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LEGISLATIVE SUPPLEMENT

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PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 6th April, 2021

No. 14-Leg./2021.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 26th day of March, 2021, is hereby published for general information:-

THE PUNJAB ANTI RED TAPE ACT, 2021

(Punjab Act No. 14 of 2021)

AN

ACT

to eliminate Red Tape and promote effective administration of public affairs and to reduce the cost and burden of compliances on the citizens and businesses, through simplified, trust based procedures that shall expedite processes and make governance efficient and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Seventy-second Year of the Republic of India, as follows:-

1. (1) This Act may be called the Punjab Anti Red Tape Act, 2021. Short title and commencement.
(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. This Act shall apply to- Applicability.
 - (a) all offices of the departments of the Government of Punjab and its attached or subordinate offices including all units of local self Government by whatever name called;
 - (b) any Public Sector Enterprise owned or controlled by the Government of Punjab;
 - (c) any entity established or constituted by the Constitution of India or an Act of Parliament, whose expenditure incurred from the Consolidated Fund of the State;
 - (d) any entity or Board or Corporation or Authority or Society or Trust or Commission or Autonomous Body (by whatever name called) established or constituted by an Act of the State Legislature;
 - (e) any entity that receives grant or financial aid out of the

Consolidated Fund of the State or retains any levy or user charges or fees collected from the public after being authorized to do so by the State Government and is owned or controlled or managed by the State Government; and

- (f) any other entity which the State Government may, by notification, specify to be designated as such for the purpose of this Act, being an entity that has been designated to provide services to the public on behalf of the State Government:

Provided that all the offices or organizations performing judicial, quasi-judicial and legislative functions are excluded from the application of this Act to the extent of performance of such functions.

Definitions. 3. In this Act, unless the context otherwise requires,-

- (a) "entity" means entity as specified in section 2;
- (b) "G2B Service" means the service provided by an entity to businesses involving requests or applications (whether online or offline) for any benefit, privilege, right, permit, reward, license, concession or for any modification, renewal or extension of the enumerated applications or requests which are acted upon in the ordinary course of business of the entity concerned;
- (c) "G2C Service" means the service provided by an entity to citizens involving requests or applications (whether online or offline) for any benefit, privilege, right, permit, reward, license, concession or for any modification, renewal or extension of the enumerated applications or requests which are acted upon in the ordinary course of business of the entity concerned;
- (d) "Government" means the Government of Punjab in the Department of Governance Reforms and Public Grievances;
- (e) "External Intermediaries" means any individual or agency not officially involved in the delivery of the service and who is not

authorized by the State Government but who derives or attempts to derive pecuniary gain or other consideration by facilitating the completion of transactions;

- (f) "Official or Service Provider" means a person employed or deployed in an entity required to perform specific duties and responsibilities related to the provisioning of G2B or G2C Service;
- (g) "prescribed" means prescribed by rules made under this Act; and
- (h) "Process Re-engineering" means the redesign or modification of State Government systems, processes and procedures to achieve improvements in efficiency, processing times and quality of service at optimal cost.

4. All entities shall within a period of six months from the date of commencement of this Act, undertake a fresh re-engineering of their processes and systems to reduce the burden of compliances by at least fifty percent (50%) or as may be prescribed.

Simplifying processes for G2B and G2C Services.

5. All entities, which provide G2B or G2C Services shall regularly undertake as prescribed, time and motion studies, performance analysis and undergo evaluation for the purpose of improvement of their systems, simplification of procedures and processes and re-engineer the same to reduce the processing times, cost and burden of compliances to businesses and citizens.

6. All entities shall within a period of one year from the date of commencement of this Act, ensure that all the G2B and G2C Services provided by them are also available Online:

Mandatory online delivery for G2B and G2C Services.

Provided that the Government, for reasons to be recorded in writing, exempt online delivery of a particular G2B and G2C Service.

7. All entities shall within a period of six months from the date of commencement of this Act, prescribe a period, upon the completion of which and in the event of failure to act on an application or request for a renewal of a license, permit or authority shall be deemed to have been approved, for a

Deemed extension.

prescribed period until a decision or resolution is rendered on such application or request for renewal:

Provided that the deemed extension shall not apply when the permit, license or authority covers activities, which pose danger to public health, public safety, public morals or to public policy including, but not limited to, natural resource extraction activities:

Provided further that the application or request submitted is complete in all respects, including the submission of payable fees and an undertaking by the applicant to comply with all provisions of applicable Acts or rules, policies, guidelines framed thereunder, and its liability in case of non-compliance thereof.

