UTTAR PRADESH SHASAN
NAGAR VIKAS ANUBHAG-9

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no-111/9-9-2017-170ja/2006 , Dated--------May 2017

Notification

No.111/9-9-2017-170ja/2006
Lucknow Dated 10 May, 2017

In exercise of powers under section 36 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 (Act no 7 of 2014) the Governor is pleased to make the following rules with a view to protecting the rights of urban street vendors and regulating street vending activities.

THE UTTAR PRADESH STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) RULES, 2017

Short title, extent and commencement

1. (1) These rules may be called the Uttar Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017.

(2) They shall be applicable to all Municipal Corporations, Municipal Councils and Nagar Panchayats in the State of Uttar Pradesh.

(3) They shall come into force with effect from the date of their publication in the *Gazette*.

Definitions

2. (1) In these rules unless there is anything repugnant in the subject or context,:-

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

(b) **"Certificate of Vending"** means the certificate issued by the Town Vending Committee to authorize a vendor for the vending in such area as may be specified in the certificate;

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

(d) **"Director"** means an officer appointed as Director of Urban Local Bodies by the State Government under the provisions of The Uttar Pradesh Municipalities Act, 1916 and the Uttar Pradesh Municipal Corporation Act, 1959.

(e) **"Maintenance fee"** means the amount determined by the Municipality for the civic amenities and facilities provided to a vendor in the vending zone;

(f) **"Municipality"** means the Municipal Corporation , the Municipal Council or the Nagar Panchayat, as the case may be;

(g) **"No Vending Zone"** means any area, place, location or a zone or part of it which is declared for not carrying on vending activities;

(h) **"Plan"** means a plan prepared under section 21 of the Act;

(i) **"Restricted Vending Zone"** means an area, place, location or a zone or part thereof where vending activities are permitted during certain period of time;

(j) **"Restriction-free Vending Zone"** means an area, place or location or a zone or part thereof where a street vendor may be allowed for street vending activities without any restriction;

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

(l) **"Vending Charges"** means the charges paid by a vendor from time to time who has been issued certificat of vending.

(2) Words and expressions not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

Prohibition

3. (1) No Person shall, without certificate of vending under these rules, cover any place, display or install any thing in connection with sale or provide services or goods by vending on any public place or open space.

(2) No person shall sell his wares or provide his services by vending or hawking in any areas or places other than mentioned in the certificate of vending.

(3) No street vendor shall have the right to carry on the business of street vending activities in any areas and places for which they do not have certificate of vending given by the Town Vending Committee.

Constitution of Town Vending Committee

4. (1) There shall be constituted a Town Vending Commitee in each municipality in accordance with the provisions of section 22 of the Act. The term of the Committee, shall be for a period of five years from the date of its first meeting:

Provided that the State Government may dissolve a Town Vending Committee if it is of opinion that the Committee is not functioning in accordance with the provissions of the Act, rules and schemes made thereunder and shall constitute a fresh Town Vending Committee within three month from the date of dissolution of the set a new Committee,

(2) Each Town Vending Committee shall consist of;

(a) the Municipal Commissioner or the Executive Officer, as the case may be, who shall be the Chairperson;

(b) Members, whose number shall be,

(i) not more than ten in case of Nagar Panchayat,

(ii) not less than ten and not more than twenty in case of Municipal Council, and,

(iii) not less than twenty and not more than forty, in case of Municipal Corporation,

(c) the number of members nominated on the basis of merit in

transparent manner by the Municipal Commissioner or Executive Officer to represent the Non Government Organizations and the Community Based Organizations shall not be less than ten percent;

(d) the number of members representing the street vendors of the municipal area shall not be less than forty percent who shall be elected from amongst themselves in the manner provided under rule-5;

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

Provided further that due representation shall be given to the Scheduled castes. the Scheduled Tribes, other backward classes, minorities and persons with disablities from amongst members representing street vendors.

(e) remaining members shall be nominated from amongst the following categories -

(i) the members or corporators of the municipality whose number shall not more than two nominated by the Chairperson,

(ii) Medical Officer of Health of the Municipality. (whereever available)

(iii) one representative of the traffic police, nominated by the Superintendent of Police (Traffic),

(iv) one representative of the local police, not below the rank of Circle officer nominated by the Senior Superintendent of Police,

(v) representatives of the City level registered market associations and traders' associations nominated by the Chairperson of a Municipality whose number shall not be more than two;

(vi) not more than two members from Residents Welfare Associations nominated by the Municipal Commissioner or Executive Officer;

(vii) one representative of the district administration nominated by the District Magistrate;

(viii) one representative of the lead bank, nominated by the Chief Manager;

(ix) one representative of a Uttar Pradesh Housing and Development Board, nominated by the Housing Commissioner;

(x) one representative of a Development Authority, nominated by the Vice Chairman thereof;

(xi) one representative of the Town and Country Planning, Uttar Pradesh nominated by the Chief Town and Country Planner;

(xii) one representative of the Public Works Department of the State nominated by the Chief Engineer,

(xiii) one representative of the Uttar Pradesh Power Corporation, nominated by the Executive Engineer,

(xiv) One representative of the Fire Department, of the State nominated by the Superintendent of Police (Fire),

(xv) An officer of the Municipality, nominated by the Municipal Commissioner or Executive Officer as the case may be, who shall act as Member-Secretary.

