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**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND
PARLIAMENTARY AFFAIRS
(Legislation Section)

Srinagar, the 24th September, 2018.

The following Act has been assented to by the Governor on
24th September, 2018 and is hereby published for general information :—

**THE JAMMU AND KASHMIR SINGLE WINDOW (INDUSTRIAL
INVESTMENTS AND BUSINESS FACILITATION) ACT, 2018.**

(Governor Act No. X of 2018)

[24th September, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of
India.

An Act to provide for speedy process of issuance of various licenses, clearances, registrations and/or no objection certificates and their renewals required for setting up and operation of industrial and business enterprises in the State of Jammu and Kashmir with the aim of providing for an investor and business friendly environment in the State and matters connected therewith or incidental thereto.

In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th June, 2018, the Governor is pleased to enact as follows :—

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Single Window (Industrial Investments and Business Facilitation) Act, 2018.

(2) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context, otherwise requires,—

- (1) “Act” means the Jammu and Kashmir Single Window (Industrial Investments and Business Facilitation) Act, 2018 ;
- (2) “Apex Project Clearance Committee” means the Committee constituted under section 5 ;
- (3) “Applicant” means a person including an entrepreneur, who himself or on behalf of a legal entity, on being so authorised, makes an e-application for grant of requisite clearances or renewal thereof for setting up or operation of an industrial enterprise, a business or its expansion ;
- (4) “Application” means e-application submitted on CAF by the applicant through online single window portal of Jammu and Kashmir ;
- (5) “Clearances” mean grant or issue of no objection certificate, allotments, consents, approvals, permissions, registrations, memorandum, enrolments, licenses and renewals thereof, by any Competent Authority or authorities designated to grant such

clearances in connection with the setting up of an enterprise in the State under the relevant laws and shall include all such clearances required by an enterprise for its establishment and operation ;

- (6) "CAF" means the prescribed Common Application Form required to be filled in by the applicant/entrepreneur on single window web portal of the State for requisite clearances ;
- (7) "Committee" means the Apex Level Clearance Committee/ Divisional Level Committee/ District Level Committee ;
- (8) "Competent Authority" means any department, corporation, statutory body or agency of the Central or State Government, Halqa Panchayat, Municipality or other Local Body, entrusted with the powers and responsibilities of granting or issuance of clearances under any law for the time being in force ;
- (9) "Department" means any department or agency of the Government of Jammu and Kashmir ;
- (10) "District Level Single Window Clearance Committee" means the Committee constituted under section 3 ;
- (11) "Divisional Level Single Window Clearance Committee" means the Committee constituted under section 4 ;
- (12) "Departmental Nodal Officer" means the officer appointed under section 14 ;
- (13) "Director" means the Director of Industries and Commerce Department, of the respective division ;
- (14) "Ease of Doing Business" means the Ease of Doing Business initiative of the Department of Industrial Policy and Promotion, Government of India ;
- (15) "Enterprise" means a commercial unit engaged in manufacturing or processing or both, or in providing of any service as defined from time to time under the Micro, Small and Medium Enterprises Development Act, 2006 (Central Act No. 27 of 2006) ;
- (16) "Government" means Government of Jammu and Kashmir ;

- (17) "Industrial/Service Unit" means Industrial/Service Unit as defined by the Ministry of Commerce and Industries, Government of India from time to time ;
- (18) "Investment Promotion and Facilitation Cell" means a cell as constituted under section 9 of this Act ;
- (19) "Prescribed" means prescribed by rules made under this Act ;
- (20) "Relevant laws" means Act, rules or regulations as may be prescribed ;
- (21) "Single Window Nodal Officer" means an officer appointed under section 14 of this Act ;
- (22) "Single Window Nodal Department" means Industries and Commerce Department of Government of Jammu and Kashmir ;
- (23) "State" means State of Jammu and Kashmir ;
- (24) "Online Single Window Portal" or "Web Portal" means a web portal set up under section 13 of this Act ; and
- (25) "Time line" means timelines as prescribed for granting specified clearance(s) under the Jammu and Kashmir Public Service Guarantee Act, 2011 or as may be prescribed under any law for the time being in force.

