

Commerce and Industries Secretariat

Notification

No.CI 208 SPI 2002, Bangalore, dated 4th August, 2004

Whereas, the draft of the Karnataka Industries (Facilitation) Rules, 2004 which the Government of Karnataka proposes to make was published as required by sub-section (1) of Section 21 of the Karnataka Industries (Facilitation) Act, 2002 (Karnataka Act 45 of 2003), in Notification No. CI 208 SPI 2002, dated 12th January, 2004, published in Part IV-A of the Karnataka Gazette Extraordinary, dated 14th January, 2004, inviting objection or suggestions from all the persons likely to be affected thereby within thirty days from the date of publication in the Official Gazette.

And whereas, the said notification was made available to the public on 14th January, 2004.

Now, therefore, in exercise of the powers conferred by Section 21 of the Karnataka Industries (Facilitation) Act, 2002 (Karnataka Act 45 of 2003), the Government of Karnataka hereby makes the following rules, namely.

1. Title and commencement,-(1) These rules may be called the Karnataka Industries (Facilitation) Rules, 2003.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions:- In these rules, unless the context otherwise requires-

- (a) "Act" means the Karnataka Industries (Facilitation) Act, 2002 (Karnataka Act 45 of 2003).
- (b) "Combined Application Form" means a form referred to in Section 14 of the Act duly filled and complete in all respects.
- (c) "Form" means a form appended to these rules.
- (d) "Section" means a Section of the Act.
- (e) "Self-certification" means an undertaking given by an entrepreneur from time to time under Section 15 of the Act.

3. Meeting of the State High Level Clearance Committee (SHLCC)

etc,- (1) The State High Level Clearance Committee (SHLCC) shall meet at least once in two months at Bangalore or such other place as the Chairman may specify from time to time to transact its business.

(2) Eligible proposals received from entrepreneurs at least 21 days prior to the ensuing SHLCC meeting shall be placed before the Committee.

(3) The Member-Secretary shall by issuing a meeting notice, convene a meeting of State High Level Clearance Committee indicating the date, time and place of the meeting. He shall enclose agenda and notes on the projects highlighting therein the proposal in brief and assistance, support or infrastructure facilities, which are required by the entrepreneur to the meeting notice for the transaction of business in the said meeting. He shall send a notice of meeting at least seven days in advance.

(4) Member-Secretary shall also send communication intimating the date, time and place of the SHLCC meeting to the entrepreneurs, whose proposals are included in the agenda.

(5) All the members and invitees of the State High Level Clearance Committee shall attend the meeting. In case the Principal Secretary or Secretary or the Head of Department or Chief Executive of a Government agency is preoccupied with other important engagements or business, he shall depute the senior most officer to attend the meeting on his behalf with full briefing of the departmental views.

(6) The State High Level Clearance Committee shall examine all the proposals placed before it and take appropriate decisions.

(7) The Member-Secretary of the Committee shall within seven days prepare the proceedings of the State High Level Clearance Committee taking into account the departmental opinion or concurrence given by the Departments in the meeting.

(8) After getting approval from the Chairman of State High Level Clearance Committee, the Member Secretary shall circulate the proceedings among all the members. If no comments are received within 15 days of dispatch of proceedings it shall be presumed that the proceedings are confirmed.

(9) Within 15 days after confirmation of the proceedings of the State High Level Clearance Committee, the Commerce and Industries Department, shall take further action to issue Government Order sanctioning infrastructural assistance and incentives and concessions if any, without any further consultation with the concerned Departments.

Provided that in case of sectors other than Commerce and Industries, the concerned Administrative Department of the State Government shall initiate similar action by issuing Government Orders within fifteen days.

(10) Copies of the order shall be sent to all the field departments and entrepreneurs concerned.

(11) Within thirty days from the date of receipt of the formal Government Order by the Department concerned, the other departments shall take action for issue of consequential orders or notifications, as the case may be.

4. Meeting of the State Level Single Window Clearance Committee (SLSWCC) etc,- (1) The State Level Single Window Clearance Committee (SLSWCC) shall meet ordinarily on 3rd Monday of every month at Bangalore or such other place as the Chairman may specify to transact business of the Committee.

(2) The Member-Secretary shall issue a meeting notice convening a meeting of the State Level Single Window Clearance Committee indicating the date, time and place of meeting. He shall enclose agenda to the meeting notice for transaction of business in the said meeting. He shall send notice of meeting at least seven days in advance of the meeting. Member-Secretary shall also send notice intimating the date, time and place of the SLSWCC meeting to the entrepreneurs, whose proposals are included in the agenda.

