

**Bihar Street Vendors (Protection of
Livelihood and Regulation of Trade) Rules,
2011**

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In exercise of the powers conferred by Section -24 of Bihar Street Vendors (Protection of Livelihood and Regulations of Trade) Act,2011, the Governor of Bihar is pleased to make the following rules :-

1. **Short title and Commencement:** (i) These rules may be called the Bihar Street Vendors (Protection of Livelihood and Regulations of Trade) Rules, 2011. (ii) They shall come into force on

Part-I

Preliminary

2. **Definitions :** In these rules, unless there is anything repugnant in the subject or context :-

- (a) “act means the Bihar State Street Vendors (Protections of Livelihood and Regulations of Trade) Act,2011;
- (b) “appropriate government” means state Government or District Administration or Municipal Bodies in relation to land owned or controlled by them as referred under sub Section (2) of Section 2 of the Act;
- (c) “district nodal officer” means an officer designated by the District Magistrate for the purpose as referred under sub-section 2(ii)(j) of Section-2 of the Act;
- (d) “fine” means amount charged from vendor for violating rules and regulations;
- (e) “holding capacity” means the maximum numbers of street vendors who can be accommodated in any defined location as referred under sub. Section (2)(ii)(b) of Section 2 of the Act;
- (f) “Municipal / Local authority” means any Urban Local Body or Planning Authority as referred under Sub. Section (2)(ii) (c) of Section-2 of the Act;

- (g) “mobile vendor” means a person who sells goods or offer services, moving from place to place as referred under subsection (2) (ii) (p) of Section-2 of the Act;
- (h) “maintenance charge” means a fixed charge for maintenance of the vending zone including of civic services;
- (i) “notification” means a notification published in the official gazette as referred under sub. Section (2) (ii) (d) of section-2 of the Act ;
- (j) “planning authority” means any Urban Development Authority or any other authority in any city or town as referred under Sub. Section 2(ii)(e) of section 2 of the Act;
- (k) “prescribed” means prescribed by rules made under the Act as referred under subsection 2(ii) (f) of Section-2 of the Act ;
- (l) “registration fee” means the fee determined for registration of vendors
- (m) “scheme” means a scheme framed by the appropriate Government under Section -3 of the Act ;
- (n) “specified” means as specified by the scheme as referred under Sub. Section 2(ii)(g) of Section-2 of the Act;
- (o) “state” nodal officer” means an officer designated by the State Government as referred under Sub. Section 2(II)(i) of Section-2 of the Act;
- (p) “street vendor” means a person engaged in vending as referred under sub-section (2) (ii)(k) of Section -2 of the Act ;
- (q) “schedule” means Schedule appended to these rules;
- (r) “section” means of Section of the Act.
- (s) “town vending committee” means the committee constituted under Sub. Rule (ii) of Rule -5 of this rule (ii) of rule.
- (t) “users charge” means a fixed monthly taken amount for space of vending charges from the vendor;
- (u) “vending zone” means an area or place or a location designated as such by the planning authority as referred under sub-Section 2(ii)(m) of section -2 of the Act;

- (v) “ward vending committee” means the Committee Constituted under Sub-rule (ii) of rule-8 of this rule;

PART- II

Vending Scheme

3. **Summary of the Scheme:-** A summary of the Scheme, for every such vending as per Section 3(1) of the Act shall be prepared by the appropriate Government in which a brief details of the scheme shall be incorporated in Hindi in plain words so that the intended vendor may not feel any difficulty to understand the scheme .
4. **Publication of the Scheme :-** Summary of such scheme shall be published by the local authority as per Section 3(2) in at least two Hindi news papers so that the untended vendor may go through the scheme .

Town Vending Committee

5. **Constitution of Town Vending Committee: -** (i) The Town Vending Committee (TVC) to be constituted by the Municipal Authority shall be chaired by the Municipal Chairperson.
 - (i) The TVC shall consist of the representatives of local authority, planning authority, local police, traffic police, association of street vendors, residents’ welfare association, market and trade association, non government organization, scheduled bank and eminent citizens and any other interested person, which is important in the opinion of the state Government.
 - (ii) The number of representatives of street vendor should not be less than 40% of the total number of members in the committee in which representations of physically challenged if any shall also be ensured.
 - (iii) One- third of the representatives of street vendors shall be women vendors.
 - (iv) The normal term of office for the nominated member shall be three years.

