

In pursuance of the provision of Clause (3) of the Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of Notification No. 825/IV(2)-U.D.-2016-246(Gen)04-TC 1, Dehradun, dated May 25, 2016 for general information:

No. 825 /IV(2)-U.D -2016-246 (Gen)04-TC 1

Dated Dehradun, May 25, 2016

NOTIFICATION

Whereas as per the expectation of the sub section 1 of section 300 of Uttarakhand (The Uttar Pradesh Municipalities Act, 1916) (Adaptation and Modification Order, 2002) Adaptation and Modification Order, 2007, and sub section (2) of section 540 of Uttarakhand (The Uttar Pradesh Municipal Corporations Act, 1959) (Adaptation and Modification Order, 2002) Adaptation and Modification Order, 2007, The Uttarakhand State Street Vendors(Protection of livelihood and regulation of street vending) Rules-2014 was published vide Govt. notification no.-1614/IV(2)-शुद्धि-2014-246(सं)04-TC 1 to invite objections and suggestions.

And whereas objections or suggestions received within stipulated time period have been resolved as per the procedure;

Therefore now, the Governor is pleased under sub section (21) of section 114 of above Municipal Corporations Act and sub section (b) of 296 and section 451 & 453 of Municipalities Act prepare following rules to regulate Urban Street Vending within all Urban Local Bodies of Uttarakhand.

The Uttarakhand Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016

Short title, extent and commencement.-

1. (1) These rules may be called the Uttarakhand Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016.
- (2) It extends to all Municipal Corporations, Municipal Boards and Nagar Panchayat of Uttarakhand.
- (3) They shall come into force on the date of their publication in the official Gazette.

Definitions.-

2. In these rules, unless there is something repugnant in the subject or context,-

- (a) "Act" means The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 enacted by Govt. of India.
- (b) Licensing means the license issued under these rules
- (c) "Town Vending Committee" means the body constituted by the local authority for protecting the livelihoods of vendors and regulation of vending activities and vested with the power of demarcation of vending zones and registration of vendors.

- (d) "local body" means all Municipal Corporations or a Municipal Councils or a Nagar Panchayats, in Uttarakhand which provide civic services and regulate street vending. It will also include the "planning authority" which regulates the land use in that town.
- (e) "State Nodal Officer" means the Director, Urban Development Directorate, Uttarakhand
- (f) "Street Vendor" means a person who offers goods of everyday use or services of general public for sale without having a permanent built-up structure but from a temporary built up structure or mobile shop or by carrying weight on their head. Street vendor may be stationary by occupying space on side walk or other public/private places or may be mobile so as to sell their goods on pushcarts, bicycle, baskets on their heads or in moving bus etc. Urban street vendor incorporates trader and service provider, stationary and mobile vendors, patriwala, sidewalk traders etc.
- (g) "Side walk of Road" means part towards footpath of road or part situated near end of road.
- (h) "Fee" means licensing fee, registration fee, monthly fee or other such fees.
- (i) "Restriction-free Vending Zones" means an area where no restriction has been imposed except for compliance of rules of street vending.
- (j) "Restricted Vending Zones" means an area where Town Vending Committee has given license of street vending for fixed days, dates, time or occasions.
- (k) "No vending zone" (vending less area) means an area for which no license has been issued.
- (l) "Public Place" means a space which is open to the use or enjoyment of the public.
- (m) "First Appellate Officer" means District Magistrate and Sub-Divisional Magistrate for Municipal Corporation and Municipal Council/Nagar Panchayat respectively of the concerned District.
- (n) "Second Appellate Officer" means Commissioner and District Magistrate for Municipal Corporation and Municipal Council/Nagar Panchayat respectively of the concerned district.
- (o) "Mobile Street Vendor" means street vendors who move from designated place to place for vending their goods and services.
- (p) "Stationary vendors" means street vendors who carry out vending activities on regular basis at a specific location.
- (q) Lead Bank Manager means competent authority of the public sector bank nominated as lead bank by RBI for the planning, implementation and monitoring of credit related activities of all the banks at the district level.
- (r) Local authority means Municipal Commissioner for Municipal Corporation (i.e.- Nagar Nigam) and Executive Officer for Municipalities (i.e.- Nagar Palika Parisad & Nagar Panchayat)

Prohibition :

3. Except in the area licensed under these rules, no person shall occupy any space in any public place or open land for selling, display or placing of any goods or by parking vehicle and shall not do vending activity of goods or services

Demarcation of vending zones:

- 4.(a) The identification and demarcation of vending zones, places or markets in each Municipality shall be done by Town Vending Committee in following manner;

