

RULES



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HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 6th July, 2015

S.R.O. No.311/2015— In exercise of the powers conferred by Section 36 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act, 7 of 2014), the State Government do hereby make the following rules, namely:—

1. Short title and commencement:— (1) These Rules may be called the Odisha Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2015.

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

2. Definition:— (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) 'Form' means forms appended to these rules;

(c) "Municipality" means a Municipal Corporation, a Municipal Council and a Notified Area Council;

(d) "Planning Authority" means a Town Planning Authority and a Development Authority, respectively constituted under the Odisha Town Planning Improvement Trust Act, 1956 (Odisha Act 10 of 1957) and the Odisha Development Authorities Act, 1982 (Odisha Act 14 of 1982) and includes such other Authority as may be declared as Planning Authority;

(e) "Section" means Section of the Act; and

(f) "State Government" means the Government of Odisha.

(2) All other words and expressions which are used and not defined but defined in the Act shall have the meanings, respectively, assigned to them in the Act.

3. Constitution of Town Vending Committee.— (1) Every Municipality shall constitute a Committee to be known as the (name of the Municipality) Town Vending Committee which shall consist of a Chairman and not exceeding eleven other members as follows, namely:—

- (a) Municipal Commissioner or Executive Officer, as the case may be, of the concerned Municipality; - Chairman
- (b) One Officer of the concerned Planning Authority dealing with the matter relating to preparation of master plan in respect of the concerned Municipal area; - Member
- (c) Superintendent of Police of the concerned municipal area or his nominee not below the rank of Deputy Superintendent of Police; - Member
- (d) One Corporator or Councillor, as the case may be, of the concerned Municipality nominated by it; - Member
- (e) The Lead District Manager of the lead Bank or his nominee; - Member
- (f) One representative from a residential welfare Association nominated by Chairperson; - Member
- (g) One representative from a traders' Association nominated by Chairperson; - Member
- (h) Representative from a reputed NGO nominated by Chairman - Member
- (i) Not more than four representatives to be nominated by Chairperson from amongst the members of the Vendors' Association:— Member

Provided that not less than one-third of the representatives of Vendors' Association shall be women:

Provided further that due representations shall be given to the Scheduled Castes and Scheduled Tribes, persons with disability from amongst the members representing the Street Vendors.

(2) The Municipality shall provide a space in the Office building of the Municipality to the Town Vending Committee for the purpose of performing its functions under the Act, Rules and the Schemes made under that Act and provide such number of staffs as required by Town Vending Committee for its efficient functioning.

- (3) Term of Office of members shall be three years, unless removed earlier.
- (4) Where the Town Vending Committee considers that the advice and assistance of any other person is necessary, it may co-opt any person as member who shall have the right to take part in the discussion but shall not be entitled to vote.

4. Transaction of Business.— (1) 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.

- (2) The quorum for conduct of business shall be of five members
- (3) Save as otherwise provided in these rules, the Town Vending Committee (TVC) shall, *mutatis mutandis* follow all rules of procedures in 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.
- (4) 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.

5. 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 Municipality on recommendations of Town Vending Committee.

6. Powers and Functions of the Town Vending Committee.— (1) Subject to the provisions of the Act, it shall be the duty of the every Town Vending Committee to undertake such measure as it thinks fit for proper operation and management of Street Vending within the Vending Zone.

- (2) Without prejudice to the generality of the provisions of sub-section (1), the Town Vending Committee shall have the following powers and functions, namely:—
 - (a) prepare plan to promote the vocation of Street Vendors covering the matters contained in the First Schedule to the Act and recommend the same to the Municipality;
 - (b) prescribe such other different terms and conditions for different category of Street Vendors;
 - (c) recommend the maximum number of Street Vendors to be accommodated in a Vending Zone;

- (d) assignment of space for sitting in the Vending Zone for the purpose of vending;
- (e) determine the monthly rent (fee) payable by a street vendor; and
- (f) recommend promotional measures such as for improvement of standard of living, nutrition and amelioration of social condition and create awareness about the Schemes and facilities provided by different organization and Insurance Companies for social securities.

7. Dispute Resolution Committee.— (1) The State Government may, by notification, constitute a Dispute Resolution Committee for each Municipality or for two or more Municipalities, for the purpose of disposal of the application received under sub-section (2) of section 20.

