



CENTRE FOR CIVIL SOCIETY

MANUAL

2013

Street Vendor Bill Implementation Manual

SUBMITTED TO:
Sir Dorabji Tata Trust

Submitted by:

Centre for Civil Society

Address: A-69, HauzKhas, New Delhi 110016, India

Tel: +91 (0) 11 2653 7456, 2652 1882

Fax: +91 (0) 11 2651 2347

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ABOUT CENTRE FOR CIVIL SOCIETY

Launched on 15 August 1997, Centre for Civil Society (CCS) is an independent, non-profit research and educational think tank based in Delhi committed to increasing opportunity, prosperity, and quality of life for every Indian by reinvigorating civil society and readjusting political society. Our mission is to promote social change through public policy by being a resource for innovative community and market based ideas for critical policy issues particularly in the areas of education, livelihoods, and governance. Our unique focus on public policy and longer-term solutions makes our research outputs crucial feeders into policy making and opinion formulation.



We try to change people's ideas, opinions, and mindsets through research, seminars, and publications. The issues that CCS is moving to the front burner of public discussion includedelicensing of street entrepreneurs, educational choice, good governance through duty to publish and ward level management, community stewardship and property rights approach to the environment. CCS conducts educational programs for various target audiences including the youth, opinion makers, and policy makers to provide a systematic understanding of liberal ideas. CCS also conducts its own research and advocates non-state policy solutions in the areas of livelihood, governance, education, environment, globalisation, and rule of law.

I. INTRODUCTION

Centre for Civil Society has been working on the issue of livelihood freedom since its incorporation. The earliest efforts by the Centre revolved around raising awareness on legal barriers that prevented the urban poor from earning an honest livelihood. The Centre's Jeevika Campaign built momentum in two states, Rajasthan and Bihar, towards passing legislation that was inclusive and participatory in approach towards the issues of street vending and urban space management. The Rajasthan Government passed the Street vendor Bill in 2011, and has since been working on implementing the Act on the ground. Alongside the Centre has also drafted a National level Bill on the issue to help propose a uniform approach across the country on the issues of street vending.

As we wait for the passage of the Central Legislation, Centre for Civil Society has drafted a Model Implementation Plan to help identify key tasks, responsibilities and timelines for implementation. This will help municipal authorities in charge of implementing the plans with ability to deploy rapidly and ensure a smooth transition to the new system.

This manual attempts to highlight some of the key steps involved in implementing these bills, and safeguarding the interests of street vendors while ensuring that challenges of urban management are also met. The manual focuses on the National Bill since it will be the overarching framework on the issue, and is the most broad based compared to all state legislations.

This manual presents an overview of the legislations and some challenges, key steps in implementing the legislations, process maps, and indicative timelines to enable us make room in crowded urban conditions for a thriving street economy.

II. OVERVIEW OF STREET VENDOR LEGISLATIONS

More than 90% of the workforce in our country is involved in the informal sector, which contributes about 63% to the country's Gross Domestic Product. According to the Ministry of Housing and Urban Poverty Alleviation, there are 10 million street vendors in India, roughly 2% of urban population. As per the National Association of Street Vendors of India (NASVI), of these vendors only a small fraction (about 4%) have legal licenses which allow them, by the state, to work as self-employed individuals in the labour force.

Caps on licenses and the attitude of 'street vendors as a nuisance' in most cities results in 'illegal' hawking and vending, rise of harassment, bribery and extortion by police and local authorities under threat of fines, evictions, confiscation of goods and even imprisonment.

In past few years, the informal sector movement has gained significant strength leading to a few legislative motions and policy directives from the government at the central and State level. Since urban planning is a state subject, and the orderly maintenance of cities is left to municipal and local bodies, central legislation on street vending has remained contentious. The Supreme Court Judgment of 1989, a National Street Vendor Policy in 2004, Policy & Model Act in 2009, interim State legislations and Supreme Court Judgment in 2011 all laid emphasis on the need for a concerted approach to street vending in urban development and planning and exhorted states to approach the issue afresh. A few states have pioneered the drafting and passage of street vending laws, including Rajasthan, Odisha, Bihar, and Gujarat, but progress has been very slow.

In 2012, the Central government drafted a national Street Vendor Bill to ensure a uniform approach to street vending across the country, and ensure implementation in all urban centres. The Bill currently

awaits passage in Parliament. The implementation of the street vending laws passed by states has also been put on hold, awaiting the passage of the Central bill to give them guidance on how to proceed.

A. Current status of Street Vendors Act, Rajasthan, and National Street Vendor Bill

1) RAJASTHAN STREET VENDOR BILL (2011)

The Urban Street Vendor Bill 2011 (Nagar Path VikretaAdhiniyam) passed on 29 August 2011 is based on the Model Urban Street Vendor Bill prepared by MHUPA in 2009. The bill replaces the existing Rajasthan Street Vendor Policy, 'PheriwaloKaSansar' of 2007. PheriwaloKaSansar was an adaptation of the National Policy for Urban Street Vendors in 2007 by Rajasthan. Despite the efforts by various proactive street vendor organisations, the policy has failed to reach ground-level implementation, making it ineffective and unknown to its immediate beneficiaries.

Our discussions with the Jaipur Municipal Corporation as well as Ministry of Urban Development in Rajasthan have highlighted that while some movement has been made including recommendations on the constitution of a Town Vending Committee for Jaipur, the process has been halted awaiting the Centre's decision on the National Bill to avoid duplication, and repetition of efforts.

2) NATIONAL STREET VENDOR BILL (2012)

The bill aimed at providing social security and livelihood rights to street vendors, has its origins in the 'The Street Vendors Policy' introduced in 2004, which was later revised as 'National Policy on Urban Street Vendors, 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. Eventually in 2010, the Supreme Court of India, which has recognized street vending as a source of livelihood, directed the ministry to work out on a central legislation,[2] and a draft of same was unveiled to the public on November 11, 2011. The key point of the draft bill were, protection of 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.

The bill was drafted with the help of the National Advisory Council, and approved by the Union Cabinet in August 2012. It was introduced in the Lok Sabha in September 2012 by the Union Minister of Housing and Urban Poverty Alleviation. The Bill was sent to a Standing Committee of Parliament, which has released its report and recommendations. The Bill is now pending deliberation and passage in both houses of Parliament.

The key departure from previous approaches on the street vendor issue, is replacing licensing with registration. The National Bill proposes that anyone over 14 years can register as a street vendor with their respective "Town Vending Committee "(TVC) upon payment of a one-time fee. They would be issued an identification card, and this would allow them to operate in "specified vending zones".

Some of the key recommendations of the Standing Committee on the Bill include:

- Need to specify key parameters at the Central level rather than allowing for states to decide (eg., requirements for registration, period for renewal of vendor licenses);
- Need to preserve design of natural markets when vending zones are demarcated;
- Increasing the notice period given for relocation of vendors from 7 to 30 days to ensure no unfair surprise;

- Allowing for dispute resolution at a higher level than Town Vending Committees to ensure unbiased hearing;
- Setting a timeline of 6 months for implementation at the State level from the passage of the Bill
- Ensuring that TVCs are consulted by Urban Local Bodies in all key decisions with regard to vending markets, demarcation of areas, rules on confiscation and fines etc;
- Specifying the tenure of TVCs as 5 yrs.

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2013, which was reworked after recommendations of the standing committee, aims to take away arbitrary powers of civic authorities and police and vests the power to frame rules and regulate street vending in the hands of a Town Vending Committee (TVC), which would have majority of members from among street vendors. TVCs would have 50% representatives from government, including police, local administration and officers from health division, while the remaining 40% comprise representation from street vendor associations and 10% of the elected representatives of vendor organizations.¹

Civil Society institutions like CCS, NASVI and SeWa have made some additional recommendations for the consideration of Parliament in passing the Bill, including exempting Street Entrepreneurs from Section 283 and 431 of Indian Penal Code and Section 34 of the Police Act to protect them from undue extortion and property.