- (1) Restriction-free Vending Zones (definition 2 (i))
- (2) Restricted Vending Zones (definition 2 (j))
- (3) No vending zone (definition 2 (k))

Vending less area (No vending zone);

- (b) (1) Keeping in view the traffic hazards, historical, archaeological & religious importance of a place and the public interest, the Town Vending Committee may declare any area as "No vending zone"
- (2) Treating Street vendors transacting business in "No Vending Zone" as encroachment, the town vending committee shall be entitled to undertake action under prescribed provisions of relevant sections of Municipal corporation/Municipality Act and their identity cards and registration shall be cancelled.
- (3) ~~The Town Vending Committee may extend the limit of "NO Vending Zone"~~ at any time keeping in view the public health, hygiene, safety and public convenience or similar factors. But before taking such decision, views of all concerned parties viz. Vendors, concerned police officer and public representative or public organization should be considered.

Survey of street vendors;

5. (1) The Town Vending Committee shall complete digitalised photo survey of all existing vendors in the town and enlist them within one month of the coming into force of Rules.
- (2) The resurvey of street vendors shall be carried out at least once in every five years.

Protection from eviction or relocation of street vendors;

6. (1) Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the identified vending zones.
- (2) No street vendor shall be evicted or relocated till the survey specified under section 5 (1) has been completed and the license of vending is issued to all street vendors.

Registration and issue of Identity card;

7. (1) Application for registration shall be obtained from street vendors on format "A".
- (2) The Town Vending Committee shall prepare identity cards for all street vendors in each town on the basis of reliable source of identity.
- (3) Street vendors who are not included under the survey or wish to take up street vending for the first time shall have the right to apply for registration. The concerned street vendors shall give an affidavit to this effect that they do not have any other means of livelihood.
- (4) The registration shall be renewed every year.

Vending license and Conditions for license;

8. (1) The holding capacity of each vending zone shall be assessed.
- (2) In each Urban Local Body, 20% space of identified vending zone shall be provisioned for physically handicapped street vendors.
- (3) The vending license shall be issued zone wise.
- (4) The application for vending license may be given by all registered street vendors and the application may be made for many vending zones.
- (5) To grant vending license on the applications received, the selection of street vendors shall be done through a clear and transparent process on the basis of holding capacity of vending zone.

- (6) where applications exceed the holding capacity of the vending zone, the selection of street vendors shall be done by draw of lots or time based vending license shall be issued.
- (7) The Town Vending Committee shall issue license on annual basis after payment of prescribed fee by the selected applicants. The necessary action for survey/registration and issue of license of street vendors/hawkers shall be done under continuing process.
- (8) The part time license may be issued on payment of proportionate fee in special circumstances for fairs, seasonal functions, festivals and festivities. No fee shall be charged from the street vendors who have already obtained license under this.
- (9) The identity card of each licensed street vendor shall contain the following information:
 - (one) Vendor Code No.
 - (Two) Name, Age, Address and photograph of the Vendor;
 - (Three) Name of any one Nominee of the family;
 - (Four) Category (Stationary/Mobile);
 - (Five) Vending Location where owner of identity card has been granted license for Stationary or Mobile vending
 - (Six) Validity of License fromup to
- (10) The identity card shall be made available on demand by Town Vending Committee;
- (11) Members more than one of a family shall not be given any license;
- (12) Children below 14 years of age shall not be issued an identity card to transact vending;
- (13) The Town Vending Committee while issuing license of vending shall provide for preference to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, persons with disabilities, minorities or such other categories;
- (14) Every street vendor who has been issued license of vending shall pay specified vending Fees;

Categories of License of vending;

9. The license of vending shall be issued under following categories:-

- (1) a stationary vendor
- (2) a mobile vendor
- (3) other category as may be specified by the State

Cancellation or suspension of license of vending:

10. The Town Vending Committee may suspend or cancel the license of vending under following circumstances:-

- (1) If any street vendor at any time commits breach of any of the prescribed conditions under this Act or Rules or his vending testifies obstruction in traffic or creation of environment pollution;
- (2) The Town Vending Committee is satisfied that such license of vending has been secured by the street vendor through misrepresentation or fraud;

Appeal:

- 11. (1) Any person who is aggrieved by any decision of the Town Vending Committee may prefer an appeal to the First Appellate Officer in format-B;
- (2) The affected party, against the decision of the First Appellate Officer, may prefer a second appeal to the Second Appellate Officer in format-C;

(3) No appeal shall be disposed of unless the appellant has been given an opportunity of hearing;

TOWN VENDING COMMITTEE

12.(1) The District Magistrate and Sub Divisional Magistrate under set norms of clause 22(2) of the Act shall call meeting of all stakeholders to constitute Town Vending Committees in concerned Nagar Nigan & Nagarpalika Parisads / Nagar Panchayats respectively in their presence within one month of the policy enactment.

