

**NATIONAL CONSULTATION ON CENTRAL LAW ON STREET VENDING,**  
**IHC, New Delhi, 23<sup>RD</sup> DECEMBER, 2011.**

**SUMMARY**

A National Consultation workshop was held in New Delhi at the India Habitat Centre (Silver Oak) on 23<sup>rd</sup> December 2011 to seek the views / comments of various stakeholders including Central Ministries, State Governments, NGOs, Academicians, Experts and Street Vendors' organizations in order to evolve an effective and practical central legislation for protection of livelihood rights and social security of street vendors. The Consultation also took stock of the implementation of the National Policy on Urban Street Vendors, 2009 by the States and suggested measures to implement the same more effectively backed by an appropriate Law.

The workshop was inaugurated by the Hon'ble Minister for Housing and Urban Poverty Alleviation and Culture and attended by the Urban Development Ministers of Madhya Pradesh and Delhi. The Secretary, HUPA, the Additional Secretary & Mission Director (JNNURM) led the discussion. Secretaries of Urban Development from various States and UTs like Andhra Pradesh, Madhya Pradesh, Chandigarh etc. took part in the Consultation. Among important participants were Members from the National Advisory Council, NGOs (Manushi Sangathan and SEWA), Street Vendors Organizations (NASVI and National Hawkers Association), Academic Institutions (CEPT University and Tata Institute of Social Sciences) and representatives of Urban Local Bodies (e.g., Commissioners of Ahmedabad, Bhubaneswar, Chandigarh, Pune, etc.) and many others.

In the inaugural session, the keynote speech was delivered by the Hon'ble Minister, HUPA&C after the welcome address by the Additional Secretary & Mission Director (JNNURM) and an address by the Secretary HUPA. In her address, the Hon'ble Minister explained the need for a central bill despite the attempts by the GoI to encourage states to enact legislation following the National Policy on Urban Street Vendors, 2009. While some states have carried out the enactment, there is still a felt need for Central Legislation. Subsequently, the Ministers of Urban Development from M.P. and Delhi gave brief accounts of the steps taken by them regarding the Street Vendors in their respective states to align them in respect of the National Policy on Urban Street Vendors, 2009.

After the inaugural session, the Consultation took place in two Sessions. In Session I, the Additional Secretary & Mission Director (JNNURM) gave an account of the initiatives taken by the MoHUPA for protection of livelihood rights and social security of street vendors and towards drafting the Central Law on Street Vending in Urban Areas. Presentations were made by the State of M.P., Ahmedabad M.C., Tata Institute of Social Sciences and Manushi Sangathan followed by the representatives of NASVI and NHF. In the Session II, presentations were made by the CEPT University, SEWA, Bhubaneswar MC and the State of A.P. An Open Forum was then held to promote discussion among the other participants and the Panel on the Dias comprising Secretary MoHUPA and two Members of NAC. The discussions were spontaneous, interactive and constructive, aiming at making the National Legislation as comprehensive as possible and fit for implementation.

The suggestions and recommendations received covered wide variety of related aspects. These are summarized below:

1. There is an urgent need for a Central Law for protection of livelihoods rights and social security of the street vendors which would be uniformly and mandatorily applicable to all the states and UTs.
2. The concept of 'Natural Market' is one of the key important aspects of legislation and need more clarity-how, what, who is authorised to decide. Regular consultation should be held at various stages.
3. The Central Law should address the issues of conflicting legislation such as IPC and rationalisation of the same should be ensured in the proposed legislation.
4. Police should not interfere with and/or override the permitted vending activities in designated vending zones
5. Challans issued by ULBs at present don't mention name, location or any other details-making it superfluous. This must be corrected in the provisions of Central Law
6. There is Need for a national forum to discuss the matters related to street vendors and setting up an 'Appellate Authority' also needed for grievance redressal.
7. While Identifying Natural Markets , following crucial points should be considered:
  - a. Location of street vending should be where livelihoods are available
  - b. Weekly markets need to be given due recognition and space
  - c. Assessment of Holding Capacity of vending zones need to be carried out

8. More discussion is needed on how the spaces for 2% population who are supposed to be street vendors are demarcated for street vending. The decisions regarding allotment of space should be vested with Town Vending Committee (TVC).
9. It is desirable that 50% of the Town Vending Committee members should be street vendors
10. Registration of Vendors should be made easy with minimum requirement of documentation
11. Registration of and issue of ID cards to the vendor's family should be well considered
12. Issues related to Financing of Street Vendors include:
  - a. Street Vending is a Livelihoods issue not a planning issue, Central Law should recognise this aspect
  - b. Access to loans should be formalised and rationalised.
  - c. An institutional arrangement to provide loans on soft terms will go a long way to alleviate poverty and empower the street vendors to secure their livelihood.
13. It may be considered to include a) vendors on railway properties, tourism areas, National Highways b) Increase the scope of Central Bill through covering vendors in rural areas c) Willingness of vendors to contribute towards the cost of vending space creation (e.g. 75:15:10)
14. Proposed Central Legislation may include Social security benefits like Maternity, Health Insurance, Accident Insurance and Children's education etc. in the way of convergence
15. Master Plan/Zonal Plan/Local Plan should have "norms" for reservation of space for street vendors in accordance with their current population and projected growth.

