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The Gazette of Puducherry

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;

(1) "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, involes 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.

CHAPTER–IV

APPEALS

9. *Appeal against the order or decision of the Grievance Redressal and Dispute Resolution Committee.*— (1) An appeal against an order or decision of a Grievance Redressal and Dispute Resolution Committee may be preferred by an aggrieved person in Form "B", to the Appellate Authority constituted by the concerned Local Authority, within thirty days from the date of communication of such order or decision appealed against:

Provided that the Appellate Authority may condone the delay, in case, it is satisfied that the applicant was prevented by sufficient cause from preferring the application within the prescribed time.

(2) The appeal shall be in the form of a memorandum and shall be signed by the appellant and presented by him in person or through his authorised representative to the concerned local authority. The memorandum of appeal shall be accompanied by original order or certified copy of the order against which appeal is preferred.

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

(4) No such appeal shall be entertained unless a copy thereof has been served upon the Respondents(s) and proof of such service has been filed, the memorandum of appeal shall be accompanied by the original or certified copy of the order, if any. against which appeal is preferred.

(5) No appeal shall be entertained where the order has been passed by the Grievance Redressal and Dispute Resolution Committee in terms of the settlement arrived between the parties.

10. *Appeal from decision of Town Vending Committee.*— (1) An appeal under section 11 against any decision of a Town Vending Committee with respect to issue of certificate of vending or cancellation or suspension of certificate of vending shall be preferred before the Appellate Authority constituted by the concerned Local Authority in Form "C" within thirty days from the date of communication of the order appealed against:

Provided that the Appellate Authority may condone the delay, in case, it is satisfied that appellant was prevented by sufficient cause from preferring appeal within the prescribed time.

(2) The appeal shall be in the form of a memorandum in Form"C" and shall be signed by the appellant and presented by him in person or through his authorised representative. The memorandum of appeal shall be accompanied by the original or certified copy of the order against which appeal is preferred.

(3) The appeal shall be filed in three sets and accompanied by a fees of rupees two hundred only.

(4) No appeal shall be entertained unless a copy thereof has been served upon the Town Vending Committee which had made the order appealed against, prior to filing of such appeal and proof of such service has been filed alongwith the appeal.

11. *Procedure for disposal of appeals by the Local Authority.*— (1) The officer or the person authorised in this behalf by the concerned Local Authority shall make an entry of the appeal in the Register kept for the purpose by the concerned Local Authority with the date on which it was presented.

(2) The appeal shall be put up before the Appellate Authority constituted by the concerned Local Authority which shall fix a date for hearing of the appeal and shall cause a notice of the hearing to be served upon the parties.

(3) The Appellate Authority shall on the basis of submissions made before it by the parties and the records of the case and on the basis of field enquiry, if any, ordered to be conducted by the Appellate Authority, pass such order, as it thinks fit confirming, modifying or annulling the order appealed against within one hundred and eighty days of the date of receipt of the appeal by the Local Authority.

CHAPTER–V

TOWN VENDING COMMITTEE

12. *Constitution of the Town Vending Committees.*— (1) In each Local Authority one Town Vending Committee shall be constituted by the Government:

Provided that the Government may if, it considers necessary on the request of the concerned Local Authority may provide for constitution of more than one Town Vending Committees for each local authority after specifying their jurisdiction.

(2) The Constitution of a Town Vending Committee shall be as follows, namely:-

Sl. No.	Government Departments/Other Bodies	No. of Members
(1)	(2)	(3)
(a)	*Government Departments/Bodies:-*	
(i)	Medical Officer	01
(ii)	Public Works Department	01
(iii)	Traffic Police	02
(iv)	Police	01
(v)	Tourism	01
(vi)	Local Authority(including Chairperson)	06
(b)	*Other Bodies:-*	
(vii)	Street Vendors	12
(viii)	Market/Traders Associations	01
(ix)	Non-Government organizations/Community based organizations.	03
(x)	Resident Welfare Association	01
(xi)	Banks and Financial Institutions	01
	Total ..	**30**

(3) The members of the Town Vending Committee except the elected members shall be nominated by the Government.

