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GOVERNMENT OF TRIPURA
DEPARTMENT OF LABOUR

No. F. 63(4)/LAB/67.

Dated, Agartala, the 29th March, 1971.

NOTIFICATION

In exercise of the powers conferred by section 25 of the Tripura Shops & Establishments Act, 1970 (5 of 1970), the Lieutenant Governor is pleased to make the following rules, the same having been previously published as required by sub-section (1) of Section 25 of the said Act.

By order of the Lt. Governor
A. DUTTA,
Secretary,
Government of Tripura.

RULES

CHAPTER I

PRELIMINARY

1. *Short title* :—These rules may be called the Tripura Shops & Establishments Rules, 1970.

2. *Definitions* :—In these rules, unless there is anything repugnant in the subject or context,—

- (a) "The Act" means the Tripura Shops and Establishments Act, 1970 ;
- (b) "Agartala" means the area comprised in Agartala Municipality ;
- (c) "Form" means a form appended to these rules ;
- (d) "Government" means the Government of Tripura ;
- (e) "Rules" means a rule framed under the Act ;
- (f) "Referee" means an officer or authority appointed under sub-Section (2) of Section 14 ;
- (g) "Schedule" means a schedule appended to these rules ;
- (h) "Section" means a section of the Act ;
- (i) "Woman" used with reference to any shop or establishment means a woman who is a person employed in relation to such shop or establishment.

CHAPTER II

REGISTRATION

3. *Register of shops and Establishments* :—The registering authority shall maintain a Register of Shops and Establishments in Form 'A'. The Register of Shops and Establishments so maintained shall consist of four parts as follows :—

Part I—Shops.

Part II—Commercial Establishments.

Part III—Residential Hotels, Restaurants, Eating Houses and Cafe.

Part IV—Theatres, Cinemas and other places of Public Entertainment or Amusement.

Application for registration :—(1) In the case of a shop or an establishment, not being a shop or an establishment in existence on the date on which the Act applies, the shop-keeper or the employer, as the case may be, shall apply under sub-section (1) of section 16 for registration within thirty days from the date on which the shop or the establishment, as the case may be, commences its business.

- (2) An application for registration under sub-section (1) of section 16 shall be made in triplicate in Part I of Form B, which shall be either in print or type and every such application shall be accompanied by the requisite fees specified in Schedule I.
- (3) On receipt of an application accompanied by the requisite fee under sub-rule (2), the registering authority shall, on being satisfied about the correctness of the particulars furnished in the application, register the shop or the establishment as the case may be, in the appropriate part of the register of shops and establishments referred to in rule 3 and issue a Certificate of registration in Part II of Form B.

*5. Notice of change :—*A notice of change under sub-section (4) of section 16 shall be in Form C and every such notice shall be accompanied by the current registration certificate together with the requisite fees specified in Schedule II.

6. Renewal of registration certificate :—(1) An application for renewal under sub-section (6) of section 16 shall be in form D and shall be accompanied by the existing registration certificate together with such fees as are required for an application for registration under rule 4.

- (2) On receipt of an application for renewal of a registration certificate and the necessary fee under sub-rule (1), the registering authority shall, on being satisfied about the correctness of the information furnished, make necessary entries in the appropriate part of the Register of Shop and Establishments and the registration certificate and return the registration certificate to the applicant :

Provided that if the registering authority so thinks fit he may issue a new registration certificate, instead of renewing the existing certificate by making alterations therein.

*7. Notice of winding up :—*Notice of winding up of the business of a shop or an establishment shall be in form 'E' and shall be accompanied by the registration certificate.

Explanation :—Every case where a shop or an establishment is closed for a continuous period of 6 (six) months or more, shall be treated for the purpose of this rule as a case of winding up.

8. *Loss of Registration certificate* :—If any registration certificate issued under sub-rule (3) of rule 4 is lost, destroyed or defaced, the shop-keeper or the employer, as the case may be, concerned shall forthwith report the matter to the registering authority who issued the certificate and make an application in Form F accompanied by the requisite fees specified in Schedule I for the issue of a duplicate certificate, and the registering authority shall there-upon issue a duplicate registration certificate duly stamped "Duplicate" in red ink.

9. *Transfer of registration certificate* :—(1) A registration certificate issued under these rules shall not be transfereble, and if ownership of any shop or establishment is transferred, the shop-keeper or the employer, as the case may be, shall within 15 days of such transfer notices the fact of transfer and surrender the certificate of registration to the registering authority and shall submit to the registering authority a statement signed by himself specifying the name and address of the transferee.

(2) The registering authority, on being satisfied about the correctness of the information relating transfer, shall cancel the certificate of registration and amend the register of shops and establishments accordingly.

(3) The transferee shall apply for new registration certificate as provided in rule 4 within thirty days from the date of transfer.

10. *Enquiry for registration, renewal etc., and payment of fees* :—

(1) The registering authority may, for the purpose of satisfying himself about the correctness of any information furnished in any application or notice, hold such enquiry as he deems necessary for his satisfaction in such manner as he considers fit.

(2) All fees payable under these rules shall be paid in revenue stamps of the requisite value affixed on the application or notice as the case may be and each stamp shall be cancelled by the Registering authority by punching a hole in the middle.

CHAPTER—III

**WEEKLY CLOSURE, WEEKLY HOLIDAYS, HOURS OF WORK
AND LEAVE.**

11. *Notice of weekly closure :—*

- (1) The notice required to be displayed in shops and commercial establishments under sub-section (3) of section 5 shall be in Form G.
- (2) A copy of the notice and all changes in such notice shall be sent immediately,—
 - (a) Where the shop or establishment concerned is situated at Agartala to the Chief Inspector, and
 - (b) Where it is situated in any other area to the Inspector having jurisdiction over such other area.

12. *Notice of weekly holidays :—*

- (1) A shopkeeper or an employer shall display in his shop or establishment, as the case may be, a notice in Form H, specifying the days of the week on which the persons employed in such shop or establishment shall be allowed full holiday and half holiday, and shall preserve it for one year for inspection.
- (2) The notice under sub-rule (1) shall be so displayed before cessation of work by the employees afflicted thereby on the Saturday immediately preceding the first week in which the notice is to have effect.
- (3) A copy of the notice referred to in sub-rule (1) shall be sent immediately,—
 - (a) Where the shop or establishment concerned is situated at Agartala to the Chief Inspector, and
 - (b) Where it is situated in any other area to the Inspector having jurisdiction over such other area.

