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DEPARTMENT OF LOCAL GOVERNMENT

NOTIFICATION

The -----,2018

The following Bye-laws Titled " The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Municipal Corporation Chandigarh Bye laws-2017, made in exercise of the powers conferred upon it by the Section 37 of the Street Vendors Act, 2014, after having been approved by the Government Vide Letter No.dated, are published in the official Gazette for general information, namely **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Municipal Corporation Chandigarh Bye laws-2018 for the Municipal Corporation, Chandigarh**".

CHAPTER I PRELIMINARY

1. Short title and commencement:-

- a. This bye laws shall be called The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Municipal Corporation Chandigarh Bye laws-2017 for the Municipal Corporation, Chandigarh.
- b. It shall come into force on such date, as notified in the official gazette, by the appropriate Government.

2. Definition(s):-

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 Chandigarh Administration, Union Territory of Chandigarh;
- c. "Bye-laws" means the bye-laws made under section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending, Act 2014;
- d. "Essential Service Providers" means those street vendors who are providing essential services within the vicinity e.g. cobbler, milk/bread/egg seller, tea vendor, cycle/rickshaw repairer, dhobi (ironing) barber and massager.
- e. "Festival 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

Town Vending Committee;

- f. "Grievance Redressal Committee" means a committee constituted by the Chandigarh Administration under sub-section (1) of the Section 20 of the Street Vendors Act,2014;
- 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 authority on the recommendation of Town Vending Committee;
- h. "Holding Capacity" means the maximum number of street vendor who can be accommodated on any vending zone and has been determined as such by the local authority on the recommendation of Town Vending Committee;
- i. "Local Authority" means a Municipal Corporation Chandigarh;
- j. "Mobile Vendors" means the 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 the Municipal Corporation, Chandigarh;
- l. "Natural 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 local authority on the recommendation 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 local authority on the recommendation of the Town Vending Committee;

- n. "Night Bazaar" where sellers and buyers have traditionally congregated for the sale and purchase of niche products or services after evening i.e. during night and has been determined as such by local authority on the recommendation of the Town Vending Committee;
- o. "Notification" means a notification published on 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 Street Vendors Act 2014;
- q. "Planning Authority" means an Urban Development Authority or any other authority in any city or town designated by the appropriate Government i.e. Town Planning Department, Chandigarh Administration 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, or as the case may be it Act;
- r. "Public Purpose" includes in the context of the Act (i) widening of 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; (xiii) conservation of any eco system resource in that area and (xii) any other development work taken by the local authority, the beneficiary of which will be the community at last.

s. "Scheme" means the scheme under second schedule of Section 38 of the Street Vendors Act,2014:

t."Seasonal Market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during specific season and has been determined as such by local authority on the recommendation of the Town Vending Committee;

u. "Section" means section of the Act;

v. "Stationary Vendor" means street vendor who carry out vending activities on regular basis at the specific location.

w. "Street Vendor" means a person engaged in vending of articles, goods, wares, food items or Merchandise of everyday use of offering services to the general public, in street, lane, sidewalk, footpath, pavement, public parks or any other public place or private areas, from a temporary built-up structure or by moving from place to place

include hawker, peddler, and all other synonymous terms which may be local or region specific, and other words' street vending' with their grammatical variations and cognate expressions, shall be construed accordingly;

- x. "Registered Street Vendor" means a person engaged in street vending as per the act and is registered with Municipal Corporation Chandigarh under the Street Vendors Act, 2014.
- y. "Town Vending Committee' means the body constituted by the appropriate Government under Section 22 of the Street Vendor Act, 2104;
- z. "Vending Zone" means an area or a place or a location designated as such by the local authority, on the recommendation of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, sidewalk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to general public.
- aa. "Weekly 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 local authority on the recommendation of the Town Vending Committee;
- bb. Words and expression defined in Act and use in these Bye laws shall have the same meanings as respectively assigned to them in Act.

cc. “License” means Certificate of Vending

dd. “Licensing Officer” means an officer authorized by
Commissioner Municipal Corporation, Chandigarh.