13. *Election to the Elected Member of Town Vending Committee.*— (1) The Local Authority shall by a notification express its intention to conduct elections for the members of a Town Vending Committee representing the street vendors of the area under the jurisdiction of the concerned Local Authority.

(2) The concerned Local Authority shall appoint a Returning Officer for conducting the Election of Members of the Town Vending Committee(s) representing the street vendors of the area under the jurisdiction of the concerned Local Authority.

14. *Manner of election of the Members of Town Vending Committee from amongst the street vendors.*— (1) The Returning Officer appointed under sub-rule 2 of rule 13 shall conduct the Elections for the Members of the Town Vending Committee from amongst the street Vendors in the manner provided under Schedule-I appended to these rules.

(2) A mobile vendor, stationary vendor or street vendor shall be disqualified to be elected to a Town Vending Committee, if he is-

(i) a convict of an offence involving moral turpitude.

(ii) physically and/or mentally incapable of discharging his duties as a member of a Town Vending Committee.

(3) The names of the Elected Members shall be intimated by each local Authority to the Government which shall upon receipt of such names alongwith other members nominated by it notify the constitution of the Town Vending Committee in each Local Authority.

15. *Term of Town Vending Committee.*— (1) The term of a Town Vending Committee constituted under section 22 of the Act, unless sooner dissolved under rule 17 of these rules shall be five years from the date of its constitution.

(2) The process of constituting a Town Vending Committee shall be completed:-

(i) before the expiry of its term; or

(ii) before the expiry of a period of six months from the date of its dissolution.

16. *Removal of a Member of Town Vending Committee.*— If, in the opinion of the Government, any member of a Town Vending Committee persistently makes defaults in the performance of his duties imposed on him by/or under the Act and these rules or exceeds or abuses its powers, the Government may, by order remove such member from the Committee:

Provided that such member shall be given a reasonable opportunity of being heard before his removal.

17. *Dissolution of Town Vending Committee.*— (1) If, in the opinion of the Government, a Town Vending Committee persistently makes defaults in the performance of duties imposed on it by/or under the Act and these rules or exceeds or abuses its powers, the Government may, by order, dissolve such Town Vending Committee and constitute a fresh Town Vending Committee.

18. *Allowances of the Members of Town Vending Committee.*— The allowances payable to the members of a Town Vending Committee, who do not hold any office of profit, shall be at the rate of rupees one thousand only for attending each meeting of the Town Vending Committee, or as may be fixed by the concerned Local Authority from time to time.

19. *Meetings of Town Vending Committee.*— (1) A Town Vending Committee shall ordinarily hold atleast one meeting within a period of three months or at any such intervals as the Chairperson of the Town Vending Committee may decide for the transaction of its business:

Provided that the first meeting of a Town Vending Committee after its constitution under section 22 shall be convened by the Chairperson within 45 days.

(2) The meetings of a Town Vending Committee shall be held at the Headquarters of the Local Authority or at such place within the jurisdiction of the Local Authority as may be decided by the Chairperson.

20. *Procedure for transaction of business of Town Vending Committee.*— (1) The Town Vending Committee may follow such procedure for transaction of business as may be decided by the Chairperson in consultation with the members.

(2) Subject to the provisions of the Act and these rules and notwithstanding anything contained in the bye-laws, ordinarily the resolutions passed in a meeting of a Town Vending Committee shall be by a simple majority and in case of special resolutions, 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 the meeting.

21. *Functions to be discharged by Town Vending Committee.*— Without prejudice to any other provisions of the Act, a Town Vending Committee shall perform the following functions, namely:

(a) to conduct surveys within the area of its jurisdiction to identify street vendors in the area and ensure their accommodation in accordance with the norms, plan and the holding capacity within the area of jurisdiction.