13. *Register of hours of work and rest intervals :—*

- (1) A shop-keeper or an employer shall maintain a register in Form I showing the daily hours of actual work and hours of rest against the name of each employee and also the hours of opening and closing of such shop or establishment, as the case may be.
- (2) The entries in such register shall be made in course of the day to which it relates.

14. *Application for privilege leave :—* Any person employed in a shop or an establishment desiring to avail of any privilege leave which is due to his credit under the Act, shall make an application in writing for the purpose to the shop-keeper or the employer, as the case may be, at least ten days prior to the date of intended commencement of such leave and the shop-keeper or the employer, as the case may be, shall issue orders on the application within a week of its submission ;

Provided that the shop-keeper or the employer, as the case may be, may, if satisfied that the leave is required for urgent matters, waive the period of ten days' notice ordinarily required and pass orders accordingly.

15. *Casual leave :—* Ordinarily, casual leave of absence shall not be admissible for more than three days at a time, except in, cases of sickness, and previous permission in writing of the shop-keeper or the employer, as the case may be, shall be obtained before such leave is availed of :

Provided that when it is not possible to obtain such previous permission, the shop-keeper or the employer, as the case may be, shall, as soon as may be practicable, be informed in writing of the absence from duty and the probably duration of such absence with reasons therefor.

16. *Sick leave :—* Grant or extension of sick leave, if due, shall not be refused when prayed for in writing by or on behalf of a person employed on production of a certificate from a registered medical practitioner :

Provided that the shop-keeper or the employer concerned may if he so thinks fit and undertakes to defray the cost involved, require the person employed to be examined by another registered medical practitioner nominated by him, and if the person employed refuses to submit to such examination or is certified on such examination to be fit for duty, the shop-keeper or the employer concerned may refuse the leave or extension thereof, the case may be.

17. *Leave pass* :— (1) If any leave, other than casual leave, asked for is granted, a leave pass showing the nature and period of leave granted shall be issued to the applicant.

(2) Every person employed praying for leave referred to in sub-rule (1) shall intimate to the shop-keeper or, the employer concerned his address during the period of leave and if there any change of the address, the shop-keeper or the employer, as the case may be, shall be informed within three days of such change.

18. *Refusal of leave* :— (1) Leave due and prayed for shall not ordinarily be refused and no part of the privilege leave earned by a person employed in a shop or an establishment shall be allowed to lapse by the refusal of the shop-keeper or the employer, as the case may be, to grant such leave :

Provided that the shop-keeper or the employer, as the case may be, may regulate the grant of privilege leave according to convenience of work of the shop or the establishment concerned, so, however, that such leave shall be granted.

(a) if the employee concerned intends to avail of the leave and does not want to accumulate it, within the first twelve months, or (b) in other cases, within the first eighteen month following the twelve months during which the leave has been earned,—

(2) If the whole or any part of the leave prayed for is refused or postponed, the fact of such refusal or postponement and the reasons thereof shall be recorded in a register to be maintained by the shop-keeper or employer in Form 'J' and if the employee concerned so desires a certified copy of such entry in the register shall be supplied to him by the shop-keeper or the employer, as the case may be.

19. *Extension of leave* :—If a person employed, after proceeding on leave, desires an extension thereof, he shall apply in writing to the shop-keeper or the employer concerned and the shop-keeper or the employer, as the case may be, shall send a written reply either granting or refusing the extension of leave prayed for to the applicant at the address given by him, under rule 17 before proceeding on leave.

20. *Unauthorised absence* :—(1) If a person employed remains absent without leave or beyond the period of leave originally granted or subsequently extended, the shop-keeper or the employer, as the case may be, shall,

before taking any disciplinary action against the absentee, issue a notice requiring him to explain in writing the reasons of his absence within fifteen days of the date of issue of the notice.

- (2) (i) If on receipt of the notice referred to in sub-rule (1), the absentee explains the reasons of his absence to the shop-keeper or employer, as the case may be, the latter may, if the explanation is found satisfactory, regularise the period of unauthorised absence by grant of such leave as may be due to the person employed and treat the remaining period of absence, if any, as absence without wages.
- (ii) If the explanation given by the person employed is considered not satisfactory by the shop-keeper or employer, as the case may be, the latter may either treat the period of unauthorised absence of the person employed as absence without wages even though leave with wages may be due to him, or terminate his lien on his appointment, depending on the gravity of the case.
- (iii) If the person employed does not submit any explanation to the shop-keeper or employer, as the case may be, within the time limit given in the notice referred to in sub-rule (1), the latter may terminate the lien of the person employed on his appointment forthwith.
- (3) The notice referred to in sub-rule (1) shall be served by registered post to the address given under rule 17, or in its absence to the address last given by the person employed to the shop-keeper or the employer, as the case may be.

21. *Leave register* :—Every shop-keeper and employer shall maintain a leave register in Form J, and every case of application for leave, whether granted or refused, shall be entered in the corresponding part of the register immediately after a decision is taken on the application.

CHAPTER—IV

PAYMENT OF WAGES, RECOVERY OF WAGES AND OVERTIME

22. *Pay register* :—Every shop-keeper and every employer shall maintain a pay register in Form K and all entries therein relating to payment shall be certified by the shop-keeper or the employer, as the case may be, in the presence of two witnesses as specified in such form.

23. *Application for recovery of wages* :—(1) An application under sub-section (1) of section 14—shall be made in duplicate in Form L and shall be accompanied by a fee at the rate of 10 paise for every twenty rupees or part thereof claimed in the application as due from a shop-keeper or employer, as the case may be.

(2) Such fees shall be paid by Court-fee stamps of the requisite value affixed on one of the copies of the application.

24. *Procedure for dealing with application for recovery of wages* :— (1) Any person desiring to act on behalf of any person employed shall present to the referee a brief written statement explaining his interest in the matter and praying for permission so to act, and the referee shall record thereon an order specifying, in the case of a refusal to grant the permission prayed for, the reasons for the refusal.

