

Jharkhand Single Window Clearance Act, 2015

JHARKHAND

India

Jharkhand Single Window Clearance Act, 2015

Act 10 of 2016

- Published on 1 January 2016
- Commenced on 1 January 2016
- [This is the version of this document from 1 January 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

Jharkhand Single Window Clearance Act, 2015(Act No. 10 of 2016)An Act to provide for accelerated and time bound grant for various licences, permissions and approvals to promote of industrial development; to facilitate new investments; to simplify the regulatory framework by reducing procedural requirements and rationalising documents, to improve ease of doing business, and to provide for an investor friendly environment in the State of Jharkhand; andBe it enacted by the Jharkhand Legislative Assembly in the 66th year of the Republic of India as follows:

1. Short title, extent and commencement.

(1)This Act may be called the "Jharkhand Single Window Clearance Act, 2015".(2)It shall extend to whole of the State of Jharkhand.(3)It shall come into force on such date as the Government of Jharkhand may, by notification in the official Gazette.

2. Definitions.

- In this act, unless the context otherwise requires:(a)"Agency" means the Jharkhand Industrial Infrastructure Development Corporation (JIIDCO);(b)"Governing Body" means the body constituted under Section 4;(c)"Appellate Authority" means the committee as empowered under section 25;(d)"Applicable Acts" meansa. The Bihar Shops and Commercial Establishment Act, 1953b. The Central Sales Taxes Act, 1956c. The Maternity Benefit Act, 1961d. The Payment of Bonus Act, 1965e. The Contract Labour (Regulation and Abolition) Act, 1970f. The Gratuity Act, 1972g. The Equal Remuneration Act, 1976h. The Jharkhand Value Added Tax Act, 2005i. The Water (Prevention & Control of Pollution) Act, 1974j. The Air (Prevention & Control of Pollution) Act, 1981k. The Environment (Protection) Act, 1986l. The Boiler Act 1923m. The Payment of Wages Act 1936n. The Factories Act 1948o. The Minimum Wages Act, 1948p. The Bihar Electricity Act 1948q. The Jharkhand Entertainment Tax Act, 2012 Or successor/amended Act or any other relevant Act notified by the State Government;(e)"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;(f)"Clearance" means grant or issue of no-objection certificate, allotment, consents, approvals, permissions, registrations, enrolments, licences 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 acts;(g)"Department" means a department of the State Government of Jharkhand;(h)"District Executive Committee" means the committee constituted under Section 12;(i)"District Level Nodal Agency" means the agency specified under Section 14;(j)"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;(k)"Government" means the State Government of Jharkhand;(l)"High Powered Committee" means the committee constituted under Section 6;(m)"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.(n)"Notification" means a notification published in the Jharkhand Gazette and the word `notified' shall be construed accordingly;(o)"Prescribed" means prescribed by rules made under this Act and rules made under applicable Acts to implement this Act.(p)"Web Portal" means web portal maintained by the Agency.

3. Notification of Agency.

- The Government of Jharkhand shall notify the "Jharkhand Industrial Infrastructure Development Corporation (JIIDCO) to provide secretariat support to single window clearance and industrial facilitation for the new investments in the State.

4. Constitution of Governing Body.

(1)There shall be constituted a `Governing Body' for the purposes of this Act.(2)The Governing Body constituted under section 4.1 shall consist of the Chairman and the following members:Chairman and Members of Governing Body

Members Designation

a.	Hon'ble Chief Minister	Chairman
b.	Industry Minister	Vice Chairman
c.	Finance Minister	Member
d.	Revenue, Registration and Land Reforms Minister	Member
e.	Chief Secretary	Member
f.	Principal Secretary/Secretary, Industry	Member-Secretary
g.	Other nominations by the State Government if any	Members

(3)The Governing Body 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 Governing Body.

- Subject to the overall control and superintendence of the State Government, the Governing Body shall provide overall policy guidance and direction under this Act.(1)The Governing Body shall be responsible for setting the strategic direction sand guidance for the Single Window Clearance and industries facilitation required for its effective functioning.(2)The orders passed and decisions taken by the Governing Body 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 Governing Body may assign or revoke its functions/powers to High Powered Committee and Single Window Clearance Committee for effective implementation of this Act.(4)The Governing Body 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 Governing Body may decide, for performance review of the High Powered Committee and the Single Window Clearance Committee; and for providing necessary recommendations where required.(5)The Governing Body may also consider matters referred by the High Powered Committee and the State Government, and take appropriate decisions.(6)The Governing Body shall grant approval of financial incentive packages for Mega and Ultra-mega projects on the recommendation of the High- Powered Committee.

6. Constitution of High Powered Committee.

(1)There shall be constituted a High Powered Committee for the purpose of this Act.(2)The High Powered Committee constituted under section 6.1 shall consist of the Chairman and the following members:Chairman and Members of High Powered Committee

Members Designation

a.	Chief Secretary	Chairman
b.	Development Commissioner	Member
c.	Principal Secretary/Secretary, Industry	Member
d.	Principal Secretary /Secretary,Finance	Member
e.	Director of Industries	Member-Secretary

(3)The High Powered Committee may invite other department secretaries or any other officer of a Department as a special invitee as required.

