



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No. 52 Dispur, Friday, 26th February, 2016, 7th Phalguna, 1937 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

GUWAHATI DEVELOPMENT DEPARTMENT

NOTIFICATION

The 26th February, 2016

No.GDD.29/2008/Pt./277.- In exercise of powers conferred under sub-section (1) and (2) of Section 36 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (NO.7 OF 2014), the Governor of Assam is hereby pleased to make the following rules, namely.-

1. Short title, extent and commencement .-

- These rules may be called the Assam Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016.
- They shall come into force on the date of their publication in Official Gazette.

2. Definitions.-

In these rules, unless the context otherwise requires; -

- "Act" means The Street Vendors (Protection of Livelihood and regulation of Street Vending) Act, 2014 (NO.7 OF 2014);
- "State Government" means the State Government of Assam;
- "Local Authority" means a Municipal Corporation or Municipal Board or Town Committee constituted under the Gauhati Municipal Corporation Act, 1971 (Assam Act 1 of 1973) and the Assam Municipal Act, 1956, (Assam XV of 1957) respectively.
- "Competent Authority" means Commissioner in case of Municipal Corporation and Executive Officer in case of Municipal Board or Town Committee, as the case may be;
- "Corporation" means the Guwahati Municipal Corporation;
- "Municipality" means the Municipalities of State of Assam;
- "Town Vending Committee" means the body constituted by the Government under Section 22 of the Act.

3. Constitution of Town Vending Committee.—

(1) As provided under sub-section (1) and (2) of section 22 of the Act, Town Vending Committees (TVC) shall be constituted by the State Government for the Guwahati Municipal Corporation at Central level and zone wise and by the respective Municipalities or Town Committees for the other Municipalities and Urban Local Bodies level which shall consist of a Chairman and ten other members in the following manner:-

- (a) Commissioner of Guwahati Municipal Corporation / Executive Officer of Urban Local Bodies or Representatives as the case may be, shall be the Chairperson of the Town Vending Committee;
- (b) 40% of the members from the Federations or Associations of the Street Vending Community to be elected by themselves in the manner prescribed under rule 5 of these rules;
- (c) 20% of the members from the Urban Local Bodies and other Government departments including Local Authority, Planning Authority and Police to be nominated by the State Government;
- (d) 10% representative from Banks and Insurance Companies to be nominated by the State Government;
- (e) 10% elected members of Urban Local Bodies and Area Sabha representatives to be nominated by the State Government;
- (f) 10% members from the Residents Welfare Associations and Community Based Organisations to be nominated the Government;
- (g) 10% members from Non-Government Organisations, Professional Groups (Lawyers, Doctors, Town Planners, Architects) and representatives of Trade and Commerce and Scheduled banks to be nominated by the State Government:

provided that one-third of the members from the Street Vendors shall be from among women vendors.

- (2) Rule of reservations to be maintained for Scheduled Caste, Scheduled Tribe and other Backward Classes shall be in accordance with the rules of the Urban Local Bodies elections in Assam.
- (3) Adequate representations should also be provided to the physically challenged persons and the minorities in the Vending Committee from among the members representing street vendors.
- (4) The tenure of the Town Vending Committee shall be for a period of Three years.
- (5) As provided Under Section 25 of the Act, the local authority shall provide office space to the Town Vending Committees.

4. Temporary Association of Persons.—

As provided under Section 24 of the Act where Town Vending Committee considers that the advice and assistance of any other person is necessary, it may co-opt any person having expertise in Law or Business as member who shall have the right to take part in the discussion but shall not be entitled to vote.

- (c) All orders and decisions of the Town Vending Committee shall be authenticated by an Officer of the said Committee as may be authorized by the Chairperson in this behalf, and all orders, decisions shall be notified in the notice board of the Office of the Town Vending Committee.
- (d) The Town Vending Committee shall discharge functions as provided in the Act and in Chapter-II of the Act in particular.

7. Registration, Certificate, Age etc :

As provided under Section 4(1) of the Act; every street vendor identified under survey carried out by the Town Vending Committee following the provisions of section 3(1) of the Act and who has completed the age of **eighteen years**, shall be registered and issued with certificate of vending as per terms and conditions and within the period specified in the scheme including the restrictions specified in the plan for street vending by Town Vending Committee.

8. Constitution of Dispute Redressal Mechanism : (1) The State Government may by notification shall constitute a Dispute Resolution Committee for each Municipality or for two or more Municipalities for the purpose of disposal the application to be made in Form -I received under sub section (2) of section 20 of the Act.