(3) If in the opinion of the State Government any member of Town Vending Committee persistently defaults in the performance of his duties imposed on him by/or under the Act or these rules or abuses his powers, the State Government may, by order, remove such member from the Town Vending Committee;

Provided that such member shall be given an opportunity of being heard before his/her removal.

Manner of Election among street vendors

5. (1) A member from street vendors shall be elected in following manner-

(a) the Municipality concerned shall publish a notice calling for application from registered associations of the street vendors for membership of Town Vending Committee, in any two prominent daily newspapers having circulation in such municipality. A copy of the notice shall also be displayed in any conspicuous place in the local markets under the jurisdiction of the municipality.

(b) the aforesaid notice shall contain, amongst other things, the date of publication of notice, form for the application, the last date and manner of submission of the application .

(c) the aforesaid notice shall be published thirty days prior to last date for the submission of the applications for membership of Town Vending Committee.

(d) any person , being a member of any association may apply to his association for the membership of Town Vending Committee along with the proof of his/her identity, address and the character certificate.

(e) the association of street vendors may elect its members out of the members applied therefor under clause (d) and

recommend for membership of Town Vending Committee.

(f) the municipality shall seek informations , with respect to , particulars of the applicants recomonded under clause(e), details of work experience , particularly in the area of street vending within the jurisdiction of the municipality and such other details as it may think fit.

(g) on submission of the recommendations referred to in clause(e), the Municipal Commissioner or Executive officer shall allot a unique application number to each recommended applicant and communicate to all applicants as well as the vendor associations .

(h) if recommendations received are more than the required numbers , the municipality shall select the required members on the basis of lottery . Such lottery shall be held in the presence of the interested parties.

(i) the municipality shall publish the aforesaid informations and also the list of nominated members of Town Vending Committee on its website .

(j) the formation of Town Vending Committee shall be published on the website of the concerned municipality and be issue a press note regarding it.

(2) The Municipal Commissioner or Executive Officer may appoint a Committee consisting of three officers of the municipality for the purpose under sub rule (1)

Functions of Town Vending Committee

6. The functions of Town Vending Committee shall be:-

(a) to conduct a survey of all existing street vendors within the area under its jurisdiction and to ensure their accommodation in the vending zones subject to the norms and holding capacity of the vending zone;

(b) to issue certificate of vending subject to such terms and conditions and within such period as specified in the scheme including the restrictions specified in the plan for street vendor;

(c) to cancel or suspend the certificate of vending where street vendor commits breach of any terms or conditions specified for regulating street vending after giving him an opportunity of being heard;

(d) to ensure that the identity card should be issued to every street vendor who has been provided certificate of vending;

(e) to monitor the civic facilities to be provided to the street vendors by the municipality;

(f) to recommend to the municipality for demarcating areas for vending with no restriction, areas, with restriction with regard to the dates, days and time and, areas which would be earmarked as no vending zones;

(g) to recommend to the municipality for preparing a plan to

promote the vocation of street vendors covering the matters contained in the First Schedule of the Act.

(h) to recommend to the municipality for determining natural markets ;

(i) to set the terms and conditions for vending;

(j) to collect fees or other charges;

(k) to decide the standards regarding an area or a place or a location to be made available to the vendors;

(l) to ensure continuation and up-gradation of weekly markets;

(m) to monitor the implementation and execution of vending scheme framed under section 38 of the Act;

(n) to fix vending fee from time to time;

(o) to furnish return or annual report from time to time to the municipality and the State Government;

(p) to maintain and update records of the street vendors in detail;

(q) to publish street vendors' charter ;

(r) to carry out social audit of its activities;

(s) to send recommendations to the State Government to undertake promotional measures of making available credit, insurance and other welfare schemes of social security to the street vendors;

(t) to assess and determine maximum holding capacity of each vending zone;

(u) to undertake periodic survey/census to assess the increase or decrease in the number of vendors in the municipality;

(v) to ensure that the quality of products and services provided to the public is as per standards of public health, hygiene and safety laid down by the municipality and other authorities;

(w) to encourage and facilitate the organizations of weekly markets, festival Bazars, night markets to celebrate important occasions, holidays including city/town\market formation day etc;

(x) to ensure that those mobile vendors who have been allotted stalls /vending spots/ vending areas are actually using them and take necessary action to ensure that these are not rented out or sold to others; and

(y) any other functions as may be assigned from time to time by the State Government or the municipality concerned.

Meeting of Town Vending Committee

7. (1) The Town Vending Committee shall meet at least quarterly in every year for the transaction of business at such place and such time as may be decided by its Chairperson within the jurisdiction of the Municipality.

