

THE MANIPUR BUREAU OF INVESTMENT PROMOTION BILL, 2019.

*A Bill 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.*

Preamble

*BE it enacted by the Legislature of the State of Manipur in the Seventieth year of the Republic of India as follows:-*

1. (1) This Bill may be called **the Manipur Bureau of Investment Promotion Bill, 2019.**
- (2) It shall apply to the whole State of Manipur
- (3) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Short title, extent and commencement

2. This Bill 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;

Application

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

- (a) "Board of Governors" or "BoG" means the Board of Governors of the Bureau constituted under section 5;
- (b) "Bureau" means the Manipur Bureau of Investment Promotion;
- (c) "Chief Executive Officer" means the Chief Executive Officer of the Single Window Agency;
- (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 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 Act or a Government Company as defined under clause (45) of section 2 of the Companies Act, 2013 (Central Act 18 of 2013);
  - (viii) any body/ corporate incorporated by or under the laws of a country outside India; and
  - (ix) a co-operative society registered under any law relating to a co-operative society;
- (e) "Executive Committee" or "E.C." means the Executive Committee of the Bureau;
- (f) "Clearance" means grant or issue of no-objection certificate, allotment, consent, approval, permission, registrations (excluding registration required under taxing Acts of the State or the Centre), enrollments, 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

Definitions.

the State of Manipur and shall include all such clearances required till the industrial or service sector undertaking starts its commercial production or operation :

- (g) "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;
- (h) "Government" means the Government of Manipur;
- (i) "policy" means any notified policy, regulation, package or programme of the Government;
- (j) "prescribed" means prescribed by rules made under this Act; and
- (k) "section" means a section of this Act.
- (l) "Single Window Agency" means a set up constituted under Section 7 to provide all clearances to the investors under this Bill.

Establishment  
of Bureau

- 4. (1) There shall be established a Bureau to be known as the Manipur Bureau of Investment Promotion.
- (2) The purpose of the Bureau shall be overall supervision and administration of the speedy processing of applications and issue of various clearances required to be issued by various competent authorities or 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 Board of Governors to be constituted under Section 5.

Board of  
Governors

- 5. There shall be a Board of Governors of the Bureau which shall be the apex governing body for all matters of the Bureau. The constitution of the Board of Governors shall be as follows, namely:-
  - (i) Chief Minister; : Chairman
  - (ii) The Minister-in-charge, : Vice-Chairman  
Textiles, Commerce & Industry
  - (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) Administrative Secretary, : Member  
Textiles, Com. & Industry;
  - (x) Administrative Secretary, Finance; : Member
  - (xi) Administrative Secretary, Labour; : Member
  - (xii) Administrative Secretary, Forest & Environment: Member
  - (xiii) Administrative Secretary, MAHUD : Member
  - (xiv) Administrative Secretary, Revenue : Member
  - (xv) Administrative Secretary, Power : Member
  - (xvi) Secretary to Chief Minister; : Member
  - (xvii) At least 3(three) representatives, 1(one) of : Members  
which shall be a woman, from the Industries  
and Trade Associations of the State nominated  
by the respective Association for a term  
of every two year;
  - (xviii) Chief Executive Officer; : Member-Secretary

- 6 (1) The Board of Governors which shall be the apex body for all matters relating to the Manipur Bureau of Investment Promotion, shall be responsible for :

(a) approving the regulation and procedures of the Bureau and 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 Bureau;

(c) approving the annual budget, accounts and reports including the audit reports of the Bureau ;

(d) approval of any borrowings or hypothecation of any assets of the Bureau, 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, addition to 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 Bureau to achieve the assigned task, including matters concerning finance, accounts and personnel.

Functions of  
the Board of  
Governors

- (2) (a) The Board of Governors shall meet at least once in a year or such other times as may be directed by the Chairman;
- (b) The Board of Governors may invite any expert for any meeting if so necessary;
- (c) The Board of Governors may co-opt any members, if so required for assistance of the Board in any matter for proper and effective discharge of its functions.
- (3) In the absence of the Chairman, in any meeting of the Board of Governors, the Vice Chairman shall preside over the meeting.

