

Street Vendors

Introduction

The concept of informal markets and streets vendors is centuries old in India. 'Street Vendor' is defined as 'a person who offers goods and services for sale to public without having a permanent built-up structure' [The National Policy on Urban Street Vendors 2009]. The concept of vendors can be further expanded to include hawkers, mobile vendors and squatters. More than 90% of the workforce in our country is involved in the informal sector which contributes about 63% to the country's GDP. As per Mukut Sharma, Program manager NASVI, out of 2, 50,000 vendors only 18,000 have legal licenses.

According to article 19(1) g of the Constitution the right to carry out trade or business on street pavements, if properly regulated cannot be denied on the grounds that streets are meant for passing and re-passing and no other use. Articles 39(a) and (b) further mention that the State shall direct its policy so that-

- (a) *The citizens, men and women equally, have the right to an adequate means of livelihood.*
- (b) *The ownership and control of the material resources of the community are so distributed as best to sub serve the common good.*

The Supreme court ruling in *Sodan Singh and others versus New Delhi Municipal Corporation* states that ,“if properly regulated according to the exigency of circumstances, the small traders on the sidewalk can considerable 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 affluent, while hurrying towards his home after everyday's work, can pick up these articles without going out of the way to find a regular market.”

The essential services provided by these street vendors cannot be ignored. They act as very efficient and effective distribution channel between the producers and the consumers, delivering wares to one's doorstep at prices much lower than those in regular markets. Their presence ensures a larger variety to choose from at competitive prices and signifies greater convenience for the common man. It has also been argued, that by taking up space on roads and lanes that would otherwise have remained empty, vendors indirectly help lowering criminal activities.

Their role as micro-entrepreneurs in helping the government combat poverty and unemployment cannot be denied.

In spite of all this, street vendors are made to go through constant humiliation and harassment. Earlier research has reported that vendors have to pay bribes to police and municipality officials as well as *goondah* as 'protection money' to save their goods from getting confiscated in raids. But coughing up large amounts too does not guarantee their safety. It has been estimated that in Delhi alone, Rs 40 crore worth of revenue is lost in these bribes. The harassment is another reason why women do not take up street vending as a profession, for many of whom it remains to be the only sustainable income option. On the pretext of beautification of Delhi for the upcoming Commonwealth games, these vendors are being robbed from their source of livelihood. On May 25th 2010, 150 street vendors were evicted from Uttam Nagar. Reports suggest that once denied their means of earning, many of these vendors take to thefts and crime.

Existing Policies

The primary policy recommendations in this regard come from the National Policy on Urban Street Vendors which first came into existence in 2004 with changes being made to it in 2006 and 2009. The policy aims to recognize the rights of the street vendors and is a major step towards urban poverty alleviation. The Model Street Vendors (Protection of Livelihood and regulation of street vending) Act 2009 is another initiative by the Ministry of Poverty alleviation to ensure the livelihood of street vendors while at the same time ensuring proper monitoring of their activities.

It is proposed that the authorities identify prospective areas that can be feasibly converted into vending sites. It also calls for categorizing all areas on the following basis:

- Restricted free vending
- Restricted vending
- No vending zones

The policy also calls for no set limit on the number of vendors allowed to trade but it suggests fixing time slots to allow maximum number of vendors to be accommodated in a given space.

Some of the salient features are as briefly described:

Town Vending Committees

A lot of emphasis has been laid down on the formation of committees that handle issues pertaining to street vendors locally. The acts call for formation of town vending committees (TVC) which would largely include representatives of street vendors along with members from RWA's, Market Associations, Trader's Associations, police and municipal and planning authorities.

These committees are to look into the allocation and management of spaces, the monitoring of the street vendors and address any grievances and complaints.

Registration Process for the street vendors

The registration of the street vendors is to be carried out by the town vending committees. The vendors will be issued Identity Cards containing the following details:

- Photographs of the husband and wife
- Name of any one nominee from the family
- Names of other members in the family (may be used for health or other social security programme)
- Nature of business
- Children below 14 years would not be allowed in the card for conduct of business.

Duties of local authority

- Overall supervision of scheme of vendors
- Monitoring functioning of Town Vending Committees
- Granting renewal, suspension or cancellation of licenses
- Providing civil amenities like water, electricity, storage, toilets in consultation with TVC
- Photo census of the street vendors in collaboration with the TVC
- Working out the manner of collecting fees
- Maintaining and updating the database on street vendors

Duties of planning authority

- Determining spatial planning norms
- Earmark vending zones in accordance with the master plan
- Demarcate vending zones

Critique to the act

It is argued that due to various clauses in the National Policy for Urban Street Vendors, the policy fails to protect the rights and livelihood of the urban street vendors making them more vulnerable to harassment.

According to a perspective provided by Madhu Kishwar from Manushi, there exist various flaws in the manner the government has come up with the policy.