6. Business of Town Vending Committee: -

- (i) The Town Vending Committee shall meet every month to discuss concerned issue and transaction of business.
- (ii) The Town Vending Committee may temporarily associate with itself, any individual in advisory capacity, who can take part in its discussion and make suggestions. Such individual shall be paid allowance like other members of committee.
- (iii) The Town Vending Committee shall function through office space and employees provided by the municipal authority as per requirement.
- (iv) The members of Town Vending Committee shall receive an allowance @ Rs. 100 per day for each meeting.
- (v) The Town Vendor Committee shall meet at such time and place within the jurisdiction of the Municipal / local authority as and when fixed by the Chairperson of the Committee.
- (vi) The notice of the meeting and agenda shall be made available to the each member at least 72 hours before of the meeting.
- (vii) Proceedings Book of the meeting shall be maintained by the Chairperson of the meeting.
- (viii) Every resolution moved and passed in the meetings shall be recorded shall be obtained in the next meeting of the Town Vending Committee.
- (ix) Proceeding of the each meeting after confirmation shall be sent to state Government as well as Municipal / Local Authority by the Chairperson of the committee.

7. Administrative power of Town Vending Committee:-

- (i) Town Vending Committee shall constitute Ward Vending Committee wherever required.
- (ii) Town Vending Committee shall register the vendors and renew the registration after its expiry on payment of dues if any.
- (iii) Town Vending Committee shall collect the registration fee from the vendors.

- (iv) Town Vending Committee shall issue the identity card to street vendors as specified in Schedule 'A' of this rule duly identified by the municipal authority.
- (v) Town Vending Committee shall cancel or suspend the registration of the vendor in case of committing breach of any condition.
- (vi) Town Vending Committee in consultation with the municipal authority shall determine the registration fee at a nominal rate of preferably no more than Rs. 50.00 and a ground rent or charge for the use of space in vending zone at Rs. 150/- per month per vendor.
- (vii) Town Vending Committee shall impose fine ranging from Rs. 200/- to Rs.1000/- depending upon the severity of violation / breach of condition.
- (viii) Town Vending Committee shall determine the user charges for availing of civic services in consultation with local authority. These charges shall work through a 'pay and use' system.
- (ix) Town Vending Committee shall maintain the records of land, street, footpath, embankment, waiting area, parking and other public places designated for vending, which shall be updated quarterly and authenticated by the Chairman of the Committee.
- (x) Town Vending Committee shall conduct periodic surveys of vending zones and collect and maintain data regarding street vendors in the Performa as prescribed in Schedule 'B' of this rule .
- (xi) Town Vending Committee shall engage professional bodies/expert group along with vending association for efficient execution of process of survey.

Ward Vending Committee

8. Constitution of Ward Vending Committee:-

- (i) A Ward Vending Committee shall be constituted by the Town Vending Committee in every Ward with a Vending Zone.
- (ii) The Ward Vending Committee shall comprise of Ward Councilor, Sanitary Inspector, Inspector of Police, Police Inspector (Traffic),

Tax Inspector (Daroga) and not more than 5 members of street vendors.

- (iii) The street vendor may be selected for membership by the Ward Councilor on the basis of lottery system.
- (iv) In case of more than one vending zone in a Ward, the representation for each of them shall be equally distributed as far as possible across the zones
- (v) The Ward Vending Committee shall be chaired by the respective Ward Councilors.
- (vi) The term of the Ward Vending Committee shall be one year.

9. Functions of Ward Vending Committee:-

- i. The Ward Vending Committee shall meet fortnightly to discuss issues and problems faced by street vendors in the Ward. If such issues and problems are not resolved at the Ward level, the issue can be raised during monthly meeting of the Town Vending Committee.
- ii. The Ward Vending Committee shall maintain the infrastructure at the vending Zone using the proceedings from the user charges subject to authorization from the municipal authority. Maintenance of vending zone shall include activities such as maintaining cleanliness of toilets and vending area, regular waste disposal etc.
- iii. The Ward Vending Committee shall collect various user charges as authorized by the municipal authority. The proceeds shall be utilized for maintenance of infrastructure at vending zone upon the approval of municipal authority. Any amount remaining over shall be deposited with the municipal body. One of the members of the Ward Vending Committee shall be designated to perform this role.
- iv. The Ward Vending Committee shall ensure observance of rules and norms by street vendors of the vending zones.
- v. The Ward Vending Committee shall redress the grievances and resolve the dispute of street vendors and if required take them to the Town Vending Committee.

