

BILL NO. 17 OF 2000

**THE DELHI INDUSTRIES
(ENLISTMENT AND PLANNING)
BILL, 2000**



**(As Passed by the Legislative Assembly of the
National Capital Territory of Delhi on 29th November, 2000)**

THE DELHI INDUSTRIES (ENLISTMENT AND PLANNING) BILL, 2000

A

BILL

to provide for the enlistment and planning of industries within the National Capital Territory of Delhi and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fifty first Year of the Republic of India as follows:-

CHAPTER- I



PRELIMINARY

1. **Short title, extent and commencement** .- (1) This Act may be called the Delhi Industries (Enlistment and Planning) Act, 2000.

(2) It extends to the whole of the National Capital Territory of Delhi.

(3) It shall come into force on such date as the Lieutenant Governor of the National Capital Territory of Delhi may, by notification in the official Gazette, appoint.
2. **Definitions** .- In this Act, unless the context otherwise requires, -
 - (a) "activity" in relation to an industrial undertaking, means items or articles manufactured or services rendered by an industrial undertaking;
 - (b) "Commissioner" means the Commissioner of industries appointed by the Government;

- (c) "competent authority" means Commissioner of Industries or any other officer not below the rank of Joint Director of Industries authorised by him from time to time in this regard.
- (d) "Delhi" means the National Capital Territory of Delhi;
- (e) "existing industrial undertaking" means an industrial undertaking which was in existence on the commencement of this Act or for the establishment of which effective steps had been taken before such commencement;
- (f) "factory" means any premises, including the precincts thereof, in any part of which a manufacturing process is being carried on or is ordinarily so carried on, with or without the aid of power, irrespective of the number of workers employed;
- (g) "Government" means the Lieutenant Governor as referred to in article 239 AA of the Constitution;
- (h) "industrial undertaking" means any undertaking pertaining to an industry carried on in one or more factories by any person or authority including Central Government or State Government/ Union territory Administration;
- (i) "Lieutenant Governor" means the administrator of the National Capital Territory of Delhi appointed by the President under article 239 of the Constitution;
- (j) "manufacturing process" in relation to an industrial undertaking means processing of raw-material into semi-finished product or raw material and/or semi finished product into finished product or processing of information/data into finished product and running of a service industry such as repairing, ornamenting, finishing, packing and the like;
- (k) "new item" in relation to an industrial undertaking which is listed under this Act, means an item other than the items for which an industrial undertaking was listed;
- (l) "notified" means an order or notification published in the official Gazette;
- (m) "owner" in relation to an industrial undertaking means the person who, or the authority which, has the ultimate control over the affairs of the undertaking, and, where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent shall be deemed to be the owner of the undertaking;
- (n) "prescribed" means prescribed by rules made under this Act;
- (o) "status" in relation to an industrial undertaking means whether an industrial undertaking is a tiny industry or small scale industry (SSI), or

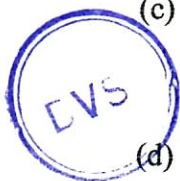


non-SSI or service industry as per notifications issued in this regard by the Central Government, from time to time.

CHAPTER- II

3. **Constitution, Powers and Functions of Competent Authority** .- (1) The Commissioner shall act as the competent authority to exercise the powers conferred on, and perform the functions assigned to, the competent authority under this Act
4. **Functions of the Competent Authority** .- (1) Subject to the provision of this Act, the main function of the competent authority shall be to enlist, promote and develop industries in Delhi.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the competent authority may perform all or any of the following functions, namely :-
 - (a) to create data base in respect of every existing industrial undertaking in Delhi;
 - (b) to promote and grant enlistment certificate to entrepreneurs for setting up of new industrial undertakings in Delhi;
 - (c) to revoke enlistment certificate of an industrial undertaking or a group of industrial undertakings found operating in contravention of the the notified orders of the Government;
 - (d) to take such other steps as may be necessary for the fulfilment of the objects of this Act.



