

Government of Jammu and Kashmir
Housing and Urban Development Department
Civil Secretariat, Jammu.

NOTIFICATION

Jammu the 29th January, 2021

S.O. 28.- In exercise of the powers conferred by Section 38 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014), and subject to the other provisions of the Act and the rules made there under, the Lieutenant Governor of Union territory of Jammu & Kashmir hereby makes the following Scheme for the welfare of the Street Vendors, namely:-

CHAPTER 1: PRELIMINARY

1. **Short title, application, and commencement:-** (1) This Scheme may be called "The Jammu and Kashmir Street Vendors (Protection of Livelihood and Regulation of Street Vending) Model Scheme, 2021".
 - (2) It shall be applicable to all the Municipal bodies/Municipalities in the Union Territory of the Jammu and Kashmir.
 - (3) It shall come into force with effect from the date as may be notified by the Government in the official Gazetted.
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, (7 of 2014) of Government of India;
 - (b) **"Chief Executive Officer"** means an officer in charge of the Municipal Corporation, Municipal Council, Municipal Committee, as the case may be;
 - (c) **"Form"** means form appended to this Scheme;
 - (d) **"Government"** means the Government of Jammu and Kashmir;

- (e) **"License"** means the permission letter for vending issued under this Scheme;
- (f) **"Local authority"** means the local authority as defined under clause(c) of sub-section (1) of section (2)of the Act;
- (g) **"Mobile Vendor"** means a person who sells goods or offers services moving from place to place as referred to in the Section 2 of the Act;
- (h) **"Section"** means the section of the Act;
- (i) **"Street Vendor"** means a person engaged in vending of articles, goods, wares, food items or merchandise of 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. as referred to in clause (c) of sub-section (1) of section (2) of the Act;
- (2) The words and expressions used herein but not defined shall have the same meaning as respectively assigned to them in the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (No. 7 of 2014) and the Jammu and Kashmir Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2020.

CHAPTER 2: SURVEY OF STREET VENDORS

3. Process of Survey: -(1) The Town Vending Committee of the concerned Urban Local Body such as Municipal Corporation or Municipal Council, as the case may be shall conduct the survey itself or get it done through suitable agency.

- (2) Adequate publicity of the proposed survey shall be given;
- (a) On its website

- (b) By publishing in two local newspapers
- (c) By placing it on the notice board of the Municipality
- (d) By placing a copy in any conspicuous place in the local market within the jurisdiction of the Municipality.
- (3) The survey outcome shall be available in the digital format.
- (4) The process of survey shall be completed within a period of six months. The survey should be conducted 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**.
- (5) The issuance of certificate of vending shall be completed within a period of one year from the date of commencement of the survey.
- (6) 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.
- (7) 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. The survey will capture the geo-coordinates of the place of vending and other details of the vendors as indicated in the **Form II**.
- (8) 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 Para 3 are accommodated in the vending zone.
- 14

4. **Matters relating to taking services from Survey Agency:-** (1) Survey Agency will complete the survey work under the instruction and guidance of Town Vending Committee (TVC);
- (2) Survey Agency will collect information in assigned format and will also collect important documents to verify the information (Voter ID/Aadhar card/Driving License);
- (3) The Survey agency will be time bound to complete the survey work as per the agreement with Town Vending Committee and Municipality ;
- (4) Database of information collected in the survey format will be immediately prepared by Survey Agency;
- (5) Ward wise survey of vendors will be completed by the Survey Agency;
- (6) During the survey, the survey agency will not incite fear or foster greed in the street vendors or their family members.

CHAPTER 3: VENDING CERTIFICATE AND IDENTITY CARD

5. **Eligibility Criteria for issue of Certificate of Vending:-** 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 eighteen years or such other age as the 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. However, his spouse and any child above eighteen years of age may have a different vending site;

(g) the certificate of vending cannot be leased, rented or sold to any other person. An undertaking in this respect in the **Form III** shall be submitted by the street vendor to the town vending committee.

(h) Transfer of vending license upon the death of vendor should be in favour of his legal heir having no license at any other place or zone in his name.

(2) The 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 disabled, 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-IV** 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) The street vendor identified by the survey shall be issued a certificate of vending(Form V) within a period of one year from the date of commencement of survey 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 carry out vending by himself or through his family member or employee provided that such family member or employee has completed eighteen years of age and condition at para 5 (1);
- (d) the Vendor shall not take any intoxication while vending in the Vending Zone;
- (e) he shall keep site allotted to him clean and dispose 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 as prescribed by the Government and on fulfillment of conditions specified in this scheme and subject to the provisions of the Act:

14

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 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. **New Sites and Street Vendors:-** (1) New street vendors who wish to carry on street vending during the intervening period of two surveys, shall apply through the local authority for the certificate of vending, and

(2) Identification of new sites, acceptance of application from new vendors and the allotment of certificate of vending to new applicants by the local authority shall be a continuous process.

