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DISSERTATION ON THE TOPIC OF  
**THE CRITICAL ANALYSIS ON IM PLEMENTATION OF STREET VENDORS  
ACT,2014**

SUBMITTED TO



INSTITUTE OF LAW, NIRMA UNIVERSITY

AS A PARTIAL FULFILMENT OF REQUIREMENT FOR THE  
DEGREE OF MASTER OF LAWS [LL.M]

**UNDER THE GUIDANCE OF**

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## DECLARATION

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I, Aayushi Joshi, declare that this dissertation entitled ‘The Critical Analysis on Implementation of Street Vendors, Act, 2014 in Bhopal’ which is being submitted for the award of degree LLM. is the outcome of research carried out by me under the supervision and guidance of Dr. Madhuri Parikh, Associate Professor of Institute of Law, Nirma University.

I, further declare that all the information, view, and opinions cited in the dissertation are taken from the existing literature and are duly acknowledged at proper places. I further declare that to the best of my knowledge, the dissertation doesn’t contain any part of any work which has been submitted for award of any degree either in this University or in any other University / Deemed University for the award of any other Degree or Diploma or Fellowship.

I further undertake that the contents of the dissertation if found copied I will be personally responsible for the consequences.

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## **CERTIFICATE**

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This is to certify that the Dissertation on the subject ‘THE CRITICAL ANALYSIS ON IMPLEMENATAION ON STREET VENDORS ACT, 2014 IN BHOPAL’ has been prepared and submitted by Ms. Aayushi Joshi, for the award of the Degree of LLM and was carried down under my guidance and supervision. I certify that this is his bona fide research which is up to the standards expected and I recommend it for submission and evaluation to the Examiner.

**Researcher Guide**

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**CHAPTER-1**  
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# CHAPTER I

## 1. INTRODUCTION

Street Vending is an significant economic activity and it is only thing which is evident and lively segments of the municipal familiar economy. The quantity of this segment of the urban nation has grown drastically over the earlier period few decades around the world. Street vending is one of the means of survival for the urban meager in India has been successful over the years. It plays a major role in the urban familiar economy by given that employment, generating revenue for the urban poor in the country.

Vendors trade various kinds of commodities such as clothes, leather goods, molded plastic material and various goods of household requirements. In addition to non-agricultural products these road sellers also sell fresh stuffs like vegetables, fruits and cooked foods.

These vendors have to deal with several authorities such as the Municipal Corporation, Police force, Local Development Authorities, Area Administration, and Local Panchayats. This result into harassment and exploitation .In many of the cases the appropriate steps taken by any of the authority, are done away with the actions of others.

The idea to formulate legal street vending came only few months before the 2010 Commonwealth Games when a huge number of vendors were evicted from their areas due to safety concerns. This led to a protest among vendors and NGOs. The Union government in 2004 had taken up the national policy for a helpful environment for street vendors. This policy was not binding and inefficiently implemented. Around 2012, the government moved to outline a Bill which would give rights to street vendors.

The enactment of the Street Vendors Act (Protection of Livelihood and Regulation of Street Vending), 2014 proposed at changing4the status quo of road sellers, enabling them to vend products in open public spaces and follow their livelihoods in a safe, harassment-free environment.

The Street Vendors Act 2014 is a new initiative to look after the livelihood rights and economic assistance of urban street vendors in the country and thereby assist poverty improvement efforts of the Government. The Act aims at nurturing a friendly environment for the urban street vendors to accomplish their activities without harassment from any section. It also provides directives of urban street vending and is regularly and mandatorily applicable in all the States and Union Territories.

## 1.2 STATEMENT OF PROBLEM

The Constitution of India provides equality to all human beings with dignity but this thing is not seen in the case of the vending labor force. Laws has been enforced related to street vendors but have not been properly implemented in the Country. Street vendors are not familiar of their privileges. They are deprived of their right to trade, right to use public spaces, right to shelter, right to livelihood and right of dignity. They work in very hard and unfavorable conditions. Apart from their harsh working conditions they are harassed by police, local rowdies and politicians and they pay them from their low income. Many retail outlets are coming to compete with this poor helpless labor force.

So this study mainly focuses on the implementation of laws relating to street vendors in Bhopal. The researcher sees this as the most significant researchable problem.

## 1.3 OBJECTIVES

- 1) To know the laws relating to street vendors in India.
- 2) To compare the policies and regulation pertaining to street vendors at national and international level.
- 3) To study the awareness among the street vendors government schemes.
- 4) To make critical analysis of the Act and discuss the extent of its applicability to the street vendors in light of the objectives mentioned above.

### 1.3 HYPOTHESIS

- 1) The Street Vendors Act, 2014 is not properly implemented in India by states because of the technicality of this act.
- 2) Respondents are not made aware of the rights which are provided under this act.
- 3) Amendments have to be made to remove the ambiguity of the Act.

### 1.4 RESEARCH QUESTIONS

- 1) What are the reasons and causes of hindrance of implementation of act in Madhya Pradesh?
- 2) What are the protection and safeguards available to street vendors under the act?
- 3) Whether the technicality of this act fails to provide desired object?
- 4) Whether these rights have been actually provided to them?

### 1.5 SCOPE OF STUDY

The study main focuses on analyzing the implementation of Street Vendors act, 2014 in Bhopal.

### 1.6 RESEARCH METHODOLOGY

The research methodology adopted this study is both doctrinal and empirical. The study is the mixture of both qualitative and quantitative methods. Sampling process was followed for quantitative data collection, listing the different markets under BMC and BHEL area it include vegetable market also, interviews with the street vendors. The target of quantitative study was 5 street vendors from 10 different markets. The qualitative data include the depth discussion with street vendors and their families, discussion with the member of the association of street vendors. The study is based on both primary and secondary data. Primary data includes questionnaire and interviews and the secondary data include journals, law books, reports, articles, newspaper etc.



## 1.8 REVIEW OF LITERATURE

**Sharit Bhowmik** (2005), in his study '*Street Vendors in Asia: A Review*' examined the street vendors in Asian countries namely Bangladesh, Sri Lanka, Bangkok (Thailand), Singapore, Kuala Lumpur, Manila, Hanoi, Cambodia, Seoul and India. The study analyzed the extent of street vending in different places.

Sharit Bhowmik (2001) study on '*Hawkers and the Urban Informal Sector: A Study of Street Vending in Seven Cities*' was based on 2100 street vendors in the cities like Mumbai, Ahmedabad, Calcutta, Imphal, Patna, Bhubaneswar and Bangalore. It mainly focused on the problems of street vendors in urban areas. It found common features was found in all the seven cities. The income of the street vendors was around 50 to 100 for males and 35 to 40 for females. They were persecuted by the local authorities and the police. The situation of Patna was worst where bribery was so high. The working condition of the hawkers was worse and most of them lead hard life. They worked for more than 10 hours a day to earn a small income.

**India Centre for Human Rights and Law** (2003) studied the problems of blind street vendors at railway stations in Mumbai, through its paper on '*Disability and Right to Employment*'. The study was based on 315 blind street vendors revealed that majority of them were blind from their childhood and most of them were educated up to only 10th grade.

**Randhir Kumar and Arbind Singh** (2009), in their work on '*Empowering the Street Vendors in Changing Indian Cities*' analyzed the status of street vendors in Bhubaneswar (Orissa) once implementation of vending zone was done. The study based on 372 vendors from 32 vending zones exposed that 67% of the vendors experienced an increase in the number of customers and 61% experienced increased sales and 84% of 35 street vendors had an increase in quantity of goods stocked for sales after dislocating to vending zones.

**Dr. Rajshree Kamat Ashish Kumar Chouhan** study on the '*Weekly vegetables markets of Bhopal, M.P in India*'. The study main focuses on the planning of the vegetable markets in Bhopal and suggestion in order to improve market and conditions of vendors.

## 1.9 CHAPTERISATION

The study is titled as “*Critical analysis on implementation of Street Vendors Act, 2014 in Bhopal*”. It commences with an Introductory Chapter i.e Chapter I which includes Introduction of street vendors, Objectives of the study, Scope of study, Review of literature, research methodology.

Chapter II includes Concept and meaning of the Street Vendors Act, 2014 and Constitutional Provisions which are there in order to protect the street vendors.

Chapter III talks about ‘Evaluating similar provisions in different nations’. Human rights and International Conventions on protection on street vendors. It also elaborate the laws in different countries and lastly the National policy on urban street vendors, 2004.

Chapter IV is the Practicability of Street Vendors Act, 2014, Status of the implementation of Street Vendors Act, 2014 and Progress of the implementation of the Act.

Chapter V is Analysis on implementation of Street Vendors Act, 2014 in Bhopal. It deals with empirical study of street vendors.

Last chapter includes the conclusion and suggestion which is necessary in order to properly implement the act in the city.

## CHAPTER-II

### CONCEPT AND MEANING OF STREET VENDORS AC,2014

#### 2.1) HISTORY

In early 50s just after India got independence, the government of Uttar Pradesh met with a big legal problem when they tried to prohibit private traders to ply buses on the public roads. So, the government passed an act to ban corporation to ply buses on public roads. This legislation was challenged, and the matter was straight away sent to the apex court. In the case of *Saghir Ahmad v. State of U.P. and Ors*, the Apex Court held that the state is only a trustee of the public roads on behalf of the public.<sup>1</sup>

The Court further clarifies that public cannot be deprived of to do business on public roads and streets, however, putting reasonable restrictions and regulating it is the state's duty.

Surprisingly then the Supreme Court in 1967 changed its position over the nature of state's right over public roads and streets from being a trustee to the only governor. The government in the case of *Pyare Lal etc. v. New Delhi Municipal Corporation* (1967)<sup>2</sup> filed a counter-affidavit saying that the petitioner holding a provisional tehbazari permit has no right or interest in the land belonging to New Delhi Municipal Corporation. While the Supreme Court echoed the same in its judgment it further objected to cooking on the street and observed that the N.D.M.C. should have never allowed the petitioner to do business involving cooking and 'create permanent unhealthy conditions'.

In 1985, the Supreme Court in *Bombay Hawkers Union and Ors. v. Bombay Municipal Corporation and Others*<sup>3</sup> quashed a condition of the proposed plan on regulating vendors which prohibited the hawkers from selling cut fruits, food items. The Court acknowledged the practical situation that many working families depend on such hawkers for food, so there is no point in not allowing such hawkers to carry out business, though with limitations on the practice of adulteration. However, the Court in the view held in *Saghir Ahmad's* case held that that public street are

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<sup>1</sup> 1954 AIR 728.

<sup>2</sup> 1968 AIR 133 1967 SCR (3) 747.

<sup>3</sup> 1985 AIR 1206, 1985 SCR Supl. (1) 849.

meant for the use of the general public and ‘not to carry any private trade or business’.

