

THE STREET VENDORS (PROTECTION AND PROMOTION OF LIVELIHOOD)
BILL, 2011

Introduction

The Act aims to reflect the spirit of the Constitution of India on the right of citizens to equal protection before the law (Subject to reasonable restriction) as well as their right to practice any profession, occupation, trade or business; and the duty of the State to strive to minimize the inequalities in income, and to adopt policies aimed at securing that the citizen have the right to adequate means of livelihood as enshrined in Article 14, 19 (1) (g), 38 (2), 39 (a), 39 (b) and 41 of the Constitution.

AND WHEREAS urban street vendors form an important segment of the self employed in the unorganized sector and considerably add to the comfort of the general public by making available ordinary articles of everyday use at affordable prices and at convenient locations, nevertheless they live in constant insecurity of losing their livelihood due to the absence of recognition and promotion of their livelihoods by the authorities ;

AND WHEREAS the right of street vendors to carry out their trade or business need to be harmonized with the rights of other citizens;

NOW, THEREFORE, it is expedient to give recognition to the vital role played by the street vendors in the urban economy, recognize and legalize their status, promote a supportive environment for their activities and protect their livelihoods,

(a) the citizens, men and women equally, have the right to an adequate means of livelihood; and

(b) the ownership and control of the material resources of the community are so distributed as best to sub-serve the common good;

AND WHEREAS the right of street vendors to carry out their trade or business need to be harmonized with the rights of other citizens;

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A BILL to provide for protection of livelihood of urban street vendors and to promote vending trade and services provided by street vendors to the public and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

- 1. Short title, extent, commencement and application:-** (1) This Act may be called the Street Vendors (Protection and Promotion of Livelihood) Act, 2011
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government, may be notification, appoint and different dates may be appointed for different States.
- 2. Definitions:**
 - (1) In this Act, unless the context otherwise requires,-
 - a) “holding capacity” means the maximum number of street vendors accommodated in an orderly manner in any market, location, area or zone;
 - b) “Land owning Authority” means any public authority, corporations or agency which owns land in areas within the jurisdiction of the Local Authority to which the general public has general access, such as railways, state transport corporations, bus stations, hospitals and all other such authorities.

- c) “Local authority” means a Municipal Corporation or Municipal Council, Municipality, Nagarpalika or a Nagar Panchayat, or by whatever name called, or a Cantonment Board or such other body legally entitled to function as a local authority in a city/town to provide civic services, regulate trade and also subsume the “planning authority” for the purpose of regulating land use in the city/town concerned.
- d) “mobile stall” means and includes push cart on wheels, a vending structure attached to a bicycle, scooter, or any other light motorized vehicle or a light structure capable of being moved from place to place on a daily basis, but does not include a tempo, taxi or bus;
- e) “mobile vendor” means a person who sells goods or offers services on “mobile stalls”;
- f) “natural market” means a market cluster where vendors gather spontaneously in big or small numbers in response to the market demand;
- g) “notification” means a notification published in the Official Gazette for the purposes of this Act;
- h) “nodal officer” means an officer designated by the appropriate Government to coordinate all matters relating to urban street vending;
- i) “public place” means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not and it includes public streets vested in the Local Authority or any other authority so empowered under the law.
- j) “planning authority” means a Urban Development Authority, Area Development Authority, Town Planning Authority and any other authority responsible for the master plan, development plan, zonal plan, layout plan

or any other spatial plan, legally enforceable under the applicable Town and Country Planning/Urban Development/Municipal or any such Act;

- k) “prescribed” means prescribed by rules made under this Act by the appropriate Government;
- l) “state level appellate authority” means a body established under this Act;
- m) “specified” means as specified by the scheme;
- n) “scheme” means a scheme framed under this Act;
- o) “stationary vendor” means a person who offers goods or services in a particular spot by spreading his/her goods on the ground, or by operating from a mobile non-motorized redhi, lari, cart, riksha, but does not include a person operating from a permanent or semi-permanent structure.
- p) “street vendor” means a person engaged in retail trade or making available goods, wares, food items or merchandise or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or other public places and/or private areas from a particular spot by spreading his/her goods on the ground, or by operating from a mobile non-motorized redhi,lari,cart, riksha or by moving from place to place and includes hawker, peddler, squatter and all other local/region specific terms such as pheriwalla, rehri-patriwalla, footpath dukandar, toplavala, patharnavala, street trader and side-walk vendor and includes both mobile vendors and stationery vendors;

Explanation: For the avoidance of doubt, the term “goods” referred to above includes food, drink and other edible items which are cooked or prepared at the spot from which the street vendor operates.

