GOVERNMENT OF KARNATAKA

No. SDEL 41 ELS 2018

Karnataka Government Secretariat,
MS Building, 3rd Floor,
Bengaluru, Date: 12.06.2019.

Notification

Whereas the draft of the Karnataka Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 was hereby, published in Notification No. UDD 81 MLR 2014, Dated: 13.05.2016 in part - IVA No.739 of the Karnataka Gazette extraordinary dated: 13th May 2016 for inviting objections and suggestions from all persons likely to be affected within 30 days from the date of publication in the official Gazette.

And whereas the said Gazette was made available to the public on 13.05.2016.

And whereas objections and suggestions, have been received in this behalf, were considered by the State Government.

Now, therefore, in exercise of the powers conferred by section 36 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central act 7 of 2014), the Government of Karnataka hereby makes the following Rules, namely:-

CHAPTER – I

1. Title and commencement:- (1) These Rules may be called the Karnataka Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2019.

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

2. Definitions:- (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 07 of 2014);

(b) **"Chief Executive Officer"** means the Commissioner or Municipal Commissioner or Chief Officer or an officer in-charge of administration of a Municipal Corporation, City Municipal Council, Town Municipal Council, Town Panchayat or a Planning Authority, the Cantonment Board as the case may be;

(c) **"Form"** means the form appended to these Rules;

(d) **"Government"** means the Government of Karnataka;

(e) **"Public purpose"** includes in the context of the Act,-

(i) widening of roads, streets, lanes;

(ii) shifting the alignment of roads, streets, lanes;

(iii) erecting of flyovers with or without clover leaves and slip down roads;

(iv) erecting underpasses;

(v) development of land for the purpose for which it has been reserved or acquired for any public projects;

(vi) implementation of town planning schemes;

(vii) laying of water, storm water or sewer lines;

(viii) erecting intermediate pumping stations for the services,

(ix) public conveniences;

(x) any project related with public transport like Bus Rapid Transport System (BRTS), Metro etc.;

(xi) erection of Economically Weaker Section (EWS) Housing,

(xii) creation of Parks, Gardens and Recreational Areas;

(xiii) conservation of any eco system resource in that area; and

(xiv) any other development work taken by the local authority, the beneficiary of which will be the community at large.

(f) **"Section"** means section of the Act;

(g) **"Schedule"** means schedule appended to these rules.

(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
TOWN VENDING COMMITTEE

3. Constitution of Town Vending Committee.- (1) The State Government shall constitute the Town Vending Committee for each local authority in the following manner, namely:-

A. In Municipal Corporation having more than three lakhs population there shall be constituted Town Vending Committee zone wise or part thereof consisting of the following, namely:-

(a) Official Members,-

(i) Joint Commissioner or Deputy Commissioner of the Corporation nominated by the Commissioner who shall be the Chair person of the Town Vending Committee;

(ii) Medical Officer of the Local Authority or any officer in-charge of the management of public health measure, nominated by the Commissioner;

(iii) One Executive Engineer or Assistant Executive Engineer of Urban Local Body concerned nominated by the Commissioner;

(iv) One Environmental Engineer of Urban Local Body nominated by the Commissioner;

(v) One Deputy Superintendent of Police (DySP) or Deputy Commissioner of Police nominated by the Superintendent of Police or Commissioner of Police, as the case may be;

(vi) One Project Officer, Deendayal Antyodaya Yojana-National Urban Livelihoods Mission or equivalent Scheme nominated by the Commissioner, Entrepreneurship and Livelihood;

(vii) One Lead Bank Manager in the City; and

(viii) The Deputy Tahsildar or Revenue Inspector of the area nominated by the Deputy Commissioner of the District.

(b) Non-Official Members,-

(i) Ten representatives of the Street vendors who are carrying on street vending activity (One-third of whom shall be women vendors, with at least one representative of the Scheduled Caste, Scheduled Tribes, Other Backward Classes, Minorities and Persons with disability);

(ii) One representative of Area Level Federation (ALF) / City Level Federation (CLF);

(iii) One representative of a Traders Association;

(iv) One representative of a Market Association;

(v) One member of a local Non-Government Organization,;

(vi) The President or Secretary or Office bearer of a recognized National Trade Union;

(vii) One representative of a Resident Welfare Association; and

(viii) One Member of the Council of the Corporation nominated by lottery for every five years or up to his term whichever is earlier.

B. In the case of a City Municipal Council, the committee shall consist of the following members, namely;-

(a) Official Members,-

(i) The Municipal Commissioner who shall be the Chairperson of the City Vending Committee;

(ii) One Medical officer of the local authority or any officer in-charge of the management of public health measures;

(iii) One Deputy Superintendent of Police (Traffic);

(iv) One Executive Engineer or Assistant Executive Engineer of the Urban Local Body;

(v) One Project Officer, Deendayal Antyodaya Yojana-National Urban Livelihoods Mission or equivalent scheme will be the Member Secretary;
(vi) One Lead Bank Manager of the Lead Bank of the District;
(vii) One Environment Engineer of the Urban Local Body; and
(viii) One Jurisdictional Deputy Tahsildar or Revenue Inspector of the Revenue Department.

