

THE MIZORAM EASE OF DOING BUSINESS BILL, 2022

(BILL No. _ of 2022)

A Bill to provide for delivery of transparent, efficient and timely services to the eligible persons in the State of Mizoram under various state enactments for setting up Industrial or service sector undertakings and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of Mizoram in the Seventy Third Year of the Republic of India as follows :-

CHAPTER – I PRELIMINARY

1. **Short title, extent and commencement** .- (a) This Act may be called the Mizoram Ease of Doing Business Act, 2022.
(b) It extends to the whole of the State of Mizoram.
(c) It shall come into force from the date of notification in the official Gazette.
2. **Definitions**.- In this Act, unless the context otherwise requires:
 - (a) “Appellate Authority” means an officer appointed by the Government invested with the power to hear appeals against the orders passed by a Public Authority related to the delivery of service;
 - (b) “applicant” means a person who is eligible for obtaining services scheduled under the SWCA established under provisions of this Act;
 - (c) “application” means any application submitted by an applicant to avail the services scheduled under SWP;
 - (d) “Chief Executive Officer” means the Chief Executive Officer of the Single Window Clearance Authority constituted under section 3;
 - (e) “Designated Officer” means Officer/Officers of the Government authorised by the SWCA to scrutinise and process applications submitted through the Online Single Window Portal;
 - (f) “Government” means Government of Mizoram;
 - (g) “Local Authority” means District Administration, District Industries Centre, Urban or Rural Local Body, Industrial Township, Industrial and Investment Parks/Centres or any other authority constituted by law and includes development authorities;
 - (h) “Notification” means a notification published in Official Gazette, with the word “notified” to be constituted accordingly;
 - (i) “Online Single Window Portal” (hereinafter referred to as SWP) means an online system constituted under section 4;
 - (j) “person” shall include individuals or any company, or association or body of individuals, incorporated under relevant acts of law;
 - (k) “prescribed” means prescribed by rules made under this Act;
 - (l) “Public Authority” means, -
 - (i) any Department or authorities of the Government and its designated officers;
 - (ii) any organisation or authority or body or corporation or institution or a local authority, established or constituted;
 1. by or under the Constitution of India in the State;
 2. by any other law made by the State Legislature;
 3. by notification issued by the Government.

- iii) an institution, a co-operative society, a Government Company or an authority owned, controlled or financed by the State Government;
- (m) “service” means services, including functions, obligations, responsibility or duty, to be provided or rendered by a public authority. This may include licenses, approvals, renewals, no-objection certificates, clearances, registrations, enrolments and the like, to be issued under various state enactments in connection with the setting up of an industrial or service sector undertaking.
- (n) “Single Window Clearance Authority” (hereinafter referred to as SWCA) means a set up constituted under section 3 to provide all clearances to the investors under this Act;

CHAPTER – II SINGLE WINDOW SERVICES

3. **Establishment of Single Window Clearance Authority (SWCA).**- There shall be a Single Window Clearance Authority established for the purpose of providing one-stop clearance/ grant/ approval to new industrial and service sector investment applications and overall supervision and administration of speedy processing of investment applications and issue of various clearances. The Government shall appoint an officer of rank not below that of Joint Secretary to Government as the Chief Executive Officer (CEO) of the SWCA.
4. **Online Single Window Portal (SWP).**- All applications shall be received, all decisions conveyed, and relevant services delivered through an Online Single Window Portal. The SWCA shall ensure that there is minimum physical interface between applicant and concerned officers for delivery of the services.
5. **Functions of the SWCA.**-
The SWCA shall
 - 1) Develop and maintain the SWP for the purpose of this Act;
 - 2) Receive, process and dispose of all applications through the SWP and authorise communications pertaining to the Single Window processes and procedures;
 - 3) Coordinate all required approvals, licenses, registrations and clearances among Departments of the Government, based on the submitted application;
6. **Power of the SWCA.**-
 - 1) Prescribe services to be made available on the SWP through notification.
 - 2) Delegate the responsibility of processing an application and carrying out relevant inspections to a Designated Officer;
 - 3) Prescribe the mode and procedure for delivery of services and disposal of applications through the online portal vide notification.