9. Issue of identity card :-(1) Every person who is holding a Certificate of Vending shall be issued an Identity Card.

(2) The Identity Card shall be issued in **Form-VI** 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) The certificate of vending should have photograph of the person vending and that of the spouse or dependent child provided they are involved in vending from that site. Photographs of all such persons shall also be added in the certificate.

(4) 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 as prescribed by the Government.

CHAPTER 4: RENEWAL, SUSPENSION AND CANCELLATION OF CERTIFICATE OF VENDING

10. **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 certificate of vending may be renewed after every five years.
- (3) The application for grant and renewal of certificate of vending shall be made in **Form-IV** and the Street Vendor shall apply for renewal three months before expiry of the period of certificate of vending.
- (4) The TVC shall publish a list of defaulter street vendors who failed to pay the renewal fees of certificate of vending.
- (5) The renewable fees of the certificate of vending shall be prescribed by the Government from time to time.
- (6) One-month grace period may be granted for the payment of renewal fees without any penalty.
- (7) After expiry of the period one month, the certificate of vending may be renewed on payment of renewal fees and the penalty for the delayed period.
- (8) If the vendor fails to renew his certificate of vending within a period of one month, the TVC shall serve a notice to the vendor asking him to submit reasons within fifteen days from the date of issuance of the notice as why his certificate of vending should not be cancelled. If he fails to give any reason to the satisfaction of the Town Vending Committee, his certificate of vending shall be cancelled.
11. **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) any permanent structure has been constructed on the allotted place;
 - (e) if the area allotted has been increased, occupying the additional area unauthorizedly;
 - (f) certificate of vending is rented, sold or leased out to any other person;
 - (g) the certificate of vending has not been renewed after the prescribed period is over;
 - (h) fails to pay the monthly rent and dues of the Municipality for a period of three months; and
 - (i) the Street Vendor has employed any child below the age of 14 years (under Child Labour (Prohibition and Regulations) Act, 1986 shall be given a warning by the Town Vending Committee. If he fails to carry out the direction given in the warning, his certificate of vending shall liable to be cancelled.
- (2) Any street vendor who is guilty of mis-behaviour with woman vendor may be given a warning, based on the written complaint filed by the aggrieved person. However, on the repetition of such mis-behaviour may result in the cancellation of the 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.

12. Relocation and Eviction of Street Vendor: -(1)Public purpose for which a street vendor may be relocated and the manner of relocation:-

- (a) Any project of public purpose requiring temporary or permanent shifting of the street vendors in the project related area, the concern authorities shall:

- i. Adjust the street vendors required to be removed, to the extent possible, in any nearby place temporarily or permanently, and
- ii. After the completion of the project, the street vendors may be brought back and adjusted in the newly developed project area to the extent possible. The decision of the Town Vending Committee in this regard shall be final.

(b) The rehabilitation of the street vendors under any public purpose would be requiring the following steps, namely:-

- i. Give an estimate of footfall status in an area where from the vendors are to be shifted;
- ii. Total number of vendors to be shifted
- iii. Footfall status of the alternative sites;
- iv. Holding capacity of the alternative sites;
- v. Likely availability of vending space after the project is completed;
- vi. Temporary allotment of sites for shifting the vendors which may be done by lots;
- vii. Where number of vendors in the original site is more than the number which could be accommodated after the project is completed, method of allotment;
- viii. The vendors who were carrying on business from a government land may either be placed in a plot owned by the public authority or can be organized on the road, depending on the availability of the space.

(2) Manner of evicting a street vendor:-

(a) The town vending committee shall bring in its agenda and discuss the issue of eviction of street vendors two months prior to the issuance of one month notice of eviction, so that a survey can be conducted to identify an equally ideal vending site for the street vendors.

(b) The one month written notice shall be served personally or by a registered post in the name of the street vendor prior to the eviction.

(c) In case the registered post comes back undelivered, the said notice shall be pasted in the area where from such person is carrying on his vending activity. That would be deemed to be considered as the service of the notice to the person concerned.

(3) Manner of evicting a street vendor physically on failure to evict:-

- (a) Any street vendor who fails to move out on the expiry of the period mentioned in the eviction notice shall be liable to pay default amount for each day.
- (b) The default amount or the penalty payable by the street vendor for this purpose shall be as prescribed by the Government from time to time. However, the penalty shall not exceed the value of the goods seized.
- (c) If within fifteen days, he himself fails to vacate the allotted place, the local authority shall physically remove in from the site, if needed, by taking police help.