(b) Non-official Members,-

(i) Ten representatives of Street vendors (One-third shall be women vendors, with at least one representative of the Scheduled Caste, Scheduled Tribes, Other Backward Classes, Minorities and Persons with Disability);
(ii) The President or Secretary of a Traders Association.
(iii) The President or Secretary of a Market Association;
(iv) The President or Secretary of the Area Level Federation;
(v) The President or Secretary or Office bearer of a recognized National Trade Union;
(vi) One member of a local Non-Government Organization ;
(vii) One representative of a Resident Welfare Association; and
(viii) One member of urban local body council nominated by lottery for every five years or upto his term whichever is earlier.

C. In the case of a Town Municipal Council (TMC), the town vending committee shall consist of the following members, namely;-

(a) Official Members,-
(i) The Chief Officer who shall be the Chairperson of the town vending committee;
(ii) One Police Inspector having jurisdiction as nominated by Superintendent of Police;
(iii) One Assistant Executive Engineer or Junior Engineer concerned of the Local Authority;
(iv) One Project Officer, Deeendayal Antyodaya Yojana-National Urban Livelihoods Mission or equivalent Scheme will be the Member – Secretary;
(v) One Lead Bank Manager or his representative from the lead bank;
(vi) One Environment Engineer of Urban Local Body; and
(vii) One jurisdictional Revenue Inspector.

(b) Non-Official Members,-

(i) Ten representatives of Street vendors (One-third of whom shall be women vendors, with at least one representative of the Schedule Caste, Schedule Tribes, Other Backward Classes, Minorities and Persons with disability);
(ii) One member of a Market Association;
(iii) One member of a Traders Association;
(iv) One member of a Non-Government Organization;
(v) The President or Secretary of the Area Level Federation;
(vi) The President or Secretary or Office bearer of a recognized National Trade union ;
(vii) One representative of Resident Welfare Association ;and
(viii) One member of urban local body council nominated by lottery for every five years or up to his term whichever is earlier.

D. In the case of a Town Panchayath (TP), the committee shall consist of the following members, namely;-

(a) Official Members,-
(i) The Chief Officer who shall be the Chairperson of the Town Vending Committee;
(ii) One Police Sub-Inspector with jurisdiction as nominated by Superintendent of Police;
(iii) One Assistant Executive Engineer or Junior Engineer of concerned of the Local Authority nominated by Chief Officer;
(iv) One Project Officer, Deeendayal Antyodaya Yojana-National Urban Livelihood Mission or equivalent scheme will be member secretary;
(v) One representative of Lead Bank Manager;
(vi) One Health Inspector or Sanitary Inspector nominated by Chief Officer;

(b) Non-Official Members-
(i) Ten representatives of Street vendors (One-third of whom shall be women vendors, with at least one representative of the Schedule Caste, Schedule Tribes, Other Backward Classes, Minorities and Persons with disability)
(ii) One member of a Market Association;
(iii) One member of a Traders Association;
(iv) One member of a Non-Government Organization;
(v) The President or Secretary of the City Level Federation;
(vi) The President or Secretary or Office bearer of a recognized National Trade Union;

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(vii) One representative of Resident Welfare Association; and

(viii) One member of urban local body council nominated by lottery for every five years or upto his term whichever is earlier.

4. Provisional Town Vending Committee.- (1) Notwithstanding anything contained in Rule 3, the State Government shall constitute the provisional Town Vending Committee for each local authority, till such time, as the survey of street vendors is completed and election of the representatives of street vendors is held on the basis of such survey. The Government may by an order in writing delegate its power to nominate all the members of the town vending committee of various categories mentioned in the Act for this purpose.

(2) The nomination of the street vendors to the provisional town vending committee, under sub-rule (1), shall be based on Adhaar card and a document more than six months old establishing the status of a person as a street vendor in the City or Town, for which the town vending committee is to be constituted.

(3) The duration of the provisional town vending committee constituted under the sub-rule (1) shall not be more than one year or till such time as the election of the street vendors to the town vending committee could be held on the basis of the survey undertaken, whichever is earlier.

5. Mode of electing or selecting Non Official members.- (1) The Corporation or Council of the local authority shall decide one of its members by lottery to be nominated for town vending committee.

(2) The election for the members of the town vending committee from amongst the street vendors shall be conducted in the manner provided in the schedule appended to these rules.

6. Voters list.- (1) The Chief Executive Officer of the Local Authority shall publish the voters list of registered street vendors three months before the scheduled date of election. The suggestions or objections shall be called within fifteen days and shall be decided by the Municipal Commissioner or the Chief Officer as the case may be, one month before the scheduled date of election. For purpose of election of street vendors to the Town Vending Committee, the list of registered street vendors so finalized shall be the voters list.

