



TAMIL NADU GOVERNMENT GAZETTE

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NOTIFICATIONS BY GOVERNMENT

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NOTIFICATIONS BY GOVERNMENT

CO-OPERATION, FOOD AND CONSUMER PROTECTION DEPARTMENT

The Tamil Nadu Direct Selling Guidelines Order 2018.

[G.O. Ms. No. 136, Co-operation, Food and Consumer Protection (H2), 1st October 2018,
புரட்டாசி 15, விளம்பி, திருவள்ளூர் ஆண்டு-2049.]

No. SRO A-52/2018.— With the prior concurrence of the Central Government vide F.No.21/18/2014-IT (Vol-II), Ministry of Consumer Affairs, Food & Public Distribution, Department of Food & Public Distribution, dated: 09.09.2016 the Governor of Tamil Nadu hereby makes the following Order, namely:

Short title, extent and commencement.-

- (1) This order may be called the "The Tamil Nadu Direct Selling Guidelines order, 2018".
- (2) It extends to the whole of the State of Tamil Nadu.
- (3) It shall come into force with immediate effect.

Clause-1: - Definitions.-

In these Guidelines unless and otherwise required:-

- (1) "Act" means the Consumer Protection Act, 1986 (Central Act 68 of 1986);
- (2) "Consumer" shall have the same meaning as provided under the Consumer Protection Act, 1986;
- (3) "Prospect" means a person to whom an offer or a proposal is made by the Direct Seller to join a Direct Selling opportunity;
- (4) "Direct Seller" means a person appointed or authorized, directly or indirectly, by a Direct Selling Entity through a legally enforceable written contract to undertake direct selling business on principal to principal basis.

The 'written contract' includes e-contracts or digital contracts and the same shall be governed as per the provisions of the Information Technology Act, 2000. (Central Act 21 of 2000)

- (5) "Network of Direct Selling" means a network of direct sellers at different levels of distribution, who may recruit or introduce or sponsor further levels of direct sellers, who they then support:

Explanation:- "network of direct selling" shall mean any system of distribution or marketing adopted by a direct selling entity to undertake direct selling business in accordance with these Guidelines, and shall include the multi-level marketing method of distribution.

- (6) "Direct Selling" means marketing, distribution and sale of goods or providing of services as a part of network of Direct Selling other than under a pyramid scheme;

Provided that such sale of goods or services occurs otherwise than through a "permanent retail location" to the consumers, generally in their houses or at their workplace or through explanation and demonstration of such goods and services at a particular place.

Clause 1.6 does not restrict / preclude sales made from permanent retail location. However, direct selling entity will be governed by these guidelines.

Explanation:- "Permanent retail location" includes such place, location or premises where the seller conducts sales in the ordinary course of business.

- (7) "Direct Selling Entity", means an entity, not being engaged in a pyramid scheme, which sells or offers to sell goods or services through a direct seller:

Provided that "Direct Selling Entity" does not include any entity or business notified otherwise by the Government for the said purpose from time to time.

- (8) "Goods" means goods as defined in the Sale of Goods Act, 1930 (Central Act 3 of 1930) and "Service" means service as defined in the Consumer Protection Act, 1986 (Central Act 68 of 1986) ;

- (9) "Saleable" shall mean, with respect to goods or services, unused and marketable, which has not expired, and which is not seasonal, discontinued or special promotion goods or services;

(10) "Cooling-off Period" means the duration of time counted from the date when the direct seller and the direct selling entity enter into an agreement under Clause 4 and ending with date on which the contract is to be performed and within which the direct seller may repudiate the agreement without being subject to penalty for breach of contract;

(11) "Pyramid Scheme" means a multi layered network of subscribers to a scheme formed by subscribers enrolling one or more subscribers in order to receive any benefit, directly or indirectly, as a result of enrolment, action or performance of additional subscribers to the scheme. The subscribers enrolling further subscriber(s) occupy higher position and the enrolled subscriber(s) lower position, thus, with successive enrolments, they form multi-layered network of subscribers:

Provided that the above definition of a "Pyramid Scheme" shall not apply to a multi layered network of subscribers to a scheme formed by a Direct Selling Entity, which consists of subscribers enrolling one or more subscribers in order to receive any benefit, directly or indirectly, where the benefit is as a result of sale of goods or services by subscribers and the scheme/ financial arrangement complies with all of the following:-

(a) It has no provision that a Direct Seller will receive remuneration or incentives for the recruitment / enrolment of new participants;

(b) It does not mandatorily require a participant to purchase goods or services,-

(i) for an amount that exceeds an amount for which such goods or services can be expected to be sold or resold to consumers;

(ii) for a quantity of goods or services that exceeds an amount that can be expected to be consumed by, or sold or resold to consumers;

(c) It does not require a participant to pay any entry / registration fee, cost of sales promotion equipment and materials or other fees relating to participation;

(d) It provides a participant with a written contract describing the "material terms" of participation;

(e) It allows or provides for a participant a reasonable cooling-off period to participate or cancel participation in the scheme and receive a refund of any consideration given to participate in the operations;

(f) It allows or provides for a buy-back or repurchase policy for "currently marketable" goods or services sold to the participant at the request of the participant at reasonable terms;

(g) It establishes a grievance redressal mechanism for consumers, more particularly described in under the definition of direct selling entity herein.

Explanation 1 :- For the purposes of this proviso, the term "material terms" shall mean buy-back or repurchase policy, cooling-off period, warranty and refund policy.

