Women street vendors & tourism

Negotiating lives & spaces
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ABBREVIATIONS

AFSPA: Armed Forces (Special Powers) Act, 1958
AITUC: All India Trade Union Congress
ALF: Alternative Law Forum
AORVA: All Orissa Roadside Vendors Association
BDO: Block Development Officer
BMC: Bhubaneswar Municipal Corporation
BTM C: Bodhgaya Temple Management Committee
CEO: Chief Executive Officer
HMS: Hind Mazdoor Sabha
HUPA: Housing and Urban Poverty Alleviation
MCD: Municipal Corporation of Delhi
NAC: National Advisory Council
NASVI: National Alliance of Street Vendors of India
NHF: National Hawker Federation
NCEUS: National Commission for Enterprises in the Unorganized Sector
NDMC: New Delhi Municipal Council
OTDC: Orissa Tourism Development Corporation
PKDA: Puri Konark Development Authority
RWA: Resident Welfare Association
SHGs: Self Help Groups
TVC: Town Vending Committee
TTAG: Travel and Tourism Association of Goa
ULB: Urban Local Body
UNESCO: United Nations Educational, Scientific and Cultural Organization
YUVA: Youth for Unity and Voluntary Action
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We would like to thank all the participants who came from across the country to participate in a national consultation on street vending and tourism in September 2011. We are grateful to NHF and YUVA who collaborated with us to organise this event.
INTRODUCTION

In India, the informal sector contributes significantly to the expanding tourism economy. At a conservative estimate about 70% of the tourism economy is informal. Hawkers and street vendors, way side dhabas and eateries, vendors selling handicrafts, trinkets and other items for tourists, all represent a part of the huge informal labour force in the tourism sector. With tourism providing an occupational opportunity that is seasonal in nature, it attracts many, particularly women to join the vending business.

Tourism policy planning processes have not taken the informal sector into consideration and they have not been considered stakeholders in tourism despite their significant contribution to the economy and in providing services to tourists. To address this lacuna this publication endeavors to explore the reality, challenges and dilemmas around street vending at tourism sites and its interface with policy and practice.

We begin in Chapter 1 with research in the form of case studies at four tourism sites- Bodhgaya, Bhubaneswar, Puri and Goa. The study aims to explore the links and dependencies between tourism and vending, legal status of vendors at tourist sites, challenges that emanate from their status and its impact on their livelihood. In the case of women vendors in particular who are paid much less attention, we explore how these dynamics interplay with gender and impact accessibility to livelihood opportunities.

In order to bring in our analysis of the legal regime and policy level initiatives, analysis of both the policies on street vendors (2004 & 2009) and comments on the Model Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill form Chapter 2. Experiences and insights captured from the field endorsed our view that while National Policy on Urban Street Vendors has given a relief to some extent, there are fundamental issues left unaddressed leading to exclusion of large number of street vendors.

The Chapter 3 on Recommendations takes into account both what emerged from the field research and case studies as well as the analysis of policy and gaps that emerged. Some of the important recommendations made during the National Consultation are also reflected here, but the detailed recommendations in the consultation find their place in the Consultation report.

Given the context of some State governments working towards a law on street vending (following Supreme Court order to enact a legislation to regulate street vending by 30th June 2011) and basic data emerging from our field research, we collaborated with the NHF and YUVA to organize a National Consultation in September 2011 to broaden the debate on street vending and also to bring in the focus on its links with tourism. The consultation linked experiences of representatives of street vendors from tourism destinations – aspirations, realities, challenges, analysed policy and legislations and identified gaps and issues for advocacy. A detailed report of the consultation forms Chapter 4 of this publication.

We hope that this publication will be of value to street vendors’ organizations, civil society organizations working with issues of informal sector, policy makers and researchers in their endeavour for inclusive and just initiatives towards street vending.

EQUATIONS Team
2012
Case Studies
1.1 BACKGROUND

Tourism is a source of economic opportunity for a large number of people in the informal sector. It opens occupational avenues where people do not require much capital to enter, thereby providing an entry point into the market. Street vending spans the rural-urban divide and attracts a large number of people selling goods and services on streets or footpaths near temples, heritage sites, beaches, parks, museums. They offer goods and services such as fresh fruits, vegetables, cooked food, snacks, clothing, guide books, jewelry, tattoos, and souvenirs at low prices making them an indispensable feature of the tourism landscape.

The important role the street vendors play in tourism sites becomes evident when we analyze the typical tourist profile for India. According to the International Passenger Survey 2003, out of the total tourists, only 6.72% of the tourists were package tourists, while the remaining 93.28% were non-package tourists. The package cost included travel to and from India, local transport in India, sightseeing in India, accommodation and food. In view of this, non-package tourists have greater scope to interact with local communities in comparison with package tourists since for package tourists, everything is pre-determined by tour agents - where they will stay and eat, what they will visit, where and what they will shop for. In terms of patterns of expenditure, the survey reveals that for package tourists, the per trip cost is 41,577/- and expenditure incurred in India is 20,910/-. Whereas for non-package tourists, it is 32,698/- and 45,504/- respectively. Thus, there is a high possibility of exchange of services between non-package tourists and street vendors.

Excerpts from some tourism websites highlight the role of street vendors in tourism:

http://www.mustseeindia.com/Agra:

“The Taj Mahal at night with all kinds of multi colored illuminations, the grandeur reflection of the majestic monument in the serene Yamuna water and the street vendors selling art crafts and fast food is really enjoyable”.

http://www.mustseeindia.com/Guhagar:

“Guhagar beach is a major attraction to the tourists. It is an unpolluted and unexploited beach sitting proudly in the bank of Arabian Sea. With many street vendors, nice shopping facilities and restaurants, the beach serves as a weekend holiday destination for locals as well as tourists”.

Despite their significant role in tourism sites, their contribution in terms of serving various needs of tourists has not been explored adequately.

Street vending represents the largest category of informal work occupying women. It offers possibilities to engage in trade at low levels of investment and is less restrictive in terms of time required for the engagement. Women tend to opt for street vending because it is less capital-intensive compared to other formal sector jobs.
for small businesses like selling trinkets, lamps, food items, etc. which does not require much capital. Bhowmik (2005) while emphasizing the need to make a proper assessment of women vendors states that as per the study done by National Alliance of Street Vendors of India (NASVI) in seven cities-Mumbai, Kolkata, Bangalore, Bhubaneswar, Patna, Imphal and Ahmedabad, the share of women vendors is the highest in Imphal due to the social structure of the Meitei community and the concept of the Ima Market (Mother's Market). In other cities, there is no clear picture of the number of women vendors, except in Ahmedabad where around 40 per cent of the 80,000 street vendors are women.

Street vendors face unique kinds of livelihood risks because of the legal, physical, and socio-cultural environment in which they work. The Report of the Conditions of Work and Promotion of Livelihoods by National Commission for Enterprises in the Unorganized Sector (NCEUS) states that, “The lack of recognition of the role of street vendors culminates in a multitude of problems faced by them: obtaining licences, insecurity of earnings, insecurity of place of hawking, gratifying officers and muscle-men, constant eviction threats, fines and harassment by traffic policemen”.

The most pressing and ongoing risk for many street vendors is the possibility that the local government authorities will forcibly evict them from the streets or confiscate their merchandise. This risk of displacement often increases in the context of elections, mega events or efforts to beautify city centers. Compared to men, women street vendors are more likely to operate in insecure or illegal spaces, trade in less lucrative goods, generate a lower volume of trade, and work as commission agents or employees of other vendors. As a result, they tend to earn less than men vendors. Bhowmik (2005) in his article says that “…the male vendors are more visible as they sell greater varieties of goods – clothes, fruits, household items etc. Most of the food vendors are male. The level of unionisation is higher among them and they are thus able to protect themselves better than the women vendors. Women vendors are mainly small vendors and are hardly unionised. These factors add to their invisibility.” In other cities, due to the fact that the women vendors are not organised and there is no collective voice, their issues often go unaddressed.

Street vendors have poor social protection and their working conditions on the streets expose them to a variety of safety and health issues. The SNDT Women University - International Labour Organisation study on street vendors in Mumbai found that around 85 per cent of the street vendors complained of stress related diseases - migraine, hyper acidity, hyper tension and high blood pressure. The lack of toilets has an adverse effect on women’s health and many suffer from urinary tract infections and kidney ailments. The mobile women street vendors face security issues also.

Street vendors are increasingly regarded as a public nuisance by middle and upper middle class people who aggressively demand restoration of pavements as public space when street vendors ‘encroach’ on them. Street vendors are considered as a hindrance in the urban space by government officials as well as the urban vehicle owners, who feel that they clutter the urban space and prevent smooth flow of traffic. They are accused of depriving pedestrians of their space, causing traffic jams and having links with anti-social activities. Municipal authorities and housing societies, aided by the media, often target vendors. There is a counter perspective from street vending groups, clientele of street vendors and civil society groups to approach the issue in terms of right to livelihood.

The Supreme Court in the Sodan Singh versus New Delhi Municipal Council (NDMC), 1989 case ruled that:

“If properly regulated according to the exigency of the circumstances, the small traders on the side walks can considerably add to the comfort and convenience of the general public, by making available ordinary articles of everyday use for a comparatively lesser price. An ordinary person, not very affluent, while hurrying towards his home after a day’s work can pick up these articles without going out of his way to find a regular market. The right to carry on trade or business mentioned in Article 19(1)g of the Constitution, on street pavements, if properly regulated cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and no other use.”

The Apex Court noted that street vendors exercise their constitutional right to carry out trade or business and hence vending should be regulated but not abolished.

In the context of street vending in tourism destinations many questions come up which this study aims to explore: what are the links and dependencies between tourism and vending? What is the legal status of vendors at tourist sites, challenges that emanate from their status and its impact on their livelihood? In the case of women vendors in particular who are paid much
less attention, how do these dynamics interplay with gender and impact accessibility to livelihood opportunities?

1.2 METHODOLOGY

1.2.1 RESEARCH QUESTIONS:

The study was guided by the following research questions:

- **Status:** What is the profile of women vendors? What benefits are they getting from vending? What are the reasons they start vending business? How do they see their occupation? How do they manage their roles at home as well as work? To what extent they are dependent (in terms of income) on the tourism sector?

- **Challenges:** What are the challenges they face at the tourism site? Is the nature of the challenges different from men vendors? What are their experiences with tourists as well as co-workers?

- **Impact:** How profitable an option is vending for the women? What is the impact on their social life- loans, relationship within the family?

- **What is their accessibility to appropriate location, basic facilities?**

- **What forms of organisation exist? Do they participate in unions or associations? Do they have any formal or informal mechanism to safeguard their interests?**

- **What is the role of government authorities in addressing their problems? Is there support provided by other agencies such as local NGO’s / financial institutions?**

- **To what extent does the National Policy on Urban Street Vendor 2009 include concerns of women vendors at tourist sites?**

1.2.2 SELECTION OF RESEARCH SITES:

In selection of the sites, the following two broad criteria were:

A. **Types of tourism** - In view of the interaction between the place and people, it was decided to look at the types of tourism and its interface with the community. Tourist destinations were chosen in Bihar (pilgrim and heritage tourism), Odisha (pilgrim and heritage tourism) and Goa (beach tourism), and the specific destinations were Bodhgaya in Bihar, Puri & Bhubaneswar in Odisha and beaches in North and South Goa.

B. A mix of rural and urban sites was the other broad criteria.

We give details of why we honed in on the specific sites:

- **BIHAR - BODHGAYA:**

  In 2002, the Mahabodhi Temple, located in Bodhgaya, was declared a UNESCO World Heritage Site due to its historic importance of being the place where Siddhartha Gautama attained enlightenment and became a Buddha. Pilgrims come from across the world and live for long stretches of time, at times up to 4 months. Thus, Bodhgaya holds potential for longer interaction between tourists and vendors - offering hospitality in an informal way, fulfilling different needs of tourists and cultural exchange. Also, during the main tourist season, a separate space is provided for Tibetan markets. Vendors sit mainly in four areas- Along the road leading to entrance gate of the temple, inside the temple complex which is called ‘Lal Pathar Chowk’, the road at the back gate of the temple, and the entire stretch from front road to the Kalchakra Maidan and the Tibetan Market which lies opposite the Kalchakra Maidan.

- **ODISHA-**

  (I) **BHUBANESWAR:**

  We selected Bhubaneshwar in view of the work done by the Municipal Corporation on street vending. It has created 52 exclusive vending zones near the existing areas frequented by the vendors. More than 2,000 vendors have been rehabilitated in these markets without much dislocation or loss of earnings. Three tourist sites- the Lingaraj Temple, Dhauli Stupa and Khandagiri Cave were chosen. All tourist sites do not fall under the jurisdiction of the Municipal Corporation. While Lingraj Temple and Khandagiri Caves are under the Municipal Corporation, Dhauli Stupa comes under Dhauli Gram Panchayat.

  (II) **PURI:**

  Puri carries the potential of pilgrim tourism (for Hindus) throughout the year, posited against the usual seasonal nature of tourism. The Jagannath temple (main temple) and Beach area are the major tourist attractions. The entire stretch of Grand road also known as Puri main street has the Jagannath temple
at one end and Gundicha temple at five km distance from the main temple at the other end. The entire five kms stretch serves as a market space for a large number of vendors. The Beach area is another major attraction for tourists where vendors sell food items, trinkets and also offer the tourists horse riding and photography.

- **GOA:**
  Goa is a popular tourist destination among both foreign and domestic tourists. There long history of engagement of civil society organisations with the issues of tourism as well as street vending in beach areas. Licensing Policy for the shacks on the coastline of Goa, Code of Ethics for Responsible Tourism are few of the initiatives taken by civil society organisations to address the issues arising out of tourism. Given this, the beaches visited for the purpose are Anjuna, Vagator-VOzrant beaches in North Goa and Colva, Cavelossim and Dona Paula near Panjim in South Goa.

1.2.3 RESPONDENT GROUPS:
Broadly three groups of respondents were approached to collect data- street vendors, government bodies and civil society groups working with street vendors.

1.2.4 DATA COLLECTION:
Primary data was collected through guided interviews. All interviews were conducted face to face at tourist sites. Secondary data was collected through articles and studies available.

A pilot study in Bengaluru in August 2010 helped us identify some of the issues before we went on to study the identified sites. Although Bengaluru is not seen primarily as a tourist destination, a pilot helped us identify the basic issues. For this, a few women street vendors in Cubbon Park area, (which has many sight seeing sites like Attara Kacheri (the Karnataka High Court), the Visveswaraya Industrial and Technological Museum, Government Museum, Aquarium, Venkatappa Art Gallery and Seshadri Iyer Memorial Hall) and the Majestic area (near the City railway station and bus stands and a shopping centre for travellers) were interviewed. We also met with Mr. Jeevanand Shanmugam, Convenor, South India, National Centre for Labour. Bruhat Bengaluru Mahanagara Palike is the regulatory authority for issuing of licenses to street vendors. Outside the Cubbon Park, there is a space occupied by the vendors for long period of time, vending is allowed there but not allowed inside the park. Near S.C. Road cross at Majestic, vending was allowed until a few months before our visit but later controlled on the grounds that it prevented the free flow of traffic. However, vendors are still found (by paying bribe to the government officials) as there is demand for their services at this busy locale. There were few women found vending at these sites.

Women vendors in Cubbon Park area earned well during holidays as the park is visited well. Women in the Majestic area shared that the business was not very profitable to them as they were not allowed to vend, thereby facing frequent eviction and harassment from the police. Major problems of street vendors in Bengaluru include eviction, bribery, harassment by the police, and lack of social security. Mobile vendors roam around with their wares and go to different places depending on what will sell where. Mobile women street vendors were more vulnerable to eviction and harassment in comparison with those who sell articles on pushcarts as those using pushcarts use a particular area where all the vendors adjust the space with each other and are less vulnerable to eviction as they are in a group.

Post the pilot study, the research team met with members of NHF from Kolkata, Bihar & Odisha and got an overview of the situation of vending business and status of women vendors in the sites chosen for the study. We learnt that street vending is more accessible to men vendors as compared to women vendors. The current situation of the vendors, significance of location, accessibility to the space, response of government and progress on implementation of the National Urban Street Vendor Policy, 2009 (the policy, 2009) in respective states were discussed. Eviction, lack of understanding about street vending issues among government officials were issues that were highlighted.

1.2.5 TIME FRAME:
The field visits for study was done starting in August 2010 and concluding in March 2011 in short spells covering different sites.

1.2.6 LIMITATIONS:
We could not meet the Director, Department of Tourism, Bihar as the Department was organizing a festival and he was not available to meet us.

In Puri, the Chairperson of the Municipal Corporation, Puri was on leave and other officials said they had no knowledge about vendor issues.
In Bhubaneswar, there were not many women vendors found at the site visited, but we did speak with male vendors to understand the reasons for the absence of women vendors and the issues that the few women vendors face.

In Bhubaneswar, Director & Additional Secretary, Department of Tourism, Bhubaneswar and Tourist Officer, Orissa Tourism Development Corporation (OTDC), Bhubaneswar could not be met as both were busy organizing festivals.

1.3 WOMEN STREET VENDORS: EXPERIENCES AND INSIGHTS FROM TOURIST SITES

The section talks about the pull and push factors for women street vendors at tourist sites. It begins with the case studies at four tourism sites highlighting specific features of the place and the vendors at the site, actions taken in field to address street vending and the issues arising out of it. Issues cutting across the sites are presented as findings that set the base for actions need to be taken i.e. recommendations.

1.3.1. STREET VENDING IN BODHGAYA:

1.3.1.1 ABOUT THE PLACE:
Bodhgaya, 13 km from the holy city of Gaya, is situated near the Niranjana river in the state of Bihar. The place is an important tourist and pilgrimage destination of the Buddhist circuit. The main tourist attractions in Bodhgaya are the Bodhi tree and Mahabodhi Temple. A number of countries, where Buddhism is an important religion like Japan, Myanmar, China, Burma, Korea and Sri Lanka, have constructed their temples and monasteries here. Tourism is a significant contributor to Bodhgaya’s economy. A news item in the Telegraph on May 16, 2011 states that according to the tourism department data, around 96,000 foreign tourists visited Gaya and Bodhgaya in 2010 and there has been an increase of around Rs 1 crore in the income of Bodhgaya Temple Management Committee (BTMC) compared to 2009-2010.\(^\text{17}\)

1.3.1.2 STREET VENDORS:
Bodhgaya has a large number of women vendors consist of a mixed group. Some vendors are from the local communities or the nearby villages which lie 4-5 kms from Bodhgaya. Pilgrims visiting from other Indian states also vend here to bear the expenses of their stay in Bodhgaya. All women interviewed were from lower caste-class backgrounds with large family size and illiterate. Their husbands were involved in construction sites or in transportation as drivers. Their children were either married and those unmarried helped them in the business. Street vending is their part time business as they do it in tourist season only. There is no other reason to start vending except acute poverty. Therefore, they have started petty business which does not require much capital to start. Most of women vendors sell food items, jewelery, puja articles at low prices as compared to men who are involved in varied activities like shops, restaurants, transportation, jobs in various outlets like ticket counters, watchman, guards etc. They purchase the articles from Gaya or prepare the food at home with help of their family members, bring it to the site every day, display their goods on a sheet or basket for the whole day and carry back the unsold items to their home every day. Their customers are mainly domestic due to the kind of articles they sell. With all this hard work, they able to earn profit of Rs 15-20 per day which is a hand to mouth existence as they have to arrange food for the family and at the same time invest some amount back into the business.
The women vendors from other states come from Ladakh, Himachal, Uttarakhand, Tibet. For Tibetans, the Government has given space to set up Tibetan Market. These women vendors were of better background as they are engaged with the same business at their respective places. But in Bodhgaya, vending is merely a source to meet their expenses, not to earn profit. As pilgrims, they come in tourist season with their family members wherein they bring all stuff from their respective places or areas. Most of them sell woolen items such as caps, socks, jewelry, food of their respective areas, puja items made of metal and handmade bags etc. They stay in rented house for which they pay 3000-4000 per month. With increase cost of living, they earn enough to meet their daily expenses.

To manage the allocation of space, the Chief Executive Officer (CEO), Bodhgaya Nagar Panchayat shared that the master plan prepared by Gaya Regional Development Authority in 2005 is being followed. According to the plan, a radius of 1000 meters from the temple site forms the core zone, where no construction is allowed. A phase wise demolition of the constructions within the core zone will be initiated once the plan is implemented. On the other hand, the CEO also shared that in the light of important amendments being pushed for by influential citizens, there might be an inordinate delay in the finalisation and therefore implementation of the plan. The same was also shared by the representative of NHF who said that there are hotels and lands in core and buffer zones which are mostly owned by political leaders. Clearly the ruling class has a great deal of influence over a process, which is mandated not just by the state but also by the centre.

In order to implement the master plan, and therefore, to evict the vendors from the streets, the Nagar Panchayat has allotted vending space in Kalachakra Maidan (a large ground where the Dalai Lama gives teachings once in a year and crowds of thousands congregate).

1.3.1.3 APPROACH TOWARDS STREET VENDING:

There is no policy in Bihar related to vending. A representative of NHF shared, that the Government of Bihar has initiated a process for the adoption of the National Policy on Urban Street Vendors and an ordinance was passed for the implementation of the Bihar State Street Vendors’ (Protection of Livelihood & Regulation of Trade) Bill, 2009, which lapsed as it was not placed in the Assembly.

The National Urban Street Vendor Policy (2009) has included Nagar Panchayat under the definition of Local Authority who is legally entitled to function in any city or town to provide civic services and regulate street vending. Therefore, Bodhgaya Nagar Panchayat is the authority to administer vending business, and plays a key role in the regulation of street vending. The BTMC, which is responsible for the management of the site, also intervenes in the context of street vendors, as many of them, especially local street vendors vend within

the jurisdiction of the BTMC area. The BTMC has an influence on the allocation of spaces inside the temple complex. The Secretary, BTMC shared that though they have allowed the vendors to vend inside the temple premises, it is not authorized, as according to the site management plan of Bodhgaya Temple, the core zone and buffer zone have no provision for vendors or any construction.
From the perspective of the Nagar Panchayat, the Kalchakra Maidan seems ideal, as it is an enclosed space, thereby ensuring regulation (restricting) of the vendors. Further, to supplement its income in the face of reduction of financial support extended by the central government, the Panchayat has plan for collecting ground rent once the street vendors are shifted to Kalachakra Maidan. The usual method to do so is to contract out the collection through the calling of tenders, thereby, tenders have been notified for contractors to collect the ground rent from vendors.

1.3.1.4 ISSUES:
The decisions to implement site management plan has left many issues unaddressed which is of grave concern for the vendors.

Suitability of the location is of prime concern for street vending which is not taken into account. From the perspective of the vendors, the plan for shifting them to Maidan space is not suitable as very few tourists venture into that part of town thereby reducing business prospects significantly. Also where the vendors will go when the Dalai Lama gives his teachings has not been considered. There are vendors who take goods from shopkeepers, vend them at low prices and get a commission at the end of the day. In case of relocation to a place far from the shops, these vendors will find it difficult to sustain such an arrangement. Similarly, the Nagar Panchayat has disregarded the suitability of the location while allotting space for the Tibetan market. There was an eviction that was attempted in 2010 and the vendors were allotted alternate space, which is far from the current location. The vendors and especially the women refused to leave the original location and were supported by the religious leaders in this.

Since shifting street vendors to Kalchakra Maidan is part of implementing site management plan, it is not clear why there are no such plans for the hotels owned by influential people along with the monasteries of different countries which are located in core and buffer zone area. Instead, some amendments are taking place in the plan itself. With regard to the amendments in the plan, though it is not clear what amendments are being sought in the plan it indicates some negotiation process between the government and influential people which is prompting amendments but not with the street vendors where the Panchayat has decided to shift street vendors to the Maidan without any process of negotiation.

The plan to collect ground rent in Bodhgaya is likely only to worsen the situation of street vendors where contractors who have the backing of political leaders and powerful vested interests will likely be collecting the ground rent. A representative of NHF shared that the Patna Municipal Corporation, in acknowledgement of the harassment that vendors face by contractors had discontinued the collection of ground rent through contractors. A study by Choudhary & Ghosh offers an example of the same - the Phulwarisarif Nagar Panchayat, Patna had announced the cancellation of the contract system of urban street vendors in November 2006 as they are known to be associated with goons and political leaders. This was followed by Patna Municipal Corporation canceling the contract it had given to different contractors.