Municipal Authority

10. Functions of Municipal Authority:-

- (i) Overall supervision and monitoring of the scheme for street vendors.
- (ii) Monitoring and functions of Town Vending Committee and Ward Vending Committee.
- (iii) Granting, renewal, suspension or conciliation of license to register street vendors.
- (iv) Allotting stall to the street vendors.
- (v) Provisions of basis services to vending zones in consultation with Town Vending Committee.
- (vi) Determination of manner of collection of fees / levies etc in consultation with town vendors committee.
- (vii) Allocation of staff and budget of Town Vending Committee subject to minimum annual grant and to ensure that 50% of the collection from fee/levies passes on to the Town Vending Committee.
- (viii) Undertake digitized photo census and survey of street vendors across wards and clusters with support from professional bodies.
- (ix) Make comprehensive survey and census and counting of weekly markets / haats.
- (x) To notify the entire database of street vendors and put on the websites of the Municipality. This should be put on the websites of State Government and the updated periodically.
- (xi) To maintain a register containing ward wise list of registered street vendors and to ensure that the list is displayed on municipal website.
- (xii) To send the annual report to Nodal Officer and Secretary of the concerned department of state Government containing details as specified in Schedule 'C'

Planning Authority

11. Function of Planning Authority:-

- (i) To determine special planning norms for street vending.
- (ii) To earmark space for vending zones in the Master Plan and City Development Plans.
- (iii) To monitor the functioning of the Town Vending Committee with regard to planning norms.
- (iv) To amend the city or town Master Plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in designated vending zones.
- (v) To demarcate vending zone as specific to the requirements of the city.
- (vi) To make special plans conducive to and adequate for existing number of street vendors in the city /town and also for future growth in their population.

12. Planning standards for basic services to the street vendor: - Services such as drinking water, toilets, storm water drainage, solid waste management, electricity, aesthetically designed stalls and push carts, proper shade / covers to protect street vendors as well as their wares and goods, parking areas shall be as far as possible maintained as per provision of Section 2.4 of the Act.

PART-III

13. Promotional and welfare Activities for vendors:-

- i. The State and the Local Government in consultation with Town Vending Committee and vendors association shall undertake following measures for welfare of street vendors:-
 - (i) Promoting credit availability through facilitation of self help group and micro credits.
 - (ii) Facilitate growth of groups and association among street vendors.

- (iii) Working out insurance and other social security schemes for street vendors
- (iv) Organizing training programmes for skill and entrepreneurship development of vendors for employment and starting small business.
- (v) Linkage with existing schemes like SJSRY shall be established to mainstream people from below poverty level, particularly women.
- (vi) Supporting any public or private activities towards better understanding of and awareness on the role of informal sector especially street vendors.

14. Quality of products and services provided by the vendor: - Vendors shall maintain quality of products and services provided to the public and ensure public health, hygiene and safety standard.

15. Terms and condition of allotment of vending space: -

- (i) A registered and static vendor shall be allotted certain space and shed in a vending zone along with access to various civic amenities. In lieu of the space, he/she shall be required to pay a minimum amount of Rs. 150 per month. Civic services e.g. toilet shall be used on pay and use basis on nominal rates fixed by vending committees.
- (ii) A mobile vendor shall not be allotted any particular shed/space but s/he shall move from place to place for vending. In case he/she opts to use a space in the vending zone for parking of carts, he/she shall have to pay a minimum charge of Rs. 100 per month.
- (iii) Any vendor shall not encroach upon the space of other vendor otherwise this shall be treated as a breach of terms and conditions for which he shall have to pay a fine.
- (iv) Vendor shall have to pay a user charge in advance in the beginning of the month latest by 5th date positively, failing which he shall not be allowed for vending till the dues are cleared within one week.
- (v) No vendor shall be allowed for vending whose registration has already lapsed, suspended or cancelled.
- (vi) If any vendor is found vending without proper registration he shall be fined in the range of Rs. 200-1000/- depending upon severity of fault.

