

(Authorised English Translation)

**THE RAJASTHAN ENTERPRISES SINGLE WINDOW
ENABLING AND CLEARANCE (AMENDMENT)
BILL, 2020**

(To be introduced in the Rajasthan Legislative Assembly)

A

Bill

to amend the Rajasthan Enterprises Single Window Enabling and Clearance Act, 2011.

Be it enacted by the Rajasthan State Legislature in the Seventy-first Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Rajasthan Enterprises Single Window Enabling and Clearance (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 2, Rajasthan Act No. 7 of 2011.- In section 2 of the Rajasthan Enterprises Single Window Enabling and Clearance Act, 2011 (Act No. 7 of 2011), hereinafter referred to as the principal Act,-

(i) the existing clause (a) shall be renumbered as clause (aa) and before clause (aa) so renumbered, the following new clause shall be inserted, namely:-
"(a)"Board" means the Board of Investment established and constituted under section 2-A;" ;

(ii) after clause (aa) so renumbered and before the existing clause (b), the following new clause shall be inserted, namely:-
"(aaa) "Commissioner" means the Commissioner (Investment and NRIs) of Bureau of Investment Promotion;" ;

(iii) for the existing clause (b), the following shall be substituted, namely:-
“(b) “Competent Authority” means-

- (i) in case, proposals falling under jurisdiction of District Empowered Committee, any department or agency of the Government, Local Authority, Statutory Body, State owned Corporation, Gram Panchayat, Municipality, or any other authority or Agency constituted or established under any Rajasthan law or under administrative control of the Government, which is entrusted with the powers and responsibilities to grant permission for setting up or commencement of operation of an enterprise in the State; and
 - (ii) in case, proposals falling under jurisdiction of State Empowered Committee, the Commissioner and/or officers of concerned departments/instrumentalities of the Government, deputed in the office of Bureau of Investment Promotion;”; and
- (iv) after the existing clause (h) and before the existing clause (i), the following new clause shall be inserted, namely:-

“(hh) “One Stop Shop” means the comprehensive and hassle free assistance provided by the Government or its instrumentalities under one roof through Nodal Agency to investor from the time he submits viable investment proposal falling under the jurisdiction of the State Empowered Committee, till the commencement of operation of an enterprise;”.

3. Insertion of new sections 2-A, 2-B, 2-C, 2-D and 2-E, Rajasthan Act No. 7 of 2011.- After the existing section 2 and before the existing section 3 of the principal Act, the following new sections shall be inserted, namely:-

"2-A. Establishment and constitution of the Board.- (1) *The Government shall establish and constitute a Board to be called the Board of Investment.*

(2) *The Board shall consist of the following, namely:-*

- | | | |
|-------|--|--------------------------|
| (i) | <i>the Chief Minister</i> | <i>Chairperson;</i> |
| (ii) | <i>the Minister in-charge of Industry Department</i> | <i>Vice-Chairperson;</i> |
| (iii) | <i>the Minister in-charge of Finance Department</i> | <i>Member;</i> |
| (iv) | <i>the Chief Secretary</i> | <i>Member;</i> |
| (v) | <i>the Secretary in-charge of the Department of Industry</i> | <i>Member;</i> |
| (vi) | <i>the Secretary in-charge of the Department of Finance</i> | <i>Member;</i> |
| (vii) | <i>the Commissioner</i> | <i>Member-Secretary.</i> |

Explanation.- *For the purpose of this sub-section, "Secretary in-charge" means the Secretary in-charge of a department and includes an Additional Chief Secretary and Principal Secretary when he is in-charge of a department.*

(3) *The Minister in-charge and the Secretary in-charge of the concerned department(s) may be invited as special invitees in the meetings of the Board but they shall have no right to vote on any matter before the Board for decision.*

(4) *The Board shall be the apex body for providing accelerated approvals and permissions to the investment proposals considered under section 3 and for all the matters related and incidental thereto industrial development and investment promotion for the State.*

(5) *The Secretariat of the Board shall be Office of the Bureau of Investment Promotion at Jaipur.*

(6) *The State Empowered Committee shall make its recommendations to the Board for taking decisions related to investment proposals falling under its jurisdiction.*

2-B. Meeting of the Board.- (1) *The Board shall hold its meeting on such date and at such time and place as it may determine.*

(2) *The meetings of Board shall be presided over by the Chairperson.*

(3) *The Board shall follow such rules of procedure while transacting business at its meetings as may be prescribed.*

2-C. Vacancies, etc. not to invalidate act or proceedings.- *No act or proceedings of the Board shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Board.*

2-D. Powers and functions of the Board.- *The powers and functions of the Board shall be as follows:-*

