

PREAMBLE

The right to information is implicitly guaranteed by the Constitution. However, with a view to set out a practical regime for securing information, the Indian Parliament enacted the Right to Information Act, 2005 and thus gave a powerful tool to the citizens to get information from the Government as a matter of right. This law is very comprehensive and covers almost all matters of governance and has the widest possible reach, being applicable to Government at all levels- Union, State and Local as well as recipients of government grants.

The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government and make our democracy work for the people in real sense. The Act is a big step towards making the citizens informed about the activities of the Government.

The Act requires the Government authority to compile a handbook in easily comprehensible form and to update it from time to time under Section 4(1) b sub clauses i to xvii (17 Manuals). The objective of publishing 17 Manuals is the proactive disclosure of the information/records held by Govt. Authority for the information seekers. The office of Sr. Inspector (Encroachment), K/E a s t ward is hereby publishing the Handbook for 17 Manuals as required under RTI Act 2005 to promote transparency and accountability in the working of the department & to give easy access to the information seekers to the information & records held by this office.

This handbook contains introduction about the department along with particulars of its functions, duties, objectives & vision. It further elaborates about the duties, powers delegated to its officers & employees. The procedure followed in decision-making process, accountability of concerned officers, Norms set for discharge of its function along with related rules/regulations are further described in detail. It also contains the Statement of Categories of documents held by this office, directory & remuneration of its officers and employees. The details of budget allocation & its disbursement, particulars of permits issued, facilities available for citizen & details of PIO/Appellate authority is also published for information.

This consolidated updated handbook on 17 Manuals of the Act would help all the information seekers in getting information. However, in case any information seeker wants to get more information on topics covered in the handbook as well as other information may contact Senior Inspector (Encroachment), K/East ward whose office is situated at K/East ward office, 2nd floor, Azad road, Gundavali, Andheri (East), Mumbai - 69. The procedure and fee structure for getting information is as per the provisions of RTI Act,2005.

Senior Inspector (Encroachment),
K/East ward

Introduction

Upto 523 hawkers' licences were granted under section 313 (A) / 313 (B) of Mumbai Municipal Corporation Act 1888. Licences were granted to hawkers for hawking on roads and footpaths, licences for Cobblers and P.C.O. Booths for blind / handicapped persons were liberally granted up to the judgement date i.e. 30th July,

2004 of Hon'ble Supreme Court. However as per the orders of Hon'ble Supreme Court dated 30th July 2004, M.C.G.M. has been restrained from issuing any new licences to any person for doing any activity on road and footpath.

While hearing the petition on the scheme of the "Hawking and Non Hawking Zones", the Hon'ble Supreme Court vide their order dated 12th February 2007, directed the State Government of Maharashtra to frame the Policy for hawkers based on the National Policy on Urban Street Vendors up to 31st May 2007.

Accordingly,

the State Govt. of Maharashtra formulated "Model Byelaws" as per Government Resolution No.309 of 02.03.2009 and M.C.G.M. was asked to formulate its own Byelaws based on said "Model Byelaws" for regulation of hawker in the City of Mumbai. Accordingly, the Municipal Corporation of Greater Mumbai has formulated Hawkers Bye-laws 2009 for which Corporation has accorded sanction vide C.R.No.1192 on 26.02.2010. As per the procedure laid down in "Model Byelaws" of the State Govt. suggestions / objections on Byelaws have been invited from the citizens of Mumbai, Hawkers Unions, other Institutes and other concerned by giving Press Note and the scrutiny thereof is completed. Hearing on suggestions / objections is to be accorded by the Hon'ble Mayor and necessary changes will be incorporated in the Byelaws after hearing the suggestions / objections and will be placed again before the Corporation for sanction. On receipt of the Corporation's sanction, these byelaws will be submitted to the State Govt. for final approval. On receipt of approval from State Govt., the same will be implemented by the M.C.G.M. in the Greater Mumbai. However, State Govt. vide letter dated 25.06.2010 has informed the M.C.G.M. that the suitable provision in M.M.C. Act is under consideration of the Govt. and on suitable provision in M.M.C. Act is made, the Hawkers policy should be finalized.

Even though the aforesaid procedure is going on, encroachment removal actions are being taken under section 314 (c) of Mumbai Municipal Corporation Act, against unauthorized hawkers squatting on Municipal footpath / roads.