(3) He shall place all the proposals received before the Committee for its consideration.

(4) The State Level Single Window Clearance Committee shall examine all the proposals placed before it and take appropriate decisions.

(5) The Member-Secretary shall prepare proceedings and obtain the approval of the Chairman of State Level Single Window Clearance Committee within seven days of the meeting.

(6) After the proceedings are approved, the Member-Secretary shall communicate the decision of the Committee within a period of seven days from the date of such approval to the authorities or departments concerned and to the entrepreneurs concerned.

5. Composition of District Level Single Window Clearance Committee:- The District Level Single Window Clearance Committee shall consist of following members, namely:-

- (i) The Deputy Commissioner of the District concerned- **Chairman**
- (ii) The Chief Executive Officer, Zilla Panchayat of the District concerned-
Vice-Chairman
- (iii) The Jurisdictional Executive Engineer, Electricity Supply Company Limited- **Member**
- (iv) District Level Officer of the Karnataka State Pollution Control Board - **Member**
- (v) The Jurisdictional Representative of the Karnataka State Financial Corporation-**Member**
- (vi) The Lead District Manager of the Lead Bank - **Member**
- (vii) District Level Officers of Tourism, Agriculture, Horticulture and Information Technology Departments - **Member**
- (viii) The Jurisdictional Joint or Deputy Commissioner of Commercial Taxes - **Member**
- (ix) The Branch Manager, Karnataka Small-Scale Industries Development Corporation-**Member**
- (x) The Representative of Karnataka Industrial Areas Development Board - **Member**
- (xi) The Commissioner, Urban Development Authority - **Member**

- (xii) The Assistant Director, Town Planning - **Member**
- (xiii) The Commissioner or Chief Officer of City Municipal Corporation or Municipal Council- **Member**
- (xiv) The Deputy Chief Inspector of Factories and Boilers - **Member**
- (xv) The Assistant Director, Kannada and Culture Department - **Member**
- (xvi) Representatives from District Industries Associations - **Member**
- (xvii) District Level Officer of Khadi and Village Industries Board - **Member**
- (xviii) Regional Director, Department of Ecology and Environment - **Member**
- (xix) Joint Director of the respective District Industries Centre - **Member Secretary**

Chairman can invite any other members, if necessary.

6. Meeting of the District Level Single Window Clearance Committee etc,-(1) The District Level Single Window Clearance Committee (DLSWCC) shall meet at least once in a month at District Headquarters or such other place or places as the Chairman may specify to transact business of the Committee.

(2) The Member-Secretary shall issue a meeting notice, convening a meeting of the District Level Single Window Clearance Committee (DLSWCC) indicating a date, time and place of the meeting. He shall enclose agenda to the meeting notice for the transaction of the business in the said meeting. He shall send notice of meeting at least seven days in advance. (3) He shall place all the proposals received before the Committee for its consideration.

(4) The District Level Single Window Clearance Committee shall examine all the proposals placed before it and take appropriate decisions.

(5) The Member-Secretary shall prepare proceedings and obtain the approval of the Chairman of District Level Single Window Clearance Committee within seven days of the meeting.

(6) After the proceedings are approved, the Member-Secretary shall communicate the decision of the Committee within a period of seven days of such approval to the authorities or department concerned and to the entrepreneurs concerned.

7. Combined Application Form (CAF),- There shall be a Combined Application Form (CAF), as specified in Form I.

8. Form of undertaking,- The undertaking that every entrepreneur shall furnish shall be in Form II.

9. Rationalisation of Inspections,- Rationalisation of Inspections under Section 16 of the Act shall be co-ordinated by Directorate of Factories and Boilers.

10. Appeal,- (1) An appeal under sub-section (1) of Section 18 shall lie-

- (i) to the State Government against decision of the State High Level Clearance Committee
- (ii) to the State High Level Clearance Committee against the decision of the State Level Single Window Clearance Committee;
- (iii) to the State Level Single Window Clearance Committee against the decision of the District Level Single Window Clearance Committee.

(2) Every appeal shall be made in form III and shall be accompanied by a fee of rupees five hundred payable in cash. The appeal shall be presented either in person or by an agent duly Authorised.

(3) The appellate Authority shall, after giving a reasonable opportunity of being heard to the appellant, pass such order, as it deems fit. The orders of the Appellate Authority shall be final.

(4) Every order passed by the Appellate Authority shall be communicated to the Appellate within fifteen days from the date of the order.

By Order and in the name of the
Governor of Karnataka,

(M. Shivalingaswamy)
Under Secretary to Government (ID)
Commerce & Industries Department.