With regard to eviction and confiscation of goods, while the CEO, Bodhgaya Nagar Panchayat shared that vendors are evicted or goods confiscated only when some senior officials visit, the vendors shared that eviction is one of the main problems they face. Evictions happen frequently during the tourist season, sometimes 2-3 times a day which results in huge losses for the vendors. When eviction is initiated, the vendors escape with their goods and come back after a few hours or the next day depending on the situation. This game of 'hide and seek' not only affects the earning of the vendors but damages the goods as well, which in turn affects their buying and selling capacity. The vendors preferred buying less quantity of articles so that it would be easy to wind up and carry away during eviction.

Upon paying a “fee” that is decided by the Panchayat, vendors are able to get back their confiscated goods. The fee is anywhere in the range of Rs. 200 to Rs. 2000 based on the kind of goods involved. It is not clear on what basis the amount is decided. Besides, this is quite high, considering that all women vendors were lower class with family of 4-5 children to support. With their husbands being involved in construction work or in the transportation industry as drivers and unmarried children involved in petty business, paying a fee is a burden that the women very often can not afford to bear and have to therefore let go off the material confiscated.

Women being mainly part time street vendors face difficulty in accessing space. Out of the three spaces used by the vendors, the Lal Pathar Chowk is the most suitable area for vending as it is inside the temple complex and en-route to the Mahabodhi temple. This is the most sought after location where people try to reserve a space through mutual agreement. There is an
informal understanding that only those who vend round the year from the same space have informal “ownership” of the space in Lal Pathar and no other vendor can occupy that space. As most women vend only part-time, they do not have access to the area.

Lack of capital prohibits expansion of the business. Access to capital is also hindered by the high rates of interest. In the case of vendors belonging to other states, the situation is different as they cater to a mix of customers but mostly to the pilgrims from other parts of the country as well as foreigners because of the nature of goods they sell. These vendors sell silver and brass products, food items as per the need of foreign tourists, woolen caps and socks all of which are more profitable.

There is a serious issue of health hazards that the women vendors face everyday. Outside the temple complex and right next to where the vendors sell their wares, there is an open drain and heaps of garbage are seen on the roadside. The vendors felt that the system to maintain cleanliness and hygiene is clearly inadequate. The area is not cleaned regularly and even when it is, the sweepers come to area after the working day for the vendors has started. To address the problem of waste management, the CEO shared that garbage bins are kept at different locations and extra staff are recruited during the tourist season as in general staff and funds are both inadequate. Lack of cleanliness and hygiene was observed even inside the temple complex which the officials claim is cleaner. Public toilets built by the Panchayat were not in good shape, therefore, women vendors go back to their rented place.

According to the NHF representative, organisation and unionization, which are potential ways to address the harassment faced by the vendors, is lacking. The economics of vending is based on daily earnings and this makes it a challenge to organize street vendors. It is even more difficult for part-time street vendors to actively participate. The only time the vendors organize themselves is at the time of eviction. One such example was narrated by a woman vendor - Manju Devi:

“The women vendors involved in lamp business fought against eviction and got access to the place they were occupying. Earlier, all the vendors in the lamp business used to sit inside the temple complex but were once evicted during which they incurred heavy losses due to the damage of their goods. They were also beaten up by the police. On approaching the Block Development Officer (BDO), they were directed to speak with the Commissioner who was due to visit the site. The vendors ‘gheraoed’ the Commissioner’s vehicle and insisted that their demands be met, following which a meeting was convened at the Bodhgaya Temple Management Committee office. At the meeting the vendors highlighted the relationship between their goods and the temple and therefore the importance of the location of the business. Convinced, by their arguments, the vendors were granted permission to conduct their business adjacent to the temple boundaries.”

This organizing is limited to evictions and the broader issues of the right to livelihood, safe and clean working conditions as well as social security are not addressed.
With this complex web of decision makers, there is no space for the representation of the women vendors. Neither are the vendors consulted, nor is their situation taken into consideration while planning to regulate street vending and managing tourism in Bodhgaya. It is quite evident that implementation of site management plan and generating revenue are the two major focus of the Panchayat and that too at the cost of evicting street vendors. Issues like suitable location for the business, accessibility to the place, cleanliness, street vendors’ participation in decision-making process are nowhere considered while deciding the matters.

1.3.2 STREET VENDING IN BHUBANESWAR:

1.3.2.1 ABOUT THE PLACE:
Bhubaneswar, the capital of Odisha, is situated in its eastern coastal plains. With Puri and Konark, it forms the Golden triangle of Eastern India. Bhubaneswar with its large number of Hindu temples, is often referred to as a “City of Temples” and it is an important Hindu pilgrimage centre. Some of the main tourist attractions are Udaygiri and Khandagiri caves, Dhauli Stupa, Lingaraj Temple, Nandankanan, Mukteshwar Temple. Tourism in the city has been steadily increasing over the years as evidenced by the data on domestic tourists arrival-11,13,404 in 2008 to 13,71,944 in 2010 and foreign tourist arrivals -17,493 in 2008 to 19,755 in 2010.  

1.3.2.2 STREET VENDORS:
Vending in Bhubaneswar is dominated by men. It was shared by the members of All Orissa Roadside Vendors Association (AORVA) that in Odisha, it is a taboo for women from respectable families to go out of the home for work. Only in case of acute poverty or the death of the head of the household, does a woman enter vending, as in the case of the only woman vendor the researcher was able to meet. Further it seems that street vending is a full-time family business. Many vendors who were interviewed shared that their brothers were also involved in vending business and sit at different locations. The role of the woman is to take care of the family and the home, therefore women are not involved in the business. Even at the tourist sites, on the outskirts of the city, very few women were seen in the street vending sector, selling mostly puja or food items.

1.3.2.3 APPROACH TOWARDS STREET VENDING:
Bhubaneswar has taken specific initiatives to address vending issues. NASVI in a paper based on a study in seven cities states that: “Street vending in Bhubaneswar is regulated by the Orissa Municipality Act, 1950. Section 295 (2) of this act provides that a municipality has the right to provide places for use as public markets while levying certain fees as deemed necessary for a maximum period of 3 years and subject to certain prescribed conditions. It is imperative for a person to obtain the permission of the municipality for the sale or exposition of goods, failing which the Executive Officer (municipal commissioner) may expel him / her. No person can open a new private market unless he / she obtains a license from the municipality to do so. There are also rules regarding granting and renewal of licenses (Orissa Municipality (Amendment) Act 1968).” The Odisha government has initiated a process to formulate a policy for street vendors.

Pratap Sahu, President, AORVA shared an historical overview of street vending in Bhubaneswar. In 1998, there was a joint drive by the Bhubaneswar Municipal Corporation (BMC), General Administration Department and Bhubaneswar Development Authority with the help of police to evict street vendors. Bulldozers were brought in to break down the temporary shed like structure of the vendors. In the process goods were looted or destroyed. This was a huge setback to the vendors especially those who normally take loans from money lenders or sell the products of merchants on a commission basis. In response to this situation, seven members walked across the state to organize the vendors and formed various associations under the umbrella of AORVA. In their struggle, they got support from the then Commissioner Ms Aprajita Sarangi. It was decided that vending zones will be designated for vendors. The responsibility of allotting space after ascertaining the identity of the vendors was assigned to the AORVA and the respective union of the vending zone. The city now has 52 vending zones housing 3000 shops.

The association now extends support to BMC in collecting trade license fee which is Rs. 50/- per year. BMC issues notices in the name of respective associations of vending zones if license fees are not paid. A major achievement for the association is to be recognised as a vendors’ representative by the BMC. However, the current commissioner who has taken an anti-vendors stand, has evolved a plan to demolish vending zones in different parts of the city in the name of beautification. The first to come under attack is one of the oldest vending zones constructed by the BMC itself – the Shishu Bhavan area, where there is a plan to widen the road.
When asked about ongoing eviction in Shishu Bhavan area, formation of Town Vending Committee and the status of implementation of the National Urban Street Vendor Policy (2009), the Commissioner claimed that having stepped into the post only recently, he did not have a clear idea about what has been done in the past and also about progress on the policy. Therefore, the Commissioner asked the researcher to meet Ms. Reena Mohapatra, project officer, JNNURM. The project officer informed the researcher that they only give license to the vendors identified by BMC, and therefore, do not play a direct role in regulation of street vending.

Following the plan for eviction in the Shishu Bhavan area, AORVA has threatened an agitation in the capital if the state government does not address their list of demands, which includes provisions for vending zones for all vendors, construction of at least three vending zones in each ward of the city, issuing of identity cards and rehabilitation of the evicted vendors. However, as on date, there is no plan announced by the state government on the rehabilitation and development of the street vendors.

1.3.2.4 ISSUES:

Some of the issues are around the building of structures for vending. The practice is initially, bamboo structures are built on a temporary basis in the allotted vending space and after six months the BMC officials review the area and give approval to convert it into an iron structure. The reason to build bamboo structure first is to check if allotted structure is being used by the owners and not “sub-let” to some other vendors. Also, since it is made on temporary basis, it costs 2000/- where the vendors bear the entire expenses. To convert in into iron structure, the cost is shared on a 50-50 basis following PPP mode. The total cost of one iron structure is 20,000/- with a vendor paying 10,000/-. This practice burden the vendors with incurring cost twice, first to make bamboo structure and then converting it into iron.

While there are issues in the creation of a vending zone, in Bhubaneshwar, there is a marked difference in the realities of the people vending within the zone in main city vs. in tourist destinations which do not have vending zones. The vendors at Khandagiri site feel that their situation is worse due to the absence of a vending zone. In Khandagiri and Lingraj temple, the cost of bamboo structures are borne by the vendors which puts the vendors under pressure to take loan to arrange the capital to invest in building the structure along with the business first and then earning enough to repay the loan. While eviction is not a major issue for the vendors at both the sites, the amount collected as “fees” by the Municipal Corporation is of serious concern, especially at Khandagiri. Here, a 12 days mela is the main tourist attraction which draws large number of tourists. At Lingaraj temple, rath yatra is the major attraction which goes for 11 days. During the season, the fee collected from each vendor is Rs. 2000 at Khandagiri and 200/- at Lingraj temple. The amount paid for given number of days at both the sites is quite high in comparison to the vendors in city who pay 500-1000/- per month depending on the business. The burden to meet the expenses is more challenging for two reasons. First the location of the sites, as both are located in the outskirts, there is little business in non-tourist season. Secondly, vendors from the main city also arrive at the site during season which means sharing the profit.

Further, vendors from the main city are also charged with the same amount of fee by BMC at Khandagiri site. There is no distinction made between the type of vendors (vendors with structures and the vendors coming to the site during season only) when finalizing on the fee structure. There is no clarity on the basis of which the amounts have been arrived at and why there is a difference between “fees” collected from vendors at tourist sites and the vendors in the main city when both the areas come under the Municipal Corporation. The vendors are under the assumption that the land belongs to Orissa Tourism Development Corporation (OTDC) and that is why they are charged a high amount.

In the case of Dhauli Stupa as the site comes under the Panchayat, a similar situation as in Khandagiri exists. There is no subsidizing of the cost of construction by the state, thereby increasing the financial burden of the vendors. The vendors have to arrange the capital only to start the business but they also have to bear the cost of constructing the structure. In addition to the cost, the vendors pay 300/- per year to the Panchayat.

To meet all the expenses including cost of structure, “fee” and business, vendors at all the sites have no choice but to take loans. The vendors shared that they take loans during off season from micro finance services to meet their expenses and re-pay it during the tourist season. Also, since it is easy for women to get loans especially from micro finance institutions, most men take them on their wife’s name. Vendors are therefore fulfilling their daily needs through loans and with the prevalent high interest
rates, they are caught in a vicious cycle of loans from various sources. Tourism being seasonal in nature, the visitations being based on several extraneous factors and the dependency of the local communities on vending in tourist destinations, further complicates the situation.

A street vendor’s organisation ‘Shree Shree Dhabaleswar Byabasayee Sangha’ plays a significant role at Dhauli Stupa. The association has facilitated street lighting at the site and taken the initiative to keep the place clean however, management of solid waste is of grave concern. Debris of plastic glasses behind the stalls were observed.

Both in Khandagiri and Dhauli Stupa for vending space, a ‘fee’ is collected for which no official receipts are issued. While the vendors state that it is either the BMC or the Panchayat who collects this amount, it seems the money does not reach official coffers. While the Municipal Corporation through allocating proper vending zones in the main city has addressed the issue of regulation but has not done the same for Khandagiri and Lingraj temple which are tourism destinations.

The important role played by the association AORVA is evident in the city, where they have been able to negotiate with the administrative structure such that they are benefited. However, presence of the association is not strong enough to organize street vendors at tourism sites.

1.3.3 STREET VENDING IN PURI:

1.3.3.1 ABOUT THE PLACE:
Puri located 60km from Bhubaneswar is part of the much visited golden triangle tourist circuit in Orissa. The major tourist attractions are the Lord Jagannath Temple located on Grand Road and the Puri Beach. Over the years, there has been increase in the number of domestic as well as foreign tourists. Hotel occupancy has gone up from 22,12,466 in 2008 to 26,15,885 in 2010 for domestic tourist whereas it is 17,025 in 2008 to 19,065 in 2010 for foreign tourist. This is more for day visitors which is 48,80,375 in 2008 to 54,44,163 in 2010 for domestic tourists and 17,629 in 2008 to 19,099 in 2010 for foreign tourists. Tourism provides livelihood for almost 80% of the people of the town. The whole region around Puri is largely influenced by the temple in various ways. The temple has been a source of employment for the people throughout the year as people supply sugar, ghee, rice, milk etc for ‘temple offerings’, engage in providing transportation facilities, artists and artisans from surrounding areas rendering their services through performances as well as paintings, pottery items required for puja.

1.3.3.2 STREET VENDORS:
Since Puri is an important tourist destination and there is no other industry which can meet the employment needs of the people, vending is an easy option for this large segment of people to enter. As in the case of Bhubaneshwar, in Puri also, few women are involved in this business for similar reasons. It was shared by a vendor that the women involved in vending are either widows or have started the business to re-pay the
loan taken by their husband on their name. Also, few women vendors join their husband’s business in tourist season only but use separate stalls at the same location.

1.3.3.3 APPROACH TOWARDS STREET VENDING:
Puri Municipality is responsible for the regulation of street vending in the town. Since the chairperson was on leave, meeting with the officials could not take place. However, meeting with the Planning and Member Secretary, Puri-Konark Development Authority highlights lack of willingness among government departments to designated space for vending. In the context of ongoing evictions on Grand Road, he said that, “there is lack of coordination and willingness among government officials to allocate place for vending. Carving out space for vending is not a difficult job even it is not allocated in the master / development plan but it needs to be planned collaboratively”. When asked about the vending space in the Master plan of the city, the Secretary informed that currently there is no master plan for Puri. The last master plan was brought out in 1967. Recently, the process of a new master plan is initiated where the space for vending is being considered. However, the location of vending remains in question as street vendors are not consulted when preparing the plan.

1.3.3.4 ISSUES:
The initiative taken to regulate street vending reveal many issues faced by the vendors, thereby, raised questions on the way street vending is being regulated.

The Municipality has built a building to be used as a market space on the Grand Road which is a closed complex. The vendors have refused to shift there as it does not meet the location requirement of vending business. Secondly, they are to pay 700/- per month for the structure (as rentals for hiring the space) to the municipality. Those who can afford it, have rented it as a storage space only but continue to carry on business in the original area (on the streets). Capital and access are both issues. This was shared especially by the women vendors as one of the major reasons for being unable to expand their business. High interest rates prevent them from taking loans and the repayment cycle, which is weekly, is difficult for the women to sustain. Sometimes they borrow articles from the shops and pay for the goods in the evening. As sourcing goods for vending is itself a challenge financially, renting the structure is out of the question for the women.

Most of the vendors display their goods which include puja articles, sweets, food on a sheet or in a structure fixed of broken wooden pieces by the vendors. It is found that the difference between using structure and sheets are mainly connected with eviction. Since street vendors are evicted frequently in the temple area, most of the vendors including women do not use the structure fixed with wooden pieces as it gets damaged during eviction. Whereas, in the crowded beach area, the vendors sell food articles, fashion accessories or handbags in tiny shops or on push carts which means bearing the cost of structure/ pushcarts on their own.
Accessing a place to vend depends on the amount of bribe paid as well as on the relationship shared with the police officials. This is true especially in the temple area since vendors are not allowed near the temple gate. The vendors at both the sites (the temple area and the beach area) pay 5/- per day to the police, for which vendors at beach area are given a receipt. Getting receipt at temple area depends on the vendors. The receipt can be obtained if asked for by the vendors however, this demand for a receipt is not taken well by the police. Another option is to pay Rs. 3 to the police, for which they are not given a receipt and they are at the risk of paying fee many times if they are not on friendly terms with the police. Also, the amount of fee varies according to the location. The location near the temple gate is most lucrative for the business even if vending is not allowed. To get the space, the vendors pay 5-7 rupees to the police. The amount is considerable in view of per day profit of the vendors which is Rs. 15-20/-.

There is also an informal rule by the Municipality that only 1 member from a family can be a vendor. The possibility of more than 1 family member being a street vendor depends on their relationship with the police. Thus everything including the opportunity to vend, location, number of family members in vending business, eviction etc is determined by the government officials and the police.

During the visit by the researcher, there were evictions taking place in the temple area which had affected the business and many shops were closed.

It was observed that bamboo barricades were put in place near the temple to prevent the vendors but the vendors continued doing the business sitting in front of the barricades.

There is a lack of basic amenities like drinking water and toilet facility. There is one Shulabh toilet facility constructed in the parking zone area which is far from the temple gate. Therefore, the vendors use road side corners as their toilet. One of the reasons for eviction was to clean the drainage as the vendors have put up stalls on the covered drains also. But, it was noticed that the Municipality has dug both the sides of the road and heaps of solid waste were lying on both the sides of the open drains!

As in the case of Bodhgaya and Bhubaneshwar, the street vendors are not organised under any association in the temple area and that seems to have had an impact on their situation. In the beach area, there is a street vendors’ association who engages with the local authority in addressing the problems of the vendors and is also actively helping maintain cleanliness on the beach. This could be the reason why the problems faced by the vendors in the beach area are relatively less complicated than those in the temple area. The vendors on the beach do not face as much harassment by the authorities. However, negligible participation of women vendors in the association is a concern. The women vendors shared that they know about the association and few of them have taken membership also but it is the male member of their family that attends the meetings. This is because they joined the husband’s business in tourist season only or the meeting space is dominated by men.
1.3.4 STREET VENDING IN GOA:

1.3.4.1 ABOUT THE PLACE:
The state of Goa is located on the western Konkan coast of India. The vast expanse of the Arabian Sea on the west forms the magnificent coastline for which Goa is famous. Tourism is a major economic activity of Goa and received 21.27 lakh domestic and 3.76 lakh foreign tourist arrival in 2009-10. The State is promoting varied tourist attractions which includes beaches, sanctuaries, churches, temples, and heritage houses. With the many years of tourism activity issues such as environmental degradation, violation of Coastal Regulation Zones Notification, cultural decay, sex tourism, child labour, child and women trafficking, alienation of the communities from their lands are issues that the State has been a witness to.

1.3.4.2 STREET VENDORS:
In the early ‘90s there were only a few mobile and stationary vendors on the northern beaches and adjoining villages of Goa selling sunscreen creams, fruits, etc. By the early 2000 there were many more hawkers; some of whom had started moving south all the way to the Palolem beach selling souvenirs, jewelry, garments, fruits, slippers, pens, books, tattooing, henna and massages.

Recognising that there are hawkers from various parts of the country, however for this case study we focus on issues of the Goans and Lamanis (a nomadic tribe from Northern Karnataka) as the issues raised here are similar to those with other migrants.

In Goa, the vendors can be categorised in two groups. First, stationary vendors who run their business in a tiny shop/ or at a permanent location. The other mobile vendors who roam around the beaches / village to sell the products. Unlike the other sites, the identity of vendors i.e. local or migrants play a significant role in accessing the space for vending.

With regard to stationary vendors, both renting and subletting of stalls by Goans as well as people from other states like Kashmir and Gujarat is a common phenomenon at beaches like Vagator, Calangute, Cavelossim, Colva. At Vagator, the stalls are mainly run by Goans, therefore the rent is paid to the owner of land, who in turn pays a small amount to the Tourism Department. The rate for a stall of 10 x 10 feet is Rs 1000/- per month. Additionally, the vendor pays Rs 500/- per month to the Panchayat.

At Anjuna beach, most of the women vendors from Karnataka and Maharashtra had rented space / stalls built on private lands owned by Goans. Their husbands held different jobs (e.g. tailor / construction work). As rent, the vendors pay approx Rs 5000/- (4 months of the off season) to the owner for a space measuring approximate 5 * 10 feet. They also pay Rs 20/- per day as sopho (tax) which applies only to migrant vendors. Some of the vendors keep a permanent place during off-season and in-season time move from place to place such as the Saturday night market, Mapusa market, Anjuna Wednesday market where they pay a rent of Rs 100-400/- per day depending on size of shop. Both domestic and foreign tourists visit Anjuna beach.

At Dona Paula there is a stretch of 64 stalls operated by Goan women for many years, as their husbands are involved in other jobs (e.g. fishing or government). The stalls are open throughout the year except for about two weeks when the water comes up from the sea. They do not fear competition as they sell the same kind of clothes at similar rates. With their clientele mostly being the domestic tourists, they do not earn much profits sometimes as low as Rs 10-20/- per item.

In the past, vendors at Dona Paula have faced evictions. The Municipality has provided a space near the police station, away from the beach. However as the tourists do not venture into that area, the vendors are not keen on shifting and continue to stay where they are. A file concerning this has been in court for many years. Around 10 years ago they had built permanent shops there but the municipality broke down their shops. They then approached a local Minister and demanded for a separate space to be allotted to the vendors, from where they currently operate. They do not pay any fee to the government (“because we are Goans”). They have also approached the Department of Tourism for licenses but the demand is not met.

Stretch of stalls at Dona Paula beach, Goa
Mobile vending by roaming around the beach area is mainly done by women from other states like Karnataka, Gujarat, West Bengal, Bihar and on a couple of beaches by the Goan women. A majority of the migrant women are the Lamanis from the Gadag district of Karnataka. The Lamanis are a nomadic tribe originally from Rajasthan. Over the years they have moved and settled in several states of the country. Only in Cavelossim, there were also Goan women vendors who roam around the beach to vend.

Many of these women (migrant and Goan) have been involved in vending for the past 4-20 years. The Lamanis stay in rented rooms which cost them from 500-2000 per month, depending on the area and the condition of the room. They have their families living with them and stay close to 8-10 months of the year in Goa. They go back to Karnataka for a couple of months where they have their in-laws, other relatives who are involved in agriculture, work on daily wage/contract basis. All of them see vending as a part of supporting their families and children’s education. Many of the Lamanis women are illiterate but able to speak multiple languages, a skill they have picked up over the years interacting with foreign tourists.

They sell items like clothes, jewelery, souvenirs or shells which are sourced from a wholesaler from Delhi and Mumbai. The similar items are a result of understanding the preferences of the tourist over the years. This however affects their profit margins which also depend on which beach one vends on. Income is high at the beaches frequented by foreign tourists. During the off-season they earn enough to make ends meet “we are able to fill our stomachs” while during season, business is good earning sometimes 2000/- a day with a profit of Rs 20,000-30,000/- over 6 months.

1.3.4.3 APPROACH TOWARDS STREET VENDING:
The Panchayats grant licenses and register mainly Goan vendors who are allowed to vend in the Panchayat area. The migrant vendors are not given any licenses. While the vendors with stalls have some protection as they are mostly rented stalls or put up on private lands, the ones vending on the beach are considered illegal, as vending is not allowed on the beach area. The irony of the situation however is that ‘sopho’ - a tax of Rs 20/- is collected from migrants everyday. The situation of being considered illegal yet paying a tax thereby legitimizes the presence of the vendors on the beach.

However the Goa Tourist Places (Protection and Maintenance) Act, 2001 Section 3 declares ‘All the beaches within the State of Goa’ as tourist places come under the Department of Tourism, with the Director of Tourism being appointed by the Government of Goa to be the competent authority for the purpose of the Act for the entire State of Goa. In an interview with Director, Department of Tourism, he stated that

“On Goa’s beaches all types of hawking and business is banned ... it has been notified as no hawking.”

