

TAMIL NADU BUSINESS FACILITATION ACT 2017

AN ACT TO SUPPORT TAMIL NADU IN ITS ASPIRATION OF BEING ONE OF THE MOST PREFERRED INVESTMENT DESTINATION IN THE COUNTRY, BY ENSURING ADEQUATE INFORMATION AVAILABILITY TO INVESTORS THEREBY ENABLING THEM TO TAKE INFORMED DECISIONS AND TO ENSURE SINGLE POINT RECEIPT OF APPLICATIONS FOR SECURING CLEARANCES THAT ARE REQUIRED TO ESTABLISH/ EXPAND AN ENTERPRISE AND FOR CLEARANCES REQUIRED DURING NORMAL COURSE OF BUSINESS INCLUDING RENEWALS IN A TIME-BOUND MANNER AND TO PROVIDE FOR EFFECTIVE GRIEVANCE REDRESSAL MECHANISM AND PENALTY IN CASE OF FAILURE OF COMPETENT AUTHORITIES TO ACT ON TIME AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Whereas, it is expedient to provide for time-bound processing of applications and issue of Clearances by various Competent Authority or Authorities of the state for establishing or expanding an Enterprise for the promotion of economic development of the state and for an investor friendly environment in the state and for matters connected therewith or incidental there to;

Be it enacted by the legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:-

CHAPTER – I

PRELIMINARY

Short title, Extent and commencement.
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1. (1) This Act may be called the Tamil Nadu Business Facilitation Act, 2017.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,

(1) “Appellate Authority” means the Authority referred to in Section 27;

(2) “Applicant” means a person duly authorized by an Enterprise to file an application through the Single Window Portal on behalf of the Enterprise;

- (3) “Checklist” means the checklist included in the Combined Application Form as prescribed under this Act;
- (4) “Clearances” means grant or issue of no-objection certificate, allotments, consents, approvals, permissions, registrations, enrolments, licences and the like, by any competent authority or authorities in connection with the setting up of an Enterprise or expansion of an existing Enterprise in the State of Tamil Nadu and shall include all such approvals required till the Enterprise starts commercial production, and periodic renewals that may be required for such Clearances;
- (5) “Combined Application Form” means the form referred to in Section 9;
- (6) “Competent Authority” means any Department/ Agency/ Corporation/ Board/ Local Body or authority established by the State Government, which are entrusted with the powers or responsibility to grant or issue Clearances or Incentives;
- (7) “Deemed Approval” means a clearance deemed to have been given by the Competent Authority on the expiry of specified Time Limit for providing such Clearance in the absence of sufficient and reasonable cause for not clearing the application within the specified Time Limit;
- (8) “Department” means a department of the State Government of Tamil Nadu;
- (9) “Designated Official” means an officer identified by a Competent Authority for processing of individual clearances in accordance with the Rules prescribed under this Act.
- (10) “Enterprise” means an undertaking that intends to engage in or is engaged in manufacturing, processing or both or providing services;
- (11) “Government” means the Government of Tamil Nadu;
- (12) “Guidance Bureau” means the Tamil Nadu Industrial Guidance and Export Promotion Bureau;
- (13) “Incentive” means financial package decided by the Government from time to time to encourage investments in strategic sectors;
- (14) “Investment Promotion and Monitoring Board” means the board constituted under Section 17;
- (15) “MSME District Single Window Committee” means the committee constituted under Section 21;

- (16) “MSME State Single Window Committee” means the committee constituted under Section 22;
- (17) “MSME Investment Promotion and Monitoring Board” means the board constituted under Section 23;
- (18) "Nodal Agency" means the agency notified under Section 3;
- (19) “Pre-establishment” means the stage prior to setting up of an Enterprise;
- (20) “Pre-operation” means the stage prior to or on commencement of commercial production by an Enterprise;
- (21) “Notification” means a notification published in the Tamil Nadu Gazette and the word ‘notified’ should be construed accordingly;
- (22) “Prescribed” means prescribed by Rules made under this Act;
- (23) “Pre-scrutiny” means examination of applications received prior to acceptance to assess completeness as per the Checklist and in accordance with practices as prescribed in this Act;
- (24) “Respective Committee” means one or more of MSME District Single Window Committee, State Single Window Committee, MSME State Single Window Committee, State Single Window Monitoring Committee, MSME Investment Promotion and Monitoring Board or Investment Promotion and Monitoring Board as defined under this Act;
- (25) “Reviewing Authority” mean the Authority referred to in Section 27;
- (26) “State Single Window Committee” means the committee constituted under Section 15;
- (27) “State Single Window Monitoring Committee” means the committee constituted under Section 16;
- (28) “Single Window Portal” means the web portal to be developed and maintained by the Nodal Agency; and
- (29) “Time Limit” means the number of working days within which final decision regarding issue of Clearance to an Enterprise will be taken by a Competent Authority from the date of receipt of the application, complete in all aspects, by such Competent Authority.