In the year 1985, the Supreme Court came across another petition, *Olga Tellis and Ors v Bombay Municipal Corporation*<sup>4</sup> in the matter of eviction of pavement-dwellers. The Court holds that:

*“The right to life includes right to livelihood without which there can be no life. Further, the Court in this matter said that it would be unreasonable to ask for evidence to show that eviction from pavements would lead to an end to the means of livelihood. It is a common sense view and need not be established in particular cases. Despite paying compliment to Right to life and livelihood, the Court observed that the private use of a footpath or pavement being an unplanned use frustrates the intended purpose and concluded that encroachments were unlawful and equivalent to trespass”.*

Three years later in (*Municipal Corporation of Delhi v. Gurnam Kaur, 1988*)<sup>5</sup>,

*“The Delhi High Court ordered the local authority either to build an alternative stall or let the petitioner construct, the Supreme Court on appeal laid down that there is no such legal obligation on the state authorities in respect of dwellers whom it evicts. The Supreme Court did talk about remedy but also observed that there is no right to do business so as to cause a trouble on a public street which is meant for the use of general public”*

The Act has its origin from the two of the earlier policies: ‘Street vendor policy’ 2004 and ‘National policy on Urban Street Vendor’ 2009. Also in the same year, the Ministry of Housing and Urban Poverty Alleviation circulated a draft of bill titled, 'Model Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2009', between all States and Union Territory governments for creation of state legislation, however it had no legal bindings, thus few governments made any progress in this regard.

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<sup>4</sup> 1986 AIR 180, 1985 SCR Supl. (2) 51

<sup>5</sup> 1989 AIR 38, 1988 SCR Supl. (2) 929

Eventually in 2010, the Supreme Court of India<sup>6</sup>, recognized

*“Street vending as a source of livelihood, directed the ministry to work out on a central legislation, and a draft of same were unveiled to the public on November 11, 2011.”*

The key point of the draft bill were, protection legitimate street vendors from harassment by police and civic authorities, and demarcation of "vending zones" on the basis of ‘traditional natural markets’, proper representation of vendors and women in decision making bodies, and establishment of effective grievance redressal and dispute resolution mechanism.<sup>7</sup>

The bill was drafted with the help of the National Advisory Council, chaired by Sonia Gandhi, and approved by the Union Cabinet on August 17, 2012. After the cabinet's approval it was introduced in the Lok Sabha (Lower House of the Parliament of India) on September 6, 2012 by the Union Minister of Housing and Urban Poverty Alleviation, Kumari Selja, amidst the uproar over the coal block allocation scam in the house. The Bill was passed in the Loksabha on September 2013 and by the Rajyasabha on 19 February 2014.<sup>1)(2)(3)(8)</sup>

## 2.2) BACKGROUND

The Street Vendors Act, 2014 is a revolutionary initiative to protect the livelihood rights and social security of urban street vendors in the country and thereby aid poverty alleviation efforts of the Government. The Act aims at fostering a agreeable environment for the urban street vendors to carry out their activities without harassment from any quarter. It also provides for regulation of urban street vending

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<sup>6</sup> Street vendors: Tabled in Parliament's last session, the Bill could bring security to our urban poor, November 2, 2012.

<sup>7</sup> Kumari Selja unveils. "Central Legislation for Street Vendors". Press Information Bureau, Ministry of Housing and Urban Poverty Alleviation. *11 November 2011*.

<sup>8</sup> "Bill on street vendors to be introduced in Parliament". The Hindu. August 18, 2012. Retrieved November 3, 2012. "Bill in Lok Sabha to protect rights of street vendors". The Economic Times. Sep 6, 2012 "Street vendors find shortcomings in Bill" see The Hindu, November 5, 2012, visited on 25<sup>th</sup> Jun, 2018

and is uniformly and mandatorily applicable to all the States and Union Territories.<sup>9</sup> The Act enacted by Parliament in order to regulate the street vendors and to protect their rights. It was introduced in the Lok Sabha (Lower House of the Parliament of India) on September 6, 2012 by then Union Minister of Housing and Urban Poverty Alleviation, Kumari Selja. The Bill was passed in the Lok Sabha on 6 September 2013 and by the Rajya Sabha (upper house) on 19 February 2014. The bill received the assent of the President of India on 4<sup>th</sup> March 2014. The Act came into force from 1 May 2014.<sup>10</sup>

### 2.3) CONSTITUTIONAL PROVISIONS

Under Indian constitution Preamble contains all the ideals and aspirations for which the country had struggled during the British regime.<sup>11</sup> It embodies the main objective like Justice, Liberty, Equality, and Fraternity. Part III of the Constitution is deemed to be the distinguishing feature of a democratic state. It contains those rights which are granted to every citizen of India and under its violation, person can move straight to the Apex court (article 32).

The main Constitutional provisions which give protection to the street vendors are:

- 1) Article 14 state that the state shall not deny any person equality before the law or the equal protection of the laws within the territory of India. Thus, the art 14 contains two components, 'equality before law and equal protection of law'. So article 14 is also granted to the street vendors and they are also protected under this article without any discrimination.

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<sup>9</sup> Retrieved from [www.mohua.gov.in/cms/TheStreetVendorsAct2014](http://www.mohua.gov.in/cms/TheStreetVendorsAct2014).

<sup>10</sup> "Parliament nod to bill to protect rights of urban street vendors". See Economic Times, 20 February, 2014. Retrieved 20 February. "Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012 passed by Lok Sabha". Press Information Bureau. 6 September 2013. Retrieved on 20 February, 2014. visited on

<sup>11</sup> Shelat and Grover, JJ., in Keshavanada Bharti v State of Kerala, AIR 1973 SC 1461

- 2) Article 19(1) guarantee to the all citizen six basic fundamental freedoms. But these rights are not absolute rights. As in case of *A.K Gopalan v State of Madras*<sup>12</sup>.

Patanjali Shastri, J observed that

*“Man as a rational being desires to do many things, but in a civil society his desires have to be controlled, regulated and reconciled with the exercise of similar desires by other individuals”. Article 19 gives power to the state to impose some reasonable restrictions whenever they find it necessary. So, the restrictions which are imposed by the state are given under article 19(2) to (6).”*

Article (1) (g) states that all the citizens have right to practice and profession, or to carry any occupation, trade or business. The street vendors have also right to trade on road. In case of *South Calcutta Hawkers, Association v. Government of West Bengal*<sup>13</sup> the main principles which were given for street vending are as follows:

*“The hawkers have fundamental right to carry on trade or business of their choice but not to do so on a particular spot or place and this fundamental right is subject to reasonable restriction imposable under Art.19(6) of the Constitution of India. Right to carry on trade or business mentioned in Art. 19(1) (g) of the Constitution on street pavements, if properly regulated, cannot be denied on the ground that the streets are made exclusively for passing and repassing and for no other use. Proper regulation is however necessary condition as otherwise the very object of laying out roads to facilitate traffic may be defeated. As citizens have no right to choose the place for vending so for this purpose authorities should allot the areas as ‘hawker’s zone’ and ‘no hawker’s zone in the city.’”<sup>14</sup>*

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<sup>12</sup> AIR 1951 SC 21

<sup>13</sup> AIR 1997 Cal 234, (1997) 1 CALLT 453 HC

<sup>14</sup> <https://indiankanoon.org/doc/401126/>

In another case, *Sodan Singh v New Delhi Municipal Committee*,<sup>15</sup> Supreme Court came up with the same judgment and also held that:

*“The right to carry on trade or business mentioned in article 19(1) (g) on pavement of roads, if properly regulated, cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and for no other use.”*<sup>16</sup>

*In Om Prakash & Others vs State Of UP & Others*<sup>17</sup> The resolution by Municipal Board Rishikesh to amend its bye- laws for banning public dealing and trade of non-vegetarian food items in municipal town of Rishikesh. The High Court rightly upheld it to be a reasonable restriction.

“Trade in all kinds of food items vegetarian or non-vegetarian in adjoining towns and villages outside the municipal limits of three towns remains unrestricted and there is no substantial harm caused to those engaged in such trade. For the aforesaid reasons, the impugned bye-law notified by Municipal Board Rishikesh cannot be held to be violative of Article 19 (1) (g) of the Constitution.”

3) Article 21 of the constitution states that:

“No person shall be deprived of his life or personal liberty except according to procedure established by law”. In *Olga Tellis v Bombay Municipal Corporation*,<sup>18</sup> this is known as the ‘*pavement dwellers case*’. The court held that ‘Right to life includes right to livelihood’. The Court directed the Corporation to demarcate the area of hawking and non-hawking zones and give them licenses for selling their goods.

4) Under Directive Principles of State Policy also Article 3(d) are granted to the street vendors and specifically requires the state to direct its policy towards securing, that the citizens men and women equally have the right to an adequate means of livelihood.

5) Under Article 41 State is under obligation to make effective provision for securing the right to work, to education and to public assistance in cases of

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<sup>15</sup> AIR 1989 SC1988: (1989)4 SCC155

<sup>16</sup> *ibid*

<sup>17</sup> AIR 2004 SC1896

<sup>18</sup> AIR 1986 SC 180;(1985).



unemployment, old age, sickness and disablement, and in other cases of undeserved want. This article extends that the street vendors have right to work, education and public assistance.

#### 2.4) MEANING OF STREET VENDORS

*“Street Vendors 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, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words “street vending” with their grammatical variations and cognate expressions, shall be construed accordingly.”<sup>19</sup>*

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<sup>19</sup> Section2(1)(l)

## CHAPTER-III

### EVALUATING SIMILAR PROVISIONS OF OTHER COUNTRIES

#### 3.1. HUMAN RIGHTS AND INTERNATIONAL CONVENTIONS RELATING TO STREET VENDORS

There is number of international agreements to which India is a party including some agreements relating to the regulation of street vendors. The other agreements includes the Convention on rights of the Child(CRC) *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), the *International Covenant on Civil and Political Rights* (ICCPR), and the *International Covenant on Economic, Social, and Cultural Rights* (ICESCR)<sup>20</sup>. Under forty-two International Labor Convention India is a state party.<sup>21</sup>

Street vendors are mainly directly confined by Articles of the ICESCR, which guarantees “the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts”<sup>22</sup> and “the right of everyone to the enjoyment of just and favorable conditions.”<sup>23</sup> The Committee on Economic, Social and Cultural Rights (CESCR) General Comment on the related Articles confirms that these rights pull out to workers in the informal region and that any legislation governing the informal region “must reveal the fact that people living in an informal economy do so for the most part because of the need to survive, rather than as a matter of choice.”<sup>24</sup> In addition to this the General Comment identifies ensuring “the right of access to employment, especially for disadvantaged and marginalized individuals and groups permitting them to live a life of dignity” as a center state obligation.<sup>25</sup>

Lastly, in addition to the compulsion to ensure way in, state parties have to also “take positive measures to enable and assist individuals to enjoy the right to work and to

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<sup>20</sup> “ADH-Geneva Rule of Law in Armed Conflict Projects India. [www.adhgeneva.ch/RULAC/international\\_treaties](http://www.adhgeneva.ch/RULAC/international_treaties).” visited on 10<sup>th</sup> may

<sup>21</sup> “Govt. of India Ministry of Labour & Employment List of International Labour Organisation Conventions Ratified by India [www.labour.nic.in/ilas/convention](http://www.labour.nic.in/ilas/convention). India has signed 43 ILO conventions but since renounced one, No. 2 Unemployment Convention (1919), due to what the government perceived to be onerous reporting requirements.”

