



Government of Rajasthan

Chief Minister's Rajasthan Economic Transformation Advisory Council

POLICY STUDY ON DOING BUSINESS IN RAJASTHAN



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EXECUTIVE SUMMARY

The Government of Rajasthan (GoR) has been undertaking several initiatives to enhance investment and employment opportunities in the state. To this end, it has created an online Single Window Clearance Portal (SWCP)¹ as a one-stop and time-bound clearance system to facilitate smooth running of business and ease of obtaining clearances. GoR has also enacted the Micro, Small, and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2019, which exempts MSMEs from any approvals or licensing requirements for three years from the beginning of their operations. Its approach towards reducing compliance burden can be summarised as: temporary exemption, digitisation, and fixing timelines.

Such measures are necessary but not sufficient to rationalise compliance burden and enhance ease of doing business. To contain excessive unemployment and ensure resilient recovery from covid-19 pandemic for the state, attracting private investment and creating an enabling business environment will be crucial. Reportedly, unnecessary and avoidable compliances in the state are one of the key reasons for a large proportion of investment commitments not materialising. Typically, only around 15 percent of investment commitments materialise on ground. Even a recent report by ORF-TeamLease RegTech points out that compliances issued by GoR to businesses carry 810 imprisonment clauses,² which has the potential to disincentivise industry.

Thus, a complete overhaul of compliance philosophy in the state is necessary. A systemic framework is required, based on which, proposed and applicable compliances can be reviewed on a regular basis, for identification, amendment, and removal of unnecessary compliances.

The CM Rajasthan Economic Transformation Advisory Council (CMRE-TAC) tasked Consumer Unity & Trust Society (CUTS) to design such a framework, to enable reduction of compliance burden in the state to a significant extent.

Upon review of frameworks adopted by different countries to enhance ease of doing business and reduce compliance burden, CUTS zeroed on the globally recognised Regulatory Guillotine (RG) framework to design a framework for Rajasthan. The RG framework rapidly reviews compliances through a consultative mechanism, reverses the burden of proof, and requires clearances to pass the tests of legality, necessity, and proportionality, to be retained. Based on such framework, a three-step framework was designed for reducing compliance burden in Rajasthan.

The Three-Step Framework

Requirement	Explanation	Result	Result	Result	Result
Legality	Does the compliance fall within the scope of any law?	Yes	Yes	Yes	No
Necessity	Are the forms, procedure, fees, essential	Yes	Yes	No	Not

¹ Retrieved from, <https://swcs.rajasthan.gov.in/AllServicesBasket.aspx>

² Gautam Chikermene and Rishi Agrawal, Jailed for Doing Business: The 26,134 Imprisonment Clauses in India's Business Laws, February 2022, Observer Research Foundation

Requirement	Explanation	Result	Result	Result	Result
	to ensure compliance?				Required
Proportionality	Is implementation fast and simple?	Yes	No	Not Required	Not Required
Action needed		Retain	Amend	Abolish	Abolish

To test this framework, the entire life cycle of a business in the state was analysed to understand key interaction points with different government departments. Compliances applicable across major industries at such interaction points were identified, addressing which would have a ripple effect in terms of enabling business environment, and attracting investments in the state.

Key compliances covered

- Change of Land Use
- Use of Land for Warehousing Purposes
- Consent to Establish under Water and Air Acts
- Consent to Operate under Water and Air Acts
- Renewal of Consent to Operate under Water and Air Acts
- Fire No Objection Certificate (NOC)
- Building Plan Approval
- Registration under Rajasthan Shops and Commercial Establishment Act
- Renewal under Rajasthan Shops and Commercial Establishments Act
- Registration under Building and Other Construction Workers Act
- Registration under Inter-State Migrant Workmen Act
- Payment of Taxes, Levies, and Cess
- Installation of Telegraph Infrastructure
- Allotment of Industrial Land
- Grant of Mining Lease

These compliances cover the key department which industries need to interact with in their operations. These include, labour, pollution control board, industries, urban development and housing, local self-government, among others.

Selection of compliances was also validated through interaction with industrialists, representatives of industry associations, consultants, advisors, experts, and other stakeholders. Feedback from automotive, food products, metals, chemicals, soaps, garments, edible oils, solar, food processing, textiles, mining, among other industries were obtained. Business of different sizes, including micro, small and medium enterprises (MSMEs), shops and commercial establishments, among others, were covered.

It was pointed out in order to liaison with government departments; industries typically employ liaison officers at an approximate cost of INR 3 lakhs per annum. It has also been reported that the cost of compliance with fire NOC norms may go up to INR 70 lakhs annually, disproportionate to the risks involved. In addition, reportedly, unreasonable pollution control norms have forced the industries to shift to other attractive locations. Similarly, inability to obtain change in land use has been adversely impacting hospitality industry for quite some time now.

Avoidable processes, duplicity of documents and delays in grant of approvals may lead to high sunk and opportunity costs. Stakeholders pointed out that reducing compliance burden can contribute to materialising substantially more investment proposals.

In order to test necessity and proportionality of compliances, and suggesting viable alternatives, rules, forms, processes, practices, and implementation mechanisms in other states were analysed and compared with Rajasthan. Consequently, practical recommendations have been made to reduce compliance burden. Possibility of replacing approvals with self-certification and third-party certification were also recommended.

Key specific recommendations

- Reduce the number of forms and documents for grant and renewal of consent to operate/ establish under Air Act and Water Act.
- Ensure consistency among central and state classification of industries for pollution control norms.
- Enable self-certification for change in land use from agricultural to non-agricultural purposes.
- Adopt risk-based criteria for applicability of fire no objection certificate.
- Avoid unnecessary steps/ procedures in building plan approval.
- Avoid imposition of tax, cess, levies from retrospective effect.
- Grant warehouses industrial status for land use purposes.
- Make registration under Rajasthan Shops and Commercial Establishments Act, one time.
- Do away with the requirement to submit similar documents for different registrations under labour and other laws.

Recommendations for sharing of data among government departments, to reduce compliance burden on industries and institutionalising the three-step framework in Rajasthan have also been made. To this end, best practices such as, adopting sunset provisions, i.e. mandatory review of compliance within a pre-specified period of time, would be crucial.

Key general recommendations

- Review processes/ steps involved in grant of clearances, for identification and doing away with avoidable steps, and fixing accountability of officers causing delay.
- Enable data sharing among government departments, to avoid duplication.
- Rationalise fees and timeframe across compliances, and ensure implementation.
- Adopt a practice of deemed approval/ auto renewal, unless specified otherwise.

- Adopt a practice of self/ third party certification, unless specified otherwise.
- Leverage technology for approval and post-approval management. Avoid physical inspections.
- Transition from single window to single roof.
- Adopt sunset clause for periodic review of compliances.
- Institutionalise regulatory impact assessment.

The analysis, findings and recommendations with respect to each compliance indicated above has been covered in the report, which has been structured to cover compliances related to a particular department together, in one chapter, before moving to the next chapter.

Each chapter concludes with issues relevant with compliance under consideration, and the report concludes with a set of broader recommendations.

In furtherance to the research undertaken during the project, a compliance feedback metrics has been provided. It is recommended that the metrics be used before the introduction of a new compliance for an establishment and for continued assessment on a periodic basis. It will help bring out the inconsistency and identify the requirements of an establishment as compared to the necessity of introducing the compliance.

While the market research through the compliance feedback metrics is important but simultaneous working on implementing such recommendations within the stipulated time is equally necessary. The feedback/recommendation from a relevant stakeholder and working towards it in prescribed stipulated time will enhance the ease of doing business in a state. The time frames as recommended in the report should be followed for a better business enabling environment in the state. Under this timeline, issues identified in compliance can be resolved.

KEY FINDINGS & RECOMMENDATIONS

This report makes several recommendations to reduce the regulatory compliance burden on the industries and enhance 'ease of doing business in the state. These recommendations broadly address the easing of compliances on three levels - implementation, notifying a change in law via rules, notification, or order, and formulating a law itself. These are divided into the time frames of immediate, medium-term, and long term, respectively

Key specific recommendations and proposed timeline			
RECOMMENDATIONS	PROPOSED TIMELINE		
	Immediate (1-2 Months)	Medium Term (4-6 Months)	Long Term (1-2 Years)
A. Rajasthan State Pollution Control Board (RSPCB)			
Expeditious disposal of applications		✓	
Reduction in number of documents for application of Certificate to Establish, and Certificate to Operate (CTO/CTE). It is recommended to do away with some of the highlighted documents below:		✓	
CTE			
<ul style="list-style-type: none">• Acknowledgement from DIC/Secretariat for Industrial Assistance (Ministry of Commerce and Industry)• Project report duly signed by a CA• Building plan layout (Mandatory for Red category)			
CTO			
<ul style="list-style-type: none">• Refurnishing of the board resolution or power of attorney			
RENEWAL			
<ul style="list-style-type: none">• Copy of CA certificate on capital investment			
It is recommended that the application process be sought at the pre-screening	✓		

stage only. Further to seek clarification – the application must not travel back and forth to concerned authority which has provided approval at the pre-screening stage. For instance after the pre-screening stage, the application must go directly to the JEE/AEE for review and inspection.			
Mention clear timelines at each step for CTO/CTE/renewal		✓	
Extend the Validity of CTE for 7 years			✓
Adoption of Auto-Renewal Process	✓		
Consistency among State and Central Classification of Industries			✓
Exempt Green category industries from CTO		✓	
One week time period of renewal instead of four months		✓	
Follow the following time period of approval/rejection for each industrial category - Red Category – 21 Days - Orange Category – 15 Days - Green Category – 07 Days		✓	
B. Urban Development and Housing Department (UDH) & Local Self Government (LSG)			
Fire NOC			
Classification of Industries should be on Risk based criteria for applicability of fire NOC		✓	
Fire NOC validity to increase from 2 years to 3 years and renewal from 1 year to 2 years			✓
Defining, streamlining the process of inspections and adoption of Third-party Verification		✓	

The Fire NOC service timeline should be consistent throughout and the inspection report should be submitted within 7 days.	✓		
Building Plan Approval			
Install Technology enabled system of approval – Building plan approval			✓
Introduction of Development Planning Management System (DPMS)			✓
With the adoption such system, the entire process will take 5-10 days as against 30-45 days for building plan approval in case of Rajasthan.			
Avoid unnecessary steps/procedures in building plan approval		✓	
Self-certification for NOCs of medium risk industry categories should be introduced and low risk should be exempted from inspections			✓
Change in Land use			
Recognise change in land use for Bonafide Industrial purposes		✓	
Adopt affidavit-based approval system	✓		
Impose concessional conversion fee rate at Rs. 2 per square meter.	✓		
Payment of Tax and fees			
Avoid imposition of tax, cess, levies from retrospective effect	✓		
Installation of Telegraph Infrastructure			
Reduction of Unnecessary files and streamlining the process. The application process could require only two officers as against six deployed currently.		✓	
Reduction in time frame for seeking		✓	

permission to lay telegraph infrastructure			
There should be clarity among laws/timelines	✓		
C. Labour Department			
Prescribe stepwise timeline in labour department for seeking approval	✓		
The application being scrutinised by multiple officers causes piecemeal objections raised even at later stages, should be removed.		✓	
Repetitive documents under labour department should be do away with – Streamlining and reducing documents required		✓	
Adopt paperless factory Inspection			✓
Make registration under Rajasthan Shops and Commercial Establishments Act, one time			✓
Registration under labour laws should be On The Spot	✓		
Rajasthan Shops and Commercial Establishments Act			
Reasonable fee scale should be reduced Current scale - Rs. 5000 to 150000 Recommended scale - Rs. 100 to 2500		✓	
Rajasthan should do away with the requirement of renewal under The Rajasthan Shops And Commercial Establishments Acts, 1958	✓		
Building and Other Construction Workers (RE & CS) Act			
Fee scale for registration should be reduced. Current scale - Rs 200 - Rs. 2000 Recommended scale - Rs. 100 – Rs. 1000.		✓	
The Inter-State Migrant Workmen (RE & CS) Act, 1979			

Imposition of fee under the act should be based on the no. of employee as brackets recommended below – No. of Employees: - 5-20 - 21-50 - 51-100		✓	
Fee Structure Registration charges to be made reasonable for each bracket (as recommended above), formulating a scale with a bracket of Rs. 30 to maximum Rs. 750		✓	
D. Rajasthan State Industrial Development & Investment Corporation Ltd. (RIICO)- Industrial land allotment for warehousing			
Grant warehouses industrial status for land use purposes			✓
State of Rajasthan should adopt the practice of recognising Captive warehouse as Industries		✓	
Introduce allotment of Industrial Land through Current: - first-cum-first-serve and, by draw of lots Recommended: - direct purchase from land owners or, - through allotment from govt. agencies or bodies		✓	
Service timeline to be reduced to 21 days from 30 days	✓		
E. Department of Mines & Geology			
Upon allotment of the mining lease, the lessee should be allowed appropriate time to furnish approval documents such as CTO/CTE or NOCs (approvals) from several government departments before the mining operation could be allowed to start			✓

Grant of mining lease should be introduced on the Single Window Clearance System of Rajasthan		✓	
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Compliance Feedback Metrics – Recommendation

Below is the appended table with compliances and the potential reasons for introduction or non-introduction of a new compliance as well as periodic reviewing of such compliances in terms of their usefulness. This may be used by the government to receive stakeholder feedback before any new compliance is introduced.

- It is recommended that the feedback on the introduction of a new compliance should be taken in the form of a table and stakeholders should be allowed to mark their reasons and give recommendations on the new compliance as and when introduced in the state
- Feedback should be taken from stakeholders, namely –
 - establishment
 - state department/authority
 - others
- It is recommended that once a compliance receives feedback from the above-mentioned stakeholders, it will help
 - Bring out consistency while a new compliance is being introduced – it will help government mark the inconsistency in the requirements of an establishment as compared to the necessity while introducing a new compliance.
 - This will help in creating a list of checks and balances for a new compliance.
 - The stakeholders could be asked to mark with a (tick) with relevant reasons on the table appended below:

Compliances	Reasons									
	Potential Reduction in No. of forms	Potential Reduction of Unnecessary documents	Potential Reduction in the Service Timeline	Potential Reduction in the Registration Cost which is Unjustified	Potential Removal or Merger of Compliance Requirements	Potential adoption of Self/ 3 rd party certification	Potential of being added to Single Window-Single Roof	Potential of introducing Deemed approval or Auto-renewal	Potential of leveraging technology	
ABC compliance	✓		✓	✓			✓			
XYZ compliance		✓	✓			✓	✓	✓	✓	
KFM compliance	✓	✓			✓	✓	✓	✓	✓	

INTRODUCTION

The Government of Rajasthan (GoR) over the last few years has adopted several initiatives in an attempt to enhance its business environment comprehensively. The State has been at the forefront of industrial reforms to facilitate an ecosystem hospitable for trade, commerce, and industry. The GoR has introduced Advanced Single Window Clearance Portal (ASWCP) to facilitate the running of businesses in the State. It provides a single-stop-shop interface and a time-bound clearance system for information/ registration/ approval/ tracking centre for clearances.

This study of 'Doing Business' has been aimed to use a systematic, transparent, consultative, and time-bound approach, inspired by the Regulatory Guillotine framework, to identify, review, simplify and streamline clearances for businesses in Rajasthan. The Regulatory Guillotine framework reverses the burden of proof and requires clearances to pass the tests of legality, necessity, and proportionality/ market friendliness, in order to be retained.

The Three-Step Framework

Requirement	Explanation	Result	Result	Result	Result
Legality	Does the compliance fall within the scope of any law?	Yes	Yes	Yes	No
Necessity	Are the forms, procedure, fees, essential to ensure compliance?	Yes	Yes	No	Not Required
Proportionality	Is implementation fast and simple?	Yes	No	Not Required	Not Required
Action needed		Retain	Amend	Abolish	Abolish

Several countries have benefitted from adopting the Regulatory Guillotine framework. For instance, in Kenya, 315 licenses have been eliminated and 379 licenses have been simplified, using this framework. Countries like Moldova, Ukraine, Serbia, Mexico, and Russia have also benefitted from the Regulatory Guillotine framework, with an estimated annual savings of 188.7 million euros to the Serbian economy. More recently, Uzbekistan, Thailand, Philippines and Pakistan have launched reform processes inspired by the Regulatory Guillotine framework.

As part of the study, we have undertaken in-depth secondary research, including reviewing research reports, articles, research papers, op-eds, practices in advanced and emerging economies and other Indian states, recommendations of experts and think tanks with respect to licensing reforms, among other literature. The report incorporates a chapter-wise analysis of key departments and their corresponding key compliances selected on the basis of stakeholder feedback. Each of the compliances is run through the test of legality, necessity, and proportionality to identify the rationale behind the compliances. This is followed by recommendations and a conclusion of the study.

RAJASTHAN STATE POLLUTION CONTROL BOARD (RSPCB)

The Rajasthan State Pollution Control Board (RSPCB) constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (Water Act), ensures the implementation of environmental laws, namely the Water Act, and the Air (Prevention and Control of Pollution) Act, 1981 (Air Act).³

We chose three services offered by the RSPCB for our analysis.⁴

1. Consent to Establish under the Water Act and the Air Act.
2. Consent to Operate under the Water Act and the Air Act.
3. Renewal of Consent to Operate.

Consent to Establish under the Water Act the Air Act

No industrial plants/activities/processes can be established without first obtaining Consent to Establish (CTE) from the RSPCB. CTE is a single certification granted under the Water Act and the Air Act. CTE applies to small-, medium- and large-scale industries falling in the red, orange, and green categories.⁵ These categories are based on the potential pollution risk. White category industries are exempted from taking this consent.⁶

Consent to Operate under the Water Act and the Air Act

Prior to operating any industrial activity, an industry must seek certification from the RSPCB regarding compliance with provisions under the Water Act and Air Act. Application can be made online and the certificate can be downloaded once it has been authorised by the competent authority. White category industries are exempted from taking this consent.⁷

³ Rajasthan State Pollution Control Board Dep - Google Search. (2022). Retrieved February 19, 2022, from Google.com website:
<https://www.google.com/search?q=Rajasthan+State+Pollution+Control+Board+Dep&oq=Rajasthan+State+Pollution+Control+Board+Dep&aqs=chrome..69i57.320j0j4&sourced=chrome&ie=UTF-8>

⁴ The logs for services Consent to Operate under the Water Act, 1974, Consent to Operate under the Air Act, 1981, and the renewal of the same are taken from the Single Window Clearance System, the online portal of the department.

⁵ (2022). Retrieved 19 February 2022, from
<https://environment.rajasthan.gov.in/content/dam/environment/RPCB/Office%20Order/23%20policy.pdf>

⁶ Environment.Rajasthan.Gov.In, 2022,
https://environment.rajasthan.gov.in/content/dam/environment/RPCB/Office%20Order/office%20order_White%20Category.pdf
Accessed 19 Feb 2022.

⁷ Environment.Rajasthan.Gov.In, 2022,
https://environment.rajasthan.gov.in/content/dam/environment/RPCB/Office%20Order/office%20order_White%20Category.pdf
Accessed 19 Feb 2022.

Renewal of Consent to Operate under the Water Act and the Air Act

To continue operating any industrial activity, industries are required to seek renewal of consent to operate from the RSPCB to certify that they are still in compliance with the provisions of the Water Act and the Air Act. Industries can apply for auto-renewal online, and download the approval once it has been authorised by the competent authority. It applies to industries falling in the red, orange and green categories.

Analysis – three step test

Consent to Establish/ Consent to Operate under the Water Act, 1974, and the Air Act, 1981

1. Legality

Law: The requirement for acquiring CTE and CTO from state is provided for under Sections 25 and 26 of the Water Act⁸ and under Section 21(4) of the Air Act.⁹

State Provision: Pursuant to the Air Act and the Water Act, Rajasthan has enacted the Rajasthan Air (Prevention and Control of Pollution) Rules, 1983¹⁰ (Rajasthan Air Rules) and Rajasthan Water (Prevention and Control of Pollution) Rules, 1975¹¹ (Rajasthan Water Rules), respectively. Rule 4 of the Rajasthan Air Rules and Rule 29 of the Rajasthan Water Rules provide for the requirement of obtaining CTE and CTO.

The compliance needed in case of CTE and CTO is well within the scope of law with Water Act and Air Act being the primary central laws, under which Rajasthan has duly enacted the Rajasthan Water Rules and Rajasthan Air Rules.

2. Necessity

Documents Required for CTE: In Punjab, only four documents are needed to file an application for the CTE – Site plan, board resolution, any document indicating the designation to land, and any land documents such as registration deed or rent deed. In addition to these, Andhra Pradesh requires details of potential water sources from the applicant.

⁸ Section 25 in The Water (Prevention and Control of Pollution) Act, 1974. (2020). Retrieved February 19, 2022, from Indiankanoon.org website: <https://indiankanoon.org/doc/1166145/> Section 26 in The Water (Prevention and Control of Pollution) Act, 1974. (2019). Retrieved February 19, 2022, from Indiankanoon.org website: [https://indiankanoon.org/doc/116785?](https://indiankanoon.org/doc/116785/)

⁹ Section 21 in THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981. (2022). Retrieved February 19, 2022, from Indiankanoon.org website:

¹⁰ ResponsiveWebInc. (2015). Rajasthan Air (Prevention and Control of Pollution) Rules, 1983. Retrieved February 19, 2022, from Bareactslive.com website: <http://www.bareactslive.com/RAJ/RJ419.HTM>

¹¹ ResponsiveWebInc. (2015). Rajasthan Water (Prevention and Control of Pollution) Rules, 1975. Retrieved February 19, 2022, from Bareactslive.com website: <http://www.bareactslive.com/RAJ/RJ501.HTM>

However, in case of industries in Rajasthan, in addition to these five documents, acknowledgement from DIC/Secretariat for Industrial Assistance (Ministry of Commerce and Industry), and a project report duly signed by a CA, are also needed. Additionally, industries falling in the red category are mandated to submit building plan layout,¹² which is typically required at the time of building plan approval. All these documents are required to be accompanied with a board resolution or power of attorney.

At the time of applying for CTO, industries are again required to furnish a board resolution or power of attorney, a requirement which has been dispensed with in several states.

3. Proportionality

The government has prescribed timelines for each authority in the process of screening applications for CTE and CTO, and taking appropriate action. However, it was revealed during our stakeholder consultations that such timelines are not necessarily adhered to. Given that industries cannot be established without an CTE and cannot begin operations sans CTO, unreasonable delays in decision making could lead to sunk fixed and recurring costs of investment, rent, plant and machinery, among others.

Time Period of Acceptance/ Rejection: Rajasthan provides for different time periods for decision making on applications, depending on the nature of industry. In the case of Red industries, the application is to be accepted or rejected within 90 days; for Orange industries, in 50 days, and for green industries, in 7 days.¹³ Irrespective of such varied timeframes, an application is deemed to be approved only after 4 months from the time the application has been filed.¹⁴ Such inconsistencies give rise to ambiguities and raise the possibility of relevant officers raising objections/ questions even beyond the prescribed time period, but prior to expiry of four months. In several other states, once the time period for acceptance or rejection of the application lapses, it is deemed to be approved.

To explain further, a comparative analysis has been done below for the approval time period of CTE and CTO in Rajasthan and some other states with existing best practices.

¹² Redirecting. (2022). Retrieved February 19, 2022, from Google.com website:
<https://www.google.com/url?q=https://environment.rajasthan.gov.in/content/dam/environment/RPCB/Guidelines/06%2520Documents%2520required%2520to%2520be%2520submitted%2520with%2520application.pdf&sa=D&source=docs&ust=1645299423297823&usg=AOvVaw1juTVI7m9Kt8sZFMHOd7H>

¹³ Environment.Rajasthan.Gov.In, 2022,
<https://environment.rajasthan.gov.in/content/dam/environment/RPCB/Office%20Order/01062016%20-%20Revise%20Key%20Deliverables.pdf> Accessed 19 Feb 2022.

¹⁴ Environment.Rajasthan.Gov.In, 2022,
<https://environment.rajasthan.gov.in/content/dam/environment/RPCB/Office%20Order/Office%20Order2/Deemed%20Consent%20Office%20order.pdf> Accessed 19 Feb 2022.

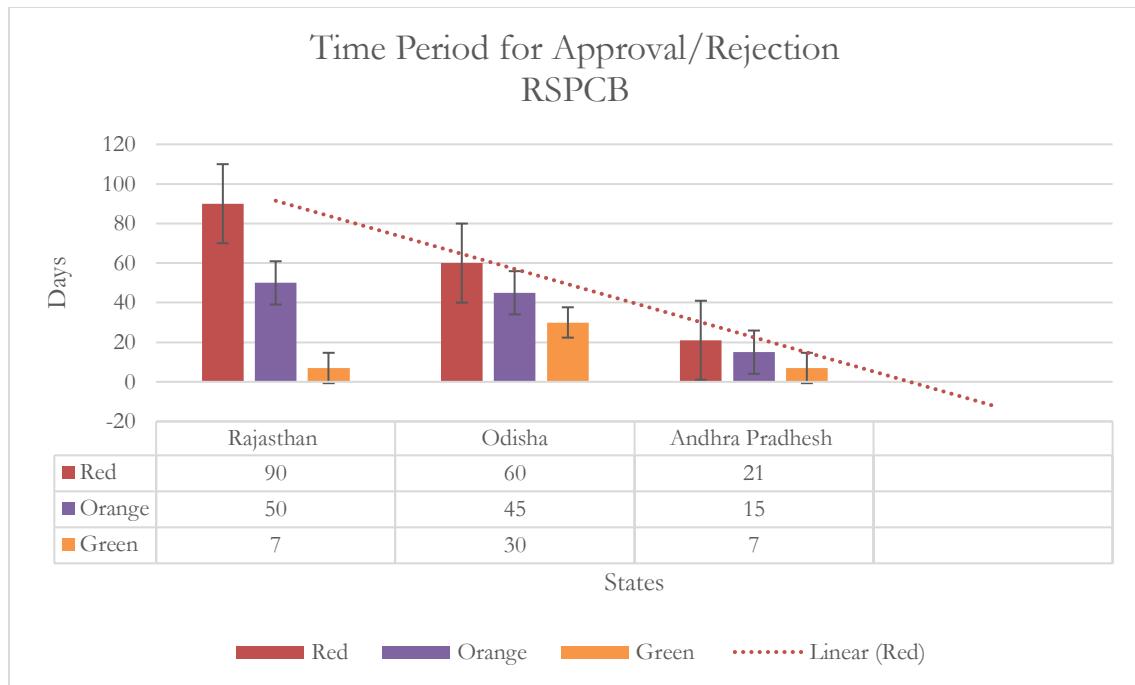


Figure 1 Comparative Analysis of Service Timeline for Pollution Approval

It is highlighted from the above graph that the total time taken to grant pollution clearance in Rajasthan is much longer for each category than what it is taken in Odisha and Andhra Pradesh. Rajasthan should adopt a time line in consonance with that of Andhra Pradesh as it provides much prompt process for Environment clearances.

