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PART - II

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GOVERNMENT OF PUDUCHERRY
LOCAL ADMINISTRATION SECRETARIAT

(G.O. Ms. No. 25/LAS/A.4/2017, Puducherry, dated 18th January 2017)

NOTIFICATION

In exercise of the powers conferred by section 36, read with sub-clause (ii) of clause (a) of sub-section (1) of section 2 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014), the Lieutenant-Governor, Puducherry, hereby makes the following rules, namely:—

CHAPTER-I

PRELIMINARY

1. *Short title and commencement.*— (i) These rules may be called the Puducherry Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette of Government of Puducherry.

2. (1) *In these rules, unless the context otherwise requires,*-

(a) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014(Central Act 7 of 2014);

(b) "Bye-laws" means the bye-laws made under section 37;

(c) "Form" means a form appended to these rules;

(d) "Government" means the Lieutenant-Governor of Puducherry appointed by the President of India under Article 239 of the Constitution of India;

(e) "Grievance Redressal and Dispute Resolution Committee" means a committee constituted by the Government of Puducherry under sub-section (1) of section 20 of the Act for the redressal of grievances or resolution of disputes;

(f) "Local Authority" means a Municipality constituted under any law for the time being in force in the Union territory of Puducherry.

(g) "Municipal Commissioner" means the Commissioner of Municipality as defined in sub-section (10) of section 2 of the Puducherry Municipalities Act, 1973.

(h) "Rule" means a rule made under section 36 of the Act.

(i) "Schedule" means a schedule appended to these rules made under the Act as the case may be;

(j) "Scheme" means a scheme framed by the appropriate Government under section 38;

(k) "Section" means a section of the Act;

(l) "Special Resolution" means a resolution declared as such by the Chairperson of a Town Vending Committee on a notice of atleast 14 days and which shall be required to be passed by a majority of the total Members of the Town Vending Committee and not less than two-thirds of the members present and voting in a meeting;

(2) Words and expressions defined in the Act and used in these rules shall have the same meanings as respectively assigned to them in the Act.

CHAPTER-II

REGULATION OF STREET VENDING

3. *Prescription of the age for issue of certificate of vending.*— A street vendor who has completed the age of eighteen years shall alone be issued a certificate of vending under section 4.

CHAPTER-III

DISPUTE REDRESSAL MECHANISM

4. *Constitution of Grievance Redressal and Dispute Resolution Committees.*— (1) There shall be a Grievance Redressal and Dispute Resolution Committee for one or more local authorities, constituted by the Government under sub-section (1) of section 20 of the Act comprising of a Chairperson, who has been a Civil Judge or a Judicial Magistrate (Junior Division) and two other professionals as members.

(2) The Chairperson and Members of a Grievance Redressal and Dispute Resolution Committee shall be appointed by the Government.

5. *Qualifications and experience for appointment as Member in a Grievance Redressal and Dispute Resolution Committee.*— A person shall be qualified to be appointed as a professional member in a Grievance Redressal and Dispute Resolution Committee, if he-

(i) is above 35 years but is not more than 65 years of age;

(ii) possesses a Bachelor's Degree from a recognized University; and

(iii) is a person of ability, integrity and standing and has adequate knowledge or experience of, atleast, ten years in social work or in dealing with the problems relating to street vendors or of public affairs or of Municipal or Public administration.

(or)

is a retired officer of the Central or State Government or the Government of a Union Territory from a Group "A" post or a retired officer from a Group "A" post of a local authority.

6. *Salaries and other allowances, and terms and conditions of the Chairperson and Members of the Grievance Redressal and Dispute Resolution Committee.*— (1) The Chairperson of the Grievance Redressal Committee appointed on whole-time basis shall receive the salary, allowances and other perquisites as prescribed by the Government, or an honorarium of rupees one thousand per day, if appointed on a part-time basis:

Provided that where a retired person who has been a Civil Judge (Junior Division) or Judicial Magistrate is appointed as Chairperson on a whole-time basis, he shall receive remuneration as per the last pay drawn minus pension alongwith allowances.