(b) to issue certificate of vending to an eligible street vendor after obtaining an undertaking from him to comply with the terms and conditions subject to which the certificate of vending is issued for issue of certificate of vending, the Town Vending Committee shall follow the criteria as specified in the scheme framed under sub-section (1) of section 38 of the Act.

(c) to cancel or suspend certificate of vending of street vendors who commit breach of any of the conditions thereof or any other terms and conditions specified for regulating street vending under the Act or these rules or scheme made under the Act or where the Town Vending Committee is satisfied that such certificate of Vending has been secured by the street vendor through misrepresentation or fraud.

(d) to recommend to the Local Authority an area in its jurisdiction for declaration of the same to be a non-vending area.

(e) to identify sites and spaces for vending and hawking:

(f) to regulate timings for vending to ensure non-congestion of public spaces.

(g) to ensure enforcement of corrective mechanism against defiance by street vendors.

(h) to follow up cases of dispute pending before the Dispute Redressal Committee and the local authority.

(i) to furnish recommendations to the local authority in relation to the preparation of plan to promote the vocation of street vendors.

(j) to hold its meetings and take appropriate decisions to ensure efficient discharge of its function.

(k) to associate technical and professional persons with itself on temporary basis for obtaining assistance or advice in carrying out any of the provisions of the Act.

(l) to publish the street vendors' charter specifying therein the time within which the certificate of vending shall be issued to the street vendors and time within which such certificate of vending shall be renewed and other activities to be performed within the time limit specified therein:

(m) to maintain up to date records of registered street vendors and street vendors to whom certificate of vending has been issued in accordance with the provisions of the Act.

(n) to carry out social audit of its activities under the Act or these rules or the scheme made thereunder.

(o) to furnish from time to time to the Government and the Local Authority such returns as may be prescribed under the Act and in these rules.

(p) to furnish comments to the Government for undertaking promotional measures of making available credit, insurance, and other welfare schemes of social security for the street vendors.

(q) to assist the Government to raise awareness among the public about the role of the street vendors in the economy; and

(r) to perform such other functions for effective implementation of the Act and these rules as may be delegated to the Town Vending Committee by the local Authority and by the Government.

22. *Power of Town Vending Committee for temporary association of expert persons.*— (1) Subject to the provisions of the Act, a Town Vending Committee may associate any suitable person of repute having adequate knowledge and experience in the field, as expert to obtain technical or professional advice on matters relating to the street vendors.

(2) The persons to be associated as expert under sub-rule (1) shall be selected in a fair and transparent manner and by following the procedure for engagement of consultants and experts as technical or professional experts in Government Departments.

(3) The persons associated as expert under sub-rule (1) shall be paid allowances as determined by the Local Authority.

23. *Employees of Town Vending Committee.*— The Local Authority concerned, with the-prior approval of the Government shall, when so requested by a Town Vending Committee, make available to that committee such employees as the Local Authority considers necessary for discharge of the functions conferred or imposed on the Town Vending Committee by rule 21 of these rules.

24. *Manner of maintenance of records of street vendors by Town Vending Committee.*— Every Town Vending Committee shall maintain up to date records as prescribed in the scheme under sub-section (1) of section 38 of the Act in electronic form or manually or in both forms, as may be decided by the Local Authority.

CHAPTER–VI

MISCELLANEOUS

25. *Town Vending Committee to furnish returns.*— (1) Every Town Vending Committee shall prepare and furnish to the Government and Local Authority, the following periodical returns for each year, namely,

(I) Surveys:-

(a) The number of street vendors surveyed during the year.

(b) Name of area and wards where survey work has been completed alongwith date of completion of survey.

(c) Name of area and wards where survey work is in progress alongwith the date of start of survey and the date of likely completion.

(d) The number of registered street vendors ward-wise as on the last day of the year.

(II) Receipt and disposal of applications for issue of certificate of vending:-

(a) The number of applications (ward-wise) received for issue of certificate of vending during the year.

