URBAN DEVELOPMENT DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 3rd August 2016.

NOTIFICATION

THE STREET VENDORS (PROTECTIONOF LIVELIHOODAND REGULATIONOF STREET VENDING)ACT, 2014.

No. NHP. 2014/C.R. 403/UD-34.—Whereas, the Government of Maharashtra has, by the Government Notification, Urban Development Department, No. NHP 2014/C.R. 403/UD-34, dated the 7th October 2015,published in the*Maharashtra Government Gazette*, Extraordinary Part-IV-A, dated the 7th October 2015, announced its intention to make the rules, in exercise of the powers conferred by sub-section (*1*) of section 36 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014), with a view to regulate the control of the Hawkers in the area of the local authorities in the State;

And Whereas, the objections and suggestions received pursuant to the said notification within the period mentioned therein have been considered by the Government;

Now, therefore, in exercise of the powers conferred by the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014), the Government of Maharashtra, after previous publication, makes the following rules regulating the control of the Hawkers in the areas of the local authorities in the State of Maharashtra, as follows, namely:-

CHAPTER I

PRELIMINARY

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

2. *Definitions*.— In these rules, unless the context required otherwise,—

(*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 Municipal Council or*Nagar Panchayats*, as the case may be, constituted under the provisions of the Maharashtra Municipal Councils,*Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965) and shall include Additional Chief Officer and Assistant Chief Officer;

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

(*d*)"Grievance Redressal and Dispute Resolution Committee" means the committee constituted under sub-section*(1)* of section 20 of the Act;

(*e*)"Government" means the Government of Maharashtra;

(*f*)"local authority" means the local authority as defined under clause (*c*) of sub-section (*1*) of section (2) of the Act;

(*g*)"Municipal Commissioner" means an officer appointed by the Government of Maharashtra under the provisions of the Mumbai Municipal Corporation Act (III of 1888) and theMaharashtra Municipal Corporation Act (LIX of 1949), as the Commissioner and shall include Additional Municipal Commissioner, Deputy Municipal Commissioner and Assistant Municipal Commissioner;

(*h*)"Schedule" means the schedule appended to these rules or the Act, as the case may be;

(*i*)"Scheme" means a scheme framed by the Government under section 38 of the Act;

(*j*)The words and expressions used in these rules but not defined therein unless expressed specifically, shall have the same meaning assigned to them in the Act;

CHAPTER II

Dispute Redressal Mechanism

3. *Constitution of Grievance Redressal and Dispute Resolution Committee.*—(*1*) There shall be a Grievance Redressal and Dispute Resolution Committee for each local authority, constituted by the Government under sub-section (*1*) of section 20 of the Act, comprising of a Chairperson, who has been a Civil Judge or a Judicial Magistrate and two other professionals as members.

(*2*) The Chairperson and the members of the Grievance Redressal and Dispute Resolution Committee may have a tenure of five years.

4. *Qualifications and experience for appointment as member in Grievance Redressal and Dispute Resolution Committe*e.— A person shall be qualified to be appointed as a member in a Grievance Redressal and Dispute Resolution Committee, if he,—

*(i)*is above thirty five years but is not more than sixty five years of age;

*(ii)*possesses a Bachelor's degree from a recognized University; and

*(iii)*has worked in local self-Government or as an officer not below the rank of Under Secretary to the Government or equivalent, having experience in local authority; and

*(iv)*is a person of ability, integrity and standing and has adequate knowledge or experience of, at least, ten years in social work or in dealing with the problems relating to street vendors or of public affairs or of municipal or public administration;

5. *Salaries and other allowances and terms and conditions of Chairperson and member of Grievance Redressal and Dispute Resolution Committee.*— (1)The Chairperson and members of the Grievance Redressal and Dispute Resolution Committee shall receive salary, allowances and other perquisites as may be notified by the Government, from time to time;

(2)The Government may remove from the office, the Chairperson and members of Grievance Redressal and Dispute Resolution Committee, if he,-

*(i)*has been adjudged an insolvent; or

*(ii)*has been convicted of an offence which, in the opinion of the Government, involves moral turpitude; or

*(iii)*has become physically or mentally incapable of action as such Chairperson or member, as the case may be; or

*(iv)*has acquired such financial other interests as is likely to affect prejudicially his functions as such Chairperson or member, as the case may be; or

*(v)*has so abused his position as to render his continuance in office prejudicial to the public interest;

Provided that,the Chairperson or member shall not be removed from his office on the grounds specified in clauses (*iv*) and (*v*) of sub-rule (2) except on an inquiry held by the Government in accordance with such procedure as it may specify in this behalf.

