बिहार सरकार
नगर विकास एवं आवास विभाग
अधिसूचना

सं0 संख्या– 04/SV(NULM)-04/2015/ न0वि0एवंआ0वि0, बिहार अधिसूचना संख्या–413 दिनांक–15/2/17 का अंग्रेजी में निम्नलिखित अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जो भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अधीन अंग्रेजी भाषा में उसका प्राधिकृत पाठ समझा जायेगा।

बिहार राज्यपाल के आदेश से,

15/2/2017

(चैतन्य प्रसाद)
प्रधान सचिव
नगर विकास एवं आवास विभाग

Government of Bihar
Urban Development & Housing Department
NOTIFICATION

Bihar Street Vendors (Protection of livelihood and regulation of Street Vending) Rules'2017

File No.- 04/SV(NULM)-04/2015/414 / UD&HD, Bihar, In exercise of the powers conferred by Section - 36 of Street Vendors (Protection of Livelihood and Regulations of Street Vending) Act, 2014 (Central Act 7 of 2014), the state government of Bihar is hereby pleased to make the following Rules to carry out the provisions of the said Act;

Chapter -1
PRILIMINARY

1. Short title extent and commencement. - (1) These Rules may be called **Bihar Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules' 2017** for the State of Bihar

(2) It shall extent to the whole of the state of Bihar.
(3) It shall come in to force at once.

2. Definition. - In these rules, unless there is anything repugnant in the subject or context:

(a) "Act" means the Street Vendors (Protections of Livelihood and Regulation of Street Vending) Act'2014.

(b) "Appropriate Government" means the State Government in respect of matters relating to the State Government as referred under sub section (1) of section 2 of the Act;

(c) "Holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone and has been determined as such by the local authority on the recommendations of the Town Vending Committee as referred under sub-section 2(1)(b) of the Act.

(d) "Local authority" means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under section 47 of the Cantonment Act, 2006 or such other body entitled to function as a local authority in any city or town to provide civic services and regulate street vending and includes the "planning authority" which regulates the land use in that city or town;

(e) "Mobile vendor" means Street Vendors who carry out vending activities in designated area by moving from one place to another place as referred under subsection (2)(1)(d) of Section-2 of the Act.

(f) "Stationary vendors" means street vendors who carry out vending activities on regular basis at a specific location as referred under sub-section 2 (1)(k) of the Act.

(g) "Natural market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee as referred under sub-section 2(1)(e) of the Act.

(h) "Notification" means a notification published in the official gazette as referred under sub. Section (2)(1)(f) of section-2 of the Act.

(i) "Planning authority" means a Municipality or any Urban Development Authority or any other authority in any city or town as referred under Subsection 2(1)(g) of section 2 of the Act.

(j) "Scheme" means a scheme framed by the appropriate Government under Section 38 of the Act.

(k) "Street vendor" means a person engaged in vending as referred under sub-section 2(1)(L) of Section -2 of the Act.

(l) "Schedule" means Schedule annexed to these rules.

(m) "Section" means of Section of the Act.

(n) "Town Vending Committee" means the body constituted by appropriate Government under section 22 of the Act.

(o) "Vending zone" means an area or place or a location designated as such by the planning authority as referred under sub-Section 2(1)(n) of section -2 of the Act.

Chapter –II
TOWN VENDING COMMITTEE

3. The term of, and the manner of Constituting of Town Vending Committee. – (1) The Government shall constitute a Town Vending Committee (TVC) in each local authority as referred under section 22(1), the street vendors (protection of livelihood and regulation of street vending) act'2014. Provided that the appropriate Government may, if considers necessary, provide for constitution of more than one Town Vending Committee, or a Town Vending Committee for each zone or ward, in each local authority. Under section 22(II) the Municipal

(d) "Local authority" means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under section 47 of the Cantonment Act, 2006 or such other body entitled to function as a local authority in any city or town to provide civic services and regulate street vending and includes the "planning authority" which regulates the land use in that city or town;

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(f) "Stationary vendors" means street vendors who carry out vending activities on regular basis at a specific location as referred under sub-section 2 (1)(k) of the Act.

(g) "Natural market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee as referred under sub-section 2(1)(e) of the Act.

