

GOVERNMENT OF PUNJAB
DEPARTMENT OF LOCAL GOVERNMENT
(LOCAL GOVERNMENT 4 BRANCH)

NOTIFICATION

The 12th February, 2015.

No. 5/11/2015-5lg4/413009/1.- 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 No. 7 of 2014), the Governor of Punjab is pleased to make the following rules, namely:-

RULES

Section 36

1. Short title, commencement and application.- (1) These rules may be called the Punjab Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2015.

(2) They shall come into force on and with effect from the date of publication in the Official Gazette.

(3) They shall apply to all the urban areas in the State of Punjab.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act No. 7 of 2014) ;

(b) "Director" means the Director, Local Government, Punjab;

(c) "financial year" means a year beginning on the 1st April and ending on 31st March ;

(d) "Form" means a Form appended to these rules;

(e) "section" means a section of the Act;

(f) "State Government" means the Government of the State of Punjab in the Department of Local Government; and

(g) "urban area" means an area lying within the jurisdiction of a Municipal Corporation, a Municipal Council or a Nagar Panchayat.

(2) The words and expressions used in these rules, but not defined, shall have the same meanings as assigned to those words and expressions in the Act.

Sections 4 and 36

3. Age for street vending.- No person shall be issued a certificate of vending under section 4, unless he has completed the age of eighteen years.

Sections 11 and 36

4. Appeal from decision of Town Vending Committee.- (1) Any person, who is 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, may file an appeal to the local authority concerned, in writing by way of application, in Form I on plain paper, within a period of thirty days from the date of such decision.

(2) A self attested copy of the decision under appeal shall be annexed with the application of appeal by the appellant.

(3) No appeal shall be entertained by the local authority unless a fee of rupees fifty is deposited in cash in the office of the local authority against a receipt and a copy thereof is also annexed with the application of appeal.

(4) Any appeal filed after the expiry of the stipulated period specified in sub-rule (1) shall not be entertained:

Provided that the local authority may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time, entertain an appeal, after the expiry of the period stipulated for preferring appeal under this rule.

(5) The appeal filed before a local authority under sub-rule (1) or entertained by a local authority under sub-rule (4) shall be disposed of by it within a period of thirty days from the date of receipt of such appeal:

Provided that before disposing of the appeal, an opportunity of hearing shall be provided to the appellant.

5. Dispute Redressal Committee.- (1) In each District, there shall be a committee to be known as the Dispute Redressal Committee consisting of the following:-

- (a) a Chairperson, who has been a civil judge or a judicial magistrate;
- (b) two Members, one a retired officer, who had experience of serving in a Municipal Corporation or a Municipal Council or a Nagar Panchayat for atleast ten years and the second, a social worker, who had been doing social work for more than ten years, who are nominated as such by the Regional Deputy Director Urban Local Bodies concerned.

(2) In each Municipal Corporation there shall be such number of Dispute Redressal Committees as may be determined by the Director from time to time keeping in view the density of population and the largeness of the area of that Corporation and all these Dispute Redressal Committees shall consist of the persons mentioned in sub-rule (1), and their jurisdiction shall be such as is determined by the Director:

Provided that in the case of a Municipal Corporation, the persons mentioned in clause (b) shall be nominated by the Director.

(3) A Street Vendor, who has any grievance or dispute, may apply, in writing, by way of application in Form II on plain paper, to the respective Dispute Redressal Committee.

(4) On receipt of application under sub-rule (3), the Dispute Redressal Committee may provide an opportunity of hearing to the applicant and, if need be, also to the authority or person against whom that grievance or dispute has been raised.

(5) If need be, the cause and subject matter of the dispute may be physically verified by the Dispute Redressal Committee, either by deputing one of its members or by deputing an official of the local authority and the member or official so deputed shall submit his report to the Dispute Redressal Committee on the same day on which he was deputed or in case of failure to do so then definitely on the next day.

(6) After considering the report submitted under sub-rule (5), the Dispute Redressal Committee shall redress the grievance or resolve the dispute to the best satisfaction of the appellant as per its ability and judgment immediately or not exceeding fifteen days from the receipt of the application under sub rule (3).

6. Application against the decision of Dispute Redressal Committee.-

(1) Any person who is aggrieved by the decision of the Dispute Redressal Committee may prefer an appeal to the local authority concerned within a period of thirty days of the said decision, in writing by way of application in Form III on a plain paper.

(2) A self attested copy of the decision under appeal shall be annexed with the application of appeal by the appellant.

(3) No appeal shall be entertained by the local authority unless a fee of rupees fifty is deposited in cash by the appellant in the office of the local authority against a receipt and a copy thereof is also annexed with the application of appeal.

(4) Any appeal filed after the expiry of the stipulated period specified in sub-rule (1) shall not be entertained:

Provided that the local authority may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time, entertain an appeal after the expiry of the period stipulated for preferring appeal under this rule.