CHAPTER 5: FEE AND PENALTIES

13. Vending Fees to be paid on basis of commercial potential of

the site of the vending:-The town vending committee shall fix vending fees depending on the footfall of the area but such fees shall be as prescribed by the Government from time to time. Every year ten per cent fees shall be increased. The Municipality may collect vending fees annually if it deems fit.

Explanation: The vending fees shall be according to the category of the street vendors and the status of the market. The rationale is obvious. Income potential differs from area to area. High footfall areas offer high vending opportunity compared to lean footfall areas. Therefore, it is obvious to fix the fees at different rates for different categories of vending zones. Similar position may be for varied rates for cities and towns of different categories.

14. **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) An annual audit of such account shall be carried out by the TVC.

(3) 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.

CHAPTER 6: CLASSIFICATION OF STREET VENDORS

15. **Classification of vendors:** -(1) Vendors can be classified into two main types:

(a) Permanent/ stationary;

(b) mobile vendor.

(2) Vendors can also be categorized with reference to the places from where they are operating, for example-

(a) natural markets

(b) weekly markets

(c) heritage markets

16. **Special Categorization:** -(1) The following categories of vendors must be given preference while granting vending certificate-

(a) Disabled person

(b) Senior citizen

(c) Divorced or widow.

(d) Third gender community

(e) Women

- (2) Preference shall be given to the above category of vendors in distribution of certificates based on recommendations by the Town Vending Committee.

17. The categories of street vendors other than stationary and mobile vendors:-The Municipality shall report to the Government in case there is any category of street vendors other than stationary and mobile vendors are operating from its area.

CHAPTER 7: SEIZURE OF GOODS

18. Terms and Conditions of seizure of goods by the Municipality:-

- (1) Where the goods of the street vendor are to be seized under sub-section (1) of section 19 of the Act, the following aspect requires to be taken into consideration, namely:
- (a) Only the authorized person from the Municipality shall conduct the seizure of the goods;
 - (b) The list of goods shall be made and signed by the person /officer authorized by the Municipality and;
 - (c) The street vendor whose goods are seized should be given a proper receipt by the authority.

19. Manner and fine for reclaiming seized goods:- The Municipality shall release the perishable goods on the same day and in case of non-perishable goods within two working days.

- (a) The fees to be paid by the street vendor for reclaiming the goods shall not exceed the value of the total goods so seized.
- (b) In the case of vending of goods without the certificate, the charge shall be prescribed by the Government from time to time for reclaiming the seized goods.
- (c) In the case of perishable goods, the vendor may be given option to take the goods back immediately or within the working period in the next twenty-four hours by paying necessary penalty.

CHAPTER 8: SOCIAL AUDIT

- 20. Constitution of the social audit committee and manner for carrying out social audit.**-(1) The Town Vending Committee shall constitute a three member social audit committee for the purpose of carrying out social audit of the activities of the Town Vending Committee, under the provisions of the Act, rules or this Scheme which shall be an independent body.
- (2) The Municipality shall nominate by name one member each from the following streams, namely :-
- (a) from amongst the academicians in the field of Sociology;
 - (b) from amongst the eminent social activist ; and
 - (c) from amongst the Retired Administrators.
- (3) The Municipality shall provide the adequate Secretariat staff with office space and equipment's to the social audit committee.
- (4) The manner for carrying out social audit shall be as under :-
- (a) The social audit shall be carried out at least once in three years. The schedule for conduct of the social audit shall be decided three months in advance.
 - (b) The Town Vending Committee shall provide details of all relevant information, at least a fort night before the social audit process commences. The relevant information shall include,-
 - i. Status of implementation of the Act and the Scheme for Street Vendors;
 - ii. A record of the minutes of the meeting of the Town Vending Committee conducted in preceding year;
 - iii. Record of all registered street vendors;
 - iv. Record of appeals made before the Municipality;
 - v. Record of all grievances/disputes brought before the Grievance Redressal Committee;

- vi. Record of the total number and details of evictions and seizure of goods and relocation of street vendors taken place in preceding year; and
 - vii. Records of social audit reports, if any, taken place previously.
- (c) The social audit committee shall conduct meetings and focused group discussions with street vendors on various aspects of the implementation of the Act and the scheme.
- (d) The social audit committee shall record, in writing, the grievances of street vendors on any issue faced by them.
- (e) At the culmination of the social audit process, the committee shall record its findings, in writing.
- (f) The social audit committee shall hold a social audit public meeting at the office of the Town Vending Committee. The members of the Town Vending Committee and representatives of the Municipality shall attend the meeting. The Street vendors of the particular area and other persons from the public may participate in the meeting. The social audit unit shall read out its findings at the meeting. The Street vendors shall be encouraged to testify and the Town Vending Committee shall respond to each of the issue identified in the social audit by giving clarification and/ or explanation to the affected party and the public as to why a certain action was taken or not taken.
- (g) The social audit unit shall give adequate notice of the social audit public meeting by a public notice.
- (h) The Municipality shall on each finding of the social audit in cases of gaps, lapses or deviations, fix responsibility and shall take immediate corrective or disciplinary action. In case of a dispute, an administrative enquiry shall be conducted by the Municipality and action taken accordingly in the shortest time possible and in any case not later than a month.
- (i) The statutory requirement of conducting social audit shall not preclude any independent initiative to carry out normal audit of accounts.

