

**BIHAR STATE STREET VENDORS
(PROTECTION OF LIVELIHOOD
AND REGULATION OF TRADE) BILL,
2010**

**Housing & Urban Development Department
Government of Bihar**

**BIHAR STATE STREET VENDORS (PROTECTION OF LIVELIHOOD AND
REGULATION OF TRADE) BILL, 2010**

Clauses	CHAPTER	Page No.
	CHAPTER I PRELIMINARY	
1	Short title, extent and commencement.	5
2	Definitions	5
	CHAPTER II SCHEME FOR STREET VENDING	
3	Scheme for Street vending	8
	CHAPTER III TOWN VENDING COMMITTEE	
4	Town Vending Committee	10
5	Meeting of town vending committee	10
6	Temporary association of persons with town vending committee for particular purposes.	11
7	Office space & other employees vending committee	11
8	Constitution of ward vending committees	11
9	Functions of town vending	11
10	Publication of annual accounts statement	13
	CHAPTER IV REGISTRATION OF STREET VENDORS	
11	Application for registration	13
12	Registration of street vendors	13
13	Preference In allotment of stalls to registered street vendors.	14
14	Grant of license	14

	CHAPTER V DUTIES OF MUNICIPAL / LOCAL AUTHORITY	
15	Duties of Municipal / Local Authority	14
	CHAPTER VI DUTIES OF PLANNING AUTHORITY	
16.	Duties of Planning Authority	16
	CHAPTER VII BREACHES OF CONDITIONS AND PENALTY	
17	Cancellation or suspension of Registration	16
18	Cancellation or Suspension of allotment of stall, license	17
19.	Penalty for contraventions	17
	Chapter VIII MISCELLANEOUS	
20.	Returns	17
21.	Promotional Measures.	18
22.	Research, Training and awareness	18
23.	Power to make bye-laws	18
24.	Power to make Rules.	18

BIHAR STATE STREET VENDORS
(PROTECTION OF LIVELIHOOD AND REGULATION OF TRADE) BILL, 2010

A BILL

To provide for protection of livelihood of urban street vendors and to regulate vending trade and services provided by street vendors to the public and for matters connected therewith or incidental thereto.

WHEREAS clauses (a) and (b) of article 39 of the Constitution of India stipulates that Bihar State shall, in particular, direct its policy so that, -

- a. The citizens, men and women equally, have the right to an adequate means of livelihood; and
- b. The ownership and control of the material resources of the community are so distributed as best to sub-serve the common good;

AND WHEREAS the state of Bihar has more than 41 percent of its population living below poverty line and State Government is not in a position to provide employment opportunities to all of them in public sector making it imperative for them to find ways and means to earn their living lawfully;

AND WHEREAS urban poor are unable to find suitable place for carrying out their trade, business or calling at an affordable price or rent in urban areas and consequently, out of socio economic considerations, forced to take up street vending to earn their living;

AND WHEREAS urban street vendors form an important segment of the workforce in the unorganized sector and considerably add to the comfort of the general public by making available ordinary articles of everyday use at affordable prices and at convenient locations, nevertheless they live in constant insecurity of losing their livelihood due to the absence of state-sponsored initiatives;

AND WHEREAS the street vendors' trade or business does conflict with the right of other citizens and requires regulation on certain principles so as to ensure free flow of traffic, smooth movement of pedestrians, maintenance of cleanliness and hygiene in public places; and protect the interest of street vendors to earn their modest living;

NOW, THEREFORE, it is considered expedient to give due recognition to the vital role played by the street vendors in the urban economy, legalize their status, promote a supportive environment for their activities and protect their livelihoods, without seriously conflicting with the rights of citizens by regulating street vending to ensure absence of congestion and maintenance of hygiene in streets and other public places;

Be it enacted by Legislative Assembly of the Bihar State in the sixtieth Year of the Republic of India as follows: —

CHAPTER I
PRELIMINARY

1. Short title, Extent and Commencement.	(1) This Act may be called the Bihar State Street Vendors (Protection of Livelihood and Regulation of Trade) Act, 2010. (2) It extends to the State of Bihar. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint. (4) The provisions of this Act shall not apply to the land, premises and trains owned and controlled by the railway
2. Definitions	(1) In this Act, unless the context otherwise requires,- (a) "appropriate Government" means,- I. In relation to lands owned or controlled by the State Government, the State Government; II. In relation to the lands owned or controlled by the District Administration, or Municipal Bodies, the District Administration, or Municipal administration. (b) "holding capacity" means the maximum number of street vendors who can be accommodated in any defined location, area or vending zone; (c) "Municipal/ local authority" means a Municipal Corporation or a Municipal Council or a Nagar panchayat, by whatever name called, or the Cantonment Board, or such other body legally entitled to function as a local authority in any city or town to provide civic services and regulate street vending, and includes the "planning authority" which regulates the land use in that city or town; (d) "notification" means a notification published in the Official Gazette; (e) "planning authority" means a Urban Development Authority or any

