

**THE RAJASTHAN URBAN STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) BILL, 2011**

A

Bill

to provide for protection of livelihood of urban street vendors and to regulate street vending and for matters connected therewith or incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Sixty-first Year of the Republic of India, as follows:-

**CHAPTER-I**

*Preliminary*

**1. Short title, extent and commencement:-** (1) This Act may be called the Rajasthan Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2011.

(2) It shall extend to all municipal areas in the State of Rajasthan.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

(4) This provisions of this Act shall not apply to the land, premises and trains owned and controlled by the railway.

**2. Definitions.-** In this Act, unless the context otherwise requires:-

(a) “Chief Municipal Officer” means the Chief Municipal Officers as defined in clause (xii) of section 2 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009);

(b) “holding capacity” means the maximum number of street vendors who can be accommodated in any vending zone;

(c) “municipality” means a Municipality constituted under the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009);

(d) “municipal area” means the municipal area as defined in clause (xxxix) of section (2) of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009);

(e) “planning authority” means an Urban Development Authority or any other authority in any city or town 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 any law for the time *being* in force;

- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “scheme” means a scheme framed by the State Government under section 3;
- (h) “specified” means as specified by the scheme;
- (i) “State Government” means the State Government of Rajasthan.
- (j) “State Nodal Officer” means an officer designated by the State Government to co-ordinate all matters relating to urban street vending in the State;
- (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.
- (l) “Town Vending Committee” means the body constituted by the State Government under section 4;
- (m) “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.

## **CHAPTER II**

### ***Scheme for Street Vending***

**3. Scheme for Street Vendors.-** (1) For the purpose of this Act, the State Government shall frame, by notification, a scheme which may specify all or any of the following matters, namely:-

- (a) the form and manner of grant, renewal, suspension or cancellation of a registration certificate for, and issue of identity card to, the street vendors;
- (b) 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;

- (c) the form and manner of filing appeals to, and procedure for disposal of appeals by, the municipality in respect of registration of street vendors;
- (d) the manner of, and the terms and conditions of, allotment of stalls to the registered street vendors;
- (e) the form and manner of grant, renewal, suspension or cancellation of a licence;
- (f) 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 licence;
- (g) the norms of spatial planning to be adopted by the planning authority for earmarking vending zones for street vendors in the master plan, development plan, zonal plan, layout plan or any other spatial plans;
- (h) the principles for determination of vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones;
- (i) the conditions under which private places may be designated as restriction-free-vending zones, restricted-vending zones and no-vending zones;
- (j) 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;
- (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 manner of maintenance of proper records and other documents by the Town Vending Committee, municipality, planning authority and State Nodal Officer in respect of street vendors;
- (n) 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;
- (o) any other particulars which may be considered by the State Government as proper for including in the scheme;

(2) A summary of the scheme notified by the State Government under sub-section (1) shall be published by the municipality in at least two local news papers in such manner as may be prescribed.

## **CHAPTER III**

### *Town Vending Committee*

**4. Town Vending Committee.-** (1) The State Government shall, in each municipality, constitute a Town Vending Committee.

(2) Each Town Vending Committee shall consist of –

- (a) the Chief Municipal Officer, who shall be the Chairperson; and
- (b) such number of other members as may be prescribed, to be nominated by the State Government, representing the municipality, the planning authority, traffic police, local police, association of street vendors, market associations, traders associations, resident welfare associations, ntaionalised banks and such other interests as it deems proper;

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;

Provided further the reasonable representation shall also be given to persons who are physically challenged.

(3) The members nominated under clause (b) of sub-section (2) shall receive such allowance as may be prescribed.

(4) The member nominated under clause (b) of sub - section (2) shall, unless his nomination is terminated earlier by the State Government, hold officer for a term of three years from the date of his nomination.

**(5) Meeting of Town Vending Committee.-** The Town Vending Committee shall meet at such times and places within the jurisdiction of the municipality 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.

**(6) Temporary association of persons with Town Vending Committee for particular purposes.-** (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 member for any other purpose.

(3) the person so associated under sub-section (1) shall be paid such allowances as may be prescribed.

**7. Office space and other employees for Town Vending Committee.-** The State Government shall provide the Town Vending Committee with appropriate office space and such other employees as may be prescribed.

**8. Constitution of Ward Vending Committees.-** The Town Vending Committee may constitute, in such manner and for such purposes, such number of Ward Vending Committees, as may be prescribed.

**9. Functions of Town Vending Committee.-** The State Government may assign, to the Town Vending Committee, the following functions, namely:-

- (a) 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;
- (b) issue to the street vendors identity cards in such form and manner as may be specified;
- (c) collect such fee for registration or renewal of registration of street vendors as may be specified;
- (d) determine the manner of collecting fees through banks, counters of municipality or counters of Town Vending Committee, fee for registration, usage of parking space for mobile stalls and availing of civic services, in consultation with municipality;
- (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, park and other public places designated for vending in such manner as may be specified;
- (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 and festival bazaars;
- (o) ensure adequacy of civic amenities, including water, sanitation, and 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 municipality are maintained.
- (r) ensure that allotted stalls are utilized by the allottees in accordance with the terms and conditions specified;

- (s) specific 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 of disability;
- (x) lay down guidelines for organizing associations and self help groups of street vendors;
- (y) conduct training programmes for street vendors with a view to enlighten them with entrepreneurship and technical and business skills; and
- (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.

