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Part IV—Section 1

Tamil Nadu Bills

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BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE STATE OF TAMIL NADU

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 12th January, 2018 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 12 of 2018

A Bill further to amend the Tamil Nadu Town and Country Planning Act, 1971

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty Eighth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Town and Country Planning (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 21st day of July 2017.

Amendment of Section 63-B

2. For the Explanation under section 63-B of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as the principal Act) the following explanation shall be substituted, namely– Tamil Nadu Act 35 of 1972

"Explanation.- For the purpose of this Section and section 63-D, "relevant laws" means in case of –

(i) the Chennai Metropolitan Development Authority, the Tamil Nadu Town and Country Planning Act, 1971; Tamil Nadu Act 35 of 1972

(ii) the Chennai City Municipal Corporation, the Chennai City Municipal Corporation Act, 1919; Tamil Nadu Act IV of 1919

(iii) the Madurai City Municipal Corporation, the Madurai City Municipal Corporation Act, 1971; Tamil Nadu Act 15 of 1971

(iv) the Coimbatore City Municipal Corporation, the Coimbatore City Municipal Corporation Act, 1981; Tamil Nadu Act 25 of 1981

(v) the Tiruchirappalli City Municipal Corporation, the Tiruchirappalli City Municipal Corporation Act, 1994; Tamil Nadu Act 27 of 1994

(vi) the Tirunelveli City Municipal Corporation, the Tirunelveli City Municipal Corporation Act, 1994; Tamil Nadu Act 28 of 1994

(vii) the Salem City Municipal Corporation, the Salem City Municipal Corporation Act, 1994; Tamil Nadu Act 29 of 1994

(viii) the Tiruppur City Municipal Corporation, the Tiruppur City Municipal Corporation Act, 2008; Tamil Nadu Act 7 of 2008

(ix) the Erode City Municipal Corporation, the Erode City Municipal Corporation Act, 2008; Tamil Nadu Act 8 of 2008

(x) the Vellore City Municipal Corporation, the Vellore City Municipal Corporation Act, 2008; Tamil Nadu Act 26 of 2008

(xi) the Thoothukudi City Municipal Corporation, the Thoothukudi City Municipal Corporation Act, 2008; Tamil Nadu Act 27 of 2008

(xii) the Thanjavur City Municipal Corporation, the Thanjavur City Municipal Corporation Act, 2013; Tamil Nadu Act 24 of 2013

(xiii) the Dindigul City Municipal Corporation, the Dindigul City Municipal Corporation Act, 2013. Tamil Nadu Act 25 of 2013

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Tamil Nadu Act V of 1920

(xiv) the Municipalities and Town Panchayats, Tamil Nadu District Municipalities Act, 1920; and

Tamil Nadu Act 21 of 1994

(xv) the Panchayat Unions and Village Panchayats, the Tamil Nadu Panchayats Act, 1994".

Insertion of new sections 63-D and 63-E

3. After section 63-C of the principal Act, the following section shall be inserted, namely: –

"63-D. Levy of shelter charges.- (1) Every local authority or the planning authority, as the case may be, while according permission under this Act or according building permit under the relevant laws, as the case may be, shall levy charges on the institution of use or change of use of land or building or development of any land or building in the whole area or any part of the planning area so as to contribute towards cost of providing affordable housing to the poor in urban areas, at the rates as determined in accordance with such procedure as may be prescribed which shall not be less than the minimum and not more than the maximum as may be prescribed, and different rates may be prescribed for different parts of the planning area and for different uses.

(2) The shelter charges shall be leviable on any person who undertakes or carries out any such development or institutes any use or changes any such use.

(3) The collection of the shelter charges shall be made in such manner as may be prescribed.

63-E. Constitution of State Shelter Fund.- (1) The Government may constitute a fund called "State Shelter Fund" to provide for affordable housing to the poor in urban areas.

(2) The shelter charges levied under Section 63D shall be credited to this fund.

(3) The proceeds from other sources as approved by the Government may also be credited to this fund.

(4) The fund shall be operated, utilized and maintained in such manner as may be prescribed.".

Validation

4. Notwithstanding anything contained in the principal Act, or any judgment, decree or order of any Court, no levy or collection of shelter charges at any time between 21st day of July 2017 and the date of publication of this Act in the Tamil Nadu Government Gazette shall be deemed to be invalid or ever to have been invalid and such charge levied or collected shall be deemed to be and to have always been validly levied or collected in accordance with law, as if the principal Act, as amended by this Act, had been in force at all material times when such levy or collection has been made and no suit or other legal proceeding shall be maintained or continued against any local authority, planning authority, the Director of Town and Country Planning, Government or any other authority whatsoever on the ground that such levy or collection was not made in accordance with law.

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STATEMENT OF OBJECTS AND REASONS.