CHAPTER- III

5. **Enlistment of New Industrial Undertakings** .- (1) On the commencement of this Act no new industrial undertaking shall be established in Delhi except under and in accordance with an enlistment certificate issued in that behalf by the competent authority.

(2) An enlistment certificate under sub-section (1) may contain such particulars in relation to the location, activity, status, use of power and water, discharge of effluent, generation and disposal of solid waste or condition as the competent authority and/ or the Government may deem fit to impose. Enlistment certificate issued under this section shall be valid for a period of five years from the date of issue renewable every five years in accordance with the rules as may be prescribed. No industrial undertaking shall be listed on temporary/ provisional/ adhoc basis.

(3) Subject to any rules that may be made in this behalf, the Government may withdraw or amend any enlistment certificate issued under sub-section (1):

Provided that no such power shall be exercised after effective steps have been taken to establish the new industrial undertaking in accordance with the enlistment certificate issued in this behalf:

Provided further that no such enlistment certificate shall be withdrawn or amended unless the owner has been given a reasonable opportunity to show cause against such withdrawal or amendment:

Provided further that competent authority shall pass appropriate orders within thirty days of receipt of reply to the show cause notice, and where no such reply is received, within thirty days of the time stipulated in the show cause notice for giving the reply.

Provided also that the owner shall intimate the steps taken by him to the competent authority to establish the new industrial undertaking by furnishing such reports as may be prescribed.

(4) The owner of every new industrial undertaking established in accordance with the provisions of this section shall enlist the undertaking within such period and in such manner and on payment of such fees as may be prescribed in this behalf.

(5) Where a new industrial undertaking is enlisted under this section, there shall be issued to the owner of the undertaking a certificate of enlistment containing particulars regarding location, constitution, status, manufacturing activities of the undertaking and such other particulars as may be prescribed.

6. **Enlistment of Existing Industrial Undertakings** .- (1) The owner of every existing industrial undertaking shall enlist the undertaking within such period and in such manner and on payment of such fees as may be prescribed in this behalf.

(2) An enlistment certificate under sub-section (1) may contain such particulars in relation to the location, activity, status, use of power and water, discharge of effluent, generation and disposal of solid waste or condition as the competent authority and/ or the Government may deem fit to impose. The

enlistment certificate issued under this section shall be valid for a period of five years from the date of issue renewable every five years in accordance with the rules as may be prescribed. No industrial undertaking shall be listed on temporary/ provisional/ adhoc basis.

7. **Intimation to Competent Authority about additional machinery, etc.** .- The owner of an industrial undertaking to whom a certificate of enlistment has been issued under this Act shall intimate to the competent authority any addition in machinery or change in the location of the factory or change in the manufacturing activities of the industrial undertaking within sixty days of such occurrence and get its enlistment certificate amended accordingly. thirty

8. **Revocation of Enlistment Certificate in Certain Cases** .- (1) If the competent authority is satisfied that the enlistment certificate of any industrial undertaking has been obtained by mis-representation as to an essential fact or that any industrial undertaking has ceased to be enlisted under this Act by reason of any exemption granted under this Act becoming applicable thereto or that any industrial undertaking has ceased to exist or that for any other reason the enlistment has become useless or ineffective and therefore requires to be revoked, the competent authority may, after giving an opportunity to the owner of the undertaking to be heard, revoke the enlistment certificate.
 (2) If the competent authority is satisfied that any person has obtained enlistment certificate by willful suppression or misrepresentation of facts or in a fraudulent manner, the competent authority may, in addition to the revocation of the enlistment certificate, initiate proper criminal proceedings against such person.