(12) "Money Circulation Scheme" has the same meaning as defined under the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 (Central Act 43 of 1978);

(13) "Remuneration System" means the system followed by the direct selling entity to compensate the direct seller which illustrates the mode of sharing of incentives, profits and commission, including financial and non-financial benefits, paid by the direct selling entity to the direct sellers, on a monthly or periodic or yearly basis or both, as the case may be. This system, for every Direct Selling entity, shall,-

(a) have no provision that a direct seller will receive remuneration from the recruitment to participate in such direct selling;

(b) ensure that direct sellers shall receive remuneration derived from the sale of goods or services by such direct sellers;

(c) clearly disclose the method of calculation of remuneration.

(14) "State" means the State of Tamil Nadu;

(15) "Registering Authority" means the Commissioner, Industries & Commerce Department having jurisdiction over the area in respect of State of Tamil Nadu;

(16) "Disciplinary Authority" means the District Revenue Officer of the district having jurisdiction over the area in respect of State of Tamil Nadu;

(17) "Appellate Authority" means the Collector of the districts having jurisdiction over the area in respect of State of Tamil Nadu;

(18) "Revision Authority" means the Commissioner, Industries & Commerce having jurisdiction over the area in respect of State of Tamil Nadu.

Clause 2. Conditions for setting up of Direct Selling business:-

Every Direct selling entity intending to carry out direct selling business subsequent to the publication of the notification in the Gazette of Tamil Nadu, shall within ninety days comply with the following set of conditions for the conduct of direct selling business:-

(1) be a registered legal entity under the laws of India;

(2) provide a mandatory orientation session to all prospective direct sellers providing fair and accurate information on all aspects of the direct selling operation, including but not limited to the remuneration system and expected remuneration for newly recruited direct sellers;

The training / orientation will be provided by the Direct Selling Entity or by a Direct Seller or by any authorized representative of Direct Selling Entity, either in person or through any digital means.

(3) provide accurate and complete information to prospective and existing direct sellers concerning the reasonable amount of remuneration opportunity, and related rights and obligations;

(4) pay all dues and make withholdings from direct sellers in a commercially reasonable manner;

(5) notify and provide a full refund or buy-back guarantee to every direct seller on reasonable commercial terms which can be exercised within a period of thirty days, from the date of the distribution of the goods or services to the direct seller;

(6) notify and provide to every direct seller a cooling-off period which entitles such direct seller to

(a) refund of any fee, including any training fee, franchise fee, fees for promotional materials or other fees related solely to the right to participate as a direct seller, paid upon the return of all goods received at the time of joining;

(b) return any other goods purchased by the direct seller during the cooling-off period;

(7) the promoter or key management personnel should not have been convicted of any criminal offence punishable with imprisonment in last five years by any Court of competent jurisdiction;

(8) it shall have an office with identified jurisdiction of its operation in the State to facilitate and satisfy the consumers and direct seller to acquaint themselves with price of products, return or replacement of products and efficient delivery of goods and services, and post-sale. Redressal of grievances;

An office in one particular State can be designated having jurisdiction over two or more states, subject to the accessibility of the consumers, where Direct Sellers/consumers can interact with the Direct Selling Entity / Authorized representative of Direct Selling Entity.

(9) any trading or marketing or sale activity not adhering the above condition/clause shall not be considered as Direct Selling and would be dealt appropriately under relevant laws.

Clause 3: Conditions for conduct of Direct Selling Business

Every Direct Selling entity shall comply with the following conditions:-

(1) It shall be the owner, holder, licensee of a trademark, service mark or any other identification mark which identifies the entity with the goods to be sold or supplied or services to be rendered;

(2) It shall issue proper identity document(s) to its Direct Sellers;

(3) It shall maintain the following proper records either manual or electronic of their business dealings, with complete details of their goods, services, terms of contract, price, income plan, details of direct sellers, including but not limited to enrolment, termination, active status, earning etc:-

(a) Every Direct Selling entity shall maintain a "Register of Direct Sellers" wherein relevant details of each enrolled Direct Seller shall be updated and maintained;

(b) The details of Direct Sellers shall include and not be limited to verified proof of address, proof of identity and Permanent Account Number;

The requirement of PAN shall be as per the provisions of the Income Tax Act, 1961 (Central Act 43 of 1961) Direct Sellers should submit to Direct Selling Entity, any photo, ID card as issued by the State or Central Government. These ID cards could be from the following:-

Aadhaar Card,

Driving License,

Voter ID Card,

Passport and

Ration Card or

any other identity document issued by the State or Central Government which can be verified.

(c) The Register of Direct Sellers shall be in a machine readable and printable format.

