

UNDER SUB-SECTION (1) OF SECTION 38 OF THE SCHEME FOR THE STREET VENDORS IN THE UNION TERRITORY OF CHANDIGARH

CHANDIGARH ADMINISTRATION ON THE INTERNET <http://nchandigarh.nic.in/> Regd. No. CHD/0131/2015—2017 Price : Rs. 3.00 S, GOVERNMENT OF INDIA Chandigarh Administration Gazette EXTRAORDINARY Published by Authority CHANDIGARH, FRIDAY, SEPTEMBER 30, 2016 (ASVINA 8, 1938 SAKA) DEPARTMENT OF LOCAL GOVERNMENT Notification The 30th September, 2016 No. 6/1/203-Fll(8)-2016/9199.—In exercise of the powers conferred under sub-section (1) of Section 38 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, read with notification No. S.O. 2325 (E) of 6th July, 2016 by Ministry of Home Affairs, Government of India, the Administrator of Union Territory, Chandigarh, being the appropriate Government, is pleased to frame the Scheme for the Street Vendors in the Union Territory of Chandigarh, namely CHAPTER I PRELIMINARY Short title and commencement.—(1) This scheme may be called the Chandigarh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2016. (2) It shall come into force on the date of its publication in the Official Gazette. Definitions.—(1) In this Scheme, unless the context otherwise requires,— (a) (b) (c) (d) (f) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending), Act, 2014 (7 of 2014) , "Annexure" means an annexure appended to this Scheme , "Form" means a form appended to this Scheme ; "rule" means rules made under section 36 of the Act "section" means a section of the Act , "Schedule" means a schedule appended to the Act or the rules, as the case may be 770 CHI). ADMN. GAZ. (EXTRA), SEPT. 30, 2016 (ASVN 8, 1938 SAKA) 2. Words and expressions used herein and not defined, but defined in the Act and the Rules, shall have the meanings respectively assigned to them in the Act and the Rules, as the case may be

CHAPTER 11 MANNER OF CONDUCTING SURVEY 3. Manner of Conducting Survey.—(1) The Town Vending Committee (TVC) shall, within a period of six months from the date of commencement of scheme, conduct and complete a survey to all existing street vendors, within the area under its jurisdiction, by holding spot verification, and collect particulars as specified in Form-I Provided that the survey may be conducted and completed zone wise or ward wise or area wise as is deemed appropriate by the Town Vending Committee (TVC): Provided further that the survey shall not be deemed complete unless the same is placed before the TVC and is approved by it. (2) The TVC shall publicise through local newspapers and by notices at prominent places in the markets mentioning the date of survey, area to be covered, the nodal officer of the survey, date and time of commencement and end of the survey, the need to be present at the vending sites along with the necessary documents etc. (3) The TVC shall conduct survey at a suitable time to ensure that all street vendors vending in the area are covered in the survey. (4) The TVC shall conduct, monitor and supervise the survey and carry it out by undertaking comprehensive digitalized photo-biometric census, GIS mapping of the location of existing vendors with the assistance of Municipal Corporation/professional research based organizations/experts/NGOs as per need. (5) The survey form shall be computer generated with unique barcode/ID (AADHAR Linked) and an acknowledgement receipt containing the details as specified in Form No. I shall be given on the spot to the street vendor. (6) The survey shall be video-graphed and still photographs of the street vendor and his vending site shall be taken which shall form part of the survey registration. (7) The TVC shall maintain a register as specified in Form-II covering details of street vendors identified in the survey including the date of survey and the place of survey in digital format . Provided that until a digital format for maintaining the register is not available, the details shall be maintained in a manual register, which shall not be for a period more than one year from the date of commencement of the scheme. CHD. ADMN. GAZ. (EXTPuA), SEPT. 30, 2016 (ASVN 8, 1938 SAKA) CHAPTER III ISSUE OF CERTIFICATE OF VENDING 771 4. Certificate of Vending to street vendors.—(1) The street vendor identified by the survey shall be issued a certificate of vending within a period of three months from the date of completion of survey on payment of fee specified by Local Authority which shall be in a form as specified in Form-III Provided that if the TVC deems fit it may issue the certificate of vending zone wise or ward wise or area wise after the completion of the survey for that zone or ward or area as the case may be. (2) Subject to the provisions of the Act and the provisions contained in the Scheme, the Town Vending Committee shall, as far as practicable, ensure that all existing