(b) The number of applications (ward-wise) disposed off during the year of which;

(i) the number of applications accepted:

(ii) the number of applications denied:

(iii) the number of applications pending as on the last day of the year.

(III) Cases of suspension of certificate of vending:-

(a) the number of cases in which action for suspension of certificate of vending initiated during the year.

(b) the number of cases of suspension disposed off during the year of which:

(i) the number of certificates of vending were suspended;

(ii) the number of cases closed and the certificate of vending continued;

(iii) the number of cases pending as on the last day of the year.

(IV) Applications for revocation of suspension of certificate of vending:-

(a) The number of applications for the revocation of suspension of certificate of vending received during the year.

(b) The number of applications received at (a) above disposed off during the year of which-

(i) the number of applications were suspension revoked and the certificate of vending revalidated.

(ii) the number of cases closed and suspension continued.

(c) The number of applications for revocation of suspension pending as on the last date of the year.

(V) Cases of cancellation of certificate of vending:-

(a) The number of cases in which action for cancellation of certificate of vending initiated during the year:

(b) The number of cases of cancellation of certificate of vending disposed off during the year of which:-

(i) the number of certificates of vending cancelled.

(ii) the number of cases closed and certificate continued.

(c) The number of cases pending on the last day of the year.

(VI) The number of meetings of Town Vending Committee held during the year:

(VII) Ward-vise list of vending zones identified alongwith the details such as ward, area/colony, road, map of the vending zone and the holding capacity:

(VIII) Ward-wise number of registered street vendors who have been accommodated in the notified vending zones:

(IX) **Other activities:-**

(a) The social audit of its activities conducted during the year;

(b) Promotional measures taken for making available credit, insurance and other welfare schemes of social security of the street vendors during the year;

(c) Steps taken during the year to raise awareness among the public about the role of street vendors in the economy.

(2) The Government or the Local Authority as the case may be, may require a Town Vending Committee to furnish such other return or returns in such *Pro forma* as demanded from time to time.

26. *Publications of summary of notified scheme in newspapers etc.*— (1) A summary of the scheme notified by the Government in the Second Schedule under sub-section (1) of section 38 of the Act shall be published by the Municipal Commissioner of each Local Authority by means of a public notice given in two prominent daily newspapers one of which shall be in a newspaper in the local language and circulated in the area for being widely known in the area or locality of its jurisdiction which is likely to be affected thereby.

(2) The notice shall be signed by the Municipal Commissioner of the Local Authority or by an officer authorized by him in this behalf.

(3) The notice shall be in such language or languages as the Municipal Commissioner of the Local Authority may specify in this behalf.

These issues with the concurrence of the Finance Department *vide* their I.D. Note No. 4083/F4/2015, dated 7-4-2015 and Planning and Research Department *vide* I.D. Note No. 2558/Sec./Plg./PA/15, dated 29-4-2015.

(By order of the Lieutenant-Governor)

P. JAWAHAR, I.A.S.,
Secretary (Local Administration).

SCHEDULE–I

(*See* rule 14)

Procedure for the conduct of Elections of Members of a Town Vending Committee representing the Street Vendors in the Area of the Jurisdiction thereof

1. The Local Authority concerned shall supervise, direct and control the conduct elections of the Members of a Town Vending Committee representing the street vendors in the area of its jurisdiction.

2. As soon as the notification expressing the intention of the Local Authority to conduct elections for members of a Town Vending Committee representing the street vendors has been issued under sub-rule (1) of rule 13 and a Returning Officer has been appointed for conducting the elections under sub-rule (2) of that rule, the local authority shall by a resolution determine the date, time and place for conduct of elections.

3. The notice of the resolution decision of the Local Authority shall be circulated among the street vendors engaged in the vocation of street vending in the area of jurisdiction of the Town Vending Committee, by any of the following modes, namely:-

(a) By public notice to be published in two prominent daily newspapers in Tamil, English or such other language as the local authority thinks fit;

(b) By local delivery;

(c) By post under certificate of posting;

(d) By speed post or courier services, duly registered with competent authority as well as on the notice-board of the Returning Officer. The notice shall contain the information regarding: -

(i) The number of members to be elected including seats reserved for representatives of Scheduled Castes, Other Backward Classes, women, persons with disabilities, minorities or any other specified categories.