In 2010, an article featured that the Department of Tourism is agreed to issue licenses to all masseurs, hawkers and Lamanis to operate on the beaches even though this may not go down very well with the tourism industry. However in a subsequent interview with the Director, Department of Tourism, he re-emphasized that “on Goa’s beaches – all types of hawking and business is banned. What was happening is all these years, we did not have any implementing / controlling agency to implement this set of guidelines / set of directions. Now recently we have come up with a tourist security force...There was some confusion on this issue because it was believed that if they apply to us we can grant them permission. But it cannot be done, at least on the beach areas”. In the future to control the increasing number of vendors on the beaches, the Department of Tourism has asked the Panchayats to provide a record of all ‘traditional vendors’ in their area who maybe given licenses. A decision on this might be taken by next tourist season (2011-2012). At this point, the process that will be followed is unclear even within the Department.

The Travel and Tourism Association of Goa (TTAG) has taken a position of advocating to the government to make beaches vendor free. In an interview with the President of TTAG, he contends that there are 2 core issues for them to take this position.

“First there are many people such as the ear cleaner, the vegetable - fruit seller, massage person, someone selling tea, clothes, snacks, jewelery, trinkets, etc who come and harass the tourists. The second and more dangerous are the drug peddlers, pimps and touts in the guise of hawkers. TTAG’s position is to ensure that tourists are not harassed and therefore to not allow vendors on the beach. The government can earmark positions / vending zones every kilometer / a couple of kilometers from where the vendors can operate.”

The position of TTAG works for the Government as they too
1.3.4.4 ISSUES:
The positions taken by the government and conflicts arising out of identities has resulted in very complex feature of street vending in Goa.

Accessibility to the space is difficult for both the vendors due to social tension between locals and migrants. Increasing rents have implication for local vendors to have the stall as shared by a woman vendor from Dona Paula

"people at other beaches give stalls on rent and if the vendors from other states are ready to pay higher rent then why don’t (we) just sit and earn from the rent".

On the other hand, migrants pay large amount to get the space for vending. The vendors from other states having no license are an illegal source of income for government officials. All migrant vendors without a license are required to pay sopho to the Panchayat, however there is no record / receipt given for the tax paid. Collecting sopho is given on tendered contracts by the Panchayat. Apart from the sopho, very often the police too are paid a bribe so as to allow them to vend on the beach. If they are not able to give the money, the police take their stock. On a fair number of occasions, the Lamanis have paid anywhere between Rs 200 to Rs 2000/-, especially for the police to release their goods. It is a vicious circle. The tourism director acknowledges that until now there has been no implementation of the law, is aware that the sopho is collected and believes that it is illegal and should not be the case. The Panchayat contracts and earns through the tendering process the collection of sopho every year and the Police come every week to collect bribes from migrant which is not the same for locals.

There is tough competition between the vendors. Some of the Lamanis that were interviewed have been coming for the past 15-20 years. Over the past few years with every tourist season a few more of their relatives, friends, people from their villages join them thereby swellings the numbers. The Lamanis are aggressive sellers. They realise that if a tourist walks away, it is very rare that they will come back and therefore push that much harder to make a sale. This style with very different from what the Goan beach vendors adopt, who choose a more sedate manner. This is one of the reasons why conflicts exist between the Goans and the Lamanis.

The Cavelossim beach seems to be the only one where the Goan women vend on the beach, and the Lamanis rent out shops. The issues between the Goan and Lamanis vendor on the beach are very similar and yet there is an aversion to the other. At Cavelossim, the main concern of the Goan women was the competition they face from the Lamanis. They have shops on a private property which is sublet to them and are not authorized to come to the beach area to vend. However because of the large numbers, a few are attached with each shop who make there way to the beach, outnumber the Goans and as they have a more direct way of selling, using ‘emotional tricks’ become quite a competition for the Goans. High rent of stalls is not affordable to the Goan women vendors and therefore do vending by roaming around the beach. This is the same reason also given by Lamani women who vend on other beaches – that they do not have much money to rent a stall and stock enough materials.

The Goan vendors have been given licenses by the Panchayat which are valid to vend in the village and not at the beach (although they had asked for licenses for the beach). They have approached the department of tourism and asked for licenses to vend at the beach, but their effort has been in vain until now.

The struggle of the Goan women at Cavelossim goes back 8-10 years when a few people had put up shops on a hotelier’s property. Gradually the owner of the hotel started giving the
A complaint filed, an investigation carried out. After that, the hotelier stopped allowing people to continue business from his property. The local women vendors approached the Panchayat for license and got permission in writing to sell fruits and clothes, which is renewed every year. Another issue of conflict is that despite having shops on the road, the Lamanis come down to vend at the beach. The local women have raised this in Gram Sabha but the situation has not changed. The police come for one day, drive the Lamanis away, though they are seen again at the beach the very next day. To restrict entry, the Goan women had taken the help of local men to keep guard, but were threatened by goons.

In 2008, there was a resolution passed by the Gram Sabha for the ‘Protection of the Right to Livelihood of Vendors in Cavelossim’ in wake of people from the local community loosing traditional occupations and an increase in the number of vendors resulting in overcrowding and social tensions.

Salient features of the resolution are:

a. First preference should be given to traditional and long-standing occupants.

b. Number of licenses should be limited to 30 so that overcrowding of the beaches and resultant tensions and conflict can be controlled.

c. A zero-tolerance of sub-leasing of vending business will be imposed and violating the conditions will lead to cancellation of the license.

d. The Panchayat will assist local vendors to tie-up with SMEs and other relevant government departments for skill-building training for seasonal vendors so that they can earn livelihood during off season.

e. The Panchayat will ensure strict implementation of above points by appointing local unemployed youth as security personnel who’ll assist police in preventing increase of the coastlines carrying capacity.

The struggle of livelihood is one of the biggest challenges that is faced by the vendors. The situation that the Goan women in Cavelossim face is the same that the Lamanis face on the other beaches. Excessive competition, limited space, increasing number of vendors has often lead to fights/conflicts between the Goans and the Lamanis. Goans say “outsiders are coming and earning a livelihood here.” Lamanis say “as though we are outsiders – we are also Indians...only when the foreigners come can everyone’s stomachs be filled - all of us are here to earn a livelihood - like Goans, like us ... We don’t fight, we run away. Even if they say something, we go off quietly and then come back again. What do we do? We also have to earn and work.”

None of the women vendors have received any help from the government nor do they have any form of social security. Although 14 Goan women vendors at Cavelossim had founded a self-help group where they collected 50 Rupees per month each and put it into an account, they withdrew the money as “some of them need money very badly”. Even free access to basic amenities such as the use of a toilet is not provided. It is found that there is a lack of public toilets at all the sites except Dona Paula beach. Vendors either go to the room if it is close to the beach or go behind the bushes. However, these are issues do not seem to concern government officials.

It is not just the formal tourism industry but also many from the informal tourism industry who are of the opinion that there is no need for vendors (‘Lamanis’) on the beach as it is difficult to keep watch on them and many migrant vendors use selling as a façade to do illegal activities - sell drugs, harass tourists, do not send their children to school and sell wares at exorbitant rates.

In Goa it showed quite clearly that tourism is a labour market that attracts also people from other states of India (migrant workers) during the tourist season. But it also shows that the benefit from tourism is limited as competition is high, the market limited and the everyday struggles for their livelihoods. Additionally, conflicts between the local vendors and the migrant vendors add another layer to the phenomenon which is seen as class issue by few people. However, it is evident that its interface with identity and cultural issues make it a multi-layered phenomenon.

1.3.5 FINDINGS:

1.3.5.1 TOURISM AND STREET VENDING:

Narrow outlook toward tourism: The states see tourism as a source of revenue including earning foreign exchange, therefore focus on the destination being able to fulfill the needs of tourists without considering the needs of local people and
communities. There is no legitimate space for street vendors who are seen as harassing tourists with the persistent manner in which they sell their wares. This leads to eviction and / or a constant threat of the same.

**Lack of recognition of street vendors at tourism sites:** There is a lack of understanding about the role of street vendors in tourism. There is a need to recognize and acknowledge the importance of street vendors as part of a tourism site by the government. For e.g. Bhubaneswar Municipal Corporation has not designated any vending zones at tourist sites, but have done so in the rest of the city.

**Street vending allegedly cause lack of sanitation:** One of the arguments used for not allowing street vending is that vendors do not maintain cleanliness of a space. It is more so at tourism sites where more emphasis is laid on beautification to attract high-end tourists. The prevailing notion of beautification does not have space for street vendors who use pushcart or sheets to display their goods, pursue tourists to buy the goods, serve various need of tourists in informal ways and make the place chaotic. However, it was noticed that the vendors at some of the sites like Dhauli Stupa, Puri Beach, Khandagiri have taken initiative to manage solid waste without any support from the authorities. The lack of solid waste management and cleanliness are found at most tourist sites in the country and Bodhgaya and Bhubaneswar are no exceptions. In Bodhgaya, piles of garbage was noticed all over the place despite the government’s claim of cleanliness. In Bhubaneswar at Grand Road, the Municipality has dug both the sides of the road to clean the drainage and heaps of the waste with open drains in front of the shops was lying on both the sides. It is unfair to hold vendors solely responsible for lack of sanitation.

**Street vending is unprofitable business:** Street vending is hardly profitable due to the challenges arising out of inaccessibility of space to the vendors as well as lack of system in the place to regulate vending. At tourist sites, the vendors are dependent mainly on the season which is also the time for local authorities to generate revenue. Therefore, the authorities at all the sites visited tend to take advantage of the lack of regulation in place and street vendors are easy ground for the local authority to earn money through bribe or fee imposed on the vendors in the name of tourism. This may indicate the reason for the lack of willingness on the part of local authorities to take initiative to regulate vending in cooperation with other concerned authorities. Moreover, competition among vendors increases as many people from neighbouring places migrate to the place which affects the profits of vendors from local area. The vendors from local area have to make extra effort to face the competition whereas the vendors from neighbouring areas face more harassment from the authorities like the Municipal or Panchayat officials and police.

**Dependency of street vendors on tourism:** Tourism creates demand for street vendors as they serve various need of tourists in informal ways. Street vendors at tourism sites are mainly dependent on the tourist season to earn their livelihood. Vendors in Bhubaneswar who are located outside the city and visited only during tourist season are under huge pressure as they are solely dependent on a successful tourist season.

**Conflicting interest of retailers and street vendors:** There is a conflict of interest between the retailers and the street vendors since they compete with each other in marketing their goods. Very often the same items are sold by the retailers and vendors. Since a tourist is able to purchase the same item at a lower price from the vendor, they are preferred. Retailers including hoteliers, restaurants and other businessmen from nearby areas, who seeing an opportunity in setting up shop in a tourism destination, use their political and financial power to influence the district administration and police to harass and evict the street vendors.

**Lack of participation in decision-making:** Vendors have no say in the decision taken for them by the government officials. For e.g. in the case of allocation of spaces, it was found in all the sites visited that there is a complete disregard of the significance of the location while allotting the space for vending. As a result, allotted sites are either under utilized or lying empty. The amount being collected from the vendors as license fee, is also decided unilaterally by the Municipality / Panchayat / police.

**High amount charged as “fee”:** Vendors are found paying fee to the local authorities which is often a large proportion of their daily earning. It is not clear if there is any record maintained as to what the government does with this money collected, which should be spent on providing / arranging basic facilities like toilet, drinking water, garbage bin etc. for the vendors at the sites.
Presence of multiple authorities: There are multiple government bodies/authorities involved in the management of tourism destinations, like the Local Governing Bodies- Panchayats and Municipality, Department of Tourism, Police Department and Management Authorities like the Bodhgaya Temple Management Committee. Technically, street vending is a subject under the local authority but in tourist sites, all the departments have significant role in regulating the use of land which is one of the major issues for street vending. There is a lack of clarity among street vendors about different roles played by these departments in regulation of land at the sites. As a result, the street vendors become easy targets for evictions and end up paying bribe to various authorities to access space.

Lack of organization: There is a lack of organisation among street vendors at the tourist sites which does not help alleviate the situation. The existing street vendors’ organisations have not been able to reach vendors in tourist sites. It is found in the study that the situation of street vendors is better at the sites where the vendors have organized to fight against injustices meted out to them like in the case of the beach area in Puri or Dhauli Stupa in Bhubaneswar and Dona Paula in Goa.

1.3.5.2 ISSUES SPECIFIC TO WOMEN STREET VENDORS:

In addition to above factors, there are factors inherent to street vending that makes it more challenging for women street vendors.

Lack of access to location: Due to high demand for the location favorable to vending, the vendors have adopted different strategies at different sites. In Bodhgaya, those who vend throughout the year are privileged while occupying vending spaces informally. In Puri, it is about the ability to pay bribe to the police. These criteria are not favorable to women street vendors as many of them are engaged in vending only during the tourist season and are too poor to pay the bribes. Women coming from the neighboring areas also face similar problems in addition to the fact that they are not in home terrain. In Goa, getting stalls depends on one’s capacity to afford the rent which restricts accessibility of not only local vendors but also of migrants. High rent charges due to increasing demand for space and ‘sopho’, bribe in addition to the rental charge aggravate the conflicts between locals and migrants.

Less profitable business: Women vendors sell petty goods like puja items, eatables, trinkets etc. which do not earn them much profit whereas men vendors sell more profitable goods like silver jewelry, brass products, audio-visual goods, wooden and metal products which bring them a decent profit. There are men vendors who sell the articles of big shops at lower prices and in turn get a commission. This way they not only earn more profit than women but they also have support / protection from these big shops who generally share a good relation with the police and the local authority. Only few women vendors (Lamanis) in Goa were found working on a commission basis. Thus street vending is not a profitable business for women as paying significant amount as bribe to the authorities takes away from the already meager profits that these women earn.

Lack of access to infrastructure: Most women vendors use plastic or cloth sheet, carton boxes, baskets to display their goods, while the men use pushcarts, wooden or shaded structures. There are two reasons for this. First, during eviction, it is easy to collect the goods and escape before the police are able to confiscate them, and secondly the cost of pushcarts, benches and wooden structures are high. Further, during eviction, the carts and structures are damaged and additional amounts need to be spent to repair these. Women do not have access to capital to invest like the men do. Therefore women are unable to expand the scope of their business. In Bhubaneswar, bearing the total cost of building the structure is in itself a debilitating factor for women vendors.

Lack of basic services: Inadequate maintenance or lack of facilities like drinking water, public toilets, garbage bins, storage was acutely felt at all sites. It was observed that toilet facilities were either not in working condition or were too far from the vending site. In Goa, there is complete lack of toilet facility at the beach that is accessible to the vendors. Lack of storage facilities especially affects the women vendors, since they have then to carry back the goods everyday. In Grand Road and Lingraj Temple area in Bhubaneswar, few vendors shared that they have hired a room near the location to keep the goods which is not an affordable option for most women vendors.

Unavailability of crèche: It is vital at tourist sites not only to support women in investing more time to their business, but also for the health and well-being of their children. Children of women vendors play near the vending spaces or are engaged in activities like vending, begging etc. This needs to be taken
seriously since this reinforces a cycle of dispossession. The
children, seeing that begging and vending petty goods is a quick
source of income, prefer not to study which in turn affects the
capacity of the future generation to participate effectively in
the development process.

**Lack of vocational skills:** Though street vending does not
help street vendors to earn much profit, however, they have
no choice to opt for other occupation due to lack of other
vocational skills. Given this, street vending is an easy option
for women street vendors as it does not require specific skills.
Also, it provides flexibility of timing to manage their household
chores. But at the same time, it makes them more vulnerable to
the situation if tourism collapses as they will be left out with
no other alternative source of livelihood.

**Lack of organisation among women street vendors:**
Lack of organisation / unionization and negligible participation
of women street vendors in the existing street vendors’
organisations seems to have far-reaching impact on their
status. There is a lack of awareness and understanding about
the issues of women vendors even among the street vendors’
organisations. Therefore, the issues and challenges faced
by women vendors are not taken into account in ongoing
discussions and not included in the initiatives taken by the
organisations.

**Poor access to credit:** Lack of capital is found to be a
common issue for women vendors across the states. High rate
of interest prevents them to take initiative to expand the
business. Also, with meagre income, it is difficult for them to
repay their loans which in turn forces them into a debt cycle.
This was found especially in Bhubaneswar and Puri. Vending has
only helped with earning a daily wage for sustenance and has
not helped the women vendors come out of abject poverty.

**Lack of awareness about schemes:** Women vendors are
not aware of the schemes, provisions in the constitution which
protects their rights at the sites, issues specifically related to
them like separate toilets etc. This is more important in the
context of the TVC. With lack of awareness about their rights
among women vendors and their socio-cultural background,
it is difficult to envisage that they would be able to raise their
demands like crèche and toilet facilities, even if they happen to
be a member on the Committee.
Legal Framework
Based on the experiences collected from the field, the section provides an analysis of legal framework. It starts with brief account of constitutional rights, Supreme Court and other court judgments made in response to pleas by vendors / hawkers, followed by an analysis of the National Urban Street Vendor Policy of 2004 and the 2009 and Model Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill 2009 (Later Model Bill 2009).

2.1 CONSTITUTIONAL PROVISIONS:

The Constitution of India has several provisions that support the view that hawking and vending need to be legalized as a means of livelihood.

Provisions Enshrined in the Constitution of India:

ARTICLE 14 Right to Equality states, 
“The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”

ARTICLE 19 (1) (g) states, 
“All citizens shall have the right to practise any profession, or to carry on any occupation, trade or business.”

ARTICLE 38 (2) states
“The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.”

ARTICLE 39 states
“The State shall, in particular, direct its policy towards securing-

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood;

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good.”

ARTICLE 41 states
“The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.”

2.2 IMPORTANT CASES:

There have been many cases directing the state to delineate a place for hawkers such as Francis Coralie Mullin vs The Administrator, Union Territory of Delhi & Ors. (AIR 1981 SC 746), K Sundarshan vs Commissioner, Corporation of Madras (AIR 1984 Mad 292); Bombay Hawkers’ Union and Others v Bombay Municipal Corporation and Others (AIR 1206, 1985 SCR Supl. (1) 849); Olga Tellis vs. Bombay Municipal Corporation (AIR 1986 BC 180); Gulamali Gulamnabi Shaikh vs Municipal Commissioner (1986 GLH 616), Gainda Ram and others and Municipal Corporation of Delhi and others (IA Nos. 35, 36 and 37 of 1994 in Writ Petition No. 1699 of 1987). But in 1989, a petition filed by a vendor Sodan Singh is landmark case when the Supreme Court pointed that street vending should be approached as a fundamental right.

Writ petition filed by a vendor, Sodan Singh:

“What I would like to request all of you, the privileged lot is to give me a regular Tehbazari Right…., give me a place to sit and hawk….., or if nothing is possible please show me a way to earn my bread.”

The Supreme Court in Sodan Singh & Others vs New Delhi Municipal Council (NDMC) held that the-

“right to carry on trade or business mentioned in Article 19(1)(g) of the Constitution on street pavements, if properly regulated, could not be denied on the ground that the street pavements were meant exclusively for pedestrians and could not be put to any other use; that the right of a pavement-hawker was subject to reasonable restrictions under clause (6) of Article 19 of the Constitution and the State as trustee was entitled to impose all necessary limitations on the character extent of user by such pavement-hawkers.”

Sodan Singh & Others vs NDMC in August 1989, paved the way for formation of the Thareja Committee, which proposed
provision of place of work to street vendors who gave proof of regular vending in the form of three challans or Tejhabari slips of paper. Most vendors being either illiterate or with little education had not saved these slips. Hawkers reported that officials, taking advantage, sold the older challan slips at high price. Further appeal resulted in the Supreme Court directing the Committee to use local and government records as proof. In spite of the court orders the condition of street vendors has not changed.

At the same time, Ela Bhatt took a call for ‘do tokri ki jagah’ in Parliament and placed a resolution in the Rajya Sabha on August 5, 1998 with demand to formulate a National Policy on Hawkers based on the framework proposed at the Bellagio Declaration.35 Thereafter, a National Policy on Street Vendors was formulated by the Government of India in 2004.36

Subsequent to the 2004 Policy, NCEUS was set up under the chairmanship of Dr. Arjun Sengupta, to review issues affecting the livelihood and well-being of informal workers and to make policy recommendations. Among other initiatives of identifying constraints faced by small and micro enterprises and suggesting measures to overcome them, NCEUS reviewed the National Policy on Urban Street Vendors, 2004 and issued a report in 2006.37 This sparked off a nation-wide debate on the issue of regulating street vending, and finally, in 2009, the Ministry of Housing and Urban Poverty Alleviation (HUPA), Government of India, published the National Policy on Urban Street Vendors.38

2.3 GAPS IN THE NATIONAL POLICY ON URBAN STREET VENDORS:

While both the National Policies on Urban Street Vendors (2004 & 2009) recognize the important role that vendors play in the economy, as well as in the society, and provides mechanisms to accommodate, regularize and provide social security to street vendors, there are areas that confirm exclusion of large number of street vendors while privileging a small section of street vendors.

Street vending being seen as part of urban life only, do not recognize street vending in rural areas. This limited coverage of vendors does not comply with the ground reality, especially in tourism as the sector operates outside of rural-urban boundaries. This has serious repercussion on the situation of the vendors in rural areas, especially on women vendors. Generally men get opportunities in hotels, transportation, tour agencies, restaurants so vending is among the few options left to women. Also, given the trends of male members of the family moving to the town or cities for employment, tourism presents an opportunity for women to get engaged in the development process. The flexible timings help women manage responsibilities at home. But absence of regulatory mechanism in the place will make them more vulnerable. Given inapplicability of the policy (2009) in rural areas, the vendors will have no one to hold accountable which will promote corruption as well as exploitation of women vendors.

Definition of public areas narrow down the scope of the policies by including only park, market area and leaving tourism sites out of its ambit which provide opportunity for street vending on part-time basis due to its seasonal nature. Also, street vendors tend to migrate to lucrative areas like tourist destinations during the season which also helps to meet the increased demand for their services. There is no system proposed in the policy 2009 to accommodate increasing number of vendors or license during season on temporary basis. In absence of it, tourism sites are more likely to get congested leading to problems like conflict between local and migrants, corruption etc. Additionally, absence of mechanism to address increasing number of street vendors in tourist season make part-time and migrant vendors illegitimate, therefore, deserve eviction.

While the creation of vending zones has the potential of offering security to the vendors, it limits the number of people who would be retained in the vending business as the number of vending spaces created will not accommodate all the existing vendors and will also limit the number of new people entering into the vending business. The first to be sacrificed would be the part time vendors who will not have access to vending zones as the zones will be only for registered vendors with limited number of stalls.

To ensure participation of street vendors in decision-making process, both the policies call for Town and Ward Vending Committees. The criteria to select street vendors’ representatives in Town Vending Committee (TVC) are: participation in membership-based organisations; and demonstration of financial accountability and civic discipline. The reality is that existing street vendors’ organisations have limited outreach and not every place has street vendors association. Given this, ensuring street vendors representation in TVC will remain a challenge if there is no street vendors’ organization. Also, given
the conflict between vendors from local area and vendors from neighbouring areas, these committees seem unlikely to address migrant vendors’ issues in a just manner.

To provide gender focus in a participative process, both the policies state to establish TVC with at least one third of representatives of women in categories of street vendors, resident welfare associations (RWA) and other civil society organisations. However, firstly, the situation on ground is that there is a lack of organisations working specifically with women vendors. Secondly, there is negligible participation of women vendors in existing street vendors’ organisations. Thirdly, demonstrating financial accountability will actually exclude women street vendors who come from poor background and are many a time burdened with the loans to run the business or to meet family needs. Lastly, participation of part-time women vendors in street vendors’ organisations remains difficult.

With these broader issues, there are differences between the objectives of the policy 2004 and 2009. A detailed analysis of each objective is done highlighting the implication of the provisions made under different objectives. (Annexure 2).

Despite the gaps, it is true that the policies have provided some relief by recognizing role of street vendors. However, in practice, both the policies have remained hardly implemented as it lacks legal enforceability as it is not a law. Also existing laws such as, State Municipal Laws, Police Acts and the IPC, do not recognize street vending as a legal activity, and some of the provisions are actionable against them. Therefore, HUPA proposed the Model Bill 2009 instead of a central law. HUPA has argued that the subject matter being related to Municipal Laws, comes under the State List of the Constitution, and therefore, has asked the State government to adopt the Model Bill 2009 when enacting a law in the matter.

Additionally, the Supreme Court in Gainda Ram vs. MCD case held that “since there are innumerable applications filed before the court along with various objections by the hawkers, most of the time collectively, complaining about steps taken by municipal authorities, namely, NDMC and MCD to prevent them from hawking and vending. The Court has tried its best to somehow deal with the situation. But it is difficult for this Court to tackle this huge problem in the absence of a valid law. The nature of the problem defies a proper solution by this Court by any judicially manageable standards. The Court disposed the writ petition and all the IAs filed and directed the appropriate Government to enact legislation for regulation of fundamental rights of street vendors by June 30th 2011.”