(5) The appeal filed before a local authority under sub-rule (1) or entertained by a local authority under sub-rule (4) shall be disposed of by it within a period of thirty days from the date of receipt of such appeal:

Provided that before disposing of the appeal, an opportunity of hearing shall be provided to the appellant.

Sections
22, 23, 34
and 36

7. Manner of constitution, term and the Members of Town Vending Committees. - (1) Within the jurisdiction of each local authority, there shall be a Town Vending Committee headed by the Commissioner of the Corporation in the case of a Municipal Corporation and by the Executive Officer in the case of a Municipal Council or a Nagar Panchayat, as Chairperson.

(2) The tenure of the Town Vending Committee shall be for a period of five years:

Provided that the term of the Town Vending Committee shall be co-terminus with the tenure of the local authority concerned:

Provided further that after the expiry of the tenure of the Town Vending Committee or the termination of the tenure earlier with the termination of the tenure of the local authority, as the case may be, it would be reconstituted in the manner prescribed in this rule.

(3) Besides its chairperson, the Town Vending Committee shall be constituted by the local authority concerned and shall consist of fifteen members to be nominated by the local authority from amongst the following, namely:-

- (i) two persons out of the elected members of the local authority, to be elected by the general house of the said local authority by show of hands in the presence of the Chairperson;
- (ii) one person out of Municipal Health Officers, Chief Sanitary Inspectors, Sanitary Inspectors or any other officials connected with sanitation of the said local authority;
- (iii) one person out of Police force or traffic police to be recommended by the District Police organization;
- (iv) one person out of market associations or trader associations or other such associations, recommended by such associations;
- (v) two persons out of Non Governmental organizations to be recommended by such organizations;
- (vi) one person out of residents welfare associations or any such associations recommended by such associations;
- (vii) one person out of banks or insurance companies, recommended by the bank authorities or insurance companies, as the case may be;
- (viii) six representatives out of Street Vendors (two of which shall be women) having representation from scheduled castes, backward classes, disabled etc., which shall be elected in accordance with sub-rule (4).

(4) The Street Vendors shall elect out of themselves such number of representatives as are mentioned in clause (viii) of sub-rule (3) as members of the Town Vending Committee by show of hands in the presence of the Chairperson of the Town Vending Committee or an officer deputed by him.

(5) The meetings of the Town Vending Committee shall be held once in six months (in the months of January and July), but special meetings may be called by the chairperson at any time, if it is considered necessary.

(6) The place for holding meetings of the Town Vending Committees shall be the office of the Chairperson.

(7) The quorum for meetings of the Town Vending Committee shall be one-fourth of its total members.

(8) The procedure for transaction of business in the meeting of the Town Vending Committee shall be such as may be decided by the Chairperson from time to time:

Provided that any member of the Town Vending Committee may raise any objection with the permission of the chairperson or may raise any issue for discussion, that too with the permission of the chairperson.

(9) If the quorum, specified in sub-rule (7) is not complete in any meeting, it shall be adjourned to any next date:

Provided that no quorum shall be necessary for a meeting held for an adjourned meeting for want of quorum.

(10) The decisions shall be taken by Town Vending Committee by majority of members present in the meeting.

(11) The Chairperson and each member of Town Vending Committee shall be entitled to lumpsum amount of rupees five hundred per meeting of the Town Vending Committee, the expenditure whereof shall be borne by the local authority

Sections 23
and 36

8. Functions of the Town Vending Committee. - The functions of the Town Vending Committee shall be to, -

- (a) conduct survey of street vendors within the area under its jurisdiction and subsequent survey to be carried out atleast once in every five years under section 3;
- (b) issue of certificates of vending under section 4;
- (c) carry out draw of lots for issue of space for vending, if need arises under sub-section (3) of section 4;
- (d) issue of identity card to street vendors;
- (e) cancel certificate of vending, if necessary, under section 10;
- (f) make recommendations to the local authority for identification of 'no vending zones';
- (g) maintenance of record of street vendors; and
- (h) do any other function, which the local authority may assign to it.

Sections 24
and 36

9. Temporary association of persons with Town Vending Committee. -

(1) A Town Vending Committee may, with the consent of the chairperson, temporarily associate with itself any person, it may desire, for assistance or advice, for carrying out its functions properly and adequately in accordance with provisions of the Act and these rules.

(2) The person(s) temporarily associated under sub-rule (1) shall be paid similar amount as is paid to members of the Town Vending Committee under sub-rule (11) of rule 7 for attending a meeting.

Sections 25
and 36

10. Employees for Town Vending Committee. - (1) Every Town Vending Committee shall be provided with number of employees from the local authority, as may be determined by the Chairperson from time to time keeping in view the workload to be handled by the Town Vending Committee. (2) The employees determined under sub-rule (1) shall be provided out of the existing strength of the employees of the local authority, who shall be paid salaries etc. out of the fund of the local authority.

