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PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 23rd February, 2024.

No.LB.55/LA/2024/2. - The Meghalaya State Investment Promotion and Facilitation Bill, 2024 introduced in the Meghalaya Legislative Assembly on the 23rd February, 2024, together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

MEGHALAYA STATE INVESTMENT PROMOTION & FACILITATION BILL, 2024.

**A
BILL**

to provide an accelerated and time bound grant for various licenses, permissions and issuance of clearances required from various competent authority or authorities of the State Government of Meghalaya under various state enactments for setting up industrial or service sector undertakings and the promotion of economic development in the State; to simplify the regulatory framework by reducing procedural requirements and rationalizing documents; to improve ease of doing business, and thereby provide an investor friendly environment in the State of Meghalaya and for matters connected therewith and incidental thereto.

Be it enacted by the Legislature of the State of Meghalaya in the Seventy-Fifth Year of the Republic of India as follows: –

CHAPTER-I

PRELIMINARY

Short title, extent, and commencement. -	1	<p>(1) This Act may be called the Meghalaya State Investment Promotion & Facilitation Act, 2024</p> <p>(2) It extends to the whole of the State of Meghalaya.</p> <p>(3) It shall come into force on the date of its publication in the Official Gazette.</p>
Definitions. -	2	<p>In this Act, unless the context otherwise requires:</p> <p>(i) "Appellate Authority" means an officer appointed by the Government by investing with the power to hear appeals against the orders passed by a Public Authority related to the delivery of service;</p> <p>(ii) "Applicable laws" means Acts, Rules or Regulations pertaining to investment clearances, as may be prescribed from time to time;</p> <p>(iii) "Applicant" means a person including an entrepreneur, who himself or on behalf of a legal entity, on being so authorized, makes an e-application for grant of requisite clearances or renewal thereof for setting up or operation of an industrial enterprise, a business or its expansion / diversification or availing incentives under the State Industrial Policy or sector specific policy;</p> <p>(iv) "Application" means any application submitted by an applicant to</p>

avail the services scheduled under online UIP;

- (v) "**Authority**" means Invest Meghalaya Authority;
- (vi) "**Clearance**" means grant or issue of no-objection certificate, allotment, consents, approvals, permissions, registrations, enrolments, licenses and the like, by any Appropriate Authority in connection with the setting up of an enterprise in the State of Meghalaya and shall include all such permissions as are required under any applicable acts;
- (vii) "**Competent Authority**" means any department or agency of the Government, Local Authority, Statutory Body, State Owned Corporation, Urban Local Bodies or any other authority or Agency constituted or established under any Act or under administrative control of the Government, which is entrusted with the powers and responsibilities to grant or issue clearances;
- (viii) "**Enterprise**" means and includes an undertaking engaged in manufacturing and or processing or for providing service or doing any other business or any other commercial activity or a private industrial estate;
- (ix) "**Entrepreneur or Investor**" means a person or body of persons or a company, having or proposing to have majority investment or controlling interest in an enterprise and who brings forth a proposal for investment;
- (x) "**Government**" means Government of Meghalaya;
- (xi) "**In principle approval**" means a general approval to an investment proposal by the Board for facilitation purposes only which shall be subject to clearances from the concerned Competent Authorities under the relevant State laws;
- (xii) "**Investment**" means a fixed capital investment by an investor in industry or service or infrastructure or commercial project excluding the cost of land;
- (xiii) "**Local Authority**" means District Industries Centre, Urban or Rural Local Body, Industrial parks, Municipal Boards, Meghalaya Urban Development Authority or any other authority constituted by law and includes development authorities;
- (xiv) "**Notification**" means a notification published in Meghalaya Gazette, and the word "notified" to be construed accordingly;

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- (xv) **"Offence"** means any submission or omission made by any person or entity, knowingly or unknowingly, that is in violation of the provisions of this Act, or any rules, regulations, or guidelines issued thereunder. This includes, but is not limited to, providing false, incorrect, or misleading information; forging, altering, or falsifying any document or part of a document; or using any such forged, altered, or falsified document with the intent to deceive, mislead, or defraud the nodal agency for investment approval during any stage of the application process.
- (xvi) **"Person"** shall include individuals or any company, or association or body of individuals, incorporated under relevant Acts of law;
- (xvii) **"Prescribed"** means prescribed by Rules made under this Act;
- (xviii) **"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 enactments in connection with the setting up of an industrial or service sector undertaking.
- (xix) **"UnifiedInvestmentPortal (hereinafter referred to as UIP)"** means an online system to provide all clearances to the investors under this Act;

