

“बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001.”



पंजीयन क्रमांक
“छत्तीसगढ़/दुर्गा/09/2010-2012.”

छत्तीसगढ़ राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 4]

रायपुर, शुक्रवार, दिनांक 28 जनवरी 2011—माघ 8, शक 1932

विषय—सूची

भाग 1.—(1) राज्य शासन के आदेश, (2) विभाग प्रमुखों के आदेश, (3) उच्च न्यायालय के आदेश और अधिसूचनाएं, (4) राज्य शासन के संकल्प, (5) भारत शासन के आदेश और अधिसूचनाएं, (6) निर्वाचन आयोग, भारत की अधिसूचनाएं, (7) लोक-भाषा परिशिष्ट.

भाग 2.—स्थानीय निकाय की अधिसूचनाएं.

भाग 3.—(1) विज्ञापन और विविध सूचनाएं, (2) सांख्यिकीय सूचनाएं.

भाग 4.—(क) (1) छत्तीसगढ़ विधेयक, (2) प्रवर समिति के प्रतिवेदन, (3) संसद में पुरःस्थापित विधेयक, (ख) (1) अध्यादेश, (2) छत्तीसगढ़ अधिनियम, (3) संसद् के अधिनियम, (ग) (1) प्रारूप नियम, (2) अंतिम नियम.

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छत्तीसगढ़ राजपत्र, दिनांक 28 जनवरी 2011

[भाग 1

वाणिज्यिक एवं उद्योग विभाग
मंत्रालय, दाऊ कल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 27 जनवरी 2011

क्रमांक एफ 20-89/06/11/(6).—राज्य शासन एतद्वारा राज्य की विशेष आर्थिक प्रक्षेत्र-नीति 2010 (एस. ई. जेड. पॉलिसी) संलग्न परिशिष्ट अनुसार लागू करता है.

यह नीति अधिसूचना दिनांक से प्रभावशील होगी.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
दिनेश श्रीवास्तव, सचिव.

State Policy on Chhattisgarh Special Economic Zone

Government of Chhattisgarh

Department of Commerce and Industries

1.0 Preamble

- 1.1 Where as for augmenting infrastructure facilities for export production the Government of India (GOI) have announced a Policy of Special Economic Zones during March, 2000 and notified guidelines vide NO. F.2(1)/3/2001-EPZ dated 24.1.2002, as amended from time to time. GOI have enacted legislation on special Economic Zones - the Special Economic Zones Act, 2005 (28 of 2005) and made rules there under, which outline the central regulatory, approval enforcement and concession regime in relation to Special Economic Zones, cover the concepts of the Developer and Entrepreneur, provide for fiscal concessions under the laws enacted by GOI, provide for Offshore Banking Units (OBUs) etc
- 1.2 Where as the Special Economic Zones are specifically delineated enclaves treated as foreign territory for the purpose of industrial, service and trade operations, with relaxation in customs duties and tariffs and a more liberal regime in respect of other levies, foreign investments and other transactions. Domestic restrictions and infrastructure inadequacies would be removed in the Special Economic Zones to create an internationally benchmarked environment for business transactions and operations. Under the GOI guidelines and legislation, the Special Economic Zones can be developed in the public-private or joint sector domains, or by State Government / Central Government.
- 1.3 Where as the development of the Special Economic Zone(s) will primarily be led by the private sector Developers, who shall establish international class and scale facilities and infrastructure. These Developers will act as SEZ managers in designing, planning, financing, building operating and marketing the Zones to investors. The Developer would endeavor to provide world-class utilities, social and municipal services.
- 1.4 Therefore the Government of Chhattisgarh resolves to facilitate setting up of Special Economic Zones in the State as the same are expected to boost the economic and industrial development of the State and generate new employment opportunities. The SEZs are expected to be engines for economic growth in the State.
- 1.5 For this purpose, with the background of the GOI policies, guidelines and laws and subject to the framework for Special Economic Zones determined by the GOI from time to time, the Government of Chhattisgarh has decided to formulate the following Special Economic Zone Policy (SEZ Policy) to provide a comprehensive frame work for establishment, operation and sustainability of Special Economic Zones in the State and shall be effective from the date of publication of notification in the official gazette.
- 1.6 For issues and areas not covered by the SEZ Policy, the prevailing State framework and legislation will be deemed to be in force. At the time of establishment of Special Economic Zone provision's of PESA Act. 1996 shall be followed.

