

Sub: Implementation of the scheme 'Support to Urban Street Vendors' under DAY-NULM based on the 'Street Vendors Act', 2014 & West Bengal Street Vending Rules, 2018

In compliance of 'Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and the West Bengal Urban Street Vendors Rules, 2018, 34 ULBs have constituted Town Vending Committee at ULB level till date.

Now as per the clause 9.(a) of the aforesaid rule and the operational guidelines of the scheme for 'Support to Urban Street Vendors' 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 survey with the assistance of local Police Authority and that is to be submitted before the local ULB authority for consideration and acceptance.

In this connection it may be noted that as 34 Town Vending Committees have been constituted, the aforementioned survey is required to be undertaken in the respective ULBs. A field survey methodology may be developed.

Prior to that, the draft scheme as already circulated to all 125 ULBs by UD & MA Dept seeking feedback from the lowest level functionaries, needs to be finalised and notified for effective implementation of the project.

Necessary process may kindly be initiated from UD & MA Dept for notification of the scheme.

Submitted.

Joint
Director
SUDA

FVC (Town Vending Committee) ^{SR} 06.12.18
has been constituted in 41 ULBs.
Now, ULBs may be requested to
conduct the survey as per guidelines
framed in Act/rule of SUSD.
Before that ^{dept} may be requested
to ~~approve~~ approve the scheme
as ^{no} suggestion which was
sought from ULBs should now.
Proposed A-2-B as above
may be approved

19/1/18

U.O. NO. SUDA 7951

Date: 17/2/2018

U.O. NO. SUDA

②

NOTE SHEET

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SUDA

Content of the prepage note may be sent to VD & M + Dept., so that the dept can take up the matter for suitable decision.

In
17/11/18

Director
SUDA

P. put up.

Saf 19/12

19/12/18

Soumen

Adm
N

Sub: 'Dispute Redressal Mechanism' under the Street Vendors (Protection Livelihood and Regulation of Street Vending) Act 2014 for grievances of street vendors

This office has received an email from Dr. Arvind Prakash, NMM- Skill & Livelihoods and SUSV, DAY-NULM, MoHUA regarding formation of Grievance Redressal Mechanism of the state in reference to the MoHUA vide letter No. K-2017(30)/1/2017-UPA-II-UD SECTION (EFS-9030910) from Under Secretary. (copy enclosed in C.P. side mark as 'X')

In this context it may be mentioned that in this aforesaid letter U/S 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, therefore the street vendors are provided a forum 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 U/S letter for ready reference.

In this regard it may be mentioned that as per the West Bengal Street Vendors (Protection Livelihood and Regulation of Street Vending) rules, 2018, 45 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 'Dispute Redressal Mechanism' as per the provisions of Street Vendors Act, 2014 (copy enclosed as 'B') may be forwarded to the UD & MA Dept. for further process and necessary action.

Submitted for your kind perusal.

Joint
Director
SUDA

S.D.
07-96

"Dispute Redressal Mechanism" as
per provisions of SUSV Act 2014 may be
forwarded if approved

U.O. No. SUDA: 27

Dated: 09/01/2019

Please see Rule 13 of the
Rules what we have published. If required
clarification to be sought from UD & MA Dept.

Jt Director
SUDA

9/1/19

9/1/19

- 04 -
NOTE SHEET

SUDA

As suggested by Additional Mission Director, WBSULM we may refer the clause 13 of West Bengal Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rule, 2018. (copy enclosed mark as 'X'). With reference to this rule it appears that 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 and decision of the appellate Authority on any Appeal shall be final.

It may be noted that in the letter vide no. K-12017 (30)/1/2017-UPA-II-UD SECTION dated: 06.11.2018 Under Secretary, MoHUA requested to appreciate the position and accordingly initiate immediate action at this end to put in place the mandated 'Dispute Redressal Mechanism' as per the provisions of Street Vendors Act, 2014.

In this regard it may be further mentioned that as per rule concerned ULB Mayor Chairman will redress the grievances of street vendors but no such mechanism or detailed instructions are given related to this.

Under these circumstances we may seek necessary direction related to put in place the mandate 'Dispute Redressal Mechanism' as per the provisions of Street Vendors Act, 2014 from the competent authority and also a mechanism with necessary instruction for the ULBs may be developed in this regard.