**PROCEEDINGS OF THE NATIONAL CONSULTATION ON CENTRAL LAW ON  
STREET VENDING, 23<sup>RD</sup> DECEMBER 2011.**

**1. INAUGURAL SESSION**

**1.1. Address by Dr. P.K Mohanty, IAS, Additional Secretary and Mission Director (JNNURM)**

A brief welcome address was delivered by Shri P.K.Mohanty, AS & MD (JNNURM), Ministry of Housing and Urban Poverty Urban Poverty Alleviation. He extended a warm welcome to Hon'ble Minister, Ministry of Housing and Urban Poverty Alleviation & Culture (HPUA&C), Hon'ble Ministers of Urban Development from Govt. of Madhya Pradesh and Govt. of Delhi, members of National Advisory Council (NAC), Mayors, officials and other participants from NGOs. He stated that it is an honour to have the representatives from a wide range of stakeholders for the successful deliberation on Street Vending.

**1.2. Address by Shri. Arun Kumar Misra, IAS, Secretary (MoHUPA):**

Shri. Arun Kumar Misra, IAS, Secretary. MoHUPA, in his introductory remarks extended a warm welcome to Hon'ble Minister, Ministry of Housing and Urban Poverty Alleviation & Culture (HPUA&C), Hon'ble Ministers of Urban Development, Madhya Pradesh, Hon'ble Ministers of Urban Development, Delhi, members of National Advisory Council (NAC) and other participants. He thanked all the representatives for participating in such an important event which will cater the needs of the vulnerable section of the society viz. SC/ST, women and urban poor especially street vendors as an important part of the society. Further he informed about the initiatives taken by the Ministry to address the issues related to Street Vending through the National Policy on Urban Street Vendors' (NPUSV)-2009 and National Bill (Protection and Promotion of Livelihood). He opined that due to non existence of Central Legislation the effectiveness of the NPUSV and the Bill is not encouraging and hence this consultation is very important for the Ministry to get the feedback and recommendations from the participants to frame a strong Central Legislation. Further he also explained the objective of this National Consultation and briefed the participants about the agenda points of the deliberation.

**1.3. Address by Shri. Babu Lal Gaur, Hon'ble Minister, Ministry of Urban Development, Madhya Pradesh**

Hon'ble Minister of MoUD, Govt of MP in his inaugural address informed about the steps taken by the State Govt. in light of the National Policy on Urban Street Vendors-2009. State has also conducted survey and registration of 7, 90,000 street vendors. Further he stated that MP is the first state to adopt the NPUSV and State has also passed the law on street vending in 2011.

**1.4. Address by Dr. Ashok Kumar Walia, Minister of Urban Development, Govt. of Delhi**

Dr. Ashok Kumar Walia, Minister of Urban Development stated that based on the Draft National Bill on street Vendors, Govt. of Delhi is proposing to enact the State bill. He informed that Delhi has three jurisdictions-Municipal Corporation of Delhi (MCD), New Delhi Municipal Council (NDMC) and Delhi Cant. Delhi has already identified about 50,000 vendors and 13,000 licenses have been issued to the street vendors within MCD area and 1851 within NDMC area. He also informed that for registration of street vendors, NDMC has already received 1, 65,000 applications. He states that this number of applicants is likely to in excess of surveyed numbers indicating increasing interest in street vending by new entrants. To address this Delhi Govt. has to prepare a strategy and all the ULBs has been directed to identify space for creation of designated vendors markets.

**1.5. Key note address by Kumari Selja, Hon'ble Minister of Ministry of Housing and Urban Poverty Alleviation and Culture (HUPA&C)**

Hon'ble Minister HUPA& C in her key note address welcomed Hon'ble Ministers from Delhi and Madhya Pradesh, Secretary (HUPA), AS&MD (JNNURM), Joint Secretary (Rajiv Awas Yojana), Secretaries, Mayors, Municipal Chairpersons and officers of Urban Local Bodies from States, Experts, representatives of Civil Society, Members of Street Vendors Associations. She thanked all the participants present in the National Consultation in a large number which shows the sensitivity of the issue.