CHAPTER II
MANNER OF VENDING IN DIFFERENT VENDING ZONES

3. Manner of vending in different vending zones:

a. Vending Zone: TVC shall have to decide about the vending zones considering an intensity of footfalls, nature of road width and vehicular and pedestrian movement in 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 who can be positioned in any area. However, there shall not be any restriction on mobile vending in these areas 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 who can be accommodated after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area; otherwise there is a chance of creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way.
- ii. Mobile vending is only allowed on vending roads as specified by TVC viz. V4, V5, V6, V7.

b. Restricted vending zones should be linked with the road type:

- i. Number of street vendors shall be decided by considering holding capacity of each designated vending area on V4, V5, V6, V7 roads.
- ii. Mobile vending shall be allowed on as mentioned above roads

taking vehicular and pedestrian traffic into consideration.

- iii. There shall be only one-side stationary street vending on a road as specified above, but not on sector dividing roads and important main roads i.e. V1, V2, V3.
- iv. Such stationary vending shall be allowed after taking the clearance from the traffic police for the smooth vehicular and pedestrian movement. If required then the road side parking shall be banned in such area where street vending is allowed.

c. No Vending Zone

- i. No vending shall be allowed in areas specified under Chandigarh Heritage Conservation Committee (CHCC) and around 100 meters of Government Building including Secretariat, District Court, District Secretariat, offices of District Panchayat, Municipal Corporation, Municipality, Nagar Panchayat, all hospitals/ schools/ colleges Cantonment Board and ASI and state archeological monuments and others.
- ii. No vending shall be allowed on V1, V2 and V3 roads declared by Chandigarh Administration.
- iii. No vending within 100 meters from any crossing of two or more roads and roundabout/traffic lights on all side and any declared heritage structures by the local authority.

4. A Registered Street Vendor, for any of these vending zones, shall not-

- a. obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;

- b. obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
- c. obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installation;
- d. obstruct or interfere with any other structure, signboards, display units, city work or operations, on or adjacent to the street;
- e. sell any prohibited goods or services or merchandise etc as per rules, regulations and notifications issued by any statutory authority from time to time.
- f. occupy more space than allotted by Municipal Corporation Chandigarh;
- g. sell goods or service or merchandise after fixed hours as specified by the TVC;
- h. dispose garbage in an un-segregated manner and in any place other than specific place, which is identified by the local authority;
- i. sell their goods or services or merchandise after expiry of the license;
- j. use loud speakers, megaphones, sound system or any other amplification equipment;
- k. allow any person other than family to vend from his vending place or sublet the place, allotted by local authority;
- l. use any unauthorized and prohibited mechanism for energy requirement for cooking and heating purposes;
- m. construct any permanent or temporary structures on allotted space;
- n. use banned polythene bags of any kind;

5. Responsibility of registered street vendors;

A Registered Street Vendor, for any of these vending zones, shall -

- a. do vending on the place as specified in the vending certificate by him/herself;
- b. comply with all conditions specified in the certificate;
- c. prominently display the ID card and certificate of vending at all times.
- d. ensure that h/she whose name has been mentioned in the vending certificate remains present at the vending place during vending hours.
- e. keep the vending place clean and in good conditions all times;
- f. comply with all the safety and sanitary requirements of local authority;
- g. comply with all the requirements of the Food Adulteration Act or any other act as applicable;
- h. produce the certificate of vending when demanded by the government authorities;
- i. follow all the requirements of this bye-laws and conditions mentioned in the vending certificate.
- j. clear and remove goods, wares and articles everyday at the end of vending hours from the site, no storage at vending site is permitted in any manner;
- k. use portable fire safety devices in case of registered food street vendors
- l. abide by all the rules, notifications and regulations issued by any statutory authorities from time to time.

