



The Arunachal Pradesh Ease of Doing Business Act, 2021

Act No. 5 of 2021

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The Arunachal Pradesh Gazette

EXTRAORDINARY

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GOVERNMENT OF ARUNACHAL PRADESH
LAW, LEGISLATIVE AND JUSTICE DEPARTMENT
CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

The 27th April, 2021

No. Law/Legn-4/2021.—The following Act of the Arunachal Pradesh Legislative Assembly which was passed in the Sixth Session of the Seventh Legislative Assembly and received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 23rd April, 2021)

THE ARUNACHAL PRADESH EASE OF DOING BUSINESS ACT, 2021

(ACT NO. 5 OF 2021)

An

Act

to provide for delivery of transparent, efficient and timely services to the eligible persons in the State of Arunachal Pradesh under various enactments applicable in the State for setting up of Industrial or service sector undertakings and for achieving the objective for easier implementation of Ease of Doing Business and matters connected therewith or incidental thereto;

Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Seventy-second Year of the Republic of India as follows,-

CHAPTER – I

PRELIMINARY

- Short title, extent and commencement :** (1) This Act may be called the Arunachal Pradesh Ease of Doing Business Act, 2021.
(2) It extends to the whole of the State of Arunachal Pradesh.
(3) It shall come into force on the date of its publication in the Official Gazette.
- Definitions :** In this Act, unless the context otherwise requires:
 - “Single Window Clearance Authority (hereinafter referred to as SWCA)”** means an Authority constituted under section 3 to provide all clearances to the investors under this Act;
 - “Chief Executive Officer”** means the Chief Executive Officer of the Single Window Clearance Authority constituted under section 3;
 - “Online Single Window Portal (hereinafter referred to as SWP)”** means an online system constituted under section 4;
 - “Applicant”** means a person who is eligible for obtaining services scheduled under the SWCA established under provisions of this Act;
 - “Person”** shall include individuals or any company, or association or body of individuals, incorporated under relevant Acts of law;
 - “Application”** means any application submitted by an applicant to avail the services scheduled under SWP;
 - “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.

- (8) **“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;
- (9) **“Designated Officer”** means Officer or Officers of the Government authorised by the SWCA to scrutinise and process applications submitted through the Online Single Window Portal;
- (10) **“Government”** means Government of Arunachal Pradesh;
- (11) **“Local Authority”** means District Industries Centre, Urban or Rural Local Body, Industrial Township, Industrial and Investment Parks or Centres or any other authority constituted by law and includes development authorities;
- (12) **“Notification”** means a notification published in Arunachal Pradesh Gazette, and the word “notified” to be construed accordingly;
- (13) **“Prescribed”** means prescribed by Rules made under this Act;
- (14) **“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;

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 or 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 under the Department of Planning and Investment. The Government shall appoint an officer as the Chief Executive Officer (CEO) of the SWCA from the Department of Planning and Investment.
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 no 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, licences, 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 through 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 Arunachal Pradesh Right to Public Services Act (APRTPS Act), 2016.

8. Procedure of Application :

- (1) The applicant seeking any clearance shall register through the SWP. For the purpose and of registration, applicant shall be given a unique ID;
- (2) A person may apply for delivery of service online in the prescribed form with necessary particulars and supporting documents;
- (3) The application complete in all respects shall be submitted with the prescribed fees, online through the SWP;
- (4) The applicants can monitor the status of their applications online through the SWP.

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 APRTPS Act, 2016;
 - (2) The Designated Officer shall record reasons in the order, in case the application is rejected, and upload the same onto the SWP.
 - (3) If the designated officer does not communicate the approval or rejection of application within a stipulated time, the application shall be considered as deemed approval. This shall be done automatically by 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 penalised by way of mandatory payment of compensation at such rates as may be prescribed by notification.

CHAPTER – III**GRIEVANCE REDRESSAL**

11. **Appellate Authority:** Government shall appoint an Appellate Authority 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 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 scrutinise the grievances submitted by the applicant and based on the examination of the submitted application, such matters shall be brought to the notice of the State Government and thereafter convey his decision on the order passed by the Designated Officer of the SWCA within the stipulated time as notified under the APRTPS Act, 2016.
 - (2) The Appellate Authority shall inter alia instruct the Chief Executive Officer 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 wilful defaulter, without any reasonable cause and persistently fails to receive an application or has failed to provide the public service within the stipulated time or intentionally denied the request for the public service or delayed inordinately, the appellate authority shall be competent to take appropriate disciplinary action.

CHAPTER – IV**MISCELLANEOUS****14. Powers of Appellate Authority, Chief Executive Officer SWCA, Designated Officer :**

- (1) The Appellate Authority, Chief Executive Officer SWCA and Designated Officer shall, for the purposes of their 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;

- (iii) 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 Invest Arunachal Agency** : There shall be an Arunachal Pradesh Investment Agency established for the purpose of investment promotion, industrial facilitation, regulatory reforms, entrepreneurial development and obtaining investor feedback. The Arunachal Pradesh Investment Agency shall function as the sole point of contact in the State for the purpose of setting up a business. The Chief Executive Officer (CEO) appointed under this Act shall also be the Chief Executive Officer for Arunachal Pradesh Investment Agency and Arunachal Pradesh Innovation and Investment Park (AP Start-ups). The Government may prescribe the composition, roles and responsibilities of the Agency 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 or the 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 or 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 not withstanding 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 and Act upon such directions.
20. **Power to remove difficulties** :
If any difficulty arises in giving effect to the provisions of this Act, the State Government, as and when the occasion arises, may by an order published in the Arunachal Pradesh Gazette, make such 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 purpose of removing the difficulty.
21. **Power to make rules** :
The Government may, by notification, make rules to carry out the provisions of this Act;
All rules made under this Act shall, as soon as, may be it is made, be laid before the State legislature when it is in session.

Onit Panyang, IAS
Commissioner to the
Government of Arunachal
Pradesh,
Itanagar.