

## **Kerala Street Vendors (Protection of Livelihood, Regulation of Street Vending) Scheme, 2016.**

### **1. Short Title, extent and commencement: -**

- (a) This Scheme shall be called as the Kerala Street Vendors (Protection of Livelihood, Regulation of Street Vending and Licensing) Scheme, 2015.
- (b) It extends to the whole of the State of Kerala.
- (c) It shall come into force at once.

### **2. Definitions:-**

- (i) 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 of 2014)
- (b) "Form" means the form appended to this Scheme
- (c) "Government" means the Government of the State of Kerala
- (d) "Local Authority" means Municipal council or Municipal Corporation/ Town Panchayath notified by the appropriate government under section 4 of the Kerala Municipality Act, 1994.
- (e) "Rules" means, the Kerala Street Vending (Regulation and Licensing) Rules, 2016
- (f) "No vending zone" means an area within the jurisdiction of a Town Vending Committee where no street vendors are permitted
- (g) "Time restricted vending zone" means an area in a town where vendors are permitted only during certain hours of the day or certain days of the week as fixed by the Town Vending Committee.
- (h) "Town Vending Committee" means a committee constituted under Section 12 of Street Vendors Act, 2014; and
- (i) Words and expressions used, but not defined in this Scheme shall have the same meaning respectively assigned to them in the act.

### **3. Survey of Street vendors:-**

- (1) The survey of street vendors shall be done in-situ for the existing vendors only and no survey shall be carried out by calling for particulars from the vendors by announcements.
- (2) The survey of street vendors shall be carried out by the Town Vending Committee and completed within a period of six months from the date on which the Scheme is notified.
- (3) The respective Town Vending Committee shall, with the assistance of the staff placed at its disposal by the concerned local authority or by outsourcing competent agency/ students of social work / social science / post graduates of social work / social science, carry out the survey. For this purpose, the local authority shall depute its staff or outsource to assist the said committee.

(4) The survey team shall proceed to enumerate the street vendors in a vending zone and shall record the details in Form I

(5) Only those of the vendors who are found to be actually carrying on business in the streets shall be entitled to be enumerated.

#### **4. Certificate of Vending:-**

(1) The Town Vending Committee shall within a period of sixty days from the date of completion of survey of street vendors in a Ward or Zone of a local authority, issue the Certificate of Vending to each street vendor identified in the survey. The Certificate of Vending shall be issued by the Town Vending Committee in Form II.

(2) A person who wishes to carry on street vending during the intervening period of two surveys may make an application to the Town Vending Committee in Form III which shall be disposed of by the Town Vending Committee within a period of sixty days from the date of its receipt.

#### **5. Terms and Conditions for issue of Certificate of Vending: -**

The certificate of vending shall be issued to a street vendor, subject to the terms and conditions that, he shall -

- i. Not have any other means of livelihood, except street vending
- ii. Not vend in any other place parallel
- iii. Carry on street vending by himself or through any of his family members
- iv. Have completed the age of fourteen years;
- v. Not leased, rent or sell the Certificate of Vending to others and shall give an undertaking to the Town Vending Committee to this effect.
- vi. Not have been prosecuted and convicted or penalized earlier for any reason or offence connected with vending such as adulteration, sale of narcotics etc., and
- vii. Not be a legal heir of any person already holding a Certificate of Vending within the jurisdiction of the local authority concerned.

#### **6. Classification of vendors:-**

For the purpose of issue of Certificate of Vending, the vendors shall be generally categorized as follows:-

(i) Stationary vendors:- Persons carrying on vending business in articles or goods in a particular place who carry the articles or goods and the pallets or other implements used by them for vending by human effort of not more than one person.

(ii) Mobile vendors:- Persons carrying on vending business using hand pulled or pedal powered vehicles not coming within the purview of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and for which no license to operate is required under any other law for the time being in force.