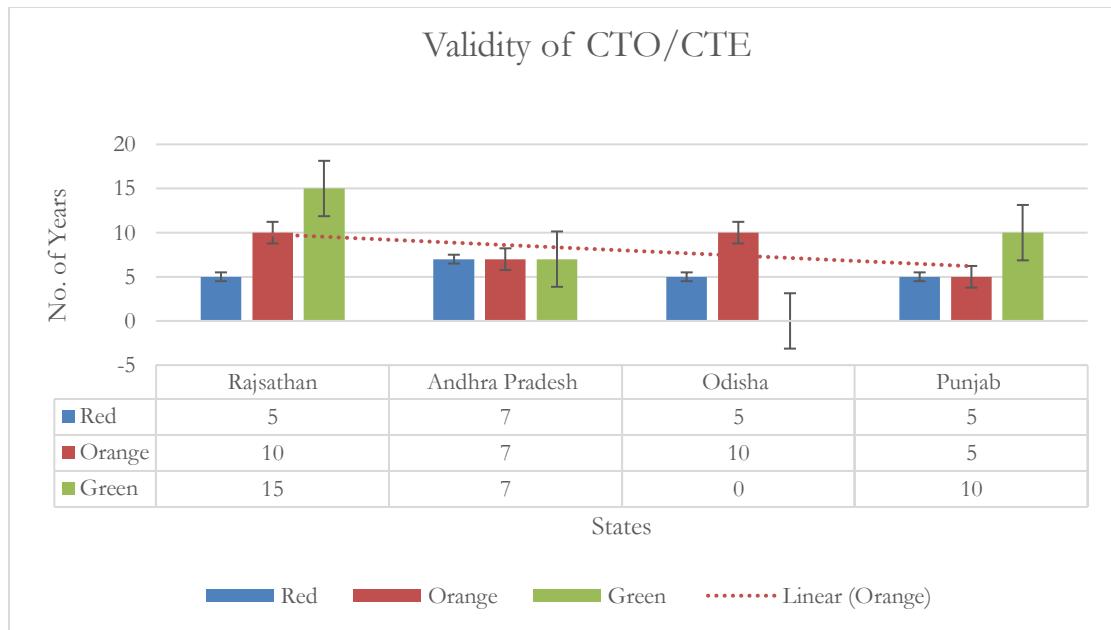


Figure 2 Comparative Analysis of Validity of CTO/CTE

Figure 2 provides for a brief description of the validity of the CTO/CTE in states compared to that in Rajasthan. The validity of CTO/CTE in the state of Rajasthan for industries in red categorization is for five years, as compared to Andhra Pradesh where the validity extends for a period of seven years. Further, Gujarat has also extended the validity of the CTE certificate to 7 years.¹⁵

Renewal of Consent to Operate under the Water Act, 1974, and the Air Act, 1981

1. Legality

Law: The requirement for applying for a renewal of CTO is mentioned under Section 21 of the Air Act and Section 26 of the Water Act.

State Provision: The requirement of a renewal of CTO is laid under the Rajasthan Air Rules. Rule 5(3) states that a person making an application for renewal of consent to operate shall make it at least 4 months prior to the expiry of the period of consent to operate, failing which the application shall be accompanied by an additional fee of 25 percent before the expiry of consent, and additional fee of 50 percent after the expiry of the consent.

The requirement of renewal of CTO is well within the scope of law with Water Act and Air Act being the primary central laws, under which Rajasthan has duly enacted the Rajasthan Water Rules and the Rajasthan Air Rules.

2. Necessity

It appears that the objective behind nudging the industry to apply for renewal of CTO four months prior to its expiry is to ensure that industries are perpetually in compliance with relevant conditions. The provision for additional fee is likely to create a deterrent effect and provide sufficient period to the government for review of conditions and make an informed decision.

A deeper examination reveals that instead of improving its own efficiency and processing applications in a shorter duration, the government appears to be shifting the blame on the industry and forcing it to unnecessarily shift its focus from business to compliance management.

While delay in filing of application for renewal could be a genuine concern, other states impose significant additional fees only when application is filed after the expiry of consent. Such provisions also act as sufficient deterrent and encourage industries to file applications on time. There does not seem to be a case for imposing additional fee to apply for renewal even prior to expiry of the approval.

¹⁵ Gpcb.Gujarat.Gov.In, 2022, https://gpcb.gujarat.gov.in/uploads/Circular_reg_Renewal_and_Autorenwal_of_CTE.pdf . Accessed 19 Feb 2022.

In addition, several documents are required by the industries to apply for auto-renewal. These include, copy of CA certificate on capital investment, even when there is no change in capital investment.

Further, while officers are required to justify any delay in processing of applications. There is no provision for deemed renewal, without which, unreasonable delays may happen in processing of applications.

3. Proportionality

A period of four months to review an application for renewal of CTO seems disproportionate. While a longish period may be required at the time of reviewing the CTO application for the first time, prescribing the same time period for review of renewal application seems to be unfair. For instance, in Odisha, industry is encouraged to apply two months prior to expiry.¹⁶

Similarly, industries which have had an expansion are not permitted to apply for renewal through the auto-renewal facility, despite differing practices in other states. For instance, in Andhra Pradesh (ranking first in the Business Reform Action Plan on Ease of Doing Business list), only those industries which have ‘increased their production/or pollution emission’ are prohibited from the auto-renewal process. Rest all industries, even those who have increased their capital investment, can apply through the auto-renewal process, on payment of additional fees.¹⁷

Issues – major hurdles faced

1. Delays and non-compliance with prescribed time frames: Stakeholders have pointed out huge gaps in policy and practice. For instance, the prescribed time-frames for processing of applications are rarely followed. It was mentioned that across services, applications are processed only after stakeholders visit to the relevant government department. Similarly, reportedly, inspection reports are not uploaded by the inspector, despite a mandate of doing so within 48 hours of their issuance.
2. Duplication of Documents: Capital investment as certified by CA is required at the stage of CTO and is then again required at the stage of renewal, even if there is no expansion. Building plan is required from ‘Red’ industries for CTE which may be for the purpose of keeping a record with the state; however, this objective can be fulfilled via the building plan approval compliance.
3. Discrepancy with Central Guidelines: There are inconsistencies between central and state categorisation of industries. For instance, processing of iron and steel is categorised by centre in orange but by state in red category, leading to increase in compliance cost, as per

¹⁶ Ospcboard.Org, 2022, <http://ospcboard.org/wp-content/uploads/2021/04/Auto-Renewal-of-CTO-2.pdf> . Accessed 19 Feb 2022.

¹⁷ APPCB. (2016). Retrieved February 19, 2022, from Ap.gov.in website: <https://pcb.ap.gov.in/content-management-cfo.aspx>

the order issued in 2018.¹⁸ Amendments to rectify this were brought about in an order in 2020¹⁹ however, the same is not being followed²⁰, as was informed to us by relevant industry stakeholders. Owing to such inconsistencies, it has been estimated that 22 companies have migrated from Bhiwadi to other states which apply norms consistent with central norms.

Recommendations – way forward

1. Remove Redundancy: For all the services, the application goes through a stage of pre-screening in case of Rajasthan. At this stage, all incomplete applications are sent back to the applicant. After the pre-screening stage, the application must go directly to the JEE/AEE for review and inspection. However, such is not the case in Rajasthan. For good governance, expeditious disposal of applications and uniformity in decision making, it is necessary that the application must go directly to the inspection officer once it passes the screening test. Additionally, inspections must be conducted for all applications pertaining to the orange or red category and should not be conducted for the green category. Currently, there are no exceptions to the inspection regime across the three categories.
2. Streamline the Process: For approval generation, a file does not need to move back and forth between officers. Instead, the application must not go back again and again for seeking clarification from the applicant. All clarifications must be sought at the pre-screening stage, lest the whole idea of pre-screening is defeated.
3. Clear Time Limit: The process for CTO, CTE and renewal has clear timelines for each step prescribed. Given our industry feedback, there must be a provision of deemed approval at each stage of the process, in the sense that if for instance, the processing by JEE/AEE is not undertaken within 4 days (as prescribed), it will be deemed to be approved for the next stage.
4. Extend the Validity of CTE: The validity period should be extended to a minimum of 5 years, similar to the minimum validity period of 5 years for the CTO under the Water Act and the Air Act. Gujarat and Andhra Pradesh have extended the validity of the CTE certificate to 7 years.²¹
5. Proportionate the Auto-Renewal Process: The time frame within which the application is to be made should either be removed, as has been in case of states like Punjab²², or if creating a

¹⁸ Environment.Rajasthan.Gov.In,2022,
<https://environment.rajasthan.gov.in/content/dam/environment/RPCB/Office%20Order/Categorization%20of%20industries.pdf>. PDF. Accessed 19 Feb 2022.

¹⁹ Environment.Rajasthan.Gov.In,2022,
<https://environment.rajasthan.gov.in/content/dam/environment/RPCB/Office%20Order/23%20policy.pdf>. Accessed 19 Feb 2022.

²⁰ Retrieved February 19, 2022, from Dainik Bhaskar website:
<https://www.bhaskar.com/local/rajasthan/alwar/bhiwadi/news/government-put-orange-zone-companies-in-red-22-migrated-from-bhiwadi-in-3-years-129239121.html>

²¹ Gpcb.Gujarat.Gov.In, 2022,
https://gpcb.gujarat.gov.in/uploads/Circular_reg_Renewal_and_Autorenwal_of_CTE.pdf. Accessed 19 Feb 2022.

²² "Policy Of The Board | Punjab Pollution Control Board, Government Of Punjab". Ppcb.Punjab.Gov.In, 2022,
<https://ppcb.punjab.gov.in/en/consent-management/policy-of-the-board> . Accessed 19 Feb 2022.

deterrant effect is the objective, then the same must be reduced to 2 months, prior to the expiry of the approval.

6. Alignment with the Central Government Guidelines: The categorisation of industries should be aligned with the central government's recommendation. The same is followed by other states like Andhra Pradesh.²³ In the alternative, given the exorbitant charges imposed upon the Red industries, they may be incentivised to operate in the state.

Annexures attached in the end of the report with comparative analysis for best practices

²³ APPCB. (2016). Retrieved February 19, 2022, from Ap.gov.in website:
https://pcb.ap.gov.in/a_categories_of_industries.html

URBAN DEVELOPMENT AND HOUSING DEPARTMENT (UDH) & LOCAL SELF GOVERNMENT (LSG)

The Urban Development and Housing Department²⁴ and Local Self Government²⁵ ensure systemised and planned growth of urban and rural areas, respectively, through policies, plans and schemes.

We chose five services offered by these Departments for our analysis.²⁶

1. Change of Land Use
2. Fire No Objection Certificate
3. Building Plan Approval
4. Installation of Telegraph Infrastructure
5. Payment of Taxes, Cess, Charges

Change of Land Use

The Rajasthan Municipalities Act, 2009 provides for better planning and regulation of the development and use of land. Section 182 allows change of the purpose of land where the government deems fit in greater public interest. Applicants need permission from the Department to change the “land use status” of a parcel of land.

Fire No Objection Certificate

Section 255 of the Rajasthan Municipalities Act, 2009 requires the occupier of the premises in the municipal area to make such arrangements as may be necessary for fire prevention and fire safety in the municipal area and also requires the owner to obtain a no objection certificate in this behalf. The certification verifies that a building is “unlikely” to have any fire-related accidents and abides by the provisions of the Rajasthan Municipalities Act, 2009. This covers basic safety provisions such as sprinkler systems, water tanks, first aid, certified fire extinguishers, smoke detectors, and fire lifts. Applicants can apply for it online.

²⁴ "About Us". Urban.Rajasthan.Gov.In, 2022, <https://urban.rajasthan.gov.in/content/raj/udh/udh-department/en/about-us.html>. Accessed 19 Feb 22.

²⁵ "Introduction". Lsg.Urban.Rajasthan.Gov.In, 2022, <http://lsg.urban.rajasthan.gov.in/content/raj/udh/lsg-jaipur/en/about-us/introduction.html>. Accessed 19 Feb 2022.

²⁶ The logs for services – Change in land use, Fire NOC, Building Plan Approval and Installation of Telegraph Infrastructure are taken from the Single Window Clearance System, the online portal of the department.

Building Plan Approval

The Building Byelaws under the Rajasthan Municipalities Act, 2009, were enacted to make provisions for better planning and regulations of the building plans. Entrepreneurs need the approval of their building plans before they can start construction of their industrial units.

Installation of Telegraph Infrastructure

The Indian Telegraph Act requires states to bring regulations to ensure uniformity, clarity and simplification of process for permission to be given to licensee for installation / laying of telegraph infrastructure in urban and rural areas. Advisory guidelines were also issued by the Department of Telecommunications, Government of India based on which the Government of Rajasthan issued further orders for the process of permission for installation of telegraph infrastructure.

Imposition of Urban Development Tax

In Rajasthan, the Urban Development Tax is levied by the Urban Development & Housing Department. As Rajasthan is urbanising rapidly, its main motto is to make cities liveable that could become centres of growth.

Analysis – three step test

Change of Land Use

1. Legality

Law: Section 182 of the Rajasthan Municipalities Act, 2009 provides for a general restriction for change of land use and also empowers state government to allow change of use of land where it deems fit. The sub section 3 contains an exception to the section that the state authority may allow change of land use where it is satisfied that this would be in greater public interest.

Section 90A of the Rajasthan Land Revenue Act, 1956 prescribe that the use of agricultural land for non-agricultural purposes will require permission to be taken from the State Government.

Rules: The Rajasthan Urban Area Land Use Change (Amendment) Rules, 2021 have been promulgated to prescribe conversion tax rate for change in land use.

The compliance needed in case of change of land use is well within the scope of law with Rajasthan Municipality Act 2009 being the primary central law.

2. Necessity

Process: The application for change of land use in Rajasthan requires following documents:

- survey plan
- site plan showing approach road

- site plan issued by urban local body
- power of attorney
- photographs of the plot
- applied google earth/ GPS coordinates
- title document and survey location plan from the Master Plan.

This process seems unnecessarily complex. For instance, in Rajasthan, about 80 percent of budget hotel room occupancy is in residential areas. Without change in land use from residential to commercial purposes, even those hotels which are consistent with state building bye laws are reportedly unable to raise funds, and are unable to benefit from the tourism boom. Challenges relating to change in land use adversely impact other industries as well, in addition the tourism and hospitality industries, one of the most lucrative industries for Rajasthan.²⁷ The State Government of Rajasthan in the Budget for year 2022 has announced the proposal to grant Hotel and Tourism sector status of Industries. The attempt of the government has been lauded by many but there are also some concerns that run parallel to it. The Jaipur Hotel Association has highlighted that for it to have complete and effective realisation, similar benefits should be extended to the sector by other states departments as well.

In 2021, Karnataka introduced an affidavit-based change of land use system wherein applicants had to submit the latest record of rights, tenancy and crops (RTC), a copy of the mutation record, a 11E sketch (only if there are multiple landowners) and an affidavit on a Rs 200 stamp paper.²⁸ This is likely to help reduce the land conversion procedure time from 4-5 months to a day

3. Proportionality

Time Period: The entire process for change of land use in Rajasthan is to be completed in 60 days. However, the stakeholder consultations have indicated that it usually takes longer than that. Additionally, in states like Haryana, the time period has been reduced to 45 days. Given that a change of land use certificate is essential for further compliance, the direct and indirect costs imposed by the delay are likely to be substantial.

Applicability: The provision clearly establishes that change of land use will be allowed in cases wherein 'greater public interest' is involved, this has also been reiterated by Rajasthan HC in its judgement.²⁹ However, this term is left open ended giving unbridled powers to the authority. Thus,

²⁷ Invest India. (2019). Retrieved February 19, 2022, from Investindia.gov.in website:
<https://www.investindia.gov.in/state/rajasthan>

²⁸ Special Correspondent, (2019, February, 21) Affidavit-based land conversion system launched in State. Retrieved on February 19, 2022, from The Hindu Website:
<https://www.thehindu.com/news/national/karnataka/affidavit-based-land-conversion-system-launched-in-state/article26324956.ece>

²⁹ Gulab Kothari v. State of Rajasthan and Others, D.B. Civil Writ Nos. 1554 of 2004; 5642, 5645, 5646, 5907, 5908 of 2008; 6049 and 16796 of 2017; 7106 of 2018 | 15-12-2018

the term should be exhaustively defined like ‘for bona fide industrial use’³⁰. Gujarat and Maharashtra have amended their principal statutes i.e. Land Revenue Codes to allow use of certain lands for bona fide industrial purposes, on the basis of self-certification, and without the need for approval from any authority. All this has been mentioned in the primary law, which provides certainty. Karnataka is contemplating similar reforms. It has also reduced the number of documents, time and steps for processing of change in land use permission. Similar reforms may be contemplated in Rajasthan as well.

Under the recent amendments, the cabinet approved the amendment in sub-section 8 of section 90-A of the Rajasthan Land revenue Act. The section has a provision to convert agriculture land for non-agriculture use in urban areas, prior to June 17, 1999. The cabinet has changed the date for approval to December 31, 2021. This is a cumbersome process, and that needs to be changed. This overlooks the possibility of any future approvals which might fall post the date approved.

Fee: In case of Rajasthan, Rs. 10 per sq. m. is applicable along with an application form convenience fee of Rs. 500³¹. Haryana has a concessional rate of conversion fee for change in land use at Rs. 2 per sq. metre for industrial or recreational uses.³² Rajasthan too for boosting industrial growth in the state can adopt such a concessional rate of conversion fees for change in land use for industries.

Fire No Objection Certificate

1. Legality

Law: Section 255 of Rajasthan Municipality Act, 2009³³ provide that the Municipality may require, by bye-laws, the owner or the occupier of all or any of the premises in the municipal area to make such arrangements as may be necessary for fire prevention and fire safety in the municipal area and may also require the owner or the occupier to obtain a no objection certificate in this behalf in such form and in such manner and from such authority as may be specified in such byelaws.

Provision: Under Industrial Building Regulation, 2021, clause 7.4 requires approval for constructing building structure beyond maximum permissible height of 15m, subject to obtaining NOC from concerned authorities like Fire Fighting and Airport Authority.³⁴

³⁰ Priyanka Kakodkar. (2015, August 3). Land use change to be made easy in Maharashtra. Retrieved February 19, 2022, from The Times of India website: <https://timesofindia.indiatimes.com/maharashtra/land-use-change-to-be-made-easy-in-maharashtra/articleshow/48324742.cms>

³¹ Urban.Rajasthan.Gov.In, 2022, <https://urban.rajasthan.gov.in/content/dam/raj/udb/udb%20department/pdf/Orders-and-Circulars-1/24022021.pdf>. Accessed 19 Feb 2022.

³² haryanaindustries.com, 2022; <http://haryanaindustries.com/56-Change-of-Land-Use-from-DTP.html>

³³ India Code. (2022). Retrieved February 19, 2022, from Indiacode.nic.in website: https://upload.indiacode.nic.in/showfile?actid=AC_RJ_83_1125_00001_00001_1612524193363&type=rule&filename=rajasthan_municipalities_act

³⁴ Industries.Rajasthan.Gov.In, 2022, <https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/officeordercirculars/Year%202021/Building%20Regulation%20240902021.pdf>. Accessed 19 Feb 2022.

The compliance needed in case of Fire NOC is well within the scope of law with Rajasthan Municipality Act 2009 being the primary central laws, under which Rajasthan has duly enacted the Rajasthan Building Bye Laws - 2020

2. Necessity

Applicability: There are no classifications made for types of industries requiring fire NOC. All industries with a height of more than 15 m need to obtain a fire NOC. This may result in similar treatment of entities potentially having different risk profiles. Such buildings are required to install equipment like fire extinguisher, hose reel, wet risers. Downcomer, yard hydrants, some detector, automatic sprinkler, detection, alarm system. This may lead to imposition of disproportionate costs on businesses.

In case of Maharashtra, for non-residential structures, the norm has been revised from 150 sq. m. of the built-up area earlier to 500 sq. m. now.³⁵ In other words, for industrial buildings, those with a built-up area of 500 sq. m. will require Fire NOC in Maharashtra.

Classification can be made on the basis of how hazardous the industry is. It should be made on the basis of the potential risk associated with the industry. This way the cost can also be reduced. Such buildings are required to install equipment like fire extinguisher, hose reel, wet risers, downcomer, yard hydrants, some detector, automatic sprinkler, detection, alarm system. One size fits all approach may lead to imposition of disproportionate costs on businesses, without similar risk profiles.

In addition, fire cess in proportion to the building height and build up area is required to be paid. In Rajasthan, depending on plot sizes, fire NOC can cost between INR 10 lakhs to 70 lakhs annually. Fire safety officers are authorised to inspect such buildings from time to time. Chief Municipal Officers can seize and prohibit use of such premises. Such wide and unbridled powers have the potential of being misused.

Inspection: In case of Maharashtra, it has been established that inspection will be done and the report will be submitted within 7 days.³⁶ In the case of Rajasthan, there is a discrepancy in the Fire NOC timeline prescribed.³⁷ It mentions both 7 days and 30 Days to obtain fire NOC from the department.

³⁵ *Dtp.Maharashtra.Gov.In*, 2022, https://dtp.maharashtra.gov.in/sites/default/files/Notification/UDP_DTP/7.UDCPR%20sanctioned....111.pdf Accessed 19 Feb 2022.

³⁶ Maharashtra Fire License - Application Procedure - IndiaFilings. (2018, November 2). Retrieved February 19, 2022, from IndiaFilings - Learning Centre website: <https://www.indiafilings.com/learn/maharashtra-fire-license/#:~:text=The%20entire%20process%20of%20granting.the%20date%20of%20application%20received>

³⁷ Rajasthan single window clearance system- Fire NOC , retrieved from <https://swcs.rajasthan.gov.in/AllServicesBasket.aspx>

3. Proportionality

Duration: The duration of Fire NOC is two years in Rajasthan with inspection that takes place after one year³⁸, which makes it a recurring process and also adds up the cost. Considering Gujarat-duration of fire safety certificate is for the period of three years from the date of issue and inspection.³⁹

In Gujarat - fire safety certificate is valid for 3 years from the date of issue. Further, the renewal is valid up to 2 years from the date of issue.

In Rajasthan validity period of fire safety certificate is 2 years and renewal is for a period of 1 year.

Renewal: Further, in case of Gujarat, for the renewal of fire safety certificate, a fire safety officer shall inspect the building or premises for which he is appointed, to verify the compliance of relevant rules and regulations and then issue a fire safety certificate renewal, which stands valid for a period of two

years from the date of issue.⁴⁰ In case of Rajasthan, inspection has to take place every alternate year.

*Telangana grants NOC based on **Third Party Verifications**.*

Whereas in Rajasthan, there is no provision for self-certification or Third-party verification in obtaining fire NOC approval

Time Period: The entire process of granting a Fire NOC is to be completed in 30 days⁴¹; however, in other states like Maharashtra, the time period given for granting NOC is 15 days.⁴² Given that Fire NOC is an essential

document for Building Plan Approval, it is disproportionate to delay the grant of NOC. There are no provisions for self-certification and third-party verification in case of grant of Fire NOC in Rajasthan as opposed to Telangana which allows third party verification.⁴³

A graphic presentation is made below to highlight comparative assessment of Rajasthan with other states in concern with the time taken for issuing Fire NOC.

³⁸ *Urban.Rajasthan.Gov.In*, 2022, <https://urban.rajasthan.gov.in/content/dam/raj/udh/lsgs/lsg-jaipur/onlineservices/fire%20noc.pdf>. Accessed 19 Feb 2022.

³⁹ *Notification urban Development and urban Housing Department*. (n.d.). Retrieved from <https://gujfiresafetycop.in/uploads/FireRules.pdf>

⁴⁰ <https://www.deshgujarat.com/author/japan-3>. (2020, December 13). Gujarat govt announces new processes and framework for fire safety certification and renewals. Retrieved February 19, 2022, from DeshGujarat website: <https://www.deshgujarat.com/2020/12/13/gujarat-govt-announces-new-processes-and-framework-for-fire-safety-certification-and-renewals/>

⁴¹ *Rajasthan Single Window Clearance System*. (2018). Retrieved February 19, 2022, from Rajasthan.gov.in website: <https://swcs.rajasthan.gov.in/AllServicesBasket.aspx>

⁴² *Maharashtra Fire License - Application Procedure - IndiaFilings*. (2018, November 2). Retrieved February 19, 2022, from IndiaFilings - Learning Centre website: <https://www.indiafilings.com/learn/maharashtra-fire-license/#:~:text=The%20entire%20process%20of%20granting.the%20date%20of%20application%20received>

⁴³ "Final NOC ". *Fire.Telangana.Gov.In*, 2022, <https://fire.telangana.gov.in/Fire/IIIPartyNOCS.aspx> . Accessed 19 Feb 2022.