(4) It shall maintain proper and updated website with all relevant details of the entity, contact information, its management, products, product information, product quality certificate, price, complete income plan, terms of contract with direct seller and complaint redressal mechanism for direct sellers and consumers .. The website should have space for registering consumer complaints and should ensure that grievances are addressed within forty five days of making such complaints;

(5) It shall provide to all direct sellers their periodic account / information concerning, as applicable, sales, purchases, details of earnings, commissions, bonus and other relevant data, in accordance with agreement with the direct sellers. All financial dues shall be paid and any withholding made in a commercially reasonable manner;

(6) It shall monitor the value of the purchases of all its Direct Sellers / Distributors on a monthly basis; and once the purchase value crosses the taxation threshold; it must intimate the Direct seller / Distributor to pay the relevant tax, including Goods and Service Tax;

(7) It shall provide training or demonstration materials, catalogues, brochure etc. to the direct sellers generally free or only at cost if at all;

(8) A Direct Selling entity shall not.-

(a) use misleading, deceptive or unfair recruiting practices, including misrepresentation of actual or potential sales or earnings, in their interaction with prospective or existing direct sellers;

(b) make any factual representation to a prospective direct seller that cannot be verified or make any promise that cannot be fulfilled;

(c) present any advantages of direct selling to any prospective direct seller in a false or deceptive manner;

(d) make or cause, or permit to be made, any representation relating to its direct selling practice, including remuneration system and agreement between itself and the direct seller, or to the goods or services being sold by itself or by the direct seller which is false or misleading;

(e) engage in, or cause or permit, any conduct that is misleading or likely to mislead as to any material particular by relating to its direct selling practice, including remuneration system and agreement between itself and the direct seller, or to the goods or services being sold by itself or by the direct seller;

(f) use, or cause or permit to be used, fraud, coercion, harassment, or unconscionable or unlawful means in promoting its direct selling practice, including remuneration system and agreement between itself and the direct seller, or to the goods or services being sold by itself or by the direct seller;

(g) require its direct sellers to provide any benefit or buy or acquire any goods or services, including entry fees and renewal fees in order to participate in its direct selling operations, other than the purchase of sales demonstration equipment or materials at a resale and for which no commission, bonus or price not exceeding their cost which are not for any other advantage will be given to any person;

(h) provide any benefit to any person for the introduction or recruitment of one or more persons as direct sellers;

(i) require the direct sellers to pay any money by way of minimum monthly subscription or renewal charges;

knowingly make, omit, engage or cause, or permit to be made, any representation relating to its Direct Selling practice, including remuneration system and agreement between itself and the direct seller, or the goods or services being sold by itself or by the direct seller which is false or misleading;

(9) Notwithstanding the distribution system adopted by a direct selling entity, the Direct Selling Entity shall be responsible for compliance of these Guidelines by any member of its network of direct selling, whether such member is appointed directly or indirectly by the Direct Selling Entity.

To comply to this clause, Direct Selling Entity shall sign an addendum to the current contracts with the existing Direct Sellers. For the Direct Sellers to be appointed herein-after, this clause shall be added in the contract signed by both the parties. The Direct Selling Entity should ensure that it contractually binds its Direct Sellers to comply with these Guidelines and take disciplinary action against reported non- compliance

Clause 4: Conditions for Direct Selling contract between Direct Seller/Distributor and Direct Selling Entity,-

(1) Every Direct Selling entity shall execute a contract agreement, whether directly or indirectly, with Direct Sellers before enrolment,

(a) The Agreement shall be provided in a manner consistent with Section 10 of the Indian Contract Act, 1872 (Central Act 9 of 1872);

(b) In addition to the rights and obligations of parties to this agreement under these guidelines or any other law in force, parties shall have rights and obligations that are coextensive with rights and obligations of parties under the Indian Contract Act, 1872 (Central Act 9 of 1872);

(2) The agreement shall be made in writing, describing the material terms of participation and shall:-

(a) not compel or induce the direct seller to purchase goods or services in an amount that unreasonably exceeds an amount that can be expected to be sold to consumers or consumed within a reasonable period of time;

(b) allow or provide the direct seller a reasonable cooling-off period in which to cancel participation and receive a refund for goods or services purchased and also of any consideration given to participate in the operations of the applicant;

(c) allow for the termination of contract, with reasonable notice, in such instances and on such terms where a direct seller is found to have made no sale of goods or services for a period of upto two years, since the contract was entered into, or the date of the last sale made by the direct seller;

The date of termination shall be provided or governed by the respective conditions of the contract executed between Direct Selling Entity and Direct Seller or by giving notice of reasonable period by either party say one month or as per the provisions of the Indian Contract Act.

(d) allow or provide for a buy-back or repurchase policy for currently marketable goods or services sold to the direct seller at the said direct seller's request at reasonable terms.

Clause 5: Certain obligations of Direct Sellers

(1) Direct seller engaged in direct selling shall carry their identity card and do not visit the customer's premises without prior appointment / approval;

(2) At the initiation of a sales representation, without request, truthfully and clearly identify themselves, the identity of the direct selling entity, the nature of the goods or services sold and the purpose of the solicitation to the prospective consumer;

(3) Offer a prospective consumer accurate and complete explanations and demonstrations of goods and services, prices, credit terms, terms of payment, return policies, terms of guarantee, after-sales service;

(4) The following information shall be provided to the prospect/ consumers at the time of sale, namely:-

(a) Name, address, registration number or enrollment number, identity proof and telephone number of the direct seller and details of direct selling entity;

(b) A description of the goods or services to be supplied;

(c) Explain to the consumer about the goods return policy of the company in the details before the transaction;

(d) The Order date, the total amount to be paid by the consumer along with the bill and receipt;

(e) Time and place for inspection of the sample and delivery of goods;

(f) Information of his/her rights to cancel the order and / or to return the product in saleable condition and avail full refund on sums paid; and

(g) Details regarding the complaint redressal mechanism;

(5) A direct seller shall keep proper book of accounts stating the details of the products, price, tax and the quantity and such other details in respect of the goods sold by him/her, in such form as per applicable law or as may be prescribed under law.

