

**Tripura District Council Trading
(Licensing & Control) Regulations, 1989**

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TRIPURA TRIBAL AREAS AUTONOMOUS DISTRICT COUNCIL
OFFICE OF THE CHIEF EXECUTIVE OFFICER
SWET MAHAL : AGARTALA

No. F. 11(16)/ADC/LAW/89

Dated, Agartala, the August 1990.

NOTIFICATION

In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulations of the Tripura Tribal Areas Autonomous District Council, which received the assent of the Governor of Tripura, is hereby published for general information,—

Regulation No, 1 of 1990.

TRIPURA DISTRICT COUNCIL TRADING
(LICENSING AND CONTROL) REGULATIONS, 1989.

(Passed by the Tripura Autonomous District Council)

(Received the assent of the Governor of Tripura on 19th April 1990)

A

Regulation

to provide for the regulation and control of trading in the District Council Area.
Whereas it is necessary to provide for the regulation and control of trading within the Tripura Autonomous District Council Area ;

It is hereby enacted as follows :—

Short title,
extend and
commencement.

1. (1) This Regulations may be called the Tripura District Council Trading (Licensing and Control) Regulation, 1989,
- (2) It extends to the wholl of the Tripura Autonomous District Council area.
- (3) It shall come into force on such date as the District Council may, by notification in the Official Gazette, appoint.

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Definitions.

2. (1) In this Regulation, unless there is anything repugnant in the subject or the context otherwise requires :—
- (a) "Chief Executive Member" means the Chief Executive Member of the District Council.
 - (b) "Chief Executive Officer" means the Chief Executive Officer of the District Council.
 - (c) "District" means the Tripura Tribal Areas Autonomous District.
 - (d) "District Council" means the District Council of the Tripura Tribal Areas Autonomous District.
 - (e) "Executive Committee" means the Executive Committee of the Tripura Tribal Area Autonomous District Council constituted under the Tripura Tribal Areas Autonomous District Council (Constitution, Election and Conduct of Business) Rules, 1985.
 - (f) "Goods" means any article, things or commodity and includes every kind of moveable property.
 - (g) "Licensing authority" means the Executive Committee of the District Council and includes any other officer or person appointed by the Executive Committee of the District Council to be the Licensing authority, If two or more persons or officers are appointed as Licensing authority the Executive Committee may also define the local limits of their Jurisdiction.
 - (h) "Prescribed" means prescribed by the rules made under this Regulations.
 - (i) "Trade" means exchange of goods for other goods or for money and the term "Trader" and "Trading" shall be construed accordingly.
- (2) Words and expressions used in this Regulations but not defined shall have the same meaning as assigned to them in the Tripura Tribal Areas Autonomous District Council (Constitution, Election and Conduct of Business) Rules, 1985 or in the Constitution of India.

Licencing and control of trade.

3. On and from the date of commencement of this Regulations no person shall carry on business of goods involving the purchase, sale or storage either retail or in wholesale in the Tripura District Council area except under and in accordance with the terms and conditions of a licence issued under this Regulations by the Licencing authority :

Provided that such licence shall not be refused to a trader who has been carrying on such business within the District since before the commencement of this Regulations.

Provided further that if such licence is refused the grounds for refusal shall be recorded in writing.

EXPLANATION :—For the purpose of this Regulations the expression “person” shall include every Company, Firm, Co-operative Society or Association of whatever description in which a person is a partner, a co-sharer or has a financial interest.

Essential conditions for grant of a Licence.

4. (1) Licence shall not be granted to a person, if,—
- (a) he is not a citizen of India ; or
 - (b) he has been convicted of an offence involving moral turpitude, or
 - (c) he is found to have violated any of the Acts, Rules, Regulations made by the District Council from time to time ,
- (2) The provisions of sub-section (1) shall also apply in the case of renewal of Licence granted.

Matters to be considered in granting licence.

5. In granting or refusing licence under this Regulations, the licencing authority, shall, among other matters, have regard to,—
- (a) the business ordinarily carried on by the applicant,
 - (b) the number of trading licence already issued in any particular village, area or market.
 - (c) any other matter which in the opinion of the Licencing authority is relevant for the purpose.

Application for Licence and fees thereof

6. (1) Any person resident of the District Council area may apply for a trade Licence to the Licencing authority in the form prescribed by the Executive Committee.
- (2) Every Licence granted under this Regulation shall be chargeable with such fees as may be prescribed by the Executive Committee.
- (3) Every such Licence shall be issued by the Licencing authority in such form and manner as may be prescribed by the Executive Committee.