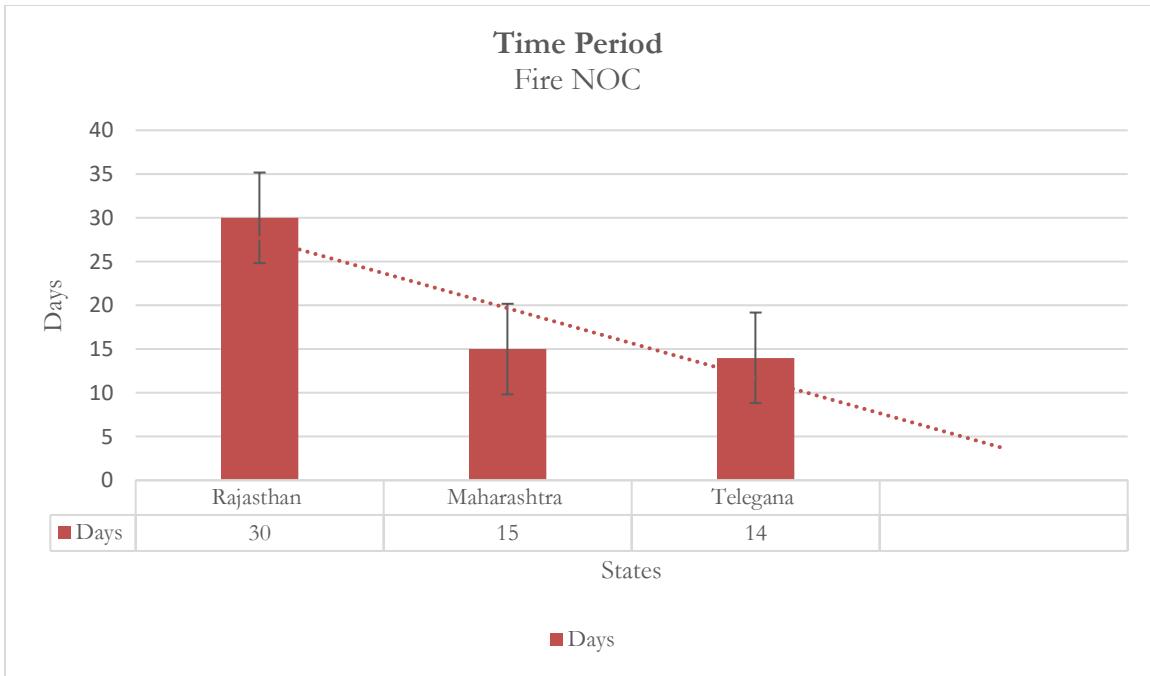


Figure 3 Comparative Analysis of Service timeline for Fire NOC

The most efficient service time line for grant of Fire NOC Certificate is in Telangana. The state of Rajasthan should attempt to bring down its timeframe for fire safety approval from that of 30 days to align with the timeline of Telangana or Maharashtra.

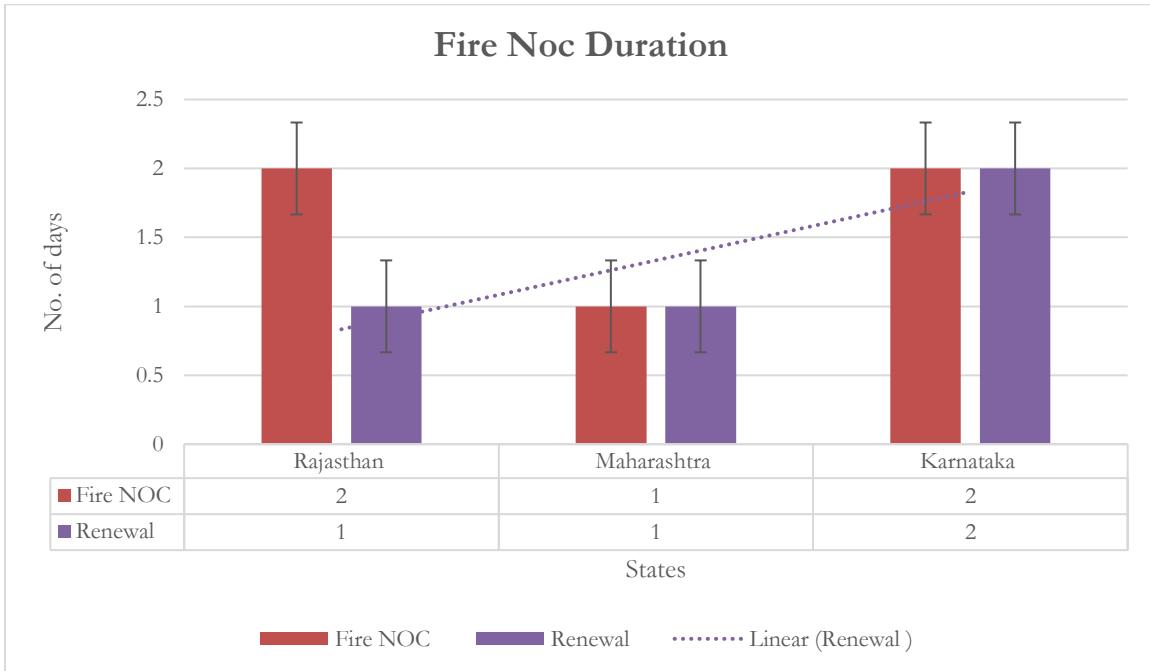


Figure 4 Comparative Analysis of Validity of Fire NOC

The table above shows the duration or the validity of Fire NOC in Rajasthan as compared to the other states. Rajasthan allows for Fire NOC to be valid for up to two year, along with the renewal

process and the application which is valid for one year. As compared to Karnataka, to maintain the checks and balances, the validity and the renewal of Fire NOC extends for a period of two each.

Building Plan Approval

1. Legality

Law: Section 340 of Rajasthan Municipality Act, 2009⁴⁴ provides power to the Municipality to make bye-laws from time to time, for erection of all kinds of buildings.

Provision: Rule 5 of the Building Byelaws, 2020 provides for the approval of building plan by fulfilling the conditions given under the byelaws.⁴⁵

The compliance needed in case of Building Plan Approval is well within the scope of law with Rajasthan Municipality Act 2009 being the primary central law, under which Rajasthan has duly enacted the Byelaws.

2. Necessity

Documents Required: Ownership proof, location plan, and applicable NOCs have to be verified and submitted for obtaining a Change of Land Use certificate. These documents are again verified for Building Plan Approval. This is unnecessary, given that a Change of Land Use certificate (wherever applicable) is a necessary document to apply for Building Plan Approval.⁴⁶ Additionally, there is redundancy in the parameters that are being checked for during inspection. For instance, the inspecting officer also checks for a Fire NOC certificate which is being submitted with the application of building plan approval, as it is.⁴⁷ In Andhra Pradesh, in areas of inspection, self-certification for medium risk industry categories has been introduced and low risk are exempted from inspections.⁴⁸ Additionally, for NOCs from Airports Authority of India, Fire, National Monuments Authority etc. the applicant no longer needs to apply with concerned departments, instead, the applicant can request for NOCs through the DPMS-NOC interface at the time of

⁴⁴ (2022). Retrieved 19 February 2022, from https://upload.indiacode.nic.in/showfile?actid=AC_RJ_83_1125_00001_00001_1612524193363&type=rule&filename=rajasthan_municipalities_act_2009_date_11.09.2009.pdf

⁴⁵ h(2022). Retrieved 19 February 2022, from <https://urban.rajasthan.gov.in/content/dam/raj/udh/udh%20department/pdf/Buildingbyelaws/model%20building%20byelaws%202020.pdf>

⁴⁶ (2022). Retrieved 19 February 2022, from [https://smes.rajasthan.gov.in/Upload/347a9a3d-2e8a-4eeb-885a-0aee7374e35aBuilding%20Plan%20Approval%20System%20\(DA-%20Ajmer,%20Jodhpur,%20UIT\).pdf](https://smes.rajasthan.gov.in/Upload/347a9a3d-2e8a-4eeb-885a-0aee7374e35aBuilding%20Plan%20Approval%20System%20(DA-%20Ajmer,%20Jodhpur,%20UIT).pdf)

⁴⁷ *Submit Application for Inspection (once construction on site reaches plinth level) Dealing Assistant (For Verification) Draftsman/ Sr.Draftsman/ Senior Draftsman/ Planning Assistant/ SPA/ ATP prior Draftsman/ Planning Assistant/ SPA/ ATP (Inspectors) Site Inspection Notice generated by system (SmartRaj) Site Inspection Submission of Inspection Report w.r.t Approved Building Plan -within 48 Hr Process Flowchart for Inspection at Plinth Level.* (n.d.). Retrieved from <https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/riicodisposaloflandrules1979/AllotmentProcedure/Process%20Flowchart%20for%20Online%20Building%20Plan%20Approval%20RIICO.pdf>

⁴⁸ Ease of Doing Business. (2020). Retrieved February 19, 2022, from Apindustries.gov.in website: <https://www.apindustries.gov.in/apindus/userinterface/singlewindowservicesapplication/public/EODB.aspx>

submitting application.⁴⁹ Similar upgradation can be done for the Rajasthan AutoCAD system, adopted for Building Plan Approval.

3. Proportionality

Process: Building plans are submitted via CD/ AutoCAD software for assessment of building plans by competent authority.⁵⁰ After review of application, inspection is undertaken. To quicken the process of building plan approval (provided its critical role in business growth), one of key initiatives by Andhra Pradesh is the implementation of online DPMS (Development Planning Management System), which has enabled a conducive ecosystem for approval of plans required for construction and setting up of industries. The application for construction permit, factory plan approval, etc. can be submitted online through the DPMS System to obtain Auto-DCR scrutinized and approved drawings/plans.⁵¹ This entire process takes 5-10 days as against 30-45 days which are allotted for building plan approval in case of Rajasthan. Following is the comparative analysis of the service timeline for building plan approval.

The following graph presents a comparison of total time taken in the process of Building Plan Approval in Rajasthan and Andhra Pradesh.

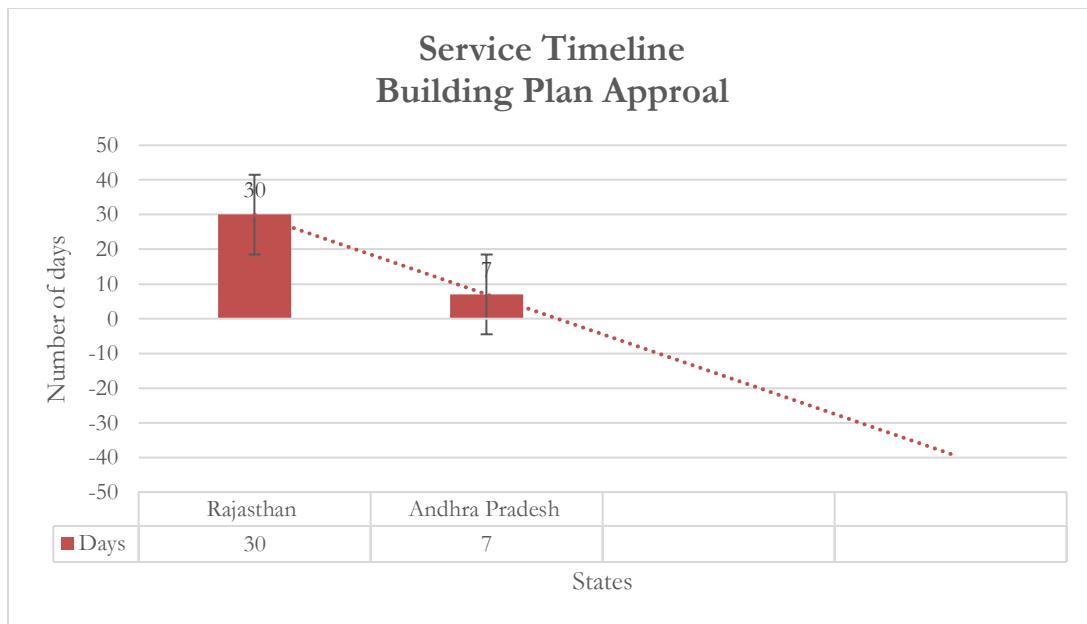


Figure 5 Comparative Analysis of Service timeline for Building Plan Approval through DPMS System

⁴⁹ India. (2020). AAI - NOCAS. Retrieved February 19, 2022, from Aai.aero website: <https://nocas2.aai.aero/nocas/>

⁵⁰ (2022). Retrieved 19 February 2022, from <https://urban.rajasthan.gov.in/content/dam/raj/udb/udb%20department/pdf/orders-regarding-Building-plan-approval-Assessment%20of%20Building%20Plans%20using%20Autocad%20software.pdf>

⁵¹ This is similar to an artificial intelligence tool. The AutoCAD drawings of the building/factory layout are processed by DCR system and the system gives the compliance /deviations/fire restrictions report in 1-2 hours including the applicable charges as per relevant codes.

Andhra Pradesh has adopted a comprehensive AI enabled software system, DPMS, that allows granting of building plan approval and its associated certificates or permissions (granting of different NOCs) in 7 days timeframe. The state of Rajasthan on the other hand provides for a protracted service timeline of 30 days for Building plan approval.

Installation of Telegraph Infrastructure

1. Legality

Law: In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian Telegraph Act, 1885, the Central Government enacted the Indian Telegraph Right of Way Rules, 2016, which lays down requirements for installation of telegraph infrastructure.

State Provision: In pursuance of rule 4, 5, 6, 8, 9, 10 of the Indian Telegraph Right of Way Rules, 2016, department of UDH issued an order to grant license for installation of telegraph infrastructure.⁵²

The compliance needed in case of installation of telegraph infrastructure is well within the scope of law with Indian Telegraph Act being the primary central laws, under which Rajasthan has duly issued orders.

2. Necessity

Process: The application for installation of telegraph infrastructure, once submitted goes to the department officer for review. If there are any objections raised, it goes back to the applicant and is re-submitted. If approved by the department officer, it goes for inspection with the XEN/AEN. After inspection is done and the report has been uploaded and approved, it goes to the Secretary for another review. From there, it goes to the accounts department which generates a challan for the payment. The application again goes to the Secretary, from whom then it goes to the applicant for the payment. Once the fee is paid, the application again goes to the Secretary for final approval and the certificate is issued.

DO - XEN/AEN - SECRETARY - ACCOUNTS - SECRETARY - APPLICANT FOR PAYMENT - SECRETARY - CERTIFICATE IS ISSUED

A file goes through unnecessary steps in various stages of process flow, prolonging the application processing. Back and forth between multiple officers for no unique purpose: Officers involved in processing an application serve no unique function in conducting a service. An application under this service can be handled by two officers, instead of six. The Secretary checks the documents thrice. If any objections are raised by the DO, the application will go back to the applicant to be resolved. If again, an objection is raised by the Secretary, the application will go back to the applicant and then the entire process will begin again from the DO. This causes redundancy in the process.

⁵² (2022). Retrieved 19 February 2022, from <https://urban.rajasthan.gov.in/content/dam/raj/udb/udb%20department/pdf/orders-regarding-Building-plan-approval/Assessment%20of%20Building%20Plans%20using%20Autocad%20software.pdf>

3. Proportionality

Applicability: The order brought about by the UDH for laying infrastructure telegraph requires the industries who have submitted documents as per any erstwhile order/ rule/ regulation but have not received their permission, to submit the additional documents and pay additional amount of fee, after which also, the permission will be approved/ rejected within a span of 30 days from the date of submission of the new documents and payment of update fee.⁵³ This seems disproportionate as such industries would have already waited for a certain amount of time period for receiving the permission. With the advent of the new rules, they are subjected to an additional set of documents which they were initially not subjected to, extraneous fee and a delayed approval system.

Payment of Tax, Fees, Charges

1. Legality

Law: Sections 101-106 of the Rajasthan Municipalities Act, 2009 lay down the power of municipalities to levy taxes, fees and other developmental charges.⁵⁴ The said act was enforced in the year 2009. Section 1 of the Act prescribes that it shall be applicable from the date of enforcement. Our stakeholder consultations have informed us they are receiving notices for payment of taxes, fees, and charges from retrospective years, going back 10-15 years. In several instances, businesses became operational around 5-7 years ago. The Supreme Court has laid down that retrospectivity is against the principle of ‘fairness’ which must be the basis of every legal rule.⁵⁵ Thus, while inflicting a detriment, or imposing an onerous obligation from a retrospective effect, there is a need to be extra careful.

2. Proportionality

Assessment of Tax: Section 113 of the Rajasthan Municipalities Act, 2009 provides that the state government may appoint assessors who shall assess the amount of tax. The Supreme Court has held that in case the tax is not assessed and determined by the appointed municipal authorities for a financial year at a relevant time, the same cannot be recovered from the assessee subsequently.⁵⁶ The same, if carried out, would be disproportionate for the assessee, in lieu of their obligation to pay the said tax.

⁵³ Department of UDH, Government of Rajasthan, retrieved from https://urban.rajasthan.gov.in/content/dam/raj/udh/udh%20department/pdf/Orders%20and%20Circulars/07022_017.pdf

⁵⁴ India Code. (2022). Retrieved from Indiacode.nic.in website: https://upload.indiacode.nic.in/showfile?actid=AC_RJ_83_1125_00001_00001_1612524193363&type=rule&filename=rajasthan_municipalities_act

⁵⁵ India Code. (2022). Retrieved from Indiacode.nic.in website: https://upload.indiacode.nic.in/showfile?actid=AC_RJ_83_1125_00001_00001_1612524193363&type=rule&filename=rajasthan_municipalities_act

⁵⁶ Municipal Corporation Of City Of ... vs Subha Rao Hanumatharao Prayag & ... on 24 March, 1976. (2019). Retrieved February 19, 2022, from Indiankanoon.org website: <https://indiankanoon.org/doc/1257115/>

Issues – major hurdles faced

1. Lack of Clarity: Officers performing document scrutiny and site inspection vary from case to case. In one application, the fireman may conduct the document scrutiny, and in others, the fire station officer may conduct the document scrutiny.
2. Repetitive Documents: Same documents for different compliances are needed to be uploaded. For instance, building plan approval requires a change in land use certificate, which incorporates other certificates like Fire NOC. Despite this, these are also mandated to be uploaded separately for the building plan approval.
3. One Size Approach: One-size-fits all approach in case of fire NOC is disproportionate to the objective intended to be achieved. The objective is to ensure safety. However, hazardous and non-hazardous industries are all kept under one garb of a minimum height of 15m for the requirement of the NOC.
4. Retrospective Effect: For industries planning to install telegraph infrastructure, they are mandated to submit a list of documents, which was amended by an order to add more documents. Even erstwhile industries (who have not received the permission yet) need to submit the additional documents with extra fee. Taxation, fees, levies, are also being charged from retrospective effect, contrary to the concept of fairness.

Recommendations – way forward

1. Clarify Time Limits: Each step in the process of all compliances must be allotted a time period so as to keep a track of at what step, if any, the delay is taking place. Further, deemed consent, after the lapse of allotted time period, must be introduced in order to adhere strictly to the timelines mentioned.
2. Classification of Industries: A proper risk based classification of industries (of more than 15 m height) for the purposes of fire NOC as a prerequisite must be undertaken so that low-risk businesses are not burdened to comply with the unnecessary conditions.
3. Simplifying Change in Land Use: To ensure this, a dual strategy must be adopted - a) number of documents for change in land use must be reduced to documents pertaining to tenancy rights only (as in Karnataka) in an affidavit-based system.; b) ambiguities as in explanation of the term 'greater public interest' must also be removed, like in the case of Gujarat and Maharashtra.
4. Enhance Duration of Approval: Fire NOC is an essential condition for building plan approval, amongst others. The time frame for which Fire NOC is allotted must be increased to a minimum of three years, after which third-party inspections can be conducted which will serve as a renewal of the NOC.

5. Avoid Redundancy in Process: The Department must obtain documents or verify the information directly from other relevant departments or concerned public authorities, electronically wherever possible, instead of burdening the applicants for submitting the same documents yet again. Information sharing among departments is a must to prevent imposition of avoidable compliances. Additionally, repetitive review of the same application by an officer causes avoidable time lag.
6. Install Technology Enabled System of Approval: This includes installation of artificial intelligence tools for critical approvals like the building plan approval. For this purpose, self-certification and third party inspections can be undertaken to reduce the service time.

Annexures attached in the end of the report with comparative analysis for best practices

Rajasthan State Industrial Development & Investment Corporation Ltd. (RIICO)

RIICO has played a catalytic role in the industrial development of Rajasthan. Services provided by RIICO to investors and entrepreneurs includes: Site selection and Acquisition of land, financial assistance, facilitation of government clearances, extending incentives and concessions according to the policy of State Government and Department of Industries.

We chose two services offered by the RIICO for our analysis⁵⁷:

1. Land Conversion for Warehouse
2. Industrial Land Allotment

Land Conversion for Warehouse

Warehousing is not considered an industrial activity for the purposes of the RIICO Act, 1995. Land conversion and its charges have to be complied with for constructing and using a warehouse on an industrial land. In unsaturated industrial areas, applications will be invited after advertising the availability of plots in the newspapers.⁵⁸ In case there is more than one applicant then allotment of plot will be made through a draw of lots. In saturated industrial areas, allotments will be made through auction by way of inviting sealed bids, keeping the reserve rate as decided by the 'Reserve Price Fixing Committee'.⁵⁹

Industrial Land Allotment

Industrial land allotment is one the first and the most important step in the process of establishment of Industries. The Rajasthan Industrial Area Development Authority Act, 1995 constitutes an authority for administration of designated industrial areas in the state (RIICO). The Act authorises the above mentioned authority to transfer land by auction or allotment and formulate relevant rules for the same⁶⁰. In pursuance of the same, RIICO Disposal of Land Rules, 1979 have been formulated.

Analysis – three-step test

Land Conversion for Warehouse

1. Legality

⁵⁷ Rajasthan RIICO department, retrieved from <https://industries.rajasthan.gov.in/riico>

⁵⁸ Rajasthan State Industrial development & investment Corp.td, Retrieved from, https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/officeordercirculars/Year2016/March2016/w_arehousing-01032016.pdf

⁵⁹ [riico disposal of land rules, 1979](https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/riicodisposaloflandrules1979/Disposal-Land-Rules-1979-Part1-Final.pdf), Retrieved from, <https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/riicodisposaloflandrules1979/Disposal-Land-Rules-1979-Part1-Final.pdf>

⁶⁰ Section 8 & Section 18, The Rajasthan Industrial Area Development Authority Act, 1995; retrieved from <http://www.bareactslive.com/Raj/rj961.htm>

Law: Section 18 of the Rajasthan Industrial Area Development Authority Act, 1995 empowers the authority (herein RIICO) to make regulations, with prior permission of the State Government for administration of the affairs of the authority.⁶¹

Provision: Rule 3 (R) RIICO Disposal of Land Use Rules, 1979 classifies warehousing and logistics as service enterprises. It lists the process for land allotment within the industrial area for the purposes of establishing a warehouse.⁶²

The compliance needed in case of establishing a warehouse is well within the scope of law with RIICO Act, 1995 being the primary law, under which RIICO has duly enacted the RIICO Disposal of Land Use Rules.

2. Necessity

Pre-condition: For commencing construction of a warehouse facility on the allotted land, the land allottee shall be required to get the building plans approved from RIICO before commencement of construction. In case of conversion of already allotted land, for warehousing purposes, the charges are 0.50 times the prevailing rate of allotment of industrial area concerned.⁶³

Whereas, as per Uttar Pradesh Warehousing Logistics Policy 2018, warehousing and Logistics units satisfying the 'Infrastructure Status' conditions laid out by the Government of India will also be granted 'Industry' status in the state. Operations of warehousing & logistics sector will now be considered as industrial activities by all state development authorities in the context of land-use in Uttar Pradesh.⁶⁴ Further, in UP industrial land-use charges will be applicable to warehousing & logistics sector units and parks in the state. Presently, change of land use is at 150% of circle rate from agriculture to commercial land use, which will be only 35% of circle rate as agriculture to industrial land-use change will be applicable.

The Draft Rajasthan Logistics, Warehousing and Logistics Park Policy 2021 have recognised warehousing and logistics for industrial status only for the purpose of extending the benefit of Utility charges (Power and Water), service charges, city planning etc. The issue concerning change in land use charges and higher industrial land allotment fees has not been considered.⁶⁵

The issue of misuse of land for warehousing purposes was highlighted in various consultations. It is this misuse by industries that has resulted into non adoption of

State of Rajasthan should adopt the practice of recognising Captive warehouse as Industries.

⁶¹ Rajasthan Industrial Area Development Authority Act, 1995, Retrieved from, <http://www.bareactslive.com/Raj/rj961.htm>

⁶² riico disposal of land rules, 1979, Retrieved from, <https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/riicodisposaloflandrules1979/Disposal-Land-Rules-1979-Part1-Final.pdf>

⁶³ Disposal O Land Rules -85-180 FINAL, Retrieved from, <https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/riicodisposaloflandrules1979/Disposal-Land-Rules-1979-Part2-Final.pdf>

⁶⁴ UP gives industry status to warehousing and logistics sector - The Financial Express, Retrieved from, <https://www.financialexpress.com/industry/up-gives-industry-status-to-warehousing-and-logistics-sector/1958220/>

⁶⁵ industries.rajasthan.gov.in, 2021
04 Rajasthan Logistics Warehousing and Logistics Park Policy 2021 V9.pdf
Accessed on 19 February, 2022

Warehousing and Logistics sector as industry. The government should try to strike a balance between its regulatory intent to restrict the practice of industrial land misuse and by recognising captive warehousing as industries.

3. Proportionality

Time frame: The allottee, in Rajasthan will be required to complete construction and commence the activity of warehousing and logistics within three years from the date of possession or execution of lease deed. In case of Uttar Pradesh, warehousing is subjected to similar frame as of industries, specifically because warehousing and logistics have been considered as 'industry' if conditions stipulated are fulfilled.

Price: RIICO imposes high charges like 1.5 times (in case of unsaturated areas) and presumably more (in case of saturated areas) the fee for allotment of land, disproportional to the objective. In the case of Uttar Pradesh, industrial land allotment charges are applicable to warehousing & logistics sector units and parks in the state.