- (i) *to consider, review, formulate and approve policies, programmes and schemes for promoting investment in the State in enterprises and infrastructure sector(s);*
- (ii) *to provide guidance and directions for making requisite modifications in the policies, procedures and systems made to accelerate economic growth and development and employment generation in the State;*
- (iii) *to provide approval for customized packages, concessions, exemptions or relaxations and other benefits to the enterprises which are beyond the scope of policies of the Government by making requisite amendments therein;*
- (iv) *to consider and dispose of inter departmental issues pertaining to investment proposals;*
- (v) *to give directions, if necessary, to Bureau of Investment Promotion and also to the concerned departments or instrumentalities of the Government through Bureau of Investment Promotion to promote investment in the State from time to time;*
- (vi) *to consider, review and take decision on such matters as may be referred by the State Empowered Committee; and*
- (vii) *to exercise such powers and perform such functions as may be necessary for promoting*

investment and to generate opportunities of employment in the State.

2-E. Disposal of Applications under One Stop Shop. - (1) *All proposals falling under the jurisdiction of the State Empowered Committee shall be considered, examined and disposed of under One Stop Shop.*

(2) *The Commissioner shall be administrative head of Nodal Agency mentioned in sub-section (1) of section 5 and shall be responsible for all affairs of the Nodal Agency.*

(3) *The officers of the concerned departments or instrumentalities of the Government shall be deputed on part time basis in the office of Nodal Agency mentioned in sub-section (1) of section 5 for providing necessary approvals and clearances of their concerned departments or instrumentalities of the Government.*

(4) *The officers so deputed in the office of Nodal Agency shall be responsible for disposal of proposals so received from the investors within the time prescribed under section 12 by taking necessary assistance from their concerned departments or instrumentalities of the Government, if required, and the same shall be submitted to the Commissioner and he shall, if required, coordinate with concerned department or instrumentality of the Government.*

(5) *The Commissioner and/or officers so deputed, as the case may be, shall be empowered by the concerned departments including instrumentalities of the Government by delegating their powers for granting requisite approvals/permissions pertaining to their departments or instrumentalities of the Government, as the case may be, to the investment proposals by making necessary amendments in the State Acts and rules and regulations made thereunder to carry out the purposes of the Act.*

(6) *The Commissioner shall, on behalf of the departments and instrumentalities of the Government concerned, exercise his powers, authenticate the documents and issue necessary orders and grant approvals/permissions under his signatures, till the commencement of commercial production or operation of the enterprises concerned.*

(7) *The Commissioner shall exercise supervision and control over, the officers and employees of the Bureau of Investment Promotion and, the officers so deputed on part time basis in the Bureau of Investment Promotion and he shall discharge other duties which are necessary to carry out the purposes of the Act.*

(8) *Where the proposals so submitted for investment are not disposed of within the time limit prescribed under sub-section (4), they shall be referred to the State Empowered Committee.”.*

4. Amendment of section 3, Rajasthan Act No. 7 of

2011.- In section 3 of the principal Act,-

- (i) in sub-sections (1) and (2), for the existing expression "Council of Ministers" wherever occurring, the word "Board" shall be substituted; and
- (ii) in sub-section (2), for the existing word "departments", the expression “departments including instrumentalities of the Government” shall be substituted.

5. Amendment of section 6, Rajasthan Act No. 7 of

2011.- In section 6 of the principal Act,-

- (i) in clause (v), for the existing expression “concerned departments or authorities”, the expression “departments or instrumentalities of the Government” shall be substituted;
- (ii) in clause (vi), for the existing expression “concerned department or authority”, the expression “department or instrumentality of the Government” shall be substituted;
- (iii) in clause (vii), for the existing expression “concerned department or authorities in the prescribed time limit.”, the expression “department or instrumentalities of the Government in the prescribed time limit;” shall be substituted and after clause (vii) so amended, the following new clause shall be added, namely:-
 - “(viii) to discharge such other functions or directions, as may be assigned/given by the Government or the Board and/or the State Empowered

Committee, as the case may be, from time to time.”.

6. Amendment of section 7, Rajasthan Act No. 7 of 2011.-In section 7 of the principal Act,-

- (i) in heading, for the existing expression “**department or Authority**”, the expression “**department or instrumentality of the Government**” shall be substituted;
- (ii) in sub-section (1), for the existing expression “Competent Authority”, the expression “department or instrumentality of the Government” shall be substituted; and
- (iii) in sub-section (2), for the existing expression "department or authority" wherever occurring, the expression "department or instrumentality of the Government" shall be substituted.

7. Amendment of section 8, Rajasthan Act No. 7 of 2011.- In sub-section (2) of section 8 of the principal Act, for the existing expression "departments or authorities", the expression "departments or instrumentalities of the Government" shall be substituted.

