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कार्यालय आयुक्त, धर्मशाला नगर निगम
धर्मशाला दिनांक 28-01-2021

कार्यालय धर्मशाला नगर निगम

सर्व साधारण को सूचित किया जाता है कि धर्मशाला नगर निगम द्वारा निम्नलिखित bye laws प्रस्तावित गये है जोकि धर्मशाला नगर निगम की website <https://edharamshala.in> पर देखे जा सकते हैं। इन Bye Laws से सम्बन्धित आपति दर्ज करना हो या सुझाव देना हो तो वह 28 फरवरी 2021 तक किसी भी कार्य दिवस में सुबह 10.00 बजे से शाम 5.00 बजे तक धर्मशाला नगर निगम कार्यालय में लिखित रूप में अन्यथा mc_dharamshala@rediffmail.com पर ईमेल से भेज सकते हैं।

1. Draft Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye Laws 2021.
2. Draft Grant of License for use of Premises and Storage of Article in a Premises) Bye -Laws 2021.

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आयुक्त
धर्मशाला नगर निगम

Dharamshala Municipal Corporation
Notification

No.....

Date: 27-01-2021

In exercise of the powers conferred by section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014), Subject to the provisions of this Act or any rule or scheme made there under, the Dharamshala Municipal Corporation, hereby makes the following bye-laws for street vending, namely:--

CHAPTER — I
PRELIMINARY

1. **Short title and commencement.** -
 - a) This Bye-laws may be called The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws—2021 for Dharamshala Municipal Corporation.
 - b) It shall come into force on such date, as notified in the Official Gazette, by the appropriate Government.
2. **Definitions.** In these bye-laws, unless the context otherwise requires:
 - a) "Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014);
 - b) "Appropriate Government" means the Government of Himachal Pradesh;
 - c) "Bye-laws" means the bye-laws made under section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 ,
 - d) "Festive market" means a market where sellers and buyers have traditionally Congregated for the sale and purchase of products or services during festival season of the city or town and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
 - e) "Grievance Redressal Committee" means a committee constituted by the Government of Himachal Pradesh under sub-section (1) of section 20 of the Act;
 - f) "Heritage Market" means a market which has completed more than fifty years in one place where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
 - g) "Holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
 - h) "Local authority" means Dharamshala Municipal Corporation.
 - i) "License" means certificate of vending.
 - j) "Mobile vendors" means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
 - k) "Municipal Commissioner" means the commissioner of the Dharamshala Municipal Corporation, Himachal Pradesh;
 - l) "Natural market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
 - m) "Niche market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of niche products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
 - n) "Night bazaar" means a bazaar where sellers and buyers have traditionally congregated for the sale and purchase of products or services after evening i.e. during night and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
 - o) "Notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
 - p) "Plan" means plan prepared under section 21 of the Act;
 - q) "Planning authority" means an Urban Development Authority or any 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 Improvement trust Act or the Municipal Act, as the case may be it Act;
 - r) "Public purpose" includes in the context of the Act
 - (i) widening of roads, streets, lanes;
 - (ii) shifting the alignment of roads, streets, lanes;

- (iii) erecting flyovers with or without clover leaves and slip down roads;
 - (iv) erecting of underpasses;
 - (v) development of land owned by public authorities for some public projects;
 - (vi) laying of water, storm water or sewer lines;
 - (vii) erecting intermediate pumping stations for the services;
 - (viii) any project related with public transport like BRTS, Metro, etc.;
 - (ix) erection of Economically Weaker Section (EWS) Housing;
 - (x) Creation of Parks, Gardens and Recreational Area;
 - (xi) Conservation of any eco system resource in that area and
 - (xii) Any other developmental work taken by the local authority, the beneficiary of which will be the community at large.
- s) "Scheme" means Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2017
- t) "Seasonal market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during specific seasons and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- u) "Section" means section of the Act;
- v) "Stationery vendors" means street vendors who carry out vending Activities on regular basis at a specific location;
- w) "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, 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;
- x) "Registered Street vendor" means a person engaged in street vending as per the Act and is registered with Dharamshala Municipal Corporation under Street Vendor Act 2014.
- y) "Town vending committee" means the body constituted by the appropriate Government under section 22 of the Act.
- z) "Vending zone" means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, 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.
- aa) Violation " means an Act committed et vendor which contradicts the conditions given in the License/ Certificate of Vending.
- bb) "Weekly market" means a market where sellers and buyers have weekly congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- cc) Words and expressions defined in the Act and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act.