street vendors identified in the survey conducted under sub para (1) are accommodated in the same vending zone. (3) Where the number of street vendors, identified in the survey are more than the holding capacity of the vending zone and exceeds the number of persons which can be accommodated in that vending zone, the TVC shall carry out a draw of lots for issuing certificate of vending for the vending zone and the remaining persons shall be accommodated in any adjoining vending zone to avoid relocation. (4) Where, in the intervening period between two surveys, any person seeks to vend he shall make an application in the manner as specified in Form-IV and the TVC may grant a certificate of vending to such person, subject to the provision made in the plan for street vending and the holding capacity of the vending zones. Provided that where subject to the plan for street vending and the holding capacity of the street vending zones, it is not possible to accommodate the said persons, the TVC shall issue a computer generated acknowledgement of application with a unique barcode/ID specifying waiting list number to such persons whose application is accepted: Provided further that when there arises a possibility of accommodating the said persons in a vending zone the TVC shall issue certificate of vending in a serial order as per the waiting list specified under the first proviso: Provided also that the persons whose application is rejected shall be communicated about the rejection along with reasons for such rejection. (5) The TVC shall maintain a register as specified in Form-V with details of street vendors who have been registered as a new vendor based on the waiting list specified under para-4 above. (6) The certificate of vending shall be issued for a period of three years from the date of issue unless revoked. (7) The TVC shall maintain a register as specified in Form-VI with details of street vendors who have been issued certificate of vending

5. Criteria for issue of certificate of Vending.—(1) The following criteria shall be adopted for issuing certificate of vending to vendors, namely:— (iii) his name should appear in the survey carried out by the TVC or has applied for a certificate of vending; he has no other means of livelihood; he has completed the age of fourteen years on the date of issue of certificate of 972 CHD. ADMN. GAZ. (EXTRA), SEPT. 30, 2016 (ASVN 8, 1938 SAKA) (2) In case of death or disability of the street vendor as specified under sub section (2) of section 5 of the Act, the nominee of the street vendor shall intimate the TVC about such death, disability or illness and the TVC shall make necessary corrections in the certificate of vending and issue an identity card accordingly

6. Terms and Condition for certificate of vending.—The street vendor to whom a certificate of vending is issued:— (iii) (iv) (v) (vi) (vii) (viii) Shall carry on the business of street vending herself or through his family member; Shall vend only from his allotted space in case of stationary vendor and from his allotted area in case of mobile vendor and pay vending fees as determined by Local Authority; Shall abide by all conditions specified by the TVC at the time of issue of certificate of vending including maintenance of cleanliness and public hygiene; maintenance of civic amenities in vending zone in good condition; payment of maintenance charges etc.; Shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person; Shall not construct any permanent structure on allotted space, unless permitted by the certificate of vending; Shall carry on vending activities on such date and time as specified in the certificate of vending; Shall remove her goods and wares every day at the end of the time-sharing period, when she occupies space on time sharing basis; Shall comply with such other conditions as may be specified by the TVC in the certificate of vending issued to the street vendor

7. Format of Identity card.—(1) Every person who is holding a certificate of vending shall be issued an identity card by the TVC. (2) The identity card to be issued or renewed, as the case may be, to the street vendor shall be in form-VII. (3) In case of loss or damage of identity card the street vendor may apply for issue of duplicate identity card to the office of TVC accompanied by copy of FIR and fee as specified by local authority. CHAPTER-IV RENEWAL, SUSPENSION AND CANCELLATION OF CERTIFICATE OF VENDING 8. Renewal of the certificate of The certificate of vending may be renewed after every 3 years on payment of such fee as specified by the local authority and on fulfilment of conditions specified in the Scheme and subject to the provision of the Act and the Rules made there under. CHI). ADMN. GAZ. (EXTRA), SEPT. 30, 2016 (ASVN 8, 1938 SAKA) 773 (2) The street vendors whose validity of certificate of vending is about to expire shall apply for renewal of the certificate of vending to the TVC two months prior to the expiry of the period of certificate of vending in the manner as specified in Form-VIII. (3) The TVC- shall publish a defaulter list of street vendors who fail to pay the renewal fees of

