CHANDIGARH ADMINISTRATION
ON THE INTERNET
http://chandigarh.nic.in/

Regd. No. CHD/0131/2018—2020

*Price : Rs. 3.00*

GOVERNMENT OF INDIA

# Chandigarh Administration Gazette

## EXTRAORDINARY

**Published by Authority**

CHANDIGARH, THURSDAY, DECEMBER 20, 2018 (AGRAHAYANA 29, 1940 SAKA)

MUNICIPAL CORPORATION, CHANDIGARH

VENDORS CELL

**Notification**

The 20th December, 2018

**No. CMC/2018/755.**—With reference to the Municipal Corporation, Chandigarh notification bearing No. CMC/2018/983, dated 29th November, 2018 and in exercise of the power conferred by Section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending), Act, 2014, with approval of the Administrator, Union Territory, Chandigarh, dated 19th December, 2018, the following Bye-laws are hereby notified with immediate effect.

CHAPTER I

PRELIMINARY

1. **Short title and commencement.**—(a) These bye-laws shall be called The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Municipal Corporation, Chandigarh Bye-laws-2018 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 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 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; (xi) 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, 2014 ;

(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 ;

(ab) Words and expression defined in Act and use in these Bye-laws shall have the same meanings as respectively assigned to them in Act ;

(ac) "License" means Certificate of Vending ;

(ad) "Licensing Officer" means an officer authorized by the Commissioner, Municipal Corporation, Chandigarh.

(ae) "Violation" means an act committed by street vendors which contradicts the conditions given in the license/certificate of vending.

## 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, 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 except the parkings, road berms, cycle track, green areas, and footpaths

(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.

(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 50 meters from the entry gate of Government Building including Secretariat, District Court, Municipal Corporation, Schools, Cantonment Board and Archeological Survey of India (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 50 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.

(iv) No Vending Zone will be the areas, which are declared or will be declared No Vending Zone by Chandigarh Administration.

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 /pirated 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 between 6 A.M.—10 A.M. 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 in public place, crowded area for cooking and heating purposes example open tandoor and domestic LPG;

(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 he/she whose name has been mentioned including immediate family member 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 including Municipal Corporation, Chandigarh, Chandigarh Police and Traffic Police ;

(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 recommended fire safety devices/equipment's in case of registered food street vendors for heating purposes by using commercial LPG (less than 5 Kg. Cylinder) connections and also in case of other vendors selling combustible products ;

(l) use tandoor only in case of community tandoor set up in residential area with arrangements of fire safety equipment's and away from residential building (private and government both) ;

(m) abide by all the rules, notifications and regulations issued by any statutory authorities from time to time.

## CHAPTER III

### Fees, Taxes, Penalties and Terms and Conditions

6. **Vending Fee.**—Every registered street vendor shall be liable to pay vending fee as prescribed by the TVC 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, storage/ refrigeration store, waste collection etc. as prescribed and provided by the local authority time to time and as applicable.

8. **Penalty.**—(a) Every registered street vendor who commits violation of the provisions of the Street Vending Act/Rules or Bye laws, shall be liable for penalty as per following table :—

| Sr. No. | Penalty Type/Nature | Penalty Amount (INR) |
|---|---|---|
| 1 | 1st time violation | 1000.00 |
| 2 | 2nd time violation | 2000.00 |
| 3 | 3rd time violation | 5000.00 |
| 4 | 4th time violation | Suspension of license/certificate of Vending for 3 months. License will be kept at MCC till suspension period. |
| 5 | 5th time violation | License will be cancelled as per the act and conditions in the certificates |
| 6 | Penalty for carrying out unauthorized street vending (without certificate of vending) alongwith seizure of goods without return policy.<br>*Note*.—If any shop owner is found vending goods or services in front of its premises or corridor, he/she shall also be liable for penalty under this provision as unauthorized vendor. | 10,000.00 |