CHAPTER-II**CONSTITUTION, POWERS, AND FUNCTIONS OF INVEST MEGHALAYA
AUTHORITY, THE GOVERNING COUNCIL, HIGH-POWER COMMITTEE, STATE INVESTMENT
COMMITTEE AND DISTRICT INVESTMENT COMMITTEE**

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| Constitution of
Invest Meghalaya
Authority. - | 3 | <p>(1) The Government may, by notification appoint a Nodal Agency called “Invest Meghalaya Authority” at the State level, which shall be an authority, that will be governed by the Governing Council constituted under Section 8;</p> <p>(2) The Government may, by notification appoint the Chief Executive Officer (CEO) who shall be responsible for the day-to-day operations and shall exercise the powers and perform functions of the Nodal Agency as stated under this Act.</p> |
| Functions of Invest
Meghalaya
Authority as the
Nodal Agency. - | 4 | <p>(1) The Nodal Agency will be responsible for creation of a UIP, so that the investors may submit the application forms online as required by them for obtaining various clearances;</p> <p>(2) The Nodal Agency shall provide secretarial support to the Governing Council, State Investment Committee and District Investment Committee, as the case may be;</p> <p>(3) The Nodal Agency, on receipt of self-certification by the applicant shall arrange in principle approval from the respective committees on the basis of investment amount for project kick off;</p> <p>(4) Under the superintendence, direction and control of the respective committees, the nodal agency shall acknowledge all applications and shall forward the applications to the concerned competent authority within three working days;</p> <p>(5) The Nodal Agency will facilitate High Power Committee, State Investment Committee and District Investment Committee in pursuing the clearance of the applications with the competent authorities;</p> <p>(6) The Nodal Agency shall prepare a Combined Application Form as provided under section 13 for online submission by the investors for obtaining various clearances;</p> <p>(7) The Nodal Agency shall upload downloadable application forms, comprehensive check lists and other requirements, as the case may</p> |

		be, covering all activities in the UIP;
		(8) The Nodal Agency shall perform any other functions entrusted by the Government or Governing Council for carrying out the provisions of this Act.
Powers of Invest Meghalaya Authority. -	5	<p>(1) The administrative and financial power of the Invest Meghalaya Authority shall be as prescribed by rules under the Act;</p> <p>(2) The Chief Executive Officer shall be appointed by the State Government from amongst officers not below the rank of Joint Secretary or persons being distinguished experts with a demonstrated experience in industry or government;</p> <p>(3) The Authority may engage such experts, consultants, advisors, or technology professionals, as may be required for efficient discharge of its powers and functions under this Act, on such allowances or remuneration and on such terms and conditions, as may be specified by regulations.</p>
Vacancies etc., of the Nodal Agency not to invalidate proceedings. -	6	<p>No act or proceeding of the Authority shall be invalid merely by reason of-</p> <p>(a) any vacancy in or any defect in the constitution of the Authority;</p> <p>(b) any defect in the appointment of a person as Chief Executive Officer; or</p> <p>(c) any irregularity in the procedure of the Authority not affecting the merits of the case.</p>
Officers and other staff of Invest Meghalaya Authority. -	7	<p>(1) The Authority may depute Government officials or may appoint such other officers and employees of the Authority in such manner and with such qualifications, as may be prescribed.</p> <p>(2) The salaries and allowances payable to and the other terms and conditions of service of officers and other employees of the Authority shall be such, as may be prescribed.</p>

Constitution, powers, and functions of Governing Council. -

8 (1) The Government, may, by notification, constitute a 'Governing Council' which shall consist of the following members:

Sl. No.	Members	Designation
(a)	Chief Minister	Chairman
(b)	Commerce & Industry Minister	Vice-Chairman
(c)	All Cabinet Ministers	Member
(d)	Chief Secretary to Government of Meghalaya,	Member
(e)	Senior most Secretary to Government of Meghalaya, Planning Investment Promotion & Sustainable Development Department,	Member Secretary
(f)	Senior most Secretary to Government of Meghalaya, Commerce & Industries Department	Member
(g)	Senior most Secretary to Government of Meghalaya, Finance Department	Member
(h)	Senior most Secretary to Government of Meghalaya, Revenue and Disaster Management Department	Member
(i)	Such number of member or members as may be notified by the Government from time to time	Member