CHAPTER – II

NODAL AGENCY AT STATE AND DISTRICT LEVEL, AND BUSINESS FACILITATION PROCEDURES

**Nodal Agency
at State-level
and District-
level**

3. (1) For Clearances that are required for setting up new Enterprises or expansion of existing Enterprises with proposed investment exceeding the amount notified under Section 5 (1), the Government may, by notification, appoint 'Tamil Nadu Industrial Guidance and Export Promotion Bureau' as Nodal Agency at the State level.

(2) For Clearances that are required for setting up new Enterprises or expansion of existing Enterprises with proposed investment up to the amount notified under Section 5 (1), the Government may, by notification, appoint 'District Industries Centre' as Nodal Agency at the District level.

(3) Notwithstanding anything contained under sub-section (1) and (2), the Government may notify a separate Nodal Agency, which may also be an existing body, for any defined area within the state with such powers and functions as prescribed in this Act.

**Powers and
functions of
Nodal Agency.**

4. (1) Under the superintendence, direction and control of the Government and Respective Committees, the Nodal Agency shall discharge the following functions:

- i.) to act as Single Point of Contact for all Enterprises that require the applicable Clearances and Incentives as notified by the Government from time to time under Section 6;
- ii.) to assist the applicants in completing the application forms;
- iii.) to arrange for pre-scrutiny of applications by convening meetings with representatives from Competent Authorities to conduct scrutiny of applications received and address queries of investors;
 - a. accept those applications which are complete or
 - b. ask for additional information in case of incomplete applications, in accordance with the Rules prescribed under this Act;
- iv.) to receive applications for Clearances through Single Window Portal under this Act;
- v.) to act as a secretariat to the Respective Committee(s) as may be notified and support them in discharging their respective functions;

vi.) to receive orders, either rejecting or accepting the application, from the Competent Authority and take appropriate action as may be prescribed;

vii.) to discharge its prescribed role in respect of Enterprises' grievances, if any, associated with the process of securing Clearances and Incentives under this Act and Rules made thereunder.

(2) The powers and functions entrusted to the Nodal Agency or any other existing committee, board or body notified as the Nodal Agency under the provisions of this Act shall be in addition to the regular powers exercised and functions discharged by such existing committee, board or body.

Investment Limits.

5. (1) The Government may by notification from time to time, specify the investment limit up to which the applications for Clearances shall be made to the District level Nodal Agency. All applications exceeding this investment limit shall be made to the State level Nodal Agency.

(2) Notwithstanding anything contained in sub-section (1), the Government may prescribe that all applications from Enterprises in a particular specified area(s) notified under this Act should be made to a designated Nodal Agency for the respective specified area(s).

Inclusions and Applicability.

6. (1) The Government shall, by notification, specify the list of Clearances and Incentives to be covered under this Act, with inclusion of additional Clearances and Incentives to be notified from time to time.

(2) The provisions of Sections 9-14, 18-20, and 24-30 of this Act shall only apply to Clearances, Incentives coming under the purview of Rules formulated by or under the administrative jurisdiction of Government as defined under this Act.

Application for Clearances.

7. Applications for Clearances and Incentives notified from time to time under Section 6 (1), shall be submitted through Single Window Portal with the required fees, including the fees of the Nodal Agency as may be notified, and in such manner as may be prescribed under this Act.

Power to call for additional information.

8. (1) On receipt of an application, the Competent Authority shall have the powers to seek additional information/clarification, if required, from the applicant:

Provided that the additional information under this section shall be requisitioned only once before the expiry of the Time Limit specified in Section 11 but not later than the prescribed Time Limit from the date of receipt of application by the Competent Authority, with all correspondences related to additional information to be routed through the Single Window Portal, in accordance with the Rules prescribed under this Act.

- (2) The Competent Authority shall give its orders sanctioning or rejecting the application, as the case may be, through the Single Window Portal so that the same can be dealt in a manner as may be prescribed under this Act.

