

### **Notification**

#### **Draft Bye-Laws, Dharamshala Municipal Corporation the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws—2017**

In the above mentioned context, the objections and/or suggestions are hereby invited from the beneficiaries, stakeholders, parties interested and public in general. The same may be submitted in writing within 30 days from the date of publication of this notification. After the lapse of the deadline fixed, no suggestions/objections will be entertained by the Dharamshala Municipal Corporation.

### **CHAPTER — I PRELIMINARY**

1. **Short title and commencement.** -
  - i. These Bye-laws may be called **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws—2017 for Dharamshala 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 bye-laws, 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 Himachal Pradesh;
    - (c) "plan" means plan prepared under section 21 of the Act;
    - (d) "rules" means Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016
    - (e) "scheme" means Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2017
    - (f) "Bye-laws" means the bye-laws made under section 37 of the Act;
    - (g) "town vending committee" means a town vending committee constituted under the rules.
    - (h) "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;

(i) "Grievance Redressal Committee" means a committee constituted by the Government of Himachal Pradesh under sub-section (1) of section 20 of the Act;

(j) "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;

(k) "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;

(l) "local authority" means Dharamshala Municipal Corporation;

(m) "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;

(n) "Municipal Commissioner" means the commissioner of the Dharamshala Municipal Corporation, Himachal Pradesh;

(o) "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;

(p) "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;

(q) "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;

(r) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;

(s) "Plan" means the Plan made under First Schedule of section 22 of the Act;

(t) "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 HP Municipal Corporation Act, 1994 or any other Act of Govt. of HP.

(q) "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 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. or any public transport related projects (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;

(s) "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;

(t) "Section" means section of the Act;

(u) "stationary vendors" means street vendors who carry out vending Activities on regular basis at a specific location;

(v) "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 conformity with the existing Acts/rules or the Acts/rules prevalent at that time , 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;

(w) "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**  
**REGULATION AND MANNER OF VENDING IN DIFFERENT VENDING**  
**ZONES**

3. (1) TVC shall have to decide about vending zones considering an intensity of foot falls, Road width and vehicular & pedestrian movement in the roads in the area.

(2) (a) 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. It shall be the duty of the designated official of the local authority to keep a check that number of mobile vendors shall not cross the limit at a specific place as decided by the town vending committee.

(b) There shall be no hoarding/sticking of bills etc on the designated places by the vendors.

(3) The restricted vending zones are mainly linked up with the road width, and the roads of the following description have been put in this category in the plan;

- (i) There shall not be any stationary street vending on a road having width equal to 3.5m. However, after due approval from the Town Vending Committee the street vending shall be allowed if such road is declared as no vehicular road.
- (ii) There shall not be any stationary street vending on a road having width between 6 meters to 9 meters. However, after due approval from the Town Vending Committee street vending shall be allowed if such road is declared as one way vehicular road.
- (iii) Number of street vendors shall be decided by considering holding capacity of each designated vending area on such a road.
- (iv) 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.
- (v) Mobile vending shall be allowed on such road looking to the traffic and pedestrian movement.
- (vi) Suggestive road designing is attached as Annexure I.

(4) No vending zone:

- (i) No vending shall be allowed around 200 meters of the Secretariat, District Courts, District Secretariat, Municipal Corporation, Military Cant. Est. and

state archeological monuments or as decided by Govt. of HP/GoI from time to time.

(ii) 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. No vending within 50 meters from Mcleodganj, Dalai Lama Temple, Kachehri Chowk, Fawahra Chowk and Dolma Chowk or other places decided by Govt. of HP/GoI.

(iii) No vending shall be allowed around 100mtrs on both the sides from the entry and exit of any educational institutions and hospitals.

(iv) There shall not be any vending on State Highways and National Highways.

#### **4. Restrictions on street vendors.**

- (i) **A street vendor**, who got street vending certificate for any of these vending zones, **shall not** — 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; or will keep a garbage bins at the place of the vending.
- (ix) Sell the 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.
- (xii) Will abide by the acts/rules as notified by Govt. of HP from time to time in respect of vending articles.
- (xiii) If the House of the DMC desires, the vending of particular items can be restricted keeping in view the cultural and religious sentiments of the population for a particular day or time period of the day by passing a resolution

#### **5. Responsibility of Street Vendors**— It shall be the duty of the street vendors or his family members or employee to, -

- (i) Comply with all the conditions specified in the certificated of vending.
- (ii) Do vending on the place as specified in the vending certificate;
- (iii) Comply with all conditions specified in the certificates;

- (iv) Display the permit at vending place all times;
- (v) 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;
- (vi) Keep the vending place safe and in good conditions all times;
- (vii) Comply with any safety and or sanitary requirements of local authority;
- (viii) Comply all the requirements of the Food Adulteration Act or any other act if applicable;
- (ix) Produce the certificate of vending when demanded by the authority;
- (x) Follow all the requirements of this bye-laws and conditions mentioned in the vending certificate.
- (xi) Comply with all the guidelines and conditions specified in Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014), Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016, Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2017 and the said Bye-Laws.