Industrial Land Allotment

1. Legality

Law: Section 18 of the Rajasthan Industrial Area Development Authority Act, 1995 empowers the authority (herein RIICO) to make regulations, with prior permission of the State Government for administration of the affairs of the authority.⁶⁶

Provision: Rule 3 of the RIICO Disposal of Land Use Rules, 1979 provides for allotment of land for various industrial purposes.⁶⁷ Annexure provides for the process of the land allotment which will be on the basis of first-come-first-serve.⁶⁸

The compliance needed in case of allotment of land is well within the scope of law with RIICO Act, 1995 being the primary law, under which RIICO has duly enacted the RIICO Disposal of Land Use Rules.⁶⁹

2. Necessity

Process: In Rajasthan, RIICO has prescribed the process of industrial land allotment to be first-come-first serve basis, which assures no surety. However, any entrepreneur, who wants to set up an industrial unit in the state of Uttar Pradesh may obtain land in two ways- one is through direct purchase from landowners and other is through allotment from government agencies (like UPSIDC,

⁶⁶ [Rajasthan Industrial Area Development Authority Act, 1995](http://www.bareactslive.com/Raj/ri961.htm#18), Retrieved from, <http://www.bareactslive.com/Raj/ri961.htm#18>

⁶⁷ [riico disposal of land rules, 1979](https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/riicodisposaloflandrules1979/Disposal-Land-Rules-1979-Part1-Final.pdf),Retrieved from, <https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/riicodisposaloflandrules1979/Disposal-Land-Rules-1979-Part1-Final.pdf>

⁶⁸ Rajasthan State Industrial Development and Industrial Corp ltd. Retrieved from <https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/officeordercirculars/Year2018/Feb/Guideline-Procedure-Allotment-26022018-270222018.PDF>

⁶⁹ Rajasthan State Industrial Development and Industrial Corp ltd. Retrieved from <https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/officeordercirculars/Year2019/January/e-auction-case-case-09012019.JPG>

District Industries Centre, Industries Development Authorities) in their notified area /industrial area/estate.⁷⁰ In case land is being purchased from the landowners themselves, change of land use rules will be applicable. Depending upon the land size, in certain cases (where land area exceeds 12.5 acres), permission from the government needs to be taken. An application is filed and even then, compliance of the time limit for disposal of applications is to be ensured.⁷¹

3. Proportionality

Service time: The time period allotted for allotment of land under RIICO is 30 days, across all industries. Land allotment by way of e-auction is applicable in Uttar Pradesh as well. However, to speed up the process, an order was issued by the government, fast tracking land allotment time to 15 days for mega, mega plus and super mega category of industrial investments. Additionally, a monthly land allotment cycle has been adopted for land allotments, which are made through e-auction. In this case, allotments for applications received up to a specified date are done by the end of that month.⁷²

In Uttar Pradesh allotment of Industrial Land can be done through any of the 2 available processes,

1. Through direct purchase from land owners
2. Through allotment from govt. agencies or bodies

In Rajasthan Industrial land allotment is done on the basis of first-cum-first-serve and by draw of lots

Treating large as well as small investments similarly could potentially result in delays for both types of investors. Moving away from a one size fits all approach, a policy prescribing different time periods of investments based on size, and assuring compliance with the prescribed time period for all categories of investors, is likely to ensure certainty and confidence.

Following is the depiction of service time line of state of Rajasthan and a comparative analysis drawn with the state of Uttar Pradesh. It highlights the number of days taken and a remarkable difference in both the states.

⁷⁰ Land for Industry, Retrieved from <http://www.udyogbandhu.com/topics.aspx?mid=Land%20for%20Industry>

⁷¹ Delegation of powers to Divisional Commissioners to authorise acquisition of land in excess, Retrieved from http://udyogbandhu.com/DataFiles/CMS/file/gos/Land_180.pdf

⁷² Uttar Pradesh government to fast track land allotment for industrial units to 15 days, Retrieved from <https://www.republicworld.com/india-news/economy/up-to-fast-track-land-allotment-for-industrial-units-to-15-days.html>

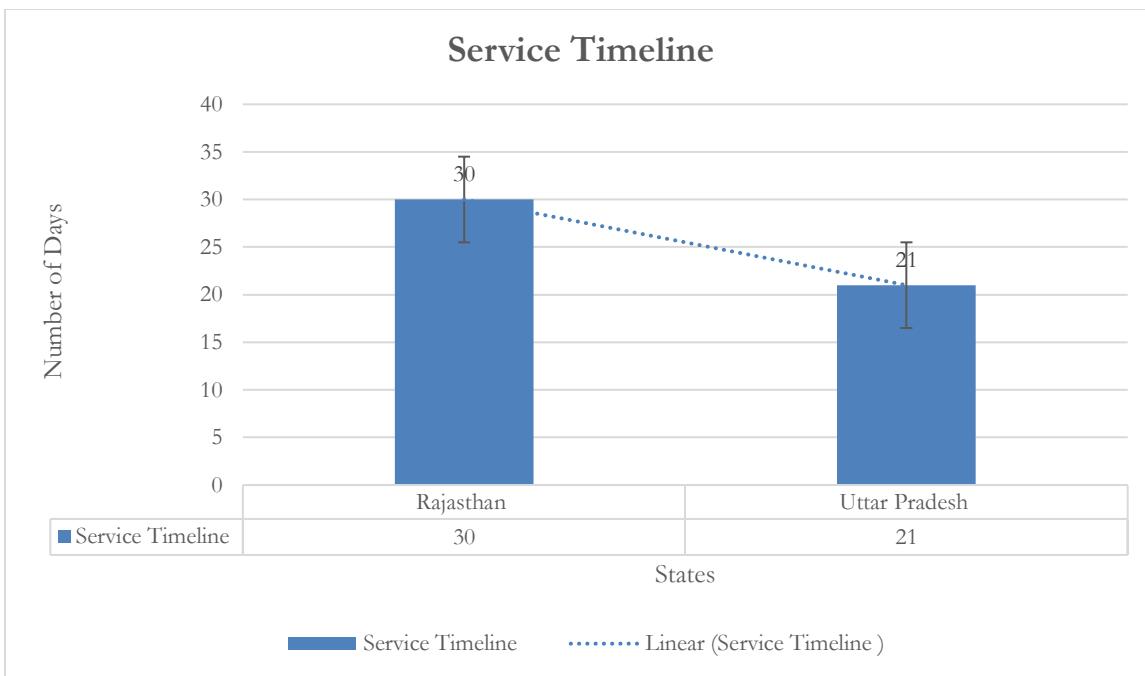


Figure 6 Comparative Analysis of Service timeline for Industrial Land Allotment

Issues – major hurdles faced

1. Unnecessary process and high charges: Given that a warehouse is not considered an ‘industry’, there is a need for conversion of industrial land for warehousing purposes, even if the user is the same. In addition, the conversion charges are higher than industrial land use rates.

Recommendations – way forward

1. Include warehouses in the scope of industry for land use purposes: Warehouses must be considered as an ‘industry’ in order to allow the applicant to construct and utilise it in the most efficient manner.
2. Differential timelines for land allocation: Classifying the industries based on investment size for establishing time period within which land allotment would be completed for each type, will ensure policy certainty and predictability.

Annexures attached in the end of the report with comparative analysis for best practices

Labour Department

The Labour Department is one of the oldest and important Departments of the Government of Rajasthan. The main responsibility of the Department is to protect and safeguard the interests of workers in general and those who constitute the poor, deprived, and disadvantaged sections of the society, in particular, with due regard to creating a healthy work environment for higher production and productivity.

We chose four services offered by the Department of Labour for our analysis:⁷³

1. Registration under Rajasthan Shops and Commercial Establishments Acts, 1958 - Rajasthan Shops and Commercial Establishment (Amendment) Rules, 2019
2. Registration under Building and Other Construction Workers (Regulation of Employment & Condition of Service) Act, 1996
3. Registration under the Inter-State Migrant Workmen (Regulation of Employment & Condition of Service) Act, 1979
4. Renewal under Rajasthan Shops and Commercial Establishments Acts, 1958

The Rajasthan Shops and Commercial Establishments Acts, 1958

The Rajasthan Shops and Commercial Establishments Acts, 1958, is an act to consolidate and amend the law relating to the regulation of the work and employment in shops and commercial establishments.⁷⁴ It provides regulations for payment of wages, terms of services, work hours, rest intervals, overtime work, opening and closing hours, closed days, holidays, leaves, maternity leave and benefits, work conditions, rules for employment of children, records maintenance, etc.⁷⁵

The Building and Other Construction Workers (RE & CS) Act, 1996

The Building and Other Construction Workers (RE & CS) Act, 1996 is an act to regulate and conditions of service of building and other construction workers. It provides for their safety, health and welfare measures and for other matters connected thereof.⁷⁶

The Inter-State Migrant Workmen (RE & CS) Act, 1979

The Inter-State Migrant Workmen (RE & CS) Act, 1979 was enacted to regulate the condition of services of inter-state labourers. The purpose was to protect workers whose services are requisitioned outside their native states in India.⁷⁷

Analysis – three-step test

⁷³ Registration/ Renewal Process <https://labour.rajasthan.gov.in/RegistrationTimeline.aspx>

⁷⁴ Department of Labour Acts & Rules, retrieved from <https://labour.rajasthan.gov.in/ActsAndRules.aspx>

⁷⁵ Department of Labour Acts & Rules retrieved from <https://labour.rajasthan.gov.in/ActsAndRules.aspx>

⁷⁶ <https://maitri.mahaonline.gov.in/pdf/building-and-other-construction-workers-act-1996.pdf>

⁷⁷ The building and other construction workers (regulation of employment and conditions of service) Act, 1996 Acts & Rules , retrieved at <https://maitri.mahaonline.gov.in/pdf/building-and-other-construction-workers-act-1996.pdf>

Registration under Rajasthan Shops and Commercial Establishments Acts, 1958

1. Legality

Law: Section 4 of the Rajasthan Shops and Commercial Establishments Act, 1958 provides for registration of shops and commercial establishments after submission of requisite documents, within 30 days from the date of commencement of business.⁷⁸ However, Registrar of companies/ firms/ partnerships, may already have this information, so just making another registry (which may be sourced from already existing registries) will equip unnecessary time and resources.

The compliance needed for registration of establishments is well within the scope of law with Rajasthan Shops And Commercial Establishments Act being the primary central law.

2. Necessity

Documents Required: The documents required for registration include photo of the establishment, number of employees, rate of wages, details of employees, address proof, amongst others. The documents that need to be submitted are very less for Punjab and Andhra Pradesh, as compared to Rajasthan. For instance, in Andhra Pradesh, a simple application form has to be filled along with an identity proof.⁷⁹ In Punjab also, an identity proof along with photos of the shop, power of attorney and directors list are required.⁸⁰ In light of this, documents such as rates of wages and details of employees seem unnecessary. Further, in case objections are raised that photographs are blurred, this step may cause delays in the application process. Applicants are required to submit a proof of establishment as well as upload a self-declaration. Hence, photographs are unnecessary.

3. Proportionality

Fee: To register establishments under the said act, onetime fee is levied (Lifetime - As mentioned on the Government Website). Fee structure is based upon the number of employees in the establishment, starting from a minimum of Rs. 5000 and in case it is not paid within 30 days of due registration date, 100 percent additional fee is levied as a penalty.⁸¹ In case there are 50 employees in an establishment, a fee of Rs. 20000 is levied.

In Punjab, no fees are levied for this registration.⁸² In Andhra Pradesh, minimal fee is levied starting from Rs. 30.⁸³

⁷⁸ [The Rajasthan Shops and Commercial Establishments Act, 1958,, Retrieved at, \[https://www.indiacode.nic.in/bitstream/123456789/16860/1/the_rajasthan_shops_and_commercial_establishment_s_act%2C_1958_date_04-8-1958.pdf\]\(https://www.indiacode.nic.in/bitstream/123456789/16860/1/the_rajasthan_shops_and_commercial_establishment_s_act%2C_1958_date_04-8-1958.pdf\)](https://www.indiacode.nic.in/bitstream/123456789/16860/1/the_rajasthan_shops_and_commercial_establishment_s_act%2C_1958_date_04-8-1958.pdf)

⁷⁹ Registration of Establishment of Principal Employer under the Inter State Migrant Workmen (RE & CS) Act, 1979 and AP Rules, 1982 , Retrieved at, <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR040.pdf>

⁸⁰ [Registration of Shop and Commercial Establishments under The Punjab Shops and Comm. Estab. Act, 1895, retrieved at, <https://pblabour.gov.in/LicenceDescriptions/Details/5>](https://pblabour.gov.in/LicenceDescriptions/Details/5)

⁸¹ [Rajasthan Shops and Commercial Establishments Act, 1958, retrieved from<https://labour.rajasthan.gov.in/RulesShop.aspx>](https://labour.rajasthan.gov.in/RulesShop.aspx)

⁸² [Registration of Shop and Commercial Establishments under The Punjab Shops and Comm. Estab. Act, 1895, retrieved from <https://pblabour.gov.in/LicenceDescriptions/Details/5>](https://pblabour.gov.in/LicenceDescriptions/Details/5)

Service Time: The prescribed time period to dispose of the application of registration is one day in Rajasthan. The ground reality as found out during one of the stakeholders meeting is quite different. The time taken is more than the time prescribed in the application disposal. For Andhra Pradesh, it is an instant approval system, as and when the documents are uploaded.

Following is the comparative analysis of Registration Fee for registration in Rajasthan and Andhra Pradesh under their respective state laws for Registration of Shops and commercial establishments. Where Blue line represents fee structure of Rajasthan and Red depicts Andhra Pradesh registration fee scale.

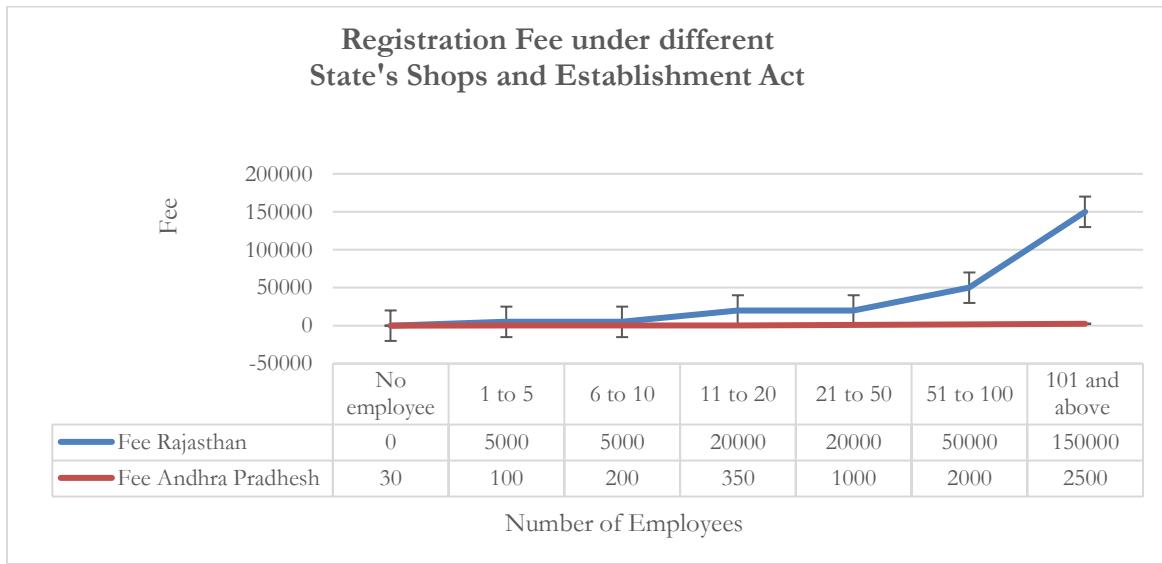


Figure 7 Comparative Analysis of Fee Structure for Registration under Shops and Commercial Establishment Act

The prescribed registration fee for the state of Rajasthan under Rajasthan Shops and Commercial Establishments Act is exorbitant and unreasonable in comparison to the fee scale prescribed in Andhra Pradesh. In Rajasthan fee charge for registering an establishment with 1 to 10 employee is Rs. 5000 and on the maximum bracket that is Rs. 1,50,000 for 101 and above employees. The minimum and maximum of the fee scale in Andhra Pradesh is Rs. 30 to Rs. 2500.

⁸³ Registration of Establishment of Principal Employer under the Inter State Migrant Workmen (RE & CS) Act, 1979 and AP Rules, 1982, Retrieved from, <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR040.pdf>

Registration under Building and Other Construction Workers (RE & CS) Act, 1996

1. Legality

Law: Section 7 of the Building and Other Construction Workers (RE & CS) Act, 1996 provides for registration of an establishment by making an application to the registering officer.⁸⁴ Section 62 grants power to the appropriate (state) governments to make rules after consultation with expert committees.

State Provision: Rule 18 of the Rajasthan Building and Other Construction Workers (RE & CS) Rules, 2009⁸⁵ provides for registration and the grant of certificate of registration after the registering officer receives application as per Rule 17(1).

The compliance needed for registration of establishments is well within the scope of law with Building And Other Construction Workers (RE & CS) Act being the primary central law. However, the question is why multiple registrations are required in the first place.

2. Necessity

Documents Required: For registration in Rajasthan, documents such as address proof, ID proof, declaration form along with the application are required. Such documents and information is available with the government through other registrations applicable to establishments. Consequently, relevant details should be shared among government departments without unnecessarily burdening businesses with duplication. For instance, Andhra Pradesh does not require any document for this registration.⁸⁶

Process: At present, the first officer scrutinises the submitted documents but does not raise objections directly with the applicant. Instead, it forwards them to the second officer.⁸⁷ This is unnecessary. Documents are also shuffled between officers. This has the potential to delay the registration process and create unnecessary checkpoints. The first officer should be authorised to conduct preliminary scrutiny of documents and convey any objections directly to the applicant in a timely manner (and hence also can be held accountable in case raising irrelevant objections). After all issues have been addressed, the first officer can forward the application with recommendations to the competent authority for decision making.

⁸⁴ THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996 ARRANGEMENT, Retrieved from https://legislative.gov.in/sites/default/files/A1996-27_0.pdf

⁸⁵ THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996 ARRANGEMENT, Retrieved from, https://legislative.gov.in/sites/default/files/A1996-27_0.pdf

⁸⁶ Registration under Building and Other Construction Workers (RE & CS) Act, 1996 and AP Rules, 1999 retrieved from <https://www.apindustries.gov.in/APIndus/Data/ClearancesDocuments/CLR057.pdf>

⁸⁷ Approval procedure for registration/renewal, retrieved from, <https://labour.rajasthan.gov.in/ApporvalProcedure.aspx>

3. Proportionality

Service Time: In Rajasthan, the time period mentioned within which the application is required to be disposed of is 15 days⁸⁸ whereas in states like Andhra Pradesh, on-spot approval is given.⁸⁹ No explanation has been granted as to why 15 days should be required, when other states are disposing of applications in one day. No time limit is prescribed for each officer's scrutiny. This is disproportionate to the objective sought to be achieved.

Fee: In case there is an amendment to the number of employees, there is an additional fee in Rajasthan.⁹⁰ This is not the case in other states like Andhra Pradesh.⁹¹

Following graph indicates the registration fees through a comparative analysis of other states with State of Rajasthan for the given number of employees under Building and other construction workers.

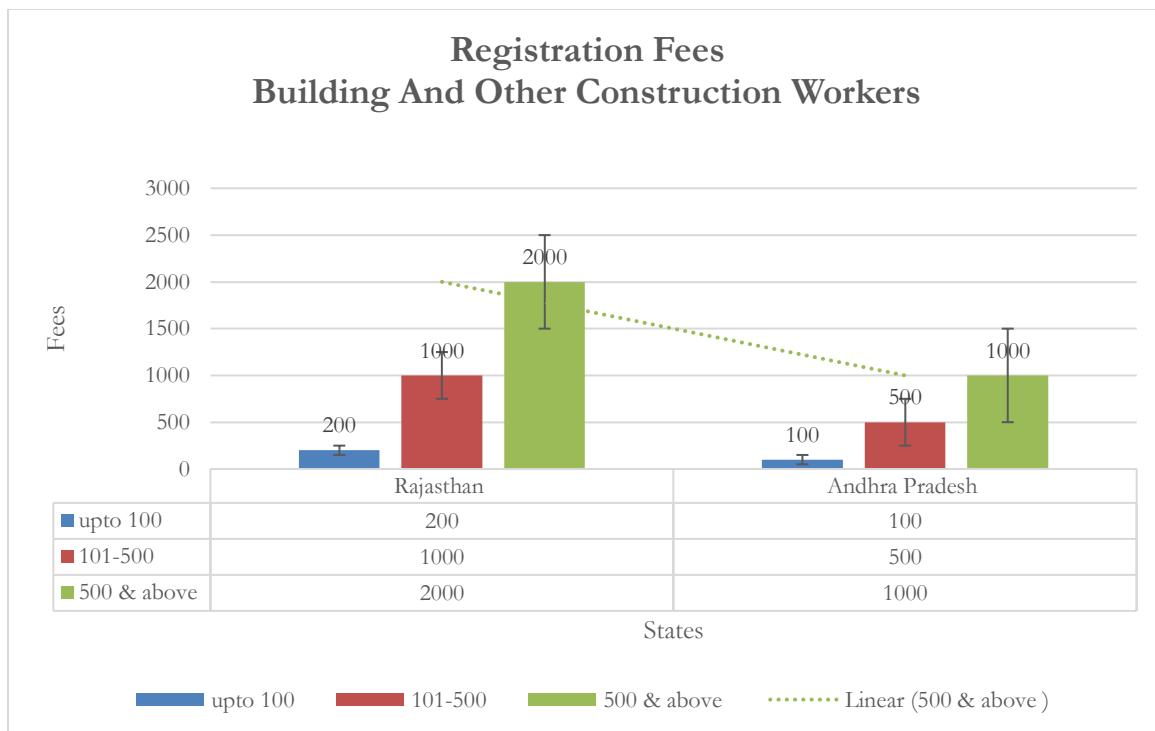


Figure 8 Comparative Analysis of Fee Structure for registration under Building and Other Construction Workers Act

⁸⁸ Registration/renewal timeline under all acts, retrieved at <https://labour.rajasthan.gov.in/DetailTimeline.aspx>

⁸⁹ Registration under Building and Other Construction Workers (RE & CS) Act, 1996 and AP Rules, 1999, retrieved from, <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR057.pdf>

⁹⁰ Fee Structure and checklist of building and other construction worker's (RE&CE) ACT, 1996, retrieved from, <https://labour.rajasthan.gov.in/FeeBuildngAct.aspx>

⁹¹ Registration under Building and Other Construction Workers (RE & CS) Act, 1996 and AP Rules, 1999, retrieved from <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR057.pdf>

The fee structure under various labour laws is dearer in Rajasthan. The graph above highlights a comparison of prescribed registration fee under the Building and Other Construction Workers (RE & CS) Act, 1996 in the state of Rajasthan and Andhra Pradesh. The prescription of fee for every bracket of the fee structure in Rajasthan is double the amount costs in Andhra Pradesh for the same bracket.

Registration under the Inter-State Migrant Workmen (RE & CS) Act, 1979

1. Legality

Law: Section 4 of the Inter-State Migrant Workmen (RE & CS) Act provides for registration of certain establishments by making an application to the registering officer.⁹² Section 35 provides for power to the appropriate (state) governments to make rules to carry out the objectives of the act.

State Provision: Rule 4 of the Inter-State Migrant Workmen (RE & CS) Rules, 1981 provides for registration and the grant of certificate of registration after the registering officer receives application as per Rule 3.⁹³

The compliance needed for registration of establishments is well within the scope of law with the Inter-State Migrant Workmen (RE & CS) Act being the primary central law.

2. Necessity

Documents Needed: The documents needed are exactly the same which are needed for registration under the Rajasthan Building and Other Construction Workers (RE & CS) Rules, 2009, as discussed above. Most employers seeking registration under the Inter-State Migrant Workmen (RE & CS) Rules are also likely to need registration under the Rajasthan Building and Other Construction Workers (RE & CS) Rules, 2009.⁹⁴ Such establishments are required to submit the same set of documents under two (or more compliance). This is duplication and hence, unnecessary.

3. Proportionality

⁹² THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1979 ARRANGEMENT OF SECT, Retrieved from, https://www.indiacode.nic.in/bitstream/123456789/16409/1/the_inter-state_migrant_workmen_regulation_of_employment_and_conditions_of_service_act_1979.pdf

⁹³ THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1979 ARRANGEMENT OF SECT, retrieved from https://www.indiacode.nic.in/bitstream/123456789/16409/1/the_inter-state_migrant_workmen_regulation_of_employment_and_conditions_of_service_act_1979.pdf

⁹⁴ The Inter-State Migrant Workmen (RE & CS) Act, 1979 (Principal Employer), retrieved from, <https://labour.rajasthan.gov.in/RuleInterPrincipal.aspx>

Fee: A standard fee of Rs. 1000 is required to be paid irrespective of the number of employees.⁹⁵ In case of Andhra Pradesh, the fee is proportional to the number of interstate migrant workmen proposed to be employed on any day, with maximum amount being Rs. 750 (in case of more than 400 employees).⁹⁶ A one size fits all approach may seem to be disproportionate.

Service Time: In Rajasthan, the time period mentioned within which the application will be disposed of is 30 days⁹⁷ whereas in states like Andhra Pradesh, on-spot approval is given.⁹⁸

Renewal under Rajasthan Shops and Commercial Establishments Acts, 1958

1. Legality

Law: Section 15(3), 18 and 40 of the Rajasthan Shops and Commercial Establishments Act, 1958 grants power to the state government to make rules in furtherance to fulfilling objectives of the Act.⁹⁹

Provision: Rule 6 of the Rajasthan Shops and Commercial Establishment Rules, 1959 prescribes for renewal of certificate by the inspector after the expiry of the initial period of registration certificate.¹⁰⁰

The compliance needed for renewal of registration of establishments is well within the scope of law with Rajasthan Shops and Commercial Establishments Act being the primary law.