(2) The Chief Executive Officer of the Local Authority as the case may be, shall provide the final voters list of registered street vendors to the Co-operative Election Authority, Karnataka for the purpose of electing representatives amongst the registered street vendors.

7. Duration of the Town Vending Committee.- (1) The term of the members of the Town Vending Committee, other than the ex-officio members, shall be five years or up to the term of the office if any held by him whichever is earlier from the date of first meeting of the Town Vending Committee held after the elections held as specified in these rules.

(2) The process of electing or nominating, as the case may be, of the members on the committee shall be completed before the expiry of their term.

8. Removal of non official Member of the Town Vending Committee.- If in the opinion of the State Government, any non-official member of the town vending committee persistently defaults in the performance of his duties imposed on him by or under the Act or the Rules or exceeds or abuses his powers, does not attend more than two consecutive meetings or is accused of recorded instance of misbehavior in meeting or with any criminal charge, the Deputy Commissioner of the District, may by order remove such member from the Town Vending Committee.

The Appellate Authority against order of Deputy Commissioner shall be the Commissioner, Entrepreneurship and Livelihood and against order of the Commissioner, Entrepreneurship and Livelihood, Appellate Authority shall be the Secretary, Skill Development, Entrepreneurship and Livelihood.

Provided that such member shall be given reasonable opportunity of being heard before passing an order of removal. No appeal can be filed against any order of removal later than 30 days after the said order.

9. Method of filling vacant post.- Where any vacancy occurs in the existing town vending committee other than ex-officio members due to resignation, death, removal of any member or for any other reasons, the same procedure as laid down in the Rule 5 shall be followed to fill up such vacancy.

10. Meetings of the Town Vending Committee.-(1) The Town Vending Committee shall ordinarily hold at least 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 the Town Vending Committee shall be convened by the Chairperson within forty-five days of its constitution:

Provided further that a requisition meeting may be called by the Chairperson suo motu or on the request from at least ten members of the Committee on a specific issue; and the meeting shall be convened within seventy-two hours after receiving the request so made.

(2) The meetings of the Town Vending Committee shall be held at the head quarters of the local authority or at such place within the jurisdiction of the local authority as may be decided by the Chairperson.

(3) A notice shall be issued before seven days of a scheduled meeting to all the members of the Town Vending Committee, along-with the agenda of the meeting.

(4) The quorum for the meeting shall be half the members of the total strength of the Town Vending Committee.

(5) No meeting shall be held in the absence of the quorum and where there is no quorum, the meeting shall be adjourned.

(6) The agenda for the meeting shall be decided by the Chairperson of Town Vending Committee.

11. Procedure for transaction of business of the Town Vending Committee.- (1) The Town Vending Committee may follow such procedure for transaction of its 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, the resolution passed in a meeting of the Town Vending Committee shall be by a majority of the members present and voting in the meeting.

(3) The Chairperson shall ensure that the minutes of each meeting are recorded which shall be signed by him, circulated amongst the members and published on its website, if available, within one month of the meeting of the Committee.

(4) The members of the Town Vending Committee shall observe discipline and decorum during the entire meeting.

(5) The members may raise any issue with prior permission of Chairperson.

(6) The members shall submit all such necessary documents in case, any allegation or charges for irregularity is being made on any employee of the City Corporation or the City Municipal Council or Town Municipal Council or Town Panchayat, as the case may be.

(7) The members shall submit proposals, suggestions in writing to the Chairperson at least seven days prior to the date of such meeting.

(8) The Chairperson may allot specific time slot to the member who wishes to speak on any topic for discussion:

Provided that, a member shall not be entitled to speak on any issue already discussed. The decision of the Chairperson shall be final and binding upon all the members in this regard.

(9) The decision on any topic or issue, may be taken by division of vote or by voice vote. The Chairperson may cast vote, in case of a tie.

(10) The Chairperson of the Town Vending Committee may suspend any

member or members temporarily for the remaining period of the meeting, in case such member contravenes the rules made for conduct of such meeting.

(11) The Chairperson may order security personnel to remove such suspended member or members, as the case may be.

(12) The minutes of such meeting may be drawn up and circulated to each member.

(13) The member shall not be allowed to bring any written material such as pamphlets, banners or such things into the meeting hall, which are not in accordance with the business of the meeting.

(14) The member shall also not bring any weapons, ammunitions or any such instruments or device into the meeting hall.

12. Leave of absence and disqualification of members:- The leave of absence and the disqualification of the members of the Town Vending Committee shall be decided in the following manner, namely:-

(a) A member, in case of urgency, may remain absent in the meeting with the prior approval in writing of the chairperson of the committee.