- q) “town vending committee” means the body constituted under section 3 of this Act and it includes the “Zonal Vending Committee” formed under this Act.
- r) “town vending dispute Redressal forum” means such forum established under this Act.
- s) “vending zone” alternatively called ‘hawking zone’, represents a location designated for the specific use by street vendors and hawkers, stationary or mobile, by the town vending committee and may include footpaths, side-walks, pavements, embankments, portions of streets, waiting areas for public and semi-public land use or any place for carrying out such trades and providing services;
- t) “vending zone regulation committee” means a self help group of street vendors of a vending zone responsible for maintenance, cleanliness and public hygiene.
- (2) Any reference in this Act to any law which is not in force in any state /area shall, in relation to that state/ area, be construed as a reference to the corresponding law, if any, in force in that state/area.

CHAPTER II

SCHEME FOR STREET VENDING

3. Scheme for street vending:-

- (1) For the purposes of this Act, the State Government shall frame, by notification a scheme which may provide for all or any of the following matters, namely:-

- a) the norms of spatial planning to be adopted by the planning authority for earmarking adequate space for street vendors in the master plan, zonal development plan, layout plans and other plans.

provided that the amount of space so allocated shall be sufficient to accommodate all existing street vendors and it shall not be less than 2.5% of the public land.

- b) the principles of determination of ‘vending’, and ‘no vending’ zones in streets and public places;
- c) the conditions under which private places can be designated as ‘vending’ or ‘no vending’ zones by the local/municipal authority;
- d) the principles of determination of holding capacity in a particular street or public place by the vending committee;
- e) the manner of grant, renewal, suspension or cancellation of a registration certificate for a street vendor and issue of identity card to street vendors.
- f) the manner of levy and collection of fees for the grant and renewal of a registration certificate and fines for contravention of the provisions of this Act;
- g) the terms and conditions for street vending, stationary and mobile in different streets and public places;
- h) the designation of Nodal Officer for coordination of all matters relating to street vending at the state level;
- i) the manner of maintenance of proper records and other documents by the vending committee, municipal authority, planning authority and Nodal Officer in respect of street vendors;

- j) the form and manner of filing appeals to, and procedure for disposal of dispute and appeals by the “Town Vending Dispute Redressal Forum” and “State Level Appellate Authority” respectively;
- k) any other particulars which may be considered by the Local Authority proper to be included in the scheme.

(2) A summary of the scheme notified by the State Government under sub-section (1) shall be published by the Government in at least two local news papers in such manner as may be prescribed.

CHAPTER III

TOWN VENDING COMMITTEE

4. Town Vending Committee:-

- (1) The State Government shall, in each local authority, constitute a committee of members to be called the town vending committee (TVC).
 - (i) The committee shall consist of the following number of members depending upon the size of Local Authority, namely:
 - (a) Urban local body with 10 lakhs plus population – 30 members;
 - (b) Urban local body with a population of 3 lakhs and below 10 lakhs- 20 members;
 - (c) Urban local body with a population of 1 lakh and above but below 3 lakhs- 15 members;
 - (d) Urban local body with less than 1 lakh population- 10 members
 - (ii) The Municipal Commissioner shall be the Chairperson.

- (iii) 40% members against total members of Town Vending Committee shall be nominated from the street vendors, who are registered as street vendor by the urban local body/ registered associations of street vendors.

Provided that one third of the members shall be from women street vendors.

- (iv) 30% members shall be from Officers from the Local Authority of town planning, sanitation including municipal commissioner.
 - (a) Officers from Police and Traffic Department (at least one person not below the rank of Inspector of Police);
 - (b) Officers from Revenue Department (at least one person, not below the rank of District Revenue Officer)
 - (c) Officers from concerned Urban Development Authorities.
- (v) 10% members representing the elected members of the Urban Local Body.
- (vi) 10% members representing Resident Welfare Association and community based Organizations.
- (vii) 10% members representing from NGO's, professional groups like Lawyers, Doctors etc., representatives of Trade and Commerce, and representatives from Scheduled Banks.

Provided that reasonable representation shall be given to the persons who are physically challenged.