9. **Provision for enlistment of Industrial Undertakings in special cases** .- (1) No owner of an industrial undertaking shall-
 (a) in the case of an industrial undertaking required to be enlisted under section 6 but which has not been enlisted within the time fixed for the purpose under that section, carry on the business of that undertaking after the expiry of such period; or
 (b) in the case of an industrial undertaking the enlistment certificate in respect of which has been revoked under section 8, carry on the business of the undertaking after such revocation; or
 (2) The provisions of sub-sections (2) and (3) of section 5 shall apply, so far as may be, in relation to the issue of enlistment certificate to any industrial undertaking referred to in this section as they apply in relation to the issue of enlistment certificate to a new industrial undertaking.

10. **Grant of enlistment certificate under other laws subject to enlistment certificate under this Act.**-(1) Enlistment certificate under section 5 and under section 6 of this Act shall be a pre-requisite for making applications for



grant of licences/ permissions under other Acts/ Laws including Acts/Laws listed below:

- (1) Grant of registration under the Factories Act, 1948;
- (2) Registration under the Delhi Sales Tax- Act, 1975;
- (3) Grant of industrial licence under the Industries (Development and Regulation) Act, 1951;
- (4) Registration under the Environment (Protection) Act, 1986
- (5) Registration under the Employees State Insurance Act, 1948;
- (6) Grant of registration under small scale industries category;
- (7) Grant of manufacturing licence under the Delhi Municipal Corporation Act, 1957;
- (8) Grant of fire licence under the Delhi Fire Prevention and Fire Safety Act, 1986'
- (9) Grant of licence under the Drug and Cosmetics Act, 1940;
- (10) Installation of industrial power connection by Delhi Vidyut Board;
- (11) Any other Act/ Law applicable to industrial undertakings.

(2) For removal of doubts, it is hereby declared that the enlistment certificate issued under Section 5 and 6 of this Act shall not confer any right for grant of permissions under other Acts/ Laws.

CHAPTER - IV

11. **Penalties** .- Whoever fails to comply with the provisions of section 5, 6 and 7 of this Act within such time as may be specified in the direction shall be punishable with fine which may extend to ten thousand rupees and in case the failure continues, with an additional fine which may extend up to five hundred rupees for every day during which such failure continues after the imposition of the penalty for the first such failure.



12. **Penalty for certain acts** .- Whoever -

- (1) Obstructs any person acting under the orders or directions of the competent authority from exercising his powers and performing his functions under this Act; or
- (2) fails to furnish to any officer or other employee of the competent authority any information required by him for the purpose of this Act; or
- (3) in giving any information which he is required to give under this Act knowingly makes a statement which is false in any material particular;

shall be punishable with fine which may extend to ten thousand rupees and in case the failure continues, with an additional fine which may extend to five hundred rupees for every day during which such failure continues after the imposition of the penalty for the first such failure.

13. **Penalty for contravention of certain provisions of the Act** .- Whoever contravenes any provisions of this Act or fails to comply with any order or direction given under this Act for which no penalty has been elsewhere provided in this Act , shall be punishable with fine which may extend to one thousand rupees and in the case of a continuing contravention or failure, with an additional fine which may extend to one hundred rupees for every day during which such contravention or failure continues after the first such contravention or failure.

14. **Contravention by companies** .- (1) Where a contravention of any of the provisions of this Act or failure to comply with any order or direction given under this Act has been made by a company, every person who at the time the contravention or failure was made was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the contravention or failure, as the case may be, and shall be liable to be proceeded against and fined accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any fine, if he proves that such contravention or failure, as the case may be, was made without his knowledge or that he exercised all due diligence to prevent the making of such contravention or failure, as the case may be.

(2) Notwithstanding anything contained in sub-section (1), where a contravention or failure under this Act has been made by a company and it is proved that such contravention or failure has been made with the consent or convenience of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director or manager, secretary, or other officer shall also be deemed to be guilty of that contravention or failure, as the case may be, and shall be liable to be proceeded against and fined accordingly.

Explanation .- For the purpose of this section, -



- (a) "company" means any body corporate, and includes a firm or other association of individuals;
- (b) "director", in relation to a firm, means a partner in the firm.