Section 4 (i) (b) (i)

The particulars of functions & duties of the public authority:-

1.	Name of the Public Authority	Sr. Inspector (Encroachment) & Lorry Inspectors
2.	Address	2 nd floor, K/East Ward office Bldg, 2 nd floor, Azad road, Gundavali, Andheri (East), Mumbai - 69.
3.	Head of the Office	Sr. Inspector (Encroachment)
4.	Parent Govt. Deptt.	Superintendent of Licences
5.	Reporting to which Office	Assistant Commissioner, K/East Ward
6.	Jurisdiction Geographical	K/East ward is bounded by the East side of L Ward, West side by Western Railway Line, South side by Milan Subway & North side by P/South Ward
7.	Mission	<ol style="list-style-type: none">1. To remove encroachment, u/a hawkers on Footpath, Gutters, Roads, Streets. Etc.2. Remove u/a eatable hawkers
8.	Vision	<ol style="list-style-type: none">1. To keep Roads, Footpaths free form u/a hawkers2. To keep areas like Hospitals, Rly Stns, Schools, Religious Places free from u/a hawkers.3. Prepare Hawking & Non-Hawking Zones & shift the hawkers according in the area where the hawking zones are provided by the three members committee.
9.	Objectives	To keep Roads, Footpath hawkers free. Maintain the hawking & non hawking zones as prescribed by the three members committee

10.	Functions	<ol style="list-style-type: none"> 1. To take encroachment removal action against u/a hawkers 2. To keep Roads, Streets, foots around & near Hospitals, Schools, Rly. Stns., Religious Places hawkers free. 3. To carry out the Public Auction Sale of unclaimed non perishable goods within specific time limit. 4. To remit the redemption amount daily at CFC. 5. Keep the record of plastic carry bags below 50 microns deposited in godown by several authorities i.e. Security Dept., Lic. Dept., S&E dept. 6. To deposit the gas LPG cylinders seized during the ER action. 7. To keep track record of Banners, Posters, Boards, Glow Signed Boards etc. remove / seize them during the removal action. 8. Submit reports of Handcarts sized, removal of Eatable Hawkers, Tobacco selling Hawkers near educational Institutes, receiving complaint & disposal of the same during the week / month. 9. Replying all MCL/C, MCL/A, B Complaints from M.C's Office.
11.	Details of Services Provided	To keep Roads & Footpaths free from hawkers for Pedestrians.
12.	Physical Assets	NIL
13.	Organization's Structural	NIL

	Chart	
14.	Tel. No. & Office Timing	Tel No:- 26840103 Ext:- 763 Office Timing:- 10:30 AM to 5:30 PM (Monday to Friday) & 10:30 AM to 2:00 PM Saturdays
15.	Weekly Holidays	Sunday & Public Holidays

Organization's Structural Chart

Sr. Inspector (Encroachment)

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Lorry Inspectors

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Godown Clerk

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Labourers

Section 4 (i) (b) (ii)

The powers of officers and employees in the office of Sr. Inspector (Encroachment):

A

Sr No	Designation	Powers Financial	Under which legislation/rules/orders/ & Rs.	Remarks
1.	Sr. Inspector (Ench)	Nil		
2.	Lorry Inspector	Nil		

B

Sr No	Designation	Powers Administrative	Under which legislation/rules/orders/ & Rs.	Remarks
1.	Sr. Inspector (Ench)		MMC Act, 1888	
2.	Lorry Inspector		MMC Act, 1888	

C

Sr No	Designation	Powers Magisterial	Under which legislation/rules/orders/ & Rs.	Remarks
1.	Sr. Inspector (Ench)	Nil		
2.	Lorry Inspector	Nil		

D

Sr No	Designation	Powers Quasi judicial	Under which legislation/rules/orders/ & Rs.	Remarks
1.	Sr. Inspector (Ench)		RTI Act, 2005	
2.	Lorry Inspector	Nil		

E

Sr No	Designation	Powers Administrative	Under which legislation/rules/orders/ & Rs.	Remarks
1.	Sr. Inspector (Ench)	Nil		
2.	Lorry Inspector	Nil		

Powers and Duties of Officers and Employees

The administrative powers, the financial powers and duties, etc. of officers and employees are as detailed below: -

- DUTIES OF SR.INSPECTORS (ENCROACHMENT) :-

(Encroachment removal action taken against unauthorized hawkers.)