- (j) The social audit reports submitted in this process shall form part of the record and shall be responded to by the Town Vending Committee. Where shortcomings are found immediate action shall be taken as per this scheme or the rules. The social audit report as well as the action taken report shall form part of the record and shall be available for public information.
- (k) The cost of conducting social audit shall be met from the budgetary provisions of the Town Vending Committee.

CHAPTER 9: MISCELLANEOUS

21. Conditions under which Private places may be designated as restricted vending zones partially restricted zone and no vending zone:-

- (1) Private places can be operated as vending zones by a written agreement between landowners and Municipality.
- (2) Any institution's vacant land can be used as a vending zone by a written agreement between land owner and the vendor of the Municipality. The agreement must also specify the vending duration and fee.
- (3) The agreement must also specify whether the vending is to be conducted daily or weekly, and the agreement should also specify the duration of vending.
- (4) The agreement should also specify that the vendor will not sell contaminated food.
- (5) Alcoholic beverages and narcotic drugs will not be vended.
- (6) Inflammable and explosive substances will not be vended.
- (7) In addition to the fee in the agreement, the vendor is also liable to pay sanitation service fee.
- (8) The vendor shall not vend any object that disrupts communal harmony.
- (9) The agreement will also include that the vendor will not use any loud noise producing equipment.
- (10) The permission for vending on any business establishment or private institution can be granted on the following terms-

- (a) on the basis of time limit for vending;
- (b) on the basis of quality of goods being vended;
- (c) on the basis of goods being unobjectionable;
- (d) on the basis of request regarding the size of space by the vendor, and the extent to which the same is being permitted by the private institution/ business organization via the owner or the authorized agent;
- (e) on the basis of the permission of the private institution/ business organization via the owner or the authorized agent.

22. Terms and conditions for street vending for upkeeping public health and hygiene.-

- (1) The Municipality of the concerned area shall provide the vendors a proper place to dispose off their waste materials;
- (2) The street vendors shall use proper covered dustbins to dispose off the waste materials. The used water shall also be disposed off in a covered container;
- (3) The Municipality shall ensure and provide the street vendors clean and fresh water along with the street light facility, wherever it is possible; and
- (4) The Municipality shall provide clean and properly constructed toilets with water and electricity facility near the street vending strips.

23. Nodal Officer:-(1) The Government shall appoint Project Director-NULM as a Nodal Officer for co-ordination of all matters relating to street vending at the Union Territory Level.

- (2) The Nodal Officer shall have at least half yearly meeting with the local authority in relation to matters relating to the street vendors.
- (3) The Nodal Officer may collect the feedback from the street vendors relating to the issues and problems faced by them.

24. Maintenance of proper records and other documents:-

- (1) The town vending committee shall maintain the record in respect of the following matters:-

- (a) Details of agenda papers and minutes of the meetings of the town vending committee,
- (b) survey procedure, updated database (preferably in digital format and including the documents submitted for the identity and address) and final reports,
- (c) details of the allotment and relocation of sites to the street vendors, all the decisions of the appellate committee and grievance redressal committee,
- (d) details of certificate of vending and identity cards issued, and
- (e) papers for initiating five yearly survey.

Note: The records of the survey out comes 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 Municipality 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.

25. **Vending Activities on time- sharing basis.**-The Town Vending Committee shall determine the vending activities on time- sharing arrangement depending on the market needs and in doing so, the women vendors shall not be discriminated while allotting time sharing vending activities.

26. **The principles for determining of vending zones:-** (1) Foot fall, status, road width and density of the vehicular and pedestrian movement shall be the cornerstone for deciding vending and no vending zone.

- (2) There shall be "no restriction free vending zone" in the city and "no vending zone" shall be very minimum. The Town Vending Committee shall decide the particular street or market as vending zone or no vending zone

as is specified below and thereafter the space should be allotted accordingly, -

(a) There shall not be any restriction-free-vending zone in the city. The capacity of an area would put the ultimate limit on the number of street vendors which can be positioned in that area. However, there shall not be any restriction on mobile vending in that area if vendors continuously move without affecting traffic and commuter's movements.