The Government proposes to constitute a “State Shelter Fund” dedicated to finance housing projects to rehabilitate the urban poor. Tamil Nadu is one of the most urbanised States in India with 48.45% of its population living in urban areas and the same is projected to become 74.8% by 2026. One of the major challenges being faced by all the major cities in Tamil Nadu due to increase in urban population is the provision of affordable housing to prevent development of squatter settlements, slums and slum like habitations. The projected requirement of affordable housing in urban areas in Tamil Nadu is more than 10 lakh units as per the ‘Housing for All Action Plan’ prepared by the Tamil Nadu Slum Clearance Board. Availability of affordable housing in urban areas is hampered due to rising land cost as well as cost of construction. The approximate cost of construction, excluding cost of land, for Economically Weaker Section (EWS) units in Chennai city works out to between Rs.9 to 10 lakh. As the urban migratory population prefers to live near their work places in the core city, the demand for affordable housing in cities is very high. It is a well documented fact that provision of adequate housing improves the quality of citizenry and its productivity. Hence, investment by the State in public housing is one of the most productive investments. The Government thus proposes to create the ‘State Shelter Fund’ having a two-tier financial structure wherein, in Tier-I, the Government will collect and pool funds through the levy of certain charges, fees and cess. A substantial portion of the shelter funds pooled in tier–I shelter fund shall be used for funding housing projects by Government through Tamil Nadu Slum Clearance Board including the State Government’s share in centrally sponsored housing schemes. A part of this fund will be used as a catalyst fund to seed the Tier-II fund to attract more funds through various other measures such as floating of housing infrastructure bonds, tapping social venture funds and borrowing internationally, aimed at promoting affordable housing. Hence, the Government ordered in G.O.Ms.No.135, Housing and Urban Development Department, dated 21.07.2017 for levy and collection of shelter charges on any person who undertakes or carries out any such development or institutes any use or changes any such use to rehabilitate the urban poor.

(2) In order to give statutory backing to the levy and collection of the shelter charges, the Government have decided to amend the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) suitably.

(3) The Bill seeks to give effect to the above decision.

O. PANNEERSELVAM,
Deputy Chief Minister.

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MEMORANDUM REGARDING DELEGATED LEGISLATION.

New sections 63-D and 63-E proposed to be inserted in the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) by clause 3 of the Bill empowers the Government to make rules to prescribe the manner of collection of the shelter charges and the manner of operation, utilization and maintenance of the shelter fund, respectively.

2. The powers delegated are normal and not of an exceptional character.

O. PANNEERSELVAM,
Deputy Chief Minister.

K. BOOPATHY,
Secretary.

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Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 12th January, 2018 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 13 of 2018

A Bill to support the State of Tamil Nadu, in its aspiration of being one of the most preferred investment destination in the country, by ensuring adequate information availability to the investors thereby enabling them to take informed decisions and to ensure single point receipt of applications for securing clearances that are required to establish or expand an enterprise and for clearances required during normal course of business including renewals in a time-bound manner and to provide for effective grievance redressal mechanism and fine in case of failure of Competent Authorities to act within a time limit and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for time-bound processing of applications and issue of clearances by various Competent Authorities of the State for establishing or expanding an enterprise for the promotion of economic development of the State and for an investor-friendly environment in the State and for matters connected therewith or incidental thereto;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

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CHAPTER I.

PRELIMINARY.

Short title, extent and commence-ment.

1. (1) This Act may be called the Tamil Nadu Business Facilitation Act, 2018.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall be deemed to have come into force on the 28th day of October 2017.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "applicant" means a person duly authorized by an enterprise to file an application through Single Window Portal on behalf of the enterprise;

(b) "checklist" means the list of documents to be furnished by the applicant along with the Combined Application Form as may be prescribed;

(c) "clearances" means grant or issue of no-objection certificate, allotments, consents, approvals, permissions, registrations, enrolments, licences and the like, by any Competent Authority or authorities in connection with the setting up of an enterprise or expansion of an existing enterprise in the State and shall include all such approvals required till the enterprise starts commercial production and includes periodic renewals that may be required for such clearances;

(d) "Competent Authority" means any Department or Agency of the Government, Corporation, Board, Local Body or other authority established by the Government, which are entrusted with the powers or responsibilities to grant or issue clearances or incentives;

(e) "deemed approval" means a clearance deemed to have been given by the Competent Authority on the expiry of time limit for providing such clearance in the absence of sufficient and reasonable cause for not clearing the application within the time limit:

Provided that the deemed approval shall be subject to the approval of the Respective Committee under this Act;

(f) "department" means a department of the Government;

(g) "designated official" means an officer identified by a Competent Authority for processing of individual clearances in accordance with the rules made under this Act;

(h) "enterprise" means an undertaking that intends to engage in or is engaged in any or all of the activities, namely, manufacturing, processing or providing services;

(i) "Government" means the State Government;

(j) "Grievance Redressal Authority" means the Authority referred to in section 27;

(k) "Grievance Revisionary Authority" means the Authority referred to in section 27;

(l) "Guidance Bureau" means the Tamil Nadu Industrial Guidance and Export Promotion Bureau;

(m) "Incentive" means a financial package or a specific financial grant as may be specified by the Government;

(n) "MSME District Single Window Committee" means the Medium, Small and Micro Enterprises District Single Window Committee constituted under section 21;

(o) "MSME State Single Window Committee" means the Medium, Small and Micro Enterprises State Single Window Committee constituted under section 22;

(p) "MSME Investment Promotion and Monitoring Board" means the Medium, Small and Micro Enterprises Investment Promotion and Monitoring Board constituted under section 23;

(q) "Nodal Agency" means the agency referred to in section 3;

(r) "Notification" means a notification published in the *Tamil Nadu Government Gazette* and the word 'notified' should be construed accordingly;

(s) "prescribed" means prescribed by rules made under this Act;

(t) "pre-scrutiny" means the examination of applications received prior to its acceptance to assess its completeness as per the checklist, in such manner as may be prescribed;

(u) "Respective Committee" means one or more of the following, namely:-

(i) MSME District Single Window Committee;

(ii) MSME State Single Window Committee;

(iii) State Single Window Committee;

(iv) State Single Window Monitoring Committee;

(v) MSME Investment Promotion and Monitoring Board;

(vi) Investment Promotion and Monitoring Board;

(v) "State" means the State of Tamil Nadu;

(w) "single window portal" means the web portal developed and maintained by the Nodal Agency;

(x) "time limit" means the number of working days within which a final decision regarding issue of clearance to an enterprise shall be taken by a Competent Authority from the date of receipt of the application, complete in all aspects.

