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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-B

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made by the Government of Gujarat under the Gujarat Acts

Urban Development and Urban Housing Department

NOTIFICATION

Sachivalaya, Gandhinagar,

Dated the 20th December, 2016

Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

No:GH/H/224 of 2016/NLM/102016/302 /H:- Whereas, the draft rules, namely the Gujarat Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 were published by the Government of Gujarat in the Urban Development and Urban Housing Department vide No.GH/H/186 of 2016/NLM/102016/302/H, dated:18.10.2016 in the Gujarat Government extra ordinary Gazette Part IV-B, dated:18.10.2016, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS, the objections and suggestions received within the said period from the public in respect of the said draft rules have been duly considered by the Government of Gujarat;

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, the Government of Gujarat hereby makes the following rules, namely:-

CHAPTER I

PRELIMINARY

1. ***Short title and commencement.-*** (1) These rules may be called the Gujarat Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016.

(2) They shall come into force on the date of their 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 (7 of 2014);

(b) "Chief Officer" means the Chief Officer of the municipality appointed as such under the Gujarat Municipalities Act, 1963;

(c) "form" means the form appended to these rules;

(d) "local authority" means-

(i) a 'municipal corporation' constituted under the Gujarat Provincial Municipal Corporations Act,1949; **Bom. LIX of 1949.**

(ii) a 'municipality' constituted under the Gujarat Municipalities Act, 1963; **Guj. 34 of 1964.**

(iii) 'notified area' constituted under the Gujarat Municipalities Act, 1963; **Guj. 34 of 1964.**

(iv) 'Cantonment' as declared from time to time under the Cantonment Act, 2006; **41 of 2006.**

(e) "Municipal Commissioner" means an officer appointed as such for the Municipal Corporation under the Gujarat Provincial Municipal Corporations Act,1949; **Bom. LIX of 1949**

(f) "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,

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(viii) erecting intermediate pumping stations for water supply and services,

(ix) public conveniences,

(x) any project related to public transport service such as Bus Rapid Transit System (BRTS), Metro Rail,

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

(xii) creation of public Parks, Gardens and Recreational Area,

(xiii) conservation of any eco system resource in that area/zone , and

(xiv) such other developmental work taken by the local authority, the beneficiary of which shall be the community at large.

(2) Words and expressions defined in the Act and used in these rules shall have the meaning assigned to them in the Act.

CHAPTER II

AGE OF STREET VENDOR

3. ***Minimum Age of Street Vendor*.–**The minimum age of a street vendor for street vending shall be eighteen years.

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CHAPTER III

TOWN VENDING COMMITTEE

4. ***Constitution of Town Vending Committee*.-**

(1) The Municipal commissioner of each Municipal Corporation shall constitute the Town Vending Committee which shall including himself consist of 19 members as follows, namely:-

I-Official Members:

(i) The Municipal Commissioner who shall be the Chairperson of the Town Vending Committee,

(ii) Medical officer of the Municipal Corporation or any officer in-charge of the management of preventive health measures,

(iii) Chief of Planning Authority or his representative, and

(iv) One Police officer not below the rank of Assistant Commissioner of Police In-charge of Traffic, to be nominated by the Police Commissioner of the City,

(v) One officer of the Municipal Corporation dealing with the Street Vending activities, as may be nominated by the Chairperson, who shall be the Member-Secretary of the Town Vending Committee;

II-Non-official Members:

(i) One member (Councilor) of the Municipal Corporation, to be nominated by the Municipal Corporation;

(ii) Eight elected representatives of the street vendors who are carrying on street vending activity:

Provided that one-third of members representing the street vendors shall be from amongst women vendors:

Provided further that due representation shall be given to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities from amongst the members representing street vendors,

(iii) One member representing / from the Market and Trade Association,

(iv) One member representing / from the Non-Government Organization,

(v) One member representing / from the Community Based Organizations,

(vi) One member representing / from the Resident Welfare Association, and

(vii) One representative of the Nationalized Lead Bank of the City area of the Municipal Corporation or, the District, as the case may be.