The deemed extension shall, for all intents and purposes, carry the weight of an approval granted by the entity under the relevant Acts or rules, policies, guidelines framed thereunder.

8. All entities shall within the period prescribed ensure that all in-person inspections that may be required under any Acts, rules or policies in respect of any G2B and G2C Services delivery shall be removed and replaced by trust based self-declarations or third-party inspections:

Provided that the Government, for reasons to be recorded in writing, with an objective checklist or parameters being inspected, may allow the continuation of any such in-person inspection in respect of any particular G2B and G2C Services.

Promise to
serve.

9. All entities shall define their respective services processes to be known as the 'Promise to Serve' in the form of information boards which should be posted at the main entrance of offices or at the most conspicuous place, in the form of published materials or on the website of the entity and the State Government written in Punjabi and English containing the following details, namely:-

- (a) the procedure to obtain a particular service (both through online and offline mode);
- (b) the person responsible for each step;

-
- (c) the maximum time to conclude the process;
 - (d) the documents to be presented by the citizen or business, if necessary;
 - (e) the amount of fees, if necessary; and
 - (f) the procedure and the authority for filling complaints.

10. All external intermediaries shall be persona non grata and all entities shall take effective steps within the time prescribed to ensure that no external intermediaries are involved in the supply of G2B and G2C Services.

External
Intermediaries-
Persona Non
Grata.

11. Any violation of the provisions of this Act including collusion with external intermediaries shall make the concerned official of the State Government and the entities, liable for disciplinary proceedings for the major punishment as applicable to him as per the terms and conditions of his service rules:

Penalties.

Provided that any individual hired on contract, after giving an opportunity of being heard and upon proved of committed a violation under this Act, shall be dismissed and be relieved from his duties immediately:

Provided further that an employee of an authorized service provider of G2B or G2C Services, after giving an opportunity of being heard, shall upon proved of committed a violation under this Act, be dismissed by his employer and relieved by him from his duties immediately, and further the service provider shall impose a fine not exceeding rupees fifty thousand (rupees 50,000) in each case of violation, so proved.

12. No suit, prosecution or other legal proceedings shall lie against the Government or its authorities, officers or any employee of the Government for anything which is done or intended to be done in good faith under this Act or the rules or the regulations made thereunder.

Protection of
action taken in
good faith.

13. If any difficulty arises in giving effect to any provisions of this Act, the Government may, by a general or a special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules or regulations made thereunder, as may be necessary or expedient for the purpose of removing the said difficulty.

Removal of
difficulties.

Power to
make
rules.

14. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made by the Government under this Act, shall be laid, as soon as may be after it is made, before the House of the State Legislature, while it is in session, for a total period of ten days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rules or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

S.K. AGGARWAL,

Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 6th April, 2021

No. 15-Leg./2021.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 26th day of March, 2021, is hereby published for general information:-

**THE PUNJAB BUREAU OF INVESTMENT PROMOTION
(AMENDMENT) ACT, 2021
(Punjab Act No. 15 of 2021)**

AN

ACT

further to amend the Punjab Bureau of Investment Promotion Act, 2016, with a view to promote the ease of doing business in the State of Punjab by way of making the process of issuance of regulatory clearances time-bound, so as to boost economic growth and development, and to promote entrepreneurship and investments.

BE it enacted by the Legislature of the State of Punjab in the Seventy-second Year of the Republic of India as follows: -

1. (1) This Act may be called the Punjab Bureau of Investment Promotion (Amendment) Act, 2021. Short title and commencement.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In the Punjab Bureau of Investment Promotion Act, 2016 (hereinafter referred to as the principal Act), in section 2,- Amendment in section 2 of Punjab Act 32 of 2016.
 - (i) after clause (c), the following clauses shall be inserted, namely:-
 - "(ca) "clearance" means the grant or issue of no-objection certificate, consent, allotment, approval, permission, registration, enrolment, license and the like, granted or issued by any competent authority; and
 - (cb) "competent authority" means any individual or body of individuals or agency empowered under the relevant Act or any rules, policy, guidelines framed thereunder, to issue clearance in connection with the setting up of an industrial undertaking or enterprise or such similar establishment, or expansion of existing enterprise or industrial undertaking or running an enterprise;"