7. The government may, by notification, constitute a Single Window Agency (SWA) for speedy clearances, for investment promotion in the State of Manipur comprising an Executive Committee of the Single Window Agency with the following members:

- |        |   |                    |
|--------|---|--------------------|
| (i)    | Chief Secretary, Manipur;                                   | : Chairman         |
| (ii)   | Administrative Secretary,<br>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           |
| viii)  | Administrative Secretary, MAHUD                             | : Member           |
| (viii) | Administrative Secretary, Revenue                           | : Member           |
| (ix)   | Administrative Secretary, Law                               | : Member           |
| (x)    | Secretary to Chief Minister;                                | : Member           |
| (xi)   | Chief Executive Officer                                     | :Member- Secretary |

Single Window  
Agency and  
Executive  
Committee

8. (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;

Functions of the  
Single Window  
Agency

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

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

(ii) The application form along with prescribed attachment shall be submitted/uploaded online, wherever feasible. Other attachments, wherever necessary, shall be sent to the concerned competent authority through courier, and can be tracked online through a built-in system as per guidance available in the Single Window Portal;

(iii) 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 ;

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

(v) For additional attachments despatched by courier to respective competent authority, the concerned competent authority shall enter the date specific to clearance in their record;

(vi) 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 ;

(vii ) 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 ;

(viii) 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 ;

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

(x) 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 time, as the case may be ;

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

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

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

(xiv) The Single Window Agency shall submit a report to the Bureau about the status of application received, disposal, pending and reasons for pending on monthly basis ;

(xv) There shall be a dedicated helpline number to provide helps to the investors while filing application form online;

(xvi) 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.

10. (1) Every applicant shall furnish a "Self Certificate" at the time of submitting Online application to the Single Window Agency in the format attached with the application form.

Self Certification

(2) The Self Certificate 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.

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

Provided that no posts of the Single Window Agency shall be created without prior approval of the Bureau 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

Department shall be placed under the disposal of the Chief Executive Officer by the Government by notification, for such time as may appear to it 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 traveling allowances admissible to them as per Government norms.

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

13. The Executive Committee:

(a) shall regularly monitor, supervise and review the functioning of the Single Window Agency set up under this Act ;

(b) shall sit at least once in a quarter or such other times as may be directed by the Chairman of the Committee ;

(c) shall be responsible for recommending to the Board of Governors of the Bureau regarding any critical clearance or relaxation in any matter of investment proposals and activities of the Single Window Agency ;

(d) shall be responsible for organizing campaign, events, conferences and meetings both in India and abroad for promoting Manipur as an investment destination ;

(e) may refer any matter or issue to the Government or the Board of Governors with its recommendation or suggestions , if considered necessary;

(f) may 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 ;

(g) may co-opt any other member/s. if so required , for assistance of the Executive Committee for proper and effective discharge of its functions ;

(h) may 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

(i) shall be responsible for carrying out any other functions as may be entrusted to it by the Board of Governors .

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

(a) he/she shall receive and process all investment proposals including new investment as well as proposal of modernization, expansion of existing industries ;

(b) he/she 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/she shall coordinate with all efforts of the State Government to encourage new investment and its actual implementation in the state in respect of all sectors of trade, commerce and industry ;

Power to engage  
or outsource  
persons

Functions of the  
Executive  
Committee

Functions of the  
Chief Executive  
Officer

(d) he/she 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/she 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/she shall review the process with the team of officers under him at least twice in a month 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/she shall be responsible for carrying such other functions as may be entrusted to him by the Board of Governors.

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

Time limit for issue of different clearances

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 respects and they are free from any material defect:

Deemed Clearance

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 thereunder 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.

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.

Exemptions

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

Fund

(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, mid term 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 more head of expenditure approved by the Executive Committee.

Account and  
Audit

19. (1) The Single Window Agency shall cause to be maintained proper books of accounts and other books as may be prescribed and prepare an annual statement of accounts.

(2) The Single Window Agency 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 and to 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.

Fees

(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.

20. The State Government may by notification, impose such fees or charges in respect of any service provided under this Act, if so desired.

21. The delegation of Financial power of different authorities for making expenditure under this Act shall be as under :-

Delegation of  
Financial  
power

- |     |                               |                  |
|-----|-------------------------------|------------------|
| (a) | Board of Governors            | Full power       |
| (b) | Executive Committee           | Upto Rs.1crore   |
| (c) | Chief Executive Officer level | Upto Rs. 20 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 9 and signs and furnishes a Self Certificate to the Single Window Agency under Section 10 by corruptly using or attempting to use false or fabricating 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.

(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 clearances 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.

Act No.2 of  
1974

Offences 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/she 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 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.

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 Board of Governors.

Power to  
remove  
difficulty

27. The Board of Governors 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

27. 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.

28. (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) All rules made under this section shall be laid for not less than thirty days before the State Legislature, as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect.

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