



## Role of the policies for empowering the street vendors in India: An analysis of reports of centre for civil society (2017-18 To 2019-20)

Mohd Anish

Research Scholar, Department of Sociology, AMU, Aligarh, Uttar Pradesh, India

### Abstract

Street vendors make up a significant portion of the Indian population. A street vendor sells a range of goods and services to people from all walks of society without having a regular marketing structure. Yet it was banned in India for nearly six decades until the passage of the Street Vendor Act in 2014. The Government of India passed the Street Vendor Act in 2014, which aims to safeguard street vendors' rights and regulate their activities. The main objective of this paper, by employing secondary sources, to highlight the role of policies in empowering street vendors and trace the implementation of the Street Vendors Act 2014 in India by analyzing progress reports from the Center for Civil Society from 2017-18 to 2019-20. After a careful analysis, this study found that there has been no significant improvement in the status of street vendors since the implementation of the Act. Even though after the Act, they are often harassed, and evicted by government officials and municipal officials. The author also reveals that nearly almost all the States and Union Territories have failed to uphold the letter and spirit of the Act. Therefore, the state and municipal governments should conduct grassroots and local level awareness program for the proper implementation of this act in each state.

**Keywords:** Street vendors, empowerment, centre for civil society, street vendors act

### Introduction

Street vending has existed in India since ancient times (National Policy for Urban Street Vendors, 2009, p. 1) [13]. Street vendors are those who carry out vending activities from temporary places or by moving from one place to another (Bhowmik, 2001, p. 3) [2]. Street vending is an important component of the urban economy and a distinctive component of the global informal sector. It is one of the few easily available channels of work and revenue for individuals in need of a decent living. In most countries, many people make their living, partly or wholly, by selling a variety of goods (Bhattarai & Pathak, 2020, p. 196) [1]. The prime focus of this paper is to highlight the role of policies in empowering street vendors and trace the implementation of the Street Vendors Act 2014 by analyzing progress reports from the Center for Civil Society. It also aims to give a good knowledge about the types of street vendors, their proportion, and the probability of street vending.

### Background of the study

Most of the urban poor in India survive by working in the informal sector (Bhowmik, 2015, p. 98) [5]. However, street vendors compose a considerable segment of the urban poor, an essential section of the informal economy in India (Bhowmik & Saha, 2012, p. 2) [4]. Poverty and absence of gainful employment opportunities are available in rural areas, which have pushed people out of their villages in search of a better survival in the cities. Most of these people choose street vending as a profession in order to earn their livelihood as these people are unskilled or lack skills and possess a low level of education (Bhowmik, 2005, p. 2256) [3]. According to the street vendors Act 2014, one can define a street vendor as below;

“Street vendor means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general

public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area or from a temporary built-up structure or by moving from place to place” (Street Vendor Act, 2014, p. 2) [6].

In this study, the phrase "street vendor" refers to both stationary and mobile vendors. Street vendors may be stationary in the sense that they temporarily occupy a space on sidewalks or other public/ private spaces, or may be mobile in the sense that they carry their goods from place to place on carts or in baskets on their heads and in this paper, author used the other local/ regional terms that describe them for example, hawkers' paddler and *pheriwala* (Bhowmik & Saha, 2012, p. 5) [4].

The number of street vendors in India and around the world has been seen to grow in recent years, especially since 1991, when structural adjustment and liberalization policies were implemented, and also due to industry closures, loss of formal sector jobs and financial crisis (Bhowmik, 2005, p. 2256) [3]. It is estimated that the total population of street vendors in India is estimated to be around 2 to 2.5 percent of the total population of a metropolis. In terms of total numbers, there are five crore or more street vendors that exist in India. Mumbai has roughly 2,50,000 street vendors and followed by Delhi and Kolkata, which have nearly 2,00,000 and 1,50,000 population of street vendors respectively. Women make up a significant number of street vendors in almost every city (National urban policy on street vendors, 2009) [13].