(2) Each Dispute Resolution Committee shall consist of following members, namely :-

- (a) A Chairperson, who has been a civil judge or judicial Magistrate,
 (b) Two other members to be nominated by the State Government from amongst the person having ability, integrity and standing and have adequate knowledge and experience of at least for a period of ten years in the field of social welfare, urban planning, economic development, health or law :

Provided that a person shall be disqualified for appointment as member, if he -

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or
 (b) is an un-discharged insolvent; or
 (c) is of unsound mind and stands so declared by a competent court; or
 (d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or
 (e) has, in the opinion of the State Government such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member.

(3) Every member of the Dispute Redressal Committee shall hold office for a term of three years or upto the age of sixty five years whichever is earlier.

9. Appeal : (1) Any person aggrieved by any decision of the Town Vending Committee with respect to issue of certificate of vending under section 6 or cancellation or suspension of certificate of vending under section 10 or, of the Dispute Resolution Committee under Sub-Section (3) of Section 20, may within a period of thirty days (Sub-Sec-5 of Sec. 20) from the date of communication of the decision, prefer an appeal in Form-II to the concerned Municipality (Sub-Sec-4 of Sec. 20).

- (1) The Chairman, in consultation with other members of the Town Vending Committee, may choose to temporarily associate with persons for such period and for such purposes as it may deem fit.
- (2) Such person shall be appointed in an advisory position only.
- (3) Such person and the chairman shall be paid allowances as the Chairman may deem fit as provided under Sub-Section (3) of Sec.22.

4. Allowances for the members of the Committee.-

The non official members and person co-opted shall receive such allowance for attending the meeting of the Committee as may be decided by the Corporation/ Municipality/ULB's on recommendations of Town Vending Committee.

5. Procedure for election of street vendor representative:

As provided under clause (d) of sub-section (2) of Section 22 of the Act, the number of members representing street vendors shall be forty per cent of the total members who shall be elected by street vendors themselves in the following manner;-

The entire process of election for electing the representatives among the street vendors shall be taken up in a meeting convened for the purpose among the listed street vendors. The listed street vendors shall exercise their franchise in that meeting to elect their representatives.

- (a) Each local authority shall issue a notice after an interval of every three years, calling for election of street vendors by the street vendor associations;
- (b) Every notice shall state the total number of street vendors to be elected and the street vendor associations designated to hold the elections;
- (c) The designated street vendor association shall forward the list of elected vendors to the local authority;
- (d) The local authority shall appoint the elected vendors as members of the Town Vending Committee.

6. The Meeting of Town Vending Committees & Functions/Transaction of

Business :

As provided under Section 23(1) and (2) of the Act, 'Town Vending Committee' shall meet twice in a quarter. Fifty percent of the members present in a meeting shall constitute the quorum. At least two weeks notice shall be given for convening a meeting of the Town Vending Committee:-

- (a) The Town Vending Committee shall meet for the transaction of its business at its office at least once in a month or as often as a meeting is called by the Chairperson of the said Committee;
- (b) Save as otherwise provided in these rules, the Town Vending Committee (TVC) shall, mutatis mutandis follow all rules of procedures and regard to the transaction of business at its meeting as provided in the relevant Municipal Act and rules for the transaction of business of the concerned Municipality and the Committee constituted under the said Municipal Act.

(2) The Memorandum of appeal if not filed in the specified form and if all the requirements of the form are not complied with, the appellate authority may reject the appeal summarily, after giving appellant such opportunity as it may think fit to rectify the defects.

Provided that the appeal may also be summarily rejected on the other grounds which shall be reduced in writing by the appellate authority after giving reasonable opportunity of hearing to the appellant.

(3) If the appeal is not summarily rejected the appellate authority shall fix a day and place for hearing the appeal.

(4) The appellate authority may before disposing of any appeal make such further enquiry as it thinks fit or cause further enquiry to be made by an Officer of the Municipality.

(5) Every decision of the Municipality shall be in writing and be signed and dated by the Mayor or Chairperson of Municipality.

(6) Before an order is passed on appeal, if such order is likely to affect any person other than the appellant adversely, such other person shall be given a reasonable opportunity of being heard.

(7) The Appellate Authority may authorize any Officer of the Municipality in writing to receive the Memorandum of appeal and put the time thereon and issue a receipt of acknowledgement.

(8) The appellate Authority shall dispose off of the appeal within thirty days from the date of filing of Memorandum of appeal.

