

Policy guidelines for Street Vendors/ Hawkers -2014

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Policy guidelines for Street Vendors/ Hawkers under the Haryana Municipal Street Vendors (Protection of Livelihood and Regulation of Street Vending) Ordinance, 2013.

The policy guidelines have been framed for carrying out provisions of the Ordinance, under section 3 and following:

1. Study and Analysis:

The 'Town Vending Committee' shall conduct a survey within 3 months of the commencement of this policy, within their respective areas to study the need of the vendors and the consumers. This survey will include:

- i. The total no of existing street vendors with their names & address and their present location etc.
- ii. The extent, type and demand of street vending in different localities.
- iii. Identification of vending zone/ sites and capacity to accommodate vendor.
- iv. The committee shall also prepare list of vendors and nature of vending activities, such as: unprocessed food, processed food, stationary goods, clothing, household articles, automotive goods, flowers, electronic goods, etc.
- v. Mode of vending whether mobile or stationary.
- vi. The Town Vending Committee may associate any professional agency, NGO, person, etc., for carrying out any of the provisions of the Street Vendors (Protection of Livelihood and Regulation of street vending) Ordinance, 2013.

Based on this survey and analysis, the TVC shall prepare scheme along with plans/ maps showing sites/ plots, roads and areas for vending activities and forward its recommendation to the competent authority.

- i. The Town Vending Committee shall publish the notice of scheme in at least two local Hindi newspapers and also paste it at conspicuous places (like office of municipality, office of the Deputy Commissioner, public building etc.) for inviting objection/ suggestions, within 21 days of approval of scheme from competent authority.
- ii. The objections and suggestions received shall be examined and required amendments shall be incorporated in the scheme, before final approval of competent authority.
- iii. The scheme prepared by TVC shall only be final after approval of the competent authority.

- iv. The Town Vending Committee shall prepare record of revenue generated and deposit it in the account of the concerned municipality. The municipality shall intimate the government regarding the revenue by annual report. The revenue generated shall only be utilized for the purpose of street vending activities.

2. Registration, certificate, fee etc:

i. Procedure for registration of street vendors

- a. The Town Vending Committee (TVC) shall register all existing street vendors/ hawkers in the municipality and issue identification card within 30 days of submission of application.
- b. The registration shall be valid for 05 years.
- c. Details of information required for registration shall be: name, permanent address, temporary address, place of birth, date of birth, total number of persons residing with vendor and category of vending. (residence proof/ Adhaar card is required to be attached with application)
- d. One time registration fee of Rs 100/ shall be deposited by the applicant.
- e. The hawker can work only in the area which is under the jurisdiction of concerned Town Vending Committee (In case there are more than one TVC in municipality).
- f. The identification card shall contain photograph of vendor, name of vendor, validity period of certificate, age, gender, category of vending, local address and name of persons residing with him.
- g. The TVC shall publish the street vendor's charter annually specifying the time within which the certificate of vending issued and the time within which the certificate of vending shall be renewed

ii. Undertaking given by the vendors/ hawkers

Before issuance of Certificate, the vendor/ hawker shall give an undertaking to the Town Vending Committee, that

- a. He shall carry on the business of street vending himself or through any of his family member.
- b. He has no other means of livelihood.
- c. He shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.

iii. Certificate to the vendors/ hawkers

- a. A certificate shall be issued to the applicant within 01 month by the TVC, subject to the availability of site/ holding capacity of vending zone.
- b. A fee of Rs 50 shall be charged as the certificate fee and it shall be valid for a period of one year.
- c. The certificate shall be renewed before the expiry of previous certificate, after making payment of Rs 50/-.
- d. In case the vendor wants to change the activity, the Town Vending Committee shall be informed and its certificate shall be renewed to other activity without additional fee.
- e. A certificate shall specify the vending activity, the days, vending zone, and timing to carry out vending activity. The certificate shall also specify terms and conditions to be followed by the street vendors as follows:
 - i. The vendor shall not construct any permanent structure on allotted space.
 - ii. The vendor in any way does not hamper the free movement of pedestrians and traffic.
 - iii. The right to restrict, evict, and relocate shall vest to the municipality for any act done in public interest.
 - iv. The vendor shall pay the rent of the allotted site on monthly basis and shall submit the rent to the municipality by 7th of every month.
 - v. The vendor shall not cause loss to any public property.
 - vi. The responsibility of maintaining the allotted space is the liability of the vendor.
 - vii. Any other condition mentioned in the Act & policy and conditions imposed by TVC, from time to time.
 - viii. The vendor shall be shifted to other location under exceptional circumstances.
 - ix. The vendor shall abide the provisions of the Act.