### Problems of street vendors

In India, street vendors form a significant portion of the metropolitan population. It is important to remember that street vendors meet the everyday needs of people from all socio-economic backgrounds, with the lower-income groups being the most dependent. Despite this, they face a lot of problems at their work place. Some are as follows:

- Most of the studies found that vendors are constantly harassed by police, local authorities and municipal officer, and local rowdies (Karthikeyan & Mangaleswaran, 2017, p. 32) <sup>[8]</sup>.
- Eviction is one of the most problems vendors are facing. They were continuously evicted by local authorities (Panwar & Garg, 2015) <sup>[10]</sup>.
- Vendors have to pay some amount of money from their earnings as a bribe to the police or local rowdies in order to sustain their business. The NASVI study found that around 20 percent of their earnings are taken as rent by the authorities. In Mumbai, the annual collection of rent is around Rs. 400 crores. Another research conducted by Manushi in Delhi found that the government earns Rs. 50 crore per day from hawkers on the streets and cycle rickshaws (Bhowmik, 2005, p. 2262) <sup>[3]</sup>.
- The Street Vendor took up a small area and are running their business with some temporary equipment (Saha, 2011, p. 305) <sup>[11]</sup>.
- They have work to in hostile environment as they do not have shelter over their head. According to the SNTD-ILO survey conducted in Mumbai, more than 85% of vendors on the streets complained of stress-related disorders such as migraine, hyperacidity, hypertension and high blood pressure (Bhowmik, 2005, p. 2262) <sup>[3]</sup>.

#### Government policies for empowering street vendors

The National Association of Street Vendors of India (NASVI) was formed by a few street vendor's associations, trade unions, and labor groups between the years 1998 and 2003. It supported the vendors in pursuing their legal rights before various courts and resulted in several decisions that were made in their favour. Subsequently, the street vendor's policy was introduced in 2004 to provide and promote an encouraging atmosphere for street vendors to earn a living and maintain hygiene in public spaces in India. This was the first step taken by the government of India in empowering the street vendors by identifying their role in the society in a positive manner (Narang & Goyal, 2017, p. 8) <sup>[9]</sup>.

This policy was the result of numerous judgments of the Supreme Court and High Court and vendors' nationwide mobilization as pressure groups, which convinced the Indian government that a legislation is necessary to legalize vending and the rights of street vendors. However, states did not carry out the national policy, and the Supreme Court urged the states to better comply with the national policy soon. Thus, The Street Vendors Policy 2004 was revised as the "National Policy on Urban Street Vendors 2009" in 2009 due to unclear judicial rulings.

The new regulation made modest progress in the fight against street vendors and was not legally enforceable. The Street Vendors Bill 2012 came into effect after the Supreme Court ordered the government to pass legislation governing street vending in 2010. By February 2014, the Bill had been approved by both houses of the Parliament and was now known as the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014. This Act was written with the intention of regulating street vending as well as defending the rights of street sellers to a living.

For more than six decades, until the Street Vendors Act was passed in 2014, street hawking was considered illegal in India. This Act of street vendor 2014 came into force to

address various problems of street vendors are facing in their workplace. Its main objective to authorize vending and provide rights to street vendors what they deserve. On the other hand, the main goal of Street Vendors Act 2014 is to empower those who do street vending activities through rights and duties. Following are the main aspects of this Act;