(2) The constitutional framework of Town Vending Committee in each ULB shall be as follows:—

(i)	Municipal Commissionaire/Executive Officer	Chairman
(ii)	Additional District Magistrate/Sub divisional magistrate	Member
(iii)	Additional Superintendent Of Police/Circle Officer or Nominated Officer	Member
(iv)	Technical Officer Nagar Nigan/Nagar Palika/Nagar Panchayat	Member
(v)	Development Authority/Regulated Area Officer	Member
(vi)	Additional Superintendent Of Police/Circle Officer Traffic Police ULB Medical Officer/ Medical Officer Nominated By Chief Medical Officer	Member
(vii)	Lead Bank Manager	Member
(ix)	Vendor Organizations Representative	Member
(x)	Housing Welfare Organisations Representative	Member
(xi)	Community Organisations Representative	Member
(xii)	Voluntary Organisations Representative	Member
(xiii)	Other Citizens of same interest	Member

- (3) the number of members nominated to represent the non-governmental organisations and the community based organisations shall be ten per cent.;
- (4) the number of members representing the street vendors shall be forty per cent, who shall be elected by the street vendors themselves provided that one-third of members representing the street vendors shall be from amongst women vendors;
- (5) Due representation shall be given to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities from amongst the members of Street Vendors.
- (6) The members, excluding Government representatives, of Town Vending Committee shall receive such allowances as may be prescribed by the State Government.

Meetings of Town Vending Committee

13. (1) The Town Vending Committee shall meet once in a month.

(2) The Urban Local body shall provide the Town Vending Committee with appropriate office space and such employees as may be prescribed. Services of existing employee of the concerned Urban Local Body will be utilized.

Street Vendor Charter and Publication of Data Base

14 (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.

Functions of Town Vending Committee

15. (a) Conduction of periodic surveys to assess the increase or decrease in the numbers of street vendors in the city/ ward.
- (b) Registration of street vendors on nominal charges and issuance of identity cards to street vendors.
- (c) Monitor the amenities given to street vendors.
- (d) Assess and determine maximum holding capacity of each vending zone.
- (e) Identification of restriction-free-vending zones, restricted-vending zones on the basis of date, day & timing and no-vending zones.
- (f) Determine regulation and terms for street vending and corrective measures for offenders.
- (g) Collection of such fee and other charges as authorized by competent authority.
- (h) Ensure that allotted stalls are utilised by the actual allottees. Take appropriate action to prevent subletting or sale of allotted stall/ vending spots.
- (i) Facilitation for the organization of weekly haats, festival bazaars, night bazaars, vending festivals viz- food festival.
- (j) Ensure that the quality of products and services provided to the public is under public health, hygiene and safety standards as specified by the local authority.

PREVENTION OF HARASSMENT OF STREET VENDORS

16. (1)- 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.
- (2)- Town Vending Committee/ Urban Local Body shall not collect any kind of fees from street vendors under contract.

Fixation of Fees

17. (1) Town Vending Committee shall determine registration and licensing charges to be taken on annual basis, that shall be revised annually by TVC.
- (2) Considering the category of vendors, TVC shall determine street vending fees to be taken on monthly basis, that shall be revised periodically by TVC.
- (3) The Urban Local Body shall charge monthly maintenance fees for providing civic amenities {highlighted in 18 (1)}. The fees shall be fixed by Urban local Bodies.
- (4) Receipt for the paid amount will be issued to street vendors.

Amenities to be provided

18. (1). Following amenities shall be made available as per the requirement in street vendor markets by the concerned Urban Local Body-
 - (a) provision of solid waste disposal provision,
 - (b) provision of public toilets
 - (c) provision of drinking water,
 - (d) provision of electricity.

- (e) other facilities as may be needed in the context of Urban Local Bodies.
- (2) (a). Group insurance scheme for registered street vendors can be implemented.
 (b). Assistance of Non Governmental Organizations can be taken for the social upliftment of street vendors.
- (3)- Multistorey vending markets shall be developed for street vendors by of Urban Local Bodies.

Monitoring-

19. Town vending Committee shall maintain list of registered street vendors (Stationery & Mobile). Town Vending Committee will send annual report to State Nodal Officer on following points-

- (i). No. of registered Street Vendors
 (ii). Collected Revenue.
 (iii). Upliftment related and other measures
 (iv). Incurred Expenditures
 (v). Other information required by Director urban Development.
 (vi). State nodal Officer will coordinate all activities/ matters related to urban street vending at the State level.