<sup>22</sup> Article 6( ICESCR)

<sup>23</sup> Article 7 International Covenant on Economic, Social and Cultural Rights. Dec. 16, 1966 993 U.N.T.S. 3.

<sup>24</sup> U.N. Comm. on Economic Social Cultural Rights, General Comment 18: Right to Work, U.N. Doc. E/C.12/GC/18, 10 (Feb. 6, 2006).

<sup>25</sup> Id. at 33(a).

implement technical and vocational education plans to facilitate access to employment.”<sup>26</sup>

Street vendors are further protected by “the right to freedom of association”<sup>27</sup>, “the right to self-determination”<sup>28</sup>, “the right to form trade unions and to engage in concerted activities”<sup>29</sup> and “the right to the highest attainable standard of living”<sup>30</sup>. Besides, street vendors are sheltered under the ILO’s skeleton of the rights of decent work which identifies four essential elements necessary for full realization of worker’s rights in the informal economy are: employment, social protection, organization, and representation.<sup>31</sup> *The Food and Agriculture Organization* has also accepted that stronger rights for street vendors are important for promoting access to food,<sup>32</sup> and the CESCR General Comment on the right to social security<sup>33</sup> accepts that street vendors and “other helpless workers must be considered with special care in the enactment of a social security regime.”<sup>34</sup>

Young street vendors must be protected from “economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education or . . . development”<sup>35</sup>. The ILO recognizes age 18 or may be 16 under strict conditions as this age a child may begin “any work which is likely to endanger children’s physical, mental or moral health, safety or morals”. On attaining 13 a child should be permitted to begin only small work and when he / she attains 15 they should be permitted to begin ordinary work, that to simultaneously with regular education.

Finally, the rights of female street vendors be supposed to be protected as forcefully as those of males. *Article II* of CEDAW guarantees women “the equal rights [as men] . . . in the field of service/ employment,” including rights to equal remuneration for

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<sup>26</sup> Id. at 27.

<sup>27</sup> (ICCPR, Article 22).

<sup>28</sup> (ICCPR, Article 1).

<sup>29</sup> ICESCR, Article 8, ILO C122.

<sup>30</sup> ICESCR, Article 11.

<sup>31</sup> See e.g., “*INTERNATIONAL LABOUR OFFICE, POLICY ISSUES ON STREET VENDING: AN OVERVIEW OF STUDIES IN THAILAND, CAMBODIA AND MONGOLIA (2006)*”. Retrieved on

<sup>32</sup> “Role of worldwide organizations in the implementation of the rights related to food and nutrition presented at the Second Expert Consultation on the Right to Adequate Food as a Human Right (OHCHR/FAO), Rome, Italy, 1819 Nov. 1998, at 13. The report also identifies the right to adequate food as “a fundamental human right firmly established in international law . . . [and flowing] from the Charter of the United Nations. the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.” Id. at 2”

<sup>33</sup> ICESCR Article 9

<sup>35</sup> CCR Article 32.

equal labor, economic assistance, safe and sound working conditions, equal access to employment and job security. Article 7 of the ICESCR also assures women equal pay for equal work.

India is also a party to International agreement but these agreements are not enforceable in the domestic courts unless there is any legislation is implemented at those level. Although, there is a prima facie supposition that the Indian Parliament determines to act in a way consistent with India's treaty pacts. Indian case law has held that courts should interpret domestic legislation where in case of ambiguity in the way most consistent with treaties to which India is party.<sup>36</sup> Indian courts have also used international treaties to create more expansive readings of laws than might otherwise be ruled unconstitutional.<sup>37</sup> Despite such progressive interpretations by Indian courts, however, Parliament has been slow to promulgate implementing legislation.<sup>38</sup> The creation of new street vendor legislation is one opportunity to directly incorporate international human rights norms and best exercises into national law.<sup>39</sup>

### 3.2 LAWS IN DIFFERENT COUNTRIES

This part deals with the various laws relating to street vendors around the world and its jurisdiction in those nations.

#### 1) SOUTH AFRICA

South Africa extends an informative example of a broad national perceptiveness to street vending. In 1991, the South African Central government accepted the Businesses Act where known street vendors were as proprietors of legal businesses. The Act particulars the process by which regional administrators may provide licenses to

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<sup>36</sup> "People's Union for Civil Liberties v. Union of India (2005) 2 S.C.C 436; reaff'd in Manuel Theodore D'Souza's case, (2000) 2 B.C.R. 244".

<sup>37</sup> "Ms. Githa Hariharan v. Reserve Bank of India (1999) 2 S.C.C. 228." The Supreme Court used CEDAW to reinterpret the Hindu Minority and Guardianship Act of 1956 in a way that was consistent with contemporary understandings of women's rights without such a reinterpretation the Act would have been invalidated as unconstitutional."

<sup>38</sup> Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant, Apr. 28-May 16, 2008, 9, U.N. Doc. E/C.12/IND/CO/5; ECOSOC, 40th Sess. (2008).

<sup>39</sup> Although international norms may not be effective litigation tools unless accompanied by domestic legislation, they have been successful in advocacy campaigns outside of the courtroom. For example, a grassroots workers' group in the state of Rajasthan, India, used emerging international norms regarding the rights to participation and government transparency to drive a successful anti-corruption campaign that ultimately resulted in new legislation enshrining those same rights. ARTICLE 19 & ASOCIACIÓN POR LOS DERECHOS CIVILES, ACCESS TO INFORMATION: AN INSTRUMENTAL RIGHT FOR EMPOWERMENT 26 (Jul. 2007).

vendors and exploits major constraints on the activities of local authorities. It further indicates those conditions that local authorities may abuse upon licensees, the legitimate justifications for rejection of licenses and strict provisions that may be forced on vendors who breach government regulations.

In 1993, the South African government altered the Businesses Act in order to liberalise the municipalities so to regulate the street vending activities, by adopting the bylaws and regional regulations.<sup>40</sup> Particularly, the amended Businesses Act provides provincial executives with the authority to make a decision, consistent with the Act itself, “the foundation of any body appointed as a licensing authority,” the “powers, duties and functions” of such authority, the purpose of the Businesses Act’s vending provisions, and the liability of individuals for reasonable damages incurred through inspections and removal.<sup>41</sup> Moreover, the 1993 amendments provide local authorities with the facility to limit the areas inside which vendors may work but detail a public and instructive process which the authorities must use in order to do so. Various municipalities (Johannesburg in 2004<sup>42</sup> and Durbin in 2010) have newly adopted by-laws according to the Act.

South African law restricts the vendors, not to involve in any activities, in front of or on the same side of road if any occupant objects to such vending.<sup>43</sup>

In São Paulo, vendors may not sell or do any vending in neighborhoods in a registry for town’s historical, architectural, creative, and touristic ancestry or in firmly residential areas.<sup>44</sup>

In *Pretoria* is a city in South Africa where street vending is highly managed, the local government worked directly with the explained *Pretoria Informal Business Association* (PIBA) which is a vendor’s fellowship association. PIBA played an important role not only in the allocation of trading sites to vendors but also in the imposition of regulations barring unlicensed vendors from performing business. In

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<sup>40</sup> Businesses Act 71 of 1991 (S. Afr.), available at [http://www.bloemfontein.co.za/docs/Business\\_20Act.pdf](http://www.bloemfontein.co.za/docs/Business_20Act.pdf)

<sup>41</sup> Id. at (1) (a)(i)-(xi), (b)(i)-(ii). This list is not exclusive.

<sup>42</sup> Street Trading By-laws for the City of Johannesburg (Provincial Gazette Extraordinary, No. 179) (2004) (S. Afr.), available at [http://www.joburg-archive.co.za/bylaws/streettrading\\_by-laws.pdf](http://www.joburg-archive.co.za/bylaws/streettrading_by-laws.pdf) ; Durban Street Trading Bylaws (M.N. 97/95 Section J.6) (S. Afr.), <http://www.durban.gov.za/durban/government/bylaws/street-trading/bylaws>.

<sup>43</sup> Businesses Act, supra note 53, at (6A)(1)(a)(iii)(ff).

<sup>44</sup> “São Paulo Decreto 33.924, supra note 94, at Art. 22(e)”.

fact, one Pretoria official in charge of street trading that his department frequently removed individual vendors from trading sites at PIBA's request.<sup>45</sup>

## 2) IRELAND

Northern Ireland introduces a related example of national-level guidelines. From 20th century, the street vending system in this nation was governed by *The Street Trading (Regulation) Act, 1929*<sup>46</sup>. As there was increase in the number of traders and the act was so outdated, the Northern Ireland enacted another law in 2001 basically known as *Street Trading Act, 2001*, in order to provide the legal mechanism to control unlicensed vending and better authority to all district councils.

The policy objective of the Act is "to facilitate district councils to manage and regulate street trading in their districts in such a way as to prevent unnecessary nuisance, intrusion and hindrance to persons and vehicles." As such locations at which street vendors are allowed to sell and the implementation of the rules are left to local area councils.

Ireland has one of the most advanced appellate systems in the world, and it possessed three principal features:

- a) Street vendors can appeal to a court of summary jurisdiction from the decision of local council.<sup>47</sup>
- b) Northern Ireland's system permitted street vendors to appeal any sort of unpleasant decision of the district council, even if the decision is only to some extent adverse.
- c) Licenses which are cancelled or not changed by the district council were required to remain in effect when the appeal is resolved or until the target for filing an appeal in 21 days after the district council's decision is rendered was passed.

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<sup>45</sup> *Caroline Skinner*, CSDS Research Report No. 16, Local Government in Transition – A Gendered Analysis of Trends in Urban Policy and Practice Regarding Street Trading in Five South African Cities 16 (May 1999), available at [http://sds.ukzn.ac.za/files/rr\\_18.pdf](http://sds.ukzn.ac.za/files/rr_18.pdf).

<sup>46</sup> <https://www.legislation.gov.uk/apni/1929/9/data.pdf>

<sup>47</sup> "Northern Ireland Act, supra note 76, at 13.1."

### 3)MALAYSIA

In Malaysia for instance guidelines of hawkers was left largeley to local or regional authorities. Under agreement of the *Local Government Act of 1976*<sup>48</sup> Kuala Lumpur passed the *Hawker and Stall Licensing* ByLaws in 1989.

