

Tripura Shops & Establishments Act 1970

As Amended Upto 4th Amendment Act, dated 20.12.2018.

Tripura Act No. 8 of 1970

*THE TRIPURA SHOPS AND
ESTABLISHMENTS
ACT, 1970*

**THE TRIPURA SHOPS AND ESTABLISHMENTS
ACT, 1970
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**THE TRIPURA SHOPS AND ESTABLISHMENTS
ACT, 1970
AN
ACT**

to regulate holidays, hours of work, payment of wages and leave of persons employed in shops and establishments.

Be it enacted by the Legislative Assembly of Tripura in the Twenty-first Year of the Republic of India as follows : —

**Short title,
extent.**

1. (1) This Act may be called the Tripura Shops and Establishments Act, 1970.

(2) It extends to the whole of the Union territory of Tripura.

**commence-
ment, and
application.**

(3) It shall come into force on such date as the Administrator may, by notification in the Tripura Gazette, appoint ; and different dates may be appointed for different provisions of this Act or for different areas or for different class or classes of concerns or undertakings or for different class or classes of concerns or undertakings or for different class or classes of shops or establishments.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context —

¹[(a) "closed" means not open for the service of any customer or for any business, of the establishment or for work, by or with the help of any employee, of or connected with the shop or establishment.

²[(aa) "apprentice" means a person who is employed, whether on payment of wages or not, for the purpose of being trained in any trade, craft employment in any shop or establishment ; "

1. Substituted by The Tripura Shops and Establishments (Amendment) Act, 1982, w.e.f. 16.4.1983.

2. Inserted *ibid*.

- (b) "commercial establishment" means an advertising, commission forwarding or commercial agency, or a clerical department of a factory or of any industrial or commercial undertaking an insurance company, joint stock company, bank, broker's office or exchange, and includes such other class or classes of concerns or undertakings as the Administrator may, after taking into consideration the nature of their work, by notification, in the Tripura Gazette, declare to be commercial establishments, for the purposes of this Act, but does not include a shop or an establishment for public entertainment or amusements ;
- (c) "day" means a period of twenty-four hours beginning at midnight ;
- (d) "employer" means a person owning or having charge of an establishment and includes an agent or a manager of, and any other person acting on behalf of, such person in the general management or control of such establishment ;
- (e) "establishment" means a commercial establishment or an establishment for public entertainment or amusement ;
- (f) "establishment for public entertainment or amusement" means a hotel, restaurant, eating-house, cafe, cinema, theatre and includes such other cases or classes of concerns or undertakings as the Administrator may, after taking into consideration the nature of their work, by notification, in the Tripura Gazette, declare to be, for the purposes of this Act, establishments for public entertainment or amusement, but does not include a shop or a commercial establishment ;
- ¹[(ff) "family" is relation to an employer means the husband or wife, as the case may be, his or her son, daughter, father, mother, brother or sister of such employer who lives with and is dependent on him or her, as the case may be

1. Inserted by The Tripura Shops and Establishments (Amendment) Act, 1982, w.e.f. 16.4.1983.

(g) "half day" means a continuous period of five hours and a half—

(i) in the case of a shop or an establishment for public entertainment or amusement, beginning at the commencement, or ending on the termination, of the ordinary daily working hours of such shop or establishment, as the case may be, and

(ii) in the case of a commercial establishment, between the hours of ¹[.....] eight o'clock ante meridiem ; and ²[.....] eight o'clock post meridiem ;

14 of 1947.

(h) "lock-out" and "strike" have the same meaning as in the Industrial Disputes Act, 1947 ;

(i) notification" means a notification published in the Tripura Gazette ;

³(j) "person employed" means a person wholly or principally employed, whether directly or through any agency and whether for wages or other consideration in connection with any shop or establishment, and includes an apprentice, but does not include a member of the employer's family ;."

(k) "prescribed" means prescribed by rules made under this Act ;

(l) "registering authority" means the Chief Inspector of Shops and Establishments or any other person appointed in this behalf by the Administrator as the registering authority for any area ;

1. Deleted by The Tripura Shops and Establishments (Second Amendment) Act, 1988, w.e.f. 16.10.1988.

2. Deleted *ibid*.

3. Substituted by The Tripura Shops and Establishments (Amendment) Act, 1982, w.e.f. 16.4.1983.

- (m) "shop" means any premises used wholly or in part for the sale of services to customers or for the wholesale or retail-sale of commodities or articles, either for cash or on credit, and includes any offices, store-rooms, godowns or ware houses, whether in the same premises or elsewhere, used in connection with such sale or with the storage of commodities or articles for the purpose of such sale and also includes such other class or classes of premises as the Administrator may, after taking into consideration the nature of the work carried on there, by notification, declare to be shops for the purpose of this Act, but does not include an establishment.