- The MCD has fixed a limit on the number of street vendors to 300,000. Considering that this number grows as the pressure of population of Delhi grows, the MCD does not define a clear method of identifying, selecting and eliminating the excess street vendors. The MCD and NDMC in the last 30 years have issued only 3000 *tehbazaris* as compared to nearly 100,000 who applied in 1993 under the Gaiinda Ram Scheme. A procedure on how the genuine vendors will be identified from the many '*benami*' applications is also not defined.
- There is a huge gap between the number of vendors being issued licenses and the total space that has been allocated for them. While the MCD will issue 300,000 licenses, the total space earmarked can only accommodate 30,000 street vendors.
- The policy requires that vending zones should be created in close proximity to already existing natural markets which is not the case with the earmarked hawking zones.
- The National Policy identifies street food as essential and a necessity for the poor and sections of middle class. But the MCD has taken permission to get the Supreme Court to ban street food. The ban will not result in abolishment of street food but will lead to an increase in the corruption and bribery.
- A provision for controlling the timings of street vending is also in place which would lead to more harassment for vendors.
- In issuing licenses to the street vendors, it has been decided to give preference to vendors who have been in the profession for a considerable period of time. As a proof of eligibility, the vendors will have to furnish details of fines and *challans*. Earlier evidence, from the time of the Gaiinda Ram Scheme, cites that fake copies of *challans* can be

procured by paying very heavy bribes making the system of weeding out the genuine from the *benami* very faulty.

- An income ceiling of Rs 45,000 per annum has been put into place, above which a person will not be permitted to indulge in street vending. Considering the abject poverty many of these vendors are subjected to and the mouths they have to feed while taking into account the pressures of living in an urban area, a revision of this cap is required.

Proposed Model Street Vending Site

With the aim of transforming Delhi into a world class city while at the same timing maintaining its distinct culture and ensure livelihood for the street vendors, the MCD is coming up with a street vending site in INA market which is to act as a model for any further projects. As a pilot project, the INA vendor site will accommodate roughly 173 street vendors, The INA site is being constructed, operated and managed through a joint public-private partnership basis. The bidders have to form a consortium and take up all jobs as per the tender released by the MCD. An example of one such consortium that has filed a bid will better illustrate the nature of the consortium:

- NASVI (National Association of Street Vendors of India): will coordinate all the member of the consortium and will facilitate the whole project. NASVI having collaboration with designers and suppliers of Kiosk will also provide the vendors the kiosk. NASVI has also worked in the Bhubhaneshwara relocation project and will apply their expertise in the INA project
- DDSSS (Darbhanga District Sulabh Shauchalaya Sansthan): DDSSS is a non-profit voluntary social organization having expertise in making world class toilet. DDSSS will construct the proposed toilet at INA on design, built, own, operate, maintain and transfer basis.
- Maharishi Solar Technology (P) Limited: Will install solar panels as per MCD approved design
- NIDAN: Nidan's micro finance program will help vendors to provide easy loan in order to procure the Kiosk.
- Akshey Events: It will take up civil construction assignments.
- Anagram Architect as External Consultant: will work as an external consultant of NASVI and Akshey Events for providing the design of the kiosk and the civil work involved. The proposed design of the market and the Kiosk has already been incorporated in the Technical Proposal.

Private Members

- Civil work- laying paver blocks, footpaths
- Public Amenities- Eco Toilets, Storage Rooms, Water, Dustbins, Information Boards and Billboards
- Manufacturing *tehbazari* kiosks as per designs approved by MCD

The Eco- Toilets are to be taken up by private firms on a DBOOM (Design, Build, Own, Operate, Maintain, and Transfer) basis whereby the firm earns from charges for using the toilet and any advertisement on its premise.

The construction of footpath, laying of paver blocks, solar stations, Installation of CCTV, construction of locker rooms, billboards are on an Item Rate basis.

Vendors

Carts and kiosks are self-financed and the vendor has to take full responsibility and adhere to the standards as per MCD norms.

Authorities

MCD takes responsibility of the civil work such as sanitation and water supply. It also earns from any advertisement on the kiosks or anywhere within the site.

Bhubhaneshwara

Bhubhaneshwara has come with a model vendors market, a project for which the B.M.C has been awarded. It successfully achieves the dual purpose of ensuring livelihood for the street vendors while at the same time ensuring beautification of the city. They have now gone a step ahead in providing the vendors with various social benefit schemes and plans to bring about a radical change in their lives.

A systematic procedure was followed in setting up these vendor zones:

- A survey to identify determine the number of vendors conducted by civic body along with street vendors association
- B.M.C. identifies then earmarks a zone for relocating the vendors in consultation with planning and police.
- B.M.C. informs hawkers to move to earmarked locations and clears all encroachments

- Vendors are permitted to construct temporary sheds from recycled bamboos. The functioning is observed for a period of 6 months after which, if successful, allowed converting to iron sheets. This is financed by advertisement agencies which used the space for its commercial activities.
- The vendors who are allocated space are provided with photo ID cards for proper identification.

There are 53 such zones established all over Bhubhaneshwara some catering to specific requirements such as flowers and non-vegetarian food. The advantages of this project have been manifold:

- Organized informal hawkers into vending zones providing them identity and stability
- Public land is now free from encroachment and can be put to other use
- With the inclusion of private sector B.M.C. can now earn extra revenue with no initial investment
- Since the locations are convenient and in close proximity to housing complexes, it reduces the use of vehicles
- Successfully managed to secure the livelihood of vendors while achieving beautification and saving precious energy