The Bill is expected to pass during the Monsoon session of Parliament, leaving a timeline of end of financial year 2013 (i.e 31 March 2014) for the implementation of the Bill at the state level.

Both the Rajasthan Act and the National Bill are landmark legislations, since they have moved closer to the ideal of promoting economic freedom for the poorest, recognizing the immense contribution that street vendors make to the health of urban communities including service provision for the middle class urban population. Both laws also have incorporated a clear participatory decision making approach in the constitution of Town and Ward Vending Committees that ultimately will be responsible for managing the every day working of the law. Including government stakeholders as well as representatives of key affected communities such as street vendors themselves and the residential population of the area will ensure that all voices are heard, and the responsibility of creating accessible, safe and sanitary spaces are shared by all. This also will ensure that street vendors are no longer seen as a nuisance, but as shareholders in the urban community.

B. Challenges in Implementing Street Vendor Legislations

The implementation of the bill is not likely to be smooth. The legacy of the license raj has created immense vested interest in perpetuating the old system of extortion and harassment, and there is likely to be opposition and disinterest in implementing the Bill in true spirit.

Some of the key implementation challenges include:

1. **Managing multiple objectives in urban planning:** including traffic and safety, pedestrian rights, sanitation and infrastructure management, and of course economic freedom of street vendors. Ensuring that representatives on the implementation teams draw from all stakeholders, and that decisions are taken transparently by consensus or voting, not through coercion, will help meet these multiple objectives. In addition, adding transparency requirements such as publication of minutes of meetings, social and financial audits and adequate grievance redressal systems will also help in meeting these objectives.

¹<http://terraurban.wordpress.com/2013/05/15/urban-street-vendor-bill-possibilities-and-lacunae/>

2. **Ensuring fidelity to the spirit of the legislation:** The Memorandum regarding Delegated Legislation attached to the Bill empowers the state government and municipal authorities to frame a scheme and byelaws as needed following the law. At the State level, the government will need to set up very clear processes to prevent subordinate rules from violating the spirit of the Bill which is promoting economic freedom and regulating the use of urban space. Principles based rule making will need to be emphasized in the Scheme for Street Vendors to be notified by the respective state governments, and in the guidelines drafted by the nodal authority, laying clear grounds for violations to be disputed under grievance redressal, or the Public Services Guarantee Acts.
3. **Stacked nature of tasks and activities and paucity of human resources:** The Bill sets a timeline of 6 months, which is a very short period for ensuring the set up and roll out of the Bill. The preparation for the Bill will involve extensive surveying and data gathering, followed by capacity building and training, in addition of course to the formation of implementation teams. In order for this to happen, the state nodal office will need to draft an efficient and effective work plan, and allow for the hiring of external agencies to carry out specific tasks outlined in the Bill. Since several tasks need to take place simultaneously, and human resources at the government level are stretched, street vendor associations and national bodies such as NASVI should be roped in as advisors and implementing partners.
4. **Facilitating mindset change, public education and capacity building:** Given that there are multiple stakeholders who are responsible for various parts of the Bill, state governments will also need to ensure that there is sufficient capacity building, through sensitization workshops, information and awareness building campaigns, and rights awareness among street vendors to ensure that the Act does not remain in letter alone. In addition, joint working groups comprising trainers from government, street vendor associations and resident welfare committees can enable cross-communication and ensure that the sensitization process is well rounded.

The Street Vendor Project—part of the Urban Justice Centre, a non-profit organization that provides legal representation and advocacy to marginalized groups in New York—has outlined 3 key goals for inclusive urban space management. For successful implementation of the Street vendor Bill in India, these goals also hold: Ensure equitable access to public space for street vending, Promote economic activity and employment opportunities through street vending, and Use street vending as a tool to advance related citywide planning goals². These should be the goals guiding the implementation teams at the Central, State and local levels.

III. IMPLEMENTATION OF STREET VENDOR BILL: STAKEHOLDERS, PROCESS MAP, ROLES & RESPONSIBILITIES, TASKS AND ACTIVITIES

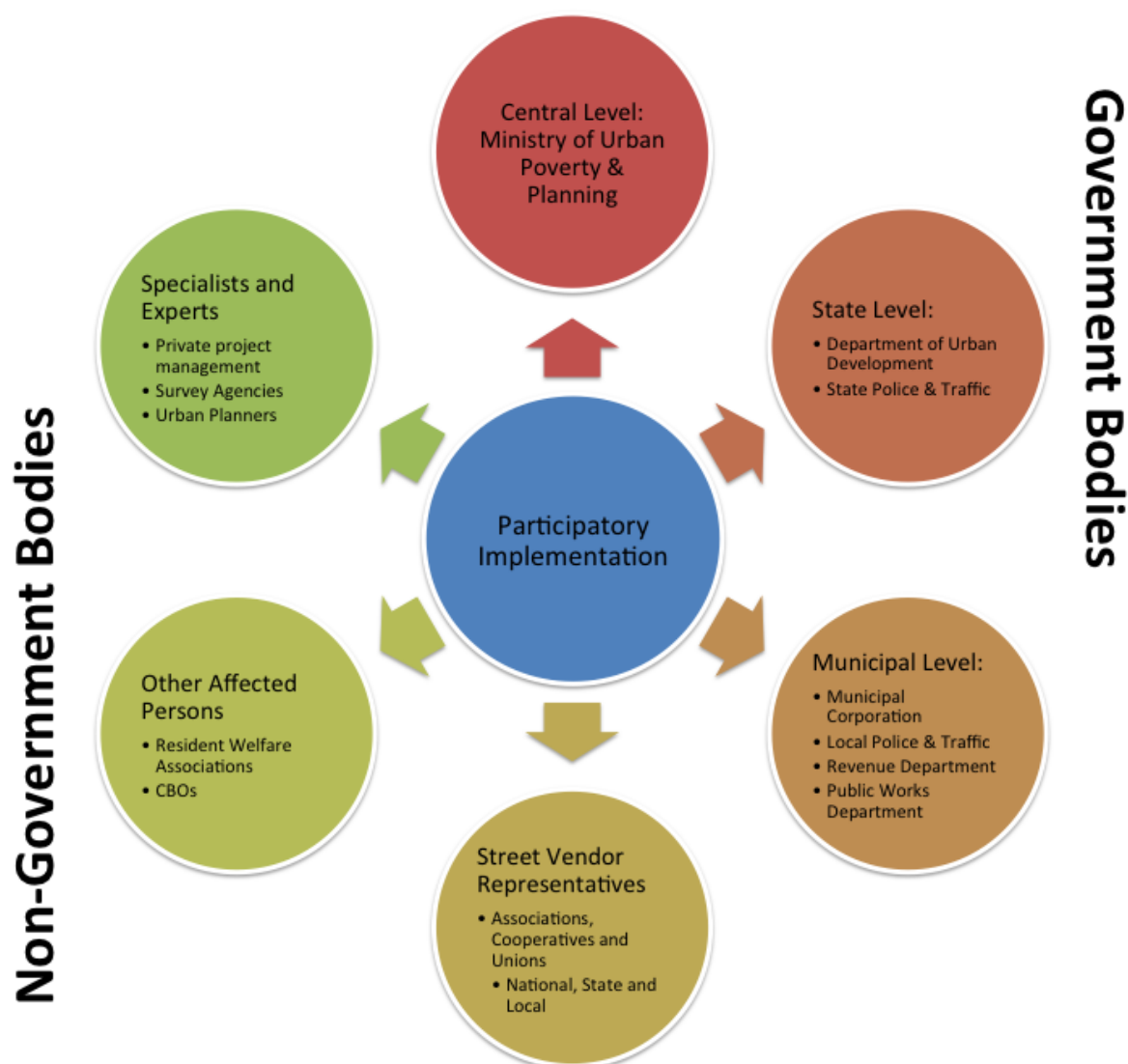
A. Stakeholder analysis

Since the National Bill attempts to set a common operating procedure with regard to street vendors in the area of urban governance, traditionally a state subject, several stakeholders are added to the already complex implementation framework of street vendor legislation. Historically, street vendor laws have been implemented by several discrete agencies manning different aspects of vending laws, from law and order, to license issuance, to sanitation and hygiene.