1.7 The main points of the SEZ Policy of the State of Chhattisgarh are outlined herein below. All words and expression used herein but defined in the Special Economic Zones Act, 2005 (28 of 2005) and the rules made there under, shall have the meaning respectively assigned to them therein.

2.0 SEZs and Nodal Agency

2.1 Subject to the Special Economic Zones Act, 2005 (28 of 2005) and rules made there under, the Special Economic Zones may be established in the State of Chhattisgarh by any person, including the State Government / Central Government, private person, in the joint sector or under the public private partnership format (the Zones or SEZs).

2.2 Commerce and Industries Department shall be the nodal department/agency of the Government of Chhattisgarh for the SEZs set up in the State.

3.0 Single Window Clearance

3.1 The Single Window Approval Committee as constituted under the Act shall grant timely clearances, authorizations, approvals, licenses, registrations or no objection certificates, as the case may be, under the laws enacted by the State Legislature and/or as may be required by the departments and agencies of the State Government, to the Developer, Entrepreneur or others in relation to the development, establishment and operation and maintenance of the Zones in the State.

3.2 The Approval Committee constituted in respect of each Zone by the Central Government under the Special Economic Zone Act, 2005 (28 of 2005) shall also function as a Single Window Approval Committee for granting such clearances etc.

3.3 The Approval Committee may, in addition to the members already nominated under the Special Economic Zones Act, 2005 (28 of 2005), seek deputation to it of such officers (ex-officio or otherwise) from any department, directorate or agency of the State Government as the Approval Committee considers necessary or as the State Government offers to nominate subject to the Approval Committee's acceptance.

3.4 The Approval Committee may, when considering the grant of such clearance etc., or matters related thereto, invite at its meetings such persons or officers of and representatives from any department, directorate or agency of the State Government that is not represented therein, as it deems fit, whose assistance or advice it may consider necessary.

3.5 The Single Window Approval Committee shall receive applications from and grant to the Developer, Entrepreneur or other all such clearances etc. that may be required under the laws enacted by the State Legislature or by the concerned State departments, directorates and agencies in relation to the development, establishment, operations and maintenance of the Zone, and of units in the Zone.

3.6 The Single Window Approval Committee shall consider grant of all clearances etc., in such form and manner and within such time as may be prescribed by it.

- 3.7 The Single Window Approval Committee shall supervise and monitor compliance of the terms and conditions of all such clearances etc. granted by it and may take or recommend to the State Government, appropriate action under the relevant applicable law for breach or non-compliance thereof.
- 3.8 The Single Window Approval Committee may appoint any agency to supervise and monitor compliance of the terms and conditions of all such clearances etc. granted by it and may call for any information required for such supervision and monitoring.
- 3.9 All departments of the State Government and its agencies and the authorities and corporations controlled by it shall accept the clearance, authorizations, approvals, licenses registrations or no objection certificates, as the case may be, granted by the Single Window Approval Committee to the Developer, Entrepreneur or others.

4.0 Simplified Business Environment

- 4.1 The state Government may, if required, prescribe or by notification specify, -
- (a) a common application form for obtaining any clearance, authorization, approval, license, registration or no objection certificated, as the case may be, by the Developer, Entrepreneur or other under the laws enacted by the State Legislature;
 - (b) a single form for furnishing returns or information by the Developer, Entrepreneur or others under one or more laws enacted by the State Legislature;
 - (c) the form or a consolidated annual report for submission by the Developer, Entrepreneur or other instead of periodical return under one or more the laws enacted by the State Legislature.
- 4.2 Every Developer, Entrepreneur or other shall at the time of submitting the application form to the Single Window Approval Committee and periodically thereafter, at such frequency and in such form and manner as may be prescribed or notified, furnish to such committee a self certification with the assistance of empanelled private certification agencies undertaking that it is in and shall remain in compliance with the applicable provisions of the relevant laws enacted by the State Legislature.
- 4.3 The Development Commissioner or the person authorized by him shall, if required have the right to carry out physical inspection and verification in relation to such self certifications and random sampling monitoring for environmental management.

5.0 Environment Related Matters

- 5.1 The State Government may, by notification, empower an officer of the Chhattisgarh Environment Conservation Board (hereinafter the "empowered officer") with the powers of the Chhattisgarh Environment Conservation Board to grant clearances and consent for authorized operations in the zones, including and establishment and operation of units, under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Water (Prevention and Control of Pollution) Cess Act

1977, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986 and other such acts enacted by the Central and State Government from time to time and the rules or regulations made there under. Such empowered officer shall be deputed to the Single Window Approval Committee.