CHAPTER II.

NODAL AGENCY AT STATE AND DISTRICT LEVEL.

Nodal Agency at State and District level.

3. (1) For clearances that are required for setting up new enterprises or expansion of existing enterprises with proposed investment exceeding the amount notified under sub-section (1) of section 5, the Guidance Bureau shall be the Nodal Agency at the State level.

(2) For clearances that are required for setting up new enterprises or expansion of existing enterprises with proposed investment upto the amount notified under sub-section (1) of section 5, the Office of the Regional Joint Director of Industries and Commerce in respect of Chennai district, and the District Industries Centre in respect of other districts shall be the Nodal Agency at the district level.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Government may notify any other authority or Board as a Nodal Agency, for any specified area with such powers and functions as may be specified in the notification.

Powers and functions of Nodal Agency.

4. (1) Under the superintendence, direction and control of the Government and Respective Committees, the Nodal Agency shall discharge the following functions, namely:-

(i) act as a single point of contact for all enterprises that require clearances and incentives as notified by the Government under section 6;

(ii) assist the applicants in completing the application forms;

(iii) arrange for pre-scrutiny of applications by convening meetings with representatives of Competent Authorities and address queries of investors;

(iv) on completion of pre-scrutiny,—

(a) accept those applications which are complete; or

(b) ask for additional information in case of incomplete applications, in accordance with the rules made under this Act;

(v) receive applications for clearances through single window portal;

(vi) act as a secretariat to the Respective Committees and support them in discharging their functions;

(vii) receive orders, either rejecting or accepting the application, from the Competent Authority and take appropriate action as may be prescribed;

(viii) redress the grievances of enterprises, if any, associated with the process of securing clearances and incentives under this Act and the rules made thereunder.

(2) The powers and functions of the Nodal Agency under this Act shall be in addition to the powers and functions discharged by it.

Investment limits.

5. (1) The Government may, by notification from time to time, specify the investment limit upto which the application for clearances shall be made to the District Level Nodal Agency. All applications exceeding the said investment limit shall be made to the State Level Nodal Agency.

(2) Notwithstanding anything contained in sub-section (1), the Government may prescribe that all applications from enterprises in a specified area notified under this Act shall be made to the Nodal Agency notified for that specified area.

Clearances and incentives.

6. The Government may prescribe the clearances and incentives in the rules made under this Act and may add or vary the clearances and incentives, from time to time.

Application for clearances and incentives.

7. Applications for clearances and incentives prescribed under section 6, shall be submitted through single window portal with such fee, including the fee payable to the Nodal Agency as may be prescribed and in such manner as may be prescribed.

Power to call for additional information.

8. (1) On receipt of an application, the Competent Authority shall have the powers to seek additional information or clarification, if required, from the applicant:

Provided that the additional information or clarification shall be sought for only once before the expiry of the time limit prescribed under section 11

and all correspondences relating to the additional information or clarification shall be routed through the single window portal, in such manner as may be prescribed.

(2) The Competent Authority shall pass an order either accepting or rejecting the application, through the single window portal.

Combined Application Form.

9. (1) The Government shall prescribe a Combined Application Form, either in physical or electronic format, which may consist of,—

(i) Forms under Central enactments without any change; and

(ii) existing Forms or new Forms in lieu of the existing forms under State enactments.

(2) All Departments and the Competent Authorities concerned shall accept the Combined Application Form for processing and issue of required clearances.

Self certification.

10. (1) Every enterprise shall furnish a self certification, together with an undertaking that it shall comply with the provisions of the relevant Acts and the rules, in such Form as may be prescribed along with the application through single window portal.

(2) The self certification furnished by the enterprise shall be accepted by the Competent Authority concerned for the purpose of grant of clearance.

(3) The enterprise shall be made liable for fine under section 28, if the particulars furnished by it are found to be false or incorrect or if the enterprise fails to adhere to the declarations made in the self certification, at any point of time.

Procedure and time limit for processing of applications.

11. (1) Notwithstanding anything contained in any State law for the time being in force, the Government may prescribe,—

(a) the procedure for processing and disposal of applications;

(b) the time limit for raising queries, processing and disposal of applications by the Competent Authority.

(2) The Competent Authority shall pass orders on the application before the expiry of such time limit from the date of receipt of application, complete in all aspects.

Deemed approval.

12. (1) The Government shall prescribe the clearances in respect of which failure of the Competent Authority to pass final orders on the application within the prescribed time limit shall result in deemed approval.

(2) The enterprise may proceed to execute the work or take other action following the deemed approval, without contravening any of the provisions of the Acts, rules, bye-laws, notifications, standing orders, executive instructions, guidelines and the regulations made by the Competent Authority concerned for such clearances and as per the self-certification furnished by the enterprise under section 10.

Information of deemed approval.

13. The Respective Committee shall inform 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 approved.

Inspection, exemption and delegation of powers.

14. (1) The Government may, by notification, specify the clearances for which inspections under the provisions of the applicable Acts, rules, orders or instructions shall be conducted by the Competent Authorities in accordance with such guidelines as may be prescribed.

(2) The Government may, from time to time, by notification, specify the clearances for which exemption is granted from inspection and may also delegate the powers of inspection to any person or authority in respect of any specific clearance covered under this Act.

CHAPTER III.

STATE LEVEL COMMITTEES AND BOARD

Constitution, powers and functions of State Single Window Committee.

15. (1) The Government shall, by notification, constitute a State Single Window Committee with the Executive Vice-Chairperson, Guidance Bureau as the Chairman, Company Secretary, Guidance Bureau as the Member Convener, the Competent Authorities concerned and not exceeding two persons from Trade Associations, Chambers of Commerce and Technical Experts, as members as may be prescribed.

