



Business Reform Action Plan 2016 Response by Government of Maharashtra

Area 1: Access to Information and Transparency Enablers

13: Mandate and make arrangements to publish the comments/feedback received on the draft business regulation and how they were addressed in the final regulation

Response: **Yes**

Remarks:

The State has mandated all departments publishing the comments/feedback received on the draft business regulation and how they were addressed in the final regulation through the circular attached below. The circular can be accessed at <https://www.maharashtra.gov.in/>

Additionally, the screenshots of the system for publishing the comments and feedback are given below. The screenshots show that:

- The Draft Enforcement Policy was published online to invite public comments and feedback
- The Minutes of Meeting shows the comments and feedback that was provided to the department.
- The amended Policy which includes the comments and feedback.

Supporting Documents:



Business Reform Action Plan 2016 Response by Government of Maharashtra

*Access to Information and Transparency Enablers
under Business Reform Action Plan – 2016*

Government of Maharashtra

Industries, Energy and Labour Department
Mantralaya, Madam Cama Road,
Hutatma Rajguru Square,
Nariman Point, Mumbai – 400032.

Government Circular No : E-biz 2016/C.R. 176/ Ind-8

Date: 28/06/2016

GOVERNMENT CIRCULAR

Preamble-

The Department of Industrial Policy & Promotion (DIPP) under Ministry of Commerce & Industry, Government of India, has issued a Business Reforms Action Plan 2016 for States/UTs. This initiative by the Government of India is taken to improve the Ease of Doing Business across the states in the country. The States will be evaluated based on their compliance with the parameters mentioned in the Action Plan 2016. DIPP will carry out the evaluation based on timely responses for approvals of various applications, the feedback given by investors about their experience of using the facilities and responses provided by the robust grievance redressal mechanism in place.

Regulatory certainty for business is enhanced when feedback from stakeholders on draft Business related Acts, Rules and Regulations is taken before they are enacted. Regulations that are compiled with stakeholder input tend to have a higher degree of compliance and consequently impose a lower burden in terms of enforcement. Allowing stakeholder inputs in business regulations is therefore a prerequisite for good governance.

Keeping in mind the importance of stakeholder input for business regulations, the Business Reform Action Plan – 2016, Part 1 - Access to Information and Transparency Enablers, point number 12 and 13 respectively states that *"Mandate and make arrangements to publish draft business regulation online and invite public comments/feedback on the same prior to enactment"* and *"Mandate and make arrangements to publish the comments/feedback received on the draft regulation and how they were addressed in the final regulation"*.

Since various Acts/Rules/Policy are enacted/specified by different Administrative Departments of the State, Government has decided that all the Administrative Departments should follow the mentioned recommendation under BRAP 2016, while specifying Rules/Regulations.



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The proposed activity will increase transparency and involve the citizens' point of view in taking decisions which affect them. This will also ease access to information under the Business Reforms Action Plan – 2016 for the State.

Circular

Considering the facts mentioned above and as per the provision of Maharashtra Rules of Business First Schedule entry 2-A where in the subject "Overall State Policy for trade and commerce" has been allotted to the Department of Industries, here by directs that "Whenever any administrative Department proposes to make a rule or regulation with respect to Industries, Trade and Commerce it shall pre-publish such rule and regulation online and make arrangements to publish the comments received on such draft regulations".

The Circular is been issued in concurrence and opinion given by Law and Judiciary Department vide UOR R.I no. B-587 dated 23.06.1016.

By the Order and in the Name of Governor of Maharashtra,

(Sanjay Ingle)

Deputy Secretary To Government of Maharashtra

To,

1. Principle Secretary to the Hon'ble Governor of Maharashtra.
2. Principle Secretary to the Hon'ble Chief Minister of Maharashtra.
3. Private Secretary to Hon'ble Minister (Industry) Maharashtra.
4. Private Secretary to Hon'ble Minister of State (Industry) Maharashtra.
3. All Private Secretaries to All the Hon Ministers / Ministers of the State.
4. Chief Secretary of Maharashtra.
5. Private Secretary to Hon'ble Leader of Opposition, Maharashtra Legislature Assembly, Vidhanbavan, Mumbai.
6. Private Secretary to Hon'ble Leader of Opposition, Maharashtra Legislature Council, Vidhanbavan, Mumbai.
7. All Additional Chief Secretaries/Principal Secretaries/Secretaries to the Government of Maharashtra.
8. Development Commissioner (Industries) Directorate of Industry, Mumbai.
9. All Departments of Mantralaya, Mumbai.
10. All Desk Officers in the Industries, Energy and Labour Department.
11. The industries, Energy and labour Department (Ind-8) Select file.






Government Of Maharashtra

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The screenshot shows that the Draft Enforcement Policy was put online for public comments.

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Maharashtra Industry, Trade And Investment Facilitation Cell

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PUBLIC FEEDBACK

- ✓ Draft Enforcements policy Notification
- ✓ Amended Draft of Enforcement Policy
- ✓ Minutes of Session to Collect Public Comments
- ✓ Draft Minutes of Workshop on Enforcement Policy
- ✓ Enforcement Policy - Final


Useful Link

- ▶ Feedback

Quick Link

- ▶ Investor Facilitation Portal
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Business Reform Action Plan 2016 **Response by Government of Maharashtra**

The Minutes of Meeting showing comments that were provided on the draft policy.

Annexure 'C'

COMMENTS on ENFORCEMENT POLICY
Prepared by
MAHARASHTRA POLLUTION CONTROL BOARD

01. Maharashtra Pollution Control Board has prepared a draft Enforcement Policy to integrate the inspections, monitoring, standards, compliance, directions, remedial measures, and legal actions as per the Acts and Rules in force.
02. It was experienced by the Board that issuance of directions/ notices have not been effective and not yielded desired results. Many units/ bodies continued to pollute the environment due to long pending cases in courts.
03. Board identified certain stringent measures and imposed these in the form of conditions in the consents issued to industrial units. The compliance is achieved in time-bound manner by imposing appropriate bank guarantees.
04. NGT Bench at Pune during its hearing on July 28, 2015 desired that MPCB review the aspects mentioned in the Preamble of the Policy and mention the process of compliance verification, assessment of pollution intensity and impact of legal actions, and remedial efforts in the document.
05. The Board has adopted "Uniform Integrated Approach" since 2011 while granting Consents and Authorisations. Conditions were being incorporated for adopting Cleaner Technologies, waste minimization, resource conservation, life cycle approach and disposal of wastes in environmentally sound manner.
06. The Board decided to enforce the requisite measures through Bank Guarantee (BG) regime. It decided to create four categories for enforcement of compliance -
 - a) Installation/ provision of Pollution Control Systems (PCS) / Machineries
 - b) Operation & Maintenance of PCS
 - c) Scientific disposal of treated effluent/ emission/HW
 - d) Submission of mandatory returns
07. BG has been stipulated by the Board for each activity under these four categories. Time limit has also been proposed for each activity. However, the rationale for fixing the upper limit for BG in each activity is not mentioned. Industrial units have to deposit the BG for regular operation of ETP/ APC equipment and for mandatory submissions every year, while BG is taken for other activities, whenever such activity is executed. For example, specific BG is