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PART--IV-- Bills introduced in the Tripura Legislative Assembly : Report of Selection Committees presented or to be presented to the Assembly and Bills published before introduction in that Assembly.

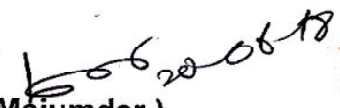
TRIPURA LEGISLATIVE ASSEMBLY
SECRETARIAT
NEW CAPITAL COMPLEX
AGARTALA, TRIPURA, PIN - 799 010
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No.F.7(12- 17)-LA/2018.

Dated, Agartala the 20th June , 2018.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “ **The Tripura Infrastructure and Investment Fund Board Bill, 2018 (Tripura Bill No. 3 of 2018) ”** as introduced in the Assembly on the 19th June, 2018 is published in the Tripura Gazette.”


(**B. Majumder**)
Secretary
Tripura Legislative Assembly

The Tripura Bill no.6 of 2018

THE TRIPURA INDUSTRIES (FACILITATION)BILL, 2018

A
BILL

to provide for the constitution of clearance authorities at the District and State level for scrutiny, consideration and final disposal of the applications of the entrepreneurs proposing to start industries in the State and for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Tripura in the sixty ninth year of the Republic of India as follows:-

CHAPTER - I

PRELIMINARY

1. (a) This Bill may be called the "**Tripura Industries (Facilitation) Bill, 2018**";

(b) It shall come into force on the date of its publication in the Official Gazette.

(c) It extends to the whole of Tripura

2.Application: This Act shall apply to various clearances required under various enactments for setting-up of industrial or service sector undertakings in the State of Tripura.

3. Definitions: In this Act unless the context otherwise requires-

(a) "Appellate Authority" means an appellate authority referred to in Section 23 of this Act.

(b) "Authority" means any statutory body, corporation or other Authority established by the Government, which are entrusted with the powers or responsibility to grant or issue clearances;

(c) "Clearances" means grant or issue of no objection certificates, allotments, consents, approvals, permissions, registrations, enrolments, licenses, or the like, by any Authority or Authorities, or any other bodies in connection with setting up of an industrial undertaking in the State of Tripura and shall include all such

clearances required till the industrial undertaking starts commercial production;

- (d) "Department" means, a Department of the State Government;
- (e) "District Level Single Window Clearance Committee" means a Committee constituted under Section 10 of this Act;
- (f) "Entrepreneur" means a person or body of persons or a company, having majority portion of investment or controlling interest in an industry or Enterprise;
- (g) "Government" means the State Government of Tripura ;
- (h) "High Level Single Window Clearance Committee" means a Committee constituted under Section 4 of this Act;
- (i) "Industrial Unit" means any Industrial Undertaking located inside the State and engaged in any manufacturing or processing or both or providing service or doing any other business or commercial activity as may be specified by the State Government.
- (j) "Nodal Agency" means the Nodal Agency at the State level or at the District level constituted under Section 14 of this Act;
- (k) "Notification" means a notification published in the Tripura Gazette and the word 'notify' will be construed accordingly
- (l) "Prescribe" means prescribed by rules made under this Act;
- (m) "Other Projects" means projects for manufacturing or processing or both or providing service or doing any other business or commercial activity as may be specified by the State Government
- (n) "State Level Single Window Clearance Committee" means a Committee constituted under Section 7 of this Act; and
- (o) "Special Single Window Clearance Committee" means a Committee constituted under Section 13 of this Act.

CHAPTER-II

CONSTITUTIONS AND FUNCTIONS OF DIFFERENT CLEARANCE COMMITTEES

4. High Level Single Window Clearance Committee:(1) Government may, by notification in the Official Gazette, constitute from time to time, a committee known as the High Level Single Window Clearance Committee under the chairmanship of the Chief Minister consisting of such other ex-officio members, as may be prescribed therein.

(2) The Committee shall examine and consider the proposals for industrial and other projects to be set up in the State where the amount of investment is more than Rupees twenty five crores or such higher amount as may be fixed by the Government from time to time.