In the meantime, on 25th May 2011, the National Advisory Council (NAC) has come out with a note on recommendation for a Central Law for Protection of Livelihood Rights and Social Security of Street Vendors. The justification is based on livelihoods, employment and social security of a significant number of urban poor households. In response to this, few states have taken the initiative to formulate a law. States like Andhra Pradesh, Maharashtra, Jharkhand, Chattisgarh, West Bengal, Kerala, Odisha have initiated the process. The initiatives taken are indication of the states acknowledging the need to regulate street vending and providing supportive environment to the vendors. However, as on date, the law is not enacted in any of the states. In view of the ongoing procedure at state level, a detailed analysis of the Model Bill 2009 is done highlighting the need to make the Bill more inclusive and holistic and shared with all the states. (Annexure 3).
Recommendations
3.1 GENERAL RECOMMENDATIONS:

- The national and state policy on street vendors must acknowledge role of street vendors in tourism destinations, clearly include tourism sites under the definition of ‘public area’ and must allot suitable space for vending at tourism sites.

- Ministry of Tourism should acknowledge the significant role of the informal sector, particularly street vendors in serving the needs of tourists. They should ensure street vendors as well as tourists’ interest by including suitable space for vending as part of tourism development plans and include street vendors as stakeholders while making site-specific management plans.

- Street vending should not be seen only as an urban phenomenon but recognized in rural areas as well. Ministry of Housing and Poverty Alleviation and Ministry of Panchayati Raj should acknowledge the challenges faced by street vendors in rural areas and take adequate steps to protect the interest of rural street vendors. In the first place, the Panchayat should be included in the definition of public authority. In collaboration with HUPA, Ministry of Panchayati Raj should take initiative to include rural vendors in the policy for street vendors at national and state level.

- Local authorities like Panchayats and Municipalities at tourist sites should recognize part-time and migrant vendors and develop a mechanism to register these vendors. Though the policy 2009 does not talk about part time and migrant vendors, however, few points under registration process can be followed to develop a mechanism for these vendors. The policy 2009 should be followed which says “there should no numerical restriction or quotas for registration, or prior residential status requirements of any kind. There should be a “on the spot” temporary registration process on renewable basis, in order to allow the street vendors to immediately start their earnings as the registration process and issue of I-card etc. may take time.” For identification proof, declaration from councillor / corporators / chief executive officer, Sarpanch, or street vendors’ association should be accepted.

- Street vending being a subject matter of LSGIs, it is the mandate of the local authority to decide the matters like allocation of vending space. However, the presence of multiple authorities at tourism sites who play influential role in regulation of land, affects the functioning of LSGIs, especially of Panchayats. Ministry of Panchayati Raj should acknowledge these challenges faced by the Panchayat with line departments as well as other bodies and include it as a component in capacity building training programmes for elected representatives.

- Local government authorities such as Municipality and Panchayat should provide basic facilities like toilet, drinking water, electricity and storage facility to the vendors. During tourist season, special provision should be made to provide storage facility for part-time street vendors.

- Ministry of Women and Child Development should clearly articulate the role of Panchayats and Municipalities in implementation of ‘Rajiv Gandhi National Crèche Scheme. There is a need to extend geographical coverage of the scheme from districts to villages. Also, appropriate locations should be identified within the area if the scheme is to serve the need of women in informal sector.

- The national and state policy on street vendors should ensure that no eviction should take place without consulting street vendors. Clause 5 of the National Policy on Urban Street Vendor 2009- “Eviction, Relocation and Confiscation” should be followed by the states while making law on street vending. Clause 5 is as follows:

  “5.1. If authorities come to the conclusion in any given instance that genuine public obstruction of a street, side walk etc. is being caused by street vending, there should be a mechanism of due notice to the street vendors. The vendors should be informed/warned by way of notice as the first step before starting the clearing up or relocation process. In the second step, if the space is not cleared within the notified time, a fine should be imposed. If the space is not cleared even after the notice and imposition of fine, physical eviction may be resorted to. In the case of vending in a ‘No-vending Zone’, a notice of at least a few hours should be given to a street vendor in order to enable him or her clear the space occupied. In case of relocation, adequate compensation or reservation in allotment of new vending site should be provided to the registered vendors.

  5.2. With regard to confiscation of goods (which
should happen only as a last resort (alternative) rather than routinely), the street vendors shall be entitled to get their goods back within a reasonable time on payment of prescribed fee, determined by TVC.

5.3 In case of peripatetic vendors or vendors occupying space on a time sharing basis, the vending activity will be regulated in such a manner that the vendors remove all their wares every day / on expiry of the time-sharing period allotted. In case of mobile vending outlets, suitable regulations should be put in place for ensuring flow of traffic and public health and hygiene in the public interest.

5.4. The appropriate Government may make suitable amendments to their existing laws/rules, with a view to removing impediments in the implementation of this Policy and to prevent the undue harassment of street vendors."

- Further, to monitor implementation of the policy 2009, a central task force should be formed wherein representation of street vendors should be ensured. Also, there should be no eviction till implementation of the policy in all the States and the vendors who have been evicted illegally should be rehabilitated.

3.2 INCREASE ACCESSIBILITY TO SPACE, CREDIT & STRUCTURE:

- Though the policy 2009 says that spatial planning norms should taken concept of natural market into account, however, it is disregarded in practice. To allocate space for vending zone, the local authorities like Panchayat and Municipality must adopt concept of natural market as a principle to allocate space for vending. The vendors should not be evicted from the place for reasons such as to beautify the place. They should be seen as stakeholders, therefore, be included in maintaining the site.

- There should be no numerical cap on licenses. It is seen that limited number of licences actually force unlicensed vendors to operate by paying bribe or rent-seeking without license illegitimate which leads to mal-practices like rent-seeking, ‘fee’ to access the space in legitimate ways.

- There should be an adequate system in place to prevent subletting the stalls. Street vendors’ associations, civil society organizations working on livelihood issues, trade unions should be given primary role in allocating the space. TVC should have a role in monitoring the licensing process which will help them to keep track of the owners of the stalls/pushcarts or the space.

- To promote access to structures like stalls and pushcart, there should be reservation for women street vendors and the number should be decided in proportion to the potential number of women street vendors in the area. Local authorities like Panchayat and Municipalities should undertake survey to gather gender-disaggregated data about street vendors.

- Rashtriya Mahila Kosh under Ministry of Women and Child Development has introduced list of individual activities as well as group activities for which micro-credit support can be extended. List of individual activities includes tea shops, fruit and vegetable vending. The Ministry of Women and Child Development should promote accessibility to credit by building awareness about micro finance services and any other schemes among women street vendors. In partnership with NGOs working on livelihood issues for women, the Ministry should undertake initiative for impact assessment of schemes or micro-credit services.

- NGOs working in the field of micro-credit for women and livelihood issues should promote collectivisation among women street vendors by building awareness about micro-credit services for group activities extended by Ministry of Women and Child Development through Rashtriya Mahila Kosh, thereby, encouraging them to form a group.

- Women Labour Cell under the Ministry of Labour should take initiative to educate women street vendors about their rights, schemes, projects run by central as well as state government in partnership with civil society organizations working with women issues.

3.3 PARTICIPATION IN DECISION-MAKING:

- To promote women participation in TVC, criteria to select women street vendors’ representatives in TVC should include participation in SHGs / Cooperatives / mahila groups as many women vendors take loans from SHGs
where membership of SHGs / Cooperatives with the lower interest rate should be given priority while selecting women representatives. It will not only strengthen the voices of women vendors in TVC but also resolve the poor accessibility of women vendors to credit as well as promote organisation among women vendors.

- Promotion of unionization demands urgent attention in view of limited outreach of few existing street vendors’ organizations. Considering the fact that mobilizing and organizing is already a challenge due to the daily wage earning nature of the occupation, lack of resources and supporters force the existing organizations to work within limited time, space and conceptual boundaries. Given this, ensuring street vendors’ participation in TVC would be challenging if there is no street vendors’ organizations. Therefore, the state government should include in the state policy for street vendors that in absence of street vendors’ organizations / associations, any other such associations like SHGs / Cooperatives / trade unions / mahila groups should be considered to represent street vendors in TVC for a given period of time with primary responsibility to mobilise and unionise street vendors.

- The policy 2009 has included membership of street vendors’ organizations as one of the criterion for a representative of street vendors in the TVC. It is most likely that only organizations registered or those who function on regular basis will be included. The problem is that there are very few street vendors’ organizations of this nature. In many places, there are organizations of street vendors who function during eviction only. There is a need to acknowledge different forms and nature of street vendors’ organizations. Membership of these organizations should be recognized by the states while selecting representatives of street vendors for TVC other wise ensuring representation of street vendors in TVC would be very difficult.

3.4 CAPACITY BUILDING:

- Ministry of Labour should promote livelihood options which may not be necessarily linked to tourism. Steps should be taken to develop vocational skills and entrepreneurial skills among women which will prevent too much dependency on tourism.

- Socio-cultural context of women vendors is needed to be taken into consideration and strategies designed to ensure women vendors’ participation in TVC. State government should include generating awareness about the policy on street vendors, their rights, role of TVC, different capacity of government authorities in the place to regulate the space etc. as well as capacity building to effectively participate should be part of the promotional measure in the state policy on street vendors.

- More often than not tourism destinations are not only governed by the Ministry of Tourism but also involve other bodies depending on the location as well as the uniqueness of the site. For e.g. in the case of heritage sites, the Ministry of Culture is involved, forest areas are governed by the Ministry of Environment and Forests. In view of the different role of the authorities involved at tourists sites, role of each and every authorities should be made clear. Information about jurisdiction over the place, licensing fee, name of the contact authority to resolve the issues etc. should be displayed in regional languages so that the vendors know how much amount is to be paid and whom should they approach if any issues arise.

- Awareness building and sensitization programme for government officials should be conducted as part of the prerequisite to implement the policy 2009. Government officials currently do not take cognisance of issues that women vendors face. It can have implication on implementation of the policies as nowhere government officials are found speaking about the situation of women street vendors. Unless this happens, provisions for crèche and separate toilet facilities and promotional measures like encouraging vendor’s associations / organisation, providing financial support to women vendors will not transform the reality in ground.

- Absence of issues of women vendors in ongoing discussions between the vendors is a cause for serious concern. In view of negligible participation of women in street vendors’ organizations, civil society organizations like SEWA should take initiative to make street vendors’ organizations aware about the need to include women and encourage women participation in the organizations / associations. Emphasis should be given to make them aware about the issues specific to women, encouraging street vendors’ organizations to design the agenda of meeting, its timing and place keeping women street vendors’ interest in mind, and building capacity of women street vendors to participate effectively in the meeting.
Report on the National Consultation on Street Vendors & Tourism: Right to Livelihood & Space
National Hawker Federation (NHF), Youth For Unity 
And Voluntary Action (YUVA) and EQUATIONS came 
together to organize a national consultation on 
“Street Vendors and Tourism: Negotiating Lives and 
Spaces” on 15-16 September 2011 at Banga Bhawan, 
Delhi. Tourism has been a sector largely dependent 
on unorganised labour by the industry itself or by 
self employed service providers.

In India, the informal sector contributes significantly to the 
expanding tourism economy. At a conservative estimate 
about 70% of the tourism economy is informal. Hawkers and 
street vendors, way side dhabas and eateries, vendors selling 
handicrafts, trinkets and other items for tourists all represent 
a part of the informal labour force in the tourism sector. With 
tourism providing a seasonal nature of occupational opportunity, 
it attracts many people, especially women to join the vending 
business. However, current and past tourism planning processes 
have not taken the informal sector into consideration and they 
have not been considered as stakeholders in tourism despite 
their significant contribution to the economy and services to 
the tourists. In recognition of this linkage between tourism 
and vending within the larger framework of the informal 
sector, the consultation was organised to widen the debate on 
street vending by bringing tourism into the ambit of ongoing 
discussions.

**DAY 1 : 15TH SEPTEMBER 2011**

The consultation started with the welcome address by Shaktiman 
Ghosh, General Secretary, NHF on right to livelihood and space 
of street especially in the tourist spots of the country.

Discussants of the first session were invited:

- Tama Devi, Roadside Vendors Welfare Association, Imphal, 
  Manipur
- Swathi Seshadri, EQUATIONS, Bengaluru
- Mecanzy Dabre, YUVA, Mumbai
- Raju Bhise, YUVA, Mumbai

The consultation started with the welcome address by Shaktiman 
Ghosh who shared how a process of thinking on 
street vendors and tourism has started in street vendors’ 
unions. The study on women street vendors and tourism done 
by EQUATIONS as well as the work done by YUVA on the census 
of street vendors in Mumbai, participating in discussions and 
negotiations with the Ministry of Housing and Urban Poverty 
Alleviations was shared. The address ended with the emphasis 
on the concept of natural market and making the policy 
inclusive which covers all street vendors in villages, coastal 
and peri-urban settlements, railway premises and does not 
distinguish street vendors based on geographical location.

Tama Devi shared the history of the engagement of the 
Association with NHF and the importance of the same for 
strengthening the local movement. In this context, the 
consultation would be helpful space to build the strength of 
street vendors across the country.

Swathi Seshadri added how street vendors are completely 
ignored in the visioning of tourism and is evident while 
reading the tourism policies. She highlighted that in the tourist 
destinations the National Policy on Urban Street Vendors is often 
not implemented due to existence of multiple administrative 
and planning authorities. It has been increasingly observed 
that big resorts are given prime land for their business while 
the street vendors are evicted thus, endangering the livelihood 
of the street vendors in these areas. The purpose of the study 
on women street vendors in tourist destinations was to use 
it as an advocacy tool to bring to light the harassment and 
exploitation of the hawkers at these places. We need to start 
acknowledging the impact of non people centred tourism on 
the livelihood of street vendors.

Mecanzy Dabre noted that those who have sustained the 
process of monitoring and ensuring proper implementation 
of the street vendors policy are the ones who have truly 
succeeded in bringing long lasting change. Therefore struggle 
is important. It is important to understand the market economy 
in the context of street vendors. At the current juncture it is 
important to look at street vending from multiple perspectives 
lke impact of tourism, rural vendors, railway vendors etc. Once 
we develop a comprehensive view of the sector, we would be 
able to strategise our fight and aim for larger victory.

Raju Bhise addressed the gaps in the ongoing endeavour 
that need to be taken into account. Developing strategies 
in accordance with market economy to understand the 
issue in a broader perspective and linking it with the other 
related process like Foreign Direct Investment, city planning 
and housing, increasing outreach to smaller towns and cities 
in view of the pattern of urbanization, proper monitoring
of policy making process at state level to prevent the clause of miniscule percentage of street vendors in Town Vending Committee, domicile clause, influencing the master plan for allocation of vending space are few areas of concerns emerging out of the current context at the ground. To get the issues addressed, there is a need for a policy at the state level along with street vendor associations engaging with the state as well as local authority to monitor the ongoing initiatives. From street vendors’ side, there is a need to resolve the dispute with other informal occupational groups like taxi, auto drivers, as it can be used by the authority against the interest of street vendors. Apart from these, inclusion of skill enhancement of street vendors in the agenda of urban local bodies, building proactive street vendors’ leadership in every place were additional issues raised.

1ST SESSION
Street Vending and Tourism- Realities, Aspirations & Challenges:

DISCUSSANTS: Shabbir Ahmed Vidrohi, Moderator (Hind Majdoor Sabha- HMS) Pratap Sahu, (AORVA), Bhubaneswar), Amrit Prasad, (Bihar Hawkers Workers Federation, Gaya), Sanjay Singh (Bachpan, Madhya Pradesh), Surabhi Singh (EQUATIONS), Bengaluru.

In this session speakers shared the realities and experiences from different states.

Pratap Sahu spoke about the issues of street vendors in Puri and Bhubaneswar. There is the existence of multiple bodies who govern the tourist sites. Therefore despite the fact that issues of street vending have been raised repeatedly, there has been no response from government bodies like the Puri Konark Development Authority and the Bhubaneswar Municipal Corporation. The state policy on street vendors has not included tourist sites under its purview. Also the policy is not applicable to a few tourism sites in Bhubaneswar due to the sites being under the jurisdiction of the Panchayat. In view of the reciprocal relationship between street vendors and tourists as they provide a range of services that include providing guiding services to the tourists in informal ways at the tourism site, the need to make tourism sites street vendors friendly was also highlighted. While speaking about the work done by AORVA to organize street vendors in Puri, it was shared that the AORVA has organized an association of photographers in Puri as they also earn their living by doing business on the streets. However, there is a denial by photographers to recognize themselves as street vendors which may have impact on the strength of street vendors’ associations. He urged that this issue needs to be discussed within the street vendors associations and then raised with the photographers groups.

Amrit Prasad spoke about the livelihood opportunity including street vending brought by tourism where local as well as pilgrims are involved in street vending during the tourist season. There are substantial number of women street vendors who sell range of articles like souvenirs, bark of peepal tree under which Buddha meditated, woollen items sold by Tibetans etc. Presence of multiple authorities who play an influential role in governance of the town like the Nagar Panchayat and Temple Management Committee was also spoken about. Frequent and forced eviction of street vendors was shared as one of the major challenges faced by the street vendors despite the National Policy on Urban Street Vendors in place. Non-inclusion of vending space in the master plan for Bodhgaya is another added factor in this context. Fight against the eviction by a small group of women doing lamp business was also shared after which the vendors got permission to vend in the area suitable for their business. However, the need to provide proper vending zone in accordance with the tourism season was raised.

Sanjay Singh shared the involvement of children in street vending and constant exploitation and harassment faced by them. The police and shopkeepers work hand in glove as the police rescue the children from shopkeepers and then the shopkeepers pay money to police to get the children free from the custody of police. He raised the need to look at the issue of children in the light of increasing growth of tourism in Madhya Pradesh.

Surabhi Singh shared the findings of the study on women street vendors and tourism done by EQUATIONS. In general, non recognition of tourism sites as public space, perception of government about street vending, presence of multiple authorities at the sites, ignorance about street vendors’ situation among government officials were found as a contributing factors in complicating issues of street vendors at tourism sites. In relation to women street vendors, lack of participation in street vendors’ associations / unions, lack of accessibility to the location, to the structure, to basic amenities available and lack of capital were shared. The need to include women street
vendors in street vendors’ organizations including in the NHF was raised at the end of presentation.

At the end of the session, the participants shared their reflections and raised questions. The need to look at the places/sites with high concentration of domestic tourists was raised as the sites chosen for the study like Bodhgaya and Goa attract more foreign tourists, whereas there are other places or events like Sangam Mela which attracts more domestic tourists than foreign tourists. Also, during the Sangam Mela in Allahabad, high bidding on shops and stalls makes it inaccessible for the local vendors. Therefore the need to intervene by unions/associations at this level was raised. In response, Swathi Seshadri shared the difference between mela and tourist destination and gave the example of the government definition of tourism. This was said to highlight the fact that the 3 sites chosen for the EQUATIONS study was based on the site being an important tourist destination.

With regard to women participation, participants shared socio-cultural context which not only prevent women to take up the business but also to take part in these kind of forums. Few participants raised the issue of limited funding support for travel provided to them to participate in the consultation. Surabhi Singh responded saying that this has to be understood in terms of qualitative participation of women in decision making process not in quantitative manner. Thus to build their capacity to enable them to take decisions is the issue of concern.

Information regarding street vendors’ organizations at visited sites was asked as to who are the organizations met during visit and what was caste composition of the street vendors interviewed. The EQUATIONS team shared the name of organizations met with and shared that caste of the street vendors was not a parameter in the study which is also one of its limitation.

The session ended with the need to look at the issues in terms of different types of tourism and to explore sources like Maulana Azad Financial Corporation or Self Help Groups (SHGs) to seek financial support to the vendors. At this point, exploitation of women through SHGs was raised.

In all, non-recognition of tourist sites as public space, presence of multiple authorities, non-applicability of the policy in rural areas, perception of the authorities towards street vending as well as tourism, non-inclusion of vending space in master plan of the sites, non-acceptance of the identity of street vendors by the groups like photographer, child issues were found to be major factors that make the space and structures used for vending inaccessible to the street vendors and cause to frequent and forced evictions at tourist sites. This further leading to the loss of potential profit that street vendors can fetch from the business. Along with these factors, lack of participation of women in street vendors’ associations was one major cause that makes their issues unheard. Given the realities at tourist sites, it was shared that there is a need to look at issues in terms of different types of tourism and make the sites street vendor friendly by providing vending zones in accordance with the tourist season, addressing child issues at these sites and including women street vendors in decision-making spaces. Apart from these, the discussion during the session brought forth few significant points like caste composition of street vendors, exploring financial sources and understanding different types of tourism such as domestic, foreign, pilgrim and their differing impacts.

2ND SESSION
Street Economy and Labour Rights:

DISCUSSANTS: Clifton D’Rozario, Moderator (Alternative Law Forum- ALF, Bengaluru), Sanjay Singh (Azad Samaj Sewa Samiti, Sultanpur), Tama Devi (Roadside Vendors Welfare Association, Imphal, Manipur), Sayeed Zamir, (Street Vendor, Beedhi Vyaparigala Hakkotaya Aandolna, Bengaluru), Vinay Sreenivasa, (Beedhi Vyaparigala Hakkotaya Aandolna, Bengaluru)

The second session started with how promotion of tourism has caused violation of rights of street vendors. Clifton D’Rozario shared the Hampi case where tourism has caused displacement of people along with the power of Panchayat being superseded by the Hampi Development Authority. In this context, speakers in the session mainly focused on street vendors’ struggle and violation of their rights.

Sanjay Singh brought issues related to two locations into the focus: vendors in rural areas and vendors at construction sites on highways. The issues of these street vendors, especially of the vendors at highways is not talked about adequately who face atrocities from the police including traffic police as well as the contractors on a daily basis. It was stressed to include
Tama Devi spoke about the increasing population of street vendors and the status of women street vendors in Manipur. A large number of the women street vendors are in the 20-50 age group. This is mainly because men are easily targeted under Armed Forces (Special Powers) Act, 1958 (AFSPA) thus women have to work to make a living. Apart from this illiteracy, unemployment, divorce, and being a widow were other main reasons behind women vending. The involvement of child hawkers is limited to 2-3 Muslim families. She also shared on their struggle for the space, which they won and got the vending zone in April 2011 in Imphal. However, the space allocated has not been able to accommodate all street vendors and nearly 5000 street vendors are still struggling for the space. While speaking about the profit, she said that expenditure is more than their earnings and therefore the street vendors also need to avoid their unnecessary expenditure on tobacco, cigarettes etc.

Sayeed Zamir shared the ongoing struggle where 250-300 street vendors have been evicted from the space which has been their vending space for past 25-50 years. Due to lack of other skills to earn livelihood, they are continuing the business from the same place and facing constant eviction and harassment from the police. To negotiate the issue with the Municipal Corporation, they have formed a union- Beedhi Vyaparigala Hakkotaya Aandolana.

Taking forward the discussion, Vinay Sreenivasa added some more dimensions to the street vending issue that needs to be taken into account. He shared that the limitation on licenses issued based on a numerical cap for a short period of time has not only caused exclusion of street vendors in large numbers but also has legal implications. In Bengaluru, the High Court has directed the Karnataka state to issue licenses to a 100 people 10 years back. After that, license has not been issued to the vendors. Given this, taking the ongoing case of eviction to the High Court will mean exclusion of those vendors who have started their business in recent years, therefore do not have licenses. Addressing this legal implication is a challenge. Also, the communal angle to the issue need to be noticed as in Bengaluru evictions have happened only in minority populated areas.

Some questions that he raised in front of the group are as follows:

- 2000 hawking zones but only 52 have been declared. Is it a good thing that only select areas are declared as vending zones?
- Licence is only issued for a short time, which is totally useless. How can we work towards rectifying this system?
- How do we work towards changing the perception of the middle class and the institutions about the street vendors?
- In Bengaluru, the street vendors that we work with are a linguistic minority and mostly Muslims, does this also have a communal and regional angle?
- Is taking a legal recourse a good strategy?

In response to the issues raised by the speakers, Shabbir Ahmed Vidrohi was of the view that taking legal course is often a never ending process. Shaktiman Ghosh shared that NHF has its presence in 18 district of Karnataka state in collaboration with National Centre for Labour. This platform can be explored to strengthen ongoing struggle. In this context, the struggle against High Court order in Jharkhand to evict the street vendors was shared and NHF won the case. All street vendors in Jharkhand will be included under Below Poverty Line. Taking note of Bengaluru groups suggestion to develop alternate plan for the city, he shared that it is accepted now in Jharkhand wherein encroachments by malls and other establishments will be taken into notice. Apart from this, exploring different methods of negotiation with the government like campaigns, approaching the courts to resolve the issue, dialogue, stress on legislative framework or law at central and state level, inclusion of vendors at railway premises and capacity building and training of hawkers to enable them to play effective role in Town Vending Committees (TVC) as suggested under the National Policy on Urban Street Vendors 2009 were some of the other suggestions that came out of the discussion.