	<p>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 Town and Country Planning Act or the Urban Development Act or the Municipal Act;</p> <p>(f) "prescribed" means prescribed by rules made under this Act by the appropriate Government;</p> <p>(g) "scheme" means a scheme framed by the appropriate Government under section 3;</p> <p>(h) "specified" means as specified by the scheme;</p> <p>(i) "State nodal officer" means an officer designated by the State Government to co-ordinate all matters relating to street vending in the State.</p> <p>(j) District Nodal Officer" means an officer designated by the District magistrate to coordinate all matters relating to street vending in the District;</p> <p>(k) "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 or 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;</p> <p>(l) "mobile vendor" means a person who sells goods or offers services, moving from place to place carrying wares on push cart or in bicycle or scooter or any other light motorized vehicle of less than 800 cc engine power or carrying basket on head, or</p>
--	---

	<p>in bags or contraptions attached to own body, or may sell wares in moving buses, trains, house to house carrying goods on a cart or on own body for regular or casual customers;</p> <p>(m) "town vending committee" means the body constituted by the appropriate Government under section 4;</p> <p>(n) "Vending zone" means an area or place or a location designated as such by the planning authority 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 the general public.</p> <p>(2) Any reference in this Act to any enactment or any provision thereof, shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area...</p>
--	---

CHAPTER II

SCHEME FOR STREET VENDING

<p>3. SCHEME FOR STREET VENDORS</p>	<p>(1) For the purposes of this Act, the appropriate Government shall frame, by notification, a scheme which may specify all or any of the following matters, namely:</p> <ul style="list-style-type: none">a. The norms of spatial planning to be adopted by the planning authority for earmarking vending zones or adequate space for street vendors in the master plan, development plan, zonal plan, layout plan or any other spatial plans;b. The principles for determination of vending zones as restriction-free vending zones, restricted-vending zones and no-vending zones I street and other public places;c. The conditions under which private places may be designated as vending zones, restricted-vending zones and no-vending zones by the municipal authority;d. The principles-for determining holding capacity of vending zones and the manner of undertaking comprehensive digitalized photo census and survey of the existing number of street vendors with the assistance of experts for the purpose of accommodating street vendors within the holding capacity of the vending zones;e. The form and manner of grant, renewal, suspension or cancellation of a registration certificate for, and issue of identity card to, the street vendors;f. The manner of levy and collection of fees for the grant and renewal of a registration certificate and fines for contravention of the terms and conditions of registration and other provisions of this Act;g. The form and manner of filing appeals to, and procedure for disposal of appeals by, the local authority in respect of registration of street vendors;
-------------------------------------	--

	<ul style="list-style-type: none"> h. The manner of, and the terms and conditions of, allotment of stalls to the registered street vendors; i. The form and manner of grant, renewal, suspension or cancellation of a license; j. The manner of levy and collection of fees for the grant and renewal of a license and fines for contravention of the terms and conditions of the license; k. The terms and conditions for street vending including norms to be observed for up keeping public health and hygiene; l. The designation of State Nodal Officer for co-ordination of all matters relating to street vending at the state level; m. The designation of District Nodal Officer for co-ordination of all matters relating to street vending at the District level; n. The manner of maintenance of proper records and other documents by the town vending committee, local authority, planning authority, State Nodal Officer and District Nodal Officer in respect of street vendors; o. The manner of giving notice to, and eviction of, street vendors; impounding, destruction or seizure of stalls, goods and equipments and relocation of, and compensation payable to evicted street vendors; p. any other particulars which may be considered by the appropriate Government as proper for including in the scheme; <p>(2) A summary of the scheme notified by the appropriate Government under subsection (1) shall be published by the local authority in at least two local news papers in such manner as may be prescribed.</p>
--	---

