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# मध्यप्रदेश राजपत्र

( असाधारण )  
प्राधिकार से प्रकाशित

क्रमांक 520]

भोपाल, शनिवार, दिनांक 26 नवम्बर 2011—अग्रहायण 5, शक 1933

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 26 नवम्बर 2011

क्र. 6972-395-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश पथ पर विक्रय करने वालों की जीविका का संरक्षण और विक्रय का विनियमन विधेयक, 2011 (क्रमांक 33, सन् 2011) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,  
राजेश यादव, अपर सचिव.

MADHYA PRADESH BILL  
No. 33 OF 2011.

THE MADHYA PRADESH PATH PAR VIKRAY KARNE WALO KI JIVIKA KA SANRAKSHAN AUR  
VIKRAY KE VINIYAMAN VIDHEYAK, 2011

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MADHYA PRADESH BILL  
No. 33 OF 2011.

THE MADHYA PRADESH PATH PAR VIKRAY KARNE WALO KI JIVIKA KA  
SANRAKSHAN AUR VIKRAY KA VINIYAMAN VIDHEYAK, 2011

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

Be it enacted by the Madhya Pradesh Legislature in the Sixty-second year of the Republic of India as follows:—

CHAPTER-I  
PRELIMINARY

1. (1) This Act may be called the Madhya Pradesh Path Par Vikray Karne Walo Ki Jivika Ka Sanrakshan Aur Vikray Ka Viniyaman Adhiniyam, 2011.

**Short title, extent  
and  
commencement.**

(2) It shall extend only to the areas of urban local authorities of the State of Madhya Pradesh.

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

2. (1) In this Act, unless the context otherwise requires,—

**Definitions.**

- (a) “holding capacity” means the maximum number of street vendors who can be accommodated in any vending zone;
- (b) “planning authority” means a 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 master plan or development plan or zonal plan or lay out plan or any other spatial plan which is legally enforceable under the applicable Town and Country Planning Act or the Municipal Act;
- (c) “scheme” means a scheme framed by the State Government under section 3;
- (d) “specified” means as specified by the scheme;
- (e) “State Government” means the Government of Madhya Pradesh;
- (f) “State nodal officer” means an officer designated by the State Government to co-ordinate all matters relating to urban street vending in the State;
- (g) “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;
- (h) “Town vending committee” means the body constituted by the urban local authority under section 4;

- (i) "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;
- (j) "urban local authority" means the Municipal Corporation constituted under the provisions of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and the Municipalities and Nagar Parishad constituted under the provisions of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961).

(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

### Scheme for street Vendors.

3. (1) For the purposes of this Act, the urban local authorities shall frame, by notification, schemes in their respective area of jurisdiction 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 licence;
- (f) the manner of levy and collection of fees for the grant and renewal of licence and fines for contravention of the terms and conditions of the licence;
- (g) the norms of spatial planning to be adopted by the planning authority for earmarking vending zones for street vendors in the master plan, development plan, zonal plan, layout plan or any other spatial plans;
- (h) the principles for determination of vending zones as restriction-free vending zones, restricted-vending zones and no vending zones;
- (i) the conditions under which private places may be designated as restriction-free vending zones, restricted-vending zones and no-vending zones;
- (j) the principles for determining holding capacity of vending zones and the manner of undertaking comprehensive digitalized photo census and survey of the existing number of street vendors with the assistance of experts for the purpose of accommodating street vendors within the holding capacity of the vending zones;
- (k) the terms and conditions for street vending including norms to be observed for up keeping public health and hygiene;

- (l) the designation of State Nodal Officer for co-ordination of all matters relating to street vending at the State level;
- (m) the manner of maintenance of proper records and other documents by the town vending committee, 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 of seizure of stalls, goods and equipments and relocation of, and compensation payable to, evicted street vendors;
- (o) any other particulars which may be considered by the State Government as proper for including in the scheme.

(2) A summary of the schemes notified by the urban local authorities under sub-section (1) shall be published by the concerned local authority in at least two local news papers in such manner as may be prescribed in bye-laws.

### CHAPTER-III TOWN VENDING COMMITTEE

4. (1) The urban local authority shall constitute a town vending committee.