(2) The Collector of the concerned District shall constitute the Town Vending Committee consisting of the 15 members, for each Municipality falling within the district as follows, namely:-

I-Official Members:

(i) The Chief Officer who shall be the Chairperson of the Town Vending Committee,

(ii) The Medical Officer of the municipality or any officer in-charge of of the management of preventive health measures,

(iii) The Police Inspector or Police-Sub-Inspector (in-charge of traffic), and

(iv) The Town Planning Officer, appointed for the Municipality or nearby City area of the Municipal Corporation, to be nominated by the Chief Town Planner of the State,

(v) One officer of the Municipality, dealing with the Street Vending activities, as may be nominated by the Chairperson, who shall be the Member- Secretary of the Town Vending Committee.

II-Non-official Members:

(i) One member of the local authority, Municipality, to be nominated by the Municipality,

(ii) Six elected representatives of street vendors who are carrying on street vending activity,:

Provided that one-third of the members representing the street vendors shall be from amongst women vendors:

Provided further that due representation shall be given to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities from amongst the members representing street vendors,

(iii) One member representing / from the Market and Trade Associations,

(iv) One member representing / from the Non-Governmental Organization or Community based Organization or Resident Welfare Association,

(v) One representative of the Nationalized Lead Bank of the nearby City area of the Municipal Corporation or, the District, as the case may be.

(3) The Non-official members shall be elected in the manner laid down in rule 6.

5. ***Provisional Town Vending Committee.*** **-** (1) Notwithstanding anything contained in rule 4,-

(g) the State Government in the case of Municipal Corporation, and

(ii) the District Collector in the case of Municipality, shall constitute or direct the local authority to constitute the Provisional Town Vending Committee,

till such time, as the survey of street vendors is completed and election or selection of the representatives of street vendors is held on the basis of such survey. The State Government or, the local authority, as the case may be, shall 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 some documents more than six months old establishing the status of a person as a street vendor in the City or a town, for which the Provisional Town Vending Committee is to be constituted.

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

6. ***Mode of Nominating Non-Official Members.-*** (1) The general Board of the local authority shall nominate one of the members of the local authority, to as the member of the Town Vending Committee.

(2) The Members of the Street Vendors Association shall be decided by a ballot based election. The election shall be conducted by the Member-Secretary of the Town Vending Committee or his representative by following the procedure and in the manner provided in the Schedule appended to these rules.

(3) The Market and Trade Associations and National Lead Bank shall individually nominate one of their officials as a member of the Committee.

(4) The Members of the Non-Government Organization (NGO), Community Based Organization (CBO) and Residents Welfare Association (RWA) shall be chosen by the following procedure and in the manner as stated hereinafter, namely:-

(i) the local authority shall publish a public notice, calling for applications for the membership of the Town Vending Committee, on its website and in any two prominent local newspapers published in the local language of the area. A copy of the notice shall also be displayed in any conspicuous place in the local market or markets within the jurisdiction of the local authority;

(ii) the publication of such notice shall contain, amongst other things, the date of publication, the form for the application, qualifications of the candidate, the manner of submission of the applications and the last date for submission of application;

(iii) the notice shall be published thirty days prior to the last date for the submission of applications for membership of the Committee;

(iv) any person, being a member of any NGO, CBO or RWA is eligible to apply for membership of Committee provided his application is endorsed by the concerned NGO, CBO or RWA and such person shall have completed the age of eighteen years and had not been convicted by any court of law for any criminal offence declaring him to be incompetent to take part in the general election;

(v) the local authority may seek information, with respect to, particulars of the applicant and details of work experience, particularly in the field of informal market or markets and street vending within the jurisdiction of the local authority, and such other information as it may deem fit;

(vi) the local authority, on receipt of such applications shall allot a unique number to each application and communicate the same to every applicant; and

(vii) if the applications received are more than the required numbers, the local authority shall select the member on the basis of lottery. Such lottery shall be held in the presence of the interested parties.