(b) Restricted vending zones should be linked up with the road width keeping in view the following aspects, namely:

- i. there shall not be any stationary street vending on a road having width upto 3.5 meters. However, street vending shall be allowed, if such road is declared as no vehicular road;
- ii. there shall not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending shall be allowed if such road is declared as one-way vehicular road;
- iii. there shall be only one side stationary street vending on a road having width between 12meters to 24 meters, while both side stationary vending shall be allowed on a road having road width of 30 meters and above;
- iv. the number of street vendors shall be decided by considering holding capacity of each designated vending area on such a road;
- v. such stationary street vending shall be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If required, roadside parking shall be banned in such area; and
- vi. the mobile vending shall be allowed on the road keeping the traffic and pedestrian movement in view.

(c) In the no vending zones:-

- i. The town vending committee may decide the distance to be kept free from street vending near the important institute like the Secretariat District Collectorate, offices of District Panchayat, Municipal Corporation, Municipality, Nagar Panchayat, Court, Cantonment Board and State/ UT archeological monument attracting a high footfall at its discretion taking into account the specifics of the area concerned.
- ii. No vending within fifty meters from any crossing of two or more roads on all sides, both sides of the railway crossing and any declared heritage structures by the Municipality.

27. Principles to determine the holding capacity of vending zones.-

(1)The following shall be the principles for determining the holding capacity of the vending zone:-

- (a) 2.5% of the population of a ward or zone shall be accommodated;
- (b) the holding capacity will indicate the maximum number of vendors that can be accommodated in a defined vending zone. This shall be calculated on the basis of total area available for street vending divided by the standard unit size decided by the TVC;

(2)The following criteria may be kept in mind by the Town Vending Committee in determining the vending zones, namely :-

- (a) a maximum of 2.2 square meter area as 'vending area' shall be provided to each vendor/hawker with dimension of 1.8meter x 1.2 meter;
- (b) passage of 1.0-meter width in front of stalls/push carts shall be reserved as 'extension', for consumers/users to stand or buy goods;
- (c) a walkway / footpath of 1.0 / 2.0 meters width shall be provided for pedestrians, in front of extension space depending on the road width;
- (d) in no case, the carriageway shall be allowed to be used for street vending;
- (e) If the width of road permits, street vending may be allowed on both sides of the road; and

(f) no vending activity shall be allowed at a distance of 50 meters from any junction/exit/entry of road.

28. Principles of relocation:- The principles of relocation shall be subject to the following, namely:-

- (a) the relocation shall be avoided as far as possible, unless there is clear and urgent need for the land in question;
- (b) affected vendors or their representatives shall be involved in planning and implementation of there habilitation project;
- (c) the Town Vending Committee shall engage in dialogue with the representatives of the markets;
- (d) the mutually agreed place for relocation shall be considered under the implementation of there habilitation project;
- (e) the affected vendors shall be relocated so as to improve their livelihoods and standards of living or at least to restore them, in real terms to the income potential of the site before the eviction;
- (f) the livelihood opportunities created by new infrastructure development projects may be used to accommodate the displaced vendors so that they can make use of the livelihood opportunities created by the new infrastructure;
- (g) the loss of assets shall be avoided;
- (h) any transfer of title or other interest in land shall not affect the rights of streets vendors on such land, and any relocation consequent upon such a transfer shall be done in accordance with the provisions of this scheme;
- (i) natural markets where street vendors have conducted business for over fifty years shall be declared as heritage markets, and the street vendors in such markets shall not be relocated and the Municipality

1.11

shall prepare a list of such markets and declare them as "Heritage Markets".

By order of the Lieutenant Governor.

Sd/-
(Dheeraj Gupta) IAS
Principal Secretary to the Government
Housing & Urban Development Department

No. HUD/JMC/38/2020

Dated: .01.2021

Copy to:-

1. All Financial Commissioners.
2. Director General of Police, J&K.
3. All Principal Secretaries to the Government.
4. Principal Resident Commissioner, J&K Government, New Delhi.
5. Principal Secretary to the Lieutenant Governor.
6. All Commissioners/Secretaries to the Government.
7. Chief Electoral Officer, J&K.
8. Chairman, J&K Special Tribunal.
9. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
10. Divisional Commissioner, Jammu/Kashmir.
11. Director General, J&K Institute of Management, Public Administration & Rural Development.
12. All Heads of Departments/Managing Directors.
13. All Deputy Commissioners.
14. Director, Information, J&K.
15. Secretary, J&K Public Service Commission.
16. Director, Estates, J&K.
17. Director, Archives, Archaeology and Museums, J&K.
18. Secretary, J&K Services Selection Board.
19. General Manager, Government Press, Jammu/Srinagar.
20. Private Secretary to the Lieutenant Governor.
21. Private Secretary to Advisor (F) to Lieutenant Governor.
22. Private Secretary to Advisor (B) to Lieutenant Governor.
23. Private Secretary to Advisor (BK) to Lieutenant Governor.
24. Private Secretary to the Chief Secretary.
25. Private Secretary to Principal Secretary to Government, Housing & Urban Development Department.
26. Incharge Website, Housing & Urban Development Department.
27. Government Order file/Stock file.