(2) Applications under rule 23 or other documents relevant to such applications shall be presented in person to the referee at any time during hours to be fixed by the referee or shall be sent to the referee by registered post and the referee shall at once endorse or cause to be endorsed on each such application or other document the date of presentation or receipt thereof, as the case may be.

(3) On receipt of an application under rule 23, the referee shall by issuing a notice in Form M call upon the applicant as well as the shop-keeper or the employer, as the case may be, to appear before him on a specified date not being earlier than fourteen days after date of service of the notice together with all relevant documents and witnesses, if any.

(4) If the shop-keeper or the employer, as the case may be, fails to appear on the specified date the referee may proceed to hear and determine the application ex parte.

(5) If the applicant fails to appear on the specified date, the referee may dismiss the application :

Provided that an order under sub-rule (4) or sub-rule (5) may on good cause being shown within one month of the date of the said order be set aside and the application reheard after giving not less than fourteen days' notice to the opposite party of the date fixed for the rehearing of the application.

25. *Maintenance of records of cases by the referee* :—(1) The referee shall record the particulars of each case in Form N and at the time of passing orders shall sign and date the particulars so recorded.

- (2) The referee shall while passing orders in each case also record the substance of the evidence adduced in the case as an appendix to the order.
- (3) Any record, other than a record of any order or direction, which is required by these rules to be signed by the referee, may be signed on behalf of and under the direction of the referee by any subordinate officer appointed in writing for this purpose by the referee.

26. *Copies of records and documents* :—(1) Any person employed in a shop or an establishment or any shop-keeper or employer or a representative of such person employed, shop-keeper or employer, shall be entitled to inspect any application, memorandum of appeal, or any other document filed with the referee in a case to which such person employed, shop-keeper or employer is a party, and may obtain copies thereof on payment of the requisite fees specified in this behalf in Schedule III.

- (2) An application for any copy referred to in sub-rule (1) shall be in Form O and shall be presented in person to the referee during the hours fixed for the purpose by the referee or shall be sent to the referee by registered post and shall be accompanied by a fee of fifteen paise which shall be paid in Court-fee stamps affixed on the application.
- (3) All copies shall be prepared on folios, and if it be not possible at once to inform the applicant what Court-fee stamps and folios will be required in respect of the copies applied for, the requisite information shall be communicated to the applicant as soon as may be possible thereafter but not later than seven days from the date on which the application is received by noting on the counterfoil portion of the application,
- (4) In the case of certified copies the court-fee chargeable under the Court-fee Act, 1870 (VII of 1870), shall be levied by affixing the necessary stamp to the first folio of the copy,
- (5) On receipt of the information referred to in sub-rule (3) the applicant shall present the requisite folios and Court-fee stamps to the referee along with the counterfoil of his original

application on which receipt of the Court-fee stamps and folios filed shall be acknowledged and the date on which the copy will be ready for delivery noted. The counterfoil shall then be returned to the applicant.

- (6) If the requisite folios and Court-fee stamps are not filed within seven days from the date on which the information referred to in sub-rule (3) is communicated to the applicant, the application shall be liable to be struck off and an application so struck off shall not be revived but, in such case, a fresh application may be made.
- (7) Urgent copies shall ordinarily be ready for delivery on the day following the date of payment of the urgent fees specified in this behalf in Schedule III and other requisites.

27. *Register of application for copies* :— Applications for copies shall be numbered consecutively and entered in a register maintained for the purpose in Form P.

28. *Register of Court-fees* :—(1) A Court-fee register shall be maintained in Form Q by the referee.

- (2) Court-fee stamps shall be cancelled by punching in the manner laid down in section 30 of the Court-fees Act, 1870 (VII of 1870).

29. *Overtime* :—(1) Every person employed in a shop may be required to work overtime to cope with sudden spurt of business transactions during the periods and occasions specified below :—

Occasion and period

- i) Durga Puja—a period not exceeding 28 days ending on the day of Navami Puja.
- (ii) Dewali—a period not exceeding 7 days ending on the day of Dewali.
- (iii) X'mas—a period not exceeding 7 days ending on 25th December.
- (iv) Id-ul-fitr—a period not exceeding 7 days ending on the day of Id.

- (v) Such other occasions as the State Government may, after taking into consideration their nature and importance, specify in this behalf by notification—such period as may be specified in the notification.

30. *Notice of overtime* :—A shop-keeper or an employer shall give notice in Form R of his intention to require a person employed to work overtime on any day at least twenty-four hours before such day—

- (a) where the shop or establishment concerned is situated at Agartala to the Chief Inspector and
- (b) where it is situated in any other area to the Inspector having jurisdiction over such other area :

Provided that if owing to urgency of business, it is not possible for the employer in any establishment to give such advance notice the employer shall post the notice within twentyfour hours of the completion of overtime work by the person employed concerned.

31. *Calculation of ordinary rate of wages of overtime* :—For the purpose of section 13 the ordinary rate of wages shall be calculated in the manner specified in Schedule IV.

32. *Register of overtime* :—Every shop-keeper and every employer shall maintain a register in Form 8 showing the overtime work done in every month by each person employed.

Chapter V

INSPECTION AND PENALTY

33. *Duties of Inspectors* :—(1) The duties of an Inspector appointed under section 19 shall be, generally, to make such inspection as may appear to him to be necessary for satisfying himself that the provisions of the Act and these rules and of any orders issued by Government under the Act are duly observed and, in particular, for ascertaining whether, within the local area for which he is appointed,—

- (i) shops and establishments are duly registered under the Act ;
- (ii) the registers, records and notices required to be maintained and displayed under the Act or these Rules are properly maintained and displayed :

(iii) the intervals of rest and holidays required to be granted under the Act are granted and the limits of hours of work and spread over laid down under the Act are duly observed ;

(iv) Shops and establishments are closed in every week on days notified under sub-section (3) or sub-section (4) of section 5 ;

(v) the provisions of the Act and of order issued by Government or any officer empowered under the proviso to sub-section (1) of section 6 regarding the opening and closing hours are duly observed ;

(vi) the provisions of the Act and these rules regarding leave are duly observed ;

(vii) every person employed in a shop or an establishment is furnished with a letter of appointment ;

(viii) the provisions of the Act and these rules regarding payment of wages and payment for overtime work are duly observed ;

(ix) any woman is required or permitted to work—

(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 nine O'clock post meridiem ;

(x) any young person is required or permitted to work in any shop or establishment after nine O'clock post meridiem ;

(xi) any child who has not completed the age of twelve years is employed in any shop or establishment.

