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GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, March 4, 2021

No. 2/7/2021-Leg/L : The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on February 25, 2021 is hereby published in the Official Gazette:

THE MANIPUR INDUSTRIAL SINGLE WINDOW CLEARANCE ACT, 2021
(MANIPUR ACT NO. 9 OF 2021)

AN

ACT

to provide for speedy processing of applications and expeditious clearance of investment proposals (both regulatory and fiscal) in the State of Manipur and to implement investment promotion policies that may be announced by the State Government from time to time and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of Manipur in the Seventy-second Year of the Republic of India as follows:

1. (1) This Act may be called the Manipur Industrial Single Window Clearance Act, 2021.

(2) It shall extend to the whole of the State of Manipur.

(3) It shall come into force with effect from the date of its publication in the Official Gazette of Manipur.

2. This Act shall apply to various clearances required under State enactments as well as clearances delegated to competent State Authorities under any central enactment for setting up of Service Sector or Industrial undertakings including infrastructure projects in the State of Manipur.

3. In this Act, unless the context otherwise requires,-

Short title,
extent and
commence-
ment.

Application.

Definitions.

- (a) "Chief Executive Officer" means the Chief Executive Officer of the Single Window Agency;
- (b) "Clearance" means grant or issue of no-objection certificate, allotment, consent, approval, permission, registrations (excluding registration required under taxation Acts of the State or the Centre), enrolments, licenses and other similar matter, by any competent authority or authorities of the State Government, required to be issued under various State or Central enactments, in connection with the setting up of an industrial or service sector undertaking in the State of Manipur and shall include all such clearances required till the industrial or service sector undertaking starts its commercial production or operation;
- (c) "Competent authority" means any department or agency or instrumentality of the Government, Corporation, Board, Panchayat, Municipality, Development Authority, District Autonomous Councils or Councils or other local body, or authority which are entrusted with the powers and responsibilities to grant or issue clearances;
- (d) "Entrepreneur" means an entity who decides to set up an enterprise and includes,-
- (i) an individual;
 - (ii) a Hindu Undivided Family;
 - (iii) a company;
 - (iv) a registered firm;
 - (v) a Limited Liability Partnership as per the Limited Liability Partnership Act, 2008 (Central Act No. 6 of 2009);
 - (vi) an association of persons or a body of individuals, whether incorporated or not, in India or outside India;
 - (vii) any corporation established by or under any Central or State Acts or a Government Company as defined under clause (45) of section 2 of the Companies Act, 2013 (Central Act No. 18 of 2013);
 - (viii) a co-operative society registered under any law relating to a co-operative society;
- (e) "Executive Committee" or "EC" means the Executive Committee of the Manipur Industrial Single Window Clearance Agency constituted under section 7;
- (f) "Governing Body" or "GB" means the Governing Body of the Single Window Agency constituted under section 5;
- (g) "Government" means the Government of Manipur;

- (h) "Prescribed" means prescribed by rules made under this Act;
- (i) "Policy" means any notified policy, regulation, package or programme of the Government;
- (j) "Section" means a section of this Act; and
- (k) "Single Window Agency" or "SWA" means the Manipur Industrial Single Window Clearance Agency.

4. (1) There shall be established a Single Window Agency to be known as the Manipur Industrial Single Window Clearance Agency. Establishment of Single Window Agency.

(2) The purpose of the Single Window Agency shall be overall supervision and administration for speedy processing of applications and issue of various clearances required to be issued by various competent authorities of the State Government under various State or Central enactments, for setting up of industrial or service sector undertakings in the State of Manipur, comprising of a Governing Body to be constituted under section 5.

5. There shall be a Governing Body of the Single Window Agency which shall be the apex body for all matters of the Single Window Agency. The constitution of the Governing Body shall be as follows, namely:- Governing Body.