Further she referred about the report brought out by Dr. Arjun Sengupta in 2007 which reveals that in 2004-05, out of India's total workforce, 92% worked in the informal economy. A large chunk of these workers pursue their occupations in urban informal sector. They include street vendors and hawkers. She also informed that some studies estimate the number of street vendors at 2% of the urban population and hence it is important that these vendors are enabled

to have access to space at convenient locations to pursue their livelihoods. She also stated that in one hand the livelihood issues of the poor and on the other hand the rights of the citizens has to be balanced hence in 2009, MoHUPA has brought out the National Policy on Urban Street Vending & Draft Bill . Based on the National Policy and Bill, few states have drafted state bills however, progress on state legislation has not been encouraging. On the other hand continuous representations from street vendors and their organisations to bring a central legislation have created the demand for evolving a central legislation for protection of livelihood rights and social security of street vendors. She had cited the example of Chandigarh city where provision of spaces has been kept in mind during planning for the city. She opined that we should avoid unscientific adoption of western city planning models where the importance for ‘informal market’ and ‘Natural Market’ is minimal. She also apprised the participants that this Ministry has proposed a new scheme for street vendors in the 12th Plan which will contain if development of vendors’ markets/ vending zones, survey and demarcation of vending spaces, conduct of digitized survey and registration of street vendors, credit support to street vendors and skill training to street vendors.

She requested all the stakeholders to given valuable suggestions for working out further details of the Central Legislation and scheme to take it forward for a strong and implementable central legislation.

**1.6. The inaugural session was concluded with the vote of thanks by Smt. Aruna Sundararajan, Joint Secretary, Rajiv Awas Yojana (RAY).**

## **SESSION I: IMPLEMENTATION OF NATIONAL POLICY ON STREET VENDORS AND NEED FOR CENTRAL LEGISLATION ON STREET VENDING**

### **1.1. Dr. P.K. Mohanty, AS & MD (JNNURM), MoHUPA**

Supplement by S (HUPA): Govt. is considering preparing guidelines and plan of action: for creation of vending space, GoI will provide 75% grant while 25% of the cost should come from State Govt. Concurrently the govt. is considering to take up a skill upgradation programme for the street vendors. To address the issue of lack of credit, the govt. is proposed to setup a credit guarantee fund to incentivize the banks to lend credit to the registered street vendors.

### **1.2. Shri. S.P.S. Parihar, Principal Secretary, Urban Administration & Development Department, Govt. of Madhya Pradesh**

Shri S.P.S. Parihar, Principal Secretary, Urban Administration & Development Department, Govt. of Madhya Pradesh has made a presentation on “Madhya Pradesh Path Par Vikraya Karne Walon Ki Jivika Ka Sanrakshan Aur Path Vikray Ka Viniyaman Vidheyak, 2011”. Major highlights of the presentation were BPL Population in the urban areas is 33% and majority of these families work in unorganized sector and a large chunk of BPL category engaged in providing services like pulling rickshaws, driving auto/taxis, Hammals, street vending activities etc. As per the 2006-07 survey data 98,182 street vendors were identified in the State and 90,254 persons were provided with Photo ID Cards. State has initiated developing 1053 hawkers’ zones to provide the street vendors (*ferivalahs*) a better livelihood opportunity and work has been completed in 576 zones and in 90 zones work is on progress. Recently State has also enacted the Street Vending related law in tune with the Street Vendors Bill-2009. **New initiatives taken by the State are:**

- Convergence with social welfare schemes like maternity benefits (Delivery assistance scheme + with 6 weeks earning) medical benefits etc.
- Financing for street vendors commenced (with State Govt. grant and loan from bank) for which instructions should be given from GoI.

### **1.3. Dr.G.P.Mahapatra, Municipal Commissioner Ahmedabad Municipal Corporation (AMC)**

Dr.G.P.Mahapatra, Municipal Commissioner Ahmedabad Municipal Corporation (AMC) has presented the scheme implemented in corporation area known as ‘Shaheri Feriya (street vendors)

in 2010'. The activities taken up under the scheme are categorisation of vending zones in three types Green vending zones for restriction free vending, Amber for restricted vending and Red vending zones is designated for no vending zone. As per the existing provisions of TP Scheme 1.2% - 2 % of land is earmarked for public purpose of the total 40%. Ahmedabad Municipal Corporation has also made provision of Land/Space for Street Vending through the Town Planning Schemes. Some of the issues highlighted in the presentation are:

- Overlooking the concept of Natural Markets
- Eviction due to development- resettlement of street Vendors not yet formalised
- As capacities of the Natural Markets are limited- the issue of assigning vending areas for those who are not accommodated in the said markets e.g.-Gurjari Bazar.

