

#### Workflow Based File Tracking System Government of West Bengal

File No. : MA/O/C-4/3R-2/2019 **Docket No** : 2012/0885/2019/100000

Subject : Framing of Rules for Constitution of 'Dispute Redressal Mechanism' under the Street Vendors' Act, 2014

Department: Urban Development

SI. No.	Receipt Date	Sender Details	Receiver Details	Outgoing Remarks
1	Sep 23 2019 2:56PM	Ide Receiving Section Inter Departmental Correspondence Group P1 Finance	Milan Kanti Kumar Upper Division Assistant Group P1 Finance	
2	Sep 23 2019 2:55PM	Receiving Section Inter Departmental Correspondence Group P2 Finance	Idc Receiving Section Inter Departmental Correspondence Group PI Finance	
3	Sep 20 2019 5:26PM	Group Office Group P2 Finance	Receiving Section Inter Departmental Correspondence Group P2 Finance	File picked up by Recipient using WFTS.
4	Sep 19 2019 11:07AM	Durga Kinkar Mahapatra - Special Secretary Group P1 Finance	Group Office Group P2 Finance	Sent to Jayanta Talukdar, DS, P2
5	Sep 19 2019 10:59AM	Dipa Paul(Sarkar) Upper Division Assistant Group P2 Finance	Durga Kinkar Mahapatra Special Secretary Group P1 Finance	File picked up by Recipient using WFTS.
6	Aug 22 2019 2:36PM	Receiving Section Inter Departmental Correspondence Group P2 Finance	Dipa Paul(Sarkar) Upper Division Assistant Group P2 Finance	
7	Aug 22 2019 2:32PM	Swapan Kumar Ghosh Joint Secretary Group P2 Finance	Receiving Section Inter Departmental Correspondence Group P2 Finance	File picked up by Recipient using WFTS.
8	Aug 19 2019 3:51PM	Subrata Gupta Principal Secretary Urban Development	Swapan Kumar Ghosh Joint Secretary Group P2 Finance	U.O.No- 1003.
9	Aug 16 2019 2:54PM	Santanu Das Joint Secretary Urban Development	Subrata Gupta Principal Secretary Urban Development	
10		Kishore Sengupta Financial Advisor & Ex-Officio Special Secretary Urban Development	Santanu Das Joint Secretary Urban Development	

No.	Receipt Date	Sender Details	Receiver Details	Outgoing Remarks
11	Aug 16 2019 12:51PM	Subrata Gupta Principal Secretary Urban Development	Kishore Sengupta Financial Advisor & Ex-Officio Special Secretary Urban Development	
12	Aug 14 2019 12:13PM	Kishore Sengupta Financial Advisor & Ex-Officio Special Secretary Urban Development	Subrata Gupta Principal Secretary Urban Development	
13	Aug 14 2019 11:53AM	Sougata De Deputy Financial Advisor Urban Development	Kishore Sengupta Financial Advisor & Ex-Officio Special Secretary Urban Development	
14	Aug 13 2019 5:47PM	Kishore Sengupta Financial Advisor & Ex-Officio Special Secretary Urban Development	Sougata De Deputy Financial Advisor Urban Development	File picked up by Recipient using WFTS.
15	Jul 25 2019 1:28PM	Subrata Gupta Principal Secretary Urban Development	Kishore Sengupta Financial Advisor & Ex-Officio Special Secretary Urban Development	
16	Jul 25 2019 1:24PM	Santanu Das Joint Secretary Urban Development	Subrata Gupta Principal Secretary Urban Development	
17	Jul 24 2019 3:58PM	Soumen Ganguly Upper Division Assistant Law & Statutory Wing(Statutory) Urban Development	Santanu Das Joint Secretary Urban Development	File picked up by Recipient using WFTS.
18	Jun 17 2019 10:43AM	Santanu Das Joint Secretary Urban Development	Soumen Ganguly Upper Division Assistant Law & Statutory Wing(Statutory) Urban Development	
19	Jun 17 2019 10:40AM	Subrata Gupta Principal Secretary Urban Development	Santanu Das Joint Secretary Urban Development	
20	Jun 14 2019 3:26PM	Soumen Ganguly Upper Division Assistant Law & Statutory Wing(Statutory) Urban Development	Subrata Gupta Principal Secretary Urban Development	File picked up by Recipient using WFTS.
21	Jun 12 2019 4:50PM	Santanu Das Joint Secretary Urban Development	Soumen Ganguly Upper Division Assistant Law & Statutory Wing(Statutory) Urban Development	
22	Јил 12 2019 4:50PM	Upper Division Assistant	Santanu Das Joint Secretary Urban Development	File picked up by Recipient using WFTS.
23	May 30 2019 11:15AM	Joint Secretary Urban Development	Soumen Ganguly Upper Division Assistant Law & Statutory Wing(Statutory) Urban Development	

No.	Receipt Date	Sender Details	Receiver Details	Outgoing Remarks
24	May 30 2019 11:11AM	Subrata Gupta Principal Secretary Urban Development	Santanu Das Joint Secretary	
25	May 29 2019 4:23PM	Group Office Group R Finance	Urban Development  Subrata Gupta  Principal Secretary  Urban Development	
26	May 29 2019 12:46PM	Sukamal Kundu Joint Secretary Group R Finance	Group Office Group R Finance	
27	May 28 2019 4:56PM	Pawan Kadyan Joint Secretary Group T Finance	Sukamal Kundu Joint Secretary Group R Finance	
28	May 28 2019 11:43AM	H. K. Dwivedi Additional Chief Secretary Finance	Pawan Kadyan Joint Secretary Group T Finance	
29	May 28 2019 11:38AM	Pawan Kadyan Joint Secretary Group T Finance	H. K. Dwivedi Additional Chief Secretary Finance	
30	May 27 2019 5:17PM	Pawan Kadyan Joint Secretary Group R Finance	Pawan Kadyan Joint Secretary Group T Finance	File picked up by Recipient using WFTS.
31	May 27 2019 4:20PM	Sukamal Kundu Joint Secretary Group R Finance	Pawan Kadyan Joint Secretary Group R Finance	
32	May 27 2019 4:19PM	Pawan Kadyan Joint Secretary Group T Finance	Sukamal Kundu Joint Secretary Group R Finance	
33	May 22 2019 11:26AM	Pawan Kadyan Joint Secretary Group R Finance	Pawan Kadyan Joint Secretary Group T Finance	File picked up by Recipient using WFTS.
34	4:43PM	Sukamal Kundu Joint Secretary Group R Finance	Pawan Kadyan Joint Secretary Group R Finance	
35		Group Office Group R Finance	Sukamal Kundu Joint Secretary Group R Finance	
36	3:34PM	Sukamal Kundu Joint Secretary Group R Finance	Group Office Group R Finance	

Sho.	Receipt Date	Sender Details	Receiver Details	Outgoing Remarks
37	May 14 2019 11:55AM	Pawan Kadyan Joint Secretary Group T Finance	Sukamal Kundu Joint Secretary Group R Finance	
38	4:47PM Joint Secretary		Pawan Kadyan Joint Secretary Group T Finance	File picked up by Recipient using WFTS.
39	May 10 2019 11:55AM	Subrata Gupta Principal Secretary Urban Development	Pawan Kadyan Joint Secretary Group R Finance	U.O.No- 526.
40	May 10 2019 11:53AM	Sandip Kumar Ray Chaudhuri Secretary Law	Subrata Gupta Principal Secretary Urban Development	File picked up by Recipient using WFTS.
41	Feb 22 2019 3:47PM	Subrata Gupta Principal Secretary Urban Development	Sandip Kumar Ray Chaudhuri Secretary Law	UO.NO.250
42	Feb 21 2019 5:24PM	Santanu Das Joint Secretary Urban Development	Subrata Gupta Principal Secretary Urban Development	
43	Feb 21 2019 4:31PM	Soumen Ganguly Upper Division Assistant Law & Statutory Wing(Statutory) Urban Development	Santanu Das Joint Secretary Urban Development	File picked up by Recipient using WFTS.
44		Santanu Das Joint Secretary Urban Development	Soumen Ganguly Upper Division Assistant Law & Statutory Wing(Statutory) Urban Development	
45	12:23PM	Subrata Gupta Principal Secretary Urban Development	Santanu Das Joint Secretary Urban Development	
46	4:16PM	Firhad Hakim Minister-In-Charge Urban Development	Subrata Gupta Principal Secretary Urban Development	File picked up by Recipient using WFTS.
47	11:35AM	Subrata Gupta Principal Secretary Urban Development	Firhad Hakim Minister-In-Charge Urban Development	U.O. NO-106
48	11:33AM	Debashis Bandyopadhyay Chief Legal Advisor Urban Development	Subrata Gupta Principal Secretary Urban Development	
49	10:34AM	Subrata Gupta Principal Secretary Urban Development	Debashis Bandyopadhyay Chief Legal Advisor Urban Development	
50	1:45PM	Santanu Das Joint Secretary Urban Development	Subrata Gupta Principal Secretary Urban Development	
51	3:01PM	Santanu Das loint Secretary Jrban Development	Santanu Das Joint Secretary Urban Development	

From: Director, SUDA

To:

J. Chaudhuri, WBC(Exe.)

Joint Secretary to the Govt. of West Bengal

UD & MA Department

Sub: Report on 'Implementation of Street Vendors Act-2014' as well as implementation of West Bengal Urban Street Vendors Rules, 2018

Ref No. 867-UD/O/M/SB/S-6/2010 dated: 13.04.2019

Sir,

In response to your above letter I am sending herewith a present status report Implementation of Street Vendors Act-2014' as well as implementation of West Benderic Urban Street Vendors Rules, 2018 for your information. (Copy enclosed herewith)

Enclo: A stated

Yours faithfully,

**Director, SUDA** 

Report on Implementation of Street Vendor Act 2014' as well a implementation of West Bengal Urban Street Vendors (Protection control Livelihood and Regulation of Street Vending) Rules, 2018 by the ULBs

- In terms of Street Vending Act 2014 State has been framed the West Bengal Urban Street
  Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018 and
  had been circulated to all 125 ULBs within the State
- As per the aforementioned rule, Town Vending Committee has been constituted in 6
   ULBs in the State till now and this Committee is looking after all the matters related to the street vendors in the concerned ULB
- Draft scheme for the street vendors has been prepared and circulated to all 125 ULBs for
  the necessary feedback in this regard. After finalization of the same it will be notific
  soon.
- File has been initiated for street vendors' survey and after necessary approval from the
  competent authority survey will be conducted at the ULB level.

In this regard representatives from experienced NGOs may be requested to attend this workshop as Repolitice Persons and in addition Adl. Mission Director, werehigh state Massion Director, were the state Massion of the Massion Director, we workshop as Repolition and Massion Director, we work and we would be a strength of the state of the strength of

# Government of West Bengal Department of Urban Development and Municipal Affairs "NAGARAYAN", DF-8, Sector-I, Salt Lake, Kolkata-700 064.

No. 876-UD/O/M/SB/S-6/2010

From: J. Chaudhuri, WBCS (Exe.), Joint Secretary to the

Government of West Bengal.

To : The Director,

State Urban Development Agency.

Dated: 13th March, 2019

Received 3
15 MAR 2019
Contents Not Serviced Ser

Journa Je

Sub:- Submission of a report on the 'Implementation of Street Vendor Act-2014'.

Sir,

In enclosing a copy of the observation of Supreme Court Committee on Road Safety, I am directed to request you to send a report on 'Implementation of Street Vendor Act 2014' as well as implementation of West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018 by the ULBs.

The report may kindly be submitted within 20th March, 2019.

Yours faithfully,

Enclo: As stated above.

Joint Secretary to the Government of West Bengal.

SB-20

HAS.B. Cell\SB-S\W B Urban Street Vendor Policy\submission of report on Implementation of street vendor Act-2014.docx

Imp

## Observations of Supreme Court Committee on Road Safety dated 31st January

CI		SCCRS Observation	Departments
1	Analysis of causes for high number of accidents and fatalities	The State Representatives stated that the State will make all out efforts to reduce fatalities by more than 10% in coming years. The Committee asked the State to analyse, district wise, the causes of accidents and fatalities, identify all vulnerable locations on the basis of such analysis and take specific preventive measures to reduce road accidents and fatalities at all vulnerable	Police, PWD
8	Traffic Calmin Measures	looked into. The State Representatives stated that they will send a report on Traffic that they will send a report of the send a rep	Police, PWD
9	Capacity buildi in Road Safe Audit	The Committee noted that the State has prepared Training Calendar for training engineers in road safety though some engineers have been trained. The Committee directed that a calendar for training of all engineers should be drawn up urgently and implemented.	
1	Roads: Des Stage Audit Road Projects	The Committee directed the State to ensure that all road owning agencies in the State comply with their notification dated 14.01.2019 regarding conduct of Design Stage Audit of road projects of 5 kms or more	PWD
	Adequacy of power and E Safety Equipment of the Motor Veh Act	(i) The State representatives apprised the Committee of the status of equipment and the traffic man power presently available with the State. The State Government agreed that the State has inadequate equipment an police personnel.  (ii) The Committee directed that the State of of the State has inadequate equipment and police personnel.	e e e e e e e e e e e e e e e e e e e

SL No.	Issues	SCCRS Observation	Departments
12	Setting up special patrol forces along the National Highways and State Highways	The Committee directed that the State should set up special patrol forces along all the National Highways and State Highways in the State. The State should indicate timeline within which it will set up special patrol forces along all the National Highways and State Highways in the State.	Police
13	Emergency Medical Care	The Committee was informed that "Good Samaritans" guidelines have been circulated to all concerned by the Department. The direction of "Paramananda Katara Vs Union of India" has been implemented. The Committee directed the State to take following action:  (i) Submit a report on the functioning of the 47 Trauma Care Centres in the State.  (ii) Submit a report on measures being taken by the State to establish one Trauma Care Centre in each district.	Health
14	Road Accident and Fatality data Collection	Supreme Court, should be intimated to the Committee. The Committee directed that the data for 2018 should be published in a book form and a copy thereof should be sent to the Committee.	Police
15	reduction of	(i) NHAI and State Government should provide pedestrian facilities like FOBs, underpasses, footpaths etc on NHs and SHs near inhabitations.  (ii) NHAI and State Government should strictly deal with unauthorized median	

#### SANJAY KUMAR, IAS

Joint Secretary and Mission Director (DAY-NULM)

GOVERNMENT OF INDIA MINISTRY OF HOUSING AND URBAN AFFAIRS रो ि ५ प्राप्ति स्वामेव जयते

संजय कुमार, आई.ए.एस. संयुक्त सचिव

एवं मिशन निदेशक (दी.अ.यो.—रा.श.आ.मि.) भारत सरकार आवासन और शहरी कार्य मंत्रालय

Dated: 25th February, 2019

D.O. No. K-12017(15)/3/2017-UPA-III

Dear

I am writing this letter, in the backdrop of representations received by this Ministry from the street vendors/hawkers and their associations on the issue of eviction/ relocation of street vendors by the local authorities.

- 2. In this connection, I would like to draw your attention towards the relevant provisions of the Street vendors 2014, on the issue as under:
  - a. Section 3(3) of the Act states that no street vendor shall be evicted or, as the case may be, relocated till the survey has been completed and the certificate of vending is issued to all street vendors.
  - b. Further, Sections 18 & 19 under Chapter IV of the Act have specific provisions in detail on the relocation and eviction of street vendors including serving a notice for vacating the space, seizure/reclaiming of goods, following the laid down procedure, in case of non-observance of the notice period.
  - c. Chapter V of the Act provides for constitution and putting in place of a Dispute Redressal Mechanism to address the grievances of the street vendors.
  - d. Chapter VIII provides that no street vendor who carries on the street vending activities in accordance with the terms and conditions of his certificate of vending shall be prevented from exercising such rights by any person or police or any other authority exercising powers under any other law for the time being in force.
- 3. You might be aware that a large number of cases are on-going in various courts of law, which have been filed by the street vendors and/or their associations and most the cases pertain to the issue of forced evictions, which are not in conformity with the provisions laid down by the Street Vendors Act, 2014.
- 4. It needs no emphasis that the street vendors belong to the urban poor category. The Act was passed to protect their rights of earning livelihoods and prevention of harassment by the police and local authorities.
- 5. I am sure you would appreciate the above position and instruct the concerned authorities to take appropriate actions following the provisions of the Act in order to enable the urban street vendors to earn their livelihoods in a dignified manner.

With regards,

(Sanjay Kumar)

Yours sincerel.