RELOCATION AND EVICTION OF STREET VENDORS

- 20 (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 to other vending zones under welfare schemes of State Govt..
- (2) The local authority shall evict such street vendor whose certificate of vending has been cancelled under section 10
- (3) No street vendor shall be 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.
- (4) A street vendor shall be relocated or evicted forcefully by the local authority 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.

Seizure and Reclaim

21. (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 20, the local authority, in addition to evicting the street vendor under section 20, may, if it deems necessary, seize the goods of such street vendor.
- (2) During seizure of goods, the ULB officials shall ensure *panchnama* on the spot duly signed by atleast two independent witnesses. Description of *panchnama* shall be as follows-
- (i). Name of the Street Vendor

- (ii). Date, timing and place of seizure
 - (iii). Weight of the goods and description of *Theli/ Palla* (whatsoever)
 - (iv). Name, designation and department of the officer who seized the goods
- (3) A copy of *Panchama* of seized goods shall be issued to the street vendor and receipt of the same will be undertaken from the street vendors.
- (4) In case of seized goods, the street vendor may be entitled to reclaim his goods within stipulated time after paying such fees as imposed by Town Vending Committee..
- (5) 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.

RIGHTS AND OBLIGATIONS OF STREET VENDORS

22. (1) Every street vendor shall give an undertaking to the Town Vending Committee prior to the issue of a certificate of vending that—

- (i). he shall carry on the business of street vending himself or through any of his family member;
- (ii). he has no other means of livelihood;
- (iii). he shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.

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—

- (i) spouse of the street vendor;
- (ii) dependent son/daughter of the street vendor;

(2) 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.

(a)- Street vendors shall carry on vending activities subject to following restrictions and conditions-

- (i). The hawkers must not create any noise or play any instrument or music for attracting the public or the customers.
- (ii). The hawkers must extend full cooperation to the municipal sanitary staff for cleaning the streets and footpaths and other municipal work
- (iii). Street vendor shall keep his surrounding neat and clean, insanitation of any nature, pollution and bad smell shall not be produced and environment shall not be harmed anyway.
- (iv). Traffic shall not be obstructed in anyway. Public as well as vehicular movement shall not be obstructed.
- (v). Street vendor shall not vend narcotic and other restricted substances.
- (vi). Licence shall be presented on demand during street vending licensing period.
- (vii). Vending permission shall not be permitted to the street vendors particularly stationed on principal traffic routes. Street vending shall not be permitted on those areas where vehicular and pedestrian traffic is obstructed and access to shops and residences is blocked.
- (viii). There should be no hawking on footbridges and overbridges. Further, certain areas may be required to be kept free of hawkers for security reasons. However, outside

FORMAT - A

Sr. No.-

Name of the Urban Local body-

Name of the District-

1- Name (with Age)-

2- Father's Name-

3- Residence Address-

4- Age-

5- Educational Qualification

6- Description of Family Members

S. No.	Name	Relationship

7- Description of Current Occupation

S. No.	Name of occupation	Place of occupation	Experience of Business	Date of incorporation in Business	Investment amount in business	Monthly Income	Other

8- (a) Are You interested to change your occupation Yes No

(b) If Yes, then what kind of business you want to start

(c) Optional place for Business

9- (a) Are you interested for loaning

(b) If Yes, then amount ₹

(c) Expected EMI ₹

10- (a) Is Ration Card available Yes No

(b) If Yes, then it is BPL or Not Yes No

(C) Ration Card no. and issuing office

11- Do you belong to SC/ST, OBC, PH quota

12- Other description

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FORMAT - B
First Appeal

To,

The District Magistrate (for Municipal Corporation)/SDM for NPP/NP
District-

Name of Urban Local Body for which Appeal is concerned-

Municipal Corporation -

NPP/NP

Appeal Points-

- 1- Non inclusion in street vendor survey list.
- 2- Registration not done.
- 3- Non release of street vending licences within stipulated time period.
- 4- Non allotment of desired vending zone/place.
- 5- Cancellation of street vending licence.
- 6- Seizure of material in wrong way.
- 7- More penalization from prescribed limit.
- 8- Obstruction in business and exploitation.
- 9- No provision of civic amenities in vending zones.
- 10- Collection of more fees then prescribed limit.
- 11- Other matters, please describe if any (.....)

(Please ✓ on relevant grievance)

Description of identified grievance, write below if you wish

Name of Complainer -

Father's/Husband's Name -

Address-

Mobile No., if available-

License no, if available-

Name of vending zone, where doing business-

Signature of Complainer

Date-