(5) The local authority shall publish the aforesaid information and the list of nominated members of the Town Vending Committee on its website, within thirty days from the last date for submission of an application for the membership of the Committee.

(6) The formation of the Town Vending Committee (both official and non-official members) shall be published by the State Government in the *Official Gazette.*

7. ***Term of Town Vending Committee.–*** (1) The term of the Town Vending Committee shall be three years from the date of its constitution.

(2) The procedure of constituting new Town Vending Committee shall be completed before the expiry of the term of the existing Committee. In case, procedure is not completed within stipulated time period, the State Government may extend the time limit of the existing Town Vending Committee for further period of one year but such period shall not be extended beyond six months at a time.

8. ***Removal of Member of Town Vending Committee.-*** If, in the opinion of ,-

(i) the State Government ,in case of Municipal Corporation, or

(ii) the District Collector, in case of Municipality, that any member of the Town Vending Committee persistently makes default in the performance of his duties imposed on him by or under the Act or the rules or exceeds or abuse its power, the State Government or, the District Collector, as the case may be, may after taking opinion of the Chairperson, by an order remove such member from the Town Vending Committee:

Provided that no such member shall be removed from the committee unless he has been given a reasonable opportunity of being heard before passing any order of removal.

9. ***Method of Filling up of Vacant Post.***– Where any vacancy of member occurs in the Town Vending Committee due to resignation, death, removal of any member or for any other reason, the procedure as laid down in rules 4 and 6 shall be followed to fill up such vacancy, provided such vacancy occurs before six month of the expiry of the term /prior to the expiry of the term of the Town Vending Committee. However, in case of dissolution of local authority, member of the local authority shall continue till new member is nominated by the newly constituted local authority.

10. ***Conduct of Business of Town Vending Committee.-*** (1) The Town Vending Committee shall, in its first meeting, decide the various procedural aspects relating to conduct of its business.

(2) The time, date and venue of the meeting shall be decided by the Chairperson.

(3) The Member-Secretary shall issue a notice along with the agenda before seven days of a scheduled meeting. Seven clear days' notice shall be given for the meeting of the Committee.

(4) The agenda of items to be discussed in the meeting shall be circulated to the members and put up on official website. Each agenda item shall be accompanied by a detailed note bringing out the issues involved with the clear recommendation, if any, made by the administration. The agenda papers including the notes shall be in the local language.

(5) The quorum of the meeting shall be of two-thirds of the total members of the Committee.

(6) The decision shall be taken on the basis of the majority of members present at the meeting.

(7) No meeting shall be carried on in the absence of the quorum and where there is no quorum, the meeting shall be adjourned.

(8) The minutes of the meeting shall be signed by the Chairperson and shall be placed in the subsequent meeting of the Committee for confirmation.

(9) The minutes of the meeting shall be placed on the website of the local authority or, the Town Vending Committee, as the case may be.

(10) The meeting of the Town Vending Committee shall be held at least once in every six months.

(11) The first meeting of the newly constituted Town Vending Committee shall be convened within fifteen days from the date of its constitution.

11. ***Disqualification of Member.-*** The leave of absence and the disqualification of the member of the Town Vending Committee shall be decided in the following manner, namely:-

(1) A member, in case of urgency, may remain absent in the meeting with the prior approval of the Chairperson of the Committee.

(2) (a) When a member remains absent for three consecutive meetings without the permission of the Chairperson, the Chairperson shall issue a show cause notice to such member asking him to explain within two weeks, the reasons for his absence in the meetings.

If, in the reply submitted by such member the reasons for his absence are found satisfactory, he may be allowed to continue as a member with the warning.

(b) Where such member fails to give any satisfactory reasons for his absence in the meetings or does not give reply within the time limit, to the show cause with respect to the notice issued to him, his membership from the Committee shall be terminated by an order of the Town Vending Committee and the same shall be communicated to the member.

(3) Any member convicted in any criminal proceedings shall loose his membership of the Committee.