(ii) after clause (f), the following clause shall be inserted, namely:-

"(fa) "online portal" means the Single Window Portal notified by the Government for the purpose of issuing clearance;"

(iii) in clause (h), the word "and", occurring at the end, shall be omitted; and

(iv) in clause (i), for the sign ".", occurring at the end, the sign and word "and" shall be substituted and thereafter, the following clause shall be added, namely:-

"(j) "stipulated time" means the maximum time as notified by the Government from time to time to provide clearance, or to adjudicate on any appeal presented before the Appellate Authority."

3. In the principal Act, after section 8, the following sections shall be inserted, namely:-

Insertion of
new sections
in Punjab
Act 32 of
2016.

"8-A. The Government shall set-up a dedicated online portal which shall serve as a single window for all clearances, and it shall be incumbent upon all Departments of the Government to use this online portal for the purpose of deploying all clearances that are required for the purpose of establishing and carrying on business in the State of Punjab, as notified by the Government from time to time.

8-B. (1) Upon failure of the competent authority to issue clearance to any application filed on the online portal, within the stipulated time, the application shall be deemed to have been issued such clearance:

Provided that the application is complete in all respects, including the submission of requisite fees and an undertaking by the applicant to comply with all provisions of the relevant Act or any rules, policy, guidelines framed thereunder, and face penal action in case of non-compliance thereof.

(2) Notwithstanding anything contained in sub-section (1), the competent authority may, within the first seven days of the submission of the completed application, ask for additional information from the applicant:

Provided that such request for additional information shall be made only

once by the competent authority.

(3) In case the additional information furnished by the applicant to the competent authority is found to be insufficient or unsatisfactory upon scrutiny, the competent authority shall be at liberty to reject the application within the stipulated time by issuing an order in writing, giving reasons for rejecting the application:

Provided that in case no order is issued within the stipulated time by the competent authority, the application shall be deemed to have been issued clearance.

(4) The deemed clearance shall, for all intents and purposes, carry the weight of a clearance granted by the competent authority under the relevant Act or any rules, policy, guidelines framed thereunder.

8-C. (1) The Administrative Secretary concerned, may, through an order issued in writing, delineating the reasons thereof, revoke the deemed clearance granted under Section 8-B, within a period of six months from the grant of deemed clearance, if any submission made by the applicant in the Common Application Form or any supporting document is found to be false or fraudulent, or the applicant's business being run or established on the basis of deemed clearance issued by the Government is found to be in violation of any provision of the relevant Act or any rules, policy, guidelines framed thereunder, and such a fact is brought to the notice of the Department or agency concerned.

(2) In case of violation, action shall be initiated against the applicant by the competent authority under the relevant law:

Provided that any such action shall be initiated after an opportunity of being heard has been given to the applicant, and the orders are issued in writing by the concerned Administrative Secretary.

8-D. Any appeal regarding any grievance(s) of an applicant, in respect of the issuance or rejection or revocation of deemed clearance, shall lie with the Government of the concerned department, and all appeals shall be disposed of by passing a speaking order within thirty days from the date of filing of the appeal.

8-E. Notwithstanding anything inconsistent contained in any other law
Overriding of the State Legislature for the time being in force, covering
effect on other the grant of clearance under section 8-B, or any rules,
laws. policy, guidelines framed thereunder, the provisions of this
Act shall have an overriding effect.

8-F. All clearances granted under the relevant Act or any rules, policy,
Auto renewal guidelines framed thereunder, shall automatically be renewed
of clearances. on submission of an undertaking by the applicant that there is
no change in the parameters against which renewal is sought
and on submission of requisite fee:

Provided that such renewals shall be online, automatic and non-
discretionary.

8-G. The provisions contained in section 8-B shall not debar the competent
Inspections. authority from carrying out inspections to ensure compliance
of conditions of the relevant Act or any rules, policy, guidelines
framed thereunder."

S.K. AGGARWAL,

Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.