To

Principal Secretaries (UD/LSG) All States/UTs

Copy to: Mission Directors (NULM), All States/UTs

## Support to Urban Street Vendors (SUSV)

SI. No.	Particular Question	Reply by State/ UT
1	The total number of street vendors identified in the survey	Street Vendor Survey yet to be conducted. After this survey the number of identified vendors will be figure out.
2	The total number of identity card issued to street vendors	NA
3	Number of ULBs surveyed	NA
4	Total number of ID card/distributed	NA
5	What is the process followed appointing street vendors to the TVC- Election/ Nomination	Nomination
6	Is the process of appointing street vendors in line with the rules of the state? Request state to attest a copy of the rules	The process of appointing street vendors in line with the rules of the state. Copy enclosed
7	States in which state act has been repealed to adopt the central act, date of repeal	No such State act has been repealed in West Bengal. State has published the rule followed by Street Vendors Act, 2014



Director SULM <wbsulm@gmail.com>

#### SUSV data

1 message

ARVIND PRAKASH <arvind.nulmestp@gmail.com>

Thu, Jan 24, 2019 at 6:42 PM

To: MD MEPMA <mdmepma@apmepma.gov.in>, SULM CG <sulmchhattisgarh@gmail.com>, bihar\_sulm@yahoo.com, SULM Bihar <daysulmbihar@gmail.com>, Sandesh Sail <gsuda.apo@gmail.com>, "DY DIRECTOR G.U.L.M." <nulm.gujarat@gmail.com>, "Hareshkumar B Brahmbhatt(GoG-UDD Dept.)" <dydir-gulm-gnr@gujarat.gov.in>, suda haryana <suda.haryana@yahoo.co.in>, suda haryana <sudsh7@yahoo.co.in>, SULM Himachal Pradesh <a href="mailto:</a>, hudd-jk@nic.in, jharkhandsulm@gmail.com, KARNATAKA DAY NULM <karnataka.sulm@gmail.com>, NULM Kerala SMMU <nulmkerala@gmail.com>, Kerala SULM <kerala.sulm@gmail.com>, Madhya Pradesh SULM <madhyapradesh-sulm@mpurban.gov.in>, NULM - MAHARASHTRA <nulmmaharashtra@gmail.com>, suda odisha <sudaodisha1990@gmail.com>, Punjab PSULM <punjabsulm@gmail.com>, pddlb dlb <pdlsgrajasthan@gmail.com>, Tnulm Ho <tnulmho@gmail.com>, Mdmepma Telangana <mdmepma.ts@gmail.com>, Suda Uk <directorsudauk@gmail.com>, SMMU NULM <nulmsudauk@gmail.com>, SUDA NULM <nulmup@gmail.com>, Director SULM <wbsulm@gmail.com>, assam.sulm@gmail.com, Taring Darang <idcumse@gmail.com>, muda imphal <mudamanipur@gmail.com>, Director MUDA <meghalaya.sulm@gmail.com>, Mizo SMMU NULM <mizonulm@gmail.com>, nagaland.sulm@gmail.com> DirectorUrban Tripura <a href="mailto:com">directorurbantripura@gmail.com</a>, udhdsikkim udhd <udhdsikkim@gmail.com</a>, sikkim.sulm@gmail.com, odfreeportblair@gmail.com, ispwdud@gmail.com, NULM Chandigarh <nulm.chd@gmail.com>. Dnhpda Dnhpda <a href="mail.com">dnhpda@gmail.com</a>, atpdaman@gmail.com, dirlad.pon@nic.in, "Sh.J.P. Agrawal" <mc.samajiksuvidhasangam@gmail.com>, spldoc.sss@gmail.com, dirsudauk@gmail.com, Silvassa Municipal Council <silvassamunicipalcouncil@gmail.com>

Cc: Arvind Kumar <arvind.nulmestp@gmail.com>, Megha Mathur <meghaiec.nulm@gmail.com>, Rakesh Ranjan <rakessh.nulm@gmail.com>, Mayank Mishra <mayankmishra.nulm@gmail.com>, Taposh nulm <taposh.nulmestp@gmail.com>, Ganesh Kumar <ganeshestp.nulm@gmail.com>, janardan nulm <janardan.nulmsmid@gmail.com>, ravi solanki <ravi.nulmmis@gmail.com>, Hemant Kumar <hemant.nulmsmid@gmail.com>, NIRAJ KUMAR <neeraj.kumar3@gov.in>, Yogendra Awana <dir-nulm@gov.in>

Dear All,

During the recent workshop in discussion with the Centre for Civil Society (CCS) it was decided to have data from the States/UTs for the purpose of the compliance report.

Hence, you are requested to revert the format with signature by 27.01.2019.

It will help CCS to modify the report/ranking.

Best regards

Arvind

Dr. Arvind Prakash NMM - Skills & Livelihoods and SUSV DAY-NULM, Ministry of Housing & Urban Affairs New Delhi - 110011

Email: arvind.nulmestp@gmail.com

Mobile: 9784612629

SUSV (data-24.01.2019).docx 16K

## Support to Urban Street Vendors (SUSV)

Sl.No.	Particular Question	Reply by State/UT
1	The total number of street vendors identified in the survey	
2	The total number of identity cards issued to street vendors	
3	Number of ULBs survey exercise completed	
4	Total number of ID card distributed	
5	What is the process followed appointing street vendors to the TVC - Election/Nomination?	
6	Is the process of appointing street vendors in line with the rules of the state? Request states to attest a copy of the rules	
7	States in which state act has been repealed to adopt the central act, date of repeal	

### Support to Urban Street Vendors (SUSV)

SI. No.	Particular Question	Reply by State/ UT
1	The total number of street vendors identified in the survey	Street Vendor Survey yet to be conducted. After this survey the number of identified vendors will be figure out.
2	The total number of identity card issued to street vendors	NA
3	Number of ULBs survey	NA
4	Total number of ID card distributed	NA
5	What is the process followed appointing street vendors to the TVC- Election/ Nomination	Nomination
6	Is the process of appointing street vendors in line with the rules of the state? Request states to attest a copy of the rules	The process of appointing street vendors in line with the rules of the state. Copy enclosed
7	States in which state act has been repealed to adopt the central act, date of repeal	No such State act has been repealed in West Bengal. State has published the rule followed by Street Vendors Act, 2014



Director SULM <wbsulm@gmail.com>

## Putting in Place a "Dispute Redressal Mechanism" under the Street Vendors Act 2014 for addressing grievances of street vendors - regarding

**Director SULM** <wbsulm@gmail.com>
To: Santanu Das JS MA WB <jsmawb2016@gmail.com>

Thu, Jan 10, 2019 at 4:49 PM

Sir,

Please find the attachment

#### 2 attachments

- Putting in place GRCell letter.pdf 75K
- Punjab Dispute Red Cell formation.pdf 1878K



Director SULM <wbsulm@gmail.com>

### Putting in Place a "Dispute Redressal Mechanism" under the Street Vendors Act 2014 for addressing grievances of street vendors - regarding

1 message

ARVIND PRAKASH <arvind.nulmestp@gmail.com>

Mon. Dec 31, 2018 at 4:16 PM

To: mdmepma@apmepma.gov.in, sulmchhattisgarh@gmail.com, bihar\_sulm@yahoo.com, Sandesh Sail <gsuda.apo@gmail.com>, nulm.gujarat@gmail.com, suda.haryana@yahoo.co.in, sudsh7@yahoo.co.in, himachal.sulm@gmail.com, hudd-jk@nic.in, jharkhandsulm@gmail.com, KARNATAKA DAY NULM <karnataka.sulm@gmail.com>, NULM Kerala SMMU <nulmkerala@gmail.com>, kerala.sulm@gmail.com, madhyapradesh-sulm@mpurban.gov.in, NULM - MAHARASHTRA <nulmmaharashtra@gmail.com>, SUDA ODISHA <sudaodisha@gmail.com>, punjabsulm@gmail.com, pddlb dlb <pdlsgrajasthan@gmail.com>, Tnulm Ho <tnulmho@gmail.com>, Mdmepma Telangana <mdmepma.ts@gmail.com>, Suda Uk <directorsudauk@gmail.com>, nulmsudauk@gmail.com, SUDA NULM <nulmup@gmail.com>, wbsulm@gmail.com, assam.sulm@gmail.com, Taring Darang <jdcumse@gmail.com>, muda imphal <mudamanipur@gmail.com>, Director MUDA <meghalaya.sulm@gmail.com>, mizonulm@gmail.com, nagaland.sulm@gmail.com, DirectorUrban Tripura <directorurbantripura@gmail.com>, udhdsikkim udhd <udhdsikkim@gmail.com>, sikkim.sulm@gmail.com, odfreeportblair@gmail.com, jspwdud@gmail.com, NULM Chandigarh <nulm.chd@gmail.com>, Dnhpda Dnhpda <dnhpda@gmail.com>, atpdaman@gmail.com, dirlad.pon@nic.in, "S.K Jain" <mc.samajiksuvidhasangam@gmail.com>, spldoc.sss@gmail.com, smm.fime.nulm@gmail.com

Cc: dir-nulm@gov.in, Rakesh Ranjan <rakessh.nulm@gmail.com>, mayankmishra.nulm@gmail.com, Rituparna Banerjee <ritu.hrcb.nulm@gmail.com>, Taposh Roy <taposh.nulmestp@gmail.com>, ganeshestp.nulm@gmail.com,

meghaiec.nulm@gmail.com, janardan.nulmsmid@gmail.com, hemant.nulmsmid@gmail.com

#### Dear All.

I would like to refer a letter of the same subject line sent by UD - MoHUA on 06.11.2018 regarding formation of Grievance Redressal Mechanism at your states/UTs with immediate effect, but we didn't receive any information in this regard from you, except a few states, in response to this letter.

It is expected from the States/UTs implementing SUSV component to form Grievance Redressal Mechanism as earliest as possible.

Please take reference from the earlier letter (enclosed) and a formation document shared by Punjab (enclosed) for your reference.

In case of any clarification do not hesitate to contact us.

#### Best regards

Arvind

Dr. Arvind Prakash NMM - Skills & Livelihoods and SUSV DAY-NULM, Ministry of Housing & Urban Affairs New Delhi - 110011

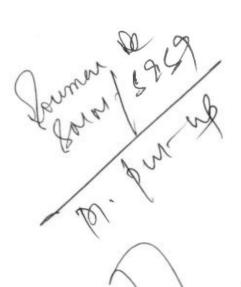
Email: arvind.nulmestp@gmail.com

Mobile: 9784612629

#### 2 attachments

Putting in place GRCell letter.pdf

Punjab - Dispute Red Cell formation.pdf 1878K





12017(30)/1/2017-UPA-II-UD SECTION(EFS- 9030910) Government of India Ministry of Housing & Urban Affairs (UPA-II Division)

> Nirman Bhawan, New Delhi Dated: 06.11.2018

The Principal Secretaries (UD)

All states/UTs

Subject:

Putting in place a 'Dispute Redressal Mechanism', under the Street Vendors Act, 2014 for addressing grievances of street vendors regarding.

Sir/Madam,

I am directed to say that the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, aiming at providing safe environment to the street vendors to earn their livelihood, is under implementation since May, 2014. Section 20 of the Street Vendors Act, states that the appropriate government may have one or more 'Dispute Redressal Mechanisms' for redressal of grievances or resolution of disputes of street vendors.

- It is felt that not having a dispute redressal mechanism in place might deprive the street vendors of a forum to have their grievances resolved in an effective and timely manner. It has been observed that across the states/UTs, a large number of cases have been filed by the street vendors in various courts across the country. Non-existence of the mandated dispute redressal mechanism in the state/ULB could be one of the factors responsible for this situation. Various associations of street vendors have been representing on this issue before the Ministry from time to time.
- You are, therefore, requested to appreciate the position and accordingly initiate immediate action at your end to put in place the mandated 'Dispute Redressal Mechanism' as per the provisions of Street Vendors Act, 2014 so that the street vendors are provided a forum to seek resolution of their genuine grievances. The mechanism may kindly be put in place by December end and a report of the same may be sent to this Ministry for information and records.

Yours faithfull

(Surender Kurhar)

Under Secretary to the Govt of India

Tel.:23061185

Copy to:

The Mission/Project Directors (SULM) of all States/UTs

ply pully

#### GOVERNEMENT OF PUNIAR DEPARTMENT OF LOCAL GOVERNMENT (LOCAL GOVERNMENT-4 BRANCH) (Punjab Municipal Bhawan, Sector 35-A, Chandigarh)

#### NOTIFICATION

No. 5/11/2015-5LG4/

Dated, Chandigarh, the December, 2016 In exercise of the powers conferred by section 20 of the Street

Vendors (Protection of livelihood and Regulation of Street Vending) Act, 2014 and Rule 5 of Punjab Street Vendors (Protection of livelihood and Regulation of Street Vending) Rules, 2015, the Governor of Punjab is pleased to constitute the following Dispute Redressal Committees to redress the grievances/disputes of the Street Vendors of Urban Local Bodies in Districts Jalandhar and Ludhiana.

Sr. No.	Name of District	Name of Chairman/Members S/Sh.	Designation * .
1	Jalandhar	<ol> <li>S.S. Hundal, (Additional Judge Retd.) 91, Golden Avenue-1, Jalandhar.</li> <li>Ravi Handa, Secretary (Retd.) Municipal Corporation, 61 Prakash Nagar, Jalandhar.</li> <li>Tarsem Kapoor, Social Worker, Bhagwati Niwas, Deen Dyal Upadhya Nagar.</li> </ol>	Chairman Member Member
2	Ludhiana	<ol> <li>Civil Judge (Senior Division) Ludhiana.</li> <li>Amarjit Singh Sekhon, Joint Secretary (Retd.) M.C.         Ludhiana, House No. 804, Punjab Mata Nagar,         Ludhiana.</li> <li>Dr. Amandeep Singh Bains, Social Worker 1120,         Basant Avenue, Ludhiana.</li> </ol>	Chairman Member Member

Their Office will be at District Headquarter.

Dated, Chandigarh the 22 December, 2016

D.P.Reddy, IAS, Additional Chief Secretary of Government of Punjab Department of Local Government

Endst. No. 5/11/2015-5LG4/

Dated, Chandigarh, the December 2016

A copy with a spare copy, is forwarded to the Controller, Printing & Stationery, Punjab, Mohali, with a request to publish the notification in the ordinary Gazette of Punjab Government and supply 100 spare copies of the same for official use.

Endst. No. 5/11/2015-5LG4/899773/12

Joint Secretary Local Government

Dated, Chandigarh, the 27December 2016 A copy of the above is forwarded the following for information and necessary

action:-

1. Private Secretary to Local Government Minister, Punjab.

- 2. Secretary to Additional Chief Secretary, Local Government Department Punjab.
- 3. Director, Local Government Department, Punjab.
- 4. Deputy Commissioners, Ludhiana and Jalandhar.
- 5. Chief Executive Officer, Punjab Water Supply & Sewerage Board, Punjab.
- 6. Chief Executive Officer, PMIDC, Punjab.
- 7. Commissioners, Municipal Corporations Jalandhar and Ludhiana.
- 8.1/Regional Deputy Director, Local Government Department, Jalandhar and Ludhiana with a direction to inform all the concerned in the ULBs under their control and

Director, Town Planning, Local Government Department, Punjab.

10. Add. figure Director, Pomjab State Unhan

Livedihood Missian, Charligath

CALOGUTTA FNo. NOLM/PSULM/2/ . loint Secretary

SV12-117

· Joint Secretary Local Government,

Scanned by CamScanner

# Department of Local Government of Punjab (Punjab State Urban Livelihoods Mission) Municipal Bhavan, Plot No. 3, 4<sup>th</sup> Floor, Sector 35-A, Chandigarh.

Ph.No.- 0172- 2660054 No. PSULM/1(6)/2017/5624

Email. punjabsulm@ gmail.com Dated. 29. 11.2017

To

- The Commissioner.
   Municipal Corporations, Pathankot, Amritsar and Hoshiarpur.
- The Regional Deputy Director, Local Government Department, Patiala, (Barnala)
- The Regional Deputy Director, Local Government Department, Amritsar, (Gurdaspur and Tarn-Taran).
- The Regional Deputy Director, Local Government Department,
   Bathinda (Mansa and Sri Mukatsar Sahib)
- The Regional Deputy Director, Local Government Department, Jalandhar, (Kapurthala and Nawanshahar).

Subject:- Constitution of Dispute Redressal Committee under section 5 of Punjab

Street Vendors ( Protection of Livelihood and Regulation of Street Vending)
Rules, 2015.

Reference this office letter No. PSULM1 (6)/2017/ 7734 dated 12.04.2017 and 8496 dated 10.10.2017 on the subject noted above.

It is to inform that the Proposals to constitute the "Dispute Redressal Committee" in respect of the Pathankot, Amritsar. Hoshiarpur. Barnala, Gurdaspur. Tarn-Taran. Mansa, Sri Mukatsar Sahib. Kapurthala and Nawanshahar are still awaited. You are requested to send the requisite proposals by 01.12.2017 positively. Hon'ble Supreme Court is reviewing this matter regularly and hadalready passed an order to comply with this provision of Street Vendor Act, 2014.

Additional Project Director

ਵਿਸ਼ਾ :- ਪੰਜਾਬ ਸਟਰੀਟ ਵੈਂਡਰ (Protection of livelihood and Regulation of Street Vending) Rules, 2015 ਦੇ ਨਿਯਮ 5 ਅਧੀਨ ਡਿਸਪੂਟ ਰਿਡਰੈਂਸਲ ਕਮੇਟੀ ਦਾ ਗਠਨ ਕਰਨ ਸਬੰਧੀ।

### ਮਾਨਯੋਗ ਸਥਾਨਕ ਸਰਕਾਰ ਮੰਤਰੀ ਜੀ ਦੇ ਆਦੇਸ਼ ਨੋ.ਪੰ. 13 ਅਨੁਸਾਰ

ਸਟਰੀਟ ਵੈਂਡਰਜ਼ (Protection of livelihood and Regulation of Street Vending कि 2014 ਦੇ ਸੈਕਸ਼ਨ 20 ਅਧੀਨ ਹਰ ਜ਼ਿਲ੍ਹੇ ਵਿਚ ਡਿਸਪੂਟ ਰਿਡਰੈਂਸਲ ਕਮੇਟੀ ਫਾਣਨ ਕਰਨ ਦਾ ਉਪਬੰਧ ਹੈ ਕਿਹਾ ਕਮੇਟੀਆਂ ਸਟਰੀਟ ਵੈਂਡਰਜ਼ ਦੀਆਂ ਸ਼ਿਕਾਇਤਾਂ ਦਾ ਨਿਵਾਰਨ ਕਰਨਗੀਆਂ। ਫਿਸ ਐਕਟ ਦੇ ਸੈਕਸ਼ਨ 35 ਆਪਣੇ ਪੰਜਾਬ ਸਟਰੀਟ ਵੈਂਡਰਜ਼ (Protection of livelihood and Regulation of Street Vending ਕਿਸਮ, 2015 ਸਰਕਾਰ ਦੀ ਨੋਟੀਫਿਕੇਸ਼ਨ ਮਿੜੀ 12.2.2015 ਰਾਹੀਂ ਜਾਰੀ ਕੀਤੇ ਗਏ ਸਨ। ਫਿਨ੍ਹਾਂ ਨਿਯੂਟ ਦੇ ਕਿਸ਼ਮ ਤੋਂ ਕਿਸ਼

- (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 Panchayar for atleast ten years and the second, a social worker, who had been doing social work for more than then 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 Redeema Committees as may be determined by the Director from time to time keeping in view the density of population and the largness 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 in 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.