(4) Any member whose membership of the Committee has been terminated may prefer an appeal to,-

(i) the State Government in case of Municipal Corporation; or

(ii) the District Collector in case of Municipality,

within one month from the date of receipt of the termination order. The State Government or, the District Collector, as case may be, after giving an opportunity of being heard to both the parties, shall decide the appeal and the decision of the appellate authority there on, shall be final.

12. *Local Authority to Circulate Status Paper and Street Vending Scenario*.- After the procedural details are finalised by the Town Vending Committee and before it takes up the regular business, the local authority shall circulate a status paper of the street vending scenario in the City or, Town, a the case may be, amongst the members of the Committee containing the following particulars, namely:-

(i) the areas of street vending in the City or Town indicated in the map;

(ii) the number of street venders in the City or Town where a survey has already been conducted; where the survey has not been conducted, indicate 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) a broad category of articles being sold;

(vi) the problematic areas from the traffic point of view;

(vii) enumeration of the relevant provisions of the Prevention of Food Adulteration Act, 1954, the Gujarat Provincial Municipal Corporations Act, 1949, Gujarat Municipalities Act, 1963, the Food Safety and Standards Act, 2006 or any other Act related to food safety, etc. ;and

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

Note: Care shall be taken to ensure that the data presented are authentic to the extent possible and up-to-date. This will virtually form the baseline data to facilitate the Committee to take decision. These databases can be presented in the digital form if so desired by the Committee.

13. ***Functions of Town Vending Committee.–*** Without prejudice to any other provisions of the Act, the Town Vending Committee shall perform the following functions and duties, namely:-

(i) to conduct surveys for street vending and to take final decision about vending zones along with their holding capacity as worked out by the local authority under the scheme;

Explanation*:*-For deciding the vending zones, the Committee shall have the base materials or data from the local authority. The bye-laws and the planning will identify the vending zones;

(ii) where the Committee considers it necessary to change zoning or the area to be allotted to individual vendor, it may draw the attention of the local authority to suitably modify the plan. The Committee shall take final decision thereon after obtaining the opinion of the local authority;

(iii) while making recommendations and suggestions regarding any changes in the vending zones, the Committee shall take into consideration the road width, traffic flow and the pedestrian movement in the area concerned;

(iv) The Town Vending Committee if it is satisfied that such certificate of vending has been secured by the street vendor through misrepresentation or fraud or that the vendor has committed any breach of the terms and conditions of the certificate of vending or any other terms and conditions specified for regulating street vending under the Act or the rules or the scheme made under the Act, it may cancel or suspend the certificate of vending of street vendors:

Provided that no order of cancellation or suspension of a certificate of vending by the Town Vending Committee shall be made unless the vendor has been given an opportunity of being heard:

Provided further that any such order for cancellation or suspension of a certificate of vending by the Town Vending Committee shall specify the reasons for such cancellation or suspension in the written order communicated to the vendor;

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

(vi) to ensure enforcement of corrective measures against defiance by street vendors;

(vii) to follow up cases of dispute pending before the dispute redressal committee and the local authority;

(viii) to carry out social audit as specified in the scheme,

(ix) to declare, on the recommendation of the local authority, the natural market, weekly market, heritage market, festive market, seasonal market, night bazaar and niche market with their exact location and the specific period in case of seasonal market or festive market. Where such markets are evolving a new thing, the committee shall get the necessary survey carried on of the area and such other aspects as it deems necessary and declare the place as a market of any of the aforesaid mentioned categories, depending on the situation;

(x) to furnish, from time to time, to the State Government such returns as may be necessary to be submitted or prescribed by rules made under the Act;

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

(xii) to provide comments to the State Government for undertaking promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors;

(xiii) to raise awareness among the people, the role of street vendors in the economy;

(xiv) to ensure maintenance of records relating to town vending matters; and

(xv) to perform such other functions as assigned by the local authority or the State Government for effective implementation of the Act and these rules;

14. ***Constitution of Sub-Committee.-*** The Town Vending Committee may constitute a sub-committee consisting of its members, to examine any specific issue crop up, from time to time, which may be assigned to the sub-committee to examine it and to give its suggestion or recommendation on the issues referred to it.

