

# THREE YEAR OF COMMENCEMENT OF THE STREET VENDING ACT

## TAKING STOCK AND SURGING AHEAD

### NASVI

The National Association of Street Vendors of India (NASVI) is a federation of 950 street vendor organizations from 23 states of India. It started as a network in 1998 and was registered in 2003 under the Societies Registration Act 1860. It gives voice and visibility to the street vendors, brings their issues of livelihood, social security and their potential to the forefront and engages with national and state governments as well as municipal bodies for protection of their rights and entitlements through policy and legislative instruments and new initiatives. It motivates street vendors for organizing, enables them to build their organizations and helps them up scale their entrepreneurship in a secured and dignified environment.

After 18 years of efforts of NASVI to bring recognition to street vendors and with lot of efforts and struggle a historic legislation **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014** has been enacted by the parliament in 2014. This act is a powerful act in terms of securing the livelihood of street vendors in India.

Over the years when NASVI was struggling to get the act enacted, the role of NASVI has changed drastically from the mode of agitation, advocacy and protest before the act to an organization which monitors the implementation of act, works as a watchdog in the process and facilitates implementation of act across the country through engagement with Govt at all levels.

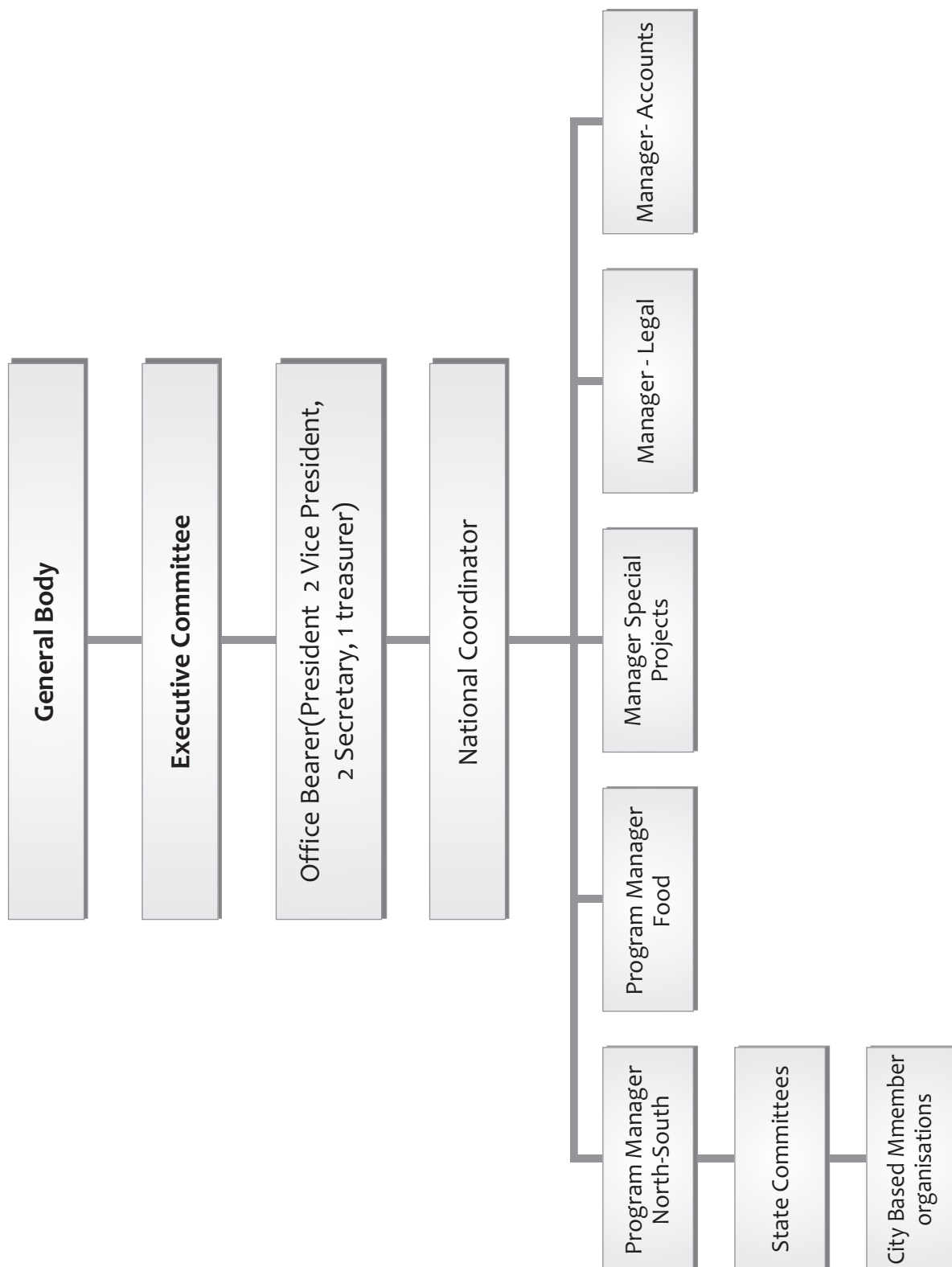
### POST ACT

Currently NASVI has a huge responsibility of getting the act implemented across the country so that this act does not become one of many other acts in India which lie idle after years of being enacted. In order to do this we need to spread awareness among the street vendors about the main points of the act and also to highlight the current level of implementation of the act in various parts of the country and to show light on the various best practices that were taken up by different street vendor organizations in order to get the act implemented in their city or district.

In May 2017 NASVI will commemorate the completion of three years of the enactment of the act. The political climate in the country has settled now and it is necessary to embark on the intensification of the process of the implementation of the Act. In this process planning and involvement of the street vendors and their leaders is very important.

### OBJECTIVE OF THE NATIONAL CONFERENCE

- Take stock of the three year of the enactment of act.
- Pitch for better implementation of the Act
- Raised awareness among masses about the act and its implementation till date.
- Street Vendors individual and organizations become aware and united.
- Build Capacity of the Street Vendors including skilling
- Strengthen women vendors participation



## **Status of the Implementation of the Street Vending Act 2014**

The major focus of NASVI has been to push for the implementation of the Street Vending Act 2014 across the states. NASVI has been meeting the concerned Ministers at the national level and also at the State levels. In this process NASVI delegation met the Union Cabinet Minister Mr. Venkiah Naidu, Union Minister of State for Housing and Urban Poverty Alleviation Shri Rao Inderjit Singh, Chief Ministers of Andhra Pradesh, Telengana, Delhi, Rajasthan, Bihar, Uttarakhand, Deputy Chief Minister of Goa and Urban Development Ministers and Secretaries of many states. NASVI has also been writing to them for early and proper implementation of the Street Vending Act 2014.

NASVI has been monitoring the implementation of the Act getting information from multiple sources – Central Govt, State Govts, Municipal Bodies, street vendor organizations, NGOs etc. It has prepared a spreadsheet and also prepared list of indicators on which to monitor. Needless to say there are many who look forward seeking information about the Act and we provide them the requisite information.