Explanation :- If any doubt arises as to whether any premises are a shop or a commercial establishment for public entertainment or amusement, the question shall be referred to the Administrator by the registering authority suo motu or on application and the decision of the Administrator thereon shall be final ;

- (n) "shop-keeper" means a person owning or having charge of the business of a shop, and includes an agent or manager of, and any other person acting on behalf of, such person in the general management or control of a shop ;
- (o) "wages" means wages as defined in the Payment of Wages Act, 1936 ; 4 of 1936.
- (p) "week" means a period of seven days beginning at midnight on Sunday ; and
- (q) "young person" means a person who has completed his twelfth year but has not completed his fifteenth year.

3. References to time of day in this Act shall be deemed to be references to Indian Standard Time, which is five and a half hours ahead of Greenwich Mean Time. **References to time of day.**

4. (1) This Act shall not apply to —

- (a) officers of or under the Central or State Government, The Reserve Bank of India, any Railway Administration or any local authority ;

Act or some of its provisions not applicable to certain establishments, shops and persons.

- (b) any railway service, airways service, water transport service, tramway or motor service, any postal, telegraph or telephone service, any system of public conservancy or sanitation or any industry, business or undertaking which supplies power, light or water to the public ;
- (c) institutions for the treatment or care of the sick, infirm, destitute or mentally unfit ;
- (d) shops or stalls in any public fair or bazar held for a charitable purpose ; or
- (e) stalls and refreshment rooms at railway stations, docks wharves or airports.

(2) The Administrator may, if he thinks fit so to do in the public interest, by notification, exempt, subject to such conditions, if any, as may be specified in the notification, from the operation of any of the provisions of this Act other than those of sections 8, 9, and 10--

- (a) any class or classes of shops or establishments either generally or on such occasion or occasions, in such area or areas and for such period or periods as may be specified in the notification ;
- (b) any class or classes of persons employed in a shop or an establishment,--
 - (i) in a managerial or confidential capacity, or
 - (ii) as a traveller, canvasser, messenger, watchman or caretaker, or
 - (iii) exclusively in connection with customs examination, collection, despatch, delivery or conveyance of goods from or to booking offices for transport by rail, road or air, docks, wharves or airports.

Holidays in
shops and
establishments.

5. (1) In each week —

- (a) every shop or commercial establishment shall remain entirely closed on, and

- (b) every person employed in a shop or an establishment shall be allowed as holiday,

at least one day and half day next preceding or next following such day.

(2) No deduction on account of any holiday allowed under sub-section (1) shall be made from the wages of any person employed in a shop or an establishment, and even if such person is employed on the basis of 'no work', no pay', have been entitled to had he not been allowed the holiday.

(3) The day and the half day during which a shop or an establishment shall be entirely closed in each week under clause (a) of sub-section (1) shall, subject to the provisions of sub-section (4), be determined from time to time by the shop-keeper or employer, as the case may be, and shall be specified by him in a notice, which shall be displayed in a conspicuous place in the shop or the establishment :

Provided that the day and the half day so determined shall not be altered more than once in any year.

(4) The Administrator may, if he thinks fit so to do in the public interest, by notification, specify any particular area and the day and the half day during which all or any class or classes of shops or establishments in such area shall be entirely closed under clause (a) of sub-section (1), and thereupon the provisions of sub-section (3) shall apply to the day and the half day so specified as if they were determined under sub-section (3) by the shop-keeper or employer of every shop or establishment of such class or classes in such area.

6. (1) In no shop shall the hour of opening be earlier than eight o'clock ante meridiem or the hour of closing be later than nine o'clock post meridiem :

**Hours of
work in
shops.**

Provided that if the Administrator or any officer empowered in this behalf by the Administrator thinks fit so to do in the public interest, the Administrator or such officer may, by notification, charge such limits of the hours of opening and closing of shops, either generally or for any particular area or fix uniform hours of opening and closing of all or any class or after the hour of closing of all or any class or classes of shops in any particular area.