2. Necessity

Documents: Same documents, which are submitted at the time of the registration are to be uploaded even at the time of renewal.¹⁰¹ This is unnecessary because this causes duplication. There is no provision for renewal of registration in states like Andhra Pradesh and Punjab, wherein registration

⁹⁵ Fee structure and Checklist of the interstate migrant workmen (RE&CS) Act, 1979, retrieved from <https://labour.rajasthan.gov.in/FeeMigrntAct.aspx>

⁹⁶ Registration of Establishment of Principal Employer under the Inter State Migrant Workmen (RE & CS) Act, 1979 and AP, retrieved from, <https://www.apindustries.gov.in/APIndus/Data/ClearancesDocuments/CLR040.pdf>

⁹⁷ Registration/renewal timeline under all Acts, Retrieved from <https://labour.rajasthan.gov.in/DetailTimeline.aspx>

⁹⁸ Registration of Establishment of Principal Employer under the Inter State Migrant Workmen (RE & CS) Act, 1979 and AP, retrieved from, <https://www.apindustries.gov.in/APIndus/Data/ClearancesDocuments/CLR040.pdf>

⁹⁹ The Rajasthan Shops and Commercial Establishments Act, 1958, Retrieved from, https://www.indiacode.nic.in/bitstream/123456789/16860/1/the_rajasthan_shops_and_commercial_establishments_act%2C_1958_date_04-8-1958.pdf

¹⁰⁰ The Rajasthan Shops and Commercial Establishments Act, 1958 Retrieved from, https://www.indiacode.nic.in/bitstream/123456789/16860/1/the_rajasthan_shops_and_commercial_establishments_act%2C_1958_date_04-8-1958.pdf

¹⁰¹ Rajasthan Shops and Commercial Establishments Act, 1958Retrieved from, https://www.indiacode.nic.in/bitstream/123456789/16860/1/the_rajasthan_shops_and_commercial_establishments_act%2C_1958_date_04-8-1958.pdf

is a one-time affair.¹⁰² Further, there is a discrepancy as to what is the time period required for the renewal, in the sense that at one place it mentions that the registration is for a lifetime; at other places, a penalty is levied for non-renewal.¹⁰³

3. Proportionality

Time Period: Once the registration has expired, the same has to be renewed within one month of expiry. If an application for renewal of registration is not received by the inspector within time specified, the registration certificate of the establishment shall be renewed on payment of fee at the rate of 50 percent for each subsequent three months or part thereof in excess of the fee prescribed.¹⁰⁴ This appears disproportional to the objective of the registration which is to maintain a record of establishments.

Issues – major hurdles faced

1. Repetitive Documents: All the compliances under the Labour Department require the same set of documents. Some might require additional ones, too. However, in such scenarios, only the additional documents, if needed, should be demanded.
2. Exorbitant Fee Structure: The fee structure, for instance, being Rs. 5000 for 10 employees seems disproportionate. One size fits all classification may not be a good approach for the labour department, and thus the classification should be based on the number of employees.
3. Lack of Stepwise Timeline: The Department of Labour has prescribed an overall time limit for processing applications across the services. But there is no step-wise limit. For example, the time limit for a registration under the Building And Other Construction Workers is 15 days. But if the first scrutinising officer takes 10 days for document scrutiny, it is likely to breach the stipulated time-limit.
4. Piecemeal Objections: The application being scrutinised by multiple officers causes piecemeal objections raised even at later stages. This causes delay in the overall disposal time of an application.

Recommendations – way forward

¹⁰² Registration under AP Shops & Establishments Act, 1988, retrieved from ,
<https://www.apindustries.gov.in/APIndus/Data/ClearancesDocuments/CLR038.pdf>

¹⁰³ Fee Structure and Checklist of Rajasthan Shops and Commercial Establishments Act, 1958, retrieved from,
<https://labour.rajasthan.gov.in/FeeShop.aspx>

¹⁰⁴ Fee Structure and Checklist of Rajasthan Shops and Commercial Establishments Act, 1958, Retrieved from,
<https://labour.rajasthan.gov.in/FeeShop.aspx>

1. Reduction in Fee: The fee structure must be made proportionate to the objective sought to be achieved via these acts. Other states like Punjab have either kept no fee or states like Andhra Pradesh which have allotted minimal fee.
2. Streamline the documentation: Same documents should not be asked for multiple times for different sets of compliances. Instead of burdening the applicant with prerequisites, required information should be shared between relevant departments.
3. Service Time: The department does not have a clear time limit for each step. This makes it difficult to define delay at an individual level and hold an official accountable. The department should fix a reasonable time limit for each step, considering the processing time and workload.
4. Deemed Approval: For registration of shops and commercial establishments, “deemed approval” system should be considered: if the application remains pending with a labour inspector for over a week (prescribed time is one day), the application should be granted “deemed approval” under the concerned labour inspector’s name.
5. Labour Codes: The Code on Social Security 2020, Occupational Safety, Health and Working Conditions Code 2020, Industrial Relations Code 2020, and Code on Wages 2019 are the four new labour codes introduced by the Central Government and are expected to be effectuated in 2022. These reforms will consolidate the existing 29 central labour laws and industrial regulations with an aim to reduce multiplicity of laws.¹⁰⁵ The compliance burden on businesses needs to be rationalised.

No renewal process is stipulated, under AP Shop and Commercial Establishment for Act. On the Spot Approval and registrations under labour laws.

Annexures attached in the end of the report with comparative analysis for best practices

¹⁰⁵ Prashant K. Nanda, (2022, February, 18), Four labour codes will be implemented in 2022; welfare scheme for gig workers on the anvil: MoS Labour Rameswar Teli, Retrived February 19, 2022, from MoneyControl Website: [Exclusive | Four labour codes will be implemented in 2022; welfare scheme for gig workers on the anvil: MoS Labour Rameswar Teli \(moneycontrol.com\)](https://www.moneycontrol.com/industry/industry-news/exclusive-four-labour-codes-will-be-implemented-in-2022-welfare-scheme-for-gig-workers-on-the-anvil-mos-labour-rameswar-teli-moneycontrol-com.html)

Department of Mines & Geology

In India, 'mining' is a concurrent responsibility of both the central and state governments. The mining sector in India is governed by two basic laws, namely the Mines and Mineral (Development and Regulation) Act, 1957 (MMDR Act) and the Mines Act, 1952, together with the rules and regulations framed under them. These acts give powers to the state governments to frame rules and the regulations.¹⁰⁶

We chose the following service offered by the Department of Mines and Geology, Rajasthan, for our analysis:¹⁰⁷

Grant of Mining Lease

The State Government has been authorised to receive the applications for grant of mining lease.¹⁰⁸ The Department of Mines and Geology (DMG) has been formed with the purpose of discovery, development and administration of mineral resources in the State and has been focusing on multiple functions. One of such functions is the survey and prospecting for new mineral deposits and their conformity evaluation through different techniques to make them ready for exploitation.

Analysis – three step test

1. Legality

Law: Section 15 of the MMDR Act allows state governments to make rules for, regulating the grant of mining leases or other mineral concessions in respect of minor minerals.¹⁰⁹

State Provision: Section 16 of the Rajasthan Minor Mineral Concession Rules, 2017 (RMMC Rules) provides for grant of mining lease to whoever submits the highest bid in the e-auction.¹¹⁰

The authority to grant mining lease is well within the scope of law with Mines and Mineral (Development and Regulation) Act, 1957 being the primary central law, under which Rajasthan has duly enacted the Rajasthan Minor Mineral Concession Rules, 2017.

¹⁰⁶ Laws relating to regulations and grant of Mineral concession, retrieved from, https://mines.rajasthan.gov.in/dmgbms/Static/files/RTI_3.pdf

¹⁰⁷ Department of Mines & Geology, Rajasthan, retrieved from <https://mines.rajasthan.gov.in/dmgbms/page?menuName=Home> - logs of the compliance of grant of mining lease

¹⁰⁸ Department of Mines & Geology, Rajasthan, retrieved from <https://mines.rajasthan.gov.in/dmgbms/page?menuName=Home>

¹⁰⁹ Rajasthan Minor Mineral Concession Rules -2017 (RMMCR-2017), retrieved from Rajasthan Minor Mineral Concession Rules -2017 (RMMCR-2017), retrieved from, <http://www.egcipl.com/Doc/Rajasthan%20Minor%20Mineral%20Concession%20Rules%202017.pdf>

¹¹⁰ MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957 ARRANGEMENT OF SECTIONS, retrieved from <https://mines.gov.in/writereaddata/UploadFile/MMDR%20Act,1957.pdf>

2. Necessity

Process: In Rajasthan, mining leases are allocated based on bids. To a successful bidder, the competent authority typically issues a letter of intent, to obtain and submit all consents and approvals as may be required.¹¹¹ Until this stage, mining lease is not granted.¹¹² Recently state government has announced to extension of mine lease which are due expiry in 2025 till 2040. The government has also proposed relaxation of limitation i.e. a minimum requirement of 4 hectare land for issuing mine lease in khatedari land.¹¹³ The Telangana government, however, grants mining lease even without the submission of the environment clearance.¹¹⁴ This is done to ease the process and an opportunity to the leaseholders to procure the said clearance, before the commencement of mining operations.

3. Proportionality

Time Frame: All consents and approvals are required to be submitted within 18 months from the date the letter of intent is issued. This appears to be a one size fits all approach. States like Andhra Pradesh and Maharashtra have made a categorisation for framing the time periods within which such consents and approvals are to be given.¹¹⁵ Even in the case of Gujarat, the leaseholder can submit the environment clearance till the beginning of mining operations.¹¹⁶

Penalty: In case the successful bidder is unable to procure the said consents and approvals within the time span mentioned, the competent authority shall reject the bid and forfeit the application fees, premium amount and performance security deposited.¹¹⁷

¹¹¹ Rajasthan Minor Mineral Concession Rules, 2017,

https://mines.rajasthan.gov.in/dmgcms/show_archived?menuName=Sx9jJLv0vZzoOsuxdNIcVQ=

¹¹² Rule 16(3), Rajasthan Minor Mineral Concession Rules, 2017 retrieved from,

<http://www.ecipl.com/Doc/Rajasthan%20Minor%20Mineral%20Concession%20Rules%202017.pdf>

¹¹³ The Times of India, February 22, 2022 at:

<https://timesofindia.indiatimes.com/city/jaipur/mining-leases-expiring-in-2025-to-get-15-yrs-extension/articleshow/89785536.cms> (accessed on March 16, 2022)

¹¹⁴ Telangana gives 50-year mining leases without environment clearance, Retrieved from

<https://timesofindia.indiatimes.com/city/hyderabad/telangana-gives-50-year-mining-leases-without-environment-clearance/articleshow/56863506.cms>

¹¹⁵ Procedure for applying for Mining Lease or Composite License or Reconnaissance Permit, retrieved from <https://www.mines.ap.gov.in/miningportal/Downloads/ActRules/StateActs/Ease%20of%20doing%20Business.pdf>

¹¹⁶ Rule - 59 of Gujarat Minor Mineral Concession Rules, 2017, retrieved from http://www.imd-gujarat.gov.in/Document/2017-5-31_671.pdf

¹¹⁷ Rajasthan Minor Mineral Concession Rules -2017 (RMMCR-2017) - Section 16 clause 4, retrieved from <http://www.ecipl.com/Doc/Rajasthan%20Minor%20Mineral%20Concession%20Rules%202017.pdf>

Issues – major hurdles faced

1. One Size Approach: All mines are under the same garb, for obtaining all consents and approvals within 18 months. The time period may be flexible depending on the risk and complexity involved.¹¹⁸

Recommendations – way forward

1. Time Leverage: A successful bidder must be given the right to furnish the consents and approvals till the time mining operations start. In fact, the Union Ministry of Mines had issued an order in 2017 establishing that all the applicants would be allowed to be granted lease, if they have complied with all the conditions of the letter of intent but have not been able to procure the environmental clearance.¹¹⁹
2. Introducing One-stop-shop: Currently, grant of mining lease has not been introduced as a compliance on the Single Window Clearance System of Rajasthan. For an expedited process, the same should be done at the earliest.

¹¹⁸ Presentation in PMO on Action Taken Report on issues relating to Agreed Reforms in Environment sector, refer from <https://mines.gov.in/writereaddata/UploadFile/2%20EC%20mining.pdf>

¹¹⁹ The Gazette, retrieved from <https://mines.gov.in/writereaddata/UploadFile/173466.pdf>
<https://www.thehindu.com/news/national/tamil-nadu/environmental-clearance-mandatory-for-all-mining-leases-ngt/article31962495.ece>

RECOMMENDATIONS

Classification and Adherence with Approval Timelines and Removal of Duplication

- Timelines should be classified in a proper manner at each step in a process of compliance or a procedural application. This will help identify the process which might be more time-consuming, and reform the same. There should be a mechanism to mandate officers at each step to furnish reasons behind any delay.
- Immense gaps in policy and practice have been identified by stakeholders during consultations with them. The time frames for processing an application as mentioned on the government official websites are rarely followed. It was highlighted that across services, applications are processed only after stakeholders visit the relevant government department.
- It was further highlighted that despite the mandate to upload a document within 48 hours of issuance by the inspector, the document is not uploaded in the prescribed time.
- Additionally, repetitive review of the same application by an officer causes time lag. There are compliances wherein the application is reviewed by 2-3 officers serving no unique purpose or by an officer at least 2-3 times. Both these situations cause an implementation delay, which leads to non-adherence of established timelines.

Deemed Approval System

- A system of ‘deemed approval’ would imply that if the application is not approved/rejected within the established timeline, thereafter, it will be deemed approved. This is intended to ensure following of the timelines by the department officials.
- As per our industry feedback, there are rarely any provisions of deemed approval that are put in place. In situations where ‘deemed approval’ has been included as a provision, the same is not followed in spirit.
- For instance, in case of CTE/CTO, the deemed approval is granted 4 months from the time of application, however the time for approval/rejection of application is maximum 90 days, providing flexibility to the government officer to raise objections even after 90 days.
- This should be rectified and uniformity must be maintained across compliances to include a provision of ‘deemed approval’ from the moment the prescribed time frame is over.

Risk-based Classification of Industries

- There must be risk-based classification of industries for safety related compliances like fire NOC and pollution. There are inconsistencies between central and state categorisation of industries. For instance, the processing of iron and steel is categorised by centre in orange but by the state in the red category, leading to an increase in compliance cost, as per the order issued in 2018.
- Amendments to rectify this was brought about in an order in 2020 however, the same is not being followed, as was informed to us by relevant industry stakeholders. It has been estimated that 22 companies have migrated from Bhiwadi to other states which apply norms consistent with central norms.
- Therefore, the categorisation should be aligned with the central government's recommendation. The same is followed by other states like Andhra Pradesh.
- Furthermore, proper risk-based classification of industries (of more than 15 m height) for the purposes of fire NOC as a prerequisite must be undertaken so that low-risk businesses are not burdened to comply with the unnecessary conditions.

Sharing of Information Amongst Government Departments

- The departments must obtain documents or verify the information directly from other relevant departments or concerned public authorities, electronically wherever possible, instead of burdening the applicants for submitting the same documents yet again.
- Information sharing among departments is a must to prevent the imposition of avoidable compliances.

Duration of Approval

- The time frame for which the approvals are granted should be extended across compliances, based on the best practices followed by other states.
- For instance, the validity period of CTE should be extended to a minimum of 5 years, similar to the minimum validity period of 5 years for the CTO under the Water Act, 1974 and the Air Act, 1981. Gujarat and Andhra Pradesh have extended the validity of the CTE certificate to 7 years.

Reduction in Fee

- The fee charged for certain compliances and their renewals in Rajasthan is higher than what is applicable in other states.
- It should be made proportionate to the objective sought to be achieved.
- For instance, given that a warehouse is not considered an ‘industry’, there is a need for conversion of industrial land for warehousing purposes, even if the user is the same. In addition, the conversion charges are higher than industrial land use rates.
- Additionally, the cross subsidy surcharge imposed by the Rajasthan Energy Department has gone upto Rs. 1.78 per unit with the combined additional surcharge of 82 paisa in 2016-2017. The total additional burden on the drawing power has gone up by Rs. 2.52 a unit. This is exorbitantly high as compared to other states, for instance, Telangana had offered to supply power at the Rs. 2.15 per unit. This price is much lower and is fixed without escalation.

Shift from Single Window to Single Roof

- There are compliances like grants of mining lease, conversion of land for warehouse construction which are not mentioned on the Single Window Clearance System of Rajasthan.
- A comprehensive list of compliances should be uploaded on the portal, and all relevant officials across departments, authorised to take decisions should be available at one place, to

make it a ‘single roof’. This is to ensure that the applicant does not have to run around on different websites for one approval.

- Additionally, as per our industry feedback, for the compliances that have been listed on the portal, most are not entirely functional online. In other words, there are certain compliances for which the applicant needs to visit the department, in person. Such lacunas need to be identified and fixed.

Leveraging Technology Efficiently

- While Rajasthan has introduced an Auto-CAD system which only analyses the building/factory plans submitted by the applicant, a more efficient Development Planning Management System (DPMS) enables a conducive ecosystem for approval of plans required for construction and setting up of industries. It administers the entire process from application submission to approval stage without the requirement of an inspection. This is prevailing in states like Andhra Pradesh (ranking one on the BRAP ‘Ease of Doing Business’ list), but not in Rajasthan.
- Additionally, Gujarat has become one of the first states in the country where inspections of factories have become paperless by the Labour Department. The App allows geotagging of the location of inspection. It also has the facility to capture geotagged visual evidence of documents and certificates. Moreover, the app allows instant verification of inspection. This should also be implemented in Rajasthan.

Third-Party Verifications/Self-Certification/ Auto-renewal

- Government should allow submission of self-certification or certificates from third-party verifications in order to fulfil the requirement of compliances.
- Karnataka government has brought in an affidavit-based approval system for ease of doing business.
- Punjab has third-party verification for Certificates of Consent to Establish, Consent to Operate, Biohazardous waste, and hazardous waste material certificates.¹²⁰ The state has

¹²⁰ Entrepreneur's Information Corner, retrieved from <https://ppcb.punjab.gov.in/en/entrepreneurs-information-corner>

further defined who these third parties are and termed them as chartered engineers.¹²¹ Such is not the case in Rajasthan, and therefore should be explored.

- Auto-renewal systems have been put in place by the Karnataka government with online payment of fees under following Acts¹²²:
 - Registration under the Karnataka Shops and Commercial Establishments Act, 1961;
 - License under the Contract Labour (Regulation and Abolition) Act, 1970;
 - License under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;
 - License under the Factories Act, 1948.

The same is not currently applicable vis-a-vis the aforementioned acts in Rajasthan, and therefore should be explored.

Sunset Clause

- A sunset provision or sunset clause is a measure within a statute, regulation, or compliance that provides that the instrument shall cease to have effect after a specific date unless further positive action is taken to extend the law.
- Such clauses need to be put in place because they will help in achieving a periodic review of laws and regulations. A renewal at the end of a time period, for instance, seven years, is needed because of evolving society and technological developments.

Stakeholder Consultations

- Mechanisms should be put in place to conduct regular consultations with the industry stakeholders in order to ascertain the clogs in the compliance process.
- This could be done through sector-focused group discussions. Another method could be to invite comments on a prospective compliance change to be undertaken by the government. Key stakeholders can then give their recommendations upon the feasibility of the same. A template for obtaining stakeholder feedback on existing and proposed compliances on indicators like forms, documents, procedures, time taken, fee, approval authority, among other could be obtained.
- This, in turn, will promote the greater objective of 'ease of doing business'.

¹²¹ Punjab Pollution Control Board retrieved from,
<https://ppcb.punjab.gov.in/sites/default/files/documents/CharteredTOR.pdf>

¹²² Government of Karnataka, Simplification of renewal procedures for certificates/registrations under ease of doing business retrieved from, https://esuraksha.karnataka.gov.in/storage/pdf-files/Auto%20Renewal%20English_000002.pdf

Regulatory Impact Assessment (RIA)

- RIA should be made an intrinsic part of the regulatory ecosystem. Costs and benefits of proposed and existing compliances should be ascertained through stakeholder consultations before proposing any change.
- The three-step framework subjecting each existing and proposed compliance to the three-step test of legality, necessity, and proportionality, should be adopted, to ensure only necessary compliances remain on statute books.

Compliance Feedback Metrics

Questions related to specific compliances:

- Below is the appended table with compliances and the potential reasons for introduction or non-introduction of a new compliance as well as periodic reviewing of such compliances in terms of their usefulness. This may be used by the government to receive stakeholder feedback before any new compliance is introduced.
- It is recommended that the feedback on the introduction of a new compliance should be taken in the form of a table and stakeholders should be allowed to mark their reasons and give recommendations on the new compliance as and when introduced in the state
- Feedback should be taken from stakeholders, namely –
 - establishment
 - state department/authority
 - others
- ✓ It is recommended that once a compliance receives feedback from the above-mentioned stakeholders, it will help
 - Bring out consistency while a new compliance is being introduced –it will help government mark the inconsistency in the requirements of an establishment as compared to the necessity while introducing a new compliance.
 - This will help in creating a list of checks and balances for a new compliance.
 - The stakeholders could be asked to mark with a (tick) with relevant reasons on the table appended below:

Compliances	Reasons									
	Potential Reduction in No. of forms	Potential Reduction of Unnecessary documents	Potential Reduction in the Service Timeline	Potential Reduction in the Registration Cost which is Unjustified	Potential Removal or Merger of Compliance Requirements	Potential adoption of Self/ 3 rd party certification	Potential of being added to Single Window-Single Roof	Potential of introducing Deemed approval or Auto-renewal	Potential of leveraging technology	
ABC compliance	✓		✓	✓			✓			
XYZ compliance		✓	✓			✓	✓	✓		✓
KFM compliance	✓	✓			✓	✓	✓	✓		✓

PROPOSED IMPLEMENTATION TIMELINE

This report makes several recommendations to reduce the regulatory compliance burden on the industries and enhance 'ease of doing business' in the state. These recommendations broadly address the easing of compliances on three levels - implementation, notifying a change in law via rules, notification, or order, and formulating a law itself. These are divided into the time frames of immediate, medium-term, and long term, respectively.

RECOMMENDATIONS	PROPOSED TIMELINE		
	Immediate (1-2 Months)	Medium Term (4-6 Months)	Long Term (1-2 Years)
General recommendations and proposed timeline			
Classification and adherence with Approval Timelines and removal of Duplication	✓		
Deemed Approval – if the application is not approved or rejected within a stipulated time, it will be deemed approval.	✓		
Risk-based Classification of Industries		✓	
Sharing of Information Amongst Government Departments	✓		
Duration of Approval - The time frame for which the approvals are granted should be extended across compliances, based on the best practices followed by other states.	✓		
Reduction in Fee - The fee charged for certain compliances and their renewals in Rajasthan	✓		
Shift from Single Window to Single Roof		✓	
Leveraging Technology Efficiently			✓

Third-Party Verifications		✓	
Self-Certification/ Auto-renewal	✓		
Sunset Clause			✓
Mechanism should be put in place for Stakeholder Consultations to ascertain the clogs in compliances.		✓	
Regulatory Impact Assessment (RIA) - Costs and benefits of proposed and existing compliances.			✓
Key specific recommendations and proposed timeline			
RECOMMENDATIONS	PROPOSED TIMELINE		
	Immediate (1-2 Months)	Medium Term (4-6 Months)	Long Term (1-2 Years)
F. Rajasthan State Pollution Control Board (RSPCB)			
Expeditious disposal of applications		✓	
Reduction in number of documents for application of Certificate to Establish, and Certificate to Operate (CTO/CTE). It is recommended to do away with some of the highlighted documents below:		✓	
CTE <ul style="list-style-type: none"> • Acknowledgement from DIC/Secretariat for Industrial Assistance (Ministry of Commerce and Industry) 			

<ul style="list-style-type: none"> • Project report duly signed by a CA • Building plan layout (Mandatory for Red category) <p>CTO</p> <ul style="list-style-type: none"> • Refurnishing of the board resolution or power of attorney <p>RENEWAL</p> <ul style="list-style-type: none"> • Copy of CA certificate on capital investment 			
<p>It is recommended that the application process be sought at the pre-screening stage only.</p> <p>Further to seek clarification – the application must not travel back and forth to concerned authority which has provided approval at the pre-screening stage.</p> <p>For instance after the pre-screening stage, the application must go directly to the JEE/AEE for review and inspection.</p>	✓		
Mention clear timelines at each step for CTO/CTE/renewal		✓	
Extend the Validity of CTE for 7 years			✓
Adoption of Auto-Renewal Process	✓		
Consistency among State and Central Classification of Industries			✓

Exempt Green category industries from CTO		✓	
One week time period of renewal instead of four months		✓	
Follow the following time period of approval/rejection for each industrial category <ul style="list-style-type: none"> - Red Category – 21 Days - Orange Category – 15 Days - Green Category – 07 Days 		✓	
G. Urban Development and Housing Department (UDH) & Local Self Government (LSG)			
Fire NOC			
Risk based criteria for applicability of fire NOC – Classification of Industries		✓	
Fire NOC validity to increase from 2 years to 3 years and renewal from 1 year to 2 years			✓
Defining, streamlining the process of inspections and adoption of Third-party Verification		✓	
The Fire NOC service timeline should be consistent throughout and the inspection report should be submitted within 7 days.	✓		
Building Plan Approval			

Install Technology enabled system of approval – Building plan approval			✓
Introduction of Development Planning Management System (DPMS)			✓
With the adoption such system, the entire process will take 5-10 days as against 30-45 days for building plan approval in case of Rajasthan.			
Avoid unnecessary steps/procedures in building plan approval		✓	
Self-certification for NOCs of medium risk industry categories should be introduced and low risk should be exempted from inspections			✓
Change in Land use			
Recognise change in land use for Bonafide Industrial purposes		✓	
Adopt affidavit-based approval system	✓		
Impose concessional conversion fee rate at Rs. 2 per square meter.	✓		
Payment of Tax and fees			
Avoid imposition of tax, cess, levies from retrospective effect	✓		
Installation of Telegraph Infrastructure			

Reduction of Unnecessary files and streamlining the process. The application process could require only two officers as against six deployed currently.		✓	
Reduction in time frame		✓	
There should be clarity among laws/timelines	✓		
H. Labour Department			
Prescribe stepwise timeline in labour department for seeking approval	✓		
The application being scrutinised by multiple officers causes piecemeal objections raised even at later stages, should be removed.		✓	
Repetitive documents under labour department should be do away with – Streamlining and reducing documents required		✓	
Adopt Paperless factory Inspection			✓
Make registration under Rajasthan Shops and Commercial Establishments Act, one time			✓
Registration under labour laws should be On The Spot	✓		
Rajasthan Shops and Commercial Establishments Act			

Reasonable fee scale should be reduced Current scale - Rs. 5000 to 150000 Recommended scale - Rs. 100 to 2500		✓	
Rajasthan should do away with the requirement of renewal under The Rajasthan Shops And Commercial Establishments Acts, 1958	✓		
Building and Other Construction Workers (RE & CS) Act			
Fee scale for registration should be reduced. Current scale - Rs 200 - Rs. 2000 Recommended scale - Rs. 100 – Rs. 1000.		✓	
The Inter-State Migrant Workmen (RE & CS) Act, 1979			
Imposition of fee under the act should be based on the no. of employee as brackets recommended below – No. of Employees: - 5-20 - 21-50 - 51-100		✓	
Fee Structure Registration charges to be made reasonable for each bracket (as recommended above), formulating a		✓	

scale with a bracket of Rs. 30 to maximum Rs. 750			
I. Rajasthan State Industrial Development & Investment Corporation Ltd. (RIICO)- Industrial land allotment for warehousing			
Grant warehouses industrial status for land use purposes			✓
State of Rajasthan should adopt the practice of recognising Captive warehouse as Industries		✓	
<p>Introduce allotment of Industrial Land through</p> <p>Current:</p> <ul style="list-style-type: none"> - first-cum-first-serve and, by draw of lots <p>Recommended:</p> <ul style="list-style-type: none"> - direct purchase from land owners or, - through allotment from govt. agencies or bodies 		✓	
Service timeline to be reduced to 21 days from 30 days	✓		
J. Department of Mines & Geology			
Upon allotment of the mining lease, the lessee should be allowed appropriate time to furnish approval documents such as CTO/CTE or NOCs (approvals) from several government departments before the mining			✓

operation could be allowed to start			
Grant of mining lease should be introduced on the Single Window Clearance System of Rajasthan		✓	

CONCLUSION

The Centre for Monitoring Indian Economy (CMIE) recently released the unemployment status report of India for December 2021. According to the report, the unemployment rate in the country was 7.91% in December. The highest unemployment rates were reported in Haryana (34.1%), Rajasthan (24.1) and Jharkhand (17.3%). The COVID-19 pandemic has had a detrimental effect on the labour market worldwide, causing many individuals to lose their jobs and businesses to close. While states are working towards a causal problem of unemployment, there are other ways in which states are trying to boost their jobs market.