(ii) The date on which the place at which and the hours between which nomination papers shall be filed such date being not less than seven clear days before the date fixed for election or if, that day happens to be a public holiday the next succeeding day which is not a public holiday.

Explanation.— The term "public holiday" means any day which is a public holiday under section 25 of the Negotiable Instruments Act, 1881 (Central Act XXVI of 1881) or any day which has been notified by the Government to be a public holiday for offices under the Government.

(iii) The date and the hour for scrutinization of the nomination papers.

(iv) The date, place and hours of polling.

4. The Local Authority shall prepare a list of street vendors engaged in the vocation of street vending in the area of jurisdiction of the Town Vending Committee as it stood on thirty days before the date fixed for inviting the nominations and publish copies of the said list by affixing them upon the notice-board at the Office of the Town Vending Committee, not less than ten days prior to the date fixed for inviting nominations. The list shall specify the registration number of certificate of vending and the name of the street vendor, the name of the father or husband, as the case may be and the address of the street vendor. It shall be the duty of theTown Vending Conmittee or the Local Authority, as the case may be, to bring up-to-date register of street vendors and such other registers as the Returning Officer may require and hand over such records, register or registers to the Returning Officer thirty days prior to the date fixed for the purpose of election. A copy of the list shall be supplied by the Town Vending Committee or the Local Authority or Returning Officer, as the case may be, to any street vendor on payment of such fee as specified by the Local Authority.

5. The nominations of the candidates for election shall be made in Form-1 which shall be supplied by the Returning Officer to any street vendor free of cost (Form-1 is enclosed with this schedule)

6. The candidate shall make a security deposit of rupees two thousand in Cash or Bank Demand Draft or Pay Order alongwith the nomination papers. If, a candidate fails to get less than one-sixth of the votes polled, the security deposit shall be forfeited to the Local Authority.

7. Every nomination paper shall be presented in person by the candidate himself or by his proposer or seconder to the Returning Officer. The Returning Officer shall enter on the nomination paper its serial number and certify the date and hour at which the nomination is received by him and shall immediately give a written acknowledgement for the receipt of the nomination paper which shall bear the seal of the

Town Vending Committee/Returning Officer. Any nemination paper which is not received on or before the date and time fixed for its receipt shall be rejected.

8. (i) On the day following the date fixed for the receipt of nomination papers, the Returning Officer shall take up the scrutiny of the nomination papers:

(ii) The Returning Officer shall examine the nomination papers and decide objections, which may be made by any person in respect of any nomination and may, either on such objection or on his own motion and after such summary inquiry if any, as the Returning Officer thinks necessary, reject any nomination:

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or the name of his proposer or seconder, or any other particulars relating to the candidate or his proposer or seconder, as entered in the list of street vendors referred to in clause (iv) if, the identify of the candidate, the proposer or seconder, as the case may be, is established beyond reasonable doubt.

(iii) The Returning Officer shall give all reasonable facilities to the contesting candidates or the proposer or seconder as the case may be, to examine all the nomination papers and to satisfy themselves that the inclusion of the name of the contesting candidate is valid.

(iv) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same as the case may be, and if, the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection.

(v) The Returning Officer shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riots or affray or by causes beyond his control.

9. The list of valid nominations as decided by the Returning Officer with names in the local language in alphabetical order and addresses of the candidates as given in the nomination papers will be displayed/published on the same day on which the scrutiny of the nomination papers is completed. The Government may prescribe the procedure in this regard.

10. Any candidate may withdraw his candidature by notice in writing signed by him and submitted in person, at any time after the presentation of his nomination paper but before 5.00 p.m. on the day following the day on which the valid nominations are published, to the Returning Officer of the Town Vending Committee. A notice of withdrawal of candidates once given shall be irrevocable.

