

RAJASTHAN MICRO, SMALL AND MEDIUM ENTERPRISES (FACILITATION OF ESTABLISHMENT AND OPERATION) ORDINANCE, 2019

RAJASTHAN GAZETTE Extraordinary Wu blisned by A uthority 13, 1940—H17i 4, 2019 Phalguna 13, Sarv 1940—March 4, 2019 RFQT-TIFT, I (uq-2) 4, 2019 4 2019 3LQQT, 2019 (2019 1) q-<rcr 04 2019 f*u-r) -ag 3--hæ 3ö-C zrr Btra-pfi gg-1Ttr 3?IT 11 (2) 4, 2019 fä-* 3naqzrqî Ed: 3-Ä, 213 (1) 3•T2fia: _ 1. snt&T.- (1) q:5T 2019 (65) 5 (a) + 3-azrR q-a-â7 Rfâ 3-ETIT, 34-a-rqf?er, (T) zrr q-ä-#r zrr frJTR, f?ft :-tr Qä#r, 2 4, 2019 —ITO) zrr a-rtr fav Qlfr-aii t, 3@-q-a t; (€1) fix.vr.)" fûg-\$r 3TfëfrAJT, 2011 (2011 7) 3 fä-ar æfifâ t; (3) "3qzrÄ' zrr 3ftÄZTF, 2006 (2006 Vt. 27), (\$) "3fiÄtqaT" 3fihqzrærr qir 312% avrrar (30 "R@7' Gi--rå 3-T@Ä-€T t; (E) 'RIF4" 3-lfäüa t; fû\$*r 3fifr-u-R, 2011 (2011 7) 3 3. Vâ#r.- (1) 3Ttfr&TüT, 3ik 'V, 3 11 (4) 4, 2019 fav ftv fäar &ITI 4. *gFr ffq.- (1) 3ff-fra--T0T, Brr, Qfraui fax dft. •- (a) 3--Tffi7 3TtÄär* (2) Qfraui â-@fh 5. fts-zrr zrraT.- (1) 3TÉ3-T t, vatu u-ä-#r 3lrt3-T 3-TT?rzt ttr tlfâ t, Gilt, a-fid, tkâ, 2 (v) t, 3q-t-TRT 4 4, 2019 11 (5) (1) 3--Tt?17 tr t, *7trl 6. W3T17.- (1) 5 RkT, RQT, 2 (a) af *r q51-aTa-fâ altru 3-fra-c-3?rax 2 (u) 3fäÄy-rca • &GFT, 3-tr t, 3trabT fäkT 34@fiäzræ, 1955 (1955 3) *r 16 3T2.t17 3{TR a-rtr 3-cra-yr 8-tr æTa--TJ:r ü-rcr 2 (a) a-r fitraTüT 7. VlfÄ-rtr, zre-1fr2fr, YT@Ä51tr, 6kT, 5 11 (6) 4, 2019 Q-TFT 4 far, kTä-#r æTa--TR 3-F2ET aT<, 3-174 a-aft I 9. 3TFzr &TT.- (1) 3Aäü, fat q9-TTtr (2) Rföza-zrr qâ-arr#r 3qâtr, 3Ri-ara 3ftfi-a@fäzâ 3-qäü 3-q-âtâ 3ü, 3T2fifl:- 3{ffrzgq, 1955 (1955 (a) 1956 (1956 æi. 15); (7T) 3TtfrzrR, 1959 (1959 æi. 35); (Ø 1971 (1971 12); (g) 1982 (1982 25); 6 4, 2019 11 (zr) 1994 (1994 (g) 2009 (2009 æi. 18); (3) 2009 (2009 EFT' 3-T#Äfaz1J4 2); (\$) 2013 (2013 39) I 10. EQ*-qi.- 7 3T2t a-&r 3Azræ:r N5#r 11. (1) 3-Ttüt atr qaRT, *-cpr 3--ltür 3q-âtâ (2) 3TüQT, qq-q-re:t, QtIV, 7 110) 4, 2019 12. *r QTRa.- (1) (2) a-Zi-a, Qfrq, t, 3-TFTT *r RAT, *aft, zft, {I-szr zT2-rrf?21fi, Orr, aft, Bir 3-q-ræa-wr LAW (LEGISLATIVE DRAFTING) DEPARTMENT (GOURP-II) NOTIFICATION Jaipur, March 4, 2019 No. F.4 (1)Vidhi/2/2019:- In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the 8 4, 2019 11 (9) publication the• Rajasthan Gazette of the following translation in the English language of Rajasthan Lokayukta Tatha Up-Lokayuta (Sanshodhan) Adhyadesh, 2019 (2019 Ka Adhyadesh Sankhyank 1) promulgated by him on the 4th day of March, 2019 (Authorised English Translation) THE RAJASTHAN MICRO, SMALL AND MEDIUM ENTERPRISES (FACILITATION OF ESTABLISHMENT AND OPERATION) ORDINANCE, 2019 (Ordinance No 1 of 2019) Made and promulgated by the Governor oh the 4th day of March, 2019) An Ordinance to provide for exemption from certain approvals and inspections for establishment and operation of the micro, small and medium enterprises in Rajasthan and matters connected therewith or incidental thereto. Whereas, with a view to promote inclusive economic growth and employment generation, the State aims to address the specific needs of the micro, small and medium enterprises and promote entrepreneurship, it is expedient to give effect to exempti0Q from certain approvals and inspections required for establishment and operation of micro, snulll and medium enterprises; And whereas, the Rajasthan Legislative Assembly is not in session and the Governor of the State of Rajasthan is satisfied that circumstances exist which render it necessary for him to take immediate action; Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor hereby promulgates in the Seventieth Year ofthe Republic ofIndia, the following Ordinance, namely:- 1. Short title, extent and commencement.- (1) This Ordinance may be called the Rajasthan Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Ordinance, 2019. (2) It. extends tn the whole of the State of Rajasthan. (3) It shall come into force at once. 9 (10) 4, 2019 In this Ordinance, unless the context 2. Definitions: otherwise requires,- (a) "Ac: ledgment Certificate" means the acknowledgmecl cert; 'icate issued ander section 5; (b) "app; oval • means any penni.ssion, no-objection, clearance, consvnt, approval, registration, licence and the like, required u.llder any Rqjasthan I in connection with the establishme 't or operation of an enterprise in the State of Rajasthan; (c) "Competent Authority" means any department or agency of the (iovernment or a local authority, statutory body, State owned corporation. Pachayati Raj Institution, Municipality, Urban Development Authorities, Urban Improvement Trusts or any other authority or agency constituted or established by or undev any Rajasthan Law or under administrative control of the Government, which is entrusted with the powers or responsibilities to grant or issue approval for establishment or operation of an enterprise in the State; (d) "District Empowered Committee (DEC)" means the District Empowered

