

Bill No. 93 of 2019

THE SPECIAL ECONOMIC ZONES (AMENDMENT) BILL, 2019

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BILL

to amend the Special Economic Zones Act, 2005.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Economic Zones (Amendment) Act, 2019. Short title and commencement.

(2) It shall be deemed to have come into force on the 2nd day of March, 2019.

28 of 2005.

2. In section 2 of the Special Economic Zones Act, 2005, in clause (v),—

Amendment of section 2.

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(i) after the words "local authority", the words ",trust or any entity as may be notified by the Central Government" shall be inserted;

(ii) for the words "authority or company", the words "authority, company, trust or entity" shall be substituted.

Ord. 12 of 2019.

3. (1) The Special Economic Zones (Amendment) Ordinance, 2019 is hereby repealed.

Repeal and savings.

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(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The Special Economic Zones Act, 2005 (the Act) was enacted with a view to provide for the establishment, development and management of the Special Economic Zones for the promotion of exports.

2. Clause (v) of section 2 of the Act defines the term "person" which includes an individual, whether resident in India or outside India, a Hindu undivided family, co-operative society, a company, whether incorporated in India or outside India, a firm, proprietary concern, or an association of persons or body of individuals, whether incorporated or not, local authority and any agency, office or branch owned or controlled by such individual, Hindu undivided family, co-operative, association, body, authority or company. As the said definition did not include "trust or entity", they could not be considered to be a "person" recognised as an entrepreneur eligible to be given permission to set up a unit in Special Economic Zone.

3. As the trusts or entities are very common form of operating bodies in the financial sector, it has become necessary to amend clause (v) of section 2 of the Act. The Special Economic Zones (Amendment) Bill, 2019 which seeks to replace the Special Economic Zones (Amendment) Ordinance, 2019 provides for the amendment of clause (v) of said section of the Act so as to include the expression "trust or entity" in the definition of "person".

4. As the Parliament was not in session and an urgent legislation was required to be made, the President promulgated the Special Economic Zones (Amendment) Ordinance, 2019 (Ord. 12 of 2019) under clause (1) of article 123 of the Constitution.

5. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;
The 18th June, 2019.

PIYUSH GOYAL

ANNEXURE

EXTRACT FROM THE SPECIAL ECONOMIC ZONES ACT, 2005

(28 OF 2005)

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2. In this Act, unless the context otherwise requires,—

Definitions.

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(v) "person" includes an individual, whether resident in India or outside India, a Hindu undivided family, co-operative society, a company, whether incorporated in India or outside India, a firm, proprietary concern, or an association of persons or body of individuals, whether incorporated or not, local authority and any agency, office or branch owned or controlled by such individual, Hindu undivided family, co-operative, association, body, authority or company;

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to amend the Special Economic Zones Act, 2005.

(Shri Piyush Goyal, Minister of Railways and Commerce and Industry)