(3) The members of the Committee under this section shall personally attend the meetings and in case of exigencies may depute a senior level official with written authorization to take appropriate decisions in the meetings.

5. Functions of the Committee: (1) The High Level Single Window Clearance Committee shall meet at such time and place and shall adopt such procedures to transact its business as may be prescribed.

(2) The Committee shall examine the proposals for setting-up any Industrial Unit referred to in Sub Section (2) of Section 4 and shall take decisions and communicate its decisions to the entrepreneurs and the concerned departments or the authorities within such time as may be prescribed.

6. Powers of Committee: (1) The High Level Single Window Clearance Committee shall be the final authority in granting approvals for the projects placed before it.

(2) The approvals given by it shall be binding on all the departments or authorities concerned and such departments or authorities shall issue the required clearances within the stipulated time and subject to compliances by entrepreneur undertaking of the provisions of the applicable Acts and the Rules made there under.

(3) The Committee shall review the proposals referred to it by the State Level Single Window Clearance Committee for granting approvals.

(4) To exercise such other powers and perform such other functions as may be prescribed.

7. State Level Single Window Clearance Committee: (1) The State Government may, by notification in the official Gazette, constitute from time to time, a committee under the Chairmanship of the Chief Secretary known as the State Level Single Window Clearance Committee consisting of such other members as may be specified therein.

(2) The State Level Single Window Clearance Committee shall examine and consider proposals received from the entrepreneurs relating to Industrial and other projects to be set up in the State where the amount of investment is more than Rupees three crores and up to Rupees twenty five crores or such amount as may be fixed by Government from time to time.

(3) Every member of the said Committee shall personally attend the meetings and in case of exigencies he may depute a senior level official with written authorization to take appropriate decisions in the meetings.

8. Functions of the Committee: (1) The State Level Single Window Clearance Committee shall meet at such time and such place and shall adopt such procedures to transact its business as may be prescribed.

(2) The Committee shall examine the proposals for setting-up any Industrial Unit referred to in Sub Section (2) of Section 7 and shall take decisions and communicate its decisions to the entrepreneurs and the concerned departments or the authorities within such time as may be prescribed.

9. Powers of the Committee: (1) The State Level Single Window Clearance Committee shall be the final authority in granting approvals for the projects placed before it.

(2) The approvals given by it shall be binding on all the departments or authorities concerned and such departments or authorities shall issue the required clearances within the stipulated time and subject to compliances by entrepreneur undertaking of the provisions of the applicable Acts and the Rules made there under.

(3) The Committee shall review the proposals referred to it by the District Level Single Window Clearance Committee for granting approvals.

(4) To exercise such other powers and perform such other functions as may be prescribed.

10. District Level Single Window Clearance Committee: (1) The State Government may, by notification in the official Gazette, constitute from time to time, a committee under the Chairmanship of the District Magistrate & Collector known as the District Level Single Window Clearance Committee consisting of such other members as may be specified therein.

(2) The District Level Single Window Clearance Committee shall examine and consider proposals received from the entrepreneurs relating to Industrial and other projects to be set up in the respective Districts where the amount of investment up to Rupees three crores or such amount as may be fixed by Government from time to time.

(3) Every member of the said Committee shall personally attend the meetings and in case of exigencies he may depute a senior level official with written authorization to take appropriate decisions in the meetings.

11. Functions of the Committee (1) The District Level Single Window Clearance Committee shall meet at such time and such place and shall adopt such procedures to transact its business as may be prescribed.

(2) The Committee shall examine the proposals for setting-up any Industrial Unit referred to in Sub Section (2) of Section 10 and shall take decisions and communicate its decisions to the entrepreneurs and the concerned departments or the authorities within such time as may be prescribed.

12. Powers of the Committee: (1) The District Level Single Window Clearance Committee shall be the final authority in granting approvals for the projects placed before the Committee.

(2) The approvals given by the Committee shall be binding on all the departments or authorities concerned and such departments or authorities shall issue the required clearances within the stipulated time and subject to compliances by entrepreneur undertaking of the provisions of the applicable Acts and the Rules made there under.

(3) To exercise such other powers and perform such other functions as may be prescribed.