Combined application form (CAF).

9. (1) The Government shall prescribe Combined Application Form, either in physical or electronic format, which may consist of,

- i.) forms under Central enactments without any change; and
ii.) existing forms or new forms in lieu of the existing forms under State enactments.

- (2) All Departments or Competent Authorities concerned shall accept such application forms for processing and issue of required Clearances.

Self Certification.

10.(1) Every Enterprise shall furnish a 'Self Certification', at the time of submitting application form as an undertaking through the Single Window Portal, in such form as may be prescribed that it shall comply with the applicable provisions of the relevant Acts and the Rules made thereunder.

- (2) The Self Certification furnished by the Enterprise shall be considered by the concerned Competent Authority for the purpose of issue and grant of Clearance.
(3) The Enterprise shall be made liable for penalty under Section 28 if the particulars furnished by it are found to be false/ incorrect or failed to adhere to the declarations made in prescribed form.

Procedure and Time Limits for processing of applications.

11. Notwithstanding anything contained in any State law for the time being in force,-

- (1) The Government may lay down the procedure for processing and disposal of applications.
(2) The Government may prescribe Time Limits for raising queries, processing and disposal of applications by the Competent Authorities.
(3) The Competent Authority shall pass orders on the application before the expiry of the stipulated time from the date of receipt of application that is complete in all aspects.

List of Deemed Approvals.

12. (1) While prescribing Time Limits under Section 11, the Government may notify the Clearances in respect of which failure of the Competent Authority to pass final orders on the application within the stipulated time shall result in Deemed Approval.

(2) The Enterprise may proceed to execute the work or take other action following the Deemed Approval, subject to no contravention of any of the provisions of the Acts or Rules or bye-laws applicable to such Clearances and as per the self-certification provided by the Enterprise under Section 10 of this Act.

Information of Deemed Approval.

13. The Respective Committee shall inform the applicant the date on which the application was received by the Competent Authority and the date on which it was deemed to have been approved.

Rationalization of Inspections and exemptions, delegation of powers.

14. (1) The Government may notify specific Clearances for which inspections under the provisions of the applicable Acts and Rules or Orders or Instructions shall be conducted by Competent Authorities in accordance with prescribed guidelines.

(2) The Government may from time to time, also notify specific exemptions and / or delegation of powers associated with inspection procedures, including inspection by a third party, in respect of specific Clearances covered under this Act.

CHAPTER – IIIA

INSTITUTIONAL STRUCTURE FOR ENABLING BUSINESS FACILITATION FOR APPLICATIONS MADE TO STATE LEVEL NODAL AGENCY

Constitution, powers and functions of State Single Window Committee

15. (1) The State Government may, by notification, constitute a State Single Window Committee, which shall consist of the Executive Vice Chairperson, Guidance Bureau as the Chairman and Company Secretary, Guidance Bureau as the Member Convener with such other members as may be specified in the notification.

(2) The designated Member of the State Single Window Committee shall attend all meetings personally and in case he/she is unable to attend the meeting, he/she may depute a Senior Level Officer with a written authorization to take appropriate decision in the meeting.

- (3) The State Single Window Committee shall exercise the following powers and perform the following functions:-
- i.) to meet at such times and places as the Chairman of the Committee may decide and transact business as per prescribed procedures;
 - ii.) to review and monitor the processing of applications by the Competent Authorities;
 - iii.) to inform the applicant of the date on which the application was received by the Competent Authority and the date on which such application may be deemed to have been approved in case of applicability of Deemed Approval provisions under Section 12 of this Act;
 - iv.) to forward cases with remarks and relevant documents to the State Single Window Monitoring Committee for decision under Section 18;
 - v.) to invite Competent Authorities or experts, who are not members of the Committee, as special invitees for any meeting of the State Single Window Committee as desired by the Chairman of the Committee; and
 - vi.) such other powers and functions as may be prescribed from time to time.

<p>Constitution, powers and functions of State Single Window Monitoring Committee.</p>

16. (1) The Government may, by notification, constitute a State Single Window Monitoring Committee, which shall consist of the Chief Secretary as the Chairman and Secretary, Industries as the Member Convener with such other members as may be specified in the notification.

