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NOTIFICATION

No. B. 13016/21/2012-UD&PA/Part, the 10th August, 2015. In exercise of the powers conferred by section 24 of the Mizoram Street Vendor (Protection of Livelihood and Regulation of Street Vending) Act, 2011, the Government of Mizoram hereby makes the following Rules, namely :- The Mizoram Street Vendor (Protection of Livelihood and Regulation of Street Vending) Rules, 2015.

Dr. C. Vanlalramsanga,
Secretary to the Govt. of Mizoram,
Urban Development & Poverty Allegiation Deptt.

THE MIZORAM STREET VENDOR (Protection of Livelihood & Regulation of Street Vending) Rules, 2015.

In exercise of the power conferred by Section 24 of the Mizoram Street Vendor & Protection of Livelihood and Regulation of Street Vending) Act, 2011 the Government of Mizoram hereby makes the following rules, namely:-

**Chapter – I
Preliminary**

1. Title, extent and Commencement:-

- (1) These rules may be called the Mizoram Street Vendor (Protection of Livelihood & Regulation of Street Vending) Rules, 2015.
- (2) It shall have the like extent as the Principal Act.
- (3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:-

In these Rules, unless the context otherwise requires:-

- (a) “Act” means the Mizoram Street Vendor (Protection of Livelihood & Regulation of Street Vending) Act, 2011(Act no 4 of 2011);
- (b) “Chairman” means the chairman of Town Vending Committee;
- (c) “Government” means the Government of Mizoram;
- (d) “Holding capacity” means the maximum number of street vendors who can be accommodated in any vending zone;
- (e) “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;
- (f) “Member Secretary” means the member secretary of the Town Vending Committee;
- (g) “Municipality” means an institution of self government constituted under article 243 Q of the Constitution and under these Rules;

- (h) "Nodal Department" means Urban Development & Poverty Alleviation Department, Government of Mizoram;
- (i) "Notification" means a notification published in the Official Gazette;
- (j) "Public place" means a space not being private property which is open to the use of enjoyment of the public whether the space is vested in a municipality or not;
- (k) "Secretary" means the Secretary to the Government of the Nodal Department;
- (l) "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;
- (m) "Town Vending Committee" means a Town Vending Committee constituted under section 4 of the Act;
- (n) "Vending zone" means an area or place or a location designated as such by the 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

Constitution of Vending Committee

3. Town Vending Committee:

(1) Constitution of Town Vending Committee:

The Government shall constitute Town Vending Committee for cities/towns of the State by notification in the Official Gazette.

(2) Meeting of Town Vending Committee:

- (a) The Town Vending Committee shall meet at least twice a year at such time and place as may be notified by the member secretary from time to time and shall observe such rules and procedure in regard to the transaction of business and in the discharge of its functions at its meetings.

- (b) It shall be the responsibility of the member secretary, to notify the members, or issue meeting notice and inform all the members of the committee, seven days before the meeting is convened.
- (c) The honorarium/sitting allowances and other admissible expenditure of the Committee shall be decided by the Town Vending Committee from time to time.
- (d) The quorum of the committee shall be one third of the total strength of the members at such time.

(3) 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 specified in Rules 7 and 9 in these rules;
- (b) issue to the street vendors identity cards in such form and manner as specified in Rule 9(1) in these rules;
- (c) collect such fee for registration or renewal of registration of street vendors as specified in Rule 9 in these rules;
- (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 specified in Rule 13 in these rules;
- (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, 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, as specified in Rule 12 in these rules;
- (s) specify the terms and conditions for issue, renewal, suspension or cancellation of registration in the manner wherein 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 organizing associations and self help groups of street vendors;
- (y) 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.

(4) Conduct of Business of Town Vending Committee:

- (a) Chairman and the Meeting of the Town Vending Committee – The Chairman of the Town Vending Committee shall preside over all the meetings of the said committee. He shall summon the meetings of the Town Vending Committee at least twice a year or if or when two thirds of the members in writing request him to summon a meeting.
- (b) Decision making of the Town Vending Committee –
 - i) All proposals and questions shall be decided in this meeting by a majority vote.
 - ii) The Chairman or any person acting on his behalf shall exercise a casting of vote in case of tie.
 - iii) The meeting may co-opt any persons or officials who are expert on the subject and its related area. However, co-opt member(s) shall not have the right to vote nor shall take part in the deliberation of any issues if any member or members of the committee so desire.

(5) Other employees of Town Vending Committee:

Other employees of Town Vending Committee may be decided by the Town Vending Committee in consultation with the Nodal Department.