13. Special single window clearance committee:(1) Government may, by notification, constitute Special Single Window Clearance Committees for any specified purpose, specified area or specified sector and delegate to them such powers and functions as the government may deem fit.

(2) The Special Single Window Clearance Committees shall consist of such number of members of whom one shall be nominated by Government as Chairman by way of issuing notification.

14. State Level and District Level Nodal Agency:(1) The State Government may, by notification, appoint a nodal agency at the State level, which shall be headed by an officer of Director of Industries & Commerce including such supervisory and secretarial staff as may be required.

(2) The State Government may notify the District Industries Centre as Nodal Agency at the district level.

15. Functions of the State level Nodal Agency shall be as follows:-

- (i) Investment promotional activities at the State, National and International level;
- (ii) Render necessary assistance and feed back in policy formulation for industrial progress;
- (iii) Guide and assist entrepreneurs to set-up industries in the State;
- (iv) Prepare a combined application form for on-line /off -line submission by the investors for obtaining various clearances.
- (v) Issue and receive application form from entrepreneurs and arrange required clearances from the departments or authorities concerned, within the specified time limit;
- (vi) To communicate the decision regarding approval/rejection/deemed approval to the applicant.
- (vii) Provide secretarial and other support services to High Level Clearance Committee, State Level Single Window Clearance Committee and Special Single Window Clearance Committees.
- (viii) Set up task force from key departments and Authorities to review periodically the status of implementation of large projects and to sort out problems, if any.
- (ix) The State Level Nodal Agency shall exercise its functions under this Act up to the stage/date of commencement of production or operation of the undertaking or the services as the case may be. Any additional clearances as may be necessary thereafter shall be accorded by the respective competent authority.

16. Functions of District Level Nodal Agency shall be as follows:-

- (i) Investment promotional activities at the District Level.
- ~~(ii) Image building of the District to attract investment.~~

- (iii) Investment climate improvement exercises.
- (iv) Guide and assist entrepreneurs to set up industries in the District.
- (v) Issue and receive application form from entrepreneurs and arrange required clearance from the departments or Authorities concerned within the specified time limit.
- (vi) To communicate the decision regarding approval/rejection/deemed approval to the applicant.
- (vii) Provide secretarial and other support services to District Level Single Window Clearance Committee.
- (viii) Set up a task force from key departments or Authorities to review periodically the status of implementation of the project and to sort out problems, if any;
- (ix) The District Level Nodal Agency shall exercise its functions under this Act up to the stage/date of commencement of production or operation of the undertaking or the services as the case may be. Any additional clearances as may be necessary thereafter shall be accorded by the respective competent authority.

17. Combined Application Form:(1) The State Government may prescribe the combined application form for the use of entrepreneurs whose projects are to be approved by any of the Clearance Committees as an alternative to the existing forms prescribed under any applicable Acts or Rules or Orders or Instructions for obtaining the required clearances and all Departments and authorities concerned shall accept the combined application form for processing and issue of required clearances.

(2) Entrepreneurs intending to set up Industries may submit the application, duly filled-in along with required documents along with prescribed fees, either to the State Level Nodal Agency or to the District Level Nodal Agency depending upon the amount of investment proposed to be made in setting up the Industries as defined in this Act.

(3) The applicant/s shall submit the application with the prescribed fee in the prescribed manner to the State/District Level Nodal Agency.

18. Time limit for issue of Clearances: Notwithstanding anything contained in any Acts or Rules for the time being in force, the Government may prescribe time limits for processing of applications and issuance of clearance/s by different competent authorities under this Act.

19. Self Certification:(1) Every entrepreneur shall furnish a "Self-Certification" at the time of submitting the duly completed application

form to the Nodal Agency, undertaking that he would comply with the provisions of applicable Acts and Rules or Orders or Instructions.

(2) Such undertaking shall be furnished in the prescribed format on a non-judicial stamp paper of the value as fixed by the Government from time to time.

(3) All Departments or Authorities concerned shall accept the self-certification for the purpose of issuing the required clearances.

