NOTIFICATION

Memo No. 551/MA/O/C-4/1A-10/2011(Part II)  Dated 12th June 2020

In exercise of the powers conferred by sub-section (1) of section 38 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014) (hereinafter referred to as the said Act) and after due consultations with the local authority and the Town Vending Committee, the Governor is pleased hereby to frame the following Scheme, namely:–

Chapter I

Preliminary

1. Short title, commencement and application. – (1) This Scheme may be called the West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2020.

(2) It shall come in to force on such date or dates as may be notified by the State Government in the Official Gazette.

(3) It extends to the areas of West Bengal to which the provisions of–

(i) the Kolkata Municipal Corporation Act, 1980;

(ii) the Howrah Municipal Corporation Act, 1980;

(iii) the West Bengal Municipal Corporation Act, 2006; and

(iv) the West Bengal Municipal Act, 1993, or any part or modifications of the above mentioned Acts are applicable may hereafter be applied.

2. Definition.– (1) In this Scheme, unless there is anything repugnant in the subject or context,—

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

(ii) "by-law" means the bye-laws made under section 37 of the said Act,

(iii) "clause" means a clause of the scheme;

(iv) "Commissioner" means the Commissioner of the Municipal Corporation under the Kolkata Municipal Corporation Act, 1980, the Howrah Municipal Corporation Act, 1980 or the West Bengal Municipal Corporation Act, 2006;

(v) "Executive Officer" means the Executive Officer of the Municipality appointed under the West Bengal Municipal Act, 1993;

(vi) "Festive market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during festive season as may be determined by the Municipality concerned on the recommendations of the respective Town Vending Committee;

(vii) "Heritage Market" means a market which has completed more than fifty years in one place where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the respective Municipality on the recommendations of the respective Town Vending Committee;
(viii) "holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone which has been determined by the respective Municipality on the recommendations of the respective Town Vending Committee;

(ix) "Mobile Vendors" means street vendors who carry out vending activities in designated area by moving from one place to another place for vending their goods and services;

(x) "Municipal Commissioner" means the Municipal Commissioner of Kolkata Municipal Corporation constituted under the Kolkata Municipal Corporation Act, 1980;

(xi) "Municipality" includes an institution of self-government constituted under article 243Q of the Constitution of India, and also includes Industrial Townships constituted under the West Bengal Municipal Act, 1993;

(xii) "Municipal Vending Committee" means the Town Vending Committee constituted under section 22 of the Act;

(xiii) "natural market" means a market where the sellers and buyers traditionally congregate for the sale and purchase of products or services and has been determined as such by the Municipality on the recommendation of the respective Town Vending Committee;

(xiv) "night bazaar" means a bazaar where the sellers and buyers traditionally congregate for the sale and purchase of products or services after evening, and has been determined as such by the Municipality on the recommendation of the respective Town Vending Committee;

(xv) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;

(xvi) "No-vending zone" means an area or a place or a location designated as such by the Municipality on the recommendations of the respective Municipal Vending Committee, for no use by street vendors for street vending and includes certain areas of the public places, bus stop, gates of offices and hospitals, public buildings, narrow footpath, narrow street or lane, congregation or worship area for public or any such place considered not suitable for vending activities;

(xvii) "Planning Authority" includes a Development Authority constituted under the West Bengal Town and Country (Planning and Development) Act, 1979, having jurisdiction over the area;

(xviii) "public purpose" includes, in the context of the Act,

- (a) widening of roads, streets, lanes;
- (b) shifting the alignment of roads, streets, lanes;
- (c) erecting flyovers with or without clover leaves and slip down roads;
- (d) erective underpasses;
- (e) development of land owned by public authorities for some public projects;
- (f) laying of water, storm water or sewer lines;
- (g) erecting intermediate pumping stations for the services;
- (h) any project related with public transport like BRTS, Metro etc. ;
- (i) erection of Economically Weaker Section (EWS) Housing;
- (j) creation of park, gardens and recreational area.
(k) conservation of any eco-system resource in that area, and
(l) any other developmental work taken up by the Urban Local Bodies,
the beneficiary of which would be community at large.