(2) A list of business to be transacted at every meeting except an adjourned meeting shall be sent to each member of the Town Vending Committee at least forty eight hours before the time fixed for each meeting:

Provided that if the list of business is sent by post it shall be so sent that it may be served to the members within stipulated time.

(3) The Chairperson of the Town Vending Committee may, whenever he thinks fit, and shall, upon the requisition made in writing by not less than one-third of the total number of members of the Committee, call a meeting of the Committee.

(4) The Town Vending Committee may associate any person or persons having special knowledge or experience in respect of matters within the ambit of the Town Vending Committee and may pay him/her or them such allowance as may be determined by the Committee.

(5) The Town Vending Committee may pay such allowances to the street vendors elected as members of Town Vending Committee and the members nominated under the provisions of clause (b) and (c) of sub-rule (2) of rule 4, except the officials, as may be determined by it.

Quorum

8. No business shall be transacted at any meeting of the Committee unless at least one third of total number of members thereof, is present throughout the meeting.

Decisions in the meeting of the Town Vending Committee

9. (1) All matters required to be considered and decided by the Committee, shall be determined by a majority of members present and voting.

(2) Keeping in view the exigencies of matter, the Committee may take decisions by circulation of the agenda.

(3) The proceeding of the last meeting shall be confirmed in the next meeting of the Committee.

(4) In order to implement the decisions of the town vending committee, the Municipal Commissioner or the Executive Officer as the case may be, shall designate an officer who shall be responsible for implementing its decisions.

Provision of office space, staff and secretary for Town Vending Committee

10. The municipality shall provide the Town Vending Committee proper office space with adequate furniture, sufficient number of employees and an officer to act as secretary of the Committee.

Sub-Committees

11. (1) The Town Vending Committee may constitute one or more sub-committees to discharge any of its functions.

(2) A sub-committee constituted under sub-rule (1) shall have such powers and perform such functions as the Town Vending Committee may from time to time delegate or confer.

Survey of Street Vendors

12. (1) The Town Vending Committee shall conduct a survey of all existing street vendors within the area under its jurisdiction in the municipality in accordance with the provisions of section 3 of the Act.

(2) The survey shall be conducted zone, ward or market wise as the case may be in ***Form-1*** and all the data shall be stored digitally .

Registration of Street Vendors

13. (1) All street vendors in each municipality, identified under the survey carried out under rule 11 shall be registered on the basis of reliable means of identification at a nominal fee fixed by the Town Vending Committee.

(2) Those who wishes to take up street vending for the first time shall have to apply for registration as vendor provided they give a statement on oath that they do not have any other means of livelihood and shall be personally operating from the vending spot, with the help of his family members. Certificate of vending to him may be issued subject to availability of space in the vending zone.

(3) The power to register the vendors in ***Form-2*** would be vested with the Town Vending Committee or any officer authorized by it in this behalf.

(4) Registration may be renewed after every five years.

(5) The street vendors, identified under the survey who have not completed the age of fourteen years on the date of application, shall not be registered.

Issue of Certificate of Vending

14. (1) Every street vendor identified under survey carried out under rule - 11 and registered under rule-12, shall be issued a certificate of vending in Form-3 by the Town Vending Committee or any officer of the municipality authorized by it in this behalf.

(2) Every street vendor shall follow the conditions mentioned under section 5 of the Act.

(3) The certificate of vending shall be issued under any one of the following categories, namely,-

(a) a stationary vendor, or

(b) a mobile vendor, or

(c) vendors in weekly markets , or

(d) any other category as may be specified in the scheme or as may be determined by the Town Vending Committee.

(4) The terms and conditions on which the certificate of vending shall be issued after giving an undertaking in Form-2 are:-

(i) there shall be restrictions to build permanent structure for stationary vending;

(ii) street vendor shall pay the fees as determined by the Town Vending Committee regularly and timely;

(iii) waste produced during street vending shall not be thrown on road, footpath, or in drains or sewer line. The waste shall be collected in a dustbin and be handed over to the agency authorized by the municipality for door to door collection. For this service, they have to pay monthly user charges;

(iv) every street vendor shall maintain cleanliness at the place of vending and the adjoining areas. Food street vendors selling eatables shall maintain public health and personal hygiene;

(v) vending shall be carried only on the allotted place and time mentioned in the vending certificate. Any contravention shall be treated as violation of the Act and the scheme and the vendor shall be liable to such penalty as may be determined under the provisions of the Act which includes the cancellation of the vending certificate;

(vi) street vendor shall ensure maintenance of civic amenities and safety of public property in Vending zone and the adjoining areas;

(vii) street vendor shall ensure that smooth flow of traffic/vehicles and public convenience are not hindered due to vending activities;

(viii) the streets vendors shall not sell prohibited goods. They shall not do any such activity/ work/ business/service which pollutes the environment or causes public hindrance /nuisance;

(ix) if necessary, street vendor may be relocated under the provisions of section 18 of the Act to the adjoining vending zone on the availability of space;

(x) there shall be no vending activities on foot over bridges and flyovers;

(xi) outside places of worship, vendors can be permitted to carry on vending activities and to sell items required by the devotees for offering to the deity or for like flowers, sandalwood, candles, agarbatties, coconut, chadars, sweets etc. Town Vending Committee may take decision in this matter in accordance with the local circumstances and street vendors shall have to abide by these restrictions and instructions

(5) The preference shall be given to the vendors belonging to the Scheduled Castes, the Scheduled Tribes, other Backward Classes, women, persons with disabilities and minorities for issuing the certificate of vending.