20. Deemed approval:(1) Every Department or authority concerned, shall issue the required clearances after processing the application as required under the applicable law within the specified time limit and in case of failure to issue the required clearances within the specified time limit, such clearances shall be deemed to have been issued provided the applicants have paid requisite fees, if any, the applications are free from any material defect.

(2) The deemed approvals shall continue to be in force until the formal clearance is issued by the departments or authorities concerned.

(3) Provided further that the deemed clearance under this Section shall not guarantee issue of subsequent statutory documents unless the entire process of enquiry required for the same is complete.

(4) The Nodal Agency shall communicate in writing to the entrepreneurs allowing the deemed approval as per the provision and a copy marked to the department or authority concerned.

21. Exemption: The State Government may, by notification for good and sufficient reasons to be recorded in writing, exempt any clearance from the purview of this Act.

22. Suspension or cancellation of clearances: Any clearance issued by the competent authority or any deemed clearance shall be liable to be suspended or cancelled at any time by the competent authority if it is detected at any point of time that the clearance has been obtained by false self-certification, corrupt use of false or fabricated documents, use of forged certificates or documents etc., after giving a reasonable opportunity of being heard, in addition to taking appropriate penal action under section 24 of this Act.

23. Appeal:(i) Any person aggrieved by the decision of the High Level Single Window Clearance Committee, State Level Single Window Clearance Committee, District Level Single Window Clearance Committee or Special Single Window Clearance Committees may, within 30 days from the date of receipt of communication of the decision of the authorities, appeal to the appellate authority as may be prescribed.

(2) 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 receipt.

24. Penalty:(1) Any applicant who makes an application for obtaining clearance under Section 17, Sub-section (2) and signs and furnishes a Self-Certificate to the State Level Nodal Agency or to the District Level Nodal Agency under Section 19 by corruptly using or attempting to use false or fabricated documents or by issuing or signing such Certificate knowing to be false and fabricated and using or attempting to use such certificate as true knowing to be false and/or indulge in any activities of forgery in order to get clearance under this Act, he/she shall be liable to be prosecuted and punished under appropriate section/s of the Indian Penal Code 1860.

(2) Any entrepreneur who fails to comply with the conditions or undertaking as furnished in the Self Certification given to the State Level Nodal Agency or to the District Level Nodal Agency or to the competent authority as the case may be, be punishable with fine which may extend to twenty thousand rupees for the first offense and for the second or subsequent offenses with fine which may extend to thirty thousand rupees.

(3) The relevant provisions of the Code of Criminal Procedure, 1973 shall apply in case of the offenses committed under sub-section (1) and (2) of this section.

25. Rationalization of Inspection:(1) Inspections under the provisions of applicable Acts and Rules or orders or instructions by different Authorities shall be conducted jointly with the office of the Labour Commissioner, Chief Inspector of Factories and Boilers, Tripura State Pollution Control Board, Municipal Authorities once in a year and such inspections shall be based on random selection and shall be organized in the manner as may be prescribed.

(2) Inspections against specific complaints may be conducted with authorization by the Heads of the Departments. Further, inspections in respect of pollution and safety aspects may be conducted as required under the relevant Acts or rules. Other inspections under other laws or rules as may be specified by the State Government from time to time shall be waived and self-certification shall be accepted.

26. Government may, from time to time, issue policy directions as deemed necessary to the clearance committees for the purpose of carrying out the objective of this Act and the concerned clearance committees shall ~~be bound to follow and act upon such direction.~~

CHAPTER -III MISCELLANEOUS

27. Government may, by notification, exempt any clearances from any of the provisions of this act.

28. Offences by Companies etc.: (1) Where an offence under this Act has been committed by a Company, the Company as well as every person in charge of and responsible to the Company for the conduct of its business at the time of commission of the offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or that commission of the offence is attributable to any neglect on the part of, any Director, Manager, Secretary or other officer authorized in that behalf of the company, such Director, Manager, Secretary or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purposes of this section:-

(a) "**Company**" means any body Corporate and includes a firm or other association of individuals; and

(b) "**Director**" in relation to a firm means a partner in the firm

29. Power to make Rules:

(a) The State Government may, by Notification, after previous publication make Rules to carry out the purpose of this Act.