7. Functions of High Powered Committee.

(1)The High Powered Committee shall regularly monitor, supervise and review the functioning of the Single Window Clearance Committee, Agency, District Level Nodal Agency and District Executive Committee for industries facilitation and single window clearance.(2)It shall carry out

such other functions as may be assigned to it by the Governing Body or the State Government.(3)The Committee may assign or revoke the functions/powers to the Single Window Clearance Committee and District Executive Committee within the powers/functions assigned under this Act or by the Governing Body for effective implementation of this Act.(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 Single Window Clearance Committee and District Executive Committee; and for providing necessary recommendations where required.(5)The High Powered committee shall grant approval of financial incentive packages for large projects on the recommendation of Single Window Clearance Committee. The High Powered Committee shall recommend financial incentive packages for all Mega and Ultra-mega projects to governing body.(6)The High Powered Committee may also consider matters referred to it by the CEO of Single Window Clearance Committee and take appropriate decisions.(7)It shall further refer any case/issue/proposal to the Governing Body with its recommendations and suggestions, if considered necessary.(8)The Committee shall be responsible for promoting investments in the state and other related activities.(9)The High Powered Committee shall recommend the time-line for each service provided under various applicable Acts to the concerned department.(10)The High Powered Committee shall recommend self-certification, deemed clearances, rationalisation of inspections and third party inspections under various applicable acts wherever applicable to the concerned department.

8. Single Window Clearance Committee.

(1)There shall be constituted a Single Window Clearance Committee (SWCC) for the purpose of this act.(2)The Single Window Clearance Committee shall consist of the following composition:

Members Designation

a.	Principal Secretary/Secretary, Industry	Chief Executive Officer
b.	Principal Secretary /Secretary, Finance-cum-Planning	Member
c.	Principal Secretary/Secretary, Revenue,Registration and Land Reform	Member
d.	Principal Secretary/Secretary, UrbanDevelopment and Housing.	Member
e.	Principal Secretary/Secretary, Labour,Employment and Training	Member
f.	Principal Secretary, Forest, Environment and Climate Change	Member
g.	Principal Secretary/Secretary, Energy	Members
h.	Principal Secretary/Secretary, Water Resources	Members
i.	Principal Secretary/Secretary, Mining andGeology	Members
j.	Chairman, Jharkhand State Pollution ControlBoard	Members
k.	Director of Industries	Member-Convener

(3)The Principal Secretary, Department of Industries shall be Chairman of this Single Window Clearance Committee. The Single Window Clearance Committee may invite the other departmental Secretaries or any other officer of any department as a special invitee as required.

9. Functions of Single Window Clearance Committee.

- Subject to overall control and superintendence of the State Government,(1)The Single Window Clearance Committee shall exercise powers of clearances for setting up of business and starting of business operations as notified by State Government.(2)The State Government may devolve upon it any other powers, if so required, through appropriate notification except the powers vested with the statutory bodies including ULBs and PRIs. The SWCC shall pursue the proposals with regards to ULBs and PRIs directly with them or through the Deputy Commissioner of the district concerned to facilitate their early clearance.(3)The delegations of powers shall be exercised by the SWCC up to the stage of clearances and approvals. All clearances and approvals, thereafter, shall be issued by the Appropriate Authority concerned.(4)Financial incentives for MSME projects shall be approved by this Committee and other than MSME projects, this committee shall recommend to the High Powered Committee for approval.

10. Officers/Employees of the Agency.

(1)The Officers of various departments shall be placed in the Agency on deputation/ secondment by concerned administrative department/organizations, includea. An Officer not below the rank of a Chief Engineer in the Jharkhand State Pollution Control Board.b. An Officer not below the rank of the Chief Town Planner in the Department of Urban Development and Housing.c. An Officer not below the rank of Joint Labour Commissioner in the Department of Labourd. An Officer not below the rank of the Joint Commissioner Commercial Tax in the Department of Commercial Tax. An Officer not below the rank of Chief Conservator of forests in the Department of Forest, Environment and Climate Change.f. An Officer not below the rank of Chief Engineer in Jharkhand Bijli Vitran Nigam Ltdg. An Officer not below the rank of Director of Land Acquisition in the Department of Revenue, Registration and Land Reforms.h. An officer not below the rank of Additional Director of Mines from the Department of Mines and Geology(2)In case the department/organizations is unable to provide the officers of the rank mentioned in sub-section-I, the deputed/secondment officer shall be deemed to be in the rank mentioned in sub-section-I till he remains on deputation with Agency. However, this will not entitle him any additional financial benefits on this account.(3)All regulatory departments who grants approvals/clearances shall empower their depute/secondment senior officer in the JIIDCO through notification to grant approvals within a time-frame for all new projects to setting-up of business and starting business operations. Till such notification, the deputed/seconded officers shall be responsible for disposal of applications for such clearances applications within the time limit.(4)The Chief Executive Officer of the SWCC shall exercise the powers of supervision and control over all the officers on deputation/secondment to the Agency. However, the Officers as mentioned in sub-section-1whose services are placed with the Agency on deputation or secondment shall continue to be governed under the relevant rules and regulations of their respective cadres in their parent departments/organizations.(5)The Agency shall provide other staff requirement to discharge responsibility under this Act through contact or outsourcing mode.