16. Registration process and issuance of identity card to street vendors:-

- (i) Town Vending Committee shall register and issue identity cards to all identified vendors of minimum 18 years age.
- (ii) A person with minimum age of 18 years shall be eligible to re-apply for registration if omitted somehow from registration by municipal authority /TVC.
- (iii) The application shall be made by filling up a form available with the municipal office as prescribed in Schedule-D and addressed to the Chairperson TVC.
- (iv) The application shall be examined by the Town Vending Committee and decision shall have to be taken on this within a period of one month.
- (v) Town Vending Committee shall accept the application and depending on the merit of applicant, may take decision on rejection or acceptance of application.
- (vi) An applicant may appeal to the local authority along with a copy of application against the decision of rejection within 15 days of receipt of rejection communication.
- (vii) The Local Authority shall take not more than 15 days to decide on appeal.
- (viii) The decision of Local Authority to accept the application shall be communicated to the Town Vending Committee for registration of applicant.
- (ix) Town Vending Committee on receipt of communication from Local Authority shall register the vendor and issue an identity card.
- (x) The Registration of vendor shall not be transferable and in case of such act by the vendor, the Registration shall be cancelled with immediate effect.
- (xi) The Registration shall be renewable every three years by filing up a fresh registration form along with requisite fee.

17. Cancellation /Suspension of Registration /ID Card / Vending Stall:-

(1) The Town Vending Committee may consider to cancel or to suspend the Registration of a vendor in case he or she is found -

- (i) Violating the norms set for regulating street vending in the town.
- (ii) Having secured registration license and vending stall through misrepresentation of certain fact or by fraud.
- (iii) Having found vending stall being used for any other purpose other than vending.

(2.)The Suspension Registration may be done for a period of six months and the registration and identity card for vending as well as the allotted stall shall be cancelled, but this cancellation or suspension shall follow an opportunity of explanation from the concerned street vendor.

18. Eviction, relocation and confiscation:-

Municipal authority may evict or relocate the vendor and confiscate the good in the following situations as per procedures indicated along:-

- (i) In case there is a genuine need for de-notification of the vending zone in larger public interest which shall be free from any kind of arbitrariness.
- (ii) A notice to vacate the site shall be issued to street vendors.
- (iii) If the place is not cleared up during the given time period despite prior notice, a reasonable fine shall be imposed along with an order to vacate the site.
- (iv) Physical eviction may be the last resort only if the place is not vacated despite a prior notice and an imposition of fine.
- (v) In cases of vending in “no vending zone” fine should be imposed as a first step. If the need for physical eviction arises, prior notice shall be served to the street vendors.
- (vi) The vendors should be informed in advance before starting the relocation process.

- (vii) A registered vendor shall be considered for allotment of stalls in another vending zone. If it is not possible and relocation is necessary, the question of reasonable compensation to the effected vendor shall be considered.
- (viii) In case there has been a confiscation of goods due to unavoidable circumstances, the street vendors shall be entitled to get back the same on payment of due charges within prescribed time limit.

19. Regulatory norms, penalty and dispute settlement:-

- (1) Along with registration, the applicant shall be given a copy of the Rules and Regulations to be followed by the registered vendor and also probable action to be taken against violation of those norms.
- (2) The regulatory norms to be prescribed shall be as follows:-
 - (i) No vendor shall vend without registration.
 - (ii) Each vendor shall vend as per specified timing for designated area or vending zone.
 - (iii) Each vendor shall operate from stall allocated for him/ her.
 - (iv) Each vendor shall pay the monthly maintenance charge to the concerned Ward Vending Committee within the stipulated time.
 - (v) No vendor shall use the allotted vending shed for the purpose other than the vending.
 - (vi) No vendor shall indulge in sale of goods and services that are detrimental to public health.
 - (vii) In case any of these norms is violated, a fine of Rs. 200 to Rs. 1000 shall be imposed by the Town Vending Committee.
 - (viii) The concerned individual /authorities shall make a request to the chairperson of Town Vending Committee for necessary action on issue of dispute.
 - (ix) Prior to making request to chairperson the issue may also be discussed and resolved at the level of Ward Vending Committee itself.

- (x) Town Vending Committee shall have the responsibility of final settlement of any dispute pertaining to street vendors.