#### **1.4. Shri. Debdulal Saha, Doctoral Student, Tata Institute of Social Science (TISS)**

TISS, Mumbai had conducted a study in 15 cities across India which was supported by United Nation Development Programme (UNDP), New Delhi on “Financial Accessibility of the Street Vendors in India Cases of Inclusion and Exclusion issues of financial inclusion of street vendors”. The objectives to document the current status of financial inclusion of street vendors, identify policy constraints and drivers to better adoption of financial services customised to the needs of street vendors, examine a gender disaggregated picture of financial inclusion to understand the problems faced by women street vendors and to understand the policy discourse on street vendors based on the results of the study. As per the study reveals that 72.2% of the street vendors are dependent on informal sector (mainly Moneylenders, Wholesalers, Friends) to access credits and only 27.8% rely on formal (MFIs, Banks, Cooperatives system). Out of the total, 81.2% opt loan for the purpose of Business (different in Mumbai, Delhi, Bengaluru), 16.8% for Social Security (Children’s education, medications, accident) and only 2% for Housing. The rate of interest are often exorbitant which ranges from 10.75-30 % per annum from MFIs, Banks, 31-48% per annum from Cooperatives, 60-100% per annum mainly from Wholesalers and moneylenders and friends, **100-840%** per annum mainly from moneylenders and wholesalers. The frequency of taking loan is 1 to 12 times in a year is 78.2% and need based is 21.8%. One of the positive findings of the study is that Bank officials are in favour of providing loans to the street vendors provided they are able to submit identity proofs like vending licences. Access to loans should be formalised and rationalised, scope of the MFIs has to be widened through extending loans to the male hawkers, flexibility in the rules with regards to pre-decided loan and repayment amounts. The Street vending laws should relate to livelihood and not urban



planning (similar MGNREGA), legal status would help in getting institutional loans at reasonable interests, law have to guarantee the health insurance, housing and education which will reduce the need for frequent loans.

#### **1.5. Ms. Madhu Purnima Kishwar, Manushi Sangathan**

Referring to the Supreme Court Judgment of 1989 and the NPUSV-2009 the Govt. of Delhi wanted to organise the vending spaces and registration of vendors while these did not happen, MANUSHI Sangathan took up pilot project in Sewa Nagar and Nehru Place at Delhi. This 'Sewa Nagar' pilot project had been selected as an international role model by the UN Commission for Legal Empowerment of the Poor. However it did not receive any cooperation from the civic authority and the police. In reality the police and anti-social elements destroyed the assets created and forcefully evicted the vendors a number of times. However at present Sewa Nagar is ruled by musclemen's and members from Manushi Sangathan is unable to enter without police protection. In the case of Nehru Place pilot project which has been challenged DDA in the Supreme Court hence not a single hawking zone created in Delhi but numerous non hawking zones declared. Supreme Court also banned street food vendors against the mandate of the NPSV. It is quite difficult to get NOC from the Traffic Police for creating hawking zones proposed by the Municipal Corporation; Ward Vending Committees are dysfunctional due to vested interest of the officials and municipal councillors. Delhi – no declared Hawking zones indicating little or no tolerance towards vendors. Because of this lack of regularisation, the bribes given to local authorities/police/anti-socials has increased manifold since 2004 (Rs.50-Rs.500).

Similar things also happened in Bhopal indicating the **importance to ensure compliance rather than making new laws by the Centre**. She pointed out that issue is not in the policy or law, it's the issue of implementation which needs to be addressed. Another important aspect highlighted in the presentation are - IPC Act which is not covered by the State Laws (where enacted) and not mentioned in the draft Central Bill-2009, despite Supreme Court direction in 1989, plight of street vendors did not improve, challans issued by ULBs don't mention name, location or any other details- making it superfluous, Supreme court committee of two judges went into the matter and expressed deep dis-satisfaction, extortionist mafia etc. The recommendations given by Manushi Sangathan are: first priority should be given to the existing vendor for accommodating in vending zones, registration/license must be done for the entire family. In Bhopal only 20 vendors were registered and ID issued which is a negligible in number, compared to the actual number of existing vendors.