CHAPTER III
FEES, TAXES, PENALTIES AND TERMS & CONDITIONS

6. **Vending Fee:** Every registered street vendor shall be liable to pay vending fee as prescribed by the local authority time to time.

7. **Fee for amenities and facilities:** Every registered street vendor shall be liable to pay fee for amenities, facilities and maintenance charges e.g. drinking water, public convenience, waste collection etc. as prescribed and provided by the local authority time to time.

8. **Penalty:**

- a. Every registered street vendor who commits an offence, breach of provisions of the Act/Rules or Bye laws, is punishable as per following table:-

S.No.	Penalty Type/Nature	Penalty Amount
1	1 st time violation	500.00
2	2 nd time violation	1000.00
3	3 rd time violation	2000.00
4	License will be cancelled after three times repetitive violations as per the act and conditions in the certificates	-
5	Penalty for carrying out unauthorized street vending (without certificate of vending) along with seizure of goods without return policy.	15000.00

- b. If registered street vendors violates any provisions of the act three times,

then the vending certificate will be cancelled and the vendor has to apply for the license afresh (re-registration) with the approval of the TVC.

9. Other Fees: The fee to be charged from registered street vendors other than vending fee, amenities, facilities and maintenance fee and penalties are as under:-

S. No.	Services	Service Fee (Rs)
1	ID card	100.00
2	Duplicate ID card in case of lost and damage	200.00
3	Renewal of ID card (3yrs validity)	200.00
4	License/Certificate of Vending	100.00
5	Duplicate License/Certificate of Vending in case of lost and damage	200.00
6	Renewal of Street Vending Certificate after 3 years (apply 2 months prior to expiry)	200.00
7	Delayed Renewal of License/Certificate of vending	
a.	0 – 30 days	NIL
b.	30 – 60 days	500.00
c.	60 – 90 days	1500.00
8.	Re-registration after expiry of grace period i.e. 90 days	3000.00
9.	Re-registration of Certificate of Vending Certificate after cancellation due to three repetitive violations by	3000.00

	the authority.	
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10. Terms & Conditions:

- a. Every registered vendor shall be liable to pay monthly vending fee by 10th of every month.
- b. Vendor shall have options for payment through all digital and manual gateways available at nearest e-Sampark Kendra or designated bank by the local authority.
- c. The perishable items seized from unauthorized street vendors will be donated to charitable /trusts/ashrams/hospitals etc and non-perishable items will be disposed of by way of open auction.
- d. There will be 10% annual increase in the vending fee, 25% discount to disabled, women and senior citizen vendors and vendor registration is valid for 3 years.
- e. The fee will be deposited on monthly basis, if one would like to deposit on Qtrly/Half/Annual basis then discount will be offered to the tune of 5%, 10% and 15% respectively.

CHAPTER IV
PROCEDURE FOR ALLOTMENT OF VENDING SITE

- 11.** The local authority shall adopt draw of lots procedure for allotment of vending sites in the designated vending zones. The determining terms and conditions for allotment of vending sites in the vending zone on first priority, will be for the following registered street vendors:-
- i. who has been surveyed and registered by the local authority will be considered;
 - ii. who possess Chandigarh based AADHAR cards;
 - iii. who are “priority household” under National Food Security Act, 2013, identified by Food & Licensing Department, Chandigarh;
 - iv. who are women, Scheduled caste, Scheduled Tribes, Backward Class, Minority and persons with disabilities;
- 12.** All the registered street vendors who have been surveyed in the areas, which are declared as No Vending Zone will be relocated by the local authority for allotment of sites.
- 13.** If the number of registered street vendors, identified in the survey are more than the holding capacity of the vending zone and exceeds the number of persons which can be accommodated in that vending zone, the TVC shall carry out a draw of lots for issuing certificate of vending for the vending zone and the remaining persons shall be accommodated in any adjoining vending zone to avoid relocation.