4. Ward Vending Committee:**(1) Constitution and Composition of Ward Vending Committee**

- (a) It shall be the responsibility of the Town Vending Committee to constitute a Ward Vending Committee, in such ward or group of wards or as per the segregation made by the Town Vending Committee, where such activities are taking place, within a municipality. Constitution, composition and the number of Ward Vending Committee may be decided by the Town Vending Committee.
- (b) The tenure for the committee shall be two years from the date of constitution.

(2) Roles and Responsibilities of Ward Vending Committee:

The roles and responsibilities of Ward Vending Committee may be as assigned to it by the Town Vending Committee.

(3) Conduct of Business of Ward Vending Committee:

If Ward Vending Committee is formed, conduct of business of the committee will be as follows:

- (a) Chairman and the Meeting of the Ward Vending Committee – The Chairman of the Ward Vending Committee shall preside over all the meetings of the said committee. He shall summon the meetings of the Ward Vending Committee at such place as and when required and when two thirds of the members in writing request him to summon a meeting.
- (b) Decision making of the Ward Vending Committee –
 - (i) All proposals and questions shall be decided in this meeting by majority vote.
 - (ii) The Chairman or any person acting in his behalf shall exercise a casting of vote in case of tie.
 - (iii) The meeting may co-opt any persons or officials who are expert on the subject and its related area. However, co-opt member(s) shall not have the right to vote nor shall take part in the deliberation of any issues if any member or members of the committee so desire.

- (iv) All decisions made by the Ward Vending Committee shall be approved by the Town Vending Committee.

Chapter – III

Regulations of street vendor

5. Classification of Street vendor:

Street Vendors may be classified into the following three categories:

- (1) **Stationary Vendor:** Those street vendors who carry out vending activities on a regular basis at a specific location and conduct all business transaction in that place shall be called Stationary Street Vendor. The Stationary Vendors occupy space, either open or covered, on the pavements/roadsides or other public/private build up structure;
- (2) **Mobile Vendor:** Those street vendors who carry out vending activities in designated area by moving from one place to another place vending their goods and services are called Mobile Vendor;
- (3) **Temporary Vendor:** Those street vendors who conduct their business on periodical or occasional or weekly basis either from inside or outside the municipal/urban local area limit, on specified vending zones shall be called Temporary Vendor.

6. Survey of street vendors :

- (1) The Town Vending Committee shall conduct a survey of all existing street vendors on a whole city basis or in a phased manner, covering one area (ward/zone/specified part of the area) within a stipulated time under its jurisdiction, and subsequent survey shall be carried out at periodical intervals.
- (2) The Town Vending Committee shall take measures to ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to a norm conforming to two and half per cent, of the population of zone or town or city, as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones.
- (3) The survey must be prescribed in a format prepared by the Town Vending Committee and shall include:
 - (a) Name
 - (b) Name of parents

- (c) Permanent address
- (d) Present address
- (e) Identity proof
- (f) Telephone number (if any)
- (g) Type of vendor (stationary/mobile/temporary)
- (h) Place of vending
- (i) Type of vending activity
- (j) Time/duration of engagement as a vendor
- (k) Details of family members
- (l) If identified as beneficiary/poor for any of the government schemes like Food Security Act, TPDS, SJSRY, etc. and details thereof

7. Application and Issuance of licence for street vending:

- (1) Any person who has completed the age of 18 years, as on the date of application, and intends to do street vending shall make an application for registration as street vendor to the Town Vending Committee.
- (2) For allotment of licence for Street Vending, application is to be made in relevant application format as prescribed in **Form – A or Form – B** or as the case may be. Application shall be submitted to the Town/Ward Vending Committee.
- (3) An application for licence may be accompanied with No Objection Certificate from towns/cities/traffic authority and concerned local/village council which shall be verified and approved by the Committee and the decision of the Committee shall be final.

8. Registration, renewal and payment of fees:

- (1) **Issue of identity card and licence:** All Street Vendors shall be issued licence for street vending and identity card shall be issued to them.
- (2) **Validity of licence:** Licence shall be valid for a period of one year and it shall be renewable.
- (3) **Renewal of licence:** Licence shall be renewed before the expiry of licence, after making a payment of renewal fees specified by the Town Vending Committee. In case the vendor wants to change the activity, the Town Vending Committee shall be informed and its licence shall be renewed to other activity without additional fee.
- (4) **Payment of fees:** Licence fee and renewal of licence fee shall be paid by the applicant after approval of his application, provided that the amount of fees will be decided

by the Town Vending Committee and such fees are subject to revision by the Committee from time to time.