20. Determination and collection of Revenue

- (i) There would be following types of charges from street vendors:
 - a) Registration fee to be collected by the TVC
 - b) Ground rent or the user fee per month towards the use of space allotted to static vendors in the vending zone. Mobile vendors shall also pay similar charges if they are registered and want to use the space for parking their carts.
 - c) User charges for use of civic services under a system of 'pay and use'. This should be charged to everyone including the visitors in the vending zone.
 - d) Fines and other charges, as application by the provision of the concerned Act.
- (ii) The concerned authority shall keep the registration fee nominal at Rs. 50/- maximum.
- (iii) In addition to registration charge, street vendors shall pay monthly charges against the usage of space/shed and toilet. They shall also pay any fines/charges imposed upon them by the local authority/administration/vending committees.
- (iv) The monthly ground rent or user charges for use of space should be fixed subject to a minimum of Rs. 150 per month for each street vendor in the vending zone.
- (v) Mobile vendors shall also pay a charge of Rs. 100 per month if they are registered and also want to use the space for parking their carts.
- (vi) These fees/charges can be revised from time to time by the TVC in consultation with the local authority depending upon the holding capacity and civic services requirement of a particular vending zone
- (vii) The fine, if imposed, may range between Rs. 200 to Rs. 1000/- depending upon the severity of violation.
- (viii) The Town Vending Committee shall determine the rate of fines to be levied in consultation with the Municipal Body.

- (ix) The Town Vending Committee shall publish the fines levied for various violations and this shall be displayed in every zone.
- (x) Municipal authority shall determine the manner of collection of fee/ levies etc., in consultation with the Town Vending Committee.
- (xi) While determining the manner of collection of fee/ levies, the Municipal authority shall ensure simple and transparent process which should have a direct linkage between the municipal authority and the street vendors.
- (xii) The Municipal authority can directly collect fines or other charges from the street vendors if required.
- (xiii) The Town Vending Committee may consider co-financing by vendors in construction of vending stall and basic civic services depending upon the structure of co-financing opportunities emerging.
- (xiv) Issue such as occupancy rights/ownership of the allotted stalls and, and determination of user charges, maintenance charges etc. shall be determined based on the nature of vending zone development schemes.
- (xv) In any case, vendors shall need to take proper permission from Town and Ward Vending Committee and the Municipality for altering the vending sheds.
- (xvi) Municipality shall have right to permit advertisements in the vending site and sheds and collect charges from such initiatives.

PART-IV

21. Publication of annual accounts statement:-

The Town Vending Committee shall prepare and publish its annual accounts statement as per Section 10 of the Act in which details of all proceeds including User Charge, maintenance charge, fines or any other levy and details of expenditure in respect of maintenance allowance and all the expenditure on employee engaged in Town Vending Committee work shall be mentioned.

- 22. Submission of return to appropriate Government:-**
Every Town Vending Committee shall furnish the return periodically to the appropriate government and local authority in which all the details of zone wise registered street vendors, collection of Fees and levies, expenditure and details of controversy if any shall be mentioned.
- 23. Power to make bye- laws:-**
Subject to the provision of Section-23 of the Act or rules made under the Municipal / local authority may make bye laws as per requirement if any matter is not covered under these rules.
- 24. Removal of difficulties:-**
If any difficulty arises in giving effect of the provisions of the Act and these rules, the State Government may, by order, do or cause to be done anything which may be necessary for removing the difficulties.

Schedule-‘A’
See rule 7(iv)

Registered Vendor’s Identity Card Format

- a. Name of the vendor -
- b. Age -
- c. Sex -
- d. Father’s /Husband’s name -
- e. Type of vendor activity (Static /Mobile) -
- f. Vending location -

Photograph
of the vendor
duly attested
by the Chairperson
of the TVC

Signature / thumb impression of the vendor -

Signature & seal of the Chairperson
of Town Vending Committee -

Schedule-‘B’
See rule 7(x)

Digitised Census proforma of vendors

1. Name of the vendor-
2. Age -
3. Sex-
4. Father’s /Husband’s name –
5. Place /area /ward of residence-
6. Place /area /ward of vending-
7. Type of vending (Static or mobile)-
8. Years of vending-
9. Passport size photograph-
10. Signature / thumb impression of vendor-
11. Signature of the Census Authority -

Schedule-‘C’
See rule 10(xii)

1. Number of vending zones/ market earmarked/developed
2. Number of registered street vendors
3. Expenditure incurred and revenue collected
4. Promotional measures undertaken
5. Number of complain registered and redressed

Signature of Municipal Authority

Schedule-‘D’
See rule 16(iii)

Application for Registratiuon as street vendor

To

The Chairperson

Town Vending Committee

.....

Sub.: Request for registration of vendor

Sir/Madam,

I am to submit herewith my details for registration as Static / Mobile vendor

1. Name of the vendor
2. Age –
3. Sex
4. Father’s /Husband’s name –
5. Present Residence
6. Proposed area of vending
7. Type of vending

Name of the applicant

(.....)

Signature Thumb impression of applicant