

COMMENTS ON THE RAJASTHAN URBAN STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) BILL, 2010

Urban Development Ministry, Government of Rajasthan has drafted the *The Rajasthan Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2010*. It is important to note that the Honb'le Supreme Court in the recent judgement of *Gainda Ram and others v/s M.C.D. and others* had given the judgement to legislate an Act to protect and regulate Street vendors by 30 June 2011. The judgement refers to the National Policy and Bill of 2009 drafted by the Ministry of Housing & Urban Poverty Alleviation, Government of India.

Unfortunately, the Bill as drafted by Urban Development Ministry, Government of Rajasthan lacks a lot of the substance of the National Policy of 2004 and also of revised National policy of 2009. Few very important points that would protect the livelihood of the street vendors have been dropped in the State Bill and will resulted in a big blow to street vendors.

In particular, the following points which are substantial points in the National Policy must be included in the Bill:

- 1. 2% of city space to be kept for street vendors:** National Commission on Enterprises in Unorganised Sector and the National Policy 2009 recognizes that street vendors constitute 2% of urban population and earlier Supreme Court judgement has taken this as a basis for allocating space. Hence, there must be provision of 2% land for street vending activities in the State Bill.
- 2. Preservation of Natural Markets when drafting the schemes for street vendors:** The National Policy says "*A Natural Market means a market where sellers and buyers have traditionally congregated....*" Unfortunately the State Bill fails to take into account the natural propensity of markets. Present natural markets have taken years, decades and centuries to come into existence. The reason of natural markets to come into existence is the demand and supply factors. For example we find vendors selling items used in worship near a temple, selling vegetable, fruits etc near residential area, selling food and lunch near offices. The vendors vend there because there is a need for their goods and services at that particular place. Removal or relocation of them means much lower income for vendors, disturbance for consumers and economic rythms and chaos in the city. Any provision suppressing this demand and supply is against the principle of economics and is bound to misfire or not implemented efficiently. Natural market takes years to come into existence and is based on the demands and supply of the goods and it takes just minutes to get destroyed but it has lasting effects on the vendors who lose everything in the consequence.

3. **Accommodation of existing vendors and provision for new entrants:** The State Bill should provide schemes to accommodate all existing street vendors so that there are no evictions and loss of livelihood of existing vendors. At the same time as the city population increases, consumers will also increase as well as the need for providing more service. The National Policy makes provisions for this but the State Bill doesn't. The objective of the Act should be to provide suitable vending space and accommodate all the vendors who are currently engaged in the vending business and to make provisions for the new entrants as well with increase in the population.
4. **Confiscation of the goods:** Unfortunately it has become very common for ULBs to confiscate the goods and equipment of vendors without any proper procedure for return. At these times the vendors lose all their capital and are reduced to destitution. According to National Policy confiscation should be only the last resort. As far as possible confiscation of goods should be avoided. In case it is necessary, natural justice demands that the street vendor receives a receipt or *panchnama* for the goods and the Act lays down the procedure for recovery of goods.
5. **Space concern and holding capacity:** Section 9 (j) and (k) of State Bill is regarding quantitative norms for different categories of stationary and mobile stalls in the vending zones; and assessment and determination of maximum holding capacity of each vending zone. Implementation of this section can be very critical as the determining the holding capacity and management of the space can be very different from place to place. It should have the provision to use technology and modern methods being used in cities to maximise use of the space. Multi story markets can be created to increase the holding capacity of the space.
6. **Demarcation of vending zone:** Section 9(l) of the State Bill is regarding identification and declaration of vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones in the manner specified. It has been observed that the ULBs identify the entire city as Non vending zone and only a few places as vending zones which is against the spirit of the National Policy. Only a few areas of very high security such as civil lines, residential area of ministers etc should be considered as non vending zone, rest all parts of city should be kept as vending zones. However, some restriction can be imposed in vending zones as well if necessary and be converted into restricted vending zone. Determination of an area as non vending zone should be the last choice as the street vendors add to the convenience of the common people.
7. **Publication of annual progress:** Section 10 of the State Bill makes provision to prepare and publish only annual accounts by Town Vending Committee. However, to bring the best practices into light and track the progress on the provision of the State Bill it is imperative to also prepare and publish annual narrative progress report along with accounts.