CHAPTER-II

MANNER OF VENDING IN DIFFERENT VENDING ZONES

3. REGULATION AND MANNER OF VENDING IN DIFFERENT VENDING ZONES-

- a) **Vending Zone:** TVC shall have to decide about vending zones considering an intensity of foot falls, nature of road, Road width and vehicular & pedestrian movement in the city.
- I. There shall not be any restriction-free-vending zones in the city. Carrying capacity of an area would put the ultimate limit on the number of street vendors which can be positioned in any area. However, there shall not be any restriction on mobile vending in these areas if vendors continuously move, without affecting traffic and commuter movement. In such cases TVC has to decide the total number of such mobile vendors who can be accommodated after taking into account the area of significant footfall and 1/3 of the holding capacity of the area; otherwise there is a chance of creating problem for traffic movement, as the mobile vending invariably takes place from the carriage way.
 - II. Mobile vending is only allowed on vending streets as specified by TVC Dharamshala.
 - III. In no circumstances street vendors number will increase above **2.5% population of particular ward of DMC.**
 - IV. Minimum **1 meter** space for **pedestrian movement** need to be ensure in front of vending area and road. This area need to be kept free from any kind of obstructions.

- V. It shall be the duty of the designated official of the local authority to keep a check that number of mobile vendors shall not cross the limit at a specific place as decided by the town vending committee.

b) **The restricted vending zones** are mainly linked up with the road width, and the roads of the following description have been put in this category in the plan;

- (i) There shall not be any stationary street vending on a road having width equal to **3 meter**. However, after due approval from the Town Vending Committee, one side street vending shall be allowed if **such road is declared as no vehicular road**.
- (ii) There shall not be any stationary street vending on a road having width between **5 meters to 8 meters**. However, after due approval from the Town Vending Committee one side street vending shall be allowed if such road is declared as **one way vehicular road**.
- (iii) Number of street vendors shall be decided by considering holding capacity of each designated vending area on such a road.
- (iv) Such stationary vending shall be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If required, road side parking shall be banned in such area where street vending is allowed.
- (v) Mobile vending shall be allowed on such road after consideration to the traffic and pedestrian movement.
- (vi) Suggestive road designing is attached as Annexure.

c) **No vending zone:**

- (i) No vending shall be allowed around **100 meters** of the Secretariat, District Courts, District Secretariat, Municipal Corporation, Military Cant. Est. and state archeological monuments.
- (ii) No vending within **25 meters** from any crossing of two or more roads on all side and any declared heritage structures by the local authority. No vending with 50 meters from Mcleodganj, Dalai Lama Temple, Kachehri chowk, Fawahra chowk and Dolma chowk.
- (iii) No vending shall be allowed around **50 meters** on both the sides from the entry and exit of any educational institutions and hospitals.
- (iv) There shall not be any vending on State Highways and National Highways.

4. **Restrictions on street vendors.**

- a) **A street vender**, who got street vending certificate for any of these vending zones, **shall not** — Obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;
- b) Obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street;
- c) Obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc or similar installations;
- d) Obstruct or interfere with any other structures, sign boards, display units, city works or operations, on or adjacent to the street;
- e) Sell any prohibited, objectionable / pirated goods or services or merchandise etc; as per rules, regulations and notifications issued by any statutory authority from time to time.
- f) Occupy more space than allotted space by the TVC/ DMC;
- g) Sell goods or services or merchandises after fixed hours as specified by the TVC;
- h) Dispose garbage in an un-segregated manner and in any place other than specific place which is identified by the local authority.
- i) Sell the goods or services or merchandises after expiry of the vending certificate;
- j) Use of loudspeakers, megaphones, sound systems or other amplification equipment;
- k) Allow any person other than family member to vend from his vending place or sublet the place, allotted by local authority.
- l) Use any unauthorized and prohibited mechanism for energy requirement in public place, crowded area for cooking and heating purpose example open tandoor and domestic LPG.
- m) Construct any permanent or temporary structures on allotted space.
- n) Use banned polythene bags of any kind.
- o) Transfer the certificate to any other vendors without approval.

