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NOTIFICATION

No. H. 12018/233/2012-LJD, the 13th January, 2012. The following Act is hereby published for general information.

The Mizoram Street Vendor (Protection of Livelihood & Regulation of Street Vending) Act, 2011 (Act No. 4 of 2012)

{Received the assent of the Governor of Mizoram on the 19th December, 2011}

Zahmingthanga Ralte,
Deputy Secretary to the Govt. of Mizoram.

AN

ACT

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 Legislative Assembly of the State of Mizoram in the Sixty second year of the Republic of India as follows:-

CHAPTER – I PRELIMINARY

1. *Short title, extent and Commencement :-*
 - (1) This Act may be called the Mizoram Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2011.
 - (2) It shall extend to the whole of the State of Mizoram except the areas of the Autonomous District Councils under the Sixth Schedule to the Constitution of India.
 - (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
 - (4) The provisions of this Act shall not apply to the land, premises and trains owned and controlled by the Railway.

2. *Definitions :-*

- (1) In this Act, unless the context otherwise requires, –
 - (a) "Government" means the Government of Mizoram ;
 - (b) "holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone;
 - (c) "local authority" means a Municipal Corporation or a Municipal Council by whatever name called, or such other body legally entitled to function as a local authority in any city or town to provide civic services and regulate street vending, and includes the "planning authority" which regulates the land use in that city or town;
 - (d) "notification" means a notification published in the Official Gazette;
 - (e) "planning authority" means an Urban Development Authority or any other authority in any city or town designated by the Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Town and Country Planning Act or the Urban Development Act or the Municipal Act;
 - (f) "prescribed" means prescribed by rules made under this Act by the Government;
 - (g) "scheme" means a scheme framed by the Government under section 3;
 - (h) "specified" means as specified by the scheme;
 - (i) "state nodal officer" means an officer designated by the State Government to co-ordinate all matters relating to urban street vending in the State;
 - (j) "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;
 - (k) "town vending committee" means the body constituted by the Government under section 4;
 - (l) "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.
- (2) Any reference in this Act to any enactment or any provision thereof, shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER – II
SCHEME FOR STREET VENDING

3. *Scheme for
Street Vendors.*

- (1) For the purposes of this Act, the 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 local authority 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 licence and fines for contravention of the terms and conditions of the license;
 - (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 principle 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, local authority, 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 Government as proper for including the scheme;
- (2) A summary of the scheme notified by the Government under sub-section (1) shall be published by the local authority 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 Government shall, in each local authority, constitute a town vending committee.
 - (2) Each town vending committee shall consist of –
 - (a) the Municipal Commissioner or the Chief Executive Officer, as the case may be, who shall be the Chairperson; and
 - (b) such number of other members as may be prescribed, to be nominated by the Government, representing the local authority, the planning authority, traffic police, local police, association of street vendors, market associations, traders associations, resident welfare associations, nationalized banks and such other interests as it deems proper :

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 that reasonable representation shall also be given to persons who are physically challenged.
 - (3) The Chairperson and the members nominated under clause (b) of sub-section (2) shall receive such honorarium as may be prescribed by the Government.
 - (4) The Chairperson or the member nominated under clause (b) of sub-section (2) shall, unless his nomination is terminated earlier by the Government, hold office 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 local authority and shall observe such rules of Procedure in regard to the transaction of business at its meetings, and in the 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 discussion relevant to that purpose, but shall not have a right to vote at a meeting of the committee and shall not be a member for any other purpose.

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

7. *Office Space and other employees for Town Vending Committee :* The 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 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 local authority or counters of town vending committee, fee for registration, usage of parking space for mobile stalls and availing of civic services, in consultation with the local authority;
 - (e) identify and designate vending zones;
 - (f) specify timings for vending in vending zones;
 - (g) maintain the records of land, street, footpath, embankment, waiting area, parks and other public places designated for vending in such 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 zones;
 - (l) identify and declare vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones in the manner specified;
 - (m) fix sign boards at each vending zone to indicate kind of vending zone, its boundaries and vending timings;
 - (n) declare place and timings of vendors markets for weekly haats, night bazaars, holiday bazaars and festival bazaars;
 - (o) ensure adequacy of civic amenities including water, sanitation, waste management, electricity, provided in the vending zones;
 - (p) monitor activities of street vendors;
 - (q) ensure that the quality of products and services provided to the public and public health, hygiene and safety standards as specified by the local authority are maintained;
 - (r) ensure that allotted stalls are utilised by the allottee(s) in accordance with the terms and conditions specified;