Under the National Bill, and the Rajasthan Bill a framework to tie all these stakeholders together has been drafted. Both Bills have included traditional government stakeholders, added nodal responsibilities to a single body, invited non-government bodies such as vendor associations to the table, and put the onus on apex municipal bodies to ensure implementation on the ground.

²<http://streetvendor.org/about/>

The map of key agencies and bodies responsible for the implementation of the Bill is shown below.



B. Areas of Work, Tasks, Activities & Timelines

Both the Central Bill and the Rajasthan State Bill can be broken down into 4 key areas of work: setting the framework and principles to chart the course of implementation at the central level; drafting guidelines and subordinate regulations and setting up workplans and execution teams at the state level; municipal level execution; and ongoing monitoring regulation. For the purpose of the Central Bill, we recommend that a Central Empowered Committee be the key responsible agency reporting to Minister of State and under him/her the Joint Secretary for Urban Poverty Alleviation.

1) Central Level Preparation and Guidance

Immediately after the Bill is passed, MHUPA should establish a Central Empowered Committee for Street Vending (CEC-SV) along the lines of to help State Governments, Union Territories and Local Authorities ensure effective implementation of the 'National Urban Street Vendors Policy. The CEC-SV should be the primary agency responsible for ensuring nation-wide implementation of the Street Vendor Bill, liaising

with state governments, empanelling non-government organisations and experts, and facilitating capacity building and knowledge sharing across states.

The CEC should be set up as an independent body, which reports to the Minister of State for Housing and Urban Poverty Alleviation on the progress and issues that arise in the implementation of the Bill. The CEC-SV should comprise of the Joint Secretary-UPA, Members of Parliament, senior leadership from National street vendor bodies & NGOs such as NASVI and Sewa, leading urban planners, a PPP expert, and other civil society representatives who are involved in urban space management or livelihoods. The CEC-SV should be a small, cohesive group of no more than 15 members. The CEC-SV should be formed within 2 weeks of the passing of the Bill. In preparation for the passing of the Bill, the current JS-UPA should propose a list of possible names to the Minister before the passing of the Bill.

The CEC-SV should undertake the following tasks:

1. As its first order of business, the CEC should issue a Gazette Order to implement the Street Vendor Bill. The Gazette Order should provide directions to all the concerned departments for effective implementation of the policy within the identified time frame of 6 months from the passing of the Bill. The Gazette Order should be issued within 1 week of the constitution of the CEC-SV.
 - a) The CEC-SV should in keeping with the spirit of the Bill establish overarching principles that form the basis for subordinate regulation and ground level implementation. It should circulate these principles to the state urban development departments across the country along with the Gazette Order. The key principles that the CEC-SV should recommend include:
 - i) **Participatory Urban Planning:** Ensuring that representatives of key stakeholders, primarily street vendor representatives are incorporated in the state level working group, and that their inclusion in the Town Vending Committees is a serious exercise in community management of the Bill.
 - ii) **Natural markets:** Encouraging natural markets where they exist, and building these into the urban plans and street vending plans for the city.
 - iii) **Inclusion not prohibition:** Ensuring that the livelihood rights of street vendors are a key consideration in urban space management, and that state governments draft subordinate regulations that do not discourage street vending but promote well-regulated street enterprise.
 - iv) **Harmony of multiple rights and expectations:** Ensuring that street vending is not approached as a conflict to orderly urban spaces, but as an opportunity to create vibrant city life.
 - b) The CEC-SV should issue guidelines on how credible NGOs and institutions experienced in addressing issues of street vending can be engaged in effective implementation of the Bill, and encouraging states to empanel them in advisory capacities.
2. The CEC-SV should organize a 3 day National Meeting of State Urban Authorities, Tier I, Tier II and Tier III cities Municipal and Planning authorities at the Lal Bahadur Shastri Academy in Mussoorie to kick start the implementation of the Bill. The Meeting should be organized within 6 weeks of the passage of the Bill. The Meeting should consist of:
 - Working group sessions to draft state work plans;
 - Group sessions based on contentious issues;
 - Regional sub-groups to facilitate interaction and sharing; and
 - Presentation and training by governments, civil society representatives, and urban planning representatives that showcase some of the best practices in urban livelihood and space management such as Odisha, Gujarat, SEWA, NASVI, IDFC etc.
3. The CEC-SV should also organize a 6-month update meeting and an annual meeting of State Working Groups from the passage of Bill to report on status and progress on the Bill. The annual meetings should recognize outstanding achievements and award excellence including monetary rewards for efficient/effective implementation.

4. The CEC-SV should facilitate State Governments and Union Territories in addressing and delivering effective implementation of the policy by providing consultation on space management, demarcation of land, training and sensitization of urban authorities and building cross-state dialogue. The CEC-SV should monitor state level progress, ensure that budgetary allocations are clearly defined in state plans and lower levels and that municipal officials and local police officers have awareness and training about the Bill.
5. The CEC-SV should facilitate local authorities by providing them with know-how and to establish Town Vending Committees founded on democratic values and 'Ward Vending Committees' in 'A1' and 'A' class cities.
6. The CEC-SV should create a resource bank of materials and persons that can help state governments and TVCs in their work on the ground. These can include trainings on mapping and surveying, sensitization workshops for police and local municipal functionaries, sanitation workshops for street vendor associations etc.

2) State Level Implementation Set Up

At the State level, the Department of Urban development should constitute a Street Vendor Working Group, comprising of the Secretary of the department, the State Commissioner of Police, a senior representative of traffic police, senior representatives from state street vendor bodies, representatives of the largest municipal bodies, and civil society organisations. This Working Group should be formed within 8 weeks of the passage of the Bill.

1. This working group should be responsible for drafting the State scheme and regulations pertaining to street vendors through a consultative process. The Working Group should convene a 2-day meeting of key players in urban development across the state to brainstorm on the content of the scheme and negotiate on rules. Since many states have already drafted or passed their own Street Vending Acts such as Rajasthan, Bihar, and Odisha, they may choose to retain the rules already framed, though a meeting to confirm that this is acceptable to all parties must be held before readying for notification.
 - a) The scheme should elaborate on the particular roles and responsibilities of the various implementing bodies in the state, the rules that apply to vendors from here on, and the budget available for implementation. The Scheme should also highlight the penalties and punishments that apply to street vendors as well as offending government officials contravening the scheme and the parent Bill.
 - b) The State Scheme should be notified within 13 weeks of the passage of the Bill.
2. The Working Group should set up and train the department to be notified as the Nodal Office to ensure that the administration of the Bill is smooth. The Nodal office should be appointed and trained within 14 weeks of the passage of the Bill. The Nodal Office should be responsible for ensuring that all procedural requirements with respect the Bill and the State Scheme are met, and that oversight is provided at the municipal level on the execution of the Bill. Alternatively, the Department could appoint a State Nodal Officer. This person should preferably be a social worker not an administrator with a designation of secretary to the ministry of urban affairs.
3. This working group should be responsible for drafting the State scheme and regulations pertaining to street vendors through a consultative process. The Working Group should convene a 2-day meeting of key players in urban development across the state to brainstorm on the content of the scheme and negotiate on rules. Since many states have already drafted or passed their own Street Vending Acts such as Rajasthan, Bihar, and Odisha, they may choose to retain the rules already framed, though a meeting to confirm that this is acceptable to all parties must be held before readying for notification.

