

Objections are Invited from the General Public for notifying **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Plan – 2015 for Phagwara Municipal Corporation** till 21st of August, 2015. Objection in writing may be sent to Commissioner, Municipal Corporation, Phagwara. The draft Notification is as under:-

**GOVERNMENT OF PUNJAB
Local Government Department
Draft Notification**

Date:

No.....: In exercise of the powers conferred by section 21 of the street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014), Subject to the provisions of this Act or any rule or scheme made there under, the Phagwara Municipal Corporation proposed following Plan for street vendors in the city is hereby approved notify: -

CHAPTER – I

PRELIMINARY

1. Short title and commencement –

- i. This Plan may be called **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Plan – 2015 for Phagwara Municipal Corporation.**
- ii. It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.

2. Definitions –

I. In these rules, unless the context otherwise requires:-

- (a) “Act” means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014)
- (b) “appropriate Government” means the Government of [Punjab];
- (c) “brown field development plan” means development plan of an area which is partly or mostly already developed.
- (d) “Bye-laws” means the bye-laws made under section 37 of the Act;
- (e) “festive market” means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during festival season of the city or town and has been determined as such by festival authority on the recommendations of the Town Vending Committee;
- (f) ‘green field development plan’ means development of totally undeveloped area or with very insignificant development.

- (g) “Grievance Redressal Committee” means a committee constituted by the Government of [Name of State] under Sub-section (1) of section 20 of the ACT;
- (h) “Heritage Market” means a market which has completed more than fifty years in one place where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (i) ‘holding capacity’ means the maximum number of street vendors who can be accommodated in any vending zone and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (j) ‘local authority’ means a Municipal Corporation, Phagawra
- (k) “mobile vendors” means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
- (l) “Municipal Commissioner” means the commissioner of Municipal Corporation of Phagwara in Punjab State;
- (m) “natural market” means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (n) “niche market “ means a market where sellers and buyers have traditionally congregated for the sale and purchase of niche products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (o) “night bazaar” means a bazaar where sellers and buyers have traditionally congregated for the sale and purchase of products or services after evening i.e. during night and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (p) ‘notification’ means a notification published in the Official Gazette and the term “notify” shall be construed accordingly;
- (q) “Plan” means the plan made under First Schedule of section 22 of the Act;
- (r) “planning authority” means an urban Development Authority or any other authority in any city or town designated by the appropriate Government as responsible for regulating the land use by defining the precise extent areas for any particular Activity in the master plan or development plan or zonal plan any layout plan or any other spatial plan which is legally enforceable under the application Town and Country Planning Act or the Urban Development Act or the Municipal Act, as the case may be;
- (s) “public purpose” includes in the context of the Act (i) widening of roads, streets lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with

or without clover leaves and slip down roads; (iv) erecting underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc.; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens and Recreational Area; (xi) Conservation of any eco System Resource in that area and (xii) Any other development work taken by local authority, the beneficiary of which will be the community at large.

- (t) "Scheme" means the Scheme made under Second Schedule of section 38 of the Act;
- (u) 'seasonal market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during specific seasons and has been determined as such by local authority on the recommendations of the Town Vending Committee;
- (v) "Section" means section of the Act"
- (w) "Stationary Vendors" means street vendors who carry out vending Activities on regular basis at a specific location;
- (x) 'stationary vendors' means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public in a street, lane , side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;
- (aa) "Town Vending Committee" means the body constituted by the appropriate Government under section 22 of the Act;
- (bb) "vending zone" means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
- (cc) "weekly market" means a market where sellers and buyers have weekly congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

- ii. Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

CHAPTER – II

CONCEPT OF PLANNING FOR STREET VENDING

- 3. The duty of preparation of street vending plan has been cast on the Local Authority. The latter has to consult the Planning Authority and to take into account the recommendations of the TVC. Thus the Act provides for the involvement of three agencies for the preparation of the plan of street vending.
- 4. The prime responsibility lies with the Local Authority which in this context will signify:-
 - i. Municipal Corporation
 - ii. Urban Development Authority wherever such an Authority is in existenceIn case there is no Urban Development Authority in the area, consultation may be held on with the State Directorate of the Town and Country Planning, if needed.
- 5. It will be a time consuming and long drawn affair if all the institutions have to prepare separately the plan of street vending for their respective areas. The issue of coordination may also pose a serious problem. In order to cut through the time consuming process and get over the problem of coordination, the institution having the larger jurisdiction of planning should be asked to prepare a position paper on street vending in the area. In larger urban areas, the institution mostly would be the Urban Development Authorities. Elsewhere it would be the Municipalities.
- 6. In case of Nagar Panchayats which do not have any Municipality or Municipal Corporation nearby, Chief Executive Officer of the institution, one member of the board of the Nagar Panchayat, Head of Local Traffic Authorities and Planning Officer with required qualification in Planning should be responsible for doing the plan. In case the post type of person is not available locally, assistance from a qualified person from a nearby Municipality or Municipal Corporation may-be taken.
- 7. The Local Authority will organize a consultative meeting with the Urban Development Authority and the TVC and other institutions involved and work out an overall vending plan for that area.

8 Vending plan for areas substantially built up (brown field) and sporadically built up may require slightly different strategies.

The steps to be taken for planning are the following-

i. Take the list of the vending areas with the following details.

- a. Number of vendors in each area
- b. Modes of vending adopted (push cart, spread on floor, rack & frame etc.)
- c. Type of Vending (stationary / mobile / peripatetic)
- d. Area occupied by each mode of vending
- e. Area of vending carried on from the carriage way
- f. Area of vending carried on from the footpath

ii. Work out ward-wise figures of two and half percent population. Compare them with the numbers of the vendors in the ward.

iii. Fixing the tentative norms-

a. Work out the minimum area required for each mode of vending.

b. Calculate the total area occupied by street vendors on the road including the footpath.

c. Checkup whether the area is more than the area which would work out as per the number of vendors multiplied by the minimum space requirement - vending mode wise.

d. Finding out whether the area occupied are more or less than what would have been required as per the standard.

iv. In case of area being less than what is required for vending, suggest areas where the vendors could be re-accommodated.

v. Examine the five strategies for getting more space for street vending.

a. Traffic management strategy

b. Discovering of alcoves, niche, corners, etc where a small number of vendors can be accommodated

c Creating some space by shifting compound walls of governmental building adjoining the roads to some extent and accommodating street vendors there

d. Working innovative methods of offering FSI / compensation at market rates for similar deduction from the compounds of privately owned buildings

e. -Design based strategy

9. The details mentioned in earlier paragraph are mainly directed to planning of brown field street vending. For the green field the task will be easier. Over a period of time certain norms have evolved for the optimal allocation of space for certain urban functions. For roads and streets, approximately 20 % of the area under planning is being ear-marked. This needs to be changed to a higher side adding at least 2% more to the existing 20% norms. In a green field development, location of high footfall areas could to some extent be anticipated like the transport nodes or business districts or major institutional areas. In such areas more than one vending bays can be placed at the stage of planning. The following decisions will be necessary by the competent authority.