(2) The Governing Council shall be the Competent Authority at the State level and exercise the following powers and perform the following functions, namely: -

- (a) Subject to the overall control and superintendence of the Government, the Governing Council shall provide overall policy guidance and directions under this Act;
- (b) The Governing Council shall be responsible for setting the strategic directions and guidance for the UIP clearances and industries facilitation required for its effective functioning;

(c) The orders and decisions of the Governing Council shall be binding upon all Government Departments, Authorities and Agencies and such Departments, Authorities and Agencies shall issue requisite clearances and permissions within the stipulated time limit:

provided that the relevant provisions of the applicable Acts and Rules of the Government or Central Government for investment clearances and permissions are complied by the investor or applicant;

(d) The Governing Council may assign or revoke its functions or powers to High-Power Committee, State Investment committee, District Investment Committee, and Invest Meghalaya Authority as prescribed by rules under the Act for effective implementation of this Act;

(e) The Governing Council shall meet to carry out its functions, but it shall meet at least once annually or as needed at such place, as the Chairman may decide, for performance review of the High-Power Committee, State Investment committee, District Investment Committee, and Invest Meghalaya Authority; and for providing necessary recommendations and approvals if required. The Governing Council may also consider matters referred by the High-Power Committee, Invest Meghalaya Authority, and the Government, and take appropriate decisions;

(f) To invite competent authorities or expert or officials from other departments, who are not members of the Council, as special invitees for any meeting as desired by the Chairman of the Council;

(g) It shall be responsible for creation, sanction, abolition, and re-designation of posts required for effective functioning of the Invest Meghalaya Authority;

(h) It shall be responsible for approval of any borrowings or hypothecation of any assets of the Authority, if required;

(i) It shall approve the annual budget, accounts and reports including the audit reports of the Authority.

**Constitution,
powers, and
functions of High-**

9

(1) The Government may, by notification, constitute a High-Power Committee which shall consist of the following members:

Power Committee. -

Sl. No.	Members	Designation
(a)	Chief Minister	Chairman
(b)	Commerce & Industry Minister	Vice-Chairman
(c)	Minister of the concerned department for which Investment proposal will be discussed	Member
(d)	Chief Secretary	Member
	Senior most officer or authorized representative not below the rank of	Member
(e)	Secretary of Planning Investment Promotion & Sustainable Development Department	
	Senior most officer or authorized representative not below the rank of	Member
(f)	Secretary of Commerce & Industry Department	
	Senior most officer or authorized representative not below the rank of	Member
(g)	Secretary of Finance Department	
	Senior most officer or authorized representative not below the rank of	Member
(h)	Secretary of Forest & Environment Department	
	Senior most officer or authorized representative not below the rank of	Member
(i)	Secretary of concerned department for which Investment proposal will be discussed	
(j)	Chief Executive Officer, Invest Meghalaya Authority	Member-secretary
(k)	Such number of member or members as may be notified by the Government from time to time	Member

- (2) The High-Power Committee for Investments shall be the Competent Authority at the state level and exercise the following powers and

perform the following functions, namely: -

- (a) The High-Power Committee for Investments shall regularly monitor, supervise, and review the functioning of the State Investment Committee, Invest Meghalaya Authority and District Committee for Investments for industries facilitation and UIP clearances;
- (b) It shall carry out such other functions as may be assigned to it by the Governing Council or the Government;
- (c) The Committee may assign or revoke the functions or powers to the State Investment Committee, Invest Meghalaya Authority and District Investment Committee within the powers or functions assigned under this Act or by the Governing Council for effective implementation of this Act;
- (d) The High-Power Committee for Investments shall meet at least once in a quarter or as needed, at such place, as the Chairman of the Committee may decide, for performance review of the State Investment Committee, District Investment Committee, and Invest Meghalaya Authority and for providing necessary recommendations and clearances where required;
- (e) To invite competent authorities or expert or officials from other departments, who are not members of the Committee, as special invitees for any meeting as desired by the Chairman of the Committee;
- (f) Such other powers and functions as may be prescribed by the Government or Governing Council from time to time;
- (g) The High-Power Committee for Investments shall give Inprincipleapproval referred to it for investments more than ten crore rupees;
- (h) The High-Powered committee shall grant approval of customized financial incentive packages for new projects under Industrial Policy or sector specific policies.