8. Amendment of section 10, Rajasthan Act No. 7 of 2011.- In section 10 of the principal Act,-

- (i) in sub-section (1), for the existing proviso, the following shall be substituted, namely:-

“Provided that the additional information under this section shall be requisitioned only once. In case of matters falling under the jurisdiction of District Empowered Committee, such requisition letter shall be sent through the Nodal Agency only.”; and
- (ii) in sub-section (3), after the existing expression “Nodal Agency” and before the existing punctuation mark “.” appearing at the end, the expression “or the department or instrumentality of the Government concerned, as the case may be” shall be inserted.

9. Amendment of section 12, Rajasthan Act No. 7 of 2011.- In section 12 of the principal Act,-

- (i) in sub-section (2), for existing expression "department or authority", the expression

- “department or instrumentality of the Government” shall be substituted; and
- (ii) in sub-section (3), for the existing expression “Council of Ministers”, the word “Board” shall be substituted.

10. Amendment of section 16, Rajasthan Act No. 7 of 2011.- In section 16 of the principal Act, after the existing expression “Chairperson or other members of” and before the existing expression “State Empowered Committee”, the expression “the Board or” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Rajasthan Enterprises Single Window Enabling and Clearance Act, 2011 (Act No. 7 of 2011) was enacted to provide for accelerated and time-bound grant of various licences, permissions and approvals and to enable an alternative single window clearance mechanism to be triggered in case of failure of competent authorities to act in time and to support an investor friendly environment in the State.

To facilitate the investment proposals falling under the jurisdiction of the State Empowered Committee more effectively and expedite for requisite approvals/permissions for setting up enterprises in the State, it is considered appropriate to introduce a new concept namely "One Stop Shop" under one roof to provide comprehensive and hassle free assistance to the investor through Bureau of Investment Promotion (BIP). Therefore, the State Government has decided to make necessary amendments in the aforesaid Act. Accordingly, certain provisions of the Rajasthan Enterprises Single Window Enabling and Clearance Act, 2011 are proposed to be amended suitably.

The Bill seeks to achieve the aforesaid objectives.

Hence, the Bill.

परसादी लाल,

Minister Incharge.

संविधान के अनुच्छेद 207 के खण्ड (3) के अधीन महामहिम राज्यपाल महोदय की सिफारिश।

(प्रतिलिपि: संख्या प.2(36) विधि /2/2020 जयपुर, दिनांक 22 अगस्त, 2020 (प्रेषक: परसादी लाल, प्रभारी मंत्री, प्रेषित: सचिव, राजस्थान विधान सभा, जयपुर)

भारत के संविधान के अनुच्छेद 207 के खण्ड (3) के प्रसंग में, मैं, राजस्थान उद्यम एकल खिडकी सामर्थ्यकारी और अनुज्ञापन (संशोधन) विधेयक, 2020 को राजस्थान विधान सभा में विचारार्थ लिये जाने की सिफारिश करता हूँ।

**MEMORANDUM REGARDING DELEGATED
LEGISLATION**

Clause 3 of the Bill, if enacted, shall empower the State Government to make rules and regulations to carry out the purposes of the Act.

The proposed delegation is of normal character and mainly relates to the matters of detail.

परसादी लाल,
Minister Incharge.

FINANCIAL MEMORANDUM

Clause 3 of the Bill, if enacted shall involve expenditure from the Consolidated Fund of the State.

Creation of additional physical infrastructure for Board and its Secretariat and technology upgradation of existing online Single Window Clearance System into One Stop Shop System shall involve non-recurring expenditure of approximately rupees one hundred seventy lakh.

There shall be recurring expenditure of approximately rupees two hundred twenty lakh for the maintenance of additional physical infrastructure, maintenance of the upgraded online One Stop Shop System, electricity and water and other related expenses.

Besides, approximately rupees two hundred thirty five lakh as non-recurring expenditure will be borne by RIICO.

परसादी लाल,
Minister Incharge.

**EXTRACTS TAKEN FROM THE RAJASTHAN
ENTERPRISES SINGLE WINDOW ENABLING AND
CLEARANCE ACT, 2011
(Act No. 7 of 2011)**

XX XX XX XX XX XX XX
2. Definitions.- In this Act, unless the context otherwise requires,-

- (a) "Bureau of Investment Promotion" means the Bureau of Investment Promotion as declared under section 4;
- (b) "Competent Authority" means any department or agency of the Government, Local Authority, Statutory Body, State owned Corporation, Gram Panchayat, Municipality, or any other authority or Agency constituted or established under any Rajasthan law 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;
- (c) to (l) XX XX XX XX XX XX

3. Constitution, powers and functions of State Empowered Committee and District Empowered Committee.- (1) The Government may, by notification, constitute a State Empowered Committee to assist Council of Ministers in considering the proposals for benefits as mentioned in section 11 for the purpose of promoting investment and for setting up of enterprises in the State and to consider and dispose of applications for permission required under Rajasthan laws in case the Competent Authority has failed to consider and dispose of such applications within the time limit prescribed under section 12.