### 4)MEXICO

In Mexico City, vendors have been narrow down to particular commercial plazas and as the boundaries of these plazas enlarge in reply to market pressures, legislators have attempted to further limit their borders. In 1993, Mexico City approved an ordinance making banned all streeet vending outside of accepted commercial plazas. However, commercial plazas in Mexico were so expensive for vendors to recover costs were not fit in the face of an economic crissis, and were not kept in the state to fix that the city administration which had promised. Even street vendors who endure in the plazas frequently set up next stalls in the streets to give for commercial plaza fares.

## 3.3 INDIA CONTEXT

### ***3.3.1 NATIONAL POLICY ON URBAN STREET VENDORS, 2004***

#### **OVERVIEW**

The National Strategy on Urban Street Vendors ("National Approach") was presented in 2004 and reconsidered in 2006 and 2009. It means to formalize and sanction road merchants, to shield them from badgering and abuse through a permitting framework, and to make an arrangement of nearby administration and self-legislation that gives chances to road sellers to change infringement of their rights (essentially provocation and low ejections from their distributing locales).

According to the National Policy Articles 14, 19(1) (g), 38(2), 39(a), 39(b), and 41 of the Indian Constitution form the legal basis for the National Policy. mutually, these provisions to set up the right to equal protection before the law (subject to reasonable

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<sup>48</sup>" *Local Government Act of 1976*, 73(1) (f) (Malaysia)".

restrictions), the right to practice any business, the State's duty to minimize income inequalities, and the right to a livelihood.<sup>49</sup>

The National Policy aims to recognize the “positive role of street vendors in providing essential commodities” while also organizing public space through the use of zones for “restriction-free vending”, “restricted vending”, and “no vending.” The zones are created through Town Vending Committees (TVCs), that are established at the city/town level and which may delegate authority by collaborating with Ward Vending Committees (WVCs).<sup>50</sup>

### 1) **Objective**

The Policy's “main objective” is “to provide and promote a helpful environment for the urban street vendors to take care of their vocation while at the same time ensuring that vending activities do not lead to congestion and unhygienic conditions in public spaces and streets.”<sup>51</sup> It intends to achieve this objective through a progression of measures to:

- 1) Make lawful status for street vendors, laying the foundation for the creation and implementation of a division plan;
- 2) Give community offices to spaces distinguished as distributing zones as per city all-inclusive strategies;
- 3) Utilize ostensible expense based direction to control get to, constructing inhabitation restricts in light of past inhabitation and shunning numerical cutoff points made by optional licenses;
- 4) Advance associations of street vendors;
- 5) make a participatory arranging administration that fuses common society, nearby specialists, and road sellers;
- 6) Urge street vendors to self-manage and self-sort out, especially concerning issues of cleanliness and waste transfer.

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<sup>49</sup> National Policy, supra note 2, at 2.

<sup>50</sup> Id.

<sup>51</sup> Id. at 5.



7) Support access to expertise training programs for street vendors.

## 2) Key elements of Policy

The National Policy creates a skeleton to superintend the street vendors at the municipal level. Town Vending Committees, in assistance with sub-municipal WVCs where proper, are responsible for among other tasks; job surveys; distribute information about qualified advance opportunities, such as micro-finance projects, and addressing grievances. TVCs also with WVCs where is needed should also give identity cards to all street vendors. TVCs also with WVCs, where is needed should make zone areas for ‘restriction-free vending’ ‘restricted vending’ and ‘no vending’. There should be no subjective limit on the number of street vendors, but instead localities should approve license-based restrictions based on locally-identified needs.

The National Policy states that the road sellers should be given notice prior to eviction or removal. If in case vendors are working at such areas which are “no vending zones” then according to policy the vendors be given at least some time to relocate their goods.

Impounded goods should be recovered through Town vending committees within a reasonable time or upon payment of a given fee.

To make sure vendors broad right to use to markets the National Policy endorsed that time-sharing and turning systems should be formed. Settlements should be made for handicapped and disabled vendors, who should also have main concern access to certain nearby spots. The policy addresses additional aspects of guidelines including a suggestion that fees be collected only by TVCs to prevent extraction; that the *Credit Guarantee Fund Scheme* for Small Industries, a public micro-finance program, be extensive to street vendors; regular mapping of market spaces, with GIS mapping; and “prescribing that minors engaged in street vending be integrated into the school system.”<sup>52</sup>

## 3) Government Responsibility

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<sup>52</sup> Id. at 13-17.

According to the National Policy, the work of nationwide government is to:

- a) To make steps in order to regulate street vending constantly with the National Policy;
- b) Commencing laws as required;
- c) If suitable, developing a standard law to regulate urban street vending.

State governments and Union Territory supervisors of the administration are responsible for enacting legislation. “Local development authorities and urban authorities make on-the-ground settlement about space use, while TVCs put into practice and observe the National Policy at the local level and serve as a first arbiter in disputes related to it.”<sup>53</sup>

#### A) Failure to implement the National Policy

The National Association of Street Vendors of India (NASVI) has been critical of the lack of implementation of the National Policy, in particular the inability of vendors to obtain the identity cards and licenses promised.<sup>54</sup> NASVI has argued that New Delhi, in particular, has made a “mockery” of the National Policy and has used the 2010 Commonwealth Games as a pretext for evictions specifically prohibited by the Policy.<sup>55</sup> During the Commonwealth Games, activists collaborating with the World Class Cities for All campaign made a chain of demands related to National Policy implementation. Their requests to the authorities are summarized below and provide a useful snapshot of difficult aspects of the Policy identified by civil society:

1. No vendor should be evicted without providing other space for vending.

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<sup>53</sup> Id. at 17-19.

<sup>54</sup> CURRENT EVENTS/NOTICES: ANNUAL GENERAL MEETING OF NASVI WAS HELD ON 30TH JULY 09 IN NEW DELHI, [http://www.nasvinet.org/current\\_events\\_detail.php?id=3](http://www.nasvinet.org/current_events_detail.php?id=3) (last accessed Oct. 16, 2010).

<sup>55</sup> Street vendors demand a fair deal, THE HINDU (Jun. 2, 2010), available at <http://www.hindu.com/2010/06/02/stories/2010060256800400.htm>.

2. Registration for vendors with photo licenses and fixed spaces for vending must be provided.
3. Conduct surveys and provide identification for markets beyond the 227 currently recognized.
4. Stop illegal raids and unfair fines on street vendors.
5. Make sure delegation of power to Ward and Zonal Vending Committees as required by the Supreme Court.
6. Make collection of fees the duty of the vendors representative on the Ward Vending Committee.
7. Pay Zonal Vending Committee members as required by the Policy.
8. Prevent multinationals from competing with local fruit and vegetable vendors.
9. Give social security entitlements according to the National Policy.
10. Make low-interest small business loans available.
11. Use Hindi as the means of communication with vendors.<sup>56</sup>

#### B) Criticisms of the framework of the National Policy

In addition to the practical concerns about implementation, observers have also raised conceptual concerns about the outline behind the national policy. One researcher, pointing to key differences between the 2004 Draft Policy and the 2009 National Policy, argued that while the 2004 Draft Policy limited restrictions on vending to ‘*reasonable restrictions*’ (e.g., outside of a hospital or in the middle of a heavily trafficked street), the new National Policy allows for rigid regulation of space into one of three categories: “*vending*,” “*restricted vending*,” or “*no vending*.” While this framework creates the potential for recognition and regularization of some street vendors, it also lays the foundation for more state control of previously

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<sup>56</sup> See Ritajyoti Bandyopadhyay, National Policy on Urban Street Vendors in India 2009: A Discussion (2010), available at <http://www.scribd.com/doc/23165900/National-Policy-on-Urban-Street-Vendors-in-India>.

“unrestricted” space.<sup>57</sup> This line of argumentation may be useful in challenging the largely legitimacy of the National Policy, but it may be less useful if street vendors prioritize enforcement of specific provisions of the policy rather than wholesale rejection of it.

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<sup>57</sup> *Ibid.*

## CHAPTER-IV

### PRACTICABILITY OF THE STREET VENDORS ACT, 2014

The enactment of the Street Vendors Act (Protection of Livelihood and Regulation of Street Vending), 2014 aimed at changing the status quo of street vendors, enabling them to do business in open public spaces and pursue their livelihoods in a safe and harassment-free environment. An Act to protect the rights of urban street vendors and to regulate street vending activities and for matters connected therewith or incidental thereto.<sup>58</sup>

#### a) DEFINITIONS

1) “Appropriate Government” means in respect of matters relating to,—

- (i) a Union territory without Legislature, the Central Government;
- (ii) The Union territories with Legislature, the Government of the National Capital Territory of Delhi or, as the case may be, the Government of Union territory of Pondicherry;
- (iii) a State, the State Government;<sup>59</sup>

2) “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.<sup>60</sup>

3) “mobile vendors” means street vendors who carry out vending activities in designated area by moving from one place to another place vending their goods and services;<sup>61</sup>

4) “Stationary vendors” mean street vendors who carry out vending activities on regular basis at a specific location;<sup>62</sup>

(5) “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

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<sup>58</sup> [www.legislative.gov.in/sites/default/files/A2014-7.pdf](http://www.legislative.gov.in/sites/default/files/A2014-7.pdf), retrieved on 5<sup>th</sup> may

<sup>59</sup> Section 2(1)(a)

<sup>60</sup> Section 2(1)(c)

<sup>61</sup> Section 2(1)(d)

<sup>62</sup> Section 2(1)(k)

private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words “street vending” with their grammatical variations and cognate expressions, shall be construed accordingly;<sup>63</sup>

(6) “Town Vending Committee” means the body constituted by the appropriate Government under section 22; <sup>64</sup>

(7) “vending zone” means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, 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.<sup>65</sup>

#### b) PROVISIONS-

Section 3-11 talks about the two main things: regulation of street vending and licensing to the street vendors. The surveys are conducted in order to identify the street vendors in every five years. Every street vendor, identified under the survey carried out under sub-section (1) of section 3, who has completed the age of fourteen years or such age as may be prescribed by the appropriate Government, shall be issued a certificate of vending by the Town Vending Committee.<sup>66</sup>

Every street vendor shall give an undertaking to the Town Vending Committee prior to the issue of a certificate of vending.<sup>67</sup> Every street vendor who has been issued certificate of vending shall pay such vending fees.<sup>68</sup> A key provision also mentions that there shall be a formal capacity of each identified vending zone and where the number of vendors exceeds the capacity of the zone, the allocation of spaces is to be selected through a draw of lots. According to section 5(2) Where a street vendor to

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<sup>63</sup> Section 2(1)(l)

<sup>64</sup> Section 2(1)(m)

<sup>65</sup> Section 2(1)(n)

<sup>66</sup> Section 4

<sup>67</sup> Section 5

<sup>68</sup> Section 8

whom a certificate of vending is issued dies or suffers from any permanent disability or is ill, one of his family member in following order of priority, may vend in his place, till the validity of the certificate of vending—

- (a) spouse of the street vendor;
- (b) dependent child of the street vendor.