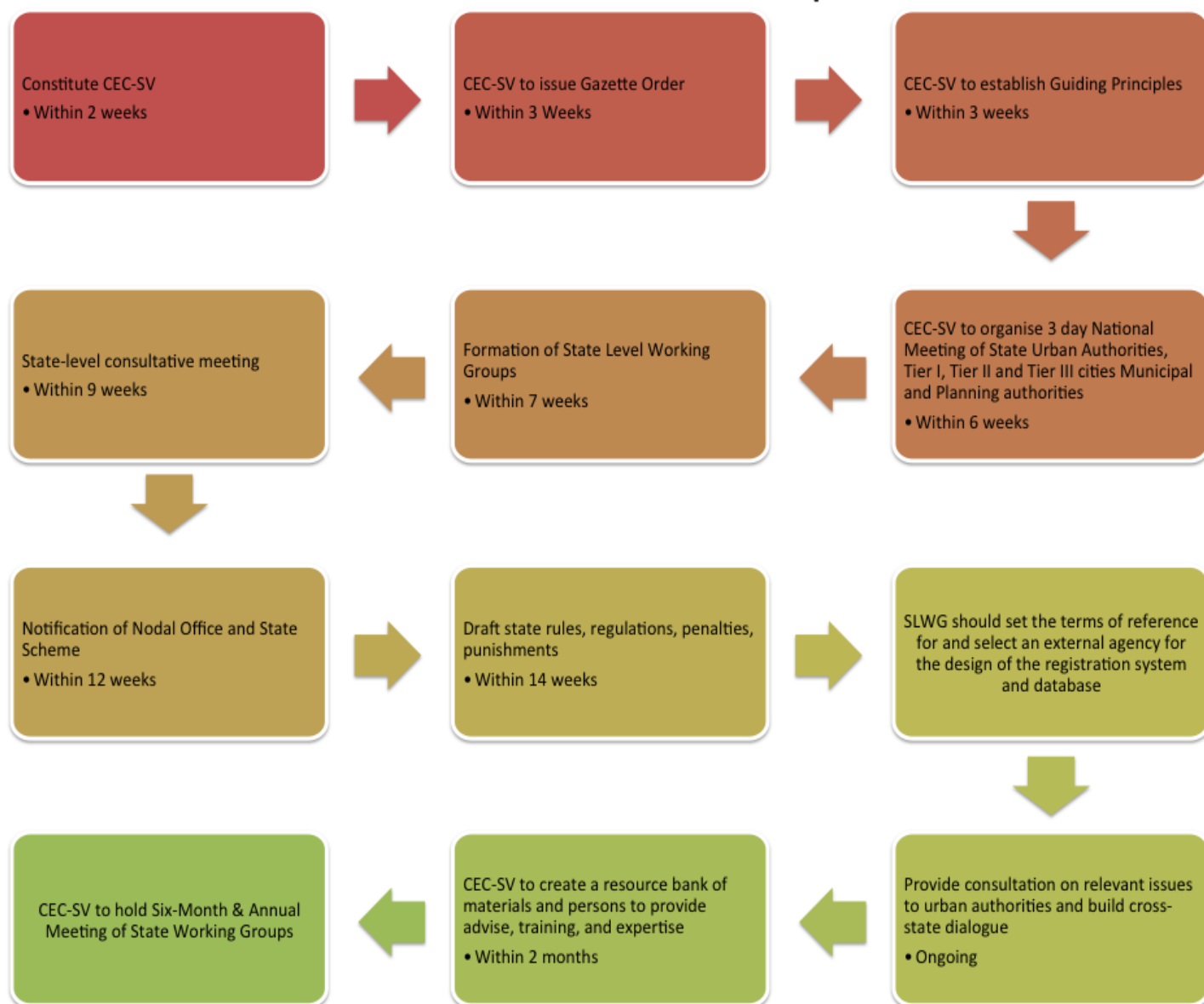
Examples of Best Practice Projects

1. Warwick Junction Project, South Africa
2. Yuva'sNallasopara Model, India
3. Town Centre Management model, Europe
4. Xavier's Institute of Management Vending Zone, India
5. Innoaid's Kolkata Food Vendor's Project, India
6. Seattle Vending Permits Process, USA

- a) The scheme should elaborate on the particular roles and responsibilities of the various implementing bodies in the state, the rules that apply to vendors from here on, and the budget available for implementation. The Scheme should also highlight the penalties and punishments that apply to street vendors as well as offending government officials contravening the scheme and the parent Bill.
- b) The State Scheme should be notified within 13 weeks of the passage of the Bill.
4. The Working Group should empanel NGO representatives, street vendor bodies, and local experts to provide specialist advice and guidance and help negotiate on area specific concerns. In time, the Working Group should draft a short concise rulebook for vendors and accompanying IEC materials based on the State Scheme to facilitate awareness building across the state, especially among street vendors. The Working Group should also set up timelines and budgets available for implementation within 14 weeks of the passage of the Bill.
5. **Integrated registration set up:** The registration process should be unified at the state-level by the working group. This should be contracted out to a project management agency that will be responsible for designing the registry of vendors, creating a database of associations and affiliations, designing of ID cards and acknowledgement slips, integration with UID, and a simple replicable tool-kit to facilitate the set up of the registration offices at the TVC/WVC level. The project management agency should be hired through a public bid, evaluated by the SLWG on past performance and experience in managing similar tasks.
 - a) *Aadhar integration:* UIDAI has recently introduced an eKYC facility. Under this, service providers can register with UIDAI and obtain the ability to use E-KYC for their customer/client base. In the event that vendors already have an Aadhar card, the process of verification will become simpler, and allow for transferability and tracking and linkages to government benefit schemes.
 - b) *Identification Cards:* The project management agency should design easy to read, laminated, water proof, and breakage resistant ID cards, which are easy for vendors to carry around. These cards should be issued at the time of registration, and the agency should be prepared with the necessary equipment to avoid mix-ups later. Usually, ID cards are despatched to the residence on record after registration, however since most vendors are from the lowest economic strata, they may not be able to provide a reliable address to receive mail.
 - i) Identity card will be issued to the vendors who register with TVC. The cost of designing the card should be borne by the state government, and the cost of issuing a card should be borne by the TVC and the vendor.
 - ii) ID cards should have the vendor's photograph, name, age, merchandise, type of activity, type of vending (mobile or stationary), time and location if stationary, and affiliated market listed on it. The card should be biometric enabled, using similar metrics like Aadhar to enable simple integration.
 - iii) Three types of ID cards should be available for issue at the least: (1) for stationary vendors – those who carry out their trade at a fixed location, either open or covered public areas; (2) for Peripatetic vendors – who carry out vending on foot using push carts or baskets; and (3) for Mobile vendors – those who work on mobile units, motorised or non-motorised.³ ID cards should also be issued to other people sharing the business, such as family members and employees to ensure that the vendor is able to run his business in the manner most preferable to him.
 - iv) ID cards should have rules of operation and general regulations at the back, including a summary of fines and penalties that apply in cases of violation. They should also include the rights and responsibilities of vendors, and a helpline number for complaints and questions.