(iii). Mobile vendors using motor vehicles:- Persons carrying on vending business using motor vehicles of any description, the operation or movement of which requires a license under the Motor Vehicles Act, 1988 (Central Act 59 of 1988) or any other law in force.

(iv) Other categories of Vendor:- The Town Vending Committee concerned shall also identify other categories of street vendors such as vendors in weekly markets, heritage markets, festival markets and night bazaars as may be doing business within the said Committee's jurisdiction and shall provide for the integration of such vendors or for a separate facility for such vendors to enable them to continue their business.

### **7. Identity card:-**

An identity card shall be issued by the Town Vending Committee to each street vendor in Form-III which is enabled to carry the biometric particulars of the street vendor.

### **8. Criteria for issue of Certificate of Vending: -**

The Town Vending Committee shall follow the following criteria for issuing Certificate of Vending, namely:-

(a) The name of the street vendor shall be enumerated in the survey of street vendors carried out by the Town Vending Committee.

(b) The street vendor shall be directly involved in street vending business

(c) When there is shortage of place for vending, preference shall be given to the Schedule Caste, the Schedule Tribes, Other Backward Classes, women, persons with disabilities, transgender and minorities.

(d) The Town Vending Committee concerned shall identify such of those vendors who are in need of preferential grant of Certificate of vending, after taking into account -

(i) Their disability, special or unique nature of business like trading craft items

(ii) the special nature of vending or services offered by a class or group of vendors limited to a specific area or such other factors that may require a preferential grant of Certificate of Vending in order to preserve such unique businesses or services;

(iii) Whether the street vendors are carrying on or offering services to the visitors to any tourist or pilgrim centers on a seasonal or time of the day basis

(e) The availability of space and the holding capacity of the vending area.

### **9. Vending Fees:-**

(1) The vending fees for various categories of vendors shall be fixed by local authority as mentioned in the table below: -

THE TABLE.

Sl.No.	Category of Street Vendors	Area	Vending fee
1.	Stationary vendor(Full time)	Upto 10 sq.ft.	1% of the Guideline value subject to minimum of Rs 750/- per annum
		From 10 to 25 sq.ft.	2% of the Guideline value subject to a minimum of Rs 1500/- per annum
		More than 25 sq.ft.	3% of the Guideline value subject to a minimum of Rs 3000/- per annum
2.	Stationary Vendor (Part Time or time sharing)	Upto 10 sq.ft.	0.5% of the Guideline values subject to a minimum of Rs 375/- per annum
		From 10 to 25 sq.ft.	1.0% of the Guideline value subject to a minimum of Rs 750/- per annum
		More than 25 sq.ft.	1.5% of the Guideline value subject to a minimum of Rs 1500/- per annum.
3.	Mobile vendor(with motor vehicle)	Upto 10 sq.ft.	Rs.750/- per annum
		From 10 to 25 sq.ft.	Rs.1500/- per annum
		More than 25 sq.ft.	Rs.3000/- per annum
4	Mobile vendor (vehicle without motor)	Upto 10 sq.ft	Rs.375/- per annum
		From 10 to 25 sq.ft.	Rs.750/- per annum
		More than 25 sq.ft.	Rs.1500/- per annum
5.	Mobile vendor (head loads)	-	Rs.250/- per annum

(2) The TVC shall designate the vending zone as primary, secondary and tertiary, considering the commercial potentials, facilities and such other factors. The rate of vending fee shall be three times for primary and two times for secondary zone. For tertiary the rate is as provisioned in 9(1).

(3) The vending fee shall be revised at least once in three years and shall be published in the notice board of the concerned local authority.

**10. The validity of the Certificate of Vending:** - The Certificate of Vending shall be valid for a period of 3 years from the date of issue or until the next enumeration of vendors whichever is earlier.