Chapter III of the act explains about the rights and obligations of the street vendors.

Every street vendor shall have the right to carry on the business of street vending activities in accordance with the terms and conditions mentioned in the certificate of vending.<sup>69</sup>

Where a street vendor occupies space on a time sharing basis, he shall remove his goods and wares every day at the end of the time-sharing period allowed to him.<sup>70</sup>

Every street vendor shall maintain cleanliness and public hygiene in the vending zones and the adjoining areas.<sup>71</sup>

Every street vendor shall maintain civic amenities and public property in the vending zone in good condition and not damage or destroy or cause any damage or destruction to the same.<sup>72</sup>

Every street vendor shall pay such periodic maintenance charges for the civic amenities and facilities provided in the vending zones as may be determined by the local authority.<sup>73</sup>

Chapter –IV of the act explains about the relocation and eviction of street vendors.

The local authority may, on the recommendations of the Town Vending Committee, declare a zone or part of it to be a no-vending zone for any public purpose and relocate the street vendors vending in that particular area.<sup>74</sup>

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<sup>69</sup> Section 12

<sup>70</sup> Section 14

<sup>71</sup> Section 15

<sup>72</sup> Section 16

<sup>73</sup> Section 17

<sup>74</sup> Section 18(1)

No street vendor shall be relocated or evicted by the local authority from the place specified in the certificate of vending unless he has been given thirty days' notice for the same.<sup>75</sup>

Every street vendor who fails to relocate or vacate the place specified in the certificate of vending, after the expiry of the period specified in the notice, shall be liable to pay for every day of such default, a penalty which may extend up to two hundred and fifty rupees, as may be determined by the local authority, but shall not be more than the value of goods seized.<sup>76</sup>

In case of non-perishable goods, the local authority shall release the goods within two working days of the claim being made by the street vendor, and in case of perishable goods the local authority shall release the goods on the same day of the claim being made by the street vendor.<sup>77</sup>

The fifth chapter includes the Dispute Redressal Mechanism. The appropriate Government may constitute one or more committees consisting of a Chairperson who has been a civil judge or a judicial magistrate and two other professionals having such experience. The person who has a grievance or dispute may make an application in writing to the committee.<sup>78</sup>

Chapter VI explains about the plan of street vending. Every local authority shall, in consultation with the planning authority and on the recommendations of the Town Vending Committee, once in every five years, prepare a plan to promote the vocation of street vendors covering the matters contained in the First Schedule.<sup>79</sup>

Chapter VII includes Town Vending Committee. Section 22 explains that there shall be a town Vending Committee in each local authority. This committee consists of a Chairperson who may be a Municipal Commissioner or Chief Executive Officer, and such members who are police officer, bankers, social workers, members of association of street vendors etc.

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<sup>75</sup> Section 18(3)

<sup>76</sup> Section 18(5)

<sup>77</sup> Section 19(2) *proviso*

<sup>78</sup> Section 20

<sup>79</sup> Section 21(1)



Chapter VII explains the prevention of harassment by police and other authority. No street vendor shall be deprived from exercising such rights as given in certificate of vending.

Chapter VIII explains about the penal provisions. If any street vendor-

- (a) indulges in vending activities without a certificate of vending; (b) contravenes the terms of certificate of vending; or (c) 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 shall be liable to a penalty for each such offence which may extend up to rupees two thousand as may be determined by the local authority.<sup>80</sup>

#### 4.1) STATUS OF THE IMPLEMENTATION OF STREET VENDORS ACT, 2014

The major focus of NASVI has been to push for the implementation of the Street Vending Act 2014 across the states .NASVI has been meeting the concerned Ministers at the national level and also at the State levels. In this process NASVI delegation met the Union Cabinet Minister Mr. Venkiah Naidu, Union Minister of State for Housing and Urban Poverty Alleviation Shri Rao Inderjit Singh ,Chief Ministers of Andhra Pradesh, Telengana, Delhi, Rajasthan, Bihar, Uttrakhand Deputy Chief Minister of Goa and Urban Development Ministers and Secretaries of many states. NASVI has also been writing to them for early and proper implementation of the Street Vending Act 2014. NASVI has been monitoring the implementation of the Act getting information from multiple sources – Central Govt, State Govts, Municipal Bodies, street vendor organizations, NGOs etc .It has prepared a spreadsheet and also prepared list of indicators on which to monitor. Needless to say there are many who looks forward seeking information about the Act and we provide them the requisite information.

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<sup>80</sup> Section 28

## **Notification of Rules and Schemes**

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

### **BIHAR**

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

### **UTTARKHAND**

In Uttarakhand, TVC has been formed in two cities i.e. Dehradun and Haridwar and in Kashipur, Rudrapur, Haldwani and Roorkee, formation of TVC is under progress. Survey has been completed in Dehradun and Haridwar and in Kashipur,

Rudrapur, Haldwani and Roorkee survey is under progress. Dehradun survey has been done by NASVI.13 vending zones are created in Haridwar and 12 Vending Zones are created in Dehradun and 6 Vending zones are identified in Roorkee. The process of identification of vending zones in Kashipur and Haldwani are under progress. Distribution process of Identity cards is under progress in Dehradun More than 2000 vendors' have received identity cards in Dehradun.

## **MADHYA PRADESH**

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

## **RAJASTHAN**

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

## **PUNJAB**

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

## **ODISA**

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

## **UTTAR PARDESH**

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

## **TELANGNA**

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

## **ANDHRA PRADESH**

Like Telegana, rules are still missing though scheme has been notified in Andhra Pradesh TVC has been constituted in all the town . Vending Plan has been prepared in Vizag and Vending Zones have also been identified here. In Andhra Pradesh,

survey completed in 15 Districts where 61,092 street vendors have been identified and 30,478 vendors have received ID cards. Vishakhapatnam has already created vending and non-vending zones and have also prepared a fully digitalized plan, the first of its kind in India.

## **TAMIL NADU**

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

## **KARNATAKA**

In Karnataka, Rules were drafted on 13 May 2016. TVC is formed in Mysore and Mangalore only. Mangalore created a vending zone where half of its vendors were adjusted. Distributing of ID cards is under progress. More than 50000 ID cards has been distributed across Karnataka.

## **DELHI**

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

constituted Town Vending Committee and even this could not function because of stay of High Court.

### **ASSAM**

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

### **GUJARAT**

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

### **HIMACHAL PRADESH**

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

### **HARYANA**

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

## **MAHARSHTRA**

Rules were drafted on 3 August 2016. But no schemes are formed till now. TVC is formed only in Pune. But till now no survey has been done though a survey was conducted in Mumbai. No rules and schemes are formed in Arunachal Pradesh, Goa, Meghalaya, Mizoram, Nagaland, Puducherry, Sikkim, Tripura, Jammu & Kashmir and West Bengal.<sup>81</sup>

### **4.2) PROGRESS OF THE IMPLEMENTATION OF STREET VENDORS ACT, 2014<sup>82</sup>**

On 1<sup>st</sup> May 2014 through gazette notification the *Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014* came into force.

In **Ludhiana (Punjab)**, the Town Vending Committee (TVC) has been constituted. Also the market leaders have approached the commissioner for enhancing the process of constitution of vending zones in 77 markets across Ludhiana.

In **Gwalior, Jabalpur, Burhanpur, Chhindwara, Sagar, Dewas, Singrauli, Satna, Riva, Katni, Ratlam (in the state of Maharashtra)** the Town Vending Committee has been formed and the process of survey has started.

In **Shimla (Himachal Pradesh)** the Town Vending Committees have been formed, and the process of registration of the vendors has been started and in few markets vending license has also been issued.

In Maharashtra the Urban Development, department has issued the notification to the Municipal Corporations for the constitution of Town Vending Committee in Maharashtra. In **Pune and Kolhapur** the TVC been constituted. The Kolhapur municipal corporation has distributed 5000 vending cards to the vendors.

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<sup>81</sup> <http://nasvinet.org/newsite/progress-in-the-implementation-of-the-street-vendors-act-2014-2/>

<sup>82</sup> *ibid*

In **Margaon and Panaji (Goa)** the Town Vending Committee has been formed in all the thirteen Municipal Councils and one Municipal Corporation.

In **Rajasthan**, the Director of Local Bodies (Urban Development) has issued notification for the constitution of Town Vending Committee in all the Municipal Corporations in Rajasthan.

In **Srinagar (Jammu Kashmir)**, the Town Vending Committee has been formed.

In the state of Kerala TVC has been formed in **Trivandrum**. While in Ernakulum and Trichur notification for the constitution of TVC has been issued.

In the state of Assam VC has been formed in **Lakhimpur and Guwahati**.

- **Developments in Delhi**

Efforts for the implementation of the central law has been initiated in Delhi and following are the developments in this regard-

In Delhi Town Vending Committees are formed in all Municipal bodies in Delhi except the North Delhi Municipal Council. Efforts are being taken in North Delhi Municipal Council also to constitute the same.

A Meeting of vendors from different markets across Delhi was held regarding the implementation of the Central Law in the month of April, 2014. The meeting was attended by the vendor leaders across Delhi. The meeting discussed the necessity of the implementation of the Central Law. Also information about the various provisions of the law was given to the vendors by distributing a copy of the Central Law and the minutes of the TVC meeting.

Meeting was held with Urban Development Secretary and Director of Local Bodies in Delhi for enhancing the process of quick registration of the street vendors and distribution of the vending certificate to the vendors.

With the efforts of NASVI, the East Delhi Commissioner has issued Circulation directing its officials to not to harass the vendor and to follow the Supreme Court's



order as well as the Central Act. The circulation provides that at least those vendors who are registered and have challans should not be harassed anymore.

- **Developments in Chandigarh**

In Chandigarh TVC is not yet formed. For constituting the TVC the Municipal Corporation has published the EOI in the month of July. Regarding the formation of the TVC, meeting with the Municipal Staff was also held. Since no other organization and members have yet applied for the same, so Municipal Corporation has republished the EOI.

- **Developments in Madhya Pradesh**

In Madhya Pradesh TVC is formed in Gwalior, Burhanpur, Chhindwara, Jabalpur, Bhopal, Sagar, Deवास, Singrauli, Satna, Reeva, Kathni and Ratlam. Apart from Bhopal meetings are not conducted in any other places and the involvement of Street Vendors is also not there. This was discussed with the State Urban Development Authority (SUDA) officials and they had assured that a circular will be sent to all the Municipal Corporation and Municipalities to have the regular meetings of TVC and involving Street Vendors in the same. The process of Licensing of the Street Vendors is still going on.

The last survey with the Street Vendors in Bhopal was done in 2012 and 5200 Street Vendors were surveyed but the actual number of vendors is around 15000 to 20000 in Bhopal. This was discussed with the BMC Commissioner and requested him to conduct the survey of the Street Vendors. He mentioned that survey will be started by end of this year.