**1.6. Shri. Arvind Singh, Coordinator, National Association of Street Vendors of India (NASVI)**

Shri. Arvind Singh from NASVI has made a lucid presentation about the historical background of establishing NASVI. The highlights of the presentation were: NASVI had identified more than 700 street vendors' organizations across the country and established communications with them. It have also initiated a Network of only 20 organizations with the membership of Trade Unions, community based organizations, N.G.Os and professionals. At present it is having membership of 613 organizations with representation of 4, 61,724 street vendors and covers 22 States of India. Major activities of NASVI include gathering information on street vendor organizations, laws, policies, practices, support street vendor organizations in their struggles, organising innovative Campaigns like street food festival, extend financial services to street vendors, networking at Asia Regional Level etc. Further the presentation highlighted the need for a Central Law as the State Policies are not coherent, torturous process of eviction drives carried out by the ULBs, lack of coordination between Municipality and Police administration, lack of provision of space for street vending in the Master plans as it has been arbitrarily earmarked, lack of effectiveness of Town Vending Committees, non inclusion of Railway vendors etc. Suggestions given by NASVI are: dedicate 2% of land/space for Vendors market in the existing Master plans, in every new development plan including plans by Pvt. Builders, 2% of land/space must be kept for vendors market, the concept of "Natural Markets" should be kept in view while determining vending, no-vending or restricted vending zones; The responsibility of determining vending zone or no vending zones should be given to Town Vending Committee, space for weekly markets in each ward must created in concurrence of Town Vending Committee, provision should be made for direct payment of toll/taxes to municipal authorities, if applicable. Sufficient provisions to be made for registration of existing vendors and provisions for new entrants should be made, provision for the enforcement mechanism at Local, State and Nation Level by establishing special courts/ tribunal or adjudicatory bodies. Any dispute arising out of implementation and non implementation of the Act shall be adjudicated by the District Forum. There is also a need for setting up a national forum to discuss the matters related to street vendors and setting up an 'Appellate Authority' also needed for grievance redressal. Further he suggested that there should be sufficient provision for representation of women vendors in the committees. Eviction must be avoided but if it is necessary, then provisions must be made to resettle them first and the Central Legislation should elaborate the procedure and guidelines for eviction if required. During the confiscation of goods the authorities should ask to

prepare Panchnama and at least two independent witnesses preferably a representative of street vendors' organization or Vending Zone Regulation Committee should be mandatory. Central law should provide a list of Do's and Don'ts for the States and cities.

**1.7. Shri. Saktiman Ghosh, Convenor- International Federation of Hawker and Urban Poor**

Shri. Saktiman Ghosh has informed that 7 states have enacted bills and 12 states have drafted laws on street vending. He stated that total 4 crore (urban and rural together) of Street Vendors are there in the country and as per the National Commission for Enterprises in the Unorganised Sector (NCEUS) report estimation 77% of the population lives below Rs 20 per day and are largely dependent on street vendors for daily activities. He apprised that Mumbai city have a total 3 lakh street vendors however as per the eligibility criterion for registration State Govt. will register only those vendors having proofs of domiciled certificate of 15 years. As per the draft bill prepared by the State on Street Vending, heavy and harsh penalty has been imposed for hawking/vending in non-hawking zones in Mumbai viz. 6 month jail and Rs 5000 fine. Further Shri Ghosh has informed that in Jharkhand State, after a lot of discussion the authorities have provided spaces in Ranchi for street vending. Following are the suggestions given by Shri Ghosh: a) instead of 40% there should be a minimum 50% representation of vendors in the Town Vending Committee, b) Legal status for the Street vending should be provided c) Employees State Insurance should be extended to cover street vendors d) reservation of land (vending space) through making mandatory provisions in Master Plan/Zonal Plans and Local Plans e) Alternative dispute resolution mechanism to be established at the local level which can facilitate the process of dispute resolution without going to court. He also suggested to include vendors on railway properties, tourism areas, National Highways etc., increasing the scope of Central Bill through covering vendors in rural areas. He opined that there is willingness among the vendors to contribute in the housing scheme and towards the cost of vending space creation and hence there should be a mechanism for their contribution e.g. 75:15:10 (Central: State: Vendors). To improve the quality of life of the vendors, provision for education for the children of street vendors, health insurance etc should be extended. He informed that due to non-linkage with urban transportation system the implementation of the rehabilitation scheme in Nashik is ineffective. The provision of forceful eviction should be wiped off from the Maharashtra State Bill.

**1.8. Shri. Harsh Mander, Member, National Advisory Council (NAC)**

Shri Harsh Mander, Member, National Advisory Council stated that the administrative setup from Central to State perceive that the activities carried out by the poor's as illegal no matter whether it's for their livelihood. Hence there is a need to change in attitudinal behaviour towards poor. He further opined that due to non-existence of Central Act & Bill the impact of the NPUSP-2009 is limited. The Central Law recognises Street Vending as an issue of urban poverty, social security of poor hence the role of GoI is crucial. Identification of Natural Markets is a crucial issue and location of street vending should near the areas of demand to avoid locating them in far flung areas e.g.-residential, commercial, transport hub etc. The concepts of 'Weekly markets' should be incorporated in the Central Legislation however a proper assessment of the Holding Capacity of the vending zones must be carried out on priority. Reservation of land (2-2.5%) for the street vendors should be done at the Master Plan level. The objectives of the Central Legislation should be to promote and protect the rights and livelihood opportunity of the street vendors and earmark the future needs based on the proper assessment. He was of the opinion that the requirement of documentation proofs may not be necessary for street vending e.g. proof of residence, ration card etc. should not be stipulated for registration as vendors. There should not be any cut-off date.