Submitted for your kind consideration and further process.

*Joint
Director
SUDA*

*S.D.
15.01.19*

~~Joint~~

*Direction of Jt. Secy to Addl. Director
NULM pre-page.*

*W/s 20(i) of "The Street-vendors
(Protection of Livelihood and Regulation
of Street-vending) Act, 2014*

*"Govt. may constitute Dispute
Redressal Mechanism" consist of
a Chairperson who has been a Civil
Judge or JM and two other having
same experience. Where no local
authority shall be appointed as member.
On the other hand, W/s 13 of the
West-Bengal Urban Street-Vendors
(Protection of Livelihood and Regulation
of Street-vending) Rules 2018*

*"The Mayor or Chairman or any
other authority equivalent to Chair*

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NOTE SHEET

SUDA

For this regard necessary clarification may kindly be solicited from the Deptt (UDMA) if approved

18/1/19

The issue as noted in USP-4 require to be processed in the departmental file. A copy of this mail (as shown on @side) may be given to Deptt. for doing the needful.

18/1/19

Director
SUDA

SD

18/1/19

18/1/19

As proposed above, already a copy of the aforesaid email has been forwarded to Joint Secretary (S.Das), UDMA Deptt. for his information, (copy enclosed in C.Pside) Submitted for your kind perusal.

S.D.
27.01/19

Make arrangement to put up before Deptt.

21/1/19

As directed, necessary arrangement has been made from this end.

S.D.
29.01/19

Joint
Director
SUDA

Sumit D

Asst. Director
NULM(S.Das)

U.O. No. SUDA: 57

Dated 12/01/19

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NOTE SHEET

SUDA

An email was received by this office on 24.01.19 at 6-42 PM from Mr. Arvind Prakash, NMMH-SKILLS & Livelihood and SUSV, DAY-NULM, MOHUA, regarding submission of report in a prescribed format, as provided for necessary compliance of the scheme SUSV. (Copy enclosed in C.P. Side A)

In response to this email a draft report is prepared & placed in the C.P. Side for your kind consideration and necessary approval. (Copy enclosed as 'B' in C.P. Side)

If approved aforesaid report may be sent to the concerned NMM through email.

Joint
Inspector
SUDA

S.B.
30.1.19

A mail received from NMMU, DAY-NULM with an enclosure which ~~was~~ placed in C.P. Side may kindly be ~~perused~~ perused.

According to ~~the~~ format, ^{a model} reply has now been framed for approval & onward transmission to govt.

30/1/19

Per. opok

2070119

Asst. Director
(Tally Chandan)

SMM(SUSV)

24/1/19

DO No. K-12017(15)/3/2017-UPA-III SECTION-MHUPA dated: 25.02.2019,
MoHUA, Gol from Joint Secretary & Mission Director (DAY-NULM), Govt. of India

The above PUD placed in the C.P. side may be perused.

From the PUD, it appears Joint Secretary referred ministry's DO letter number K-12017(15)/3/2017-UPA dated 25.02.2019 advising States/UTs to appreciate the position as mentioned in the letter and to instruct the concerned authorities to take actions following the provisions of the Act in order to enable the urban street vendors to earn their livelihoods in a dignified manner. (copy enclosed in C.P. side)

Now the aforesaid matter may be forwarded to Principal Secretary, UD & MA Dept. for necessary consideration and further approval. If approved the same may be circulated to the concerned local authorities or ULBs for information & necessary action.

Submitted.

Joint
Director
SUDA

M. K. K. K.

SR
08.03.19

Soumen De

W 08/3/19

Sub: Proposal for a 50 bedded shelter unit under the scheme Shelter for Urban Homeless (SUH) under NULM at Naihati Municipality

A proposal of a 50 bedded shelter unit under scheme Shelter for Urban Homeless (SUH) was received from Naihati Municipality with estimated cost of Rs. 125.72 Lakh. It was observed from the DPR that the proposed land is under the District Collector, North 24 PS District and partially encroached by the occupant (copy enclosed herewith). Necessary NOC or land transfer documents are not available along with this DPR. In these connection a letter was sent to the concerned ULB for arrangement of excess cost beyond Rs. 120.00 Lakh and for necessary documents

NOTE SHEET

SUDA

Vide memo no. 876-UDO/O/M/S-6/32010 dated: 13.03.2019 from Joint Secretary to the Government of West Bengal

The above Pud placed in the C.P. side may be perused.