11. If, the number of candidates whose nomination papers have been declared valid, does not exceed the number of candidates to be elected, the Returning Officer shall announce the names of all such candidates and declare them to have been duly elected to the Town Vending Committee after the closing hour of the day of withdrawal of candidature fixed under clause (10) above. If, the number of candidates whose nomination are valid, exceeds the number to be elected, the Returning Officer shall arrange for conducting a poll on the date fixed for the purpose. The Returning Officer may appoint one or more Polling Officers as may be necessary for conducting the poll. Ballot paper to be used shall be prescribed in Form-2 annexed to this Schedule.

12. The Local Authority shall provide the Returning Officer with ballot boxes, ballot papers, copy of list of street vendors voters and such other articles as may be necessary for the conduct of elections. The ballot box shall be so constructed that ballot papers can be inserted therein but, cannot be taken out there from without the boxes being unlocked. A candidate contesting the election may, by a letter to the Returning Officer appoint an agent to represent him both where polling is held to identify the voters and to watch the recording of votes. Such letter shall contain the consent in writing of the agent concerned in Form-3 annexed to this schedule.

13. Canvassing for votes by any person at the place where elections are to be conducted shall be prohibited.

14. Immediately before the commencement of the poll, the Returning Officer shall show the empty ballot box to such persons as may be present at the time and shall then lock it up and fix his seal. The candidate or his agent may also affix his seal, if, he so desires.

15. Every street vendor/voter who desires to exercise his right to vote shall be supplied with a ballot paper containing the names of contesting candidates arranged in the Alphabetical order in local language either printed, typewritten or cyclostyled, according to convenience, on the ballot paper. The ballot paper shall also bear the seal of the Town Vending Committee and also the initials of the Returning Officer, and further contain a column, for the voter to inscribe a mark (x) against the names of persons to whom he wants to vote.

16. Each polling station and where there is more than one polling booth at a station, each such booth shall contain a separate compartment in which the street vendors/voters can record their votes secretly.

17. No ballot paper shall be issued to a street vendor/voter unless the Polling Officer is satisfied that the street vendor/voter concerned is the same person as noted in the list furnished to him. On receipt of such ballot paper, the street vendor/voter shall proceed to the polling compartment set apart for the purpose and indicate the persons in whose favour he exercises his vote by inscribing a mark (x) against the names of the candidate or candidates, as the case may be and put the ballot paper in the ballot box kept for the purpose with utmost secrecy. If, owing to blindness or other physical infirmity or illiteracy, the street vendor/voter is unable to inscribe the mark on the ballot paper, the Polling Officer and where no such Polling Officer is appointed, the Returning Officer shall ascertain from him, the candidate or candidates in whose favour he desires to vote, inscribe the mark (x) on his behalf and put the ballot paper in the ballot box.

18. If, at any stage of the polling, the proceedings are interrupted or obstructed by any riot or affray or if at such elections, it is not possible to take the poll for any sufficient cause, the Returning Officer shall have the power to stop the polling, recording his reasons for such action in the minute book of the Town Vending Committee.

19. No street vendor/voter shall be admitted after the hours fixed for the poll but, a voter, who enters the premises where ballot papers are being issued before the close of the polling hour shall be issued the ballot paper and allowed to vote.

20. The counting of votes shall take place immediately after close of the poll. If, this is not possible, the ballot box shall be sealed with the seal of the Returning Officer and the contesting candidates or their agents, if, they so desire, and deposit with the Local Authority for safe custody, the Returning Officer shall then announce the next day of counting. The votes shall be counted by or under the supervision of the Returning Officer. Each candidate and his aumorized agent shall have a right to be present at the time of counting. But, absence of any candidate or his agent at the time of counting shall not vitiate counting and announcement of results by Returning Officer. The number of votes secured by each candidate and the result of the elections shall be announced by the Returning Officer as soon as the counting is over.