- (i) Chief Minister : Chairman
- (ii) The Minister-in-charge (Textiles, Commerce & Industry) : Vice-Chairman
- (iii) The Minister-in-charge (Finance) : Member
- (iv) The Minister-in-charge (Labour) : Member
- (v) The Minister-in-charge (Forest & Environment) : Member
- (vi) The Minister-in-charge (MAHUD) : Member
- (vii) The Minister-in-charge (Revenue) : Member
- (viii) The Minister-in-charge (Power) : Member
- (ix) The Minister-in-charge (TA & Hills) : Member
- (x) Administrative Secretary (Textiles, Com. & Industry) : Member
- (xi) Administrative Secretary (Finance) : Member
- (xii) Administrative Secretary (Labour) : Member
- (xiii) Administrative Secretary (Forest & Environment) : Member
- (xiv) Administrative Secretary (MAHUD) : Member
- (xv) Administrative Secretary (Revenue) : Member
- (xvi) Administrative Secretary (Power) : Member
- (xvii) Administrative Secretary (TA & Hills) : Member
- (xviii) Secretary to Chief Minister : Member

- (xix) At least 3(three) representatives, : Members
1(one) of which shall be a woman,
from the Industries and Trade
Associations of the State nominated
by the Department of Textiles,
Commerce & Industry for a term
of two years.

(xx) Chief Executive Officer (SWA) ; Member-Secretary

Functions of the Governing Body. 6. (1) The Governing Body which shall be the apex body for all matters relating to the Manipur Single Window Agency, and shall be responsible for :-

- (a) approving the regulation and procedures of the Single Window Agency and entrustment of any other function (s) to the Executive Committee and the Chief Executive Officer in conformity with this Act;
 - (b) creating, sanction, abolition and re-designation of posts required for effective functioning of the Single Window Agency;
 - (c) approving the annual budget, accounts and reports including the audit reports of the Single Window Agency;
 - (d) approval of any borrowings or hypothecation of any assets of the Single Window Agency, if required;
 - (e) approval and sanction, on behalf of the Government, of any fiscal incentives or other benefits to an investment proposal or project, falling outside the policies of the Government of Manipur by way of amendment of or addition to or exception to such policy;
 - (f) making such rules and regulations under this Act, as it may consider necessary and proper to transact its business and that of the Single Window Agency to achieve the assigned task, including matters concerning finance, accounts and personnel.
- (2) (a) The Governing Body shall meet at least once in a year or such other times as may be directed by the Chairman.
(b) The Governing Body may invite any expert for any meeting if so necessary.
(c) The Governing Body may co-opt any members, if so required for assistance of the Body/Board in any matter for proper and effective discharge of its functions.
- (3) In the absence of the Chairman, in any meeting of the Governing Body, the Vice Chairman shall preside over the meeting.

(4) The Quorum of the Governing Body shall be 50% of the Members.

7. The Government may, by notification, constitute an Executive Committee (EC) of the Manipur Industrial Single Window Clearance Agency for speedy clearances, for investment promotion in the State of Manipur with the following members:

Single Window Agency Executive Committee.

- (i) Chief Secretary, Government of Manipur : Chairman
- (ii) Administrative Secretary, (Textiles, Commerce & Industry) : Vice-Chairman
- (iii) Administrative Secretary (Finance) : Member
- (iv) Administrative Secretary (Forest & Environment) : Member
- (v) Administrative Secretary (Labour) : Member
- (vi) Administrative Secretary (Power) : Member
- (vii) Administrative Secretary (MAHUD) : Member
- (viii) Administrative Secretary (Revenue) : Member
- (ix) Administrative Secretary (Law) : Member
- (x) Secretary to Chief Minister, Manipur : Member
- (xi) Chief Executive Officer (CEO) : Member-Secretary

8. (1) The Executive Committee shall perform the following:-

Functions of the Executive Committee.

- (a) regularly monitor, supervise and review the functioning of the Single Window Agency set up under this Act;
- (b) sit at least once in a quarter or such other times as may be directed by the Chairman of the Committee;
- (c) recommend to the Governing Body of the Single Window Agency regarding any critical clearance or relaxation in any matter of investment proposals and activities;
- (d) refer any matter or issue to the Government or the Governing Body with its recommendation or suggestions, if considered necessary;
- (e) invite the concerned administrative Head or Secretary or any other officer of a competent authority as a special invitee to discuss and finalize any specific proposal/s or issue/s of such competent authority;
- (f) co-opt any other member(s), if so required, for assistance of the Executive Committee for proper and effective discharge of its functions;
- (g) appoint from time to time, such sub-committee and/or special committee as may be considered necessary, to assist it in carrying out its functions and facilitate investment in the State ; and

(h) carry out any other functions as may be entrusted to it by the Governing Body.