³<http://www.nias.res.in/docs/urpp/NIAS-URPP-Workshop-on-Urban-Street-Vendors-Policy-Final-Report.pdf>

Central and State Level Set Up



3) Municipal Level Execution

At the Municipal Level, several activities are staggered to overlap in the interest of time and efficiency. The basis for ensuring minimum distress and maximum justice to the principles of the Bill is extensive data collection and participatory implementation. The responsibility at this level rests with the municipal authority and is executed largely by the Town Vending Committees set up under the Authority.

1. **Survey and Mapping:** As soon as the Bill is notified at the Centre, State government Urban Development Departments must instruct Municipal Corporations under their jurisdiction to begin preparation for the implementation of the Bill. This will first and foremost involve a detailed mapping of the urban area to outline current vending zones,

Best Practice

The Warwick Junction Project in Durban, South Africa successfully used GIS and videography to establish an inclusive urban space, and is now cited as a leading example of using technology to map and plan for high-density commercial communities. In India, CCS' Jeevika Campaign has demonstrated the benefits of such a mapping exercise in demarcation and planning.

demarcations as highlighted by local development authorities and the Corporations, traffic (vendor, vehicular and pedestrian), constraints and considerations, and potential conflicts.

- a) The mapping must be done using Geographic Information System (GIS) through satellite photography and videography/photography on the ground. The Municipal Corporation should ideally outsource this task to a third party, to ensure independent verification and maximum fidelity to ground realities. The information received should be layered on to existing city plans to identify conflicts and larger urban planning goals. Such mapping is already used in the case of informal housing settlements during regularization and has proven to be an effective tool in identifying title claims, planning resettlement, and area development.
 - b) Urban development authorities and Corporations already have empanelled lists of experts in the area of GIS and mapping. A group of senior experts from among these should be assembled through invitation to carry out the task of mapping the city, focusing on existing market clusters and natural markets, potential relocation zones with high density of general economic activity, upcoming development projects etc.
 - c) In addition, we recommend that easy to access mapping systems such as Google be used to reduce costs and improve transparency. Google Maps for example already track vehicular traffic movements to show choke points and congestions at different times of day, and this can be used advantageously as real time data.
 - d) We also recommend that GIS mapping be accompanied by photography and videography in areas identified as markets and clusters. These should be carried out over a period of 10 weeks, at different times of day to ensure that variations in time, traffic, occupations and vendor groups, and infrastructure constraints are revealed.
2. **Consultation Exercise:** Once this mapping exercise is complete, we recommend that the city publish the maps and hold consultations with key area representatives and existing vendor association representatives to share the findings of the exercise to ensure transparency. The consultations should be held to share issues of concern including public safety, hygiene and sanitation and traffic congestion. The meeting should be facilitated by the mapping agency instead of the corporation, to ensure that all affected parties are at the same level and to encourage open dialogue. This exercise along with the public consultation will form the basis of the 'five year street-vending plan' that the Bill mandates.
3. **Constitution of Town and Ward Vending Committees:** A TVC should be constituted with the participation of the local municipal authority planning authority and police, Street Vendor Association, Resident Welfare Associations, civil society organizations/NGOs, expert professionals including lawyers, town planners and architects, political area representatives, representatives of trade and commerce and scheduled banks, and eminent citizens. The Bill details very clearly the composition of the TVC. However in addition to the Bill's requirements, we recommend that the Mayor be part of the TVC.
- a) For selecting street vendors following norms should be followed-
 - i) Vendor representatives should be selected for a period of three years and should be term limited to two years.
 - ii) Vendor representatives should be selected through a nomination application process. In case of more than 5 applications received, the members should be selected via lottery.
 - b) The TVC should be constituted within 15 weeks of the passing of the Bill.
 - c) TVCs should meet once a month at least.
 - d) The TVC's key responsibilities include overseeing the census, survey and registration of street vendors, demarcation of the city and notification of the Street Vending Plan, monitoring of progress and compliance with rules, imposition of penalties and action, and ground level intelligence on market conditions. The TVC is also responsible for contracting out particular tasks to specialist agencies, and selecting and appointing market facilitated.
- a) Along the lines of TVCs, Ward Vending Committees should be constituted in A and A1 class cities. The WVC should comprise the local councilor, local vendors' union's representatives, and

resident welfare association's representatives. Members of WVC would be responsible to make sure that street vendors abide by the norms set.

- e) The TVC should also maintain a helpline to facilitate registration, solicit information and maintain citizen-agency dialogue. Ultimately the TVC is responsible for ensuring smooth ground level execution of the Bill.

4. **Demarcation of Vending Areas:** Based on the mapping, the Town Vending Committee's first order of business should be to facilitate the demarcation of the city into zones for vending. This does not just mean identifying areas as non-vending zones, but involves a thoughtful analysis of how to encourage street activity without impeding other urban needs. This process of demarcation should take no more than 4 weeks.

BEST PRACTICE: Demarcation

Ahmedabad, Gujarat

Cept has proposed to divide the city into three zones: green, red and amber. In the green zone, vendors can do business without license in the residential areas where roads are less than 15m wide. In amber zone, vendors can do business in designated areas with less than 15m wide roads for three hours in morning and evening each. Red zones will not have any vendors' activity and areas which have more than 30m wide roads with hectic activities fall in the red zone. Cept has also proposed green vending market, where an informal market with no restriction in vendor's activity is developed.

- a) After carefully studying the maps prepared by the corporation and the results of the subsequent dialogue, the TVC should divide the city into different types of vending areas. The areas can be classified as unfettered vending areas, restricted vending areas, and non-vending areas. In Ahmedabad for example, CEPT has marked the city into green, amber and red zones, indicating the level and times of permissible street vending activity. This is a good model to follow across the country.
 - b) Demarcation should correspond to original market activities to ensure that natural markets are preserved. This should be automatically accounted for since the TVC's demarcation is based on the exhaustive mapping exercise. However, the TVC should specifically keep this in mind when reviewing the maps and raise any conflicting information in committee.
 - c) A few principles should be borne in mind for marking zones as restriction-free vending, restricted zones and no-vending zones.
 - i) Vendors should not pose a health hazard if allowed to operate in the area. For example, cigarette, gutkha stalls near schools and hospitals; inflammatory objects near petrol pump etc.
 - ii) Vendors should not restrict traffic or cause congestion.
 - iii) There should be enough space for customers of these street vendors
 - iv) The zones should also keep in mind convenience of local residents
 - v) Demarcation should attach special emphasis to allowing for weekly markets, special occasion markets, markets devoted to specific goods like flowers/vegetables, and allowing for operation in near particular places such as temples.
 - vi) A place can be declared as a no-vending zone by bearing in mind if vending is dangerous to public safety, public interest or security.
 - d) In case, the demarcation leads to certain vending areas being classified as non-vending, the TVC should ready a plan for relocation of existing vendors from these areas. The relocation plan should again be made after special consultations with a vendor representative of that particular market area. Notice of 2 weeks should be given to the vendors in the area to prevent unfair surprise, even though the Bill only mandates 7 days.
 - e) The demarcations should be mapped using GIS, and made available in the public domain.
 - f) Demarcation should also bear in mind holding capacities of markets based on traffic congestion, availability of sufficient space for people to buy from street vendors etc. The mapping and survey exercise should help determine the holding capacity of vending zones.
5. **5 Year Street Vending Plan:** Based on the TVC's recommendations, the Municipal Corporation and the planning authority of the city should draft the five-year street vending plan as per Chapter VI (Art 21.1). This plan will also affect the local rules and subordinate regulations, and should be presented to the State Nodal Office for record keeping.