(3)The terms and conditions of the service of the Chairperson and members of the Grievance Redressal and Dispute Resolution Committee shall not be varied to their disadvantage during their tenure of office.

(4)The Local Authority shall provide staff, office space and other necessary amenities to the Grievance Redressal and Dispute Resolution Committee.

6. *Form and manner of making application to Grievance Redressal and Dispute Resolution Committee.*— (1)Every application for redressal of grievance or resolution of a dispute under sub-section*(2)* of section 20 of the Act shall be in*Form 'A'*.

(2)The application shall be signed by the applicant and presented by him in person or through his authorised representative to the Grievance Redressal and Dispute Resolution Committee or such other person as may be authorized by the said committee in this behalf.

(3)The application shall be filed in three sets and shall be accompanied by a fee of rupees one hundred.

(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.

(5)Such application shall be filed by the street vendor within thirty days from the date of occurrence of any incidence or order, causing the grievance or dispute :

Provided that, the Grievance Redressal and Dispute Resolution 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.

7. *Manner of verification of application and enquiry.*— (1)Every application for grievance redressal, on receipt, shall be entered and numbered in seriatim by the person authorised in this behalf by the Grievance Redressal and Dispute Resolution Committee in a register to be kept for this purpose.

(2)The person authorised in this behalf by the Grievance Redressal and Dispute Resolution Committee, after making an entry in the register, shall put up the application before the Committee.

(3)The Grievance Redressal and Dispute Resolution Committee shall fix a date for hearing of the application, which shall not be later than thirty days from the date of receipt of the application, and shall issue or cause to be issue notice of the hearing to the concerned parties.

(4)The Grievance Redressal and Dispute Resolution Committee while issuing a notice under sub-rule*(3)* shall call upon the respondent to submit a written statement and the notice shall contain a statement to this effect.

(5)On the date so fixed for the hearing, the Grievance Redressal and Dispute Resolution Committee may call upon the applicant to remedy the defects, if any, or to furnish relevant records or such other documents or evidence as it may deem fit and proper within such period as may be specified by it.

(6)The Grievance Redressal and Dispute Resolution Committee, after hearing the concerned and examining the record of the case, shall decide the application and pass such order as it may deem fit by recording the reasons therefore, within ninety days from the date of receipt of the application :

Provided that, during the hearing of the case if the Committee is satisfied that a situation exists which warrants that an interim relief should be provided, the Committee may, until the conclusion of such case or until further orders, pass such interim orders as it deems necessary.

(7)The Grievance Redressal and Dispute Resolution Committee may also explore the possibility of a settlement between the parties and in case the parties arrive at a settlement, the committee shall record the settlement, which shall be signed by the parties or the authorised representatives or officers and shall dispose of the application in terms of such settlement.

(8)The Grievance Redressal and Dispute Resolution 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 quasi-judicial authority;

(*c*)the matter is beyond the purview of the Act;

(*d*)the applicant has no*locus standi* to file the application.

CHAPTER III

APPEALS

8. *Appeal against order or decision of Grievance Redressal and Dispute Resolution Committee*.— (1)An appeal against an order or decision of a Grievance Redressal and Dispute Resolution Committee may be preferred by an aggrieved person, in*Form 'B'*, to the appellate authority constituted by the concerned local authority, comprising 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, within 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 application 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.