(2) No person employed in a shop be required or permitted to work in such shop for more than eight hours and a half in any one day or for more than forty eight hours in any week or after the hour of closing of such shop.

Provided that in any day and in any week in which stock taking, making up accounts or such other business operation as may be prescribed takes place in any shop, a person employed in the shop may be required or permitted to work overtime in such shop so, however, that —

- (i) the total number of hours of his work including overtime work shall not exceed ten hours in any one day, and
- (ii) the total number of hours worked overtime by him shall not exceed one hundred and twenty hours in any one year.

(3) No person employed in a shop shall be required or permitted to work in such shop for more than six hours in any one day, unless he has been allowed an interval for rest of at least one hour.

(4) The hours of work and intervals for rest of every person employed in a shop shall be arranged by the shop-keeper so that together they do not extend over more than ten hours and a half in any one day.

Hours of work in establishments. 7. (1) In no hotel, restaurant, eating-house or cafe shall the hour of closing be later than eleven o'clock post meridiem.

(2) No person employed in an establishment shall be required or permitted to work in such establishment for more than eight hours and a half in any one day or for more than forty-eight hours in any one week or after the hour of closing of such establishment :

Provided that a person employed in an establishment may be required or permitted to work overtime in such establishment so, however, that--

- (i) the total number of hours of his work including overtime work shall not exceed ten hours in any one day, and
- (ii) the total number of hours worked overtime by him shall not exceed one hundred and twenty hours in any one year.

(3) No person employed in an establishment shall be required or permitted to work in such establishment for more than six hours in any one day unless he has been allowed an interval for rest of at least one hour during that day.

(4) The periods of work and intervals for rest of every person employed in an establishment shall be arranged by the employer of such person so that together they do not extend over more than ten hours and a half in any one day.

8. Notwithstanding anything contained elsewhere in this Act —

Special provisions for young persons.

- (a) no young person employed in a shop or an establishment shall be required or permitted to work in such shop or establishment for more than seven hours in any one day or for more than forty hours in any one week ; and
- (b) the periods of work of young persons in a shop or an establishment during each day shall be so fixed that no such person shall work for more than four hours before he has had an interval for rest of at least one hour.

'[8A. Notwithstanding anything contained in this Act, benefits admissible to a young person under any other law for the time being in-force shall also be enjoyed by a young person under this Act in addition to, and not in derogation of, the benefits provided under this Act.

"Benefits Admissible under other law to a young persons.

9. No child who has not completed the age of twelve years shall be employed in any shop or establishment.

Restriction on employment of children.

10. No young person shall be required or permitted to work in any shop or establishment after eight o'clock post meridiem and no woman shall be allowed or permitted to work —

Restriction on employment of persons or woman.

- (a) in any establishment for public entertainment or amusement other than a cinema or a theatre, after six o'clock post meridiem, or
- (b) in any shop or commercial establishment, after eight o'clock post meridiem.

1. Inserted by The Tripura Shops and Establishments (Second Amendment) Act, 1988, w.e.f. 16.10.1988.

Leave.

11. A person employed in a shop or an establishment shall be entitled —

Bengal Act
VI of 1914.

- (a) for every completed year of continuous service, to privilege leave on full pay for fifteen days,
- (b) in every year, to sick leave on half pay for fourteen days on medical certificate obtained from a medical practitioner registered under the Bengal Medical Act, 1914, or any other law for the time being in force,
- (c) in every year, to causal leave on full pay for twelve days :

Provided that —

- (i) an employee who has completed a period of four months in continuous employment, shall be entitled to not less than five days' privilege leave for every such completed period : and
- (ii) an employee who has completed a period of one month in continuous employment, shall be entitled to not less than one day's causal leave for every month :

Provided further that —

- (i) privilege leave admissible under clause (a) may be accumulated upto a maximum of not more than fifty six days ;
- (ii) sick leave admissible under clause (b) may be accumulated upto a maximum of not more than one hundred and twelve days ; and
- (iii) causal leave admissible under clause (c) shall not be accumulated.

Explanation :- In calculating any leave due under this Act, employment in any shop or establishment before the application of this Act shall be taken into account.

12. Any person employed in a shop or an establishment whose services are terminated by or under the orders of the shop-keeper or the employer shall be entitled to wages for the period of privilege leave due to his credit at the time of such termination.

Person employed to be entitled to wages for the period of privilege leave in case of termination of service.