### **Notification of Rules and Schemes**

The first step in the implementation of the Act is notification of Rules and Schemes. Rules and Schemes are notified under the section 36 and 38 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014. At present Rules are notified in 16 states i.e. Assam, Bihar, Chhattisgarh, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Odisha, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttarakhand and in 6 Union Territories i.e. Andaman & Nicobar Island, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep and Delhi. Schemes are notified in 10 states i.e. in Andhra Pradesh, Bihar, Kerala, Madhya Pradesh, Odisha, Punjab, Telengana, Tripura, Uttarakhand, Uttar Pradesh and in 3 Union Territories i.e. Chandigarh, Daman & Diu and Delhi.

### **Bihar**

NASVI has been entrusted by Government of Bihar for implementation of this Act for Street Vendors in 42 towns major (ULBs) of Bihar. Town Vending Committee has been formed in 42 ULBs and is having their meetings. In Bihar, NASVI has completed biometric survey in 42 ULB and has surveyed 55,635 street vendors. All the data has been uploaded on SULM website. 306 vending zones have been identified. 943 street vendors from different ULBs have been given training under the NULM component. IHM, Hajipur has been giving training for preparing safe and hygienic food under FSSAI ACT. 40122 Vendors are being linked with social security schemes PMJJBY, APY, PMJDY, PMJSBY pension schemes, Housing for all etc. They are also linked with Bihar Shatabadi, JSY. 14,103 street vendors are linked financially like opening of bank accounts, loan linkages (SEP), Mudra loan, etc.

### **Uttarakhand**

In Uttarakhand, TVC has been formed in two cities i.e. Dehradun and Haridwar and in Kashipur, Rudrapur, Haldwani and Roorkee, formation of TVC is under progress. Survey has been completed in Dehradun and Haridwar and in Kashipur, Rudrapur, Haldwani and Roorkee survey is under progress. Dehradun survey has been done by NASVI. 13 vending zones are created in Haridwar and 12 Vending

zones are created in Dehradun and 6 Vending zones are identified in Roorkee. The process of identification of vending zones in Kashipur and Haldwani are under progress. Distribution process of Identity cards is under progress in Dehradun More than 2000 vendors have received identity cards in Dehradun

### **Madhya Pradesh**

Madhya Pradesh is still following the law it made for its state in 2012 . Municipal corporations did not start survey according to central law they only renewed old I'd cards Town vending committees were constituted but not as per guidelines and not active it's only paper formalities. hawkers zone were established in Bhopal and Gwalior In Madhya Pradesh, Town Vending committee has been formed in four district of Madhya Pradesh i.e. Gwalior, Jabalpur, Bhopal and Indore and the survey has been completed in these districts. In Jabalpur, Madhya Pradesh, 12 Vending Zones are created and some vending zones were identified in Gwalior, Bhopal etc. The process of distribution of identity card in Gwalior is under progress.

### **Rajasthan**

Both rules and schemes have been formed In Rajasthan, Town Vending Committee has been formed in Jaipur Jodhpur, Kota, Jaisalmer, Barmer and Bikaner. In Rajasthan, only in three cities i.e. Jodhpur, Mt Abu and Kota, survey has been completed. Vending Zones have been identified in Jodhpur.

### **Punjab**

Rules and Schemes have been adopted. Survey completed in Chandigarh, Mohali and Jalandhar. TVC formed in Ludhiana and Mohali in Punjab.

### **Odisha**

This state has the most sensible rules and schemes and Municipal Corporations of Bhubaneswar, Cuttack, Rourkela and Berhampur in Odisha have formed Town Vending Committee for further implementation.

### **Uttar Pradesh**

In Uttar Pradesh, both rules and schemes have been notified. Meerut Municipal Corporation completed the survey of 18,500 street vendors out of which 300 street vendors got Certificate of Vending. In Noida, Vending Zone in Sector 18, Noida has been systematized. Moradabad Municipal Corporation has implemented street vendor policy for the regulation of street vending activities in Moradabad. Total 8,500 street vendors are identified in the city. Corporation took decision on charging fee from various categories of street vendors. They are also working on creating the vending and no vending zones in Moradabad. In Uttar Pradesh, TVC Created in Banaras, Meerut, Ghaziabad, Moradabad, Kanpur, Firozabad, Aligarh, and Bareilly. In Bareilly 6000 street vendors have been surveyed.



## **Telangana**

Rules have not been framed though scheme has been notified. TVC formed in almost all important ULBs though meetings are not being held. Survey has been conducted in ten districts – Adilabad, Nizambad, Medak, Karimnagar, Khamam, Hyderabad, Rangareddy, Nalgonda, Mehboobnagar and Warangal. 36,076 street vendors have been identified and 17,788 have been given identity cards. Vending Zones have been created in Warangal.

## **Andhra Pradesh**

Like Telegana, rules are still missing though scheme has been notified in Andhra Pradesh, TVC has been constituted in all the towns. Vending Plan has been prepared in Vizag and Vending Zones have also been identified here. In Andhra Pradesh, survey completed in 15 Districts i.e. Vishakhapatnam, GVMC, Krishna, Vijayawada, Anathapur, West Godavari, East Godavari, Vijayanagaram, Kadapa, Kurnool, Guntur, Nellur, Prakasham, Srikakulamb and Chittoor, where 61,092 street vendors have been identified and 30,478 vendors have received ID cards. Vishakhapatnam has already created vending and non-vending zones and have also prepared a fully digitalized plan, the first of its kind in India.

## **Tamil Nadu**

In Tamil Nadu, Rules were drafted on 2 November 2015 and scheme was notified on 2 November 2015. 10 Cities constituted TVCs but there are no regular meetings in TVCs, not completed TVCs formations in few towns. Survey is completed in 3 cities i.e. Trichy, Madurai, and Coimbatore and only in two cities of Madurai and Tirunavelli, ID Cards are issued.

## **Karnataka**

In Karnataka, Rules were drafted on 13 May 2016. TVC is formed in Mysore and Mangalore only. Mangalore created a vending zone where half of its vendors were adjusted. Distributing of ID cards is under progress. More than 50,000 ID cards have been distributed across Karnataka.

## **Delhi**

In Delhi, Rules were notified on 7 January 2016. Scheme was notified on 7 January 2016, but Delhi High Court put stay on the Scheme. Survey has been done only in the NDMC area but it will not be applicable as it was not done according to street vendors act. Vending Zone has not been identified or created till now. Delhi vendors faced lot of problem which has taken lot of our time. Markets after markets were evicted. We got the scheme stayed from the High Court still vendors faced problems. Finally High Court gave a stay against eviction which it however amended later saying that the no vending zones which were declared in the past would continue. Thus in Delhi only one Municipal Body, the NDMC has constituted Town Vending Committee and even this could not function because of stay of High Court.