(2) The State Empowered Committee shall examine the applications for giving concessions or grant exemption or relaxation from the provisions of any Rajasthan law, take into consideration the comments of the departments, if any, hold discussions with the investors, wherever necessary and make recommendations to the Council of Ministers. The time limit for

submitting recommendations to the Council of Ministers shall be such as may be prescribed under section 12.

(3) to (6) xx xx xx xx xx xx
 XX XX XX XX XX XX XX

6. Powers and functions of Nodal Agency.- Subject to the superintendence, direction and control of the Government and the State Empowered Committee or the District Empowered Committee, as the case may be, the powers and functions of the Nodal Agency shall be as follows:-

(i) to (iv) xx xx xx xx xx xx

(v) to seek comments of the concerned departments or authorities on the application for relaxations, exemptions and concessions as mentioned in section 11 received from the investor;

(vi) to submit the comments of the concerned department or authority, if any, to the State Empowered Committee within the time limit prescribed under section 12;

(vii) to submit the application for relaxations, exemptions and concessions as mentioned in section 11, received from the investor to the State Empowered Committee within the time limit prescribed under section 12, in case no comments are received from the concerned department or authorities in the prescribed time limit.

7. Obligations of concerned department or authority.- (1) The Competent Authority shall consider and dispose of the application forwarded to it by the Nodal Agency under clause (i) of section 6 within the time limit prescribed under section 12.

(2) The concerned department or authority shall provide comments sought by the Nodal Agency under clause (v) of section 6, within the prescribed time limit, and, if the concerned department or authority fails to provide comments within the prescribed time limit, it shall be deemed that the concerned department or authority has no objection or suggestion regarding the requisite relaxations, exemptions and concessions as mentioned in section 11.

8. Application form.- (1) xx xx xx xx

(2) All departments or authorities concerned shall accept such application form for processing and issue of required permission.

(3) xx xx xx xx xx xx
XX XX XX XX XX XX XX

10. Power of Competent Authority to call for additional information.- (1) On receipt of an application for permissions, the Competent Authority shall have powers to obtain additional information, if required, from the applicant:

Provided that the additional information under this section shall be requisitioned only once and requisition letter shall be sent through the Nodal Agency.

(2) xx xx xx xx xx xx

(3) The Competent Authority shall, after sanctioning or rejecting, with reasons, the application, send its orders to the concerned investor and endorse a copy thereof to the concerned Nodal Agency.

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12. Time limits for processing of applications.- (1)

xx xx xx xx xx xx

(2) The Government may prescribe time limit for Nodal Agency to process the application and the comments from the Competent Authority, concerned department or authority, and submissions of the same to the State Empowered Committee and District Empowered Committee, as the case may be.

(3) The Government may prescribe time limit for the State Empowered Committee for submitting its recommendations to the Council of Ministers.

XX XX XX XX XX XX XX

16. Protection of action taken in good faith.- No suit, prosecution or legal proceedings shall lie against the Chairperson or other members of State Empowered Committee or District Empowered Committee or any employee of the Government acting under the direction of such committee in respect of anything which, in good faith, is done or intended to be done under this Act or any rules made thereunder.

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राजस्थान उद्यम एकल खिड़की सामर्थ्यकारी और अनुज्ञापन
(संशोधन) विधेयक, 2020

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

राजस्थान विधान सभा

राजस्थान उद्यम एकल खिड़की सामर्थ्यकारी और अनुज्ञापन अधिनियम, 2011 को संशोधित करने के लिए विधेयक।

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

प्रमिल कुमार माथुर,
सचिव।

(परसादी लाल, प्रभारी मंत्री)

Bill No. 27 of 2020

**THE RAJASTHAN ENTERPRISES SINGLE WINDOW
ENABLING AND CLEARANCE (AMENDMENT)
BILL, 2020**

(To be introduced in the Rajasthan Legislative Assembly)

RAJASTHAN LEGISLATIVE ASSEMBLY

A

Bill

to amend the Rajasthan Enterprises Single Window Enabling and Clearance Act, 2011.

(To be introduced in the Rajasthan Legislative Assembly)

**Pramil kumar Mathur,
Secretary.**

(Parsadi Lal, **Minister-Incharge**)