(b) If registered street vendors violates any provisions of the act five 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 :—

| Sr. No. | Services | Service Fee (INR) |
|---|---|---|
| 1 | ID card | 100.00 |
| 2 | Duplicate ID card in case of lost and damage | 200.00 |
| 3 | Renewal of ID card (5 yrs. validity) | 500.00 |
| 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 5 years (apply 2 months prior to expiry) | 500.00 |
| 7 | Penalty Fee for delay in monthly vending fee after 10th of every month @ Rs. 10.00 per day up to maximum 90 days. License will be cancelled after expiry of 90 days | 10.00 per day |
| 8 | Delayed Renewal of License/Certificate of vending by the street Vendor | |
| | (a) 0--30 days | Nil |
| | (b) 30--60 days | 500.00 |
| | (c) Above 60 days and maximum up 90 days | 1500.00 |
| 9 | Re-registration of Certificate of Vending Certificate after cancellation due to five repetitive violations and cancellation due to non-submission of vending fee for more than 90 days | 3000.00 |

10. **Terms and 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 online E-Sampark gateway as the case may be.

(c) The perishable items seized from un-registered street vendors will be donated to charitable/ trusts/ashrams/hospitals etc. and non-perishable items will be disposed of by way of open auction by Municipal Corporation Chandigarh on monthly basis. No claim can be entertained by office as unauthorized vending is strictly prohibited.

(d) The registration will be valid for five years from the date of registration of vendor.

(e) There will be 5% annual compounded increase in the monthly street vending fee with effect from beginning of every financial year i.e. 1st April.

(f) There will be discount on monthly vending fee as per below :

(i) 25% discount to disabled,

(ii) 25% to women and

(iii) 25 % to senior citizen vendors.

*Note*.—Maximum of 25% discount is admissible to a registered street vendor from above.

(g) The monthly vending fee will be deposited on monthly basis, if one would like to deposit on Quarterly/Half-yearly/Yearly basis then discount will be offered to the tune of 5%, 10% and 15% respectively.

(h) Exemptions (maximum 50%) in the form of relief to registered street vendors in case penalties imposed will be given only when, the street vendor or his/her next kin shows valid documents of urgency i.e. hospitalization, pregnancy, death episode, accidents or any extreme emergency due to natural or manmade disasters or riots etc. Such cases will be examined by SDO/Nodal Officer and will be decided at the level of Joint Commissioner/Additional Commissioner on recommendation of TVC. The maximum period for submitting claim for exemption/relief will be within six months from the date of last fee paid.

## CHAPTER IV

### Procedure for Allotment of Vending Site

11. The local authority through TVC 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.

12. All the surveryed street vendors who have been registered 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. The Mobile vendors will vend from their allocated areas or 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. Such vendors can stay up to 30 minutes maximum at one place.

18. The Essential Service Providers (ESP) street vendors will vend from their allocated areas or 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.

## CHAPTER V

### MISCELLANEOUS

19. **The Regulation of traffic in the vending zone.**—Wherever a vending zone is declared by the TVC, the traffic police shall decide about one way traffic, vending timings, 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 and urban development department.

Local Authority shall clearly earmark the vending area, a footpath and carriage way with in the vending zone i.e. the circulation area.

20. **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.**—(1) 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 ;

(2) quality of articles vended from the street can only be taken care of in case, there is a prescribed standard under a relevant statue. 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, manufactures 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.]*

21. **The regulations of the civic services in the vending zone.**—(1) the movable public toilet and drinking water facilities shall be provided at appropriate place by the local authority if there is unavailability ;

(2) Proper collection of segregated solid waste management system have to be provided by the local authority on user charge basis but cleanliness of the allotted site is to be managed by the registered street vendors, no littering will be allowed.

(3) Lighting/power energy requirement to operate electric gadgets to the vendors shall be allowed by the solar or battery operated lamp mechanism ;

(4) No individual electricity and water connection shall be permitted.

22. **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 5 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) If in case of registered street vendors reports of reduction in customer base due to relocation/displacement resulting in to livelihood at stake, may inform the local authority for change in the location of vending. In such cases, the local authority may discuss in the TVC for the potential relief.

(vi) If the registered street vendors want to withdraw his/her license at any point of time, then he/she may submit an application in writing for discontinuation.

(vii) 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.

(viii) 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 as per the act or the spouse. The lineal descendant or the spouse 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. in writing.

(ix) 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.

(x) In case of any change in future scenario, the byelaws may be amended with the recommendation of TVC and to be further notified.

*Note.*—The commissioner may recommend to amend the bye-laws at any time as and when required in public interest.

Commissioner,
Municipal Corporation,
Chandigarh.