Validity of Licence,

7. Licence granted under this Regulations shall continue in force for such period as may be fixed by the Executive Committee.

- Renewal of Licence.** 8. On the expiry of the period of validity a licence may be re-nued on payment of such fees as may be prescribed by the Executive Committee.
- Duplicate Licence.** 9. Where a licence is lost or destroyed, the Licencing authority may, on application made to it in this behalf, issue a duplicate licence in such form and on payment of such fees as may be prescribed by the Executive Committee.
- Suspension or cancellation of Licence.** 10- (1) The Licencing authority may suspend or cancel a licence granted under this Regulations; if,—
- (a) the licence has been granted through mistake or obtained by fraud or misrepresentation,
 - (b) the licence has committed a breach of any of the Conditions of the licence or any provisions of this Regulations :
- Provided that before suspending or cancelling a licence under clause (a) or (b) the licence shall be given a reasonable opportunity to make his representation.
- (2) Whenever a licence is suspend or cancelled the Licencing authority shall record a brief statement of reasons for such suspension or cancellaion and furnish a copy there of to the person whose licence has been suspended or cancelled.
- Keeping of accounts.** 11. Every person who has been granted a licence under this Regulations shall keep accounts of his business in such form as may be prescribed by the Exccutive Committee.
- Obligation to supply information and documents.** 12. The Licensing authority or any other person or officer appointed by the Executive Committee may,—
- (a) call for and inspect any licence and any account books kept the licenced trader, and
 - (b) call for any other information as he deems necessary in respect of any licence and the licenced trader shall be bound to comply.
- Appointment of persons or officers.** 13. The Executive Committee may appoint such person or officer and assign to them such designations as are appropriate for the proper carrying out of the purposes of this Regulations.
- Appeal.** 14. (1) Appeal against any order by any person, authority or officer duly authorised or appointed by the Executive Committee in this behalf under the Regulations or the Rules made there under or under the Executive Committee order, shall lie to the Chief Executive officer or such other officer as may be prescribed. The decision of the Chief Executive officer or the prescribed officer shall be final :

Provided that if any order is passed by the Executive Committee under the Regulations an appeal shall lie to the Chief Executive Member whose decision shall be final.

- (2) The appeal shall be filed within a period of 30(thirty) days from the date of the order is communicated to the person concerned and shall be accompanied by a certified copy of the order appealed against.
- (3) The memo randum of appeal shall be accompanied by such other documents and with such fees as may be prescribed by the Executive Committee.

Power to fix the number of traders.

15. (1) The Executive Committee may fix the number of traders who may be allowed to carry on trade or business in any particular village, area or market.
- (2) Which fixing the number of traders under sub-section (1) the Executive Committee may also fix the minimum number of tribal traders who may be granted trade licence in such village, place or market,

Penalty.

16. If any person contravens any of the provisions of this Regulations or any Rule made under this Regulations shall be liable to a fine which may extend to one thousand rupees or with simple imprisonment which may extend to three months.

Realisation of arrear fees.

17. Any arrear fees payable under this Regulations or under the Rule made under this Regulations may be realised by the Executive Committee as an arrear of land revenue.

Power or Exempt.

18. If the Executive Committee is satisfied that it is necessary in the public interest so to do, it may by order, for reasons to be recorded in writing, exempt any class or category of person or persons or any class or category of trade or trades from the operation of all or any of the provisions of this Regulations.

Power to make rules.

19. (1) The Executive Committee may make rules for carrying out the purposes of this Regulations.
- (2) In particular and without prejudice to the generality of the foregoing provisions, such rule may provide for all or any of the following matters namely, :—
- (a) The forms and conditions of licence.
- (b) Fix the period for which a licence shall continue in force.



- (c) The fees that should be paid. for the licence.
- (d) The form in which the licenced trader shall keep accounts.
- (e) The fees and the documents that should accompany the memorandum of appeal.
- (f) Any other matter connected with or ancillary to the matter aforesaid.
- (3) Every rule made under Sub-section (1) or (2) shall be laid before the Session of the District Council for a total period of ten days which may comprise in one Session or in two or more successive Sessions and during the aforesaid period the District Council may annul or modify the Rules so laid and after the aforesaid period of ten days the rules shall apply or be of no effect or shall have effect with such modifications, as the case may be, so, however, that any action taken under the said rules before such annulment or modification will not effect.

By order of the District Council.

J. Sen,

Chief executive officer,

T T A A D. C.

