

## **Brief of National Policy on Urban Street Vendors, 2009**

### **Introduction:**

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

--Supreme Court, Sodan Singh & Others versus New Delhi Municipal Council, 1989

Street vendors are often those who are unable to get regular jobs in the remunerative formal sector on account of their low level of education and skills. However, they contribute significantly in the budget of every household specifically middle class family by providing 'affordable' as well as 'convenient' services by their self generated means of employment by vending or hawking. Women constitute a large segment of these street vendors in almost every city. It has been seen that public authorities often regard street vendors as a nuisance and as encroachers of sidewalks and pavements and do not appreciate the valuable services that street vendors render to the common man. Street vendors constitute an integral and legitimate part of the urban retail trade and distribution system for daily necessities of the general public. Central government introduced a **National Policy on Urban Street Vendors 2004** for the first time and this year it has once again come up with **National Policy on Urban Street Vendors 2009** recognizing the positive role of street vendors in providing essential commodities to people at affordable prices and at convenient places.

### **Highlights of the policy:**

1. Aims to reflect on the right of citizens to equal protection before the law, right to practice any profession, occupation, trade or business.
2. A centre piece of this Policy is the role of Town Vending Committee to be constituted at City/Town level consisting of the Municipal Commissioner/ Chief Executive Officer of the urban local body as Chairperson and such number of members as may be prescribed by the appropriate Government, representing firstly, local authority; planning authority and police and such other interests as it deems proper; secondly, associations of street vendors; thirdly, resident welfare associations and Community Based Organizations (CBOs); and fourthly; other civil society organizations such as NGOs, representatives of professional groups, representatives of trade and commerce, representatives of scheduled banks and eminent citizens.
3. No cut off date or limit imposed on the number of vendors who should be permitted to vend in any city/town, subject to registration of such vendors and regulation through the TVC.
4. Provision for Photo Census, Registration, New Entrants, Identity Cards of Vendors and charging for Registration Fee, collecting revenues etc.
5. 'On the spot' temporary registration process on renewable basis, in order to allow the street vendors to immediately start their earnings as the registration process and issue of I-card etc. may take time.
6. Promote week-end markets in public maidans, parade grounds or areas meant for religious festivals as well as night markets after the closing of regular markets at busy centers of the city.
7. All City/Town Master Plans make specific provisions for creating new vending markets.
8. Aims to develop a legal framework through a model law on street vending.
9. Emphasizes on Legal Status, Civic Facilities, Transparent Regulation, Organizations of Vendors, Participative Processes, and Self-Regulation.
10. Spatial planning should take into account the natural propensity of street vendors.

11. Municipal Authorities should allocate sufficient space for temporary Vendors' Markets whose use at other times may be different.
12. Municipal Authorities need to provide basic civic facilities in Vending Zones / Vendors' Markets.
13. Advocates collective arrangements by the street vendors to redress any harmful effects on the locality caused by the occupation of street vending.
14. In case of relocation, adequate compensation or reservation in allotment of new vending site should be provided to the registered vendors.
15. Confiscation of goods as a last resort rather than routine and entitlement to get their goods back within a reasonable time on payment of prescribed fee.
16. Emphasizes on Public Health & Hygiene, Health of Street Vendors, Education & Skills Training, Credit & Insurance, Social Security, Allotment of Space/Stationary Stalls, Rehabilitation of Child Vendors, and Promoting Vendors' Organizations.
17. As soon as this Policy comes into force, but not later than one year from the announcement, each Municipal Authority shall constitute a Town Vending Committee and the latter will prepare an action plan for the implementation of the National Policy on Street Vendors at the local level.
18. State Government / Municipal Authority to build up a robust data base and information system pertaining to street vendors.
19. TVC responsible for monitoring the implementation of this Policy at the city/town/ward/locality levels as well as for dispute redressal at local levels.
20. A TVC should have access to a proportion of revenue generated from registration fees and monthly fees to run its operations but should in addition receive a minimum grant from the Municipal Authority.

#### Points to discuss and debate:

1. Reservation of space for street vendors in accordance with their current population, projected growth of street vendors, based on the rate of growth in the **previous five years** and the average number of customers that generally visit informal markets in vending zones.
2. **Every land use has a carrying capacity**, ceiling or threshold limit for the users and the same is true of the number of vendors operating in a clearly demarcated area.
3. Government of India may **develop a model law** to facilitate and regulate street vending in cities and towns.
4. Central Government shall **assist professional institutions** and organizations which come forward to study the problems of street vendors and **offer realistic solutions** to address such problems.
5. All vendors in each city/town should be registered at a nominal fee to be decided by the **Municipal Authority** concerned.
6. A person will be entitled to receive a registration document for only **one vending spot for him/her (and family)**. He/she will not have the right to either **rent or lease out or sell that spot** to another person.
7. Vendor markets/outlets should be developed in which space could be made available to hawkers/vendors on **a time-sharing model on the basis of a roster**.
8. The land, premises, trains owned by **Indian Railways**, its subsidiaries including Public Sector Undertakings, Corporations or other undertakings where Indian Railways holds share, are **exempted** from the ambit of this Policy.
9. Stationary vendors should be allowed on license basis and due enquiry in this regard, initially for a period of **10 years** with the provision that only **one extension** of ten years shall be provided thereafter.
10. This Policy suggests that the **representatives of street vendors' associations** may constitute **forty per cent** of the number of the members of the TVC and the other **three categories** may be represented in equal proportion of **twenty per cent each**.