(2) For the purpose of making such inspection, the Inspector may interrogate such persons as he may deem necessary, at any premises or place where, he has reason to believe, there is a shop or an establishment : Provided that no such person shall be required under this rule to answer any question the answer to which might tend to incriminate him.

(3) An Inspector shall inspect every shop and every establishment within the local area for which he is appointed at least one in every three months.

34. *Submission of diary by Inspector* : Every Inspector shall keep a file of the records of his inspections and maintain a diary in Form T in respect of the work done by him every month and shall submit to the officer to whom he is subordinate by the 15th day of every month such diary showing the work done in the preceding month.

A copy of the said diary shall also be retained by the Inspector.

35. *Ascertainment of age of employees* : In respect of any person employed in any shop or establishment the Inspector having jurisdiction may require the shoo-keeper or employer concerned to produce, at his own cost within such time not less than fifteen days from the date of the requisition as the Inspector may allow, one of the following documents showing the age of such persons namely :

- (1) a certified copy of an extract from the records of any school.
- (2) a certified copy of an extract from the Birth Register of a local authority.

36. *Disqualifications of an Inspector* : No person shall be appointed or having been appointed, continue to hold office, as an Inspector under the Act, if he has or acquires directly or indirectly by himself or by any partner any share or interest in any shop or establishment in the area for which he is to be or has been appointed ;

Provided that nothing in this rule shall apply—

- (i) to any person who has been permitted by the authority competent to appoint him as an Inspector to hold or acquire directly or indirectly by himself or in the name of any member of his family living with him or dependent on him, any share or interest in any registered Co-operative Bank or Co-operative Society or any public limited company, or
- (ii) to any person who acquires by inheritance any share or interest in any firm or business but who is not a working partner therein.

37. *Supervising Inspectors and Chief Inspector* : (1) The State Government may appoint an Inspector to be a Supervising Inspector and empower him to direct and supervise the work of any other Inspector or Inspectors.

- (2) One of the Inspectors shall be empowered by the State Government to direct and supervise the work of all other Inspectors including Supervising Inspectors, and shall be designated as the Chief Inspector.

- (3) The Chief Inspector may call for such information from shops and establishments as may be necessary for the efficient administration of the Act and these rules.

38. *Method of Inspection* :—(1) In conducting any inspection, the Inspector shall not as far as possible, cause any suspension of business.

- (2) No inspection shall be held in any shop or establishment :—
- (a) during any day or half day specified in a notice under sub-section (3) of section 5 as the day or half day during which the shop or establishment shall be entirely closed in each week, or
 - (b) during any period or periods for which the shop or establishment may be exempted by notification under clause (a) of sub-section (2) of section 4 from the provisions of the Act on any specified occasion or occasions :

Provided that notwithstanding anything hereinbefore mentioned an inspection may be held—

- (a) to ascertain the position if any shop or establishment is found open on any of the days of weekly closure, notified in respect thereof, or
 - (b) to ensure that all those provisions of the Act from which the shop or the establishment, as the case may be, has not been exempted are duly observed :
- (3) If the Inspector during his inspection of any shop or establishment finds deviations from the provisions of the Act or these rules, he shall pass orders or make recommendations for remedying or removing these defects, and in such a case, he shall either endorse the same in the visit book maintained by the shop-keeper or employer under rule 40 or he shall send a copy of his inspection notes to the shop or establishment within fourteen days from the date of inspection.

39. *Method of seizing registers, records, documents or notices* :—(1) The Chief Inspector referred to in rule 37 may authorise any Inspector for the purpose of seizing any record, register, document or notice or any portion thereof under clause (c) of section 20.

- (2) An Inspector shall in each case of seizure of records, registers, documents or notices or any portion thereof give a receipt to the shop-keeper or employer, as the case may be.

40. *Visit book* :—(1) Every shop-keeper and every employer shall maintain a visit book in which an Inspector visiting the shop or the establishment, as the case may be, may record his remarks regarding any defects that may come to light at the time of his visit or give directions regarding production of any documents required to be maintained or produced under the provisions of the Act and these rules :

Provided that where the Inspector has no remarks to offer, he shall merely enter the date and time of his visit and sign on the book.

(2) The visit book shall be a bound book more or less of size 7 inches X 6 inches containing at least 100 pages and every second page thereof shall be consecutively numbered and the unnumbered page between each two consecutively numbered pages shall have a vertical perforated straight line on the margin side at a margining of about 1 inch. Every page shall contain the following heading at the top,

I. Name of the shop or establishment or alternatively name of the shop-keeper or employer.

II. Address in full.

III. Registration Number.

IV. Date

V. Time

VI. Signature of the shop-keeper/employer.

(3) The unnumbered marginally perforated page of the visit book shall be used for making a copy of the Inspector's remarks and shall be taken out by the Inspector.

(4) In case the visit book containing the remarks passed by an Inspector is lost, destroyed or defaced, the shop-keeper or employer concerned shall forthwith report in writing the loss of the visit book to the Inspector of the area where the shop or establishment, as the case may be, is situated and shall immediately start and maintain a new visit book.

41. *Co-operation with the Inspector* :—(1) All orders, letters, reports, and other documents issued by an Inspector with respect to the provisions of the Act and these rules shall be properly filed and preserved by the shop-keeper or employer concerned for a period of 12 months and shall be made available in the shop or establishment for examination by the Inspector.

- (2) Any demand by an Inspector for any information or production of any document relating to the working of the Act and these rules if made during the course of an inspection of any shop or establishment, shall be complied with by the shop-keeper or employer concerned forthwith, if the information can be made easily available in the shop or establishment, and if not so available within fifteen days of receipt thereof.

42. *Appeal from the Inspector's orders or recommendations* :—(1) A shop-keeper or an employer may, within fifteen days of the date on which an Inspector endorses an order or recommendation in the visit book or of the receipt of the copy of inspection note relating to any order passed or recommendation made by an Inspector, as the case may be, in respect of the shop or establishment concerned, appeal against such order or recommendation to such authority as the Government may appoint in this behalf, or until such authority is appointed to the Government, and such authority or the Government, as the case may be, may confirm, modify or reverse the order or recommendation appealed against.