**Constitution,
powers, and
functions of State
Investment
Committee. -**

10

- (1) The Government may, by notifications, constitute a "State Investment Committee" at state level which shall consist of the following members:

Sl. No.	Members	Designation
(a)	Chief Secretary	Chairman
(b)	Senior most officer or authorized representative not below the rank of Secretary of Planning Investment Promotion & Sustainable Development Department	Member
(c)	Senior most officer or authorized representative not below the rank of Secretary of Commerce & Industry Department	Member
(d)	Senior most officer or authorized representative not below the rank of Secretary of Finance Department	Member
(e)	Senior most officer or authorized representative not below the rank of Secretary of the concerned department for which Investment proposal will be discussed	Member
(f)	Chief Executive Officer, Invest Meghalaya Authority	Member-secretary
(g)	Director, Commerce & Industries Department	Member
(h)	Director of the concerned department for which Investment proposal will be discussed	Member
(i)	Such number of member or members as may be notified by the Government from time to time	Member
(2)	The State Investment Committee shall be the Competent Authority at the State Level and exercise the following powers and perform the following functions, namely: -	
(a)	It shall carry out such other functions as may be assigned to it by the Governing Council or the High-Power Committee or Government;	
(b)	The State Investment Committee shall meet at least once in a	

month or as needed, at such place, as the Chairman of the Committee may decide, for performance review of the District Investment Committee and Invest Meghalaya Authority and for providing necessary recommendations where required;

- (c) To meet at such times and places as the Chairman of the Committee may decide and shall transact business as per the procedure as may be prescribed;
- (d) To invite competent authorities or expert or officials from other departments, who are not members of the Committee, as special invitees for any meeting as desired by the Chairman of the Committee;
- (e) The Member of the State Investment Committee shall attend the meeting convened under clause (b) and in case he is unable to attend the meeting, he may depute an officer not below the rank of Joint Secretary to take appropriate decision in the meeting;
- (f) Such other powers and functions as may be prescribed from time to time by Government or Governing Council or High-Power Committee by rules under the Act;
- (g) The State Investment Committee for Investments shall give Inprincipleapproval referred to it for investments more than one crore rupees to ten crore rupees;
- (h) State Investment committee shall grant approval of financial incentive packages for large, medium, small and micro projects under Industrial Policy or Sector specific Policies.

**Constitution,
powers, and
functions of District
Investment
Committee. -**

- 11** (1) The Government may, by notifications, constitute a "District Investment Committee " for each district which shall consist of the Chairman, and members as follows: -

Sl. No.	Members	Designation
(a)	Deputy Commissioner	Chairman
(b)	General Manager-District Commerce &	Member-

- | | | |
|-----|---|-----------|
| | Industries Centres (DCIC) | Secretary |
| (c) | Assistant Director of Commerce & Industries | Member |
| (d) | Representative of Invest Meghalaya Authority | Member |
| (e) | District Planning Officer | Member |
| (f) | Pollution Control Board Officer of the District | Member |
| (g) | District Officer of Labour Department | Member |
| (h) | Executive Engineer of the District of concerned Electricity Distribution Company under which district falls | Member |
| (i) | Divisional Forest officer | Member |
| (j) | Such number of member or members as may be notified by the Government from time to time | Member |
- (2) The District Investment Committee shall be the Competent Authority at the district level and exercise the following powers and perform the following functions, namely: -
- (a) To meet monthly or as needed at such times and places as the Chairman of the Committee may decide and shall transact business as per the procedure as may prescribed;
 - (b) To coordinate for all clearances for setting up of industrial units;
 - (c) To review and monitor the processing of applications by the competent authorities;
 - (d) To invite Competent authorities or experts or officials from other departments, who are not members of the Committee, as special invitees for any meeting of the District Investment Committee as desired by the Chairman of the Committee;
 - (e) The Member of the District Investment Committee shall attend the meeting convened under clause (a) and in case he is unable to attend the meeting, he may depute an officer to take appropriate decision in the meeting;
 - (f) Such other powers and functions as may be prescribed from

time to time by Government or Governing Council or High-Power Committee or State Investment Committee;

- (g) The District Investment Committee shall coordinate with all line departments for getting all clearances;
- (h) The District Investment Committee shall give Inprincipleapproval referred to it for investments up to one crore rupees;
- (i) The District Investment committee shall provide recommendation of financial incentive packages for Micro units under Industrial Policy.