CHAPTER III

TOWN VENDING COMMITTEE

<p>4. TOWN VENDING COMMITTEE</p>	<p>1. The appropriate Government shall, in each Municipal/ local authority, constitute a town vending Committee.</p> <p>2. Each town vending committee shall consist of –</p> <ul style="list-style-type: none">a. the Municipal Commissioner or the Chief Executive Officer, as the case may be, who shall be the Chairperson; andb. such number of other members as may be prescribed, to be nominated by the appropriate Government, representing the local authority, the planning authority, traffic police, local police, association of street vendors, market associations, traders associations, resident welfare associations, nationalized banks and such other interests as it deems proper:<p>Provided that the number of members nominated to represent the street vendors shall not be less than forty percent of the total number of members and one-third of such members shall be from amongst women vendors:</p><p>Provided further that reasonable representation shall also be given to persons who are physically challenged.</p> <p>3. The Chairperson and the members nominated under clause (b) of sub section (2) shall receive such allowances as may be prescribed by the appropriate Government.</p> <p>4. The Chairperson or the member nominated under clause (b) of sub-section (2) shall, unless his nomination is terminated earlier by the appropriate Government, hold office for a term of three years from the date of his nomination.</p>
<p>5. Meeting of town Vending Committee</p>	<p>The town vending committee shall meet at such times and places within the jurisdiction of the Municipal/ local authority and shall observe such rules of procedure in regard to the transaction of business at its meetings, and in discharge of its functions, as may be prescribed,</p>

<p>6. Temporary association of persons with town vending committee for particular purposes.</p>	<ol style="list-style-type: none"> 1. The town vending committee may associate with itself, in such manner and for such purposes as may be prescribed, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act. 2. A person so associated under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but, shall not have a right to vote at a meeting of the committee and shall not be a member for any other purpose. 3. The person so associated under sub-section (1) shall be paid such allowances as may be prescribed.
<p>7. Office space & other employees vending committee,</p>	<p>The appropriate Government shall provide the town vending committee with appropriate office space and such other employees as may be prescribed.</p>
<p>8. Constitution of ward vending committees.</p>	<p>The town vending committee may constitute, in such manner and for such purposes, such number of ward vending committee, as may be prescribed</p>
<p>9. Functions of town vending</p>	<p>The appropriate Government may assign, to the town vending committee, the following functions, namely</p> <ol style="list-style-type: none"> a. issue to the street vendors identity cards in such form and manner as may be specified; b. collect such fee for registration or renewal of registration of street vendors as may be specified; c. determine the manner of collecting fees through banks, counters of local authority or counters of town vending committee, fee for registration, usage of parking space for mobile stalls and availing of civic services, in consultation with local authority; d. grant, renew, suspend or cancel registration certificates to street vendors, in such form and manner, and on such terms and conditions, as may be specified; e. identify and designate vending zones; f. specify timings for vending in vending zones; g. maintain the records of land, street, footpath, embankment, waiting area, parks and other public places designated for vending in such

	<p>manner as may be specified;</p> <ul style="list-style-type: none"> h. conduct periodic surveys of vending zones; i. collect and maintain data regarding street vendors; j. determine quantitative norms for different categories of stationary and mobile stalls in the vending zones; k. assess and determine maximum holding capacity of each vending zone; l. identify and declare vending zones as restriction-free-vending zones, restricted- vending zones and no-vending zones in the manner specified; m. fix sign boards at each vending zone to indicate kind of vending zone, its boundaries and vending timings; n. declare place and timings of vendors markets for weekly haats, night bazaars, holiday bazaars and festival bazaars; o. ensure adequacy" of civic amenities, including water, sanitation, waste management, electricity, provided in the vending zones; p. monitor activities of street vendors; q. ensure that the quality of products and services provided to the public and public health, hygiene and safety standards as specified by the local authority are maintained; r. ensure that allotted stalls are utilised by the allottees in accordance with the terms and conditions specified; s. specify the terms and conditions for issue, renew, suspension or cancellation of registration in the manner specified; t. determine actions including imposition of fine for violating the terms and conditions for registration; u. promote awareness regarding credit through institutional mechanisms; v. determine norms for regulating the activities of street vendors; w. determine terms and conditions for providing benefits of insurance, maternity benefits, old age pension and other social security schemes to the street vendors in case of death, illness or disability; x. lay down guidelines for organizing associations and self help groups of street vendors; y. conduct training program for street vendors with a view to enlighten them with entrepreneurship and technical and business skills; z. Redress grievances and resolve disputes amongst the street vendors.
--	---

10. Publication of annual accounts statement	The town vending committee shall prepare and publish its annual accounts Statement in such form and manner as may be prescribed.
--	--