- 5.2 The empowered officer may conduct inspections of the unit in the Zone to verify the compliance of the environmental standards as required under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act., 1986 and the rules or regulations framed there under.

6.0 Labour Regulation

- 6.1 The State Government shall delegate the powers, duties and function conferred on the Commissioner of Labour, Government of Chhattisgarh, to the Development Commissioner in respect of the area with the Zone, the units and the workmen employed by the Developer.

- 6.2 The State Government shall, wherever necessary, place officers and personnel of the labour department of the State under the administrative control of the Development Commissioner.

- 6.3 The Development Commissioner may delegate appropriate officer as inspectors, conciliation officers and registration officers under the labour laws to provide single window service

- 6.4 As a part of liberalization process for filling returns, a Consolidated Annual Report (CAR) has been designed, consolidating various periodical returns (quarterly, half yearly etc.) under following Acts.

1. Workmen Compensation Act, 1923
2. Payment of Wages Act, 1936
3. Factories Act, 1948
4. Minimum Wages Act, 1948
5. Maternity benefit Act, 1961
6. Payment of Bonus Act, 1965
7. Contract Labour (Regulation and Abolition) Act, 1970

The unit in SEZ will be required to file annually Consolidated Annual Report (CAR) with the Development Commissioner. The units in SEZ will not be required to file periodically separate returns.

- 6.5 The Development Commissioner may fix minimum wages for skilled, semi-skilled and unskilled categories of workers within the zone taking into consideration the existing wages in the neighboring states, productivity of the industry and various stakeholders in the Zone, including worker representatives.

- 6.6 For inspections relating to workers health and safety units will be permitted to obtain inspection reports from accredited agencies as may be notified by the Development Commissioner.

- 6.7 Suitable exemptions shall be made under the Chhattisgarh Shops and Establishments Act, 1958 to make possible 365 working days with 24 hours in each such day; provided that suitable remuneration and overtime allowances are paid.
- 6.8 The Zone and all units and establishment therein shall be declared as a "Public Utility Service" under and for the purposes of the Industrial Disputes Act, 1947.

7.0 Power and Water

- 7.1 Subject to the provisions of the Electricity Act, 2003, the Developer/Co-Developer shall have full freedom to generate, transmit and distribute power within a Zone and outside the zone.
- 7.2 The units shall be entitled to generate electricity, either individually or in association with other units for the captive use and consumption of such unit or units, as the case may be, or to sell or supply electricity to other units in the Zone in accordance with the provisions of the Electricity Act, 2003.
- 7.3 The Developer shall be permitted to set up system and facilities for water extraction, treatment, transmission and distribution within the Zone, provided that applicable standards in this regard are fully met and complied with. The Developer shall also be permitted to fix and collect the tariff/user charges for supply of water within the Zone. The Developer shall arrange the supply and distribution of water from off-take point (As per allocation of the state level committee) to the SEZ. This will be done as per the policy prevalent in the Government. Provided that, the use of ground/surface water within the SEZ will be subject to State and National Water Policy.
- 7.4 The Developer will be granted approval for development of water supply and distribution system to ensure the provision of adequate water supply for the SEZ and the units subject to state and national water policy.

8.0 Fiscal Concessions

- 8.1 Subject to the provisions of Clause 8.2 the Developer and the units shall be entitled to exemption from the State and local taxes (Except Mandi Tax), levies and duties, including stamp duty, value added tax, entry tax, royalty/cess on minor minerals, property and house tax, luxury tax, entertainment tax, professional tax, electricity duty on sale and consumption of electricity and energy development charges on consumption of electricity and taxes levied by local bodies on transactions and goods required for authorized operations by the Developer or a unit.
- 8.2 The State Government may prescribe or notify the manner in which, and the term and conditions subject to which, the exemptions or concessions shall be granted under clause 8.1.

9.0 Administration of SEZ

- 9.1 The State Government shall declare the SEZ as a Industrial Township Authority that will replace the existing panchayats. Such Industrial Township Authority will be vested with all the powers and shall carry out all the functions in the existing provisions. The State Government may, having regard to the area and the municipal

services being provided or proposed to be provided in the Zone by the Developer, by notification, declare the Zone to be industrial township authority, who can levy fees with the prior permission of state government.

- 9.2 The Developer shall prepare or cause preparation of the SEZ Master Plan in accordance with the international best practices in town planning and environment and social management planning norms.