15. ***Allowances to Non-official Members.–*** The non-official members of the Committee shall be entitled to and paid allowance by the local authority, for attending the meeting of the Committee, at the same rate as is paid to the members of the local authority. In case of non-quorum of meeting, fifty per cent. of the allowance shall be paid to such members who have attended such non quorum meeting.

16. ***Persons to be Associated in Meeting.–***The Town Vending Committee may associate any expert or eminent person in the field of urban planning, informal economy including street vending or spatial planning issues, for taking a view on the matters relating to the street vending. Such person shall have the right to take part in the discussion in the meeting but has no right to vote in the meeting. Such person shall be paid an honorarium as may be decided by the Chairperson.

17. ***Employees of Committee–***(1) The Town Vending Committee shall have its permanent office at the space allotted by the local authority.

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

CHAPTER IV

DISPUTE REDRESSAL SYSTEM

18. ***Constitution of Dispute Redressal Committee.–*** (1) The State Government shall constitute one or more Dispute Redressal Committees for redressal of grievances or resolution of the disputes of the street vendors.

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

(3) (a) The State Government shall appoint a Civil Judge or a Judicial Magistrate as the Chairperson and two other persons as the members of the Dispute Redressal Committee.

(b)Out of two other members of the Committee, one shall be a retired Deputy Municipal Commissioner of a Municipal Corporation or retired Chief Officer of a Municipality in the region and the **other** member of the Committee shall be a prominent social worker,

preferably having an experience in the field of urban planning or informal economy including street vending in the same region.

(4) The tenure of the Dispute Redressal Committee shall be three years.

(5) The Chairperson and the members of the Dispute Redressal Committee shall be paid such remuneration as may be prescribed by the State Government from time to time.

19. ***Manner of Making Application to Dispute Redressal Committee.-*** (1) Any street vendor who has grievance or dispute in respect of anything done or any action taken under the provisions of the Act or the rules (except section 11 of the Act) may make an application in writing in Form-IV, either himself or through his representative, to the Dispute 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.

(3) The Dispute Redressal Committee shall not entertain an application where-

(a) the application is anonymous or ~~it~~ containing 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.

20. ***Manner of hearing by Dispute Redressal Committee.-*** (1) On receipt of an application under rule 19, the Dispute 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 favour of applicant. The street vendor may also pray for the 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 the reasons 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 notice, will 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 State authority.

(6) The Dispute Redressal Committee may order for or direct to hold 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 Dispute 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 concluded.

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

CHAPTER V

APPEALS

21. ***Constitution of Appellate Committee.–*** Every local authority shall constitute a Appellate Committee consisting of the Mayor, in case of Municipal Corporation or, the President, in case of Municipality as a Chairperson and two other members of the local authority as may be nominated by the general body of the local authority to work as the Appellate Committee to hear the appeal under rule 22 and rule 23.

22. ***Appeal against decision or order of Town Vending Committee.–*** (1) Any person, who is aggrieved by the decision or order of the Town Vending Committee with respect to issue of certificate of vending or cancellation or suspension of certificate of vending, may prefer an appeal to the Appellate Committee constituted under rule 21 within a period of thirty days from the date of the decision of the Town Vending Committee, in the Form V, either himself or through his representative.

(2) No appeal preferred after the expiry of the stipulated period specified in sub-rule (1) shall not be entertained by the Appellate Committee:

Provided that the Appellate Committee may condone the delay, if it is satisfied that the appellant could not preferred the appeal within the stipulated period for sufficient reasons.

(3) The Appellate Committee shall issue notice to the parties concerned to show cause as to why the prayer prayed for in the application should not be granted and direct them to give reply within a period of 15 days.

(4) The Appellate Committee shall dispose of such appeal within a period of thirty days from the date of filing the appeal.

(5) The Appellate Committee shall, after hearing both parties, pass an order in writing, stating reasons for taking such decision.