Unified Investment Portal. -

12

All applications shall be received, all decision conveyed, and relevant services delivered through an online portal. It shall ensure that there is no physical interface between applicant and concerned officers for delivery of the services.

Combined Application Forms. -

13

The Combined Application Form(s) (CAF) shall be prescribed, along with such fees, in lieu of existing forms prescribed under applicable Acts and Industrial Policy, as notified from time to time. All appropriate authorities shall accept such CAF for processing and issue of required clearances:

Provided that where any form and fee has been prescribed for such clearances in any Central law, the applications shall be submitted only in that very form along with that fee to be submitted.

Procedure for online application for obtaining clearance in Unified Investment Portal. -

14

- (1) The applicant seeking any investment clearance shall register through the UIP created by the Invest Meghalaya Authority for the investment facilitation and on registration, applicant shall be given a unique ID and password for future reference;
- (2) The Combined Application Form (CAF) as constituted under Section 13, along with prescribed attachment shall be uploaded online as per guidance available in the UIP;
- (3) On receipt of the Combined Application Form (CAF), the system shall automatically forward it shall be processed directly through UIP to the concerned department for vetting of the project;

- (4) Upon approval with remarks from the concerned departments, the Authority shall present the project proposal to the Governing Council or High-Power Committee or State Investment Committee or District Investment Committee (based on the size of the investment) for in principle approval.
- (5) Post in principle approval, based on the nature of investment, the applicant can apply for relevant requisite clearances or pre-establishment approvals through the UIP with additional necessary information;
- (6) On receipt of the additional information and payment of prescribed fees, the UIP shall automatically forward the same to the concerned competent authority;
- (7) The Competent Authority shall be provided online access to the UIP through secured user ID and password, to process the application forwarded to them;
- (8) The competent authority shall process the application and communicate the decision regarding approval or rejection of the request along with comments and upload the same in the UIP within the prescribed time limit as notified by the Government from time to time;
- (9) At each stage of the application, an e-mail and SMS alerts shall be sent to the applicant;
- (10) Post obtaining clearance on the application, the applicant can set up the investment and apply for pre-operational approval or clearances as per guidance available in UIP;
- (11) Post pre- operational approvals and commencement of production or service, the applicant can apply for incentives under concerned sectoral policies or Industrial Policy of the Government as per guidance available in UIP.

CHAPTER III

FINANCIAL MATTERS

Invest Meghalaya
Authority Fund. -

15

- (1) There shall be constituted a Fund to be called the Invest Meghalaya Fund and shall be credited thereto-

- (a) all grants, fees and charges received by the Authority under this Act; and
- (b) all sums received by the Authority from such other sources, as may be decided by the Government.

(2) The Fund shall be used for-

- (a) the remuneration and other allowances payable to the Chief Executive Officer and the members, and the administrative expenses including the salaries or remuneration of employees, Unified Investment Portal maintenance, hiring of consultancy firms or Consultants, third party vendors, allowances, pension, and day-to-day operations payable to or in respect of officers and other employees of the Authority; and
- (b) the expenses incurred for meeting out the objectives and purposes authorized by this Act.

Annual grants, loans, and advances. - 16

The Government may make to the Authority grants, loans, or advances of such sums of money annually, on such terms and conditions, as it may deem fit.

Budget. - 17

- (1) The Chief Executive Officer shall submit a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditures of the Authority in such form, as may be prescribed;
- (2) The Authority shall, subject to such modifications and revisions, as it may decide, approve the budget submitted under sub-section (1);
- (3) The budget, as modified or revised by the Authority, shall be forwarded to the Government along with such number of authenticated copies, as may be required by the Government;
- (4) The Chief Executive Officer shall cause the budget, as modified, or revised by the Invest Meghalaya Authority, to be placed on the website of the Authority.

