

Doing Business in India

BRAP 2019

1. Which Departments would fall under the term “ Departments involved ” as Stated in reform action plan point 1-sub point number (iii)?

The “ Departments involved ” means the Departments whose clearances/ approvals/ NOCs are required prior to applying for a particular service.

2. What are “ links to online application forms ” that have to be provided in the Information Wizards?

The link should be provided for the Single Window System or the online portal where the applicant can apply for the permission against which it is listed.

3. Which are the incentives that are covered under this reform?

The reform only refers to the incentives provided by the State Government.

4. What is meant by the term “ verification ” used in Reform point 4-sub point i.e. “ Eliminate physical touch-point for document submission and verification ”

The Reform Point pertains to elimination of physical touch-point at the time of the routine scrutiny and verifying the sanctity of documents, done by the Departments after receipt of an application.

5. What is meant by the term “ verification ” used in Reform point 4-sub point i.e. “ Eliminate physical touch-point for document submission and verification ”

The Reform Point pertains to elimination of physical touch-point at the time of the routine scrutiny and verifying the sanctity of documents, done by the Departments after receipt of an application. The investor should not be required to visit the Department concerned nor should the official be required

to physically contact him for the purpose of verification. Clarification may be sought online.

6. What should be the notification process for an investor who has applied for multiple approvals?

In case where an investor has applied for multiple permits/ NOCs/ approvals, the investor shall be notified as and when each approval is accorded, without waiting for other approvals.

7. What does “ service wise approvals may be granted ” refer to in subpoint (v) of the reform?

This refers to the case where different approvals are granted in accordance with different timelines. The applicant should receive approvals in the Single Window System as and when they are given by the Department / Agency responsible.

8. What is the limit (number of years) for the digitization of land transaction deed?

The Reform aims at bringing ease of buying and registering property. The limitation law requires that records up to 30 years are available to the person to verify the title and encumbrances. In the current year, only 10 years of the same is proposed to be covered. Going slow on this reform will keep registering property a cumbersome process for many years. Therefore, the number of years are expected to be 15, 20 and 30 years in next 3 years.

9. What should be reflected in metadata Record of Rights (ROR) at all Revenue Department offices online in public domain for all areas of the State/UT?

The metadata shall reflect ownership details and history of ownership of land.

10. What is the process for integration of the data pertaining to cases pending/resolved before the Civil Courts?

Data pertaining to cases pending/resolved before the Civil Courts is available with the Court Registry or respective filing section(s) of the Revenue/District Courts and High Court in the State. The same falls within the purview of the State and should be integrated/ linked with the record of each parcel

of land. Further, it has been represented by some States that integration of land records and civil court case data is under consideration of the Supreme Court ecommittee. The Case Information Management System will include details of land in relation to civil court case data. In this regard, the States/UT's are advised to pursue the same for implementation with the Supreme Court e-committee. DIPP will assist States/UTs in this regard, as is required.

11. When a user enters the survey number/property identification number on the website, the information like land transaction deed, property tax, revenue court case details and civil court case data can be shown on a single web-page of the website?

Details of land transaction deed, property tax etc. must be displayed on a single web page on one website in a consolidated format.

12. Does mapping of civil court case data with survey number or property identification number, fall under the purview of the State Government as this data is with Hon ' ble Supreme Court for all the States/UTs?

The State should coordinate with their respective High Courts and in case of any concern, DIPP shall discuss the same with the D/o Justice.

13. With reference to this reform please clarify the applicability of ' ' Provision of risk-based classification of Buildings ' ' clause for Lifts and electrical installations.

The reform does not refer to lift and escalator installation

14. What is meant by legally sanctioned Master plans/ Zonal plans/ land use plans?

The plan must have been adopted by the ULB/ relevant Department in the State and must not be in a draft or consultation stage.

15. Whether the authorization of BOE is required to be introduced for both registration & renewal of boilers or only for renewal of boilers as unregistered boilers cannot be in use?

Authorization of Boiler Operation Engineer is required to be introduced only for renewal of boilers.