(2) The Competent Authorities who are Members of the State Single Window Committee shall attend all meetings personally and in case they are unable to attend the meeting, they may depute a senior level officer with a written authorization to take appropriate decision in the meeting.

(3) The State Single Window Committee shall exercise the following powers and perform the following functions, namely:—

(i) meet at such time and place, as the Chairman of the Committee may decide and transact business as per the prescribed procedure;

(ii) review and monitor the processing of applications by the Competent Authorities;

(iii) inform the applicant of the date on which the application was received by the Competent Authority and the date on which such application shall be deemed to have been approved under section 12;

(iv) forward cases with remarks and relevant documents to the State Single Window Monitoring Committee for decision under section 18;

(v) invite Competent Authorities or experts, who are not members of the committee, as special invitees for any meeting of the State Single Window Committee, as desired by the Chairman of the Committee; and

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

Constitution, powers and functions of State Single Window Monitoring Committee.

16. (1)The Government shall, by notification, constitute a State Single Window Monitoring Committee with the Chief Secretary to Government as the Chairman, Secretary, Industries Department as the Member Convener and Secretaries of concerned departments as members.

(2) The members of the State Single Window Monitoring Committee shall attend all meetings personally and in case they are unable to attend the meeting, they may depute a senior level officer with a written authorization to take appropriate decision in the meeting.

(3) The State Single Window Monitoring Committee shall exercise the following powers and perform the following functions, namely:—

(i) meet at such time and place, as the Chairman of the Committee may decide and transact business as per the prescribed procedure;

(ii) review and monitor the status of processing of applications received through single window portal by the Competent Authorities and the State Single Window Committee;

(iii) review and monitor the status of resolution of enterprises' grievances that were registered using the single window portal with respect to clearances and incentives from the Competent Authorities concerned;

(iv) issue suitable directives to the Competent Authorities, wherever applicable which shall aid in resolution of the enterprises' grievances;

(v) consider and decide cases under sections 18 and 19;

(vi) forward cases with remarks and relevant documents to the Investment Promotion and Monitoring Board for decision under section 20;

(vii) review and monitor the approval status for incentives to all such categories of projects as specified by the Government, by notification;

(viii) invite Competent Authorities or experts, who are not members of the Committee, as special invitees for any meeting, as desired by the Chairman of the Committee; and

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

Constitution, powers and functions of Investment Promotion and Monitoring Board.

17. (1) The Government shall, by notification, constitute an Investment Promotion and Monitoring Board with the Chief Minister as the Chairman, Secretary, Industries Department as the Member Convener and such other members as may be prescribed.

(2) The Investment Promotion and Monitoring Board shall perform the following functions, namely:—

(i) meet at such time and place as the Chairman of the Board may decide and transact business as per the prescribed procedure;

(ii) review and monitor the disposal of applications by the State Single Window Committee, State Single Window Monitoring Committee and the Competent Authorities;

(iii) provide strategic direction and oversee the functioning of both the State Single Window Committee and the State Single Window Monitoring Committee;

(iv) periodically review the implementation and operational efficiency of the Single Window Mechanism in the State;

(v) consider and decide cases under section 20;

(vi) review any other issue related to investor facilitation as put forth by the State Single Window Committee or the State Single Window Monitoring Committee;

(vii) review policy issues related to investment promotion, facilitation and grounding;

(viii) review and monitor the approval status for incentives to all such categories of projects as specified by the Government, by notification; and

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

(3) The orders passed by the Investment Promotion and Monitoring Board for issuing clearances to enterprises exceeding investment limits as may be notified under sub-section (1) of section 5 shall be final and binding on the State Single Window Committee, the State Single Window Monitoring Committee and the Competent Authorities.

Review of cases by State Single Window Committee.

18. (1) Notwithstanding anything contained in any State law for the time being in force, the State Single Window Committee may, either *suo motu* or on an application, examine any order passed by any Competent Authority, rejecting any clearance or approving it with modification, and if the State Single Window Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the State Single Window Monitoring Committee with remarks and relevant documents for a decision.

(2) The State Single Window Monitoring Committee shall examine all cases referred to it by the State Single Window Committee and pass appropriate orders.

(3) The decision taken by the State Single Window Monitoring Committee shall be binding on the State Single Window Committee and the Competent Authorities.

Revision of cases by State Single Window Monitoring Committee.

19. Notwithstanding anything contained in any State law for the time being in force, the State Single Window Monitoring Committee may, either *suo motu* or on a reference, examine any order passed by the State Single Window Committee and pass appropriate orders as it deems fit and such orders shall be final.

Revision of cases by Investment Promotion and Monitoring Board.

20. Notwithstanding anything contained in any State law for the time being in force, the Investment Promotion and Monitoring Board may, either *suo motu* or on a reference, examine any order passed by the State Single Window Committee or the State Single Window Monitoring Committee and pass appropriate orders as it deems fit and such orders shall be final.

CHAPTER IV

CONSTITUTION OF MSME DISTRICT SINGLE WINDOW COMMITTEE AND MSME STATE SINGLE WINDOW COMMITTEE.

Constitution, powers and functions of MSME District Single Window Committee.

21. (1) The Government shall, by notification, constitute an MSME District Single Window Committee with the District Collector as the Chairman, Regional Joint Director of Industries and Commerce as the Member Convener in respect of Chennai district, General Manager, District Industries Centre as the Member Convener for other districts with the Competent Authorities concerned and not exceeding two persons from Trade Associations, Chambers of Commerce and Technical Experts as members, as may be prescribed.