(2) A Member of the Grievance Redressal and Dispute Resolution Committee shall receive a consolidated amount of rupees fifteen thousand, if, appointed on a whole-time basis or an honorarium of rupees five hundred per day, if, appointed on part-time basis, In addition, a member appointed on a whole-time basis will also be entitled to receive transport allowance of rupees two thousand per month:

Provided that where a retired Government/Municipal Officer is appointed as a member on a whole-time basis, he will have the option to receive the last pay drawn minus pension alongwith allowances.

(3) The Government may remove from the office, the Chairperson and Members of a Grievance Redressal and Dispute Resolution Committee if he:-

- (a) has been adjudged as an insolvent, or
- (b) has been convicted of an offence which, in the opinion of the Government, involves moral turpitude, or
- (c) has become physically or mentally incapable of action as such Chairperson or Member, as the case may be, or
- (d) has acquired such financial and other interests as is likely to affect prejudicially his functions as the Chairperson or a Member, as the case may be, or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

Provided that the Chairperson or Member, shall not be removed from his office on the grounds specified in clauses (d) and (e) of sub-rule 3, except on an inquiry held by the Government in accordance with such procedure as it may specify in this behalf.

(4) The terms and conditions of the service of the Chairperson and Members of the Grievance Redressal and Dispute Resolution Committee shall not be varied to their disadvantage during their tenure of office.

7. Form and manner of making application for redressal of grievance or resolution of disputes.— (1) Every application for redressal of a grievance or resolution of a dispute under sub-section (2) of section 20 of the Act shall be in Form "A".

(2) The application shall be signed by the applicant and presented by him in person or through his authorised representative to the Superintendent of the Grievance Redressal and Dispute Resolution Committee or such other person as may be authorized by the Committee in this behalf.

(3) The application shall be filed in three sets and shall be accompanied by a fee of rupees one hundred only.

(4) The application shall be accompanied by a copy of the order or notice, if any, against which the application is made and other relevant documents.

8. Manner of verification of application and enquiry.— (1) Every application for grievance redressal, on receipt, shall be entered and number in seriatum by the Superintendent or the person authorized in this behalf by the Grievance Redressal and Dispute Resolution Committee in a register to be kept for this purpose.

(2) The Superintendent or the person authorized in this behalf by the Grievance Redressal and Dispute Resolution Committee, as the case may be, after making an entry in the Register shall put up the application before the Grievance Redressal and Dispute Resolution Committee.

(3) The Grievance Redressal and Dispute Resolution Committee shall fix a date for hearing of the application and shall issue notice of hearing to the parties or shall cause a notice to be issued.

(4) The Grievance Redressal and Dispute Resolution Committee while issuing a notice under sub-rule (3) shall call upon the respondent to submit a written statement and the notice shall contain a statement to this effect.

(5) On the date so fixed for the appearance of the parties, the Grievance Redressal and Dispute Resolution Committee may call upon the applicant to remedy the defects, if any, or may call upon the parties to-furnish relevant records or such other documents or evidence as it may deem fit and proper within such period as may be specified by it.

(6) The Grievance Redressal and Dispute Resolution Committee may also order for a field enquiry in connection with the contentions made by the applicant(s) and respondent(s) and also with reference to the records submitted before it.

(7) The Grievance Redressal and Dispute Resolution Committee, after hearing the parties and examining the record of the case shall decide the application and pass such order as it may deem fit and proper within ninety days of the presentation of the application.

(8) The Grievance Redressal and Dispute Resolution Committee may also explore the possibility of a settlement between the parties and in case the parties arrive at a settlement, the Grievance Redressal and Dispute Resolution Committee shall record the settlement, which shall be signed by the parties or the authorised representatives/ officers and shall dispose of the application in terms of such settlement.

(9) The Grievance Redressal and Dispute Resolution Committee shall not entertain an application where-

(a) the application is anonymous or it contains general and vague allegations;

(b) the matter is sub-judice in any Court of law, Tribunal or a judicial or quasi-judicial authority.

(c) the matter is beyond the purview of the Act.

(d) the applicant has no *locus-standi* to file the application.