**11. Renewal of Certificate of Vending:** - Application for renewal of the Certificate of Vending shall be made to the Town Vending Committee concerned at least sixty days prior to the date of expiry of the Certificate. The fee for renewal shall be Rs.100/- (Rupees one hundred) only. The Certificate of Vending shall be renewed for a period of 3 years.

**12. Cancellation or suspension of Certificate of Vending:-**

(1) The Town Vending Committee concerned may cancel or suspend the Certificate of Vending of a street vendor, if the Certificate has been obtained by fraud or misrepresentation or if the vendor fails to pay any of the fees payable with respect to the Certificate of Vending to the local authority or such other dues to any authority under the Act or any other law applicable or commits any breach of the conditions of such Certificate or any other law, bye-law, rules or directions issued under these Scheme, the Rules and the Act.

(2) No Certificate of Vending shall be cancelled unless the holder thereof has been given a notice giving a period of 15 days to submit his reply to the allegation based on which the Certificate is proposed to be cancelled. The period of 15 days shall be counted from the date on which the notice is served on the vendor or delivered to his last known address.

(3) A Certificate of a Vending may be suspended for a fixed period of time for any violation of conditions of the Certificate which is rectifiable during such period of suspension:

Provided that no prior notice may be required in a case of suspension of Certificate of Vending for a period of less than 7 days in order to prevent commission of an act detrimental to public health and order.

(4) In case action has been initiated against a vendor for violation of law or for causing public hazards or for failure to pay tax etc., the Town Vending Committee may suspend his Certificate of Vending after duly following the procedure specified in sub-clause (2).

**13. Relocation of street vendors:-**

(1) In case of relocation of street vendors under sub-section (i) of section 18 of the Act, it shall be subject to the following conditions, namely:-

a. The relocation shall be done with the concurrence of the Town Vending Committee concerned.

b. As far as possible, the vendors shall be allotted locations in an adjoining area of equal or similar nature and importance as the original place.

c. Insofar as possible, the density of the vendors in the new area shall be maintained.

d. The relocation shall be, insofar as possible, in the same locality or area as is commonly identifiable.

(2) In case, the conditions specified above are not possible to be complied with, the relocation shall be done with the concurrence of the Town Vending Committee, recording the reasons for such departure from the above conditions.

(3) In case the relocation is not possible in compliance of the conditions specified in sub-clause (1) and in case the vendors concerned either individually or as a group refuse to move or relocate, their Certificate of Vending shall be cancelled and they may be offered vending locations in other areas within the ward, zone or city and fresh Certificate of Vending shall be issued to them by the Town Vending Committee concerned. Such vendors shall form a special category of preferential vendors under this Scheme.

(4) The public purpose or public interest involved in the relocation of vendors under this Scheme shall have to be separately arrived at on the basis of the fact that such relocation shall be for the betterment of the general public inclusive or not inclusive of the street vendors. While weighing the livelihoods of the street vendors against the public purpose for which they are sought to be relocated, the importance of the project for which they are displaced and the resultant benefit to the general public shall be compared. Projects such as creation of road infrastructure, under or over bridges, expansion of roads, pathways, pedestrian plazas, provision for bus stops, parking places for motor vehicles, and such other similar activities shall deemed to be public purposes for which the vendors may be relocated. Such other purposes as are decided by the Town Vending Committee concerned as being beneficial to the public shall also be considered as public purposes for the relocation of street vendors.

#### **14. Manner and method of eviction of vendors, seizure and disposal of goods:-**

(1) A street vendor, whose Certificate of Vending is cancelled under section 10 of the Act, or who vends without a certificate of vending or who vends in a no-vending zone shall be liable to be evicted immediately from his place of vending and his vending articles and goods shall be seized by the local authority and kept in its custody.

(2) The articles and goods of such street vendors shall be seized under a proper inventory and the signature of the street vendor concerned shall be obtained in the

same. In case the vendor refuses to sign the inventory, the Health officer or Health supervisor or Health inspector of the local authority concerned shall attest the inventory in addition to the attestation of the officials seizing the articles.