- (s) specify the terms and conditions for issue, renew, suspension or cancellation of registration in the manner specified;
 - (t) determine actions including imposition of fine for violating the terms and conditions for registration;
 - (u) promote awareness regarding credit through institutional mechanisms;
 - (v) determine norms for regulating the activities of street vendors;
 - (w) determine terms and conditions for providing benefits of insurance, maternity benefits, old age pension and other social security schemes to the street vendors in case of death, illness or disability;
 - (x) lay down guidelines for organising 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;
 - (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 statements in such form and manner as may be prescribed.

CHAPTER – IV REGISTRATION OF STREET VENDORS

11. *Application for registration :*
- (1) Every person who has completed the age of 18 years and intends to do street vending shall make an application for registration as street vendor to the town vending committee.
 - (2) Every application under sub-section (1) shall be made in such form and manner and accompanied by such fee as may be specified.
12. *Registration of Street Vendors:*
- (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 there under, he shall register the name of the street vendor.
 - (4) Any person aggrieved by the decision of the town vending committee under sub-section (3) may, prefer an appeal to the local authority within such period, and in such manner, as may be specified.
13. *Preference in allotment of stalls to registered Street vendors:*
- (1) The local authority may give preference to the registered street vendors in allotment of stalls in the vending zones.
 - (2) The allotment of stalls to the street vendors shall be made in such manner, and subject to such terms and conditions, as may be specified.

14. *Grant of Licence* A registered street vendor to whom a stall has been allotted in a vending zone shall be granted a license and renewed from time to time by the Local authority, in such manner, on payment of such fee, and subject to such terms and conditions, as may be specified.

CHAPTER – V DUTIES OF LOCAL AUTHORITY

15. *Duties of local authority :* Notwithstanding anything contained in any other law for the time being in force, the local authority 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 schemes;
 - (g) determining, in consultation with the town vending committee, the manner of collecting, through banks, counters of local authority 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) earmark space for vending zones in the master plan, development plan, zonal plan, layout plan and any other plan;
 - (c) monitor the functioning of the town vending committee with regard to the planning norms;

- (d) amend the city or town master plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in the designated vending zones;
- (e) demarcate vending zones specific to the requirement of the town or city;
- (f) makes spatial plans conducive and adequate for the prevalent number of street vendors in that city or town and also for the future growth, by adopting such norms as may be specified.
- (g) discharge any other duty or duties which may be assigned to it by the 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 of such vendor 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:
- Provided that no such cancellation or suspension shall be made by the town vending committee unless an opportunity of hearing has been given to the street vendor.
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 local authority is satisfied that such as the case may be, has been secured by the street vendor through misrepresentation or fraud, the local authority may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the allotment of stall or 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 local authority 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 license; 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 which may extend to rupees five hundred, as may be determined by the town vending committee, or as the case may be, by the local authority.

**CHAPTER – VIII
MISCELLANEOUS**

20. *Returns* Every town vending committee shall furnish, from time to time, to the Government and the local authority such returns as may be prescribed.
21. *Promotional Measures* The Government may, in consultation with the town vending committee, local authority, 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 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 rights 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-laws* Subject to the provisions of this Act or any rules or scheme made thereunder, the local authority 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 provided to the public in vending zones and maintenance of public health, hygiene and safety standards;
(e) the regulation of civic services in the vending zones; and
(f) the regulation of such other matters in the vending zones as may be necessary.
24. *Power to make Rules* (1) The Government may, after consultation with the town vending Committee, by notification, make rules for carrying out the provisions of this Act.
(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
(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) an honorarium to Chairperson and members under sub-section (3) of section 4;
(d) the time and place for meeting, procedure for transaction of business at meetings and functions to be discharged under section 5;
(e) the manner and purpose for which a person may be associated under sub-section (1) of section 6;

- (f) an honorarium to associated person under sub-section (3) of section 6;
 - (g) the other employees of town vending committee under section 7;
 - (h) the manner and purposes for constituting, and the number of the ward vending committee under section 8;
 - (i) the form and manner for preparing and publishing annual accounts statement under section 10;
 - (j) the returns to be filed under Section 20.
- (3) Every rule, scheme and bye-law made under this Act shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule or scheme or bye-law or the House agrees that the rule or scheme or bye-law should not be made, the rule or scheme or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme or bye-law.