(6) A direct seller shall not,-

(a) use misleading, deceptive and / or unfair trade practices;

(b) use misleading, false, deceptive, and / or unfair recruiting practices, including misrepresentation of actual or potential sales or earnings and advantages of direct selling to any prospective direct seller, in their interaction with prospective direct sellers;

(c) make any factual representation to a prospective direct seller that cannot be verified or make any promise that cannot be fulfilled;

(d) present any advantages of direct selling to any prospective direct seller in a false and / or a deceptive manner;

(e) knowingly make, omit, engage, or cause, or permit to be made, any representation relating to the direct selling operation, including remuneration system and agreement between the direct Selling entity and the direct seller, or the goods and / or services being sold by such direct seller which is false or misleading;

(f) require or encourage direct sellers recruited by the first mentioned direct seller to purchase goods and / or services in unreasonably large amounts;

(g) provide any literature and / or training material not restricted to collateral issued by the direct selling entity, to a prospective or existing direct sellers both within and outside the parent direct selling entity, which has not been approved by the parent direct selling entity; and

(h) require or encourage prospective or existing direct sellers to purchase any literature or training materials or sales demonstration equipment and if at all required such purchase shall not be at a cost exceeding the cost of materials.

Clause 6: Relationship between Direct Selling Entity and Direct Seller

(1) The relationship between Direct Selling entity and Direct Seller shall be determined as per the written agreement between the parties:

(a) for rights and obligations that are expressly provided as conditions for the conduct of Direct Selling business under the guidelines for the Direct Selling entity and Direct Seller, the same shall prevail;

(b) all other rights and obligations, shall be determined as per the express terms of written agreement unless expressly provided otherwise in the contract between a Direct Selling entity and Direct Seller;

(2) The Direct Selling entity will be liable for grievances arising out of sale of products, services or business opportunity by its Direct Sellers; and

(3) It will be the responsibility of the Direct Selling entity to monitor and control the practices/methods adopted by the Direct Sellers.

It is clarified that the Direct Selling Entity will be responsible for the quality of products and services and it will guide and help the Direct Seller to follow best practices in the interest of consumers. The scope and specific liabilities of the Direct Seller in such cases will be defined in unambiguous terms in the contract signed. By way of providing in the contract, every Direct Selling Entity shall define and develop some mechanism to monitor the practices being adopted by its Direct Sellers.

Clause 7: Conduct for the Protection of Consumer

(1) Direct Sellers and Direct Selling Entity shall take appropriate steps to ensure the protection of all private information provided by a consumer;

(2) Direct Sellers and Direct Selling Entity shall be guided by the provisions of the Consumer Protection Act, 1986 (Central Act 68 of 1986);

(3) All complaints received over phone, email, website, post and walk-in shall have a complaint number for tracing and tracking the complaint and record time taken for redressal;

(4) Every Direct Selling company shall constitute a Grievance Redressal Committee whose composition, nature of responsibilities shall include but not limited to,-

(a) the Grievance Redressal Committee shall consist of at least three officers of the Direct Selling entity;

(b) the Grievance Redressal Committee shall address complaints and inform complainants of any action taken;

(c) complaints may be made by any member of the general public against a Direct Seller of the company, an employee or any other officer of the entity;

(d) all such grievances will be resolved directly by the Direct Selling Entity;

(5) The direct selling entity shall provide information to the consumer upon purchase which shall contain:-

(a) the name of the purchaser and seller;

(b) the delivery date of goods or services;

(c) procedures for returning the goods; and

(d) warranty of the goods and exchange / replacement of goods in case of defect:

Provided that no direct seller shall, in pursuance of a sale, make any claim that is not consistent with claims authorized by the Direct Selling Entity.

(6) Any person who sells or offers for sale, including an e-commerce platform / marketplace, of any product or service of a Direct Selling Entity must have prior written consent from the respective Direct Selling Entity in order to undertake or solicit such sale or offer.

Clause 8: Prohibition of Pyramid Scheme & Money Circulation Scheme

(1) No person or entity shall promote a Pyramid Scheme, as defined in sub-clause (11) of clause 1 or enroll any person to such scheme or participate in such arrangement in any manner whatsoever in the garb of doing Direct Selling business

(2) No person or entity will participate in Money Circulation Scheme, as defined in sub-clause (12) of clause 1 in the garb of Direct Selling of Business Opportunities.

Clause 9: Appointment of Monitoring Authority

(1) The Nodal department to deal with the issues related to Direct Selling in the State of Tamil Nadu. A State Level Monitoring Committee is set up to monitor the activities of Direct Sellers, as given below:

State Level Monitoring Committee with the following officials, namely:-

<i>Sl. No.</i>	<i>Name of the Officers</i>	<i>Designation</i>
1.	Commissioner, Civil Supplies and Consumer Protection Department, Chepauk, Chennai - 600 005.	Chairperson
2.	Deputy Commissioner of Labour, O/o. Commissioner of Labour, DMS Campus, Teynampet, Chennai - 600 006.	Member
3.	Additional Commissioner / Joint Commissioner, O/o. Commissioner of Food Safety and Drug Administration, DMS Campus, Teynampet, Chennai - 600 006.	Member
4.	Additional Commissioner (PR), O/o. Commissioner of State Tax, Chennai - 600 005.	Member
5.	Deputy Commissioner (City) North and South, Civil Supplies and Consumer Protection Department, Ezhilagam Annexure Building, Chepauk, Chennai - 600 005.	Member
6.	Two Reputed Voluntary Consumer Organisations	Members

(2) The Joint Commissioner of Civil Supplies and Consumer Protection is appointed as the State Nodal Officer. But, at District level there is no need for committee. District Supply Officer is Nodal Officer for each district.

