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

(As passed by the Tripura District Council)
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 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 :-

1. Short title, extend and commencement :-
   (1) This Regulations may be called the Tripura District Council Trading (Licensing and Control) Regulations, 1989.
   (2) It extends to the whole of the Tripura Autonomous District Council Areas;
   (3) It shall come into force on such date as the District Council may, by Notification in Official Gazette, appoints.

2. Definition :-
   (1) In this Regulations, 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 Areas 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 movable property.
(g) "Licensing Authority" means the Executive Committee of the District Council and includes any other officer or persons 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 these 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 these 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.

3. Licensing and Control of Trade :-

On and from the date of commencement of these Regulations no persons shall carry on business of goods involving the purchase, sale or storage either retail or in whole sale in the Tripura District Council area except under and in accordance with the terms and conditions of a licence issued under these Regulations by the Licensing Authority:

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

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

EXPLANATION :- For the purpose of these 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.

4. Essential Conditions for grant of a Licence :-

(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.
5. Matters to be considered in granting licence :
In granting or refusing licence under these Regulations, the licensing 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 licensing authority is relevant for the purpose.

6. Application for licence and fees thereof :
(1) Any person resident of the District Council area may apply for a trade licence to the licensing authority in the form prescribed by the Executive Committee.
(2) Every licence granted under these Regulations shall be chargeable with such fees as may be prescribed by the Executive Committee.
(3) Every such Licence shall be issued by the licensing authority in such form and manner as may be prescribed by the Executive Committee.

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

8. Renewal of Licence :
On the expiry of the period of validity of a licence may be renewed on payment of such fees as may be prescribed by the Executive Committee.

9. Duplicate Licence :
Where a licence is lost or destroyed, the Licensing 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.

10. Suspension or Cancellation of licence :
(1) The Licensing authority may suspend or cancel a licence granted under these Regulations: if ---
(a) the licence has been granted through mistake or obtained by fraud or misrepresentation.
(b) the licensee has committed a breach of any of the Conditions of the licence or any provisions of these Regulations;
Provided that before suspending or cancelling a licence under clause (a) or (b) the licensee shall be given a reasonable opportunity to make his representation.
(2) Whenever a licence is suspended or cancelled, the Licensing Authority shall record a brief statement of reasons for such suspension or cancellation and furnish a copy thereof to the person whose licence has been suspended or cancelled.

11. Keeping of Accounts :
Every person who has been granted a licence under these Regulations shall keep accounts of his business in such form as may be prescribed by the Executive Committee.

12. Obligation to supply information and documents :
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.

13. Appointment of persons or Officers :-

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 these Regulations.

14. Appeal :-

(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 thereunder 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 passed by the Executive Committee under these 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 memorandum of appeal shall be accompanied by such other documents and with such fees as may be prescribed by the Executive Committee.

15. Power to fix the number of traders. :-

(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) While 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.

16. Penalty :-

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

17. Realisation of arrear fees :-

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

18. Power of exempt :-

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 operations of all or any of the provisions of these Regulations.

19. Power to make Rules :-

(1) The Executive Committee may make Rules for carrying out the purposes of these 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 documents that should be 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 Rule 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.

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