For this, many states have identified a solution which is boosting state's Micro Small and Medium Enterprises (MSMEs). The MSMEs is a key contributor to India's socio-economic development. India comprises approximately 6.3 crore MSMEs and the number of registered MSMEs increase on an average of 18 percent every year. The MSMEs sector contributes approximately 30 percent towards the Indian Gross Domestic Product (GDP) through its domestic and international trade. The Indian government envisions doubling the country's economy to US\$ 5 trillion by 2026 and to achieve this goal, it aims to enhance MSMEs' share in exports and its contribution to the GDP.

States play an integral part in materializing the national scheme for enhancing industrial development in India as expected. The Government of Rajasthan (GoR) is working towards several initiatives and is at the forefront of industrial reforms to facilitate an ecosystem hospitable for trade, commerce and improve the availability of jobs in the state.

Rajasthan is the largest state in India and should attempt to hone a business-friendly environment. This will help in boosting its manufacturing capacity and attracting investments. The study of doing business advocates regulatory efficiency to enhance the ease of doing business in the state. Regulatory effectiveness is required to realise economic gains, reduce corruption and encourage industrial establishments with special concern on SMEs to flourish. Practical recommendations are provided under the study which is formulated based on a thorough analysis and key findings. The state should look for implementing the above-mentioned recommendations for creating a business-enabling environment.

While, India is one of the fastest-growing economies in the world with a massive demographic dividend on record. It also has the reputation of having the potential of becoming one of the world's largest manufacturing hubs considering the ginormous human resource it holds. The manufacturing sector of India has been witnessing a high growth trajectory, contributing around 66 percent of the country's exports and accounting for a total of 12 percent employment generation.

To see the appended growth, India needs to take all the states along. The state needs to adopt measures to effectively accelerate its industrial development and improve its international position.

Annexures – Best Practices in Other States

Comparative Analysis for Best Practices

A. Pollution Clearance

	Andhra Pradesh	Odisha	Rajasthan	Punjab
Categorisation of Industries	Red, Orange, Green ¹²³ (Newly added White)	Red, Orange, Green, White	Red, Orange, Green, White	Red, Orange, Green, White ¹²⁴
Exempted from CTE	Green ¹²⁵	Green and White exempted from CTO as well	White	White to register; green for instant CTE/CTO approval ¹²⁶
Time Period of Approval/Rejection	Red- 21 days; Orange- 15 days; Green- 7 days ¹²⁷	Red- 30-60 days; Orange- 30-45 days; Green- 30 days ¹²⁸	Red- 90 days; Orange- 50 days; Green- 7 days; ¹²⁹ deemed consent after 4 months ¹³⁰	Consent to establish (NOC) ¹³¹ Green Category 15 days Red & Orange Category Large & Medium 21 days Small Scale 15 days

¹²³ APPCB. (2016). Retrieved February 19, 2022, from Ap.gov.in website: <https://pcb.ap.gov.in/consent-management-consent-for-operation-categories-of-industries.htm>

¹²⁴ Categorisation of Industries | Punjab Pollution Control Board, Government of Punjab. (2021). Retrieved February 19, 2022, from Punjab.gov.in website: <https://ppcb.punjab.gov.in/en/consent-management/categorisation-of-industries#:~:text=PPCB%20has%20categorized%20all%20existing,in%20view%20their%20pollution%20potential>

¹²⁵ "APPCB". Pcb.Ap.Gov.In, 2022, <https://pcb.ap.gov.in/content-management-cfe.aspx> . Accessed 19 Feb 2022.

¹²⁶ Categorisation of Industries | Punjab Pollution Control Board, Government of Punjab

¹²⁷ "Categorisation Of Industries | Punjab Pollution Control Board, Government Of Punjab". Ppcb.Punjab.Gov.In, 2022, <https://ppcb.punjab.gov.in/en/consent-management/categorisation-of-industries#:~:text=PPCB%20has%20categorized%20all%20existing,in%20view%20their%20pollution%20potential>. Accessed 19 Feb 2022.

¹²⁸ APPCB. (2017). Retrieved February 19, 2022, from Ap.gov.in website: <https://pcb.ap.gov.in/content-management-cfe.aspx>

¹²⁹ Ospcboard.Org, 2022, <http://ospcboard.org/wp-content/uploads/2017/04/CTO-Timeline-Disposal.pdf>. Accessed 19 Feb 2022.

¹³⁰ Environment.Rajasthan.Gov.In, 2022, <https://environment.rajasthan.gov.in/content/dam/environment/RPCB/Office%20Order/01062016%20-%20Revise%20Key%20Deliverables.pdf>. Accessed 19 Feb 2022.

¹³¹ Environment.Rajasthan.Gov.In, 2022, <https://environment.rajasthan.gov.in/content/dam/environment/RPCB/Office%20Order/Office%20Order2/Deemed%20Consent%20Office%20order.pdf>. Accessed 19 Feb 2022.

¹³² Policy of the Board | Punjab Pollution Control Board, Government of Punjab. (2021). Retrieved February 19, 2022, from Punjab.gov.in website: <https://ppcb.punjab.gov.in/en/consent-management/policy-of-the-board>

	Andhra Pradesh	Odisha	Rajasthan	Punjab
Validity of CTE & CTO	CTE: 7 years ¹³²	CTO: Red- 5 years; Orange- 10 years	CTE- 3-5 years; CTO- 5 (Red), 10 (Orange), 15 (Green) ¹³³	CTE- 1; CTO- 10 (Green) 5(Red, Orange)
Extension of Validity of CTE and CTO	7 years without inspection (only application with supporting documents to be submitted) ¹³⁴	5 years (example: DLF Ltd) ¹³⁵	N/A- application can be made 4 months prior to expiry of validity ¹³⁶	The ¹³⁷ validity of consent to establish' (NOC) cannot be extended beyond five years from the date of issuance of the same, in any case.
Auto-renewal	Yes ¹³⁸	Yes- self certificate or third party certificate;	Yes- third party inspection ¹³⁹	Yes, Self Certification and Third Party inspection ¹⁴⁰
Time Period for Renewal	One week ¹⁴¹		120 days(as per the Single Window Clearance System)/ 10 days (as per department website)	
Inspection time	72 hours		48 hours; Green (operative for 5 years)- self certificate; Orange (operative for	After inspection, a report is to be submitted on the Portal within 48

¹³² Policy of the Board | Punjab Pollution Control Board, Government of Punjab. (2021). Retrieved February 19, 2022, from Punjab.gov.in website: <https://ppcb.punjab.gov.in/en/consent-management/policy-of-the-board>

¹³³ CONSENT TO ESTABLISH (CTE). (2015). Retrieved February 19, 2022, from Rajasthan.gov.in website: <https://environment.rajasthan.gov.in/content/environment/en/rajasthan-state-pollution-control-board/newindustries/consenttoestablish-cte.html#:~:text=Normally%20the%20State%20Board%20will,with%20resons%20for%20the%20same>

¹³⁴ Pcb.Ap.Gov.In, 2022, <https://pcb.ap.gov.in/pcbnic1/pcbnic/Cir-dt.-03.06.2016-on-Auto-Renewal-of-CFE-order.pdf>. Accessed 19 Feb 2022.

¹³⁵ Dash, Jayajit. "Odisha Extends Validity Of DLF's Consent Order". Business-Standard.Com, 2022, https://www.business-standard.com/article/companies/odisha-extends-validity-of-dlf-s-consent-order-116070900305_1.html. Accessed 19 Feb 2022.

¹³⁶ CONSENT TO ESTABLISH (CTE). (2015). Retrieved February 19, 2022, from Rajasthan.gov.in website: <https://environment.rajasthan.gov.in/content/environment/en/rajasthan-state-pollution-control-board/newindustries/consenttoestablish-cte.html#:~:text=Normally%20the%20State%20Board%20will,with%20resons%20for%20the%20same>

¹³⁷ (2022). Retrieved 20 February 2022, from <https://ppcb.punjab.gov.in/sites/default/files/documents/Manual%204.pdf>

¹³⁸ Ppcb.Punjab.Gov.In, 2022, <https://ppcb.punjab.gov.in/sites/default/files/documents/Manual%204.pdf> . Accessed 19 Feb 2022.

¹³⁹ As given by the RSPCB in the data request

¹⁴⁰(2022). Retrieved 19 February 2022, from <https://ppcb.punjab.gov.in/sites/default/files/documents/Office%20Order%20no%20444%20dt%2010-08-2021%20selfcertification%20and%20third%20party%20inspection.pdf>

¹⁴¹ (2022). Retrieved 19 February 2022, from <https://pcb.ap.gov.in/pcbnic1/pcbnic/Cir-dt.-03.06.2016-on-Auto-Renewal-of-CFE-order.pdf>

	Andhra Pradesh	Odisha	Rajasthan	Punjab
			5 years)- third party certification ¹⁴²	hours. ¹⁴³
Fees for Renewal		Auto renewal with no penalty; adequate fees		No fees pre-expiry; post expiry penalty applied as per the rules. The industry shall apply for renewal/further extension in validity of consent at least two months before expiry of the consent. ¹⁴⁴

B. Change in Land Use/Land Conversion

	Rajasthan	Maharashtra	Karnataka	Haryana
Procedure	PROCEDURE/ STEPS FOR ONLINE APPLICATION SUBMISSION & PROCESSING ¹⁴⁵ : STEP-1: -	Procedure for Change in Land Use in Maharashtra ¹⁴⁶ Step 1: Approach District Collector Office	Procedure for Change in Land Use under KTCP Act, 1961 ¹⁴⁷ 1. Applicant has to submit an application with 3	

¹⁴² Environment.Rajasthan.Gov.In, 2022, https://environment.rajasthan.gov.in/content/dam/environment/RPCB/Office%20Order/office%20order_Green%20Inception.pdf. Accessed 19 Feb 2022.

¹⁴³ (2022). Retrieved 19 February 2022, from https://pbocmms.nic.in/OCMMS-0.1/SPCB_DOCUMENTS/CTO.pdf

¹⁴⁴ Pbindustries.Gov.In,2022, https://pbindustries.gov.in/static/assets/docs/sampleforms/Consent_to_Operate_UserManual.pdf . Accessed 19 Feb 2022.

¹⁴⁵ UDH -APPLICATION FOR CONVERSION OF LAND UNDER THE RAJASTHAN URBAN AREAS (Change Of Land Use (Residential To Commercial) Under Rajasthan Urban Area Rule 2010) RULES, 2010 PROCEDURE/ STEPS FOR ONLINE APPLICATION SUBMISSION & PROCESSING. (n.d.). Retrieved from https://swcs.rajasthan.gov.in/Upload/4c42101c-8c78-45bf-8d73-8026e998c98aCLU_UDH.pdf

¹⁴⁶ Urban Development -1 Fees, Procedure and Document Checklist for Change in Land Use service in Maharashtra. (n.d.). Retrieved from https://maitri.mahaonline.gov.in/PDF/EoDB%20SRAP2020_UD1_FeesProcedure_DocumentChecklist_ChangeInLandUse.pdf

¹⁴⁷ Change in Land Use Service Procedure Details, retrived from [https://bmrda.karnataka.gov.in/storage/pdf-files/Change%20of%20land%20use%20us%2069%20\(2\),%20of%20KTCP%20Act%201961.pdf](https://bmrda.karnataka.gov.in/storage/pdf-files/Change%20of%20land%20use%20us%2069%20(2),%20of%20KTCP%20Act%201961.pdf)

	Rajasthan	Maharashtra	Karnataka	Haryana
	<p>Applicant Login to SSO Portal (https://sso.rajasthan.gov.in) for online application submission and fee payment. Post Application + Fee submission, a unique APPID is issued as ACK.</p> <p>STEP-2: - Application is forwarded to: A) REVENUE SECTION (DLC CASE 2(b) or SLC CASE form A checklist) B) APPLICANT (PUBLIC NOTICE) C) SITE INSPECTION (DLC CASE 2(b) or SLC CASE form A checklist) For re-evaluation and facts submission.</p> <p>Action: - FORWARD STEP-3: - TOWN PLANNING OFFICER logs-in to SSO Portal for validating the application and gets Input from</p>	<p>Occupant or superior holder of land, who is seeking permission for Maharashtra land conversion, has to furnish an application form in prescribed format along with the supporting documents to the District Collector in whose jurisdiction the agricultural land is situated.</p> <p>Step 2: Verification by District Collector</p> <p>On receipt of the request, District collector will acknowledge the application within seven days and send a copy of the application to Tahsildar. If the proposed area is within the jurisdiction of a Municipal Corporation or Municipal Council, the Collector consults them concerning acquiring the</p>	<p>sets of certified copies of Land ownership, Public Interest, approach road & surrounding developments information.</p> <p>2. The proposal requested for change of Land use to be published in one or more daily newspapers having circulation in the LPA inviting objections from the public within a period of not less than fifteen days from the date of publication.</p> <p>3. The change of land use proposal to be placed before the committee meeting of the Planning Authority for decision.</p> <p>4. The CLU proposal to be submitted to the State Government through BMRDA.</p> <p><i>(Affidavit Based Approval System was introduced in Karnataka in 2019)</i></p>	

	Rajasthan	Maharashtra	Karnataka	Haryana
	<p>Revenue Officer/ Applicant & Site Inspector forward to Secretary. Action: - FORWARD/ SUGGESTION REQUEST</p> <p>STEP-4: - SECRETARY Logs-in to SSO Portal Upload Digitally Signed DLC CASE form 2(b) or SLC CASE form (A) checklist.</p> <p>STEP-5: - Application is forwarded by Secretary to CTP OFFICER. Now CTP OFFICER Logs-in to SSO Portal Upload Digitally Signed DLC CASE form 2(b) or SLC CASE form(A) checklist. With inputs</p> <p>Action: - Forward to TP SECTION OFFICER, Objection</p> <p>STEP-6: - TPS OFFICER logs-in to SSO Portal and</p>	<p>building permit Step 3: Verification by Tahsildar</p> <p>Revenue Clearance: The Tahsildar will check for revenue clearance and special clearance.</p> <ul style="list-style-type: none"> • The applicant is the rightful occupant or superior holder of land and is empowered to file for a change of land use • Any dues outstanding to any Department by the occupant or preferred holder • The property is free from the encumbrances and if the local authority has any objections for land conversion <p>Technical Clearance: The Tahsildar will check the following parameters for technical clearance</p> <ul style="list-style-type: none"> • The intended 	<p><i>for Change in Land Use).¹⁴⁸</i></p> <p><i>(Application through online Affidavit based system for change in land use is routed to all the concerned departments for their opinion, for which a 30-day time limit has been fixed. If the departments do not submit their opinion within this time frame, the application will be processed for land conversion on the presumption that there is no objection.)¹⁴⁹</i></p>	

¹⁴⁸ Special Correspondent, (2019, February, 21) Affidavit-based land conversion system launched in State. Retrieved February 19, 2022, from The Hindu Website <https://www.thehindu.com/news/national/karnataka/affidavit-based-land-conversion-system-launched-in-state/article26324956.ece>

¹⁴⁹ Special Correspondent, (2019, February, 21) Affidavit-based land conversion system launched in State. Retrieved February 19, 2022, from The Hindu Website: <https://www.thehindu.com/news/national/karnataka/affidavit-based-land-conversion-system-launched-in-state/article26324956.ece>

	Rajasthan	Maharashtra	Karnataka	Haryana
	<p>upload Decision Form raised DEMAND NOTE TO APPLICANT</p> <p>Action: - Approve/ Objection</p> <p>STEP-7: - Once Fees Paid Successfully application is route to SECRETARY to ISSUE Order</p> <p>STEP-8: - SECRETARY May ISSUE the ORDER or Reject the Application</p> <p>Action: - Approve/Reject</p>	<p>land conversion is not violating any stipulations of any development plan</p> <ul style="list-style-type: none"> • The converted land will not pose any perceivable hazard regarding the environment, health or safety to the occupier or landholder or any other individual residing in that area • The converted land is not being sought for a purpose for which adequate land is already earmarked at the nearest urban area <p>Step 4: The issue of Conversion Order</p> <p>The District Collector within a month of the date of payment of premium issues an order of conversion.</p> <p>Step 5: Entries in the Revenue Records</p> <p>The District Collector, after the issue of conversion order, authorised the Tahsildar to change the particulars of the</p>		

	Rajasthan	Maharashtra	Karnataka	Haryana
		tenancy land by making necessary entries in the revenue records.		
Documents Required	<p>Documents Required For Change In Land Use¹⁵⁰:</p> <ol style="list-style-type: none"> 1. survey plan, 2. site plan showing approach road, 3. site plan issued by urban local body, power of attorney, 4. 4 photographs of the plot, 5. applied google earth/ GPS coordinates, 6. title document 7 survey location plan from the Master Plan. 	<p>Document Checklist for Change in Land Use in Maharashtra¹⁵¹</p> <p>For completing Change in Land Use in Maharashtra, the applicant has to attach documents as mentioned below:</p> <ol style="list-style-type: none"> 1. Prescribed application form duly filled in duplicate with court fee stamp of rupees 5 2. Extract of 7/12 and its four photocopies 3. Copies of the relevant mutation entries about land in question 4. If the record is not available in the 	<p>Documents Required¹⁵²:</p> <ol style="list-style-type: none"> 1. Sale / Partition Deed. 2. RTC. 3. Encumbrance in Form 15. \ 4. Encumbrance in Form 16. 5. Mutation / Katha Certificate 6. Survey sketch issued by the ADLR showing boundary, extent, approach road width, kharab and other details. 7. Village map identifying the property. 8. GPA, if applicable. 9. Approach Road details - whether it is a public road belonging to Local body/PWD/High 	<p>Documents Required¹⁵³:</p> <ol style="list-style-type: none"> 1. Survey plan of the land on a scale 1"-40 showing the existing means of access to the land and building and the use of land falling in 100 yards of the property of said land (in triplicate) 2. Copy of sale deed showing title of the land. 3. Copy of Jamabandi 4. Copy of intqal. 5. Dimensioned sazra of the land. 6. Land utilization plan and project report, justifying the requirement of land for the project, article of memorandum and

¹⁵⁰ (Change of Land use (Residential to Commercial) Under Rajasthan Urban Area Rule 2010) RULES, 2010 Retrieved from https://swcs.rajasthan.gov.in/Upload/4c42101c-8c78-45bf-8d73-8026e998c98aCLU_UDH.pdf

¹⁵¹ Urban Development -1 Fees, Procedure and Document Checklist for Change in Land Use service in Maharashtra. (n.d.). Retrieved from https://maitri.mahaonline.gov.in/PDF/EoDB%20SRAP2020_UD1_FeesProcedure_DocumentChecklist_Changein_LandUse.pdf

¹⁵² Change of land use u/s 69 (2), of KTCP Act 1961, Retrieved from [https://bmrda.karnataka.gov.in/storage/pdf_files/Change%20of%20land%20use%20u/s%2069%20\(2\),%20of%20KTCP%20Act%201961.pdf](https://bmrda.karnataka.gov.in/storage/pdf_files/Change%20of%20land%20use%20u/s%2069%20(2),%20of%20KTCP%20Act%201961.pdf)

¹⁵³ haryanaindustries.com, 2022 <http://haryanaindustries.com/56-Change-of-Land-Use-from-DTP.html>

Accessed on 19 February, 2022

	Rajasthan	Maharashtra	Karnataka	Haryana
	8. In case of Power of Attorney Holder is applying on behalf of the Applicant then the certified copy of the Registered Power of Attorney.	<p>revenue office, a certificate from the Revenue Officer (Tahsildar) stating that the files are not available with</p> <p>5. Extract of village form 8A</p> <p>6. Certified copies of the land map issued by Taluka Inspector or Taluka Land Record Office</p> <p>7. Site plan (8 copies) and eight copies of the building plan (if permission is asked for constructing the building)</p> <p>8. Extract of the relevant 7/12 – If the proposed land is not abutting to the classified road and right of the way over the boundaries of other survey number or GAT number is acquired and</p> <p>9. If the land in question is abutting SH, NH or EW, a copy of the NOC from Highway Authorities or other appropriate</p>	<p>ways/Zilla Panchayath? Proof to be submitted.</p> <p>10. Whether the land has been acquired for any public schemes and is it a de-notified land? Declaration by applicant.</p> <p>11. Notarised Affidavit by the applicant regarding abiding to CLU & development approval conditions in accordance with law in the prescribed format. (Copy of format enclosed).</p> <p>12. Consent of the jurisdictional local body regarding maintenance of basic infrastructure facilities after development.</p> <p>13. Extract of Master Plan showing land in question.</p> <p>14. Location map to scale and Google earth image showing land in question, approach road and surrounding developments in with minimum 250</p>	<p>authorization to deal with department (if any)</p> <p>7. Genuineness Certificate from the office of the DC of the concerned district.</p> <p>8. No objection certificate from the Haryana State Pollution Control Board, if the site falls within the agricultural zone.</p> <p>9. Registration of unit with Industrial Department.</p> <p>10. Any other document, which may be, required by the department specifically in the particular case.</p> <p>11. A demand draft in favour of Director, Town and Country Planning Haryana, Chandigarh drawn on any scheduled back on account of scrutiny fee at the rates of Rs. 10 per square meter of the area of it.</p>

	Rajasthan	Maharashtra	Karnataka	Haryana
		<p>authority</p> <p>10. NOC from Municipal concern councils or Gram Panchayat</p> <p>11. If the permission for conversion is already granted an application is to be made for a change of use of land, then a copy of the NA order and sanctioned plan is to be attached,</p> <p>12. If the area is attracting provisions of Bombay Tenancy and Agricultural Lands Act, 1948 then the Sale Permission received under section 43/63</p> <p>13. No dues certificate from farmer's co-op society,</p> <p>14. A document obtained from the Tahsildar stating therein that the land in the question is not under acquisition.</p> <p>15. If there is no Municipal Corporation or Municipal Council in the area for</p>	<p>in radius.</p> <p>15. Photograph of Land</p>	

	Rajasthan	Maharashtra	Karnataka	Haryana
		proposed conversion, the applicant needs to submit a No Objection Certificate (NOC) and clearance certificate.		
Service time	60 days, as specified on Single Window Clearance System	Not Available	60 Days (with the Introduction of the Affidavit System) ¹⁵⁴	60-90 Days ¹⁵⁵
Conversion Fee/Tax	The plot owners will have to pay an administrative fee of Rs. 500 along the application form. Further Change in Land Use charges are fixed at Rs. 10 per sq. mt. rate. An upper limit and lower slab has been fixed for the charges to fall within this bracket i.e. Rs. 5000 to Rs. 50000. ¹⁵⁶	Fees/ Premium Payable for Change in Land Use in Maharashtra The fees/ premium payable for conversion of agricultural lands will be based on the market value of property in Maharashtra. 1. For the conversion of agricultural land to residential property, the premium would be	Scrutiny Fee @ the rate of Rs.1.00/Sq.mtr of the lands. Conversion Fee ¹⁵⁷ To Residential- 0.5% subject to a minimum of Rs.25/m To Industrial- 1% subject to a minimum of Rs.37.5/m ² To Commercial-	The applicant submits the CLU application form in the field office along with the required scrutiny fee (Rs 10 per sq. metre for uses other than recreational /industrial use & Rs 2 per sq. metre for industrial /recreational use). ¹⁵⁸

¹⁵⁴ Special Correspondent, (2019, February, 21) Affidavit-based land conversion system launched in State. Retrieved February 19, 2022, from The Hindu Website:

<https://www.thehindu.com/news/national/karnataka/affidavit-based-land-conversion-system-launched-in-state/article26324956.ece>

¹⁵⁵ haryanaindustries.com, 2022

<http://haryanaindustries.com/56-Change-of-Land-Use-from-DTP.html>

Accessed on 19 February, 2022

¹⁵⁶ News, C., & News, j. (2022). UDH frames rules for land use change | Jaipur News - Times of India. Retrieved, from <https://timesofindia.indiatimes.com/city/jaipur/udh-frames-rules-for-land-use-change/articleshow/81216798.cms>

