

HOW TO DRAFT A COMPLAINT?

1 (If the eviction is done by police officials, details of Station House Officer of the police station of that area)

or

2 (If the eviction is done by officials of Municipal Corporation, write a complaint to Commissioner of that Municipal Corporation)

COMPLAINT

(Name of Station House Officer...)

Station House Officer

Police Station (Name of Police Station..)

(Address of that station...)

Delhi- (Pin Code...)

(Name of Commissioner...)

Commissioner

(South Delhi/North Delhi/East Delhi
Municipal Corporation...)

(Address of that Municipal Corporation...)

Delhi- (Pin Code...)

Date: _____

SUBJECT: Complaint seeking redressal for illegal eviction of (Name or Number of Vendors, if more than one) **a vendor/vendors from** (Place of eviction) **on** (Date of eviction)

Respected Mr./Mrs. (Name of SHO/Commissioner of Municipal Corporation)

I write to you to bring to your kind notice the illegal eviction of (Name or Number of Vendors if more than one) **a vendor/vendors from** (Place of eviction) **on** (Date of eviction) .

I request you to consider the following in this regard:

1. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 was enacted by the Parliament of India on 4th March 2014 and was notified by the Government of India on 1st May 2014; it provides for the protection of the rights of urban street vendors.

In the lines below, please briefly elaborate the facts and circumstances of the eviction against which the complaint is made

- » Mention the date on which the eviction happened
- » Mention the name of public officials responsible for it
- » Mention the name and number of vendors who were affected by it

(If there is a long list of vendors they can be referred collectively as Aggrieved Vendors. A list of all such affected vendors shall be attached as Annexure to the Complaint.)



Attach a receipt in the name of evicted vendor/vendors, dated before 1st May 2014, as evidence.

2. The Aggrieved Vendors have been vending at their designated spots since _____, i.e. much before the enactment of the Act (receipt/ challan dated _____.____ attached as **Annexure (No. of Annexure)**),

3. Section 3(1) of the said Act obliges the Town Vending Committee of the concerned zone to conduct a survey to identify all existing street vendors within the concerned area. It states:

“3. Survey of street vendors and protection from eviction or relocation.—

*(1) The **Town Vending Committee shall**, within such period and in such manner as may be specified in the scheme, **conduct a survey of all existing street vendors**, within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years”.*

(emphasis supplied)

4. No such survey has been conducted since the enactment of the said Act by the concerned Town Vending Committee for the vendors in (Place of eviction).

5. The eviction of the aggrieved vendors before a survey is conducted is a violation of section 3(3) of the said Act. It states:

“3. Survey of street vendor sand protection from eviction or relocation.—

*(3) No street vendor **shall** be evicted or, as the case may be, relocated till **the survey specified under sub-section (1) has been completed and the certificate of vending is issued** to all street vendors”.*

(emphasis supplied)

6. Section 18 of the Act further stipulates that vendors can only be evicted on the orders of local authority after providing a notice of 30 days. It states:

“18. Relocation or eviction of street vendors.—



Include the provision about notice for those cases of eviction when there was no notice issued or when the notice was not issued 30 days before the date of eviction

(2) The local authority shall evict such street vendors whose certificate of vending has been canceled under section 10 or who does not have a certificate of vending and vends without such certificate, in such manner as may be specified in the scheme.

*(3) **No street vendor shall be relocated or evicted** by the local authority from the place specified in the certificate of vending unless he has been given **thirty days' notice** for the same in such manner as may be specified in the scheme".*

[Include the provision about notice for those cases of eviction when there was no notice issued or when the notice was not issued 30 days before the date of eviction]

(emphasis supplied)

7. The eviction was illegal for the following reasons:
- No survey has been completed in terms of section 3(1) of the Act.
 - No certificates of vending have been issued under section 3(3) of the Act.
 - As no certificates of vending have been issued, there is no question of cancellation of certificates of vending under section 10 of the Act.
 - The vendors/vendor were not provided a 30 days notice before the date of eviction in terms of section 18(3) of the Act.
8. The aggrieved vendors/vendor have suffered immense financial losses as they are not allowed to go back to their spot and continue vending.
9. The illegal eviction of the aggrieved vendors/vendor has violated their fundamental right to practice any profession, or to carry on any occupation, trade or business, and to earn their livelihood under Articles 19 and 21 of the Constitution of India. The arbitrary eviction of these aggrieved vendors/vendor is a violation of their right to equality under Article 14 of the Constitution of India.
10. In view of the above, I request you to take due cognizance of this complaint and take the following steps within seven days:



(Provide any additional information about the circumstances that have been negatively affected by such eviction. Example- difficulty in payment of loan or additional economic burden because to the COVID-19 pandemic)

- a. direct the concerned officials to not take any coercive action against the aggrieved vendors/vendor and allow them to vend at (Name of Place)
- b. redress the financial loss caused to the aggrieved vendors/vendor by providing a one-time compensation to them in the interests of justice;
- c. take appropriate disciplinary action against the erring officials; and
- d. take any other action necessary to restore the fundamental and legal rights of the aggrieved vendors/vendor;

failing which the aggrieved vendors/vendor would be constrained to take recourse to appropriate legal remedies including the initiation of proceedings for a violation of their fundamental rights before the appropriate writ court.

Yours sincerely

(Signature of Complainant)

(Name)

(Address)

(Email)

Copy to:

1. Shri S.N. Srivastava, Commissioner of Police, Delhi, MSO Building, Indraprastha Marg, IP Estate, New Delhi, Delhi 110095
2. Shri Vipin Kumar Garg, Deputy Secretary, Police Complaints Authority, Govt. of NCT of Delhi, 10th Floor, Chanderlok Building, Janpath, New Delhi-110001
3. Name of Commissioner, Commissioner, North Delhi/South Delhi/East Delhi Municipal Corporation, [Address of the Municipal Corporation]
4. Shri Raajiv Yaduvanshi, Principal Secretary, Urban Development Department, Government of NCT of Delhi, Delhi Secretariat I.P. Estate, New Delhi - 110 002
5. Shri, Sanjay Kumar, Joint Secretary, Ministry of Housing and Urban Affairs, Government of India, Nirman Bhawan, C - Wing, Dr. Maulana Azad Road, New Delhi,110011



A copy of the signed complaint should also go to above-mentioned officers.