iv. Terms of Relocation & Eviction

- a. In case the municipality declare any vending zone as no vending zone, the vendors shall be intimated 7 days prior to the date of declaration.
- b. All such vendors as far as possible shall be relocated.
- c. In case of non-renewal of certificate a notice shall be issued to the vendor within 3 days of expiry of certificate.

- d. Anyone found pursuing the street vending activity without certificate or expired certificate, the municipality is authorized to seize his/ her goods.
- e. In case the vendor does not vacate the allotted space after the expiry of the certificate, he/ she shall be liable for physical removal by the municipality after 3 days of lapse of certificate.

v. Seizure and reclaiming of goods:

- a. The application for releasing seized goods, in case of perishable goods, shall be allowed to be submitted on the same day.
- b. The application for releasing seized goods shall be made within 60 days of seizing, in case of non perishable goods.
- c. The non-perishable seized goods shall be released within 7 days, on payment of penalty, which is to be deposited with the municipality.
- d. The perishable goods shall be released within 24 hours on payment of penalty.
- e. The municipality is allowed to throw seized perishable goods, if not claimed within 7 days from the date of seizing.
- f. The Municipality is authorized to auction the seized goods if no application is made to release the goods within prescribed time.
- g. In case of perishable goods, if no application is made within 15 days of seizing, the municipality is authorized to throw the perishable items, subject to the condition of goods.

vi. Penalty

- a. The penalty of Rs 100 per day shall be charged in violation of **iv (d)** above.
- b. In case of non-payment of rent of the allotted space within one month time, the certificate issued shall stand cancelled.
- c. For the renewal of cancelled certificate, fine of Rs 50 shall be charged in addition to the renewal fee.
- d. For renewal of cancelled registration, fine of Rs 500 shall be charged in addition to the registration fees.
- e. In case of violation of terms and conditions, the certificate shall stand cancelled immediately after violation comes to notice.

vii. Appeal:

The applicant who is aggrieved by any decision of the Town Vending Committee with respect to issue of certificate of vending or cancellation or suspension of certificate may file an appeal to the Divisional Commissioner as following:

- a. The appeal may be on plain paper.
- b. The appeal shall be filed within a period of 30 days from the date of decision.
- c. The appeal shall be disposed of within a time period of 30 days from the date of filing the appeal.

3. Movable street vending:

The areas where it is not possible to provide space for street vendors on roadsides or there is no vacant site available to set up vendors stall, movable street vending may be allowed, the street vendors will be allowed to sell their products by roaming around the areas on their push cart/ cycle cart, on head, etc.

i. Identification of areas for movable street vending

- a. Non availability and inadequacy of vacant site/ plot or street with sufficient width to hold street vending.
- b. The areas selected for movable street vending shall be demarcated properly on town/city map, clearly showing streets.
- c. Once vendors are allotted the area, they shall not be allowed to engage in movable vending.

ii. Time of vending

The vending shall be allowed from 6.00 am to 11.00 pm

4. Street vending on roadsides:

Street vending activities always flourish if it is located on roadsides of the major road, as it gets the required threshold population and demand along with convenience to the consumers/ users.

i. Identification of streets:

- a. Roads having ROW not less than 24 metres shall be selected for street vending activities

- b. In case, the road width is less than 24 metres, the street vending shall be allowed only if the road is declared as non-vehicular zone.
- c. Competent authority has all rights to shift the location of street vending.
- d. 30% of sites shall be reserved for S.C's, women, persons with disability, minorities, etc.

ii. Areas allotted to individual hawkers/ vendors.