(2) The Competent Authorities who are members of the MSME District Single Window Committee shall attend all meetings personally and in case they are unable to attend the meeting, they may depute a senior level officer with a written authorization to take appropriate decision in the meeting.

(3) The MSME District Single Window Committee shall exercise the following powers and perform the following functions, namely:—

(i) meet at such time and place as the Chairman of the Committee may decide and transact business as per the prescribed procedure;

(ii) review and monitor the processing of applications by the Competent Authorities;

(iii) forward cases with remarks and relevant documents to the MSME State Single Window Committee for decision under section 24;

(iv) inform the applicant of the date on which the application was received by the Competent Authority and the date on which such application shall be deemed to have been approved under section 12;

(v) invite Competent Authorities or experts, who are not members of the Committee, as special invitees for any meeting of the MSME District Single Window Committee, as desired by the Chairman of the Committee; and

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

Constitution, powers and functions of MSME State Single Window Committee.

22. (1) The Government shall, by notification, constitute an MSME State Single Window Committee with the Industries Commissioner and Director of Industries and Commerce as the Chairman, the Additional Director of Industries and Commerce as the Member Convener, and such other members from Competent Authorities concerned, as may be prescribed.

(2) The Competent Authorities, who are members of the MSME State Single Window Committee shall attend all meetings personally and in case they are unable to attend the meeting, they may depute a senior level officer with a written authorization to take appropriate decision in the meeting.

(3) The MSME State Single Window Committee shall exercise the following powers and perform the following functions, namely:—

(i) meet at such time and place as the Chairman of the Committee may decide and transact business as per the prescribed procedure;

(ii) review and monitor the processing of applications by the Competent Authorities;

(iii) review and monitor the disposal of applications by the MSME District Single Window Committee;

(iv) consider and decide cases under sections 24 and 25;

(v) forward cases with remarks and relevant documents to the MSME Investment Promotion and Monitoring Board for decision under section 26;

(vi) invite Competent Authorities or experts, who are not members of the Committee, as special invitees for any meeting of the MSME State Single Window Committee, as desired by the Chairman of the Committee; and

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

Constitution, powers and functions of MSME Investment Promotion and Monitoring Board.

23. (1) The Government may, by notification, constitute an MSME Investment Promotion and Monitoring Board with the Minister for Rural Industries, Government of Tamil Nadu as the Chairman, Industries Commissioner and Director of Industries and Commerce as the Member Convener, and such other members as may be prescribed.

(2) The MSME Investment Promotion and Monitoring Board shall exercise the following powers and perform the following functions, namely:—

(i) meet at such time and place as the Chairman of the Board may decide and transact business as per the prescribed procedure;

(ii) review and monitor the disposal of applications by the MSME District Single Window Committee, MSME State Single Window Committee, and the Competent Authorities;

(iii) provide strategic direction and oversee the functioning of MSME District Single Window Committee and MSME State Single Window Committee;

(iv) consider and decide cases under section 26;

(v) review any other issue related to investor facilitation as put forth by the MSME District Single Window Committee or MSME State Single Window Committee;

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

(3) The orders passed by the MSME Investment Promotion and Monitoring Board for issuing clearances to enterprises upto investment limits as may be notified under sub-section (1) of section 5, shall be final and binding on the MSME District Single Window Committee, MSME State Single Window Committee and the Competent Authorities.

Review of cases by MSME District Single Window Committee.

24. (1) Notwithstanding anything contained in any State law for the time being in force, the MSME District Single Window Committee, may, either *suo motu* or on an application, examine any order passed by any Competent Authority, rejecting any clearance or approving it with modification, and if the MSME District Single Window Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the MSME State Single Window Committee with remarks and relevant documents for a decision.

(2) The MSME State Single Window Committee shall examine all cases referred to it by the MSME District Single Window Committee and pass appropriate orders.

(3) The decision taken by the MSME State Single Window Committee shall be binding on the MSME District Single Window Committee and the Competent Authorities.

Revision of cases by MSME State Single Window Committee.

25. Notwithstanding anything contained in any State law for the time being in force, the MSME State Single Window Committee may, either *suo motu* or on a reference, examine any orders passed by the MSME District Single Window Committee and pass appropriate orders as it deems fit and such orders shall be final.

Revision of cases by MSME Investment Promotion and Monitoring Board.

26. Notwithstanding anything contained in any State law for the time being in force, the MSME Investment Promotion and Monitoring Board may, either *suo motu* or on a reference, examine any orders passed by the MSME District Single Window Committee or MSME State Single Window Committee and pass appropriate orders as it deems fit and such orders shall be final.

CHAPTER V.

MISCELLANEOUS.

Appeal and revision.

27. (1) All grievances related to processing of applications under this Act shall, in the first instance, be referred to such Grievance Redressal Authority as may be prescribed, within such period as may be prescribed.

(2) The Grievance Redressal Authority shall, after following such procedure as may be prescribed, dispose of the appeal within such time as may be prescribed, either rejecting the appeal or taking such remedial action as may be prescribed, including imposition of fine under section 29.

(3) The enterprise or the Designated Official of the Competent Authority aggrieved by any order of the Grievance Redressal Authority may make an application for revision to the notified Grievance Revisionary Authority, within such time and in such manner as may be prescribed.

(4) The Grievance Revisionary Authority shall, after following such procedure as may be prescribed, dispose of the revision within such time as

may be prescribed, either rejecting the revision or taking remedial action as may be prescribed including imposition of fine under section 29.

Offences and penalties.

28. (1) Any enterprise that fails to comply with the conditions or undertaking in the self-certification given to the Nodal Agency or other Department or authorities shall be punishable with fine which may extend to fifteen thousand rupees for the first offence and upto twenty-five thousand rupees for the second or subsequent offences. The fine so imposed shall be in addition to any other recourse which may be available under the applicable law.

