

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1050, CUTTACK, TUESDAY, JULY 07, 2015/ ASADHA 16, 1937

HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 6th July, 2015

S.R.O. No.310/2015— In exercise of the powers conferred by Section 38 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014), the State Government after consultation with the Municipalities and Town Vending Committees do hereby make the following Scheme for the purpose of the said Act, namely:—

1. Short title and commencement:— (1) This Scheme may be called the Odisha Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2015.

(2) It shall come into force on such date as the State Government may, by notification, appoint and different date may be specified for different Municipalities.

2. Definition:— (1) In this Scheme, unless the context otherwise requires.—

(a) 'Act' means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014;(7 of 2014)

(b) 'Form' means forms appended to these Schemes;

(c) 'Municipality' means a Municipal Corporation, a Municipal Council and Notified Area Council;

(d) "Planning Authority" means a Town Planning Authority and a Development Authority, respectively, constituted under the Odisha Town Planning Improvement Trust Act, 1956 (Odisha Act 10 of 1957) and under the Odisha Development Authorities Act, 1982 (Odisha Act 14 of 1982) and includes such other Authority as may be declared by the State Government;

(e) 'Section' means the Section of the Act; and

(f) 'State Government' means the Government of Odisha.

(2) All other words and expressions which are used and not defined but defined in the Act and the rules made thereunder shall have the meanings, respectively, assigned to them in the Act and Rules.

3. Street Vending not to be carried on without certificate of Vending.– (1) No person shall carry on his business of Street Vending activities except in accordance with the terms and conditions mentioned in the certificate of vending and without obtaining a Certificate of vending.

(2) No Street Vendor shall be evicted or relocated till the survey specified under sub-section (1) of Section 3 is completed and the Certificate of vending is issued to all Street Vendors.

4. Conduct of survey of existing Street Vendor.– (1) The Town Vending Committee shall, within a period of three months from the date of commencement of this Scheme, conduct a survey to identify all existing Street Vendors within the area of its jurisdiction and the natural markets developed over the years by holding a spot verification and at the time of verification, the Committee shall also record the identity of the Street Vendor, whether the vendor is a mobile vendor or a Stationary Vendor of a lane, sidewalk, footpath, pavement, public park or in any other public place or private area, in a register maintained in Form-I.

(2) The Town Vending Committee shall conduct a survey from morning 7.00 A.M. to 1.00 P.M. and from 3.00 P.M. to 10.00 P.M. by setting up registration camp in or nearby market and vending area.

(3) For the purpose of identifying existing Street Vendor and for registration, the Town Vending Committee shall use Geographic Information System (GIS) mapping, Digitalized photo census, Biometric Sensor.

(4) Subject to the provisions of the Act and the provision 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 vending zone.

5. Eligibility Criteria for issue of Certificate of Vending.– (1) A person shall be eligible for grant of certificate of vending if–

- (a) he is a citizen of India;
- (b) he is of sound mind;

- (c) he has no other means of livelihood except street vending;
- (d) he has completed the age of fourteen years or such other age as the State Government may prescribe, on the date of consideration for issue of Certificate of Vending in case of existing Street Vendor and in any other case from the date of filing of application;
- (e) his name appeared in the survey carried out by Town Vending Committee; and
- (f) he does not hold any other parallel vending site in any other place.

(2) persons those who are carrying on street vending prior to commencement of the Act shall be given preference over the persons those who are intending to start Street Vending.

(3) The Town Vending Committee while considering for issue of Certificate of vending shall also give preference to senior citizen, physically challenged, single mother, widow as well as Scheduled Castes, Scheduled Tribes, Other Backward Classes and minorities.

6. Application for grant and renewal of certificate of Vending.– (1) Any person who intends to carry on business as Street Vendor, may apply to Town Vending Committee and who shall, after making necessary scrutiny in accordance with the provision of this Scheme, issue the Certificate of Vending.

(2) The application for grant and renewal of certificate of vending shall be made in Form-II and the Street Vendor shall apply for renewal three months before expiry of the period of certificate of vending.

7. Issue of Certificate of Vending.– (1) A Certificate of vending shall be issued in Form-III within one month from the date of completion of survey to the applicant on payment of fee of one hundred rupees and subject to the conditions that–

- (a) the Vendor shall not construct any permanent structure on allotted space;
- (b) the Vendor in any way shall not obstruct the free movement of pedestrians and traffic;
- (c) the Vendor shall not allow any other person to carry on Street Vending on his behalf;
- (d) the Vendor shall not take any intoxication while vending in the Vending Zone;
- (e) he shall keep site allotted to him clean and disposed off their waste materials in a properly covered dustbin;

- (f) he shall carry on his vending activities on such date and time as specified in the certificate;
- (g) the Vendor shall not sit in any place other than the place mentioned in his Certificate of Vending:

Provided that the Street Vendor may change his place of business only with prior approval of the Town Vending Committee;

- (h) the Vendor shall not lease out, or put the shop/stall on rent or otherwise transfer the shop/stall without prior approval of the Town Vending Committee; and
- (i) the Vendor shall pay rent for the allotted site on first week of each month to the concerned Municipality at the rate as specified in the Certificate of Vending.