29.01.21

(Thannaji Bhat)
Under Secretary to the Government
Housing & Urban Development Department

FORM I

[See Para 3 (4) 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:

Place:

Signature

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

15

Page 1 of 5

FORM II

[See Para 3 (7) of the scheme]

SURVEY QUESTIONNAIRE

Sr. No.	Questions
1	Photograph of Vendor with Location
2	Photograph of Vendor with The vending Place
3	Identity Proof- 1(Single Photograph)
4	Identity Proof-2 (Single Photograph)
5	Video of the vendor, vending place and its surrounding
6	Ward number
7	Street Name
8	Nearby Landmark
9	Type of area <ul style="list-style-type: none">• Residential• Commercial area Natural Market• School Collage Area• Religious site• Garden / Open space• Railway Station• Industrial area• Public place or Government Office• Heritage site• Highway• Bus Stand• Hospitals• Other

17

10	<p>Place o business</p> <ul style="list-style-type: none">• Main road / Lane / Chowk• Footpath• Service Area / Road• Open Plot Within Premises• On Closed Drainage Line• Private Property I Plot• Other
11	<p>Nature of Business</p> <ul style="list-style-type: none">• Fast food items and drinks• Fruits and Vegetables• Natureof Business.• ReadymadeGarments(oldandnew)• Footwearandleathergoods.• Ceramicproducts• Plasticproducts• CutleryandUtensils• Jewellery• Accessories(bags,watches,wallets,belts,hair-accessories,mobile- accessories,etc)• Cosmeticproducts• Books andnewspaper• CDs /DVDs• Lotterytickets• FlowersVendor• Stationeryproducts• Paan/Cigarette/Beedi/Tobaccoproducts

14

	<ul style="list-style-type: none"> • Seafoodvendor • Dairyandpoultryproducts • Bakeryproducts • Poojaproducts • Generalhouseholdproducts • Miscellaneous • Serviceproviders • Others
12	<p>IfServiceProvidertanNatureofBusiness</p> <ul style="list-style-type: none"> • Cobbler • Barber • Tailor • Repairs automobiles • Mechanical work • Technical work • Dhobi • Painter • Chaabiwala • Kabaadiwala. • Others
13	NameofThela/VendingPlace
14	Vendor'sName:FirstName

1.4

15	Vendor'sName:MiddleName
16	Vendor'sName:Surname
17	ResidentialAddress
18	Block
19	City/Town
20	District
21	MobileNo
22	Age
23	Gender <ul style="list-style-type: none">• Male• Female• TransGender
24	Nationality <ul style="list-style-type: none">• Indian• Other
25	Religion <ul style="list-style-type: none">• Hindu• Muslim• Sikh• Christian• Jain• Buddhist
26	Caste <ul style="list-style-type: none">• General• ScheduledCaste(SC)• ScheduledTribe(ST)

151

	<ul style="list-style-type: none">• OtherBackwardClass(OBC)• Other
28	IfyoucomeunderSC/ ST / OBCCategory,DoyouCertificateforthe same? <ul style="list-style-type: none">• Yes• No
29	MaritalStatus- <ul style="list-style-type: none">• Married• Unmarried• Widow/Widower• Divorced• Separated
30	LevelofEducationAttained – <ul style="list-style-type: none">• Illiterate• Primary(1-5)• MiddleSchool(6-8)• Secondary(9-10)• SeniorSecondary(11-12)• Diploma• Graduate• PostGraduate
31	DetailsofDisability- <ul style="list-style-type: none">• VisuallyImpaired• Deaf• Dumb• Disabled by hand / leg• Mentally Challenged• Other

1.4

32	Incaseof disability, doyouhavea certificate? <ul style="list-style-type: none"> • Yes • No
33	If yes,listtheCertificateNo-
34	DoyoufallunderBPL? <ul style="list-style-type: none"> • Yes • No
35.	Ifyes,BPLCardNo
36	Migration <ul style="list-style-type: none"> • Belongtothiscity • Havemigrated
37	If migrated, Pleasespecifythename ofyouNativePlace's District.
38	Sincehowmanyyearshaveyoubeenlivinginthis city?
39	Doyou possess any residential proof? <ul style="list-style-type: none"> • None • VoterCard • RationCard • AadharCard • APL/BPLCard • ElectricityBill • MunicipalTaxBill • Other
40	Total number ofFamilyMembers -Male Members
41	Totalnumberof Family Members- FemaleMembers
42	Out of total, number of children (below 14- Both Male & Female)

1.4

43	Total number of earning members- Male
44	Total number of earning members - Female
45	Total number of children earning (below 14-Both Male & Female)
46	Is there any other person who worked as a street vendor except you in your house? <ul style="list-style-type: none"> • Yes • No
47	Relation with you- <ul style="list-style-type: none"> • Husband • Wife • Brother • Sister • Mother • Father • Others
48	Full name of Member (working/worked as street vendor) -
49	Do you have any other source of income? <ul style="list-style-type: none"> • Yes • No
50	What work did you do before street vending?
51	In which city did you work before?
52	For how many years have you been engaged in street vending?
53	For how many years have you been working in this area?