## **Assam**

State government has formed the schemes but rules have not been formed. Till now twelve vending zones have been created in the Guwahati. Only two districts i.e. Lakhimpur and Guwahati have constituted TVCs. 7100 street vendors has been surveyed in Guwahati. Only 152 street vendors have received ID card in Guwahati district.

## **Chandigarh**

In Chandigarh, Rules and schemes have been formed. Survey has been done by a private agency. TVC has been constituted but active vendor leaders have been ignored .

## **Gujarat**

State government has notified rules on 18 October 2016 but no schemes has been formed till now. Vending zone are not created or either identified by the state government. No TVCs are formed till now but the advertisement for the formation of TVC in Baroda has been placed in newspapers. Survey has been conducted in 8 small ULBs .

## **Himachal Pradesh**

In HP, rules and schemes have been formed. Survey has been carried out in 10 towns. Vending zone has been created in these ten districts .. 294 ID cards has been issued till now.

## **Haryana**

Both rules and schemes have been formed in Haryana. TVC has been formed in all the towns. Survey of all the towns has been done. Vending Zone has been created in Gurugram. Distribution of ID cards is under process in Gurugram.

## **Kerala**

Both schemes and rules have been formed by the state government. TVCs have not been created or neither survey conducted by the TVCs. Survey completed only in Palakkad District. Vending Zones are not created. ID cards have been distributed in Palakkad.

## **Maharashtra**

Rules were drafted on 3 August 2016. But no schemes are formed till now. TVC is formed only in Pune. But till now no survey has been done though a survey was conducted in Mumbai

No rules and schemes are formed in **Arunachal Pradesh, Goa, Meghalaya, Mizoram, Nagaland, Puducherry, Sikkim, Tripura, Jammu & Kashmir and West Bengal.**

## Street Vendor Law and the Judiciary

The Street Vendors' Act 2014 was enacted the law on 4.3.2014 and came into force on 1.5.2014, as The Street Vendors (Protection Of Livelihood and Regulation of Street Vending) Act, 2014. It has overriding effect on all other laws as per Section 33 of the said Act.

The Act under Clause 3 (e) of the First Schedule prohibits declaration of any area as no-vending zones or vending zones or restricted vending zones until survey as provided under the Act has been carried out and the Plan for street vending has not been formulated. This read with Section 3 of the Act mandates that no existing hawker/vendor shall be evicted or relocated until the survey as envisaged under the Act is completed and the certificate of vending is issued to all street vendors. It is clear that the language of the Act is categorical that all existing street vendors are to be provided the benefit and protection of the Act.

Therefore, any claim and the averment by the authorities that there is a 'no hawking zone' existing prior to the enactment of the Act is false and baseless. Further, the claim that vendors are "illegal" seeking their removal, is wholly false and cannot be entertained or sustained in law. Indeed, it has been held by the Division Bench of the Delhi High Court that any vendor who has been removed in contravention of the Act, must be restored.

### SUPREME COURT LAID DOWN PRINCIPLES RE :

#### OLD SCHEMES VIS A VIS NEW LAWS – 3 IMPORTANT JUDGMENTS

1. *In Sudhir Madan & Ors Vs MCD & Ors (2009) 17 SCC 332* the Supreme Court held inter alia that: "...It goes without saying that we have approved the schemes as framed by the MCD and NDMC. If the legislature intervenes and frames another scheme or regulations governing such schemes, that will certainly supersede the schemes prepared by the MCD and NDMC. It is well settled that any administrative action is always subject to law that may be framed by the competent legislature..." (Para 30 of the judgement)
2. *In Gainda Ram v. MCD (2010) 10 SCC 715* the Supreme Court held inter alia that, "...67. In the background of the provisions in the Bill and the 2009 Policy, it is clear that an attempt is made to regulate the fundamental right of street hawking and street vending by law, since it has been declared by this Court that the right to hawk on the streets or right to carry on street vending is part of fundamental right under Article 19(1)(g). However, till the law is made the attempt made by NDMC and MCD to regulate this right by framing schemes which are not statutory in nature is not exactly within the contemplation of constitutional provisions discussed above. However, such schemes have been regulated from time to time by this Court for several years as pointed above. Even, orders passed by this Court, in trying to regulate such hawking and street vending, is not law either. At the same time, there is no denying that fact that hawking and street vending should be regulated by law. Such a law is eminently necessary in public interest..." The court further directed the appropriate government to legislate and bring out the law to regulate hawking and the fundamental rights of hawkers by 30.6.2011 (Para 20). Yet the authorities failed to comply and legislate.

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3. In its Judgment dtd 9.9.2013, in Maharashtra Ekta Hawkers Union & Anr. v. Municipal Corporation, Greater Mumbai & Ors. (2014) 1 SCC 490, felt it was apposite for it to step in and direct that the 2009 Policy be implemented throughout the country. In Paras 4 & 5, the Supreme Court expressly alluded to the "raw treatment" received by street vendors from the state apparatus and their regularly being targeted for "extra income" and treatment with extreme contempt by the local authorities, the police, etc. and that the situation had not changed in the last 4 decades. The Supreme Court also expressly acknowledged that the new law would protect the livelihood of millions against constant harassment and victimization which has been the order of the day. (Para 20).

Given that the appropriate law had not been enacted despite specific directions in this regard the Supreme Court, directed the 2009 policy to be implemented throughout the country and for facilitating its implementation issued directions being inter alia constitution of town vending committee at city/town level in accordance with 2009 policy [Para 21.1], that all street vendors/hawkers shall be registered in accordance with Para 4.5.4 of the 2009 policy [Para 21.7], that the process of registration must be completed within 4 months of receipt of directions by chief secretaries of states and administrators of union territories [Para 21.8], If there remains any conflict between the 2009 Policy and the municipal laws, insofar as they relate to street vendors/hawkers, then the 2009 Policy shall prevail [Paras 21.12], All existing street vendors/hawkers operating across the country shall be allowed to operate till the exercise of registration and creation of vending/hawking zones in terms of 2009 policy [Para 21.15], that the aforesaid directions shall remain operative till an appropriate legislation is enacted by Parliament or any other competent legislature and is brought into force [Para 21.17].