(h) "Notification" means a notification published in the official gazette as referred under sub. Section (2)(1)(f) of section-2 of the Act.

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Chapter –II
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3. **The term of, and the manner of Constituting of Town Vending Committee. – (1)** The Government shall constitute a Town Vending Committee (TVC) in each local authority as referred under section 22(1), the street vendors (protection of livelihood and regulation of street vending) act'2014. Provided that the appropriate Government may, if considers necessary, provide for constitution of more than one Town Vending Committee, or a Town Vending Committee for each zone or ward, in each local authority. Under section 22(II) the Municipal

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Commissioner or Executive Officer, as the case may be, shall be the chairperson of the Town Vending Committee. Following shall be the members of TVC :-

(a) Municipal Commissioner or Executive Officer (He will be the Chairperson of the TVC
(b) City Manager/ Revenue Officer (in absence of those, any official from ULB nominated by the Chairperson of TVC) will be the member Secretary of the TVC
(c) Civil Surgeon/ Medical Officer
(d) District Planning Officer/ Municipal Engineer
(e) Superintendent of Police/ Other selected officer
(f) SP Traffic
(g) Lead Bank Manager/ representative
(h) Chamber of Commerce (Representative)
(i) National Union for Informal Workers
(j) Non-Government Organizations/ Community Based Organizations
(k) Representative of Street vending Organizations/ Associations/ Federations

(2) The number of representatives of Non-Government Organizations/ Community Based Organizations will not be less than 10% of the total number of members in the committee.

(3) The number of representatives of street vendor will not be less than 40% of the total number of members in the committee.

(4) One- third of the representatives of street vendors will be women vendors.

(5) The representatives from Non-Government Organizations/ Community Based Organizations and Street vending Organizations/ Associations/ Federations will be nominated by the District Magistrate.

(6) The normal term of office for the nominated members will be three years.

(7) The term of TVC will be three years.

4. **The manner of nomination among Street Vendors.**- (1) The nomination of the representatives of Street Vendors under clause (b) of sub-section (2) of section 22 of the Act, will be undertaken by the office of the District Magistrate, in consultation with Municipal Commissioner/ Executive Officer. The procedure for nomination of these members of TVC will be as follows:-

(a) The local authority shall invite applications from suitable candidates in prescribed format with details of eligibility to each category of other members, last date of submission and manner of submission of the application.

(b) The aforesaid notice will be published 30 days prior to the last date for the submission of applications for membership of TVC.

(c) The applications received for membership in each category will be shortlisted based on pre-defined eligibility criteria.

(d) If application received for a particular category is more than the required numbers, the District Magistrate and the Chairperson of the TVC will select the member on the basis of lottery. Such lottery should be held in the presence of the interested parties.

(e) The formation of the TVC including the nominated members will be published in the Government gazette by the appropriate Government.

(f) The details of the TVC will be published on the website of the appropriate government.

(2) Change of the seating member after two consecutive meetings will be desirable, however he/ she may be continued if there is no response to fresh advertisement and further the seating candidate has no objection to continue. In case of no response from any fresh candidate and unwillingness of the existing member to continue, the appropriate Government may nominate a suitable candidate of the group represented by the existing incumbent:

Provided further the nomination of members representing informal/formal street vendors associations or federations shall be carried out on the basis of such criteria as may be laid down by the Government, after inviting applications, as such, by publishing the same in at least two local newspapers or publishing in any other manner.

4.1. **Removal of a member of Town Vending Committee.** - Any member of a Town Vending Committee may be removed by the Government from the committee, if he,
(a) Persistently makes defaults in the performance of his duties imposed on him under the Act and these rules or exceeds or abuses its powers;
(b) Remains absent for three consecutive meetings of the Committee without the permission of the Chairperson;
(c) Is convicted of any criminal case by any court of law:

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

5. **Allowance of Chairperson and members under Sub-section (3) of section 22 of the Act.-** The allowances payable to the members of a town vending committee, who do not hold any office of profit, for attending each meeting of Town Vending Committee, shall be fixed by the concerned TVC from time to time.