(6) The certificate of vending shall be issued for five years. If all the terms and conditions were followed sincerely and no violation of rules and Act was committed, the certificate of vending shall be renewed further for the period of five years.

(7) Every street vendor who has been issued certificate of vending shall pay to the municipality such vending fee as may be fixed by the Town Vending Committee keeping in view the local conditions and categories of street vendors.

(8) Every street vendor shall pay to the municipality such periodic maintenance charges for the civic amenities and facilities provided in the vending zones as may be determined by the Municipality.

(9) Where the number of street vendors in a vending zone is found more than the holding capacity of that zone, the Town Vending Committee shall carryout a draw of lottery for issuing the certificate of vending for that vending zone. Remaining street vendors shall be accommodated in any adjoining vending zone where the proper place for street vending is available.

Demarcation of Vending Zones

15. (1) In every municipality certain areas, places, wards or zones or part thereof may be declared as restriction free vending zone, restricted vending zone and no vending zone by the municipality on the recommendation of the Town Vending Committee.

(2) Vending places and vendor markets shall be determined by the municipality concerned for the stationary vendors who carry out vending activities on regular basis at a specific location.

(3) There shall be vending zones in every municipality consisting of one or more wards for mobile vendors, who ,may carry out vending activities in designated areas by moving from one place to another for vending their goods and services.

(4) Certain places, areas, wards or zones may be designated as restricted vending zone where vendors may not carry out any kind of vending activities with regard to time and day etc.

(5) Certain places, areas, wards or zones may be designated as no vending zone where vending activities shall be completely prohibited.

(6) The municipality may make byelaws for the purposes of demarcation of vending zones keeping in view the local circumstances, needs, practicability and rationale.

Provision for creating new vending markets

16. In City/Town Master Plan, specific provisions for creating new vending markets at the time of finalization/revision of Master Plan, Zonal Plans and Local Area Plans shall be made. The space reserved in such plans should be commensurate with the current number of vendors and their rate of growth on perspective basis be based on the rate of growth over preceding five years.

Cancellation or suspension of certificate of vending

17. (1) Cancellation or suspension of the certificate of vending shall be done by the Town Vending Committee or any officer authorized by it in this behalf.

(2) If the prescribed conditions are violated at any time by a street vendor or obstruction in traffic movement or nuisance from his vending activity is verified, the certificate of vending may be cancelled and necessary actions may be taken.

(3) Where the holder of the certificate of vending commits breach of any of the terms and conditions specified under the Act or these rules or scheme made thereunder or has secured the certificate of vending through misrepresentation or fraud or forgery, or any article whatsoever hawked or exposed for sale in public place or

in any public street in contravention of provisions of Uttar Pradesh Municipal Corporation Act, 1959 or the Uttar Pradesh Municipalities Act, 1916, as the case may be, the Town Vending Committee or any officer authorized by it in this behalf, may suspend the certificate of vending during the enquiry and investigation for such period as it or he/she thinks fit or after issuing him a show cause notice in ***Form-4*** and may cancel the certificate of vending after giving an opportunity of being heard.

Responsibility of a street vendor

18. (1) Every street vendor shall have the right to carry on the business of street vending activities in accordance with the terms and conditions mentioned in the certificate of vending;

(2) Every street vendor, who possesses a certificate of vending, shall in case of his relocation, be entitled for new site or area, as the case may be, for carrying out his vending activities as may be determined by the municipality, in consultation with the Town Vending Committee.

(3) Where a street vendor occupies space on a time-sharing basis, he shall remove his goods and wares every day at the end of the time-sharing period allowed to him.

(4) Every street vendor shall maintain civic amenities and public property in the vending zone in good condition and not damage or destroy or cause any damage or destruction thereof.

(5) Every stationary street vendor may be provided an area of not exceeding 2 metres x 2metes wherever available suitably in vending zone in the manner that the vehicular and pedestrian traffic shall not be obstructed and access to shops and residences shall not be blocked.

(6) There shall be no vending activities on foot over, over bridges, and flyovers.

(7) Every street vendor shall not create any noise by shouting or playing any instrument or music for attracting the public or customers.

(8) Every street vendor shall extend full cooperation to the municipal conservancy staff for cleaning the places, of his/her vending and also to the other municipal staff for carrying on any municipal work.