1. Except specific duties regarding licences under sections, other general duties prescribed above are vis-à-vis applicable to the Senior Inspectors in charge of encroachment removal.
2. They should check all the reserved areas by surprise and ensure regular payment of fees and compliance with the licence conditions.
3. For unauthorized encroachments, hawkers, Senior Inspector is expected to take rigorous actions.
4. They are responsible for proper arrangements of vehicles, equipments on Roads/ footpath etc. and regular marking of muster rolls of labour staff under them.
5. They are responsible for prompt removal of unauthorized encroachments from Public Street by supervising the encroachment removal work of the Lorry Inspectors.
6. They are fully responsible to prepare reports required for hawking / non hawking zone scheme as per Hon' ble Supreme Court' s judgments under Special Leave Petition No. 4156-4157 of 2002.
7. They have to follow instructions / directions as per Hon' ble Supreme Court' s judgments dated 9.12.2003, 30.7.2004, 1.4.2005 and orders of S.L. / D.M.C. / A.M.C. (City).
8. To reply to the applications received under Right To Information Act 2005.

- Duties of Lorry Inspector (Encroachment Removal) :-

1. He should attend to complaints promptly and report compliance within 24 hours to the Sr. Inspectors.
2. He should remove unauthorized banners, posters, board, etc. daily with the help of Advertisement Inspector of respective ward.
3. He should take vigorous actions against unauthorized hawkers and keep the areas under his jurisdiction clean. His fieldwork should be of active, extensive and driving with a view to preventing nuisance of unauthorized hawkers on Municipal Roads and Footpaths.
4. He should see that all the goods seized by encroachments removal action are properly weighed and entered into the registered before the redemption.
5. He should attend to auctions sales.
6. He should see that the Labour staff under him work properly and attend to the duties regularly.
7. To maintain separate register to enter complaints received regarding encroachment of unauthorized hawkers and to take removal action.
8. He should keep field book of day-to-day work of encroachment removal action.

DELEGATION OF POWERS TO SR.INSPECTOR (ENCH.)

Under Section 68 of the Mumbai Municipal Corporation Act 1888 Sr. Inspector (Ench) K/East is hereby empowered to exercise, perform and discharge under the control and subject to the revision of the Commissioner, the several powers, duties and functions conferred or imposed upon or vested in the Commissioner by the several Sections, Sub-Sections and Clauses of the said Act herein below mentioned :-

EXPLANATION :- The entries in the second column of the below table headed 'Nature of powers' etc. are not intended as definitely described in Sections, Sub-Sections and Clauses mentioned in the first column or even as abstracts of those sections, sub-sections and clauses, the numbers of which are given in the first column.

Sr. No	Nature of Powers, Duties and Functions delegated
1	Except specific duties regarding licenses under section, other general duties prescribed above are vis-à-vis applicable to the Senior Inspectors in charge of encroachment removal.
2	They should check all the reserved areas by surprise and ensure regular payment of fees and compliance with the license conditions.
3	For unauthorized encroachment, hawkers, Senior Inspector is expected to take rigorous actions.
4	They are responsible for proper arrangements of vehicles, equipments on Roads/ footpath etc and regular marking of muster rolls of labour staff under them.
5	They are responsible for prompt removal of unauthorized encroachments from Public Street by supervising the encroachment removal work of the Lorry Inspectors.
6	They are fully responsible to prepare reports required for hawking/ non hawking zone scheme as per Hon' ble Supreme Court" s judgments under Special Leave Petition No. 4156-4157 of 2002.
7	To reply to the applications received under Right To Information Act 2005.
8	They have to follow instructions /direction as per Hon' ble Supreme Court" s judgments dated 9.12.2003, 30.7.2004, 1.4.2005 and order of SL/DMC/AMC (City.).