(b) **(i)** When a member remains absent for two consecutive meetings without written prior permission, the Chairperson shall issue a show cause notice to such member asking him or her to explain within two weeks, the reason for his or her absence in the meeting. If such member submits satisfactory explanation or reasons for absence, he or she may be continued as a member with a warning. If such situation is repeated, a second time, the member will be suspended from the committee by a written order of the Chairperson and submitted to the Deputy Commissioner (DC) of the district to remove the member.

(ii) Where such member fails to give any satisfactory reason for his absence in the meetings or does not reply to the show cause notice within time, his/her membership from the committee shall be suspended and such suspension order shall be communicated to the member by the Town Vending Committee, and to the Deputy Commissioner of the district to issue termination order.

(c) Any member convicted in any criminal case shall lose his membership of the committee, immediately. Any member charged with any criminal case, shall be suspended from the committee till the charges are decided by a court of law.

(d) Any member who has lost his membership of the committee may prefer an appeal to the Commissioner, Entrepreneurship and Livelihood within one month from the date of receipt of the termination order. The Commissioner, Entrepreneurship and Livelihood, after giving opportunity of hearing both the parties shall decide the appeal within 30 days and the aggrieved party may file a second appeal within 60 days of the said order to the Secretary, Skill

Development Entrepreneurship and Livelihood, who after giving opportunity, shall decide the appeal within 60 days and the decision thereon shall be final.

(e) If a member misbehaves or uses bad language or resorts to violent behavior or disrupts the proceedings, he shall be removed from the committee after recording the instance in the proceedings and submitting to the Deputy Commissioner for termination order.

(f) Any person, after the commencement of these Rules, who is convicted for a term of imprisonment more than six months for an offence punishable under any law for the time being in force, shall, for a period of six years from the date of the conviction or from the date on which the order takes effect, be disqualified for contesting such elections.

(g) Any member may, in person tender his resignation to the Chairperson of the Town Vending Committee and the resignation shall take effect as soon as it is received by the Chairperson.

13. Status paper and street vending scenario shall be put up by the local authority:- After the procedural details are finalized by the Town Vending Committee, and before it takes up the regular business, the committee shall prepare and circulate a status paper of the street vending scenario in the city or town amongst the members of the committee containing the following details, namely:-

(i) the areas of street vending in the City or town indicated in the maps, duly prepared using geo-tagging and total station survey.

(ii) the number of street vendors in the City or town where a survey has already been conducted, otherwise indication can be given about the approximate numbers,

(iii) information about the high footfall areas, lean footfall areas and mid-range areas from the street vending angle,

(iv) the areas of seasonal vending, areas of niche market, areas of night bazaars, the likely high footfall places in the areas under development.

(v) category of articles sold, amount invested, daily, monthly sales, of all surveyed street vendors

(vi) the problem areas from the traffic angle,

(vii) enumeration of the relevant provisions of the Prevention of Food Adulteration Act, 1954, and

(viii) enumeration of health and hygiene aspect that needs to be taken care of by the street vendors.

Explanation:- Caution should be taken to ensure that the data presented are authentic to the extent possible and up-to-date. These databases can be presented in the digital form if so desired by the committee.

14. Functions of the Town Vending Committee.- Without prejudice to any other provisions of the Act, the Town Vending Committee shall perform the following functions, namely :—

(1) 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 its jurisdiction;

(2) to recommend to the local authority an area in its jurisdiction for declaration of the same to be a non-vending area;

(3) to identify new sites and spaces for street vending and have the same notified by the local authority;

(4) to regulate timings for vending to ensure non-congestion of public spaces;

(5) to ensure enforcement of corrective mechanism against defiance by street vendors;

(6) to follow up cases of dispute pending before the Grievance Redressal and Dispute Resolution Committee and the local authority;

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

(8) to hold its meetings and take appropriate decisions to ensure efficient discharge of its functions;

(9) to publish the street vendor's charter in at least one Kannada newspaper of repute and display in the office of the Town Vending Committee and other offices of the Urban Local Bodies as required, 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;

(10) 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 and publish on the website, if available;

(11) Conduct annual survey and verification of list of street vendors and street vending locations and notify locations as street vending spaces

(12) Providing social security, health and welfare to street vendors through Urban Local Body and Government schemes.

(13) Organizing information, awareness programs for street vendors, and public.

(14) Facilitating street vendors to access different benefits provided by the Government and ULB.

(15) Organize Commercial Trade Fairs and promotional events for Street Vendors.

(16) Any other function assigned by Government

15. Allowances to members of the Town Vending Committee:- The allowances payable to the non-official members of the Town Vending Committee, who do not hold any office of profit, shall be at the rate of Rupees Five Hundred only for attending each meeting of the Town Vending Committee.