13. When any person employed in a shop or an establishment is required or permitted to work overtime in such shop or establishment, the wages payable to such person in respect of such overtime work shall be calculated at the rate of twice the ordinary rate of wages payable to him, and such ordinary rate of wages shall be calculated in such manner as may be prescribed :

Wages for overtime work.

Provided that this section shall not operate to the prejudice to any higher rate of overtime wages granted under any agreement, award, custom or convention.

Explanation :- For the purpose of this section 'overtime work' shall include any work done on any day declared by notification by the Administrator to be a National holiday.

14. (1) All wages payable to a person employed in a shop or an establishment shall be paid not later than the tenth day of the month immediately succeeding that in respect of which such wages are payable.

Payment and recovery of wages.

(2) Where any deduction has been made from the wages of any person employed in a shop or an establishment or any payment of wages to such person has not been made within the date referred to in sub-section (1), such person or any legal practitioner or an Inspector appointed under section 19 or any official of a registered trade union authorised in writing to act on behalf of such person, may, within a period of one year from the date on which the deduction from the wages was made or from the date referred to in sub-section (1), as the case may be, make an application to such officer or authority as the administrator may, by notification, appoint in this behalf, for an order under sub-section (3) :

Provided that an application under this section may be admitted after the said period of one year if the applicant satisfies the officer or authority that he had sufficient cause for not making the application within such period.

(3) The officer or authority to whom or to which an application under sub-section (2) is made may, after giving the applicant and the shop-keeper or employer concerned an opportunity of being heard and after making such further inquiry, if any, as may be necessary, by order, direct, without prejudice to any other action which may, under this Act or any other law, lie against the shop-keeper or employer the payment to the applicant of the amount deducted from the wages or of the wages due, together with such compensation, not exceeding ten times the amount deducted in the former case and not exceeding ten rupees in the latter, as the officer or authority may think fit :

Provided that no direction for the payment of compensation shall be made in the case of delay in the payment of wages if the officer or authority is satisfied that the delay was due to —

- (a) a bonafide error or bonafide dispute as to the amount payable to the applicant, or
- (b) the occurrence of an emergency, or the existence of exceptional circumstances, such that the shop-keeper or the employer, as the case may be, was unable, though exercising reasonable diligence, to make prompt payment, or
- (c) the failure of the applicant to apply for or accept payment.

(4) If on hearing any application made under sub-section (2), the officer or authority is satisfied that it was either malicious or vexatious, the officer or authority may, by order, direct that a penalty not exceeding fifty rupees be paid by the applicant to the shop-keeper or employer concerned.

(5) Any amount directed to be paid by an order under sub-section (3) or sub-section (4) may be recovered by any Magistrate to whom the officer or authority making the order makes application in this behalf as if it were a fine imposed by such Magistrate.

(6) An appeal shall lie from an order of the officer or authority dismissing any application made under sub-section (2) or giving any direction under sub-section (3) or sub-section (4), if made within thirty days of the date on which the order was made to the Munsiff having jurisdiction over the area.

(7) Nothing in this section shall apply to any person to whom the Payment of Wages Act, 1936, applies under section 1 of that Act.

4 of 1936.

[15. (1) The services of no person employed in any shop or establishment who has been in continuous service for not less than one year shall be terminated without sufficient cause until such person has been given one month's notice in writing indicating the reasons for the termination and the period of notice has expired or such person has been paid in lieu of such notice, wages for the period of notice.

Notice of
termination
of services.

Explanation — for the purpose of this section and section 11 —

- (i) continuous service includes any holiday, authorised leave or period of any strike which is not illegal or any lock-out :
- (ii) in computing a completed year of continuous service, section 25B of the Industrial Disputes Act, 1947 shall, mutatis mutandis, apply.

(2) Any person employed in a shop or an establishment whose services have been terminated in contravention of the provisions of sub-section (1), or any legal practitioner or Inspectors appointed under section 19 may within one year from the date of such termination make an application to a Magistrate of the first class alleging such termination. The Magistrate, if satisfied that there is a prima facie case showing that services of the ²[employee have been terminated without sufficient cause, shall issue a notice to the person registered for the time being as the shop-keeper or the employer under section 16, to appeal in person or by an agent authorised by such shop-keeper or employer in writing in this behalf and show cause why proceedings shall not be taken against such shop-keeper or employer under this section and may, after giving him or such agent an opportunity of being heard, and after recording the reasons in writing, direct

1. Substituted by The Tripura Shops and Establishments (Second Amendment) Act, 1988, w.e.f. 16.10.1988.

2. Substituted *ibid*.

that such shop-keeper or employer shall pay ¹[two month's wages as compensation and thereupon such shop-keeper or employer shall pay to the ²[employee the amount of compensation so directed to be paid,

(3) The amount of compensation payable under this section shall, for purposes of its recovery, be deemed to be a fine imposed under this Act.

