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SERIES : II

Daman 2nd September, 2016 11 Bhadra 1938 (Saka)

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सरकारी राजपत्र OFFICIAL GAZETTE



सत्यमेव जयते
भारत सरकार
Government of India

संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित
PUBLISHED BY AUTHORITY

UT Administration of Daman and Diu
Urban Development Department
Daman

No. UD/DMN/SVA/68(Part-I)/2016/484

Dated : 31/08/2016

NOTIFICATION

In pursuance of the powers conferred under Clause(1) of Article 239 of the Constitution to the President and the powers delegated to the Administrator by the Ministry of Home Affairs, Government of India, New Delhi vide notification S.O 2325(E) dated 6th July, 2016 under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014), the Administrator of Daman and Diu hereby makes the following Schemes under Sub-Section (1) of Section 38 of the Act for the Union Territory of Daman and Diu namely:-

CHAPTER - I PRELIMINARY

1. Short title and commencement.- (1) This Scheme may be called "Daman and Diu the 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 of UT of Daman and Diu.

2. **Definitions.**- (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 (Central Act 7 of 2014),
 - (b) "**Annexure**" means an annexure appended to this Scheme;
 - (c) "**Government**" means the Administrator of the Union Territory of Daman and Diu;
 - (d) "**Form**" means the form appended to this Scheme;
 - (e) "**Rules**" means rules made under section 36 of the Act;
 - (f) "**Schedule**" means a schedule appended to the Act or the rules, as the case may be;
 - (g) "**Section**" means a section of the Act;
- (2) words and expressions used herein and not defined, but defined in the Act and the Rules, shall have the same meanings as respectively assigned to them in the Act or the rules, as the case may be.

CHAPTER – II

MANNER OF CONDUCTING SURVEY

3. **Manner of conducting Survey.**- (1) The town vending committee shall within a period of six months from the date of commencement of this Scheme, conduct and complete a survey to identify all existing street vendors within the area of 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:

Provided further that the survey shall not be deemed complete unless the same is placed before the Town Vending Committee and is approved by it.

- (2) The Town Vending Committee shall publish through local news papers and by notice 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 Town Vending Committee shall conduct the survey at a suitable time to ensure that all street vendors vending in the area are covered in the survey.
- (4) The Town Vending Committee shall conduct, monitor and supervise the survey and carry it out by under taking comprehensive digitalized photo-biometric census, GIS mapping of the location of existing vendors with the assistance of local bodies/professional organizations/experts/NGOs, as per need.

- (5) The survey form shall be computer generated with unique barcode/ID and an acknowledgement receipt containing the details as specified in Form-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 Town Vending Committee 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 a period more than one year from the date of commencement of the scheme.

CHAPTER III

ISSUE OF CERTIFICATE OF VENDING

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 such fee as specified by the local authority which shall be in a form as specified in Form-III:

Provided that, if the Town Vending Committee 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 Town Planning Committee shall carry out a draw of lots for issuing the certificate of vending for the 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 Town Vending Committee 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 zone:

Provided that where subject to the plan for street vending and the holding capacity of the vending zones, it is not possible to accommodate the said persons, the Town Vending Committee shall issue a computer generated acknowledgment of application with a unique barcode/ ID specifying the 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 Town Vending Committee shall issue certificate in a serial order as per the waiting list specified under the first proviso:

Provided also that the also that the persons whose application is rejected shall be communicated about the rejection along with reasons for such rejection.

(5) The Town Vending Committee 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 Town Vending Committee shall maintain a register as specified in Form – IV with details of street vendors who have been issued certificate of vending.

5. Criteria for issue f certificate of vending:- (1) The following criteria shall be adopted for issuing certificate of vending to street vendor, namely:-

(i) his name should appear in the survey carried out by the Town Vending Committee or has applied for a certificate of vending;

(ii) he has no other means of livelihood;

(iii) he has completed the age of fourteen years on the date of issue of certificate of vending;

(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 Town Vending Committee about such death, disability or illness and the Town Vending Committee shall make necessary corrections in the certificate of vending and issue an identity card accordingly.