		<ol style="list-style-type: none"> 1) To take ench.remove action against unauthorized hawkers & keep the areas under his jurisdiction clean. keep roads & footpaths hawkers free. 2) The goods seized during the ench.remove action are deposited in a ench.godown daily. 3) All goods seized during the ench.remove action are properly weighed & entered into the registered before redemption 4) To relese the perisheble goods after one day by public auction sale 5) To relese the non perisheble goods with prper redemption charges/dambriges as per sc shedule 6) Remit the redemption charges amount in CFC Counter of Ward office every next day 7) To arrange & attend the public auction sale for unclaimed non perishable goods 8) To maintain separate register to enter complaints receied 	1to3 days	Lorry Inspector	
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2	Removal of Advt.boards/ banners	1) To remove unauthorized boards/banners etc.daily with help of advt.inspector 2) To keep all record of removal unauthorised boards/banners in redemption regester & report the same to SL Office daily	Within 24 Hours	Lorry Inspector	
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Section 4(i)(b)(iv)

Norms set for discharge of its functions in the office of Sr. Inspector
(Encroachment) at K/East ward

Organisational Targets (Annual)

Sr. No.	Designation	Activity	Financial Targets (in Rs.)	Time Limit	Remarks
1	NIL	NIL	NIL	NIL	NIL

Section 4 (1) (b) (v)

The rules / regulation related with the functions of

Sr. Inspector (Encroachment)

Sr. No.	Subject	G.R. /Circular / Office order. Rule no. Notification etc. date.	Remarks if any
1	Redemption charges	SL/ 10 of 2011-12	
2	Auction sale	SL/ 44 of 1991-92 SL/26 of 2001-02 SL/09 of 2003-04 SL/2367/Acct dated 15/05/2012	
3	Private vehicle tender	AMC/City/6041 dated 5/7/2013	

Section 4 (1) (b) (vi)

**Statement of Categories of documents held in the office of
Sr. Inspector (Encroachment), K/East Ward**

Sr No	Subject	Type of Document / file or register	File No. or Register No.	Particulars	Periodicity of Preservation
1	Redemption Register	register	-	Entries of seized goods with redemption charges	Permanent
2	Auction sale file	File	-	Public auction sale of Non perishable unclaimed goods	Permanent
3	Receipt book	Book	-	Redemption charges taken	Permanent
4	Remittance book	Book	-	Particulars of payment	10 years
5	Remittance receipt	File	-	Acknowledgement of remittance charges	10 years
6	Audit Note	File	-	Short recovery of redemption charges	10 years
7	R T I Register	Register	-	Reply to party	10 years
8	Complaints register	Register	-	Written complaints	5 years
9	Muster Roll & Effective report	Register and File	-	Daily & Monthly attendance	Permanent
10	Private vehicle tender file	File	-	Periodical tender of Pvt. Vehicle for Ench.	5 years
11	Plastic seized report book	File	-	Plastic carry bags report	5 years
12	Establishment file	File	-	Employees leave record & transfer order	5 years

Section 4(i)(b)(ix)

Directory of the officers and employees

Sr. No.	Designation	Name of the officer / employee	Cadre	Date of joining the post	Date of joining in K/E Ward	Contact details (Phone / Fax / Email)
1	Sr. Inspector (Encroachment)	VACANT POST	B	-	-	022-26840103
2	Lorry Inspector	Shri. Unmesh Gole	C	09.09.09	07.02.15	022-26840103
3	Lorry Inspector	Shri. Pawan Kotekar	C	-	18.02.15	022-26840103
4	Lorry Inspector	Shri. Balu Khade	C	30.05.09	14.02.15	022-26840103
5	Lorry Inspector	Shri. Ashok Rajput	C	-	06.02.15	022-26840103
6	Godown Clerk	Shri. Suresh Jadhav	C	-	-	022-26840103

Section 4(i)(b)(x)

**Details of remuneration of officers and employees in the office of Sr. Inspector
(Encroachment) at K/East ward**

Sr. No.	Name of the Officer/ Employee	Designation	Basic Pay	DA	HRA	CA	(Amount in Rs.)	
							Spe cial Allowa nce / Transp ort Allowa nce / Project Allowa nce	Total
1	VACANT POST	Sr. Inspector (Encroachme nt)	Details of Payment will be available on Supdt. Of Licence' s Mannual.					
2	Shri. Unmesh Gole.	Lorry Inspector						
3	Shri. Pawan Kotekar	Lorry Inspector						
4	Shri. Balu Khade	Lorry Inspector						
5	Shri. Ashok Rajput	Lorry Inspector						
7	Shri. Suresh Jadhav	Godown Clerk						

Section 4(i)(b)(xi)

Details of allocation of budget and disbursement made in the office of Sr. Inspector(Encroachment)at K/East ward for the year 2015-2016

