

TRIPURA  **GAZETTE**

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PART-IV-- Bills introduced in the Tripura Legislative Assembly, Report of Selection Committees presented or to be presented to that Assembly ; and Bills published before introduction in that Assembly.

TRIPURA LEGISLATIVE ASSEMBLY
SECRETARIAT
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No.F.7(12-27)-LA/2021/4879

Dated, Agartala, the 22nd March, 2021.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “**The Tripura Shops and Establishments (Fifth Amendment) Bill, 2021 (The Tripura Bill No. 6 of 2021)**” as introduced in the Assembly on the **22nd March, 2021** to be published in the Tripura Gazette.”


(B.P. Karmakar)

Secretary
Tripura Legislative Assembly

THE TRIPURA SHOPS AND ESTABLISHMENTS (FIFTH AMENDMENT) BILL, 2021

A
Bill

further to amend the Tripura Shops and Establishments Act, 1970(Act No.8 of 1970).

WHEREAS, the Tripura Shops and Establishments Act, 1970 (hereinafter referred to as the Principal Act) was enacted by the State Government to regulate holidays, hours of work and other matters relating to the shops and establishments;

AND WHEREAS, in the perspective of this State it is now become expedient to make amendments, relating to the provision of registration for the shop-keepers which seems to be an extra hurdle for the shop-keepers particularly where there is a parallel provision to obtain Trade Licence for pursuing business from the Competent local authority, under another State law;

AND WHEREAS, With this background, it is proposed to introduce the Tripura Shops and Establishments (Fifth amendment) Bill, 2021 to resolve and compliance with the purpose of Ease of Doing Business in the State.

BE, it enacted by The Tripura Legislative Assembly in the Seventy Second year of the Republic of india, as follows:-

1. Short Title and Commencement:

- (i) This may be called the **“Tripura Shops and Establishments (Fifth Amendment) Bill, 2021”**;
- (ii) it shall come into force on the date of its publication in the Tripura Gazette.

2. Amendment of Section 2 :-

- (i) The definition of registering authority in Clause (l) is deleted.

- (ii) In the explanation of clause (m) the expression “registering authority,” shall be substituted by the expression “Labour Officer”.

3. Deletion of Section 16 :

Section 16 of the Principal Act, is deleted.

4. Amendment of Section 17:

Under sub-section -1 of Section -17 the expression “**this Act**” shall be substituted by the expression “**this Act and any other law for the time being in force**”.

5. Amendment of Section 20 :

In clause (a) of Section 20, the expression “**certification of registration,**” shall be substituted with the expression “**Trade License issued by the Competent Authority under any law for the time being in force**”.

6. Repeal and Savings :

(1) The Tripura Shops & Establishments (Fifth Amendment) Ordinance, 2021 (The Tripura Ordinance no.1 of 2021), which was promulgated by the Governor on 29th January, 2021, is hereby repealed;

(2) Notwithstanding such repeal, anything done, any action taken, any notification or order issued, under the Ordinance, so repealed, shall be deemed to have done or taken or issued under the corresponding provisions of the Act.

STATEMENT OF OBJECTS AND REASONS

The Tripura Shops and Establishments, 1970 is a State Act and is in force in the State, is considered inadequate in certain matters to do business in ease and lighten the burdensome to the Employers.

2] It is considered expedient that the Act in its application to this date should be amended through deletion of clause (l) and the expression “registering authority,” shall be substituted by the expression “Labour Officer” in clause (m) of Section 2, and removal of Section 16, in sub-section (1) of Section 17 the words “this Act” shall be substituted by the expression “this Act and any other law for the time being in force.”, subsequently be amended Section 20 the expression “certification of registration,” shall be substituted by the expression “trade license issued by the competent authority under any law for the time being in force” for enforcement of labour laws.

3] The provision for mandatory of Shops & other Establishments under the said Act is necessary to remove and suffice trade license to create more activities and employment opportunities for the shop keepers and the employers of the establishments to lighten their extra burden and perform their business at ease.

4] Since the House of Tripura Legislative Assembly was not in session and immediate action was required to be taken, the Governor promulgated The Tripura Shops and Establishments (Fifth Amendment) Ordinance, 2021 on 29th January, 2021, which will be repealed by this Bill.

5] The Bill seeks to achieve the above objects.

TECHNICAL MEMORANDUM

The subject matter of Tripura Shops and Establishments (Fifth Amendment) Bill, 2021 (Tripura Bill No. 6 of 2021) is relatable to Entry 26 of List-II (State List) and of Entry 33 of List-III (Concurrent List) of Seventh Schedule to the Constitution of India and therefore the State Legislature is also competent to make a Law on the subjects.

2. Though the provisions of the Bill are not repugnant to the Constitution of India, but this is a Bill to amend the provisions in the Act, with a view to ease in doing business and to facilitate infrastructural growth and development in the State, the procedural hurdles in the existing State law is required to be simplified and exempted for the shops & establishments which exist and for the next expansion of new establishments and also to lighten the burdensome of the Employers under the Tripura Shops and Establishments Act, 1970.

3. The Bill seeks to replace the Tripura Shops and Establishments (fifth Amendment) Ordinance, 2021 which was promulgated by the Governor, on 30th January, 2021. Since the house of the Tripura Legislative Assembly was not in session and the Governor of Tripura is satisfied that the circumstances exist which render it necessary for him to take immediate action, the Ordinance was promulgated by His Excellency the Governor of Tripura. So further consideration of Governor of Tripura under the Proviso (c) of Clause (1) of Article 213 of the Constitution of India, the Governor is not required for prevailing the Law.

4. This is not a money bill within the meaning of Article 199 (1) of the Constitution, nor there is any additional expenditure on the State consolidated fund. Though it will abolish the procedure of collection of fees on issuance and renewal of registration certificate under the Act, prior recommendation of the Hon'ble Governor is not required according to the Proviso to Article 207(1) of the Constitution.

5. Since the House of Tripura Legislative Assembly was not in session and immediate action was required to be taken, the Governor promulgated The Tripura Shops and Establishments (Fifth Amendment) Ordinance, 2021 on 29th January, 2021, which will be repealed by this Bill.

FINANCIAL MEMORANDUM

The Tripura Shops & Establishments (fifth Amendment) Bill, 2021, if enacted and brought its words into force will be no additional financial involvement under State consolidated fund but the Government may be barred from receiving the approximate amount of ₹13 lakh or more per annum for issuing and renewing the registration certificate under the Tripura Shops & Establishments Act, 1970.