(4) The provisions of sub-sections (2) and (3) shall be in addition to, and not in derogation of, the provisions of section 21 or any other law for the time being in force and nothing in sub-section (2) of section 22 shall be deemed to require any complaint to be made under that sub-section before an application is made under sub-section (2).

**Registration
of shops and
establishments.**

16. (1) Every shop-keeper or employer shall —

- (i) in the case of shops or establishments in existence on the date on which this Act applies — within such date as the Administrator may, by notification, specify, and
- (ii) in the case of new shops or establishments, if this Act applies — within such period as may be prescribed,

apply for registration under this Act to the registering authority, in such form together with such fee, ³[.....] as may be prescribed. Every such application shall contain —

- (a) the name of the shop-keeper or the employer :
- (b) the postal address of the shop or the establishment :
- (c) the name of the shop or the establishment ;

1. Substituted by The Tripura Shops and Establishments (Second Amendment) Act, 1988, w.e.f. 16.10.1988.

2. Substituted *ibid*.

3. Deleted by The Tripura Shops and Establishments (Amendment) Act, 1982, w.e.f. 16.4.1983.

- (d) declaration of weekly closing days in the case of a shop ;
- (e) such other particulars as may be prescribed.

The registering authority on being satisfied about the correctness of the particulars shall register the shop or the establishment in such manner as may be prescribed and shall issue a certificate of registration in the prescribed form to the shop-keeper or the employer.

(2) The registering authority shall maintain a register of Shops and Establishments in the prescribed form.

(3) Every shop-keeper or employer shall display the certificate of registration issued under sub-section (1) in a conspicuous place in the shop or the establishment.

- (4) (a) Every shop-keeper or employer shall inform the registering authority in the prescribed form of any change in respect of any particulars contained in the application under sub-section (1) within seven days after the change has taken place :

Provided that the declaration of weekly closing days in the case of a shop shall not be changed more than once in any year.

- (b) The registering authority, on receipt of such information and on payment of such fee, '[.....]' as may be prescribed, shall, if satisfied about the correctness of the information, make necessary changes in the Register of Shops and Establishments and shall amend the certificate of registration or issue a fresh certificate of registration, if necessary.

1. Deleted by The Tripura Shops and Establishments (Amendment) Act, 1982. w.e.f. 16.4.1983.

(5) A shop-keeper or an employer shall, within fifteen days of the winding up of his business, inform the registering authority "and the employee of the shop or establishment as the case may be" in writing. The registering authority, on being satisfied about the correctness of the information, shall remove the name of the shop or the establishment from the Register of Shops and Establishments and cancel the certificate of Registration.

(6) A shop-keeper or an employer shall apply to the registering authority in such form together with such fee, "[.....]" as may be, prescribed, for renewal of the certificate of registration within thirty days after the expiry of three years from the date of the issue or renewal, as the case may be, of the certificate of registration.

Shop-keepers and employers to maintain and keep records, etc.

17. (1) In every shop or establishment, the shop-keeper or employer concerned shall, for the purposes of this Act, maintain and keep a register of employees in the prescribed form and such other registers, records and documents, and display such notices as may be prescribed and produce them on demand by the Inspector. ²[The Registers shall be kept up-to-date.

(2) The register of employees maintained and kept under sub-section (1) may, from time to time, be inspected and signed by the persons employed in the shop or establishment.

Persons employed to be furnished with letter of appointment.

18. Every shop-keeper or employer shall furnish every person employed in his shop or establishment with a letter of appointment in such form as may be prescribed.

Appointment of Inspectors.

19. (1) The Administrator may, by notification, appoint such persons or such class of persons as he thinks fit to be Inspectors for the purposes of this Act.

Act XLV of 1860.