9. *Appeal against the decision of Town Vending Committee.*— (1)An appeal under section 11 of the Act against any decision of a Town Vending Committee with respect to issue of certificate of vending under section 6 of the Act or cancellation or suspension of certificate of vending under section 10 of the Act or shall be preferred before the Grievance Redressal and Dispute Resolution Committee constituted by the concerned local authority comprising 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, within thirty days from the date of communication of the order appealed against :

Provided that, the appellate authority may condone the delay in case it is satisfied that appellant was prevented by sufficient cause from preferring the appeal within the prescribed time :

Provided further that, in the absence of Chairperson, any one of the members designated by the Chairperson may chair the meeting of the appellate authority.

(2)The appeal shall be in the form of a memorandum in*Form 'C'*and shall be signed by the appellant and presented by him in person or through his authorized representative.

(3)The memorandum of appeal shall be accompanied by the original or certified copy of the order 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.

10. *Procedure for disposal of appeals by the local authority.*— (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 by the concerned local authority 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.

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(3)The appellate authority 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 the local authority.

CHAPTER IV

TOWN VENDING COMMITTEE

11. *Constitution of Town Vending Committee— (1)* In each local authority one Town Vending Committee shall be constituted by the Government :

Provided that, the Government, if it considers necessary, on the request of the concerned local authority may provide for constitution of more than one Town Vending Committee for zones or wards in local authority, after specifying their jurisdiction.

(2)The constitution of a Town Vending Committee for Municipal Corporation shall be as follows, namely :—

Sr. No.	Government Department and other Bodies	Number of Members
(1)	(2)	(3)
(*a*)	*Government Department*:—	
(*b*)	(i) Municipal Commissioner as Chairperson	1
	(ii) The Police Commissioner or Superintendent of Police	1
	(iii) The Executive head or representative of Special Planning Authority.	1
	(iv) The Joint Commissioner of Police or Deputy Superintendent of Police / Assistant Superintendent of Police (officer in-charge of traffic).	1
	(v) The Executive Health Officer or Chief Medical Officer	1
	Other Bodies:—	
	(i) Street vendors (one-third of whom shall be women vendors, with due representation of the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and persons with disabilities).	8
	(ii) Non-Government Organisations and Community based organisations.	2
	(iii) Resident Welfare Associations	2
	(iv)Representative of Traders Association	1
	*(v)*Representative of Market Association	1
	*(vi)*Representative of Lead Bank	1
	Total . .	**20**

(3)The constitution of a Town Vending Committee for Municipal Council or*Nagar Panchayats*shall be as follows, namely :—

Sr. No.	Government Department and other Bodies	Number of memb
(1)	(2)	(3)
(*a*)	*Government Department*:—	
	(i) Chief Officer as Chairperson	1
	(ii) The in-charge of Police Station	1
	(iii) The in-charge of LocalTrafficPolice	1

(1)	(2)	(3)
	(*iv*) The Medical Health Officer	01
	(*v*) Representative of Special Planning Authority (as the case may be)	01
(b)	*Other Bodies*:—	
	(*i*) Street vendors (one-third of whom shall be women vendors, with due representation of the Scheduled Castes, Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities)	08
	(*ii*) Non-Government organisations and community based organisations	02
	(*iii*) Resident Welfare Associations	02
	(*iv*)Representative of Traders Association	01
	(*v*) Representative of Market Association	01
	(*vi*)Representative of Lead Bank	
	Total . .	**20**

(4)The Municipal Commissioner or the Chief Officer as the case may be, shall invite application from the interested persons to be nominated on the Town Vending Committee from the category of,—

(*a*) Non- Governmental Organisations;

(*b*) Community Based Organisations;

(*c*) Resident Welfare Associations;

(*d*) Traders Associations;

(*e*) Market Associations :

Provided that, nomination of members representing non-governmental organisations or community based organisations or resident welfare associations shall be carried out on the basis of such criteria as laid down in rule 12, by publishing the same in atleast two local newspapers and by displaying the samenotice boards of headquarters and all ward offices. It shall also be displayed on the website of the local authority.

(5) The application may be received within fifteen days from the date of last publication of such notice.

12. *Minimum qualification for nominated member of Town Vending Committee*.—(1) The organisation or association shall be registered with the Competent Authority in the field,as specified in*sub-rule (4)*of rule 11.

(2)The organisation or association shall produce minimum last three years audit reports from competent agency.

(3)The organisation or association should not be blacklisted from the local authority.