- (viii) Such number of members in the committee to be constituted shall maintain the rule of reservation to the categories of Scheduled Tribes, Scheduled Castes and Backward Communities and women as per their quota as prescribed by State Government in the case of Urban Local Body elections.

(2) In Metros with population of above 10 lakhs there shall be Zonal Vending Committees (ZVCs) with composition and membership within it, being similar to the Town Vending Committee as specified under Section 4(1).

(3) The members nominated under clause (iii), (v) to (viii) of sub- section (1) shall, unless his/ her nomination is terminated earlier by the competent authority on allegation proved with due procedure in existence, hold office for a term of three years from the date of his nomination to town vending committee.

Provided that the vacancy so raised shall be nominated immediately in the next meeting of the vending committee.

(4) The State Government shall provide to the vending committee office, space and such officers and other employees with such salary and allowances and terms and conditions of service and all other necessary infrastructure as may be prescribed.

(5) The Vending committee shall meet once in quarter duly following the pertinent principles of quorum and notice period.

Provided that the meeting shall observe such rules of procedure in relation to the conduct of business as may be prescribed.

5. Powers and functioning of Town/Zonal Vending Committee:-

(1) The Town Vending Committee shall -

(a) Demarcating “vending zones” and “no vending Zones” on the basis of the Scheme and provisions under this Act and in consultation with Local authority and Planning authority;

Provided that the demarcation shall be based on the principles enumerated under the scheme which shall include following factors:

- (i) Necessity of the general public for particular goods and services;
 - (ii) Proximity to other commercial establishments;
 - (iii) Number of people using different public places at different times;
 - (iv) Number of existing street vendors operating in a particular area
 - (v) The total area to be demarcated as vending zones shall be sufficient to accommodate all existing Street Vendors.
- (b) Maintaining, in such manner as may be prescribed, the records of land, street, footpath, embankment, waiting area, parks and other public places which may be suitable and appropriate for vending or designation as vending zones;
- (c) Conducting periodic survey or census to assess the actual numbers of street vendors, type of trade and vending location and register them suo moto;
- (d) Determining quantitative norms regarding the amount of space to be provided for different categories of stationary stalls in vending Zones after survey and evaluation of actual needs of vendors providing different kinds of goods and services to the public;
- (e) Assessing the holding capacity of particular areas for street vending, type of trade, date, day or timings in a day at regular intervals;
- (f) Temporarily designating vendors markets such as weekly haats or night bazaar whose use at other times may be different and facilitating the organisation of vending festivals on pre-determines holidays
- (g) Granting registration certificates to street vendors along with the identity cards. Renewing, suspending or cancelling registration certificate to street vendors in accordance with procedures as may be prescribe;

- (h) Fixing registration fees or levies, in consultation with the municipal authority and notifying the manner of collection of such fees or levies through banks and post office;
- (i) Ensuring adequate civic amenities, including water, sanitation, waste management, electricity, to be provided in the vending zones and vending clusters by the Local Authority;
- (j) Monitoring the services of street vendors, quality of products and services being provided to the public, public health, hygiene and safety standards;
- (k) Ensuring allotted vending spaces, stationary or mobile, actually in accordance with the terms and conditions specified and taking necessary action to space which are found rented out/sub rent or transferred.
- (l) Promoting awareness and access of street vendors to affordable credit through institutional mechanisms such as micro credit, schemes of banks and governmental agencies;
- (m) Fixing appropriate penalties for digression of norms regulating the activities of street vendors and notifying the manner of collection of such penalties;
- (n) Facilitating access of street vendors to insurance and other social security schemes: death, illness, disability, group insurance, maternity benefits, old age pension;
- (o) Helping street vendors to organize Vending Zone Regulation Committee to promote their common interests and social welfare responsibility;
- (p) Organize training programmes to build entrepreneurship and technical and business skills among street vendors; improve the quality of their products and services;

