

## **REGISTRATION AND LICENSING OF INDUSTRIAL UNDERTAKINGS RULES, 1952**

### CONTENTS

1. Short title
2. Definitions
3. Application for registration
4. Acimowldgment of application
5. Power of Central Government to ask for additional information
6. Grant of registration certificate
7. Application for licence
8. Acknowledgement of application
9. Power to call additional information
10. Application to be referred to Committee
11. Submission of report by the Committee
12. Contents of the report
13. Recommendation regarding public enquiry
14. Invitation of applications
15. Grant of licence or permission
16. Variation or amendment of licences
17. Revocation of licences
18. Review of licences by a sub-committee
19. Submission of returns
- 19A. Notice of certain facts to he given
- 19B. Loss of Registration Certificate or licence
20. Penalty for contravention of rules
21. Allotment of controlled commodities to licensed undertakings
22. Concession in the grant of import licences to undertakings

## **REGISTRATION AND LICENSING OF INDUSTRIAL UNDERTAKINGS RULES, 1952**

### REGISTRATION AND LICENSING OF INDUSTRIAL UNDERTAKINGS RULES, 1952

#### **1. Short title :-**

These rules may be called the Registration and Licensing of Industrial Undertakings Rules, 1952.

#### **2. Definitions :-**

In these rules, unless there is anything repugnant in the subject or context,-

### **3. Application for registration :-**

**12**

[(1A) Where an application for the registration of an industrial undertaking is pending at the commencement of the Industries (Development and Regulation) Amendment Act, 1953, no fresh application for such registration shall be necessary under the rule and any such pending application shall be disposed of in accordance with the provisions of these rules.]

**2**

[(1B) Where an industrial undertaking consists of more than one factory a separate Form A or B, as the case may be, shall be filled and sent in respect of each factory.]

[(2) Each application shall be accompanied by a crossed demand draft for Rs. 2,500 drawn on the State Bank of India, Nirman Bhawan, New Delhi, in favour of the Pay and Accounts Officer, Ministry of Industry (Department of Industrial Development), Government of India, New Delhi.]

1. Substituted SRO 1856, dated the 1st October, 1953.
2. Substituted by GSR 270 (E), dated the 14th June, 1974.

### **4. Acknowledgment of application :-**

On receipt of application, the receiving officer shall note thereon the date of its receipt and shall send to the applicant an acknowledgement stating the date of receipt.

### **5. Power of Central Government to ask for additional information :-**

The [Ministry of Industrial Development] or the authority appointed by it [in this behalf] may require the applicant to furnish within a period to be specified by it, such additional information, as it may consider necessary, for the purpose of registration.

### **6. Grant of registration certificate :-**

If an application made under sub-rule (1) of Rule 3 falls within the scope of that rule, the [Ministry of Industrial Development], shall, after such investigation, as it may consider necessary, grant to the applicant, before the [expiry of the period fixed under section 10 of the Act], a certificate of registration in Form C appended to these rules. If an application made under sub-rule (1) of Rule 3 does not fall within the scope of that rule, the [Ministry of Industrial Development] shall inform the applicant accordingly.

## **7. Application for licence :-**

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1. Substituted SRO 1856, dated the 1st October, 1953.

## **8. Acknowledgement of application :-**

On receipt of the application, the receiving officer shall note thereon the date of its receipt, and shall send to the applicant an acknowledgement stating the date of receipt.

## **9. Power to call additional information :-**

The <sup>1</sup>[Ministry of Industrial Development] or the authority appointed by it, <sup>2</sup> [in this behalf] may require the applicant to furnish, within a period to be specified by it, such additional information as it may consider necessary.

1. Substituted SRO 1856, dated the 1st October, 1953.

2. Substituted by GSR 270 (E), dated the 14th June, 1974.

## **10. Application to be referred to Committee :-**

(3) A committee appointed under sub-rule (2), may co-opt one or more representatives of other Ministries of the Central Government, or of any state Government concerned, wherever it is necessary.

## **11. Submission of report by the Committee :-**

After such investigation, as may be necessary, the Committee to which an application has been referred under Rule 10 shall submit a report to the Ministry of Industrial Development.

## **12. Contents of the report :-**

In making the report under Rule 11, the [\* \* \* ] Committee shall have regard to the approved plans, if any, of the Central Government for the development of the scheduled industry concerned and, where no such plans exist, to the existing capacity of the scheduled industry, the demand and supply position, availability of raw materials and plant and machinery. The report should, among other matters, contain recommendations regarding capital and its structure, suitability of the location proposed from the point of view of the approved plans for the industry, capacity of the plant to be installed, availability of rail-transport capacity, availability of technical and other skilled personnel required, and collaboration, if any, with foreign manufacturers.

## **13. Recommendation regarding public enquiry :-**

If the <sup>1</sup>[Committee referred to in Rule 11] is of the opinion that a

public enquiry is necessary in respect of any application it may recommend such a step to the Ministry of <sup>1</sup> [Industrial Development].

1. Substituted SRO 1856, dated the 1st October, 1953.

**14. Invitation of applications :-**

**15. Grant of licence or permission :-**

(3) Where a licence or permission has been refused the applicant shall be informed of the reasons for such refusal.

(4) Licences or permissions shall be in Form F appended to these rules.

**16. Variation or amendment of licences :-**

(2) The Ministry of [Industrial Development] after carrying out such investigation, as it may consider necessary, may vary or amend the licence. The Ministry of Commerce and Industry may also consult the Licensing Committee before coming to a decision.

**17. Revocation of licences :-**

The Ministry of <sup>1</sup> [Industrial Development] shall, before exercising its power of revocation of a licence under sub-section (1) of section 12 of the Act, give an opportunity to the licensee to state his case.

1. Substituted by GSR 270 (E), dated the 14th June, 1974.

**18. Review of licences by a sub-committee :-**

A sub-committee of the Central Advisory Council shall be constituted which will review all licences issued, refused, varied, amended or revoked from time to time, and advise Government on the general principles to be followed in the issue of licences for establishing new undertakings or substantial expansion of the existing undertakings. The results to the review shall be reported to the Central Advisory Council.

**19. Submission of returns :-**

**19A. Notice of certain facts to be given :-**

**19B. Loss of Registration Certificate or licence :-**

Where a Registration Certificate, a licence or a permission granted under these rules, is lost, destroyed or mutilated, a duplicate may be granted on receipt of a treasury challan of Rs. 5.

**20. Penalty for contravention of rules :-**

Whosoever, contravenes or attempts to contravene or abets the contravention of any of these rules shall be punishable under section 24 of the Act.

**21. Allotment of controlled commodities to licensed undertakings :-**

The owner of an industrial undertaking in respect of which a licence or permission has been granted shall be eligible to the allotment of controlled commodities required by him for the construction or operation or for both construction and operation of his undertakings on such preferential basis as the Central Government may determine from time to time. In determining such preference the Central Government shall have due regard to the requirements of existing industrial undertakings.

**22. Concession in the grant of import licences to undertakings :-**

The owner of an industrial undertaking in respect of which a licence or permission has been granted shall be eligible for the issue of licences or for the import of goods required by him for the construction or operation or for both construction and operation of his undertaking on such preferential basis as the Central Government may determine from time to time. In determining this preference which may include such concession as the submission of one consolidated application in respect of the requirements from each currency area for all items shown as licensable to actual users, submission of separate application for highly specialised items even though such items may not be shown as licensable to actual users and priority in the matter of import from different currency areas, the Central Government shall have due regard to the requirements of existing industrial undertakings.