6. **Time and place for meeting, procedure for transaction of business at meeting and functions to be discharged by the Town Vending Committee.-** TVC will decide various procedural points relating to the conduct of its business. The details of which are listed hereafter under section 23 of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act'2014:

(1) The date, time and place for the meeting will be decided by the chairperson of TVC;

(2) A notice of the meeting will be sent by registered post to the address, given by himself, of each member of the Committee, at least seven days before the time fixed for such meeting. The notice of the meeting will contain place, date and time of the meeting and a list of business will be transacted at the meeting;

(3) Chairperson will issue the notice before Seven days of the scheduled meeting; agenda of the items will be circulated to the members and put up on official designated website. Each agenda item will be also accompanied by a detailed note bringing out the issues involved with clear recommendation by the administration. The agenda papers including the notes should be in Hindi or English, if the TVC decides so;

(4) Meeting of the committee will be held at least once every three months;

(5) Requisition meeting can be only called by Chairperson on a specific issue on the request of minimum 1/3rd of the total members of the TVC. The meeting will be called within 15 days after receiving the request for the same from the required number of members;

(6) The first meeting of TVC will be fixed within 15 days of the publication of the Gazette notification;

(7) Decision will be taken based on the majority of present members in the meeting. In case of equality of votes, the Chairperson will have the right of casting vote;

(8) The Member Secretary will maintain a minute book for recording and proceedings of every meeting and will keep it in his safe custody. The minute book will record the signature of the members attending the meeting before its commencement and proper recording of proceedings and resolutions adopted at every meeting will be maintained in the minute's book. Minute's book would be put up in the subsequent meeting of TVC for confirmation by the Chairperson;

(9) Quorum – The quorum for the meeting will be at least 1/3rd of the total members of TVC. Meeting will not be carried out in the absence of the quorum and it will be adjourned;

(10) Following functions will be discharged in the meeting of TVC :-

(i) Final Decision about Vending Zones along with their holding capacity as worked out by the local authority;

(ii) Issuing, withholding, suspending and cancelling of the Vending Certificate;

(iii) Getting a social audit initiated on the implementation of the Act;

(iv) For deciding the zoning, the TVC will have the base materials/ data from the local authority. Regulations and the planning will identify the Vending Zones. In case the TVC has got any points to be made about the zone or about the area to be allotted to each individual vendor it can draw the attention of the planning and local authority to suitably modify the plan. After obtaining the opinion of the authority, the TVC may take an appropriate decision;

(v) On the recommendation of the local authority, TVC will declare the natural market, weekly market, heritage market, festive market, seasonal market, night bazaar and niche market with their exact location and specific period in case of seasonal market or festival market;

(vi) While making recommendations and suggesting changes about the Vending Zones, the TVC will have to take into consideration the road width, traffic flow and the pedestrian movement in the concerned area;

7. **The manner and the purpose for which a person may be associated with TVC.-** Under Sub-section (1) of section 24 of the Act, TVC may associate any expert in the field of informal economy for Street Vending and Spatial Planning. Such an expert will have the right to take part in any meeting and give suggestions but he cannot cast his vote in the meeting.

8. **Allowances of associated person.-** Under sub section (2) of Section 24 of the Act, associated persons will be paid allowances as determined by the Chairperson of TVC.

9. **Employees of Town Vending Committee.-** TVC will have its permanent office in the space allotted by local authority. Local Authority will provide adequate staffs on the request of TVC but staffs will not be the permanent staffs of TVC.

10. **Maintaining of up to date record of all Street Vendors.-** Under Sub-section (2) of section 26 of the Act, Town Vending Committee will maintain proper records pertaining to details of total vendors, category wise, registered vendors, I-card issued, fees, any other charges, dues and collection, expenditure incurred etc. Other relevant records will be also maintained by TVC.

Chapter - III
DISPUTE REDRESSAL COMMITTEE

11. **The period and the manner of filing appeal in the Municipality/ local authority.-** Under sub section (1) of Section 11 of the Street Vendors (protection of Livelihood and Regulation of Street Vending) Act'2014, an applicant who is aggrieved by any decision of the TVC with respect to issue of certificate of vending or cancellation or suspension of certificate, will appeal to Mayor/ Chairperson of the local authority concerned within one month of the decision of TVC in the prescribed Format (Form – A). The Mayor / Chairperson will dispose his/ her appeal within one month from the date of application whether by rejecting or accepting it with a speaking order on applicant's representation after giving him a personal hearing [Section 11(1)]