- (q) Redressing grievances and resolving any disputes arising amongst the street vendors and third parties including Local Authority and Planning Authority officials and policemen on matters relating to street vending;
 - (r) Providing for structural mechanism to enable the entire process of planning for recognition of street vendors to run their enterprises for urban poverty alleviation.
- (2) The TVC shall identify, recognize and regularize the existing natural markets by carrying out the mapping exercise and by preparing the schematic plans for the same.
- (3) The TVCs shall demarcate weekly markets, the criteria for such markets may be as follows:
- (i) Weekly markets to be held in areas which have traditionally been having weekly markets.
 - (ii) Weekly markets to be held particularly on the day when the normal markets or establishments of that area are closed.
 - (iii) The size of vending site for each vendor will not be more than 6x4 open.
 - (iv) The timings of the weekly markets should be decided according to the actual timings of the bazaars which would inter alia include the needs of the people who depend on these bazaars. The timings for summer and winters should be different.
 - (v) Regular collection of tehbazari by Municipal/Local Authority.
 - (vi) Principles of Natural markets

- (4) The Vending Committee shall prepare and publish its annual reports of its activities, planning, budget accounts in such manner and form as may be prescribed.

CHAPTER IV

DISPUTE REDRESSAL MACHANISM

6. Dispute Redressal Mechanism:-

- (1) The State Government shall establish a Town Vending Dispute Redressal Forum for each Town Vending Committee. Any dispute arising out of the implementation of this Act shall be decided by the Town Vending Dispute Redressal Forum.
- (2) The State Government shall establish a State Level Appellate Authority where an appeal over the decision of Town Vending Dispute Redressal Forum shall lie.

Provided that the State Government may by rules made in this regard provide for the jurisdiction and procedure of the Town Vending Dispute Redressal Forum and State Level Appellate Authority.

7. Composition of the district forum:

- (1) Each Town Vending Dispute Redressal Forum shall consist of –
- (a) A person who is, or who has been or is qualified to be, a District Judge, who shall be its President
- (b) two other members, one of whom shall be a woman, who shall have the following qualifications, namely:-

- (i) be not less than thirty-five years of age;
- (ii) possess a bachelor's degree from a recognized university,
- (iii) be persons of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to human rights and socio-economic affairs:

Provided that a person shall be disqualified for appointment as member if he/she-

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or
 - (b) is an un-discharged insolvent; or
 - (c) is of unsound mind and stands so declared by a competent court; or
 - (d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or
 - (e) has, in the opinion of the State Government, such interest as is likely to affect prejudicially the discharge by him of his functions as a member; or
 - (f) has such other disqualifications as may be prescribed by the State Government.
- (2) Every appointment under sub-section (1) shall be made by the State government on the recommendation of selection Committee consisting of the following namely:
- (i) The President of the State Appellate Authority- Chairman,
 - (ii) Secretary, Law Department of the State- Member,

(iii) Chairman/in-charge, of the local municipal body - Member.

Provided that where the President of the State Appellate Authority is, by reason of absence or otherwise, unable to act as Chairman of the Selection Committee, the State Government may refer the matter to the Chief Justice of the High Court for nominating a sitting Judge of that High Court to act as Chairman.

(3) Every member of the District Forum shall hold office for a term of five years or up to the age of sixty-five years/ whichever is earlier:

Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of sixty-five years, whichever is earlier, subject to the condition that he fulfills the qualifications and other conditions for appointment mentioned in clause (b) of sub-section (1) and such reappointment is also made on the basis of the recommendation of the Selection Committee:

Provided Further that a member may resign his office in writing under his hand addressed to the State Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who is required to be appointed under the provisions of sub-section (2) in place of the person who has resigned:

(4) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the members of the District Forum shall be such as may be prescribed by the State Government.

Provided that the appointment of a member on whole-time basis shall be made by the “appropriate government” on the recommendation of the President of the State Appellate Authority taking into consideration such factors as may be prescribed including the work load of the District Forum.

- 8. APPEAL:** Any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the State Appellate Authority within a period of forty-five days from the date of the order, in such form and manner as may be prescribed:

Provided that the State Appellate Authority may entertain an appeal after the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.

9. COMPOSITION OF THE STATE APPELLATE AUTHORITY:

(1) Each State Appellate Authority shall consist of –

- (a) person who is or has been a Judge of a High Court, appointed by the State Government, shall be its President

Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of the High Court;

- (b) two other members, who shall be persons of ability, integrity and standing and have adequate knowledge or experience of, or have shown capacity in dealing with problems relating to human rights and socio-economic affairs or administration, one of whom shall be a woman;
- (c) Provided that every appointment made under this clause shall be made by the State government on the recommendation of a selection committee consisting of the following, namely :-

- (i) President of the State Appellate Authority - Chairman,
 - (ii) Secretary of the Law Department of the State - Member,
 - (iii) Secretary, in-charge of Department of urban development or any other department dealing with affairs of street vendors in the State – Member
- (2) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the members of the State Appellate Authority shall be such as may be prescribed by the State Government.
- (3) Every member of the State Appellate Authority shall hold office for a term of five years or up to the age of sixty-seven years, whichever is earlier and shall not be eligible for re-appointment.