- (2) The notice of appeal shall be in the form of a memorandum setting forth concisely the grounds of objection to the order or recommendation against which the appeal is preferred and bearing a Court-fee stamp of fifty paise and shall be accompanied by a copy of the order or recommendation appealed against.

43. *Penalty* :—Whoever contravenes any of the provisions of these rules, 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.

CHAPTER VI MISCELLANEOUS

44. *Register of employees* :—(1) Every shop-keeper or employer shall maintain a register of employees in Form U.

- (2) All information in the register of employees shall be kept up-to-date and necessary corrections shall be made within three days from the date on which any change takes place.

45. *Letter of appointment* :—Every shop-keeper or employer shall furnish all persons employed with letters of appointment in Form V.

- (i) in the case of every person who is already in employment in his shop or establishment, as the case may be, within sixty days from the date on which these rules come into operation, and
- (ii) in the case of every person who is employed in his shop or establishment as the case may be, after these rules come into operation, before the person so employed commences work :

Provided that it shall not be necessary for a shop-keeper or an employer to issue such letter of appointment to a person who is already in employment and has already been given a letter of appointment substantially containing the particulars specified in Form V.

46. *Maintenance and preservation of records, registers, notices, etc* :—

- (1) All registers required to be maintained under these rules shall be in English, Bengali or Hindi and all dates entered in a register shall be in accordance with the English calendar. Entries shall be made in ink and shall be legible.
- (2) All registers, except those in Forms I and J, records and notices relating to any calendar year shall be preserved and made available in the shop or establishment for examination by the Inspector till the end of the next calendar year. Registers in Forms I and J shall be so preserved and made available for examination by the inspector till the end of the next fourth calendar year.
- (3) Entries relating to any day, week or year in any of the registers shall be made forthwith after the close of such day, week or year, except in so far as otherwise permitted under these rules, and shall be signed by the shop-keeper or employer.
- (4) Where an office, store-room, godown, warehouse, or work place used in connection with the trade or business of a shop is situated at any premises other than the premises of the shop, all registers, records, visit book and notices required to be maintained and exhibited or given under the Act and these rules shall be separately so maintained, exhibited or given in respect of and at such office ; store-room, godown, warehouse or work place.

47. *Special registers and records* :— (1) If on an application made by an employer or shop-keeper in writing, the Government is satisfied that any register or record maintained by such employer or shop-keeper gives in respect of the persons employed by him the particulars required to be shown in any register or record be maintained under these rules, the Government may, by order in writing, direct that the registers or record so maintained by the employer or shop-keeper shall notwithstanding that it is not in accordance with the form provided in that behalf in these rules, be deemed to the corresponding extent to be a register or record maintained under these rules.

(2) Every application under sub-rule (1) shall be accompanied by five copies of Form of the relevant register or record.

48. *Manner of filing applications or notices* :— An application or notice meant for any authority, officer or Inspector appointed under the Act shall be filed either by personal service with receipt during the hours fixed for the purpose by such authority, officer or Inspector or by registered post with acknowledgement due.

49. *Saving of certain rights and privileges* :— Nothing in these rules shall affect any right or privilege to which any person employed in any shop or establishment is, on the date of the commencement of these rules, entitled 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 these rules or granted to him at the time of appointment.

REGISTER OF SHOPS AND ESTABLISHMENTS

Part I—Shops.

Part II—Commercial Establishments.

Part III—Residential Hotels, Restaurants, Eating Houses and Cafe.

Part IV—Theaters, Cinemas and other places of public entertainment or amusement.

Sl. No.	Registration certificate No. and date of registration.	Name of the shop/establishment if any.	Name of the shop-keeper/ employer with residential address.	Name of the Manager/ Person in-charge. if any, with residential address.	Postal address and exact location of the shop/establishment.	Exact location of office, store room, godown warehouse, or work Place, if any, attached to a shop but situated in premises different from those of the shop.
1	2	3	4	5	6	7

NUMBER OF EMPLOYEES

Date of commencement of business.	Nature of business	Number of members of owner's family who are not 'persons employed' within the meaning of section 2 (j).		Number of other persons of categories mentioned in section 4 (2) (b)		Total number of employees (including sub-columns (a) and (b))	Grand total of (a), (b) and (c)
		Adult men	Women persons	Young men	Adult Women persons		
8	9	10(a)		10(b)		10(c)	10(d)

Dated of inspection in connection with the registration.	Date of renewal	Fees paid	Weekly closing days in the case of shop or a commercial establishment.	Remarks
11	12	13	14	15

FORM B

(See Sub-rules (2) and (3) of rule (4)

Part 1

APPLICATION FOR REGISTRATION

Space for
Stamp

To
The Registering Authority,
Shops and Establishments
(here specify the area and address)

Sir,

I beg to apply for registration of my shop/establishment under the Tripura shops and establishments Act, 1970. Particulars about the shop/establishment are furnished in the statement below.

2. Revenue stamps worth are affixed with this application as the required fee for registration.

STATEMENT

1. Name of shop/establishment, if any
2. Postal address and exact location of shop/establishment.
3. Exact location of office, store-room, godown, warehouse, or work place, if any, attached to shop but situated in premises different from those of shop/establishment.
4. Name of shop-keeper/employer.
5. Residential address of shop-keeper/employer.
6. Name of Manager, if any, and his residential address.
7. Name of partners and their residential addresses (if a partnership concern)
8. Names and residential address of Directors (if a limited company)
9. Category of establishment, i. e., whether a shop, commercial establishment, residential hotel, restaurant, eating house, theatre, cinema or other place of public amusement or entertainment.
10. Nature of business.

11. Date of commencement of business.
12. Name of members of owner's family employed in the shop/establishment who live with the owner and are dependent on him/her

Relationship	Adults	Young persons
Males		
Females		
	Total	

13. Names of other persons employed :—

- (i) in a managerial or confidential capacity ;
- (ii) as a traveller, canvasser, messenger, watchman or caretaker ; and
- (iii) exclusively in connection with customs, examination, collection, despatch delivery or conveyance of goods from or to goods from or to booking offices for transport by rail, road or air, docks, wharves or airports (indicate sex and age in case of young persons)

14. Total number of employees :—

Adults	Young Persons	Total
Males		
Females		
	Total	

15. Declaration of weekly closing days : (in the case of a shop or commercial establishment)

I hereby declare that the above information is true to the best of my knowledge and belief.