(3) If a vendor does not apply for the return of the articles and the goods seized by the local authority after the expiry of 24 hours, in case of perishable goods and after the expiry of fifteen days, in case of non-perishable goods, the local authority shall dispose of the same by an open auction. The proceeds of such auction shall be adjusted towards the charges and penalties, if any, that are payable by the vendor under the rules or the Scheme and the cost incurred for conducting the auction. The balance, if any, shall be kept in a separate account and paid to the street vendor on application.

(4) If a vendor or his legal heirs fail to claim the balance amount under sub-clause (3), within a period of three months, the same shall be forfeited by the local authority and deposited in its general account.

#### **15. Social Audit:-**

After each survey of street vendors, the concerned Town Vending Committee, shall conduct a social audit of its functions, as early as possible, with emphasis on the transaction of its business with regard to the street vendors in its territory, the various categories of businesses being carried by them, the change in the vending profile of any particular area, the financial health of the street vendors, changes of demand for goods or services from such street vendors, requirement for relocation of street vendors, need for issue of additional Certificates of Vending or for reducing the number of such Certificates due to physical constraints of space, economic viability of continuing the street vendors in their location, need for restructuring the functioning of the Committee and its procedures, etc. This social audit shall be published and be made available at cost to any person who requires the same. A copy of the said audit shall be submitted to the local authority.

#### **16. Restriction of private places for being used as vending zones and the bar on using private lands for vending and restricted vending:-**

As the street vendors are to be relocated under this Scheme and the Act, the private places within the jurisdiction of a Town Vending Committee shall not be used as a vending zone unless a specific permission is granted by the concerned Town Vending Committee for that purpose. The Town Vending Committee shall permit private places as vending zones subject to the satisfaction that such zones are absolutely necessary. While doing so, the primary factor shall be the welfare of the street vendors of that area. No private vending zone shall be allowed if it will affect the street vendors of that area. On the other hand, private vending areas shall be allowed in order to accommodate the street vendors who need to be

removed or relocated from the public places. Permission for such private vending zones shall be given only if the number of vendors in such private vending zones together with the street vendors in that area shall not exceed 2.5% of the population of that vending zone, area or location. The density of vendors, sanitation, proportions of different businesses and infrastructural facilities of such places shall be regulated as per the Rules and the Scheme.

**17. Maintenance of cleanliness and charges payable to the Local Authority:-**

- (1) Every street vendor shall be responsible for the cleanliness of the immediate surroundings of the area allocated to the vendors in a vending zone.
- (2) Every street vendor shall collect and process the waste generated by his business as instructed by the local authority.
- (3) Every street vendor shall remit the vending fee specified in clause 9, every year as decided by the local authority.
- (4) Every street vendor shall also remit the maintenance charges to the local authority concerned as and when the same is levied from the other shops.
- (5) If the local authority is arranging systems for collection and disposal of waste then the street vendor is liable for compensate the cost of the same.

**18. Nodal Officer:** The Executive Director. Kudumbashree shall be the nodal officer at the State level to coordinate all matters relating to street vending.

**19. Maintenance of registers:-** Every Town Vending Committee shall maintain the registers containing the particulars of each Certificate of Vending issued by it for street vendors, such as the name of the vendor, location for which the Certificate is issued, nature of business permitted, time of business, category and any other particulars to facilitate collection of data for future use.

**20. Identification of vending zones:** (1) The Town Vending Committee shall within a period of six months from the date of the publication of this Scheme identify the 'vending zones', restricted vending Zone and the 'No vending zones' for street vending and shall publish the details in the notice board of the local authority concerned.

(2) (a) The 'vending zones', 'Restricted vending' Zone and 'No vending zones' shall be identified based on the potentials of the area of the street, volume of traffic, the number of pedestrians passing through the street and such other factors as may be material to identify the said zones in such a way that no or minimum inconvenience is caused to the general public using the street as well as the residents of the street and traders carrying on their business from the private properties abutting such street.