CHAPTER IV

REGISTRATION OF STREET VENDORS

11. Application for registration	<ol style="list-style-type: none"> 1. Every person who has completed the age of 18 years and intends to do street vending shall make an application for registration as street vendor to the town vending committee. 2. Every application under sub-section (1) shall be made in such form and manner and accompanied by such fee as may be specified.
12. Registration of street vendors.	<ol style="list-style-type: none"> 1. An application made under sub-section (1) shall be examined by the town of vending committee and the registration made within such period, and in such manner, as may be specified: <p>Provided that on completion of specified period, if no response is received by the applicant about rejection or deficiencies in the application, the applicant shall be deemed to have been registered.</p> 2. The town vending committee shall not summarily reject the application without giving the applicant an opportunity to rectify deficiencies, if any and hearing him. 3. If the town vending committee or the officer authorized by town vending committee, as the case may be, is satisfied that the application is in compliance with the provisions of this Act and the rules or schemes made there under, he shall register the name of the street vendor. 4. Any person aggrieved by the decision of the town vending committee under sub- section (3) may, prefer an appeal to the local authority within such period, and in such manner, as may be specified.

13. Preference in allotment of stalls to registered street vendors.	<ol style="list-style-type: none"> 1. The municipal /local authority may give preference to the registered street vendors in allotment of stalls in the vending zones. 2. The allotment of stalls to the street vendors shall be made in such manner, and subject to such terms and conditions, as may be specified.
14. Grant of license	A registered street vendor to whom a stall has been allotted in a vending zone shall be granted a license and renewed from time to time by the local authority, in such manner, on payment of such fee, and subject to such terms and conditions, as may be specified.

**CHAPTER V
DUTIES OF MUNICIPAL / LOCAL AUTHORITY**

15. DUTIES OF LOCAL AUTHORITY	<p>Notwithstanding anything contained in any other law for the time being in force, the Municipal/ local authority shall be responsible for:-</p> <ol style="list-style-type: none"> (a) Overall supervision and monitoring of the Scheme for street vendors; (b) Allotting stalls to the street vendors in the manner specified; (c) Granting, renewal, suspension or cancellation of license to the registered street vendors in the manner specified; (d) Providing, in consultation with the town vending committee, in the vending zones and to the street vendors, civic services, including: <ol style="list-style-type: none"> I. Solid waste disposal, II. Public toilets to maintain cleanliness, III. Electricity and drinking water, IV. Shelter to protect street vendors and their wares, V. Storage facilities, beautification, placement of signage and, VI. Other facilities as may be needed by the street vendors and specified in the scheme; (e) fixation of fees/levies to be charged from street vendors for purposes of registration, use of space, availing civic services and manner of their collection, in consultation with the vending
--------------------------------------	--

	<p>committee as per scheme;</p> <p>(f) determining, in consultation with the town vending committee, the manner of collecting, through banks, counters of Municipal/ local authority and counters of town vending committee, fee for registration, use of parking space for mobile stalls and availing of civic services;</p> <p>(g) allocation of staff and budget to each Vending Committee subject to a minimum annual grant and that at least 50 per cent of the fees and fines collected by a Committee is passed on to it for discharging various functions effectively.</p> <p>(h) undertake, in consultation with the town vending committee, comprehensive digitalized photo census and survey of the existing number of street vendors with the assistance of such experts and in such manner as may be specified, for the purpose of accommodating street vendors within the holding capacity of the vending zones; the survey will be :-</p> <p style="padding-left: 40px;">I. Ward by ward, cluster-by-cluster, street-by street, market-by-market mapping of the area where the vendors are located in each city/town.</p> <p style="padding-left: 40px;">II. Comprehensive survey and census count of weekly markets held in different parts of the city or town on different days.</p> <p style="padding-left: 40px;">III. Photographic digitized census count of street vendors and their location with the collection of information in such formats as may be specified.</p> <p>(i) The entire database of street vendors shall be duly notified, put on the municipal website of the ULB/ Urban Development & Housing Department, GOB and updated at regular intervals.</p> <p>(j) The Municipal/ local authority may accord preference to registered street vendors in the allotment of shops in regular markets whenever licenses are issued for setting up new shops and market complexes, depending on the length of registration.</p> <p>Explanation — The concerned vendor shall surrender his registered vending spot in order to qualify for such an allotment.</p>
--	---

CHAPTER VI
DUTIES OF PLANNING AUTHORITY

16. DUTIES OF PLANNING AUTHORITY	<p>Notwithstanding anything contained in any other law for the time being in force, the shall be responsible for-</p> <ol style="list-style-type: none"> a. determining spatial planning norms for street vending; b. earmark space for vending zones in the master plan, development plan, zonal plan, layout plan and any other plan; c. monitor the functioning of the town vending committee with regard to the planning norms; d. amend the city or town master plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in the designated vending zones; e. demarcate vending zones specific to the requirements of the town or city; f. Make spatial plans conducive and adequate for the prevalent number of street vendors in that city or town and also for the future growth, by adopting such norms as may be specified. g. Discharge any other duty or duties which may be assigned to it by the appropriate Government from time to time.
----------------------------------	---