(3) The nodal officers may designate other officers of the respective Departments may appoint any other person whom they deem fit and necessary to assist them in the implementation of these Guidelines.

(4) Any direct selling entity conducting direct selling activities in the State of Tamil Nadu shall submit an undertaking and Proforma to the nodal officers, in the form of the attached Proforma, stating that it is in compliance with these guidelines.

(5) Direct selling entities shall also provide such details of its incorporation and other business details as may be notified from time to time. Such undertaking needs to be submitted to the Department annually.

Clause 10: Powers of entry and search into Direct Selling Entity / Direct Seller premises if any violation of guidelines takes place:-

(1) The Enforcement Officer, not below the rank of General Manager, Industries Department, and Gazetted officer of Vigilance Enforcement Department, Gazetted Food Inspector of Institute of Preventive Medicine and Inspector of Legal Metrology may, with a view to secure compliance with this Order or to satisfy himself that this Order has been complied with,-

(a) inspect or cause to be inspected;

(b) require any person to give any information in his possession about the goods / services of the Direct Selling Entity / Direct Seller;

(c) stop and search forthwith, with such aid or assistance as may be necessary;

(d) enter and search, with such aid or assistance as may be necessary; . and

(e) The Enforcement Officer shall submit the enquiry report before the District Revenue Officer of the District concerned.

The provisions contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to search shall, so far as may be, apply to searches under this order.

Clause 11: Appeal:-

(1) Any person aggrieved by any order passed by the District Revenue Officer may within seven days from the date of receipt by him of such order appeal against such order, to the appellate authority.

(i) The Collector is the appellate authority having jurisdiction over the area to the Collector of the District concerned.

Clause 12: Revision:-

(i) Any person aggrieved by an order may within thirty days from the date of communication to him of such an order, prefer a revision to the Commissioner, Industries and Commerce.

(ii) Pending disposal of the revision petition, the Government may direct that the order under revision shall not have effect until the same is disposed off.

PART -A

(Clause-2)

- 1 (i) Name of the Company (As Registered)
(ii) CIN No:
(iii) Name and address of Directors on Board
(Enclose details)
- 2 DETAILS OF REGISTRATION (WITH JURISDICTION)
 - (a) Address of Registered Office (Enclose copy of Registration Certificate)
 - (b) Email :
 - (c) Telephone Nos:
 - (d) Company Website:
 - (e) Details of other registrations (with jurisdiction), if any
(Attach copy of Registration Certificate)
 - (f) Type of Entity (Private, Public, Trust, Ltd. Etc.)
- 3 HEAD OFFICE & REGIONAL OFFICE
 - (a) Address
 - (b) E-mail
 - (c) Details of Key Management Personnel as per registration under the Companies Act:
 - (d) Details of Regional Office in the state of Tamil Nadu
 - (e) Nodal Officer for interacting with D/o Consumer Affairs;

(Name, designation, Tel No., e-mail, Fax, mobile No.)

(f) Details of Nodal Officer for coordination with the Government of Tamil Nadu (Name, designation, Tel No., e-mail, Fax, mobile No.):

- 4 Whether anyone from the Management was convicted by any court in the past within the past 5 years (from the date of application). If so, the details thereof;
- 5 Whether direct selling is of Products or services or both?
- 6 Details of License(s), Trade Mark or Principal Brand which identifies the company:
- 7 (i) Address / Telephone Nos. / e-mails etc. of Customer Care & Grievance Redress Cells (HQ & State Branch(es) in Tamil Nadu)
(ii) Details of Consumer Grievance Redress Committee as per guidelines:
a. Member Name, Phone No and email:
b. Member Name, Phone No and email:
c. Member Name, Phone No and email:
- 8 Details of Products / Services offered(Give link of websites) Yes/No
- 9 Please confirm the following about your direct selling scheme:-
- (a) It has no provision that a Direct Seller will receive remuneration or incentives for the recruitment / enrolment of new participants and provide that direct sellers will receive remuneration derived only from the sale of goods or services. Yes/No
- (b) It does not require a participant to purchase goods or services: Yes/No
(i) for an amount that exceeds an amount for which such goods or services can be expected to be sold or resold to consumers; Yes/No
(ii) for a quantity of goods or services that exceeds an amount that can be expected to be consumed by, or sold or resold to consumers; Yes/No
- (c) It does not require a participant to pay any entry/registration fee, cost of sales demonstration equipment and materials or other fees relating to participation; Yes/No
- (d) It provides a participant with a written contract describing the "material terms" of participation; Yes/No
- (e) It allows or provides for a participant a reasonable cooling-off period to participate or cancel participation in the scheme and receive fund of any consideration given to participate in the operations; Yes/No
- (f) It allows or provides for a buy-back or repurchase policy for "currently marketable" goods or services sold to the participant at the request of the participant at reasonable terms; Yes/No

Note: 1. Give details in regard to the above in an enclosure.