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ਐਕਟ ਅਤੇ ਨਿਯਮ ਦੀ ਕਾਪੀ ਵੱਲੋਂ ਫੈੱਡੀ (ਚੋ) ਅਤੇ (ਅ) ਤੇ ਰੱਖੀ ਹੈ। ਮਾਨਕੌਰ ਸਤਾਨਤ ਸਰਭਾਰ ਮੰਤਰੀ ਜੀ ਦੇ ਆਦੇਸ਼ ਪਿੱਛੇ ਨੌਟਿੰਗ ਪੰਨਾ 13 ਸਨਮੁੱਖ ਡਿਸਪੂਟ ਰਿਡਰੈਂਸਲ ਕਮੇਟੀਆਂ ਦਾ ਰਠਨ ਤਰਨ ਲਈ ਚੂਡਾਰ ਤਜਵੀਜ਼ਾਂ ਮੰਗੀਆਂ ਗਈਆਂ ਸਨ, ਜੋ ਕਿ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਪ੍ਰਾਪਤ ਹੋਈਆਂ ਹਨ :-

Sr. No	Name of District	Name of Chairman/ Members S Sh.	Designation
1	Roopnagar	<ol> <li>Nirmal Singh, Addl. District and Session Judge (Retd). H.No.106. Gulmohar Complex, Sector 125, SAS Nagar.</li> </ol>	Chairman
		<ol> <li>Nahar Singh, Executive Officer (Retd.). H.NO.5010, Jujhar Singh Nagar.</li> </ol>	Member
		Roopnagar.  3. Ramesh Gulati, Social Worker House No. 20, Thekedar Colony, Nagal Township	Member

		- 15-	
2	Ludhiana	<ol> <li>Bua Jee Sansi, Additional District and Session Judge (Retd.), 34-A Gali No. 2 Model Gram, Nr. Kochhar Market, Ludhiana.</li> <li>B.K Gupta, Additional Commissioner (Retd.), B-20-136/5 Prem Mandir, Opposite Baba Balak Nath Mandir, Ghumar Mandi, Ludhiana.</li> <li>Rahual Verma, NGO, 8-C Sarabha Nagar, Ludhiana</li> </ol>	Chairman  Member  Member
		Re- allocation of Stations – Dispute Redessal Committee constituted for Urban Local Bodies in Ludhiana District.	In partial modification of Notification issued vide No.5/11/2015-5LG4 /899773/12 dated 27-12-2016.
3	Fatehgarh Sahib	Sukhdev Singh Janagal Additional District and Session Judge (Retd), Baba Banda Bahadur Nagar, Bassi Road Sirhind.     Surinder Kurmar, Executive Officer     Surinder Kurmar, Executive No. 12, 12, 12, 12, 12, 13, 14, 15, 16, 17, 18, 18, 18, 18, 18, 18, 18, 18, 18, 18	Chairman Member
		(Retd:), House No. 3423, White Harlalpura, Nr. Munimi School, Sirhind.  3. Gurvinder Singh Sohi, President, Jago NGO, House No. 67, W.No. 18	Member Chairman.
4	Ferozepur	<ol> <li>Balkrishan Mehta, Distl. &amp; Session Judge (Retd), Rakhri Road, Anmol Nagar, Ferozepur City.</li> <li>Satish Kumar, ME (Retd), Gali No.2, Main Bazar, Mandi Guru Harsahai.</li> <li>Roshan Lal Sethi, House No. 175, Street No. 1, Dhawan Coloney, Ferozepur City.</li> </ol>	Member Member
5	Fazilka	<ol> <li>Balwant Singh, District and Session Judge (Retd:) Koti No. 70 Subhash Colony, Zira.</li> <li>Ram Parshad Junior Asstt. (Retd.) Arya Nagar, Main Road, Abohar.</li> <li>Ram Nath, Lala Ram, Social Worker, Indera Nagari, Abohar.</li> </ol>	
5	Patiala	<ol> <li>Inderjit Singh, District &amp; Session Judge (Retd), 93 Punjabi Bagh, Patiala.</li> <li>Devi Dayal, Social Worker, House No. 2 Market Marg, Sarhind Road, Patiala.</li> <li>Yaspal, Law Officer (Retd:) House No. 2466/1 Ram Gali Patiala.</li> </ol>	Chairman Member Member

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7 Moga	2 Jagjit Singh Brar, Excession 2	Member
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ਪਿੱਛੇ ਨੋਟਿੰਗ ਪੰਨਾ 7 ਤੇ ਆਦੇਸ਼ ਅਨੁਸਾਰ ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਵੱਲੋਂ ਤਜਵੀਜ਼ਤ ਡਿਸਪੂਟ ਰਿਡਰੈਂਸਲ ਕਮੇਟੀ ਲੁਧਿਆਣਾ ਜ਼ਿਲ੍ਹੇ ਲਈ ਪ੍ਰਵਾਨ ਕੀਤੀ ਗਈ ਸੀ। ਕਿਉਂਕਿ ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ ਦਾ ਘੇਰਾ ਕਾਫੀ ਵੱਡਾ ਹੈ। ਇਸ ਲਈ ਲੁਧਿਆਣਾ ਜ਼ਿਲ੍ਹੇ ਦੀਆਂ ਨਗਰ ਕੌਂਸਲਾਂ ਦੇ ਕੰਮ ਦੀ ਵੰਡ ਕਰਨ ਦੀ ਲੋੜ ਹੈ। ਇਹ ਤਜਵੀਜ਼ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਕੀਤੀ ਜਾਂਦੀ ਹੈ:-

ਤਜਵੀਜ਼ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਕੀਤੀ ਜਾਂਦੀ	ਸਥਾਨਕ ਸੰਸਥਾਵਾਂ ਦੀ ਵੰਡ ਸਥਾਨਕ ਸੰਸਥਾਵਾਂ ਦੀ ਵੰਡ
ਗਠਿਤ ਕਮੇਟੀ	ਨਗਰ ਨਿਗਮ, ਲੁਧਿਆਣਾ, ਨਗਰ ਕਮਨ,
ਨੋਟੀਫੀਕੇਸਨ :5/11/2015-3/46/11/2018-3/46/11/	ਨ ਮਲੌਦ ਅਤੇ ਪਾਇਲ ਤੋਂ ਇਲਾਵਾ ਸਾਰੀਆਂ
ਕਮੇਟੀ ਜਿਲਾ ਲੁਧਿਆਣਾ ਲਈ ਨਵੀਂ ਤਜਵੀਜ਼ਤ	ਨਗਰ ਕੌਂਸਲ, ਮਾਛੀਵਾੜਾ, ਮਲੌਦ ਅਤੇ ਪਾਇਲ ਤੋਂ ਇਲਾਵਾ ਸਾਰੀਆਂ ਨਗਰ ਕੌਂਸਲਾਂ
ਕਮੇਟੀ	ਨ ਹੈ ਜੁੜੀਆਂ ਹਨ।ਉਪਰੋਕਤ ਤਜਵੀਜ਼ਾਂ

ਇਹ ਕਮੇਟੀਆਂ ਸਰਕਾਰ ਵੱਲੋਂ ਨੋਟੀਫਾਈ ਕਰਵਾਈਆਂ ਜਾਣੀਆਂ ਹਨ।ਉਪਰੋਕਤ ਤਜਵੀਜ਼ਾਂ ਮਾਨਯੋਗ ਸਥਾਨਕ ਮੰਤਰੀ ਜੀ ਦੇ ਆਦੇਸ਼ (ਪਿੱਛੇ ਨੌ.ਪੰ. 13) ਅਨੁਸਾਰ ਸਬੰਧਤ ਨਗਰ ਨਿਗਮ/ਡੀ.ਡੀ.ਆਰ ਵੱਲੋਂ ਮੁੜ ਵਿਚਾਰ ਕਰਕੇ ਤਾਜ਼ੀਆਂ ਭੇਜੀਆਂ ਹਨ। ਇਹਨਾਂ ਨੂੰ ਪ੍ਰਵਾਨ ਕਰਨ ਹਿੱਤ ਮਿਸਲ ਪੇਸ ਹੈ ਜੀ। ਬਾਕੀ ਦੀਆਂ 14 ਜਿਲਿਆ ਦੀਆਂ ਤਜਵੀਜਾਂ ਪ੍ਰਾਪਤ ਹੋਣ ਤੇ ਮਿਸਲ ਦੁਬਾਰਾ ਪੁਟ ਕਰ ਦਿੱਤੀ ਜਾਵੇਗੀ।

ਜੇਕਰ ਪ੍ਰਵਾਨ ਹੋਵੇ ਤਾਂ ਕੇਸ ਮਾਨਯੋਗ ਮੰਤਰੀ ਸਥਾਨਕ ਸਰਕਾਰ ਜੀ ਦੀ ਪ੍ਰਵਾਨਗੀ ਲਈ ਭੇਜ ਦਿੱਤਾ ਜਾਵੇ। ਪ੍ਰਵਾਨਗੀ ਉਪਰੰਤ ਖਰੜਾ ਸਥਾਨਕ ਸਰਕਾਰ 4 ਸ਼ਾਖਾ ਨੂੰ ਨੋਟੀਫਾਈ ਲਈ ਭੇਜ ਦਿੱਤਾ ਜਾਵੇਗਾ। ਨੋਟੀਫਿਕੇਸ਼ਨ ਲਈ ਖਰੜਾ ਥੱਲੇ ਰੱਖਿਆ ਗਿਆ ਹੈ।

ਕੇਸ ਪ੍ਰਵਾਨਗੀ ਹਿੱਤ ਪੇਸ਼ ਹੈ ਜੀ।

For notificalsion of Dispute Redress of Committees under street vending Act of 5/6

Let 17-6-17

DES LGM

As for discussion souft lettre is odded for approve | signature de. Behoder 8/11/17 (0/7 0) A please pui up hie amended draft. Supour Super Ded He. Supati. freeze

Reminder against of 45 pl-

Rehoder ( ) 10 2 m/11/2017 April

Sub: Implementation of the scheme 'Support to Urban Street Vendor' & 'Dispute Redressal Mechanism' under the Street Vendors (Protection Livelihood and Regulation of Street Vending) Act 2014for grievances of street vendors

It may be mentioned that in terms' of the Street Vendors (Protection Livelihood and Regulation of Street Vending) Act 2014 State of West Bengal notified the West Bengal Street Vendors (Protection Livelihood and Regulation of Street Vending) Rules, 2018 b on 27.06.2018.

- 1. As per the Act a Street Vendor Scheme is to be prepared & notified by the State Govt. Prior to that, UD & MA Dept., Govt. of West Bengal drafted a scheme & accordingly it has been circulated to all the ULBs within the State requesting feedback. It is understood that feedback has been received from some ULBs and timeline for submission of feedback is over. In this connection further steps may be taken up by UD & MA Dept. for notification of Street Vendors Scheme.
- 2. In compliance of the rule 75 ULBs have already constituted the Town Vending Committee. TVC's constituted have nominated members only as per Rules, 2018. But the Act stated that representatives of street vendors are to be elected by the street vendors. Therefore the Rule has not followed the Act in terms of representation of Street Vendors.

#### In this context this matter may be forwarded to UD & MA Dept for further consideration.

3. Further we have received a letter vide no. K-2017(30)/1/2017-UPA-II-UD SECTION (EFS-9030910) from Under Secretary, Ministry of Housing & Urban Affairs, Government of India. (Copy placed in C.P. side marked as 'X')

In this context it may be mentioned that in this aforesaid letter, Under Secretary has requested to appreciate the position and accordingly initiate immediate action to put the mandate 'Dispute Redressal Mechanism' as per the provisions of Street Vendors (Protection Livelihood and Regulation of Street Vending) Act 2014, to enable the street vendors to be provided with a forum to seek resolution of their grievances. A reference copy of notification related to the Dispute Redressal Committee to redress the grievances/ disputes of the Street Vendors of Urban Local Bodies of the State of Punjab is attached along with the letter from the Under Secretary for ready reference.

But as per Rules, 2018 "Any street vendor, who is aggrieved by any decision of the Town Vending Committee with respect to recommendation for issue of certificate of vending or cancellation or suspension thereof may appeal to the Mayor or the Chairman or any other authority equivalent to Chairman in case of Local Authority. The Mayor or Chairman or any other authority equivalent to Chairman in case of Local Authority, as the case may be, shall dispose of the said appeal within one month from the application date either by rejecting or accepting it with a reasoned order. Decision of the Appellate Authority on any Appeal shall be final".

#### A brief report on DAY-NULM

- (I) DAY-NULM presently covers all 125 Urban Local Bodies (ULBs). The
- programme was launched in the year 2014-15.

  (2) Till 2018-19, approximately poor women from 8.4 lakh urban households have
- been covered under the programme.

  (3) 57616 Self Help Groups (SHGs) have been formed in all 125 ULBs. Target is
- to formed another 7500 SHGs in FY 2019-20.

  (4) Almost 46298 SHGs have received Revolving Fund 

  (a) Rs.10,000 & SHGs amounting to Rs.49 crores. Another 10000 SHGs will be provided Revolving
- Fund in FY 2019-20 amounting to Rs.10 crore.

  (5) 1404 Area Level Federations (ALFs) have been constituted. All municipal
- wards in the State are expected to covered by ALF arms of 2019-20.

  (6) 1019 ALFs have received Revolving Fund @ 50,000 / ALF amounting to
- (7) ALL 125 ULBs will have a City Level Federations (CLFs) within FY 2019-20.
  (8) 1.8 lakh beneficiaries have received credit support from banks under the
- 1.8 lakh beneficiaries have received credit support from banks under the programme. Target is to extend bank loan to another 1.75 lakh beneficiaries within FY 2019-20 with a disbursement of approximately Rs.250 crore.
- (9) 1.10 lakh urban youth of poor households have been provided in skill training and are now either self employed or engaged in wage employment. In FY 2019-20 there is a target to provide skill training 13500 beneficiaries from amongst the urban poor.
- (10) City Livelihood Centres (CLCs) have been set up at 66 urban local bodies. This year we plan to organize another 22 CLCs.
- (11) 101 towns have been identified for setting up of 109 shelters for urban homeless. Sanctions have been already accorded by the Department for 62 shelters in 52 towns. 14 shelters are fully functional and 7 more units are ready to be functional by the end of July, 2019. In FY 2019-20 we expect to operationalised another 13 50 H.
- (12) Till date out of 272 crore allotted under the programme, approximately 240 crore have been utilized.

As per the clause 9.(a) of the aforesaid rule and the operational guidelines of the scheme 'Support to Urban Street Vendor' as well, a detailed list of vendors is required to be prepared by the Town Vending Committee in consultation with the local authority by way of conducting a Street Vendors Survey with assistance of local Police Authority and that is to be submitted before the local ULB authority for consideration and acceptance. This survey may be conducted by the respective ULBs.

In this context it may be mentioned that as per the West Bengal Street Vendors (Protection Livelihood and Regulation of Street Vending) rules, 2018, 75 ULBs have constituted the Town Vending Committee. Now at ULB level, these Committees will look after the matter related to Urban Street Vendors as per the aforesaid rule and a survey will be conducted under the jurisdiction of these committees for identification of Urban Street Vendors.

Now the matter related to Street Vendors Survey & 'Dispute Redressal Mechanism' as per the provisions of Street Vendors Act, 2014 (copy placed at C.P side) may be forwarded to the UD & MA Dept. to process further and take necessary action

Submitted for your kind perusal.

#### A brief report on DAY-NULM

- (1) DAY-NULM presently covers all 125 Urban Local Bodies (ULBs). The
- programme was launched in the year 2014-15.

  (2) Till 2018-19, poor women from 8.4 lakh urban households have been covered
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- to form another 7500 SHGs in FY 2019-20.

  (4) Almost 46298 SHGs have received Revolving Fund @ Rs. 10,000 per SHG amounting to Rs.49 crores. Another 10000 SHGs will be provided Revolving
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- (11) 101 towns have been identified for setting up of 109 shelters for urban homeless. Sanctions have been already accorded by the Department for 62 shelters in 52 towns. 14 shelters are fully functional and 7 more units are ready to be functional by the end of July, 2019. In FY 2019-20 we expect to operationalised another 13 SUH's.
- (12) Till date, out of Rs.272 crore allotted under the programme, approximately Rs.240 crore has been utilized.

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It may be mentioned that in terms' of the Street Vendors (Protection Livelihood and Regulation of Street Vending) Act 2014 State of West Bengal notified the West Bengal Street Vendors (Protection Livelihood and Regulation of Street Vending) Jules, 2018 b on 27.06.2018.

- As per the Act a Street Vendor Scheme is to be prepared & notified by the State Govt. Prior to that, UD & MA Dept., Govt. of West Bengal drafted a scheme & accordingly it has been circulated to all the ULBs within the State requesting feedback. It is understood that feedback has been received from some ULBs and timeline for submission of feedback is over. In this connection further steps may be taken up by UD & MA Dept. for notification of Street Vendors Scheme.
- In compliance of the rule 75 ULBs have already constituted the Town Vending Committee. TVC's constituted have referred to nominated members only as per representatives of Street Vendors shall be elected by the street vendors. Therefore the Rule is not followed the Act in terms of representation of Street Vendors.

In this context this matter may be forwarded to UD & MA Dept for further consideration.

Further we have received a letter vide no. K-2017(30)/1/2017-UPA-II-UD SECTION (EFS-9030910) from Under Secretary, Ministry of Housing & Urban Affairs, Government of India. (Copy placed in C.P. side mark as 'X')

In this context it may be mentioned that in this aforesaid letter, Under Secretary has requested to appreciate the position and accordingly initiate immediate action to put the mandate 'Dispute Redressal Mechanism' as per the provisions of Street Vendors (Protection Livelihood and Regulation of Street Vending) Act 2014, to enable the street vendors to be provided with a forum to seek resolution of their grievances. A reference copy of notification related to the Dispute Redressal Committee to redress the grievances/ disputes of the Street Vendors of Urban Local Bodies of the state of Punjab is attached along with the letter from the Under Secretary for ready reference.