## **CASE LAWS AFTER THE STREET VENDORS' ACT 2014 – SOME JUDGMENTS & ORDERS BY THE HIGH COURTS**

- Thereafter the legislature enacted the law on 4.3.2014 which came into force on 1.5.2014, as The Street Vendors(Protection Of Livelihood and Regulation of Street Vending) Act, 2014 having overriding effect on all other laws as per Section 33 of the said Act. The Act under Clause 3 (e) of the First Schedule prohibits declaration of any area as no-vending zones or vending zones or restricted vending zones until survey as provided under the Act has been carried out and the Plan for street vending has not been formulated. This read with Section 3 of the Act mandates that no existing hawker/vendor shall be evicted or relocated until the survey as envisaged under the Act is completed and the certificate of vending is issued to all street vendors. Thus, the language of the Act is categorical that all existing street vendors are to be provided the benefit and protection of the Act.
- W.P.(C) 4303/2014 NASVI Vs. South Delhi Municipal Corporation And Ors, the division bench of the Delhi High Court held that:“...insofar as street vending is concerned, the subject matter is entirely covered by the Street Vendors Act, 2014. The rights and obligations of street vendors, requirements of cleanliness and public hygiene as well as the formation of the Town Vending Committees have been specified in the said Street Vendors Act, 2014. Chapter 8 of the said Act also provides for the prevention of harassment of street vendors. Section 3 of the said Act provides for the conduct of a survey and Section 3 (3) thereof stipulates that no street vendor shall be evicted till the survey has been completed. It is an admitted position that the survey has not yet been completed. Therefore, the provisions of Section 3(3) of the Street Vendors Act, 2014 shall be applicable and no street vendor can be evicted. Section 33 of the Street Vendors Act, 2014 also gives it overriding effect over other laws.” (Paras 2 & 3)
- N.W.P.(C) 8661/2014 NASVI Vs. South Delhi Municipal Corporation And Ors, the division bench of the Delhi High Court referring to judgment held that,“...We have also directed on the previous occasion that if any street vendors have been evicted from the areas referred to therein, they shall be permitted to return. Despite this, some street vendors have been evicted. The learned counsel for the petitioner has shown us some documents which indicate that the articles of sale of the street vendors have been confiscated and, thus, the street vendors have made applications for return/release of the same even in December, 2014 after the passing of our previous order. An affidavit shall be filed along with the documents. The directions given by us on the previous occasion is reiterated. Any non-compliance will be looked at very seriously...”
- LPA 136/2016, New Delhi, Delhi High Court. Bhola Ram Patel vs. Ndmc & ANR. regarding eviction from Bangla Sahib. Judgement- the TVC to conduct a survey within 2 months after appropriately notifying vendors of the survey. it can evict vendors who are not in accordance with the rules on the basis of the 'LAST COME FIRST GO' PRINCIPLE. NDMC was given discretionary powers to decide eviction wrt the Act, Scheme and Rules.
- WP 6622/2015, New Delhi, Delhi High Court. Janodaya Ekta Samiti vs. GNCTD regarding implementation of the act. judgement- enforcement of the scheme has been stayed as it opposes the provisions of sec. 38 of the act.
- WP 8042/2016, The order was passed by the Division Bench of Delhi High Court and clarifies



that its previous order dtd 9.9.2016 directing that street vendors shall not be evicted without following due process of law until 28.9.2016, shall not be made applicable to the areas identified as non squatting zones under the scheme existing prior to the enforcement of the Act of 2014.

- **Bihar state footpath dukandar association v/s state of Bihar: direction to make rules, schemes, bye-laws.**
- **Gokul Prasad Gupta v state of Maharashtra**  
Protection to be provided to a street vendor only if he has supporting documents stating that he hawked in the same area prior to 01/05/2014.  
Eviction of others to be carried out by due process of law.  
Constitution of tvc, framing of scheme and rules to be done.
- **Honaji Hemraj Chavan v state of Maharashtra**  
Only those street vendors who are entitled to be protected under the provisions of the act shall be protected by the Municipal Corporation
- **Masood maiden & ors v state of Tamil Nadu & ors**  
The state government is directed to frame the rules and bye-laws, thereafter at the earliest extend sufficient protection subject to regulation to the vendors.  
eviction is prohibited till completion of survey. petitioners not to increase their shop sizes till survey is completed.
- **Traffic ramaswamy v state of tamil nadu**  
The state is required to take necessary action to ensure that no-hawking zones are cleared of all. Encroachments and maintained as a no-hawking zone.
- **T nagar residents welfare association v state of tamil nadu**  
Relocation of vendors to other areas or streets in order to facilitate free-flow of traffic.
- Second appeal 1126/2014, Tamil Nadu, Madras High court. Mugundan vs. Anna Mgr Memorial beach small regarding eviction of street vendors. judgement- street vending cannot take place on the sands of beaches. No pvt party shall be allowed to take control of or collect any money from vendors allowing them to carry on their business on beaches. **Rajubhai prabhakar rao nadurkar v vododra municipal corporation**  
Prohibition from eviction till land is allocated to the vendors. the said rule is made absolute to the aforesaid extent.
- wp 16455/2015, kerala, kerala high court. t p cherian philip vs. nhai regarding eviction of street vendors. judgement- the 2014 act does not have an overriding effect over the laws relating to highways. street vendors operating on the highways do not come under the ambit of the definition of street vendor provided in the act.
- Wp 17763/2016, Rajasthan, Rajasthan High Court. Ravindra Singh and Ors. vs. State of Rajasthan and Ors. regarding harrasment and eviction. Judgement- The status quo is granted in favour of the petitioner and they may continue to carry on their trade from the existing vends.

## **THE PROCEDURE AS PER THE STREET VENDORS' ACT**

1. The Act provides a procedure mandated to be followed to regulate street vending activities. Firstly, the 'TVC (Town Vending Committee)' must be constituted by the Appropriate Government as per Section 2(m) r/w Section 22 in accordance with the Rules.
2. It is thereafter that a 'Scheme' has to be prepared by the Appropriate Government as per Section 2(j) read with Section 38 after due consultations with the local authority and the TVC. The matters to be provided in the 'Scheme' are provided in the Second Schedule of the Act which inter alia, provides for the manner of conducting the Survey.
3. S 3 provides that the 'Survey' of "all existing street vendors" shall be conducted by the 'TVC' as per the 'Scheme'. All existing street vendors identified in such survey shall be accommodated in the vending zones subject to the provisions of the Act.
4. S 21 provides that it is after the 'Survey' as per the 'Scheme' that the 'Local Authority' shall prepare a Plan in consultation with the planning authority and on the recommendation of TVC. The First Schedule of the Act, expressly provides that It is the 'Plan for Street Vending' that shall determine vending zones, earmark spaces for vending zones, spatial norms, right of way, etc. Such Plan shall be prepared every 5 years by the local authority in consultation with the planning authority, on the recommendations of the TVC. The Plan is required to promote the vocation of street vending.
5. After completion of Survey and formulation of the Plan, the COV (Certificate of vending) must be issued as per S 4 to every street vendor identified in the Survey.
6. S 3(3) provides that no street vendor shall be evicted or relocated till the 'Survey' has been completed and the COV (Certificate of Vending) has been issued to all street vendors.
7. Only if a vendor commits breach of any conditions specified in COV or if such vendor is found vending in a non-vending zone declared as per the provisions of the Act or if the COV has been secured by misrepresentation or fraud, only then, can he/she may be evicted or relocated that too, subject to a 30 days' notice (S 10 r/w S 12 and S 18 of the Act).
8. It is pertinent that S 27 expressly protects street vendors from harassment by police and other authorities and does not allow prevention of exercise of his/her rights by any authority exercising powers under any other law.