2. In case any of the answers in this para is 'No', please provide full details with reasons in an enclosure.

10	(a) Whether proper identity document(s) to all the Direct Sellers are issued.	Yes/No
	(b) Whether you maintain "Register of Direct Sellers" wherein relevant details of each enrolled Direct Seller is updated and maintained with details including verifiable proof of address, proof of identity and PAN as per the Income Tax Act.	Yes/ No
	(c) What is the mechanism for payment of any taxes and duties pertaining to sale of goods or services, including the mechanism of ensuring compliance from direct sellers and distributors. Give details.	Yes/ No
11	(a) The website is proper and updated regularly with all relevant details, contact information, details pertaining to management, products, product information and complaint redress mechanism for direct sellers and consumers.	Yes/ No
	(b) There are arrangements for registering consumer complaints online or otherwise and grievances are resolved within 45 days of date of making such complaints. Details to be provided. ,	Yes/ No

12 Notes/Remarks, if any.

I / We,in the capacity of of the company I firm declare that we are compliant with the following:

- (a) We do not promote a Pyramid Scheme, as defined in Clause 1 (11) or enroll any person to such scheme or participate in such arrangement in any manner whatsoever in the garb of doing Direct Selling business.
- (b) We do not participate in Money Circulation Scheme, as defined in Clause 1 (12) in the garb of Direct Selling of Business Opportunities.
- (c) We are compliant with all the remaining aspects mentioned in the guidelines issued vide GSR 1013(E), October 26, 2016 (Gazette of India) by the Department of Consumers, Ministry of Consumer Affairs, Food and Public Distribution and shall also provide such details as may be required by the Government of Tamil Nadu from time to time.

Place:
Date:

Sd/-

SEAL OF THE COMPANY

Name
Designation.....
Tel.No.....
E-mail.....

List of documents to be provided:-

1. Certificate of Registration / Bye-laws / Memorandum of Association
2. List of Board of Directors, with contact details
3. Brief details of direct selling scheme and compensation plan.
4. Sample of contract with direct sellers/distributors.
5. Copy of the undertaking submitted to the Department of Consumer Affairs, Government of India.
6. Copies of compliances, including licenses or registrations for the sale of goods or services.

DAYANAND KATARIA,
Principal Secretary to Government.

ENVIRONMENT AND FORESTS DEPARTMENT

Tamil Nadu Forest and Wildlife Areas (Regulation of Trekking) Rules, 2018.

[G.O. (D) No. 296, Environment and Forests (FR.14), 12th October 2018,
புரட்டாசி 26, விளம்பரி, திருவள்ளூர் ஆண்டு-2018.]

No.SRO A-53/2018:-

In exercise of the powers conferred by sub-section(1) of Section 64 of the Wildlife (Protection) Act, 1972 (Central Act 53 of 1972) and clause (e) of section 63 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), the Governor of Tamil Nadu hereby makes the following Rules, namely:-

RULES

1. Short title and extent- (1) These Rules may be called the Tamil Nadu Forests and Wildlife Areas (Regulation of Trekking) Rules, 2018.

(2) They extend to all forests and to the protected areas notified under the Wildlife (Protection) Act, 1972 (Central Act 53 of 1972) in the State.

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

(a) "Act" means the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) or the Wildlife (Protection) Act, 1972 (Central Act 53 of 1972);

(b) "Competent Authority" means District Forest Officer or Wildlife Warden or Deputy Director of the respective forest or wildlife area;

(c) "Forests" means the forest area, which includes reserved forests and reserved lands declared under the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882);

(d) "Form" means a Form appended to these rules;

(e) "Group Leader" means a member of the trekking group, identified as Leader by the group members;

(f) "Guide" means willing and interested person, empanelled by the competent authority from amongst the local villagers including tribals and members of Eco tourism Management Committee, who accompanies the trekking group;

(g) "Public Highway" means National Highway, State Highway, District roads and Panchayat roads;

(h) "Right of way" means right of way as determined under the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882);

(i) "Trekking" means a form of walking undertaken with the specific purpose of exploring and enjoying the scenery in natural areas; but does not include walking on a trek route on pilgrimage to a religious place during the dates specified by the Competent Authority.

(j) "Trek route" means linear path or route as identified by the District Forest Officer or the Wildlife Warden or the Deputy Director and notified by the Principal Chief Conservator of Forests as Easy, Moderate or Tough depending on the difficulty level;

(k) "Wildlife area" means a protected area declared under the Wildlife (Protection) Act, 1972 (Central Act 53 of 1972);

(2) The words and expressions used but not defined in the rules shall have the same meaning as defined in the Act.

3. Permission for trekking.- No person shall undertake trekking without obtaining permission from the competent authority;

Provided that permission is not required to trek in public highways or in a right of way consisting of motorable tar road in forests and wildlife areas, unless trekking is specifically prohibited in such public highways and roads by the Competent Authority;

4. Procedure for obtaining trekking permission.- (1) Every group intending to undertake trekking shall apply for permission to the Competent Authority to trek in a linear route in Form-I. The Competent Authority, if satisfied that the requirements of these rules are fulfilled, shall grant permission for trekking in Form-II and require the group leader to pay the fee prescribed.

(2) On receipt of permission for trekking, the group leader shall pay the fee specified hereunder:-

- (i) Easy Trek- Rs.200/- per person per day.
- (ii) Moderate Trek - Rs.350/- per person per day.
- (iii) Tough Trek - Rs.500/- per person per day.