As per the clause 9.(a) of the aforesaid rule and the operational guidelines of the scheme 'Support to Urban Street Vendor' as well, a detailed list of vendors is required to be prepared by the Town Vending Committee in consultation with the local authority by way of conducting a Street Vendors Survey with assistance of local Police Authority and that is to be submitted before the local ULB authority for consideration and acceptance. This survey may be conducted by the respective ULBs.

In this context it may be mentioned that as per the West Bengal Street Vendors (Protection Livelihood and Regulation of Street Vending) rules, 2018, 75 ULBs have constituted the Town Vending

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Mari



Consultant under the RMNCH + A as in ROP 18-19 [FMR CODE 16.8.1.3.2] This note refers to engagement of TMIS (Training Management Information System)

Introduction:

providers. which will facilitate monitoring and planning of skilled and trained health care TMIS is developed as a Government to Government (G2G) web based application

public sector health delivery system. TMIS acts as a tool for: TMIS is to have a centralized database of trained human resource to strengthen the generation, post training evaluation and post training deployment. The purpose of the database which would capture all real time trainings, nominations, certificate content, training calendars, circulars and other relevant material and the dynamic documents related to trainings like training guidelines, training manuals, course TMIS is visualized as a "Single Window" for all static database related to training i.e.

Facilitating the gap analysis of trained and untrained health workforce.

rationalizing their deployment (Rational deployment of trained manpower) Helping the policy makers in allocation of available Human Resource by

Name Based Tracking of all the trainings an individual has gone through and

To enable user to preview, compare, modify and forward data to the next level required.

built eligibility criteria based on designation etc. Online nomination mechanism. Quality in nomination mechanism by putting inbased on authentication.

SMS alerts to the participants of training (scheduled) through TMIS

batches based of pre and post evaluation marks Online certificate generation for the real time trainings. Ensuring quality trained

Instant availability of Facility (State/District) profile

Ensuring Quality Trainers by selection of trainers from the pre-defined list

Health (MNH) Toolkit of MoHFW. Delivery points as per the benchmark) mentioned in Maternal and Newborn Ensuring Quality of Delivery points based on the criteria (No of deliveries in

data. automatic statistics, report generation and visualized graphical presentation of training training type and thematic area, SMS alerts to the participants through TMIS as well as online certificate generation for the real time trainings, listing of 'Trainers' based on the The software also provides more user-friendly functions and advanced tools, such as

The Terms of Reference and Eligibility criteria of the consultant may be as follows:-

A. Specific Description of the Posts:

with web based application

not be maintained A.1.2. Number of Post: 1 (one). Since this is a single cadre post the 100 point roster need A.I.1. Name of the Position: State TMIS Consultant

A.1.3. Qualification & Experience:

Bachelor degree in Science having Physics, Chemistry and Mathematics.

Experience in developing web tool/application

training under National Health Mission. Thorough understanding of National Health Programmes especially different

sector and have worked with NHM at District or State level and well conversant Candidate having experience for atleast 3(three) years in the Government Health multilateral partners Ability to work in highly demanding environment, liaising with academia,

Committee. Now at ULB level, these Committees will look after the matter related to Urban Street Vendors as per the aforesaid rule and a survey will be conducted under the jurisdiction of these committees for identification of Urban Street Vendors.

Now the matter related to Street Vendors Survey & 'Dispute Redressal Mechanism' as per the provisions of Street Vendors Act, 2014 (copy placed at C.P side) may be forwarded to the UD & MA Dept. to process further and take necessary action

Submitted for your kind perusal.



## রাজ্য নগর উন্নয়ন সংস্থা STATE URBAN DEVELOPMENT AGENCY



'ইলগাস ভবন'', এইচ-সি ব্লক, সেক্টর-৩, বিধাননগর, কলকাতা-৭০০ ১০৬, পশ্চিমবঙ্গ "ILGUS BHAVAN", H-C Block, Sector - III, Bidhannagar, Kolkata - 700 106, West Bengal

ক্রমিক নং	তারিখ
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From:

Jt. Secretary, UD & MA Department &

Addl. Mission Director, WBSULM

To

Chairperson / Commissioner/ Executive Officer,

(All ULB) Municipal Corporation / Municipality/ NAA

## Sub: Entry of BOT & BOA trainings in the MIS portal

Sir/ Madam,

Apropos the captioned subject, during the last round of review meetings on the 25.06.2019 & 27.06.2019 with the City Mission Management Units, it has come to notice that BOT & BOA training for the SHG members are being erroneously entered by the ULBs in the MIS portal. The correct entry in the MIS portal for the BOT & BOA training would be as follows.

- For BOT training for 3 days, training name must be entered as WB Capacity Building Training for SHG by MT.
- For BOA training for 2 days, training name must be entered as WB Capacity Building Training for Treasurer by MT.
- 3. Training done by must be entered as By ULB.

Training name and Training done by entry should be strictly followed as mentioned above.

The process for rectification of the erroneous entries will be notified shortly.

Yours faithfully,

Jt. Secretary, UD & MA Dept.

&

দূরভাষ ঃ ২৩৫৮ ৬৪০৩ / ৫৭৬৭, ফ্যাক্স dd Mission Director, WBSULM

Tel: 2358 6403/5767, Fax: 2358 5800, E-mail: wbsudadir@gmail.com Account Section: 2358 6408

## THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014

#### ARRANGEMENT OF SECTIONS

#### CHAPTER I

#### PRELIMINARY

#### **SECTIONS**

- 1. Short title, extent, commencement and provisions.
- 2. Definitions.

#### CHAPTER II

#### REGULATION OF STREET VENDING

- 3. Survey of street vendors and protection from eviction or relocation.
- 4. Issue of certificate of vending.
- 5. Conditions for issue of certificate of vending.
- 6. Categories of certificate of vending and issue of identity cards.
- 7. Criteria for issuing certificate of vending.
- 8. Vending fees.
- 9. Validity and renewal of certificate of vending.
- 10. Cancellation or suspension of certificate of vending.
- 11. Appeal from decision of Town Vending Committee.

#### CHAPTER III

#### RIGHTS AND OBLIGATIONS OF STREET VENDORS

- 12. Rights of street vendor.
- 13. Right of street vendor for a new site or area on relocation.
- 14. Duty of street vendors.
- 15. Maintenance of cleanliness and public hygiene.
- 16. Maintenance of civic amenities in vending zone in good condition.
- 17. Payment of maintenance charges.

#### **CHAPTER IV**

#### RELOCATION AND EVICTION OF STREET VENDORS

- 18. Relocation or eviction of street vendors.
- 19. Seizure and reclaiming of goods.

#### CHAPTER V

#### DISPUTE REDRESSAL MECHANISM

20. Redressal of grievances or resolution of disputes of street vendors.

#### CHAPTER VI

#### PLAN FOR STREET VENDING

#### **SECTIONS**

21. Plan for street vending.

#### **CHAPTER VII**

#### TOWN VENDING COMMITTEE

- 22. Town Vending Committee.
- 23. Meetings of Town Vending Committee.
- 24. Temporary association of persons with Town Vending Committee for particular purposes.
- 25. Office space and other employees for Town Vending Committee.
- 26. Publication of street vendor's charter and data-base and carrying out of social audit.

#### CHAPTER VIII

#### PREVENTION OF HARASSMENT OF STREET VENDORS

27. Prevention of harassment by police and other authorities.

#### CHAPTER IX

#### PENAL PROVISIONS

28. Penalty for contraventions.

#### CHAPTER X

#### MISCELLANEOUS

- 29. Provisions of this Act, not to be construed as conferring ownership rights, etc.
- 30. Returns.
- 31. Promotional measures.
- 32. Research, training and awareness.
- 33. Act to have overriding effect.
- 34. Powers to delegate.
- 35. Power to amend Schedules.
- 36. Power to make rules.
- 37. Power to make bye-laws.
- 38. Scheme for street vendors.
- 39. Power to remove difficulties.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

## THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014

#### ACT No. 7 OF 2014

[4th March, 2014]

An Act to protect the rights of urban street vendors and to regulate street vending activities and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

#### CHAPTER I

#### **PRELIMINARY**

- 1. Short title, extent, commencement and provisions.—(1) This Act may be called the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.
  - (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in any provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.
- (4) The provisions of this Act shall not apply to any land, premises and trains owned and controlled by the Railways under the Railway Act, 1989 (24 of 1989).
  - 2. **Definitions.**—(1) In this Act, unless the context otherwise requires,—
    - (a) "appropriate Government" means in respect of matters relating to,—
      - (i) a Union territory without Legislature, the Central Government;
    - (ii) the Union territories with Legislature, the Government of the National Capital Territory of Delhi or, as the case may be, the Government of Union territory of Puducherry;
      - (iii) a State, the State Government;
  - (b) "holding capacity" means the maximum number of street vendors who can in any vending zone and has been determined as such by the local authority on the commendations of the Town Vending Committee;
  - (c) "local authority" means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under section 47 of the Cantonment Act, 2006(41 of 2006)or such other body entitled to function as a local authority in any city or town to provide civic services and regulate street vending and includes the "planning authority" which regulates the land use in that city or town;
  - (d) "mobile vendors" means street vendors who carry out vending activities in designated area by moving from one place to another place vending their goods and services;
  - (e) "natural market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determine das such by the local authority on the recommendations of the Town Vending Committee;
  - (f) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
  - (g)"planning authority" means an Urban Development Authority or any other authority in any city or town designated by the appropriate Government as responsible for regulating the land use by

defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Town and Country Planning Act or the Urban Development Act or the Municipal Act, as the case may be;

- (h) "prescribed" means prescribed by rules made under this Act by the appropriate Government;
- (i) "Schedule" means the Schedule annexed to this Act;
- (j) "scheme" means a scheme framed by the appropriate Government under section 38;
- (k) "stationary vendors" means street vendors who carry out vending activities on regular basis at a specific location;
- (l) "street vendor" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, sidewalk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with the r grammatical variations and cognate expressions, shall be construed accordingly;
- (m) "Town Vending Committee" means the body constituted by the appropriate Government under section 22;
- (n) "vending zone" means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public.
- (2) Any reference in this Act to any enactment or any provision thereof, shall, in relation to an area in which such enactment or such provision is not in force be construed as a reference to the corresponding law, if any, in force in that area.

#### CHAPTER II

#### REGULATION OF STREET VENDING

- 3. Survey of street vendor sand protection from eviction or relocation.—(1) The Town Vending Committee shall, within such period and in such manner as may be specified in the scheme, conduct a survey of all existing street vendors, within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years.
- (2) The Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to a norm conforming to two and half per cent. of the population of the ward or zone or town or city, as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones.
- (3) No street vendor shall be evicted or, as the case may be, relocated till the survey specified under sub-section (1) has been completed and the certificate of vending is issued to all street vendors.
- 4. Issue of certificate of vending.—(1) Every street vendor, identified under the survey carried out under sub-section (1) of section 3, who has completed the age of fourteen years or such age as may be prescribed by the appropriate Government, shall be issued a certificate of vending by the Town Vending Committee, subject to such terms and conditions and within the period specified in the scheme including the restrictions specified in the plan for street vending:

Provided that a person, whether or not included under the survey under sub-section (1) of section 3, who has been issued a certificate of vending before the commencement of this Act, whether known as licence or any other form of permission (whether as a stationary vendor or a mobile vendor or under any

other category) shall be deemed to be a street vendor for that category for the period for which he has been issued such certificate of vending.

- (2) Where, in the intervening period between two surveys, any person seeks to vend, the Town Vending Committee may grant a certificate of vending to such person, subject to the scheme, the plan for street vending and the holding capacity of the vending zones.
- (3) Where the number of street vendors identified under sub-section (1) or the number of persois seeking to vend under sub-section (2) are more than the holding capacity of the vending zone and exceeds the number of persons to be accommodated in that vending zone, the Town Vending Committee shall carry out a draw of lots for issuing the certificate of vending for that vending zone and the remaining persons shall be accommodated in any adjoining vending zone to avoid relocation.
- **5.Conditions for issue of certificate of vending.**—(1) Every street vendor shall give an undertaking to the Town Vending Committee prior to the issue of a certificate of vending under section 4, that—
  - (a) he shall carry on the business of street vending himself or through any of his family member;
  - (b) he has no other means of livelihood:
  - (c) he shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.
- (2) Where a street vendor to whom a certificate of vending is issued dies or suffers from any permanent disability or is ill, one of his family member in following order of priority, may vend in his place, till the validity of the certificate of vending—
  - (a) spouse of the street vendor;
  - (b) dependent child of the street vendor:

Provided that where a dispute arises as to who is entitled to vend in the place of the vendor, the matter shall be decided by the committee under section 20.

- **6. Categories of certificate of vending and issue of identity cards.**—(1) The certificate of vending shall be issued under any of the following categories, namely:—
  - (a) a stationary vendor;
  - (b) a mobile vendor; or
  - (c) any other category as may be specified in the scheme.
- (2) The certificate of vending issued for the categories specified in sub-section (1) shall be in such form, and issued in such manner, as may be specified in the scheme and specify the vending zone where the street vendor shall carry on his vending activities, the days and timings for carrying on such vending activities and the conditions and restriction subject to which he shall carry on such vending activities.
- (3) Every street vendor who has been issued certificate of vending under sub-section (1) shall be issued identity cards in such form and manner as may be specified in the scheme.
- 7. Criteria for issuing certificate of vending.—The criteria to be followed by the Town Vending Committee for issuing certificate of vending to a street vendor shall be as specified in the scheme, which may, apart from other things, provide for preference to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, women, persons with disabilities, minorities or such other categories as may be specified in the scheme.
- **8. Vending fees.**—Every street vendor who has been issued certificate of vending shall pay such vending fees as may be specified in the scheme.
- 9. Validity and renewal of certificate of vending.—(1) Every certificate of vending shall be valid for such period as may be specified in the scheme.

- (2) Every certificate of vending shall be renewable for such period, in such manner, and on payment of such fees, as may be specified in the scheme.
- 10. Cancellation or suspension of certificate of vending.—Where a street vendor who has been issued a certificate of vending under this Act commits breach of any of the conditions thereof or any other terms and conditions specified or the purpose of regulating street vending under this Act or any rules or schemes made thereunder, or where the Town Vending Committee is satisfied that such certificate of vending has been secured by the street vendor through misrepresentation or fraud, the Town Vending Committee may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the certificate of vending or suspend the same in such as may be specified in the scheme and for such period as it deems fit:

Provided that no such cancellation or suspension shall be made by the Town Vending Committee unless an opportunity of hearing has been given to the street vendor.

- 11. 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 prefer an appeal to the loc 1 authority in such form, within such period, and in such manner, as may be prescribed.
- (2) No appeal shall be disposed of by the local authority unless the appellant has been given an opportunity of hearing.

#### CHAPTER III

# RIGHTS AND OBLIGATIONS OF STREET VENDORS

- 12. Rights of street vendors.—(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)Notwithstanding anything contained in sub-section (1), where any area or space, as the case may be, has been earmarked as no-vending zone, no street vendor shall carry out any vending activities in that zone.
- 13. Right of street vendor for a new site or area on relocation.—Every street vendor, who possesses a certificate of vending, shall, in case of his relocation under section 18, be entitled for new site or area, as the case may be, for carrying out his vending activities as may be determined by the local authority, in consultation with the Town Vending Committee.
- 14. Duty of street vendors.—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.
- 15. Maintenance of cleanliness and public hygiene.—Every street vendor shall maintain cleanliness and public hygiene in the vending zones and the adjoining areas.
- 16. Maintenance of civic amenities in vending zone in good condition.—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 to the same.
- 17. Payment of maintenance charges.—Every street vendor shall pay such periodic maintenance charges for the civic amenities and facilities provided in the vending zones as may be determined by the local authority.

#### **CHAPTER IV**

# RELOCATION AND EVICTION OF STREET VENDORS

18. Relocation or eviction of street vendors.—(1) The local authority may, on the recommendations of the Town Vending Committee, declare a zone or part of it to be a no-vending zone for any public purpose and relocate the street vendors vending in that area, in such manner as may be specified in the scheme.

- (2) The local authority shall evict such street vendor whose certificate of vending has been cancelled under section 10 or who does not have a certificate of vending and vends without such certificate, in such manner as may be specified in the scheme.
- (3) No street vendor shall be relocated or evicted by the local authority from the place specified in the certificate of vending unless he has been given thirty days' notice for the same in such manner as may be specified in the scheme.
- (4) A street vendor shall be relocated or evicted by the local authority physically in such manner as may be specified in the scheme only after he had failed to vacate the place specified in the certificate of vending, after the expiry of the period specified in the notice.
- (5) Every street vendor who fails to relocate or vacate the place specified in the certificate of vending, after the expiry of the period specified in the notice, shall be liable to pay for every day of such default, a penalty which may extend up to two hundred and fifty rupees, as may be determined by the local authority, but shall not be more than the value of goods seized.
- 19. Seizure and reclaiming of goods.—(1) If the street vendor fails to vacate the place specified in the certificate of vending, after the lapse of the period specified in the notice given under sub-section (3) of section 18, the local authority, in addition to evicting the street vendor under section 18, may, if it deems necessary, seize the goods of such street vendor in such manner as may be specified in the scheme:

Provided that where any such seizure is carried out, a list of goods seized shall be prepared, as specified in the scheme, and a copy thereof, duly signed by the person authorised to seize the goods, shall be issued to the street vendor.

(2) The street vendor whose goods have been seized under sub-section (1) may, reclaim his goods in such manner, and after paying such fees, as may be specified in the scheme:

Provided that in case of non-perishable goods, the local authority shall release the goods within two working days of the claim being made by the street vendor and in case of perishable goods the local authority shall release the goods on the same day of the claim being made by the street vendor.