Responsibility of Street Vendors– It shall be the duty of the street vendors or his family members or employee to, :

- a) Comply with all the conditions specified in the certificated of vending
- b) Comply with all the conditions specified in The street Vendors(Protection of Livelihood and Regulation of street vending)Act,2014, HP SV rules-2016 & HP SV Scheme,2016 those are left out from these Bye laws.
- c) Do vending on the place as specified in the vending certificate;
- d) Comply with all conditions specified in the certificates;
- e) Prominently display ID card & Certificate of vending at vending place all times;
- f) Ensure that either the street vendor or such family member whose name has been mentioned in the vending certificate or employee remains present at vending place during vending hours;
- g) Keep the vending place safe and in good conditions all times;
- h) Comply with any safety and or sanitary requirements of local authority i.e DMC and any other line department of HP.
- i) Produce the certificate of vending when demanded by any of the Government authority;
- j) Comply all the requirements of the Food Adulteration Act or any other act if applicable;
- k) Clear and remove , wares and articles everyday at the end of vending hours from the site, no storage at vending site is permitted in any manner other than the facility developed by the local authority.
- l) Use recommended fire safety devices/equipments in case of registered food street vendors for heating purposes by using commercial LPG connection and also in case of other vendors selling combustible products.
- m) Comply to Bye laws framed by Dharamshala municipal Corporation for Door to Door Garbage Collection and Disposal ,2018.
- n) Follow all the requirements of this bye-laws and conditions mentioned in the vending certificate.

CHAPTER — III FEES, TAXES AND PENALTIES AND TERMS & CONDITIONS

6. **Vending Fees**- Every registered street vendor shall be liable to pay vending fees as prescribed by TVC from time to time as per Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme,2016.
7. **Fee for amenities and facilities** – Every registered street vendor shall be liable to pay fee for amenities, facilities and maintenance charges e.g drinking water, public convenience, storage / refrigeration store etc as prescribed and provided by the local authority time to time and as applicable.
8. **User Fee/charges:** Every registered street vendor shall be liable to pay fee/charges as per Door to Door Garbage Collection and Disposal Bye laws,2018 of Dharamshala Municipal Corporation.
9. **Penalty to be levied-**

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

S.No	Penalty Type/ Nature	Penalty Amount (INR)
1	1 st time violation	1000/-
2	2 nd time violation	2000/-
3	3 rd time violation	5000/-
4	4th time violation	Suspension of License / certificate of vending for 3 months. License will be kept at DMC office till suspension period.
5	5th time violation	License will cancelled as per the act and conditions in the certificate.
6	Penalty for carrying out unauthorized street vending (without certificate of vending).	1 st time violation – 2000/-

<i>Note: if any shop owner/ property owner is found vending goods or services by himself or through someone else in front of his premises or corridor, he/she shall also be liable for penalty under this provision as unauthorized vendor.</i>	2 nd time – 5000/- 3 rd time 10000/- along with seizure of goods without return policy.
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b) If registered street vendors violates any provision of the act / bye laws five times, then the vending certificate will be cancelled and the vendor has to apply for the license afresh(re-registration) with the approval of TVC.

10. Other Fees: The fee to be charged from registered street vendors other than vending fee, amenities, facilities and maintenance fee and penalties are as under:

S.No	Services	Service Fee (INR)
1	ID Card (Validity 5 years from date of issue)	200/-
2	Duplicate ID card in case of lost/damage	300/-
3	Renewal of ID card (5 Years Validity)	100/-
4	License/ certificate of vending	100/-
5	Duplicate License/ Certificate of Vending in case of lost/damage	200/-
6	Renew of License/ Certificate of Vending after 5 years (apply 2 months prior to expiry).	100/-
7	Penalty fee for delay in monthly vending fee after 10 th of every month @ Rs 10/- per day up to maximum 90 days. License will be cancelled after expiry of 90 Days.	10/- per day
8	Penalty for delay in renewal of License/ certificate of vending by the street vendor	20/- day
	a) 0-30 days	20/- day
	b) 30-60 days	500/- + 20/-day
	c) Above 60 days and maximum up to 90 days	1500/- + 20/-day
9	Re- registration of certificate of vending certificate after cancellation due to five repetitive violation and cancellation due to non submission of vending fee for more than 90 days.	3000/-

11. Vending space limits for street vendors:

S.No	Category of Street Vending	Max Vending space	Remark: Vending Space for registered SV may be vary as per the actual space availability in vending zone.
1	Fruits & Vegetable Seller	5 Feet* 7 Feet	
2	Fast food & Food Items	5 Feet* 6 Feet	
3	Cloth & Handloom Items	5 Feet* 5 Feet	
4	Home Décor & Handicraft	5 Feet* 5 Feet	
5	Others	4 Feet* 5 Feet	

