Municipal Corporation
SAS Nagar (Mohali)

Local Government Punjab Department

CHAPTER -1
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 The Municipal Corporation,
      SAS Nagar (Mohali).
      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) "Chief Executive Officer" means officer in charge of Municipal Corporation, SAS
         Nagar (Mohali).
      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 Punjab under sub-section (1) of the 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;
i) "Holding capacity" means the maximum number of street vendors who can be accommodated on 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 or a Municipal Council or a Nagar Panchayat, by whatever name called, or such other body entitled to functional a local authority in any city or town;

k) "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;

l) "Municipal Commissioner" means the commissioner of the Municipal Corporation of SAS Nagar (Mohali) in Punjab state;

m) "Municipal Committee" means a committee as prescribed under this rule-20 to decided an appeal of a street vendor as per section 11 and section 20 of the Act;

n) "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 the local authority on the recommendations of the Town Vending Committee;

o) "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 recommendation of the Town Vending Committee;

p) "Niche Bazaar" a market 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 the local authority on the recommendations of the Town Vending Committee;

q) "Notification" means a notification published on the Official Gazette and the term "notify" shall be construed accordingly;

r) "Plan" means the plan made under first schedule of section 22 of the Act;

s) "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, or as the case may be it Act;
s) "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 last.

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 the local authority on the recommendations of the Town Vending Committee;

v) "Section" means section of the Act;

w) "Stationary Vendor" means street vendor who carry out vending activities on regular basis at a specific location;

x) "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 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 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;

y) "Town Vender Committee" means the body constituted by the appropriate Government under section 22 of these Act;

z) "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 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 expression defined in the Act and use in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

CHAPTER-11
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 on any area. However, there shall not be any restriction on mobile vending 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 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 width of 30 meters and above but not on sector dividing roads and main important roads.

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 roads looking to the traffic and pedestrian movement.

iii. No vending zone:

a. No vending shall be allowed around 100 meters of the Secretariat, District courts, District Secretariat, offices of District Panchayat, Municipal Corporations, Municipality, Nagar Panchayat, all hospitals, school, colleges Cantonment Board and ASI and state archeological monuments.

b. No vending within 50 meters from any crossing of two or more roads and round about on all side 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 installation;

iv. Obstruct or Interfere with any other structures, signboards, display units, city works or operations, on or adjacent to the street;

v. Sell any object able goods or services or merchandise etc;

vi. Occupy more space then allotted by TVC;

vii. Sell goods of 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 enquiry of the vending certificate;

x. Use of loudspeakers, megaphones, sound system or other amplification equipment
xi. Transfer the certificate to any other vendors without approval;

xii. Use plastic polythene of any kind

5. Responsibility of Street Vendors –

The street vendor or the employ 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 places at 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 at all times;
vi. Comply with any safety and 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 vending fees will be Rs 1000/- payable every 3 months
II. Renewal of vending certificate fees will be Rs. 500/- payable every two years
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, breach of provisions of the Act/Rules or Bye-laws, is punishable on conviction by dispute redressal committee, and has to pay, a fine of not less than rupees 500 which may be extended upto rupees 1000 for first instance of offence.

ii. When the breach is a continuing breach, a further fine may be extended to two hundred rupees for everyday after the first instance of breach.

iii. 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.

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**CHAPTER-VI**

**MISCELENEOUS**

8. **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 zone.

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

i. Any vendor, who sell food articles, readymade or processed on the site, shall have to follow all the provision 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 standard it will be necessary to collect samples of such items against which some complaints 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 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 pay back the vendor 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 to the authorities empowered to take suitable items.]

10. The regulation of civic services in the vending zones;
   i. The movable public toilet and drinking water facilities shall be provided at appropriate by the local authority.
   ii. Proper collection of solid waste management system shall have to be provided by the Local Authority;
   iii. Lighting to the vendors shall be allowed by the CFL lamp mechanism;
   iv. No individual electricity and water connection shall be allowed;

11. Miscellaneous
   i. The Commissioner/Executive officer/Chairman or the licensing officer may limit the time during which street vendor may be permitted to the operator either generally or specifically in respect of any class of articles or in any particular public street within the city.
   iv. The License granted under these byelaws shall expire on the 30th September or 31st March next following the date with the permission of the Commissioner/Chairman. If Street Vendor commits the breach of these bye-laws, shall be convicted by dispute redressal committee, be punishable with fine Rs. 500/- which may be extended to one thousand Rupees for one time. When the breach is a continuing breach, a further fine may be extended to two hundred rupees for everyday after the first instance of breach. 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.
   ii. The License/Street Vendor shall always keep the License issued to him and shall on demand produce it to the Commissioner/Chairman or the Authorized officer (herein referred to as “authorized Officer”) 
   iii. The License/Street Vendor shall not do or permit to do negligent act likely to cause fire or otherwise endanger to the public safety.
iv. The Licensee/Street Vendor shall not transfer the license to any other person, without the prior written permission of the Commissioner/Chairman or the authorized Officer. (herein referred to as “authorized Officer”)

v. Every License issued to the Street Vendor under these bye-laws may be renewed within 30 days from its date of expiry. In case of delay rupees 25 shall be charged for every day of delay.

vi. If the license/Street vendor fails to comply with any terms and condition of this license, the commissioner/Chairman or the authorized officer can revoke or suspend the license

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