12. **Constitution of Committees for the redressal of dispute by appropriate Government.-** Under sub-section (1) of section 20 of the Act, One or more Grievance Redressal Committee will be constituted by the Government for the solution of dispute. The Grievance Redressal Committees (GRCs) in the state will present in the following manner:

(i) Appropriate Government will appoint a retired Civil Judge or a retired Judicial Magistrate as the chairperson of the GRC. A retired Additional/ Deputy Municipal Commissioner of a Municipal Corporation or retired Executive Officer of a municipality in the region may be appointed as second member of the committee whereas a prominent social worker, preferably having experience in the field of informal economy including Street Vending in the same region may be appointed as the other member of the Committee by the Appropriate Government.

(ii) The tenure of GRC will be for the period of three years, or till such time as Government appoints a new committee.

13. **The form and the manner of making application.-** (1) Every Street Vendor who has a grievance under the Act, except specified in Section 11, may file an application in writing in prescribed format (Form B), himself or through his affiliated union including specifying his/ her name, place of residence and details of the grievance.

(2) Application shall have to be filed by a Street Vendor within 30 days from the date of occurrence of any incident causing the grievance,

14. **The manner of verification and inquiry.-** After receiving of grievances or dispute, following steps will be taken for redressal of grievances and resolution of disputes under sub-section (3) of section 20 of the Act.-

(i) The Street Vendor may request for interim relief during the pendency of the application. On receipt of an application, the committee shall hold a preliminary hearing with the applicant to determine whether there is a prima facie case.

(ii) The result of the preliminary hearing will be pronounced at the conclusion of the hearing and recorded in writing. The committee may grant or refuse the interim relief, if any, prayed by the Street Vendor, with reasons recorded in writing.

(iii) The aforesaid order will be communicated to the Street Vendor and where it is held that there is a prima facie case, a notice shall also be issued to the Appropriate Authority containing the details of the grievance.

(iv) The Appropriate Authority will file a written reply within 4 weeks from the date of receipt of the notice. A copy of the reply shall also be furnished to the Street Vendor, free of cost.

(v) The Street Vendor may file a reply to the aforesaid written reply within a period of two weeks from the date of receipt of the written reply.

(vi) The committee will give personal hearing to both parties and shall pass an order in writing, with reasons for taking the decision within one month.

15. Time and manner in which an appeal may be filed under sub-section (4) of section 20 of the Act.-

(1) Any person aggrieved by the aforesaid order, can file an appeal in writing to the Mayor/ Chairperson of the local authority concerned. Such appeal shall contain the name, age and address of the aggrieved person, details of the order issued by the committee and grounds for appeal in prescribed format (Form C). The appeal shall be accompanied with a copy of the order and a copy of the Vending Certificate of the Street Vendor, if issued.

(2) No appeal will be filed later than thirty days from the date of the order of the Committee.

16. The time and the manner in which an appeal shall be disposed of under Subsection (5) of section 20 of the Act.-

(1) On receipt of the appeal, the local authority shall issue a notice to the parties concerned intimating the date and time of hearing.

(2) The parties will appear before the local authority on the date appointed for hearing, which will not be later than thirty days from the date of filing of appeal.

(3) The local authority shall pronounce its order after giving both parties an opportunity of being heard within thirty days.

Chapter –IV
MISCELLANEOUS

17. Age for street vending under sub-section (*1*) of section 4 of the Act.- (1) Every street vendor, identified under the survey carried out under sub-section (*1*) of section 3, who has completed the age of fourteen years or such age as may be prescribed by the appropriate Government, shall be issued a certificate of vending by Town Vending Committee, subject to such terms and conditions and within the period specified in the scheme including the restrictions specified in the plan for street vending:

Provided that a person, whether or not included under the survey under sub-section (*1*) of section 3, who has been issued a certificate of vending before the commencement of this Act, whether known as Registration Certificate/ I-Card or any other form of permission (whether as a stationary vendor or a mobile vendor or under any other category) shall be deemed to be a street vendor for that category for the period for which he has been issued such certificate of vending.

18. **Submission of reports and returns.-** The Town Vending Committee will submit the report and returns as follows:-

(a) Prepare every year an annual statement of its accounts and submit to the Municipality/ Local Authority by 31st May of the year, which after approval, shall be sent to the district and state nodal officer of the Government.