CHAPTER V

TRANSPERANCY PROCEDURES

10. Transparency Procedures: - Appointment of non official members of the Vending Committee:

- (1) Persons to be appointed as non official members of the Vending Committee must satisfy the following minimum qualifications:
 - (a) They must be affiliated with an organization working for the benefit of street vendors;
 - (b) Such organization must have been registered as a trust, cooperative, trade union, society or any other form of organization capable to be registered under the law in force;
 - (c) Such organization must have been registered in accordance with the law in force for a consecutive period of three years or more;

- (d) Such organization must have complied with the provisions of the relevant law under which it is registered with regard to conducting audits and filing returns.
- (2) The Local Authority shall take into consideration and give preference to the following criteria when nominating persons affiliated with organizations established for the benefit of street vendors:
 - (a) organizations having a record of working for the benefit of street vendors for a greater number of years;
 - (b) organizations having a larger number of street vendors as their members, beneficiaries or affiliates;

11. Demarcation of Vending Zones:-

- (1) The Town Vending Committee shall demarcate vending zones and holding capacity in accordance with the criteria laid down under this Act. The Town Vending Committee shall specify in writing the manner in which the holding capacity of a vending zone is demarcated. In addition, the Town Vending Committee shall specify in writing why the other areas over which its jurisdiction extends, have not been demarcated as vending zones.
- (2) The reasons in writing specified under this section shall be put up on the website of the Local Authority and shall be freely available to any person at the offices of the Local Authority or at any other location that the Local Authority might specify.
- (3) The Local Authority shall invite objections to the demarcation of vending zones and no-vending zones and the declaration of holding capacity by giving notice of the same and calling for objections in not less than two local newspapers. Such notice shall appear in the local newspapers for a consecutive period of not less than seven days.

(4) Within a period of thirty days from the notice first appearing in the local newspapers as specified in this section, any person may give their objections to the Town Vending Committee. If required, the Town Vending Committee may designate panel consisting of three or more members of the Town Vending Committee to hear oral objections.

(5) The Town Vending Committee may modify the demarcation of vending zones and non-vending zones and the declaration of holding capacity within one month of hearing objections. The Town Vending Committee shall specify in writing their modifications, along with their reasons in writing for such modification or non-modification.

12. Publication of Lists:

(1) Within sixty days of the commencement of registration in accordance with the provisions of this Act the Town Vending Committee shall publish registration lists showing the names of all street vendors who have been registered. This list shall be affixed in not less than three public places specified by the Town Vending Committee. The registration lists shall be updated after every 90 days.

(2) Within sixty days of the commencement of licensing in accordance with the provisions of this Act the Town Vending Committee shall publish license lists showing the names of all street vendors who have been licensed. This list shall be affixed in not less than three public places specified by the Town Vending Committee. The license lists shall be updated every 90 days.

13. Rejection of Licenses: Whenever the Town Vending Committee declines to grant a license to any person in accordance with the provisions of this Act it shall inform the person in writing of its reasons for so doing.

CHAPTER VI

REGISTRATION OF STREET VENDORS

14. Registration of Street Vendors:- Subject to the provisions of this Act, any street vendor working in the urban area or wishing to be vendor shall be registered as a street vendor under this Act, and shall be entitled the benefits provided by the provisions of this Act.

15. Eligibility for registration and procedure:-

(1) Every person who has completed the age of 18 years and intends to do street vending shall make an application for registration as street vendors to the town vending committee.

Provided that a minor person, who is above the age of 14 years, shall not be disqualified from assisting in the vending activities.

(2) An application for registration shall be made to the vending committee or an officer authorized by vending committee in such manner, form and with such fee as may be prescribed.