(2) Where an offence under this Act is committed by an enterprise, the enterprise as well as every person in charge of, and responsible to, the enterprise for the conduct of its business at the time of commission of the offence, shall be deemed to be guilty of the offence and liable to be punished under this section.

(3) Notwithstanding anything contained in sub-section (2), 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 proprietor, managing partner, any director, manager, secretary or any other officer or authorized signatory, such proprietor, managing partner, director, manager, secretary or any other officer or authorized signatory shall also be deemed to be guilty of that offence and shall be liable to be punished under this section.

Explanation.— For the purpose of this section—

(a) "enterprise" 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.

Imposition of fine for non-provision or delayed services.

29. (1) Every Competent Authority shall identify the Designated Official for processing of individual applications received in accordance with the rules made under this Act.

(2) All grievances shall be initially examined by the notified Grievance Redressal Authority and where the Grievance Redressal Authority is of the opinion that the Designated Official of the Competent Authority has failed to meet committed service levels without sufficient and reasonable cause, a fine not exceeding twenty-five thousand rupees may be imposed on the Designated Official:

Provided that the Designated Official of the Competent Authority shall be given a reasonable opportunity of being heard before any fine is imposed.

(3) Any fine imposed under sub-section (2) shall be collected in such manner as may be prescribed and shall be in addition to any other recourse available to the Government or the Competent Authority under applicable Service Rules:

Provided that no fine shall be imposed on the Designated Official of the Competent Authority more than once for the same case of non-provision or delay in provision of services.

Protection of action taken in good faith.

30. No suit, prosecution or other legal proceedings shall be instituted against, or damage claimed from, the Respective Committees or any employee of the Government acting under the direction of such Committee, for any action, which is in good faith, carried out or intended to be carried out, or for any order passed in good faith, in pursuance of this Act and the rules made thereunder.

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Act to override other laws.

31. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

Power to remove difficulties.

32. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulties:

Provided that no such order shall be issued after the expiry of two years from the date of commencement of this Act.

Power to give directions.

33. The Government may, from time to time, issue to the Respective Committees such general or special directions as they may deem necessary or expedient for the purpose of carrying out the objects of this Act and the said Committee shall be bound to follow and act upon such directions.

Power to make rules.

34. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, the Government may make rules relating to the matters which may be or is required to be prescribed by rules.

(3) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the date on which they are so published.

(4) Every rule made or notification or order issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order 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 or notification or order.

Repeal and saving.

35. (1) The Tamil Nadu Business Facilitation Ordinance, 2017 is hereby repealed. Tamil Nadu Ordinance 7 of 2017.

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

STATEMENT OF OBJECTS AND REASONS.

The Government of Tamil Nadu has laid down Vision 2023 in order to become India's most prosperous and progressive State, with an objective of achieving economic prosperity through focus on inclusive growth, and development of world-class infrastructure. Robust Industrial Development will be one of the major contributories for achieving the Vision. Simplification of the regulatory, framework, reducing and rationalizing the procedural requirements would pave the way for promotion of Industrial Development in the State.

2. Further, the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India in the Business Reform Action Plan (BRAP, 2017) has recommended that reform action points relating to the timelines specified for getting various clearances in India should be mandated by a legislation and that for ranking the States for the year 2017, all the States should comply with the recommendation before 31.10.2017.

3. In view of the above, there was an urgent need to enact a law so as to provide an investor friendly environment to enable the potential investors to do business with ease and also to ensure that the ranking of Tamil Nadu in 'Ease of Doing Business' is improved in 2017. The Government, therefore, decided to enact a law for the purpose in view.

4. Accordingly, the Tamil Nadu Business Facilitation Ordinance, 2017 (Tamil Nadu Ordinance 7 of 2017) was promulgated by the Governor on the 28th October 2017 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 28th October 2017.

5. The Bill seeks to replace the said Ordinance.

M.C. SAMPATH,
Minister for Industries.

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MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clauses 2(b), 2(t), 3(3), 4(1), 5, 6, 7, 8(1), 9(1), 10(1), 11(1), 12(1), 14, 15(1), 15(3)(vi), 16(1), 16(3)(ix), 17(1), 17(2)(ix), 21(1), 21(3)(vi), 22(1), 22(3)(vii), 23(1), 23(2)(vi), 27, 29(3), 32, 33 and 34 of the Bill authorize the Government to make rules or to issue notifications or orders to carry out the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

M.C. SAMPATH,
Minister for Industries.

K. BOOPATHY,
Secretary.

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Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 12th January, 2018 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 14 of 2018

A Bill to provide for the appropriation of certain further moneys out of the Consolidated Fund of the State for the services and purposes of the financial year which commenced on the 1st day of April 2017.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:-

1. This Act may be called the Tamil Nadu Appropriation Act, 2018. Short title.

2. The State Government may appropriate out of the Consolidated Fund of the State for the services and purposes of the financial year which commenced on the 1st day of April 2017, a further sum not exceeding six thousand five hundred and twenty two crore two lakh eighty six thousand rupees, being moneys required to meet-- Supplementary appropriation out of the Consolidated Fund of the State for the services and purposes of the financial year which commenced on the 1st day of April 2017.

(a) the supplementary grants made by the Tamil Nadu Legislative Assembly for that year, as set forth in column (3) of the Schedule; and

(b) the supplementary expenditure *charged* on the Consolidated Fund of the State for that year, as set forth in column (4) of the Schedule.

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THE SCHEDULE.

(See section 2).