(4)The organisation or association shall not be convicted under any Law for the time being in force.

(5)The organisation or association should have minimum five year experience in working, in the category of its registration with Competent Authority.

13. *Selection of members of Town Vending Committee.*—(1)Whenever more applications are received, the Town Vending Committee consisting of*ex-officio* members may recommend the representatives to be nominated for the categories specified, in rule 11*(2)(b)(ii)* to 11*(2)(b)(v)*and 11*(3)(b)(ii)* to 11*(3)(b)(v)*.

(2)The Municipal Commissioner or the Chief Officer, as the case may be, shall forward the recommendations and applications for appointment to appoint such members from representatives of the organisation or association, as the members of Town Vending Committee, to the Government for nomination under clause*(b)* of sub-section*(2)* of section 22 of the Act.

Election of members of Town Vending Committee from amongst street vendors.— (1) The Labour Commissioner or his subordinate officer not below the rank of Labour Officer shall, by a notification, express its intention to conduct elections for the members of the Town Vending Committee representing the street vendors of the area under the jurisdiction of the local authority.

(2)The Labour Commissioner shall appoint a returning officer not below the rank of Labour Officer for conducting the election for the members of Town Vending Committee representing the street vendors of the area under the jurisdiction of the local authority.

15. *Voters list.*—(1)The Municipal Commissioner or the Chief Officer, as the case may be, 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 finalised shall be the voters list.

*(2)*The Municipal Commissioner or the Chief Officer, as the case may be, shall provide the final voters list of registered street vendors to the Labour Commissioner for the purpose of electing representatives amongst the registered street vendors.

16. *Manner of election of members of Town Vending Committee from amongst street vendors.*—(1) The returning officer appointed under sub-rule*(2)* of rule 14 shall, conduct the elections in the manner provided underthe Schedule appended to these rules.

*(2)*A street vendor shall be disqualified to be elected to a Town Vending Committee if, he is,—

(*i*) a convict of an offence involving moral turpitude ; or

(*ii*) is physically and, or, mentally incapable of discharging his duties as a member of a Town Vending Committee.

*(3)*The names of the elected members shall be intimated by each local authority to the Government which shall upon receipt of such names along with other members nominated by it notify the constitution of the Town Vending Committee in each local authority.

17. *Terms of members of Town Vending Committee.*—(1)The term of the members of the Town VendingCommittee, other than the*ex-officio* members, shall be five years 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.

18. *Removal or resignation of a member of Town Vending Committee.*—(1)Any member of a Town Vending Committee may be removed by the Government from the Committee, if,—

(a) he persistently makes defaults in the performance of his duties imposed on him under the Act and these rules or exceeds or abuses its powers;

(b) he remains absent for three consecutive meetings of the Committee without the permission of the Chairperson;

(c) Whenever his registration of street vendor is cancelled and is confirmed by the appellate authority; or

(d) any person, after the commencement of these rules, is convicted for a term of imprisonment more than six months for an offence punishable under any law for the time being in force, he 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.

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

19. *Method of filling vacant posts.—(1)* Where any vacancy occurs in a Town Vending Committee due to resignation, death, removal or otherwise of any member, other than a street vendor, the same procedure as specified in rule 13 shall be followed to fill up such vacancy and the member so nominated shall continue to be a member for the remaining period of term of that member in whose place he has been nominated.

(2)Where any vacancy occurs in a Town Vending Committee due to resignation, death, removal or otherwise of any member who is a street vendor, the local authority shall fill up that vacancy based on the election results conducted as per rule 16 and the member so elected shall continue to be a member for the remaining period of term of that member in whose place he has been elected.

(3) In case of any vacancy being created in Town Vending Committee the same shall be filled up as per the procedure laid down in sub-rules (1) and (2) and rule 14.

(4)Any vacancy arising may be filled up within six months from the date of vacancy.

20. *Allowances to members of Town Vending Committee.*—The allowances payable to the members of a 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, or as may be fixed by the concerned local authority from time to time.

21. *Meetings of Town Vending Committee.*—(1) A 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 a 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*sue moto* or on the request from at least ten members of the Committeeon a specific issue ; and the meeting shall be convened within seventy-two hours after receiving the request so made.