CHAPTER VII
BREACHES OF CONDITIONS AND PENALTY

17. Cancellation or suspension of Registration.	<p>Where any street vendor who has been registered under this Act or his agent or servant of commits breach of any of the conditions thereof or any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made there under, or where the town vending committee is satisfied that such registration has been secured by the street vendor through misrepresentation or fraud, the town vending committee may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the registration or suspend the same for such period as it thinks fit:</p>
---	--

	<p>Provided that no such cancellation or suspension shall be made by the town vending committee unless an opportunity of hearing has been given to the street vendor.</p>
<p>18. Cancellation or Suspension of allotment of stall, license</p>	<p>Where any street vendor to whom a stall has been allotted or a license has been granted under this Act or any agent or servant of such vendor commits a breach of any of the conditions thereof, or any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made there under, or where the local authority is satisfied that such allotment of stall or license, as the case may be, has been secured by the street vendor through misrepresentation or fraud, the local authority may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the allotment of stall or license, as the case may be, or suspend the same for such period as it thinks fit:</p> <p>Provided that no such cancellation or suspension shall be made by the local authority unless an opportunity or hearing has been given to the street vendor.</p>
<p>19. Penalty for contraventions</p>	<p>If any street vendor</p> <ol style="list-style-type: none"> a. indulges in street vending without registration; b. Vends beyond the designated vending zones or specified timings; c. vends goods or offers services that are detrimental to public health; d. Contravenes the terms and conditions of registration; e. Contravenes the terms and conditions of allotment of stall or license; or f. regulating street vending under this act or any rule or schemes made there under, he shall be liable to a penalty which shall not be less than rupees two hundred but which may extended to rupees five hundred, as may be determined by the town vending committee, or as the case may be , by the local authority.

Chapter VIII
MISCELLANEOUS

<p>20. Returns</p>	<p>Every town vending committee shall furnish, from time to time, to the appropriate Government and the local authority such returns as may be Prescribed.</p>
--------------------	--

<p>21. Promotional Measures.</p>	<p>The appropriate government may, in consultation with the town vending Committee, Municipal/ local authority, planning authority and street vendors association or unions, undertake promotional measures of making available credit, insurance and under welfare schemes of social security for the street vendors.</p>
<p>22. Research, Training and awareness</p>	<p>The appropriate Government may, to the extent of availability of financial and other resources, --</p> <ol style="list-style-type: none"> a. develop and organize capacity building programs for street vendors and on how to exercise the rights contemplated under this Act; b. undertake research, education and training programs to advance knowledge and understanding of the role of the informal sector in the economy, in general and the street vendors, in particular and to raise awareness among the public through town vending committees
<p>23. Power to make bye-laws</p>	<p>Subject to the provisions of this Act or any rules or scheme made there under, the Municipal / local authority may make bye-laws to provide for all or any of the following matters, namely:</p> <ol style="list-style-type: none"> a. The regulation and manner of vending in vending zones, restricted-vending zones. b. The regulation of the collection of taxes and fees in the vending zones; c. Regulation of traffic in / near the vending zones; d. 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; e. The regulation of civic services in the vending zones; and f. The regulation of such other matters in the vending zones as may be Necessary.
<p>24. Power to make Rules.</p>	<ol style="list-style-type: none"> 1. The appropriate Government may, after consultation with the town vending committee, by notification, make rules for carrying out the provisions of this Act. 2. In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: <ol style="list-style-type: none"> a. the manner of publishing summary of scheme under sub-section (2) of section 3; b. the number of members under clause (b) of sub-section (2) of section

	<p>4;</p> <ul style="list-style-type: none">c. the allowances to Chairperson and members under sub-section (3) of section 4;d. the time and place for meeting, procedure for transaction of business at meetings and functions to be discharged under section 5;e. the manner and purpose for which a person may be associated under sub-section (1) of section 6;f. the allowance to associated person under sub-section (3) of section 6;g. the other employees of town vending committee under section 7;h. the manner and purposes for constituting, and the number of the ward vending committees under section 8;i. the form and manner for preparing and publishing annual accounts statement under section 10;j. The returns to be filed under Section 20. <p>3. Every rule, scheme and bye-law made under this Act shall be laid, as soon as may be after it is made, before the State Legislature, while it is in the session, for total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, The house agree in making any modification in the rule or scheme or bye-law or agree that the rule or scheme or bye-law should not be made, the rule or scheme or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme or bye-law.</p>
--	---