- * Publish copy of the budget (in Rs.)
- * Publish copy of grant distribution

Format A for current year

Sr. No.	Budget Head Description	Grant received	Planned use (Give details area-wise or work-wise in a separate form)	Remarks
	NIL	NIL	NIL	NIL

Section 4(i)(b)(xi)

Details of allocation of budget and disbursement made in the office of Sr. Inspector (Encroachment) at K/East ward for the year 2015-2016

- * Publish copy of the budget (in Rs.)
- * Publish copy of grant distribution

Format B for previous year

Sr. No.	Budget Head	Grant received	Grants utilized	Grants surrendered	Results
	NIL	NIL	NIL	NIL	NIL

Section 4(i)(b)(xii)

**Manner of execution of subsidy programme in the office of Sr. Inspector
(Encroachment) at K/East ward**

* Name of the Programme	N I L
* Eligibility of Beneficiary	N I L
*	N I L
*	N I L
*	N I L
*	N I L
*	N I L
*	N I L
*	N I L
*	N I L
*	N I L
*	N I L
*	N I L
*	N I L
*	N I L
*	N I L
*	N I L
* Year-wise list of beneficiaries in the format given	N I L
* Target (if any)	N I L
* Remarks	N I L

Section 4(i)(b)(xii)

Details of beneficiaries of subsidy programme in the office of Sr. Inspector (Encroachment) at K/East ward

Name of the Scheme / Programme For the year 2015-2016

Sr. No.	Name & Address of Beneficiary	Amount of subsidy / concession sanctioned
	N I L	N I L

Section 4(i)(b)(xiii)

Particulars of recipients of concessions, permits or authorizations granted in the office of Sr. Inspector (Encroachment) at K/East ward

Type of Licence / Permission / Concession :

Sr. No.	Name of the Licences	Licence No.	Issued on	Valid upto	General Conditions	Details of the Licence
This information is available on MCGM's website - www.mcgm.gov.in						

Section 4(i)(b)(xiv)

**Details of information available in Electronic Form in the office of
Sr. Inspector (Encroachment) at K/East ward**

Sr. No.	Type of Document / File / Register	Sub-Topic	In which electronic format it is kept	Person incharge
-	-	-	-	-

Section 4(i)(b)(xv)

Particulars of the facilities available for citizens for obtaining information in the office of Sr. Inspector (Encroachment) at K/East ward

Sr. No.	Type of facility	Timings	Procedure	Location	Person Incharge
1	Inspection of record under R.T.I.	3.00 p.m. to 5.00 p.m. on Tuesday & Thursday (Except Holidays) with prior appointment only	For inspection of records no fee for first hour will be charged. However, fee of Rs.5/- for each 15 minutes or fraction thereof will be charged thereafter.	Office of the Sr. Inspector (Ench), "K/E" Ward Office Building, 2 nd Floor, Brihanmumbai Mahanagarpalika, Azaad Road, Gundavali, Andheri (E), Mumbai – 69.	Sr. Inspector (Ench), " K/East "

Section 4(i)(b)(xvi)

**Details of Public Information Officers in the jurisdiction of (Public Authority)
in the office of Sr. Inspector (Encroachment) at K/East ward**

P.I.O.

A

Sr. No.	Name of P.I.O.	Designation	Jurisdiction as PIO under RTI	Address / Phone No.	Email id for purpose of RTI	Appellate Authority
1	vacant	Sr. Inspector (Encroachment)	K/East	022-26840103	-	Asst.M.C. K/E Ward

Section 4(i)(b)(xvi)

Details of Asst. Public Information Officers in the jurisdiction of (Public Authority) in the office of Sr. Inspector (Encroachment) at K/East ward

A.P.I.O.

B

Sr. No.	Name of A.P.I.O.	Designation	Jurisdiction as PIO under RTI	Address / Phone No.
-	-	-	-	-

Section 4(i)(b)(xvi)

Details of Appellate Authority in the jurisdiction of (Public Authority) in the office of Sr. Inspector (Encroachment) at K/East ward

Appellate Authority

C

Sr. No.	Name of Appellate Authority	Designation	Jurisdiction as PIO under RTI	P.I.O. reporting	Email id for purpose of RTI
1	Dr. Bhagyashree Kapase	Asst.M.C. K/E Ward	K/E Ward	vacant Sr. Inspector (Ench)	-

Section 4(i)(b)(xvii)

Any other information of Public use

N I L