## **2. SESSION-II: IMPLEMENTING NATIONAL POLICY ON STREET VENDORS AND LEGAL EMPOWERMENT OF STREET VENDORS**

### **2.1. Prof. Darshini Mahadevia, Centre for Environmental Planning and Technology (C.E.P.T.), Ahmedabad**

Prof. Darshini Mahadevia, Centre for Environmental Planning and Technology (C.E.P.T.), Ahmedabad had presented about the existing Legislation affecting trading activities – Gujarat. She also highlighted the critical issues related to the scheme prepared by AMC on street vendors and stated that the Scheme prepared by the AMC will harm the vendors as the city has been divided into three vending zones as Green vending zone which would be permitted in residential areas on roads less than 15 meters, from 7am to 9 am on all days, Amber vending zone which would be permitted in commercial zones on roads more than 15 meters and the timings would be 6 am to 9 am and 6pm to 9pm on all days; in institutional zone there would be restrictions; and Red Zone: where no vending is permissible on roads more than 30 meters wide, on roads with heavy traffic, within the radius of 200 meters from heritage zone and on major commercial zones. The scheme totally overlooks the concept of natural market and would cause severe displacements. The scheme is silent on eviction and rehabilitation of the evicted vendors. Contrary to the National policy 2009, the scheme also sets an irrational cut off date; i.e. the person should be residing in the city 10 years before the date of 31/12/2009; which by default excludes the vendors who have come to the city after 31/12/1999. The eligibility criteria for opting licence for street vending is only for those who have no any means of livelihood except vending when many vendors have secondary occupation.

Under the Ministries financial support to the existing NRCS for conducting research and study, C.E.P.T. have carried out a case study of Surat City and have following planning related recommendations:

- Hawking space and formal shops selling similar type of goods, e.g. clothes, must be kept at distant from each other to avoid conflicts between formal shops and vendors.
- A minimum distance of 2 metre (for 4 pedestrians to sufficiently pass through) must be maintained between a formal shop and a hawking space.
- Vending rights on space to the vendors ultimately increases accountability of vendors
- Reservation of space as part of urban development, where they can be allotted space in the premises of the commercial buildings, neighbourhood markets, civic centre's etc.

- Byelaws which indicate that a percentage of the total plot should be left for the use of vending and other types of informal sector activity in commercial areas.
- The design of the public squares and spaces can be done in a manner so as to accommodate the hawkers and the street vendors in the design itself.
- Successful case of Pandesara housing Market was also presented where 10 markets have been planned of the 23 surveyed.
- Few examples of unsuccessful cases of vending market has also been presented viz. **Sonal Vegetable Market** which is not fully occupied due to locational disadvantages, declining in earnings etc. In case of **Bhatar Market**, shelter provided to original vendors in 2011 however the space provided for vendors is less than the number of vendors resulted to vendors selling goods outside the market along the road, parking space is used by vendors in setting stalls due to large no. of vendors compared to space availability.

For the new policy on Street Vending, NRC has recommended that the concept of Natural Market is very important and has to be clearly articulated, a transparent and participatory method has to be adopted to deciding 'no vending zones', easy, fluid and decentralized process of registration should be followed at the city and zonal level, registration policy should not ask for domicile requirement, allocate space for storage in the planned markets, new bill should address the conflicts resolution mechanism and assessment of other legislation adversely impacting street vendors addition to basic principles. She had also emphasized that survey is required to determine the requirement of vending space and their location, holding capacity of the area should be adequately assessed and any capacity overflow should be diverted to nearby vending areas, registration should be in the names of the family member's because quite often the family members use the same vending as their main occupation.). She also stated that integration of vending space with the main city should be done through creative planning, linking with overall transportation network. She also suggested that street vending should be integrated with other schemes such as Rajiv Awas Yojana (RAY).

## **2.2. Ms. Manali Shah, Vice President- Self Employed Women's Association (SEWA), Ahmedabad**

The case study of regularizing Natural Markets through proposed Schematic Solutions in Manek Chowk and Jamalpur Natural Market were presented by **Ms. Manali Shah, Vice President- Self Employed Women's Association (SEWA), Ahmedabad**. She has also stated that in case of Ahmedabad most of the natural markets are in 'red' zone which needs to be addressed.