## **THE NUMBER OF TVCS, SCHEME & PLAN**

9. As per S 22(1) - Proviso, the Appropriate Government may constitute more than 1 TVC for each zone/ward, in each Local Authority.  
  
For example, the Delhi Govt initially stated that it would constitute 70 TVCs, and now states that it will constitute 68 TVCs in Delhi.
10. As per S 38(1) of the Act, the Appropriate Government shall frame a Scheme as per the Second Schedule, after due consultation with the Local Authority and the TVC.
11. As per S 21(1) – Every Local Authority shall prepare a Plan as per the First Schedule. The Plan is meant to promote street vending.

In Delhi, for the 5 local authorities, South DMC, North DMC, East DMC, NDMC, Delhi Cantt.

#### TO CONCLUDE

12. The declaration of “no-vending zones” etc. is to be an AFTERMATH of the Survey conducted by the TVC as per the Scheme and after taking into consideration the ground realities identified in the Survey.
13. In order to declare any place as a vending, restricted vending or no vending zone, 3(a) of the First Schedule says that “any existing market” or “natural market” as identified under the survey shall not be declared as a no-vending zone”. 3(b) declaration must be such that minimum vendors are displaced. 3(c), (d), overcrowding, sanitary conditions shall not be the basis for declaring any area as no-vending zone unless the latter can be solely attributed to street vendors and cannot be resolved through appropriate civic action through local authorities. 3(e) of the First schedule provides that no zone shall be declared as a no-vending zone till the Survey has been carried out and the Plan has been formulated. The Second Schedule disallows re-location of street vendors from natural markets where street vendors have conducted business for over 50 years.
14. The prevailing law expressly prohibits any prior declaration of ‘No Vending Zones’ prior to the survey (S 21 r/w First Schedule, Clause 3). Therefore, standard pleas of market associations and other local authorities such as congestion, overcrowding cannot be a ground for allowing declaration of vending zones or non-vending zones prior to survey that has to be conducted in accordance with the act and petitions seeking the such declaration of Non Vending Zones are malafides and an attempt to overreach the law.

## Functioning/ Provision of the Town Vending Committee

### Need for a TVC in the Towns and Cities

- Cities cannot be designed for any one particular group. Design should be inclusive and for all.
- Authorized vendors will create job opportunities and will enhance the economy.
- Famous economist Chris taller stated that “Human will always purchase goods from the closest place that offers the goods, and whenever demand for a certain good is high, it will be offered in close proximity to the population.”
- Vendor’s will have a direct association with low-income group.
- To generate practical information that will inform policy makers so that they are able to understand the dynamics of street vending.
- Local development practitioners will also gain better insights in managing the problem of street vending as well as policy gaps will be identified.
- Organization of hawking zones and giving hawkers a social status will help make city a better place.

**The 2014 Act** provides for the constitution of Town Vending Committees (TVCs) that look into the matters of the street vendors. It provides for constitution of a TVC under each local authority and if needed in each wards or zone under the local authority.

A TVC is not a tripartite council. It is much more than that and hence can be called a multipartite committee. Each TVC is to be chaired by the Municipal Commissioner or Chief Executive Officer and consist of such number of other members as may be prescribed, to be nominated by the State Government, representing the local authority, medical officer of the local authority, the planning authority, traffic police, police, association of street vendors, market associations, traders associations, NGOs, community based organizations, resident welfare associations, banks and such other interests as it deems proper.

1. The Town Vending Committee shall carry on a survey at least once in every 5 years of all the existing Street Vendors within their jurisdiction.
2. 2.5% of the existing street vendors of the total population of any ward, zone, town or city are to be accommodated in the vending zones. And no one can be relocated or evicted till the survey is complete and certificate of vending issued
3. Anyone who has completed the age of 14 years shall be issued a certificate of vending by the TVC.
4. Prior to the issuance of certificate every street vendor shall give an undertaking to the Town Vending Committee that he shall carry on the business of street vending himself or through any of his family member.

5. The Town Vending Committee may cancel or suspend the certificate of the Street Vendor if there is any breach of terms and conditions mentioned in the act.
6. Every street vendor who has been issued vending certificate shall pay vending fees which shall be renewable on payment of fees.
7. In case of the death of the Street Vendor the vending certificate shall be transferred to the spouse or the dependent child of the deceased vendor.
8. Every street vendor who has been issued vending certificate shall be issued identity cards also by the TVC.
9. Vending fees shall be paid by every street vendor who has been issued certificate and this certificate will be valid for such a period as specified in the scheme. The certificate is renewable on the on payment of fees as specified in the scheme.
10. Every Street Vendor who is aggrieved has the right to be heard before disposal of his matter by the Local Authority.
11. Every Street Vendor shall maintain cleanliness, public hygiene, civic amenities and public property in the vending and nearby zone. And pay periodic charges for civic amenities and facilities.
12. On relocation and eviction of street vendors, the act says the local authority may ,on the recommendation of the Town Vending Committee declare a zone or part of it to be a no vending zone for any public purpose and relocate the street vendors
13. No vendor shall be relocated or evicted from the specified place without 30 days notice.
14. On seizure of good, the Act says that where any seizure is carried out , a list of goods seized shall be prepared and a copy duly signed by the person authorized to seize the goods shall be issued to the street vendor and in case of seized goods by the local authority, non-perishable goods shall be released within two working days and in case of perishable goods on the same day.
15. For redressal of grievance or resolution of disputes of Street Vendors there shall be a Committee consisting of a Chairperson who has been a civil judge or a judicial magistrate and two other professionals. But no government employee or the local authority shall be appointed as members of the committee.
16. Once in every 5 years the local authority on the recommendations of the Town Vending Committee shall prepare a plan to promote the vocation of Street Vendors covering the matters contained in the 1<sup>st</sup> Schedule.
17. There shall be at least one Town Vending Committee for each zone or ward. Each Town Vending Committee shall consist of Municipal Commissioner or Chief Executive Officer, who shall be the chairperson.
18. The number of members nominated to represent the NGOs and the CBOs shall not be less than 10%. The numbers of members representing the Street Vendors shall not be less than 40% who shall be elected by the Street Vendors themselves in such manner as may prescribed.
19. 1/3<sup>rd</sup> of members representing the Street Vendors shall be from amongst women vendors and due



representation shall be given to the SC, ST, OBC, minorities and persons with disabilities from amongst the members representing Street Vendors.

20. Notwithstanding anything contained in any other law for the time being in force, no street vendor who carries on the street vending activities in accordance with the terms and conditions of his certificate of vending shall be prevented from exercising such rights by any person or police or any other authority exercising powers under any other law for the time being in force.

### **The role of the Chairman and members of the Town Vending Committee –**

According to 2014 Act, the appropriate government may by rules provide for the term and the manner of constituting Town Vending Committee in each local authority Depending on the rules being framed by respective states under Section 36 of the Act, the roles may vary. What is given below is a general summary and indicative of the roles of different Govt. functionaries that are emerging across India.