9. Cancellation of Licence / registration

If any registered/and/or licenced vendor or his agent/servant commits breach of any of the provisions under these Rules, the Town Vending Committee may cancel the licence/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.

10. Appeals

(1) **Filing of appeals:** The applicant who is aggrieved by any decision of the Town Vending Committee with respect to issue of licence of vending or cancellation or renewal of licence may file an appeal to the local authority in writing on a plain paper. The appeal shall be filed within a period of 30 days from the date of decision.

In places where there is no municipality, appeal may be filed to the Secretary to the Government, Nodal Department.

(2) **Disposal of appeals:** The appeal shall be disposed off within a time period of 30 days from the date of filing the appeal.

Chapter – IV

Allotment of Stalls and vending zones

11. Allotment of seats/stalls

- (1) Name of the vendors shall be clearly identified.
- (2) Number of seats at a particular vending zone shall be specified by the local authority based on the recommendation of the Town/Ward Vending Committee.
- (3) Number of stalls and allotment to vendors shall be specified by the local authority and vendor's licence/ registration number shall be displayed in every stall.
- (4) Allocation of space for a particular vendor shall be specified by the local authority in consultation with the Town/Ward Vending Committee and depending on the holding capacity of the area.

(5) Duration of allotment of stalls shall be one year and it shall be renewable.

12. Determination of vending zones

- (1) **Restriction - free vending zones:** Any areas or places where vending is freely permitted may be called as "restriction-free zones" such as supermarkets, vegetable markets, local markets or any places determined by the Town Vending Committee.
- (2) **No - vending zones:** Any places or areas where vending is restricted may be determined as "No- vending zone" such as Government offices, institutions, churches or any religious places, military cantonment or any places determined by the Town Vending Committee.
- (3) **Restricted vending zones:** Any areas or places other than restriction-free vending zones and no-vending zones may be called "restricted vending zone" or any places determined by the Town Vending Committee.

Chapter – V

Terms and conditions for street vending

13. Determination of number of vendors and area of operations

- (1) **Stationary vendors:** Number of stationary vendors and their area of operations may be determined by the Town Vending Committee in consultation with the local authority depending upon the local conditions and holding capacity.
- (2) **Mobile vendors:** Number of mobile vendors for particular areas may be determined by the Town Vending Committee. The areas where it is not possible to provide space for street vendors on roadsides or if there is no vacant site available to set up vendors stall, mobile vending may be allowed and vendors may be permitted to sell their goods by roaming around the street but not in no-vending zone or as decided by the Town Vending Committee.
- (3) **Temporary vendors:** Number of temporary vendors and their area of operations may be decided by the local authority based on the recommendation of the Town Vending Committee.

14. Permissible items

The Town Vending Committee will determine permissible items of vending goods and articles. Any items considered as non-permissible items by the government shall also be considered as non-permissible items in these rules.

15. Public health and hygiene

Every street vendor shall pay due attention to public health and hygiene in the vending zones, market concerned and the adjoining areas. He shall keep a waste collection basket in the place of vending. Further, he shall contribute to collect disposal of waste in the vending zone. The vendor market may be provided with sitting facilities, public toilets, drinking water facility and electricity where feasible, by the association of the vendors or the Committee which may be run by them on "pay and use" basis. Regulation of such services may be decided by the service provider.

16. Prohibition for erection of permanent structure

- (1) 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 but no permanent structure shall be allowed to be erected.
- (2) For vendors who set up in super markets, local markets, vegetable markets, etc, where fixed stalls are provided from time to time, no other permanent structure shall be allowed to be erected.

17. Eviction and Relocation

- (1) The local authority, on the recommendations of the Town Vending Committee, declare any vending zone as no vending zone, the vendors shall be intimated fifteen days prior to the date of declaration and all such vendors shall be relocated on priority basis, if such space is available.
- (2) The local authority shall evict such street vendor whose licence has been cancelled or expired or who does not have a licence of vending.
- (3) No street vendor shall be relocated or evicted from the place specified in the licence of vending unless he has been given fifteen days' notice for the same.
- (4) Every street vendor who fails to relocate or vacate the place specified in the licence of vending, after the expiry of the period specified in the notice, shall pay penalty on a daily basis. The amount of such penalty be determined by the Town Vending Committee, but shall not be more than the value of goods sold by the vendor.

18. Time of Vending

Restrictions on vending time in any area shall be decided by the Town Vending Committee.