16. Person to be associated/co-opted in meeting:- The town vending committee may associate any expert in the field of informal economy including street vending or spatial planning, environmental protection, Geographical Information System, marketing issues, for taking a view on matters relating to street vending. Such an expert shall have the right to take part in the discussion in the meeting but shall have no right to vote in the meeting. The selection of such expert shall be through a transparent procedure with such honorarium as may be decided by the Commissioner, Entrepreneurship and Livelihood.

17. Employees of Committee:- (1) The town vending committee shall have its permanent offices at the space allotted by the local authority. The local authority shall allot sufficient space for holding a meeting including all members.

(2) The local authority shall provide adequate staff at their cost as requested by the committee but no permanent burden shall be created by the committee on account of the establishment cost.

CHAPTER – III
DISPUTE REDRESSAL SYSTEM

18. Constitution of the Grievance Redressal Committee- (1)There shall be a Grievance Redressal Committee for each local authority, constituted by the Government under sub-section (1) of section 20 of the Act.

(2) The Government shall decide the area of jurisdiction and the headquarters of the Grievance Redressal Committee.

(3) (a) The Government shall appoint a retired civil judge or a judicial magistrate as a Chairperson and two other persons as members of the Grievance Redressal Committee.

(b) Out of two other members of the committee, one shall be a retired Group A officer of the state government from the local area with impeccable service record and below 65 years of age and the second member of the committee shall be a prominent social worker, preferably having experience in the field of informal economy including street vending from the local area and below 65 years of age.

(4) The tenure of the Grievance Redressal Committee shall be for a period of five years.

(5) The Chairperson and the members of the Grievance Redressal Committee shall be paid such remuneration as may be decided by the Government from time to time, as per the following minimum guidelines.

(a) If retired civil judge or judicial magistrate is appointed on part time basis, honorarium at the rate of Rupees Two Thousand Five Hundred per day of sitting shall be paid and

(b) The operational jurisdiction of the committee shall be notified by the Government from time to time.

(c) The other members of the Grievance Redressal Committee shall receive honorarium at the rate of Rupees One Thousand per day of sitting if appointed on part time basis.

19. Place of sitting.- (1) The Grievance Redressal Committee shall be located in the office of the Municipality or at such place within the territorial limit of the concerned Municipality as may be notified by the Municipality in consultation with the Government.

(2) The working days and the office hours of the Grievance Redressal Committee shall be the same as that of the Government.

(3) The Office seal and the emblem of the Grievance Redressal Committee shall be such as that of concerned Municipality and shall be kept in custody by an officer authorized by the Chairperson of the Grievance Redressal Committee.

20. Form and manner of making application to the Grievance Redressal Committee:- (1) Any street vendor who has grievance or dispute in respect of anything done or any action taken under the provision of the Act or the Rules (except as specified in section 11 of the Act) may make an application in writing in Form-IV, either himself or through his representative, to the Grievance Redressal Committee.

(2) Such application shall be filed by the street vendor within a period of thirty days from the date of occurrence of any incident causing the grievance or dispute.

Provided that, the Grievance Redressal Committee 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.

(3) The Grievance Redressal 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 a quasi-judicial authority,

(c) the matter is beyond the purview of the Act, and

(d) The applicant has no locus standi to file an application.

(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.

21. Manner of hearing by the Grievance Redressal Committee:- (1) On receipt of an application under Rule 20 the Grievance Redressal Committee shall hold a preliminary hearing with the applicant to determine as to whether there is a prima facie case and whether the balance of convenience is in favor of applicant. The applicant may also pray for interim relief during the pendency of such application.

(2) The result of the preliminary hearing shall be pronounced at the conclusion of the hearing and shall be recorded in writing and communicated to the applicant. The committee may grant or refuse the interim relief, if any prayed by the street vendor, with reasons to be recorded in writing.

(3) Where it has been held by the committee that there is a prima facie case, a notice shall be issued to the public authority containing the details of the grievance or dispute.

(4) The public authority, on receipt of such a notice, shall file a reply within a period to be decided by the committee. A copy of the reply shall also be furnished to the street vendor, free of cost.

(5) The street vendor may file a counter reply within a period of two weeks from the date of receipt of the written reply filed by the Public authority.

(6) The Grievance Redressal Committee may order for a field inquiry by deputing one of its members or an official of the local authority in connection with the contentions made by the applicant or respondent and also with reference to the records placed before it.

(7) The Grievance Redressal Committee, after hearing both the parties, shall pass an order in writing, with the reasons for taking the decision, within a period of one month from the date on which hearing of both the parties is concluded.

(8) The decision of the Grievance Redressal Committee shall be binding on the parties unless it is stayed by the Appellate Committee to which appeal lies.

CHAPTER – IV
APPEALS

22. Appellate Committee to hear appeal:- Every local Authority shall constitute a Committee consisting of the Mayor or President, as the case may be, as the Chairperson and two other members of the local authority as decided in the general body meeting, to work as Appellate Authority to hear appeals under Rule 23.