1.4

54	<p>Do you possess any license issued by City Civic Body for street vending?</p> <ul style="list-style-type: none"> • None • Mobile License • Stationary License • Cabin License • Other
55	<p>How often do you go for street vending?</p> <ul style="list-style-type: none"> • Daily • One to two days per week • More than two days per week • Fort-nightly • Monthly • Seasonal • Not fixed
56	<p>Type of Business-</p> <ul style="list-style-type: none"> • Mobile • Stationary • Both
57	How much distance do you have to cover to come to this place for Vending?
58	How many hours do you work in a day?
59	Exact time of Vending _to_hrs
60	How much KM distance do you travel for work in a day, when you are doing Mobile Vending?
61	<p>What type of structure is being used for Vending?</p> <ul style="list-style-type: none"> • Kachcha • Pakka

14

	<ul style="list-style-type: none"> • Semi-pakka
62	Howmuchlandspaceareyouusingforyourvending?(Insq.ft.)
63	<p>Are you using any vehicle for vending?</p> <ul style="list-style-type: none"> • Yes • No
64	<p>Ifyes,thenwhichofthefollowingvehiclesdoyouuse?</p> <ul style="list-style-type: none"> • Tempo. • Auto. • Van. • Handcart. • Bicycle. • Bullockcart Other
65	<p>Ownershipofvehicle</p> <ul style="list-style-type: none"> • Self • Family • On rent. • Partnership • Other
66	Howmuchrentdoyoupayforthesevehicles?(ifany)
67	Howmanymonths doyouworkinayear?
68	<p>Doyoudothesamework mostly?</p> <ul style="list-style-type: none"> • Yes • No
69	<p>Areyousatisfied withthislocationasaplaceforyour business?</p> <ul style="list-style-type: none"> • Yes • No

1.4

70	<p>If yes, then why?</p> <ul style="list-style-type: none"> • The place is nearby your house • Good relations with the people in this area • No local interference • Crowded place • Good locality • Well known market • Convenient for customers • Near office or educational institution • Other
71	<p>If no, then why?</p> <ul style="list-style-type: none"> • Less income • Unsuitable for health and business • Local people object against the business • Interference by employees of Municipal Corporation • Problems created by Police Department • Transportation problem • Other
72	<p>Number of people you have employed-</p> <ul style="list-style-type: none"> • None. • 1. • 2. • Others.
73	<p>How do you pay your employees?</p> <ul style="list-style-type: none"> • Daily Wages • Weekly • Monthly
74	<p>Average Amount paid to employees-</p>

75	<p>Do you pay any rent for your vending place?</p> <ul style="list-style-type: none"> • Yes • No
76	<p>To whom do you pay the rent?</p> <ul style="list-style-type: none"> • Civic Body • Nearby shopkeeper • Owner of the place • Other
77	<p>Type of payment</p> <ul style="list-style-type: none"> • Daily • Weekly • Monthly • Other • Amount
78	<p>Amount of Payment</p>
79	<p>From where do you purchase goods for carrying out your business?</p> <ul style="list-style-type: none"> • Manufacturer • Wholesale market • Distributor • Other
80	<p>From where do you get the initial seed money to purchase goods?</p> <ul style="list-style-type: none"> • Own money • From landlord • From Banks • Credit Societies • Other sources

14

81	How often do you buy raw materials for your business? <ul style="list-style-type: none"> • Not applicable • Daily • Weekly • Monthly • Other
82	How much do you spend on the purchase of goods on a daily basis?
83	How much do you earn from your total daily sales?
46	How much profit do you make on a daily basis?
85	Have you taken any loan? <ul style="list-style-type: none"> • Yes • No
86	If yes, please specify amount-
87	Do you have any Savings Account in any Bank? <ul style="list-style-type: none"> • Yes • No
88	If yes, please specify the name of Bank-
89	Do you have any Insurance? <ul style="list-style-type: none"> • Yes • No
90	If yes, kindly specify-
91	Have you taken any advantage of any other Social Security Schemes? <ul style="list-style-type: none"> • Yes • No
92	If yes, Kindly specify the scheme-