- 1 Modify the space allocation norm for road in such a way as to accommodate street vending as a regular urban activity
- 2 Design the high footfall areas in such a way as to accommodate 1-2 Deep Street vending bays.
- 3 Create a single street vending bay in a public parking area with proper back up space

CHAPTER - III

PRINCIPLES FOR PLAN OF STREET VENDING

10. Ensure that all existing street vendors identified in the survey, subject to a norm conforming to two and half per cent. of the population of the ward, zone, town or city, as the case may be, are accommodated in the plan for street vending;

Every local body will work out ward wise likely number of the street vendors on the basis of the 2.5 % of the population of that ward. Planning authority shall carry out the exercise to find out the carrying capacity of the ward taking into account the road width and restricted no vending zone Bye-Laws (Regulations).

i. Ensure the right of commuters to move freely and use the roads without any impediment;

While working out a carrying capacity of any area, minimum space for pedestrian movement after allowing the gathering of the buyers in front of the vending area should be clearly identified and marked. Municipal authority will also have to ensure the goods and merchandise of the shops/commercial establishment, parking on that road do not occupy any part of the pedestrian movement space. The area has also got to be kept free from the obstructions in the form of goods and material hanging with some device projected from the regular shop on that pedestrian / carriage way.

ii. Ensure that the provision of space or area for street vending is reasonable and consistent with existing natural markets;

Existing natural market should be identified and vending should be allowed on the roads on which it is abutting with restrictions as would be warranted for the sake of traffic movement, both pedestrian and vehicular. The moot point in case of such market would be to judiciously earmarking the areas on which trucks carrying the goods and merchandise to be sold from the shop in that market are brought in. Similarly the area for parking and movement of the vehicle meant for solid waste removal from that market should be always kept free.

- i. **Take into account the civic facilities for appropriate use of identified spaces or areas as vending zones;**

Civic facilities plan:

Plan of the basic service lines with indication of the catch pits and manholes should be available with the TVC on an authentic map of the vending areas. Existence of the public taps and conveniences should also be indicated. Schedule of solid waste removal from that area also have to be taken on record. The TVC has to examine the adequacy or otherwise of these services in the vending areas across the city/town.

The street vendors should be strictly prohibited to put any garbage blocking the catch pits or manholes.

- iv. **Promote convenient, efficient and cost effective distribution of goods and provision of services;**

TVC will cause the information to be collected on the sources from which the street vendors collect their goods and articles to be vended or the raw materials or semi-finished goods to be processed further by them to be sold in the market. The TVC will also try to collect the information of the terms and conditions for obtaining those goods or semi-finished goods or raw materials from the (1) Manufacturer (2) Whole seller (3) Retailer. A focused discussion of Street vendors should be arranged to find out their perception about the (1) unfair terms and conditions of the supply of goods or materials (2) poor quality of the goods and materials. The TVC should arrange a joint meeting of the suppliers of goods and materials, the street vendors and association of organized traders of concerned goods and materials.

If the suppliers of goods and materials and traders come to an amicable settlement about terms and condition for supply of goods and materials, decision should- be recorded and supplied to the members attending the meet. In case the difference of opinion persists about the fairness or otherwise of the terms and conditions, the matter may be referred to the State Level Nodal Officer.

For ensuring the quality of any product it is necessary to have a standard of the product and a statutory back up for ensuring the standard. The goods sold by the street vendors mostly will not

be having any such prescribed enforceable standards. It is necessary to evolve a procedure and machinery for ensuring minimal quality of the goods.

v. Such other matters as may be specified in the scheme to give effect to the plan for street vending.

A public purpose project will signify -

1. Any project, execution of which benefits the large part of the community or the community as a whole
2. Any project which aims at benefiting a comparatively lower number of persons but belonging to the economically depressed classes
3. Any project aiming to preserve eco system resource for a habitation

CHAPTER IV

SPATIAL PLANNING

11. Determination of spatial planning norms for street vending;

i. Spatial Plan for Street Vending

Planning for vending space for the street vendors has to be approached from two different angles:-

- a. Planning in the green field areas
- b. Planning in the brown field areas including redevelopment of any segment of the city/town

There is certain convention fixing approximate quantum of space to be reserved for various categories of urban functions. Usually 20% of the land under planning is kept reserved for road and street purposes. In order to accommodate the street vendors in future in the area under planning the quantum of reservation of land for roads and streets has to be increased by approximately 2%. The assumption is street vendors will be accommodated in single file on the strips of land running parallel to roads and streets. In important areas with rich footfall it may require more than one strip.

Seasonal / festive vending is normally confined to the sale of certain seasonal produce like fruits, fireworks, cloths, decorative elements etc. It is necessary to earmark areas where such items can be stored in bulk and sold from the same site. It will be desirable to keep reservation for such markets in the master plan / development plan of green fields.

- c. Through a suitable traffic management strategy, like

Declaring a road one way, thereby, easing the problem of congestion which ensures from street vending. This may bring out some amount of space for accommodating a few new vendors also. In case there are two arterial parallel roads connected by a number of smaller streets/roads, street vendors from main carriage way may be diverted to the connecting roads and placed in an organized fashion.

In such traffic management option, road side parking should be completely banned.

Drawing/photographs

ii. Earmarking of space or area for vending zones;

a. Discovery of space:

In the rich foot fall areas the planning department should try to discover the existence of alcoves, niches, recesses, khuna-khancho, etc. Attempt should be made to accommodate street vendors to the extent possible in such places.

b. Creation of space:-

1) Taking a linear spit of a land carved out along the boundary wall or compound wall of public institutions including schools and colleges, universities, government building and parks -gardens. Under no circumstances more than 1.5 meters can be carved out from the above mentioned institutional land.

2) In case there is no such institutional land available, then land from the road margin of private owner can be acquired according to the prevailing rules. If need be offering h:m FSI / FAR link to the land taken up for creating street vending space.

3) The new -land so created or earmarked in the master plan or development plan may or may not have high foot fall. Attempts should be made by signage to ensure foot fall in that area.