#### **Chairman (Commissioner / Chief Executive Officer)**

- He or she will be responsible to conduct TVC meeting.
- To create, distribute and take the agenda for the meeting with the consultation of other members (especially street vendors)
- To share about the issues taken up in the meeting among all the members and is also responsible to invite District Magistrate and inform him or her especially in the finalizing vending and no vending zones.
- To operate the account of TVC with the consultation of all the representative members of street vendors.

#### **City Manager/ Revenue Officer**

- To assist the Commissioner/ Executive Officer in the successful operation of the TVC and complete all the assignment given by the Commissioner/ Executive Officer.
- To monitor and verify the survey (biometric) of all the street vendors or getting them edited or verified in his leadership.
- To keep all the records and work related to street vendors and TVC.
- To prepare and issue identity card and registration certificate to all the street vendors.

### **Civil surgeon (Health Officer)**

- To Spread awareness in the context of various health and hygiene programs of the government (For this work, help can be taken from TVC, Town Level Federations and other street vendors associations or representatives)
- To arrange FSSAI registration and training under the Food Safety and Standards Authority of India for the food street vendors (who sell foodstuffs)

### **District Planning Officer / Municipal Body Engineer**

- To prepare plan for the survey of street vendors, identify and plan the development of Vending and non-vending zones, with different departments (such as District Administration, PWD, CPWD, road improvement, bridge construction, corporation department etc.) and coordination as per the requirement.
- To take NOC certificates for creating vending zones
- To provide general minimum basic necessities (electricity, water, toilets) in vending zones
- To conduct meeting of vending zone's street vendors for self-employment or making rules according to the requirements.

### **Superintendent of police**

- The role of Police administration is important in the Town Vending Committee. Police administration is the responsible for the successful conduct of law and order and traffic.
- To coordinate between traffic and vending
- To allow vending according to time / day in highly pressurized areas
- To take help and include Town Level Federation and Street Vendors Union in traffic operations and Awareness Programs.

### **Representation of leading Bank**

Bank play vital role in the current economic and social development. .

- To open bank account of the street vendors.
- To provide loans to the street vendors for better livelihood options.
- To provide economic support through different schemes of government and specially Pradhanmantri Mudra Yojana

## **Representative of Chamber of Commerce**

Chamber of Commerce is one of the most respected associations in business areas in India. This association provides protection and cooperation from a business and professional in various ways.

This association can play a vital role in protecting the street vendors in the Town Vending Committee, promoting their business.

It can play vital role in increasing the business of street vendors, and it can prepare good loan scheme and send it to the government. The association can be an important link between the government and street vendors.

## **Representatives of NGOs and Community Based Organization**

Work in advocacy with government and policy makers for better working and living condition of workers working in the unorganized sector, and service providers. Its role can be in the following forms:

- To organizing the street vendors connecting them to market committees / city level associations
- To link them with market committee / city level committee
- Provide training to market committees / city level associations
- To coordinate between government and associations for the better medical arrangements of street vendors and also work ensuring social security and such other programs.
- To provide and create platform at state and national level for the street vendors

Representatives of community organizations and non-governmental organizations can facilitate municipalities, street vendors and the general public so as to make common citizens aware of their responsibilities towards the street vendors and to secure their livelihood.

## **Representative of street vendors / Town Level Federation**

The role of the representative of street vendors in the Town Vending Commission is very important. It is known that TVC is formed for the regulation and welfare of the street vendors. Thus the TVC members have to play a pro active role in pushing the agenda of street vending.

- To Coordinate with other members of TVC
- To have detailed information about the city, especially the place where the land is being designated for vending, what are the challenges of the vendors or what can be done in the city for the vendors.
- To have discussion with other members (market/association) on the agenda before participating in the meeting.
- To provide such information to the committee concerning the vendors or the Vending area which can facilitate in decision-making.
- To guard against false survey and issue of identity card.

on a regular basis, agenda is circulated before hand , consensus is built among the street vendor representatives before the meeting , minutes of the meeting are rightly recorded immediately after the conclusion of the meeting and minutes are circulated . The TVC should also demand that there should be an office of TVC with secretarial support and also they are issued identity card and a letter of election/appointment as TVC member.

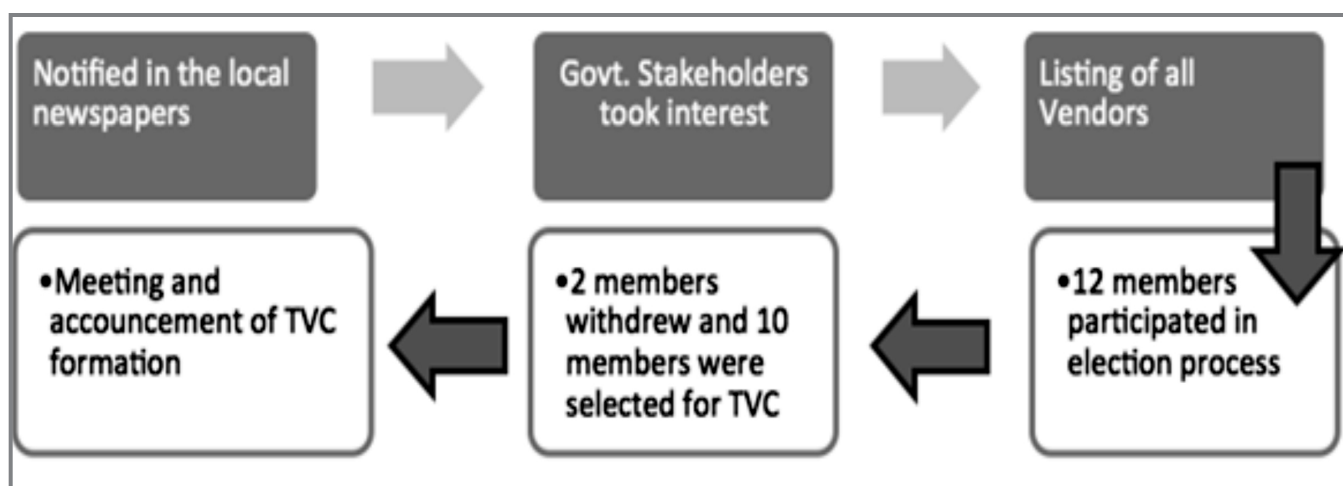
## Constitution of the TVC

After the notification of the rules, the next step is to constitute as per the provision of the rules. People having questions about constitution must look into the rules regarding the procedures for constitution of the TVC. A major problem raised is how to fill the representatives of Street Vendors who are to be elected and not nominated. States are finding different methods. Here is an example from Jodhpur, Rajasthan.