- a. A maximum of 6 sq. mtrs area 'vending area' shall be provided to each vendor/ hawker with dimension of 3 mtrs x 2 mtrs.
- b. Passage of 1.0 meter width in front of stalls shall be reserved as 'extension', for consumers/ users to stand or buy goods.
- c. A walkway of 2.0 meters width shall be provided for pedestrians, in front of extension space.
- d. In no case, the pathway shall be allowed to encroach by the vendors.
- e. If the width of road permits, street vending may be allowed on both sides of the road.
- f. The vending activity shall be allowed at a distance of 50 metres from any junction/ exit / entry of road.

iii. Structure to be erected

- a. No permanent structure shall be allowed to erect.
- b. The vendors shall make their stalls on cycle carts/ push carts/ on head, etc.

iv. Rent to be paid for vending

A rent of Rs 100 per month shall be paid by the vendor to the municipality

v. Parking provisions

- a. Parking space of 2.5 metres width shall be demarcated on roadside for customers/ users.
- b. Vehicles shall be parked parallel to the roadside.

vi. Common Civic amenities to be provided

- a. The movable public toilet and drinking water facilities may be provided at appropriate distance.
- b. Lighting to hawkers shall be allowed by the lamp mechanism (battery with CFL lamp)
- c. No individual electricity and water connection shall be allowed.

vii. Time of vending

The vending shall be allowed from 6.00 am to 10.00 pm

5. Street vending on a site/ plot identified by the municipality:

In case, the road width is not sufficient to set up vending stall, vacant sites/ plots may be identified by the municipality to set up vendor market, where street vendors shall be provided with fixed stalls and facilities like sheds, green spaces, plantation, public toilets and drinking water.

i. Identification of site for the vendor market

- a. The vendor market shall be located between the developed areas like core areas, areas between TP schemes (planned areas) and sectors.
- b. The site must have an access from a road.
- c. The site may be in vicinity of residential areas.
- d. The site shall be enclosed with virtual barriers of 0.7 to 1.0 metre height like metal railing, shrubs, trees, etc to regulate entry & exit and to prevent the vendor market from encroachment, stray cattle, etc.
- e. The vendor market shall be designed with sitting facilities, public toilets, drinking water facility and landscaping.
- f. Only 45% of the total site area shall be utilized for vending stalls/ kiosks and rest shall be utilized in circulation, public utility, sitting and plantation.
- g. Municipality has all rights to shift the location of vendor market.
- h. 30% of vending sites shall be reserved for S.C's, women, persons with disability, minorities, etc.

ii. Area norms for individual hawker/ vendor

- a. A maximum of 6 sq.mtrs area shall be provided to each vendor/ hawker with dimension of 3 mtrs x 2 mtrs.
- b. Passage of 1 metre width shall be provided as 'extension area' in front of stall.
- c. Minimum 2 metre space in front of 'extension space' shall be kept as pedestrian pathway for movement of people.

iii. Structure to be erected on site

- a. A temporary frame of wooden planks or bamboo with cloth/ tirpal at top may be allowed to hawker/ vendor without rehris with the permission of TVC.
- b. Sitting space shall be provided for 10% of expected users.
- c. No permanent structure shall be allowed.

iv. Rent of the allotted space

A rent of Rs 100 per month shall be paid by the vendor to the municipality.

v. Parking provisions

- a. Parking space of 2.5 metres width shall be demarcated on adjoining road.
- b. Vehicles shall be parked parallel to the roadside.

vi. Common Civic amenities to be provided in vendor market

- a. The vending area shall be lit from halogen lamp tower. For individual lighting, hawkers may use lamp mechanism (Battery with CFL lamp).
- b. No individual electricity and water connection shall be allowed.
- c. Public toilet and drinking water facilities as fixed public infrastructure or movable may be provided as per National Building Code.

vii. Time of vending

The vending shall be allowed from 6.00 am to 10.00 pm

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