CHAPTER - V

VENDING ZONEING

12. Determination of vending zones as restriction-free-vending zones, restricted vending zones and no-vending zones; .

- i. There shall not be any restriction-free-vending zones in the city. Carrying capacity of an area would put the ultimate limit on the number of street vendors which can be positioned in any area. However, there shall not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter

movements. In such cases the TVC has to decide the total number of such mobile vendors can be accommodate after taking into account the area of significant

footfall and 1/3rd of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way.

ii. Restricted vending zones should be linked with the road width:

- a. There shall not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending shall be allowed if such road is declared as no vehicular road.
- b. There shall not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending shall be allowed if such road is declared as one way vehicular road.
- c. There shall be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending shall be allowed on a road having road width of 30 meters and above,
- d. Number of street vendors shall be decided by considering holding capacity of each designated vending area on such a road.
- e. Such stationary vending shall be allowed after taking the clearance from 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.
- f. Mobile vending shall be allowed on such road looking to the traffic and pedestrian movement.
- g. Suggestive road designing is attached as Annexure.

iii. No vending zone:

- a. No vending shall be allowed around 200 meters of the Secretariat, District Collectorate, offices of District Panchayat, Municipal Corporation, Municipality, Nagar Panchayat, Cantonment Board and ASI and state archeological monuments.
- b. No vending within 50 meters from any crossing of two or more roads on all side and any declared heritage structures by the local authority.

Making of spatial plans conducive and adequate for the prevalent number of street vendors in that city or town and also for the future growth, by adopting such norms as may be necessary;

13. Holding capacity:

Capacity of the vending areas on the basis of the space norm to be fixed by TVC against the availability of space in the road/street in that area.

Areas to be allotted to individual vendors.

- i. A maximum of 2 sq. mtr area as 'vending area' shall be provided to each vendor/hawker with dimension of 1.6 meter x 1.2 meter.
- ii. Passage of 1.0 meter width in front of stalls / push carts shall be reserved as 'extension', for consumers/ users to stand or buy goods.
- iii. A walkway / footpath of 1.0 / 2.0 meters width shall be provided for pedestrians, in front of extension space depending on the road width.
- iv. In no case, the carriageway shall be allowed to be used for street vending.
- v. If the width of road permits, street vending may be allowed on both sides of the road.
- vi. No vending Activity shall be allowed at a distance of 50 meters from any junction/ exit / entry of road.

The local body if necessary may review the street plan of the city to ascertain the availability of total vending space in the city as per the space allocation norms specified above.

A statement of norms of road designing of various widths with various functions including street vending, cycling and service road is suggested in the annexure (1).

14. Consequential changes needed in the existing master plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in the designated vending zones.

TVC can review street vending plan every 5 years and suggest necessary changes if need be. If it requires, any change in the master plan or development plan etc., the necessary approval of the designated authority will be needed.

15. Declaration of no-vending zone shall be carried out by the plan for street vending, subject to the following principles, namely:—

- i. Any existing market, or a natural market as identified under the survey shall not be declared as a no-vending zone;**

Ward wise or region wise green vegetable/fruit vending should be earmarked and should be placed away from the public conveniences. The local authority will have to take special care for the management of such vending places.

Special vending zones for niche markets:

For festive season market, TVC may specify the area in various parts of the city for the hawking for a limited period of time. Vending from those areas, however, has necessarily to be stopped immediately after the season or period for which it was granted.

The Act contains the following directives pointing out the grounds which will not be sufficient for any area to be no vending zone.

- ii. declaration of no-vending zone shall be done in a manner which displaces the minimum percentage of street vendors;
- iii. overcrowding of any place shall not be a basis for declaring any area as a no-vending zone provided that restrictions may be placed on issuing certificate of vending in such areas to persons not identified as street vendors in the survey;
- iv. sanitary concerns shall not be the basis for declaring any area as a no-vending zone unless such concerns can be solely attributed to street vendors and cannot be resolved through appropriate civic Action by the local authority;
- v. Till such time as the survey has not been carried out and the plan for street vending has not been formulated, no zone shall be declared as a no-vending zone.

ANNEXURE

**ROAD DESIGNING WITH STREET VENDING
SPACE**

IN MTRS)

Sr. No.	Width of road (in mtrs)	Footpath	Street Vendin g space,	Service Road	Cycle Track	Carriag e way	Central verge	Carriag e way	Cycle Track	Service Road	Street th Vending spac	Footpa th	Vendin g Status	Conditionally allowed
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	No
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	ed	area
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	Allow ed	One way road
3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	
		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	1.0	Allow ed	One way road
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allow ed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allow ed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allow ed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allow ed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allow ed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allow ed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allow ed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allow ed	Both sides
11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allow ed	Both sides

Note : These calculations are subject to approval of traffic division for earring capacity of vehicular traffic For two lane traffic minimum 7 mtrs is required for carrying traffic

Minimum Area available for street vending - 3.0 mtrs

Minimum space requirement for pedestrian movements - 1.0 mtr

**GOVERNMENT OF PUNJAB
Local Government Department
Notification**

Date:

No.....: In exercise of the powers conferred by section 38 of the street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014), Subject to the provisions of this Act or any rule made there under, the Phagwara Municipal Corporation proposed following scheme for street vendors in the city is hereby approved and notify: -

CHAPTER – I

PRELIMINARY

1. Short title and commencement –

- iii. This scheme may be called **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme – 2015 for Phagawra Municipal Corporation**
- iv. It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.

2. Definitions –

- i. In these rules, unless the context otherwise requires:-

- (a) “Act” means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014)
- (b) “appropriate Government” means the Government of [Name of State];
- (c) “Bye-laws” means the bye-laws made under section 37 of the Act;

- (d) “Chief Executive Officer” means officer in charge of [Name of City] Municipality or [Name of City] Nagar Panchayat or [Name of City] Cantonment Board on [Name of State] State as case may be;
- (e) “festive market” means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during festival season of the city or town and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (f) “Grievance Redressal Committee” means a committee constituted by the Government of [Name of State] under Sub-section (1) of section 20 of the Act;
- (g) “Heritage Market” means a market which has completed more than fifty years in one place where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (h) ‘holding capacity’ means the maximum number of street vendors who can be accommodated in any vending zone and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (i) ‘local authority’ means a Municipal Corporation of Phagawra;
- (j) “mobile vendors” means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
- (k) “Municipal Commissioner” means the commissioner of Municipal Corporation of [Name of City] in [Name of State] State;
- (l) “natural market” means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (m) “niche market” means a market where sellers and buyers have traditionally congregated for the sale and purchase of niche products or services and has