#### CHAPTER V

#### DISPUTE REDRESSAL MECHANISM

20. Redressal of grievances or resolution of disputes of street vendors.—(1) The appropriate Government may constitute one or more committees consisting of a Chairperson who has been a civil judge or a judicial magistrate and two other professional shaving such experience as may be prescribed for the purpose of deciding the applications received under sub-section (2):

Provided that no employee of the appropriate Government or the local authority shall be appointed as members of the committee.

- (2) Every street vendor who has a grievance or dispute may make an application in writing to the committee constituted under sub-section (1) in such form and manner as maybe prescribed.
- (3) On receipt of grievance or dispute under sub-section (2), the committee referred to in sub-section (1) shall, after verification and enquiry in such manner, as may be prescribed, take steps for redressal of such grievance or resolution of such dispute, within such time and in such manner as may be prescribed.
- (4) Any person who is aggrieved by the decision of the committee may prefer an appeal to the local authority in such form, within such time and in such manner as may be prescribed.
- (5) The local authority shall dispose of the appeal received under sub-section (4) within such time and in such manner as may be prescribed:

Provided that the local authority shall, before disposing of the appeal, give an opportunity of being heard to the aggrieved person.

#### CHAPTER VI

#### PLAN FOR STREET VENDING

- 21. Plan for street vending.—(1) Every local authority shall, in consultation with the planning authority and on the recommendations of the Town Vending Committee, once in every five years, prepare a plan to promote the vocation of street vendors covering the matters contained in the First Schedule.
- (2) The plan for street vending prepared by the local authority shall be submitted to the appropriate Government for approval and that Government shall, before notifying the plan, determine the norms applicable to the street vendors.

#### CHAPTER VII

#### TOWN VENDING COMMITTEE

**22. Town Vending Committee.**—(1) The appropriate Government may, by rules made in this behalf, provide for the term and the manner of constituting a Town Vending Committee in each local authority:

Provided that the appropriate Government may, if considers necessary, provide for constitution of more than one Town Vending Committee, or a Town Vending Committee for each zone or ward, in each local authority.

- (2) Each Town Vending Committee shall consist of:—
- (a) Municipal Commissioner or Chief Executive Officer, as the case may be, who shall be the Chairperson; and
- (b) such number of other members as may be prescribed, to be nominated by the appropriate Government, representing the local authority, medical officer of the local authority, the planning authority, traffic police, police, association of street vendors, market associations, traders associations, non-governmental organisations, community based organisations, resident welfare associations, banks and such other interests as it deems proper;
- (c) the number of members nominated to represent the non-governmental organisations and the community based organisations shall not be less than ten per cent.;
- (d) the number of members representing the street vendors shall not be less than forty per cent. who shall be elected by the street vendors themselves in such manner as may be prescribed:

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 disabilities from amongst the members representing street vendors.

- (3) The Chairperson and the members nominated under sub-section (2) shall receive such allowances as may be prescribed by the appropriate Government.
- 23. Meetings of Town Vending Committee.—(1) The Town Vending Committee shall meet at such times and places within the jurisdiction of the local authority and shall observe such rules of procedure in regard to the transaction of business at its meetings, and discharge such functions, as may be prescribed.
- (2) Every decision of the Town Vending Committee shall be notified along with the reasons for taking such decision.
- 24. Temporary association of persons with Town Vending Committee for particular purposes.—(1) The Town Vending Committee may associate with itself in such manner and for such purposes, as may be prescribed, any person whose assistance or advice it may desire, in carrying out any of the provisions of this Act.
  - (2) A person associated under sub-section (1) shall be paid such allowances as maybe prescribed.

- 25. Office space and other employees for Town Vending Committee.—The local authority shall provide the Town Vending Committee with appropriate office space and such employees as may be prescribed.
- 26. Publication of street vendor's charter and data-base and carrying out of social audit.—(1) Every Town Vending Committee shall publish the street vendor's charter specifying therein the time within which the certificate of vending shall be issued to a street vendor and the time within which such certificate of vending shall be renewed and other activities to be performed within the time limit specified therein.
- (2) Every Town Vending Committee shall maintain up to date records of registered street vendors and street vendors to whom certificate of vending has been issued containing name of such street vendor, stall allotted to him, nature of business carried out by him, category of street vending and such other particulars which may be relevant to the street vendors, in such manner as may be prescribed.
- (3) Every Town Vending Committee shall carry out social audit of its activities under the Act or the rules or the schemes made there under in such form and manner as may be specified in the scheme.

#### **CHAPTER VIII**

#### PREVENTION OF HARASSMENT OF STREET VENDORS

27. Prevention of harassment by police and other authorities.—Notwithstanding anything contained in any other law for the time being in force, no street vendor who carries on the street vending activities in accordance with the terms and conditions of his certificate of vending shall be prevented from exercising such rights by any person or police or any other authority exercising powers under any other law for the time being in force.

#### CHAPTER IX

#### PENAL PROVISIONS

- 28. Penalty for contraventions.—If any street vendor—
  - (a) indulges in vending activities without a certificate of vending;
  - (b) contravenes the terms of certificate of vending; or
- (c) contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder,

he shall be liable to a penalty for each such offence which may extend up to rupees two thousand as may be determined by the local authority.

#### CHAPTER X

#### MISCELLANEOUS

- 29. Provisions of this Act, not to be construed as conferring ownership rights, etc.—(1) Nothing contained in this Act shall be construed as conferring upon a street vendor any temporary, permanent or perpetual right of carrying out vending activities in the vending zones allotted to him or in respect of any place on which he carries on such vending activity.
- (2) Nothing contained in sub-section (1) shall apply to any stationery vendor, if a temporary leasehold or ownership right has been conferred on him by a lease deed or otherwise, in respect of a place at specific location where he carries on such vending activity in accordance with the provisions of any law for the time being in force for carrying out such vending activity.
- **30. Returns.**—Every Town Vending Committee shall furnish, from time to time, to the appropriate Government and the local authority such returns as may be prescribed.
- 31. Promotional measures.—The appropriate Government may, in consultation with the Town Vending Committee, local authority, planning authority and street vendors associations or unions,

promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors.

- **32. Research, training and awareness.**—The appropriate Government may, to the extent of availability of financial and other resources,—
  - (a) organise capacity building programmes to enable the street vendors to exercise the rights contemplated under this Act;
  - (b) undertake research, education and training programmes to advance knowledge and understanding of the role of the informal sector in the economy, in general and the street vendors, in particular and to raise awareness among the public through Town Vending Committee.
- 33. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything in consistent there in contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
- 34. Powers to delegate.—The appropriate Government may, by general or special order in writing, delegate such of its powers and functions under this Act (excluding the power to frame scheme under section 38 and power to make rules under section 36), as it may deem necessary, to the local authority or the Town Vending Committee or any other officer, subject to such conditions, if any, as may be specified in that order.
- 35. Power to amend Schedules.—(1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedules and thereupon the First Schedule or the Second Schedule, as the case may be, shall be deemed to have been amended accordingly.
- (2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament as soon as may be after it is issued.
- 36. Power to make rules.—(1) The appropriate Government shall, within one year from the date of commencement of this Act, by notification, make rules for carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
  - (a) the age for street vending under sub-section (1) of section 4;
  - (b) the form, period and manner of filing appeal with the local authority under sub-section (1) of section 11;
    - (c) the persons and the experience such person shall have under sub-section (1) of section 20;
    - (d) the form and the manner of making application under sub-section (2) of section 20;
  - (e) the manner of verification and enquiry on receipt of grievance or dispute, the time within which and the manner in which steps for redressal of grievances and resolution of disputes may be taken under sub-section (3) of section 20;
  - (f) the form, the time within which and the manner in which an appeal may be filed under sub-section (4) of section 20;
  - (g) the time within which and the manner in which an appeal shall be disposed of under sub-section (5) of section 20;
  - (h) the term of, and the manner of constituting, the Town Vending Committee under sub-section (1) of section 22;
  - (i) the number of other members of the Town Vending Committee under clause (b) of sub-section (2) of section 22;
    - (j) the manner of elections among street vendors under clause (d) of sub-section (2) of section 22;

- (k) the allowances to Chairperson and members under sub-section (3) of section 22;
- (*l*) the time and place for meeting, procedure for transaction of business at meetings and functions to be discharged by the Town Vending Committee under section 23;
- (m) the manner and the purpose for which a person may be associated under sub-section (1) of section 24;
  - (n) the allowances to be paid to an associated person under sub-section (2) of section 24;
  - (o) the other employees of Town Vending Committee under section 25;
- (p) the manner of maintaining up to date record of all street vendors under sub-section (2) of section 26;
  - (q) the returns to be furnished under section 30;
  - (r) the manner of publishing summary of scheme under sub-section (2) of section 38.
- (3) Every rule and scheme made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or scheme or both Houses agree that the rule or scheme should not be made, the rule or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme.
- (4) Every rule or scheme made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.
- **37. Power to make bye-laws.**—Subject to the provisions of this Act or any rule or scheme made thereunder, the local authority may make bye-laws to provide for all or any of the following matters, namely:—
  - (a) the regulation and manner of vending in restriction-free-vending zones, restricted-vending zones and designated vending zones;
  - (b) determination of monthly maintenance charges for the civic amenities and facilities in the vending zones under section 17;
    - (c) determination of penalty under sub-section (5) of section 18 and section 28;
    - (d) the regulation of the collection of taxes and fees in the vending zones;
    - (e) the regulation of traffic in the vending zones;
  - (f) the regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;
    - (g) the regulation of civic services in the vending zones; and
    - (h) the regulation of such other matters in the vending zones as may be necessary.
- **38.** Scheme for street vendors.—(1) For the purposes of this Act, the appropriate Government shall frame a scheme, within six months from the date of commencement of this Act, after due consultations with the local authority and the Town Vending Committee, by notification, which may specify all or at y of the matters provided in the Second Schedule.
- (2) A summary of the scheme notified by the appropriate Government under sub-section (1) shall be published by the local authority in at least two local newspapers in such manner as may be prescribed.

39. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not in consistent with the provisions of this Act, as appear to it to be necessary expedient for removing the difficulty:

Provided that no order shall be made under this section after expiry of three years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

#### THE FIRST SCHEDULE

(See section 21)

#### PLAN FOR STREET VENDING

- (1) The plan for street vending shall,—
- (a) ensure that all existing street vendors identified in the survey, subject to a norm conforming to two and half per cent. of the population of the ward, zone, town or city, as the case may be, are accommodated in the plan for street vending;
  - (b) ensure the right of commuters to move freely and use the roads without any impediment;
- (c) ensure that the provision of space or area for street vending is reasonable and consistent with existing natural markets;
- (d) take into account the civic facilities for appropriate use of identified spaces or areas as vending zones;
- (e) promote convenient, efficient and cost effective distribution of goods and provision of services;
- (f) such other matters as may be specified in the scheme to give effect to the plan for street vending.
- (2) The plan for street vending shall contain all of the following matters, namely:—
  - (a) determination of spatial planning norms for street vending;
  - (b) earmarking of space or area for vending zones;
- (c) determination of vending zones as restriction-free-vending zones, restricted vending zones and no-vending zones;
- (d) making of spatial plans conducive and adequate for the prevalent number of street vendors in that city or town and also for the future growth, by adopting such norms as may be necessary;
- (e) consequential changes needed in the existing master plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in the designated vending zones.
- (3) Declaration of no-vending zone shall be carried out by the plan for street vending, subject to tle following principles, namely:—
  - (a) any existing market, or a natural market as identified under the survey shall not be declared as a no-vending zone;
  - (b) declaration of no-vending zone shall be done in a manner which displace sthe minimum percentage of street vendors;
  - (c) overcrowding of any place shall not be a basis for declaring any area as a no-vending zone provided that restrictions may be placed on issuing certificate of vending in such areas to persons not identified as street vendors in the survey;
  - (d) sanitary concerns shall not be the basis for declaring any area as a no-vending zone unless such concerns can be solely attributed to street vendors and cannot be resolved through appropriate civic action by the local authority;
  - (e) till such time as the survey has not been carried out and the plan for street vending has not been formulated, no zone shall be declared as a no-vending zone.

#### THE SECOND SCHEDULE

(See section 38)

Matters to be provided in the Scheme for Street Vendors framed by the appropriate Government:—

- (a) the manner of conducting survey;
- (b) the period within which certificate of vending shall be issued to the street vendors identified under the survey;
- (c) the terms and conditions subject to which certificate of vending may be issued to a stre.t vendor including to those persons who wish to carry on street vending during the intervening period of two surveys;
  - (d) the form and the manner in which the certificate of vending may be issued to a street vendor:
  - (e) the form and manner of issuing identity cards to street vendors;
  - (f) the criteria for issuing certificate of vending to street vendors;
- (g) the vending fees to be paid on the basis of category of street vending, which may be different for different cities;
- (h) the manner of collecting, through banks, counters of local authority and counters of Town Vending Committee, vending fees, maintenance charges and penalties for registration, use of parking space for mobile stalls and availing of civic services;
  - (i) the period of validity of certificate of vending;
- (j) the period for which and the manner in which a certificate of vending may be renewed and the fees for such renewal;
  - (k) the manner in which the certificate of vending may be suspended or cancelled;
  - (1) the categories of street vendors other than stationery vendors and mobile vendors;
  - (m) the other categories of persons for preference for issue of certificate of vending;
- (n) the public purpose for which a street vendor may be relocated and the manner of relocating street vendor;
  - (o) the manner of evicting a street vendor;
  - (p) the manner of giving notice for eviction of a street vendor;
  - (q) the manner of evicting a street vendor physically on failure to evict;
- (r) the manner of seizure of goods by the local authority, including preparation and issue of list of goods seized;
  - (s) the manner of reclaiming seized goods by the street vendor and the fees for the same;
- (t) the form and the manner for carrying out social audit of the activities of Town Vending Committee;
- (u) the conditions under which private places may be designated as restriction free-vending zones, restricted-vending zones and no-vending zones;
- ( $\nu$ ) the terms and conditions for street vending including norms to be observed for up keeping public health and hygiene;
- (w) the designation of State Nodal Officer for co-ordination of all matters relating to street vending at the state level;
- (x) the manner of maintenance of proper records and other documents by the Town Vending Committee, local authority, planning authority and State Nodal Officer in respect of street vendors;

- (y) the manner of carrying out vending activities on time-sharing basis;
- (z) the principles for determination of vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones;
- (za) the principles for determining holding capacity of vending zones and the manner of undertaking comprehensive census and survey;
  - (zb) principles of relocation subject to the following:
  - (i) relocation should be avoided as far as possible, unless there is clear and urgent need for the land in question;
  - (ii) affected vendors or their representatives shall be involved in planning and implementation of the rehabilitation project;
  - (iii) affected vendors shall be relocated so as to improve their livelihood sand standards of living or at least to restore them, in real terms to pre-evicted levels;
  - (iv) livelihood opportunities created by new infrastructure development projects shall accommodate the displaced vendors so that they can make use of the livelihood opportunities created by the new infrastructure;
    - (v) loss of assets shall be avoided and in case of any loss, it shall be compensated;
  - (vi) any transfer of title or other interest in land shall not affect the rights of street vendors on such land, and any relocation consequent upon such a transfer shall be done in accordance with the provisions of this Act;
  - (vii) state machinery shall take comprehensive measures to check and control the practice of forced evictions;
  - (viii) natural markets where street vendors have conducted business for over fifty years shall be declared as heritage markets, and the street vendors in such markets shall not be relocated;
- (zc) any other matter which may be included in the scheme for carrying out the purposes of this Act.