(xix) "scheme" means this Scheme;

(xx) "seasonal market" means a market where the sellers and buyers have traditionally
congregated for the sale and purchase of products or services during specific
seasons and has been determined as such by the Municipality on the
recommendation of the respective Municipal Vending Committee;

(xxi) "section" means a section of the Act;

(xxii) "State Government" means the Government of West Bengal in the Department of
Urban Development and Municipal Affairs;

(xxiii) "stationary vendors" means street vendors who carry out vending activities on
regular basis at a specific location;

(xxiv) "street vendor" means a person engaged in vending of articles, goods, wares,
food items or merchandise or everyday use or offering services to the general
public, in a street, lane, side walk, footpath, pavement, public park or any other
public place or private area, from a temporary built up structure or by moving
from place to place and includes hawker, peddler, squatter and all other
synonymous terms which may be local or region specific, and the words "street
vending" with their grammatical variations and cognate expressions, shall be
construed accordingly;

(xxv) "vending zone" means an area or a place or a location designated as such by the
Municipality on the recommendation of respective Municipal Vending
Committee, for the specific use by street vendors for street vending and includes
footpath, side walk, pavement, embankment, portions of a street, waiting area for
public or any such place considered suitable for vending activities and providing
services to the general public;

(xxvi) "weekly market" means a market where sellers and buyers have weekly
congregated for the sale and purchase of products or services and has been
determined as such by the Municipality on the recommendation of the Municipal
Vending Committee.

(2) The words and expressions used in the Scheme but not otherwise defined shall have the same
meaning as in the Act and the rules made thereunder.

Chapter II

Manner of Conducting Survey

3. Survey by Municipality – For identification of existing vendors, a list of such vendors shall
be prepared by the Town Vending Committee in consultation with the Municipality by way of conducting
survey with local Police Authority & to be submitted before the Municipality for consideration and
acceptance.
Chapter III

Issue of Licence to Urban Street Vendors

4. (i) **Issue of Licence.**— Town Vending Committee shall prepare the list by way of conducting Survey, with the assistance from local police and the municipality concerned within their respective jurisdiction and will recommend the same to the concerned Municipality, and the concerned Municipality, after receipt of the list of vendors recommended by the Town Vending Committee concerned, shall issue necessary license in the form of Certificate for “Enlistment, Trade and Calling” as per provision of extant statutes and guideline under mentioned at clause 1(3) of this scheme.

(ii) After completion of survey for preparation of detailed list of existing vendors, the Municipal Vending Committee, in consultation with the Municipality concerned, shall fix a cut-off date after which any intending street vendor shall have to obtain licence prior to starting new business. After completion of survey the Municipality and Town Vending Committee shall ensure that no new vendor starts his business prior to obtaining licence.

(iii) Any intending vendor, prior to starting his business, after the cut-off date shall apply for license to the Municipal Vending Committee.

(iv) **The other categories of persons for preference for issue of Licence.**— The Town Vending Committee shall accord priority for senior citizen, physically challenged, single mothers and widows at the time of recommendation of the list for issuance of licence to the Municipality.

5. The terms and conditions of Licence.— The Municipality, on the basis of recommendation from Town Vending Committee shall issue the licence to Urban Street Vendors on the following terms and conditions—

(i) he/she should not have any other means of livelihood except for street vending;

(ii) he/she should not have any other vending site in any other place;

(iii) he/she should carry the vending himself or herself who should be 18 years of age;

(iv) The licence is non-transferable;

(v) The licence of vending should have picture of the person vending.

6. The form and manner of issuance of licence.— The licence must contain the following documents—

(i) Photo of the vendor;

(ii) Name of the vendor;

(iii) Age and sex of the person/s whose photo appears;

(iv) Residential address;

(v) Category of Vending (Mobile/Stationary /Natural/ Weekly etc.);

(vi) Name of the Vending Place;

(vii) Name of the Municipality;

(viii) Date of Issue of licence;

(ix) Validity;

(x) Unique Registration Number, which shall contain: Ward No. followed by Serial No. of the Street within the ward followed by Stall No. and

(xi) Such other documents as may be notified by the State Government.
7. **The criteria for issuing licence to Urban Street Vendors.**

(i) Name should appear in the survey carried out by the Municipal Vending Committee;
(ii) Should be a street vendor only;
(iii) No other parallel vending site in any other place by the same person;
(iv) Any Urban Street Vendor who has completed the age of 18 years of age;
(v) The licence cannot be leased or sold to others and an undertaking to this effect is to be submitted to the Town Vending Committee in the manner of affidavit before issuance of licence by Municipality.

8. **The period of validity of licence.** The licence issued to Urban Street Vendor will be valid up to the period of licence issued to this vendor by the Municipality concerned, subject to a maximum of 3 Years.

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**Chapter IV**

**Renewal, suspension and cancellation of Vending licence**

9. **Renewal of Licence and the fees for such renewal.** (1) The licence to be renewed after expiry of its validity period through a simple process of paying the fees which may include "on-line payment" which will be notified by State Government from Time to Time.

(2) It is desirable that the Town Vending Committee may put up the list of the vendors to the Municipality whose due dates for renewal falls within a period of two months.