- been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (n) “night bazaar” means a bazaar where sellers and buyers have traditionally congregated for the sale and purchase of products or services after evening i.e. during night and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (o) “notification” means a notification published in the Official Gazette and the term “notify” shall be construed accordingly;
- (p) “Plan” means the plan made under First Schedule of section 22 of the Act;
- (q) “planning authority” means an Urban Development Authority or any other authority in any city or town designated by the appropriate Government as responsible for regulating the land use by defining the precise extent areas for any particular Activity in the master plan or development plan or zonal plan any layout plan or any other spatial plan which is legally enforceable under the application Town and Country Planning Act or the Urban Development Act or the Municipal Act, as the case may be;
- (r) “public purpose” includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc.; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens and Recreational Area; (xi) Conservation of any eco System Resource in that area and (xii) Any other development work taken by local authority, the beneficiary of which will be the community at large.
- (s) “Scheme” means the Scheme made under Second Schedule of section 38 of the Act;
- (t) “seasonal market” means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during specific seasons and has been determined as such by local authority on the recommendations of the Town Vending Committee;
- (u) “Section” means section of the Act”

- (v) “stationary vendors” means street vendors who carry out vending Activities on regular basis at a specific location;
 - (w) “street vendors” means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane , side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words “street vending” with their grammatical variations and cognate expressions, shall be construed accordingly;
 - (x) “Town Vending Committee” means the body constituted by the appropriate Government under section 22 of the Act;
 - (y) "vending zone" means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
 - (aa) "weekly market" means a market where sellers and buyers have weekly congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- ii. Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

CHAPTER – I

THE MANNER OF CONDUCTING SURVEY

1. The local authority shall get the survey conducted by a professional agency using modern technology. The survey shall be undertaken using mobile/tablets which can identify vendors on field.

The whole process of conduct of survey and issuance of vending certificate will be completed within maximum time period of 1 year. The methods which should be used for survey are:

- i. Survey of street vending will be by mobile based application.

- ii. GIS (Geographic Information System) mapping.
- iii. Digitalized photo census.
- iv. Bio-metric Photo Identity Cards.
- v. The timing for survey should be thrice a day-morning time-7 am to 12 pm, afternoon time -2pm to 6pm night time-6pm to 11pm.
- vi. Registration camps by the constituted team in markets and vending areas should be installed.

In the survey report the street vending Activity carried on from the carriage way should be specifically mentioned and marked on the map. Similarly, mode of vending should also be clearly indicated. It should specify whether a particular vendor is carried on from:-

- 1.Push cart / motorized vehicle
- 2.Floor spread
- 3.Rack and hanging frame mode

TVC will have to encourage such made as results in maximum space economy.

TVC will have to prescribe the standard for all the mode of vending. As far as possible spatial standard should be uniform for all the mode.

CHAPTER – II

ISSUE OF VENDING CERTIFICATE

- 2. The period within which certificate of vending shall be issued to the Street vendors identified under the survey;**

The street vendor identified by the survey should be issued certificate within a maximum period of [3] months time from the date of survey.

- 3. The terms and conditions subject to which certificate of vending may be issued to a street vendor including to those person who wish to carry on street vending during the intervening period of two surveys;**

The street vendor to whom a certificate of livelihood will be issued:

- i. Should not have any other means of livelihood except for street vending.

- ii. Should not have any other vending site in any other place.
 - iii. Should carry the vending by himself or herself or through family members who should be at least 14 years of age.
 - iv. Any street vendor who has completed the age of 14 years of age.
 - v. The certificate of vending cannot be leased/rented or sold to others. An undertaking is to be submitted by the street vendor to the Town Vending Committee.
 - vi. The Certificate of vending should have picture of the person vending and in case of spouse or dependent child being involved in vending at the vending site. Photograph of such person should also be added in the certificate.
 - vii. New Street vendors who wish to carry on street vending during the intervening period of two surveys, has to apply through Local Authority for the vending certificate.
 - viii. Identification of new sites, acceptance of application from new vendors as well as allotment to new applicants by Local Authority should be a continuous process rather than one time exercise.
4. **The form and the manner in which the Certificate of vending shall be issued to a street Vendors;**
- i. Photo of the vendor along with his or her spouse or dependent child if involved in vending with the Vendor
 - ii. Name of the vendor.
 - iii. Name of the spouse or dependent child if involved in vending with the vendor.
 - iv. Age and Sex of the Person/s whose photo appears.
 - v. Address of residence.
 - vi. Category of Vending (Mobile/ Stationary/Natural/Weekly etc.)
 - vii. Name of the Vending place (Whether it is historical Place, park, market, in front of school/ college/hospital/ bus stand or malls etc.)

- viii. Name of the Municipal Body.
- ix. Date of issuing Vending Certificate.
- x. Validity. (Since the law provides for survey every five year, the certificate of vending should also be issued for five year).
- xi. Unique Registration Number.

5. The form and manner of issuing identity cards to street vendors;

- i. Name of the Vendor.
- ii. Age.
- iii. Sex.
- iv. Address of residence.
- v. Address of the vending site.
- vi. Photo
- vii. Phone Number.
- viii. Category of vending.
- ix. Municipal Ward or Zone number.
- x. Police Station.
- xi. Validity Period
- xii. Signature of the authority with seal

6. The criteria for issuing Certificate of vending to street Vendors;

- 1. Name should appear in the survey carried out by the TVC
- 2. Should be a street vendor only and should not be engaged in any other occupation.
- 3. No other parallel vending site in any other place by the same person. However his/her spouse and any child above 14 years of age can have a different vending site.
- 4. Should carry the vending by himself or herself though family or other People (if he/she has completed 14 years) may be involved.
- 5. Any street vendor who has completed the age of 14 years of age.
- 6. The Certificate of Vending cannot be leased or sold to others and an undertaking for this is to be submitted to the Town Vending Committee on a Rs 20 affidavit.
- 7. First time registration fee may be decided by the TVC but that should not be less than Rs.500.

7. The period of validity of certificate of vending;

The vending certificate shall be renewed after every (5) years thought a simple process of paying the fees. The deposit of fees and issue of receipt shall be considered to be adequate proof of the renewal of vending certificate.

CHAPTER – III

RENEWAL, SUSPENSION AND CANCELLATION OF VENDING CERTIFICATE

8. The period for which and the manner in which a certificate of vending may be renewed and the fees for such renewal;

The vending certificate may be renewed after every 5 years. It shall be a simple process of submitting the fees and renewing the vending certificate. It is desirable that the local authority may put up the list of the vendors whose due dates for renewal falls within a period of two months. In the said paper the amount as well as the places or institution where it can be paid can be indicated. TVC will publish a list of defaulter street vendors who has failed to pay the renewal fees of vending certificate. The renewable fees of the vending certificate should not be less than Rs. 500. 1 month period will be granted without any penalty. After expiry of that time period 1 month notice period along which late fees penalty (Rs.25 per day) will be granted for paying the fees, failing 1 month notice from TVC will be served as to why his/her vending certificate may not be suspended/cancelled.

