

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

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**Local Government Department  
Draft 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  $1/3^{\text{rd}}$  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 vender 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 31<sup>st</sup> 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	
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	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	Allowed	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	Allowed	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	Allowed	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	Allowed	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	Allowed	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	Allowed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allowed	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	Allowed	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	Allowed	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	Allowed	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	Allowed	Both sides

Note : These calculations are subject to approval of traffic deviation for bearing 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