## 6. Solid Waste Management

- (i) **Segregation of MSW by generators: shops/hawkers of vegetable, fruits and flower markets; street vendors:**

The above generators shall segregate the solid waste at its source into the following categories: (1) Bio-degradable waste/wet waste (2) Recyclable waste/dry waste

- (ii) **Segregation of MSW by generator: Shops/hawkers of fish, meat markets/slaughter houses and meat stalls: The Shops/Hawkers of Fish, Meat Markets/Slaughter Houses and Meat Stalls shall segregate waste into following categories**

- (1) Liquid slaughter waste (blood, spent wash etc.)
- (2) Solid slaughter waste (waste meat, mutton waste etc.) and Biodegradable Waste/Wet Waste
- (3) Recyclable Waste/Dry waste

- (iii) **Storage of MSW by Generators- Shops/Hawkers of vegetable, fruits and flower markets; and Street vendors:** The waste generated in the course of business by these generators shall be stored in their own bins/bags/sacks/container

- (iv) **Storage of MSW by Generators- Shops/Hawkers of fish, meat markets / slaughter houses and meat stalls:** No slaughter of any animal/bird etc shall be allowed by the street vendor. They shall be allowed only to sell the products. Any waste generated by the said activity of selling only shall be stored within

their premises in their own sturdy containers of required size, not exceeding 100 liters and having lid on them.

- (v) **Primary collection, secondary storage and transportation of MSW by generators - shops/hawkers of vegetable, fruits and flower markets; and street vendors:** The segregated wet waste and dry waste/recyclable waste generated by the above mentioned generators shall be collected and deposited by themselves in nearby separate containers provided by the Municipal Corporations and the other waste shall be delivered to the agents/agencies/individuals authorized by the Municipal Corporations for the purpose.
- (vi) **Primary collection, secondary storage and transportation of MSW by - shops/hawkers of fish, meat markets / slaughter houses and meat stalls:** Above mentioned generators shall not deposit any category of waste in the community containers provided by the Municipal Corporations. They shall deliver their waste to the closed body collection vehicles or containers provided by the Municipal Corporation for the purpose.
- (vii) The owners/occupiers of property shall provide connections from nearest T.P.Road to the premises of the building at his own expense.
- (viii) Materials like brick bats, concrete blocks etc. which may create blockage to sewer shall not be allowed to fall and lie inside the manhole.
- (ix) House connections shall be properly trapped to prevent the escape of gases.
- (x) The liquid waste from above mentioned generators shall not be mixed with municipal sewage before adequate treatment. Grit chambers and screens shall be provided before connection to public sewer.
- (xi) **Vendor/Hawkers:** All vendors/hawkers shall keep their biodegradable and other waste unmixed in containers / bins at the site of vending for the collection of any waste generated by that vending activity. It shall be the responsibility of the generator/ vendor to deliver this waste duly segregated to the municipal vehicle of the Municipal Corporation or to the nearest designated community bins. Failing which fine shall be imposed as per the Schedule of Fines. Moreover, they shall also maintain clean and hygienic conditions for their utensils and food items being used. The food corner / food cart has to be pleasant and hygienic. It must have special arrangements for dish washing
- (xii) Will follow the directions/guidelines as per SWM rules 2016/plastic waste rules 2016 or any other Act/rules as applicable on that date.

### **CHAPTER — III**

### **FEES, TAXES AND PENALTIES**

- 7. Monthly maintenance charges –** (1) Monthly maintenance charges to be paid to local authority for the civic amenities and facilities in the vending zones;
- (2) 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;
- (3) The fees for stationery vendors shall be minimum Rs.500/per month and maximum Rs.1200 per month to the general category and for the reserved category, the same shall be charged between Rs. 400/per month to Rs. 1000/per month. The fees for the Mobile Vendors shall be minimum Rs. 300/per month and maximum Rs. 900/month for general category and for reserved category the same shall be charged between Rs. 200 to Rs. 800 per month. The fees for other category of vendors such as weekly, time sharing etc shall be minimum Rs. 100 and maximum Rs. 600.
- (4) Every year a minimum 10% increase shall be imposed.
- 8. Penalty to be levied-** (1) if any street vendor-
- (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 the street vendor fails to follow the conditions and guidelines specified under Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014), Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016, Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2017 and the said Bye-Laws, a fine of not less than thrice the monthly maintenance fee shall be charged from the vendor.
- (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.
- (iv) The vendor who fails to relocate or vacate the place specified in the certificate of vending or indulges in vending activities without the certificate of vending or contravenes the term of certificate of vending or contravenes any other term and condition specified for the purpose of regulating street vending under the Act, rules or scheme made there under, shall be liable to pay a penalty 10 times of the amount of the monthly maintenance.
- 9. 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**

#### **10. 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 a particular area, the town vending committee shall reconsider in respect of vending zones and decide either to shift or to cancel the zones for such areas.
- (ii.) Local authority shall clearly earmark the vending area, footpath and carriage way in the vending zones.

#### **11. 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;**

- (v) Any vendor, who sells food articles, readymade or processed on the site, shall have to follow all the provisions of the Food Safety and Standards Authority of India. In case of failure, penal measures shall be initiated by the concern department. Any conviction order from the concern department, vending certificate of such vendors shall have to be cancelled by the TVC with immediate effect;
- (vi) 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.]

#### **12. The Regulation of civic services in the vending zones;**

- (I) The 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 at the vending stall to vendors shall be allowed by the lamp mechanism at their own cost;
- (IV) No individual electricity and water connection shall be allowed ;

### 13. Miscellaneous

- (i.) The Commissioner/Chairman or the Licensing Officers may limit the time during which street vendor may be permitted to operate either generally or especially 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 31st March next following the date upon which the permission of the Commissioner Chairman or Licensing officer. If Street Vendor 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 thousand 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 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”).
- (iv.) The license /Street Vendor 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 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”).
- (vi.) 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 one hundred rupee shall be charged for every month of delay.
- (vii.) If the Street vendor fails to comply with any terms and condition of this license, the Commissioner /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.

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Commissioner  
Dharamshala Municipal Corporation