23. Appeal against order or decision of the Grievance Redressal Committee and Town Vending Committee.- (1) An appeal against an order or decision of a Grievance Redressal Committee and Town Vending Committee may be preferred by an aggrieved person, in Form-VI and in Form-V respectively, to the appellate authority constituted under Rule 22 within a period of 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 appeal 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.

(3) The memorandum of appeal shall be accompanied by original order or certified copy of the order, if any, against which appeal is preferred.

(4) The appeal shall be filed in three sets and accompanied by a fee of Rupees Two Hundred.

(5) No such appeal shall be entertained unless a copy thereof has been served upon the respondent, along with the acknowledgment.

24. Procedure for disposal of appeals by the Appellate Committe:- (1) The officer or the person authorized 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 under Rule 22, which shall fix a date for hearing of the appeal, which shall not be later than thirty days from the date of filing of the appeal, and shall cause a notice of the hearing to be served upon the concerned.

(3) The Appellate Committee shall on the basis of submissions made before it by the concerned and the records of the case, pass such order, as it thinks fit, with reasons to be recorded in writing, within sixty days from the date of receipt of the appeal by it.

CHAPTER-V
MISCELLANEOUS

25. Manner of maintaining up-to-date record of street vendors:- (1) The paper record of the Town Vending Committee shall be maintained by its secretariat in the place allotted by the local authority and the soft copy should also be suitably maintained. All decisions taken by the Town Vending Committee shall be placed on a designated website.

(2) The records relating to the allotment of the space to the street vendors shall be kept for ten years. Other records may be preserved for a period of five years unless those are needed for any legal proceedings.

(3) The street or road plan with the existing site of the street vending shall be a permanent record with the town vending committee.

26. Manner of publishing summary of scheme:- The summary of the scheme notified by the Government under Section 38 of the Act shall be published by the local authority in two local newspapers in Kannada. Such publication of the scheme by the local authority shall be made within seven days from the date of the scheme is notified by the Government.

27. Furnishing of returns to the Government:- (1)Every Town Vending Committee shall furnish online from time to time, the return as required under Section 30 along with the details specified in Form VII to the Government.

(2) The Government may require a Town Vending Committee to furnish such other returns in such other Proforma as demanded from time to time.

28. Annual Report:- The annual report shall be prepared by the town vending committee within three months after the completion of the financial year and shall also be uploaded on the designated website.

29. Interpretation and removal of difficulty:- If any difficulty arises in implementing the provisions of these Rules or for interpretation of any Rule, the matter shall be referred to the Government and the decision of the Government thereon shall be final.

SCHEDULE
[See Rule 5]

Procedure for the Conduct of Elections of Members of a Town Vending Committee representing the Street Vendors in the area of the Local Authority.

(1) Subject to the directions of the Government, Co-operative Election Authority, Karnataka shall supervise, direct and control the conduct of election of the members of a Town Vending Committee representing the street vendors.

(2) 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 local authority.

(3) The Co-operative Election Authority shall appoint a returning officer for the purpose of conducting the elections of members of a town vending committee representing the street vendors of the area under its jurisdiction.

(4) The Co-operative Election Authority, Karnataka shall by order determine the date, time and place for conduct of elections.

(5) The notice of the order or decision of the Co-operative Election Authority, Karnataka shall be circulated among the street vendors engaged in the vocation of street vending in the area of concerned Local Authority where election is to be conducted by any of the following modes, namely:-

(a) by public notice to be published in two prominent daily newspapers in Kannada or such other language;

(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; and such notice shall contain information regarding,—

(i) the number of members to be elected including seats reserved for representatives of the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities, women, persons with disabilities 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 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 scrutiny of the nomination papers
(iv) the date, place, hours of polling.

(6) As specified in sub-rule (2) of Rule 6, the local authority shall provide voters list to the Co-operative Election Authority, Karnataka.

(7) The nominations of the candidates for election shall be made in Form-I annexed to this Schedule which shall be supplied by the returning officer to any applicant street vendor, free of cost.

(8) The candidate shall make a security deposit of Rupees Two Thousand in cash or bank draft or pay order along with the nomination papers. If a candidate fails to get more than one-sixth of the votes polled, the security deposit shall be forfeited to the local authority.

(9) 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 or returning officer. Any nomination paper which is not received on or before the date and time fixed for its receipt shall be rejected.

(10) (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 paragraph 6 if the identity 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.

(11) The list of valid nominations as decided by the returning officer with names in Kannada alphabetical order and addresses of the candidates as given in the nomination papers will be displayed or published on the same day on which the scrutiny of the nomination papers is completed.

(12) 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 05.00 pm on the day following the day on which the valid nominations are published, to the returning officer and a notice of withdrawal of candidates once given shall be irrevocable.

(13) 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 candidatures fixed under paragraph 10 above. If the number of candidates whose nominations 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 as prescribed in Form-II annexed to this Schedule.