# The





Gazette

# Extraordinary Published by Authority

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WEDNESDAY, JUNE 27, 2018

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PART I-Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

# **GOVERNMENT OF WEST BENGAL**

Department of Urban Development & Municipal Affairs (Municipal Affairs Branch) Nagarayan, 6th Floor DF-8, Sector-I, Salt Lake, Kolkata-700 064

No. 461/MA/O/C-4/1A-10/2011(Pt. II)

Dated: 27th June, 2018

#### NOTIFICATION

In exercise of the powers conferred by section 36 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014) (hereinafter referred to as the said Act), the Governor is pleased hereby to make the following rules, namely:-

#### Chapter I

#### Preliminary

- 1. Short title, commencement and application.—(1) These rules may be called the West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018.
  - (2) It shall come into force on the date of its publication in the Official Gazette.
  - (3) It extends to the areas of the local authority in West Bengal as defined in clause (C) of sub-section (1) of section 2 of the Act.
- 2. Definitions.- (1) In these rules, unless the context otherwise requires.-
  - (1) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014);
  - (2) "bye-law" means the bye laws made under section 37 of the Act;
  - (3) "Commissioner" means the Commissioner of the Municipal Corporations under the Howrah Municipal Corporation Act, 1980 and the West Bengal Municipal Corporation Act, 2006;

- (4) "Executive Officer" means the Executive Officer of the Local authority constituted under the West Bengal Municipal Act, 1993;
- (5) "festive market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during festive seasons as has been determined by the Local authority concerned on the recommendations of the respective Town Vending Committee;
- (6) "Heritage Market" means a market which has completed more than fifty years in one place where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the respective Local authority on the recommendations of the respective Town Vending Committee;
- (7) "holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone as has been determined a by the respective Local authority on the recommendations of the respective Town Vending Committee;
- (8) "Mobile Vendors" means street vendors who carry out vending activities in designated area by moving from one place to another place vending their goods and services;
- (9) "Municipal Commissioner" means the Municipal Commissioner of Kolkata Municipal Corporation constituted under the Kolkata Municipal Corporation Act, 1980;
- (10) "Municipal Corporation" means the Municipal Corporation constituted under the Howrah Municipal Corporation Act, 1980, the Kolkata Municipal Corporation Act, 1980 and the West Bengal Municipal Corporation Act, 2006;
- (11) "Town Vending Committee" means the Town Vending Committee constituted under section 22 of the Act;
- (12) "Local authority" means an institution of self-government constituted under article 243Q of the Constitution of India;
- (13) "natural market" means a market where the sellers and buyers traditionally congregate for the sale and purchase of products or services and has been determined as such by the Local authority on the recommendation of the respective Town Vending Committee;
- (14) "night bazaar" means a bazaar where the sellers and buyers traditionally congregate for the sale and purchase of products or services after evening, and has been determined as such by the Local authority on the recommendation of the respective Town Vending Committee;
- (15) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (16) "No-vending zone" means an area or a place or a location designated as such by the Municipality on the recommendations of the respective Town Vending Committee, for no use by street vendors for street vending and includes certain areas of the public places, bus stop, gates of offices and hospitals, public buildings, narrow footpath, narrow street or lane, congregation or worship area, for public or any such place considered not suitable for vending activities;
- (17) "planning authority" means a Development Authority constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 having jurisdiction over the area;
- (18) "public purpose" includes, in the context of the Act, -
  - (i) widening of roads, streets, lanes;
  - (ii) shifting the alignment of roads, streets, lanes;
  - (iii) erecting flyovers with or without clover leaves and slip down roads;

- (iv) erecting underpasses;
- (v) development of land owned by public authorities for some public projects;
- (vi) laying of water, storm water or sewer lines;
- (vii) erecting intermediate pumping stations for the services;
- (viii) any project related with public transport like BRTS, Metro, etc.;
- (ix) erection of Economically Weaker Section (EWS) Housing;
- (x) creation of Parks, Gardens and Recreational Area;
- (xi) conservation of any eco system resource in that area; and
- (xii) any other developmental work taken up by the Local authority, the beneficiary of which will be the community at large;
- (19) "Scheme" means the Scheme framed under Section 38 of the Act;
- (20) "seasonal market" means a market where the sellers and buyers have traditionally congregated for the sale and purchase of products or services during specific seasons and has been determined as such by the Local authority on the recommendation of the respective Town Vending Committee;
- (21) "section" means a section of the Act;
- (22) "State Government" means the Government of West Bengal in the Department of Urban Development & Municipal Affairs;
- (23) "stationary vendors" means street vendors who carry out vending activities on regular basis at a specific location;
- (24) "street vendor" means a person engaged in vending of articles, goods, wares, food items or merchandise or everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place und includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific, and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;
- (25) "vending zone" means an area or a place or a location designated as such by the Local authority on the recommendations of the respective Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public;
- (26) "weekly market" means a market where sellers and buyers have weekly congregated for the sale and purchase of products or services and has been determined as such by the Local authority on the recommendations of the Town Vending Committee.
- (2) Words and expressions used in these rules but not otherwise defined shall have the same meaning as in the Act.
- 3. Minimum age of Street vendor. Minimum age for street vendor shall be 18 years.
- 4. Constitution of Town Vending Committee. -(1) Each Local authority, shall constitute a Town Vending Committee
  - (2) Each Town Vending Committee shall subject to the provision of the Act, consist of:-
    - (a) The Municipal Commissioner or the Commissioner, in case of Municipal Corporations or the Chief Executive Officer or Executive Officer or an equivalent rank as the case may be, in case of Municipalities, Notified Area Authorities and Industrial Township constituted under the West Bengal Municipal Act, 1993 or any other local authority, as the case may be, who shall be the Chairperson; and

(b) Such number of members representing the Local authority, medical officer of the Local authority, the Planning Authority, tfaffic Police, Police, association of Street Vendors, market associations, Traders' Association, Non-Government organizations, Public Representatives, Social Workers, community based organization, Resident Welfare Association, Banks etc:

Provided that the number of members nominated to represent the Committee shall be maximum 12 for the Municipalities with population of less than 2 lakh, 15 with population of between 2 lakh and 5 lakh and 18 with population of more than 5 lakh and that the number of members nominated to represent the street vendors shall not be less than forty percent of the total number of members:

Provided further that one-third of the members representing the street vendors shall be from amongst the women vendors:

Provided also that reasonable representation may also be given to persons who are physically challenged.

- (3) The Chairperson or the member nominated under clause (b) of sub-rule (2) shall, unless his nomination is terminated earlier by the Local authority, hold office for a term of maximum three years from the date of his nomination.
- (4) In case of death, removal or resignation or otherwise of a member, the vacancy shall be filled in the manner enumerated in sub-rule (2).
- 5. Temporary Association of persons with Town Vending Committee. (1) The Town Vending Committee may associate with itself, any person whose assistance or advice it may desire in carrying out its function.
  - (2) A person so associated under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the committee and shall not be a member for any other purpose.
- Term of Town Vending Committee. Term of a Town Vending Committee constituted under rule 4 of these rules, shall be three years from the date of its first meeting following constitution of the Committee.
- Meeting of Town Vending Committee. (1) The Town Vending Committee shall meet at such times and places
  within the jurisdiction of the Local authority in discharge of its functions as may be decided by the concerned Local
  authority.
  - (2) Venue of the meeting, other than the first meeting, shall be determined by the Chairperson of the Committee in consultation with the respective Local authority, and the venue of the first meeting shall be determined by the respective Local authority. Notice for a meeting shall be given at least before three days from the date of the meeting.
  - (3) Minimum two-third of the total number of members shall form quorum, and without a quorum no meeting shall be carried on, and in this case the meeting will be adjourned. When a meeting shall be adjourned, the Chairperson shall fix another date and time for holding the adjourned meeting, and in the said adjourned meeting quorum is not necessary.
  - (4) Minutes of the meetings shall be signed by the Chairperson and would be put up in the subsequent meeting of the Town Vending Committee for confirmation.
- 8. The manner of maintaining of record.—(1) The soft and hard copy of the records of the Town Vending Committee shall be maintained in the place to be allotted by the Local authority concern.
  - (2) The street/road plan with the existing site of the street vending should be a permanent record with the Town Vending Committee, keeping into consideration of the following, that:
    - (a) The Urban Local Bodies will prepare ward-wise list of road and will assign the serial no. of the road in each ward.

- (b) The stall nos. will be in the following manner: Ward No. / Serial No. of the Street within the ward / Stall No.
- 9. Functions of the Town Vending Committee. The functions of the Town Vending Committee shall be to devise a system mechanism as follows:
  - (a) For identification of existing vendors, a detailed list of such vendors shall be prepared by the Town Vending Committee in consultation with the local authority concerned by way of conducting survey with assistance from local Police Authority & the Local authority to be submitted before the Local authority for consideration and acceptance.
  - (b) After completion of survey, for preparation of detailed list of existing venders, the Town Vending Committee, in consultation with the Local authority concerned, shall fix a cut-off date after which any intending street vendor shall have to obtain license prior to starting new business. After completion of survey the Local authority and Town Vending Committee shall ensure that no new vendor starts his business prior to obtaining license.
  - (c) Town Vending Committee shall prepare the list of Street Vendors within their respective jurisdiction as stated at clause (a) above and will recommend the same to the concerned Local authority, and the concerned Local authority, after receipt of the list of vendors recommended by the Town Vending Committee concerned, shall issue necessary license accordingly as per provision of extant rules and statutes.
  - (d) Town Vending Committee shall prepare the list of Vending Zone as well as No Vending Zone in consultation of the Local authority, taking into consideration of the provisions of clause 'e' and clause 'i' of Rule 9 within their respective jurisdiction of the concern Local authority.
  - (e) The list of vending zones along with their holding capacity to be prepared in consultation with the Local authority concerned, and while preparing the list of vending zones the Town Vending Committee shall consider the following:
    - two-third portion of the width of a footpath shall be earmarked so as to ensure smooth pedestrian movement;
    - (ii) the movable carts may be considered to be included so that the vendors may remove the cart after completion of daily business and size of the carts to be suitable with road width;
    - (iii) entrance and exit of any shop or house must not be blocked;
    - (iv) addressing the issue of allocation and relocation of the hawkers, the aspect of marketing scope of the particular trade is required to be addressed suitably;
    - (v) smooth running of schools, colleges, hospitals, offices etc.
  - (f) the Committee shall recommend for issue, withdraw, suspension and cancellation of the license to the Local authority, which in turn will consider the same and will take action accordingly.
- (g) for deciding the zoning, the Town Vending Committee shall have the base materials/data from the Local authority concerned. Town Vending Committee, if feels necessary, may approach the Local authority for modification of the regulations and the plan for identifying vending zones. After obtaining decision of the respective authority the Town Vending Committee may take appropriate decisions.
- (h) on the recommendations of the Town Vending Committee, the Local authority will declare the Natural market, Weekly market, Vegetables market, Heritage market, Festive market, Seasonal market, Night bazaar with their exact location and specific period of business.
- (i) while making recommendations about the vending zones the Town Vending Committee shall take into consideration the road width, traffic flow and the pedestrian movement in the area concerned.

- (j) where any Street Vendor, who is registered, or his agent or servant do any breach of any of the conditions determined by the concerned Local authority for regulating Street Vending, or where the Town Vending Committee finds that such registration has been secured through misrepresentation of facts or fraud, the Committee shall cancel the registration or suspend the same for a particular period, as they think fit. Police Authority should play their role in appropriate manner for regulation of street vendors, in consultation with Local authority.
- 10. Manner of furnishing of return. Annual report of the Town Vending Committee shall be prepared within three months after the completion of the financial year and to be submitted to the concerned Local authority and a copy of the return shall be submitted to the State Government.
- 11. Manner of publishing summary of scheme. The Town Vending Committee shall publish the summary of the Scheme, as notified by the State Government, in order to make the street vendors aware of the Scheme, in at least three newspapers in circulation in the local areas concerned. Such publication by the Town Vending Committee shall be done within thirty days from the date of its notification by the State Government.
- 12. Support staff for the Town Vending Committee. The Town Vending Committee shall have its office in the space allotted by the Local authority concerned. The Local authority shall provide personnel as required by the Town Vending Committee, but no permanent burden shall be created on the Town Vending Committee on account of establishment cost. The cost of establishment shall be borne by the Local authority concerned from the municipal fund.
- 13. Appeals against Town Vending Committee. Any street vendor, who is aggrieved by any decision of the Town Vending Committee with respect to recommendation for issue of certificate of vending, or cancellation or suspension thereof, may appeal to the Mayor (in case of the Municipal Corporations) or the Chairman or any other authority equivalent to Chairman in case of Local authority (other than Municipal Corporations) within one month from the date of adoption of such decision by the Town Vending Committee. The Mayor or Chairman or any other authority equivalent to Chairman in case of Local authority, as the case may be, shall dispose of the said appeal within one month from the application date either by rejecting or accepting it with a reasoned order. Decision of the Appellate Authority on any Appeal shall be final.

#### 14. Responsibilities of vendors.-

- Every registered vendor shall take vending activities of specified products or services particularly for specified time period as may be determined by the Local authority on the recommendations of the Town Vending Committee;
- (2) Every vendor shall have the responsibility to keep his vending space clean and free of garbage taking into consideration of the public health, hygiene and sanitation of the area;
- (3) Every vendor shall ensure by undertaking to the Local authority that no use of fire shall be made while vending, in case of any violations the license shall be cancelled;
- (4) Any structure with tarpaulin or any other inflammable article shall not be allowed, and the other temporary structures shall be avoided as far as practicable;
- (5) Entrance and exit of any shop or house must not be blocked;
- (6) Every vendor shall ensure that no traffic blockage shall be occurred during vending time causing inconveniences to the general public. For this purpose, vending on the black top of the road is strictly prohibited.

# 15. Miscellaneous provisions.-

(1) The Hawker's stall to be constructed, if necessary, as per suitability of Trade. For this purpose model design with estimate will be prepared by the State Government and circulated to the Urban Local Bodies.

- (2) The Hawker's stall of specified nomenclature and size, as may be specified by the State Government, shall be constructed with the recommendation of the Town Vending Committee as per model approved by the Local authority.
- 16. Legal proceedings etc. to continue. Any suit or other legal proceeding instituted or any action taken, which but for the making of these rules would have been instituted or taken by or against the State Government or any local authorities, may be continued or instituted by the Local authorities or the State Government, as the case may be.
- 17. Removal of difficulty. If any difficulty arises in giving effect to the provisions of these rules, the State Government, as occasion may require, by order, not inconsistent with the provisions of these rules and the Act, do or cause to be done anything which may be necessary for removing the difficulty.

By order of the Governor,

SUBRATA GUPTA
Principal Secretary to the Government of West Bengal

# Support to Urban Street Vendors

(Operational Guidelines)

National Urban Livelihoods Mission



Government of India
Ministry of Housing & Urban Poverty Alleviation

F. No. K-14014/1/2013-USD

Government of India
Ministry of Housing & Urban Poverty Alleviation

(UPA Division)

Nirman Bhawan, New Delhi

Dated: 13th December 2013

#### OFFICE MEMORANDUM

SUBJECT: Operational Guidelines for Support to Urban Street Vendors (SUSV) under the National Urban Livelihoods Mission (NULM)

The guidelines for the National Urban Livelihoods Mission (NULM) have been issued vide OM No. K-14011/1/2013-UPA dated 24th September 2013.

- 2. The operational guidelines for Support to Urban Street Vendors (SUSV) component of NULM are annexed herewith, which will be followed by all the implementing agencies. These guidelines have also been uploaded on the website of the Ministry of Housing and Urban Poverty Alleviation, and may be accessed from: http://mhupa.gov.in/NULM\_Mission/NULM\_Mission.htm.
- 3. This issues with the approval of Hon'ble Minister for Housing & Urban Poverty Alleviation, Government of India.

(B. K. Agarwal)

Joint Secretary to the Government of India Ministry of Housing & Urban Poverty Alleviation



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# 1. Context of the Component

- 1.1 Street vendors constitute an important segment at the bottom of the pyramid of the informal economy in cities. Street vending provides a source of self-employment, and acts as a measure of urban poverty alleviation. Street vending also has a prominent place in the urban supply chain, and provides inexpensive and convenient access to goods and services to all segments of the population including the poor. Street vending is therefore an integral part of the economic growth process in urban areas.
- 1.2 Low levels of education and skills, limited access to formal credit and micro enterprise support constrain street vendors' ability to access emerging market opportunities. On account of being unorganised and self-employed, street vendors and their families often lack in any linkage to social security, welfare and assistance schemes and initiatives of the Government. This makes street vendors and their families vulnerable in difficult times, or when they may require assistance for unforeseen expenses.
- 1.3 In this context, the National Urban Livelihoods Mission (NULM) seeks to address the concerns of urban street vendors by facilitating access to suitable spaces for vending, institutional credit, improved skills and social security linkages. The Support to Urban Street Vendors Component of NULM sets out the strategy and operational guidelines with regard to this component.
- 2. Chiectives
- 2.1 The objective of the component is to address the vulnerabilities of the urban street vendors through a multi-pronged approach. This includes:
  - Survey of street vendors and issue of Identity Cards
  - (ii) Development of city street vending plans
  - (iii) Infrastructure development of vending zones in the city
  - (by) Training and Skill Development
  - (v) Financial Inclusion
  - (4) Access to credit
  - (vii) Linkages to social security schemes



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- 3. Role of State Government, Local Authority and Planning Authority
- 3.1 The State Government shall have overall responsibility for:
  - (i) Providing overall direction.
  - (ii) Establishing mechanisms for sanction of project proposals.
  - (iii) Establishing mechanisms for monitoring and supervision of implementation.
  - (iv) Establishing mechanisms for progress reporting.
- 3.2 The State Urban Livelihoods Mission (SULM) will be the nodal agency responsible for overall implementation of the component. At the city level, the responsibility for implementation will rest with the Urban Local Body (ULB).
- 3.3 The implementation would also require coordination between several authorities including Urban Local Bodies, Development Authorities and Town Planning Agencies, Land and Revenue Departments and District Collector offices. This coordination will be ensured by the State Government and the ULB.
- 3.4 The ULB will consult and coordinate with the planning authority, which could be an Urban Development Authority or any other authority in a city or town responsible for regulating land use in the city. The role of the town planning authority in the implementation of the scheme will include preparation and notification of pro-vending land use plans, and for providing land and development approval for vendors' markets.
- 3.5 Other agencies such as the Revenue Department, the Police Department and Public Health and Engineering Department (or Water Board) may be required to provide support and assistance to the local authority to facilitate the implementation of the component.

# 4. Components

# Components 1: Survey and Issue of Identity Cards

4.1 Under this sub-component, financial support will be provided to the ULBs for conduct of survey for identification and enlisting of street vendors. The survey should preferably be conducted on a whole city basis. Alternatively, the ULB may also choose to complete the survey in a phased manner, covering one area (ward/ zone/ specified part of city) at a time. In this case, the area identified should be sufficiently large to accommodate mobility of vendors within the area.



- 4.2 The survey must cover all street vendors in the area being surveyed. ULB will develop methodology for conducting the survey. At a minimum, the survey must include:
  - Name
  - · Name of parents
  - Permanent Address
  - Present Address
  - Identity proof (if any)
  - Telephone number (if any)
  - · Place of vending
  - Type of vending activity
  - · Time/Duration of engagement as a vendor
  - Details of family members
  - If identified as beneficiary/poor for any of the government schemes like Food Security Act,
     TPDS, SJSRY, etc. and details thereof

During the survey, the original documents pertaining to present/permanent address proof, especially in the case of migratory population may also be verified so that the Identity Cards issued to the surveyed street vendors can act as sufficient documentation for opening of their bank accounts, getting loans from banks, accessing social security benefits, etc.

- 4.3 The ULB will issue Identity Cards to all the surveyed/identified street vendors. A data base of all street vendors will be maintained by the ULB. Since the vendors are mobile, the software should be able to track (based on either present/permanent address or any other criteria) whether the vendor has already been covered and issued an Identity Card.
- 4.4 The State or ULB may engage an agency through an RFP following a transparent process of selection to carry out survey of street vendors. In case the ULB issues the RFP, the shortlisted proposals must be sent to the Sanctioning Committee of SULM for consideration and approval. The ULB may also propose alternative methods of survey, such as through community participation or with the support of NGOs or government or research agencies. Such proposals too will need approval of the Sanctioning Committee of SULM.



