The Committee may assign or revoke the functions / powers to the District Level Nodal Agency within the powers / functions assigned by this Ordinance or by the High Powered Committee for effective implementation of this Ordinance.
- (4) The District Executive Committee shall meet at least once every month at

such place, as the Chairman of the Committee may decide, for performance review of the District Executive Committee; and for providing necessary recommendations wherever required.

- (5) The District Executive Committee may also consider matters referred to it by the District Level Nodal Agency and take appropriate decisions.
- (6) It shall further refer any case / issue / proposal to the Managing Director of the Agency with its recommendations and suggestions, if considered necessary.
- (7) A member of the District Executive Committee shall personally attend its meeting and in case he/she is unable to attend, he/she may depute a Senior Level Officer with a written authorization to take appropriate decisions in the meeting.
- (8) The Committee shall be responsible for promoting investments in the District and other related activities.

11. District Level Nodal Agency

District Industries Centre shall be the District Level Nodal Agency of the Agency and District Executive Committee.

*District Level
Nodal Agency*

12. Functions of District Level Nodal Agency

- (1) It shall assist in investment promotion activities in the district.
- (2) It shall guide and assist entrepreneurs in investment and setting up their projects or industrial units in the district.
- (3) It shall guide the entrepreneurs on various clearances, including providing application forms and also to receive the filled up forms from them wherever authorized and facilitate the entrepreneur on required clearances from the departments and authorities within the stipulated time.
- (4) It shall exercise all the powers/ functions assigned by the Executive Committee and the District Executive Committee and as delegated time to time by the State Government by notification.

*Functioning of
District Level
Nodal Agency*

13. Eligible Clearances

- (1) All proposed or existing investments which need clearance under one or more of the applicable acts shall be eligible for facilitation through single window clearance web-portal, whenever facility for clearance is

*Eligible
Clearances*

available in the web-portal for concerned applicable acts.

- (2) For all clearances other those than facilitated under sub section (1), officers of departments placed in the agency shall process for clearances within the time-line prescribed by appropriate authority.

14. Memorandum of Understanding

- (1) The MD of the Agency shall sign memorandum of understanding (MoU) only for mega industries as provided under industrial policy and cases in which Government has given specific direction to do so. *Memorandum of Understanding*
- (2) The MD of the Agency shall obtain the approval of High Powered Committee before signing such MoU for mega industries.

15. Web- Portal

The Agency shall maintain and operate web-portal for single window clearance of all clearances under various applicable Acts and Industrial Policy, as notified from time to time, under this Ordinance. *Web portal*

16. Combined Application Form(s) (CAF)

- (1) The Combined Application Form(s) (CAF) shall be prescribed, along with such fees, in lieu of existing forms prescribed under applicable Acts and Industrial Policy, as notified from time to time. All appropriate authorities shall accept such CAF for processing and issue of required clearances. *Combined Application Form*
- (2) Provided that where any form and fee has been prescribed for such clearances in any Central law, the applications shall be submitted only in that very form along with that fee to be submitted.

17. Self-Certification

- (1) Every entrepreneur shall furnish a self-certification, in such form as may be prescribed, at the time of submitting the duly completed CAF and thereafter to the appropriate authority within in the prescribed time limit that he/she shall comply with the applicable provisions of the applicable Acts and rules made there under. *Self-Certification*
- (2) The self-certification furnished as in sub-section (1) by the entrepreneurs(s) shall be accepted by the appropriate authorities for the purpose of granting and issuing of clearance and giving other benefits to the entrepreneur(s).

18. Rationalization of Inspections

Inspections under the provisions of applicable Acts or Rules by different levels of authorities shall be conducted jointly by the office of the Labour Commissioner and Jharkhand State Pollution Control Board and other departments, once in a year. Such inspections shall be based on random selection. *Rationalization of Inspections*

However, inspection against specific complaints may be conducted with the authorization of the Head of the Departments in writing.