(3) The Municipal Vending Committee will publish a list of defaulter street vendors who has failed to pay the renewal fees of licence. The renewal fees of the licence should be of same amount as followed in the case of renewal of Certificate for Enlistment, Trade and Calling by the Municipality.

(4) One month notice period along with late fees as may be determined by the Municipality will be given for paying the fees, failing which the Municipality on the basis of report from Town Vending Committee will serve one month notice to the defaulting Urban Street Vendor as to why his/her vending licence may not be suspended/ cancelled.

10. **The manner of suspension and cancellation of certificate of vending.** The Town Vending Committee will issue warning to the Vendor causing of breach of conditions laid down in the vending licence for necessary rectification within a specified period, failing which the Municipal Vending Committee shall recommend to the municipality concerned for imposition of penalty. This will include:

(i) If he/she carrying out vending/ squatting/hawking in the area/market other than mentioned area in the vending license;
(ii) misrepresented the age for eligibility to get vending licence;
(iii) if the area allotted has been increased by unauthorized means occupying additional area;
(iv) if certificate of vending is sold or lease out to any other person;
(v) if the vending licence has not been renewed after the prescribed period is over.
(vi) where any Street Vendor, who is registered, or his agent or servant does any breach of any of the conditions determined by the concerned Municipality for regulating Street Vending, or where the Town Vending Committee finds that such registration has been secured through misrepresentation of facts or fraud, the Committee shall cancel the registration or suspend the same for a particular period, as they think fit. Police Authority should play their role in appropriate manner for regulation of street vendors, in consultation with Urban Local Body.
Chapter V

Fees

11. The fees.—The fees shall be the same as determined by the Municipality at the time of issuance of certificate for Enlistment, Trade & Calling. The Municipality may collect vending fee annually if it deems fit.

Chapter VI

Categorization of Street Vending

12. Categorization of Street Vendors.— The Vendors may be categorized as mobile Vendor and stationary Vendor and they will carry their business in the following places as to be notified by the Municipal Vending Committee as noted below—


Chapter VII

Relocation of Urban Street Vendors

13. The public purpose for which a street vendor may be relocated and the manner of relocating street vendor.—(1) Any project of public purpose, requiring temporary or permanent shifting of the street vendors in the project related area, the Municipality concern in consultation with Town Vending Committee shall consider following two points for relocation—

(i) During the time of construction/development the street vendors may be adjusted in a nearby place temporarily or permanently.

(ii) After completion of the project, the street vendors may be adjusted in the same place for vending to the extent possible or practicable but it is not compulsory / mandatory.

(iii) At the time of relocation of the existing street vendors for the public purpose, who has already registered under this scheme, they may be given priority to relocate at the nearby vending zones in the vicinity to their original vending sites.

Chapter VIII

Social Security to the Urban Street Vendor

14. Every registered Urban Street Vendor will be provided with social security package available under Samajik Suraksha Yojana, 2017, introduced by Department of Labour, Government of West Bengal and implemented by the West Bengal Unorganised Sector Workers’ Welfare Board. The registered Hawkers will be provided with Samajik Mukti Card (SMC) to avail benefits under this Yojana.
15. Benefit under the scheme:

15.1 Provident Fund:

(a) Each eligible hawker is to contribute a sum of Rs.25/- per month and the State Government gives a matching grant of Rs. 30/- against worker's contribution.

(b) The State Government also bears the interest payable annually at the rate at which interest is allowed on deposit under the General Provident Fund by the Government from time to time.

(c) On attainment of the age of 60 years, or discontinuance as a subscriber under the Scheme, or in the event of the account becoming inoperative due to death, the total cumulative amount along with interest will be refunded to the workers, or to his / her nominees.

(d) A subscriber will be allowed one withdrawal of Rs. 1000/- provided he/she has made 48 months contributions and he/she has Rs. 2500/- in his/her credit. The amount may be paid to him/her by cheque.

(e) The account of a subscriber will be automatically closed if he/she does not make any contribution continuously for three financial years provided that such account shall be revived by the Assistant Labour Commissioner (ALC) w.e.f. current financial year on an application made by the subscriber stating reasons for such non-payment and found to be sufficient by such ALC. No arrear contribution shall, however, be allowed.

15.2 Health and Family Welfare:

With the objective of providing health treatment and social justice to the unorganised worker the following benefits would be provided under this Yojana:

(a) (i) A beneficiary and/or family members are entitled to get financial assistance upto Rs. 20,000/- only per annum on account of hospitalization for not less than five days for major ailments like Cancer, Leprosy, Tuberculosis (T.B.), brain stroke, cardiac problems, malfunctioning of kidney(s), AIDS, Eye Ailments, Varicose of Veins, or Thalassemia requiring hospitalisation and treatment.