12. Terms and Conditions:

- Venders having daily receipts of tehbazari will not be considered as registered street vendors until and unless Venders are eligible as per vending rules/ scheme of HP and are registered with DMC.
- Every registered street vendor shall be liable to pay monthly vending fee by 10th of every month in D004D office. Submission of fees is the responsibility and duty of street vendor and DMC is not going to collect it on daily bases.
- Vendors shall have options for payment at DMC office through digital mode of transaction i.e debit/ credit card or can directly transfer through net banking or cheque, in DMC/TVC account.

- d. The perishable items seized from un-registered street vendors will be donated to Societies/ charitable trusts/ ashrams/ hospitals/ shelter for urban homeless, Old age home etc and non- perishable items will be disposed of by way of open auction by DMC on monthly/ quarterly/ annual basis. No claim can be entertained by office as unauthorized vending is strictly prohibited.
- e. The registration will be valid for five years from date of registration of vendor.
- f. There will be 5% annual compounded increase in the monthly street vending fees with effect from beginning of every financial year i.e from 1st April .
- g. There will be discount in monthly vending fees of 25% to disabled, single women and senior citizen vendors.
- h. The monthly vending fee will be deposited on monthly basis, if one would like to deposit on Quarterly/ half yearly/ yearly basis then discount will be offered to the tune of 5%, 7.5% and 10% respectively.
- i. Exemptions(maximum 50%) in the form of relief to registered street vendors in case penalties imposed will be given only when, the street vendor or his/her next kin shows valid documents of urgency i.e hospitalization, pregnancy, death episode, accident or any extreme emergency due to natural or manmade disaster or riots etc. Such cases will be examined by nodal officer and will be decided at the level of Additional Commissioner on recommendation of TVC. The maximum period for submitting claim for exemption/ relief will be within six months from the date of last fee paid.

CHAPTER-IV

Procedure for Allotment of Vending Site.

13. The local authority through TVC shall adopt draw of lots procedure for allotment of vending sites in the designated vending zones. The determining terms and conditions for allotment of vending sites in the vending zone on first priority, will be for following registered street vendors:
 - a) Who had been surveyed and registered (provided with ID cards/ COV) by the local authority in past will be considered.
 - b) Who possess Himachal Pradesh based Aadhar cards.
 - c) Who submit undertaking to TVC that:
 - I. He/she carry on business of street vending himself or through any of his family members whose names are entered during the survey.
 - II. He/she has no other means of Livelihood.
 - III. He/she shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.
14. TVC will give preference to reserved category (Max 24%) as per HP SV(Protection of Livelihood and Regulation of Street Vending) Scheme,2016.
15. All the surveyed street vendors who had been registered in the areas, which are declared as No Vending Zones will be relocated by the local authority for allotment of sites.
16. If the number of registered street vendors,identified in the survey are more than the holding capacity of the vending zone and exceeds the number of persons which can be accommodated in that vending zone, the TVC shall carry out a draw of lots for issuing certificate of vending for the vending zone and the remaining persons shall be accommodated in any adjoining areas will be considered.
17. If number of registered street **vendors is** less than the number of vending sites then the left over registered street vendors of adjoining sectors/areas will be considered.
18. If it is not possible to accommodate the registered street vendors as per the street vending zoning plan and the holding capacity of that zone, then local authority will issue a computer generated acknowledgement of application specifying waiting list number.
19. If the street vendors who have been surveyed and wishes to do street vending, can get registered as a new registered street vendor based on the waiting list number to such persons whose applications is accepted by TVC.
20. The Mobile. vendors will vend from their allocated areas or where they have been surveyed until and unless they are not violating any norms of the act. If they do so, then they will be shifted to nearby space as per vending zone norms. Such vendors can stay up to 30 minutes maximum at one place.
21. The Essential Service Providers (ESP) street vendors will vend from their allocated areas or where they have been surveyed until and unless they are not violating any norms of the act. If they do so, then they will be shifted to nearby space as per vending zone.