19. Third Party Inspections

Inspections under the provisions of applicable Acts or Rules by different state authorities, wherever applicable, may be prescribed to conduct through empanelled third party inspection agencies of appropriate authorities. The Third Party Inspection Report shall be furnished in such form as may be prescribed. *Third Party inspections*

20. Procedure for Disposal of Applications

- (1) The applications submitted for clearances shall be disposed of by following such procedure, as may be prescribed. *Procedure for Disposal of applications*
- (2) The applications referred to in sub-section (1), shall be disposed of within such period as prescribed.
- (3) While granting clearances, the Appropriate Authority may ask for any additional information from the applicants;
- (4) Provided that such additional information shall be sought by the Appropriate Authority within the period prescribed for such clearances.
- (5) Provided further that any additional informational shall be called for only at one time.
- (6) If no additional information is sought by the Appropriate Authority from the applicant, it shall pass orders on the application with regard to clearances before the expiry of the stipulated period.
- (7) In case, additional information is sought for clearances, the application shall be disposed of within the stipulated period, which shall be counted from the date of receipt of the additional information.

21. Deemed Approval

The State Government may, by notification, notify the clearances in respect of which, failure by the appropriate authority to grant clearance or pass final order within the period specified shall be treated as a deemed approval. *Deemed Approval*

22. Appeals

- (1) Any entrepreneur aggrieved by the decision of the District Executive Committee, District Level Nodal Agency and Agency disapproving the project, or any other grievances may make, within thirty days from the date of receipt of communication of the decision of the Committee, first appeal to the High Powered Committee through MD, following a procedure as may be prescribed. *Appeals*
- (2) Option of the second appeal against the order of High Powered Committee shall lie with Apex Committee through Secretary Industries and decision of Apex Committee is final and binding on all under this Ordinance.
- (3) The Appellate Authority shall, after following such procedure, as may be prescribed, dispose of the appeal within a period of one month from the date of its receipt or the next Committee meeting whichever is later.

23. Fee

The Application for such clearances shall be submitted by the applicants in such Combined Application Form – CAF or any other form prescribed under applicable Act or rules thereof along with such fee, as may be prescribed. *Fee for clearances*

24. Power to make rules

- (1) The State Government shall have the power to make rules to carry out the purposes of this Ordinance. *Power to make rules*
- (2) The State Government may, by notification, exempt from the operation of any of the provisions of this Ordinance relating to clearances, if it considers necessary to do so in public interest.
- (3) Every rule made under this Ordinance shall be laid immediately before the Jharkhand Legislative Assembly if it is in session, and if it is not in session, in the session immediately following the date on which such rule

is notified.

25. Overriding effect

Save as otherwise provided in this Ordinance, the provisions of this Ordinance shall have over-riding effect notwithstanding anything inconsistent therewith contained in any other state law for the time being in force. *Overriding effect*

Provided that fine, penalty, duty and other similar provisions if any under the applicable Act, shall be imposed as per provisions of the applicable Act, and shall be deposited as prescribed.

26. Power to remove difficulties

If any difficulty arises in giving effect to any of the provisions of this Ordinance, the State Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance, as may appear to be necessary for removing the difficulty. *Power to remove difficulties*

27. Penalty

- (1) Any entrepreneur who fails to comply with the conditions or undertakings in the self-certification given to the Agency or other department or appropriate authorities shall face penalty which may extend to fifteen thousand rupees for the first offence and up to twenty five thousand rupees for the second or subsequent offence/s.
- (2) The appropriate authority shall be competent for enforcement of the above subsection (1) as per law according to the prescribed rule under the applicable Act.
- (3) The appropriate authority imposing the penalty shall communicate the same to the entrepreneur concerned with intimation to the Agency. The entrepreneur shall deposit the amount of such imposed penalty with the Agency within thirty days of the issue of communication.
- (4) The amount of penalty may be changed from time to time by government through notification.

28. Protection of action taken in good faith

No suit or legal proceeding shall lie against the Chairman or other members of the Apex Committee or High Powered Committee or District Executive Committee or Agency or District Level Nodal Agency or any employee of such committee in respect of anything which is done or intended to be done in good faith under this Ordinance or any Rule made there under. *Protection of action taken in good faith*

Draupadi Murmu,
Governor of Jharkhand.

झारखंड राज्यपाल के आदेश से,

बी० बी० मंगलमूर्ति,
प्रधान सचिव-सह-विधि परामर्शी
विधि (विधान) विभाग, झारखण्ड, राँची ।