- a) The Planning Authority should reserve 2% land in all the new residential development plan;
- b) While planning for inclusion of street vendors in new residential areas concept of 'Natural Market' should be followed.
6. **Survey, Census, and Registration of vendors:** Depending on the size of the municipal area, the process of enumerating street vendors should be done by the TVC or the WVC. In the case of large metropolises, WVCs will need to be responsible for particular areas under the corporation, to ensure a thorough market wise census along side the city-wise census that will also account for itinerant vendors.
- a) The TVC/WVC comprises of vendor representatives including association leaders. The task of ensuring that each vendor is covered should be the responsibility of vendor associations and vendor leaders.
- b) For each market and sub-area within the TVC/WVC, the committees should appoint two designated officers from the committee for the process of conducting a digitalized photo census. These officers should be vendor representative, and could choose between two methods to complete the vendor census.
- c) The officers could on behalf of the TVC hire a private survey agency who for a fee, to reach out to all vendors in a particular area. This should be the approach in areas where there isn't a clear vendor leader or association. The survey must include basic information on the vendor, including a photograph, area of work, and contact information and should be entered into a database to facilitate registration later. This has been the approach in Bhubhaneshwar in Odisha. The officers however, should bear no direct or indirect relationship with the private agency to avoid conflict of interest. The hiring of the agency should take place through a process of inviting proposals and awarding the bid to the best proposal (cost and approach). Ideally the contract should be a cost plus fixed fee arrangement, to be paid in tranches based on the registrations of vendors. This will ensure that the private agency acts in a transparent manner.
- d) Alternatively, the officers could work with the existing association and charge them with the task of ensuring that all vendors in the area are counted. While doing so however, the vendor association should not be remunerated, to avoid conflict of interest.
7. **Instituting Local vending rules:** The TVC should, based on the mapping, surveying and demarcation, outline very clear and specific area wise rules of operation for vendors. These should be announced in the local newspapers and media so that street vendors can be aware of their rights and responsibilities, and disputes are prevented. These rules should include:
- a) **Timings for markets:** While keeping in mind public safety and interest, TVC should area wise specify timings for operation for vendors, without restraining business. The TVC should designate these timings with the input of WVCs.
- b) **Vending distance norms:** These should be decided by the TVC based on urban planning recommendations and best practices.

BEST PRACTICE: Street Vendor Survey

Surat, Gujarat

Surat Municipal Corporation (SMC) has taken up a gigantic task of organizing tens of thousands of street vendors, including paanwallas, fruit vendors, food joint stalls and other roadside eateries in the city. The civic body has hired a private agency to carry out a survey of street vendors in the city under the national street vendor policy of the Central government in order to regulate street vending in the city.

Best Practice: Street Vendor Survey

Ahmedabad, Gujarat

AMC has also conducted a survey on number of street vendors in city. Elaborating on the same, Mohapatra said, "Considering their different timings and schedule of operations, a database of the vendors and their business has been prepared. We are probably the only civic body to have surveyed street vendors of the city."

Best Practice: Simple Rules for Operation

Bhubhaneshwar, Orissa

The vending zone has to follow the following instructions of Civic Body

- Dustbins: Keep dustbins to collect garbage
- Sanitation: Ensure cleanliness of the vending zones
- CFL Bulbs: Only CFL bulbs are allowed to use in Vending Zones
- Advertisement: BMC will collect Advertisement fees
- Structure: No permanent structure other than the Bamboo or Iron sheet
- Ownership: Venders cant claim owning the land
- Size: Eligible structure would be of 6'x6' or 8'x6'.

- c) Use of Private property: TVC should allow for private property owners to lease their space for street vending, as long as general rules are followed. The owner should be permitted to allow time bound vending activity, based on assurances by TVC that no illegal possession of the private property will take place.
- d) Health and hygiene: In the case of food stalls in particular, the TVC could designate area-appropriate rules. Some general requirements could include:
 - i) Food items should be covered by a cloth or net to protect edibles from flies
 - ii) Uncooked food should be cleaned with potable water, and utensils should be clean.
 - iii) Cooked food should be prepared hygienically.
 - iv) There should not be reuse of cooked food after 4 hours. Uncooked food (such as salads and chutneys) should only be used for 24 hrs. only.
 - v) Waste should be disposed of in bins lined with disposal bags, and dispensed of in a proper designated place.
- e) Failure to register: A moratorium of 1 year should be provided to existing street vendors to register with the TVC/WVC to prevent unfair surprise.
- f) Penalties and fines: In case of contravention of the terms and conditions of registration and other provisions of the local rules, the TVC/WVC should impose fines and penalties, but should be cognizant of rent seeking opportunities that arise from unduly high fines, and irresponsibility that arises from very low fines. The TVC should delegate the responsibility of enumerating fines and punishments that could be levied on vendors breaking the rules and norms to a sub-committee within it (Penalties Committee). Following are some indicative standards for penalties.
 - i) Fines:
 - (1) Health, hygiene and traffic violation fine: Rs. 500 for first time violation, and Rs 500 increment for subsequent violations.
 - (2) Nuisance and inconvenience fine: Rs. 100 for first time violation, and Rs 100 increment for subsequent violations.
 - (3) Failure to pay fine: If the vendor does not deposit the required fine within 15 days, he could be penalized further with 1% of the fine amount per day of delayed payment.
 - ii) Suspension of registration certificate: Certificates can be cancelled or suspended in case of repeated offences or If it is proved that such registration has been secured by the street vendor through misrepresentation or fraud. The offending vendor should defend their case before the Penalties Committee within 3 months to restore the certificate.
 - iii) Confiscation of goods and eviction: Even though the current Bill has provisions for confiscation and eviction, these are under dispute. The SLWG should try as far as possible to avoid evictions and no confiscation of goods should take place unless the goods are contraband. In the case of evictions where a market is proving to be a public safety hazard, the SLWG, should set clear rules of relocation and compensation for interim income lost to the vendors. The rules of operation should ensure Street Vendors enjoy the right to carry on their trade with the dignity and equity guaranteed by the Supreme Court judgment (Sodhan Singh vs. NDMC, 1989) and are adequately compensated should eviction become unavoidable.
 - iv) Cancellation of Registration: The Registration Certificate can be cancelled if the suspension charge is not defended within 3 months, or if the Penalties Committee thinks that the problems cannot be mended/resolved through consensus. In case of cancellation, the Committee should partially refund the registration fee. Cancellation should be provisional, and the committee should revoke the cancellation if the vendor can convince them otherwise.
 - v) Eviction:
 - vi) The fines should be directly deposited in the designated account of the TVC. A copy of the receipt issued should be filed at the TVC office, and to ensure accountability the registry should carry entries of all penalties and fines imposed on the vendor.