CHAPTER II

Constitution, Powers and Functions of District Level Single Window Clearance Committee, Divisional Level Single Window Clearance Committee and the Apex Project Clearance Committee

3. *District Level Single Window Clearance Committee.*—(1) The Government may constitute a District Level Single Window Clearance Committee for each district which shall consist of,—

S. No.	Officer to be member of the District Level Single Window Clearance Committee	Designation
1	2	3
1.	General Manager, District Industries Sector (DIC) concerned	Chairman

1	2	3
2.	Superintending Engineer, EM&RE Wing, Power Development Department concerned	Member
3.	District Representative of State Pollution Control Board	Member
4.	Estate Manager, SIDCO/SICOP as the case may be	Member-Secretary

(2) The District Level Single Window Clearance Committee shall exercise the following powers and functions :—

- (i) to receive application(s) for clearance(s) for setting up industrial/ service unit with proposed investment as may be notified by the Government from time to time ;
- (ii) to meet at such time and places at least once in a month as the Chairman of the Committee may decide and shall transact business as per the procedure as may be prescribed ;
- (iii) to issue the required clearance(s) on behalf of different Competent Authorities in respect of the applications received on Online Single Window Portal within the time lines subject to compliance(s) by the entrepreneur of the provisions of applicable laws and the rules made thereunder ;
- (iv) to review all applications pending beyond timelines pending applications may be procured from the Online Single Window Portal ;
- (v) to direct the concerned District Level Competent Authorities for taking decision on applications pending beyond the prescribed timelines ;
- (vi) to scrutinize cases where delay has occurred and if found wilful, the Divisional Level Single Window Clearance Committee may recommend appropriate disciplinary action against the concerned Competent Authority ;
- (vii) to take all necessary steps to facilitate industrial investments in the district which includes review of Investment Intentions and shall send report to the Apex Project Clearance Committee through Investment Promotion and Facilitation Cell ;

- (viii) to recommend policy level suggestions to the Divisional Level Single Window Clearance Committee to improve the investment atmosphere of the State ;
- (ix) to review and monitor the processing of applications by the District Level Competent Authorities ;
- (x) to inform an applicant of the receipt of the application by a Competent Authority and convey the date on which such application has been approved or rejected ;
- (xi) to invite Competent Authorities or experts, who are not members of the Committee, as special invitees at any meeting of the District Level Single Window Clearance Committee as desired by the Chairman or the Member-Secretary of the Committee ;
- (xii) a Member of the District Level Single Window Clearance Committee shall attend the meeting convened under clause (ii) personally and in case he is unable to attend the meeting, he may depute a senior level officer with a written authorization to take appropriate decision in the meeting ;
- (xiii) the District Level Single Window Clearance Committee may suo motu or on a reference, examine an order passed by a Competent Authority, rejecting any clearance or approving it with modification, and if the Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the Divisional Level Single Window Clearance Committee with remarks and relevant documents for a decision ; and
- (xiv) such other powers and functions as may be prescribed.

4. *Divisional Level Single Window Clearance Committee.*—(1) The Government may constitute a Divisional Level Single Window Clearance Committee for each district which shall consist of,—

S. No.	Officer to be member of the Divisional Level Single Window Clearance Committee	Designation
1	2	3
1.	Director, Industries and Commerce, concerned	Chairman

1	2	3
2.	Chief Engineer, EM&RE Wing Power Development Department concerned	Member
3.	Representative of State Pollution Control Board	Member
4.	Managing Director, SIDCO	Member
5.	Managing Director, SICOP	Member
6.	Representative of the Industrial Association concerned	Member
7.	General Manager of the DIC concerned	Member-Secretary.

(2) The Committee shall exercise the following powers and functions:—

- (i) to receive application(s) for clearance(s) for setting up industrial/ service unit with proposed investment as may be notified by the Government from time to time ;
- (ii) to meet at such time and place at least once in a month as the Chairman of the Committee may decide and shall transact its business as per such procedure as may be prescribed ;
- (iii) to monitor and review the progress of granting required clearances, the status of sanctioned projects, difficulties being faced in granting clearance(s), the functioning of Online Single Window Portal and working of Investment Promotion and Facilitation Cell ;
- (iv) to inform an applicant of the date on which the application was received by the Competent Authority and the date on which such application has been approved or rejected ;
- (v) to invite Competent Authorities or experts, who are not members of the Committee as special invitees at any meeting of the State Committee as desired by the Chairman or the Member-Secretary of the Committee ;
- (vi) to review all applications and grievances pending beyond the time lines and give directions to the Competent Authority to take necessary action ;
- (vii) to ask for reasons of delay and call for necessary information

and personal appearance of the Competent Authority where applications and grievances are pending beyond the prescribed timelines :

(viii) after performing necessary inquiry, may recommend action against the Competent Authority if the Committee is of the opinion that there is wilful default in delaying the approval process of applications and grievances ;

(ix) to appoint a senior officer to inquire into the reasons of delay in disposal of applications by the Competent Authority or the grievances raised by the applicant ;

(x) a Member of the Divisional Level Single Window Clearance Committee shall attend the meeting convened under clause (ii) personally and in case he is unable to attend the meeting, he may depute a senior level officer with a written authorization to take appropriate decision in the meeting ;

(xi) the Divisional Level Single Window Clearance Committee shall examine all cases referred to it by the District Level Single Window Clearance Committee and pass appropriate orders :

Provided that the cases which are beyond the competence of Divisional Level Single Window Clearance Committee shall be referred to Apex Project Clearance Committee for decision ;

(xii) the Divisional Level Single Window Clearance Committee may, either suo motu or on a reference, examine an order passed by a Competent Authority, rejecting any clearance or approving it with modification or the grievances relating to technical, procedural or other issues relating to disposal of any application, and if the Divisional Level Single Window Clearance Committee considers that there are valid grounds for a change in such decision, it shall forward such case to the Apex Project Clearance Committee with remarks and relevant documents for a decision : and

(xiii) such other powers and functions as may be prescribed.