(3) The following categories shall be disqualified from registration:

(a) . person owning/occupying shops or establishment

(b) Person with criminal records;

(c) Person with regular, formal sector jobs

(4) An application made under this section shall be examined by the Town Vending Committee and the registration made within such period, and in such manner as may be specified

Provided that:

- a. The Town Vending Committee shall not summarily reject the application without giving the applicant an opportunity to rectify deficiencies, if any and hearing him.
- b. If the Vending Committee or the officer authorized by it, as the case may be, is satisfied that the application is in compliance with the provisions of this Act and the rules or schemes made there under, the person authorized shall register the name of the street vendor.
- c. Any person aggrieved by the decision of the Town Vending Committed under this section may, raise the dispute before Town Vending Dispute Redressal Mechanism, within 30 days and in such manner, as may be prescribed.
- d. On completion of specified period, if no response is received by the applicant about rejection or deficiency of application within the time frame resolved in the rules, the applicant shall be deemed to have been registered.

CHAPTER VII

LICENSING

16. Licensing:-

- (1) license for registered vendors, shall be provided as per the scheme, for permanent allocation of space; provided that the vending committee is satisfied that the applicant is a bona-fide vendor at the time of application
- (2) For the purposes of sub-section (1) the street vendors shall provide following details:
 - (a) Exact spot from which he/she has operated, with names and particulars of adjoining street vendors and details of goods sold. The following documents may be considered as proof of bona-fide vendor:

- I. existing or previous license issued by local authorities.
- II. summons, warrants, fine-receipts, public health fines etc.
- III. any receipts such as teh-bazaari or any other receipts issued by local authority.
- IV. any photo, video or other such evidence.
- V. any other documentary evidence as may be allowed by the vending committee.
- VI. in case the applicant does not have any of the above documentary proofs he/she will provide the following details at the time of application of license:
 - a) Number of years he/she has been vending.
 - b) The exact spot/area from which he/she has been operating, along with names and particulars of 2 neighbouring vendors, residents or service providers.
 - c) The nature of his business and details of goods or services he/she sells.
- VII. On receipt of this information the town vending committee will send an inspection team within fifteen days of the application which will go and verify the particulars provided by the applicant by site inspection, and bring back photographic proof of the particulars given by the vendors.
- VIII. The inspection team shall provide an on the spot receipt of verification to the concerned vendor.

17. Rights and entitlement for license: A street vendor shall be entitled to get license for one vending spot only. He shall have no right to either let, sub let, or sell that spot or transfer the same to another person or benami holder.

18. Reservation: One third licenses shall be reserved for the disadvantage categories like women, disabled, senior citizens.

CHAPTER VIII

ROLE OF MUNICIPAL AUTHORITY

19. Responsibilities of Municipal Authority:

(1) The Local Authority shall be responsible for:-

(a) overall supervision and monitoring of the Scheme and effective functioning of the vending committees;

(b) provision of sufficient civic facilities to street vendors and Vendors' Markets in consultation with the vending committees, including:

- I. solid waste disposal
- II. public toilets to maintain cleanliness,
- III. electricity,
- IV. drinking water,
- V. shelter to protect street vendors and their wares,
- VI. storage facilities, beautification, placement of signage, and
- VII. other facilities as needed by street vendors.

(c) fixation of fees/levies to be charged from street vendors for purposes of registration, use of space, availing civic services and manner of their collection, in consultation with the vending committee as per scheme;

(d) allocation of staff and budget to each Planning Committee, vending committee subject to a minimum annual grant and that at least 50 per cent of the fees and fines collected by a Committee is passed on to it for discharging various functions effectively.

- (2) Each Local Authority, on coming into effect of this Act or as the case may be, in consultation with the vending committees concerned, shall undertake comprehensive digitalized, photo census and survey of the existing number of vendors by engaging competent professional institutions in order to draw up a realistic plan for accommodating all of them in a rational and citizen-friendly manner.
- (3) The survey and census count under sub-section (2) may involve the following steps, namely:-
- (a) ward by ward, cluster-by-cluster, street-by street, market-by-market mapping of the area where the vendors are located in each city/town.
 - (b) photographic digitized census count of street vendors and their location with the collection of information in such formats as may be specified.
- (4) The entire database of street vendors shall be duly notified, put on the municipal website and updated at regular intervals.
- (5) The local /Municipal authority may accord preference to registered street vendors in the allotment of shops in regular markets whenever licenses are issued for setting up new shops and market complexes, depending on the length of registration.

Explanation.—The concerned vendor shall surrender his registered vending spot on such an allotment.