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# Component 2: Preparation of City Street Vending Plan

- 4.5 Under this sub-component, financial support will be provided to the ULB for preparation of City Street Vending Plan which will contain the following:
  - (i) profile of street vending trades and activities;
  - (ii) spatial distribution of street vending activities;
  - (iii) earmarking of space or area for vending zones;
  - (iv) determination of vending zones as restriction- free vending zones, restricted vending zones and no-vending zones;
  - (v) estimates of holding capacity of vending zones, which is the maximum number of street vendors who can be accommodated in any vending zone;
  - (vi) understanding of key challenges, constraints and issues relating to street vending;
     and
  - (vii) Possible solutions and potential street vending areas.

The Street Vending Plan will also take into account the natural markets where sellers and buyers naturally congregate for the sale and purchase of products and services. The Plan will be developed after consultations with Street Vendor's representatives and other relevant stakeholders.

- While preparing the Street Vending Plan, the ULB, in coordination with the city police, traffic police, planning authority and other local agencies should also devise and promote vendor friendly policies, solutions and strategies to accommodate and facilitate street vending in a manner that is conducive to street vendors and the public at large. This may include policies for traffic management and regulation on market days or at certain times of the day, arrangements for lighting, water, sanitation and waste disposal in street vendor market areas. The ULB may coordinate with planning authorities to develop pro-vending norms and stipulation of vending spaces in new or refurbished roads, markets, office and residential complexes and other public spaces and public infrastructure. This will ensure greater acceptability of Street Vending Plans among the stakeholders.
- 4.7 The ULB should make every effort to minimise disruption to existing markets while developing the city street vending plan. Accordingly, the plan may be developed in such a manner that no relocation or eviction of street vendors takes place. Re-location of street vendors, if required,



must be based on consultation with the affected vendors.

- 4.8 Based on the survey findings, the City Street Vending plan may also include a digitised or non-digitised map of vending activities, vending trades and existing markets at ward or zone level.
- 4.9 For preparing the City Street Vending Plan, the SULM/ULB may engage consultants/ agency hired through a selection process as defined in 4.4 above and the work may be awarded after approval by the Sanctioning Committee of SULM. City Street Vending Plans will be submitted to the SULM for approval, and will be considered final once approved by SULM. SULM will also ensure that these plans are integrated into development plans of the city as per requirement of the law and procedures.

#### **Component 3: Infrastructure Improvement**

- 4.10 Under this sub-component, financial support will be provided to the ULBs for improvement of infrastructure and provision of basic services in the existing markets of street vendors. The ULBs will prepare a Detailed Implementation Plan (DIP) for such infrastructure improvement projects which may include improved civic facilities such as paving, water supply, toilets, waste disposal facility, lighting, common storage space, specialized carts for specific types of trades, temporary sheds and/or parking facilities. The infrastructure requirements for vendors markets will be assessed based on consultations with street vendors and their associations, local agencies and other stakeholders and will be facilitated by the ULB.
- 4.11 The DIP for infrastructure improvement must be prepared only after the street vendor survey for the area where the project is located, has been completed. In exceptional cases where the survey is not initiated and the ULB feels that there is an immediate need for a project, which will benefit a large number of street vendors, then the survey for that area along with its cost may be included in the DIP. The ULB must ensure that prior to commencing work on the project, the street vendors who will benefit, have been issued the Identity Card as well as the Street Vending Certificate as per the prevailing policy, Act or guidelines of the state. The list of beneficiaries of the project should be placed in the public domain and displayed on the notice board of the ULB and posted on the website of the ULB/State before taking up the project.
- 4.12 While preparing the DIP, provision for providing specialized carts to the street vendors for specific types of trades such as food vending etc. may be included with a view to improve the hygiene and optimal utilization of space. These carts may be funded through individual loans covered under the SEP component of NULM.

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#### 4.13 DIPs should contain:

- (i) Project rationale, details of beneficiaries and stakeholders, how it will contribute to improved street vending in the surrounding area, and how it fits within the overall City Street Vending Plan
- (ii) Land ownership details
- (iii) Relocation plan, if any must be supported by a letter of consent from the affected street vendors and/or their association
- (iv) Specific infrastructure improvement project details with costs, including operations and maintenance plan
- (v) Detailed and complete list of beneficiaries who will benefit from the project in case the survey is not complete and will be conducted as part of the DIP, the list of beneficiaries will have to be provided upon completion of the survey and prior to commencement of infrastructure improvement. SULM may release the second installment of funds for the project, contingent on the list of beneficiaries.
- (vi) Safety concerns, if any, relating to fire hazard or other hazards.
- 4.14 The ULB may also develop DIP for creation of "food streets", "farmers markets", "night market" and other such specialised/theme based markets subject to the provisions stipulated above. In markets where food will be prepared in the market, the ULB should take into account issues of food safety and fire hazard in addition to other elements of infrastructure improvement that will be required.
- 4.15 For preparation of DIPs, the ULB may hire consultants using a process similar to 4.4 above. DIPs must be submitted to the Sanctioning Committee of SULM for approval.

# Component 4: Training and Skill Development

- 4.16 The ULB will conduct one to two days training programmes for all street vendors taking one area at a time. The aim of this program will be to orient the street vendors on aspects such as their rights and responsibilities, specific policies or laws related to street vendors, food safety, maintenance of hygiene, waste disposal, etc.
- 4.17 Modules for training, IEC material and workshops may be developed/organised by the SULM/ULB in partnership with any resource agency identified by them. Delivery of training may be outsourced to a training institute, a specialized agency such as Food Safety and Standards



# Authority of India or a reputed NGO.

- 4.18 Street vendors who undergo a training programme/workshop will be paid a daily amount as stipend for number of days attended, and calculated based upon opportunity cost of livelihood. This daily stipend should not be less than the minimum wage applicable in the State for urban areas. The training cost should also include trainer fee, food, and travel cost, subject to a maximum of Rs. 750 per person per day. Cost of conducting such specialised training programmes for the street vendors will be met from the Employment through Skill Training and Placement (EST&P) component of NULM.
- 4.19 Reports of training conducted and feedback from participants of the training programme will be submitted by the ULB on a monthly basis.

# Component 5: Financial Inclusion

- 4.20 Street vendors are often unable to access organised banking services as they lack identity documents, proof of address, tenure or legal rights over their place or business and evidence of their trades and professions. It is envisaged that the Identity Cards issued to street vendors under this scheme will help promote access to banking services. SULM and ULBs will liaise with banks and other financial institutions to facilitate access to banking and financial services based on documents issued to street vendors by the ULBs.
- 4.21 The SULM at state level will include financial inclusion of urban street vendors as a separate agenda in State Level Bankers Committee (SLBC) and District Consultative Committee (DCC) meetings. The aim of inclusion will be to ensure that all street vendors have bank accounts and are included in financial literacy programmes organized by the banks.
- 4.22 Financial Literacy: The ULB will organise sessions on financial literacy for identified street vendors with support of resource organisation and field staff. In these sessions the street vendors will be made aware about the savings, credit, insurance etc., along with the modalities and operational requirements for accessing the same. The banks and Financial Institutions may be encouraged to communicate with the street vendors through City Livelihoods Centre (CLC), camps etc. The ULB will do the necessary coordination with the Lead District Manager (LDM) of the Lead Bank and Financial Literacy & Credit Counseling Centers (FLCCs) of the banks to organise financial literacy sessions and camps.

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- 4.23 Opening of Basic Savings Bank Deposit Account: This includes opening of Basic Savings Bank Deposit Accounts for all the identified street vendors. The SULM in discussion and coordination with respective SLBC convenor bank, ULB, DCC and LDM will ensure the following:
  - Provide the Lead District Manager of the Lead Bank and DCC with the list of identified street vendors to be covered at city level
  - Operational formalities such as availability of forms at all the branches/ extension counter of the banks, CLCs, & ULB office.
  - Organise camps within the respective jurisdiction of banks for opening of accounts with support of ULB field staff and Resource Organisation.
  - Engagement of Business Correspondents (BC)/Business Facilitators by banks as per the requirement of the city for better outreach.

# Component 6: Access to Credit

Access to credit to fulfil the working capital requirement of the street vendors includes facilitating access to loans to the street vendors from banks. It will also focus on facilitating access to credit cards to identified individual street vendors to meet their working capital requirements.

- 4.24 Access to Credit: The Self Employment Programme-Individual Enterprises (SEP-I) component of NULM provides financial assistance to urban poor in the form of interest subsidy on bank loans for setting up individual enterprises. In accordance with SEP guidelines, loans can be made available to the identified urban poor street vendors at 7% rate of interest. The modalities and procedure for availing loans for poor street vendors will be similar as detailed out in SEP-I component.
- 4.25 It is envisaged that other street vendors interested in availing loans for their enterprise, will be facilitated for loan linkages with banks by the ULB. The ULB will identify such street vendors and will thereafter take their intent for loan requirement and route their application for further processing by banks.
- 4.26 **Credit Card for Urban Street Vendors:** The ULB will also facilitate access to credit cards for eligible urban street vendors to meet their working capital and miscellaneous credit needs. The ULB will identify the prospective street vendors and will facilitate linkages with banks for issuance of credit cards. The focus is to initially facilitate issuance of existing credit cards of banks such as



General Credit Card (GCC) or any other variant of credit card for micro enterprise development to the urban street vendors.

4.27 The Ministry of HUPA will also explore the possibility of devising an exclusive Credit Card Scheme for Urban Street Vendors in consultation with Department of Financial Services, Reserve Bank of India and other banks.

# Component 7: Linkage with Social Security Schemes

- 4.28 In order to bring the street vendors within the ambit of social insurance and to provide coverage from risks/ uncertainties, ULBs will facilitate enrolment of street vendors in insurance schemes of Government of India such as Rashtriya Swasthya Bima Yojana (RSBY) for health insurance, Aam Aadmi Bima Yojna (erstwhile Janashree Bima Yojna) for Life Insurance or any state specific insurance schemes. However, the enrolment in any insurance scheme by ULB should be as per the free will of the street vendors.
- 4.29 The ULB will also promote awareness and facilitate enrolment of street vendors in other social security, welfare and social assistance schemes of state and central government.

# 5. Sanctioning Committee at the State Urban Livelihoods Mission

There would be a Sanctioning Committee under the chairmanship of Principal Secretary/Secretary in-charge of NULM at the State level with representatives of other concerned departments in the State for consideration and approval of proposals submitted by ULBs/SULM under this component of NULM. A representative of the Ministry of HUPA shall be a member of this Sanctioning Committee.

# 6. Monitoring and Evaluation

- 6.1 The SMMU at the State level and CMMU at the ULB level will closely monitor progress of activities / targets under this component, undertake reporting and evaluation. The SULM and the ULB/executing agencies shall report timely progress in formats prescribed by the Mission Directorate from time-to-time, indicating the cumulative achievement monthly and up to the end of the quarter and key issues in implementation.
- 6.2 In addition, under NULM, a comprehensive and robust IT-enabled NULM MIS will be established for tracking targets and achievements. States and ULBs will be required to submit their progress reports online and may also use this tool to monitor progress on the ground. In the spirit



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of proactive disclosure of information and ensuring transparency under NULM, key progress reports under SUSV will also be made available in the public domain in a timely manner.

# 7. Funding Pattern

Up to 5% of the total NULM allocation of the State can be spent on implementation of this component of NULM (excluding any cost incurred on training and access to credit which will be met from EST&P and SEP components respectively). Funding pattern of Central and State share will be in the ratio of 75:25. In case of north eastern states (Arunachal Pradesh, Assam, Manipur, Meghalaya, Tripura, Mizoram, Nagaland, Sikkim) and special category states (Jammu and Kashmir, Himachal Pradesh and Uttarakhand) this will be in the ratio of 90:10.

Government of West Bengal

Urban Development & Municipal Affairs Department
(Municipal Affairs Branch)
Poura Prashasan Bhavan
DD-1, Sector-I, Salt Lake City, Kolkata 700064

No. /

Dated, Kolkata, the

day of

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#### Notification

In exercise of the powers conferred by section 38 (i) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014) (hereinafter referred to as the said Act) and subject to the provisions of the said Act and as per provision of clause 17(3) of the West Bengal Urban Street Vendors (Protection of Livelihood & Regulation of Street Vendor) Rule, 2006 made there under, the Governor is pleased hereby to frame the following Scheme:

#### Chapter 1

#### Preliminary

- Short title, commencement and application. (1) This Scheme may be called the West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 201Q.
- (2) It shall come in to force on such date or dates as may be notified by the State Government in the Official Gazette
- (3) It extends to the areas of West Bengal to which the provisions of -
  - (i) the Kolkata Municipal Corporation Act, 1980,
  - (ii) the Howrah Municipal Corporation Act, 1980,
  - (iii) the West Bengal Municipal Corporation Act, 2006, and
- (iv) the West Bengal Municipal Act, 1993, or any part or modifications of the above mentioned Acts are applicablemay hereafter be applied.
- Definition. (1) In this Scheme, unless there is anything repugnant in the subject or context, -
  - (i) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014);
  - (ii) "bye-law" means the bye laws made under section 37 of the said Act,
  - (iii) "clause" means a clause of the scheme;

(iv) "Commissioner" means the Commissioner of the Municipal Corporation under the Howrah Municipal Corporation Act, 1980 or the West Bengal Municipal Corporation Act, 2006;

(v) "Executive Officer" means the Executive Officer of the Municipality appointed under the West Bengal Municipal Act, 1993;

- (vi) "Festive market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during festive season as may be determined by the Municipality concerned on the recommendations of the respective Town Vending Committee;
- (vii) "Heritage Market" means a market which has completed more than fifty years in one place where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the respective Municipality on the recommendations of the respective Town Vending Committee;
- (viii) "Holding Capacity" means the maximum number of street vendors who can be accommodated in any vending zone as has been determined as by the respective Municipality on the
- (ix) "Mobile Vendors" means street vendors who carry out vending activities in designated area by moving from one place to another place for vending their goods and services;
- (x) "Municipal Commissioner" means the Municipal Commissioner of Kolkata Municipal Corporation constituted under the Kolkata Municipal Corporation Act, 1980;
- (xi) "Municipality" means an institution of self-government constituted under article 243Q of the Constitution of India, and also includes Industrial Townships constituted under the West Bengal Municipal Act, 1993;
- (xii) "Municipal Vending Committee" means the Town Vending Committee constituted under section 22 of the Act;
- (xiii) "Natural Market" means a market where the sellers and buyers traditionally congregate for the sale and purchase of products or services and has been determined as such by the Municipality on the recommendation of the respective Town Vending Committee;

- (xiv) "Night Bazaar" means a bazaar where the sellers and buyers traditionally congregate for the sale and purchase of product or services after evening, and has been determined as such by the Municipality on the recommendation of the respective Town Vending Committee;
- (xv) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (xvi) "No-vending zone" means an area or a place or a location designated as such by the Municipality on the recommendations of the respective Municipal Vending Committee, for no use by street vendors for street vending and includes certain areas of the public places, bus stop, gates of offices and hospitals, public buildings, narrow footpath, narrow street or lane, congregation or worship area for public or any such place considered not suitable for vending activities;
- (xvii) "Planning Authority" means a Development Authority constituted under the West Bengal Town and Country (Planning and Development) Act. 1979 having jurisdiction over the area;
- (xviii) "public purpose" includes, in the context of the Act, -
  - (a) widening of roads, streets, lanes;
  - (b) shifting the alignment of roads, streets, lanes;
  - (c) erecting flyovers with or without clover leaves and slip down roads;
  - (d) erective underpasses;
  - (e) development of land owned by public authorities for some public projects;
  - (f) laying of water, storm water or sewer lines;
  - (g) erecting intermediate pumping stations for the services;
  - (h) any project related with public transport like BRTS, Metro etc.;
  - (i) erection of Economically Weaker Section (EWS) Housing;
  - (j) creation of Park, Gardens and Recreational area;
  - (k) conservation of any eco-system resource in that area; and

- (l) any other developmental work taken up by the Urban Local Bodies, the beneficiary of which would be community at large.
- (xix) "scheme" means this Scheme,
- (xx) "seasonal market" means a market where the sellers and buyers have traditionally congregated for the sale and purchase of products or services during specific seasons and has been determined as such by the Municipality on the recommendation of the respective Municipal Vending Committee;
  - (xxi) "section" means a section of the Act;
- (xxii) "State Government" means the Government of West Bengal in the Department of Urban development and Municipal Affairs;
- (xxiii) "stationary vendors" means street vendors who carry out vending activities on regular basis at a specific location;
- (xxiv) "street vendor" means a person engaged in vending of articles, goods, wares, food items or merchandise or everyday use or offering services to the general public, in a street, lane, side walk, foothpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific, and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly:
  - (xxv) "vending zone" means an area or a place or a location designated as such by the Municipality on the recommendation of respective Municipal Vending Committee, for the specific use by street vendors for street vending and includes foothpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public;
    - (xxvi) "weekly market" means a market where sellers and buyers have weekly congregated for the sale and purchase of products or services and has been determined as such by the Municipality on the recommendation of the Municipal Vending Committee.

(2) The words and expressions used in the Scheme but not otherwise defined shall have the same meaning as in the Act and the Rules made thereunder.

#### Chapter II

#### Manner of Conducting Survey

3. Survey by Municipality.- (1) For identification of existing vendors, a list of such vendors shall be prepared by the Town Vending Committee in consultation with the Municipality by way of conducting survey with local Police Authority & to be submitted before the Municipality for consideration and acceptance.