¹⁵⁷ Change of land use u/s 69 (2), of KTCP Act 1961, Retrieved from [https://bmrda.karnataka.gov.in/storage/pdf_files/Change%20of%20land%20use%20us%2069%20\(2\),%20of%20KTCP%20Act%201961.pdf](https://bmrda.karnataka.gov.in/storage/pdf_files/Change%20of%20land%20use%20us%2069%20(2),%20of%20KTCP%20Act%201961.pdf)

¹⁵⁸ haryanaindustries.com, 2022

<http://haryanaindustries.com/56-Change-of-Land-Use-from-DTP.html>

Accessed on 19 February, 2022

	Rajasthan	Maharashtra	Karnataka	Haryana
		<p>50% of the total cost of land as per ready reckoner rates 2. For agricultural land to the commercial area, the premium would be 75% of the market value of land 3. For semi-public land to residential land, it will be 20% of the market value of land 4. For residential to industrial use, the premium would be 20% of the land 5. For the forest to agricultural, it would be 40% of the market value of land</p>	<p>1.5% subject to a minimum of Rs.62.5/m²</p> <p>To Other Purposes- 0.5% subject to a minimum of Rs.25/m²</p>	
Site Inspection	Yes	Not Available		Not Required

C. Fire NOC

	Rajasthan	Maharashtra	Karnataka	Telangana
Law	Rajasthan Municipality Act 2009	Maharashtra Fire Prevention and Life Safety Measures Act, 2006	Karnataka Fire Force Act, 1964	Telangana State Disaster Response Fire & Services Department - TS-IPASS ¹⁵⁹
Requirement	Section 255 of	It is compulsory to	Section 13 of the	Section 13 of the

¹⁵⁹ Governance, C. (2022). Telangana State Disaster Response and Fire Services Department . Retrieved 19 February 2022, from <https://fire.telangana.gov.in/Website/tsipass.aspx>

	Rajasthan	Maharashtra	Karnataka	Telangana
	Rajasthan Municipality Act 2009 provide for “ the Municipality may require, by bye-laws, the owner or the occupier of all or any of the premises in the municipal area to make such arrangements as may be necessary for fire prevention and fire safety in the municipal area and may also require the owner or the occupier to obtain a no objection certificate in this behalf in such form and in such manner and from such authority as may be specified in such bye-laws. ¹⁶⁰	possess a Fire License or No-Objection Certificate to obtain a building plan approval from the Maharashtra Urban Development Authority. Maharashtra Fire Services Department issues fire license to verify the conformity of requirements of fire safety measures of premises.	Karnataka Fire Force Act, 1964 provides for the State Government may by notification in the official gazette require owner or occupiers of premises in any area or any class of premises used for the purposes which in its opinion are likely to cause a risk of Fire, to take such precautions as may be specified in the notification. ¹⁶¹	Fire Service Act
Applicability	Under Industrial Building	For non-residential structures, the	Under Karnataka Municipalities	Any person proposing to

¹⁶⁰ India Code. (2022). Retrieved from Indiacode.nic.in website: https://upload.indiacode.nic.in/showfile?actid=AC_RJ_83_1125_00001_00001_1612524193363&type=rule&filename=rajasthan_municipalities_act

¹⁶¹ THE KARNATAKA FIRE FORCE ACT, 1964 ARRANGEMENT OF SECTIONS *Statements of Objects and Reasons: Sections: CHAPTER I PRELIMINARY.* (n.d.). Retrieved from https://www.indiacode.nic.in/bitstream/123456789/8192/1/42_of_1964_%28e%29.pdf

	Rajasthan	Maharashtra	Karnataka	Telangana
	Regulation 2021, clause 7.4 approval for constructing building structure beyond maximum permissible height of 15m is subject to obtaining NOC from concerned authorities like Fire Fighting and Airport Authority. ¹⁶²	norm has been revised from 150 sq m of the built-up area earlier to 500 sq m now.	Model Building Bye-laws 2017, Clause 12.1 The requirements of the fire protection for the multi-storeyed buildings (high rise buildings) and the buildings, which are of 15 m. and above in height and low occupancies of categories such as Assembly, Institutional, Educational (more than two storeyed and built-up area exceeds 1000 Sq.m), Business (where plot area exceeds 500 Sq.m), Mercantile (where aggregate covered area exceeds 750 Sq.m), Hotel, Hospital, Nursing Homes, Underground Complexes, Industrial Storage, Meeting/Banquet Halls, Hazardous Occupancies. ¹⁶³ Clause 12.2 provides for Procedure to obtain NOC from	construct a building of more than 15 mtrs. height for commercial/business purpose

¹⁶² (2022). Retrieved 19 February 2022, from <https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/officeordercirculars/Year%202021/Building%20Regulation%20240902021.pdf>

¹⁶³ Irban Development Secretariat, Retrieved from http://www.mrc.gov.in/sites/mrc.gov.in/files/building_bye_laws_2017.pdf

	Rajasthan	Maharashtra	Karnataka	Telangana
			Department of Fire & Emergency Services.	
Self Certification	No Approval is granted on Self Certification	No Approval is granted on Self Certification	No Approval is granted on Self Certification	Third Party verifications applicable. ¹⁶⁴
Time Period	The entire process of granting a No Objection Certificate or a Fire License can be completed in 30 days ¹⁶⁵	The entire process of granting a No Objection Certificate or a Fire License can be completed in fifteen days from the date of application received.		As per the Citizen's Charter of the Department, the timeline to issue Provisional/Occupancy No Objection Certificate for buildings above 15M in height is 14 Days and for those 15M and below in height is 7 Days.
Duration	Fire NOC for 2 years Renewal for 1 Year ¹⁶⁶	In Maharashtra, Fire License or No Objection Certificate is valid for one year of the date of issue. Hence, it has to be renewed every year	Under the law, all existing buildings above 15 meters are supposed to get their NOCs renewed every 2 years . ¹⁶⁷	The fire license or no objection certificate is valid for one year from the date of issue.
Inspection	After successful submission of the application, Site Inspection will be conducted	On payment of fees online and submission, the application will be forwarded to the	After the receipt of the file with above documents, the file will be sent to the jurisdictional	Before/prior to construction activity (forms, enclosures, certificates, self-

¹⁶⁴ Final NOC. (2015). Retrieved February 19, 2022, from Telangana.gov.in website: <https://fire.telangana.gov.in/Fire/IIIPartyNOCS.aspx>

¹⁶⁵ Rajasthan Single Window Clearance System. (2018). Retrieved February 19, 2022, from Rajasthan.gov.in website: <https://swcs.rajasthan.gov.in/AllServicesBasket.aspx>

¹⁶⁶ (2022). Retrieved 19 February 2022, from <https://urban.rajasthan.gov.in/content/dam/raj/udh/lsgs/lsg-jaipur/onlineservices/fire%20noc.pdf>

¹⁶⁷ Staff Reporter. (2018, July 28). Now, apply for fire no-objection certificates online. Retrieved February 19, 2022, from Thehindu.com website: <https://www.thehindu.com/news/cities/bangalore/now-apply-for-fire-no-objection-certificates-online/article24543674.ece>

	Rajasthan	Maharashtra	Karnataka	Telangana
	<p>by an authorised officer, by Assistant Fire Officer/ Chief Fire Officer/ Fire Officer.¹⁶⁸</p> <p>Building Plan approval will be granted within 48 hrs after submission of the Inspection Report.¹⁶⁹</p>	<p>concerned fire officer.</p> <p>The Concerned fire officer assigns the application to a committee of Officers, and the committee inspects the premises/building and submits the report online within seven days.</p> <p>The Committee then forwards the report to the concerned fire officer who approves or rejects the application, and the applicant will get an email with the final approved certificate.¹⁷⁰</p>	<p>inspection officer. The inspection officer will inspect the site and will scrutinize the drawings regarding incorporating of all fire Fighting and Fire fighting measures and submit his report to the chief office. In the chief office the report will be studied in detail and after approval by the DGP & DG a challan will be prepared to collect Govt. fee from the applicant (Rs. 20 per Sq.mtrs of super built up area).¹⁷¹</p>	<p>declarations, approval rules, fee structure, etc.) for the issuance of provisional noc.</p> <p>Appropriate self appraisal/checklist viz., chemical industries, pharmaceutical industries, rubber industries etc.</p>
Documents Required	<p>1. Applicant photo 2. ID proof 3. approved floor Plans</p>	<p>Name of the building Type of NOC Applicant's email address</p>	<p>1. Site Plan 2. Ground floor Plan 3. Built up area statement</p>	<p>Apart from entering the data in the fields given in the online application page,</p>

¹⁶⁸ (2022). Retrieved 19 February 2022, from http://lsg.urban.rajasthan.gov.in/content/dam/raj/udh/lsgs/lsg-jaipur/onlineservices/SOP%20fire_new.pdf

¹⁶⁹ *Submit Application for Inspection (once construction on site reaches plinth level) Dealing Assistant (For Verification) Draftsman/ Sr.Draftsman/ Senior Draftsman/ Planning Assistant/ SPA/ ATP nior Draftsman/ Planning Assistant/ SPA/ ATP (Inspectors) Site Inspection Notice generated by system (SmartRaj) Site Inspection Submission of Inspection Report w.r.t Approved Building Plan -within 48 Hr Process Flowchart for Inspection at Plinth Level.* (n.d.). Retrieved from <https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/riicodisposaloflandrules1979/AllotmentProcedure/Process%20Flowchart%20for%20Online%20Building%20Plan%20Approval%20RIICO.pdf>

¹⁷⁰ Maharashtra Fire License - Application Procedure - IndiaFilings. (2018, November 2). Retrieved February 19, 2022, from IndiaFilings - Learning Centre website: <https://www.indiafilings.com/learn/maharashtra-fire-license/#:~:text=The%20entire%20process%20of%20granting,the%20date%20of%20application%20received>

¹⁷¹ (2022). Retrieved 19 February 2022, from <https://karunadu.karnataka.gov.in/ksfes/Documents/Required%20Documents.pdf>

	Rajasthan	Maharashtra	Karnataka	Telangana
	<p>4. Elevation Plan with FAR area.</p> <p>5. building photo</p> <p>6. affidavit</p> <p>Other Documents (not mandatory)</p> <p>7. Ownership documents</p> <p>8. UD tax receipt color Google map</p> <p>9. Fire Plan¹⁷²</p>	<p>Address details</p> <p>District Name</p> <p>Mobile Number</p> <p>Type of Building</p> <p>Height of building</p> <p>Plot area</p> <p>Slip of the payment of Fire Protection Fund</p> <p>Fees and Additional Fire Protection Fund Fees paid to MIDC.</p> <p>Photograph of the fire system in working condition.</p> <p>Alarm or Ventilation consultant certificate.</p> <p>Applied for Number of towers(With tower numbers and name)</p> <p>As built area statement from Licensed Architect with floor wise area and indicating the total cover area on each floor.</p> <p>Certificate of Compliance with</p>	<p>4. Section Elevation Schematic drawing of fire fighting system</p> <p>Schematic drawing of fire detecting system</p> <p>Typical floor plan¹⁷⁴</p>	<p>the following drawings duly marking fire fighting systems in Red need to be uploaded.¹⁷⁵</p> <p>1. Site Plan.</p> <p>2. Basement Floor Plan.</p> <p>3. Stilt/Ground Floor Plan.</p> <p>4. Floor wise Plan.</p> <p>5. Terrace Plan.</p> <p>6. Section Plan.</p> <p>7. Elevation Plan.</p> <p>8. Provisional / Revised Provisional NOC (Needed for Occupancy NOC Application). The applicant is also provided with four extra upload options apart from the above.</p>

¹⁷² Government Of Rajasthan Local Self Government Department Standard Operating Procedure Standard Operating Procedure Government Of Rajasthan Local Self Government Department Standard Operating Procedure Fire Noc Standard Operating Procedure Local Self Government Department. (n.d.). Retrieved from http://lsg.urban.rajasthan.gov.in/content/dam/raj/udh/lsgs/lsg-jaipur/onlineservices/SOP%20fire_new.pdf

¹⁷⁴ Records & documents required to process and issue No Objection Certificate, retrieved from <https://karunadu.karnataka.gov.in/ksfes/Documents/Required%20Documents.pdf>

¹⁷⁵ Procedure for applying provisional/occupancy no objection certificate, Retrieved from <Procedure for applying provisional/occupancy no objection certificate>

	Rajasthan	Maharashtra	Karnataka	Telangana
		<p>Provisional Fire Approval submitted by License Agency appointed by the company.</p> <p>No Dues Certificate from MIDC Accounts Dept. (only if charges are paid in the incremental condition)¹⁷³</p>		

D. Building Plan Approval

	Rajasthan	Andhra Pradesh
Law	The Rajasthan Municipality Act, 2009 ¹⁷⁶	
Provision	<p>Section 340 of Rajasthan Municipality Act, 2009¹⁷⁷ provides power to the Municipality to make bye-laws from time to time, for erection of all kinds of buildings.</p> <p>Rule 5 of the Building Byelaws, 2020 provides for the approval of building plan by fulfilling the</p>	Andhra Pradesh Land Development (Layout and Subdivision) Rules 2017 ¹⁷⁹

¹⁷³ Maharashtra Fire License - Application Procedure - IndiaFilings. (2018, November 2). Retrieved February 19, 2022, from IndiaFilings - Learning Centre website: <https://www.indiafilings.com/learn/maharashtra-fire-license/#:~:text=The%20entire%20process%20of%20granting,the%20date%20of%20application%20received>

¹⁷⁶ India Code. (2022). Retrieved from Indiacode.nic.in website: https://upload.indiacode.nic.in/showfile?actid=AC_RJ_83_1125_00001_00001_1612524193363&type=rule&filename=rajasthan_municipalities_act

¹⁷⁷ (2022). Retrieved 19 February 2022, from https://upload.indiacode.nic.in/showfile?actid=AC_RJ_83_1125_00001_00001_1612524193363&type=rule&filename=rajasthan_municipalities_act, 2009_date 11.09.2009.pdf

	Rajasthan	Andhra Pradesh
	conditions given under the byelaws. ¹⁷⁸	
Procedure	<ol style="list-style-type: none"> 1. Log In to Single Window Clearance System 2. Select “New Building plan approval Certificate”. 3. Select the respective Development Authority / U.I.T. / U.L.B. / RIICO and upload the “Drawing file”. 4. The drawing file should be prepared for submission 5. The Plan should be submitted as CAD drawing. All Plans (Layout Plans, Sections, Plans etc) should be submitted in a single file. 6. Make sure that all information is completely filled to avoid rejection of application.¹⁸⁰ 7. Please keep the scanned copy of all documents which need to be submitted along with this application. 8. Automated Scrutiny of the Building Plan / Map (.dwg file) by Scrutiny System / Server (Auto DCR). 9. Verification of Uploaded Documents / Pending Dues 	<ol style="list-style-type: none"> 1. The owner/ builder shall submit their proposals through registered professionals (LTPs details available in Web). 2. The details / documents shall enter / upload along with initial Fee in APDPMS Web 3. System automatically verifies the statutory provisions and if no query is raised, it will generate the details of requisite fees and further documents / undertakings to be uploaded if any required. 4. Fee payment through On-line and upload the essential documents / undertakings. 5. Building permission proceedings with a plan will be generated.¹⁸²

¹⁷⁹ Government Of Andhra Pradesh Abstract. (n.d.). Retrieved from

<https://www.apindustries.gov.in/APIIndus/Data/GO/G.O%20for%20AP%20Single%20Desk%20Policy.pdf>

¹⁷⁸ (2022). Retrieved 19 February 2022, from

<https://urban.rajasthan.gov.in/content/dam/raj/udh/udh%20department/pdf/Buildingbyelaws/model%20building%20byelaws%202020.pdf>

¹⁸⁰ Online applying Steps for Building Plan Approval. (n.d.). Retrieved from

<https://urban.rajasthan.gov.in/content/dam/raj/udh/udh%20department/pdf/applicant-user-manual/applicant%20procedure%20user%20manual.pdf>

¹⁸² Building / Site Permission / Approval from Municipality/ Nagar Panchayat Building / Site Permission / Approval from

Municipality/ Nagar Panchayat 2 Competent Authority (n.d.). Retrieved from

<https://apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR013.pdf>

	Rajasthan	Andhra Pradesh
	<p>by respective Clerk.</p> <p>10. Intimation by Email and Message on the registered Mobile no. and Email i.d. of randomly selected SITE INSPECTOR for site inspection.</p> <p>11. Intimation by Email and Message on the registered Mobile no. and Email i.d. of Applicant / Architect regarding details of randomly selected Site Inspector and Date / Time of Site Inspection.</p> <p>12. After Site Inspection, Site Inspector will upload the Site Inspection Report on the System in the prescribed Format / Checklist (as per Risk Category of the Building). Site Inspector will put the remark in the remark section and forward the Application to the Town Planner for Approval.</p> <p>13. After successful Online Payment by Applicant, Application redirected to Town Planner for Approval and Issuing Digitally Signed Approval Certificate & Maps.</p> <p>14. Town Planner to approve the Application and System will automatically Issue the Digitally Signed Approval Certificate and Approved Building Plans to Applicant / Architect.¹⁸¹</p>	

¹⁸¹ Government of Rajasthan, Standard operating procedure retrieved from, [https://urban.rajasthan.gov.in/content/dam/raj/udh/udh%20department/pdf/Procedueofapprovalbuildingplan/Approving%20processer%20%20of%20buliding%20plan%20approval%20\(1\).pdf](https://urban.rajasthan.gov.in/content/dam/raj/udh/udh%20department/pdf/Procedueofapprovalbuildingplan/Approving%20processer%20%20of%20buliding%20plan%20approval%20(1).pdf)

	Rajasthan	Andhra Pradesh
Documents	<p>Documents to be uploaded with Application¹⁸³</p> <ol style="list-style-type: none"> 1. Site Coordinates 2. Building Plan 3. Lease Deed/Allotment Letter/Reconstruction Subdivision Letter/Name Transfer/Change in Land Use 4. Plot Site Plan 5. Affidavit of Owner 6. Affidavit of Architect/ Registered Technical Person 7. Affidavit of Structural Engineer for Structural Safety 8. Existing Site Survey showing existing construction within site 9. Site /Plot Photograph 10. Power of Attorney/Company Board Resolution /Authorisation Certificate 11. Fire NOC 12. Airport Authority of India NOC 13. Environment NOC 14. Explosive Safety NOC 15. Any other document concerning NOC-Railways, Heritage, Irrigation etc. 16. Certificate of Depositing Labour Cess 17. Fire Tender Fee Receipt 	<ol style="list-style-type: none"> 1. Self-Attested copies of Ownership Documents-lease-deed/sale-deed etc. giving the physical description of the plot/property. 2. In case of any deviation from the terms and conditions stipulated in the lease deed/ownership document, necessary clearance from the Authority. 3. Land Use Certificate (as per Perspective/Master/Zonal Plan or any other statutory plan) issued by the concerned Authority. 4. Previous Sanctioned Plan copy with details of approval for the existing building if any. 5. An attested copy of Property Tax receipt/Vacant Land Tax receipt/NOC from the Assessment Department of the concerned local authority. 6. If the site/plot falls in approved layout, the copy of the approved layout plan duly marking the site/plot. 7. A declaration cum undertaking and indemnity bond by the Owner/Builder/Developer/LTP in the prescribed Form (Annexure-3). 8. An affidavit/undertaking for handing over the road widening portion, if any, shall be submitted in the prescribed Form.(Annexure-4) 9. NOC from the Competent Revenue Authority in case the

¹⁸³ LSG/UDH department e-Services, Retrieved from, [http://347a9a3d-2e8a-4eeb-885a-0aee7374e35aBuilding Plan Approval System \(DA- Ajmer, Jodhpur, UIT\).pdf \(rajasthan.gov.in\)](http://347a9a3d-2e8a-4eeb-885a-0aee7374e35aBuilding Plan Approval System (DA- Ajmer, Jodhpur, UIT).pdf (rajasthan.gov.in))

	Rajasthan	Andhra Pradesh
		<p>land is declared as surplus.</p> <p>10. NOC from the Revenue Department under the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purpose) Act, 2006 for the sites falling outside the Built up area and outside the Approved Layouts.</p> <p>11. NOC from Irrigation Department in case of lands about Water Bodies, Water Courses & Nalas with sketch plan with measurements. (Wherever required).</p> <p>12. No Objection Certificate from the Airport Authority of India (wherever required).</p> <p>13. Any other information/document, which the Authority may require in case of listed buildings or otherwise.¹⁸⁴</p>
Service Timeline	45 Days in Jaipur and 30 Days Otherwise ¹⁸⁵	7 Days ¹⁸⁶
Fee	APPLICATION FEE + SCRUTINY FEE (auto-calculated by the system) ¹⁸⁷	Rs. 10,000 (Scrutiny fee of building plan) + Development fee and other fees which shall be generated after scrutiny and submitting full application. ¹⁸⁸

¹⁸⁴ Building /Site Permission /Approval from Municipality/Nagar Panchayat, Retrieved from <https://apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR013.pdf>

¹⁸⁵ Rajasthan Single Window Clearance System, Retrieved from, <http://swcs.rajasthan.gov.in/AllServicesBasket.aspx>

¹⁸⁶ Building /Site Permission /Approval from Municipality/Nagar Panchayat, Retrieved from <https://apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR013.pdf>

¹⁸⁷ LSG?UDH Building Plan approval, Retrieved from, https://urban.rajasthan.gov.in/content/dam/raj/udh/lsgs/lsg-iodhpur/pdf/BUIDING_PLAN_APPROVAL.pdf

¹⁸⁸ Building /Site Permission /Approval from Municipality/Nagar Panchayat , retrieved from , <https://apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR013.pdf>

E. Warehousing & Logistic Sector

	Rajasthan	Uttar Pradesh
Law	RIICO Disposal of Land Use Rules, 1979 ¹⁸⁹	Uttar Pradesh Warehousing Logistics Policy 2018
Requirement	Under rule 3 (R) Warehousing and Logistics is classified as service enterprises. Land allotment for this purpose will be made at 1.5 times the prevailing rate of allotment of concerned industrial area in unsaturated industrial areas. However, if land allotment is being made in saturated industrial areas then the reserve rate of auction (sealed bids) will be decided by 'Reserve Price Fixing Committee headed by the Managing Director. ¹⁹⁰	Under Clause 4.2 under the Policy Warehousing and Logistics units satisfying the 'Infrastructure Status' conditions laid out by the Government of India will also be granted 'Industry' status in the state. However, for allotment of land for warehousing, it will be up to the development authorities to frame eligibility conditions and rate. Up to 60% Ground coverage will also be allowed for warehousing and logistic units by development authorities.
Conversion Process	3(R)(3) Procedure for land allotment: (a) In unsaturated industrial areas:- Applications will be invited after advertising the availability of plot in the newspapers. In case there are more than one applicants then allotment of plot will be made through a draw of lots. (b) In saturated industrial areas: In saturated industrial areas, allotments will be made through auction by way of inviting sealed bids, keeping the reserve rate as decided by the 'Reserve Price Fixing Committee'. (c) Allotment of land to Central/State Warehousing Corporations: Allotment of plot to Central/State Warehousing Corporations in all categories of industrial areas (unsaturated/saturated) will be made on preferential basis at 1.5	Operations of warehousing & logistics sector will now be considered as industrial activities by all state development authorities in the context of land-use.¹⁹²

¹⁸⁹ RIICO Disposal Of land Rules, 1979, Retrieved from <https://swcs.rajasthan.gov.in/Upload/DisposalofLandRule.pdf>

¹⁹⁰ *ibid*

	Rajasthan	Uttar Pradesh
	times of prevailing rate of allotment of concerned industrial area. ¹⁹¹	
Conversion Rates	<p>Change in land use of allotted land for Warehousing purposes:</p> <p>Clause 20-C of the RIICO Disposal of Land Use Rules 1979-</p> <p>Under Commercial Use, Warehousing and Logistics/ commercial warehousing on full allotted plot- 0.50 times the prevailing rate of allotment of industrial area concerned irrespective of category of industrial area.</p> <p>Modern warehousing- 1.0 time of the prevailing rate of allotment of industrial area concerned irrespective of category of industrial area.</p>	From now on, industrial land-use charges will be applicable to warehousing & logistics sector units and parks in the state. Presently, change of land use is charged at 150% of circle rate from agriculture to commercial land use, which will be only 35% of circle rate as agriculture to industrial land-use change will be applicable. ¹⁹³
Duration	One time thing until application for further change	

F. Industrial Land Allotment

	Rajasthan	Uttar Pradesh
Law	Section 18 of the Rajasthan Industrial Area Development Authority Act, 1995 empowers the authority (herein RIICO) to make regulations, with prior permission of the State	U.P. Industrial Area Development Act, 1976 ¹⁹⁵

¹⁹² UP gives industry status to warehousing and logistics sector - The Financial Express, Retrieved from, <https://www.financialexpress.com/industry/up-gives-industry-status-to-warehousing-and-logistics-sector/1958220/>

¹⁹¹ Disposal of Land rules, Retrieved from, <https://swcs.rajasthan.gov.in/Upload/DisposalofLandRule.pdf>

¹⁹³ UP gives industry status to warehousing and logistics sector - The Financial Express, Retrieved from <https://www.financialexpress.com/industry/up-gives-industry-status-to-warehousing-and-logistics-sector/1958220/>

	Rajasthan	Uttar Pradesh
	Government for administration of the affairs of the authority. ¹⁹⁴	
Provision	Rule 3 of the RIICO Disposal of Land Use Rules, 1979 provides for allotment of land for various industrial purposes. ¹⁹⁶	Section 7 of the U.P. Industrial Area Development Act, 1976 provides for the power of the Authority to transfer land. ¹⁹⁷
Process	Allotment of Industrial Land On the First Cum First Serve and Draw of Lots basis. ¹⁹⁸	Allotment of Industrial Land can be done through 2 available process Through direct Purchase from land owners Through Allotment from Govt. Agencies / Bodies
Service Timeline	30 Days ¹⁹⁹	Days ²⁰⁰

G. Registration Under the Rajasthan Shops and Commercial Establishments Acts, 1958

	Rajasthan	Andhra Pradesh	Punjab
Law	The Rajasthan Shops And Commercial Establishments Acts, 1958 ²⁰¹	The Andhra Pradesh Shops and Establishments Act, 1988 ²⁰²	The Punjab Shops and Comm. Estab. Act, 1958 ²⁰³

