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

TRIPURA LEGISLATIVE ASSEMBLY

SECRETARIAT

NEW CAPITAL COMPLEX

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No.F.7(12-35)-LA/2022/1875

Dated, Agartala the 22nd March, 2022.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “**The Factories (Tripura Amendment) Bill, 2022 (The Tripura Bill No. 10 of 2022)**” as introduced in the Assembly on the **21st March, 2022** to be published in the Tripura Gazette.”


(B.P. Karmakar)

Secretary

Tripura Legislative Assembly

THE FACTORIES (TRIPURA AMENDMENT) BILL, 2022

**A
Bill**

to amend the Factories Act, 1948 (Central Act No. LXIII of 1948), in its application to the State of Tripura.

WHEREAS, in order to create more economic activities and employment opportunities in factories and for development of infrastructure etc. in the State of Tripura;

AND WHEREAS, it is felt expedient to amend the Act to provide exemption from the applicability of certain Sections in public interest for a period of one thousand days to new factories in the State of Tripura ;

BE it enacted by the Tripura Legislating Assembly in the Seventy Fourth year of the Republic of India, as follows:

1. Short title, extent and commencement :

- (1) This may be called the “The Factories (Tripura Amendment) Bill, 2022”;
- (2) It shall come into force on the date of its publication in the Tripura Gazette.

2. Amendment of clause (m) of Section 2:

In the Factories Act, 1948 (here-in after referred to as Principal Act) in its application to the State of Tripura, in Clause (m) of Section 2 –

- (1) The expression “ten or more workers” in sub-clause (i) shall be substituted with the expression “ twenty or more workers”,
- (2) The expression “twenty or more workers” in sub-clause (ii) shall be substituted with the expression “twenty or more workers”.

3. Insertion of New Section 5A:

In the Factories Act, 1948, in its application to the State of Tripura, after Section 5, a new Section 5A shall be inserted as follows:

“Section 5A - Power to exempt in public interest:

Where the State Government is satisfied in the public interest that it is necessary to create more economic activities and employment opportunities, it may, by notification on the Official Gazette, exempt, subject to such conditions as it may think fit, any **new factory** or class or description of **new factories** which are established and whose commercial production start, from all or any of the provisions of this Act for a period of **one thousand days** from the date on which such commercial production start.

Explanation: For the purpose of this section, the expression “new factory or class or description of new factories” means such factory or class or description of factories which are established and whose commercial production start within a period of one thousand days after the commencement of the Factories (Tripura Amendment) Bill, 2022.”

4. Repeal and Savings:

(1) The Factories (Tripura Amendment) Ordinance, 2020 (The Tripura Ordinance No. 6 of 2020), which was promulgated by the Governor on 1st of February, 2022, 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 Factories Act, 1948 is a Central Act and is in force in the State of Tripura, is considered inadequate in certain matters to do business in ease and lighten the burdensome to the Employers.

2] It was considered expedient that the Act in its application to this date shall be amended by substituting the expression “ten or more workers” in sub-clause (i) of clause (m) of Section 2 with the expression “twenty or more workers”, and in sub-clause (ii) the expression “twenty or more workers” shall be substituted by the expression “forty or more workers”, and by insertion of a new Section 5A in order to create more economic activities and employment opportunities in the State of Tripura in view of the situation arose due to Covid-19 and there was a need for simplification of procedures for hassle free statutory clearances for conducive environment for rapid industrialisation in the State to develop the infrastructure of the State and to provide flexibility to the Industrial establishments to work more efficiently.

3] Since the House of Tripura Legislative Assembly was not in session and immediate action was required to be taken, the Factories (Tripura Amendment) Ordinance, 2020 was promulgated by the Hon’ble Governor of Tripura on 1st February, 2022 with instructions from the Hon’ble President of India vide Order No. 14/31/2020-Judl. & PP dated 03.01.2022, of the Ministry of Home Affairs (J & PP Section), which will be repealed by this Bill.

4] The Bill seeks to replace the above Ordinance and to achieve the above objects.

(Minister-in-charge)
Labour Department
Government of Tripura

TECHNICAL MEMORANDUM

The subject matter of the Factories (Tripura Amendment) Bill, 2022 (Tripura Bill No.10 of 2022) is relatable to Entry 36 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. Since the house of the Tripura Legislative Assembly was not in session and the Governor of Tripura was satisfied that the circumstances exist which render it necessary for him to take immediate action, the Ordinance was promulgated by the Hon'ble Governor of Tripura with instructions from the Hon'ble President of India vide Order No. 14/31/2020-Judl & PP dated 03.01.2022, of the Ministry of Home Affairs (J & PP Section). The Bill seeks to replace the Factories (Tripura Amendment) Ordinance, 2020 which was promulgated by the Governor on 1st February, 2022.

3. Though the provisions of the Bill are not repugnant to the Constitution of India, but this is a Bill to amend the provision 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 factories which exist and for the next expansion of new factories and also to lighten the burdensome of the Employers under the Factories Act, 1948.

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. So, recommendation of the Hon'ble Governor is not required according to the Provision to Article 207(1) or (3) of the Constitution.

(Biswajit Palit)
LR & Law Secretary
Government of Tripura

FINANCIAL MEMORANDUM

The Factories (Tripura Amendment) Bill, 2022, if enacted and brought into force will have no additional financial involvement upon State consolidated Fund.

(Chaitanya Murti)
Secretary to the
Government of Tripura