14

93	<p>Are you satisfied with the work you have selected?</p> <ul style="list-style-type: none"> • Yes • No
94	<p>If the authority provides a vending place elsewhere in the same area or any other area, are you ready to shift your cart/ set up to the allocated area for vending goods?</p> <ul style="list-style-type: none"> • Yes • No
96	<p>Would you need a covered market space with the raised platform and storage space?</p> <ul style="list-style-type: none"> • Yes • No
97	<p>Are you a member of any street vendor union or association?</p> <ul style="list-style-type: none"> • Yes • No
98	<p>Name of the organization</p>
99	<p>Are you aware of "The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014"?</p> <ul style="list-style-type: none"> • Yes • No
100	<p>Are you interested in obtaining a license under the Street Vendor Act?</p> <ul style="list-style-type: none"> • Yes • No
101	<p>How much Annual fee are you willing to pay for the license?</p> <ul style="list-style-type: none"> • Rs.100 • Rs. 250 • Rs. 500

1.4

	<ul style="list-style-type: none"> • Rs.1000
102	<p>What is your favorite time for business?</p> <ul style="list-style-type: none"> • Morning • Noon time • Evening
103	<p>What kind of market do you vend in?</p> <ul style="list-style-type: none"> • Natural Market (Daily Market) • Evening/ Night Market • Holiday Market • Weekly Market • Festival Market • Other
104	<p>Do you have access to free drinking water near your place of work?</p> <ul style="list-style-type: none"> • Yes • No
105	<p>Do you have access to toilet facility near your place of work?</p> <ul style="list-style-type: none"> • Yes • No
106	<p>How do you dispose of the garbage generated by your vending?</p> <ul style="list-style-type: none"> • Municipal bins • Private bins • On road/ street • Dump in a water body • Through door to door collection • Other

151

107	<p>Do you have (access to) storage facility at your place of work?</p> <ul style="list-style-type: none"> • Yes • No • Not Applicable
108	<p>What type of light source do you use?</p> <ul style="list-style-type: none"> • None • Street Light • Gas/ Oil Lamp • Battery Operated • Solar Light • Generator • Paid Electricity Connection • Other
109	<p>Are you aware of any traffic problems caused because of Street Vending?</p> <ul style="list-style-type: none"> • Yes • No
110	<p>If yes, what are the solutions to avoid problems?</p>
111	<p>Which type of facility do you desire for your business?</p> <ul style="list-style-type: none"> • Different market • Water • Electricity • Common toilet • Common lighting facility • Waste disposal facility • Security • A cleaning person • Parking • Labour for parking and transport management

14

112	AnySpecialRemarkorComment ofVendor-
113	Surveyor's Note -

113

FORM III

[See Para 5 (1) of the scheme]

FORMAT FOR LETTER OF UNDERTAKING BY A STREET VENDOR

I, wife/ son/ daughter of Shri
..... Registration/Certificate of Vending No.....
ofTown vending Committee, hereby declare that the certificate of vending
granted to me shall not be leased, rented or sold to any other person.

I, further declare that I am not engaged in any other business/ not vending from any other vending site/
not employed with any organization.

Name and Signature of the Vendor:

Registration/ Certificate of Vending Number:

Date:

Signature of the Vendor

Place:

1.4

FORM IV

[See Para 6 (2) & 10 (3) of the scheme]

Application for Grant of Certificate of Vending

1. Name of the Applicant—
2. Residential Address—
3. Name of dependent family members—
4. Nature of Vending—
5. Proposed area of Street Vending—(Vending Zone)
6. Aadhar 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:

14

FORM V

[See Para 7 (1) of the scheme]

FORMAT FOR CERTIFICATE OF VENDING

1. Name of the vendor:
2. Name of the spouse or dependent child if involved in vending with the vendor:
3. Photo of the vendor along with his spouse or dependent child if involved in vending with the vendor:
4. Age and sex of the person whose photo appears:
5. Address of the street vendor where he is residing:
6. Category of vending:
 - i. Mobile:
 - ii. Stationary:
 - iii. Any other (specify):
7. Name of the vending place (whether it is historical place, park, market, in front of school of college of hospital of bus stand or mall etc.):
8. Name of the local authority:
9. Date of issue of the certificate of vending:
10. Validity of certificate (since the law provides for survey every five year, the certificate of vending should also be issued for a period of five years):
11. Unique registration number:
12. The signature of the authority with seal:

FORM VI

[See Para 9 (1) of the scheme]

IDENTITYCARD

1. Name :
(Street Vendor)

Photograph
Passportsize.

Signature

2. RegistrationNo. :

3. Age :

4. Sex :

5. ResidentialAddress :

6. VendingZone/ Address of the vending Site:

7. CategoryofVending:

8. MunicipalWard:

9. TelephoneNo.(ifany):

10. NameofthePoliceStation:

11. BloodGroup:

12. IdentityCardvalidupto:

13. Phone number of the vendor:

14