7. **Right to Single Window Service.-** Every applicant shall have the right to avail services listed by the SWCA within the time notified by Government under relevant provisions of the Mizoram Right to Public Services Act (MRTPS) Act, 2015.
8. **Procedure of Application.-**
- (1) Any person who desires to set up business enterprise in the state shall apply clearances online through SWP;
 - (2) The Government shall notify detail guidelines for online application of clearances. Such guidelines inter alia include registration of applicants in the SWP, procedure for making application, documents to be submitted, use of portal and tracking of status of application;
 - (3) The Government may prescribe time limit for grant or rejection of application for a particular clearance and prescribed fee for such clearance;
 - (4) Any Public authority or local authority shall either reject or issue clearance applied to them within the time limit prescribed by the Government.
9. **Disposal of Application.-**
- (1) The Designated Officer, on receipt of the application, shall dispose of the same by either causing the service applied for to be delivered or communicating the rejection of the application through the SWP within the stipulated time as notified for the service under the Mizoram Right to Public Service (MRTPS) Act 2015 or a relevant Act of the State Legislature or Parliament;
 - (2) The Designated Officer shall document reasons in the order, in case the application is rejected, and upload the same onto the SWP.
10. **Failure to deliver service in time.-** The SWCA shall ensure that every Designated Officer who fails to deliver a notified service or communicate reasons of rejection to the concerned applicant within the stipulated time, shall be penalized by way of mandatory payment of compensation at such rates as may be prescribed by MRTPS Act, 2015.

CHAPTER – III GRIEVANCE REDRESSAL

11. **Appellate Authority.-** Government shall appoint an Appellate Authority with designation above that of CEO, SWCA, for the purpose of receiving and redressing grievances made by the applicant under the provisions of this Act and for providing approval to concerned applications in the event of failure of the SWCA in doing so.
12. **Appeal by the aggrieved person.-** Any person whose application is rejected under sub-section (2) of section 9 or who is not provided the service within the stipulated time, may file an appeal online before the Appellate Authority within such time and in such form as may be prescribed;

13. Functions of the Appellate Authority.-

- (1) The Appellate Authority shall scrutinize the grievance submitted by the applicant and based on the examination of the submitted application and the order passed by the Designated Officer of the SWCA, convey his decision within the stipulated time as notified under the MRTPS Act 2015.
- (2) The Appellate Authority shall inter alia instruct the CEO SWCA to ensure timely disposal of the application in case of the first failure by a Designated Officer, or himself dispose of the application on a subsequent instance of failure;
- (3) In case of any Designated Officer or public authority who is a habitual and willful defaulter without any reasonable cause, persistently fails to receive an application or has failed to provide the service within the stipulated time or intentionally denied the request for **delivery of service** or delayed it inordinately, the appellate authority shall be competent to take appropriate disciplinary action.

CHAPTER – IV MISCELLANEOUS

14. Powers of Appellate Authority, CEO SWCA Designated Officer.-

- 1) The Appellate Authority, CEO SWCA and Designated Officer shall, for the purposes of its functions under this Act, assume powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of the following matters, namely, -
 - (i) discovery and production of any document or other material object producible as evidence;
 - (ii) receiving evidence on affidavits;
 - (ii) such other matter which may be prescribed
- 2) The Appellate Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

15. Establishment of Investor Facilitation Centre.-There shall be an Investor Facilitation Centre established for the purpose of investment promotion, industrial facilitation, regulatory reforms, entrepreneurial development and obtaining investor feedback. The Investor Facilitation Centre shall function as the sole point of contact in the State for the purpose of setting up a business. The government may prescribe the composition, roles and responsibilities of the centre through notification.

16. Revision .- The Appellate Authority, the SWCA and the Government may at any time for the purposes of satisfying itself or themselves as to the correctness, legality, propriety or regularity of proceeding or order passed by the Designated Officer and Appellate Authority, as the case may be, either suo moto or on an application made

to it or them, call for and examine the records and pass such orders with reference thereto as it or they think fit.

17. Protection of action taken in good faith .- No suit, prosecution or other legal proceedings shall lie against an employee of Public Authority for anything which is done is purported to have been done in good faith in pursuance of the provisions of this Act or the rules made thereunder.

18. Act to override other Laws.- In relation to the services prescribed under this Act and the procedure of service delivery and disposal of applications prescribed by notification under this Act the provisions made under this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any rules having effect by virtue of any law other than this Act.

19. Power of Government to issue directions.-The Government may issue to the Public Authority such general or special directions in writing for the purpose of effective implementation of this Act and the Public Authority shall be bound to follow the Act upon such directions.

20. Power to remove difficulties.-

1. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Mizoram Gazette, make such provisions not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty.
2. Every order made under this section shall be laid as soon as may be after it is made, before the state Legislature.

21. Power to make rules.-

- 1) The Government may, by notification in the Official Gazette in the official Gazette make rules to carry out the provisions of this Act;
- 2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.
- 3) All the rules made under this Act shall be laid before the Legislative Assembly as soon as may be, after they are so made and subject to rescission by the Legislative Assembly or to such modification as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.
- 4) Any rescission or modification so made by the Legislative Assembly shall be published in the Official Gazette and shall thereupon take effect.