(9) Every street vendor shall keep his surroundings neat and clean.

(10) No structure of any type shall be made at the vending area or place.

(11) A street vendor shall not Sale prohibited goods.

Relocation of street vendor

19. (1) Street vendor who possesses a certificate of vending may be relocated by the municipality if:-

(a) ward or part thereof or the place is declared to be a no vending zone for any public purpose;

(b) construction and development for maintenance of civic amenities or other infrastructure is undertaken;

(c) there is hindrance, obstruction or disturbance in traffic and transportation;
(d) maintenance of law and order situation arises.
(e) the number of street vendors are more than holding capacity in the vending zone;
(f) there is pressure of traffic and transportation and congestion over it;
(g) there is any other reason which is proper in view of the Town Vending Committee.

(2) The relocation should be made keeping in view the availability of space, transportation, movement of traffic and density of population. The Municipality on the recommendation of the Town Vending Committee shall determine the holding capacity of the area in light of the said criteria and local needs.

(3) The proceeding of relocation of street vendors shall be done in view of the following conditions–

(a) The place for which the certificate of vending has been issued, is urgently required for most essential public purposes;
(b) relocation of street vendor shall be done in such a way that he/she may at least, maintain his/her livelihood .
(c) as far as possible, assets of street vendor shall not be destroyed;
(d) the street vendor shall not be relocated otherwise than due process of law;
(e) the natural markets where vending activities are carried out for more than fifty years, may be declared as heritage markets and street vendors carrying vending activities therein may not be relocated;
(f) notice of thirty days for the relocation of a street vendor shall be given in ***Form-5.***
(g) A street vendor who fails to vacate the place within the time mentioned in the notice shall be relocated from the place by force as may be dentermined by the Municipal Commissioner or theExecutive Officer or any officer authorized in this behalf.

Eviction of street vendors

20. (1) A street vendor may be evicted by the municipality if-
(a) his/her certificate of vending has been cancelled under section 10 of the Act;
(b) he/she does not have a valid certificate of vending ;
(c) he/she is found carrying on street vending activities without certificate of vending;
(d) he/she has violated the provisions of the Act and the rules made thereunder;
(e) the municipality or any officer authorized by it in this behalf thinks proper and justified.

(2) A street vendor shall only be evicted after giving one month notice in ***Form-6.***

(3) If a street vendor fails to comply with the notice under sub- rule (2) and does not vacate the place, the municipality or any officer authorized by it shall evict him physically by such force as may be deemed fit.

Seizure and reclaiming of goods

21. (1) If a street vendor does not comply with the notice issued to vacate place, after expiry of one month, the municipality may also seize the goods of such street vendor.

(2) Seizure and reclaiming of goods shall be done under the provisions of section 19 of the Act.

(3) A street vendor may submit an application to reclaim his goods to the Municipal Commissioner or the Executive Officer or the officer authorized in this behalf, as the case may be.

(4) The fee for reclaiming the seized goods shall be determined by the Town Vending Committee or any officer of municipality authorized by it in this behalf .

(5) The Municipal Commissioner or the Executive Officer or any officer authorized in this behalf, as the case may be, may release the goods after payment of the fee fixed under sub-rule (4) and taking an undertaking from the street vendor whose goods have been seized that he/she shall not carry on street vending activities on evicted place or at any other place in the zone.

Issue of Identity Card

22. (1) Every street vendor who has been issued certificate of vending shall be issued identity card in ***Form-7*** duly signed by an officer of the Municipality authorized by the Town Vending Committee.

(2) Identity card shall be kept in the pocket of street vendor and shall be shown on demand of any officer authorized by the Town Vending Committee or the Municipality.

Facilities to be provided to street vendors

23 (1) Subject to the availability , following facilities may be provided to the street vendors in the vending zone by the Municipality -

(a) facility of solid wastes disposal,
(b) facility of public toilets,
(c) facility of drinking water,
(d) facility of light,
(e) any other facility which is considered to be necessary by the municipality concerned.

(2)(a) financial assistance to a street vendor may be provided so as to make him/her capable of conducting the business, Self-Help Groups may be constituted. by the groups thereof By own contributions, loans from financial institutions and grants from various schemes etcmay be provided. A fund may be established and financial assistance may be provided to the members of Self Help Groups;

(b) group insurance scheme may be introduced for street vendors who have been issued certificate of vending;

(c) for the promotion of social status and for the welfare schemes of social security of the street vendors, help of non-government organizations, street vendors associations and unions and other welfare organizations may be taken.

Appeal against the decision of Town Vending Committee

24. (1) Any person who is aggrieved by any decision of the Town Vending Committee may prefer an appeal to the Mayor or the Chairperson as the case may be, within thirty days of receipt of the order.

(2) A copy of the order of Town Vending Committee and other relevant records and document shall be attached while filing the appeal.

(3) The appellant shall submit his papers in the office of the Mayor or the Chairperson, as the case may be, and shall get its acknowledgment.