6. Terms and conditions for certificate of vending :- The street vendor to whom a certificate of vending is issued:-

(i) shall carry on the business of street vending himself or through his family member:

(ii) shall vend only from his allotted space in case of stationary vendor and from his allotted area in case of mobile vendor and pay such vending fees as determined by the local authority;

(iii) Shall abide by all conditions specified by the Town Vending Committee 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.

(iv) shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person;

(v) shall not construct any permanent structure on allotted space, unless permitted by the certificate of vending;

(vi) shall carry on vending activities on such date and time as specified in the certificate of vending;

(vii) shall remove his goods and wares every day at the end of the time-sharing period, when he occupies space on the time sharing basis; and

(viii) shall comply with such other conditions as may be specified by the Town Vending Committee 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 Town Vending Committee.

(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 lose or damage of identity card, the street vendor may apply for issue of a duplicate identity card to the Town Vending Committee accompanied by copy of FIR and such fee as specified by the local authority.

CHAPTER- IV

RENEWAL, SUSPENSION AND CANCELLATION OF CERTIFICATE OF VENDING

8. Renewal of certificate of vending- (1) The certificate of vending may be renewed after three years on payment of such fee as specified by the local authority and on fulfillment of conditions specified in the Scheme and subject to the provision of the Act and Rules made there under.

(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 Town Vending Committee two months prior to the expiry of the period of certificate of vending in the manner as specified in Form-VIII.

(3) The Town Vending Committee shall publish a list of defaulter street vendors who fail to pay the renewal fees of certificate of vending.

(4) The Town Vending Committee may grant one-month grace period for the payment of renewal fees without any penalty.

(5) After 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 Town Vending Committee may cancel his certificate of vending.

9. Manner in which certificate of vending may be suspended or cancelled:- (1) The Town Vending Committee may cancel or suspend the certificate of vending of any street vendors on any of the grounds specified under section 10 of the Act.

(2) Where the Town Vending Committee, for reasons 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 section 10 of the Act, 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 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 Town Vending Committee, 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 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.

CHAPTER – V

FEES, RECORDS & 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 cities or urban area.

11. The manner of collecting vending fees, maintenance charges and penalties :-

(1) for the purpose of money, whether as a fee or fine penalty, payable by the street vendor under the Act, Rules and the Scheme, every local authority 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.

12. Maintenance of record and audit.- The account of each Town Vending Committee shall be audited in accordance with the provision of the relevant Municipal law of the concerned local authority.

CHAPTER-VI

CATEGORIES OF STREET VENDERS

13. The categories of street vendors other than stationary vendor and mobile vendor- The Town Vending Committee 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 Town Vending Committee 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 the vending 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 Town Vending Committee 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 vendor as per Entry (zb) of the Second Schedule of the Act.

16. Notice for relocation or eviction of a street vendor:- (1) The notice for relocation or eviction, as the case may be, required under the 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 the registered post is returned undelivered, the said notice shall be in 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 para 15, the local authority may cause the physical removal, if necessary with 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.

(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, 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.

(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 Act, the following shall be taken in to consideration by the local authority, namely:-

- (i) Only the officer authorized for this purpose from the local authority shall conduct the seizure of goods;
- (ii) The list of goods so seized shall be made and signed by the said officer and co-signed by the street vendor; and
- (iii) The street vendor whose goods are seized should be given proper receipt in the manner as specified in Form – VIII by the officer.

19. Manner of reclaiming seized goods and fees thereof:- The street vendor whose goods have been seized may reclaim his goods if he makes a claim within two working days and pays such fees 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 Town Vending Committee shall carry out 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:- (1) The local authority shall designate a proper place to dispose off the waste materials in order to maintain a 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 Town Vending Committee shall maintain the records in respect of the following matters:-

- (i) Details of agenda papers and minutes of the meetings of the Town Vending Committee;
- (ii) Survey procedure, updated data based (including in digital format and also the documents submitted for the identity and address) and final report;
- (iii) Details of the allotment and relocation of sites to the street vendors;

- (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 the sub para the records of the survey outcomes and the allotment of sites, certificates of vending and 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 Town Vending Committee shall determine vending activities on time sharing basis depending on the market needs.

24. Principles for determining vending zones: The principles for determining the vending zones shall be based upon 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 be determined by the Town Vending Committee.

Sd/-
(P. P. Parmar)
Deputy Secretary (UD)
Daman & Diu