(2) The Authority reserves the right to shift the street vendor to other location under exceptional circumstances in the greater interest of public.

(3) The Town Vending Committee may impose such other conditions while granting certificate of Vending having regard to category of Street Vending and the nature of vending activities to be carried on by the Street Vendor.

(4) The Certificate of Vending and identity card is valid for a period of five years from the date of its issue and such certificate and identity card may be renewed from time to time on payment of a fee of one hundred rupees and on fulfillment of conditions specified in this scheme and subject to the provisions of the Act:

Provided that the Town Vending Committee shall have the power to refuse to renew the certificate, if it has come to notice that the Street Vendor has violated the provision of the Act or the Rules or the Scheme or any of the condition of the certificate of vending:

Provided further that no order of refusal of certificate shall be passed without giving reasonable opportunity of being heard to the concerned Street Vendor.

(5) Every Town Vending Committee on issue of Certificate of Vending in Form-III shall assign a registration number as maintained in the register for the purpose.

(6) In case of Street Vendor in whose name the Certificate of vending has been issued dies or is incapacitated or becomes ill his nominee or where there is no nominee, one of his family members in order of priority may continue as Street Vendor with an intimation to the Town Vending Committee, which shall make necessary corrections in the

certificate and issue an identity card accordingly and such nominee or the legal heir shall continue his business for the unexpired period of the validity of the certificate subject to the same conditions.

(7) The Town Vending Committee may grant temporary Certificate of Vending during any social or festive occasions special to the Municipality Area.

(8) The Street Vendor shall, besides the monthly rent pay such fee not exceeding one hundred rupees per month as may be decided by the Town Vending Committee depending on the nature of business towards maintenance and providing civic services by the Municipality.

8. Issue of identity card.– (1) Every person who is holding a Certificate of Vending shall be issued with an Identity Card.

(2) The Identity Card shall be issued in Form-IV containing following particulars, namely:—

- (a) Photograph of the Street Vendor;
- (b) Name of the Street Vendor;
- (c) Age;
- (d) Sex;
- (e) Residential address;
- (f) Address of the Vending site;
- (g) Category of Vending;
- (h) Municipal Ward or Zone (number);
- (i) Phone No. (if any);
- (j) Name of the Police Station;
- (k) Blood Group;
- (l) Validity ; and
- (m) Time

(3) In case of loss or damage of Identity Card, the Street Vendor may apply for issue of duplicate Identity Card to the Town Vending Committee accompanied with an affidavit, copy of FIR and fee of fifty rupees.

9. Cancellation and Suspension of Certificate of Vending.– (1) The Town Vending Committee may cancel the certificate of vending of any Street Vendor on any of the following grounds, namely:–

- (a) breach of any of the conditions of Certificate of Vending mentioned in the Act or in this Scheme;
- (b) the Certificate of Vending has been obtained on misrepresentation or suppression of material facts;
- (c) false document or photograph has been used;
- (d) fails to pay the monthly rent and dues of the Municipality; and
- (e) the Street Vendor has employed any child below the age of 14 years.

(2) Where the Town Vending Committee, for reason to be recorded in writing, is satisfied that pending the question of cancellation of the Certificate of Vending on any of the grounds mentioned in sub-para (1), it is necessary to suspend the Street Vendor 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.

(3) No order of cancellation of certificate of vending shall be made, unless the person concerned has been given a reasonable opportunity of being heard.

(4) Where the Town Vending Committee 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 Town Vending Committee within the period as specified in such order of cancellation and his name shall be struck off from the register maintained for the purpose.

10. Relocation and Eviction of Street Vendor.– (1) Where the Town Vending Committee recommend to declare a Vending Zone or part of it to be a no vending zone under section 18 and for relocation of Street Vendors vending in that vending zone, the Municipality shall, intimate the Street Vendor of that zone seven days prior to date of declaration and as far as practicable rehabilitate the Street Vendor with the same area or relocate in or nearby vending zone or otherwise liable to be evicted by the Municipality.

(2) If the Street Vendor fails to vacate the place on or shift to relocated place before the period of thirty days, from the date of receipt of notice delivered by hand or by registered post, the Municipality may cause the physical removal, if necessary with assistance of the Police, of the Street Vendor and seize the goods of such Street Vendor by an officer authorized by the Municipality in this behalf and the authorized officer shall

make a list of goods so seized in Form-V and obtain signature of the Street Vendor thereon and a copy thereof shall be handed over to such Street Vendor:

Provided that the authorized officer may release the goods if such vendor makes a claim within two working days and pay a fee of two hundred fifty rupees or an amount not exceeding the value of goods so seized whichever is less:

Provided further that in case of perishable goods the authorized officer shall release the goods on the same day on payment of fee which may extend to two hundred fifty rupees but shall not be more than the value of goods so seized.