- (2) The designated Member of the State Single Window Monitoring Committee shall attend all meetings personally and in case he/she is unable to attend the meeting, he/she may depute a Senior Level Officer with a written authorization to take appropriate decision in the meeting.
- (3) The State Single Window Monitoring Committee shall exercise the following powers and perform the following functions:-
- i.) to meet at such times and places as the Chairman of the Committee may decide and transact business as per prescribed procedures;
 - ii.) to review and monitor the status of processing of applications received through Single Window Portal by the Competent Authorities, the State Single Window Committee;
 - iii.) to review and monitor the status of resolution of Enterprises' grievances that were registered using the Single Window Portal with respect to Clearances and Incentives from respective Competent Authorities;

- iv.) to issue suitable directives to respective Competent Authorities, wherever applicable which shall aid in resolution of the Enterprises' grievances;
- v.) consider and decide cases under Section 18 and 19;
- vi.) to forward cases with remarks and relevant documents to the Investment Promotion and Monitoring Board for decision under Section 20;
- vii.) to review and monitor the approval status for incentives to all such categories of projects as defined by the Government through a notification;
- viii.) to invite Competent Authorities or experts, who are not members of the Committee, as special invitees for any meeting as desired by the Chairman of the State Single Window Monitoring Committee; and
- ix.) such other powers and functions as may be prescribed from time to time.

<p>Constitution, powers and functions of Investment Promotion and Monitoring Board.</p>
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17. (1) The Government may, by notification, constitute an Investment Promotion and Monitoring Board, which shall consist of the Chief Minister of Tamil Nadu as the Chairman and Chief Secretary, Government of Tamil Nadu as the Member Convener with such other members as may be specified in the notification.

(2) The Investment Promotion and Monitoring Board shall perform the following functions:-

- i.) to meet at such times and places as the Chairman of the board may decide and transact business as per prescribed procedures;
- ii.) to review and monitor the disposal of applications by the State Single Window Committee, State Single Window Monitoring Committee and the Competent Authorities;
- iii.) to provide strategic direction and oversee the functioning of both the State Single Window Committee and State Single Window Monitoring Committee;
- iv.) to periodically review the implementation and operational efficiency of the Single Window Mechanism in the state;
- v.) consider and decide cases under Section 20;
- vi.) to review any other issue related to investor facilitation as escalated by the State Single Window Committee or State Single Window Monitoring Committee;

- vii.) to review policy issues related to investment promotion, facilitation and grounding;
 - viii.) to review and monitor the approval status for incentives to all such categories of projects as defined by the Government through a notification; and
 - ix.) exercise such other powers and perform such other functions as may be prescribed from time to time.
- (3). The powers and functions entrusted to the Investment Promotion and Monitoring Board or any other existing committee, board or body notified as the State Board under the provisions of this Act shall be in addition to the regular powers exercised and functions discharged by such existing committee, board or body.
- (4). The orders passed by the Investment Promotion and Monitoring Board for issuing Clearances to Enterprises exceeding investment limits as may be notified under Section 5 (1), shall be final and binding on the State Single Window Committee, State Single Window Monitoring Committee, and the Competent Authorities.

Review of cases.

18. Notwithstanding anything contained in any State law, for the time being in force,-

- (1) The State Single Window Committee, as the case may be, may, either suo motu or on an application, examine any order passed by any Competent Authority, rejecting any clearance or approving it with modification, and if the State Single Window Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the State Single Window Monitoring Committee with remarks and relevant documents for a decision.
- (2) The State Single Window Monitoring Committee shall examine all cases referred to it by the State Single Window Committee and pass appropriate orders.
- (3) The decision taken by the State Single Window Monitoring Committee shall be binding on the State Single Window Committee and the Competent Authorities.

Revision of cases by State Single Window Monitoring Committee.

19. Notwithstanding anything contained in any State law, for the time being in force, the State Single Window Monitoring Committee may, either suo motu or on a reference, examine any orders passed by the State Single Window Committee and pass appropriate orders as it deems fit and such orders shall be final.

Revision of cases by Investment Promotion and Monitoring Board.

20. Notwithstanding anything contained in any State law, for the time being in force, the Investment Promotion and Monitoring Board may, either suo motu or on a reference, examine any orders passed by the State Single Window Committee or State Single Window Monitoring Committee and pass appropriate orders as it deems fit and such orders shall be final.

CHAPTER – IIIB

INSTITUTIONAL STRUCTURE FOR ENABLING BUSINESS FACILITATION FOR APPLICATIONS MADE TO DISTRICT LEVEL NODAL AGENCY

Constitution, powers and functions of MSME District Single Window Committee.