(2) In absence of the Chairman, in any meeting of the Committee of the Single Window Agency, the Vice Chairman shall preside over the meeting.

(3) The Quorum of the Executive Committee shall be 50% of the Members.

Functions of
the Single
Window
Agency.

9. (1) The Single Window Agency shall:-

(i) be responsible for creation of a dedicated Centralized Web Portal with connectivity, so that the investors may submit application form(s) online, as required by them for obtaining various clearances;

(ii) be headed by a Chief Executive Officer to be appointed by the Government;

(iii) prepare a common application form for online submission by the investors for obtaining various clearances, which shall consist of,-

(a) forms under the relevant central enactments without any change; and

(b) existing forms or new forms in lieu of the existing forms under the relevant state enactments;

(iv) publish downloadable application form(s), comprehensive check lists, etc. covering all activities in their Portal;

(v) follow the required procedures to be observed under section 9;

(vi) perform any other functions as entrusted to them by the Single Window Agency for carrying out the provisions of this Act.

(2) The Single Window Agency shall exercise its functions under this Act upto the stage/ date of commencement of production or operation of the undertaking or the service as the case may be. Any additional clearances as may be necessary thereafter shall be accorded by the competent authority.

(3) The Single Window Agency shall be responsible for organizing campaign, events, conferences and meetings both in India and abroad for promoting Manipur as an investment destination.

(4) The Single Window Agency shall monitor the grievance of new and existing industries in the state.

(5) The Single Window Agency shall work as an intermediary/ facilitator for potential investors in the state providing information, guidance for their investment projects.

10. (1) The applicant seeking any clearance shall register through the Single Window Agency portal created by the Single Window Agency for the purpose and on registration, applicant shall be given a unique identification number (ID) and password for future reference.

Procedure for
online
application for
obtaining
clearance.

(2) The application form along with prescribed attachment shall be submitted/ uploaded online, wherever feasible. Other attachments, wherever necessary, shall be sent to the Chief Executive Officer through courier, and can be tracked online through a built-in system in the Single Window Agency Portal.

(3) On receipt of the application form online, the system shall automatically forward it to the concerned competent authority. The Single Window Agency shall hand over hard copy or copies of such application(s) to the officer under the disposal of the Chief Executive Officer to follow up and get the clearance within the stipulated time.

(4) All competent authorities shall be provided online access to the Single Window Agency Portal through a secured user ID and password, to process the applications forwarded to them.

(5) For additional attachments despatched by courier to CEO, the CEO shall enter the date of receipt in their record and forward to the competent authority for clearance.

(6) In case the competent authority does not acknowledge the receipt of attachment within 3 (three) working days of despatch, as noted initially in the system, the fourth working day from despatch shall be construed as reference date specific to clearance.

(7) The competent authority may ask for additional information from the applicant within first 3 (three) days of receipt of complete application which may be extended up to a maximum of 7(seven) days.

(8) The competent authority shall process the application and communicate the decision regarding approval or rejection of the request along with comments and upload the same in the system within the prescribed time limit. Approval or rejection letter shall bear the digital signature of the competent authority. A hard copy of the approval shall be forwarded to the applicant as well as to the Chief Executive Officer.

(9) Once the request is approved by the concerned competent authority, the applicant can take a print out of the approval.

(10) The applicant(s) may file online for multiple clearances. Applicant(s) shall be given an option to file for all clearances at one time or multiple times, as the case may be.

(11) At each stage of the application, an e-mail and SMS alerts shall be sent to the applicant.

(12) The application shall be submitted with the prescribed fee in the prescribed manner to the Single Window Agency.

(13) The Single Window Agency shall keep all records of clearances, etc. for future record.

(14) The Single Window Agency shall submit a report to the Executive Committee about the status of application received, disposal, pending and reasons for pending on monthly basis.

(15) There shall be a dedicated helpline number to provide help to the investors while filing application form online.

(16) Competent authority or authorities having its own web portal with facilities of online submission, tracking, etc. shall continue with the existing portal till such time as deemed fit and proper in consultation with the Single Window Agency. These web portals shall be hyperlinked with the portal created under the Single Window Agency. However, competent authority shall take initiative to interlink with the web portal created by the Single Window Agency.

Self
Certification.

11. (1) Every application and related documents shall be self attested by the applicant at the time of submitting online application to the Single Window Agency in the format attached with the application form.