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- Accounts and audit. - 18**
- (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet, in such form, as may be prescribed;
 - (2) The accounts of the Authority shall be subject to audit annually by the Accountant General of Meghalaya and any expenditure incurred in connection with such audit shall be payable by the Authority to the Accountant General of Meghalaya;
 - (3) The Accountant General of Meghalaya and any person appointed by her in connection with the audit of accounts of the Authority shall have the same rights, privileges, and authority in connection with such audit as the Accountant General of Meghalaya has in connection with the audit of the Government accounts and, in particular, shall have right to demand the production of books, accounts, connected vouchers, other documents and papers and to inspect the office of the Authority;
 - (4) The accounts of the Authority as certified by the Accountant General of Meghalaya or any other person appointed by her in this behalf together with the audit report thereon and an explanatory memorandum on the action so taken or proposed to be taken, shall be forwarded annually to the Government and the Government shall cause a copy of the same to be laid before the State Legislature;
 - (5) The Chief Executive Officer shall cause the accounts of the Authority together with the audit report and the explanatory memorandum, to be placed on the website of the Authority after the report has been laid before the State Legislature.
- Annual Report. - 19**
- The Chief Executive Officer shall prepare a report of its activities during that year and submit the report to the Government in such form, as may be prescribed and the Government shall cause the report to be laid before the State Legislature.

CHAPTER - IV

MISCELLANEOUS

- Filling of Application Forms. - 20**
- (1) All applications for clearances shall be submitted with the required fees in the prescribed manner to the Nodal Agency;

-
- (2) The applications shall be forwarded by the Nodal Agency to the competent authority for processing and disposal.
- Power to call additional information. -** 21
- (1) On receipt of application under section 20, the competent authority shall have power to obtain further additional information from the applicant, while furnishing a copy of the same to the Nodal Agency;
- (2) The applicant shall furnish the required information to the competent authority and also to the Nodal Agency simultaneously;
- (3) The competent authority shall send its orders sanctioning or rejecting the application, as the case may be, to the Applicant or Nodal Agency;
- Self- Certification. -** 22
- (1) Every Applicant or Entrepreneur shall furnish a Self-Certification at the time of submitting the application form, undertaking in such form and manner as may be prescribed that he shall comply with the applicable provisions of the applicable laws made there under;
- (2) The self-certification furnished by the entrepreneur shall be accepted by the concerned Departments and authorities for the purpose of issue and granting clearance.
- Rationalization of Inspections. -** 23
- (1) Inspections under the provisions of applicable laws by different levels of authorities, shall be conducted jointly by the office of the Labour Commissioner and State Pollution Control Board and other departments;
- (2) Department shall conduct inspection based on risk-based assessment as maybe prescribed in their respective rules or byelaws. However, inspection against specific complaints may be conducted with the authorization of the Head of the Departments.
- Third Party Inspections. -** 24
- Inspections under the provisions of Applicable Laws by different state authorities, wherever applicable, may be prescribed to be conducted through empaneled third-party inspection agencies of competent authorities. The Third-Party Inspection Report shall be

furnished in such from as may be prescribed.

Time Limits for processing of applications. -	25	<p>Notwithstanding anything contained in any State law for the time being in force,</p> <ol style="list-style-type: none">(1) The Government may lay down the procedure for processing and disposal of applications;(2) The timelines for clearances at all levels for all approvals will be notified from time to time;(3) The competent authority may ask for additional information at any time before the expiry of the period stipulated for the disposal of such clearance;(4) After receipt of the additional information, the competent authority shall pass orders on the application before the expiry of the stipulated time from the date of receipt of such additional information;(5) The Government may, by notification, change the prescribed limit from time to time.
Deemed Approvals. -	26	<p>The Government may, by notification, notify the clearances in respect of which, failure by the competent authority to grant clearance or pass final order within the period specified shall be treated as a deemed approval.</p>
Information of Deemed Approval. -	27	<p>The appropriate competent committee 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 approved.</p>
Fees. -	28	<p>The application for such clearances shall be submitted by the applicants in such Combined Application Form or any other form prescribed under applicable laws thereof along with such fee, as may be prescribed.</p>