**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) ten members to be nominated by the local authority representing the planning authority, traffic police, local police, street vendors associations, traders associations, resident welfare associations, nationalised 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 (a) and (b) of sub-section (2) shall receive such allowances as may be prescribed in bye-laws made by the urban local authority.

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

5. 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 discharge of its functions, as may be prescribed in bye-laws.

**Meeting of town  
vending  
committee.**

6. (1) The town vending committee may associate with itself, in such manner and for such purposes as may be prescribed in bye-laws, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

**Temporary  
association of  
persons with  
town vending  
committee for  
particular  
purposes.**

(2) A person so associated under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the committee and shall not be a member for any other purpose.

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

**Office space and other employees for town vending committee.**

7. The local authority shall provide the town vending committee with State office space and such other employees as may be prescribed in bye-laws.

**Constitution of ward vending committees.**

8. The town vending committee may constitute, in such manner and for such purposes, such number of ward vending committees, as may be prescribed in bye-laws.

**Functions of town vending committee.**

9. The local authority 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) 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 local authority;
- (d) identify and designate vending zones;
- (e) specify timings for vending in vending zones;
- (f) 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;
- (g) conduct periodic surveys of vending zones;
- (h) collect and maintain data regarding street vendors;
- (i) determine quantitative norms for different categories of stationary and mobile stalls in the vending zones;
- (j) assess and determine maximum holding capacity of each vending zone;
- (k) identify and declare vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones in the manner specified;
- (l) fix sign boards at each vending zone to indicate kind of vending zone, its boundaries and vending timings;
- (m) declare place and timings of vending markets for weekly haats, night bazaars, holiday bazaars and festival bazaars;
- (n) ensure adequacy of civic amenities, including water, sanitation, waste management, electricity, provided in the vending zones;
- (o) monitor activities of street vendors;
- (p) ensure that the hygiene and safety standards as specified by the local authorities are maintained;
- (q) ensure that allotted stalls are utilised by the allottees in accordance with the terms and conditions specified;
- (r) promote awareness regarding credit through institutional mechanisms;
- (s) determine norms for regulating the activities of street vendors;

- (t) 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;
- (u) lay down guidelines for organizing associations and self help groups of street vendors;
- (v) conduct training programmes for street vendors with a view to enlighten them with entrepreneurship and technical and business skills;
- (w) redress grievances and resolve disputes amongst the street vendors.

10. The town vending committee shall prepare and publish its annual accounts statement in such form and manner as may be prescribed in bye-laws.

**Publication of annual accounts Statement.**

#### CHAPTER-IV REGISTRATION OF STREET VENDORS

11. (1) Every person who has completed the age of 18 years and intends to do street vending shall be registered by the town vending committee.

**Registration of street vendors.**

(2) The registration shall be made in such form and manner as may be prescribed in bye-laws made by the local authorities.

12. (1) The local authority may give preference to the registered street vendors in allotment of stalls in the vending zones.

**Allotment of stalls to street vendors.**

(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.

13. 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.

**Grant of licence by the local authorities.**

#### CHAPTER-V DUTIES OF LOCAL AUTHORITY

14. Notwithstanding anything contained in any other law for the time being in force, the local authority shall be responsible for:—

**Duties of local authority.**

- (a) overall supervision and monitoring of the Scheme for street vendors;
- (b) monitoring effective functioning of the town vending committee;
- (c) allotting stalls to the street vendors in the manner specified;
- (d) granting, renewal, suspension or cancellation of licence to the registered street vendors in the manner specified;
- (e) providing, in consultation with the town vending committee, in the vending zones and to the street vendors, civic services, including:—
  - (i) solid waste disposal,
  - (ii) public toilets to maintain cleanliness,
  - (iii) electricity,
  - (iv) drinking water,
  - (v) shelter to protect street vendors and their wares,
  - (vi) storage facilities, beautification, placement of signage, and
  - (vii) other facilities as may be needed by the street vendors and specified in the scheme;

- (f) determining, in consultation with the town vending committee, the manner of collecting fee through banks counters of local authority and counters of town vending committee for use of parking space for mobile stalls and availing of civic services;
- (g) 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;
- (h) notify the entire database of street vendors on its website and update the same at regular intervals.