certificate of vending. (4) The TVC may grant one month grace period for the payment of renewal fee without any penalty. (5) After the expiry of one month, from the time the renewal of the certificate of vending becomes due the certificate of vending may be renewed on payment of such renewal fees and penalty for every day of the delayed period as specified by the local authority. (6) If the street vendor fails to renew his certificate of vending within three months of the lapse of the certificate of vending, the TVC may cancel his certificate of vending

9. Manner in which certificate of vending may be suspended or cancelled—(1) The TVC may cancel or suspend the certificate of vending of any street vendor on any of the grounds specified under section 10 of the Act. (2) Where the TVC, for reasons to be recorded in writing, is satisfied that pending the questions of cancellation of the certificate of vending on any of the grounds mentioned in Section 10 of the Act, it is necessary to suspend the street vendors from the vending activities for such period not exceeding thirty days as specified in the order and require such street vendor to show cause within fifteen days from the date of issue of the order, as to why the suspension of vending activities should not be extended till the determination of the question of cancellation of such certificate of vending: Provided where the NC, upon hearing the street vendor, is of the opinion that the certificate of vending should be cancelled, it may order cancellation of such certificate of vending. (3) Where the TVC has made an order cancelling the certificate of vending of a street vendor, such vendor shall surrender his certificate of vending and identity card to the TVC within the period as specified in such order of cancellation and his name shall be struck off from the register maintained for the purpose. CHAPTER-V FEES, RECORDS AND AUDIT 10. Vending Fees.— The Town Vending Committee shall fix vending fees depending on the category of street vendors, the status of the market and the foot fall of the area, which may be different for different areas in the city of Chandigarh

11. The manner of collecting vending fees, maintenance charges and penalties.—(1) For the purpose of money, whether as a fee or fine or penalty, payable by the street vendors under the Act, Rules and the scheme, Municipal Corporation shall open a bank account in any scheduled bank which shall be operated by such officer of the local authority as the local authority may direct. 774 CHD. ADMN. GAZ. (EXTRA), SEPT. 30, 2016 (ASVN 8, 1938 SAKA) (2) The street vendor may deposit the fees and such other dues in that account with his name and registration number allotted to him and may also be paid in a counter opened for the purpose in the office of the local authority or such other place as the local authority may direct from time to time

12. Maintenance of record and audit—The account of each TVC shall be audited in accordance with the provisions of the relevant Municipal law of the local authority. CHAPTER-VI CATEGORIES OF STREET VENDORS 13. The Categories of street vendors other than stationary vendor and mobile vendor.—The TVC may designate any other category of street vendor other than stationary vendor or mobile vendor operating from the area under its jurisdiction. CHAPTER-VII RELOCATION AND EVICTION OF STREET VENDORS 14. Principles of relocation.—The Principles of Relocation of street vendors shall be those as provided under Entry (zb) of the Second Schedule of the Act

15. Manner of relocating a street vendor.—(1) Where the TVC recommends to declare a vending zone or part of it to be a no vending zone under sub section (1) of section 18 of the Act and for relocation of street vendors vending in that zone, the local authority shall, as far as practicable rehabilitate the street vendor within the same area or relocate in or nearby vending zone. (2) The TVC shall, as soon as it recommends declaring a vending zone or part of it to be no vending zone under section 18 of the Act, carry out a survey to identify a suitable site for the street vendors as per Entry (zb) of the Second Schedule of the Act

16. Notice for relocating or eviction of a street vendor.—(1) The notice for relocation or eviction, as the case may be, required under sub section (3) of section 18 of the Act, shall be served personally or by a registered post in the name of the street vendor prior to the eviction. (2) In case the registered post is returned undelivered, the said notice shall be pasted in a conspicuous place in the area where the street vendor is carrying on his vending activity, which shall be deemed to be service of the said notice