Committee constituted under section 3 of the Rajasthan Enterprises Single Window Enabling and Clearance Act, 2011 (Act No. / of 2011); (e) "enterprise" means a micro, small or medium enterprise; (f) "Government" means the State Government of Rajasthan; (g) "micro, small or medium enterprise" means the Micro, Small or Medium Enterprises, as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (Central Act No. 27 of 2006), as amended from time to time; (h) "nodal agency" means the nodal agency referred to in section 3; (i) "notification" means a notification published in the Rajasthan Gazette and the word 'notified' shall be construed accordingly; 10 11 (11) 4, 2019 (i) "prescribed" means prescribed by the rules made under this Ordinance; (k) "State" means the State of Rajasthan; and (l) "State Empowered Committee (SEC)" means the State Empowered Committee constituted under section 3 of the Rajasthan Enterprises Single Window Enabling and Clearance Act, 2011 (Act No. 7 of 2011)

3. Nodal Agency.- (1) Subject to superintendence, direction and control of the Government and the State Empowered Committee, Bureau of Investment Promotion shall be the State level Nodal Agency for the purpose of this Ordinance. (2) Subject to superintendence, direction and control of the Government and the District Empowered Committee, District Industries Centre shall be the District level Nodal Agency for the purpose of this Ordinance

4. Powers and functions of nodal agencies.- (1) Subject to the superintendence, direction and control of the Government, the powers and functions of the nodal agencies shall be as follows: - (a) to assist and facilitate establishment of enterprises in the State; and (b) to maintain the record of Declaration of intent received and Acknowledgement Certificate issued under this Ordinance. (2) The Government may assign such other powers and functions to the nodal agencies as it may deem fit for giving effect to the provisions of this Ordinance

5. Filing of Declaration.- (1) Any person who intends to start an enterprise may furnish to the State level nodal agency a declaration of intent to start an enterprise in such form and in such manner as may be prescribed. Explanation.- Any person who has moved the Competent Authority to so obtain all or any of the approvals as defined in clause (b) of section 2 before the commencement of this Ordinance may also opt to furnish declaration of intent to start an enterprise under this sub-section. (2) On receipt of a declaration completed in all respects, the forthwith, issue an State level nodal agency shall, 11 11 (12Y 4, 2019 Acknowledgment Certificate, in the prescribed {Orm, to the person who furnished the declaration under sub-section (1)

6. Effect of the Acknowledgement Certificate.- (1) An Acknowledgment Certificate issued under section 5 shall, for all purposes, have effect as if it is an approval as defined in clause (b) of section 2, for a period of three years from the date of its issuance and after the expiry of the said period of three years, the enterprise shall have to obtain required approvals as defined in clause (b) of section 2 within six months from the date of such expiry: Provided that the acknowledgement certificate shall not entitle a person to use a land in deviation to the land use specified in the master plan wherever such plan is in force. It shall also not entitle a person to use-the land falling in restricted category namely pasture land, water body. etc. as specified in section 16 of the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955). (2) During the period of three years specified in sub-section (1), no competent authority shall undertake any inspection for the purpose of, or in connection with, any approval as defined in clause (b) of section 2

7. Exemption.- Where the Government or any authority under it is empowered to exempt any enterprises from any approval or inspection or any provisions relating thereto under any Central Act, the Government or, as the case may be, any such authority shall, subject to the provisions of such Central Act, exercise such powers to grant such exemption to an enterprise established in.the State for at least a period of three years from the date of issue f the Acknowledgement Certificate under section 5

8. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against the Government or Nodal Agency or Competent Authority or any employee of the Government, Nodal Agency or Competent Authority for anything which, in good faith, is done or intended to be done under this Ordinance or any rules made thereynder

9. Ordinance to override other laws.— (1) The provisions of this Ordinance shall have effect, notwithstanding anything inconsistent therewith contained in any other Rajasthan law, for the time being in force. 12