Yours faithfully

Dated,

Signature of shop-keeper/employer.

Note 1. Item 3 should be filled only when the office, store room, etc., are not separately registered under the Act. In respect of such store rooms etc. are not separately registered, particulars regd. under—items 12,13,14 should be given separately for each office, store room, etc.

2. If any item is not applicable enter "not applicable".

PART II

(To be filled in by the office of the Registering Authority under the Tripura Shops and Establishment Act, 1970)

REGISTRATION CERTIFICATE

It is hereby certified that the... ..has been registered as... ..under the Shops and Establishments Act., 1970 this... ..day of... ..19... and the Registration No. * is

Signature of the Registering Authority

Seal

Change notified in Form

on

has been registered.

Signature of the Registering Authority
Date

Seal

(1) Renewed upto

Registration Number

Signature of the Registering Authority
Date

(2) Renewed upto

Registration Number

Signature of the Registering Authority

* The first part of the number shall be the name of the area in which the shop/establishment is situated and the second part shall be the serial number of the Register of Shops and Establishments for the district concerned.

(24)

FORM C
(See rule 5)

NOTICE OF CHANGE
SPACE FOR
Stamp

Name of the shop/establishment
already registered

Name of the shop-keeper/employer

Registration Certificate No.

Address

Dated the day of 19

To

The Registering Authority, Shops and Establishments
(here specify the area and address)

Notice is hereby given that the following change has taken place in respect of information forwarded to you in Form B, which please note. The registration certificate is enclosed for amendment.

2. Revenue stamps worth as are affixed to this notice
required fee

CHANGES

Signature of the shop-keeper/
employer.

Note :—This notice shall be accompanied by the registration certificate together with such fees as are specified in Schedule II.

(25)

FORM D

(See sub-rule (1) of rule 6)

APPLICATION FOR RENEWAL OF REGISTRATION

Space for
Stamp

To
The Registering Authority, Shops and Establishments
(here specify the area and address)

Sir,

I beg to apply for renewal of my certificate of registration No. which is enclosed. Particulars about the shop/establishment are furnished in the statement below :—

2. Revenue stamps worth application as renewal fee. are affixed with.

STATEMENT

1. Name of the shop/establishment, if any
2. Postal address and exact location of the shop/establishment
3. Previous registration certificate No.
(The certificate is to be enclosed to this application)
4. Period for which renewal is required
5. Exact location of office, store room, godown, warehouse, or work place, if any, attached to shop but situated in premises different from those of shop/establishment
6. Name of shop-keeper/employer
7. Residential Address of shop-keeper/employer
8. Name of Manager, if any, and his residential address
9. Names of partners and their residential addresses (if a Partnership concern)
10. Names and residential addresses of Directors
(if a limited company)

11. Category of establishment. i. e., whether a shop, commercial establishment, residential hotel, restaurant, eating house, theatre, cinema or other place of public amusement or entertainment
12. Nature of business.
13. Date of commencement of business
14. Names of members of owner's family employed in the shop/establishment who live with the owner and are dependent on him/her Relationship

Adults	Young persons.
Males	
Females	

Total

15. Names of other persons employed—
 - (i) in a managerial or confidential capacity ;
 - (ii) as a traveller, canvasser, messenger, Watchman or caretaker ; and
 - (iii) exclusively in connection with the 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 (indicate sex and age in case of young persons)
16. Total number of employees

Adults	Young persons	Total
Male		
Female		

Total

17. Declaration of weekly closing days (in the case of a shop or commercial establishment)

I hereby declare that the above information is true to the best of my knowledge and belief.

Yours faithfully,

Date:

Signature of Shop-Keeper/Employer

Note :—1. Item 3 should be filled only when the office, store room, etc., are not separately registered under the Act. In respect of such store rooms, etc., not separately registered, particulars required under items 14, 15, 16 should be given separately for each office, store room, etc.

2. If any item is not applicable, enter "Not applicable".

(27)

FORM E
(See rule 7)

NOTICE OF WINDING UP OF BUSINESS

Space for Stamp

To

The Registering Authority, Shops and Establishments (here specify the area and address).

Sir,

Please take notice that I am winding up my business. Registration certificate No. _____ is surrendered herewith. The reasons for closure and other details are given below :—

1. Name of shop/establishment
2. Name of shop-keeper/employer
3. Address
4. Number of employees affected
5. Reasons for winding up.

Yours faithfully,

Dated—

Signature of the shop-keeper/employer.

FORM F
(See rule 8)

NOTICE OF LOSS OF REGISTRATION CERTIFICATE

Name of shop/establishment

Address

Registration No.

To

The Registering Authority under the Tripura Shops and Establishments Act, 1970.

Sir,

This is to inform you that the registration certificate of this shop/establishment has been lost/destroyed/defaced due to. (here specify the reasons or circumstances). please issue a duplicate certificate _____ Revenue stamps worth are affixed to this application as the required fee.

Dated—

Yours faithfully,

Signature of shop-keeper/
employer.

FORM G
(See rule 11)

NOTICE OF WEEKLY CLOSURE
To be displayed in a conspicuous place

Name of shop/establishment, if any
Name of owner/in-charge of shop/establishment
Address in full
Registration No.

Until further notice this shop/establishment shall remain closed entirely and closed for half day each week as noted below :

Full day* Half day (from to)*

*The days to be mentioned here

Signature of the shop-keeper/Manager/
in-charge.

Copy forwarded for information to—

- (1) the Chief Inspector, shops and Establishments, Tripura.
- (2) the Inspector (specify area).

*strike out the words which are not appropriate.

FORM H
(See rule 12)

NOTICE OF WEEKLY HOLIDAYS

Name of shop/establishment
Address
Registration No.

The persons employed in this Shop/Residential Hotel/Restaurant/Eating House/Theatre/Cinema House/other place of public entertainment or amusement* shall be given the weekly holidays of a day and a half on the days specified below in the week following the date of this notice and until further notice.

*Names of employees.	Day on which full holiday is allowed.	Day on which half holiday is allowed. From to
1	2	3

*Strike out the words which are not appropriate.