17. Manner of relocating or evicting a street vendor physically.—(1) If the street vendor fails to vacate the place or shift to relocated place within the period of thirty days, from the receipt of notice as per section 15, the local authority may cause the physical removal, if necessary with assistance of police, of

the street vendors and seize the goods of such street vendor by an officer authorized by the local authority in this behalf. (2) Any person who carries on business of vending activities without having a certificate of vending or whose certificate of vending has been cancelled under section 10 of the Act shall be evicted by giving twenty four hours notice in writing delivered in hand and if such street vendor does not vacate the place within the said period of twenty-four hours notice in writing delivered in hand the local authority, may cause the physical removal, if necessary with the assistance of police of the street vendor and seize the goods of such street vendor by an officer authorized by the local authority in this behalf. CHD. ADMN. GAZ. (EXTRA), SEPT.' 30, 2016 (ASVN 8, 1938 SAKA) 775 (3) 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, under sub para (1) or sub para (2) as the case may be, shall be liable to pay for every day of such default, such penalty as may be determined by the local authority, which shall not be more than the value of goods seized. CHAPTER-VIII SEIZURE OF GOODS 18. The manner of seizure of goods by the local authority.—In case of seizure of goods of a street vendor under sub-section (1) of section 19 of the Act, the following shall be taken into consideration by the local authority, namely (iii) Only the officer authorized for this purpose from the local authority shall conduct seizure of goods; The list of goods so seized shall be made and signed by the said officer and co- signed by the vendor; and The street vendor whose goods are seized should be given a proper receipt in the manner specified in Form-IX by the local authority

19. Manner of reclaiming seized goods and fees thereof.—The street vendor whose goods have been seized may reclaim seized goods if street vendor makes a claim within two working days and pays such fee as may be specified by the local authority. CHAPTER-IX MISCELLANEOUS 20. Manner for carrying out social audit under sub section (3) of section 26 of the Act.—The WC shall carry out social audit of its activities at least once in a year

21. Terms and conditions for street vending and norms for up keeping public health and hygiene.A1) The local authority shall designate a proper place to dispose off the waste materials in order to maintain hygienic environment by the street vendors. (2) The street vendors shall use proper covered dustbins to dispose of the waste materials and used water should also be disposed off in a covered container. (3) The street vendors shall not litter the vending site and shall maintain cleanliness at the vending site

22. Maintenance of proper records and documents in respect of street vendors.— (1) The TVC shall maintain the records in respect of the following matters — (ii) (iii) details of agenda papers and minutes of the meetings of the IVC; survey procedure, updated database (including in digital format and also the documents submitted for the identity and address) and final reports; details of the allotment and relocation of sites to the street vendors, 776 CHI). ADMN. GAZ. (EXTRA), SEPT. 30, 2016 (ASVN 8, 1938 SAKA) (iv) all the decisions of the appellate committee and grievance redressal committee; (v) details of certificate of vending and identity cards issued; and (vi) papers for initiating five yearly survey. Explanation.—For the purpose of this sub-para the records of the survey outcomes and the allotment of sites, certificates of vending and identity cards shall be considered to be of permanent nature. (2) The appellate committee shall maintain the records relating to the appeals filed before it. (3) The grievance redressal committee shall maintain the records relating to the applications filed before it. (4) The local authority shall maintain the records of seizure of goods from any street vendors, counter foil of the receipt given to the street vendors after seizure of goods, compensation paid for the seized goods and the penalty recovered from the street vendors

23. Manner of carrying out vending activities on time sharing basis.—The TVC shall determine vending activities on time sharing basis depending on the market needs

24. Principles of determining vending zones.— The principles for determining the vending zones shall be based up on under Entry (3) of the First Schedule of the Act

25. Principles for determining holding capacity of vending zones and undertaking comprehensive census and survey.—The principles for determining the holding capacity of the vending zones and undertaking comprehensive census and survey shall be such as may determined by the Town Vending Committee. The 30th September, 2016. 5616 CCUT—Govt. Press, U.T., Chd. ANURAG AGARWAL, I.A.S. Secretary, Local Government, Chandigarh Administration. CHANDIGARH ADMINISTRATION

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