16. Are the States required to empanel the same agencies for third-party certification which have been empanelled by DPIIT?

Yes. There is no need for empanelment of the same third party agencies by the State.

17. Are the States allowed to relax criteria for hiring of BOE?

No.

18. Is there a requirement of empanelment of Boiler Operation Engineer?

No, there is no requirement of empanelment of BOE.

19. Introduction of “ Minimum 5 years of experience in the field related to boilers for BOE ” in contradiction to Rule 31 of the BOE Rules, 2011 relating to age, qualifications and experience for BOE?

Rule 31 of the BOE Rules, 2011 provides for minimum eligibility criteria i.e. age, qualifications and experience for obtaining a certificate of proficiency and operate a boiler as a Boiler Operation Engineer. The said criteria is Stated for both, Diploma and Degree Holders. However, under BRAP 2019, distinction from the qualifications under Rule 31 of the BOE Rules, 2011 has been made in relation to third-party certification. For the purpose of issuing/granting third-party certification, only a BOE who holds a degree/is a graduate in Mechanical/ Production/ Power Plant/ Metallurgical engineering from a recognised institution and has minimum 5 years of experience in the field related to boilers is eligible. The said reform excludes diploma holders to grant third-party certificate.

20. Are there any specific restriction on BOEs to conduct third-party inspections?

There are no restrictions on BOE if they are authorized under section 34(3) of the Boilers Act 1923.

21. Whether both registration and renewal feature required to be developed?

The State shall develop feature only for registration under Shops and Establishments Act. The “ Registration and renewal under The Shops and Establishments Act ” refers only to the main heading of the reforms.

22. Should requirement for renewal of registration under Shops and Establishments Act be eliminated?

Yes. The State should encourage voluntary update of information by the establishment and remove requirement for renewal of registration under Shops and Establishments Act

23. Whether State can exempt any Act under which returns are not to be filed?

The State may exclude the Act(s) under which there is no requirement to file return. However, the State should submit necessary evidence for nonapplicability of the reform point.

24. State/UT might require applicants to submit fewer documents to process application for electricity connections than mandated under BRAP 2019. Will reform be approved?

The reform requires States/UTs to reduce the document required to obtain electricity connection to the following: Proof of identity of the user Proof of ownership/occupancy (in case of owned/leased premise) Authorization document (in case of firm or company) In case the State/UT chooses to further reduce this list, the reform will be approved provided other criteria for approval for this reform are met.

25. Under what provisions can the Appellate Authority for Advance Ruling be constituted?

The Appellate Authority for Advance Ruling is constituted under the relevant provisions of the State/UT GST Act. For example the provisions for constitution of Appellate Authority for Advance Ruling are mentioned under Punjab Goods and Services Tax Act 2017, Chapter XVII on ‘ Advance Ruling ’ , Section 99.

26. Inspection reports for how many years must be available for download on the Central Inspection System?

Inspection reports for the year 2017, 2018 and 2019 must be available for download on the Central Inspection System.

27. What is meant by “ specific permissions from the respective Head of Department ” ?

The permission for every surprise inspection or inspection based on complaints must be taken from the officer who heads the Department within the State/UT.

28. Will multiple site visits which are a part of a single inspection be considered a violation of the reform criteria with respect to The Boilers Act 1923?

Inspection for a boiler which requires more than one visit can be considered as one inspection and the same inspector can carry out the stages of inspections (in case of power boiler which requires thorough examination and Hydro testing on two different days, must be considered as one inspection). For subsequent inspections the State Government may advise/educate the boiler owner to approach Private Component Persons for carrying out the inspections of Boilers so that the system proposed in BRAP 2019 can be effectively implemented.

29. If the provision for renewal of a License is no longer valid for State, how will State be evaluated for this point?

If the renewal of license is no longer valid in the State, the State must provide appropriate evidence for the same. If another provision has been introduced, such as payment of periodic fee for retention of old license, the State must ensure the process is completely online. Evidence for the same must be provided as well.