Appeal of Stateor District level cases. -	29	Any person aggrieved by the decision of any competent authority or the Invest Meghalaya Authority on any clearance, may file an appeal before the Government in the Planning Investment & Sustainable Development 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.
Pecuniary Jurisdiction of the Governing Council, High-Power Committee, State Investment Committee, and District Investment Committee. -	30	<p>(1) For investment up to one crore rupees, District Investment Committee, for investment more than one crore rupees and up to ten crore rupees, State Investment Committee, and investment more than ten crore rupees, High-Power Committee will provide in principle approval.</p> <p>(2) The Government may, by notification, change the investment limit from time to time.</p>
Exemptions. -	31	The Government may, by notification, with approval of Governing Council, exempt any clearances from any of the provisions of the Act.
Penalty. -	32	<p>(1) Any entrepreneur who fails to comply with the conditions or undertakings in the self-certification given the Agency or Department or competent authorities shall face penalty.</p> <p>(2) The competent authority shall be competent for enforcement of the above sub-section (1) as per law according to the prescribed rule under the applicable Act.</p>
Offences by Companies, etc. -	33	(1) Where an offence under this Act is committed by a company or an industrial unit, the company or the industrial unit as well as every person in charge of and responsible to the company or the industrial unit 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 other Officer, such Director, Manager, Secretary or other officer 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 "Corporate" and includes a firm or other association of individuals.

and

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

**Act to override
other Laws. -**

34

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.

**Powers to remove
difficulties. -**

35

If any doubt or 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 doubt or difficulty:

provided, that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

**Powers to give
directions. -**

36

The Government may, from time to time, issue general or special directions as they may deem necessary or expedient for the purpose

of carrying out the objectives of this Act.

Savings. -	37	This Act shall not apply to any clearances required under Central enactments.
Powers to make rules. -	38	<p>(1) The Government may, by notification make rules for carrying out all or any of the purposes of this Act.</p> <p>(2) Every rule made under this Act, shall immediately after it is made be laid before the Legislature of the State if it is in session and if it is not in the session in session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of session in which it is so laid or the session immediately following, the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, 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.</p>
Protection of action taken in good faith. -	39	No suit or legal proceeding shall lie against the Chairman or other members of the Governing Council or High-Power Committee or State Investment Committee or District Investment Committee or Nodal Agency or any employees of such committee in respect of anything which is done or intended to be done in good faith under this Act or any Rule made there under.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to empower the Invest Meghalaya Authority as may be established under the Bill to create a Unified Investment Portal (UIP) for investment clearance as per Clause 10 of the act.

Clause 4 of the Bill seeks to empower the Invest Meghalaya Authority with Powers and functions to do the following:

- 1) Creation of a UIP, so that the investors may submit the application forms online as required by them for obtaining various clearances;
- 2) Provide secretarial support to the Governing Council, State Investment Committee and District Investment Committee, as the case may be;
- 3) Arrange for In principle approval from the respective committees on the basis of investment amount for project kick off;
- 4) Under the superintendence, direction and control of the respective committees, the Invest Meghalaya Authority shall acknowledge all applications and shall forward the applications to the concerned competent authority within three working days;
- 5) Facilitate High Power Committee, State Investment Committee and District Investment Committee in pursuing the clearance of the applications with the competent authorities.
- 6) Prepare a Combined Application Form as provided under section 11 for online submission by the investors for obtaining various clearances;
- 7) Upload downloadable application forms, comprehensive check lists and other requirements, as the case may be, covering all activities in the UIP;
- 8) Clause 5 of the Bill seeks to empower the IMA to engage such expert consultants, advisors, or technology professionals, as may be required for efficient discharge of its powers and functions under this Act, on such allowances or remuneration and on such terms and conditions, as may be specified by rules.
- 9) Perform any other functions entrusted by the Government or Governing Council for carrying out the provisions of this Act.
- 10) The Government may also define powers of IMA which are in accordance with the provisions of the Act by rules.

Clause 11 of the Bill seeks to empower the State Government to create a Combined Application Form (CAF) and shall be prescribed, along with such fees, in lieu of existing forms prescribed under applicable Acts and Industrial Policy, as notified from time to time. All appropriate authorities shall accept such CAF for processing and issue of required clearances.