(2) The Self Certified application and related documents furnished by the applicant shall be taken into consideration and accepted by the competent authority as a reliable document to which the applicant shall be fully responsible.

Permanent
set up of the
Single
Window

12. (1) There shall be a permanent set up of the Single Window in an appropriate location as may be decided by the Department of Textiles, Commerce and Industry with all basic required infrastructure, officers and staff as may be prescribed:

Provided that no post of the Single Window Agency shall be created without prior approval of the Governing Body and the Government.

(2) The State Government shall appoint a Senior All India Services Officer as the Chief Executive Officer for carrying out the day to day functions of the Single Window Agency.

(3) The staffing pattern, qualifications, salary and allowances and other conditions of service of the officers and staff of the Single Window Agency shall be such as may be prescribed.

(4) Initially, to start with its functions till the completion of the

recruitment process on a regular-basis, the concerned departmental staffs and officers of the relevant Department shall be placed under the disposal of the Chief Executive Officer by the Government by notification, for such time as it may appear to be necessary for smooth functioning of the Single Window Agency:

Provided that such officers and staff shall draw salaries and allowances from the parent department as admissible to them.

(5) Subject to such condition and for such time as may be ordered from time to time, the competent authorities involved in the Single Window Clearance system under this Act shall place at least one Senior Officer and such other staff including Grade-III and Grade-IV staff under the disposal of the Chief Executive Officer initially and they will draw their salary and allowances from the competent authority concerned:

Provided that such officers and staff shall not be entitled to any additional financial benefit except the travelling allowances admissible to them as per Government norms.

13. The Single Window Agency may engage or outsource any person or persons while performing its activities with the approval of the Executive Committee.

Power to engage or outsource persons.

14. The functions of the Chief Executive Officer shall be as follows:-

Functions of the Chief Executive Officer.

- (a) he shall receive and process all investment proposals including new investment as well as proposal of modernization, expansion of existing industries;
- (b) he shall be responsible to run the Web Portal of Single Window Agency efficiently, liaise with all competent authorities, preparation of monthly report and get clearances from the competent authority in time ;
- (c) he shall coordinate with all concerned authorities of the State Government to encourage new investment and its implementation in the state in respect of all sectors of trade, commerce and industry;
- (d) he shall receive or cause to be received applications online for new investment from private and public sector, and examine and process the same for all necessary statutory and other approvals;
- (e) he shall issue notices to the competent authority , in case of their failure to provide necessary clearances within the stipulated time and same be intimated to the concerned administrative departments for taking necessary action;

(f) he shall review the process with the team of officers under him and sort out any problem faced by them. In case of any critical issue(s), the matter may be referred to the Executive Committee for a suitable solution.

(g) he shall be responsible for carrying such other functions as may be entrusted to him by the Governing Body/ Board of Governors.

Time limit for issue of different clearances.

15. Notwithstanding anything contained in any state law 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.

Deemed clearance.

16. (1) In the event of failure of the respective competent authority to issue the clearance within the time limit prescribed, the requisite clearance shall be deemed to have been accorded to the concerned applicants under various State enactments, provided the applicants have paid requisite fees, if any, the applications are complete in all respect and are free from any material defect:

Provided that provisions of this section shall not be applicable in the matter of allotment of land, approval for change of land use for industrial purpose and registration of land documents under the Revenue Department of the State Government:

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.

(2) The Single Window Agency shall inform to the applicant the date on which the application was received by the competent authority and the date on which it was deemed to have been cleared under sub-section (1) of this section.

(3) The applicant may proceed to execute the work or take other necessary action after receiving the information from the Single Window Agency under sub-section (2) of this section, but not so as to contravene any of the provisions of the relevant Acts, rules or bye-laws made there under, applicable to such clearances.

(4) The Single Window Agency shall prepare a list of applications receiving deemed clearances on monthly basis and inform the respective competent authority from time to time for their information and record.

Exemptions.

17. 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.

18. (1) For smooth functioning of the Single Window Agency, Fund. entire fund shall be provided by the Government through budgetary support.

(2) The Single Window Agency shall maintain a separate Bank Account of its receipts and expenditures in a Scheduled Bank.