20. Framing of by-laws: Subject to the provisions of this Act or any rules or scheme made there under, the Local authority may make bye-laws to provide for all or any of the following matters, namely:-

- (1) the regulation and manner of vending in restriction - free - vending zones, restricted - vending zones and designated vending zones;
- (2) the regulation of the collection of taxes and fees in the vending zones;
- (3) regulation of traffic in the vending zones;
- (4) the regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;
- (5) the regulation of civic services in the vending zones; and
- (6) the regulation of such other matters in the vending zones as may be necessary.

CHAPTER IX

ROLE OF PLANNING AUTHORITY

21. Responsibility of planning authority:

- (1) Notwithstanding anything contained in any other law for the time being in force, the Planning Authority shall be responsible for—
 - (a) determining spatial planning norms for adequate street vending, balancing the interests of the street vendors and the general public with regard to use of streets and public places;
 - (b) earmarking sufficient space for vending zones/Vendors' Markets in the master plan, zonal development plans, layout plans and other plans defining the extent of streets or areas for particular vending activities;
 - (c) monitoring the functioning of the vending committees with regard to the planning norms;
 - (d) discharging any other function or duty which may be assigned by the State/ Central Government, as the case may be, from

time to time to promote the welfare and interest of the street vendors.

- (2) Planning Authority as soon as may be, shall notify adequate spaces for accommodating all existing street vendors in designated vending or hawking zones amending the city/town master plan, zonal development plan layout plans and other plans, taking into account the needs of both stationary and mobile vendor
- (3) The demarcation of vending zones shall be specific to the requirements of each town or city, sufficient for existing demand for street vendors' goods and services, as well as space for likely increase in tune with the anticipated population growth.
- (4) The spatial plans made by the planning authority shall be conducive and adequate for the prevalent number of street vendors of the respective city/town and future growth taking into account the following norms, namely:—
 - (a) the natural propensity of the street vendor to locate in certain places at certain times in response to patterns of demand for their goods and services;
 - (b) to create space for new entrants to the street vending occupation with the natural expansion of the town/city for allocation through a transparent mechanism such as the credible and reliable draw of lots;
 - (c) to promote optimum utilization of space by defining “holding capacity” of different areas to accommodate the maximum possible vendors without compromising the legitimate requirements of vendors, road users and aspects of public health and hygiene;
 - (d) to divide a city/town into vending and non vending zones;
 - (e) consult with vendors associations, in working out zoning and notifying the same in a manner as may be prescribed;

CHAPTER X REGULATION

22. Promotion of civic discipline and public hygiene by street vendors:

- (1)** The street vendors shall organize Vending Zone Regulation Committee in each market or vending zone to promote the norms of civic discipline by institutionalizing mechanisms of public hygiene, disposal of waste and providing free passage to the public.
- (2)** The Vending Zone Regulation Committee shall be formed on the basis of actual representation of Street Vendors working in the Vending Zone.
- (3)** The Town/ Zonal Vending committee shall supervise the functioning and organization of Vending Zone Regulation Committee and prescribe rules in this regard.

23. Procedure for Eviction and Confiscation: The State Government may make rules to determine regulatory Process to be followed by Local authority while evicting the vendors and confiscation of the goods;

Provided that in absence of any rule in this regard the procedure prescribed under this section may be adhered;

- (a) In the rarest case if any street vendor needs to be temporarily evicted i.e. for festival or national celebrations, then prior notice of two days shall be given to the vendors of that natural market and their union or Zonal vending Regulation Committee before evicting the vendors
- (b) The municipal authorities while confiscating goods shall draw a Panchnama. At least two independent witnesses preferably a representative of street vendors organization or Zonal Vending Regulation Committee shall witness the panchnama.
- (c) Provided that when none of the witness represents any street vendors the confiscating authority shall record the reason in writing for such unavailability of the witness.
- (d) The Panchnama shall contain:

- A. Name of the vendor
 - B. Date time and place of the confiscation.
 - C. Description and weight of the goods and larri.
 - D. Name, Position and Department of the persons who has confiscated the goods.
 - E. Number of the lorry in which confiscated goods are taken.
 - F. Name and Address of the godown where the confiscated goods are taken.
 - G. Name, address, contact number and the organization of the witnesses.
- (e) Copy of the panchnama may be given free of charge to the vendor and his signature should be procured to the effect that he has received the panchnama.
- (f) The procedure for the release of the goods shall be made easier so that even a illiterate vendor can follow it up.
- (g) Prescribed form for the release of the goods may be prepared by the municipal authorities and fee of Re. 1 may be charged per form.
- (h) The card given for the release of the goods may contain the name, address designation of the person releasing the goods and the date when the goods will be released.
- (i) The time limit may be fixed for releasing different type of goods. Larri and weights should be released in two days and this period shall be mentioned in the panchnama.
- (j) The complaint number may be written on the larri weights and the goods at the time of the confiscation by the authorities and the same should be mentioned in the panchnama so that the vendor can get her own larri, weights and goods.