21. The result of the elections shall also be recorded in the minute book of the Town Vending Committee and attested by Returning Officer and shall also be notified immediately on the notice-board of the Town Vending Committee.

22. In case of equality of votes, the Returning Officer shall declare the election result by tossing coin.

23. The pallot paper shall be rejected by the Returning Officer, if-

(i) it bears any mark by which the street vendor's vote can be identified:

(ii) it does not bear the seal of the Town Vending Committee or the initials of the Returning Officer;

(iii) the mark indicating the vote thereon is placed in such a menner as to make it doubtful to which candidate the vote has been cast;

(iv) is so damaged or mutilated that its identity as a genuine ballot paper cannot be established.

24. After fhe result of election has been announced, the result of the election and a report thereon shall be communicated to the Local Authority as well as to the Government by the Returning Officer within three days after the declaration of result.

25. After the declaration of the result of the election, the Returning Officer shall handover the ballot paper and records relating to the elections of the members of the Town Vending Committee to the Local Authority in a sealed cover. These shall safely be preserved by the Local Authority for a period of six months from the date of elections or till such time a dispute regarding elections, if any, filed is disposed off, whichever is later and shall thereafter be destroyed by the Local Authority and a copy of the handing over and taking over record of elections shall be sent to the Government as well as to the Local Authority by the Returning Officer alongwith his report.

26. Power to remove difficulties.— (1) If, any difficulty arises in giving effect to the provisions of the Act and Rules, the Government may, by order published in the Official Gazette make such provisions not inconsistent with the provisions of the Act and Rules, as appear to it to be necessary or expedient for removal of the difficulty.

(2) Every order made under this rule shall, as soon as may be, after it is made, be laid before the Legislative Assembly of the Union territory of Puducherry.

SCHEDULE–I

(*See* rule 14)

FORM–1

Nomination Form for Election of Members of Town Vending Committee

To

The Returning Officer,

.....

Town Vending Committee.

Sir,

I, ... wife/son/daughter of Shri ....., (Street vendor, vending in the area of jurisdiction of the Town Vending Committee). Registration Certificate of Vending No. .....) hereby propose the name of Shri./Smt./Ms. ..... wife/son/ daughter of Shri. ..... and a street vendor of the said Town Vending Committee (Registration/Certificate of Vending No. .....) as a candidate for the post of Member of the said Comminee for the election to be held on.....

Name and signature of the proposer.....

Registration/Certificate of Vending No. .....

I, ..., wife/son/daughter of Shri..... (Registration/Certificate of Vending No. ..... of ..... Town Vending Committee, hereby second the above proposal.

Name and Signature of the Seconder.

Registration/Certificate of Vending No. .....

DECLARATION BY THE CANDIDATE

I, ...wife/son/daughter of..... Shri. .....Registration/Certificate of Vending No. of .....Town Vending Committee, hereby agree to my nomination for the election as Member of the.....Town Vending Committee.

I, further declare that-

(i) I am not an employee of the said Town Vending Committee.

(ii) I am eligible to vote.

(iii) I do not incur any disqualification for election as Member of the said Town Vending Committee under the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014) and the Puducherrv Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2015 made thereunder.

Name and Signature of the Candidate .....

Registration/Certificate of Vending No. .....

(For Office Use Only)

Received the Nomination Form ..... at ..... a.m./p.m. on .....

Signature of the Returning Officer.....

Seal.

ACKNOWLEDGMENT

Received the Nomination Form of..... presented by Shri./Smt./Ms. ..... candidate/proposer/seconder for election at.....a.m./p.m. on.....

Signature of the Returning Officer.....

Seal.

SCHEDULE–I

(*See* rule 14)

FORM–2

(Clause 11 of Schedule-I)

Ballot Paper for Eelection of Member of a Town Vending Committee

Ballot paper of elections of Members of a Town Vending Committee whose elections are to be conducted under Schedule I, appended to rule 17 of the Puducherry Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2014.

The ..... Street Vending Committee

.....