- **Developments in Assam**

In Assam the TVC has been formed in Guwahati and Lakhimpur. The Guwahati Municipal Corporation had a meeting with the street vendors within its jurisdiction

for the purpose of selecting the vendor's representatives in the Town Vending Committee. However the formation of the TVC has not yet been notified.

In the month of May two day's campaign was launched with the collaboration of **All Assam Street Vendor Association (AASVA)** with an objective to create awareness among the street vendors about their rights and the importance of collectives. The awareness was focusing on "Supreme Court order on street vendors" the provision of "Street vendors (Protection of livelihood and regulation of street vending) act 2014. The campaign has mainly three components firstly, posturing and leaflet distribution, announcement and meeting with the street vendors. The campaign reach 500 street vendor's of the city. The route plan of the campaign was day one Noonmati to Jalukbari and day two was Bhangagrah, GS road, Ganeshguri to Beltala.

Following this campaign several meetings were held in several places in Guwahati in Jalukbari, GS Road area, High Court area, Beltala market. The meeting focused in the issues of street vendors and how to resolve the same.

- **Developments in Uttar Pradesh**

In Uttar Pradesh the Lucknow Municipal Corporation in the month of August 2014 has started the process of the formation of the Town Vending Committee. After strict order by the Hon. High Court Lucknow Municipal Corporation has started the survey of street vendors in Lucknow. At present total 9000 to 10000 street vendors are surveyed by the Municipal Corporation in all zones of Lucknow (It Includes area under the jurisdiction of the Municipal Corporation) and survey is being continued.

In Uttar Pradesh the schemes for the street vendors to be formulated under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 is being formulated under the NULM which has to be implemented by State Urban Development Authority. One committee has been formed for documenting the schemes and taking decisions for the steps of implementing the Act in the state.

- **Developments in Tamil Nadu**

In Tamil Nadu the model rule and schemes have been and sent for approval; The Chennai High Court in a judgment dated 9-8-2014 gave direction to the Chennai Municipal Corporation to start the survey of the vendors within a month. On 19-8-2014, representatives of Tamil Nadu Street Vending Workers Federation met Corporation Commissioner to discuss about the formation of Town Vending Committee (TVC) and survey of Vendors in Tamil Nadu. The Commissioner said that the model rules have already been prepared and the same is pending for approval. He also said that very soon the TVC will be formed and the survey of the vendors will be started.

On 6-6-2014, the representatives of Tamil Nadu Street Vending Workers Federation organized a press meet at Chennai Press Club demanding the government to stop eviction of street vendors all over Tamil Nadu especially in Chennai. The Supreme Court Judgment and the provisions of the Central Act for street vendors were also explained in the Press Meet.

On 22-6-2014, street vendors' gheraoed T. Nagar police Station demanding to stop eviction of the street vendors in T. Nagar area. The vendors also had a meeting with Deputy Commissioner and two days after the meeting the vendors were allotted back their place of vending.

On 19-8-2014, the Tamil Nadu Street Vending Workers Federation submitted memorandums to various departments like Chief Secretary Office, Home Secretary Office, Urban Development, Principal Secretary to Government, Corporation Commissioner. The memorandum was submitted relating to the issues of the street vendors demanding the formation of TVC and survey of street vendors.

**4.3) STEPS TO IMPEMENTATION OF STREET VENDORS ACT, 2014<sup>83</sup>(TABLE 1)**

| <b>STEPS</b>   | <b>DEPARTMENT</b>  |
|--|--|
| State governments to make Rules under section 36   | Urban Development Department – Principal Secretary               |
| Municipal Bodies to constitute Town Vending Committee (TVC) as per directions in the Rules | Municipal Corporations   |
| State Government to take views of the TVC in formation of Scheme under section 38          | Urban Development Department – Principal Secretary               |
| State government to notify schemes under section 38  | Urban Development Department – Principal Secretary               |
| Municipal Corporations to conduct survey. It can outsource or do on its own                | Municipal Corporations/ National Urban Livelihood Mission (NULM) |
| All survey has to be guided/approved by TVC  | Municipal Corporations/ National Urban Livelihood Mission (NULM) |
| No vendor as per 3.3 is removed until survey has been done.                                | Municipal Corporations/ National Urban Livelihood Mission (NULM) |
| Identity cards to be given to surveyed vendors   | Municipal Corporations/ National Urban Livelihood Mission (NULM) |
| Street Vending Plan to be prepared and approved under the guidance of TVC                  | Municipal Corporations/ National Urban Livelihood Mission (NULM) |
| Surveyed vendors to be given space in vending zones along with certificate of vending      | Municipal Corporations/ National Urban Livelihood Mission (NULM) |
| Vendors to be linked with various programs like financial linkages and social security.    | Municipal Corporations/ National Urban Livelihood Mission (NULM) |

<sup>83</sup> <http://nasvinet.org/newsite/wp-content/uploads/2017/10/Steps-for-Implementation-of-Act.pdf>

|   |  |
|---|--|
| Basic infrastructure to be provided in the vending zone like clean drinking water, toilets, child care, street lights, etc. | Municipal Corporations/ National Urban Livelihood Mission (NULM) |
|---|--|

## CHAPTER-V

### **Analysis on implementation of Street vendors Act, 2014 in Bhopal.**

#### **5.1 Introduction**

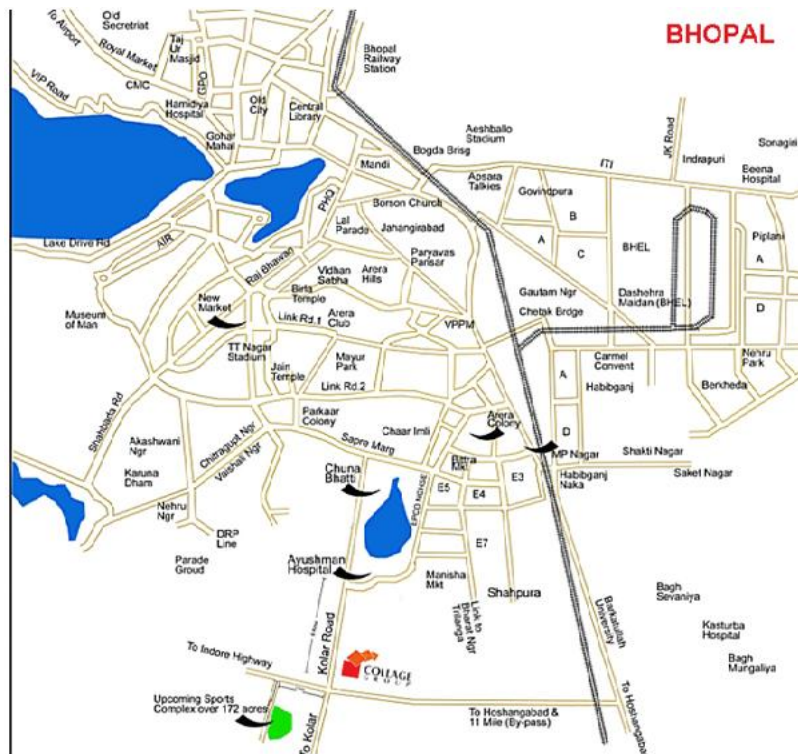
Bhopal is the capital of the Indian state of Madhya Pradesh and the administrative headquarters of Bhopal district and Bhopal division. The city was the capital of the former Bhopal State (British India). Bhopal is known as the City of Lakes for its various natural as well as artificial lakes and is also one of the greenest cities in India. Bhopal, with its central location is very well connected to all the corners of the country. With the expanded planning area of 463 square kilometers, Bhopal stands among 15 largest cities of India. Since inception, Municipal Corporation of Bhopal has always been on a path of continual improvement by setting benchmarks in deliverance of services to stakeholders.

In past few decades, Bhopal has witnessed major transformation in the subject of urban development per say. Bhopal is known to have one of the successful BRT Systems in country. By the virtue of being confident & aggressive in adaptation of technology, Bhopal is now in a position to implement many of the things which may otherwise be difficult to. Learning by experiences this year's budget of Bhopal consists of many initiatives & policies which project a vision in making Bhopal a lively, livable, sustainable city. Compulsory utility duct provisions in all construction, she- lounge facilities for ladies as part of public amenities, innovative advertisement policy keeping in mind city's aesthetics, culture and road safety; heritage policy to conserve and use city's rich heritage, lake conservation cell, smart city cell to encourage thought process for betterment of city. With well planned Public Transport, Infrastructure, Institutes, Academic Hubs, IT Hubs, etc, Bhopal continues to maintain its title of "Green City", City of Heritage, City of Museums, and City of Lakes.<sup>84</sup>

(FIGURE 1) This section describes the different locations of Bhopal city where interviews were undertaken. The descriptions under are drawn from survey findings, supplemented by information from the survey of 'natural markets

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<sup>84</sup> <http://www.bhopalmunicipal.com/city-information/about-bhopal.html>



**FIG 1**

Its population in the 2001 census was 14, 44,968 which was around 30,000 less than Indore, the business capital of the state. Males constituted 53% of the population while females accounted for 47% in Bhopal.

## 5.2 STREET VENDORS AND UNIONS:

Bhopal has at a rough estimate 30,000 vendors. A significant fact is that the state of MP is one of the few states that have a policy for street vendors which are in line with the national policy. One expects that street vendors in this state are better off than in other states as the policy would give them safety from evictions and other forms of harassment.

Most of these vendors are not unionized. OF SEWA M.P. has started unionizing women vendors. At the time of the study roughly 20% of the women vendors were unionised by SEWA MP. It has been successful in providing its members photo identity cards from the municipality. The union has also been trying to have zones for hawking so that street vendors can follow their trade without harassment.

The municipality decided to set up four such zones. The union and the municipal authorities scouted for locations and approved on four places. These places had to be developed so that the vendors could construct their stalls.

The existence of the policy does not prevent vendors from being evicted. They are mainly evicted because of urban development projects. The Bus Rapid Transport Scheme (BRTS) introduced under JNNURM has caused maximum displacement. For example, 100 vendors were shifted from Hoshangabad road to make way for the BRTS. They were given new sites but these were in far off places where few buyers frequented and away from their residence. As a result their incomes decreased from 50 to 70%. While it cannot be denied that public programmes such as the bus schemes and laying pipelines may help common citizens and they should be implemented, there has to be a equilibrium between incomes lost by the project affected and public good. The authorities must also take into report the losses that the vendors suffer because of these policies. They should guarantee that the rehabilitation sites provide them at least the same income.

Another major problem faced by vendors is that the numbers are huge but spaces allotted are not adequate. As a result many vendors work from non-hawking areas in the city. The municipal authorities jump down on them and make them pay fines ranging from Rs. 80 to Rs. 200. Most vendors make around Rs. 50 a day so these fines become heavy.