In the city of Jodhpur, the ADM City II) initiated the formation of Town Vending Committee under section 22 of The street vendors (Protection of livelihood and regulation of street vending) act, 2014.. ADM visited the markets enquiring about organizations working with street vendors. In the first stage different NGOs and Organizations working with street vendors were asked to prepare a list of all the vendors who were their members stating their, name, address, sex, place of vending and type.

Vendors who were not associated with any organization was asked to submit his or her details directly. At the end of this stage approximately 400 vendors were identified.

All the vendor organizations were invited and asked to nominate names for TVC. 12 people from the vendor organizations were nominated for being members of the upcoming TVC. The ADM organized a meeting for all, for discussing the process and motto of the TVC and also to organize voting process. 2 people withdraw their nomination at the last moment.



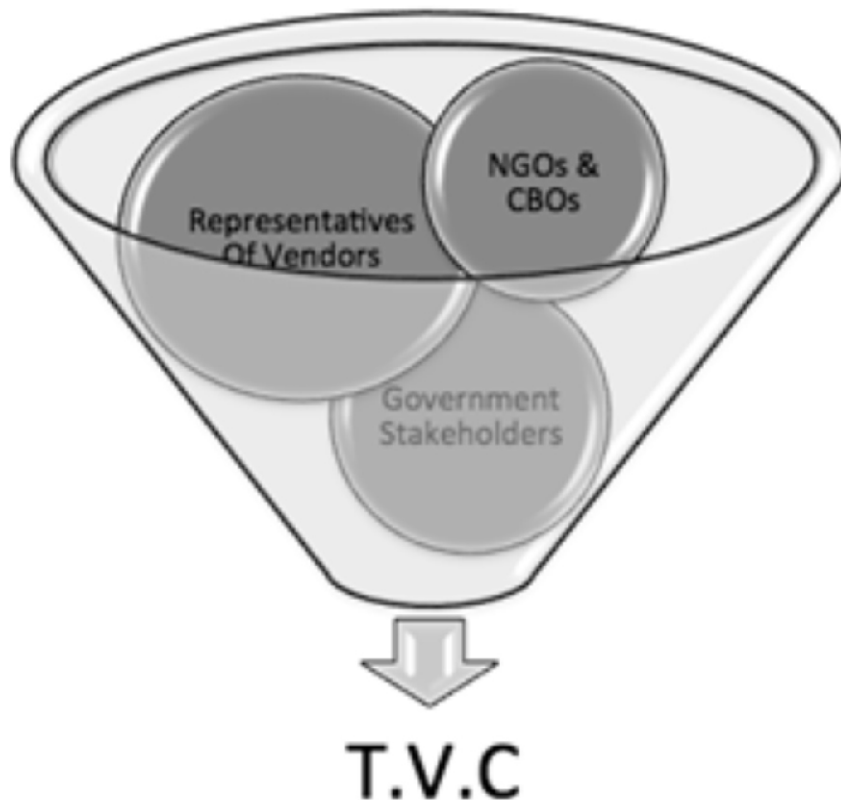
So all the 10 nominees were declared winner by the ADM after a through verification process. The verification process included that the nominated member's name is there on the survey list and this will be further clarified by a personal verification by Municipal Authority and Police.

The public notification published on 18/04/2016 stated that a town vending committee needs to be formed in the city of Jodhpur where other than representatives of vendors, 2 members from Trade

Unions, RWA & NGOs will also be selected for TVC. Interested members can nominate their names for the TVC. Names could also be withdrawn by 29/04/2016. The final nominated candidates are supposed to submit self-declaration regarding his innocence and membership with the vendor organization. After this the voting would take place and only vendors are entitled to vote.

On 2<sup>nd</sup> of May 2016, TVC members were elected for TVC and on 5<sup>th</sup> May 2016 the election identity card was provided to the selected members. And on 11<sup>th</sup> May, 2016 TVC list was formed.

TVC was finally formed with the membership of different stakeholders in the city of Jodhpur:



After the formation of the T.V.C a demonstration was carried out in the city so as to spread the news across the city and aware the citizen and vendors about the same. The entire process of election was completed by 2<sup>nd</sup> May 2016 and TVC was constituted on 11<sup>th</sup> May 2016.

## **Skilling the Street Vendors**

Times change – society and economy do not remain static . Globalization and liberalization have had major impact in our times . Customer behaviors is also bound to change . The Street Vendors have always attracted the customers wherever they are . Repeated attempts to woo them away from vendors have not been successful . When multi retail stores were being established ,it was said that the vendors will vanish but the vendors proved them wrong . Many saw Food Safety Act to be an instrument to restrict street vending but the food vendors themselves have been wanting to enroll . Most recently ,when demonetization happened ,some vendors were quick to turn towards digital platform . NASVI



as a responsible organization of street vendors has always taken up skilling as an instrument to enable vendors not only to keep pace with the changing times but also to enable them earn more.

With dreams to transform the street food of India National Association of Street Vendors of India (NASVI) gave the clarion call to professionalize street food vendors with the objective to make street food hygienic. NASVI began organizing street food festivals which grew in popularity over the years and emerged as a major advocacy event as well as an event for hands on training in hygiene and entrepreneurship. The National Street Food Festival of 2014 caught attention of the Ministry of Tourism which launched a nation wide 6 days stipend based training of food vendors through its 55 Hotel Management Institutes. More than 10000 food vendors have received this training.

The Delhi Street Food Festival was noticed by the Ministry for Skill Development and Entrepreneurship, Govt of India and FSSAI which led to a new initiative on 13<sup>th</sup> March 2016 in Delhi called the Clean Street Food Project 23,325 street vendors got training. The training included personal hygiene as well as keeping the cart clean and proper waste disposal. A scientific training module was prepared by FSSAI. Recently FSSAI has initiated a process of building cadre of Master trainers.

NASVI began to take training to other cities of India. With support of the Tourism and Hospitality Sector Council (THSC) of Skill India Mission, a training of all the food vendors have started in Varanasi. 500 vendors were trained in Kanpur through THSC in December 2017. In October 1027 street food vendors were trained through 28 training session organized in different parts of Goa. Many more such trainings are planned. NASVI is now uploading all the data of trained vendors on the Street Sathi App it has developed.

NASVI was also quick to move towards digital literacy following fall in business of vendors due to demonetization. Fearful of the change in customer behavior, some vendors were quick to adapt to such change. With cash returning to market, it seems the troubled times are over but the Govt's continued focus on digital literacy should make us determined to embrace it at the earliest.

The key questions are

- Behavioral change is not easy – how to bring the intended impact of the trainings of food vendors
- What are the constraints in present training design and delivery
- What about vendors other than street vendors – their skilling need
- How can digital literacy be taken to an effective mass of street vendors and what are the constraints in this.