(2) All Inspectors appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

1. Deleted by The Tripura Shops and Establishments (Amendment) Act, 1982, w.e.f. 16.4.1983.

2. Inserted *ibid*.

20. Subject to rules made under this Act, an Inspector appointed under section 19 may, within the local limits for which he is appointed —

**Powers of
Inspectors.**

- (a) enter, at all reasonable hours, with such assistants, if any, as he may consider necessary, being persons in the service of the Government, any premises or place, where he has reason to believe there is a shop or an establishment, for inspecting any certificate of registration, records, registers, documents or notices required to be displayed, or maintained and kept under this Act or the rules made thereunder and require the production thereof for inspection ;
- (b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is a person employed in the shop or the establishment ; and
- (c) seize, when so authorised under orders of such superior officer as may be prescribed, or take copies of such registers, records, documents or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the shop-keeper or employer.

[21. (1) whoever contravenes any of the provisions of Section 16 or Section 17, shall on conviction, be punishable with fine, minimum of which shall not be less than rupees one hundred, but which may extend to rupees five hundred for the first offence and to one thousand rupees for any subsequent offence.

Penalties.

(1A) whoever contravenes any of the provisions of Section 5 to Section 13, Section 15 or Section 18, shall on conviction be punishable with fine, the minimum of which shall not be less than rupees two hundred, but which may extend to seven hundred rupees and in case of any subsequent contravention after first conviction, with imprisonment for a term which may extend to three months or with fine, the minimum of which shall be not less than rupees three hundred, but which may extend to one thousand rupees or with both.

(2) Whoever makes or causes or allows to be made in any register, record, document or notice required to be maintained and kept or displayed

1. Substituted by The Tripura Shops and Establishments (Second Amendment) Act, 1988, w.e.f. 16.10.1988.

under this Act or the rules made thereunder any entry which is to his knowledge false in any material particular, or wilfully omits or causes or allows to be omitted from any such register, record, document or notice an entry required to be made therein, shall on conviction, be punishable with imprisonment of either description for a term which may extend to three months or with fine ¹[a minimum of which shall be rupees one hundred but which may extend to one thousand rupees or with both.

Procedure. 22. (1) No Court inferior to a Magistrate of the first class shall try an offence punishable under this Act

(2) No court shall take cognisance of an offence punishable under this Act except upon complaint made by an Inspector appointed under section 19 :

²[.....]

³[(3) An offence punishable under section 5, 6, 7, 11, 16, 17 and 18 of this Act may be tried summarily.

⁴[22A. Any offence punishable under the provisions of Section 5, 6, 7, 11, 16, 17, 18 of the Act or an offence punishable under any rule made under this Act may, either before or after institution of the prosecution, be compounded by the offender by submitting an application to such officer as may be authorised by the Government in this behalf on such terms and on payment of such fine as the officer so authorised may specify by an order and on payment of such fine no further proceedings shall be taken against such person.

1. Inserted by The Tripura Shops and Establishments (Second Amendment) Act, 1988, w.e.f. 16.10.1988.

2. Deleted by The Tripura Shops and Establishments (Amendment) Act, 1982, w.e.f. 16.4.1983.

3. Substituted by The Tripura Shops and Establishments (Amendment) Act, 1982, w.e.f. 16.4.1983.

4. Substituted by The Tripura Shops and Establishments (Third Amendment) Act, 2000, w.e.f. 13.1.2001.

Provided that the amount of fine shall not, in any case, exceed the maximum amount of fine which may be imposed for such offence under the Act,

Provided further that nothing contained in this section shall apply to a person who commits the same offence within a period of 3 years from the date on which the first offence committed by him was compounded."

23. No suit, prosecution or legal proceeding shall lie against any person in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder. **Indemnity.**

24. Nothing in this Act shall effect any right or privilege to which any person employed in any shop or establishment is entitled on the date of the commencement of this Act under any law for the time being in force or under any contract, custom or usage which is in force on that date, if such right or privilege is more favourable to him than any right or privilege conferred upon him by this Act or granted to him at the time of appointment. **Saving of certain rights and privileges.**

25. (1) The Administrator may, after previous publication, make rules for carrying out the purposes of this Act. **Power to make rules.**

(2) In particular, and without prejudice to the generality of the foregoing power, such rules provide for all or any of the following matters, namely —

- (a) the holidays and other occasions on account of which a notification may be issued under sub-section (4) of section 5 ;
- (b) the business operations in connection with which and the periods during which, persons employed in shops and establishments for public entertainment and amusement may work overtime or in excess of the limit provided respectively in sections 7 and 10 ;
- (c) the manner of calculating ordinary rates of wages for the purposes of sections 11 and 13 ;
- (d) the records and registers to be maintained and the notices to be displayed, by a shop-keeper and the employer under section 14 ;

- (e) the manner of appointment and qualifications of Inspectors appointed under section 19 ;
- (f) the manner in which Inspectors appointed under section 19 shall exercise the powers conferred by section 20 ; and
- (g) any matter which may be, or is required to be, prescribed under this Act.