23. ***Appeal to Appellate Committee Against the Order of Dispute Redressal Committee.–*** (1) Any person aggrieved by the decision or order of the Dispute Redressal Committee may prefer an appeal in writing to the Appellate Committee constituted under rule 21 within a period of thirty days from the date of the order of the Dispute Redressal Committee in form VI either himself or through his representative.

(2) Any appeal preferred after the expiry of the stipulated period specified in sub-rule (1) shall not be entertained by the Appellate Committee:

Provided that the Appellate Committee may condone the delay, if it is satisfied that the appellant could not preferred the appeal within the stipulated period for sufficient reasons.

(3) The Appellate Committee, on receipt of the appeal, shall issue a notice to the parties concerned intimating the date and time of hearing. The hearing date shall be fixed within thirty days from the date of filing of an appeal.

(4) The Appellate Committee, after hearing both parties shall pass an order in writing, stating the reasons for taking the decision, within a period of thirty days from the date on which hearing of both the parties concluded.

CHAPTER VI

MISCELLANEOUS

24. ***Maintenance of Record of Street Vendors.-*** (1) The Town Vending Committee shall maintain the up-to-date record of the street vendors at its office in the place allotted by the local authority. The record shall also be uploaded on the website of the Committee. The

Committee shall also display or upload all information relating to decisions taken by the it on the website of the Committee.

(2) The records relating to the allotment of space to the street venders 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 to be kept with the Town Vending Committee.

25. Manner of Publishing Scheme.– The summary of the scheme, framed and notified by the State Government under section 38 of the Act, shall be published by the local authority in two local newspapers and shall also be uploaded on the website of the Town Vending Committee. Such publication of scheme by the local authority shall be made within seven days from the date the on which the scheme is notified by the State Government.

26. ***Furnishing of Returns to State Government.–*** Every Town Vending Committee shall furnish from time to time, such information as may be required and returns in Form VII, to the State Government and the local authority.

27. ***Annual Report.-*** The Annual report of the activities carried out by the Town Vending Committee shall be prepared by within three months of the completion of the financial year and shall also be uploaded on its official website.

28. ***Interpretation and removal of difficulty.-*** If any difficulties arises in implementing the provisions of these rules or for interpretation of any rule, the matter shall be referred to the State Government and the decision of the State Government thereon shall be final.

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SCHEDULE

(*See* rule 6)

Manner of Election of the Members of the Town Vending Committee from amongst the Street Vendors.

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(1) The local authority shall by a notification express its intention to conduct the election for the members of a Town Vending Committee representing the street vendors of the area under its jurisdiction.

(2) The local authority shall appoint the Member-Secretary of the Town Vending Committee as a Returning Officer for the purpose of conducting the election of the members of the Town Vending Committee representing the street vendors of the area under its jurisdiction.

(3) The Returning Officer appointed under clause (2) shall conduct the election for the members of the Town Vending Committee from amongst the street vendors in the manner provided hereinafter.

(i) A mobile vendor, stationary vendor or street vendor shall be disqualified to be elected as a member of the Town Vending Committee if he is convicted of an offence involving moral turpitude or he is physically or mentally incapable of discharging duties as a member of a Town Vending Committee.

(ii) The local authority shall supervise, direct and control the conduct of elections of the members of a Town Vending Committee representing the street vendors in the area of its jurisdiction.

(iii) As soon as the notification referred to in clause (1) has been issued and a Returning Officer is appointed under clause (2) the local authority shall by a resolution determine the date, time and place for conduct of the election.

(iv) The notice of the resolution or decision of the local authority shall be circulated among the street vendors engaged in the vocation of street vending in the area of jurisdiction of the Town Vending Committee, by any of the following modes, namely:-

(a) by public notice to be published in two prominent daily newspapers out of which one shall be in the local language of the area;

(b) by local delivery;

(c) by post under certificate of posting;

(d) by speed post or courier services, duly registered with the competent authority as well as on the notice board of the returning officer. The notice shall contain information regarding –

(i) the number of members to be elected including seats reserved for representation of the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Women, Persons with Disabilities, Minorities or any other specified categories.