### **5.3 PROFILE OF THE VENDORS**

#### **5.3.1 AGE DIVISION:**

The age division of the vendors shows that 20% are between 15-25 years of age while 45% were between 26-35 years. Around 35% were between 36-45 years. In other words the majority of the vendors (57%) were aged between 26 and 45 years. Therefore most vendors are not very aged There are few vendors above 55 years (5.5%). This could be because street vending is a strenuous job and older vendors cannot live the strain.



### 5.3.2 GENDER:

The sex composition shows that nearly all of the vendors are males. Women constitute only 30% of the population whereas males constitute 70%. Most of the vendors (70%) are married and 10.5% are widowed or unmarried.

### 5.3.3 RELIGION:

The religion of the vendors shows that 60% are Hindus while 40% are Muslims. The vendors belong mostly to backward or other backward classes. More than half of the vendors belong to backward classes while 35.5% belong to scheduled castes. Tribals form only 2.2% and upper castes form 13%. Hence three-fourths of the vendors belong to the so-called lower castes. This implies that vendors in Bhopal are not only reasonably marginalized they are also socially marginalised. These people deserve special attention for their lift. These people are victimized a lot.

### 5.3.4 LITERACY RATE:

The literacy levels of the street vendors show that more than half (56%) have studied up to 10th grade. This is higher than in most of the cities enclosed. At the same time 20% were illiterate while 25% could only sign their names.

### 5.3.5 EARNINGS:

The income of the vendors is very low. An overwhelming majority (over 70-80%) earned less than Rs. 100 a day. This is lower than the minimum pay for unskilled workers. In fact this income is well below the urban minimum wage which is Rs. 200 a day. Only 16% of the vendors earned this amount while 3% earned between Rs. 200 and Rs. 300 a day. The minimum wage is fixed by taking into account the minimum needs of three units of consumption. In other words an earner has one adult and two children as dependents.

The street vendors of Bhopal have between 5 to 6 dependents each. The break up is thus: 10.5% have four dependents, 30% five dependents, 11% have six dependents and 15% have 7 dependents. The dependency ratio is so much high considering that 82% earn Rs. 100-150 a day.

Some of the dependents do give to the total earnings but these are lower than the earnings of the main earner. However 45% of the households depend on the main income earner alone (the street vendors). There were two earners in 44.5% of the households while 25% had three. Hence despite 52% of the households having more than one earner, the total household earnings were not much in terms of per capita earnings.

The vendors are mainly static in the sense that they sell from fixed places on the pavement. Such vendors account for 79% of the total and only 21% are mobile. This is the trend in most places.

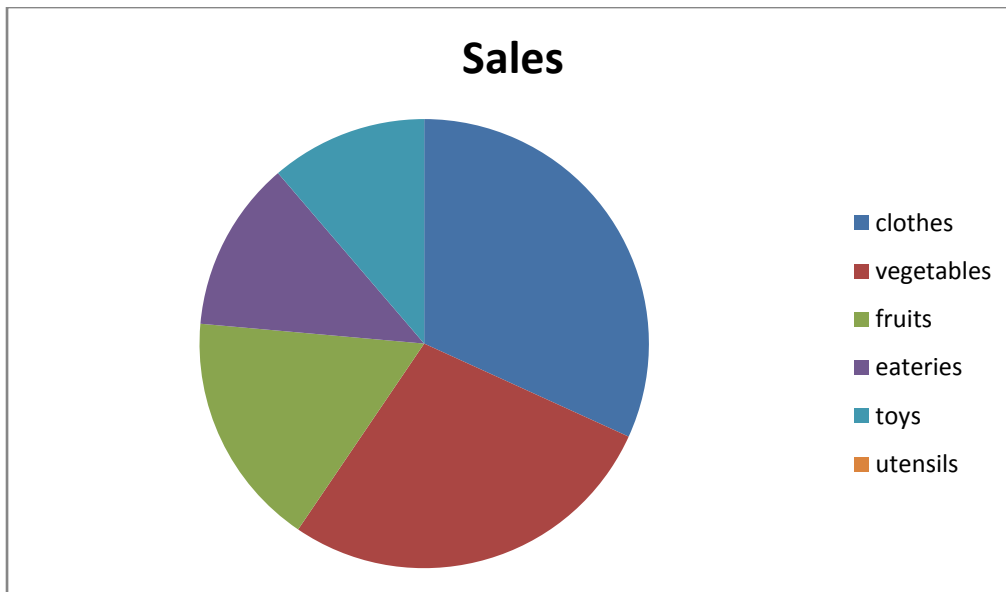
#### 5.3.6 GOODS

Most of the vendors sell perishable goods such as vegetables and fish (60%) or fruits (40%). The large number of vendors selling perishable goods could mean two contradictory issues.

- First the goods that they sell are not easily accessible in other places such as shops or malls.
- The other access is that these vendors are more vulnerable because if their goods were confiscated they tend to lose more due to rotting than for example those selling household things or leather goods.

Also there street vendors who sell like handmade products, accessories, clothes, toys given under (Figure 2). These goods are also purchased by people a lot.

(Table No.4) also mentions different markets and goods they sold.



ITEMS SOLD (Figure.2)

The street vendors are quite new in their profession. There are 45% who have been in the profession for 8-10 years or less around 30% has been there for less than 20 years. The rest (25%) have served as hawkers for more than 20 years. In 6.No Market the hawkers zone which is made few years back, the respondent said, that he has been in this profession from his childhood.

### 5.3.7 MODE OF TRAVELLING

The mode of travel of the vendors from their residences to their places of work differed. Many of the vendors stay away from their workplace so they travelled by cycle, motorcycle, auto rickshaw, bus and train. However the majority of vendors live near their residence around 73.5% of the vendors, travel on foot to save money. The distances they traversed ranged from 5 to 10 kms. a day. In fact 95% of the vendors who walked came in this category. The rest walked less than 4-5 kms.

We had mentioned earlier that the urban poor took up to street vending because of low investment. In the case of Bhopal we find that 65% of the vendors used their own savings as capital for their venture. The next largest source of capital is through advances given by the wholesalers. We found that 30% of the vendors took advances from the wholesalers. They have to return the amount given by wholesalers as advance.

We conducted the study on consumers in the following places: New Market, Bittan Market, Azad Market, Shahpura, 10. No. Market, Chowk, Link Road, Barkheda, Bagh Sewania, Nehru Nagar, Kotra Sultanbad.

#### REASONS WHY CONSUMERS PURCHASE FROM STREET VENDORS:

Our findings on income levels show that it varied between Rs. 3,000 and Rs. 25,000 a month. The mean income was Rs. 10,962. A majority of those interviewed (73.2%) earned Rs. 15,000 or less. The second highest group (26.8%) was those working between Rs. 10,001 and Rs. 15,000. Hence 85% of the consumers earned Rs. 20,000 or less.

We find that consumers go to street vendors because of these two reasons.

- On the question on why they purchase commodities from street vendors, the most frequent reason (87.5%) was that the hawkers sell goods at reasonable to cheap prices.
- Another response (55%) was that the street vendors are easily available at any time.

These are the two main points in favour of street vending. The types of goods purchased by street vendors are consumable ones. All the consumers bought vegetables from street vendors. Around 55% bought fruits from street vendors while 70% bought their supply of cigarettes from them. People buying household items constituted 42% of the total while 55% bought groceries from street vendors. The positive aspects of street vending included the two cited above. The negative aspects of hawking mainly relates to congestion on the streets that prevents free flowing of traffic.<sup>85</sup>

#### 5.3.8 REGISTERED/ UNREGISTERED VENDORS

In 30,000 of population of street vendors only 12% are registered vendors rest all 88% are unregistered. The unregistered vendors have to pay Rs.10 per day to Municipality in case of eateries and others have to pay Rs 20 per day. Bhopal Municipal Corporation has identified only 3,200 of 5,219 registered vendors for ID cards.<sup>86</sup>

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<sup>85</sup> <http://www.streetnet.org.za/docs/research/2012/en/NASVIReport-Survey.pdf>

<sup>86</sup> <http://www.bhopalmunicipal.com/city-information/about-bhopal.html>

#### **5.4) LOSSES TO STREET VENDORS DUE TO NON-IMPLEMENTATION OF THE ACT**

Harassment from local authorities in the form of eviction, penalties, bribery is the biggest dilemma that the street vendors face on a daily basis. The major focus of the Street Vendors Act has been to give vendors appropriate rights to allow them to fight the harassment. Due to non-implementation of the Act, this harassment continues to take place. This section aims to study the loss of street vendors in monetary terms due to non-implementation of this act.

Markets were visited, and 5 vendors from each market were surveyed. Averages on the basis of their responses have been calculated. Major avoidable losses that they face on a daily basis are:

- i) Bribes paid to Municipality and Police
- ii) Penalties paid during eviction or relocation.
- iii) Loss of livelihood if they are evicted
- iv) Damage to goods or loss of goods if taken away
- v) Affidavit Charges<sup>87</sup>

The responses were taken by other vendors and their representatives. If, mentioned, all figures are in Rs. Per month.

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<sup>87</sup> The approximate Affidavit charge is Rs. 150/eviction.

**(TABLE no.2)**

| <b>MARKET</b> | <b>AVERAGE INCOME</b> | <b>AVERAGE PROFIT</b> | <b>NUMBER OF TIMES EVICTION</b> | <b>PENALTY PAID</b> | <b>BRIBE PAID</b> |
|---------------|-----------------------|-----------------------|---------------------------------|---------------------|-------------------|
| New market    | 30,000                | 8000                  | 2                               | 200-500             | None              |
| Chowk         | 33,400                | 9,000                 | 4                               | 500                 | 200               |
| Bittan market | 20,000-25,000         | 5000                  | 4                               | 500                 | None              |
| 10. No market | 22,000                | 6000                  | 2                               | 200                 | None              |
| Shahpura      | 35,000                | 10,000                | 5                               | 200-500             |                   |
| 6.no          | 40,000                | 12,000                | None                            | None                | None              |
| Link Road     | 30,000                | 8000                  | 7                               | 250                 | None              |

The main registered markets in bhopal are (Table no. 3):

| <b>S.NO</b> | <b>AREAS UNDER BHOPAL MUNICIPAL CORPORATION and BHEL</b> |
|-------------|--|
| 1.          | Gandhi Nagar   |
| 2.          | Azad Market  |
| 3.          | Kotra Sultanabad   |
| 4.          | New Market   |
| 5.          | Bittan Market  |
| 6.          | Bagh Sewania   |
| 7.          | Bhopal Takiz se Dig Bung.                                |
| 8.          | Barkheda   |
| 9.          | Piplani  |

| Table no.4    |   |       |         |       |
|---------------|---|-------|---------|-------|
| AREA          | PRODUCTS  | MALES | FEMALES | TOTAL |
| New Market    | New clothes, ladies accessories. Home decoratives, utensils, fruits, vegetables, bags, eateries | 26    | 17      | 43    |
| Azad Market   | Vegetables, Fruits, Clothes, utensil, dry fruits  | 18    | 10      | 28    |
| Bittan Market | Vegetables, fruits, Decoratives, eateries   | 20    | 7       | 27    |
| 10. no market | Eateries, clothes, books, toys, accessories   | 10    | 6       | 16    |
| Link Road     | Toys, decorative items  | 4     | 1       | 5     |
| Shahpura      | Eateries  | 10    | 3       | 13    |
| Baghsewania   | Clothes, vegetables, fruits, plastics   | 30    | 8       | 38    |
| Chowk         | Vegetables, clothes   | 28    | 12      | 40    |
| 6.no          | Eatries   | 20    | 5       | 25    |