From the Pud, it appears that J/S, UD & MA Dept., Govt of WB has requested to Director, SUDA 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.

In this connection a report has been prepared and placed in the C.P. side mark as 'X'.

Submitted for your kind consideration and necessary approval.

If approved this report may be sent to the UD & MA Dept.

Joint
Director
SUDA

ADD. NULM.

Report - al- C.P. side ("X") may
kindly be perused

S.P.
27-03-19

27/3/19

The report to be reflected in minutes

Chandhan
20/03/19

S. Day
SADA SCS

As directed by Adl. Director the report is submitted below

Report on Implementation of Street Vendor Act 2014' as well as implementation of West Bengal Urban Street Vendors (Protection on 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 it had been circulated to all 125 ULBs within the State.
- As per the aforementioned rule, Town Vending Committee has been constituted in 68 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 notified 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.

Joint
Director
SUDA

Please put up draft-reply

SR
29.03.19

Soumen De

29/3/19

As desired a draft letter is placed herewith for necessary communication with Jt-Secretary UD & MA DEPT for your kind perusal.

Joint
Director
SUDA

SR
01.04.19

Pranab
02/04/19

Director

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 2014 for 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** 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. It may be mentioned that in compliance of the Rule, 75 ULBs have already constituted the Town Vending Committee. TVC's with nominated members only as per Clause 4.2.(b) of Rules, 2018. But as per Chapter VII Clause 22.(b) of the Act it is 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, Chapter V, Clause 20 (1) regarding redressal of grievances or resolution of disputes of street vendors the Act states '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 professionals having such experience as may be prescribed for the purpose of deciding the applications received under sub-section (2)'

But in Rules, 2018 no such provision is mentioned of grievances redressal mechanism.

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.

Add mission
Director, SUDA

S.D.
04.07
19

Notes at page-10/N may be seen.

The following may be taken forward with regard to the SUSV component of NULM:

- (1) Department may proceed to notify the scheme early. It is given to understand that the draft scheme has been circulated to the ULBs for feedback. This was done quite sometimes back.

The scheme needs to be notified by the Department early.

- (2) There are two points of contradiction between The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 of the Central Government and the Rules as framed by the State Government.

- (a) The Act states that all Town Vending Committees to be elected (reference invited to Chapter VII Clause 22.(b) of the Act) Extract flagged 'A'.

But the Rules framed state that the members of the TVCs are to be nominated. Attention invited to Clause 4.2.(b) of the Rules, 2018.

This may be considered to be revisited for the Rules to be in sync with the Act.

- (b) A grievance redressal mechanism has been explicitly mentioned in the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 which states as follows:

'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 professionals having such experience as may be prescribed for the purpose of deciding the applications received under sub-section (2)'

Extract flagged at 'A'.

But the Rules framed by the State Government do not mention any grievance redressal mechanism for the street vendors.

This may also be considered to be revisited.

The above issues may be placed before the Department for further decision.

Director, SUDA

JS(SD)

S. Chandra

May pl take up on para 1 & 2 above.

At. put up status

Shandhan
01/07/19
AMD

Self 11/7/19

12/7/19

Order at page.

This relates to framing of rules for constitution of 'Dispute Redressal Mechanism 'under Street Vendors' Act, 2014. The matter has been taken up in this Department file bearing No. MA/O/C-4/3R-2/2019 and the proposal for framing rule for constitution of 'Dispute Redressal Mechanism 'under Street Vendors' Act, 2014 has been sent to Finance Department for necessary concurrence. The WBFTS status of the file noted above is placed below.

With above information the file is now submitted.

J.S. (S.O.)

S. Basak
31.12.2019

file placed for kind perusal of above
information

In
31/12/19

Director
S.O.

AMD (S.O.)

S. Desai

sdg 6/1/20

Chandhan
28/01/2020