Clause 19 of the Bill seeks to empower the State Government to provide deemed approvals through notifying the clearances in respect of which, failure by the Competent Authority to grant clearance or pass final order within the period specified shall be treated as a deemed approval.

Clause 27 of the Bill seeks to empower the State Government to override other Laws provided it has 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.

Clause 28 of the Bill seeks to empower the State Government to remove difficulties. If any doubt or 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 doubt or difficulty.

Clause 31 of the Bill seeks to empower the State Government to make rules to carry out the purposes of this Bill by notification.

The matters, in respect of which such orders or rules may be made are matters of detail and may hardly be provided for in the Bill. The delegation of legislative power is, therefore, of a normal character.

STATEMENT OF OBJECT AND REASONS

The collaboration between the Department for Promotion of Industry and Internal Trade (DPI IT) and the Indian States, has played a pivotal role in enhancing the Ease of Doing Business (EoDB) landscape across the nation. Meghalaya, though initially at a lower rank, has made substantial progress, earning recognition as an “Emerging Business Ecosystem” in the 2020 Business Reform Action Plan by DPI IT- an acknowledgement that is a testament to the state’s dedicated commitment to creating a favorable business environment.

The Government of India has prioritized promotion of businesses in the country through the Ease of Doing Business (EoDB) initiative which has now streamlined administrative processes, consolidating multifaceted initiatives to promote investments and businesses. As part of this initiative, all States are required to take up reforms as per the State Reforms Action Plan 2020. Reform 6 of this Action Plan require States to establish an Investors Facilitation Center/ Investment Promotion Agency through a legislation for investment promotion, industrial facilitation, regulatory reforms and obtaining user feedback.

Moreover, the State Government also endeavor to create a framework to streamline administrative process for onboarding investments and thereby consolidating multifaceted initiatives under a single platform. This will boost investor confidence, foster a business-friendly climate, and augment the ease of living for citizens of the State through timely and digitalized services.

Hence, the Meghalaya State Investment Promotion & Facilitation Bill (MSIPF), 2024 is placed in the Budget Session of the Meghalaya Legislative Assembly 2024 for consideration.

CONRAD K. SANGMA,

Chief Minister

In-charge Planning Investment Promotion and
Sustainable Development Department.

ANDREW SIMONS,

Commissioner and Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

- a) Clause 36 of the Bill seeks to form a Budget in respect of the financial year next ensuing, showing the estimated receipts and expenditures of the Invest Meghalaya Authority in such form, as may be prescribed. The Invest Meghalaya Authority shall, subject to any modifications and revisions, as it may decide, approve the budget submitted under Clause 36 sub-section (1).
- b) The budget is sought from the State Government which may involve recurring expenditure of an amount for which the services are being used for the purpose of creation, implementation, continuous updation and related operations of the Unified Investment Portal and allied investment facilitation activities in the State of Meghalaya.



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PART-IIA

GOVERNMENT OF MEGHALAYA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

The 21st February, 2024.

DECLARATION

(Under Section - 19 (1) of Act – 30/2013)

No.RDA.53/2017/99. - Whereas it appears to the Government that a total of **2357.34 Sq.m.** of land is required for setting up of Fire & Emergency Service Station at Mawryngkneng in District East Khasi Hills.

Therefore, Declaration is made that the plot of land measuring more or less **2357.34 Sq.mt.** of standard measuring as Mawryngkneng District East Khasi Hills as per detail description below is under acquisition for the above said project and is required to be taken by the Government for public purposes:-

Name of Land Owner: Smti. Syorlin Lawai.

North : Land of Smti. Binoris Kurkalang & Land of Smti. Syorlin Lawai.

East : Land of Smti Syorlin Lawai & Land of Church of God.

South : Land of Smti. Shimtilin Rynjah.

West : NH-44.

The Declaration is made under Section 19(1) of Act No. 30/2013 after no claims/objections of persons interested as provided U/S 15 of the Act No.30/2013. The number of families likely to be resettled due to Land Acquisition is X for whom Resettlement has been identified, whose brief description is as followings:-

Village X District X Area X (in Acres).

The Map/Plan of the above land may be inspected in the office of the District Collector, East Khasi Hills, on any working day.

M. WAR NONGBRI,
Secretary to the Govt. of Meghalaya,
Revenue & Disaster Management Department,
Shillong.