Following the discussion Clifton D’Rozario brought following points that need to be taken into account:

- We need to stress in all our demands that we will vend anywhere without troubling anyone.
- Massive infrastructure development is limiting access of street vendors to space.
- Urban rehabilitation and resettlement is missing from the new Land Acquisition Bill which will further marginalize the street vendors.
- The emphasis of street vendors' agitation has been urban-centric, there is a need to take the demands further towards rural areas and look at a comprehensive policy for street vendors in all locations.
- Complexity of governance needs to be acknowledged and understood. This is in context to the point raised by Richa Bhardwaj (YUVA) about the current urbanization trend where increasingly the rural areas are being included within the urban areas but without the change in governance structures, implementation of laws will become difficult in such areas.

On the whole, the discussion in the session highlighted the widespread belief of the state and society about street vendors as encroachers and how the exclusionary process adopted by the government authorities cause the violation of the rights of street vendors. The adopted strategy is working on the principle of divide and rule. Exclusion of rural area and construction sites from the policy (2009), power of Panchayat being superseded by Management Authorities at tourism site, limited number of licenses issued by the authorities especially by judicial authorities, building vending zones which accommodates limited number of street vendors were few issues discussed in the session. Attention was drawn to communal angle of the issue. Building collective strength to fight against the government authority, exploring different method for negotiation with government authority, including all vendors (rural / construction sites) under the policy and looking at other bills related to land like land acquisition bill was felt to be weaved in while designing the strategy.

The session on mechanisms started with speaking about the Sunshine operation against street vendors in Kolkata (West Bengal) and Jaipur (Rajasthan) as starting point of the struggle for the cause when widespread evictions happened. Since then, constant engagement with the cause has witnessed initiatives at policy level. The national policy on street vendors had first come into place in 2004 followed by revised version of the policy in 2009 and the Model Urban Street Vendors Bill (2009). Now given the Supreme Court order to the States to formulate the policy at state level, there is a need to intervene at this level and by ensuring proper implementation of the Bill. To act on this, the action plan of NHF was shared where campaign for implementation of the policy will be organized in 150 cities across the country. The issue of non-inclusion of street vendors in trade unions was also raised.

Following this, Amrit Prasad shared that there are 4000 registered members of AITUC in Bodhgaya but the hawkers are organized under NHF who have gained strength to raise their voices. However, there is a need to collectivise the struggle.

Shabbir Ahmed Vidrohi also stressed to build collective strength to fight for cause. While emphasising the need for collective struggle to be able to negotiate with the Department of Labour, Dr. R.S.Tiwari said that neither street vendors consider themselves workers nor trade unions see the vendors as workers due to the self-employed nature of vending business. Also, building an understanding about globalisation and its impact on the vendors should be taken into account.

The session ended with recognizing the need to build collective force, strengthen street vendors' organisations based on the principle of trade unions and to strengthen grass root organisations.

As a whole, while building collective strength was the central point discussed in the session, the gap between street vendors’ organization and trade unions was brought forth as a limitation to the collective strength. Due to the absence of worker-employee relationships in street vending, trade unions do not extend the membership to street vendors’ organizations but at the same time, street vendors also do not see themselves as a worker. There seems to be discomfort on working on this particular issue, therefore, a suggestion was made i.e. to include street vendors in trade unions. However a discussion on how to start the process or how they can extend their support to each other at larger scale was not possible.
DAY 2 : 16TH SEPTEMBER 2011

The day started with an overview of the sessions planned, which were as follows:

- Street Vendors Policy: Governance, Status of the Implementation of the Urban Street Vendors Policy in Different States.
- Strategies for Future Campaigns
- Agenda for Advocacy

1ST SESSION
Street Vendors Policy: Governance, Status of the Implementation of the Urban Street Vendors Policy in Different States.

DISCUSSANTS: Raju Bhise, Moderator (YUVA), Soter D'Souza (Council for Social Justice and Peace, Goa), Shaktiman Ghosh (NHF), Mecanzy Dabre (YUVA)

The session focused on the challenges faced by street vendors in rural and urban areas.

Raju Bhise said that the challenge before us is political in nature. It is essential to understand the decision making spaces at various levels both within the state as well as at the national level. Also, in context to tourist destinations, this governance becomes complex which also needs to be understood. An example of this is from Goa which will be shared by Soter D'souza.

Soter D'Souza shared that tourism in Goa started since 1970's but during that time the hippies largely dominated the tourist scene. Use of drugs was also prevalent. The hippies did not have much concern about money and gave a lot of money to the locals for food, accommodation, drugs etc. Gradually as tourism began to take a shift towards luxury tourism, the government began giving land to private companies. The Taj Group of Hotels was the first to set up a resort in Goa and gradually they began to demarcate the beach in front of their resort as a private beach as they did not want their customers to interact and avail the reasonable services of the street vendors on the beach. The local people and NGOs took the issue to court to ensure free access to the beach and they won. This curtailed the concept of private beaches to a certain extent. But as tourism developed so did the conflicts arising due to tough competition between shacks, vendors & hotels as well as migrant vendors & businessmen / traders vs local vendors & businessmen/ traders.

The maximum tourism in Goa is on the beaches, the administration of which comes under the Panchayats (Section 70 & 71 trade license for hotels etc, Section 153 for vendors & melas etc). The Panchayats give more support to migrant vendors as they earn more money from them through fees, bribes etc. The police also harass the vendors who in turn pay bribes to get out of the police net.

In this context, the Center for Responsible Tourism under the Council for Social Justice and Peace has worked with vendors and small business enterprises. It was observed that the government gave maximum subsidy to the 5 star hotels. Therefore, the organization worked to ensure that the street vendors also get right to carry on with their livelihood and are given space for doing the same. Through these efforts in South Goa – some Panchayats issued identity cards to local street vendors but the police do not acknowledge this. In Dona Paula jetty the local vendors took back the business from migrant vendors after a struggle.

The Tourism Act says that beaches come under the tourism department and Panchayat jointly. Without a comprehensive policy regulating the vending activities in the tourist areas, bribes become a common phenomenon and exploitation of the street vendors becomes easy. To overcome competition, training should be given to vendors, as well as loan facilities and providing subsidy is also essential.

In response to the issue of the conflict between migrant and local vendors, the participants shared that while addressing this, right to livelihood should be the perspective adopted. Further, Surabhi Singh gave an example of the state supporting local communities by sharing the clause within the Beach Shack Policy of Goa which mentions that migrants, hawkers and beggars are not allowed near the shacks. Also, beach is declared as a no hawking zone by the Department of Tourism but the Panchayat has authority to give licenses which is valid in the areas under their jurisdiction. Does it mean that the licenses are for vending in village areas only? In response to this, Soter D'Souza said that there is no clear demarcation of village and beach area therefore it becomes difficult to say.
where the boundary of village ends and beaches starts. For migrant vs. local vendors, he responded that there is limited opportunity available in a small place like Goa, therefore, the tension increases if migrants take up those opportunities. It is more because of poor economic condition of local vendors. Also, involvement of migrant vendors in illegal activities creates problems for local vendors. Thus, there is a need to resolve the conflict to prevent social tensions. Raju Bhise shared that migration is a reality, therefore, there is a need to derive strategies to address this particular issue. Clifton D’Rozario emphasized the need to recognize caste dynamics while understanding the issue as well as addressing it.

Mecanzy Dabre shared the issues of street vendors in urban areas. He shared that the increase in the urban population is a reality, which we all have to acknowledge and work with. Migrant population is an important contributor towards the state Gross Domestic Product. In urban areas for every 100 people there are 2 hawkers. If regularization of street vendors is done then the bribes will suffer therefore the Urban Local Bodies (ULBs) are hesitant in implementing the street vendors policy. Malls are not running in profit because hawkers provide cheaper products. In areas where there are malls, vendor evictions have increased manifold.

Lack of space within the city is often cited as a reason for the non implementation of the policy. Divide and rule strategy is followed by ULBs by giving some hawkers space for vending while not giving the same to the majority of the others. Thus, creating categories of authorized and unauthorized vendors. The need is to understand the street vendors policy properly so that we can prepare our counter arguments strongly.

While talking about implementation of the policy, Shaktiman Ghosh shared about the initiatives at policy level in 2004 and 2009. The policy (2004) was more inclusive in terms of the definition of street vendors, roles and responsibilities of the unions and urban local bodies and asking to repeal certain section of police act which is anti-hawkers. Following this policy, only two states West Bengal and Madhya Pradesh formulated policies on street vending. But the policy (2009) has actually narrowed down the above aspects. Role of NHF in formulation of the policy (2009) was also shared.

After the presentations, the participants raised areas of concerns that should be included in deriving strategies for advocacy. Including tourist sites and rural areas in the policy, especially the latter was raised by a large number of participants. Few participants were of the view that a demand be made for separate policy for rural areas. However it was discussed that a better strategy would be to demand for an amendment in the current policy to make it more inclusive. A legal strategy needs to be adopted where all the limitations of the different acts related to street vendors are compiled and then we advocate for the changes. Companies like Walmart have managed to get restrictions on trading around its compound. Such acts should be scrutinized for their legality and opposed. Some participants felt that it is important to respond to the current developments in the sector of street vending like the Supreme Court’s judgement that roads should be free of street vendors. Seeking more space for negotiations in view of several limitations in the policy 2009, monitoring implementation of the policy at state level, build collective strength at the grass roots and formulation of central law were some suggestions. The need for developing a strategy at the state level to take forward the street vendor struggle was also mentioned. It was also shared that no TVCs should be constituted until the Supreme Court order is out.

In conclusion, this session highlighted the status of implementation of the policy (2009), the limitations in the policy in terms of definition of street vendors, roles and responsibilities of the unions and urban bodies and action to repeal the sections of other related acts like Police Act, unwillingness of state government to implement the policies, divide and rule principle adopted by the urban bodies for implementation of the policy (2009) and the issues emerging out of these inadequacies. It was shared that inapplicability of policy in rural areas, non-recognition of tourist sites as public spaces along with the presence of multiple authorities actually promote corrupt practices like bribe which further leads to the tensions between migrant and local street vendors. As migrant vendors are major source of bribe to the government authorities at tourist sites, the authorities do not take interest in addressing the tensions between migrant and local vendors. Given this, suggestions were made to address these limitations in the policy (2009) but there is a need to focus more on identification of the related acts that works against street vending and to understand various limitations in the policy thoroughly to prepare counter argument so that the implementation of the policy (2009) in states could address local issues in a specific manner, thus, strengthening the advocacy process.
2ND SESSION
Strategies for Future Campaigns:

This session was based on the inputs given by the participants to be incorporated while designing strategy for advocacy.

DISCUSSANTS: Sanjay Singh, (Samaj Sewa Samiti, Sultanpur), Clifton D’Rozario, (ALF, Bengaluru)

Sanjay Singh shared the points raised in the consultation:
- Evidence based counter arguments
- Dialogue and negotiations with other groups (middle class)
- Self regulation and discipline of street vendors
- Exhibition of socially conscious behaviour like organizing water distribution centers during summers etc.
- Political power of street vendors through their presence in governance structures
- Collective and grassroot strength
- Membership drives
- Central-level monitoring committee of the network to monitor the progress of implementation of the street vendors policy

Clifton D’Rozario:
- Collectivizing street vendors is difficult therefore a strategy around the same needs to be developed.
- Formation of a committee which compiles the laws and judgements related to street vendors and also tries to get hold of any proactive judgements in any state which has been passed there. This can later be circulated in different states and used by different groups.
- A media strategy is very important for any movement to succeed and changing perceptions of people.
- Increasing women’s participation in decision making processes integral to the success of a collective and campaign.
- Position paper on rural street vendors needs to be formulated.

Shaktiman Ghosh:
- Separate Hawkers Welfare Board
- Concept of natural markets needs to be strengthened
- Concept of FDI and investment by country’s corporate houses should be understood and counter arguments built around them.
- Legal support to individuals and hawkers should be provided.
- Food safety training should be given to food hawkers under the Food Standard Safety Act since it is true that some hygiene levels should be maintained.
- Till the time there is no law a digital survey of all the hawkers should be done and no evictions should be undertaken.

Based on the discussions in earlier sessions, the points to be followed while designing the strategy were made. In addition to the points raised in earlier sessions, inadequate coverage of street vending issues in the media was highlighted. The need to create awareness among society about the issues along with making street vendors aware about the street vending associations/ organizations and it’s members were spoken during the session. In view of this, using media was included in the strategies which is quite pertinent in terms of building collective strength, internally and externally.

3RD SESSION
Agenda for Advocacy:

Based on the discussions and the inputs given by the participants, the consultations ended up with the following agenda for advocacy where list of broad demands was shared with the participants and following list was finalized based on the inputs given by the participants:

- To make a central Law on Street Vending considering it as a livelihood issue.
- To include rural areas under the ambit of the Policy and Bill.
- To define public place which should clearly include tourist...
sites such as museum, cultural heritage sites, monuments, temples or pilgrim sites and natural sites like forest, beach etc.

- To include space for street vending in the tourism development plan of a region
- To include definition of natural market in the list of definitions be adopted for allocation of spaces for vending zones
- To provide basic facilities like toilet, crèche, drinking water, monthly health checkup services, electricity, storage as well as social security to the vendors.
- There should be no Red Zones (religious place, school, station, bus depot, hospital etc.) or Non Hawking Zones. All roads should have hawking zones with proper planning, regulation and monitoring.
- Organize workshops for police, elected representatives of local self governing bodies and civil society organizations, city planners, to sensitize them on street vending issues and make them aware about hawker’s policy.
- Include all types of hawkers in the digital survey as per the Policy and provide identity card to all hawkers on renewal basis.
- Form a central task force to monitor implementation of the policy wherein representation of street vendors should be ensured.
- Organise skill development programme for hawkers to build entrepreneurial skills.
- As per the Supreme Court Judgement, no eviction till implementation of the policy in all the States and rehabilitation of the street vendors who have been evicted illegally.
- Immediately stop Foreign Direct Investments in retail and stop investment from National Financial Institutions and International Financial Institutions in the retail sector.
- Exempt street vendors from the ambit of Food Safety Act.
- Central government must depute legal advocate in favour of hawkers.
- Include clause 5 of the National Street Vendor Policy 2009 in the Model Bill which is as follows:

**CLAUSE 5  Eviction, Relocation and Confiscation:**

5.1. If authorities come to the conclusion in any given instance that genuine public obstruction of a street, sidewalk etc. is being caused by street vending, there should be a mechanism of due notice to the street vendors. The vendors should be informed/warned by way of notice as the first step before starting the clearing up or relocation process. In the second step, if the space is not cleared within the notified time, a fine should be imposed. If the space is not cleared even after the notice and imposition of fine, physical eviction may be resorted to. In the case of vending in a ‘No-vending Zone’, a notice of at least a few hours should be given to a street vendor in order to enable him or her clear the space occupied. In case of relocation, adequate compensation or reservation in allotment of new vending site should be provided to the registered vendors.

5.2. With regard to confiscation of goods (which should happen only as a last resort rather than routinely), the street vendors shall be entitled to get their goods back within a reasonable time on payment of prescribed fee, determined by TVC.

5.3. In case of peripatetic vendors or vendors occupying space on a time sharing basis, the vending activity will be regulated in such a manner that the vendors remove all their wares every day / on expiry of the time-sharing period allotted. In case of mobile vending outlets, suitable regulations should be put in place for ensuring flow of traffic and public health and hygiene in the public interest.

5.4. The appropriate Government may make suitable amendments to their existing laws / rules, with a view to removing impediments in the implementation of this Policy and to prevent the undue harassment of street vendors.

It was decided that the relevant changes would be made and a team would visit the list of ministers and secretaries identified and hand over the list of demands. However, this was not possible since the officials to be met were not available.
Endnotes
Endnotes

1. Envisioning Tourism in India, EQUATIONS, 2010


5. Street Vendors in Asia: A Review, Sharit K, Bhowmik, Economic and Political Weekly, May 28-4 June, 2005

6. In Imphal this traditional market has been supported by the administration influencing its size and scope, along with promoting it as a tourist destination in itself.


8. “The Games versus the People,” Economic Times (18 September 2010), with regard to the Commonwealth Games in India


11. ‘Study of Street Vendors in Mumbai’, 2001, Report of the study conducted by SNDT Women’s University and ILO


15. Decisions adopted by the 26th session of the world heritage committee | http://whc.unesco.org/archive/2002/whc-02-conf202-25e.pdf#decision.23.15

16. Protecting livelihoods | http://www.thehindu.com/opinion/editorial/article533476.ece


19. The street vendors don’t get a receipt for “fee” paid to get back confiscated goods, so it becomes equivalent to a bribe as it is not accounted for.


25. Influence of Sri Jagannath Culture on Socio-Economic and Religious Life of the People of Odisha., Dr. Jaganath Mohanty, Orissa Review, July 2010 | orissa.gov.in/e-
magazine/Orissa review/2010/july/engpdf/22-23.pdf


39. These laws were enacted during colonial times and have seen very little change thereafter.


Annexures
1. Rationale

1.1 Street vendors form a very important segment of the unorganized sector in the country. It is estimated that in several cities street vendors count for about 2 per cent of the population. Women constitute a large segment of these street vendors in almost every city. Street vending is not only a source of self-employment to the poor in cities and towns but also a means to provide ‘affordable’ as well as ‘convenient’ services to a majority of the urban population.

1.2 Street vendors are often those who are unable to get regular jobs in the remunerative formal sector on account of their low level of education and skills. They try to solve their livelihood issues through their own meager financial resources and sweat equity. Estimates of average earning of street vendors in 2000 by studies, referred to in the Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector, 2007 of the National Commission for Enterprises in the Unorgnaised Sector (NCEUS), suggest that the vendors’ earnings are very low although they vary from trade to trade and from location to location. The men’s average daily income is around Rs. 70 in most cities excepting Patna, where it is slightly lower. Women earn considerably less – Rs. 40 per day. The monetary problem is compounded by the fact that the vendors have scarce resources for their trade and they need to obtain credit by borrowing. Most of the street vendors report having borrowed from money lenders who charge exorbitant interest rates. In Bhubaneswar the credit is obtained from the wholesalers in the form of advances to be paid back at the end of the day at rates up to 110 per cent.

1.3 Public authorities often regard street vendors as a nuisance and as encroachers of sidewalks and pavements and do not appreciate the valuable services that street vendors render to the common man. However, as the Supreme Court of India has ruled in a 1989 case:

“if properly regulated, according to the exigency of the circumstances, the small traders on the side walks can considerably add to the comfort and convenience of the general public, by making available ordinary articles of everyday use for a comparatively lesser price. An ordinary person, not very affluent, while hurrying towards his home after a day’s work, can pick up these articles without going out of his way to find a regular market. The right to carry on trade or business mentioned in Article 19 (1) g of the Constitution, on street pavements, if properly regulated, cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and no other use.”

[Sodan Singh & Others versus New Delhi Municipal Council, 1989]

1.4 Accordingly, the starting point for this Policy is the recognition of the positive role of street vendors in providing essential commodities to people at affordable prices and at convenient places. It also recognizes the need for regulation of street vending by way of designated Restriction-free Vending, ‘Restricted Vending’ and ‘No Vending’ zones based on certain objective principles. Such regulation is consistent with the imperative to ensure free flow of traffic, smooth movement of pedestrians and maintenance of cleanliness and public hygiene while facilitating vendors / hawkers to sell goods / services at convenient locations frequented by the public.

1.5 This Policy also aims to reflect the spirit of the Constitution of India on the right of citizens to equal protection before the law (subject to reasonable restriction) as well as their right to practice any profession, occupation, trade or business; and the duty of the State to strive to minimize the inequalities in income, and to adopt policies aimed at securing that the citizens have the right to adequate means of livelihood as enshrined in Article 14, 19(1)(g), 38(2), 39(a), 39(b) and 41 of the Constitution.

1.6 This Policy recognizes that to be able to practice any profession or to carry on any occupation, trade or business is a fundamental right of every citizen in our country. A person who wants to buy some items in wholesale and sell the same in retail by hawking is actually exercising such a right. Thus, it would be desirable, other things being equal, that such a right is not circumscribed unless reasonable restrictions are warranted in public interest. At the same time, it will be impracticable that every hawker be provided a permanent site because most cities / towns suffer from severe constraints of land for commercial vending. However, it should be possible to demarcate vending zones and vendors’ markets where periapatic and mobile vendors can sell their wares within certain time restrictions and subject to regulatory stipulations.

1.7 Street vendors provide valuable services to the urban masses while eking out a living through their own enterprise,
limited resources and labour. They facilitate convenient, efficient and cost-effective distribution of goods and services to the public. They also contribute significantly to local economic growth and vitality of the urban economies. This Policy recognizes that street vendors constitute an integral and legitimate part of the urban retail trade and distribution system for daily necessities of the general public. As the street vendors assist the Government in combating unemployment and poverty, it is the duty of the State to protect the right of these micro-entrepreneurs to earn an honest living. Accordingly, the Policy aims to ensure that this important occupational group of the urban population finds due recognition at national, state and local levels for its contribution to the society. The Policy is meant to foster a congenial environment for the urban street vendors to carry out their activities. It is conceived as part of a major national initiative towards the alleviation of poverty in cities and towns.

1.8 A centre piece of this Policy is the role of Town Vending Committee (henceforth referred to as TVC) to be constituted at City / Town level. A TVC shall be coordinated by a convener who should be nominated by the urban local body concerned. The Chairman of TVC will be the Commissioner / Chief Executive Officer of the concerned urban local body. The TVC will adopt a participatory approach and supervise the entire process of planning, organisation and regulation of street vending activities, thereby facilitating the implementation of this Policy. Further, it will provide an institutional mechanism for due appreciation of the ground realities and harnessing of local knowledge for arriving at a consensus on critical issues of management of street vending activities. The TVC may constitute, in collaboration with the local authority, Ward Vending Committee to assist in the discharge of its functions.

1.9 This Policy adopts the considered opinion that there should not be any cut off date or limit imposed on the number of vendors who should be permitted to vend in any city / town, subject to registration of such vendors and regulation through the TVC. At any time, an urban poor person can decide that he or she would like to go to a wholesale market, purchase some items and sell these in vending zones during permitted hours to make an honest living. The vendor may not be subject to undue restrictions if he / she wishes to change the trade. In order to make this conceptual right a practically feasible right, the following would be necessary:

i) Vendor markets / outlets should be developed in which space could be made available to hawkers / vendors on a time-sharing model on the basis of a roster. Let us say that there are 500 such vending places in about 100 new vendors' markets / push cart markets / motorized vending outlets. Let us also assume that there are 5,000 vendors who want to apply for a vending site on a time-sharing basis. Then by a simple process of mathematical analysis, a certain number of days or hours on particular days could be fixed for each vendor in a vending place on a roster basis through the concerned TVC.

ii) In addition to vendors' markets / outlets, it would be desirable to promote week-end markets in public maidans, parade grounds or areas meant for religious festivals. The week-end markets can be run on a first-come-first-serve basis depending on the number of vending sites that can be accommodated in the designated area and the number of vendors seeking vending places. However, in order to be equitable, in case there is a heavy demand from vendors, the number of week-ends a given vendor can be allocated a site on the first-come-first-serve basis can be restricted to one or two in a month depending on demand.

iii) A registered vendor can be permitted to vend in designated vending zones without restrictions, especially during non-rush hours. Again in places like verandahs or parking lots in areas such as central business districts, e.g. Connaught Place in New Delhi, vendors' markets can be organized after the closing of the regular markets. Such markets, for example, can be run from 7.30 PM to 10.30 PM as night bazaars on a roster basis or a first-come-first-serve basis, with suitable restrictions determined by the concerned TVC and authorities.

iv) It is desirable that all City / Town Master Plans make specific provisions for creating new vending markets at the time of finalization / revision of Master Plans, Zonal Plans and Local Area Plans. The space reserved in such plans should be commensurate with the current number of vendors and their rate of growth on perspective basis (say 10-20 years) based on rate of growth over a preceding 5-year period.

This Policy attempts to address some of the above concerns,
keeping the interests of street vendors in view vis-à-vis conflicting public interests.