(b) Prepare every year an annual report on its functioning and submit by 31st July to the Municipality/ Local authority, which in turn, with its observations, if any shall forward to the district/ state nodal officer of the Government.

(c) Submit quarterly performance report to the Municipality by 10th day of every quarter of the financial year.

19. **The manner of publishing summary of scheme.-** Summary of the scheme shall be published in the following manner:-

(i) The summary of the scheme under Sub-section (2) of section 38 will be published in at least two local daily news papers in Hindi having wide circulation in the city.

(ii) The summary of the scheme will also be prominently displayed in the office of the Municipality.

(iii) Every municipality will make public the salient features of the scheme by wall writing, hand bill or any other means at appropriate places in the city area.

By the order of the Governor of Bihar

15/2/2017

Principal Secretary
Urban Development & Housing Department.

Memo No-04/SV(NULM)-04/2015 414 **UD&HD, Patna, Dated:-** 15-2-17

Copy to the Superintendent, Secretariat Printing Press, Gulzarbagh, Patna/ Under Secretary, Finance Department, E-Gazette Cell, Bihar along with CD for its publication in an extra ordinary issue of the Bihar Gazette.

2. He is requested to make available 200 copies of the Gazette to Urban Development and Housing Department.

15/2/2017

Principal Secretary
Urban Development & Housing Department.

Memo No-04/SV(NULM)-04/2015 414 **UD&HD, Patna, Dated:-** 15-2-17

Copy to the Chief Secretary, Bihar/Development Commissioner/ Joint Secretary, Ministry of Housing and Urban Poverty Alleviation, Govt. of India, New Delhi/ Principal Secretary to the Hon'ble Governor of Bihar/ Principal Secretary to the Hon'ble Chief Minister, Bihar/Auditor General, Birchand Patel Path, Patna/ All Principal Secretary/Secretary/ All Department Heads/ All Divisional Commissioner/ All District Magistrates for information and necessary action.

15/2/2017

Principal Secretary
Urban Development & Housing Department.

Memo No-04/SV(NULM)-04/2015 414 **UD&HD, Patna, Dated:-** 15-2-17

Copy to the PPS to the Hon'ble Minister/ Special Secretary/ Additional Secretary-cum-Director/ Deputy Director, Urban Development & Housing Department/ Municipal Commissioner, All Municipal Corporation/Executive Officer, All Municipal Council and Panchayat/ All Section Officer, for information and necessary action.

15/2/2017

Principal Secretary
Urban Development & Housing Department.

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FORM– A
[Rule -11]

Appeal to Mayor/Chairperson for the Decision of Town Vending Committee under Section 11 of the Act

Date:

Details of Vendor

Name:	
Address:	
Place of Vending:	
Nature of Vending:	
Registration Number	
Date of Registration	

Details of Grievance

Subject of Grievance (Tick the relevant box)	a. Issue of Certificate for Vending	
	b. Cancellation or Suspension of Certificate for Vending	
Brief Description of Grievance (Attach copy of registration certificate/ cancellation notice)		

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Date of receipt of Grievance: _____

Grievance received by: _____

Acknowledgement Number: _____

FORM – B

[Rule-13(1)]

Appeal to Grievance Redressal Committee under Section 20 of the Act.

Date:

Details of Vendor

Name	
Date of Birth/ Age	
Address	
Place of Vending	
Nature of Vending	
Registration Number	
Registration Date	

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Details of Grievance

Brief Description of Grievance (Attach copy of registration certificate)	

Date of receipt of Grievance: _____

Grievance received by: _____

Acknowledgement Number: _____

FORM – C

[Rule-15(1)]

Appeal to Mayor / Chairperson for issued order by Grievance Redressal Committee under Section 20 of the Act.

Date:

Details of Vendor

Name	
Date of Birth/ Age	
Address	
Place of Vending	
Nature of Vending	
Registration Number	
Registration Date	

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Details of Grievance

Brief Description of Grievance (Attach copy of registration certificate)	
Details of Decision taken by Grievance Redressal Committee (Attach copy of decision)	

Date of receipt of Grievance: _____

Grievance received by: _____

Acknowledgement Number: _____