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

(iii) the date and the hour for scrutiny of the nomination papers; and

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

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

(vi) The nominations of the candidates for election shall be made in Form-I which shall be provided by the Returning Officer to any street vendor free of cost.

(vii) 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 less than one sixth of the votes polled, the security deposit shall be forfeited to the local authority.

(viii) 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 of receiving 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.

(ix) (a) 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;

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

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

(c) 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 nominations papers and to satisfy themselves that the inclusion of the name of the contesting candidate is valid;

(d) the Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection;

(e) 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 reasons beyond his control.

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

(xi) Any candidate may withdraw his candidature by giving notice in writing signed by him and submitted in person, at any time after the presentation of his nomination paper but before 05.00 p.m. on the day following the day on which the valid nominations are published, to the Returning Officer. A notice of withdrawal of candidature once given shall be irrevocable.

(xii) Where 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 declare those candidates to have been duly elected to the Town Vending Committee after the closing hour of the day of withdrawal of candidatures fixed under clause (xi) above. Where the number of candidates whose nominations are valid exceeds the number to be elected, the Returning Officer shall arrange for conducting the 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. The ballot paper to be used for the election shall be in Form-II.

(xiii) The Local Authority shall provide to the Returning Officer, 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 election. The ballot box shall be designed in such a way that ballot papers can be inserted therein but cannot be taken out therefrom without the boxes being unlocked. A candidate contesting the election may, by a letter to the Returning Officer, appoint an agent to

represent him for both the places where polling is held to identify the voters and to watch the recording of votes. Such letter shall contain the consent in writing of the agent concerned in Form- III.

(xiv) The canvassing for votes by any person at the place where election is to be conducted shall be prohibited.

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

(xvi) 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 English Alphabetical order either printed, typed 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 contained a column, for the voter to inscribe a mark [x] against the names of persons to whom he wants to vote.

(xvii) 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 vendor or voters can record their votes in secrecy.

(xviii) 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 favour he exercises his vote by inscribing a mark (x) against the name or names of the candidate or candidates, as the case may be, and drop 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 drop the ballot paper in the ballot box.

(xix) 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 may stop the polling, recording his reasons for such action in the minute book of the Town Vending Committee.

(xx) 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 him to cast his vote.

(xxi) The counting of votes shall take place immediately after the closure of the poll. If this is not possible, the ballot box shall be sealed with the seal of the Returning Officer and the contesting candidates or their agents, if they so desire, deposit such ballot box with the local authority for 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 authorised 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 the counting and the announcement of results by the Returning Officer. The number of votes secured by each candidate and the result of the election shall be announced by the Returning Officer as soon as the counting is over.

(xxii) The result of the election shall also be recorded in the minute book of the Town Vending Committee and attested by the Returning Officer and shall also be notified immediately on the notice board of the Town Vending Committee.

(xxiii) In case of equal number of votes, the Returning Officer shall declare the election result by tossing coin.

(xxiv) The ballot paper shall be rejected by the Returning Officer, if,-

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

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

(iii) the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been casted, and

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

(xxv) After the result of election has been announced, the result of the election and a report thereon shall be communicated to the local authority as well as to the State Government by the Returning Officer, within three days from the date of declaration of the result.

(xxvi) 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. The aforesaid record shall safely be preserved by the local authority for a period of six months from the date of election or till such time a dispute regarding election, if any, filed is disposed of, whichever is later and shall thereafter be destroyed by the local authority. A copy of the handing over and taking over record of election shall be sent to the State Government as well as to the local authority by the Returning Officer along with his report.

FORM I

(*See* rule 6 & Para 3 (vi) of Schedule)

NOMINATION FORM

FOR ELECTION OF MEMBERS OF THE TOWN VENDING COMMITTEE

To,

The Returning Officer,

……..

Town Vending Committee

……..