#### CHAPTER-VI DUTIES OF PLANNING AUTHORITY

**Duties of  
planning  
authority.**

15. 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 requirements of the town or city;
- (f) discharge any other duty or duties which may be assigned to it by the State Government from time to time.

#### CHAPTER-VII BREACHES OF CONDITIONS AND PENALTY

**Cancellation or  
suspension of  
registration.**

16. Where any street vendor who has been registered under this Act or his agent or servant commits breach of any of the conditions thereof or any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder, or where the town vending committee is satisfied that such registration has been secured by the street vendor through misrepresentation or fraud, the town vending committee may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the registration or suspend the same for such period as it thinks fit:

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.

**Cancellation or  
suspension of  
allotment of stall,  
licence etc.**

17. 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 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 allotment of stall or licence, 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.

18. If any street vendor.

**Penalty of  
contraventions.**

- (a) vends goods that are detrimental to public health;
- (b) contravenes the terms and conditions of registration;
- (c) contravenes the terms and conditions of allotment of stall or licence; or
- (d) contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder,

he shall be liable to a penalty which shall not be less than rupees two hundred but which may extend to rupees five hundred, as may be determined by the town vending committee, or as the case may be, by the local authority.

#### CHAPTER-VIII MISCELLANEOUS

19. Every town vending committee shall furnish, from time to time, to the local authority such returns as may be prescribed in bye-laws.

**Returns.**

20. The State 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.

**Promotional  
measures.**

21. The State Government may, to the extent of availability of financial and other resources,—

**Research,  
training and  
awareness.**

- (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.

22. 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:—

**Power to make  
bye-laws.**

- (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 civic services in the vending zones;
- (e) the manner of publishing summary of scheme under sub-section (2) of Section 3;
- (f) the allowances to Chairperson and members under sub-section (3) of Section 4;
- (g) the time and place for meeting, procedure for transaction of business at meetings and functions to be discharged under Section 5;
- (h) the manner and purpose for which a person may be associated under sub-section (1) of Section 6;

- (i) the allowance to associated person under sub-section (3) of Section 6;
- (j) the other employees of town vending committee under section 7;
- (k) the manner and purposes for constituting, and the number of the ward vending committees under section 8;
- (l) the form and manner for preparing and publishing annual accounts statement under section 10;
- (m) the returns to be filed under section 19.
- (n) the regulation of such other matters in the vending zones as may be necessary.

**Power to make rules.**

23. (1) The State Government may, by notification, make rules for carrying out the provisions of this Act.

(2) 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 Legislative Assembly, while it is in the session.

**Power to remove difficulties.**

24. If any difficulty arises in giving effect to the provisions of this Act, the State Government, may, by order, not inconsistent with the provisions of this Act, remove the difficulty.

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

### STATEMENT OF OBJECTS AND REASONS

In the urban areas and its peripheral areas numerous people are engaged in selling different articles of use to the people all over the State. The vendors are generally poor and toil to ckc out a livelihood. The vending activities are different in nature and sustain a sizeable population of the cities to earn their livelihood. It was being felt since long that these activities need to be regulated in broader perspective with a view to safeguard the interests of the vendors on the other hand to regulate the issues like maintaining sanitary conditions of public places. To provide and promote a systematized and legalized street vending activities and to give such activities a legal status by framing an appropriate enactment with a provision of providing them an un hindering and harassment free spaces in the city limits to sell their goods alongside making provisions in the master plans/development plans of city. Such legal provisions will ensure the vendors to get civic facilities and would help them get a respectable place to sell their articles. At the same time such provisions shall regulate the unauthorized activities of hindering the public movement at mass activity areas, and avoid unsanitary conditions in the public places.

2. Acting on the advice received from various corners, the Central Government has framed a national policy on Urban Street Vendors and based on this, a model draft of Bill has been sent to the States for street vendors enabling them to pursue an honest living without harassment and in just manner.

3. In order to achieve the aforesaid objectives, the Madhya Pradesh Path Par Vikray Karne Walo Ki Jivika Ka Sanrakshan Aur Vikray Ka Viniyaman Vidheyak, 2011 is being proposed.

2. Hence this Bill.

BHOPAL :  
DATED the 18th November 2011

BABULAL GOUR  
*Member-in-charge.*