(3) Any Street Vendor who carry on business of vending activities without having a certificate of Vending or whose certificate of vending has been cancelled under section 10, 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 hour, the Municipality, shall use physical force for such eviction and seize the goods and impose penalty as provided in sub-para(2).

11. Payment of fee and fine.—(1) For the purpose of deposit of money, whether as a fee, rent or fine or penalty, payable by the Street Vendor under the Act, Rules and the Scheme, every Town Vending Committee shall open a Bank account in any Scheduled Bank and operated by such officer of the Town Vending Committee as the Municipality may direct.

(2) The Street Vendor may deposit the fees including monthly rent and such other fee 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 Town Vending Committee or such other place as the Town Vending Committee direct publish from time to time.

12. Maintenance of record and Social audit.— (1) The account of each Town Vending Committee shall be audited in accordance with the provisions of the relevant Municipal law applicable to the concerned Town Vending Committee.

(2) All documents, records and information relating to Street vending may be maintained in electronic form and audit of such documents records and information may also be maintained in electronic form.

13. Appointment of Nodal Officer.— (1) For the purpose of co-ordinating all matters relating to Street Vending at the State level, the State Government shall appoint an officer not below the rank of Joint Secretary as Nodal Officer.

(2) The Nodal Officer shall have power to inspect or cause to be inspected, the records of Town Vending Committee as and when he deems fit.

(3) The Nodal Officer shall have, at least, a half-yearly meeting with the Municipality in order to update the status of Street Vendors and may take feedback from the Street Vendors for ensuring their social security and co-ordinate with the Municipal authorities including the Town Vending Committee.

(4) The State Government, if required, may issue executive instructions, from time to time, for the greater interest of the street vendors and effective implementation of the Scheme.

[No. 17030–HUD-13-LEGIS-67-POLICY-33/2015/HUD.]

By Order of the Governor

G. MATHI VATHANAN

Commissioner-*cum*-Secretary to Government

Form – I

(See Para. 4(1) of the Scheme)

(Survey verification of Register)

- 1 Name of the Municipality–
2. Name of the Vending Zone–
3. Territorial area covering the Vending Zone–
4. Number of Vending Zone–
5. Number of existing Stationary Street Vendors identified–
6. Number of Mobile Vendors–

Sl. No.	Name & Address of the Street Vendors.	Name of place i.e. Lane/Street/Market.	Status of Street Vendors New/existing.	Public / Private area.	Nature of Street Vending.	Date of survey.
1	2	3	4	5	6	7

Dated:

Signature

Place :

N.B.— In case new applicant, date of application is to mention in Column (4).

Form – II

(See Para. 6 (2) of the Scheme)

Application for Grant of Certificate of Vending

1. Name of the Applicant–
2. Residential Address–
3. Name of dependant family members–
4. Nature of Vending–
5. Proposed area of Street Vending–
(Vending Zone)
6. Adhar Card No.–
7. Whether belong to BPL category–

I undertake that in the event of any of the information furnished above being found to be false or incorrect in any respect, the certificate is liable to be cancelled.

Dated:

Signature

Place :

Form – III

(See Para. 7 (1) of the Scheme)

Certificate of Street Vending

For Vending Zone No.

1. Name of the Street Vendor–
2. Registration No.–
3. Residential Address–
4. Category of Vending–
5. Nature of Vending–
6. Time of Vending–
(If one sharing basis)
7. This certificate is valid from to
8. This certificate of vending is granted with the following conditions:–
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
 - (f)
 - (g)
 - (h)
 - (i)
 - (j)
 - (k)
 - (l)
 - (m)
 - (n)
 - (o)

Dated:

Signature and designation of the Authority

Place:

N.B.— The Town Vending Committee may impose any other conditions having regard to category of nature of Street Vendor.

Form – IV

(See Para. 8 (2) of Scheme)

Identity Card

1. Name :
(Street Vendor)

Photograph
Passport size.

Signature

2. Registration No. :

3. Age :

4. Sex :

5. Residential Address :

6. Vending Zone:

7. Category of Vending:

8. Municipal Ward:

9. Telephone No. (if any):

10. Name of the Police Station:

11. Blood Group:

12. Identity Card valid up to:

FORM – V

(See Para.10 (2) of Scheme)

List of seized goods

Sl. No.	Name of the Goods
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

Date of seizure:

Place of seizure:

**Signature of the authorised Officer
with seal****Signature of the Vendor with
vending certificate No.**