10. Maintenance of records of registered street vendors:-

As provided under section 26(2) of the Act, Every Town Vending Committee shall maintain up to date records of registered street vendors and street vendors to whom certificate of vending has been issued in the following manner;

- (a) The Town Vending Committee shall maintain update records of registered street vendors from the Register in Form-III.
- (b) The aforesaid record shall specify the name of such street vendor, stall allotted to him, nature of business carried out by him, category of street vending and any other particulars which may be relevant.
- (c) The Town Vending Committee shall update the aforesaid record every three months and furnish the returns to State Government and local authority from time to time as provided under section 30 of the Act. (Form-IV).
- (d) The Town Vending Committee shall publish the aforesaid updated record on the website.

11. Procedure for filing of application:

(1) An application to the Dispute Redressal Committee shall be presented in Form-I by the applicant in person or by an agent duly authorized by the applicant to the Chairperson of the Dispute Redressal Committee or any other Officer authorized by him to receive the application or sent by registered post with acknowledgement duly addressed to the Chairperson and filed in quadruplicate.

(2) Every application filed under sub rule (1) shall set forth concisely under distinct heads, the grounds for such application and such grounds shall be numbered consecutively.

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(3) A copy of the application, in the paper book shall ordinarily be served on the person against whom the applicant has any grievance (respondent) by the President in hand delivery through the applicant or through a process server.

(4) The Dispute Redressal Committee, after making necessary enquiry and hearing the parties, shall pass an order within a period of thirty days of filing application and shall be communicated to the parties.

(5) Every decision of the Dispute Redressal Committee shall be in writing and be signed and dated by the members constituting the Bench concerned.

12. Publishing of Scheme for Street Vendors:-

After Notification of the scheme by the Government under sub-section (1) of section 38, a summary stating the number of vending zones, number of street vendors allowed to carry on the activities of vending in respect of each Municipality shall be prepared by the concerned Municipality and publish the same in two local newspapers, each in "Assamese" and "English" having wide circulation in the concerned Municipal area (Sub-Sec. 2 of Section 38).

Form - I
(See Rule - 8 (1)

FOR THE DISPUTE RESOLUTION COMMITTEE

For Office use :
Date of Filing :
Date of Receipt of post :

Signature of President/Authorised Officer

Name
Petitioner

Vrs

Name
Respondent

Details of application :

- 1. Particular of the applicant :
 - (i) Name of the applicant :
 - (ii) Name of the Father/Husband :
 - (iii) Residential Address :
- 2. Particulars of the Respondent :
 - (i) Name of Respondent :
 - (ii) Official :
- 3. Particulars of the order/decision against which the applicant has grievance :
 - (i) Order/decision :
 - (ii) Date :
 - (iii) Passed by :
- 4. Subject in brief :
- 5. Facts of the Case :
- 6. Relief (s) sought :
- 7. List of enclose :

Verification

I Name of the applicant, S/O
 D/O/W/O
Age.....
 Profession..... resident of
 do hereby verify that the
 contents stated in the petition are true to my personal knowledge and belief that I have
 not suppressed any material facts.

Place :

Date :

Signature of applicant.

Form - II
(See Rule - 9 (1)

Form of appeal against the decision of the Town Vending Committee/decision of the Dispute Redressal Committee.

Appeal Case No. of 201

Date of filing
or
Date of receipt of post.

In the matter of State whether this appeal is against the order dated passed by Town Vending Committee / Dispute Redressal Committee.

Name & Address		Appellant
	Vrs	
Name & Address		Respondent

1. Facts of the case :
2. Relief sought for :
3. List of Annexure :
Including the orders which is challenged
In this appeal.
4. Ground of Appeal :

Verification

I, The appellant named in the above petition do hereby declare that the contents stated in this petition are true to any personal knowledge and belief that I have not suppressed any materials facts.

Place :

Date :

Signature of applicant.

Form - III
(See Rule - 10(1))

(Register showing the particulars of Street Vendor to whom Vending Certificate has been issued)

Name (Town Vending Committee)

Vending Zone :

Ward No.

Sl. No.	Name of the Street Vendor	Address	Name/No. Stall allotted	Nature of Business	Category of Street Vendors	Period of Certificate	Whether renewal	Cancellation, if any
1	2	3	4	5	6	7	8	9

Signature and designation of authorized Office

Date :

Form – IV

(See Rule – 10(4))

To be submitted to the State Government and concerned Municipality

Town Vending Committee (Name) :

For the Financial year.....

Sl. No.	Number of application received for Street Vending	Number of Certificate of Street Vendor issued	Number of Vending Zone created	Number of different category of Street Vendor	
				1	2
				Stationary Vendor	Mobile Vendor

Activities to be undertaken in the next financial year (in brief).

Chairman of (Name of the Municipality) Town Vending Committee.

P. K. BORTHAKUR,
Principal Secretary to the Govt. of Assam,
Guwahati Development Department.