- **Regulation of street vending:** This means that this act regulates street vending and grants license to street vendors. The Act also requires TVCs to conduct surveys to identify all street vendors in the area under their control. Such surveys should be conducted each five years and the list of recognized vendors should be adjusted in the vending zones. A certificate of vending is given only to those vendors who have attained the minimum age of fourteen years.
- **The right to vend:** The Act emphasizes that street vendors have the right to carry on the business of street vending if they have a vending certificate. It promotes the professionalism of street selling as a business. The document of vending will be the valid proof of the same.
- **Eviction and relocation of street vendors:** Act protect street vendors' rights in circumstances of evictions and relocations. The Act states that, on the suggestion of the TVC, the local authority may designate a zone or part of it as a non-vending region for any civic purpose and displace street vendors in that area in the manner stipulated in the State scheme. It also enables removing vendors whose licenses have expired or have been canceled. However, such evictions and relocations are only permitted if the local administration issues a 30-day notice.
- **Town vending committee (TVCs):** The most significant component of this Act is Town Vending Committee. It is a decision-making group comprising representation from government officials, municipal authorities, street sellers, bankers, traffic cops, NGOs, and RWAs. TVC can conduct or authorize a survey, register vendors, issue vending certificates, decide on space allocation, make zoning recommendations, and keep records.
- **Plan for street vending:** According to the Act, local authority will produce this plan in conjunction through the TVC. It entails defining vending zones, non-vending zones, and restricted zones for distinct marketplaces. The state government must develop a plan for street vendors. Once every five years, the local authority must come up with a street vending strategy in discussion with the planning authority.
- **Redressal mechanism:** The Act sets up an Administrative Redressal Authority which will consider the petition of street vendors and take remedial measures in accordance with the prescribed rules. It also allows vendors to file an appeal with the municipal government if they so desire.
- **Prevention of harassment:** Act undoubtedly specifies that vendors who comply with the terms and conditions of their Documentation of Vending cannot be denied the right to sell their goods by the police or the

municipal body in any manner whatsoever. This is probably the most important aspect of the Act as harassment is one of the most serious problems faced by street vendors.

- **Drafting rules and schemes:** The Act established timelines for announcing rules and a plan to reduce regulatory delays; however, there needs to be accountability to guarantee that this requirement is followed. The Act mistakenly assumes that the government apparatus would act proactively to develop rules and the system within the time frame specified. The Union Government has not imposed any model norms or schemes.

### Method and objectives

This study entirely based on the secondary sources of data e.g., organizational reports, Journal articles, government policies, books, and so on. The data for this study has taken from the Centre for Civil Society: Progress Reports from 2017-18 to 2019-20. The main objectives of this paper are as follows;

- To assess the role of policies in empowering the Street Vendors in India
- To trace the State and Union Territories wise implementation of the Street Vendor Act 2014 through analyzing Reports of Centre for Civil Society (2017-18 to 2019-20).

### Analysis and interpretation of the progress reports (2017-18 to 2019-20): Implementing the street vendors act 2014

In this paper author analyzed and evaluated the Centre for Civil Society's progress reports on implementing the Street Vendor Act (2017-18 to 2019-20). In 2017-18, the Centre for Civil Society collected data from 23 states through RTI Act 2005. Following that, they collected data from the Ministry of Housing and Urban Affairs (MoHUA) and state governments for the years 2017-18 and 2019-2020. The information was gathered from 28 states, two Union territories, in the report of 2017-18 and 27 states and one

Union territory in the report of 2019-20. The reports mentioned 11 steps that state governments must complete per the Act and collected information to measure how far states had gone yet. These steps mentioned below;

- State Government to draft and notify rules to implement the Act
- The state government shall draft and notify a plan for implementing the Act.
- State government to constitute the Grievance Redressal Committee
- State government to create the TVC
- Conducting voting for vendor representation in the TVC
- TVC to conduct a survey of vendors
- TVC to issue identity cards to street vendors
- TVC to allocate vending zones
- Local authority to draft and print street vending plan
- TVC to publish street vendor charter
- Local authority to allocate office space to the TVC (Centre for civil Society, 2019, p. 16).

In the report 2017-18, steps 7, 8 and 11 from the abovementioned were not mentioned which were later added in both reports and replaced from the steps rules and scheme within the statutory period and published scheme in local newspaper and so from the report of 2017-18. However, none of the states could make rules and notify the scheme within the statutory time as per the Act. This means that no state could meet this criterion in 2017-18. In the report 2019-20 they drawn progress in implementing the first 9 out of 11 steps because they could not able to collect data on the other two steps.

Table 1 shows the progress made by states and union territories from 2017-18 to 2019-20, represented by a score and completed steps. In this context, the score refers to the annual performance of a state or union territory, while the steps completed refer to the steps completed by the state or union territory each year. The criteria for awarding a score to a state based on performance measured through completion of the steps by the states and union territories in the manner required.