8. **Registration Process:** Following the census, the TVC must begin the process of formal registration of vendors.
 - a) *Management of the process:* The registration process should be contracted to a project management agency that will be responsible for verification and enrollment, entering information into the registry of vendors and database of associations and affiliations, issuance of ID cards, fee collection and acknowledgement, preparation of information packets for the registrants. The project management agency should be hired through a public bid, evaluated by the TVC on past performance and experience in managing similar tasks. The payment for the survey and management agencies could potentially be offset by the registration fees raised from the vendors. This agency should be contracted for a period of 6 months, and tasked with registering at least 75% of vendors surveyed. Following this, ongoing registration can be carried out by the Vendor Market Facilitator.
 - b) *Public Awareness Campaign:* While the project management agency is being chosen and begins its preparations for registration, the TVC should conduct a public education campaign among vendors and in the areas adjoining markets. The purpose of the campaign will be to ensure that all vendors have the information on benefits of registration, the process, as well as on their rights and responsibilities under the Street Vendor Bill.
 - c) Street plays, community discussions, announcement vans and information booths could be three prongs in the awareness campaign. Local civil rights organisations should be approached to help with this mobilization process. Municipal schools, market centres and local playgrounds are potential venues for mobilization.
 - i) In the case of large metropolises, the TVC could use the same mobilization method on a rolling basis across its jurisdiction.
 - ii) This awareness campaign should be conducted over a period of 2-4 weeks initially, and then at a smaller scale once every
 - d) *Registration:* Once the awareness campaign runs for a week, registrations can formally begin. Each mapped market area (including natural markets) should have a registration booth. Even zones that are demarcated as being non-vending going forward should have registration booths, that specifically inform vendors of the change in status of the area.
 - i) *Registration fees:* Collection of fees from vendors should be in accordance with the rules set by the TVC. The fees should be a one-time payment, collected at the time of registration. Receipts should be issued immediately upon collection.
 - (1) While it would be helpful to vendors to set up monthly payments for the fees, it will be too onerous a task to follow up on subsequent payment collection and will likely lead to defaults and grounds for harassment. However, if the vendor association is able to stand guarantee for the vendor, perhaps this could be reconsidered.
 - (2) The fees should be set after consultations with vendor associations from vendors monthly/yearly in consultation with town Vending Committee)
 - (3) The fees collected can be revenue generation for the TVC. The fees should be paid into an escrow account to be used for infrastructure, maintenance and support, damages, insurance, facilities for vending in the area governed by the TVC. Audited financial statements of the account must be submitted annually.
 - (4) Some ways to estimate this fee include:
 - (a) Percentage of annual income plus inflation
 - (b) One months wage plus annual inflation
 - (c) Percentage of average bribe estimates paid plus annual inflation.
 - (5) Additional revenues can be generated through group/family registrations, additional services sought such as storage, registration upgrade etc.
9. **Appointment of a Vending Market Facilitator (VMF):** TVCs/WVCs should appoint a vendor from the same market as the facilitator for the area to manage the market space and to support the administration and management of markets.

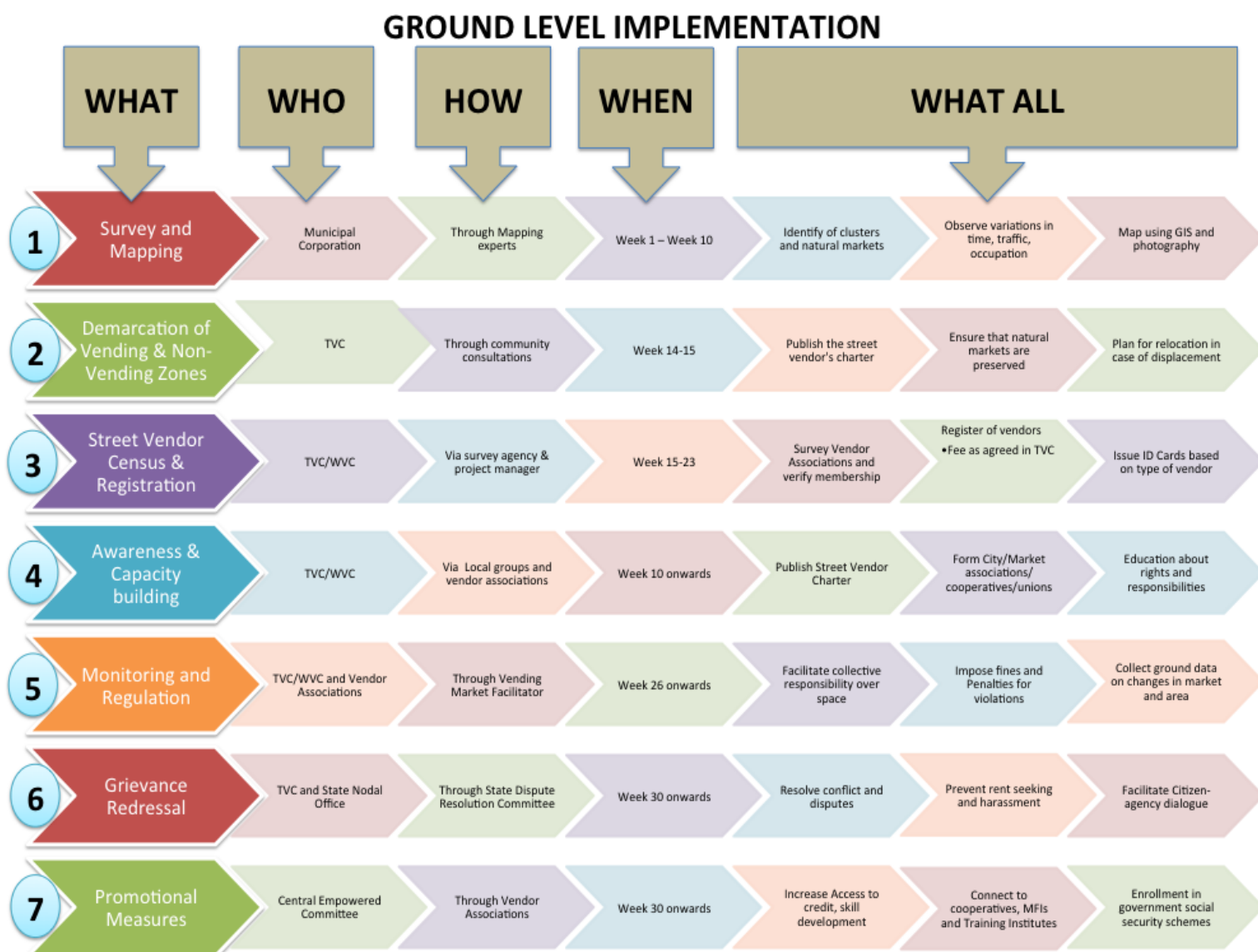
- a) The responsibilities of the VMF will include: collecting the monthly fee as decided by the TVC, monitor the rules and norms set up by the TVC, cleaning and maintenance of the Vending Market.
- b) 10% of the fees collected from the Vending Market could be given to the VMF as honorarium.
- c) The VMF should be selected for a period of three years. VMFs should have a term limit of two terms. The VMF should be selected by nomination application process. In case more than one application is received, the VMF should be selected via lottery.