..... (Address)

(Counterfoil)

Ballot paper for the Post of .....

Date of Election.....

Sl.No.....Registration/Certificate of Vending

No..... ballot Paper

Please mark (x) against one of the candidate.

Sl. No.	Name of the candidate	Registration/ Certificate of Vending No.	Mark for casting vote
(1)	(2)	(3)	(4)

SCHEDULE–I

(*See* rule 14)

FORM–3

(Clause 12 of Schedule–I)

I, ..., son/wife/daughter of Shri. ..... Street Vendor vending in the area of jurisdiction of the Town Vending Committee, (Registration/ Certificate of Vending No. ..... (contesting for election of Member of the said Committee, hereby nominate the following person as my election/counting Agent in the election of Members of the said Town Vending Committee to be held on ..... (specify the date).

Name and signature of the Candidate

Registration/Certificate of Vending No. .....

I, ... son/wife/daughter of Shri.....

address .....

am willing to be the election Agent/counting Agent.

Name and Signature of the Agent.

FORM–'A'

(*See* rule 7)

Application to the Grievance Redressal and Dispute Resolution Committee for the Redressal of Grievance or Resolution of Dispute of Street Vendors

1. Name and address of the applicant :
2. Registration number/Case number/ID number :
3. Place of vending (give full details of location, zone, ward, *etc.*,). :
4. Nature of vending (Tick the appropriate)—
   (a) Stationary : (a)
   (b) Mobile : (b)
   (c) Any other category (if other, please specify the category). : (c)
5. Date of issue of certificate of vending (attach a copy of certificate of vending, if issued). :
6. Grounds of redressal of grievance or resolution of dispute (give full details and attach more pages, if required). :

Signature of applicant.

DECLARATION

I. ..... the applicant, do hereby solemnly declare that what has been stated above is true to the best of my information and belief.

Place :

Date :

Signature of applicant.

Note: Please attach all the relevant documents alongwith the application.

FORM–'B'

(*See* rule 9)

Appeal to the Local Authority against the decision of the Grievance Redressal and dispute Resolution Committee

1. Name and address of the appellant :
2. Registration number/Case number/ID number :
3. Place of vending (give full details of location, zone, ward, *etc.*,). :
4. Nature of vending (Tick the appropriate)—
   (a) Stationary : (a)
   (b) Mobile : (b)
   (c) Any other category (if other, please specify the category). : (c)
5. Decision of the Committee :
   (attach the copy of the decision of the Dispute Redress Committee, giving-
   (a) the number of the decision; and :
   (b) the date of the decision) :
6. Grounds of appeal (give full details and attach more pages, if required). :

Signature of appellant.

DECLARATION

I, ... the appellant, do hereby solemnly declare that what has been stated above is true to the best of my information and belief.

Place :

Date :

Signature of appellant.

Note: Please attach all the relevant documents alongwith the appeal.

FORM–'C'

(*See* rule 10)

Appeal to the Local Authority against the decision of the Grievance Redressal and Dispute Resolution Committee

1. Name and address of the appellant :
2. Registration number/Case number/ID number :
3. Place of vending (give full details of location, zone, ward, *etc.*,). :
4. Nature of vending (Tick the appropriate)—
   (a) Stationary : (a)
   (b) Mobile : (b)
   (c) Any other category (if other, please specify the category). : (c)
5. Date of issue of certificate of vending (attach a copy of certificate of vending, if issued). :
6. Nature of the order appended against (Tick the appropriate)- :
   (a) Issuance of certificate of vending (a)
   (b) Cancellation of certificate of vending : (b)
   or
   (c) Suspension of certificate of vending : (c)
7. Grounds of appeal (give full details and attach more pages, if required). :

Signature of appellant.

DECLARATION

I. ..... the appellant, do hereby solemnly declare that what has been stated above is true to the best of my information and belief.

Place :

Date :

Signature of appellant.

Note: Please attach all the relevant documents alongwith the appeal.

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