(14) The local authority shall provide the returning office with ballot boxes, ballot papers, copy of list of street vendors or 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 and such letter shall contain the consent in writing of the agent concerned in Form-III annexed to this Schedule.

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

(16) If the Returning officer thinks that it is necessary to conduct the election in more than one place in the Local Authority area, he will appoint Presiding Officer and other Polling staff as required in the Local Authority area.

(17) Immediately before the commencement of the poll, the returning officer or the Presiding 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 own seal, if he so desires.

(18) Every street vendor or 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 Kannada alphabetical order either printed, type written 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.

(19) 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 or voters can record their votes in secrecy.

(20) No ballot paper shall be issued to a street vendor or voter unless the polling officer is satisfied that the street vendor or voter concerned is the same person as noted in the list furnished to him. On receipt of such ballot paper the street vendor or voter shall proceed to the polling compartment set apart for the purpose and indicate the person or persons in whose favor 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 or 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 desired to vote, inscribe the mark 'x' on his behalf and put the ballot paper in the ballot box.

(21) 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.

(22) No street vendor or 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.

(23) 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 or Presiding 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 authorized 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.

(24) 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.

(25) In case of equality of votes, the returning officer shall declare the election result by tossing coin.

(26) The ballot paper shall be rejected by the returning officer if,—

(i) it bears any mark by which the street vendor's identity 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 manner 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 ballo paper cannot be established.

(27) After the result of election has been announced, the result of the election and a report thereon shall be communicated to the Municipal Commissioner or the Chief Officer, as the case may be, by the returning officer within three days after the declaration of result.

(28) 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 and the same shall safely be preserved by the local authority till the next election results are available 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 local authority by the returning officer along with his report.

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FORM I
(see Rule 5)
(Clause 7 of Schedule)

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 vendors vending in the area of jurisdiction of the town vending committee, (Registration/Certificate of Vending No.....) here by 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 committee 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 business committee, hereby agrees to my nomination for the election as Members 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, and
(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 .....Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 made there under.

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Name and Signature of the Candidate.....
Registration / Certificate of Vending No.....

(FOR OFFICE USE ONLY)

Received the nomination format ..... (time and date)
Signature of the Returning Officer.....
Seal

ACKNOWLEDGEMENT

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

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FORM II
(see Rule 5)
(Clause 13 of Schedule)

BALLOT PAPER FOR ELECTION OF MEMBER OF A TOWN VENDING COMMITTEE

Ballot paper of election of Members of a town vending committee whose elections are to be conducted under appended to the Street (Protection of Livelihood and Regulation of Street Vending Business) Rules,

The .....Street Vending Committee
.....
.....(Address)

(Counterfoil)

Ballot paper for the Post of.....
Date of Election.....
Sr.No.....Registration / Certificate of Vending No.
No.....Ballot Paper.

Please mark (x) against one of the candidates.

Sr. No	Name of the candidate	Registration / Certificate of Vending No.	Mark for casting vote

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FORM III

(see Rule 5)

(Clause 14 of Schedule)

Letter for appointment of Election Agent / Counting Agent

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 agent / 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.

Signature of the Agent

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FORM IV

(see Rule 20)

APPLICATION BY THE AGGRIEVED STREET VENDOR TO THE GRIEVANCE REDRESSAL COMMITTEE

Application No.....of 20.....
.....Applicant
Vs
.....Respondent

1. Name of applicant:
2. Address for correspondence:
3. ID number /Vending Certificate Number given by local authority (if issued)
4. Number and the date of issue of Certificate for vending:
5. Place or location of vending:
6. Zone or ward of vending:
7. Nature of vending:
   I. Mobile
   II. Stationary:
   III. Any other (specify):
8. Grievance against which authority:
9. Details of grievance of dispute (Give full details):
10. Documents supporting grievance of dispute:
11. Declaration:

I, ...the applicant, do hereby solemnly declare that what is stated above is true to the best of my knowledge and information and files this application within the time limit prescribed in the rules.

Place:
Date: Signature of applicant

Note: Attach all the relevant documents with this application. If required give full details of grievance of dispute on the separate pages to be attached with this application.

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FORM-V

[see Rule 23]

APPEAL TO THE LOCAL AUTHORITY AGAINST THE DECISION OF THE TOWN VENDING COMMITTEE

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.	Nature of the order appealed against (Tick the appropriate) (a) issuance of certificate of vending; (b) cancellation of Certificate of Vending; or (c) Suspension of Certificate of Vending.	:	
7.	Grounds of appeal (give full details and attach more pages if required)	:	

Signature of appellant

.....

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DECLARATION

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

Place:
Date:

Signature of appellant
.....

Note.— Please attach all the relevant documents along with the application.