Demand Number	Services and Purposes		Sums not exceeding Voted by the Legislative Assembly	*Charged on the Consolidated Fund of the State*	Total
(1)	(2)		(3)	*(4)*	(5)
			₹	₹	₹
1	STATE LEGISLATURE	Revenue	3,000	*1,000*	4,000
		Capital	...	...	...
		Loan	...	...	...
2	GOVERNOR AND COUNCIL OF MINISTERS	Revenue	2,000	*1,14,50,000*	1,14,52,000
		Capital	...	...	...
		Loan	...	...	...
3	ADMINISTRATION OF JUSTICE	Revenue	25,54,000	*12,000*	25,66,000
		Capital	...	...	...
		Loan	...	...	...
4	ADI-DRAVIDAR AND TRIBAL WELFARE DEPARTMENT	Revenue	75,11,000	*1,000*	75,12,000
		Capital	...	...	...
		Loan	...	...	...
5	AGRICULTURE DEPARTMENT	Revenue	131,94,00,000	...	131,94,00,000
		Capital	7,000	...	7,000
		Loan	...	...	...
6	ANIMAL HUSBANDRY (Animal Husbandry, Dairying and Fisheries Department)	Revenue	26,000	...	26,000
		Capital	1,000	...	1,000
		Loan	...	...	...
7	FISHERIES (Animal Husbandry, Dairying and Fisheries Department)	Revenue	98,32,92,000	...	98,32,92,000
		Capital	2,000	...	2,000
		Loan	...	...	...
8	DAIRY DEVELOPMENT (Animal Husbandry, Dairying and Fisheries Department)	Revenue	4,000	...	4,000
		Capital	...	...	...
		Loan	...	...	...
9	BACKWARD CLASSES, MOST BACKWARD CLASSES AND MINORITIES WELFARE DEPARTMENT	Revenue	7,000	...	7,000
		Capital	2,000	...	2,000
		Loan	...	...	...
10	COMMERCIAL TAXES (Commercial Taxes and Registration Department)	Revenue	80,67,000	*60,17,000*	1,40,84,000
		Capital	...	...	...
		Loan	...	...	...
11	STAMPS AND REGISTRATION (Commercial Taxes and Registration Department)	Revenue	6,000	...	6,000
		Capital	...	...	...
		Loan	...	...	...
12	CO-OPERATION (Co-operation, Food and Consumer Protection Department)	Revenue	3,000	...	3,000
		Capital	5,00,00,000	...	5,00,00,000
		Loan	4,67,07,000	...	4,67,07,000

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Demand Number	Services and Purposes		Sums not exceeding: Voted by the Legislative Assembly	*Charged on the Consolidated Fund of the State*	Total
(1)	(2)		(3)	*(4)*	(5)
			₹	₹	₹
13	FOOD AND CONSUMER PROTECTION (Co-operation, Food and Consumer Protection Department)	Revenue	11,000	...	11,000
		Capital	5,000	...	5,000
		Loan	...	...	...
14	ENERGY DEPARTMENT	Revenue	...	...	...
		Capital	...	...	...
		Loan	1,000	...	1,000
16	FINANCE DEPARTMENT	Revenue	96,30,000	...	96,30,000
		Capital	...	...	...
		Loan	...	...	...
17	HANDLOOMS AND TEXTILES (Handlooms, Handicrafts, Textiles and Khadi Department)	Revenue	33,04,000	...	33,04,000
		Capital	5,78,85,000	...	5,78,85,000
		Loan	2,000	...	2,000
18	KHADI, VILLAGE INDUSTRIES AND HANDICRAFTS (Handlooms, Handicrafts, Textiles and Khadi Department)	Revenue	1,88,33,000	...	1,88,33,000
		Capital	...	...	...
		Loan	...	...	...
19	HEALTH AND FAMILY WELFARE DEPARTMENT	Revenue	49,35,43,000	*55,51,000*	49,90,94,000
		Capital	2,31,51,000	...	2,31,51,000
		Loan	...	...	...
20	HIGHER EDUCATION DEPARTMENT	Revenue	57,000	...	57,000
		Capital	5,000	...	5,000
		Loan	154,40,00,000	...	154,40,00,000
21	HIGHWAYS AND MINOR PORTS DEPARTMENT	Revenue	3,000	...	3,000
		Capital	22,000	*19,56,86,000*	19,57,08,000
		Loan	...	...	...
22	POLICE (Home, Prohibition and Excise Department)	Revenue	1,10,68,000	...	1,10,68,000
		Capital	3,000	...	3,000
		Loan	...	...	...
23	FIRE AND RESCUE SERVICES (Home, Prohibition and Excise Department)	Revenue	11,000	...	11,000
		Capital	1,000	...	1,000
		Loan	...	...	...
24	PRISONS (Home, Prohibition and Excise Department)	Revenue	1,00,36,000	...	1,00,36,000
		Capital	2,000	...	2,000
		Loan	...	...	...
25	MOTOR VEHICLES ACTS-ADMINISTRATION (Home, Prohibition and Excise Department)	Revenue	34,69,000	...	34,69,000
		Capital	...	...	...
		Loan	...	...	...