(2)The meetings of a 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 member of the Town Vending Committee, along-with the agenda of the meeting.

(4) The quorum for the meeting shall be two-third 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.

22. *Procedure for transaction of business of 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 a Town Vending Committee shall be by not less than two-thirds 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 Town Vending Committee shall observe discipline and decorum during the entire meeting.

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

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

(7)The member shall submit proposal, suggestions in writing to the Chairperson atleast seven days prior to the date of such meeting.

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

Provided that, a member shall not be entitled to speak on the earlier issue taken up for discussion. The decision of Chairperson shall be final and binding upon all the members in this regard.

(9) The decision on any topic, issue, may be taken by division of vote or by simple majority by voice vote. In case the decision by vote, the chairperson may caste vote, in case of a tie.

(10)Whenever the proposal is passed in Town Vending Committee on majority of votes or voice of vote as the case may be; and if, it is not in consonance with the Mumbai Municipal Corporation Act (III of 1888), Maharashtra Municipal Corporation Act (LIX of 1949), the Maharashtra Regional and Town Planning Act, 1966, Maharashtra Municipals Councils Nagar Panchayats and Industrial Townships Act, 1965 or any other Law for the time being in force, the Act and the Rules and Schemes, Bylaws prepared under the Act; or any other law for the time being in force, the Municipal Commissioner or the Chief Officer, as the case may be, may reject such proposal**.**

(11)The Government of Maharashtra,*sue moto* or whenever it is brought to the notice, may recall the proceedings of the Town Vending Committee and revoked the proposals passed which are not in consonance with the provisions of the Mumbai Municipal Corporation Act(III of 1888), Maharashtra Municipal Corporation Act(LIX of 1949), Maharashtra Regional and Town Planning Act, 1966, Maharashtra Municipals Councils*NagarPanchayats* andIndustrialTownships Act 1965 or any other law for the time being in force.

(12) 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.

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

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

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

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

23. *Functions of Town Vending Committee***.**—Without prejudice to any other provisions of the Act, a 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 issue certificate of vending to an eligible street vendor after obtaining an undertaking from him to comply with the terms and conditions subject to which the certificate of vending is issued for issue of certificate of vending, the Town Vending Committee shall follow the criteria as specified in the scheme framed under sub-section*(1)* of section 38 of the Act;

(3)to cancel or suspend certificate of vending of street vendors who commit breach of any of the conditions thereof or any other terms and conditions specified for regulating street vending under the Act or these rules or scheme made under the Act or where the Town Vending Committee is satisfied that such certificate of vending has been secured by the street vendor through misrepresentation or fraud :

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Provided that, any 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 ;

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

(5)to identify sites and spaces for vending;

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

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

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

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

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

(11)to associate technical and professional persons from the Government or other non-Government organisations with itself on temporary basis for obtaining assistance or advice in carrying out any of the provisions of the Act;

(12)to publish the street vendor's charter in at least one local language, Hindi and English newspapers of repute and displayed in the office of 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;

(13)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;

(14) to carry out social audit of its activities under the Act or these rules or the scheme made thereunder;

(15)to furnish from time to time to the Government and the local authority such returns as prescribed under the Act and these rules;

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

(17)to assist the Government to raise awareness among the public about the role of the street vendors in the economy.

(18)to perform such other functions for effective implementation of the Act and these rules as may be delegated to the Town Vending Committee by the local authority and by the Government.

24. *Power of Town Vending Committee for temporary association of expert persons*.—(1) Subject to the provisions of the Act, a Town Vending Committee may associate any suitable person of repute having adequate knowledge and experience in the field, as expert to obtain technical or professional advice on matters relating to the street vendors.

(2)The person to be associated as expert under sub-rule (*1*) shall be selected in a fair and transparent manner and by following the procedure for engagement of consultants and experts as technical or professional experts in Government Departments.

(3) The person associated as expert under sub-rule*(1)* shall be paid allowances as determined by the local authority.

(4)The person associated as expert under sub-rule*(1)* may take part in the meetings of the Town Vending Committee, but such persons shall not have a right to vote in the meetings.