**Table 1:** Progress of states and UTs in terms of score and completed steps (2017-18 to 2019-2020)

Sr. No.	States/UTs	Steps	Years wise data					
			2017-18		2018-19		2019-20	
			Completed steps	Score	Completed steps	Score	Completed steps	Score
1	AP	11	6	64.00	8	66	8	78.93
2	AR	11	-	-	8	34	8	48.51
3	AS	11	3	44.87	5	39	6	24.44
4	BR	11	4	41.71	8	47	8	47.13
5	CG	11	-	-	8	75	8	42.18
6	CH	11	5	63.30	5	45	7	75.00
7	DL	11	5	71.00	-	-	-	-
8	GA	11	3	48.42	8	60	5	48.00
9	GJ	11	1	14.00	7	53	8	55.00
10	HR	11	2	35.97	5	45	4	32.48
11	HP	11	3	38.70	8	68	8	51.21
12	JH	11	5	58.59	8	69	8	60.26
13	KA	11	4	49.00	4	23	7	39.76
14	KL	11	5	55.92	4	37	8	61.90
15	MP	11	-	-	8	46	10	48.60
16	MH	11	4	50.88	7	32	6	28.48
17	MN	11	5	57.86	7	29	6	39.31
18	ML	11	2	33.00	6	43	5	39.67
19	MZ	11	5	56.81	8	75	8	63.07

20	NL	11	0	00.00	2	9	7	46.99
21	OD	11	4	49.00	9	61	8	47.65
22	PB	11	4	49.00	9	65	10	63.18
23	PY	11	-	-	8	66	6	41.30
24	RJ	11	3	34.83	10	70	10	61.82
25	TN	11	3	37.00	8	76	10	64.88
26	TR	11	4	58.50	4	40	5	48.25
27	TS	11	-	-	5	50	6	38.95
28	UK	11	-	-	6	47	5	25.23
29	UP	11	2	23.00	8	67	9	59.79
30	WB	11	-	-	2	13	-	-
31	SK	11	-	-	2	21	-	-

**Source:** Centre for civil society: Progress reports (2017-18 to 2019-20)

**AP** - Andhra Pradesh; **AR** Arunachal Pradesh; **AS** - Assam; **BR** – Bihar; **CG** – Chhattisgarh; **CH** -Chandigarh; **DL** – Delhi; **GA** – Goa; **GJ** – Gujarat; **HR** – Haryana; **HP** - Himachal Pradesh; **JH** – Jharkhand; **KA** – Karnataka; **KL** – Kerala; **MP** - Madhya Pradesh; **MH** – Maharashtra; **MN** – Manipur; **ML** – Meghalaya; **MZ** – Mizoram; **NL** – Nagaland; **OD** – Odisha; **PB** – Punjab; **PY** – Puducherry; **RJ** – Rajasthan; **TN** - Tamil Nadu; **TR** – Tripura; **TS** – Telangana; **UK** – Uttarakhand; **UP** - Uttar Pradesh; **WB** - West Bengal.

Table 1 shows that in the 2017-18 report, the top performing states and union territories were AP, CG and CH, while in 2018-19, the states were TN, CG, MZ and RJ, but in 2019-20, the best performing states were AP, CH, MZ and TN. This means that these States and UTs are the best performing year-on-year among all the States and UTs which have completed the steps as required under the Act and have the highest score among all the States and UTs.

At the same time, the worst-performing states and union territories are also shown in Table 1. In 2017-18, the worst-performing states were GJ, NL, and UP, while in 2018-19, NL, WB, SK, and KA were. However, the performance of AS, MH, UK, and HR states were the worst among all the states and union territories in 2019-20. This means that no one state or union territory has been in the worst condition every year, sometimes one state and sometimes another state have been in the worst condition. This means that the worst performing states have the lowest scores, and the least number of steps are completed each year in which they fall.