(4) Date of hearing shall be fixed and summons shall be sent to give an opportunity of hearing to the appellant as well as the Town Vending Committee.

Manner of redressal of grievances and resolution of disputes of street vendors

25. (1) For the purpose of considering the applications made in writing by the street vendors for redressal of grievances or resolving of disputes, an application shall be given to the Executive Committee or to a Committee constituted by the municipality consisting of the Mayor or the Chairperson as the case may be of the municipality as Chairperson and two other members of the municipality.

(2) On receipt of the application regarding the grievance or the dispute the committee shall collect reports and comments of the Municipal Commissioner or the Executive Officer, as the case may be, on the matter and, shall take steps for redressal of such disputes within one month from the receipt of the application. Steps taken in this regard shall be communicated to the applicant in writing within forty five days from the receipt of the application.

(3) Any person who is aggrieved by the decision of the committee constituted under sub-rule (1) may prefer an appeal to the municipality within thirty days from the communication of details under sub-rule (2).

(4) The municipality shall issue summon to the appellant and after giving him an opportunity of being heard within one month may dispose of the appeal within one month next following.

Monitoring

26. Monitoring of the provisions prescribed in these rules and the Act shall be carried on at the following levels:-

(a) Town Vending Committee shall be responsible to monitor the implementation of policies and provisions mentioned in these rules;

(b) Town Vending Committee or any officer authorized by it in this behalf shall maintain a register of uptodate information

regarding each street vendor, stationary or mobile, or of weekly market containing name of such street vendor, space allotted to him, nature of business or vending carried out by him, category of street vending, details of appeals, redressal of grievances, resolving of the disputes, vending fee, registration fee, penalty, maintenance charges, user charges, cash book and such other particulars as may be relevant to the street vendors;

(c) The municipality shall, continuously monitor the functioning and activities of the Town Vending Committee;

(d) An annual report of the Town Vending Committee, containing the following details, shall, as soon as possible, be laid before the municipality which may thereupon take such actions as it thinks fit-

(i) Number of street vendors (stationary ,mobile and of weekly markets) who have been issued certificate of vending,

(ii) Revenue collected (head wise),

(iii) Promotional and other measures undertaken,

(iv) Number of appeals received and disposed,

(v) Number of grievances redressed and disputes resolved,

(vi) Expenditure incurred,

(vii) Steps taken for the welfare and betterment of street vendors,

(viii) Best practices (if any),

(ix) Any other achievement on the subject;

(e) The Town Vending Committee shall furnish the annual report to the Director of Urban Local Bodies after the approval of the municipality.

Role of Director of Urban Local Bodies

27 The Director of Urban Local Bodies shall:-

(1) control, supervise, exercise general superintendence, monitor the implementation of the scheme by the municipalities,

(2) make periodical inspection of implementation of the scheme at the field level,

(3) review the performance of implementation of the scheme,

(4) issue necessary directives/guidelines to the municipality for effective implementation of the scheme,

(5) conduct scrutiny of annual report submitted by the municipality and issue directives for successful implementation of the scheme,

(6) cause to be made concurrent evaluation of implementation of the scheme,

(7) lease with the State and Central Governments for accomplishing the objectives of the scheme,

(8) act as final authority in the matters referred to by the municipality in connection with the disputes arisen during implementation of the scheme,

(9) discharge any other function entrusted or delegated by the State Government.

Designation of State Nodal Officer

28. The Director of Urban Local Bodies or any officers authorized by him in this behalf shall be the State Nodal Officer for coordination of all matters relating to street vending at the State level.

Reference of dispute and question to the Director of Urban Local Bodies

29. In the event of any dispute or question arising in the exercising of powers under jurisdiction of the Town Vending Committee or relating to other matters, the dispute or question shall be referred to the Director of Urban Local Bodies whose decision shall be final.

Composition of offences

30 (1) The street vendor who contravenes or abets the contravention of the provisions of these rules or scheme made thereunder may be punished with fine wich shall not be less than one thousand and five hundred rupees and not more than two thousand rupees for every offence as may be determined by the Municipalty.

(2) Notwithstanding anything contained in sub rule(1), any offence punishable under these rules may be compounded by the Municipal Commissioner or the Executive Officer or any officer authorized in this behalf, on realization of the amount of the thousand rupees as compounding fee.

(kumar kamlesh)
principal Secretary

Form-1

Name of the Municipality.....

Latest coloured photo of Street Vendor

Serial Number.....