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25. *Office space and employees of Town Vending Committee*.—(1)The local authority shall provide the Town Vending Committee appropriate office space and staff, as is applicable to Special Committees of such Municipal Corporation or the Municipal Council or*Nagar Panchayat*, as the case may be.

(2)The local authority concerned shall, when so requested by a Town Vending Committee, make available to that Committee such employees as the local authority considers necessary for discharge of the functions conferred or imposed on the Committee under rule 23 of these rules.

CHAPTER V

MISCELLANEOUS

26**.** *Manner of maintenance of records of street vendors by Town Vending Committee***.**—(1) Every Town Vending Committee shall maintain up to date records as specified in the scheme under sub-section (2) of section 26 of the Act, in electronic form or manually or in both forms, as may be decided by the local authority.

(2)The Town Vending Committee shall maintain the following record;

*(a)*ward wise record of registered street vendors;

*(b)*the street vendors who have been issued certificate of vending,along with details such as the allotted, pitch or stall, goods permitted to sale, the category of street vending;

*(c)*the Town Vending Committee shall also maintain all the record with regards to its meetings and decisions taken;

*(d)*initiatives taken by the Town Vending Committee with regards to imparting skills and financial assistance, provided if any, to such street vendors;

*(e)*the Election report or record submitted by the Labour Commissioner;

*(f)*the report of social audit as required under sub-section (*3*) of section 26 of the Act;

*(g)*any other record, documents which the Town Vending Committee may decide from time to time.

27. *Town Vending Committee to furnish returns.*—(1) Every Town Vending Committee shall prepare and furnish to the Government and local authority periodical returns for each year with details as required in*Form 'D'.*

(2)The Government or the local authority, as the case may be, may require a Town Vending Committee to furnish such other return or returns in such proforma as demanded from time to time.

28. *Publication of summary of notified scheme in newspapers, etc.*—(1) A summary of the scheme notified by the Government in the second schedule under sub-section*(1)*of section 38 of the Act shall be published by the local authority by means of a public notice given in two prominent daily newspapers,such summary shall also be displayed on website of the local authority as well as the notice board of local authority concernedand circulated in the area for being widely known in the area or locality of its jurisdiction which is likely to be affected thereby, within seven days from the date the scheme is notified by the Government.

(2)The notice shall be signed by the Municipal Commissioner or the Chief Officer of the local authority, as the case may be, or by an officer authorised by him in this behalf.

(3)The notice shall be in such language or languages as the Municipal Commissioner or the Chief Officer of the local authority, as the case may be, may specify in this behalf.

29. Any work performed by local authority such as survey of street vendors, issuing certificate of vending, plan of street vending and the resolutions of Town Vending Committee which are in consistence with the provisions of the Act. And were done as per the directions of Hon. Supreme Court of India in Civil Application No. 4156-4157 of 2002 shall be deemed to have been done under the provisions of these rules.

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SCHEDULE I

[See rule 16]

Procedure for The Conduct of Elections of Members of A Town Vending Committee Representing The Street Vendors in the Area Of Local Authority

1. The Labour Commissioner shall supervise, direct and control the conduct of elections of the members of a Town Vending Committee representing the street vendors.

2. As soon as the notification expressing the intention of the local authority to conduct elections for members of a Town Vending Committee representing the street vendors has been issued under sub-rule (1) of rule 14 and a returning officer has been appointed for conducting the elections under sub-rule (2) of that rule, the Labour Commissioner shall by order determine the date, time and place for conduct of elections.

3. The notice of the order or decision of the Labour Commissioner 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 Marathi, English 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 scrutinisation of the nomination papers;

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

4. As specified in sub-rule (2) of rule 15, the local authority shall provide voters list to the Labour Commissioner.

5. The nominations of the candidates for election shall be made in*Form-1* annexed to this Schedule which shall be supplied by the returning officer to any street vendor, free of cost.

6. 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.

7. 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.

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8. *(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 4 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.

9. The list of valid nominations as decided by the returning officer with names in English 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.

10. 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.

11. 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-2* annexed to this Schedule.