(3) The Fund under sub-section (1) shall be utilized for the following:-

- (a) procurement of IT hardware/ software, cost towards development of software, maintenance of hardware/ software, payment towards connectivity charges, annual charges of leased land, furniture and fixtures, procurement of electrical equipments, printing paper, postage and stamps, contingencies, midterm study, preparation of Request for Proposal (RFP) and to defray any other statutory dues, etc.
- (b) salary for the officers and staff of the Single Window Agency including outsourced and contractual staff engaged by the Single Window Agency.
- (c) cost towards payment of rent, travelling allowances for the Chief Executive Officer and other officers and staff.
- (d) cost towards printing and stationery, payment of electricity bills, telephone bills, mobile bills, bill for helpline telephone number, etc. and any other head of expenditure approved by the Executive Committee.
- (e) any other expenditure with the approval of the Executive Committee.

19. (1) The Single Window shall maintain proper books of Account and accounts and other books as may be prescribed and prepare an Audit. annual statement of accounts.

(2) The Single Window shall cause its accounts to be audited annually by the statutory and Government auditors. The auditors shall have the right to demand the production of books, accounts, connected vouchers, documents, papers and inspect the office of the Single Window Agency.

(3) As soon as the accounts of the Single Window Agency have been audited, the Single Window Agency shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government.

(4) The Single Window Agency shall comply with such directions as the State Government may, after the perusal of the report of the auditor thinks fit to issue.

- Fees.** 20. The State Government may by notification, impose such fees or charges in respect of any service provided under this Act.
- Delegation of Financial power** 21. The delegation of Financial power of different authorities for making expenditure under this Act shall be as under :-
- (a) Governing Body : Full power
 - (b) Executive Committee : Upto Rs.2.5 crore
 - (c) Chief Executive Officer level : Upto Rs. 25 lakh
- Suspension or cancellation of clearance.** 22. 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 fabricating 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 23.
- Penalty.** 23. (1) Any applicant who makes an application for obtaining clearance under section 10 and signs and furnishes a self certified documents to the Single Window Agency under section 11 by corruptly using or attempting to use false or fabricated documents or indulge in any activities of forgery in order to get clearance under this Act, he shall be liable to be prosecuted and punished under appropriate section(s) of the Indian Penal Code, 1860. 45 of 1860.
- (2) Any entrepreneur who fails to comply with the conditions or undertaking in the self certification given to the Single Window Agency or the competent authority as the case may be, shall be punishable with fine which may extend to twenty thousand rupees and shall also be debarred for a period of 5(five) years from the date of such punishment in obtaining any clearance from the State Government.
- (3) The relevant provisions of the Code of Criminal Procedure, 1973 shall apply in case of the offences committed under sub-section (1) and (2) of this section.
- Offenses by companies.** 24. (1) Where an offence under this Act is 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 any other Officer, he shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: - For the purpose of this section,-

(a) "Company" means anybody Corporate and includes a Firm or other association of individuals; and

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

25. Any officer or staff working under the Single Window Agency or under the competent authority as the case may be, who fails or neglects to discharge his duty or deliver service(s) under this Act shall be liable for disciplinary action under the relevant rules applicable to him. Action against Officer and staff.

26. If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Executive Officer shall make a reference to the Executive Committee with its suggestions/ proposals to remove such difficulty and the decision of the Executive Committee in this regard shall be final and binding, subject to ratification by the Governing Body. Power to remove difficulty.

27. The Governing Body may delegate any of its powers to the Executive Committee or the Chief Executive Officer, as the case may be, through a specific resolution in this respect. Power to delegate.

28. Any person aggrieved by the decision of any competent authority or the Single Window Agency on any clearance, may file an appeal before the Government addressed to the Administrative Secretary, Textiles, Commerce and Industry Department within 30 (thirty) days from the date of receipt of such clearance or any information or communication rejecting the application, as the case may be, and the decision of the Government thereon shall be final and binding on all concerned: Appeal.

Provided that the Government may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

29. (1) The State Government may, by notification in the Official Gazette, make rules, consistent with this Act, for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this section shall be laid, as soon as

may be after it is made, before the Manipur Legislative Assembly, while it is in session for a total period of seven days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Manipur Legislative Assembly agree in making any modification in the rule or that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and savings. 30. (1) The Manipur Industrial Single Window Clearance Ordinance, 2020 (Manipur Ordinance No. 7 of 2020) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

NUNGSHITOMBI ATHOKPAM,
Secretary (Law),
Government of Manipur.