## **CHAPER IV**

### *Registration of Street Vendors*

**11. Application for registration.-** (1) Every person who has completed the age of eighteen 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.-** (1) An application made under sub-section (1) shall be examined by the Town Vending Committee and the registration made within such period, and in such manner, as may be specified;

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.

(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 thereunder, 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 municipality within such period, and in such manner, as may be specified.

**13. Preference in allotment of stalls to registered street vendors.-** (1) The municipality 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 licence.-** A registered street vendor to whom a stall has been allotted in a vending zones shall be granted a licence and renewed from time to time by the municipality, in such manner, on payment of such fee, and subject to such terms and conditions, as may be specified by the Municipality.

## CHAPTER V

### *Duties of Municipality*

**15. Duties of municipality.-** Notwithstanding anything contained in any other law for the time being in force, the municipality shall be responsible for :-

- (a) overall supervision and monitoring of the scheme for street vendors.
- (b) monitoring effective functioning of the Town Vending Committee
- (c) deciding appeals in respect of registration of street vendors in the manner specified;
- (d) allotting stalls to the street vendors in the manner specified;
- (e) granting, renewal, suspension or cancellation of licence to the registered street vendors in the manner specified;
- (f) providing, in consultation with the Town Vending Committee, in the vending zones and to the street vendors, civic services, including-
  - (i) solid waste disposal,
  - (ii) public toilets to maintain cleanliness,
  - (iii) electricity
  - (iv) drinking water,
  - (v) shelter to protect street vendors and their wares,
  - (vi) storage facilities, beautification, placement of signage, and
  - (vii) other facilities as may be needed by the street vendors and specified in the scheme
- (g) determining, in consultation with the Town Vending Committee, the manner of collecting, through banks, counters of municipality and

counters of Town Vending Committee, fee for registration, use of parking space for mobile stalls and availing of civic services;

- (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;
- (i) notify the entire database of street vendors on its website and update the same at regular intervals.

## **CHAPTER VI**

### *Duties of Planning Authority*

**16. Duties of planning authority.-** Notwithstanding anything contained in any other law for the time being in force, the planning authority shall be responsible for-

- (a) determining spatial planning norms for street vending;
- (b) earmarking space for vending zones in the master plan, development plan, zonal plan, layout plan and any other plan;
- (c) monitoring the functioning of the Town Vending Committee with regard to the planning norms;
- (d) amending 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) demarcating vending zones specific to the requirements of the town or city;
- (f) making 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) discharging any other duty or duties which may be assigned to it by the State Government from time to time.

## **CHAPTER VII**

### *Breaches of Conditions and Penalty*

**17. Cancellation or suspension of registration .-** Where any street vendor who has been registered under this Act or his agent or servant 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 thereunder, 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;



Provide 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.

**18. Cancellation or suspension of allotment of stall, licence etc.-** Where any street vendor to whom a stall has been allotted or a licence 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 thereunder, or where the municipality is satisfied that such allotment of stall or licence, as the case may be, has been secured by the street vendor through misrepresentation or fraud, the municipality 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 licence, as the case may be, or suspend the same for such period as it thinks fit:

Provided that no such cancellation or suspension shall be made by the municipality unless an opportunity of hearing has been given to the street vendor.

**19. Penalty for contraventions.-** If any street vendor –

- (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 licence; or
- (f) contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder.

he shall be liable to a penalty which shall not be less than rupees two hundred but which may extend to rupees five hundred, as may be determined by the Town Vending Committee, or as the case may be, by the municipality.

## **CHAPTER VIII**

### **Miscellaneous**

**20. Returns.-** Every Town Vending Committee shall furnish, from time to time, to the State Government and the municipality such returns as may be prescribed.

**21. Promotional measures.-** The State Government may, in consultation with the Town Vending Committee, municipality, planning authority and street vendors associations or unions, undertake promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors.

**22. Research, training and awareness.-** The State Government may, to the extent of availability of financial and other resources, -

- (a) develop and organize capacity building programmes for street vendors and on how to exercise the right contemplated under this Act;

- (b) undertake research, education and training programmes 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.

23. **Power to make bye-law.-** Subject to the provisions of this Act or any rules or scheme made thereunder, the municipality may make bye-laws to provide for all or any of the following matters, namely:-

- (a) the regulation and manner of vending in restriction-free-vending zones, restricted-vending zones and designated vending zones;
- (b) the regulation of the collection of taxes and fees in the vending zones;
- (c) regulation of traffic in the vending zones;
- (d) the regulation of the quality of products and services provide 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.

24. **Power to make Rules.-** (1) The State Government may, after consultation with the Town Vending Committee, by notification in the Official Gazette, 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:-

- (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 4;
- (c) the allowances to members under sub-section (3) of section 4;
- (d) the time and place for meeting procedure for transaction of business at meeting 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) allowances of the person, associated under sub-section (3) of section 6;
- (g) the other employees of the Town Vender Committee under section 7;
- (h) the manner and purpose of or constituting and the number of the Ward Vending Committee under section 8;
- (i) the form and manner for preparing and publishing annual account statement under section 10;
- (j) the returns to be filed under section 20.

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