4) Ongoing Regulation, Monitoring & Promotion

1. **Meeting of TVCs and WVCs:** The TVC/WVC should meet at least once a month to review of ongoing activities and issues. The chairperson of the TVC/WVC can schedule urgent meetings whenever the need arises. The quorum for any such meeting would be 1/3rd of the total members. All decisions within the TVC/WVC should be taken by majority vote, but unanimity would be preferred. The chairperson will have final vote in case of tie. TVC/WVC could make any such sub committees to oversee important and regular activities such as registration of street vendors, relocation of vendors, disputes and reports of committee violations etc. Decisions should not be taken in absence of at least 50% of vendor representatives.
2. **Management of Markets and Facilities:** The TVC/WVC are responsible to managing the vending areas through VMF. TVC should designate its' members along with members of WVC to ensure adequacy of civic amenities, including water, sanitation, and waste management, electricity, provided in the vending zones.
 - i) A daily vending fee should be levied on all vendors for operating in the designated areas. As part of the vendor survey, vendors should be asked to indicate an acceptable level of such a fee.
 - ii) A monthly facility charge could be levied on vendors for maintenance of the area. This charge would accrue to the local municipal authority to keep the vending area clean and develop infrastructure and facilities. This charge should be determined by the TVC on the basis of the area used by vendors, type of vending, quantity of waste materials produced etc.
 - iii) The daily fee and monthly charge should be collected by VMF. A separate card should be issued to vendors in which all transactions are recorded. Receipts should be issued along with a signature/print of the person acknowledging payment.
- b) Wherever a new market is identified, its stalls should be made available to the street vendors on the basis of a public lottery run by the Municipal Corporation and monitored by the local TVC. Notification of allotments should be done in 3 national newspapers. Size of the advertisement should be of 7 by 3 centimeters. It should be on first page of the paper, and such notification must be done 2 months before such allotment. The application form for the lottery should consist of only very essential questions such as name, father's name and street vendor's registration number. Even if a person is not registered at the date of notification of stall, they can apply for it if they are able to procure a registration certificate before the date of lottery. But all applicants must be able to prove that they have been vending for the previous three years.
3. **Organization of Vendors:** To ensure that new street vendors and those registering after the first wave are also organized. Formation/promotion of City/ Market wise associations, cooperatives/Trade Unions is an important approach to ensuring the success of the Street Vendor Bill. NASVI and other state level federations like in Orissa have demonstrated the power of federating and building collective voice. Since this Bill lays additional emphasis on participatory implementation, and self-regulation by street vendors is an important aspect of the Bill, it is up to the TVC and WVC to ensure that vendor are made aware of their rights and responsibilities under the Bill. Organisation of vendors will add strength to the implementation and allow for social security schemes and other financial services to reach street vendors. One way to ensure this is by encouraging vendors to join or approach an association during the registration process.

4. **Self-Regulation:** The TVC through VMFs should ensure that vending areas remain self-regulated to the largest extent possible, by encouraging and training vendors on hygiene, waste disposal and collective responsibility over the allotted vending space and area. The market facilitator should draft a code of operations for the vendors in the area, which all vendors agree to at the time of registration. Self-regulation will build capacity of the vendor members to manage the affairs of their own natural markets and negotiate with stakeholders.
5. **Ongoing Monitoring:** The VMF and TVCs/WVCs must continuously monitor the conditions of markets, ensure that vendors are registered and have the information required for registration, hold town-hall style meetings to assess if vendors or other stakeholders are facing challenges, collect feedback through social audits, monitor the response of other agencies such as the police and traffic, and encourage citizen-agency dialogue.
 - a) TVC/WVC members will through VMFs monitor activities of street vendors to ensure that rules of operations are followed by the vendors.
 - b) The TVC/WVC should through VMFs levy the penalties and fines for contravention of rules of operation.
 - c) The TVC/WVC should conduct spot checks to ensure that VMFs are performing their role adequately.
6. **Dispute Resolution & Grievance Redressal:** In addition to periodic social audits and information gathering, disputes grievances or reports of unfair practices should be resolved through a quasi-judicial process.
 - a) We recommend the constitution of a permanent committee at the state level consisting of a person who has been a sub-judge or a judicial magistrate or an executive magistrate, and additional members who hear, adjudicate and mediate in the case of disputes. The committee should be authorized like a special Administrative tribunal to adjudicate cases brought by cities against vendors and vice versa. This committee will act as an Ombudsman and ensure the prevention of rent collection by implementing authorities, and also the fidelity to democratic processes at all levels of implementation, especially at the level of TVC and WVC.
 - b) The Committee should outline the process of applying for a decision in plain language and all street vendors should be given the opportunity to apply to the Committee for resolution and redressal. The procedures of the committee should be simple, there should be no need for lawyers, the powers of the committee would be similar to consumer court. The committee's head would be considered "Designated officer" under "THE RAJASTHAN GUARANTEED DELIVERY OF PUBLIC SERVICE ACT 2011" S/3.
 - c) The committee should in addition to dealing with cases that come to them directly, use media including citizen journalist reports and social media to provide help, and redress problem situations. They should also allow for complaints to be registered through mobile phones, and other technology that allows for anonymous reporting, while remaining cognizant of the need to verify information and complaints.
 - d) Since vendors earn their living on a day-to-day basis, time is of essence in resolving disputes and grievances pertaining to them. The committee should form its rules and operating procedures to enable rapid response and resolution.
 - e) Any person who is aggrieved by the decisions of the TVC or the grievance committee should be able to challenge it in front of the Mayor. However his decision would be final in this context.
7. **Promotional Measures:** The CEC-SV should aim to increase vendor access to credit, skill development, vendor enrollment in government social security schemes, and linkages to SHG/cooperatives, MFIs and training institutes for vendors. Through the use of periodic education campaigns, the CEC-SV through the national vendor associations should encourage vendors and facilitate their transition to the formal economy. The SLWG could issue credit cards in co-operation with nationalised banks similar to Kisan Credit Card on the basis of the Vendor ID Card issued by TVCs.

A summary of the ground level implementation is shown below.



C. Roles & Responsibilities

A quick reference sheet on the various implementing bodies is drawn below.



D. Important Sub-Processes

- 1) **Right to Recall and Elections:** The Bill allows for states and TVCs to set the rules with regard to nomination and appointment of members to the TVC/WVC. The tenure of the TVC should be fixed, and members should be rotated every 3 years to ensure that a democratic spirit is retained. Vendor associations should be required to nominate a representative from among their elected office bearers. In addition, vendors should be able to submit a request to recall members of the TVC/WVC, or submit a no-confidence statement against members. In case such a motion is submitted, it must be backed by the vote and voice of a majority of registered vendors from the market.
- 2) **Outsourcing of tasks:** Several tasks in the implementation of the Bill require specialized skills and expertise. In tasks such as mapping, surveying and designing and managing the registration

process during transition should be contracted to a third party private agency. This agency may be a for-profit company or a non-profit civil society organization. The decision on the contractor should be taken after clear terms of reference are publicly floated and bids are evaluated on quality and cost. The results of the award process should be public, and queries should be referred to the dispute resolution committee.

- 3) **Penalties:** Clause 30 of the Bill provides for penalties to be collection in cases of violations on the part of street vendors. While the Bill is yet to make a decision on confiscation, penalties set by the SNO should be reasonable, yet effective. They should ensure that while serving as a deterrent to the vendor, they should not serve as a pretext for bribery, harassment and torture. The VMF should be responsible for monitoring violations and ensuring that penalties are collected and deposited. Spot checks should be conducted on the VMF by the TVC/WVC to prevent infractions on his part. In addition, periodic feedback should be collected from the market to ensure that no unnecessary penalties are being imposed. Penalties should be collected and deposited with the Nodal Office, and be added to the budget for that particular area. This will bring revenue for the maintenance of the market. Proper receipts should be issued for penalties, and where possible evidence should be made available on the infraction. Photographs, videos, and testimony could also serve as evidentiary proof to substantiate the imposition of the penalty.
- 4) **Record keeping:** Proper records should be maintained in digitized form such that the data is not misplaced and is available for review by the general public. The vendor registry, list of all restricted vending zones, and an exhaustive list of street vending activity should be maintained. In addition, all meetings of responsible agencies (CEC_SV, SWG, SNO, TVC and WVC) should be diligently recorded, minutes should be taken and published on the website of the relevant local authority. The details of the attendance, minutes, content, action taken, plans and execution of role and responsibilities of the TVC/WVC and local authorities should be accessible under the Right to Information Act. Publishing the minutes will ensure transparency in the functioning of the Committee.
- 5) **Budget Management and Annual Audits:** The Bill clearly states that all financial transactions must be carried out with the highest level of transparency. To ensure this, all agencies part of the implementation process should publish annual statement of audited accounts. Revenues collected should be put into an escrow, and used for facilities maintenance and upkeep. Decisions on the use of the revenue should be taken at the level of the TVC, with disclosure and explanation to the state nodal office.

E. Process Map for Implementation