9. The manner in which the certificate of vending may be suspended or cancelled;

The TVC shall impose fine and a warning on the street vendor found guilty of breach of condition laid down in the vending certificate. This will include:

- i. if he/she caring out vending / squatting /hawking in the area / market other than mentioned in the vending license.
- ii. Misrepresented the age (minimum age is 18 years) for eligibility to get vending certificate.
- iii. If the area allotted has been increased unauthorized occupying additional area.
- iv. If no registration has be done under FSSAI in case of food vendors.
- v. If any permanent structure has been constructed on the allotted place.
- vi. If certificate of vending is sold or lease to any.
- vii. If the vending certificate has not been renewed after the prescribed period is over.
- viii. Any street vendors who has employed any child below 14 years of age (under Child Labour (Prohibition and Bye-Laws(Regulations)) Act, 2005 will be given a warning by the TVC. But falling that their vending certificate will be cancelled.
- ix. Any street vendors who is guilty of misbehavior with women vendor will be

given a warning based on the written complaint filed by the aggrieved. However, on the repetition of the same Act will amount to cancellation of the vending certificate . The TVC should make a committee (Headed by a woman official) to take into account the Domestic Violence Act, 2005 and also Indian Penal code to protect women at work place.

CHAPTER – IV

FEES

10. The vending fees to be paid on the basis of category of street vending, which may be different for different cities;

The vending fees shall be according to the category of the Street Vendors and the Status of the market.

(Explanation – The rationale is obvious. Income potential differs from area to area high foot fall areas offer High vending opportunity compared to lean foot fall areas. Therefore it is only correct to fix the fees at different rates for different categories of vending zones. Similar will be the arguments for varied rates for cities and town of different categories.)

TVC shall have to fix fees/ levies depending on the foot fall of the area but fees shall be minimum Rs. 150 and maximum Rs.1500 per month. Every year a minimum 10% increase shall be imposed. Local authority can collect vending fee annually if it deems fit.

11. The manner of collecting through banks counters of local authority and counters of Town Vending Committee, vending fees, maintenance charges and penalties for registration, use of parking space for mobile stalls and availing of civic services;

Every TVC will have a bank account and street vendors will deposit the money per month or year into that account along with the details in the prescribed form. An annual audit of the account will be carried out by the TVC. The local authority concerned is free to make its own any alternative arrangement for collection for TVC.

CHAPTER – V

CATEGORIES OF STREET VENDING

12 The categories of street Vendors other than stationery vendors and mobile vendors;

The vendors can also be categorized with reference to the places from where they are operating e.g:

1. Natural markets,
2. Weekly Markets.
3. Heritage Markets.
4. Festival Markets.
5. Night Bazars.
6. Seasonal Markets

13. The other categories of persons for preference for issue of Certificate of vending;

TVC should accord priority for senior citizen, physically challenged, single mothers and widows.

CHAPTER – VI
RELOCATION AND EVICTION OF STREET VENDORS

14 The public purpose for which a street vendor may be relocated and the manner of relocating street vendor;

Any project of public purpose, requiring temporary or permanent shifting of the street vendors in the project related area, the concern authorities shall consider following two points for relocation:

- i.During the time of construction/development the street vendors may be adjusted in a nearby place temporarily or permanently.
- ii.After completion of the project, the street vendors may be adjusted in the same place of public purpose area for vending to the extent possible but it is not compulsory/mandatory.

Rehabilitation of street vendors under any public purpose would require taking of the following steps:-

- a. Given an estimate of footfall status in an area where from the vendors are to be shifted
- b. Total number of vendors to be shifted
- c. Footfall status of the alternative sites
- d. Carrying capacity of the alternative sites
- e. Likely availability of vending space after the project is completed
- f. Temporary allotment of sites for Shigting the vendors may be done by lots

g. In case number of the vendors in the original site is more than the number which could be accommodated after the project is completed allotment by lot can be adopted to.

h. The vendors who were carrying on business from a government land can either be placed in a plot owned by the public authority or can be organized on the road depending on the availability.

15. The manner of evicting a street vendor;

- ii. TVC should bring in its agenda and discuss the issue of eviction of street vendor 2 months prior to the issuance of 1 month notice of eviction, so that a survey can be conducted to identify an equally ideal vending site for the street vendors.
- iii. The 1 month written notice should be served via registered post prior eviction in the name of the street vendor. It can be served personally also

iv. In case registered post comes back undelivered, the said notice should be posted on the area where from he is carrying on his vending . That should be considered as the service of the notice.

16. The manner of giving notice for eviction of a street vendor;

- i. 1 month notice prior eviction under section 18 of the Act.
- ii. The notice of eviction should be in the name of the street vendor who is getting evicted via registered post or personally.
- iii.

17. The manner of evicting a street vendor physically on failure to evict;

- ii. Under section 18 of the Act the street vendor who fails to move out on the expiry of the eviction notice period shall be liable to pay for everyday default.
- iii. The default amount or the penalty payable by the street vendor may extend up to Rs. 250 only. However, the penalty fees will not exceed the value of the goods seized.

Chapter –VII

SEIZURE OF GOODS

18. The manner of seizure of goods by the local authority, including preparation and issue of list of goods seized;

Under section-19 of the Act the street vendor whose goods are seized should keep the following things in consideration:

- iii. Only the authorized person from the local authority should conduct seizure of goods.
- iv. The list of goods seized should be made by the concerned authority and the same should be duly signed by the concerned authority.
- v. The street vendor whose goods are seized should be given a proper receipt by the authority.

19. The manner of reclaiming seized goods by the street vendors and the fees for the same;

- a. Under section 19 (2) the local authority should release the perishable seized goods within the same day and in case of non- perishable goods within 2 working days.
- b. The fees to be paid by the street vendor for reclaiming the goods should not exceed the value of the total goods of the vendor.
- c. In case of vending without certificate then the charge should not exceed Rs.500/- for reclaiming seized goods.
- d. In case of perishable goods the vendor should be given option to take the goods back immediately by paying necessary penalty or within the working period in the next 24 hours.