- (k) The Municipal authorities shall not confiscate perishable items like fruits and vegetables. Even if they confiscate the goods they shall release them immediately within an hour.
- (l) Nodal Officer shall be made responsible for the confiscation and release of the goods by the Local Authorities.

CHAPTER XI OFFENCES AND PENALTIES

24. Offences: No street vendor shall,—

- (1) operate without a registration certificate,
- (2) vend or hawk beyond the designated area or the designated time,
- (3) sell goods or offer services detrimental to public health,
- (4) Violate the terms and conditions of vending including health and safety norms involved in food processing and storage as laid down by the concerned authority.
- (5) Contravene any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or scheme made thereunder,

25. Penalties: Appropriate penalties in terms of fines shall be formulated by the Vending Committees, in consultation with the Local Authority and subject to such limits as may be prescribed.

CHAPTER XII PROMOTIONAL MEASURES, RESEARCH AND TRAINING

26. Promotional measures: The State Government and Local authorities shall undertake promotional measures of social security, availability of credit, insurance and other welfare programmes for street vendors in consultation with their associations or unions, Vending Zone Regulation Committees,

Municipal/local authority and Planning Authorities. It may also give directions to the vending committees in this regard so as to ascertain their involvement.

27. Research and training: The State Government may

- (1) develop and organize capacity building programmes for street vendors and on how to exercise the rights contemplated under this Act;
- (2) undertake research, education and training programmes to advance knowledge and understanding of the role of the informal sector in the economy, in general and street vendors, in particular and to raise awareness among the public through vending committees.

CHAPTER XIII

FOOD VENDORS

28. Provisions for food vendors:

- (1) The town vending committee may frame appropriate rules to be complied with by street vendors who prepare food or other edible items as their business in order to maintain cleanliness, hygiene and public health.
- (2) The town Vending committee may carry out spot inspections to ensure that such rules are observed by such street vendors.
- (3) In case of non-compliance by any street vendor for three continuous spot inspections, the town Vending Committee may revoke the license of such street vendor.

CHAPTER IX

MISCELLANEOUS

29. Delegation of powers: Vending committee by resolution passed in this regard delegate to the chairperson or any other member or to secretary or any other officer subject to such conditions and limitations as may be specified in the resolution such powers and duties under this Act as it may deem necessary.

30. Filing of returns: Every Town Vending committee shall furnish from time to time to the State Government such return as they may require

31. Removal of doubts:

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before the House of State Legislative Assembly/ Parliament.

32. Power to make rules:

(1) The State Government may by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) The number, qualification and procedure of selection of chairperson and members of the Town Vending Committee formed under this Act.

(b) the salary and allowances, the terms and conditions of service of the chairperson and members of the committee and the manner of filling casual vacancies under sub-section (3) of section 3;

(c) the form and manner of preparing annual reports and accounts of the Town Vending Committee.

(d) the parameters and form and manner of development of the scheme for street vending.

(e) the procedure to be followed by the Local authority in the discharge of its functions relating to implementation of the provisions under this Act;

- (f) the procedure to be followed by the planning authority in the discharge of its functions relating to implementation of the provisions under this Act;
 - (g) the procedures to be followed in dealing with matters such as relocation, compensation and rehabilitation of street vendors under this Act and offences and levy and collection of penalties prescribed under this Act.
- (3) Every rule and scheme made under this Act shall be laid, as soon as may be after it is made, before the House of Parliament/ House of Assembly while it is in session, for total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or scheme should not be made, the rule or scheme shall thereafter have effect only in such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme.

33. Savings and Repeal: Nothing contained in this Act shall affect the operation of any corresponding law in a state for welfare schemes which are more beneficial to the street vendors than those provided for them by or under this Act