Survey Form for Street Vendor
(see rule-12)

1. Name.....
2. Gender.....
3. Name of Father / other/Spouse.....
4. Address : i. Local .....
   ii. Permanent .....
5. Age.....
6. Identity Card (If available): i. Identity card number.....
   ii. Designation of Issuing Authority.....
7. Religion.....
8. Mobile Number (If available) /Telephone no .....
9. Qualifications.....
10. Bank Accounts Number(if any).....Name and Branch of the Bank.....
11. Details of the family:

Sl. No.	Name	Age	Relationship with street vendor

12. Details of the street vending

Sl. No.	Name of Business	Place of Business	Experience in Business	Date of entering in Business	Money invested in Business	Monthly Income	Duration of the Business	Others

13. Category of Street Vending (Stationary/Mobile):

a. Stationary Street Vending

i. If stationary, name of place, locality and ward of vending activity.....

ii. Boundary.....

iii. Area of land for street vending activity.....

iv. Name of the products/services for vending.....

b. Mobile Street Vending

i. If mobile, starting place and ending place of street vending.(From----------to ----------)

ii. Mode of Mobile Street Vending (on *Thella*, on Bicycle, on Head, Others).....

iii. Name of the products/services for street vending.....

c. Vendor of weekly markets

i. Details of day wise weekly markets .

ii. Name of the place , locality and ward of each weekly market.

iii. Bounder of each weekly vending market .

iv. Name of the products /services of vending.

11. i. Is ration card available ? Yes.....No.....

ii. If yes, is it Above Poverty Line or Below Poverty Line or Antyodaya

iii. Ration card number and name of Issuing Office.....

12. Category: Scheduled Castes/Scheduled Tribes/Other Backward Classes/ Minorities/Women/Physically Disabled.....

13. Other details.....

Signature of surveyor Date of survey Signature of the street vendor

Form-2

Name of the Municipality .....

Latest coloured photo of Street Vendor

Serial Number

Application Form/Undertaking for Registration of Street Vendors

(see rule-12)

1. Name .....
2. Gender .....
3. Name of Father / Mother/Spouse .....
4. Address : i. Local .....
   ii. Permanent Address .....
5. Age .....
6. Identity Card (If available): i. Identity card number .....
   ii. Type of Identity card .....
7. Mobile Number (If available)/Telephone no .....
8. Qualifications .....
9. Details of the family:

Sl. No.	Name	Age	Relationship with street vendor

10. Details of the street vending

Sl. No.	Name of Business	Place of Business	Experience in Business	Date of entering in Business	Money invested in Business	Monthly Income	Duration of the Business	Others

11. Category of street vending (Stationary/Mobile/ vendor of weekly market):
    i. If stationary, name of place locality, ward, area of land and goods .....

ii. If mobile, name of locality, ward, name of goods and mode .....

12. Duration of street vending.....
13. Ration card number and name of Issuing Office.....
14. If belonged to Scheduled Castes/Scheduled Tribes/Other Backward Classes/ Minorities/Women/Physically Disabled.....(Attach Attested copy of Certificate)
15. Registration fees.....

Undertaking

I .....son/daughter/wife of Mr,.....declare that:-

i. I shall carry out the business of street vending myself or through any of my family member;
ii. I don't have any other means of livelihood;
iii. I shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.

Date-

Signature of Street Vendor

IndiaCode

Form-3

Name of the Municipality.....

Latest coloured photo of Street Vendor

Serial Number

Certificate of Vending
(see rule-14)

Name of street vendor Mr./Mrs.....Vendor Code... .... Father/Spouse Name..... Present place of Residence.....
As per decision of the meeting of Town Vending Committee dated.....you are granted stationary/mobile/ weekly market street vending certificate for zone ..... market/locality .....road.....(ward.....):..... (.....sq. meter area) temporarily from morning.....AM.....to evening.....PM.....valid till 31st March .....of which the demarcation and restriction for the vending activity are as follows:-

Demarcation for Stationary Vending:	Movement area for Mobile Vending
East.....	.....
West.....	.....
North.....	.....
South.....	.....

IndiaCode

Terms & Conditions

1. There shall be restrictions to build permanent structure for stationary vending;
2. Street vendor shall pay the fees as determined by the Town Vending Committee regularly and timely;
3. Waste produced during street vending shall not be thrown on road, footpath, or in drains or sewer line. The waste shall be collected in a dustbin and be handed over to the agency authorized by the municipality for door to door collection. For this service, they have to pay monthly user charges;
4. Every street vendor shall maintain cleanliness in the place of vending and the adjoining areas. Food street vendors selling eatables shall maintain public health and personal hygiene;
5. Vending shall be carried on only in the allotted place and time mentioned in the vending certificate. The contravention shall be treated as violation of the Act and this scheme and the vendor shall be liable to a penalty as determined under the provisions of the Act which includes the cancellation of the vending certificate;
6. Street vendor shall ensure maintenance of civic amenities and safety of public property in the vending place and adjoining areas;
7. Street vendor shall ensure that smooth flow of traffic/vehicles and public convenience are not hindered due to vending activities;

8. The streets vendors shall not sell prohibited goods. They shall not do any such activity/ work/ business/service which pollutes the environment or causes public hindrance;
9. If necessary, street vendor may be relocated under the provisions of section 18 of the Act to the adjoining vending zone on the availability of space.
10. Street vendor shall have to follow the directives issued by the Town Committee Vending, the municipality and the State Government;
11. On violation of any of the conditions mentioned above by the street vendor, a penalty in accordance with the provisions of the Act which also includes cancellation of certificate of vending shall be imposed on vendor.