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FORM VI

(see Rule 23)

APPEAL BY THE AGGRIEVED STREET VENDOR TO THE LOCAL AUTHORITY AGAINST DECISION OF THE GRIEVANCE REDRESSAL COMMITTEE

Appeal No. .....of 20.....s

.....Appellant

Vs

.....Respondent

1. Name of applicant:
2. Address for correspondence:
3. ID number/Vending Certificate Number given by local authority (if issued):
4. Number and date of issue of Certificate for Vending :
5. Place or location of vending:
6. Zone or Ward of vending:
7. Nature of vending:
   (i) Mobile:
   (ii) Stationary:
   (iii) Any other (specify):
8. Decision of Grievance Redressal Committee against which appeal is preferred:
9. Details and grounds of Appeal (give full details)
10. Documents supporting Appeal:
11. Declaration

I, ...the applicant, do hereby solemnly declare that what is stated above is true to the best of my knowledge and information and files this appeal within the time limit prescribed in the rules.

Place:

Date: Signature of appellant

Note: Attach all the relevant documents including order of Grievance Redressal Committee with this appeal. If required, to give full reasoning of appeal on the separate pages to be attached with this appeal.

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FORM VII
(see Rule 27)

DETAILS IN THE PERIODICAL ONLINE RETURNS TO BE FURNISHED TO THE STATE GOVERNMENT

.....(City Corporation or City Municipal Council or Town Municipal Council or Town Panchayat or Cantonment Board) hereby submit the following details in the periodical return for quarter ending.....(March of / June of /September of or December of), 20___.

1. Details of certificates issued, rejected, suspended and cancelled during the quarter.

Details	Applications	Accepted or issued	Rejected	Renewed	Suspended	Cancelled
Pending at the beginning of the quarter						
Newly received						
Total						
Cleared during the quarter						
Pending at the end of the quarter						

2. Number of newly surveyed street vendors and their complete details including name of street vendor, address, place of vending, type of vending etc.
3. Number of meetings of the town vending committee held.
4. Details of newly vending area earmarked, if any, with its holding capacity.
5. Details of Social audit done, if any.
6. Details of promotional measures taken for availability of credit, insurance and other welfare schemes of social security for street vendors.

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7. Any other information, as directed by the State Government from time to time.

(I) Survey—

(a) the number of street vendors surveyed during;
(b) name of area and wards where survey work has been completed along with date of completion of survey;
(c) name of area and wards where survey work is in progress along with the date of start of survey and the date of likely completion;
(d) the number of registered street vendors wardwise 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 (wardwise) received for issue of certificate of vending during the year;
(b) the number of applications (wardwise) disposed of 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 of during the year of which—
(i) the number of certificate 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 of during the year of which—
(i) the number of applications where suspension revoked and the certificate of vending revalidated;
(j) 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 of 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) Wardwise list of vending zones identified along with the details such as ward, area/ colony, road, map of the vending zone, and the holding capacity;
(VIII) Wardwise number of registered street vendors that have been accommodated in the notified vending zones;
(IX) Other activities—(1) *(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.

By order and in the name of
Governor of Karnataka

(Siddiq Pasha)
Deputy Secretary to Government 12/6/19
Skill Development,
Entrepreneurship and Livelihood
Department

To,

1. Accountant General(A&E),G&S.S.A)E&R.S.A) ,Karnataka, Bengaluru
2. Chief Secretary to Government, Vidhana Soudha,Bengaluru (Case No.321/2019)
3. Joint Secretary,Ministry of Skill Development and Entreprenurship, 3rd Floor ,Sharam Shakthi Bhavan, Rafi Marg, New Delhi

4. Joint Secretary, DAY_NULM , Ministry of Housing and Urban Affairs ,Ground Floor, Nirman Bhavana, New Delhi
5. Additional Chief Secretary to Govt. & Development Commissioner
6. Secretary to Govt., Finance Department (Exp-9), Vidhana Souda,Bengaluru
7. Secretary , Department of Parliamentary Affairs and Legislation , Vidhana Souda, Bengaluru
8. To All Secretaries/Principle Secretaries/Additional Chief Secretaries
9. Commissioner, BBMP, Bengaluru
10. Commissioner, Industrial Training and Employment, Bengaluru
11. Commissioner, Entrepreneurship and Livelihood,Bengaluru
12. Mission Director, DAY_NULM, Bengaluru
13 Mission Director, Sanjeevini-KSRLPS, Bengaluru
14 Director, Director of Municipal Administration ,VV Tower,Bengaluru
15. Treasury Officer, State Huzur Treasury, Bengaluru
16. Personal Secretary to Minister, Skill Development, Entrepreneurship and Livelihood Department, Bengaluru
17. PS to Secretary, SDEL,Bengaluru
18. Govt. Advocate, High Court of Karnataka ,Benglauru
19. Deputy Secretary to Govt, SDEL,Bengaluru
20. To All Karnataka street Vendors Society (through Mission Director, DAY_MULM)
21. Guard File/Extra Copy

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