Chapter – VI

Annual Accounts Statement

19. Form for preparing Annual Accounts Statement

The Town Vending Committee shall prepare its annual account statements as prescribed in Form C and will be submitted to the Nodal Department and the local authority.

Chapter – VII

Supplemental and Miscellaneous Provisions

20. Returns

Every Town Vending Committee shall submit returns to the Nodal Department and the local authority annually as prescribed in Form D.

21. Control by the Government

The local authority and Town vending Committee shall carry out such directions as may be issued to it from time to time by the Nodal Department for the efficient administration of these Rules.

If in, or in connection with, the exercise of its powers and discharge of functions under these Rules, any dispute arises the decision of the Government on such dispute shall be final.

22. Public notice – how to make known

Every public notice given under these rules shall be in writing under the signature of the Secretary or any officer authorised in this behalf by the Town Vending Committee, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within such locality or by advertisement in local newspapers or by publishing the same otherwise as the Town Vending Committee may think fit.

FORM - A
TOWN VENDING COMMITTEE
APPLICATION FOR LICENCE (FOR STATIONARY VENDOR)
[See Rule 7(2)]

To be filled by the applicant

<u>Sl. No</u>	<u>Items</u>	<u>Particulars</u>	
1.	Name of the Applicant	:	_____
2.	Father's/Husband's name	:	_____
3.	Gender	:	_____
4.	Type of Vending articles	:	_____
5.	Area of proposed Vending Zone	:	_____
6.	Name of the locality of proposed vending zone	:	_____
7.	Address of the applicant	:	_____
8.	Date of birth of the applicant	:	_____
9.	Date of application	:	_____
10.	Contact number	:	_____

LIST OF DUCUMENTS TO BE ATTACHED:

- a) Agreement with the landlord by the tenant in case of rented house
- b) NOC from Local Council
- c) NOC from Traffic Authority
- d) EPIC (Election Photo Identity Card)
- e) Recent Passport Photos(3 copies)

DECLARATION:

- 1. I shall follow "The Mizoram Street Vendor (Protection of Livelihood & Regulation of Street Vending) Rules, 2015".
- 2. I shall maintain public health and hygiene in the vending zone.
- 3. I hereby declare that the above information is correct to the best of my knowledge.

Date:

Place:

Signature of the Applicant

FORM - B
TOWN VENDING COMMITTEE
APPLICATION FOR LICENCE (FOR MOBILE VENDOR)
 [See Rule 7(2)]

To be filled by the applicant

<u>Sl. No</u>	<u>Items</u>	<u>Particulars</u>
1.	Name of the Applicant	:
2.	Father's/Husband's name	:
3.	Gender	:
4.	Type of Vending articles	:
5.	Area of proposed Vending Zone	:
6.	Address of the applicant	:
7.	Date of birth of the applicant	:
8.	Date of application	:
9.	Contact number	:

LIST OF DUCUMENTS TO BE ATTACHED:

- a) NOC from Traffic authority
- b) NOC from Senior Sanitation Officer
- c) Electoral Photo Identity Card (EPIC)
- d) Recent Passport Photos(3 copies)

DECLARATION:

1. I shall follow "The Mizoram Street Vendor (Protection of Livelihood & Regulation of Street Vending) Rules, 2015.
2. I shall maintain public health and hygiene in the vending zone.
3. I hereby declare that the above information is correct to the best of my knowledge.

Date:
Place:

Signature of the Applicant

FORM - C
TOWN VENDING COMMITTEE
PREPARATION OF ANNUAL ACCOUNTS STATEMENTS
[See Rule 20]

Sl. No	Head of Accounts	Account Code	Amount received	Expenditure	Balance	Remarks
1	2	3	4	5	6	7

Date:
Place:

Seal & Signature
Member Secretary
Town Vending Committee

FORM - D
TOWN VENDING COMMITTEE
PREPARATION OF ANNUAL RETURNS
 [See Rule 21]

1. Name of the Organization/Committee: Town Vending Committee
2. Year:
3. Return for the year ending with the 31st Dec, 20.....
4. Name of the Chairman of the Committee:

5. Details of applications and licences issued:

Sl.No.	No of application for licence received	No. of licence issued	No. of licence rejected	Remarks
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>

6. Details of Revenue:

Sl. No	Total amount of licence fees collected	Total amount of renewal fees collected	Total amount of other sources of income	Total
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>

7. Details of employees

No. of employees	Amount of wages paid for the year
<i>1</i>	<i>2</i>

Date:
Place:

Seal & Signature
Member Secretary
Town Vending Committee