2. Definitions

2.1 For the purposes of this Policy, a 'Street Vendor' is defined as 'a person who offers goods or services for sale to the public in a street without having a permanent built-up structure.' There are three basic categories of street vendors: (a) stationary; (b) peripatetic and (c) mobile. Stationary vendors are those who carry out vending on a regular basis at a specific location, e.g. those occupying space on the pavements or other public places and/or private areas either open/covered (with implicit or explicit consent) of the authorities. Peripatetic vendors are those who carry out vending on foot and sell their goods and services and includes those who carry baskets on their head/ slung on their shoulders and those who sell their goods on pushcarts. Mobile street vendors are those who move from place to place vending their goods or services on bicycle or mobile units on wheels, whether motorized or not. They also include vendors selling their wares in moving buses, local trains etc.

2.2 In this Policy, the term 'Urban Street Vendor' incorporates all other local/regional specific terms used to describe them, such as hawkers, pheriwallas, rehri-patri wallas, footpath dukandars, sidewalk traders, etc. The land, premises, trains owned by Indian Railways, its subsidiaries including Public Sector Undertakings, Corporations or other undertakings where Indian Railways holds share, are exempted from the ambit of this Policy.

2.3 The term 'Town Vending Committee' means the body constituted by an appropriate Government for protecting the livelihoods of street vendors while at the same time imposing reasonable restrictions, if necessary, for ensuring flow of traffic and for addressing concerns relating to public health and hygiene in the public interest. The TVC may constitute, in such manner and for such purposes as it deems fit, Ward Vending Committees, if required.

2.4 The term 'Local Authority' (referred to as Municipal Authority in this Policy) in this Policy means a Municipal Corporation, Municipal Council, Nagar Panchayat, Cantonment Board, Civil Area Committee appointed under Section 47 of the Cantonment Act, 2006 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 at the city/locality level.

2.5 The term "Natural Market" means a market where sellers and buyers have traditionally congregated for more than a specified period for the sale and purchase of a given set of products or services as assessed by the local authority.

3. Objectives

3.1 Overarching Objective:
The overarching objective to be achieved through this Policy is: To provide for and promote a supportive environment for the vast mass of urban street vendors to carry out their vocation while at the same time ensuring that their vending activities do not lead to overcrowding and unsanitary conditions in public spaces and streets.

3.2 Specific Objectives
This Policy aims to develop a legal framework through a model law on street vending which can be adopted by States/Union Territories with suitable modifications to take into account their geographical/local conditions. The specific objectives of this Policy are elaborated as follows:

a) Legal Status:
To give street vendors a legal status by formulating an appropriate law and thereby providing for legitimate vending/hawking zones in city/town master or development plans including zonal, local and layout plans and ensuring their enforcement;

b) Civic Facilities:
To provide civic facilities for appropriate use of identified spaces as vending/hawking zones, vendors' markets or vending areas in accordance with city/town master plans including zonal, local and layout plans;

c) Transparent Regulation:
To eschew imposing numerical limits on access to public spaces by discretionary licenses, and instead moving to nominal fee-based regulation of access, where previous occupancy of space by the street vendors determines the allocation of space or creating new informal sector markets where space access is on a temporary turn-
by-turn basis. All allotments of space, whether permanent or temporary should be based on payment of a prescribed fee fixed by the local authority on the recommendations of the Town Vending Committee to be constituted under this Policy;

d) Organization of vendors:  
To promote, where necessary, organizations of street vendors e.g. unions / co-operatives / associations and other forms of organizations to facilitate their collective empowerment;

e) Participative Processes:  
To set up participatory processes that involve firstly, local authority, planning authority and police; secondly, associations of street vendors; thirdly, resident welfare associations and fourthly, other civil society organizations such as NGOs, representatives of professional groups (such as lawyers, doctors, town planners, architects etc.), representatives of trade and commerce, representatives of scheduled banks and eminent citizens;

f) Self-Regulation:  
To promote norms of civic discipline by institutionalizing mechanisms of self-management and self-regulation in matters relating to hygiene, including waste disposal etc. amongst street vendors both in the individually allotted areas as well as vending zones / clusters with collective responsibility for the entire vending zone / cluster; and

g) Promotional Measures:  
To promote access of street vendors to such services as credit, skill development, housing, social security and capacity building For such promotion, the services of Self Help Groups (SHGs) / Co-operatives / Federations / Micro Finance Institutions (MFIs), Training Institutes etc. should be encouraged.

4. Key Elements of Policy

4.1 Spatial Planning Norms
Following the Supreme Court orders, some cities have drafted guidelines for regulating urban vending activities. However, the provisions made so far do not generally recognize the fact that demands for the wares / services of street vendors are highly specific and vary with location and time. This manifests in the natural propensity of street vendors to locate at particular places at particular times. Spatial planning norms should not disregard such “natural markets” but fully take them on board. There is need for the master / zonal / local / layout development plans to be ‘inclusive’ and address the requirements of space for street vending as an important urban activity through norms for reservation of space for street vendors in accordance with their current population, projected growth of street vendors, based on the rate of growth in the previous five years and the average number of customers that generally visit informal markets in vending zones. It is equally important that the provisions made in zonal, local or layout plans for street vending are implemented in an equitable and efficient manner.

4.2 Demarcation of Vending Zones  
The demarcation of ‘Restriction-free Vending Zones’, ‘Restricted Vending Zones’ and ‘No- vending Zones’ should be city / town specific. In order to ensure that the city / town master / development plans provide for adequate space for street vendors to run their activities, the following guidelines would need to be adhered to:

a) Spatial planning should take into account the natural propensity of street vendors to locate in certain places at certain times in response to the patterns of demand for their goods / services. For this purpose, photographic digitalized surveys of street vendors and their locations should be conducted by competent professional institutions / agencies. This is to be sponsored by the concerned Department of State Government / Urban Development Authority / Local Authority.

b) Municipal Authorities should frame necessary rules for regulating entry of street vendors on a time sharing basis in designated vending zones keeping in view three broad categories - registered vendors who have secured a license for a specified site / stall; registered street vendors in a zone on a time sharing basis; and registered mobile street vendors visiting one or the other vending zone;

c) Municipal Authorities should allocate sufficient space for temporary Vendors’ Markets (e.g. Weekly Haats, Rehri Markets, Night Bazaars, Festival Bazaars, Food Streets / Street Food Marts etc.) whose use at other times may
be different (e.g. public park, exhibition ground, parking lot etc.). These 'Vendors Markets' may be established at suitable locations keeping in view demand for the wares / services of street vendors. Timing restrictions on vending should be in accordance with the need for ensuring non-congestion of public spaces/maintaining public hygiene without being ad hoc, arbitrary or discriminatory. Rationing of space should be resorted to if the number of street vendors exceeds the number of spaces available. Attempts should also be made to provide ample parking areas for mobile vendors for security of their vehicles and wares at night on payment of suitable fees.

d) Mobile vending should be permitted in all areas even outside the 'Vendors Markets', unless designated as 'No-vending Zone' in the zonal, local area or layout plans under the master / development plan of each city / town. 'Restricted Vending' and 'No Vending Zones' may be determined in a participatory manner. 'Restricted Vending Zones' may be notified in terms of both location and time. Accordingly, a particular location may be notified as 'No-vending Zone' only at particular times of the day or days of the week. Locations should not be designated as 'No- vending Zones' without full justification; the public benefits of declaring an area / spot as 'No- vending Zone' should clearly outweigh the potential loss of livelihoods and non-availability of 'affordable' and 'convenient' access of the general public to street vendors.

e) With the growth of cities / towns in response to urbanization, the statutory plans of every new area should have adequate provision for 'Vending / Hawking Zones' and 'Vendors Markets.'

4.3 Quantitative Space Norms
These refer to the norms on the amount of space to be provided for Vending Zones in plans and to vendors in designated Vendors' Markets. Every land use has a carrying capacity ceiling or threshold limit for the users and the same is true of the number of vendors operating in a clearly demarcated area. Overuse can cause congestion and reduction of public hygiene. Thus, there is a need to fix space norms at both city / zonal development plan and local / layout plan levels. Each city / town may, however, evolve its own quantitative norms but only after conducting proper surveys and evaluating actual needs, and taking the help of professional institutions / agencies. The principle of "natural markets" should be followed in designating areas as Vending Zones and their maximum holding capacity should be determined based on this principle.

4.4 Provision of Civic Facilities
Municipal Authorities need to provide basic civic facilities in Vending Zones / Vendors' Markets which would include:

i) Provisions for solid waste disposal;
ii) Public toilets to maintain cleanliness;
iii) Aesthetic design of mobile stalls / push carts;
v) Provision for electricity;
v) Provision for drinking water;
vii) Provision for protective covers to protect wares of street vendors as well as themselves from heat, rain, dust etc;
viii) Storage facilities including cold storage for specific goods like fish, meat and poultry;
viii) Parking areas.

The Vendors' Markets should, to the extent possible, also provide for crèches, toilets and restrooms for female and male members.

4.5 Organisation & Participative Processes

4.5.1 Town Vending Committee
a) Designation or demarcation of ‘Restriction-free Vending Zones’ / ‘Restricted Vending Zones’ / No-vending Zones’ and Vendors’ Markets should be carried out in a participatory manner by the Town Vending Committee, to be established at town / city level. A TVC should consist of the Municipal Commissioner / Chief Executive Officer of the urban local body as Chairperson and such number of members as may be prescribed by the appropriate Government, representing firstly, local authority; planning authority and police and such other interests as it deems proper; secondly, associations of street vendors; thirdly, resident welfare associations and Community Based Organisations (CBOs); and fourthly, other civil society organizations such as NGOs, representatives of professional groups (such as lawyers, doctors, town planners, architects etc.), representatives of trade and commerce, representatives of scheduled banks and eminent citizens. This Policy suggests that the representatives of street vendors’ associations may constitute forty per cent of the number of the
members of the TVC and the other three categories may be represented in equal proportion of twenty per cent each. At least one third of the representatives of categories of street vendors, resident welfare associations and other civil society organisations should be women to provide a gender focus in the TVC. Adequate/reasonable representation should also be provided to the physically challenged in the TVC. The process for selection of street vendors' representatives should be based on the following criteria:

- Participation in membership-based organisations; and
- Demonstration of financial accountability and civic discipline

**b)** The TVC should ensure that the provision of space for vendors' markets are pragmatic, consistent with formation of natural markets, sufficient for existing demand for the street vendors' goods and services as well as likely increase in accordance with anticipated population growth.

c) The TVC should monitor the provision of civic facilities and their functioning in Vending Zones and Vendors' Markets and bring shortcomings, if any to the notice of the concerned authorities of the urban local body. The TVC should also promote the organisation of weekly markets, festival bazaars, night bazaars, vending festivals on important holidays etc. as well as take up necessary improvement of infrastructure facilities and municipal services with the urban local body concerned.

4.5.2 The TVC shall perform the following functions:

a) Undertake periodic survey/census to assess the increase or decrease in the number of street vendors in the city/town/wards/localities;

b) Register the street vendors and ensure the issuance of Identity Cards to the street vendors after their preparation by the Municipal Authority;

c) Monitor the civic facilities to be provided to the street vendors in vending zones/vendors' markets by the Municipal Authority;

d) Assess and determine maximum holding capacity of each vending zone;

e) Work out a non-discretionary system and based on the same, identify areas for hawking with no restriction, areas with restriction with regard to the dates, days and time, and, areas which would be marked as 'No Vending Zones';

f) Set the terms and conditions for hawking and take corrective action against defaulters;

g) Collect fees or other charges as authorized by the competent civic authority;

h) Monitor to ensure that those allotted stalls/vending spots are actually using them and take necessary action to ensure that these are not rented out or sold to others;

i) Facilitate the organization of weekly markets, festival bazaars, night bazaars, vending festivals such as food festivals to celebrate important occasions/holidays including city/town formation days etc; and

j) Ensure that the quality of products and services provided to the public is as per standards of public health, hygiene and safety laid down by the local authority.

4.5.3 In order to implement the decisions of a TVC, the concerned Municipal Authority shall designate an official, who shall act as the convener of the TVC as well as be responsible for implementing its decisions.

4.5.4 Registration System for Street Vending

A system of registration of vendors/hawkers and non-discretionary regulation of their access to public spaces in accordance with the standards of planning and the nature of trade/service should be adopted. This system is described in greater detail below.

a) Photo Census of Vendors: The Municipal Authority, in consultation with the TVC should undertake a comprehensive, digitalized photo census/survey/GIS Mapping of the existing stationary vendors with the assistance of professional organisations/experts for the purpose of granting them lease to vend from specific places within the holding capacity of the vending zones concerned.
b) Registration of Vendors: The power to register vendors would be vested with the TVC. Only those who give an undertaking that they will personally run the vending stall/spot and have no other means of livelihood will be entitled for registration. A person will be entitled to receive a registration document for only one vending spot for him/her (and family). He/she will not have the right to either rent or lease out or sell that spot to another person.

c) New Entrants: Those left out in the photo census or wishes to take up street vending for the first time will also have a right to apply for registration as vendors provided they give a statement on oath that they do not have any other means of livelihood and will be personally operating from the vending spot, with help from family members.

d) Identity Cards: Upon registration, the concerned Municipal Authority would issue an Identity Card with Vendor Code Number, Vendor Name, Category of Vendor etc. in writing to the street vendor, through the TVC concerned containing the following information:

i) Vendor Code No.
ii) Name, Address and photograph of the Vendor
iii) Name of any one Nominee from the family/and/or a family helper;
iv) Nature of Business;
v) Category (Stationary / Mobile); and
vi) If Stationary, the Vending Location.

Children below 14 years would not be included in the Identity Card for conduct of business.

e) Registration Fee: All vendors in each city / town should be registered at a nominal fee to be decided by the Municipal Authority concerned based on the photo census or any other reliable means of identification such as the use of biometric techniques.

f) Registration Process:
   i) The registration process must be simple and expeditious. All declarations, oath, etc. may be on the basis of self-declaration.
   ii) There should preferably be no numerical restriction or quotas for registration, or prior residential status requirements of any kind.

iii) Registration should be renewed after every three years. However, a vendor who has rented out or sold his spot to another person will not be entitled to seek re-registration.

iv) There may be a “on the spot” temporary registration process on renewable basis, in order to allow the street vendors to immediately start their earnings as the registration process and issue of I-card etc. may take time.

4.6 Collection of Revenue

4.6.1 Street vendors would be charged a monthly fee towards the space they use and the civic services they receive. There should be a direct linkage between the Municipal Authority and street vendors for the collection of:

a) Registration fee;

b) Monthly maintenance charges- differentiated according to location / type of business; and,

c) Fines and other charges, if any.

4.6.2 A TVC should have access to a proportion of revenue generated from registration fees and monthly fees to run its operations but should in addition receive a minimum grant from the Municipal Authority.

4.6.3. The collection of revenue by the Municipal Authority through TVC should ensure that it is based on a predetermined rate of fee and not amenable to any kind of discretion or extortion. If complaints on this account are registered with the TVC, adequate measures should be taken to redress the same expeditiously.

4.7 Self-Management & Regulation

This Policy advocates the encouragement of collective arrangements by the street vendors to redress any harmful effects on the locality caused by the occupation of street vending. Such arrangements should cover waste disposal, hygiene in the area of vending as well as in the zone / cluster occupied by street vendors as a whole for their activities, traffic management etc. Quantitative norms of spatial planning should be respected by the street vendors as a measure of self-regulation in terms of the number of a typical trade to be allowed in a particular place. Registration system with the
participation of street vendors’ associations may be used to regulate the scale of operation in vending zones or vendors’ markets so that the threshold limits on their holding capacity are not exceeded.

5. Eviction, Relocation and Confiscation

5.1 If authorities come to the conclusion in any given instance that genuine public obstruction of a street, sidewalk etc. is being caused by street vending, there should be a mechanism of due notice to the street vendors. The vendors should be informed / warned by way of notice as the first step before starting the clearing up or relocation process. In the second step, if the space is not cleared within the notified time, a fine should be imposed. If the space is not cleared even after the notice and imposition of fine, physical eviction may be resorted to. In the case of vending in a ‘No-vending Zone’, a notice of at least a few hours should be given to a street vendor in order to enable him or her clear the space occupied. In case of relocation, adequate compensation or reservation in allotment of new vending site should be provided to the registered vendors.

5.2 With regard to confiscation of goods (which should happen only as a last resort rather than routinely), the street vendors shall be entitled to get their goods back within a reasonable time on payment of prescribed fee, determined by TVC.

5.3 In case of peripatetic vendors or vendors occupying space on a time sharing basis, the vending activity will be regulated in such a manner that the vendors remove all their wares every day / on expiry of the time-sharing period allotted. In case of mobile vending outlets, suitable regulations should be put in place for ensuring flow of traffic and public health and hygiene in the public interest.

5.4 The appropriate Government may make suitable amendments to their existing laws / rules, with a view to removing impediments in the implementation of this Policy and to prevent the undue harassment of street vendors.

6. Promotional Measures

6.1 Public Health & Hygiene
Every street vendor shall pay due attention to public health and hygiene in the vending zone / vendors’ market concerned and the adjoining area. He / she shall keep a waste collection basket in the place of vending. Further, he / she shall contribute to / promote the collective disposal of waste in the vending zone / area. Associations of / for street vendors may construct public toilet facilities which may be run by them on “pay and use” basis. To promote such associations, the Central Government / State Governments / Municipal Authorities shall encourage the organisation of / for street vendors, by providing financial assistance.

6.2 Health of Street Vendors
The State Government / Municipal Authorities may take special steps to cover street vendors and their families with benefits of programmes such as preventive and curative health care including reproductive and child health care facilities and health insurance.

6.3 Education & Skills Training
Street vendors, being micro entrepreneurs should be provided with vocational education and training and entrepreneurial development skills to upgrade their technical and business potentials so as to increase their income levels as well as to look for more remunerative alternatives.

6.4 Credit & Insurance

6.4.1 Credit is an important requirement in street vending, both to sustain existing activity and to upscale it. Since vendors work on a turnover basis, they often take recourse to high interest loans from non-institutional lenders. Although they usually demonstrate high repayment capacity, absence of collateral and firm domiciliary status usually debars them from institutional credit. State Governments and the Municipal Authorities should enable Self-Help Groups (SHGs) and organizations of street vendors to access credit from banks through mechanism like SHG-Bank Linkage. The TVC should disseminate information pertaining to availability of credit from various sources, especially micro-finance and should take steps to link street vendors with formal credit structures. Street vendors should also be assisted in obtaining insurance through Micro-insurance and other agencies.

6.4.2 With respect to credit, the Credit Guarantee Fund Scheme for Small Industries (CGFSI), designed by the Ministry of Micro, Small & Medium Enterprises, Government of India and the Small Industries Development Bank of India (SIDBI) may be extended to the street vendors. This scheme aims at resolving the problem of collaterals, and inducing banks to gradually
move away from a completely risk-averse stance toward small scale industries.

6.4.3 The registration process undertaken by the TVC based on field surveys through professional institutions / agencies and the domiciliary status confirmed by them on the Identity Card as also in their records should make it possible to cover a large number of street vendors under institutional credit.

6.5 Social Security
Street vendors as a group belong to the unorganised sector of the economy. As such, they don’t have access to Government-assisted social security. However, in some States, social security schemes such as Old Age Pension and other benefits are being provided through the Welfare Boards and similar bodies. But, their coverage of street vendors is very small. There are a few Non-Government Organisations (NGOs), who organize social security schemes for the street vendors. The Central Government aims to extend social security cover in the unorganised sector as a whole and the street vendors should be suitably covered. The national efforts should be supplemented by efforts of State Governments / Municipal Authorities and organisations of / for street vendors. These will facilitate protective social security to the street vendors to take care of contingencies such as sickness, maternity and old age.

6.6 Allotment of Space / Stationary Stalls
Stationary vendors should be allowed space / stalls, whether open or covered, on license basis after photo census / survey and due enquiry in this regard, initially for a period of 10 years with the provision that only one extension of ten years shall be provided thereafter. After 20 years, the vendor will be required to exit the stationary stall (whether open or covered) as it is reasonably expected that the licensee would have suitably enhanced his / her income, thereby making the said stall available for being licensed to a person belonging to the weaker sections of society. Wherever vending stall / vending space is provided to a vendor on a lease basis for a certain number of years, care should be taken that adequate reservation is made for the SCs / STs in accordance with their share in the total population of the city. Similarly, priority should be given to physically challenged/disabled persons in the allocation of vending stalls / vending spaces as vending space can be a useful medium for rehabilitating physically challenged / disabled persons. Further, a suitable monitoring system should be put in place by the TVC to ensure that the licensees of the stationary stalls do not sell / let out their stalls.

6.7 Rehabilitation of Child Vendors
To prevent vending by children and seek their rehabilitation wherever such practice exists, in conformity with the Child Labour (Prohibition & Regulation) Act,1986, the State Government and Municipal Authorities should undertake measures such as sending the children to regular or bridge schools, imparting them skills training etc.

6.8 Promoting Vendors’ Organisations
To enable street vendors to access the benefits of social security schemes and other promotional measures in an effective manner, it is essential that the street vendors are assisted to form their own organizations. The TVC should take steps to facilitate the formation and smooth functioning of such organizations of street vendors. Trade Unions and other Voluntary Organisations should play an active role and help the street vendors to organise themselves by providing counseling and guidance services wherever required.

6.9 Other Promotional Measures
The Government of India is considering legislation for the promotion of livelihoods of the workers engaged in the unorganised sector. Once this is in place, it shall equally apply to the street vendors.

7. Action Plans for Stakeholders

i) It shall be the responsibility of the Government of India to take steps to ensure that street vending activities are carried out in accordance with street vending laws and the same are not actionable under the Indian Penal Code or the Police Act. In this regard, the Government may initiate amendments in these laws if necessary. It may develop a model law to facilitate and regulate street vending in cities and towns.

ii) It shall be the responsibility of State Governments / UT Administrations to ensure that institutional designs, legislative frameworks and other necessary arrangements are put in place in conformity with the National Policy on Urban Street Vendors. They should undertake legislation and frame rules taking into account the model law developed by the Central Government to suit variations in local conditions.

iii) It shall be the responsibility of the Local Authority / Planning Authority / Regional Planning Authority to
provide for reservation of space for vending zones, vendors' markets etc. in master / development plans, zonal plans and local area plans.

iv) The Municipal Authorities shall implement the legislative and other initiatives as indicated in this Policy including provision of space and civic facilities for vendors' markets, assistance to Town Vending Committees etc.

v) As soon as this Policy comes into force, but not later than one year from the announcement, each Municipal Authority shall constitute a Town Vending Committee and the latter will prepare an action plan for the implementation of the National Policy on Street Vendors at the local level.

vi) It shall be the responsibility of the concerned Department of State Government / Municipal Authority to initiate surveys to build up a robust data base and information system pertaining to street vendors in cities and towns and update the same regularly.

vii) The State Governments and Municipal Authorities shall support professional institutions and organisations to undertake surveys and projects aimed at improving the conditions of street vendors as well as planning and implementation of promotional measures for them in their respective areas.

viii) The Central Government shall assist such professional institutions and organisations which come forward to study the problems of street vendors and offer realistic solutions to address such problems.

8. Monitoring & Review

Monitoring of street vending activities, action plans and promotional measures for street vendors in accordance with this Policy will be carried on at the following levels:

a) Town Vending Committee:
As elaborated earlier, the TVC will be responsible for monitoring the implementation of this Policy at the city / town / ward / locality levels.

b) Chief Executive Officer / Commissioner of Municipal Authority:

The Chief Executive Officer / Commissioner of each Municipal Authority shall maintain a register containing ward-wise list of registered street vendors (stationary/mobile) exhibited in municipal web site. The Municipal Authority would continuously monitor the functioning and activities of the TVC and ward vending committees (wherever set up) and shall send an annual report on the same to the State Nodal Officer and Secretary of the concerned Department of the State Government containing the following details:

i) Number of vending zones / vendors markets earmarked / developed;
ii) Number of registered street vendors;
iii) Revenue collected;
iv) Expenditure incurred,
v) Promotional and other measures undertaken;
v) Complaints registered and redressed; and
vii) Any other matter as prescribed by the State Nodal Officer /Concerned Department of State Government.

c) State / UT Nodal Officer:
The Secretary of the concerned Department or State / UT Nodal Officer designated shall send an annual report to the Ministry of Housing & Urban Poverty Alleviation in the Central Government containing relevant statistics on street vendors for cities/towns, number of vending zones earmarked / developed, number of registered street vendors, number provided with vending spaces, details of TVC and conditions of street vendors in the State.