Provided that for foreigners, the fee payable shall be Rs.1,500/- per person per day, Rs.3,000/- per person per day and RS.5,000/- per person per day, for easy trek, moderate trek and tough trek, respectively.

(3) The fee collected under this Rule shall be credited to a separate fund and it shall be used for development of forests and for eco-tourism.

5. Ban on trekking.- (1) There shall be ban on trekking during the period from 15th February to 15th April every year.

(2) During the period in which trekking is permissible, the Competent Authority shall have full discretion to decide whether or not to permit the trek, depending upon the local conditions.

6. Conditions of trekking.- The permission for trekking granted under rule 3 are subject to the following conditions, namely:-

- (1) Trekking shall be undertaken only in a permitted linear route and the trekker shall not perambulate in the forest.
- (2) While trekking on the permitted route, no diversion or distraction is allowed from the permitted linear trek.
- (3) Minimum size of a trekking group is five persons and maximum size is fifteen persons.
- (4) Individuals below the age of ten years and pregnant women shall not be allowed to go on trek.
- (5) The Competent Authority shall restrict the number of groups on any trek route considering the load factor.
- (6) Trekking shall be undertaken only between 6 A.M. to 5 P.M.:

Provided that the group may stay overnight in the approved trekking shed of Forest Department on payment of fee of Rs.150/- per person, per night or in any private halting place with the approval of the Forest Department. Overnight stay shall not be permitted in open forest in any circumstances.

(7) Number of guides shall be determined by the size of trekking group. There shall be one guide for every five members of the group, who shall be paid at the rate fixed by the Competent Authority, which shall not be less than the minimum wages.

(8) The guide may warn or bring to the notice of the Competent Authority or concerned Forest Range Officer or Forester regarding any violation or misbehavior by any member of the trekking team at any stage, for necessary punitive action.

(9) In tough trekking routes only a group of ten to fifteen persons shall be permitted and they shall produce Fitness Certificate issued by a qualified medical practitioner. An official from Forest Department, namely, local Forest Guard or Forest Watcher shall also accompany the group, besides the guide in tough trekking routes.

(10) Abandoning the trek mid-way may be avoided. In case of exigency, the whole group may return under the supervision of the guide.

7. Actions prohibited.- (1) During trekking, nobody shall,-

- (a) litter or throw plastic or any non biodegradable material;
- (b) cook, smoke or kindle any sort of fire or use fire wood;
- (c) consume alcohol or any intoxicating substance;
- (d) create nuisance by misbehavior;
- (e) cause pollution of water bodies, environmental pollution or noise pollution;
- (f) damage vegetation or wildlife or habitat or collect specimen of any sort;
- (g) carry pet animals;
- (h) deface rocks or any structure; and
- (i) commit any other act which may be injurious to forest, wildlife, water bodies or disturb the natural tranquility.

(2) No fire arms, inflammable materials or any weapon shall be carried during the trek.

(3) No person shall carryout any research or study in forests and wildlife areas while on trek.

8. Responsibilities of Group Leader.- (1) It shall be the responsibility of the Group Leader, -

(a) to ensure that none of the members in the group indulges in any prohibited activity;

(b) to ensure proper equipments required for trekking and essential items required by the members for the trek, such as, first-aid and medicines etc;

(c) to inform any important event noticed during the trek to Forest Range Officer.

(2) The Group Leader shall pay the remuneration to the guide at the start of the trek.

9. Agency organizing the trek.- No agency or organization or club shall facilitate or organize trekking unless they are registered with the Forest Department. Application for the purpose may be submitted to the Chief Wildlife Warden, who shall register on assessing their capacity.

10. Penalties.- (1) Violation of rule 3 shall amount to trespass and shall be dealt with under section 21 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) or under section 27 of the Wildlife (Protection) Act, 1972 (Central Act 53 of 1972), as applicable.

(2) Any violation by indulging in actions prohibited under rule 7 shall be dealt with under the provisions of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) or the Wildlife (Protection) Act, 1972 (Central Act 53 of 1972), as applicable.

11. Miscellaneous.- (1) Forest department shall not be liable for any kind of loss, injury including loss of life during the trek.

(2) The Competent Authority may impose special conditions for trekking in tiger reserves, elephant reserves and other areas, based on the guidelines of the National Tiger Conservation Authority, the Central Government and the State Government, Management Plan or Working Plan of the area.

FORM - I

(See rule 4)

APPLICATION BY GROUP LEADER / REGISTERED AGENCY FOR PERMISSION TO UNDERTAKE TREKKING.

1. Name of the Forest Division / Wildlife Sanctuary / National Park / Tiger Reserve:

2. Name of the Trekking Route:

3. Category of Trekking Route: (Easy / Moderate / Tough *)

(* Photocopy of Fitness Certificate for each member shall be enclosed for tough trek route)

4. Name of the Authorised Trek Operator (if any)
with Address & Contact Number:

5. Date & Period of Trekking (including halt):

6. Name of the Trek Group leader with Address and Identity proof:

7. Number of Trekking Members (including foreigners):

8. Details of Team members (including foreigners):

S.No.	Name	Age	Nationality	Address
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

9. Past experience, if any:

10. Photocopy of Passport & Visa (for foreigners)

Declaration:

1. It is hereby certified that the information provided is true to the best of our knowledge.
2. We agree to abide by all the terms and conditions laid down by the State Government for undertaking proposed trekking.
3. I declare on behalf of all the members of the trekking group, that the Group is participating on their own risk and shall not hold the Forest Department, Govt. of Tamil Nadu responsible for any mishaps leading to injury or death during the trek
3. We agree to abide by all the environment code of conduct, applicable rules and laws in force.