Mapping of natural markets should be done based on their characteristics. Guidelines should be issued to the TVC with definition of 'natural markets'. She also opined that subsidised transport facility should be provided to the vendors in cases the vending zones are far away from transport hubs. She reiterated the concept of registering the family members of vendors. Further she suggested that funding pattern for developing vending zones should be 75:15:10 (Centre: State: Vendors) instead of 75:25. 'Panchnama' for confiscated good should be issued with required details.

### **2.3. Shri. Vishal Dev, Municipal Commissioner, Bhubaneswar Municipal Corporation (BMC)**

Municipal Commissioner, BMC has made a presentation on action by Govt. of Odisha on Street Vending. Major highlights of the presentation were- a State Action Plan on Urban Street Vendors has been prepared by the state and BMC has surveyed vendors and issued photo ID cards in 2004. In 2009, total 2000 vendors were identified out of which 200 vendors were accommodated in natural market and rest would be accommodated on permanent basis in various neighbourhood markets, for which land is being identified in Bhubaneswar. The in-situ development of vending zone is done in Public Community Participation (PCP) basis, infrastructure facilities like SWM, energy saving by use of CFL lamps etc in vending zone. The cost of construction of one stall is estimated to Rs.20, 000 out of which 10,000 is paid by the vendor and balance by the advertising agency and no cost is borne by BMC. Capital expenditure for construction mobilized from the beneficiary and the advertising on agency partnership basis, no investment by BMC. BMC had rehabilitated about 2000 vendors in 46 vending zones for pursuing secured livelihoods. Annually BMC generates revenue of Rs. 15 lakh as trade license fee and Rs 1.96 lakh as advertisement fee from the vending zones. As a result of this initiative major streets are now encroachment free, resulted in to a better aesthetic look to the area and a win-win situation for all in partnering for inclusive city development. He also apprised the Ministry that similar initiatives are being introduced in Berhampur and Cuttack city.

Further Commissioner, BMC also informed that detailed survey format & Guidelines has been developed on registration and issuance of Identity Cards (with details such as vendor code number, vendor's nominee, category etc.) to enumerate Street Vendors and Earmarking of Vending Zones in the State. Instructions have also been issued to all 103 ULBs to start exercise of enumeration of street vendors and demarcation of space for various categories of Vending Zones – restriction-free, restricted and No-vending Zones. Provision for reservation for

SCs/STs and giving priority to physically challenged/disabled persons in allocation of vending stalls/spaces has been made in the draft state bill.

#### **2.4. Shri. Rahul Gupta, Chandigarh**

Shri Rahul Gupta, Chandigarh had made a presentation on the initiatives taken by the administration for rehabilitation of street vendors. **A scheme has been introduced as 'Rehabilitation Scheme for Rehri/Phari in Chandigarh'** by the Estate Office, Chandigarh Administration. Under Chandigarh Hand Cart (Control & Regulation) Bye-laws, 1975, licences were issued and Rehri/Phari parking sites were created for day-time – vending/hawking in sectors and evening – parking facilities at the identified sites. Major issues and challenges of these initiatives are conversion of parking sites into selling points, growing number of unauthorized permanent stalls, traffic bottlenecks, resentment amongst established shopkeepers etc. During 1982 to 1993 many fire hazards had affected the Rehri Markets. Another initiative of Chandigarh is 'Allotment/Transfer of Built-up Booths in any Sector on Lease/Hire- Purchase Basis in Chandigarh Rules, 1991' under which they have issued Hawker's licence/Hand cart licence, booths (size of 6'x8' and 8'x8') were issued on Ninety nine year lease basis, however these spaces are getting crowded. He also informed that in the new Master Plan more spaces will be earmarked for the street vendors, for which govt. have already initiated survey to identify the street vendors in July, 2011 and as per the survey data total number of street vendors are 7137.

#### **2.5. Additional Commissioner, Vishakhapatnam Municipal Corporation, Andhra Pradesh**

The Additional Commissioner, Vishakhapatnam Municipal Corporation, Andhra Pradesh has made a presentation on the 'Status of Implementation of National Policy-2009' in the State of Andhra Pradesh. He informed that profiling of street vendors in all ULBs excepting Hyderabad has been completed through the Community organizers and Community Resource Persons. The general profile of 1.25 lakhs Street Vendors has been collected as on 19.12.2011. The Draft of 'A.P. Street Vendors' (Protection of Livelihoods and Regulation of Vending) Act 2011 has been prepared and under finalization. State Government has requested the Municipal Commissioners to take up demarcation of Vending Zones and to submit proposals for the construction of Vendor's market under JNNURM. Under new initiative state government has initiated the 'Aarogya Project' for the Street Vendors to promote and nurture cooperatives of street food/mobile food vendors and to encourage safe and hygienic food practices for the health of the urban poor. At present State has proposed to take up studies on various issues related to



street vendors such as demarcation of zones, existing financing pattern available to street vendors' for their business, holding capacity of the vending zones to be assessed in near future.