The benefits to be provided for:

(A) cost of clinical tests – full
(B) cost of medicine – full
(C) cost of hospitalization – full
(D) payment for loss of employment to the beneficiary @Rs.1,000/- for the 1st 5 days and additional amount of Rs.100/- per day for the remaining days, up to a maximum of Rs. 10,000/-. 

(ii) Claim from a beneficiary and/or family members may be accepted for more than once in a year but total assistance shall be limited to Rs. 20000/- (Rupees Twenty thousand) only per annum.
(b) A beneficiary and/or family members are entitled to get financial assistance up to Rs. 60,000/- only per annum on account of any kind of surgery. Beneficiary undergoing surgery for self or for family members will be entitled for a maximum of benefit/claim of Rs. 60,000/- only. The benefits to be provided for:

(A) cost of clinical tests - full
(B) cost of medicine - full
(C) cost of hospitalization - full
(D) payment for loss of employment to the beneficiary @Rs.1,000/- for the 1st 5 days and additional amount of Rs.100/- per day for the remaining days, up to a maximum of Rs. 10,000/-. 

(ii) Claim from a beneficiary and/or family members may be accepted for more than once in a year but total assistance shall be limited to Rs. 60,000/- (Rupees Sixty Thousand) only per annum.

(c) A beneficiary, if hospitalised for 5 or more days due to an accident shall be assisted payment for loss of employment to the beneficiary @Rs.1,000/- for the 1st 5 days and additional amount of Rs.100/- per day for the remaining days, up to a maximum of Rs. 10,000/-. This claim will be admissible if admitted in a Government Hospital only.

(d) Claim for (a), (b) and (c) will be admissible for expenses at any Government Hospitals or at Government empanelled hospitals and as per the package rates as approved by State Government from time to time.

15.3 Death and Disability:

The workers in the unorganised sector are exposed to the risk of untimely death due to disease or accident. This is pronounced in unorganised sectors because of lack of defined safety and deficiency in care. Untimely death, disability or even normal death of an earning member may leave the rest of the family members in perilous condition. To provide social security to the nominees of the beneficiaries under the Yojana, the following benefit would be provided:

(a) Rs. 2,00,000/- only in cases of death of the beneficiary arising out of an accident.
(b) Rs. 50,000/- only in cases of normal death of the beneficiary.
(c) Rs. 50,000/- in cases of minimum 40% disability of the beneficiary. The disability should be certified by a Government Hospital.
(d) Rs 2,00,000/- in case of total disability, arising out of an accident, as defined under provisions of the Persons with Disabilities Act, 1995 and Rules thereunder made by State Government in the Social Welfare Department.
15.4 **Education:**

Education is key to empowerment and better society where socio-economic justice prevail. However, lack of education due to poverty and economic stresses are not ruled out. Drop-outs at the secondary level is alarming and to address this issue it has been contemplated in this Yojana to provide financial assistance to the children of the beneficiaries in their pursuit of higher studies.

(a) Assistance for education will be provided in the following category as per scale given below:

(i) Reading in Class XI  
Rs. 4,000/- p.a;

(ii) Reading in Class XII  
Rs. 5,000/- p.a;

(iii) Under training at ITIs  
Rs. 6,000/- p.a;

(iv) Reading in UG (Arts/Science/Commerce)  
Rs. 6,000/- p.a;

(v) Reading in PG (Arts/Science/Commerce)  
Rs. 10,000/- p.a;

(vi) Reading at Polytechnics  
Rs. 10,000/- p.a;

(vii) Medical / Engineering  
Rs. 30,000/- p.a.

(b) Assistance for completion of UG education or equivalent Skill Development Studies @ Rs. 25,000/- each for up to two daughters will be provided. This benefit will however be admissible if the daughter remains unmarried till completion of studies.

(c) The above benefits would not be payable to those students who are eligible to get benefits under the 'Swami Vivekananda Merit-cum-Means Scholarship Scheme'.

(d) The above assistance can only be claimed by those students who are studying in recognised education institutions of State Government, Central Government or any institution created by statute of the State or Central Government.

(e) The students who will be covered under this Yojana cannot also avail any other scholarship / scheme of the Government.

15.5 **Training in safety and Skill Development:**

Uncertainty in the unorganised sectors necessitates need for diversification of activities and the search for alternative employment and self-employment ventures. The beneficiary and/or their family members will be provided training in various trades & vocations so as to enable them to switch to alternate economic activity mainly towards self-employment.

16. This has concurrence of Labour Department and concurrence of Finance Department, Group R vide UO NO : Group R/2019-2020/0150, dated UO Date : 15.01.2020.

By order of the Governor,

[Signature]

*Joint Secretary to the Govt. of West Bengal*