21.(1) The State Government may, by notification, constitute an MSME District Single Window Committee, which shall consist of the District Collector as the Chairman and General Manager, District Industries Centre as the Member Convener with such other members as may be specified in the notification.

- (2) The designated Member of the MSME District Single Window Committee shall attend all meetings personally and in case he/she is unable to attend the meeting, he/she may depute a Senior Level Officer with a written authorization to take appropriate decision in the meeting.
- (3) The MSME District Single Window Committee shall exercise the following powers and perform the following functions:-
 - i.) to meet at such times and places as the Chairman of the Committee may decide and transact business as per prescribed procedures;
 - ii.) to review and monitor the processing of applications by the Competent Authorities;
 - iii.) to forward cases with remarks and relevant documents to the MSME State Single Window Committee for decision under Section 24 ;
 - iv.) to invite Competent Authorities or experts, who are not members of the Committee, as special invitees for any meeting of the MSME District Single Window Committee as desired by the Chairman of the Committee; and
 - v.) such other powers and functions as may be prescribed from time to time.

Constitution, powers and functions of MSME State Single Window Committee.

22. (1) The Government may, by notification, constitute an MSME State Single Window Committee, which shall consist of the Commissioner of Industries & Commerce as the Chairman, and Additional Director of Industries & Commerce as the Member Convener with such other members as may be specified in the notification.

(2) The designated Member of the MSME State Single Window Committee shall attend all meetings personally and in case he/she is unable to attend the meeting, he/she may depute a Senior Level Officer with a written authorization to take appropriate decision in the meeting.

(3) The MSME State Single Window Committee shall exercise the following powers and perform the following functions:-

- i.) to meet at such times and places as the Chairman of the Committee may decide and transact business as per prescribed procedures;
- ii.) to review and monitor the processing of applications by the Competent Authorities;
- iii.) to inform the applicant of the date on which the application was received by the Competent Authority and the date on which such application may be deemed to have been approved in case of applicability of Deemed Approval provisions under Section 12 of this Act;
- iv.) consider and decide cases under Section 24 and 25;
- v.) to forward cases with remarks and relevant documents to the MSME Investment Promotion and Monitoring Board for decision under Section 26;
- vi.) to invite Competent Authorities or experts, who are not members of the Committee, as special invitees for any meeting of the MSME State Single Window Committee as desired by the Chairman of the Committee; and
- vii.) such other powers and functions as may be prescribed from time to time.

Constitution, powers and functions of MSME Investment Promotion and Monitoring Board.

23. (1) The Government may, by notification, constitute an MSME Investment Promotion and Monitoring Board, which shall consist of the Minister for Rural Industries, Government of Tamil Nadu as the Chairman and Chief Secretary of Tamil Nadu as the Member Convener with such other members as may be specified in the notification.

(2) The MSME Investment Promotion and Monitoring Board shall perform the following functions:-

- i.) to meet at such times and places as the Chairman of the board may decide and transact business as per prescribed procedures;
 - ii.) to review and monitor the disposal of applications by the MSME District Single Window Committee, MSME State Single Window Committee, and the Competent Authorities;
 - iii.) to provide strategic direction and oversee the functioning of MSME District Single Window Committee, and MSME State Single Window Committee;
 - iv.) consider and decide cases under Section 26;
 - v.) to review any other issue related to investor facilitation as escalated by the MSME District Single Window Committee or MSME State Single Window Committee;
 - vi.) exercise such other powers and perform such other functions as may be prescribed from time to time.
- (3). The powers and functions entrusted to the MSME Investment Promotion and Monitoring Board or any other existing committee, board or body notified as the State Board under the provisions of this Act shall be in addition to the regular powers exercised and functions discharged by such existing committee, board or body.
- (4). The orders passed by the MSME Investment Promotion and Monitoring Board for issuing Clearances to Enterprises up to investment limits as may be notified under Section 5 (1), shall be final and binding on the MSME District Single Window Committee, MSME State Single Window Committee, and the Competent Authorities.

Review of cases.

24. Notwithstanding anything contained in any State law, for the time being in force,-

- (1) The MSME District Single Window Committee, as the case may be, may, either suo motu or on an application, examine any order passed by any Competent Authority, rejecting any clearance or approving it with modification, and if the MSME District Single Window Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the MSME State Single Window Committee with remarks and relevant documents for a decision.