10.0 Inspection and Enforcement

- 10.1 The State Government may, by notification, specify any officer or agency to carry out surveys or inspection for securing of compliance with the provisions of any laws enacted by the State Legislature, by a Developer, Entrepreneur or other and such officer or agency, shall submit verification and compliance reports, in such manner and within such time as may be specified in such notification.
- 10.2 The State Government may, by notification, specify any act or omission made punishable under any law enacted by the State Legislature as notified offence in relation to the Zone.
- 10.3 The State Government may, by general or special order, authorize any officer or agency to be the enforcement officer or agency in respect of any notified offence or offences committed in a Zone.
- 10.4 Every officer or agency authorised under Clause 10.3 shall have all the corresponding powers of investigation, inspection or search or seizure as is provided under the relevant law enacted by the State Legislature in respect of the notified offences.
- 10.5 The agency or officer specified above, may, with prior intimation to the State Government and the Development Commissioner concerned, carry out the investigation, search or seizure in the Special Economic Zone or in a unit if such agency or officer has reasons to believe (reasons to be recorded in writing) that a notified offence has been committed or is likely to be committed in the Zone:

11.0 Functions of Developer

- 11.1 Subject to the provisions of the applicable laws and the terms and conditions governing the Developer's appointment and notification as a Developer, the Developer shall secure the planned development of the Zone and provide the infrastructure facilities for the establishment, management and operation and maintenance of the Zone.
- 11.2 Subject to the terms and conditions governing the Developer's appointment and notification as a Developer, the Developer shall regulate the land usage in the SEZ in accordance with the SEZ Master Plan and be at liberty to fix rates for the transfer of land, building, built up spaces or installations in the Zone from time to time by way of lease, sub-lease, grant of licenses or otherwise.
- 11.3. It shall be the responsibility of the Developer to arrange for, inter alia, the following infrastructure facilities, as may be required, in the Zone:-

- (a) generation, transmission and distribution of electricity;

- (b) water extraction, treatment, transmission and distribution;
- (c) waste water treatment and solid and hazardous waste management;
- (d) provision of roads, bridges and over-bridges, transportation services and transportation systems;
- (e) development of green belts and afforestation within the Zone to meet the unit level requirements in a common area;
- (f) provision for gas distribution network;
- (g) any other public facility or service of similar nature as may be required.

11.4. The Developer may provide infrastructure facilities in the Zone by itself or arrange the same through a Co-Developer, operator or any other person.

11.5. Where any infrastructure facility is provided by the Developer under Clause 11.3 or 11.4 the Developer or the person specified in Clause 11.4 shall, subject to the provisions of the Special Economic Zones Act, 2005 (28 of 2005) and the rules made there under, have the power to charge, demand, collect, retain and appropriate the user or service charges, fees, tolls, tariff or rentals for the use of the services so provide.

12.0 Responsibility of developer

- 1.1. The SEZ developer will train the local persons and organize skilled managerial training for such people.
- 1.2. The SEZ developer will provide at least 50% jobs to local people on overall basis.
- 1.3. The SEZ developer will provide entrepreneurship development training to the local people and facilitate setting up of vendor enterprises.
- 1.4. The SEZ developer shall pay back all the fiscal incentives / benefits availed under this policy to the Government of Chhattisgarh in case developer does not implement SEZ.
- 1.5. The SEZ developer shall ensure and facilitate all measures for water conservation.
- 1.6. The SEZ developer shall ensure and facilitate all measures for environment conservation to maintain the ecological balance of the surrounding areas.

13.0 Others

- 13.1 Law and Order: The State Government will make appropriate arrangements for the SEZs for maintenance of law and order.
- 13.2 Special Courts: Special territorial jurisdiction shall be accorded to special courts as necessary in the SEZs with the approval of High Court.

- 1.3 Registration of MSME: The power to accept Entrepreneurs Memorandum from micro, small and medium enterprises (MSME) will be delegated to the development commissioner in respect of units in SEZ.

14.0 Review Committee

- 14.1 The empowered committee on SEZ headed by Chief Secretary will resolve various issues pertaining to the development, operation and functioning of SEZs in the State, to provide the requisite facilitation and to periodically review the progress of the SEZs in the State:

15.0 Amendments

- 15.1 Notwithstanding anything contained in any other provision of the SEZ Policy, the State Government may at any time make any amendments in this policy and issue instructions and guidelines to facilitate the implementation of, remove anomalies in and provide clarifications to the provisions of this SEZ Policy.