Chapter –VIII
SOCIAL AUDIT

20. The form and the manner for carrying out social audit of the Activities of Town Vending Committee ;

Social Audit as per Sub- section (3) of section 26;

Every TVC shall constitute a three member unit for the purpose of carrying out social audit under –section 26(3)

The social audit unit shall be an independent body.

i. The social audit unit shall consist of:

- (a) An eminent Academician in the field of Sociology
- (b) An eminent Social Activist
- (c) A Retired Administrator

Supporting adequate Secretariat staff with office space and equipments should be provided by the local authority.

- ii. The social audit shall be carried out at least once in three years. The schedule for conduct of the social audit shall be decided at an appropriate time.
 - iii. The TVC shall provide details of all relevant information, at least a fortnight before the Social audit process commences. This shall include:
 - (a) Status of implementation of Act and the Scheme for Street Vendors.
 - (b) A record of the minutes of the meeting of the TVC conducted in those years.
 - (c) Record of all registered street vendors.
 - (d) Record of appeals made before the local authority under section 11.
 - e. Record of all grievances/disputes brought before the Grievance Redressal Committee under Section 20.
 - f. Record of the total number and details of evictions and confiscation of goods and relocation of street vendors taken place in those years.
 - g. Records of social audit reports, if any, taken place previously.
- iv. The social audit unit shall conduct meetings and focused group discussions with street vendors on various aspects of the implementation of the Act and the scheme.
- V. The social audit unit shall record in writing grievances of street vendors on any issue faced by them.
- vi. At the culmination of the social audit process, the unit shall record its findings in writing.
 - vii. The social audit unit shall hold a social audit public meeting at the TVC office. TVC members and representatives of the local authority shall attend the meeting. Street vendors of the particular area and other person from the public may participate in the meeting. The social audit unit shall read out its findings at the meeting. Street vendors shall be encouraged to testify and the TVC shall respond to each of the issue identified in the social audit by giving clarification and/or explanation to the affected party and the public as to why a certain action was taken or not taken.
 - viii. The social audit unit shall give adequate notice of the social audit public meeting by a public notice.

- ix. The local authority shall on each finding of the social audit in cases of gaps, lapses or deviations fix responsibility and shall take immediate corrective or disciplinary action . In case of a dispute, an administrative enquiry shall be conducted by the local authority and action taken accordingly in the shortest time possible and in any case not later than a month.
- x. The statutory requirement of conducting social audit shall not preclude any independent initiative to carry out normal audit of accounts.
- xi. Social audit reports submitted in this process shall form part of the record and shall be responded to by the TVC. Where shortcomings are found immediate action shall be taken as per these rules. The social audit report as well as the action taken report shall form part of the record and shall be public information.
- xii. The budget for conducting social audit shall be allocated from amongst the administrative cost allowed for TVC.

CHAPTER-IX **MISCELLANEOUS**

- 21. The conditions under which private places may be designated as restrictions free-vending zones, restricted –vending zones and no-vending zones;**

For categorizing any private land as a vending zone , we will require the local authority to consider the possibility of offering compensation in form of FSI over and above the normal FSI prevailing in that area. The street vendors which were in the plot has to be accommodated in the ground floor level.

- 22. The terms and conditions for street vending including norms to be observed for up keeping public Health and hygiene;**

- i. The Local Authority of the concerned area should provide these vendors a proper place to dispose off their waste materials in order to maintain a hygiene environment .
- ii. The street vendors should use proper covered dustbins to dispose off the waste materials. The used water should also be disposed off in a covered container.
- iii. The Local Authority should ensure and provide the street vendors clean and fresh water along with the street light facility wherever it is possible.
- iv. Attempt should be made to provide clean and properly constructed toilets with water and electricity facility in order to maintain public health and hygiene near the street vending strips.
- v. Every street vendor should have a service record book and TVC only can/will access that. Based on that TVC can award prize/impose fine upon the vendor.

23. The designation of State Nodal Officer for co-ordination of all matters relating to street vending at the state level;

- i. The designated Nodal officer should not be below the Joint Secretary level.
- ii. The nodal officer shall have at least a half yearly meeting with the Local Authorities in order to get himself acquainted with various field level issues.
- iii. The nodal officer may have the feedback forms the street vendors about the problem faced by.

24. The manner of maintenance of proper records and other documents by the Town Vending Committee ,Local Authority, Planning authority and state nodal officer in respect of street vendors;

- i. On-line software should be developed by the state governments for keeping the records of the street vendors.
- ii. The local authority must enter the data of the surveyed street vendors through on line process.
- iii. The certificate of vending and identity card may be on line generated.

25. The manner of carrying out vending Activities on time- sharing basis;

- i. The TVC will determine it depending on the market needs.
- ii. Women vendors should not be discriminated while allotting time sharing vending Activities.

26.The principles for determining of vending zones as restriction –free-vending zones, restricted-vending zones and no-vending zones;

An intensity of foot fall, Road width and Density of the vehicular & pedestrian movement shall be the cornerstone for deciding vending and no vending zone. There shall be no restricted free vending zones in the city and no vending zone should be very minimal. The TVC shall decide the particular street or market as vending zone or no vending zone as specified below and accordingly the space should be allotted.

i. There shall not be any **restriction-free-vending zones** in the city. Carrying capacity of an area would put the ultimate limit on the number of street vendors which can be positioned in any area. However, there shall not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter movements. In such cases the TVC has to decide the total number of such mobile vendors can be accommodate after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem of the traffic movement, as the mobile vending invariably takes place from the carriage way.

ii. Restricted vending zones should be linked with the road width;

- a. There shall not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending shall be allowed if such road is declared as no vehicular road.
- b. There shall not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending shall be allowed if such road is declared as one way vehicular road.
- c. There shall be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending shall be allowed on a road having road width of 30 meters and above.
- d. Number of street vendors shall be decided by considering holding capacity of each designated vending area on such a road.
- e. Such stationary vending shall be allowed after taking the clearance from 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.
- f. Mobile vending shall be allowed on such road looking to the traffic and pedestrian movement.
 - g. Suggestive road designing is attached as Annexure.

iii. No vending zone:

- a. No vending shall be allowed around 200 meters of the Secretariat, District Collectorate, offices of District Panchayat, Municipal Corporation, Municipality, Nagar Panchayat, Cantonment Board and ASI and state archeological monuments.
- b. No vending within 50 meters from crossing of two or more roads on all side and any declared heritage structures by the local authority.

27. The principles for determining holding capacity of vending zones and the manner of undertaking comprehensive census and survey;

- i. Under section 3 of the Act, 2.5% of the population of street vendors of a ward/zone will be accommodated as per the holding capacity.
- ii. The holding capacity of a vending zone will be according to the vending site divided by the total area of the vending area. Criteria may be kept by the TVC as follows:

Areas to be allotted to individual vendors.