(b) The identification of the vending zones shall be done in consultation with the Traffic Police or Police having jurisdiction over the area concerned. The police may recommend a place to be a vending zone, the local authority concerned may accept, modify or reject the recommendations with due reasoning and designate a place or location as vending zone, as it deems fit.

(c) Principles for determining vending zones;

(i) An intensity of footfall, road width and density of the vehicular and pedestrian movement shall be the cornerstone for deciding vending zones.

(ii) There shall be no restriction free vending zones in the city and no vending zone should be minimal. The town vending committee shall decide a particular street or market as vending zone or no vending zone on the basis of the following considerations namely:-

(ii) a. There shall not be any totally restriction –free vending zones in the city. The holding capacity of an area would put the ultimate on the number of street vendors which can be positioned in any area. However, there shall not be any restriction on mobile vending in such area if vendors continuously move without affecting traffic and commuter movements.

(ii) b. Restricted vending shall be linked with the road width keeping in view of the following aspects, namely:-

1. There shall not be any stationary street vending on road having width up to 3.5 meters. But street vending can be allowed in such roads if it is declared as non vehicular road.

2. There shall not be any stationary vending on road having width between 6 meters to 9 meters. However, street vending can be allowed in such roads if such road is declared as one way vehicular road.

3. There shall be only one side stationary vending on road having width between 12 meters to 24 meters, while both side stationary vending can be allowed on road having road width of 30 meters or above.

4. The number of street vendors shall be decided by considering holding capacity of each designated vending area on such road.

5. Such stationary vending shall be allowed after taking the clearance from the traffic police regarding the smooth vehicular and pedestrian movement. If required, road side parking shall be banned in such area where street vending is allowed.

6. Mobile vending shall be allowed on such road looking to the traffic and pedestrian movement.

(c) In the no vending zones; the town vending committee may decide the distance to be kept free from street vending near the important institutions like the Secretariat, district Collectorate, office of the District Panchayath, Municipal Corporation, Municipality, Nagar Panchayath, court cantonment board and State/ UT archeological

monument attracting a high footfall at its discretion taking into account the specifics of the area concerned.

(d) The town vending committee shall determine special vending zones, for a fixed period, during festival, considering the local as well as general importance or relevance of the festival.

(e) Any person aggrieved by the designation of the vending zones in an area shall be entitled to make a representation to the Town Vending Committee concerned the Committee shall consider the same and dispose within a period of 30 days from the date on which the representation is received or in the next meeting of the Town Vending Committee, whichever is earlier.

(3) The identification of vending zones and no-vending zones shall be periodically reviewed by the Town Vending Committee once in three years in the same manner specified in sub-clause (2), particularly with reference to the growth or otherwise of the traffic and other developments in the area.

#### **21. Manner of carrying vending activities on time- sharing basis.-**

(1) The town vending committee shall determine vending activities on time sharing basis depending on the market needs.

(2) Town vendors shall not be discriminated while allotting time sharing vending activities.

#### **22. Preparation of Street Vending Plan:-**

(1) The Town Vending Committee shall prepare a street vending plan. The holding capacity of the street vendors of any particular area or locality shall be limited to 1% of the population of ward, zone or city, as the case may be.

(2) The Town Vending Committee, shall, identify the vending areas, based on the holding capacity, space available, number of vendors etc., and designate that area to be a vending zone duly keeping in mind all other relevant norms.

(3) The Town Vending Committee may resort to drawal of lots for issue of Certificate of Vending in a particular area, which is identified for vending. The unsuccessful applicants shall be given preferential right for relocation as prescribed in the Scheme.