## **2.6. Open discussion forum, discussion highlights**

- i. Representative from Imphal : Three markets constructed under JNNURM but they are not occupied as there is no policy for distribution
- ii. Shri Rakesh Pant, Chairmen Solan Municipal Committee- In hilly areas finding space is very difficult as most lands belong to forest department.
- iii. Shri Sanjay Chopra, Haridwar stated that Govt. of Uttarakhand has declared Act and Byelaws in three corporations and 32 municipal committees; however vendor's participation is rather limited.
- iv. SUDA, Chhattisgarh- The ward Vending Committees make recommendation to TVCs. The TVCs mostly go by the recommendations therefore the actual power rest with the WVCs in which vendor's participation is not mandatory which should be rectified.
- v. Shri O.P.Devraj, Jodhpur raised the following issues:
  - a) Until the Central Law is enacted there should be no eviction – vendors should continue on 'as is where is' basis
  - b) There is no recognition for mobile vendors in the Draft Bill of the State
  - c) Vendors should be provided space in the parking areas
  - d) Vendors are ready to pay taxes/levies but they want protection from harassment and eviction
- vi. Shri Kailash Chand Dave, Dewas, MP- Until the Central Law is enacted there should be no eviction – vendors should continue on 'as is where is' basis
- vii. Shri Amit Chandra, CCS, Jaipur- Rajasthan law not yet passed. Provision of staff in TVC not yet addressed. Plan of action should be time bound
- viii. Shri Jai Lal, Surat: SMC appointed a Mumbai based agency to identify and evict unwanted vendors. Nodal officer to be appointed to implement the scheme on street

vendors. In the Central Law the word ‘urban’ and ‘street’ should be removed. Directives from the Ministry to the States should be issued to restrict harassment.

- ix. Shri Raj Sahani, Punjab- Police Act should be amended in tune with the Central Legislation

### **3. CONCLUDING SESSION AND WAY FORWARD**

#### **3.1. Dr. Mirai Chatterjee, Member, National Advisory Council (NAC)**

She appreciated the initiatives taken by MoHUPA towards addressing the issues of Street Vending in a consultative manner. She opined that ‘Natural Market’ is one of the very important aspects of legislation and hence need more clarity on what, how, who is authorised to make decisions and should be clearly articulated in the Central Legislation. She also suggested that regular consultations should be held at various stages especially at the State and ULB level. Grievance redressal system should be set up at the local level without resorting to courts of law. She stressed that the proposed Central Legislation should address the issues of conflicting legislation such as IPC and rationalisation of the same is must. She also stated that registration and issue of ID cards to the vendor’s family should be well thought about and it should be easy with minimum documentation. Further she suggested that to deal with the new vendors, strategy has to be developed in advance. Referring to the activities done by SEWA and experiences of working with women she recommended that ‘Social Infrastructure’ facilities for women vendors like ‘creche’ should be part of the scheme. She added that special attention should be given to cities in the N-E States and other interior areas and the scope of Central Legislation should be increase through inclusion of vendors in the rural areas.

#### **3.2. Dr. A. K. Shiva Kumar, Member, National Advisory Council (NAC)**

Dr. A. K. Shiva Kumar, Member, NAC has appreciated the initiatives taken up by the Ministry to address the issues of Street Vendors and informed about the initiatives taken up by National Advisory Council and that they are inviting suggestions on the proposed ‘Social Security Bill’ from the stakeholders.

#### **3.3. Secretary, Ministry of Housing and Urban Poverty Alleviation (MoHUPA)**

Secretary (MoHUPA), in his concluding remarks stated that the proceeding of the consultation will help the Ministry in preparing a strong, good, clear National Legislation on street vending. He assured that the draft legislation will be circulated to all the participants for their valuable

suggestions and comments. He stated that legislation alone will not solve the challenges and problems faced by the street vendors and a comprehensive guideline for implementation of the legislation is needed for the States. Further a scheme for creation of facilities for vending/hawking zones will also be prepared by this Ministry in which likely contribution from the street vendors will also be kept in view. He also informed that the issues relate to the conflicting legislations will be discussed with the 'Attorney General'.

**3.4. The one day National consultation was ended with the vote of thanks from the AS& MD (JNNURM), MoHUPA.**

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