Sections 26
and 36

11. Maintenance of record of Street Vendors. - Every Town Vending Committee shall maintain up to date record of registered street vendors and street vendors to whom certificate of vending has been issued in a register containing serial number, name, father's name, address, mobile number etc, stall allotted, nature of business carried out, category of street vending, along with other such details of the street vendors as may be considered necessary, in a register to be maintained by it.

(2) The register mentioned in sub-rule (1) shall be maintained in the office of Town Vending Committee and shall be open to inspection by the public.

Sections 30
and 36

12. Returns. - Every Town Vending Committee shall furnish the following returns to the State Government and to the local authority within one month of closure of a financial year:-

- (i) the details of meetings held, along with proceedings of each meeting; and
- (ii) the details of the functions performed during the financial year under review.

Sections 36
and 38

13. Manner of publication of summary of scheme by local authority. -

The summary of scheme finalized and notified under section 38, besides its publication in two newspapers of Punjabi language having wide circulation in the locality, shall be notified at the notice board of the local authority.

Sections 34
and 36

14. Interpretation and removal of difficulties. - For the purposes of interpretation of the provisions of these rules or removing any difficulty in implementing the provisions of these rules, the Director, in the case of a Municipal Corporation and respective Regional Deputy Director of Urban Local Government in the case of Municipal Councils or Nagar Panchayats shall be the authority to interpret or to resolve the difficulty.

FORM I

[see rule 4]

BEFORE THE LOCAL AUTHORITY_____

APPLICATION OF APPEAL No. of

XXX.....

Appellant

Versus

YYY.....

Respondent

Particulars

- 1. Name**
- 2. Age alongwith proof of date of birth**
- 3. Father's Name**
- 4. Residential Address**
- 5. Subject matter of appeal**

Prayer for relief :

Verification :

It is hereby certified that the above given particulars are correct and nothing has been concealed therefrom.

Date :

Signature of the appellant

Place :

FORM II
[see rule 5]

BEFORE THE Dispute Redressal Committee-----

APPLICATION No. of

XXX Applicant

Versus

YYY..... Respondent

Particulars

- 1. Name**
- 2. Father's Name**
- 3. Residential Address**
- 4. Vending Certification No. and date of issue**
- 5. Nature of Street Vending activity**
- 6. Whether mobile vendor or stationery vendor**
- 7. Location of vending zone**
- 8. Subject matter of dispute**
- 9. Brief facts leading to the application**
- 10. Prayer for relief**

Verification

It is hereby certified that the above given particulars are correct and nothing has been concealed therefrom.

Date :

Signature of the applicant

Place :

FORM III
[see rule 6]
BEFORE THE LOCAL AUTHORITY-----
APPLICATION OF APPEAL No. of
XXX Appellant
Versus
YYY Respondent
Particulars

1. Name
2. Father's Name
3. Residential Address
4. Vending Certification No. and date of issue
5. Nature of Street Vending activity
6. Whether mobile vendor or stationery vendor
7. Location of vending zone
8. Subject matter of dispute
9. Brief facts leading to the application
10. Prayer for relief

Verification

It is hereby certified that the above given particulars are correct and nothing has been concealed therefrom.

Date :

Signature of the appellant

Place :

Place Chandigarh.

Dated 6th February, 2015. ASHOK KUMAR GUPTA,
Secretary to Government Punjab,
Department of Local Government.

Endst. No.5/11/2015-Slg4/413009/2, dated Chandigarh the 12th February,2015

A copy, with a spare copy, is forwarded to the Controller, Printing & Stationery, Punjab, Mohali, with the request to publish the notification in the Extraordinary Gazette of Punjab Government and supply 200 spare copies of the same for official use.

Special Secretary Local Government.

Endst. No.5/11/2015-Slg4/413009/3, dated Chandigarh the 12th February,2015

A copy each is forwarded to the following for information and necessary action :-

- (1) Private Secretary to Local Government Minister, Punjab.
- (2) Private Secretary to Chief Parliamentary Secretary (Local Government) Punjab.
- (3) Private Secretary to Secretary Local Government, Punjab.
- (4) Director, Local Government, Punjab.
- (5) Chief Executive Officer, Punjab Water Supply & Sewerage Board, Chandigarh.
- (6) Chief Executive Officer, Punjab Municipal Infrastructure Development Company
- (7) All Officers in the Local Government Department, Punjab.
- (8) Commissioners of all Municipal Corporations in the State.
- (9) All Regional Deputy Director of Local Government in the State.
- (10) Superintendents of all Branches of Local Government Secretariat/Directorate.
- (11) Executive Officers of all Municipal Councils/Nagar Panchayats in the State.

Special Secretary Local Government.