- i. A maximum of 2 sq. mts area as 'vending area' shall be provided to each vendor/hawker with dimension of 1.6 meter x 1.2 meter.
- ii. Passage of 1.0 meter width in front of stalls/push carts shall be reserved as 'extension', for consumers/users to stand or buy goods.
- iii. A walkway / footpath of 1.0 / 2.0 meters width shall be provided for pedestrians, in front of extension space depending on the road width.
- iv. In no case, the carriageway shall be allowed to be used for street vending.
- v. If the width of road permits, street vending may be allowed on both sides of the road.
- vi. No vending Activity shall be allowed at a distance of 50 meters from any junction/exit/entry of road.

28. Principles of relocation subject to the following:-

- i. relocation should be avoided as far as possible, unless there is clear and urgent need for the land in question;
- ii. affected vendors or their representatives shall be involved in planning and implementation of the rehabilitation project'
- iii. The TVC shall engage in the dialogues with the representatives of the markets.
- iv. Mutually agreed place for relocation should be considered under the implementation of the rehabilitation project.
- v. affected vendors shall be relocated so as to improve their livelihoods and standards of living or at least to restore them, in real terms to pre-evicted levels'
- vi. livelihood opportunities created by new infrastructure development projects may try to accommodate the displaced vendors so that they can make use of the livelihood opportunities created by the new infrastructure;
- vii. loss of assets shall be avoided;
- viii. any transfer of title or other interest in land shall not affect the rights of streets vendors on such land, and any relocation consequent upon such a transfer shall be done in accordance with the provisions of this Act;
- ix. Natural markets where street vendors have conducted business for over fifty years shall be declared as heritage markets, and the street vendors in such markets shall not be relocated.
- x. The municipal body shall prepare a list of such markets and declare them as "Heritage Markets". The Municipal bodies in collaboration with the tourism department shall promote such markets as tourist markets by incorporating such elements as may bring in a local flavor in that market.

Local Government Department Notification

Date:

No.....: - In exercise of the powers conferred by section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014), Subject to the provisions of this Act or any rule or scheme made there under, the Phagwara Municipal Corporation, hereby makes the following bye-laws for street vending, namely:--

CHAPTER — I PRELIMINARY

1. Short title and commencement-

- i. This Bye-laws may be called **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws—2015 for Phagwara Municipal Corporation.**

It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.

2. Definitions-

- i. In these rules, unless the context otherwise requires:

(a) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014);

(b) "Appropriate Government" means the Government of Punjab;

- (c) "*Bye-laws*" means the bye-laws made under section 37 of the Act;
- (d) "*festive market*" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during festival season of the city or town and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (e) "*Grievance Redressal Committee*" means a committee constituted by the Government of Punjab under sub-section (1) of section 20 of the Act;
- (f) "*Heritage Market*" means a market which has completed more than fifty years in one place where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (g) "*holding capacity*" means the maximum number of street vendors who can be accommodated in any vending zone and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (h) "*local authority*" means a Municipal Corporation of Phagwara;
- (i) "*mobile vendors*" means street vendors who carry out vending activities in designated area by moving from one place to another place vending their goods and services;
- (j) "*Municipal Commissioner*" means the commissioner of the Municipal Corporation of [Name of City] in (Punjab) State;
- (k) "*natural market*" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (l) "*niche market*" means a market where sellers and buyers have traditionally congregated for the sale and purchase of niche products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (m) "*night bazaar*" means a bazaar where sellers and buyers have traditionally congregated for the sale and purchase of products or services after evening i.e. during night and has been determined as such by the local authority on the recommendations of the Town Vending Committee;

- (n) "*notification*" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
 - (o) "*Plan*" means the Plan made under First Schedule of section 22 of the Act;
 - (p) "*planning authority*" means an Urban Development Authority or any other authority in any city or town designated by the appropriate Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Improvement trust Act or the Municipal Act, as the case may be it Act;
 - (q) "*Public put-pose*" includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting of underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc.; (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens and Recreational Area; (xi) Conservation of any eco system resource in that area and (xii) Any other developmental work taken by the local authority, the beneficiary of which will be the community at large.
- (r) "*Scheme*" means the Scheme made under Second Schedule of section 38 of the Act;
- (r) "*seasonal market*" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during specific seasons and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
 - (s) "*Section*" means section of the Act;
- (t) "*stationery vendors*" means street vendors who carry out vending Activities on regular basis at a specific location;
 - (u) "*street vendor*" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;

- (v) "*Town Vending Committee*" means the body constituted by the appropriate Government under section 22 of the Act;
 - (x) "*vending zone*" means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
 - (z) "*weekly market*" means a market where sellers and buyers have weekly congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- ii. Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

CHAPTER-II

MANNER OF VENDING IN DIFFERENT VENDING ZONES

3. TVC shall have to decide about vending zones considering an intensity of foot falls, Road width and vehicular & pedestrian movement for the city.
 - i. There shall not be any restriction-free-vending zones in the city. Carrying capacity of an area would put the ultimate limit on the number of street vendors which can be positioned in any area. However, there shall not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter movements. In such cases the TVC has to decide the total number of such mobile vendors can be accommodate after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement. as the mobile vending invariably takes place from the carriage way.
 - ii. **Restricted vending zones should be linked with the road width:**
 - a. There shall not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending shall be allowed if such road is declared as no vehicular road.
 - b. There shall not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending shall be allowed if such road is declared as one way vehicular road.
 - c. There shall be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending shall be allowed on a road having road width of 30 meters and above.

- d. Number of street vendors shall be decided by considering holding capacity of each designated vending area on such a road.
- e. Such stationary vending shall be allowed after taking the clearance from 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.
- f. Mobile vending shall be allowed on such road looking to the traffic and pedestrian movement.
- g. Suggestive road designing is attached as Annexure.

iii. No vending zone:

- a. No vending shall be allowed around 200 meters of the Secretariat, District Courts, District Secretariat, offices of District Panchayat, Municipal Corporation, Municipality, Nagar Panchayat, Cantonment Board and ASI and state archeological monuments.
- b. No vending within 50 meters from any crossing of two or more roads on all side and any declared heritage structures by the local authority.