12. 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-3* annexed to this Schedule.

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

14. If the Returning officer thinks that it is necessary to conduct the election on 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.

15. 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.

16. 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, 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.

17. 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.

18. 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 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.

19. 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.

20. 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.

21. 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 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 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.

22. 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.

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

24. 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 cast ;

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

25. 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.

26. 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-1

(*See* paragraph 5 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/Smt./Ms. ....., street vendor vending in the area of jurisdiction of the Town Vending Committee, (Registration/ Certificate of Vending No. .....) hereby propose the name of Shri/Smt./Ms. ..... wife/son/daughter of Shri/Smt./Ms. ..... 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/Smt./Ms. ..... 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.

.....

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DECLARATION BY THE CANDIDATE

I, ...,wife/son/daughter of Shri/Smt./Ms. ..... Registration/ Certificate of Vending No. ..... of .....Town Vending Committee, hereby agree to my nomination for the election as Member 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 ;

(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 'The State of Maharashtra Street Vendors' (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 made thereunder.

Name and signature of the candidate

…….....

Registration/Certificate of Vending No.

.....

(FOR OFFICE USE ONLY)

Received the nomination form at .....a.m./p.m. on .....

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

Form—2

(*see* paragraph 11 of Schedule)

BALLOT PAPER FOR ELECTION OF MEMBER OF A TOWN VENDING COMMITTEE

Ballot paper of elections of Members of a Town Vending Committee whose elections are to be conducted under Schedule I appended to rule 15 of the State of Maharashtra Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016.

The.....
Town Vending Committee
……
..
..... (Address)

(Counterfoil)

Ballot paper for the Post of.....

Date of Election.....

Sl. No. .....

Certificate of Vending No. .....

Please mark [x] against one of the candidate

Sr. No.	Name of Candidate	Certificate of Vending No.	Mark of casting vote

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Form—3

(*see* paragraph 12 of Schedule)

NOMINATION OF ELECTION AGENT/ COUNTING AGENT

I, ...son/wife/daughter of Shri/Smt./Ms. ....., street vendor vending in the area of jurisdiction of the Town Vending Committee, (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 …….....

Certificate of Vending No. .....

I,....., son/wife/daughter of Shri/Smt./Ms. …….....…….....….....…….....…… am willing to be the election agent/counting agent.

Name and Signature of the Agent

.....

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FORM 'A'

[*see*rule 6]

APPLICATION TO THE GRIEVANCE REDRESSAL AND DISPUTE RESOLUTION COMMITTEE FOR THE REDRESSAL OF GRIEVANCE OR RESOLUTION OF DISPUTE OF STREET VENDORS

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 : (c)
   (if other, please specify the category)
5. Date of issue of certificate of vending :
   (attach a copy of certificate of vending, if issued)
6. Grounds of redressal of grievance or resolution of dispute (give full details and attach more pages, if required) :

Signature of applicant ……..

DECLARATION

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

Place:

Date:

Signature of applicant ……..

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

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FORM 'B'

[*see* rule 8]

APPEAL TO THE LOCAL AUTHORITY AGAINST THE DECISION OF THE GRIEVANCE REDRESSAL AND DISPUTE RESOLUTION 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 : (c)
   (if other, please specify the category)
5. Decision of the Committee :
   (attach the copy of the decision of the Grievance Redressal and Dispute Resolution Committee, giving-
   (a) the number of decisions; and
   (b) the date of the decisions.)
6. Grounds of appeal (give full details and attach more pages, if required) :

Signature of applicant ……..

DECLARATION

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

Place:

Date:

Signature of applicant ……..

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

FORM 'C'

[*see* rule 9]

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 : (c)
   (if other, please specify the category)
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 ……..

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 'D'

[*see* rule 27]

RETURN TO BE FURNISHED BY THE TOWN VENDING COMMITTEE

(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 ;

(ii) 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.

(2) The Government or the local authority, as the case may be, may require a Town Vending Committee to furnish such other return or returns in such proforma as demanded from time to time.

By order and in the name of the Governor of Maharashtra,

SUDHAKAR D. BOBADE,
Deputy Secretary to Government.

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