5. *Apex Project Clearance Committee*.—(1) The Government may constitute a Apex Project Clearance Committee for each district which shall consist of,—

S. No.	Officer to be member of the Apex Project Clearance Committee	Designation
1.	Chief Secretary, Jammu and Kashmir	Chairman
2.	Administrative Secretary, Industries and Commerce Department	Member
3.	Administrative Secretary, Power Development Department	Member
4.	Administrative Secretary, Forest Department	Member
5.	Administrative Secretary, Housing and Urban Development Department	Member
6.	Chairman, J&K Pollution Control Board	Member
7.	Director, Industries and Commerce, concerned	Member
8.	Managing Director, JKDFC	Member
9.	Managing Director, J&K, SIDCO	Member-Secretary
10.	Representative of Industrial Association concerned	Member

(2) The Apex Project Clearance Committee shall exercise the following powers and perform the following functions, namely :—

- (i) to receive application(s) for clearance(s) for setting up industrial/ service unit with proposed investment value as may be notified by the Government from time to time ;
- (ii) to meet at such time and place at least once in a month as the Chairman of the Committee may decide and shall transact its business as per such procedure as may be prescribed ;
- (iii) to review and monitor the processing of applications by the Competent Authorities, the Divisional Level Single Window

Clearance Committee and the District Level Single Window Clearance Committee :

- (iv) to invite Competent Authorities or experts, who are not members of the Committee as special invitees at any meeting of the State Committee as desired by the Chairman or the Member-Secretary of the Committee ;
- (v) to review applications and grievances pending beyond the timelines and give direction to the Competent Authority to take necessary action ;
- (vi) to ask for reasons of delay and may call for necessary information and personal appearance of Competent Authority where applications and grievances are pending beyond the prescribed timelines ;
- (vii) after performing necessary inquiry, recommend action against the Competent Authority if the Committee is of the opinion that there is wilful default in delaying the approval process of applications and grievances ;
- (viii) to appoint a senior officer to inquire into the reasons of delay in disposal of applications by the Competent Authority or the grievances raised by the applicant ;
- (ix) to review the industrial investment of the State and make necessary recommendations to the Investment Promotion and Facilitation Cell ;
- (x) a Member of the Apex Project Clearance Committee shall attend the meeting convened under clause (ii) personally and in case he is unable to attend the meeting, he may depute a senior level officer with a written authorization to take appropriate decision in the meeting ;
- (xi) the decision taken by the Apex Project Clearance Committee shall be binding on the District/Divisional Level Single Window Clearance Committee and the Competent Authorities ;
- (xii) to examine all cases referred to it by the Divisional Level Single Window Clearance Committee and pass appropriate orders ;

- (4) to provide all necessary assistance to the applicant(s) to set up industrial/service unit in the State ;
- (5) to co-ordinate all efforts for promoting investments and other related activities in the State ;
- (6) to act as a Competent Authority to sign all documents, approvals, sanctions or instructions required to be issued to the entrepreneur ;
- (7) to monitor investments in various projects for which the approval has been granted by the appropriate Committee constituted under the Act ;
- (8) to prepare and submit yearly progress reports to the State Government ; and
- (9) to perform any other job assigned by Apex Project Clearance Committee or the Government, as the case may be.

8. *Departmental Nodal Officer.*—(1) The Administrative Secretary of concerned department(s) shall designate Departmental Nodal Officer for Single Window Clearance Committee(s) at Divisional and District levels.

(2) The Departmental Nodal Officer shall be the single point of contact for the Investment Promotion and Facilitation Cell for granting clearance(s).

(3) The Departmental Nodal Officers as members representing various Competent Authorities shall proceed to issue the required clearance within the timeline subject to compliance of various provisions of the applicable Central or State Acts and the rules made thereunder, by the entrepreneur.

(4) For the purpose of this Act, the Departmental Nodal Officer shall work under the supervision of the Single Window Nodal Officer.

CHAPTER IV

Common Application Form, Single Window Web Portal and Self-Certification

9. *Common Application Form.*—(1) The Common Application Form shall be used to file e-applications, along with fees, as shall be prescribed, in lieu of existing multiple forms being used under various laws. All concerned