¹⁹⁵ [UP INDUSTRIAL AREA - DEVELOPMENT ACT – 1976](https://www.onlineupsidc.com/pdf/up%20Industrial%20area%20development%20Act%201976.pdf), Retrieved from

<https://www.onlineupsidc.com/pdf/up%20Industrial%20area%20development%20Act%201976.pdf>

¹⁹⁴ [Rajasthan Industrial Area Development Authority Act, 1995](http://www.bareactslive.com/Raj/rj961.htm#18), retrieved from,

<http://www.bareactslive.com/Raj/rj961.htm#18>

¹⁹⁶ [Disposal O Land Rules 1979 FINLA \(rajasthan.gov.in\)](https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/riicodisposaloflandrules1979/Disposal_Land_Rules-1979-Part1-Final.pdf), Retrieved from,

https://industries.rajasthan.gov.in/content/dam/industries/pdf/riico/riicodisposaloflandrules1979/Disposal_Land_Rules-1979-Part1-Final.pdf

¹⁹⁷ [UP INDUSTRIAL AREA - DEVELOPMENT ACT – 1976](https://www.onlineupsidc.com/pdf/up%20Industrial%20area%20development%20Act%201976.pdf), retrieved from,

<https://www.onlineupsidc.com/pdf/up%20Industrial%20area%20development%20Act%201976.pdf>

¹⁹⁸ [Rajasthan state Industrial Development & Investment Corp Ltd.](http://www.rajsthan.gov.in/26022018-27022018.PDF) retrieved from , [Guideline-Procedure-Allotment-26022018-27022018.PDF \(rajasthan.gov.in\)](http://www.rajsthan.gov.in/26022018-27022018.PDF)

¹⁹⁹ [Rajasthan Single Window Clearance System](http://swcs.rajasthan.gov.in/AllServicesBasket.aspx), retrieved from <http://swcs.rajasthan.gov.in/AllServicesBasket.aspx>

²⁰⁰ [NM-SWS : Official Portal for Single Window System \(up.nic.in\)](http://niveshmitra.up.nic.in/InvAssis.aspx?ID=apent), retrieved from,
<http://niveshmitra.up.nic.in/InvAssis.aspx?ID=apent>

²⁰¹ [The rajasthan shops and commercial establishments ac](https://www.indiacode.nic.in/bitstream/123456789/16860/1/the_rajasthan_shops_and_commercial_establishment_s_act%2C_1958_date_04-8-1958.pdf), retrieved at,

https://www.indiacode.nic.in/bitstream/123456789/16860/1/the_rajasthan_shops_and_commercial_establishment_s_act%2C_1958_date_04-8-1958.pdf

	Rajasthan	Andhra Pradesh	Punjab
Provision	Section 4 of the Rajasthan Shops And Commercial Establishments Act, 1958 provides for registration of shops and commercial establishments after submission of requisite documents, within 30 days from the date of commencement of business. ²⁰⁴	Section 3 of the Andhra Pradesh Shops and Establishment Act 1988 provides for registration of establishments within 30 days from the date of commencement of business. ²⁰⁵ (At least within one month of commencement of business)	Section 13 of the Punjab Shops and Comm. Estab. Act, 1958 provides for registration of establishment within 30 days from the date of commencement of business. ²⁰⁶
Documents Required	Documents to be uploaded ²⁰⁷⁻ (NOTE: e-filing of application, e-payment, e-submission of document is mandatory, No hard copies required, Approved certificates are issued online.) 1. Passport Size Photograph of Employer 2. Photo of shop along with owner 3. List of Management Employees (.xls format)	1. Aadhar Card 2. PAN Card 3. Authorisation Letter ²⁰⁸	Scanned documents ²⁰⁹ Proof of Shop/Commercial Establishment Photo of Front of Shop/Commercial Establishment Photo of Interior of Shop/Commercial Establishment Identity Proof of Owner Scanned copy of Signature of applicant (Fill Form A, B, and F)

²⁰² The Andhra Pradesh Shops and Establishments Act, 1988, retrieved from,

https://www.indiacode.nic.in/bitstream/123456789/16396/1/act_no_20_of_1988.pdf

²⁰³ Punjab Shops and Commercial Establishments Act, 1958, retrieved from, <https://www.latestlaws.com/bare-acts/state-acts-rules/haryana-state-laws/punjab-shops-commercial-establishments-act-1958/>

²⁰⁴ The Rajasthan Shops and Commercial establishment Act, 1958, retrieved from,https://www.indiacode.nic.in/bitstream/123456789/16860/1/the_rajasthan_shops_and_commercial_establishments_act%2C_1958_date_04-8-1958.pdf

²⁰⁵ The Andhra Pradesh Shops and Establishments Act, 1988, retrieved from,act no 20 of 1988.pdf (indiacode.nic.in)

²⁰⁶ Punjab Shops and Commercial Establishments Act, 1958, retrieved from <https://www.latestlaws.com/bare-acts/state-acts-rules/haryana-state-laws/punjab-shops-commercial-establishments-act-1958/>

²⁰⁷ Labour Department, Government of Rajasthan, retrieved from, <https://labour.rajasthan.gov.in/RulesShop.aspx>

²⁰⁸ AP Shops & Establishments Act, retrieved from, <https://www.apindustries.gov.in/APIndus/Data/ClearancesDocuments/CLR038.pdf>

²⁰⁹ Detailed Process Flow for Registration of Establishment under Shops and Commercial Establishment act 1958 Retrieved from, https://pblabour.gov.in/Content/documents/pdf/Procedures/Procedure_under_Shop_Act.pdf

	Rajasthan	Andhra Pradesh	Punjab
	<p>4. Rates of Wages (.xls format)</p> <p>5. Details of Employees working in Establishment (.xls format)</p> <p>6. Employee Weekly Holidays (.xls format)</p> <p>7. Address proof of Establishment [Copy of shop's rent agreement (if on rent) or Shop's ownership document proof (if owner of shop)]</p> <p>8. Affidavit (Declaration Form)</p> <p>9. Photo ID (PAN Card/Driving License/Aadhar Card/Passport)</p>		
Procedure	<p>The whole process of Registration and renewal Application is to be filled online on the Labour Department Management System. Application shall be received online by the competent authority at the department. The competent Authority shall check the application and the documents submitted.</p> <p>²¹⁰</p>	<p>1. Visit Single Desk Portal register</p> <p>2. Fill in the application form</p> <p>3. Pay the fees online</p> <p>4. Registration Certificate is generated on the spot</p> <p>5. Download the Registration Certificate²¹¹</p>	<p>Registration on the Punjab Labour department Portal</p> <p>Selecting the required service, fill forms</p> <p>Uploading required document</p> <p>The application and documents submitted shall be checked by the concerned License Inspector of areas within which the establishment falls. Where the application is complete the said officer processes</p>

²¹⁰ Labour Department, Government of Rajasthan, retrieved from <https://labour.rajasthan.gov.in/RulesShop.aspx>

²¹¹ Registration under AP Shops & Establishments Act, 1988, retrieved from, <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR038.pdf>

	Rajasthan	Andhra Pradesh	Punjab
			<p>the application.</p> <p>5. The applicant can download provisional F & B certificate within 2 days</p> <p>6. Final F & B certificates can be downloaded from the portal after physical verification of the establishment²¹²</p>
Fee	No. of Employees ²¹³ 1-10 5000 11-50 20000 51- 100 50000 101& above 150000	No employees ²¹⁴ – Rs.30 Up to 5 employees – Rs.100 6 to 10 employees – Rs.200 11 to 20 employees – Rs.350 21 to 50 employees – Rs.1,0000 51 to 100 employees – Rs.2,000 101 and above – Rs.2,500	No fee Charged ²¹⁵
Service TimeLine	1 Day ²¹⁶	On the spot ²¹⁷	ays ²¹⁸

²¹² [Registration of Shop and Commercial Establishments under The Punjab Shops and Comm. Estab. Act, 1958](https://pblabour.gov.in/LicenceDescriptions/Details/5), retrieved from <https://pblabour.gov.in/LicenceDescriptions/Details/5>

²¹³ [Labour Department, Government of Rajasthan](https://labour.rajasthan.gov.in/RulesShop.aspx), retrieved from <https://labour.rajasthan.gov.in/RulesShop.aspx>

²¹⁴ [Registration under AP Shops & Establishments Act, 1988](https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR038.pdf), retrieved from, <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR038.pdf>

²¹⁵ [Registration of Shop and Commercial Establishments under The Punjab Shops and Comm. Estab. Act, 1958](https://pblabour.gov.in/LicenceDescriptions/Details/5), retrieved from <https://pblabour.gov.in/LicenceDescriptions/Details/5>

²¹⁶ [Rajasthan Single Window Clearance System](http://swcs.rajasthan.gov.in/AllServicesBasket.aspx), retrieved from <http://swcs.rajasthan.gov.in/AllServicesBasket.aspx>

²¹⁷ [AP Industries - Single Desk Portal](https://www.apindustries.gov.in/APIIndus/UserInterface/SingleWindowServicesApplication/Public/Timeline.aspx), retrieved from <https://www.apindustries.gov.in/APIIndus/UserInterface/SingleWindowServicesApplication/Public/Timeline.aspx>

²¹⁸ Detailed Process Flow for Registration of Establishment under Shops and Commercial Establishment act 1958, retrieved from https://pblabour.gov.in/Content/documents/pdf/Procedures/Procedure_under_Shop_Act.pdf

H. Renewal under The Rajasthan Shops and Commercial Establishments Acts, 1958

	Rajasthan	Andhra Pradesh	Punjab
Law	The Rajasthan Shops And Commercial Establishments Acts, 1958 ²¹⁹	The Andhra Pradesh Shops and Establishments Act, 1988 ²²⁰	The Punjab Shops and Comm. Estab. Act, 1958 ²²¹
Provision	Rule 6 of the Rajasthan Shops and Commercial Establishment Rules, 1959 prescribes for renewal of certificate by the inspector after the expiry of the initial period of registration certificate. ²²²	Renewal Required ²²³	Section 13 (2) (ii) provides for renewal of registration under the Act. ²²⁴
Rule	The Labour Department Website mention the duration of registration as Lifetime but at the same time prescribe penalty for non renewal (<i>After 30 days of due Renewal date, 100% Penalty will be levied</i>) ²²⁵	N.A.	The registration certificate shall be renewable by the 31st March every year. 30 days grace time shall, however, be allowed for the renewal of the certificate after payment of prescribed fee. ²²⁶

²¹⁹ The Rajasthan Shops and Commercial Establishments Act, 1958, retrieved from https://www.indiacode.nic.in/bitstream/123456789/16860/1/the_rajasthan_shops_and_commercial_establishments_act%2C_1958_date_04-8-1958.pdf

²²⁰ Andhra Pradesh Shops and Establishments Act, 1988, retrieved from https://www.indiacode.nic.in/bitstream/123456789/16396/1/act_no_20_of_1988.pdf

²²¹ Punjab Shops and Commercial Establishments Act, 1958, retrieved from <https://www.latestlaws.com/bare-acts/state-acts-rules/haryana-state-laws/punjab-shops-commercial-establishments-act-1958/>

²²² Labour Department, Government of Rajasthan Acts and Rules, Retrieved from <https://labour.rajasthan.gov.in/ActsAndRules.aspx>

²²³ Registration under AP Shops & Establishments Act, 1988, retrieved from <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR038.pdf>

²²⁴ Punjab Shops and Commercial Establishments Act, 1958, retrieved from, <https://www.latestlaws.com/bare-acts/state-acts-rules/haryana-state-laws/punjab-shops-commercial-establishments-act-1958/>

²²⁵ Labour Department, Government of Rajasthan Acts and Rules, Retrieved from <https://labour.rajasthan.gov.in/ActsAndRules.aspx>

²²⁶ Detailed Process Flow for Registration of Establishment under Shops and Commercial Establishment act 1958, retrieved from https://pblabour.gov.in/Content/documents/pdf/Procedures/Procedure_under_Shop_Act.pdf

I. Registration Under the Building and Other Construction Workers (RE & CS) Act, 1996

	Rajasthan	Andhra Pradesh	Punjab
Law	<p>Section 7 of the Building And Other Construction Workers (RE & CS) Act, 1996 provides for registration of an establishment by making an application to the registering officer.²²⁷</p> <p>Section 62 grants power to the appropriate (state) governments to make rules after consultation with expert committees.</p>	<p>The Building And Other Construction Workers (RE & CS) Act, 1996 is the central act governing all states. Section 7 and Section 62 are the same for other states as well.²²⁸</p>	<p>The Building And Other Construction Workers (RE & CS) Act, 1996 is the central act governing all states. Section 7 and Section 62 are the same for other states as well.²²⁹</p>
Provision	<p>Rule 18 of the Rajasthan Building and Other Construction Workers (RE & CS) Rules, 2009²³⁰ provides for registration and the grant of certificate of registration after the registering officer receives application as per Rule 17(1)</p>	<p>Rule 24²³¹ of the Andhra Pradesh Building and other construction workers (R.E & C.S) Rules, 1999 provides for grant of certificate of registration as per Rule 23.</p>	<p>Rule 7 of the Punjab Building and Other Construction Workers (RECS) Rules, 2008 provides for registration and grant of certificate under the Building And Other Construction Workers (RE & CS) Act, 1996.²³²</p> <p><i>(Every Employer which Employs ten or more building workers in any</i></p>

²²⁷ The Building and other construction workers Act, 1996 , retrieved from https://legislative.gov.in/sites/default/files/A1996-27_0.pdf

²²⁸ The Building and other construction workers Act, 1996 , retrieved at https://legislative.gov.in/sites/default/files/A1996-27_0.pdf

²²⁹ The Building and other construction workers Act, 1996 , retrieved at https://legislative.gov.in/sites/default/files/A1996-27_0.pdf

²³⁰ Rajasthan Department of Labour, Acts and Rules, retrieved from <https://labour.rajasthan.gov.in/ActsAndRules.aspx>

²³¹ [APBuildingOtherConstructionWorkersRECSRules1999.pdf](#), retrieved from, <https://www.labour.ap.gov.in/ELabour/Documents/Acts/ExtractsOfCentralActAndRulesStateActAndRules/APBuildingOtherConstructionWorkersRECSRules1999.pdf>

²³² Registration of Establishments, retrieved from [http://bocw.punjab.gov.in/userfiles/file/certificate_of_the_establishment\(1\).pdf](http://bocw.punjab.gov.in/userfiles/file/certificate_of_the_establishment(1).pdf)

	Rajasthan	Andhra Pradesh	Punjab
			<i>(building or other construction work has to obtain a Registration Certificate within 60 days from the commencement.)</i>
Procedure	<p>The whole process of Registration and renewal Application is to be filled online on Labour Department Management System</p> <ol style="list-style-type: none"> 1. Application shall be received online by the competent authority at the department. The competent Authority shall check the application and the documents submitted. 2. If the application is not complete or any document is not legible or not fulfilling the criterion of required document 3. The competent authority will seek a clarification from the applicant. 4. Applicants shall be intimated about the same through Email/SMS & the 	<ol style="list-style-type: none"> 1. Visit Single Desk Portal & register 2. Fill in the application form 3. Pay the fees online 4. Registration Certificate is generated on the spot 5. Download the Registration Certificate²³⁴ 	<p>The whole process of Registration and renewal Application is to be filled online on Punjab Labour Department Online Portal²³⁵, as well as offline.</p> <p>Following are the procedure</p> <p>Every employer of an establishment to which this Act applies and to which this Act may be applicable at any time is required to make an application in form No. XII and a prescribed fee is to be paid.</p> <p>The Application is to be made to the registering officer for the area for the registration of his establishment within a period of 60 days of the commencement of the work.</p> <p>On receipt of the application, the registering office shall after noting thereon the receipt of the application by him, grant an acknowledgement to the</p>

²³⁴ Registration under Building and Other Construction Workers (RE & CS) Act, 1996 and AP Rules, 1999 retrieved from, <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR057.pdf>

²³⁵ Punjab Department of Labour, Acts and Rules retrieved from <http://pblabour.gov.in>

	Rajasthan	Andhra Pradesh	Punjab
	<p>clarifications sought shall become visible in the web interface under the application details. Applicant shall suffice the shortfalls/required information and submit the application.</p> <p>5. If the application is complete, the concerned authority shall approve it and the user/applicant shall be instructed to pay the fees.</p> <p>6. Users shall login into the system, check the application & click on the “Make Payment” Button. Payment can be done with the help e-mitra or bank gateway.</p> <p>7. After payment, the citizen will be able to download the signed (scanned) certificate from the web portal as well as from the LDMS system using his/her login credentials.²³³</p>		<p>applicant.</p> <p>After the receipt of the application, the registering office shall issue a certificate of registration to the applicant within a period of 15 days of the receipt of application, if the application is complete in all respect.</p> <p>Where, after the registration of an establishment under this Act, any change occurs in the ownership or management or other particulars specified therein the employer shall intimate the registering officer within a period of thirty days of such change.</p>

²³³ Labour Department, Government of Rajasthan, retrieved from <https://labour.rajasthan.gov.in/RuleBuildng.aspx>

	Rajasthan	Andhra Pradesh	Punjab																																									
Documents	<ol style="list-style-type: none"> Address proof of establishment[Copy of establishment's rent agreement (if on rent) or establishment's ownership document proof (if owner of establishment)] Declaration Form Photo ID (PAN Card/Driving License/Aadhar Card/Passport) Form No 1²³⁶ 	No Documents Required ²³⁷	<ol style="list-style-type: none"> Application in triplicate in Form- XII in case of offline mode Copy of challan according to no of Workers The employer can also apply registration of establishment online.²³⁸ 																																									
TimeLine	15 Days ²³⁹	On the Spot ²⁴⁰	15 days after furnishing complete application ²⁴¹																																									
Fee	<table> <tr> <td>No. of Employees²⁴²</td> <td>No. of Employees²⁴³</td> <td>No. of Employees²⁴⁴</td> </tr> <tr> <td>Upto 100</td> <td>200</td> <td>0-100</td> <td>1000</td> </tr> <tr> <td>101-500</td> <td>1000</td> <td>101-500</td> <td>4000</td> </tr> <tr> <td>Above 500</td> <td>2000</td> <td>Above 500</td> <td>501-1000</td> <td>8000</td> </tr> <tr> <td></td> <td></td> <td></td> <td>1000 above</td> <td>10000</td> </tr> </table>	No. of Employees ²⁴²	No. of Employees ²⁴³	No. of Employees ²⁴⁴	Upto 100	200	0-100	1000	101-500	1000	101-500	4000	Above 500	2000	Above 500	501-1000	8000				1000 above	10000	<table> <tr> <td>No. of Employees²⁴²</td> <td>No. of Employees²⁴³</td> <td>No. of Employees²⁴⁴</td> </tr> <tr> <td>Upto 100</td> <td>100</td> <td>0-100</td> <td>1000</td> </tr> <tr> <td>101-500</td> <td>500</td> <td>101-500</td> <td>4000</td> </tr> <tr> <td>Above 500</td> <td>1000</td> <td>Above 500</td> <td>501-1000</td> <td>8000</td> </tr> <tr> <td></td> <td></td> <td></td> <td>1000 above</td> <td>10000</td> </tr> </table>	No. of Employees ²⁴²	No. of Employees ²⁴³	No. of Employees ²⁴⁴	Upto 100	100	0-100	1000	101-500	500	101-500	4000	Above 500	1000	Above 500	501-1000	8000				1000 above	10000
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101-500	500	101-500	4000																																									
Above 500	1000	Above 500	501-1000	8000																																								
			1000 above	10000																																								

²³⁶ Labour Department, Government of Rajasthan, retrieved from <https://labour.rajasthan.gov.in/RuleBuildng.aspx>

²³⁷ Registration under Building and Other Construction Workers (RE & CS) Act, 1996 and AP Rules, 1999 ,retrieved from <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR057.pdf>

²³⁸ Process of Registration of Establishment Under Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act,1996, retrieved from, https://bocw.punjab.gov.in/userfiles/file/Instructions/Registration_of_Establishment_under_BOCW_Act_1996.pdf

²³⁹ Rajasthan Single Window Clearance System

https://pblabour.gov.in/Content/documents/pdf/Procedures/Registration_of_Establishment_under_BOCW_Act_1996.pdf

²⁴⁰ AP Industries - Single Desk Portal, retrieved from <https://www.apindustries.gov.in/APIIndus/UserInterface/SingleWindowServicesApplication/Public/Timeline.aspx>

²⁴¹ Process of Registration of Establishment Under Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act,1996, retrieved from, https://bocw.punjab.gov.in/userfiles/file/Instructions/Registration_of_Establishment_under_BOCW_Act_1996.pdf

²⁴² Labour Department, Government of Rajasthan, retrieved from, <https://labour.rajasthan.gov.in/FeeBuildngAct.aspx>

²⁴³ Registration under Building and Other Construction Workers (RE & CS) Act, 1996 and AP Rules, 1999, retrieved from, <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR057.pdf>

²⁴⁴ Registration of Building and Other Construction Work, under BOCW Act, 1996, retrieved from <https://pblabour.gov.in/LicenceDescriptions/Details/8>

	Rajasthan	Andhra Pradesh	Punjab
	In Case of Any Amendment- additional fee of Rs. 50		

J. Registration Under the Inter-State Migrant Workmen (RE & CS) Act, 1979 (Principal Employer)

	Rajasthan	Andhra Pradesh
Law	Section 4 of the Inter-State Migrant Workmen (RE & CS) Act provides for registration of certain establishments by making an application to the registering officer. ²⁴⁵ Section 35 provides for power to the appropriate (state) governments to make rules to carry out the objectives of the act.	The Inter-State Migrant Workmen (RE & CS) Act 1979 is the central act. Provision of Section 4 and Section 35 applies to all Indian states ²⁴⁶
Rule	Rule 4 of the Rajasthan Inter-State Migrant Workmen (RE & CS) Rules, 1981 provides for registration and the grant of certificate of registration after the registering officer receives application as per Rule 3. ²⁴⁷	Rule 4 of the Andhra Pradesh Inter State Migrant Workmen (RE & CS) Rules 1982 provide for the grant of registration certificate. ²⁴⁸ <i>(The Act applies to every establishment in which 5 or more inter-state migrant workmen are employed or were employed during any day in the preceding 12 months.)</i>

²⁴⁵ [THE INTER-STATE MIGRANT WORKMEN \(REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE\) ACT, 1979](https://www.indiacode.nic.in/bitstream/123456789/16409/1/the_inter-state_migrant_workmen_regulation_of_employment_and_conditions_of_service_act_1979.pdf), retrieved at https://www.indiacode.nic.in/bitstream/123456789/16409/1/the_inter-state_migrant_workmen_regulation_of_employment_and_conditions_of_service_act_1979.pdf

²⁴⁶ [THE INTER-STATE MIGRANT WORKMEN \(REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE\) ACT](https://www.indiacode.nic.in/bitstream/123456789/16409/1/the_inter-state_migrant_workmen_regulation_of_employment_and_conditions_of_service_act_1979.pdf), retrieved at https://www.indiacode.nic.in/bitstream/123456789/16409/1/the_inter-state_migrant_workmen_regulation_of_employment_and_conditions_of_service_act_1979.pdf

²⁴⁷ https://www.indiacode.nic.in/bitstream/123456789/16409/1/the_inter-state_migrant_workmen_regulation_of_employment_and_conditions_of_service_act_1979.pdf

²⁴⁸ Andhra Pradesh Inter-State Migrant workmen rules, retrieved from https://www.labour.ap.gov.in/ELabour/Documents/Acts/ExtractsOfCentralActAndRulesStateActAndRules/AP_Inter_State_Migrant_Workmen_Rules_1982.pdf

	Rajasthan	Andhra Pradesh
Procedure	The whole process of Registration and renewal Application is to be filled online on Labour Department Management System. ²⁴⁹	<ol style="list-style-type: none"> 1. Visit Single Desk Portal & register 2. Fill in the application form 3. Pay the fees online 4. Registration certificate is generated on the spot. 5. Download the Registration certificate²⁵⁰
Documents	<ol style="list-style-type: none"> 1. Address proof of Establishment [Copy of Establishment's rent agreement (if on rent) or Establishment's ownership document proof (if owner of establishment)] 2. Affidavit (Declaration Form) 3. Photo ID (PAN Card/Driving License/Aadhar Card/Passport) 4. Scanned Signature of Applicant²⁵¹ 	No Document Required ²⁵²
Service Timeline	30 Days ²⁵³	On the Spot ²⁵⁴
Fee	No. of Employees 1 or more than 1 employee ²⁵⁵ - 1000	No. of Employees ²⁵⁶ : 5-20 Rs. 30 21-50 Rs. 75 51-100 Rs. 150 101-200 Rs. 300 201-400 Rs. 600 Above 400 Rs. 750

²⁴⁹ [Labour Department, Government of Rajasthan](#)

²⁵⁰ Registration of Establishment of Principal Employer under the Inter State Migrant Workmen (RE & CS) Act, 1979 and AP Rules, 1982 , retrieved from <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR040.pdf>

²⁵¹ [Labour Department, Government of Rajasthan](#), retrieved from <https://labour.rajasthan.gov.in/RuleInterPrincipal.aspx>

²⁵² [Registration of Establishment of Principal Employer under the Inter State Migrant Workmen \(RE & CS\) Act, 1979 and AP](#), retrieved from <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR040.pdf>

²⁵³ [Rajasthan Single Window Clearance System](#), retrieved from <http://swcs.rajasthan.gov.in/AllServicesBasket.aspx>

²⁵⁴ [AP Industries - Single Desk Portal](#) retrieved from, <https://www.apindustries.gov.in/APIIndus/UserInterface/SingleWindowServicesApplication/Public/Timeline.aspx>

²⁵⁵ [Labour Department, Government of Rajasthan](#), retrieved from, <https://labour.rajasthan.gov.in/FeeInterPrincipal.aspx>

²⁵⁶ [Registration of Establishment of Principal Employer under the Inter State Migrant Workmen \(RE & CS\) Act, 1979 and AP](#), retrieved from <https://www.apindustries.gov.in/APIIndus/Data/ClearancesDocuments/CLR040.pdf>