Sir,

(1) I, …… wife/son/daughter of Shri ……., street vendor, vending in the area of jurisdiction of the Town Vending Committee, (Registration / Certificate of Vending No. ……..) hereby proposes 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 election of ~~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. ……..

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

Name and Signature of the Seconder……..

Registration / Certificate of Vending No. ……..

DECLARATION BY THE CANDIDATE

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

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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 being elected 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 No. 7 of 2014) and the Gujarat Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016.

Name and Signature of the Candidate……..

Registration / Certificate of Vending No. ……..

(FOR OFFICE USE ONLY)

Received the nomination form …….. (time and date)

Signature of the Returning Officer ……..

Seal of
the office

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



FORM II

(*See* rule 6 & Para 3(xii) of Schedule)

BALLOT PAPER

FOR ELECTION OF MEMBER OF A TOWN VENDING COMMITTEE

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Ballot paper of election of Members of a Town Vending Committee whose election is to be conducted under the Gujarat Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016.

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

FORM III

(*See* rule 6 & Para 3(xiii) of Schedule)

Appointment Letter
for 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 a 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 Agent ……..

Registration / Certificate of Vending No. ……..

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

am willing to be the election agent /counting agent.

Name and Signature of the Agent,

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FORM IV

(*See* rule 19)

FORM OF APPLICATION

FOR AGGRIEVED STREET VENDOR TO THE DISPUTE REDRESSAL COMMITTEE

Application No. …… of 20……

…… Applicant

Vs

…… Respondent

1. Name of applicant :

2. Address for correspondence :

3. I D 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. Dispute against which authority :

9. Details of Dispute or dispute (Give full details) :

   (Applicant may enclose separate page for giving details of dispute)

10. Documents supporting Disputes:

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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 as prescribed by the rules.

Place:

Date: Signature of Applicant

Note I: Attach all the relevant documents with this application.

Note II: If required, to give full details of dispute attach separate pages with this application form.

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FORM V

(*See* rule 22)

FORM OF APPEAL

BY THE AGGRIEVED STREET VENDOR TO THE LOCAL AUTHORITY AGAINST DECISION OF THE TOWN VENDING COMMITTEE

Appeal No. …… of 20……..

…… Appellant

Vs

…… Respondent

1. Name of applicant :
2. Address for correspondence :
3. I D 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. Order of Town Vending Committee against which this appeals preferred :
   (i) Rejection of Certificate of vending :
   (ii) Suspension of Certificate of vending :
   (iii) Cancellation of Certificate of vending :
9. Details and grounds of Appeal
   (Applicant may enclose separate page for giving grounds of Appeal) :
10. Documents supporting Appeal :

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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 appeals within the time limit as prescribed by the rules.

Place:

Date: Signature of Appellant

Note I: Attach all the relevant documents including order of the Town Vending Committee with this appeal.

Note II: If required, to give full reasoning of appeal on the separate pages to be attached with this appeal.

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FORM VI

(*See* rule 23)

FORM OF APPEAL

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

Appeal No. …… of 20…..

…… Appellant

Vs

…… Respondent

1. Name of applicant :

2. Address for correspondence :

3. I D 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 Dispute Redressal Committee against which appeal is preferred:

9. Details and grounds of Appeal

(Applicant may enclose separate page for giving grounds of Appeal) :

10. Documents supporting Appeal :

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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 I: Attach all the relevant documents including order of Dispute Redressal Committee with this appeal.

Note II: 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 26)

FORM OF PERIODICAL RETURNS

TO BE FURNISHED TO THE STATEGOVERNMENT

* _____ Municipal Corporation,
*----------Municipality,
*----------Cantonment Board.

Quarterly Return ending on_____March /June/ September/December], 20__.

1. Details of Applications for Issue of Certificates of Vending, Granted, 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						

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2. Number of newly surveyed street vendors and their complete details including name of street vender, 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.

7. Any other information, as may be required by the State Government from time to time.

By order and in the name of Governor of Gujarat,

SMITA SHAH
Deputy Secretary to Government

Government Central Press, Gandhinagar