## Organizing and Sustainability

There has been a long journey from the time Street Vendors organized themselves at the times of need to establishment of 'regular' organization. As NASVI created an environment of regular organizing and focused on development of strong and informed leadership at city level, more than 600 organizations have been developed across India. The focus on first demanding a national policy and getting it implemented and then demanding a Law and getting it implemented has kept the organizations going. The street vendors leaders that have emerged across India have also shown much maturity using various tools and techniques to keep the vendors engaged and active. NASVI has promoted the ten principles of a good organization

## Ten Principles for Member Organisations of NASVI

- 3 WE WILL REGISTER OUR ORGANISATION.
- 3 OUR OFFICE BEARERS AND EXECUTIVE MEMBERS WILL BE ELECTED DEMOCRATICALLY AND AT REGULAR INTERVALS AS STATED IN THE BYE LAWS AND THERE WILL BE REGULAR EXECUTIVE COMMITTEE MEETINGS.
- 3 WE WILL INVOLVE MEMBERS IN DECISION MAKING AND IN ALL MATTERS OF FINANCE.
- 3 WILL NOT ACCEPT MONEY FROM MEMBERS OR OTHERS WITHOUT ISSUING PROPER PRINTED RECEIPT.
- 3 OUR ORGANISATION WILL HAVE A BANK ACCOUNT WILL MAINTAIN DETAILS OF INCOME AND EXPENDITURE AND WILL GET ITS FINANCES AUDITED EVERY YEAR.
- 3 WE WILL FILE OUR ANNUAL AUDIT REPORT AS WELL AS ANNUAL GENERAL REPORT TO THE CONCERNED GOVT. AUTHORITY AND RENEW REGISTRATION AS PER STATE GOVERNMENT REQUIREMENT.
- 3 WE WILL ENSURE THAT 33% OF OUR MEMBERS ARE FEMALE.
- 3 WE WILL HAVE ANNUAL GENERAL MEETING EVERY YEAR.
- 3 WE WILL MAINTAIN PROPER RECORD OF ALL THE DOCUMENTS (CHALLANS, COURT JUDGEMENT, NASVI LETTERS ETC.).
- 3 WE WILL NOT ALLOW CORRUPT AND PEOPLE WITH CRIMINAL RECORD TO ENTER OUR ORGANISATION.

However the issue always remains is of financial sustainability of organizing . What are the methods used by street vendor organizations to raise financial resources of the organization . Membership fee has been a time tested practice and besides money membership fee has other roles too . This session will explore what other methods can be possible and one option is Co-operatives.

### **Development of thrift & credit co-operative as a tool of economic & social inclusion for street vendors and other informal sector workers**

Thrift and Credit Co-operative will be helpful in extending financial services related to savings, credit, and insurance to the informal workers. It is now a well accepted fact that cooperative is the best medium of extending financial services to the excluded communities. Banks hesitate in serving and lending loans to micro entrepreneurs, people with low income . Such low income people do not feel like approaching banks again. The Micro-Finance boom in India which had raised hopes of access to finance for the low income however was shattered after Andhra crisis and subsequent withdrawal by

banks. It is again becoming active but the reach remains limited. The migrant workers usually face problem of not having appropriate identity related documents needed for “KYC” norm.

These result in flourishing of indigenous finance organizations like chit funds and other small savings organizations etc. where people lose their hard earn savings. As informal workers are not organized, it becomes an uphill task to make them aware about such financial institution.

Similar case is with insurance. Complications are arising while insured amounts are being settled. Insurance benefits are not reaching the real needy. Insurance policies usually have difficult terms and conditions, either be of government schemes or private insurance schemes.. Community based health insurance schemes can be a good solution. It is run and managed by the community themselves

The solution lays of the above issues in finding the solution within the community rather than

Name of Services	Type
Savings	Daily ,weekly and monthly
Credit	Working Capital , health ,marriage housing
Fixed Deposit	Long term investment
Recurring Deposit	Planning future financé needs
Community Health Insurance	Individual as well as family
Community Asset Insurance	Shop/Home against fire ,burglary

outside. Currently registering National Level Cooperative has become very difficult. As different states have different cooperative law and procedure the local organizations are best suited to form one. The co-operative can provide the following types of services

Sanchay, a member owned thrift and credit co-operatives in Delhi with street vendors and other informal sector workers as members .. With saving products like saving deposits, recurring deposits and fixed deposits, members can get loans for working capital, health expenses, marriage and funeral purposes, and also for housing purposes.. One of the best positive aspects of cooperative services is that it provides all the facilities to our members at their doorsteps without any extra fee or charges. Another positive aspect of the cooperative program is that it is run and governed by community members..

### **What will co-operatives offer in return apart from the financial services in the long run?**

- ? It will stimulate democratic structures and encourage collective self help .
- ? It will enable small producers jointly to access markets and capture more of the value chain .
- ? It will assist in capital accumulation the provision of micro finance credit and banking .
- ? It will offer stability and security ,by providing appropriate forms of insurance (including 'micro-insurance').
- ? It will provide much needed goods and services including health care education water and housing .
- ? It will offer an appropriate means of exit for unprotected workers in the informal economy .
- ? It will play a particular role in empowering women and fighting forms of gender discrimination and social exclusion .
- ? Co-operative forms of governance will encourage decent work practices .

### **Women Street Vendors get a new Voice –**

#### **Membership in the statutory Town Vending Committee**

It has been a long struggle for the more than three millions women vendors of India who choose to fend their families by selling goods and services on the streets . As getting static spaces are difficult many end up being mobile vendors and have to move from one place to another to sell their goods. They face various harassments on the streets but their entrepreneurship and commitment to keep the families going makes them continue their work. Many women especially among the food vendors are invisible workers who prepare the food and the men go to sell them but the money goes to the men .

Street Vendors in general face lot of problems but these problems multiply when it comes to the women vendors . Even access to the informal markets is very difficult for the women vendors . The markets are dominated by the men . Most women vendors thus are either scattered or mobile and end up dealing in perishable items which are more risky but less capital intensive .

For large number of street vendor organizations, women are either not included or their presence is not significant . Most feel it is difficult to organize the women vendors. Some organizations have successfully experimented with forming Women Cell while in some women have emerged in leadership position .

The passage of Street Vending Act 2014 has been a milestone in the history of Street Vending . Among other things ,the Act mandates constitution of the all powerful Town Vending Committee(TVC) headed by the Municipal Commissioner and empowered with the authority to make recommendation to the Municipal Body without which the

Municipal Body cannot take any decision as far as Street Vending is concerned . 40% of the TVC members have to be Street Vendors of which 1/3 have to be women .This is giving opportunities to the women vendors to be members of the Committee and be a part of decision making process and help shape the destiny of the street vendors of their city . Not only of the city ,Ms Om Vati who is a roadside tailor and also a member of the TVC of Gurugram Municipal Corporation says that she wants her city to be a star .

The questions before us is

- A} How do we bring more and more women vendors in the organizing fold – what special steps do we need to take
- B) What has been the experience of creating separate Women Cell
- c) Should NASVI focus of developing all women street vendor organizations
- d) How do we strengthen the women members who are part of the process
- e) How do we strengthen the women members of the TVC