New market(FIGURE 3)



market(FIGURE.4)

Azad





(FIGURE.5)CHOWK

## 5.5 EFFORTS OF THE GOVERNMENT

### 5.5.1) PROVIDING ID CARDS

“After enacting legislation for protection of livelihood of street vendors, Madhya Pradesh government announced to launch a string of schemes such as soft loans, credit cards, maternity benefits and a law to check activities of loan sharks for the welfare of street vendors. Chief Minister Shivraj Singh Chouhan made these announcements ‘We have decided to provide identity cards to all street vendors’ as identity cards would reduce the possibilities of their harassment.”<sup>88</sup>

### 5.5.2 TRAINING TO STREET FOOD VENDORS

“Government of Madhya Pradesh today joined hands with Nestlé India and NASVI to train 1,000 street food vendors in Bhopal and Indore on food quality and security. Project ‘*Serve Safe Food*’ which has already benefitted over 5000 street food vendors across India, will train the vendors on health, hygiene, safe food handling, waste disposal and entrepreneurship.

Commenting on the launch, **Dr. Pallavi Jain Govil, Commissioner of Health and Food Safety, Madhya Pradesh** said, "This initiative between the Madhya Pradesh FDA and Nestlé India is significant as safe food plays a very important role in ensuring the health and well-being of all. It is encouraging that hands-on training will be imparted to street food vendors for safe food in the state."

**Mr. Sanjay Khajuria, Senior Vice President, Corporate Affairs, Nestlé India** further added, "Food quality and safety have been the pillars of Nestlé India and we are committed to be a valuable partner in improving the food safety environment in India. Our objective is to empower the street food vendors by providing the necessary motivation and upgrading their skills to improve their livelihoods under this initiative."

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<sup>88</sup> IST <https://timesofindia.indiatimes.com/city/bhopal/String-of-welfare-schemes-for-street-vendors/articleshow/11609972.cms>

According to **Mr. Arbind Singh, National Coordinator, NASVI**, "The programme will also help in increasing the income of street food vendors by equipping them with the necessary knowledge and skills. At, NASVI we also update the data of trained street food vendors on the 'STREETSATHI APP' which promotes street food vendors and helps them sustain their livelihoods in turn." "While street food vending is an important source of employment for a large population, a variety of constraints including lack of knowledge and skills in business, limited training opportunities, and restricted mobility have prevented street vendors from improving their skills and capabilities."<sup>89</sup>

### 5.5.3 IDENTIFICATION OF HAWKERS ZONE

BMC has around 22,000 registered hawkers in the city and its revenue in some wards is less than Rs 10,000.

BMC draft policy agrees that hawkers obstruct free movement on roads and pavements. Crowded markets and clogged roads are further narrowed by street vendors and their carts. BMC has begun the task of identifying a hawker zone in each of the 85 BMC wards. BMC Budget allocation for new hawkers' corner is Rs 15 lakh for each ward.<sup>90</sup>

Civic officials has already visited Pune<sup>91</sup> last year before replicating hawkers' policy prevalent.

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<sup>89</sup> <https://www.nestle.in/media/pressreleases/government-of-madhya-pradesh-national-association-of-street-vendors-of-india>

<sup>90</sup> IST <https://timesofindia.indiatimes.com/city/bhopal/String-of-welfare-schemes-for-street-vendors/articleshow/11609972.cms>

<sup>91</sup> <http://www.dnaindia.com/pune/report-implementation-of-national-policy-on-urban-street-vendors-pmc-gets-street-smart-on-hawkers-1937919>

## CHAPTER-VI

### CONCLUSION AND SUGGESTION

#### 6.1 CONCLUSION

Street vendors are a key part of the foundation of the informal economy across urban India. Many of the street vendors are low-skilled urban people, those who have migrated from rural areas to urban areas and ones belonging to a low-income class. This self-entrepreneurial free activity of street vending is also instrumental in providing reasonable low-priced products to the urban population and forming an essential part of the overall consumer goods supply chain.

#### 6.2 TESTS FOR HYPOTHESIS

6.2.1) When this first hypothesis was tested by questionnaire the respondents affirmatively that the act was not implemented properly in ground level. The reason behind this the provision of this act is not stringent because of the “may” clauses. For instance, Chapter V provides exhaustive DISPUTE REDRESSAL MECHANISM, when the issue raises the aggrieved vendor under section 20 have to approach the forum. Whereas, in Bhopal this DRM forum not constitutive permanently. Therefore, inferring from this example researcher’s hypothesis is proved

6.2.2) when the researcher second hypothesis was tested from questionnaire method it is revealed section 32 of this act not implemented as this section mandates to provide special education and advance knowledge. Whereas in ground reality these rights are not provided to the street vendors. Therefore the second hypothesis is proved.

From the study it is can be concluded that the Act has not been properly implemented in the Bhopal city. The main reasons for its non implementation are:

- 1) The Corruption is the main cause of non implementation of the Act. Although due enforcing of this act eviction from many places has been reduced but exploitation still continues at some places.

- 2) As many of street vendors are illiterate they are not aware about the laws and policies. Also they are not aware of their rights as in case of any exploitation they can complaint to police authorities.
- 3) Many Governmental rules and schemes related to vendors are still pending as Government has not actively participated in implementing the laws.
- 4) Many of the vendors due to fear of Municipal Authority do not protest as they can have loss in their income or fear of losing their livelihood.
- 5) At many places it has been observed that street vendors lack unity. As there collectively act can reduce exploitation and harassment.

When a majority of the people falling under the purview of the Act cannot gain from the provisions the Act itself becomes in fructuous. From the scenario discussed here, it is clear that key provisions of the Street Vending Act have been inefficiently executed, raising severe concerns for local agency considerations involved in safeguarding the basic fundamental rights of street vendors.

An attempt by agencies of the government and the local executive order to properly implement the Act would go a long way in minimizing the social cost accrued by street vendors and further help to discover, exploit revenue opportunities from it for local municipal authorities.

### 6.3 SUGGESTIONS

The results of this survey show legal, physical and political marginalization of street vending in Bhopal. Many of the street vendors in this survey were working in insecure environments under regular threat of eviction and paying considerable sums for their space. Yet they are given neither right to be not heard nor space in urban management and upgrading plans.

Suggestions are as follows:

- 6.3.1) In the population of 30,000 street vendors only 22,000 vendors are registered. So, it is important that vendors should be registered.

6.3.2) The government should be issue each and every street vendors the identity cards and license for street vending. The ID cards are required in order to reduce the possibility of harassment.

6.3.3) The urban local bodies should identify the particular places for street vendors. Such places will be categorized into three zones –Yellow, Green and Red. In the Green Zone, street vendors would do trade throughout the day while in Yellow Zone trading time will be fixed and in Red Zone, vending will be forbidden after consulting the street vendors.

6.3.4) There is need to strengthen the association of street vendors. In order to distribute information and form a pressure group associations of Street Vendors need to be made. The vendors should take up this activity and the government should encourage formation of such associations.

6.3.5) There is a need to make a dedicated committee within state governments which works to guarantee correct implementation of the Act. This committee needs to carefully check the Police, Municipals in order to ensure that no corruption happens in the course.

6.3.6) The municipal officers or Policemen should report the complaint, reason for eviction, goods evicted, penalty charged with receipt etc. in written form rather than arbitrarily evicting vendors on a complaint that cannot be verified. A copy of the report should be available to the public and vendors.

6.3.7) Facilities should be provided to street vendors by the government and municipalities.

i) SPACE

a) The space should be changed from *6x4 sq. feet* to *8x6 sq. feet*.

b) Vendors have requirement of space for the security of their belongings or personnel or objects, in proportion to their vending area means if the total vending area is *8x6 sq. feet* then they require min. *4x3 sq. feet* or *12sq. ft.* & max. *24 sq.ft.* Allowable.

## ii) WATER

- a) There is need of regular of 10 liters of drinking water for each individual. (UNDP report on water, 2007).
- b) Vendors require minimum 10 liters and maximum 30- 40 liters of water for commercial use purpose i.e. for cleaning of the vegetables, vending area, washing the sheets & pushcart etc.
- c) Need of proper plan for the channelization of waste water through drain system.

## iii) ELECTRICITY:

- a) It is seen through secondary and primary survey that whether the weekly market place should have street lights, high Mast pole light, common light source but the vendors need light source individually that's why in all cases of secondary sources data and selected different weekly market cases vendors have requirement of individual light sources. There is a need of providing light source individually with special tax by authority.
- b) In all seasons the timing of use of light is from 6pm-11pm approx 5 hours.
- c) Presently they pay ten rupee on every market day to generator *wala* . (electrician).

## iv) WASTE MANAGEMENT

Especially in vegetable markets or *mandis* after the market activity it is seen that there is waste spread here and there and when municipality comes to clean around 30% waste escape uncollected. There is need of proper placing of dustbin as from these markets around 70-80% organic waste is produced on each market day. Also in every hawkers zone there is need of dustbin. Need of proper utilization of these wastes as macrobiotic fertilizer rather than dump these at far of 20km BHANPURA dumping site of BMC after consuming 10 liters of fuel.

As per the study there is requirement of change in the distance of the garbage bins with their sizes. It may be of two types :1 each for 10 vendors.

v) TRANSPORTATION: TRAFFIC PROBLEM

- a) Traffic problem is a severe and common issue in all market areas so there is a need to regulate it properly by route designing in all cases.
- b) Through study it is learnt that for 1000 vendors there is a need of minimum 500 PCU (passenger car unit) space required for parking.
- c) There is a need of two zoning for parking one for hawkers or vendors another for the consumers or buyers in proportion of 1:2.
- d) To decrease the problem of inner circulation within the market area there is need of space organization and proper vending activity allocation.
- e) Total movement area should be 30-40% of the total market area.

6.3.8) Weekly market area should have its periphery so that encroachment of non registered vendors can stop easily.

6.3.9) Need of minimum 5 to 10 guards over 2000 persons which includes vendors and buyers and in parking zones.

6.3.10) To diminish the conflicts between the vendors there is need of proper monitoring by authority through these guards.

6.3.11) Better facilities and services should be provided to the vender community.

6.3.12) To decrease the corruption of revenue between ULBs and vendors.



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