9. Dispute Resolution

The TVC shall be primarily responsible for the redressal of grievances and resolution of any dispute arising amongst the street vendors or between the street vendors and third parties including municipal officials and the police in the implementation of this Policy. It shall closely work with planning, municipal, police and other authorities and vendors' associations and other organizations to ensure that the National Policy on Urban Street Vendors is implemented effectively at the local level.
## OVERARCHING OBJECTIVE:

<table>
<thead>
<tr>
<th>SECTION IN THE POLICY</th>
<th>POLICY 2004</th>
<th>POLICY 2009</th>
<th>EQUATIONS COMMENTS</th>
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<tbody>
<tr>
<td>Overarching objective</td>
<td>Provide and promote a supportive environment for earning livelihoods to the Street vendors, as well as ensure absence of congestion and maintenance of hygiene in public spaces and streets.</td>
<td>To provide and promote a supportive environment for the vast mass of urban street vendors to carry out their vocation while at the same time ensuring that their vending activities do not lead to overcrowding and unsanitary conditions in public spaces and streets.</td>
<td>In both the policies, the point to maintain cleanliness and to ensure absence of congestion signifies the issue of accessing public spaces which is of utmost concern for street vending. On one hand, both the policies 2004 &amp; 2009 bring it clearly to the fore but in another way, it may also interpret street vending as a cause of overcrowding, therefore, presents a ground to prevent street vending. The reality is that lack of parking spaces, indisciplined behavior of vehicle owners, laid back attitude of traffic police towards vehicle-owners are some of other causes that contribute to the overcrowding of space or encroachment of the place. But these remains unnoticed when access to public places is talked about.</td>
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## SPECIFIC OBJECTIVES:

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<tr>
<th>SPECIFIC OBJECTIVES</th>
<th>POLICY 2004</th>
<th>POLICY 2009</th>
<th>EQUATIONS COMMENTS</th>
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<tbody>
<tr>
<td>Legal status</td>
<td>To give vendors legal status by amending, enacting, repealing and implementing appropriate laws and providing legitimate hawking zones in urban development / zoning plans</td>
<td>To give street vendors a legal status by formulating an appropriate law and thereby providing for legitimate vending / hawking zones in city / town master or development plans including zonal, local and layout plans and ensuring their enforcement.</td>
<td>Legalisation of the status of street vendors has gained more force in the Policy 2009. Under specific objectives, the Policy 2004 stated only to amend or repeal the appropriate laws. This is a progressive change in the Policy 2009 that aims to develop an appropriate law for street vendors and providing space for vending zones in</td>
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<td>SECTION IN THE POLICY</td>
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<td>Civic facilities</td>
<td>To provide facilities for appropriate use of identified space including the creation of hawking zones in the urban development / zoning plans.</td>
<td>To provide civic facilities for appropriate use of identified spaces as vending / hawking zones, vendors’ markets or vending areas in accordance with city / town master plans including zonal, local and layout plans.</td>
<td>Though the section in both the policies recognises the role of the State government to provide basic amenities but there are differences in approach towards the space. While the policy 2004 includes both identified as well as ‘creation’ of hawking zones in urban development plan which implies that hawking zone can be created in urban development plan, if there is none or as per the requirement. The policy 2009 talks only about the spaces identified as per the master plans. Given this, the point is what if no vending space is included in master plans. Secondly, master plans are made for 20 years, therefore, how increased number of the vendors in master/development plans. In view of the unwillingness or lethargic attitude of most of the State governments to amend the respective laws or later implement the policy, the demand for a law has come to the fore. With the legal enforceability, it is being hoped that the state governments will be forced to take steps in the matter. However, it is difficult to say if the central law would be able to meet state specific issues related to street vending as a central law might be too broad and might in fact be more harmful than the current situation.</td>
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<td><strong>Organisation of vendors</strong></td>
<td>To promote, if necessary, organization of street vendors e.g. Unions / Cooperatives / Associations and other forms of organization to facilitate their empowerment.</td>
<td>To promote, where necessary, organizations of street vendors e.g. unions / co-operatives / associations and other forms of organizations to facilitate their collective empowerment</td>
<td>Both the policies call for promoting organisation of street vendors to facilitate their empowerment. The Policy (2009) says that TVC should take steps to facilitate the formation and functioning of street vendors’ organisations along with active role of Trade Unions or other voluntary organizations. Involvement of TVC in promoting organization holds potential to impact street vendors in both ways—positive as well as negative. Chances of creating a vote bank through promoting the organisation is very high where the politics of vote bank can strengthen voices of street vendors in -</td>
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<td><strong>Transparent regulation</strong></td>
<td>To eschew imposing numerical limits on access to public spaces by discretionary licenses and instead moving to nominal fee-based regulations of access, where market forces like prices, quality and demand will determine the number of vendors that can be sustained. Such a demand can not be unlimited.</td>
<td>To eschew imposing numerical limits on access to public spaces by discretionary licenses, and instead moving to nominal fee-based regulations of access, where previous occupancy of space by the street vendors determines the allocation of space or creating new informal sector markets where space access is on a temporary turn-by-turn basis. All allotments of space, whether permanent or temporary should be based on payment of a prescribed fee fixed by the local authority on the recommendations of the Town Vending Committee to be constituted under this Policy.</td>
<td>With regard to regulation, the Policy (2004) follows market force to determine the number of vendors to be sustained in the place. But the Policy (2009) follows previous occupancy of the space to determine the allocation of space which means denial to new vendors entering the market. Apart from this, both the policies support nominal fee-based regulation of the space but the Policy (2009) clearly mentions that the prescribed fee will be fixed by the local authority on recommendation of Town Vending Committee, therefore, ensuring street vendors’ voice in determining the fee.</td>
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<td>Participative Process</td>
<td>To set up participatory mechanisms with representation by urban vendors’ organizations, (Unions / Co-operatives / Associations) voluntary organizations, local authorities, the police, Residents Welfare Associations (RWAs) and others for orderly conduct of urban vending activities.</td>
<td>To set up participatory processes that involve firstly, local authority, planning authority and police; secondly, associations of street vendors; thirdly, resident welfare associations and fourthly, other civil society organizations such as NGOs, representatives of professional groups (such as lawyers, doctors, town planners, architects, etc.), representatives of trade and commerce, representatives of scheduled banks and eminent citizens.</td>
<td>political spaces but at the same time it may also lead to exploitation of street vendors by the political parties for their own gain. The NCEUS recommended a revised composition of the TVC wherein it felt that market associations, traders’ associations and RWA have no role to play. This was taken into account, and market associations/trade associations were removed from the TVC’s composition in the Policy 2004. Later in the Policy 2009, the composition of TVC has again included representatives of trade and commerce. Given the resistance mostly by middle and upper middle class in the cities to street vending in their respective premises, it is difficult to say how far the interest of street vendors will be ensured through TVC. The same applies to the traders also who either do not want street vendors in surrounding areas who can take away their customers by providing services at low rates or sometimes exploit the vendors by giving small space on rent outside their shops. Further, the Policy 2009 has included the planning authority that regulates the use of land which is an indication of the intent</td>
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<td>SECTION IN THE POLICY</td>
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<td>Self-Compliance &amp; Self Regulation</td>
<td>Self Compliance- To promote self-compliance amongst street vendors.</td>
<td>Self-Regulation- To promote norms of civic discipline by institutionalizing mechanisms of self-management and self-regulation in matters relating to hygiene, including waste disposal etc. amongst street vendors both in the individually allotted areas as well as vending zones / clusters with collective responsibility for the entire vending zone / cluster.</td>
<td>While both the policies call for promoting self-regulation, the policy 2009 is more clear as what does it mean by self-regulation. It clearly calls for street vendors to take responsibility of maintaining cleanliness at the vending space.</td>
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<td>Social Security &amp; Promotional Measures</td>
<td>Social Security &amp; Financial Services - To facilitate / promote social security (pension, insurance, etc.) and access to credit for Street vendors through promotion of SHGs / co-operatives / Federations / MFIs etc.</td>
<td>Promotional Measures: To promote access of street vendors to such services as credit, skill development, housing, social security and capacity building. For such promotion, the services of Self Help Groups (SHGs) / Co-operatives / Federations / Micro Finance Institutions (MFIs), Training Institutes etc. should be encouraged.</td>
<td>Both the policies talk about providing social security and financial services through promotion of SHGs / Cooperatives / Federations / Micro Finance Institutions. In the context of social security, street vending being a self-employed occupation, the street vendors will be solely responsible for the entire contribution which will be an additional burden on them in view of their meager income. It is not clear if there will be any contribution of government or how the social security schemes to cover street vendors. Capacity building and skill development as well as promoting training institutions is an addition in the policy 2009 that can be seen as a progressive step and could also affect the attitude towards street vending.</td>
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Rehabilitation of Child Vendors

To take measures for promoting a better future for child vendors by making appropriate interventions for their rehabilitation and schooling.

This objective has been dropped in the Policy 2009.

The Policy 2004 suggests progressive steps like rehabilitation for child vendors be taken, while this does not find mention in the objectives of the Policy 2009. Presence of child labor in street vending is a common phenomenon and they can be seen at tourist sites selling trinkets, guide books, eatables, etc. Therefore, simply removal of the section in the objectives of Policy 2009 will only make them more vulnerable as it may affect the seriousness to address the issue of child labor.

Role in Distribution

To make Street vendors a special component of the urban development / zoning plans by treating them as an integral and legitimate part of the urban distribution system.

This objective has been dropped from the Policy 2009.

In Policy 2004, it is not clear what the word “treating” is meant for.
A Bill to provide for protection of livelihood of urban and rural street vendors and to regulate street vending and for matters connected therewith or incidental thereto.

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

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<td>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 Parliament/ Legislative Assembly of the State of ------------ (Name of the State) in the Fifty-ninth Year of the Republic of India as follows</td>
<td>The Bill has covered only urban street vendors, and does not include the vendors in rural area. In rural areas, weekly bazaars are an age-old practice where vendors from nearby places come and make the goods available in rural areas. Presence of mobile vendors has been of utmost significance to women in rural areas given their restricted social mobility. Tourism is an added factor to the places which provide source of employment to large number of people as well as revenue for the local authority. It becomes more important given the focus of Ministry of Tourism on ‘Rural Tourism’ that intends to provide livelihood opportunities. Therefore, it is pertinent to recognize the context of rural areas, trends of development and the corresponding demand of rural vendors by including them also under the ambit of the bill.</td>
<td>A Bill to provide for protection of livelihood of urban and rural street vendors and to regulate street vending and for matters connected therewith or incidental thereto.</td>
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Annexure C
### CHAPTER I: PRELIMINARY

<table>
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<tr>
<th><strong>Short title Extent and Commencement</strong></th>
<th><strong>Definitions</strong></th>
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<tr>
<td>(1) This Act may be called the Street Vendors (Protection of Livelihood and, Regulation of Street Vending) Act, 2009.</td>
<td>2 (1) In this Act, unless the context otherwise requires, a) “appropriate Government” means, i) in relation to the lands owned or controlled by the Central Government, the Central Government;</td>
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<td>(2) It extends to the whole of the State/Union territory--------- (name of the State/Union territory).</td>
<td>(i) in relation to the lands owned or controlled by the State Government, (name of the State), the State Government;</td>
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<td>(3) It shall come into force on such date as the Central / State Government may, by notification in the Official Gazette, appoint.</td>
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<td>(iii) in relation to lands owned or controlled by the Union territory, (name of Union territory administration), the Union territory Administration;</td>
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<td>(b) “Holding capacity” means the maximum number of street vendors who can be accommodated in any vending zone</td>
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<td>(c) “local authority” means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under Section 47 of the Cantonment Act, 2006 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;</td>
<td>Local Self Governing Bodies denote development authorities in rural as well as in urban areas, therefore, the changes in the text.</td>
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<td>(d) “notification” means a notification published in the Official Gazette;</td>
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<td>(e) “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</td>
<td>Changes are suggested in view of the recommendation to include rural vendors also under the Bill.</td>
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<td>precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Town and Country Planning Act or the Urban Development Act or the Municipal Act;</td>
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<td>(f) “prescribed” means prescribed by rules made under this Act by the appropriate Government;</td>
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<td>(g) “scheme” means a scheme framed by the appropriate Government under section 3;</td>
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<td>(h) “specified” means as specified by the scheme;</td>
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<td>(i) “state nodal officer” means an officer designated by the State / Union Territory Government to co-ordinate all matters relating to urban street vending in the State/Union Territory;</td>
<td>The word is added to include rural vendors also under the ambit of the Bill.</td>
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<tr>
<td>(j) “street vendor” means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area or from a temporary built up structure;</td>
<td>Moving from place to place- There are two types of vendors included in this- those who roam around on foot carrying their goods on head or shoulder and those who sell their goods on bicycle, pushcart or any motorized or non motorized vehicle. Both these categories should</td>
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-cture 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;

be mentioned clearly as those moving around on foot face more problems and need more support in accessing the facilities.

In this regard, the National Policy on Urban Street Vendors: Report & Recommendations May 2006 and the Policy 2009 has recognised the difference between these vendors based on the means used by them to carry the goods while moving from one place to other.

The Bill recognises three basic categories of Street Vendors.

First, Stationary - those Street Vendors who carry out vending on a regular basis with a specific location; e.g. those occupying space on the pavements or other public places and/or private areas either open/covered (with implicit or explicit consent) of the authorities.

Second, Peripatetic - those Street Vendors who carry out vending not on a regular basis and without a specific location, for example, Vendors who sell goods in weekly bazaars or during holidays / festivals/tourist season only and so on; Third, the Mobile Street Vendors are those who move from place to place vending their goods or services on bicycle or mobile units on wheels, whether motorized or not. They also include vendors selling their wares in moving buses, trains etc.
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<td>(k) “town vending committee” means the body constituted by the appropriate Government under section 4;</td>
<td>Since the Town Vending Committee (TVC) consists of members of the particular city/town/village therefore, it will make the process simple and easy if the local authority constitutes the body rather than the appropriate government under section 4.</td>
<td>(k) “town vending committee” means the body constituted by the local authority (based on the definition given in the Bill) as per the Constitution;</td>
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<td>(l) “vending zone” means an area or place or a location designated as such by the planning authority for the specific use by street vendors for street vending and includes footpath, sidewalk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public.</td>
<td>(l) “vending zone” means the stalls built or an additional arrangement made during particular season such as festive or tourist, in an area or place or a location designated as such by the planning authority/local authority as per the rules defined by the appropriate government 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.</td>
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In addition to above definitions, we also propose to add following definitions:

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<tr>
<td>(m) Natural Market</td>
<td>Natural Market: The Policy 2004 and</td>
<td>The term “Natural Market” means a</td>
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<td>Original Text</td>
<td>Equations Comments</td>
<td>Suggested Text</td>
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<td>the Policy 2009 both have recommended to follow the concept of natural market as a norm for spatial planning. It is experienced that the state taken initiative to build vending zones have disregarded the fact that demand for their wares/services is highly specific and varies as to location and time, manifesting as a natural propensity of Street Vendors to locate in various places at particular times. Following this trend, it is found that the built structure or allotted spaces to the vendors, if not following the natural market principle lie unutilized or under utilized.</td>
<td>a market where sellers and buyers have traditionally congregated for more than a specified period for the sale and purchase of a given set of products or services as assessed by the local authority in consultation with TVC.”</td>
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<td>(n) Public place</td>
<td>Public place: The link between tourist spot and vendors are not well established. This is why the tourist sites are not seen as part of the public place when situation of vendors are talked about. Public place, by and large, include only park, market area etc. whereas the tourist sites are the most commuted places in any urban or rural areas and provide source of livelihood to large number of people.</td>
<td>We propose the definition of following public place to be added: Public place means any place to which the public have access whether as of right or by permission and whether subject to or free of charge and it includes park, market, museums, temples or pilgrim sites, cultural and heritage sites, nature based tourist sites, sites in forest and coastal areas etc. wherever public place is mentioned.</td>
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<td>(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</td>
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### CHAPTER II : SCHEME FOR STREET VENDING

| Scheme for street vendor | 3. (1) For the purposes of this Act, the appropriate Government shall frame, by notification, a scheme which may specify all or any of the following matters, namely:

(a) the form and manner of grant, renewal, suspension or cancellation of a registration certificate for, and issue of identity card to, the street vendors;

(b) Given the acute dependency of vendors on the business to make their living on daily basis, there is dire need to keep the process simple and speedy.

(i) The registration process must be simple and expeditious.

(ii) There should preferably be no numerical restriction or quotas for registration, or prior residential status requirements of any kind. If any applicant does not have proper identification proof then declaration either from the councilor/corporator/chief executive officer/ Sarpanch or by whatever name called or from the street vendors’ association would be accepted alternatively, a self-declaration from an existing street vendor should also be accepted.

Based on the Policy (2009), we propose to take following in consideration with certain changes:

- (i) The registration process must be simple and expeditious.
- (ii) There should preferably be no numerical restriction or quotas for registration, or prior residential status requirements of any kind. If any applicant does not have proper identification proof then declaration either from the councilor/corporator/chief executive officer/ Sarpanch or by whatever name called or from the street vendors’ association would be accepted alternatively, a self-declaration from an existing street vendor should also be accepted.
### Original Text

<table>
<thead>
<tr>
<th>(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;</th>
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<tr>
<td>It is seen that the contractors have threatened vendors using local muscleman with support from the local authority, resulting in corruption.</td>
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<tr>
<td>We propose that the nominal fee shall be decided by the TVC. And there should be no contract system / involvement of private party in collection of fees.</td>
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<tr>
<th>(c) the form and manner of filing appeals to, and procedure for disposal appeals by, the local authority in respect of registration of street vendors;</th>
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<tr>
<td>In section 12 (1), the Bill says that the applicant shall be deemed to have been registered if s/he does not get response on completion of specific period. However, in view of the low negotiation power of vendors, hearing</td>
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<td>We propose that the appeals should be disposed off within a period of 30 days. Also, if the appeal is not heard within the given period of time, then the party shall approach State Nodal Officer.</td>
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</table>

### Proposed Amendments

iii) The appropriate government shall specify the timeline to respond to the application given by the vendors. iv) Registration should be renewed after every three years. However, a vendor who has rented out or sold his spot to another person will not be entitled to seek re-registration. v) There should be a “on the spot” temporary registration process on renewable basis, in order to allow the street vendors to immediately start their earnings as the registration process and issue of I-card etc. may take time. “On the spot” temporary registration, the appropriate government shall make clear the regulatory mechanism for these vendors and the procedure to ensure their voices in decisions.
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<td>of their appeals takes very long which is a huge loss for them. Therefore, the recommendation.</td>
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<td>(d) the manner of, and the terms and conditions of, allotment of stalls to the registered street vendors;</td>
<td>(a) It is unclear if it means the structure made by the government in the designated vending zone which will be allotted on rental basis? Different practices are being followed by the government. For instance in Bodhgaya, the local authority has allotted space only. In Bhubaneswar, to make the structure, the Municipal body invites contractors to build the structure and the cost of per structure i.e. 20,000/- is borne by the contractor and the vendor on 50-50 basis. This has been made them trapped in hands of money-lenders. (b) It is not clear if the stalls will be allotted to peripatetic and mobile vendors also.</td>
<td>We propose few additions in the definition of ‘Vending Zone’ (See the point (l) in ‘definition’ section) and in addition to that, the local authority shall decide the nominal monthly rent in consultation with TVC. Also, if it is only allotting stalls to stationary vendors, then, the local authority shall make appropriate arrangements including allotment of pushcart to accommodate the peripatetic and mobile vendors while taking consideration of their interest. The guiding principle in the allotment of stalls / pushcarts should be to give preference to women vendors / disabled in view of their poor accessibility to capital and large number of mobile women vendors carrying their goods in hands / baskets / head / shoulder.</td>
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<td>(e) the form and manner of grant, renewal, suspension or cancellation of a licence;</td>
<td>The recommendations for a Central Law for Protection of Livelihood Rights and Social Security of Street Vendors by NAC give an example where the local authority has reduced the number of licenses to an unreasonable low number. For example in Ahmadabad, it is estimated that there are about 1.5 lakh street vendors. Of these in the new scheme, 22,500 will definitely be evicted, 7000 will presumably be given some kind of legal registrations. This means loss of livelihood to large number of vendors. Therefore, the Bill should ensure that no state creates a limitation on numbers.</td>
<td>(e) the form and manner of grant, renewal, suspension or cancellation of a licence; however ensuring that granting, renewal, suspension or cancellation is not governed by a numerical restriction.</td>
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<td>(f) the manner of levy and collection of fees for the grant and renewal of</td>
<td>The recommendations are made as the local authority taking the initiative for demarcating vending zones have disregarded the very fact that vendors congregate to the particular place in demand of their service. Also, to make the planning inclusive, it requires to recognize and make appropriate arrangements for the location, sufficient space, types of vendors and vice versa.</td>
<td>The same recommendation as given for the point ‘b’ under this section.</td>
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<td>a licence and fines for contravention of the terms and conditions of the</td>
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<td>licence.</td>
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<td>(g) the norms of spatial planning to be adopted by the planning authority</td>
<td>the norms of spatial planning to be adopted by the planning authority or the local authority for earmarking vending zones for street vendors in the master plan, development plan, zonal plan, layout plan or any other spatial plans;</td>
<td>the norms of spatial planning to be adopted by the planning authority or the local authority for earmarking vending zones for street vendors in the master plan, development plan, zonal plan, layout plan or any other spatial plans;</td>
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<td>for earmarking vending zones for street vendors in the master plan,</td>
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<td>Following the norms prescribed in the National Policy on Urban Street Vendors: Report &amp; Recommendations, May 2006 and the Policy (2009) we propose to adopt as norms of spatial planning with certain changes:</td>
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<td>development plan, zonal plan, layout plan or any other spatial plans;</td>
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<td>To make the plans conducive and adequate for the Street Vendors of the respective places including city / town / villages or any other area attracting vendors, the following should be adhered to:</td>
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<td>a) It should take into account the natural propensity of the Street Vendors to locate in certain places at certain times / seasons in response to patterns of demand for their goods / services. Therefore, surveys of Street Vendors and their location shall be conducted by TVC as defined by the Bill. This will be sponsored by the concerned department of State / central Governments / Local Self Governing Bodies of Local Authority.</td>
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<td>b) The Authorities should provide sufficient spaces, designated as ‘Vendors markets’ in layout plans at locations of such natural markets, for the number of Street Vendors (static and mobile) which can cater to the demand for their wares / services. The Authorities should regulate allocation of stalls/pushcarts in the space based on previous occupancy. If the number of applicants exceeds the number of spaces available, a transparent system of selection such as lottery should be followed. All allotments should be based on payment of a prescribed fee fixed by the Authorities based on the recommendation of the TVCs.</td>
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<td>(c) The Authorities should allocate sufficient space for temporary ‘Vendors’ Markets’ (e.g. Weekly Haats, Rehri Markets, Night Bazaars, Festival Bazaars, Food Streets/Street Food Marts etc.) whose use at other times may be different (e.g. public park, exhibition ground, parking lot etc.). Also, temporary markets should be created at suitable locations in respond to the increased demand of their services in particular season like festive or tourist season.</td>
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<td>(d) In view of the festive season, tourist season, the Authorities should frame necessary rules for regulating entry of part-time street vendors in designated vending zones or the locations keeping in view three broad categories defined.</td>
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<td>(h) the principles for determination of vending zones as restriction-free vending zones, restricted-vending zones and no-vending zones;</td>
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<td>We propose to follow the concept of natural market as defined in the Bill.</td>
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<td>(i) the conditions under which private places may be designated as restriction-free-vending zones, restricted-vending zones and no-vending zones;</td>
<td>It is not clear if it means the land only or the structure on the private land given on rent? Also, what will be the regulatory mechanism for this? How will the fee or the rent be decided? Whom will the vendors and the private party will report in case of any disputes? Apart from this, involvement of contractors in collection of fees is a lesson to learn in this case.</td>
<td>We propose to involve local authority and TVC as the guiding principle while deciding the private place and the rent / fees. Collection of fees / rent should be done by association of street vendors only through TVC.</td>
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<td>(j) the principles for determining holding capacity of vending zones and the manner of undertaking</td>
<td>(a) Quantitative norm to decide the holding capacity has not proved in interest of vendors as the government</td>
<td>(j) The principles for determining holding capacity of vending zones - The concept of natural market should be followed as guiding principle in determining the holding capacity. The manner of undertaking comprehensive</td>
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<td>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;</td>
<td>has often limited the numbers to unreasonable number. (b) It is seen, the local authority has taken only static vendors in account leaving mobile or part time vendors which make these vendors vulnerable. Therefore, addition in the text is made.</td>
<td>digitalized photo census and survey of the street vendors including static and mobile, full time and part time with the assistance of experts conducted by TVC for the purpose of accommodating street vendors within the holding capacity of the vending zones;</td>
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<td>(k) the terms and conditions for street vending including norms to be observed for up keeping public health and hygiene</td>
<td>In view of lack of awareness among vendors as well as lack of their capacity to up keep public health and hygiene on their own, it is required that local authority play significant role in building awareness and capacitate them enough to follow the terms and conditions for the same.</td>
<td>The appropriate government shall define the role of local authorities in terms of their support to enable TVC to follow the norms, terms and condition for the purpose.</td>
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<td>(l) the designation of State Nodal Officer for co-ordination of all matters relating to street vending at the state level;</td>
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<td>(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;</td>
<td>Given the past experience of forced violent eviction without following any procedure and its impact on the vendors, it is required that every state should adopt humanitarian norms norm for eviction, and the dire circumstances under which this is proposed.</td>
<td>We recommend to adopt following as norm for eviction to be adopted by every state. We also propose to include the procedures suggested by the National Policy 2004:</td>
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<td>(n) the manner of giving notice to, and eviction of, street vendors; impounding, destruction or seizure of stalls, goods and equipments and relocation of, and compensation payable to evicted street vendors;</td>
<td>Given the past experience of forced violent eviction without following any procedure and its impact on the vendors, it is required that every state should adopt humanitarian norms norm for eviction, and the dire circumstances under which this is proposed.</td>
<td>a) No hawkers/vendors should be evicted in the name of beautification of the pace.</td>
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<td>b) Eviction should be avoided wherever feasible unless there is clear and urgent</td>
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<td>public need in the land in question.</td>
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<td>c) Where relocation is absolutely necessary, notice of minimum 30 days should be served to the concerned vendors.</td>
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<td>d) Affected vendors' representative's involvement in planning and implementation of the rehabilitation project.</td>
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<td>e) Affected vendors should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms to pre-evicted levels.</td>
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<td>f) Loss of assets should also be necessarily compensated.</td>
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<td>g) State machinery must take comprehensive measures to check and control the practice of forced evictions.</td>
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<td>(o) Any other particulars which may be considered by the appropriate Government as proper for including in the scheme;</td>
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<td>(2) A summary of the scheme notified by the appropriate Government under subsection (1) shall be published by the local authority in at least two local newspapers in such manner as may be prescribed.</td>
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</table>
The Bill has ensured the representation of association of street vendors through Town Vending Committees (TVCs). However, there is inadequate organization among street vendors with a few big organizations/unions/associations being present. Considering the fact that mobilizing and organizing is already a challenge due to the daily wage earning nature of the occupation, lack of resources and supporters, forces the existing organizations to work within limited time, space and conceptual boundaries. In this situation, it is difficult to ensure the representation of unorganized street vendors, who forms a large part of the group, in the TVCs. The Bill remains silent on this very important issue of inclusion.