# Chapter III

#### Issue of Licence to Urban Street Vendors

- 4. (i) Issue of Licence. Town Vending Committee shall prepare the list by way of conducting Survey, with the assistance from local police and the municipality concerned within their respective jurisdiction and will recommend the same to the concerned Municipality, and the concerned Municipality, after receipt of the list of vendors recommended by the Town Vending Committee concerned, shall issue necessary license in the form of Certificate for "Enlistment, Trade and Calling" as per provision of extant statutes and guideline under mentioned at clause 1(3) of this scheme
  - (ii) After completion of survey for preparation of detailed list of existing venders, the Municipal Vending Committee, in consultation with the Municipality concerned, shall fix a cut-off date after which any intending street vendor shall have to obtain licence prior to starting new business. After completion of survey the Municipality and Town Vending Committee shall ensure that no new vendor starts his business prior to obtaining licence.
  - (iii) Any intending vendor, prior to starting his business, after the cut-off date shall apply for license to the Municipal Vending Committee
  - [iv] The other categories of persons for preference for issue of Licence- The Town Vending Committee shall accord priority for senior citizen, physically challenged, single mothers and widows at the time of recommendation of the list for issuance of licence to the Municipality.

- 5. The terms and conditions of Licence- The Municipality, on the basis of recommendation from Town Vending Committee shall issue the licence to Urban Street Vendors on the following terms and conditions
  - (i) he/she should not have any other means of livelihood except for street vending;
  - (ii) he/she should not have any other vending site in any other place.
  - (iii) he/she should carry the vending himself or herself.
  - (iv) The licence is non-transferable.
  - (v) The licence of vending should have picture of the person vending.
  - 6. The form and manner of issuance of licence. The licence must contain the following documents-
    - (i) photo of the vendor;
    - (ii) name of the vendor;
    - (iii) age and sex of the person/s whose photo appears;
    - (iv) address of residence;
    - (v) category of Vending (Mobile/Stationary /Natural/ Weekly etc.);
    - (vi) Name of the Vending Place;
    - (vii) Name of the Municipality;
    - (viii) Date of Issueoflicence:
    - (ix) Validity;
    - (x) Unique Registration Number. Which shall contain: Ward No. followed by Serial No. of the Street within the ward followed by Stall No.

# 7. The criteria for issuing licence to UrbanStreet Vendors.-

- (i) Name should appear in the survey carried out by the Municipal Vending Committee;
- (ii) Should be a street vendor only;
- (iii) No other parallel vending site in any other place by the same person;
- (iv) Any Urban Street Vendor who has completed the age of 18 years of age;

- (v) The licence cannot be leased or sold to others and an undertaking to this effect is to be submitted to the Town Vending Committee in the manner of affidavit before issuance of licence by Municipality:
- 8. The period of validity of licence-The licence issued to Urban Street Vendor will be valid upto the period of licence issued to this vendor by the Municipality concerned, subject to a maximum of 3 Years.

#### Chapter IV

#### Renewal, suspension and cancellation of Vending licence

- 9. Renewal of Licence and the fees for such renewal.-(1) The licence to be renewed after expiry of its validity period. Through a simple process of paying the fees which may include "on-line payment" which will be notified by State Government from Time to Time.
  - (2)It is desirable that the Town Vending Committee may put up the list of the vendors to the Municipalitywhose due dates for renewal falls within a period of two months.
  - (3) The Municipal Vending Committee will publish a list of defaulter street vendors who has failed to pay the renewal fees of licence. The renewal fees of the licence should be of same amount as followed in the case of renewal of Certificate for Enlistment, Trade & Calling by the Municipality.
  - (4) One month notice period along with late fees penalty as may be determined by the Municipalitywill be given for paying the fees, failing which the Municipality on the basis of report from Town Vending Committee will serve one month notice to the defaulting UrbanStreet Vendor as to why his/her vending licence may not be suspended/ cancelled.
- 10. The manner of suspension and cancellation of certificate of vending. The Town Vending Committee will issue warning to the Vendor causing of breach of conditions laid down in the vending licence for necessary rectification within a specified period, failing which the Municipal Vending Committe shall recommend to the municipality concerned for imposition of penalty. This will include.
  - (i) If he/she caring out vending/ squatting/hawking in the area/market other thanmentioned in the vending license;
  - (ii) Misrepresented the age for eligibility to get vending licence;

- (iii) If the area allotted has been increased unauthorized occupying additional area;
- (iv) If certificate of vending is sold or lease out to any.
- (v) If the vending licence has not been renewed after the prescribed period is over.
- (vi) Where any Street Vendor, who is registered, or his agent or servant do any breach of any of the conditions determined by the concerned Municipality for regulating Street Vending, or where the Town Vending Committee finds that such registration has been secured through misrepresentation of facts or fraud, the Committee shall cancel the registration or suspend the same for a particular period, asthey think fit. Police Authority should play their role in appropriate manner for regulation of street vendors, in consultation with Urban Local Body

# Chapter - V Fees

11. The fees.-The fees shall the same amount as determined by the Municipality at the time of issuance of certificate for Enlistment, Trade & Calling. The Municipality may collect vending fee annually if it deems fit.

# Chapter - VI

# **Categorization of Street Vending**

12. The Vendors may be categorized as Mobile Vendor and Stationery Vendor and they will carry their business in the following places as to be notified by the Town Vending Committee as noted below:

Natural markets, Weekly markets, Heritage Markets, Festival Markets, Night Bazars and Seasonal Markets

#### Chapter - VII

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#### Relocation of UrbanStreet Vendors

- 13. The public purpose for which a street vendor may be relocated and the manner of relocating street vendor. -(1) Any project of public purpose, requiring temporary or permanent shifting of the street vendors in the project related area, the concern Municipality in consultation with Town Vending Committee shall consider following points for relocation:
  - (i) During the time of construction/development the street vendors may be adjusted in a nearby place temporarily or permanently.
  - (ii) After completion of the project, the street vendors may be adjusted in the same place for vending to the extent possibleor practicable but it is not compulsory / mandatory.
  - (iii) At the time of relocation of the existing street vendors, for the public purpose, who has already registered under this scheme, they may be given priority to relocate at the nearby vending zones in the vicinity to their original vending sites.

#### Chapter - VIII

## Social Security to the Urban Street Vendor

14. Every registered Urban Street Vendor on attainment of the age of 18 years and above will be provided with social security package available under Samajik Suraksha Yojana 2017 or under similar other scheme as modified from time to time, to be implemented by the West Bengal Unorganised Sector Workers' Welfare Board under Department of Labour & Employment Department, Govt. of West Bengal. The registered Hawkers will be entitled to get Samajik Mukti Card (SMC) card with suitable official nomenclature to avail benefits under this Yojana.

#### 14.1 BENEFITS UNDER THE SCHEME:

#### PROVIDENT FUND:

(a) Each eligible hawker is to contribute a sum of Rs.25/- per month and the State Government gives a matching grant of Rs. 30/- against worker's contribution.

- (b) The State Government also bears the interest payable annually at the rate at which interest is allowed on deposit under the General Provident Fund by the Government from time to time.
- (c) On attainment of the age of 60 years, or discontinuance as a subscriber under the Scheme, or in the event of the account becoming inoperative due to death, the total cumulative amount along with interest will be refunded to the workers, or to his / her nominees.
- (d) A subscriber will be allowed one withdrawal of Rs. 1000/- provided he/she has made 48 months contributions and he/she has Rs. 2500/- in his/her credit. The amount may be paid to him/her by cheque.
- (e) The account of a subscriber will be automatically closed if he /she does not make any contribution continuously for three financial years **provided** that such account shall be revived by the Assistant Labour Commissioner (ALC) w.e,f. current financial year on an application made by the subscriber stating reasons for such non-payment and found to be sufficient by such ALC. No arrear contribution shall, however, be allowed.

# HEALTH AND FAMILY WELFARE:

With the objective of providing health treatment and social justice to the unorganised worker the following benefits would be provided under this Yojana:-

(a) (i) A beneficiary and/or family members are entitled to get **financial** assistance upto Rs. 20, 000/- only per annum for ailments covered under West Bengal Health Scheme, 2008 (WBHS'2008) requiring hospitalisation or outdoor treatment.

The benefits to be provided for:

- (A) cost of clinical tests full
- (B) cost of medicine full
- (C) cost of hospitalization full

- (D) payment for loss of employment to the beneficiary @Rs.1,000/- for the 1st 5 days and additional amount of Rs.100/- per day for the remaining days, up to a maximum of Rs. 10,000/-.
- (ii) Claim from a beneficiary and/or family members may be accepted for more than once in a year but total assistance shall be limited to Rs. 20000/-(Rupees Twenty thousand) only per annum.
- (b) (i) A beneficiary and/or family members are entitled to get **financial** assistance upto Rs. 60, 000/- only per annum on account of any kind of surgery. Beneficiary undergoing surgery for self or for family members will be entitled for a maximum of benefit / claim of Rs. 60,000/- only. The benefits to be provided for:
  - (A) cost of clinical tests full
  - (B) cost of medicine full
  - (C) cost of hospitalization full
  - (D) payment for loss of employment to the beneficiary @Rs.1,000/- for the 1st 5 days and additional amount of Rs.100/- per day for the remaining days, up to a maximum of Rs. 10,000/-
  - (ii) Claim from a beneficiary and / or family members may be accepted for more than once in a year but total assistance shall be limited to Rs. 60000/- (Rupees Sixty Thousand) only per annum.
- (c) A beneficiary, if hospitalised for 5 or more days due to an accident shall be assisted payment for loss of employment to the beneficiary @Rs 1,000/- for the 1st 5 days and additional amount of Rs.100/- per day for the remaining days, up to a maximum of Rs. 10,000/-. This claim will be admissible only to the beneficiary himself/herself.
- (d) Claim for (a), (b) and (c) will be admissible for expenses at Government Hospitals if any or at empanelled hospitals and as per the package rates of WBHS' 2008 implemented by Finance Department.

#### DEATH AND DISABILITY:

The workers in the unorganised sector are exposed to the risk of untimely death due to disease or accident. This is pronounced in unorganised sectors because of lack of defined safety and deficiency in care. Untimely death, disability or even normal death of an earning member may leave the rest of the family members in perilous condition. To provide social security to the nominees of the beneficiaries under the Yojana, the following benefit would be provided:

- (a) Rs. 2,00,000/- only in cases of death of the beneficiary arising out of an accident.
- (b) Rs. 50,000/- only in cases of normal death of the beneficiary,
- (c) Rs. 50,000/- in cases of minimum 40% disability of the beneficiary. The disability should be certified by a Government Hospital.
- (d) Rs. 2,00,000/- in cases of total and irrecoverable loss of both eyes or loss of use of both hands or feet or loss of sight of one eye and loss of use of hand or foot.
- (e) Rs. 1,00,000/- in cases of total and irrecoverable loss of sight of one eye or loss of use of one hand or foot.

#### EDUCATION:

Education is key to empowerment and better society where socio-economic justice prevail. However, lack of education due to poverty and economic stresses are not ruled out. Drop-outs at the secondary level is alarming and to address this issue it has been contemplated in this Yojana to provide financial assistance to the children of the beneficiaries in their pursuit of higher studies.

(a) Assistance for education will be provided in the following category as per scale given below:

(i)	Reading in Class XI	Rs. 4,000/- pa
(ii)	Reading in Class XII	Rs. 5,000/- pa
(iii)	Under training at ITI	Rs. 6,000/- pa
(iv)	Reading in UG (Arts/Science/Commerce)	Rs. 6,000/- pa
(v)	Reading in PG (Arts/Science/Commerce)	Rs. 10,000/- pa
(vi)	Reading at Polytechnic	Rs. 10,000/- pa
(vii)	Medical / Engineering	Rs. 30,000/- pa

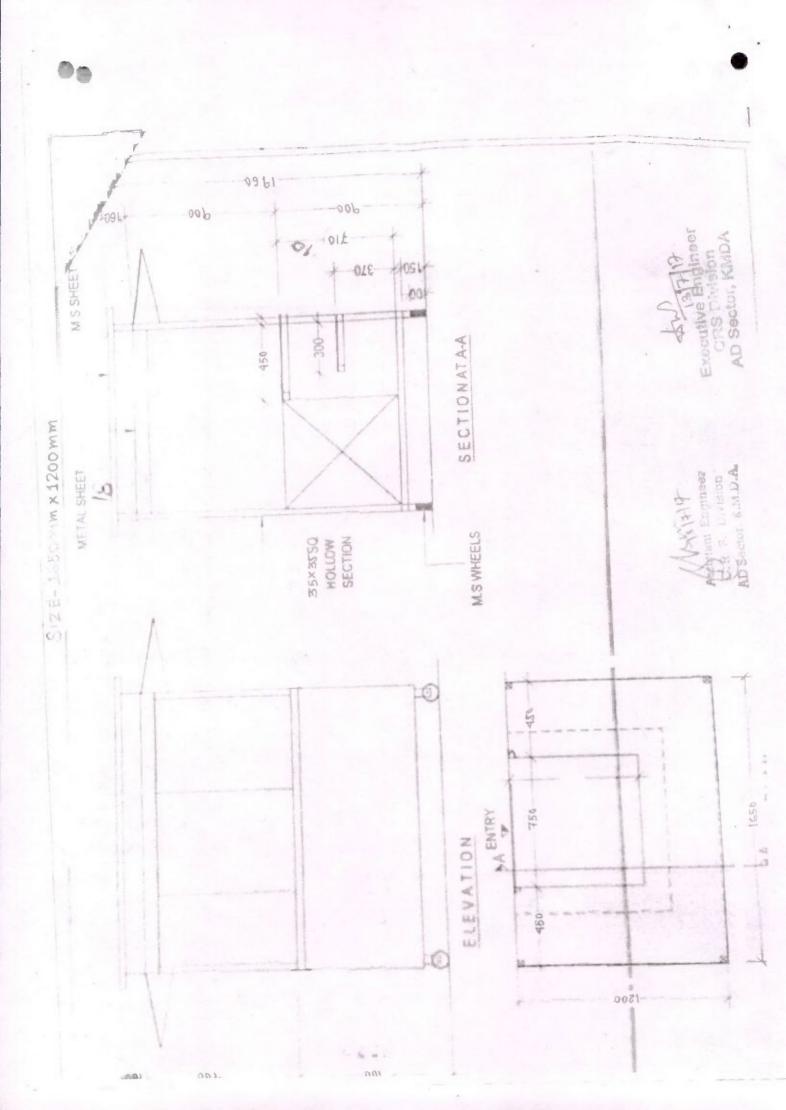
<sup>(</sup>b) Assistance for completion of UG education or equivalent Skill Development

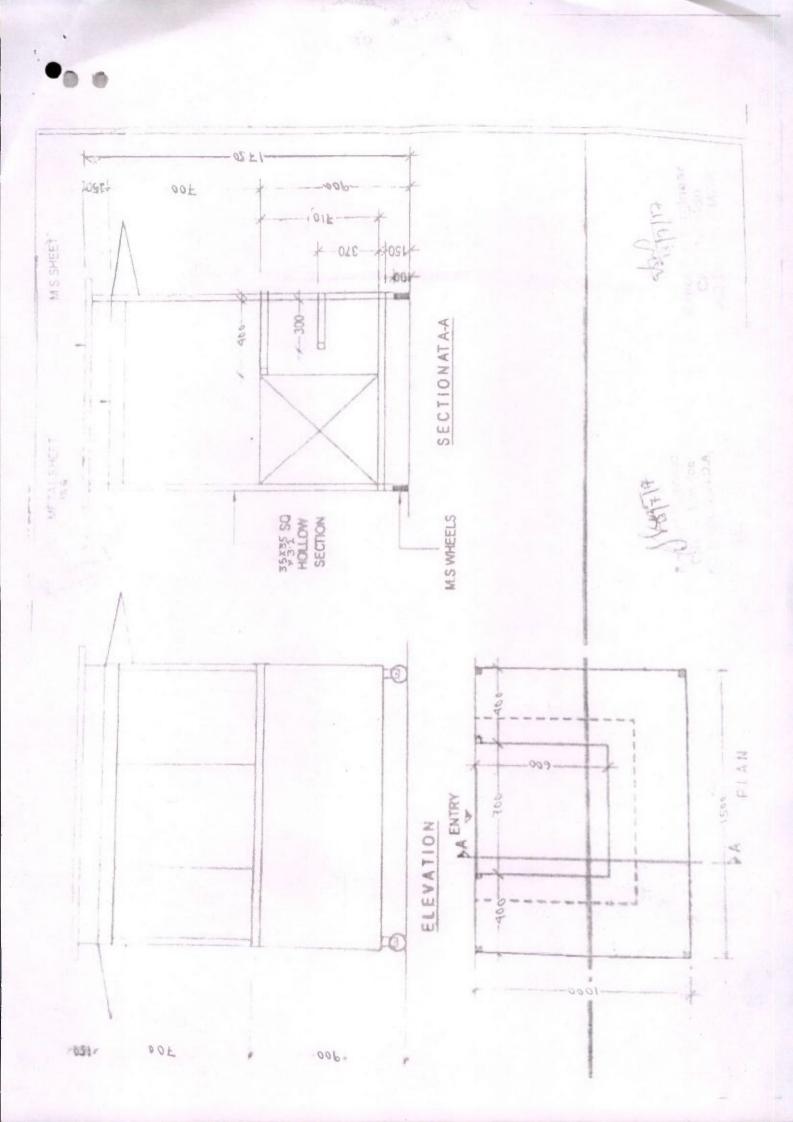
Studies @ Rs. 25000/- each for up to two daughters will be provided. This benefit will however be admissible if the daughter remains unmarried till completion of studies.

- (c) The above benefits would not be payable to those students who are eligible to get benefits under the 'Swami Vivekananda Merit-cum- Means Scholarship Scheme'.
- (d) The above assistance can only be claimed by those students who are studying in recognised education institutions of State Government, Central Government or any institution created by statute of the State or Central Government.
- (e) The students who will be covered under this Yojana cannot also avail any other scholarship / scheme of the Government.

## TRAINING IN SAFETY AND SKILL DEVELOPMENT:

Uncertainty in the unorganised sectors necessitates need for diversification of activities and the search for alternative employment and self-employment ventures. The beneficiary and/or their family members will be provided training in various trades & vocations so as to enable them to switch to alternate economic activity mainly towards self-employment.





# ESTIMATE FOR "CONSTRUCTION OF KIOSK AT DIFFERENT PLACES IN KOLKATA

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Chief Engineer

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