(b) Every Rule made under this Act shall be laid as soon as may be, after it is made before the House of the State Legislature while it is in session

30. Savings: Save as otherwise provided in this Act the provisions of this Act shall have effect notwithstanding anything in consistent therewith

contained in any, other state law or rules or orders or instructions for the time being in force or any custom or usage or any instruments having effect by virtue of any such law.

31. Protection of action taken in good faith: No suit or legal proceedings shall be instituted against, or damage claimed from the clearance authorities or members or employees of such authorities for anything, which is in good faith, done or intended to be done, or for any order passed in good faith in pursuance of this act and the rules made there under.

32. Power to remove difficulties: If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, by order, not inconsistent with the provisions of this Act, remove the difficulties.

STATEMENT OF OBJECTS AND REASONS

- As per existing system, all investors, based on type and nature of his project, are required to approach multiple Government Departments/ Authorities like Inspector of Factories & Boilers Organization, Tripura State Pollution Control Board, Municipal Authorities, Fire Service, Commissioner of Taxes, Forest Department, Tripura State Electricity Corporation, Legal Metrology, Urban Development, Industries & Commerce etc. for obtaining approvals/licenses/ permissions/NOC etc., as applicable, for setting-up of new Industrial units in the State. This creates difficulties and inconvenience, as well as time over run, to the investors as they have to approach multiple authorities before setting-up the industries and starting of commercial production.
- To ease the burden of regulatory process and simplify the procedure of obtaining statutory clearances, Government of India, under the “Make in India” initiative, introduced reforms to do away with obstacles and obstructive framework and introduced a new programme called “Ease of Doing Business”. Under this programme, all State Governments have been requested to introduce Single Window Clearance System for time bound issuance of approvals/licenses/ permissions/NOC etc.
- Most of the States like Gujarat, Assam, Jharkhand, Andhra Pradesh, Punjab, Orissa, West Bengal etc. has introduced Single Window Clearance System through Industrial Facilitation Act.
- With this background, it is proposed to introduce “The Tripura Industries (Facilitation) Bill, 2018” (Tripura Bill No.6 of 2018) to create an investor friendly environment in the State that would pave the way for rapid industrialization of the State.

The Bill seeks to achieve the aforesaid purpose

TECHNICAL MEMORANDUM

The subject matter of the Industries (Facilitation) Bill, 2018 (The Tripura Bill No.6 of 2018) is relatable to Entries 24 of List-II (State List) and 23,24,36 and 37 of List-III (Concurrent List) of the Seventh Schedule to the Constitution of India and therefore the State Legislature is competent to make a Law on these subjects.

2. Though the provisions of the Bill are not repugnant to the Constitution of India, but there are provisions which may be repugnant to some provisions of the existing Central laws, like “The Industries (Development and Regulation) Act, 1951, the Factories Act, 1948 and the Indian Boilers Act, 1923 etc. and therefore the assent of the President of India, according to Article 254(2) of the Constitution of India, will be required to bring it into operation, if it is passed by the State Legislature.

3. The Bill does not attract the proviso to clause (b) of article 304 of the Constitution of India and therefore previous sanction of the President of India is not required for introducing or moving of the Bill in the State Legislature.

4. It is not a Money Bill within the meaning of Article 199 of the Constitution of India. This is not a Financial Bill, as it will not involve any additional expenditure from the Consolidated Fund of the State, if enacted and brought into operation. Therefore, prior recommendation of the Governor under Clause (1) or (3) of Article 207 of the Constitution of India, is not required for introduction, moving or consideration of the Bill by the House of the State Legislature.

FINANCIAL MEMORANDUM

The Tripura Industries (Facilitation) Bill, 2018 (The Tripura Bill No.6 of 2018) if enacted and brought into operation, there shall be no additional annual expenditure from the Consolidated Fund of the State. Existing manpower in Department of Industries & Commerce and infrastructure like space, computers and other office equipments will be used. Also, if approved, like some other State Governments, Government of Tripura may introduce processing fee from investors for the service provided under single window system.