### Town Vending Committee

4. (1) The appropriate Government shall, in each local authority, constitute a town vending committee.

(2) Each town vending committee shall consist of:

(a) the Municipal Commissioner or the Chief Executive Officer, as the case may be, who shall be the Chairperson; and

(b) such number of other members as may be prescribed, to be nominated by the appropriate Government, representing the local authority, the planning authority, traffic police, local police, association of street vendors, market 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.

(a) the Municipal Commissioner or the Chairperson of Local Self Governing Body the Chief Executive Officer, as the case may be, who shall be the Chairperson; and such number of other members as may be prescribed, to be nominated by the appropriate Government, representing firstly the government authority including local authority, the planning authority, traffic police, tourism police, local police, Secondly the association of street vendors, thirdly resident welfare associations, representatives of trade and commerce such as market associations or traders associations, fourthly, other civil society organizations, representatives of professional groups such as lawyers, 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.

Given the recommendation to include rural vendor in the Bill, the additional change in the text is made.

In view of the low negotiation power of vendors and their dependency on government authority, market and traders association, it is felt that all the members should be categorized and their representation should be quantified as well.

'Tourism Police' is added due to their significant role at tourist spots.
representation shall also be given to persons who are physically challenged.

of members and the other categories may be represented in equal proportion of twenty percent each and one-third of such members shall be from amongst women vendors.

In view of the low negotiation power of vendors and dependency of vendors on traders and markets, we propose to define the roles of members in each category while making the rules

Provided further that reasonable representation shall also be given to persons who are physically challenged.

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<tr>
<td>(3) The Chairperson and the members nominated under clause (b) of subsection (2) shall receive such allowances as may be prescribed by the appropriate Government.</td>
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<tr>
<td>(4) The Chairperson or the member nominated under clause (b) of subsection (2) shall, unless his nomination is terminated earlier by the appropriate Government, hold office for a term of three years from the date of his nomination.</td>
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<td>Meeting of Town Vending Committee</td>
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<td>(5.) The town vending committee shall meet at such times and places within the town 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.</td>
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<td>Temporary association of persons with town vending committee for particular purpose</td>
<td>6.(1) The town vending committee may associate with itself, in such manner and for such purposes as may be prescribed, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act. (2) A person so associated under subsection (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 subsection (1) shall be paid such allowances as may be prescribed.</td>
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<td>Office space and other employees for Town Vending Committee</td>
<td>7. The appropriate Government shall provide the town vending committee with appropriate office space and such other employees as may be prescribed.</td>
<td>It is not clear what will be the source of funding? Also, Who will be the employee?</td>
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<tr>
<td>Constitution of Ward Vending Committees</td>
<td>8. The town vending committee may constitute, in such manner and for such purposes, such number of ward vending committees, as may be prescribed.</td>
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<tr>
<td>Functions of Town Vending Committee</td>
<td>9. The appropriate Government may assign, to the town vending committee, the following functions, namely: (a) grant, renew, suspend or cancel registration certificates to street vendors, in such form and manner, and on such terms and conditions, as may be specified; (b) issue to the street vendors identity cards in such form and manner as may be specified; (c) collect such fee for registration or</td>
<td>Same recommendation made for point 3(a).</td>
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<td>renewal of registration of street vendors as may be specified;</td>
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<td>(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 local authority;</td>
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<td>(e) identify and designate vending zones;</td>
<td>The concept of natural market should be followed in identification and designation of vending zones.</td>
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<td>(f) specify timings for vending in vending zones;</td>
<td>(f) specify timings for vending in vending zones;</td>
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<td>(g) maintain the records of land, street, footpath, embankment, waiting area, parks and other public places designated for vending in such manner as may be specified;</td>
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<td>(h) conduct periodic surveys of vending zones;</td>
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<td>(i) collect and maintain data regarding street vendors;</td>
<td>It is unclear what data will be collected from the vendors.</td>
<td>The appropriate government shall give a clear list of data required to be collected from vendors so that the vendors would know the information they have to provide. This data should be put up in the public domain</td>
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<td>(j) determine quantitative norms for different categories of stationary and mobile stalls in the vending zones;</td>
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<td>(k) assess and determine maximum holding capacity of each vending zone;</td>
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<td>(l) identify and declare vending zones as restriction-free-vending zones, restricted vending zones and no</td>
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<td>- vending zones in the manner specified;</td>
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<td>(m) fix sign boards at each vending zone to indicate kind of vending zone, its boundaries and vending timings;</td>
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<td>(n) declare place and timings of vendors markets for weekly haats, night bazaars, holiday bazaars and festival bazaars;</td>
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<td>(o) ensure adequacy of civic amenities, including water, sanitation, waste management, electricity, provided in the vending zones;</td>
<td>The women vendors are seen carrying their children along with them to the zone in lack of an alternate option. During our study, it was observed that the children at vending zones also get involve in vending or begging due to easy entry into the business. Thus, crèche facility is added to the text.</td>
<td>ensure adequacy of civic amenities, including safe drinking water, sanitation, toilets waste management, electricity, lighting ,crèche and basic safety.</td>
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<td>(p) monitor activities of street vendors;</td>
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<td>(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;</td>
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<td>(r) ensure that allotted stalls are utilised by the allottees in accordance with the terms and conditions specified;</td>
<td>Allotted stalls only may exclude mobile vendors as static vendors have already occupied the space based on which, the same space is allotted to the vendors after designation of vending zones. In this case, mobile vendors will exclude by design of allotment of stalls only. Also, during the study, it is found that few vendors can not afford the rent of allotted stalls. Therefore, allotment of pushcart to mobile vendors is made.</td>
<td>(r) ensure that allotted stalls and pushcarts are utilised by the allottees in accordance with the terms and conditions specified;</td>
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<td>(s) specify the terms and conditions for issue, renew, suspension or cancellation of registration in the manner specified;</td>
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<td>(t) determine actions including imposition of fine for violating the terms and conditions for registration;</td>
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<td>(u) promote awareness regarding credit through institutional mechanisms</td>
<td>Lack of awareness among vendors about their right and schemes make them more vulnerable and dependent to the circumstances.</td>
<td>(u) promote awareness regarding credit through institutional mechanisms, their rights as per the Bill, schemes applicable to them.</td>
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<td>(v) determine norms for regulating the activities of street vendors;</td>
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<td>(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;</td>
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<td>(x) lay down guidelines for organizing associations and self help groups of street vendors;</td>
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<td>(y) conduct training programmes for street vendors with a view to enlighten them with entrepreneurship and technical and business skills;</td>
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<td>(z) Redress grievances and resolve disputes amongst the street vendors.</td>
<td>It is not clear that how the TVC will address the disputes or grievances made by the vendors. Will there be separate mechanism or the TVC will address the matter on its own? To speed up the case in view of their acute dependency on vending, separate mechanism should be set up for the purpose.</td>
<td>Following the recommendation made by National Advisory Council, we propose that there should be a Town Vending Dispute Redressal Forum for each Town Vending Committee. The appropriate government shall define the rules and regulation to constitute the Forum wherein representation of street vendors as member of the Forum should be ensured. The mechanism/ procedure follow shall clearly defined</td>
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<td>by the appropriate government. For part time street vendors, especially those who come from other places during festive or tourist season, there should be special mechanism to follow to ensure their interest, given the conflict between local and outside vendors. The number of days should be mentioned clearly to speed up the case.</td>
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<td>Publication of annual accounts statement</td>
<td>10. The town vending committee shall prepare and publish its annual accounts statement in such form and manner as may be prescribed.</td>
<td>Street vendors would be charged a monthly fee towards the space they use and the civic services they receive. There should be a direct linkage between the Local Authority and association of street vendors through TVC for the collection of:</td>
</tr>
</tbody>
</table>
| Collection of Revenue | The TVC shall have access to the revenue collected from the vendors. The TVC should have access to the revenue to enable them to make appropriate arrangements and to perform efficiently. Also, the basis of collecting money from vendor is to provide them proper arrangement at the place. Therefore, we propose to insert the section mentioned in the Policy (2004) and (2009). | a) Registration fee; 
b) Monthly maintenance charges- differentiated according to location/ type of business; and, 
c) Fines and other charges, if any. A TVC should have access to a proportion of revenue generated from registration fees and monthly fees to run its operations but should in addition receive a minimum grant from the Local Authority. The collection of revenue by the Local Authority through TVC should ensure that it is based on a predetermined rate of fee and not amenable to any kind of discretion or extortion. If complaints... |
## CHAPTER IV : REGISTRATION OF STREET VENDORS

### Application of registration:

11. (1) Every person who has completed the age of 18 years and intends to do street vending shall make an application for registration as street vendor to the town vending committee.

(2) Every application under sub-section (1) shall be made in such form and manner and accompanied by such fee as may be specified.

### Registration of street vendors:

12. (1) An application made under sub-section (1) shall be examined by the town vending committee and the registration made within such period, and in such manner, as may be specified:

Provided that on completion of specified period, if no response is received by the applicant about rejection or deficiencies in the application within the given timeline, the applicant shall be deemed to have been registered.

(2) The town vending committee shall not summarily reject the application without giving the applicant an opportunity to rectify deficiencies, if any and hearing him/her.

Good point but the Bill has not mentioned if the vendors will get acknowledgement receipt of filing the application. In absence of this, it's difficult for the vendor to claim that he/she has not got response within the given timeline.

To show as a proof of the application filed, acknowledgement receipt should be given by the TVC that will be valid till the vendors get registered.
<table>
<thead>
<tr>
<th>ORIGINAL TEXT</th>
<th>EQUATIONS COMMENTS</th>
<th>SUGGESTED TEXT</th>
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<tbody>
<tr>
<td>(3) If the town vending committee or the officer authorized by town vending committee, as the case may be, is satisfied that the application is in compliance with the provisions of this Act and the rules or schemes made there under, he shall register the name of the street vendor.</td>
<td></td>
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<tr>
<td>(4) Any person aggrieved by the decision of the town vending committee under sub-section (3) may, prefer an appeal to the local authority within such period, and in such manner, as may be specified.</td>
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<tr>
<td>Preference in allotment of stalls to registered street vendors</td>
<td>13 (1) The local authority may give preference to the registered street vendors in allotment of stalls in the vending zones. (2) The allotment of stalls to the street vendors shall be made in such manner, and subject to such terms and conditions, as may be specified.</td>
<td>This provision is not clear. Does it mean that the Bill will register only limited number of vendors? If so then the provision is in contradiction of the preamble of the Bill which calls for protection of the livelihood and also the violation of their right to carry on the business defined under Article 19(1)g of the Constitution. We recommend to remove the section which violates the right of the vendors to carry on their business. Also, it goes contrary to the very base of the initiative taken to protect the livelihood.</td>
</tr>
<tr>
<td>Grant of License</td>
<td>14. A registered street vendor as defined under the Bill to whom a stall has been allotted in a vending zone shall be granted a licence 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.</td>
<td>Following our recommendation with regard to provide pushcarts to the mobile vendors, the word is added to the text.</td>
</tr>
</tbody>
</table>

**CHAPTER V : DUTIES OF LOCAL AUTHORITY**

| Duties of Local Authority | 15. Notwithstanding anything contained in any other law for | |

| 14. A registered street vendor as defined under the Bill to whom a stall or pushcart has been allotted in a vending zone shall be granted a licence 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. | | |
the time being in force, the local authority shall be responsible for:

(a) Overall supervision and monitoring of the Scheme for street vendors;

(b) monitoring effective functioning of the town vending committee;

(c) deciding appeals in respect of registration of street vendors in the manner specified;

(d) allotting stalls to the street vendors in the manner specified;

(e) granting, renewal, suspension or cancellation of licence to the registered street vendors in the manner specified;

(f) providing, in consultation with the town vending committee, in the vending zones and to the street vendors, civic services, including:
   (i) solid waste disposal sanitation & cleanliness
   (ii) public toilets to maintain cleanliness,
   (iii) electricity & lighting
   (iv) drinking water,
   (v) shelter to protect street vendors and their wares,
   (vi) storage facilities, beautification, placement of signage and,

In view of large number of women involved in street vending, it is important to recognise and include their requirement at vending zone. It is more so as vending is seen as male dominated business.

(i) solid waste disposal sanitation & cleanliness
(ii) public toilets separate for man and women to maintain cleanliness and privacy
(iii) Electricity and Lighting
(iv) Crèche facility
(v) Accident, theft insurance
(vi) General safety

The word 'pushcart' is added as per the recommendations made for the mobile vendors.
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<tr>
<th>ORIGINAL TEXT</th>
<th>EQUATIONS COMMENTS</th>
<th>SUGGESTED TEXT</th>
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<td>(vii) other facilities as may be needed by the street vendors and specified in the scheme;</td>
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<td>(g) determining, in consultation with the town vending committee, the manner of collecting, through banks, counters of local authority and counters of town vending committee, fee for registration, use of parking space for mobile stalls and availing of civic services;</td>
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<tr>
<td>(h) undertake, in consultation with the town vending committee, comprehensive digitalized photo census and survey of the existing number of street vendors with the assistance of such experts and in such manner as may be specified, for the purpose of accommodating street vendors within the holding capacity of the vending zones;</td>
<td>Few words are added in the text to emphasize the need to recognize all types of vendors.</td>
<td>(h) undertake, in consultation with the town vending committee, comprehensive digitalized photo census and survey of the existing number of street vendors including static and mobile, full time and part time with the assistance of such experts conducted by TVC and in such manner as may be specified, for the purpose of accommodating street vendors within the holding capacity of the vending zones;</td>
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<tr>
<td>(i) notify the entire database of street vendors on its website and update the same at regular intervals.</td>
<td>In addition to these, we recommend to add the given point in view of dire need to make the vendors aware about the Bill and provisions made for their benefit.</td>
<td>(j) Undertake measures to create awareness about the social security schemes, rights of the vendors as per the Bill, credit etc. The list of the schemes applicable to unorganised sector shall be displayed in local language in TVC office/ local authority office.</td>
</tr>
</tbody>
</table>
### Duties of Local Authority

16. 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 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 place;

(f) make spatial plans conducive and adequate for the prevalent number of street vendors in that city/town and also for the future growth, by adopting such norms as may be specified.

(g) discharge any other duty or duties which may be assigned to it by the appropriate Government from time to time.

To avoid the conflict between TVC and the city/town/district/village planning authority, representation from TVC should be made in the Planning Authority.

To ensure TVC representation, the allotted space for vending zones in the master plans/zonal plans/area plans etc. should get consent from the TVC.

Text is changed and added: (a) according to the recommendation for including rural vendors in the Bill. (b) To include part time vendors also.

(f) make spatial plans conducive and adequate for the prevalent number of street vendors in that place and also for the seasonal growth in festive or tourist season as well as future growth, by adopting such norms as may be specified.
### CHAPTER VII: BREACHES OF CONDITIONS AND PENALTY

| Cancellation of suspension of registration | 17. 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 there under, 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 of suspension of allotment of stall, licence etc. | 18. Where any street vendor to whom a stall has been allotted or a licence has been granted under this Act or any agent or servant of such vendor commits a breach of any of the conditions thereof, or any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made there under, 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 or hearing has been given to the street vendor.

Penalty for contravention:

19. If any street vendor
(a) indulges in street vending without registration;
(b) vends beyond the designated vending zones or specified timings;
(c) vends goods or offers services that are detrimental to public health;
(d) contravenes the terms and conditions of registration;
(e) contravenes the terms and conditions of allotment of stall or licence; or
(f) contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made there under, he/she shall be liable to a penalty which shall not be less than rupees two hundred but which may extend to rupees five as may be
determined by the town vending committee, or as the case may be, by the local authority.

### CHAPTER VIII: MISCELLANEOUS

#### Returns:

20. Every town vending committee shall furnish, from time to time, to the appropriate Government and the local authority such returns as may be prescribed.

#### Promotional measures:

21. The appropriate 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.

#### Research, training and awareness:

22. The appropriate Government may, to the extent of availability of financial and other resources, (a) develop and organize capacity building programmes for street vendors and on how to exercise the rights contemplated under this Act; (b) undertake research, education and training programmes to advance knowledge and understanding of the role of the informal sector in the economy, in general and the street vendors, in particular and to raise awareness among the public through town vending committees.
<table>
<thead>
<tr>
<th>Power to make bye-laws</th>
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<tr>
<td>23. Subject to the provisions of this Act or any rules or scheme made there under, the local authority may make bye-laws to provide for all or any of the following matters, namely:</td>
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<tr>
<td>(a) the regulation and manner of vending in restriction-free-vending zones, restricted-vending zones and designated vending zones;</td>
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<td>(b) the regulation of the collection of taxes and fees in the vending zones;</td>
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<td>(c) regulation of traffic in the vending zones;</td>
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<tr>
<td>(d) the regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;</td>
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<tr>
<td>(e) the regulation of civic services in the vending zones; and</td>
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<tr>
<td>(f) the regulation of such other matters in the vending zones as may be necessary.</td>
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</table>

| To ensure the participation of TVC, the text is added in the para. |
| In view of their role to monitor the implementation of the schemes, certain change may be required as per the situation in the local area. |

| 23. Subject to the provisions of this Act or any rules or scheme made there under, the local authority may make bye-laws in consultation with TVC to provide for all or any of the following matters, namely: |
| We propose they have the mandate to modify the schemes as per the situation on the ground. |

| Power to make rules: |
| 24.(1) The appropriate Government may, after consultation with the town vending committee, by notification, make rules for carrying out the provisions of this Act. |
| (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for |
all or any of the following matters, namely:
(a) the manner of publishing summary of scheme under sub-section (2) of section 3;
(b) the number of members under clause (b) of sub-section (2) of section 4;
(c) the allowances to Chairperson and members under sub-section (3) of section 4;
(d) the time and place for meeting, procedure for transaction of business at meetings and functions to be discharged under section 5;
(e) the manner and purpose for which a person may be associated under sub-section (1) of section 6;
(f) the allowance to associated person under sub-section (3) of section 6;
(g) the other employees of town vending committee under section 7;
(h) the manner and purposes for constituting, and the number of the ward vending committees under section 8;
(i) the form and manner for preparing and publishing annual accounts statement under section 10;
(j) the returns to be filed under Section 20

(3) Every rule, scheme and bye-law made under this Act shall be laid, as soon as may be after it is made, before the House of Parliament / State Legislature, while it is in the session,
for total period of thirty days which
may be comprised in one session or in
two or more successive sessions, and
if, before the expiry of the session
immediately following the session
or the successive sessions aforesaid,
both Houses agree in making any
modification in the rule or scheme or
bye-law or both Houses agree that the
rule or scheme or bye-law should not
be made, the rule or scheme or bye-
law shall thereafter have effect only in
such modified form or be of no effect,
as the case may be; so, however, that
any such modification or annulment
shall be without prejudice to the
validity of anything previously done
under that rule or scheme or bye-law.
Annexure D

List of Participants:

National Consultation on Street Vendors and Tourism:
Right to Livelihood and Space | 15 - 16 September 2011 | New Delhi

<table>
<thead>
<tr>
<th>NAME</th>
<th>ORGANISATION</th>
</tr>
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<tbody>
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<td>Ganesh Boot Market Association, Rajpura, Punjab</td>
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<td>Irfan</td>
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<tr>
<td>Kshetri Tama Devi</td>
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<td>YUVA, Mumbai</td>
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<tr>
<td>Mohamed Basheer</td>
<td>Kerala</td>
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<td>Murad Hussain</td>
<td>Hawkers Sangram Committee, West Bengal</td>
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<td>Om Prakash</td>
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<td>Prashenjit</td>
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<td>Pratap Sahu</td>
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<tr>
<td>R.B. Singh</td>
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<td>Workers Resource Centre, Faridabad, Uttar Pradesh</td>
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<td>Rajesh Kumar</td>
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<tr>
<td>Rambabu Gupta</td>
<td>Lohida Vichar Manch Hawkers Union, Mumbai</td>
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<tr>
<td>Ramesh Kr. Babla</td>
<td>Pradhan, Patiala, Punjab</td>
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<tr>
<td>Ravi Shankar Dwivedi</td>
<td>Aajad Hawkers Federation, Uttar Pradesh</td>
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<td>Richa Bhardwaj</td>
<td>YUVA, Mumbai</td>
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<td>Richhpal Pareek</td>
<td>National Hawkers Federation, Kota, Rajasthan</td>
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<td>S. Syed Zameer</td>
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<td>S.W. Furzek</td>
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<tr>
<td>Soter D’Souza</td>
<td><em>Council for Social Justice and Peace, Goa</em></td>
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<tr>
<td>Subhash Chandra</td>
<td><em>Hawkers Federation, Haryana</em></td>
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<tr>
<td>Surabbi Singh</td>
<td><em>EQUATIONS</em></td>
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<tr>
<td>Swathi Seshadri</td>
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<tr>
<td>Vidhi Narayan Mishra</td>
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<td>Vijayan</td>
<td><em>Delhi Forum</em></td>
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<tr>
<td>Yashwant Chodhary</td>
<td><em>National Hawkers Federation</em></td>
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This study explores the links between street vending and tourism at 4 tourism sites—Bodhgaya (Bihar), Bhubaneswar, Puri (Odisha) and Goa with a special focus on women street vendors. It documents the issues of street vending like realities and challenges faced by women street vendors, perspectives of stakeholders and the policy and regulations. It highlights the gaps in the National Policy of Urban Street Vendors (2004 & 2009) and the Model Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill 2009. As a part of work on street vending in tourism, a national consultation on ‘Street Vendors and Tourism; Right to Livelihood and Space’ was co-organised by National Hawker Federation, YUVA and EQUATIONS in September 2011 to widen the debate by bringing tourism into the ambit of discussions on street vending. The report of the consultation is also included in this publication.

EQUATIONS is a research, campaign and advocacy organisation working on the impacts of tourism from the perspective of local communities in India since 1985. Supporting grass-roots struggles against unsustainable tourism development and practices, it calls for policies that ensure equitable, democratic and non-exploitative forms of tourism.