- (2) The MSME State Single Window Committee shall examine all cases referred to it by the MSME District Single Window Committee and pass appropriate orders.
- (3) The decision taken by the MSME State Single Window Committee shall be binding on the MSME District Single Window Committee, and the Competent Authorities.

Revision of cases by MSME State Single Window Committee.

25. Notwithstanding anything contained in any State law, for the time being in force, the MSME State Single Window Committee may, either suo motu or on a reference, examine any orders passed by the MSME District Single Window Committee and pass appropriate orders as it deems fit and such orders shall be final.

Revision of cases by MSME Investment Promotion and Monitoring Board.

26. Notwithstanding anything contained in any State law, for the time being in force, the MSME Investment Promotion and Monitoring Board may, either suo motu or on a reference, examine any orders passed by the MSME District Single Window Committee or MSME State Single Window Committee and pass appropriate orders as it deems fit and such orders shall be final.

CHAPTER – IV

MISCELLANEOUS

Appeal.

27. (1) All grievances related to processing of applications under this Act should in the first instance be referred to the concerned Appellate Authority as may be prescribed, within such time as may be prescribed under this Act.

(2) The Appellate Authority shall after following such procedures as may be prescribed, dispose of the appeal within such time as may be prescribed under this Act, by either rejecting the appeal or taking remedial action prescribed under this Act, including imposition of penalty as per provisions of Section 29 of this Act.

(3) The Enterprise or the Designated Official of the Competent Authority aggrieved by any order of the Appellate Authority may make an application for review to the notified Reviewing Authority, within such time and in accordance with the procedures prescribed under this Act.

(4) The Reviewing Authority shall after following such procedures as may be prescribed, dispose of the appeal within such time as may be prescribed under this Act, by either rejecting the appeal or taking remedial action prescribed under this Act, including imposition of penalty as per provisions of Section 29 of this Act.

**Offences by
Companies etc.**

28. (1) Any Enterprise that fails to comply with the conditions or undertaking in the self-certification given to the Nodal Agency or other Department or authorities shall be punishable with fine to be notified by the Government from time to time for the first offence and for the second or subsequent offences with a higher level of fine to be notified by the Government from time to time. The penalty so imposed will be in addition to any other recourse which may be available under the applicable regulations.

(2) Where an offence under this Act is committed by an Enterprise, the Enterprise as well as every person in charge of and responsible to the Enterprise for the conduct of its business at the time of commission of the offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against as prescribed under the Act;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he/she proves that the offence was committed without his knowledge or that he/she exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (2), where an offence under this Act has been committed with the consent or connivance of, or that commission of the offence is attributable to any neglect on the part of any Director, Manager, Secretary or other Officer, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against as prescribed under the Act.

Explanation:- For the purpose of this section:-

a). "Enterprise" means any Body Corporate and includes a firm or other association of individuals; and

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

**Penalty for Non-
Provision or
Delayed Services.**

29. (1) Every Competent Authority should identify Designated Official(s) for processing of individual applications received in accordance with the Rules prescribed under this Act.

(2) All grievances should be initially examined by the notified Appellate Authority and where the Appellate Authority is of the opinion that the Designated Official(s) in the Competent Authority has failed to meet committed service levels without sufficient and reasonable cause, a penalty may be imposed on the Designated Official(s) in accordance with the Rules prescribed under this Act.

Provided that the Designated Official(s) of the Competent Authority shall be given a reasonable opportunity of being heard before any penalty is imposed.

(3) Any penalty as imposed under sub-section (2) above shall be collected in the prescribed manner and shall be over and above any other recourse available to the Government or the Competent Authority under applicable Service Rules.

Protection of action taken in good faith.

30. No suit, prosecution or legal proceedings shall be instituted against, or damage claimed from, the Respective Committee(s) or any employee of the Government acting under the direction of such Committee, for any action, which is in good faith, carried out or intended to be carried out, or for any order passed in good faith, in pursuance of this Act and the Rules framed thereunder.

Act to override other Laws.

31. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law. However, if any of the provisions of this Act is inconsistent with any Central law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law, the Central law shall prevail.

Powers to remove doubts or difficulties.

32. If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty.

Powers to give directions.

33. The Government may, from time to time, issue to the Respective Committee(s) such general or special directions as it may deem necessary or expedient for the purpose of carrying out the objects of this Act and the said Committee shall be bound to follow and act upon such directions.

Power to make rules.

34. (1) The Government may by notification make Rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act, shall immediately after it is made be laid before the Legislative Assembly of the State, if it is in session and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.