15. **Compounding of offences** .- (1) The competent authority may either before or after institution of the proceedings, compound any offence under this Act for such amount as the Government may, by notification in the official Gazette, specify in this behalf.

- (2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence.

CHAPTER - V

MISCELLANEOUS

16. **Power of Inspection** .- (1) For the purpose of ascertaining the position of working of any industrial undertaking or for any other purpose mentioned in this Act or the rules made thereunder, any person authorised by the competent authority in this behalf shall have the right-

- (a) to enter and inspect any premises;
- (b) to order the production of any document, book, register or record in the possession or power of any person having the control of, or employed in connection with, any industrial undertaking; and
- (c) to examine any person having the control of, or employed in connection with, any industrial undertaking.
- (d) The competent authority may, in specific cases and for the reasons recorded in writing, authorise any officer to seize any document, book, register or record in the possession or power of any person having the control of, or employed in connection with any industrial undertaking for carrying out the purpose of this Act.

- (2) Any person authorised by the competent authority under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

17. **Delegation of Powers** .- The competent authority may by notified order, direct that any power exercisable by it under this Act shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority as may be specified in the direction.



18. **Power to issue directions** .- The competent authority may give directions to any department as to the carrying into execution in Delhi of any of the provisions of this Act or of any order or direction made thereunder.

19. **Cognizance of Offences** .- (1) All offences under this Act will be non-cognizable and bailable.

- (2) No court other than the court of Metropolitan Magistrate shall take cognizance of, or try an offence, under this Act or Rules made there under.

- (3) No court shall take cognizance of any offence under this Act or Rules made thereunder except on a complaint in writing by the competent authority or by an officer authorised by him by a general or special order in this behalf.
20. **Protection of action taken under the Act** .- (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.
- (2) No suit or other legal proceeding shall lie against the Government or the competent authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.
21. **Power to exempt in special cases** : (1) If the Government is of opinion, having regard to the smallness of the number of workers employed or to the amount invested in any industrial undertaking or to the desirability of encouraging small undertakings generally that it would not be in public interest to apply all or any of the provisions of this Act thereto, it may, by notification in the official Gazette, exempt, subject to such conditions as it may think fit to impose, any industrial undertaking or class of industrial undertakings as it may specify in the notification from the operation of all or any of the provisions of this Act or any rule or order made thereunder.
22. **Power to make rules** .- (1) The Lieutenant Governor may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-
- (a) the collection of any information are statistics in respect of any industrial undertaking;
 - (b) the procedure for the grant or issue of enlistment certificate under section (5), the time within which such enlistment certificates shall be granted or issued including, in particular, the publication of notices calling for applications and the holding of such public enquiry in relation thereto as may be necessary in the circumstances;
 - (c) the manner in which industrial undertakings may be enlisted under section 5 and 6 of this Act;
 - (d) the fees to be levied in respect of enlistment certificate issued under this Act;
 - (e) the procedure to be followed in making any investigation;
 - (f) the condition which may be included in any enlistment certificate;



- (g) the conditions on which enlistment certificates may be amended under section 7 of this Act;
- (h) any other matter which is to be or may be prescribed under this Act.

(3) Any rule made under this Act may provide that a contravention thereof shall be punishable under section 13, 14 and 15 of this Act.

(4) Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly of the National Capital Territory of Delhi while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the Legislative Assembly agrees in making any modification in the rule or the Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, 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.

22. **Application of other Laws not barred** .- The provisions of this Act shall be in addition to and not, save as otherwise expressly provided in this Act, in derogation of any other laws for the time being in force, relating to any of the industrial undertaking.

23. **Power to remove difficulties** .- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official Gazette, make such provision not in consistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

This Bill has been passed by the Legislative Assembly of the National Capital Territory of Delhi on 29th November, 2000.



(CH. PREM SINGH)

Speaker, Legislative Assembly of the
National Capital Territory of Delhi.