Date-

Authorized Officer
Town Vending Committee

IndiaCode

Form-4

Name of the Municipality.....

Notice for cancellation/suspension of Street Vending Certificate

(see rule-17)

Serial Number

To,

Mr./Ms.....Vendor Code.....Father/ Husband's Name.....Address of Present Residence/Communication Address of Street Vendor

.....

In reference to your application to the Town Vending Committee and its approval dated.....vide letter no..... dated.....you have been given certificate of vending with certain terms and conditions for stationary/mobile street vending at zone..... .....market/locality... .....road..... .....(ward.....).....metersX .....meters(.....sq. meter area)

Now, this is to inform you that:

1. You have committed breach of following terms and conditions specified for the purpose of regulating street vending under the Act or rules or schemes made there under.-
   (a).....
   .....
   (b).....
   (c).....
   .....
2. You have secured the certificate of vending through misrepresentation or fraud or false information which is /are as follows-
   (a).....
   .....
   (b).....
   .....
   (c).....
   .....

In the light of the above , you are required to present in person and submit your opinion supported by necessary documents on dated------ . In case you fail to give satisfactory explanation within the specified time as mentioned above, it shall be deemed that you have nothing to say in the matter. As a result, the vending certificate issued in favour of you shall be cancelled. During the investigation, your vending certified shall remain suspended.

Date-

Signature of Authorized Officer
Town Vending Committee

UO-V

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Form-5

Name of the Municipality .....

Notice for Relocation of Street Vendors

(see rule-19)

Serial Number

To,

Mr./Ms.....Vendor Code..... .Father /Husband's Name.....Address of Present Residence/Communication Address of Street Vendor

.....

In reference to your application to the Town Vending Committee and its approval dated.....vide letter no..... dated..... you have been issued a certificate of vending with certain terms and conditions for stationary/mobile street vending at zone.....market/locality... .....road... ....(ward.....).....meters X.....meters(..... ..... sq. meter area)

Now, this is to inform you that due to-

1. pressure of transportation and overcrowding widening and other development works on the road,
2. construction of metro/flyover on the road .....is proposed,
3. zone or part of it , have been declared a no vending zone ,
4. hindrance in smooth flow of traffic and transport,
5. law and order problem ,
6. emergent situation,

(vii) number of vendors being excess the absorption capacity of the Vending Zone,

(viii) any other (specify)

It is not permissible to continue vending activities at the place or area mentioned in the certificate of vending issued to you.

You are therefore, directed to vacate the place specified in the certificate of vending within thirty days from the date of issue of this notice. In case you fail to vacate the place , after the expiry of the period specified in the notice , you shall be liable to pay for every day of such default , a penalty which may extend up to two hundred and fifty rupees under section 18(5) of the Act.

Further, you may be relocated to following place or area or from the present place of vending-

(1)
(2)
(3)

Date-

Signature of Authorized Officer
Municipality

Form-6

Name of the Municipality.....

Notice for Eviction of Street Vendors
(see rule-20)

Serial Number

To,
Mr./Ms.....Vendor Code.....Father/Husband's Name.....
Address of Present Residence/Communication Address of Street Vendor
.....

In reference to your application to the Town Vending Committee and its approval dated.....vide letter no..... dated..... you have been granted certificate of vending with certain terms and conditions for stationary/mobile street vending at zone..... ..... .market/locality... .....road..... .....(ward.....).....meters X.....meters (.....sq. meter area)

Now, this is to inform you that:

1. The vending certificate issued to you has been cancelled vide order no--------date----------under section 10 of the Act.
2. You are indulged in vending activities without a certificate of vending .
3. Any other reason.....

Therefore, this is to inform you through this notice that you have to remove your vending activity from the area/market/street..... in the light of above mentioned fact at the serial number..... within thirty days. If you will not vacate the place within specified time you shall be evicted physically in accordance with the provisions of section 18(4) of the Act.

This is also to inform you that if you fail to vacate the land within specified time which is mentioned in the notice, you shall be liable to pay for every day of such default, a penalty which may extend up to two hundred and fifty rupees per day.

Date-

Signature of Authorized Officer
Municipality

Form-7

Name of the Municipality.....

Identity Card of Street Vendor
(see rule-22)

Serial Number

1. Code Number of street vender.....
2. Name of vendor.....
3. Father/Spouse name.....
4. Address

   .....

   .....
5. Mobile number.....
6. Nature of Business.....
7. Category(Stationary/Mobile/vendor of street market)

   .....
8. Place of Street Vending/Vending Zone.....
9. Duration of Street Vending: From ..... To .....
10. Name of nominee.....
11. Validity.....

Latest coloured photo of Street Vendor

Date-

Signature of Authorized Officer
Town Vending Committee

IndiaCode