11. Functions of Chief Executive Officer(CEO).

(1)CEO shall also be the Principal Secretary/Secretary in charge of the Department of Industries.(2)The CEO shall examine, consider and process the proposals received from any entrepreneur relating to industrial and other projects to be set up in the State from time to time.(3)The CEO shall exercise all the powers/ functions assigned by the Governing Body, High Powered Committee and as delegated from time to time by the State Government by notification(4)The CEO shall coordinate all efforts for promoting investments in the state and other related activities.(5)The CEO shall be the competent authority to sign all documents, approvals and sanction of grants or instructions issued by SWCC.(6)The CEO shall refer any case/issue/proposal to the High Powered Committee with its recommendations and suggestions, if considered necessary.(7)The CEO shall review and monitor investments in various projects for which the approvals have been granted by the SWCC.(8)The CEO shall be responsible for preparation, submission of monthly, quarterly, half yearly and yearly progress reports to the Governing Body and High Powered Committee.(9)The CEO shall coordinate with all departments through various officers of departments deputed or seconded in the JIIDCO to grant approval/clearances and to implement the investment proposals on ground.(10)The CEO shall also coordinate with all departments/authorities/offices who are not deputed or seconded their officers in the JIIDCO to grant approval/clearances and to implement the investment proposals on ground.(11)The CEO shall provide all necessary assistance to entrepreneurs to set up industries in the State.(12)The CEO shall regularly monitor, review and evaluate the functioning of web-portal of Single Window Clearance maintained and operated by the JIIDCO.

12. District Executive Committee.

- DEC(1)The State Government may by notification constitute committee at district level called as "District Executive Committee".(2)The District Executive Committee constituted under section 12.1 shall consist of the Chairman and the following members, namely:-Chairman and Members of District Executive Committee

Members Designation

a.	Deputy Commissioner of the District	Chairman
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	Members
h.	District Mining Officer	Members
i.	Divisional Forest Officer	Members

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

13. 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 the Act.(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 the Act or by the High Powered Committee for effective implementation of this Act.(4)The District Executive Committee shall meet at least once in 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 Department of Industries 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 authorisation to take appropriate decisions in the meeting.(8)The Committee shall be responsible for promoting investments in the District and other related activities.(9)The District Executive Committee shall be responsible for preparation and submission of progress reports to the District Planning Committee.

14. District Level Nodal Agency.

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

15. Functions of District Level Nodal Agency.

(1)It shall assist in investment promotional 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 authorised 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 Single Window Clearance Committee and the District Executive Committee and as delegated time to time by the State Government by notification.

16. 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 available in the web-portal for concerned applicable acts.(2)For all clearances other 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.

17. Memorandum of Understanding.

(1)The CEO of the SWCC or any authorised Officer 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.(2)The CEO of the SWCC shall obtain the approval of High Powered Committee before signing such MoU for mega industries.

18. 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 Act.

19. 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.(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.

20. 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 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.(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).

21. Rationalisation of Inspections.

(1)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, once in a year.(2)Department shall conduct inspection based on risk based assessment as maybe prescribed in their respective rules/bye-laws.However, inspection against specific complaints may be conducted with the authorisation of the Head of the Departments.

22. 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.

23. Procedure for Disposal.

(1)The applications submitted for clearances shall be disposed of by following such procedure, as may be prescribed.(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.

24. 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. .

25. 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 Single Window Clearance Committee as may be prescribed. Appeal against the order of Single Window Clearance Committee shall lie with High Powered Committee.(2)The second appeal against the order of High Powered Committee shall lie Appeals with Governing Body through Principal Secretary/Secretary Industries and decision of Governing Body is final and binding on all under this Act.(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 Body/Committee meeting whichever is later.

26. Fee for clearances.

- 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.

27. Power to make rules.

(1)The State Government shall have the power to make rules to carry out the purposes of this Act.(2)The State Government may, by notification, exempt from the operation of any of the provisions of this Act relating to clearances, if it considers necessary to do so in public interest.(3)Every rule made under this Act 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.

28. Overriding effect.

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

29. Power to remove difficulties.

(1)If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty.

30. Penalty.

(1)Any entrepreneur who fails to comply with the conditions or undertakings in the self-certification given the Agency or Department or appropriate authorities shall face penalty which may extend to fifteen thousand rupees for the first offence and up to twenty five thousand for the second or subsequent offences.(2)The appropriate authority shall be competent for enforcement of the above Penalty sub-section (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.

31. Protection of action taken in good faith.

- No suit or legal proceeding shall lie against the Chairman or other members of the Governing Body or High Powered Committee or Single Window Clearance Committee or District Executive Committee or Agency or District Level Nodal Agency or any employees of such committee in respect of anything which is done or intended to be done in good faith under this Act or any Rule made there under.