Strike out the words "until further notice" if the notice is intended to apply only to one week.

If the same days are fixed for all the employees, the words "all" only need to be inserted in column I.

Signature of Shop-keeper/
Employer,

FORM I

(See rule 13)

REGISTER OF DAILY HOURS OF WORK AND REST
INTERVALS OF PERSONS EMPLOYED

Name of shop/establishment

Name of shop-keeper/employer

Address in full

Registration No.

Date

Shop/establishment opens at

closes at

Sl. No.	Names of persons employed	Employment commences	Interval for rest from to	Employment ceases	Total hours worked	Signature of the person employed.
---------	---------------------------	----------------------	---------------------------	-------------------	--------------------	-----------------------------------

1.

2.

3.

4.

Signature of shop-keeper/employer.

Note :- 1. Hours to be specified in this register shall be hours to be worked exclusive of overtime.

2. Interval for rest shall be shown by the actual times at which the intervals are to begin and end e.g., 1 P. M. to p. m.

3. Entries in this Register shall be made daily for every working day.

FORM J

(See Sub-rule (2) of Rule 18 and rule 21)

REGISTER OF LEAVE

Name of shop/establishment, if any

Name of shop-keeper/employer

Address in full of shop/establishment

Registration No.

Name of employee

Father's name

Date of appointment

1	2	3	4	5	6
PRIVILEGE LEAVE					
Date of application.	Applied From To (date) (date)	Leave granted From To (date) (date)	Balance due	If refused in part or full From To (date) (date)	Remarks Reasons

1	2	3	4	5	6
SICK LEAVE					
Date of application.	Applied From To (date) (date)	Leave granted From To (date) (date)	Balance due	From To (date) (date)	Remarks Reasons

1	2	3	4	5	6
CASUAL LEAVE					
Date of application.	Applied From To (date) (date)	Leave granted From To (date) (date)	Balance due	If refused in part or full From To (date) (date)	Remarks Reasons

Signature of shop-keeper/employer

NOTE :—A separate page should be earmarked in the Register for each person employed and for each kind of leave.

FORM K

(See rule 22)

PAY REGISTER

Name of shop/establishment

Name of employer/shop-keeper

Address in full

Registration No.

Day/Week/month (in accordance with mode of payment) and year.

Name of persons employed	Rate of wages (per month, week, day).	Additional wages for overtime.	Deductions if any, and reasons therefor.	Total amount paid as wages.	Singnature of the persons employed.	Remarks
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This is to certify that I have today in the presence of witnesses testifying herewith paid the amount of Rs. in wages to the persons employed by me and that each employee has received from me the amount due as specified against his name above,

Witness—

1

2

Signature of shop-keeper/employer:

NOTE :—When the payment is made by money order the fact may be stated in the remarks column.

FORM L
(See rule 23)

APPLICATION FOR RECOVERY OF WAGES

In the Court of the Authority/Officer appointed under the Tripura Shops and Establishments Act, 1970.

Application No. 19

A. B. C.

Between

and

And

X. Y. D.

Name of applicant

Name of opposite party.

The applicant states as follows :—

A. B. C. is a person employed in the shop/establishment entitled and resides at

The address of the applicant for the service of all notices and processes is

2. X, Y, D, the opposite party, is the person responsible for the payment of his/her wages under sub-section (1) of section 14 of the Act, and his/her address for the services of all notices and processes is

3. (1) The applicant's wages have not been paid for the following wage period (s) which ended on (give date (s) And/or
A sum of Rs. has been unlawfully
deducted from his/her wages of (amount for the
wages period (s) which ended on (give date(s)

(2) Here give any further claim for explanation

4. The applicant estimates the value of relief sought by him/her at the sum of Rs.

5. The applicant prays that direction may be issued under sub-section (3) of section 14 for—

(a) Payment of his/her delayed wages as estimated or such greater or lesser amount as the Authority/officer may find to be due

And/Or

Refund of the amount illegally deducted

(b) Compensation amounting to

The applicant certifies that the statement of facts contained in this application is, to the best of his/her knowledge and belief, accurate.

Signature or thumb impression
of the
person employed.

(33)

FORM M

(See sub-rule (3) of rule 24)

NOTICE FOR THE DISPOSAL OF APPLICATION

To

Whereas under the Tripura Shops and Establishments Act, 1970 (Tripura Act VIII of 1970) a claim has been presented to me/by/against you by an application, you are hereby called upon to appear before me either personally or through a person duly authorised in this behalf, for the purpose of answering all material questions relating to the application, on the day of 19 at O'clock in the fore/afternoon in support of to answer the claim : and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your claim/defence.

Take notice that in default of your appearance on the day before mentioned, the application will be dismissed/heard and determined in your absence.

Given under my hand and seal, the
day of 19

Referee.

FORM N

(See rule 25)

PARTICULARS OF APPLICATION UNDER SECTION 14.

1. Serial No.
2. Date of the application.
3. Name and address of the applicant.
4. Name and address of the employer/shop-keeper.
5. Amount claimed—
 - (a) as delayed wages : Rs.
 - (b) as deducted from wages : Rs.
6. Plea of the employer and his examination (if any) :
7. Finding, and a brief statement of the reasons therefor (to be enclosed on a separate sheet of paper, if necessary) :
8. Amount awarded—
 - (a) delayed wages
 - (b) deducted wages
9. Compensation awarded
10. Penalty imposed
11. Costs awarded to—
 - (i) Court-fee charges
 - (ii) Witnesses' expenses

Dated—

Signed.

(35)

FORM O

(See sub-rule (2) of rule 26)

Serial No.

APPLICATION FOR COPIES

(To be preserved for one year)

To

The Authority/Officer under the Tripura Shops and Establishments Act, 1970 for recovery of wages.

(Here insert the address)

Sir,

I require a certified/uncertified copy of the documents mentioned below, which may be supplied.

Date

Signature of the applicant.

Description of document of which copy is required Description No. and year of the case of which it forms part, names of the parties, etc.

Report of the clerk-in-charge of the records Folios and Court-fees required.

Signature of the clerk-in-charge.

Date—

Received copy and unused folios and stamps.

Signature of the applicant
Date.