Place:

Date:

Signature of Applicant,
(Group Leader / Registered Agency)

Note: The fees in respect of different categories of Trek are as follows:-

- (i) Easy Trek - Rs.200 / person / day
- (ii) Moderate Trek - Rs.350 / person / day
- (iii) Tough Trek - Rs. 500 / person / day
- (iv) In respect of foreigners, the fees for the above 3 categories is Rs.1500, Rs.3000 and Rs. 5000/ person / day respectively,

FORM - II*(See rule 4)***PERMISSION FOR TREKKING**

Ref No.....

Date.....

Permission is hereby granted to Thiru / Tmt / Selvi (Group Leader) / (Registered Agency) and..... members (as per the details given below) for undertaking Easy / Moderate / Tough Trek in the..... Range/s of the..... Forest division / Wildlife Sanctuary / National Park / Tiger Reserve, subject to the conditions prescribed in the Tamil Nadu Forests and Wildlife Areas (Regulation of Trekking) Rules, 2018 (copy enclosed), as follows:

(a) Trek Team details

S.No.	Name	Age	Nationality	Address
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

- b) Details of Trek Route with points of entry and exit:
c) Number of days permitted with date:
d) Place of halt (for more than a day trek):
e) Details of Trekking Fees to be paid:
f) Name of the accompanying Staff / Guide:

(Signature & Seal)

District Forest Officer / Wildlife Warden / Deputy Director

Office Address & Phone Number

To,

1. The Forest Range Officer(s)

Thiru/Tmt/Selvi.....Group Leader / Registered Agency

SHAMBHU KALLOLIKAR,
Principal Secretary to Government.

LABOUR AND EMPLOYMENT DEPARTMENT

Amendments to the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules, 1983.

[G.O. Ms. No. 137, Labour and Employment (K2), 10th October 2018, புரட்டாசி 24, விளம்பி, திருவள்ளூர் ஆண்டு-2049.]

No. SRO A-54/2018.— In exercise of the powers conferred by sub-section (1) of Section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979 (Central Act 30 of 1979), the Governor of Tamil Nadu hereby makes the following amendments to the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules, 1983, the draft of the same have been previously published as required under sub-section (1) of Section 35 of the said Act.

AMENDMENTS

In the said Rules,-

(1) in rule 3,-

(a) in sub-rule (2), after the expression, "by a treasury receipt", the expression "or by proof of online payment through the online portal of the Directorate of Industrial Safety and Health or proof of online payment through online portal of the Commissionerate of Labour" shall be inserted;

(b) for sub-rule (3), the following sub-rule shall be substituted, namely:-

"(3) Every application referred to in sub-rule (1) shall be made through online portal of the Directorate of Industrial Safety and Health or through online portal of the Commissionerate of Labour or personally delivered to the registering officer concerned or sent to him by registered post.";

(2) in rule 7.-

(a) in sub-rule (3) for clause (b), the following clause shall be substituted, namely:-

"(b) Every such application shall be made through online portal of the Directorate of Industrial Safety and Health or shall be made through online portal of the Commissionerate of Labour or personally delivered to the licensing officer concerned or sent to him by registered post.";

(b) in sub-rule (5), after the expression, "by rule 20", the expression "or by proof of online payment through online portal of the Directorate of Industrial Safety and Health or proof of online payment through online portal of the Commissionerate of Labour" shall be added;

(3) in rule 15, after sub-rule (2), the following sub-rule shall be inserted, namely:-

"(2A) The application referred to in sub-rule (2) shall be made through online portal of the Directorate of Industrial Safety and Health or through online portal of the Commissionerate of Labour or personally delivered to the licensing officer concerned or sent to him by registered post:

Provided that such application shall be accompanied by a treasury receipt or by proof of online payment through the online portal of the Directorate of Industrial Safety and Health or proof of online payment through online portal of the Commissionerate of Labour, evidencing the payment of appropriate fee";

SUNIL PALIWAL,
Principal Secretary to Government.

SCHOOL EDUCATION DEPARTMENT

Amendments to the Tamil Nadu Recognised Private Schools (Regulation) Rules**Errata to Notification**

[G.O. Ms. No. 207, School Education (GL.1(2), 5th October 2018, புரட்டாசி 19, விளம்பி, திருவள்ளூர் ஆண்டு-2049.]

No. SRO A-55/2018.—The following Errata is issued to G.O.(Ms.) No.145, School Education (GL 1 (2)) Department, Dated: 17.07.2018 published as Notification No.SRO A-40/2018, at pages 110-112 of Part III — Section 1(a) of the *Tamil Nadu Government Gazette* No.32, dated the 8th August 2018:-

ERRATA

In the said Notification,-

(i) in page 110, in amendment No.4, for "in rule, 10," *read* "in rule 10,";

(ii) in page 111,

(a) in amendment No.6(i), in the table, against the entry "Higher Secondary Schools" for "Joint Director of Schools Education (Higher Education)," *read* "Joint Director of School Education (Higher Secondary)";

(b) in amendment No.6(ii), for "shall be respectively be substituted" *read* "shall respectively be substituted".

PRADEEP YADAV,
Principal Secretary to Government.