

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a
separate compilation

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PART III

Laws Regulations and Rules passed thereunder.

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**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATô HOUSING AND URBAN
DEVELOPMENT DEPARTMENT**

Notification

Jammu, the 29th January, 2021.

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SO-28.ô 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

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(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 Indentity Card

5. Eligibility Criteria for issue of Certificate of Vending :ô A person shall be eligible for grant of certificate of vending if, ô

- (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 zone in his name.

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- (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 misbehaviour with women vendor may be given a warning, based on the written complaint filed by the aggrieved person. However, on the repetition of such misbehaviour 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 maintain for the purpose.

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

- (a) Any project of public purpose requiring temporary or permanent shifting of the street vendors in the project related area, the concerned authorities shall :
 - i. Adjust the street vendors required to be removed, to the extent possible, in any nearby place temporarily or permanently ; and

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- 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 :ô

- 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.

- 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 seizer 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 to the social adudit public meeting by a public notice.

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-

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

Dated :

Signature

Place :

N.B.-In case new applicant, date of application is to be mentioned in Column (4).