(3) Any rule made under this section may provide that any person committing a breach thereof shall on conviction, be punishable with fine, which may extend to one hundred rupees, and where the breach is a continuing one, with a further fine which may extend to twenty-five rupees for every day, after the first during which the breach continues.

(4) Every rule made under this section shall be laid as soon as may be after it is made before Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however, that any modification or annulment shall be without prejudice to the validity of anything done under that rule.

**Repeal and
Saving.**

26. (1) The Bengal Shops and establishments Act, 1940 (hereinafter referred to as the said Act) as extended to Tripura under section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950) is hereby repealed.

(2) Notwithstanding the repeal of the said Act anything done or any action taken or any proceedings started or any appeal preferred or any legal effect produced by or under the provisions of the said Act shall be deemed to have been done, taken, started, preferred, or produced by or under the corresponding provisions of this Act as if such corresponding provisions were in force on the day on which such thing was done or such action was taken or such proceeding was started or such appeal was preferred or such legal effect was produced :

Provided that any weekly closing days or any working hours fixed under the said Act and in force immediately before the commencement of this Act, may be continued for a period not longer than three months after such repeal.

LIST OF AMENDMENTS

1. The Tripura Shops and Establishments (Amendment) Act, 1982, w.e.f. 16.4.1983.
2. The Tripura Shops and Establishments (Second Amendment) Act, 1988, w.e.f. 16.10.1988.
3. The Tripura Shops and Establishments (Third Amendment) Act, 2000, w.e.f. 13.1.2000.

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PART--III-- Acts of Tripura Legislature

**GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA**

No. F.8(16)-Law/Leg-I/2018/ 20121

Dated, Agartala, the 20th December, 2018.

NOTIFICATION

The following Act of the Tripura Legislative Assembly received the assent of the Governor of Tripura on the 18th December, 2018 and is hereby published for General information.

**D.M.Jamatia
L.R. & Secretary, Law
Government of Tripura**

THE TRIPURA ACT NO. 15 of 2018

**THE TRIPURA SHOPS AND ESTABLISHMENTS
(FOURTH AMENDMENT) ACT, 2018**

An

ACT

Further to amend "The Tripura Shops and Establishments Act 1970".

WHEREAS, it is expedient to amend the "The Tripura Shops and Establishments Act, 1970" (hereinafter referred to as the 'Principal Act'), to facilitate opening of shops and establishments in the State of Tripura on all days in a week by the employers provided that every person employed in such shops and establishments is allowed weekly holiday of at least one full day and another half day of rest;

BE it enacted by the Tripura Legislative Assembly in the Sixty Ninth years of the Republic of India as follows:-

1. Short Title & Commencement:

- (1) This Act may be called "The Tripura Shops and Establishment (Fourth Amendment) Act, 2018";
- (2) It shall come into force on the date of its publication in the official gazette.

2. Amendment of section- 5:

Sub- section (1), (2), (3) and (4) of section 5 of the Tripura Shop and Establishments Act, 1970 (hereinafter referred to as the 'Principal Act'), shall be substituted with the following:

- "(1)** A department or any section of a department of the shop or establishment may work in more than one shift at the discretion of the employer and if more than one shift is worked, the person employed may be required to work in any shift at the discretion of the employer;

- (2) A shop or an establishment may work on all days in a week subject to the condition that every person employed shall be allowed weekly holiday of at least one full day and another half day of rest;
- (3) If a person employed is denied weekly holiday, the compensatory leave in lieu thereof shall be given within two months of such weekly holiday;
- (4) The period and hours of work in a week for all classes of persons employed in such shift shall be informed to all persons employed in writing and shall be sent to the registering authority electronically or otherwise, within two weeks of such shift;
- (5) Where a person employed is required to work on a day of rest, he shall be entitled to wages at the rate of twice his ordinary rate of wages;

Provided that, nothing in this sub-section, shall apply to any person employed whose total period of continuous employment is less than six days."

**D.M. JAMATIA
LR & SECY, LAW
GOVERNMENT OF TRIPURA**