(4) In areas having high population and low density of vendors and where there are adjacent vending areas having high density of vendors and low resident population, the Town Vending Committee shall devise methods to enable the relocation of street vendors to other population centres, so as to avoid inequitable concentration of vendors, heavy flow of traffic and the inconvenience of people in travelling to such high density vending areas.

**23. Vending on time sharing basis:-** The Town Vending Committee concerned shall, when it is necessary and expedient in order to accommodate more number of vendors or in case the nature of businesses is such that the vendors carry on their vending only during certain time of the day or certain days of the year or month or week, form Time Restricted Vending Zones, where the vendors shall be issued the Certificates of Vending specifically stating the hours or days or such other periods of business. The said restrictions shall form part of the basic conditions of the Certificate of Vending. Any violation of which will result in adverse consequences to the vendors.

FORM - I

Questionnaire for enumerators of street vendor survey

I. Personal Details.

1. Name of the vendor
2. Permanent address
3. Present Address
4. Type of residence
5. Gender
6. Age
7. Category (General/ SC/ST/ OBC.....)
8. Educational Qualification
9. Details of other members in the family
10. Mobile No
11. Bank account no. if any, with name of bank
12. Aadhaar No
13. Any other ID card with type and number
14. Details of Parents

Photograph

II. Details of Vending Zones

15. Name of location/ Road/ Street
16. Name of ward
17. Ward no
18. Ownership of vending zone/ area
19. Importance of vending zone/area
20. Land mark to identify the vending zone
21. Type of vending zone (as observed during the interview)

III. Nature of vending

22. Area used for vending in Sq Feet (avg.)
23. Time (in months) from when vending is being done in this location
24. Nature/ means of vending
25. Nature of Items being sold
26. Time of vending in hours (from –to)
27. Nature of vending (Change in vending location dailly/weekly/monthly)
28. Type of vending (Seasonal or throughout the year)
29. If seasonal specify period (in months) since vending is being done
30. Type of ownership
31. No of persons employed / Number of members in the enterprise

IV. Other details

32. Food safety license obtained or not
33. Loan if any
34. If loan has been availed specify source of loan
35. Total capital investment (in rupees)
36. Adequate livelihood generated from street vending
37. Avg. Daily Income(in Rs)

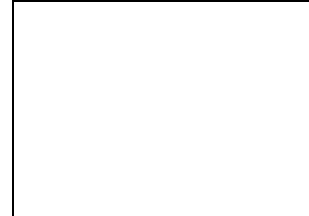
FORM -II

**Certificate of Street Vending .....corporation/ Municipality**

Ref. No

Dated

Vendor's Photographs (passport size)



This is to certify that Shri./ Smt./ ..... s/o Shri. .... Residing at .....and aged about..... Years, is permitted to do vending.

Location..... Nature of vending.....time of vending ..... ,  
subjected to the following conditions namely:-

CONDITIONS

1. This Certificate is valid for ..... years from the date of issue
2. Certificate is non-transferable.
3. Vendor shall abide by the trade related statutory laws especially for trading food articles
4. The vendor shall not do any other vending business other than the one specified above.
5. The vendor shall manage and process the waste generated. The vendor shall keep the premises clean and neat
6. The vendor shall ensure free movement of pedestrian and traffic. Other merchants should not be affected.
7. The vendor shall pay the fees and charges fixed by the local authority as prescribed.
8. The vendor should ensure that, prohibited articles, low quality products etc. are sold.
9. This Certificate is liable for cancellation for violation of any of the conditions stipulated in the rules in force.
10. The vendor shall always display the original Certificate of Vending and the Identity Card and shall produce them on demand by the authorities for verification at any time.

FORM III

Name of the Local body



No.

Date

Name of street Vendor

Sex:

M/F/ TG

Location

Ward no./ Name of ward

Type/category of vending

Nature of vending

Commodity of vending

Approved Time for vending

Present Address

Age/ Date of birth

Permanent Address

Aadhaar No.

Mobile No.

Name of wife/ Husband/mother