- 14.** If number of registered street vendors is less than the number of vending sites then the left over registered street vendors of adjoining sectors/areas will be considered.
- 15.** If it is not possible to accommodate the registered street vendors as per the street vending zoning plan and the holding capacity of that zone, then local authority will issue a computer generated acknowledgement of application specifying waiting list number.
- 16.** If the street vendors who have not been surveyed and wishes to do street vending, can get registered as a new registered street vendor based on the waiting list number to such persons whose application is accepted.
- 17.** If the number of sites under the street vending zoning plan are more than the number of registered street vendors then new street vendors will be registered with due approval of local authority.
- 18.** The Essential Service Providers (ESP) vendors will vend from their areas, where they have been surveyed until and unless they are not violating any norms of the act. If they do so, then they will be shifted to nearby space as per vending zone norms.

CHAPTER V MISCELLANEOUS

12. The Regulation of traffic in the vending zone:

- i. Wherever a vending zone is declared by the TVC, the 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 in consultation with the TVC.
- ii. Local Authority shall clearly earmark the vending area, a footpath and carriage way with in the vending zone i.e. the circulation area.

13. The Regulation of the quality of the products and services provided to the public in vending zone and maintenance of the public health, hygiene and safety standards;

- i. any vendor who sell food articles, readymade or processed on the street 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 Food Adulteration Act. The certificate of vending of registered street vendor shall be cancelled by the local authority with immediate effect, if there is any conviction order passed from the concerned department.
- 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 standard it will be necessary to collect sample of such items against which some complaints are received by the vendors. Such cases can be discussed in the joint meeting of whole sellers, manufacturers and vendors under the chairmanship of commissioner to arrive at amicable solutions.

[Explanation for example, presence of toxic paint and sharp edges of the different part of the toy. There is a need to develop systematic samples taking an analysis of the same in an accredited laboratory. In case of proved presence of toxic element in the toys. The wholesaler should be compelled to take it back and payback the vendor price they pay if it not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity should be given drawing attention to the authorities empowered to take suitable items.]

14. The regulations of the civic services in the vending zone:

- i. the movable public toilet and drinking water facilities shall be provided at appropriate place by the local authority if there is unavailability;
- ii. proper collection of segregated solid waste management system have to be provided by the local authority but cleanliness of the allotted site is to be managed by the registered street vendors, no littering will be allowed.
- iii. lighting/power energy requirement to operate electric gadgets to the vendors shall be allowed by the solar or battery operated lamp mechanism;

- v. no individual electricity and water connection shall be permitted.

15. **Miscellaneous:**

- i. The Commissioner or the licensing officer may limit the time during which registered street vendor may be permitted to operate either generally or specifically in respect of any class or articles or in any particular public street within the city.
- ii. The license under these byelaws shall expire on completion of 3 years.
- iii. The registered street vendors shall not do or permit to do negligent act, likely to cause fire or otherwise endanger to the public safety;
- iv. If the registered street vendor fails to comply with any terms and conditions of this license, the commissioner or the authorized officer can revoke or suspend the license.
- v. Notwithstanding anything contained in these byelaws, the TVC may on compassionate ground in case of extreme hardship grant a certificate of vending to any person who is having severe disability of any type, HIV positive, senior citizen, orphans, Poor/EWS widow and divorced women etc.
- vi. In case the registered street vendor dies or become incapable of running his/her business on account of old age, infirmity, or any physical or intellectual disability as per requisite valid certificate from appropriate authority, the commissioner/licensing officer may, for reasons to be recorded in writing, grant a license out of turn to his

lineal descendant (nominee) nominated by him. The nominee of the registered street vendor shall intimate the local authority about such death, disability, infirmity or illness with valid document e.g. death, disability etc.

- vii. In event of any future planning/development of site/court order/directions, the allotted size is prohibited meant for vending; the registered street vendor shall not sell the articles in such prohibited site.

**Secretary Local Government
Chandigarh Administration**