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Demand Number	Services and Purposes		Sums not exceeding		
			Voted by the Legislative Assembly	*Charged on the Consolidated Fund of the State*	Total
(1)	(2)		(3)	*(4)*	(5)
			₹	₹	₹
26	HOUSING AND URBAN DEVELOPMENT DEPARTMENT	Revenue	310,04,73,000	...	310,04,73,000
		Capital	2,000	...	2,000
		Loan	210,00,00,000	...	210,00,00,000
27	INDUSTRIES DEPARTMENT	Revenue	5,000	...	5,000
		Capital	...	...	...
		Loan	32,88,19,000	...	32,88,19,000
28	INFORMATION AND PUBLICITY (Tamil Development and Information Department)	Revenue	25,97,70,000	...	25,97,70,000
		Capital	...	...	...
		Loan	...	...	...
29	TOURISM - ART AND CULTURE (Tourism, Culture and Religious Endowments Department)	Revenue	1,27,05,000	...	1,27,05,000
		Capital	3,000	...	3,000
		Loan	...	...	...
30	STATIONERY AND PRINTING (Tamil Development and Information Department)	Revenue	8,16,000	...	8,16,000
		Capital	...	...	...
		Loan	...	...	...
31	INFORMATION TECHNOLOGY DEPARTMENT	Revenue	1,54,25,000	...	1,54,25,000
		Capital	...	...	...
		Loan	...	...	...
32	LABOUR AND EMPLOYMENT DEPARTMENT	Revenue	33,000	...	33,000
		Capital	3,000	...	3,000
		Loan	...	...	...
33	LAW DEPARTMENT	Revenue	2,59,14,000	...	2,59,14,000
		Capital	...	...	...
		Loan	...	...	...
34	MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT	Revenue	6,000	...	6,000
		Capital	...	...	...
		Loan	793,81,01,000	...	793,81,01,000
35	PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT	Revenue	25,08,000	*1,000*	25,09,000
		Capital	...	...	...
		Loan	...	...	...
36	PLANNING, DEVELOPMENT AND SPECIAL INITIATIVES DEPARTMENT	Revenue	15,32,000	...	15,32,000
		Capital	...	...	...
		Loan	...	...	...
38	PUBLIC DEPARTMENT	Revenue	86,14,000	...	86,14,000
		Capital	...	...	...
		Loan	...	...	...

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Demand Number	Services and Purposes		Sums not exceeding: Voted by the Legislative Assembly	*Charged on the Consolidated Fund of the State*	Total
(1)	(2)		(3)	*(4)*	(5)
			₹	₹	₹
39	BUILDINGS (Public Works Department)	Revenue	2,000	...	2,000
		Capital	21,000	...	21,000
		Loan	...	...	...
40	IRRIGATION (Public Works Department)	Revenue	12,000	...	12,000
		Capital	50,000	*8,54,69,000*	8,55,19,000
		Loan	...	...	...
41	REVENUE DEPARTMENT	Revenue	23,000	...	23,000
		Capital	...	*5,21,40,000*	5,21,40,000
		Loan	...	...	...
42	RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT	Revenue	8,000	...	8,000
		Capital	2,000	...	2,000
		Loan	...	...	...
43	SCHOOL EDUCATION DEPARTMENT	Revenue	19,03,03,000	...	19,03,03,000
		Capital	3,000	...	3,000
		Loan	...	...	...
44	MICRO, SMALL AND MEDIUM ENTERPRISES DEPARTMENT	Revenue	90,06,000	...	90,06,000
		Capital	...	...	...
		Loan	...	...	...
45	SOCIAL WELFARE AND NUTRITIOUS MEAL PROGRAMME DEPARTMENT	Revenue	9,63,45,000	...	9,63,45,000
		Capital	1,000	...	1,000
		Loan	...	...	...
46	TAMIL DEVELOPMENT (Tamil Development and Information Department)	Revenue	10,00,05,000	...	10,00,05,000
		Capital	...	...	...
		Loan	...	...	...
47	HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (Tourism, Culture and Religious Endowments Department)	Revenue	2,000	...	2,000
		Capital	...	...	...
		Loan	...	...	...
48	TRANSPORT DEPARTMENT	Revenue	2,000	...	2,000
		Capital	29,91,000	...	29,91,000
		Loan	2,519,24,60,000	...	2,519,24,60,000
49	YOUTH WELFARE AND SPORTS DEVELOPMENT DEPARTMENT	Revenue	40,07,000	...	40,07,000
		Capital	...	...	...
		Loan	...	...	...
51	RELIEF ON ACCOUNT OF NATURAL CALAMITIES	Revenue	2,086,70,78,000	...	2,086,70,78,000
		Capital	...	...	...
		Loan	...	...	...

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Demand Number	Services and Purposes		Sums not exceeding Voted by the Legislative Assembly	Charged on the Consolidated Fund of the State	Total
(1)	(2)		(3)	(4)	(5)
			₹	₹	₹
52	DEPARTMENT FOR THE WELFARE OF DIFFERENTLY ABLED PERSONS	Revenue	15,000	...	15,000
		Capital	2,000	...	2,000
		Loan	...	...	...
54	FORESTS (Environment and Forests Department)	Revenue	1,42,30,000	...	1,42,30,000
		Capital	21,000	...	21,000
		Loan	...	...	...
	DEBT CHARGES	Revenue	...	*4,000*	4,000
		Capital	...	...	...
		Loan	...	...	...
	Total	Revenue	2,757,96,79,000	*2,30,37,000*	2,760,27,16,000
		Capital	13,41,85,000	*33,32,95,000*	46,74,80,000
		Loan	3,715,00,90,000	...	3,715,00,90,000
	Grand Total		6,486,39,54,000	*35,63,32,000*	6,522,02,86,000

STATEMENT OF OBJECTS AND REASONS.

This Bill is introduced in pursuance of Article 205, read with clause (1) of Article 204, of the Constitution, to provide for the appropriation out of the Consolidated Fund of the State, of the moneys required to meet--

(a) the supplementary grants made by the Tamil Nadu Legislative Assembly for the financial year which commenced on the 1st day of April 2017; and

(b) the supplementary expenditure charged on the said Fund of the State for that year.

O. PANNEERSELVAM,
Deputy Chief Minister.

K. BOOPATHY,
Secretary.

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