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

- (a) a person who has been a civil judge or judicial Magistrate, First Class who shall be the President;
- (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 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 Resolution Committee shall hold Office for a term of three years or up to the age of sixty-five years whichever is earlier:

8. Salary and Allowances of the President and Members of Dispute Resolution Committee.— (1) The President of the Committee shall receive salary or honorarium at the following rate, namely:—

- (a) If a person who has been a Civil Judge or judicial Magistrate is appointed on whole time basis, the last pay drawn minus pension shall be paid as salary;
- (b) If a person who has been a Civil Judge or Judicial Magistrate is appointed on part time basis, the honorarium at the rate of rupees two thousand five hundred per day of sitting shall be paid; and
- (c) The operational jurisdiction of the Committee will be notified from time to time

(2) The other members of the Dispute Resolution Committee shall receive a consolidated salary of five thousand rupees per month if appointed on whole time basis and an honorarium of one thousand rupees per day of sitting, if appointed on part time basis.

9. Place of sitting.— (1) The Office of the Dispute Resolution Committee shall be located in the Office of the Municipality or at such place within the territorial limit of the concerned Municipality as may be notified by that Municipality in consultation with the State Government.

(2) The working days and the office hours of the Dispute Resolution Committee shall be the same as that of the State Government.

(3) The official seal and emblem of the Dispute Resolution Committee shall be such as that of concerned Municipality and shall be kept in custody by an Officer authorized by the President of the Dispute Resolution Committee.

10. Procedure for filing of application.— (1) An application to the Dispute Resolution Committee shall be presented in Form-I by the applicant in person or by an agent duly authorized by the applicant to the President of the Dispute Resolution Committee or any other Officer authorized by him to receive the application or sent by registered post with acknowledgement duly addressed to the President 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.

(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 Resolution 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 Resolution Committee shall be in writing and be signed and dated by the members constituting the Bench concerned.

11. 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 from the date of communication of the decision, prefer an appeal in Form-II to the concerned Municipality.

(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 date and 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.

12. Maintenance of Record.— (1) Every Town Vending Committee shall maintain a register in Form-III which shall contain registration number assigned to street vendor to whom Certificate of Vending has been issued, stall allotted to him, nature of Business, category of Street Vending, whether on time sharing basis and if so time of vending and the name of another Street Vendor who will share the space with the former.

(2) In order to ensure safety of register maintained in Form-III every Town Vending Committee shall keep the Register in the Office of Chairperson of the Town Vending Committee and remain under his control or an Officer duly authorized by him and after order is being passed for issue of Certificate of Vending, the Officer so authorized shall record the particulars in the register in Form-III and he shall also put his signature and date and thereafter Certificate of Vending shall be issued to the street vendor.

(3) The authorized Officers shall also update the register with the changes approved by the Town Vending Committee.

(4) The Register shall be maintained as a permanent record

13. Filing of Return.—Every Town Vending Committee shall submit a return in Form-IV after the end of each financial year to the State Government and the concerned Municipality providing therein the total number of application received for Street Vending, total number of Certificate of Vending issued to street vendors in different zones including different category of street vendors during the previous financial year and also a statement in a summary, the activities to be undertaken in next financial year.

14. Summary of the notified Scheme.— After publication of the Scheme 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 "Odia" and "English" having wide circulation in the concerned municipal area.

[No. 17033-HUD-13-LEGIS-67-POLICY-33/2015/HUD.]

By Order of the Governor

G. MATHI VATHANAN
Commissioner-cum-Secretary to Government

Form – I

(See Rule-10 (1))

IN THE DISPUTE RESOLUTION COMMITTEE

G.C. No..... of 201.....

For Office use:

Date of Filing:

Date of Receipt of post.....

Signature of President/Authorized 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:

Signature of applicant.

Date:

Form – II

(See Rule-11 (1))

Form of appeal against the decision of the Town Vending Committee/decision of the Dispute Resolution 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 Resolution 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 my personal knowledge and belief that I have not suppressed any materials facts.

Place:
Date:

Signature of the appellant.

Form – III

(See Rule- 12(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 Officer

Date:

Form – IV

(See Rule – 13)

Return

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 | 3 | 4 | 5 | Mobile Vendor |
| | | | | Stationary Vendor | Mobile Vendor |

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

Chairman of (Name of the Municipality) Town Vending Committee