(Counterfoil of Application for copies)

Received application for copies being Serial No.

Dated—

Folios and Court-fees required.

Signature of the clerk-in-charge.

Date.

FORM R
(See rule 30)

NOTICE OF OVERTIME

Name of Shop/Establishment

Address

Registration No.

To
The

Sir,

Please take notice that the persons named below will work/have worked overtime on the days mentioned against each of them as

(here mention the reason).

Names of persons employed days/on which overtime work will be/have been done.

Date

... ..
Signature of shop-keeper/employer.

FORM S
(See rule 32)

REGISTER OF OVERTIME WORK

Name of shop/establishment, if any

Name of shop-keeper/employer

Address

Registration No.

For (Here insert the month and year to which it relates)

... ..

Serial No.	Name of persons employed.	Dates on which overtime work is done.	Extent of over-time work on each such date.	Total of overtime work done during the month.
1.				
2.				
3.				
4.				

... ..
Signature of employer/shop-keeper.

(38)

FORM T

(See rule 34)

DIARY OF INSPECTOR FOR THE MONTH ENDING

Date	Place	Establishment inspected.	Purpose of inspection.	Remarks of defects found and directions and orders issued.
(1)	(2)	(3)	(4)	(5)

FORM U

(See rule 44)

REGISTER OF EMPLOYEES

Name of the shop/establishment

Address

Name of the shop-keeper/employer

Registration No.

Serial No.	Name of the person employed.	Father's Name of the person employed (in the case of married women husband's name.	Date of birth of the person employed.	Date of appointment.	Post held or nature of job performed	Scale of pay, if any.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Rate of increment	Basic pay	Dearness allowances.	Other allowances.	Total wages per day/week /per month (ac-cording to mode of pay.	Remarks	Signature of the person employed with date thereof.
(8)	(9)	(10)	(11)	(12)	(13)	(14)

FORM V
(See rule 45)

LETTER OF APPOINTMENT

Name of the shop/establishment

Address

Name of the shop-keeper/employer

Registration No.

Shri/Shrimati.

is appointed as (describe here the nature of appointment
effect from _____ in this shop/establishment with

2. His/her appointment is on probatinery basis for (insert the period)/
temporary casual basis for (insert the period)/permanent basis.

3. His/her scale of pay/rate of increment in wages per (insert the period)
shall be.

4. He/she will draw a total wages of _____ per day/week/
month composed of the following namely,—

- i) Basic pay.
- ii) Dearness allowance.
- iii) Other allowances

Signature of shop-keeper/employer.

date—

Note :—Strike out the words which are not applicable.

SCHEDULE I

(See rules 4 (2) and (8))

The applications for registration or renewal of registration or for duplicate copies of the registration shall be sent to the Registering Authority together with the fees prescribed in this schedule.

Serial No.	Category of shop or establishment.	Renewal fees and Registrations fees.	Fees for duplicate copy.
1	2	3	4
		Rs.	Rs.
1.	Shops having no employees	0.50	0.50
2.	Shops other than those mentioned above (Serial No. 1)	1.00	0.80
3.	Commercial establishments	1.00	0.80
4.	Residential hotels, restaurants, eating house, cafe.	1.00	0.80
5.	Cinema, theatre and other places of public entertainment or amusement	1.00	0.80

SCHEDULE II

(See rule 5)

The notice of change shall be sent to the Registering Authority together with the fees prescribed in this schedule.

Serial No.	Category of shop or establishment.	Fees.
1	2	3
		Rs.
1.	Commercial establishment	1.00
2.	Shops having no employees	0.50
3.	Shops having employees	1.00
4.	Residential hotels, restaurants, cafe, eating houses	1.00
5.	Cinema, theatre and other places of public entertainment or amusement.	1.00

SCHEDULE III

(See rule 26)

The application for copies of documents shall be presented to officer/ Authority together with the fees prescribed in this schedule.

Category of documents.	Fees payable.
1. Documents containing 150 words or less	1. An impressed stamped paper of 25 paise (i.e., a folio)
2. Documents containing 151 to 300 words.	2. An impressed stamped paper of 25 paise (i.e., a folio) with an adhesive stamp of 25 paise affixed thereto.
3. Documents containing more than 300 words.	3. In addition to fees payable under item 2 above for the first 300 words, an additional impressed stamped paper of 25 paise (i.e. a folio) and an adhesive stamp of 25 paise for every 300 words or part thereof in excess of 150 Words :

Provided that fees payable for each 150 words or part thereof shall of not exceed 25 paise :

- Note :—(i) Each folio will contain upto 300 words, but when the number of words does not exceed 150, no adhesive stamp of 25 paise need be affixed to it.
- (ii) The adhesive Court-fee stamps required for the copies shall be affixed to the folios across the perforated line with the figure heads above the perforated line in such a way that the portion below may clearly show the value of the Court fee stamps.

URGENT FEE (IN ADDITION TO NORMAL FEES)

Category of documents.	Additional fees payable.
1	2
1. Documents containing 600 words or less	1. Re. 1
2. Documents containing more than 600 words.	2. 25 paise for every 150 words or any fraction thereof (four figures counting as one word).

SCHEDULE IV

(See rule 31)

ORDINARY RATE OF WAGES PER HOUR

Person employed	If the person is employed on daily wages and is paid daily.	If the person is employed on daily wage but is paid weekly.	If the person is employed on weekly wages.	If the person is employed on monthly wages.*
(1)	2(a)	2(b)	3	4
A person employed in a shop or establishment,	$\frac{2}{17}$ th of the amount of daily wages.	$\frac{1}{8}$ th of the amount of daily wages.	$\frac{1}{48}$ th of the amount of weekly wages.	$\frac{1}{208}$ th of the amount of monthly wages.

*A month consists of $4\frac{1}{3}$ weeks on an average.

(52×12 months $\div 4\frac{1}{3}$ weeks a month)

$4\frac{1}{3} \times 48$ hours $\div 208$ hours per month.

Note :—If in any shop or establishment the working hours are less than what are prescribed in the Act, the ordinary rate of wages per hour in such shop or establishment shall be determined in the like manner by dividing the daily, weekly and monthly wages by the total number of normal hours of work actually worked per day, week or month, as the case may be, by the persons employed.

Secretary,
Government of Tripura,
Labour Department.