CHAPTER-V
MISCELENEOUS

22. **The Regulation of traffic in the vending zone.**—Wherever a vending zone is declared by the TVC, the traffic police shall decide about one way traffic, vending timings, speed limit, parking, movement of heavy vehicles etc. If traffic division doesn't agree with the vending zone, in that case it shall have to be shifted or cancelled in consultation with the TVC and urban development department.

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

23. **The Regulation of the quality of the products and services provided to the public in vending zone and maintenance of the public health, hygiene and safety standards.**—

- a) Any vendor who sell food articles, readymade or processed on the street shall have to follow all the provisions of the Food Adulteration Act 1954. In case of failure, penal measures shall be initiated by the concern department, as prescribed in the Food Adulteration Act. If there is any conviction order from the concerned department, vending certificate of such street vendor shall be cancelled by the local authority with immediate effect,
- b) Quality of articles vended from the street can only be taken care of in case, there is a prescribed standard under a relevant statue. Otherwise it will be only a qualitative assessment. In the absence of such standard it will be necessary to collect sample of such items against which some complaints are received by the vendors. Such cases can be discussed in the joint meeting of whole sellers, manufactures and vendors under the chairmanship of commissioner to arrive at amicable solutions

(Explanation for example, presence of toxic paint and sharp edges of the different part of the toy. There is a need fo develop systematic samples taking an analysis of the same in an accredited laboratory. In case of proved presence of toxic element in the toys. The wholesaler should be compelled to take it back end payback the vendor price they pay if it not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity should be given drawing attention to the authorities empowered to take suitable "items".)

24. **The regulations of the civic services in the vending zone.**—

- a) The public public toilet and drinking water facilities shall be provided at appropriate place by the local authority if there is unavailability ;
- b) Proper collection of segregated solid waste management system have to be provided by the local authority on user charge basis but cleanliness of the allotted site is to be managed by the registered street vendors, no littering will be allowed.
- c) Lighting/power energy requirement to operate electric gadgets to the vendors shall be allowed by the solar or battery operated lamp mechanism .
- d) No individual electricity and water connection shall be permitted in vending space.

25. Miscellaneous

- a) The Commissioner/Chairman or the Licensing Officers may limit the time during which street vender may be permitted to operate either generally or specially in respect of any class of articles or in any particulars public street within the city.
- b) The license granted under these bye-laws shall expire on completion of 5 years from the date of issue.
- c) The registered street vendors shall not do or permit to do negligent act, likely to cause fire or otherwise endanger to the public safety.
- d) If the registered street vendor fails to comply with any terms and conditions of this license, the commissioner or the authorized officer can revoke or suspend the license.
- e) If in case of registered street vendors reports of reduction in customer base due to relocation /displacement resulting in to livelihood at stake, may inform the local authority for change in the location of vending. In such cases, the local authority may discuss in the TVC for the potential relief (subject to maximum 1 relocation only).

- f) If the registered street vendors v/ant to withdraw his/her license at any point of time, then he/she may submit an application in writing for discontinuation.
- g) Notwithstanding anything contained in these byelaws, the TVC may on compassionate ground in case of extreme hardship grant a certificate of vending to any person who is having severe disability of any type, HIV positive, senior citizen. orphans, Poor/EWS widow and divorced women etc.
- h) In case the registered street vendor dies or become incapable of running his/her business on account of old age, infirmity, or any physical or intellectual disability as per requisite valid certificate from appropriate authority, the commissioner /licensing officer may, for reasons to be recorded in writing, grant a license out of turn to his lineal descendant as per the act or the spouse. The lineal descendant or the spouse of the registered street vendor shall intimate the local authority about such death, disability, infirmity or illness with valid document e.g. death, disability etc. in writing.
- i) The license / Street Vender shall always keep the license issued to him and shall on demand procedure it to the Commissioner/ Chairman or the authorized officer.
- j) The license / street vender shall not transfer the license issued to any other person ,without.the prior written permission of the Commissioner/ Chairman or the authorized officer.
- k) Every License issued to the street vender under these bye- laws may be renewed within 30 days from its date of expiry.
- l) If the license / street vender fails to comply with any terms and condition of the license, the Commissioner/ Chairman or the authorized officer can revoke or suspend the license.
- m) In event of any future planning development of site/court order/directions, the allotted size is prohibited meant for vending; the registered street vendor shall not sell the articles in such prohibited site.
- n) In case of any change in future scenario, the byelaws may be amended with the recommendation of TVC and to be further notified.

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

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**Commissioner,
Dharamshala Municipal Corporation.**