4. A street vender, who got street vending certificate for any of these vending zones, shall not —

- i. Obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;
- ii. Obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
- iii. Obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installations;
- iv. Obstruct or interfere with any other structures, sign boards, display units, city works or operations, on or adjacent to the street;
- v. Sell any objectionable goods or services or merchandise etc;
- vi. Occupy more space than allotted by the TVC;
- vii. Sell goods or services or merchandises after fixed hours as specified by the TVC;
- viii. Put garbage anywhere except specific place, which identified by the local authority;

- ix. Sell their goods or services or merchandises after expiry of the vending certificate;
- x. Use of loudspeakers, megaphones, sound systems or other amplification equipment;
- xi. Transfer the certificate to any other vendors without approval;

5. Responsibility of Street Vendors -

The street vendor or the employees of the vendor shall have to-

- i. Do vending on the place as specified in the vending certificate;
- ii. Comply with all conditions specified in the certificates;
- iii. Display the permit at vending place all times;
- iv. Ensure that either the street vendor or such family member whose name has been mentioned in the vending certificate or employee remains present at vending place during vending hours;
- v. Keep the vending place safe and in good conditions all times;
- vi. Comply with any safety and or sanitary requirements of local authority;
- vii. Comply all the requirements of the Food Adulteration Act or any other act if applicable;
- viii. Produce the certificate of vending when demanded by the authority;
- ix. Follow all the requirements of this bye-laws and conditions mentioned in the vending certificate.

CHAPTER — III

FEES, TAXES AND PENALTIES

- 6. Monthly maintenance charges to be paid to local authority for the civic amenities and facilities in the vending zones;

- I. The monthly maintenance charges shall be according to the category of the street vendors and the status of the market. Category of the vendors and or market shall have to be decided by the TVC;
- II. The fees shall be minimum Rs.150/and maximum Rs.1500 per month. Different rates / fees shall be fixed for each category of-vendors or and market
- III. Every year a minimum 10% increase shall be imposed.
- IV. Local authority can collect vending fee annually instead of monthly, if it deems fit to do so.

7. Penalty to be charged -

- i. Every street vendor who commits an offence or default any, provision of the Act and or Bye-laws is punishable on conviction by Magistrate, a fine of not less than thrice the monthly maintenance fee.
- ii. If a street vendor defaults three times, the vending certificate shall have to be suspended and if he persists with his default, shall be cancelled.

8. The Regulation of the collection of taxes and fees in the vending zones;

Local authority shall collect taxes and fees for vending which should be three times of the levy imposed on unauthorized settlement or Rs. 300 whichever is higher.

CHAPTER-IV

MISCELENEOUS

9. The Regulation of traffic in the vending zones;

- i. Wherever a vending zone is declared by the TVC, traffic police shall decide about one way traffic, speed limit, parking, movement of heavy vehicles etc. If traffic division doesn't agree with the vending zone, in that case it shall have to be shifted or cancelled by the TVC;
- ii. Local authority shall clearly earmark the vending area, footpath and carriage way in the vending zones.

10. 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;

- i. Any vendor who sells food articles, readymade or processed on the site, shall have to follow all the provisions of the Food Adulteration Act. In case of failure, penal

measures shall be initiated by the concern department as prescribed in the FAA. Any conviction order from the concern department, vending certificate of such vendors shall have to be cancelled by the TVC with immediate effect;

- ii. Quality of articles vended from the street can only be taken care of in case there is a prescribed standard under a relevant statute. Otherwise it will be only a qualitative assessment. In the absence of such standards it will be necessary to collect samples of such items against which some complains are received by the vendors. Such cases can be discussed in the joint meeting of wholesalers, manufacturers and vendors under the Chairmanship of State Nodal Officer to arrive at an amicable solution

[Explanation - For example, presence of toxic paints and sharp edges on the different parts of the toy. There is a need to develop a systematic sample taking and analysis of the same in an accredited laboratory. In case of proved presence of toxic elements in the toys, the wholesaler should be compelled to take it back and pay back the vendors the price they pay if it is not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity should be given drawing attention of the Authorities empowered to take suitable items.]

11. The Regulation of civic services in the vending zones;

- i. The movable public toilet and drinking water facilities shall be provided at appropriate distances by the local authority;
- ii. Proper collection of solid waste management system shall have to be provided by the local authority;
- iii. Lighting to vendors shall be allowed by the CFL lamp mechanism;
- iv. No individual electricity and water connection shall be allowed ;

12. Miscellaneous.

- i. The Commissioner/Executive Officer/Chairman or the Licensing Officers may limit the time during which street vendor may be permitted to operate either generally or specially in respect of any class of articles or in any particulars public street within the city.
- ii. The license granted under these bye-laws shall expire on the 30th September or 31st March next following the date upon which the permission of the Commissioner /Executive Officer/Chairman or Lice11. If Street Vender commits the breach of these bye- laws ,

shall be convicted by a Magistrate, be punishable with fine Rs. 500/-, which may be extended to one hundred rupees and when the breach is a continuing breach with a further fine which may be extended to Two hundred rupees for every days after the first during which the breach continues.

iii. The licence /Street Vender shall always keep the licence issued to him and shall on demand produce it to the Commissioner / Executive Officer/Chairman or the authorized officer (herein referred to as “authorized Officer “.

iv. The license /street Vender shall not do or permit to do any negligent act likely to cause fire or otherwise endanger to the public safety.

v. The license/street vender shall not transfer the licence to any other person ,without the prior written permission of the Commissioner /Executive Officer/Chairman or the authorized officer. (herein referred to as “authorized Officer “.

vi. Every license issued to the street vender under these bye-laws may be renewed within 30 days from its date of expiry. In case of delay one hundred rupee shall be charged for every month of delay.

vii. If the license / Street vender fails to comply with any terms and condition of this license, the Commissioner /Executive Officer/Chairman or the authorized officer (herein referred to as “authorized Officer “.can revoke or suspend the license

viii. In event of, any future planning/development of site/court order/directions, the allotted site is prohibited for the vending purpose, the license shall not sell the articles in such prohibited site.

ANNEXURE

**ROAD DESIGNING WITH STREET VENDING
SPACE**

IN MTRS)

Sr. No.	Width of road (in mtrs)	Footpath	Street Vending space,	Service Road	Cycle track	Carriageway	Central verge	Carriageway	Cycle track	Service Road	Street Vending space	Footpath	Vending Status	Conditionally allowed
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	No
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	ed area	
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	Allow ed	One way road
3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	
		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	1.0	Allow ed	One way road
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allow ed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allow ed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allow ed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allow ed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allow ed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allow ed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allow ed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allow ed	Both sides
11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allow ed	Both sides

Note : These calculations are subject to approval of traffic devision for earning capacity of vehicular traffic

For two lane traffic minimum 7 mtrs is required for carrying traffic

Minimum Area available for street vending - 3.0 mtrs

Minimum space requirement for pedestrian movements - 1.0 mtr