Table 1 also shows the change in the performance of the States and Union Territories and the stability or marginal change in the performance of the States and Union Territories. There are some states (AP, NL, GJ, RJ, TN, and UP) whose performance has improved from 2017-18 to 2019-20, while some states and union territories (MH, MN, KA, AS, TR, and CG), whose performance worsened from 2017-18 to 2019-20. However, some states (GA and JH) have neither deteriorated nor improved, but their performance has either remained stable or has increased slightly or decreased slightly. This means that the states and union territories whose performance is worsening are not continuously living up to the spirit of the act, while the states continuously improving are working according to the act. Apart from this, the states that are neither increasing nor decreasing their performance are completing the steps of the Act at the same speed.

### Significant findings of the progress reports year wise progress report (2017-18)

In this report, it has been found that Sixteen states were able to frame rules, while six others were unable to do so. Eleven

states were able to frame schemes in part of their ULBs, while twelve states were unable to do so. Nineteen states have done the poll, while four states still need to conduct the survey, and 19 states have created TVCs, out of which four states created them without any rules or schemes and four states not creating them. Nine states have no street vending plans, seven have plans, and seven have no information. According to the report, 10 of the 19 states that have constituted TVCs do not have information about street vendor elections, five states have not had them, and only four states have vendor representation in part of their town TVCs.

### Progress report (2018-19)

Major findings of the report state that 26 states have notified the guidelines, but 4 states, AR, KA, TR, and NL, have yet to do so. 11 states, including AP, GJ, HR, KA, KL, MP, MN, NL, PY, SK, and WB, have yet to notify the plan. Only 4 states have established Grievance Redressal Committees: AS, MP, UK, and PB. Of the 7,263 cities in 30 states, 33% made TVCs, and 58% of the 2,382 TVCs claimed vendor representation. Almost 98% of the 2,382 TVCs have completed the vendor enumeration process and more than 50% of TVCs issued identification to a select 75% of sellers. Merely 20% of the total TVCs have published a street vending plan, while 31% have a published street vendor charter. Six states have given office space to the TVC.

### Progress report (2019-20)

21 states have notified both the regulations and the scheme, whereas 2 states (TS and UK) have not notified the rules. At the same time, 7 states (AS, HR, KA, MH, MP, PY, and UK) have not notified schemes. 3 states (AP, CH, and GA) have established TVCs with vendor representation in all towns. In comparison, 4 states (MH, PY, TS, and TR) have not established any TVCs with vendor representation. Only 4 states (MP, NL, PB, and UP) have established the Grievance Redressal Committee, while the remaining states have yet to do so. Only 2 states (AP, and CH) have concluded at least one survey in each town, and 2 states (GA and MN) have not done any surveys yet. Only 1 state (AP) has granted both CoVs (Certificate of vending) and ID cards to more than 75% of the identified vendors, whereas 6 states have issued no CoVs to any vendor and five states have not issued any ID cards to any vendor. All TVCs in 3 states (AP, CH, and KL) have filed vending plans whereas no TVCs in 4 states (HR, ML, PY, and TR) have a vending plan. All TVCs in 2 states, AP and CH, have set up vending zones while 10 states (AR, AS, CG, GA, MN, MH,

NL, OR, PY, and HR) have yet to commence the delineation of vending zones.

### Major findings of the study

- Most of the States whose performance is quite good in implementing the spirit of the Act belong to South India, which means that the states from other parts of India need to be more serious in implementing the Act.
- It can be said that the state whose performance is not that good every year comes in the largest states of India.
- It seems that the worst performing states in India are those with low or medium literacy rates and vendors in these states have little or no knowledge about the Act.
- The states that have performed better are among the most populous states in India. This shows that these states are focusing on implementing the Act, while other states which are performing poorly are avoiding implementing the Act in the required manner.

### Suggestions\ Recommendations

As per the analysis of the reports, it seems that even after nine years of enactment of the Act, the implementation of the Street Vendors Act in the States and Union Territories of India is far from satisfactory. Therefore, the Central Government and the Supreme Court need to intervene in this so that its implementation can be done properly.

The author examined reports and literature and identified that the majority of vendors in India need to be made aware of the Act and their rights, as a result of which almost all States and Union Territories have failed to uphold the letter and spirit of the Act. Therefore, the state and municipal governments must conduct grassroots and local-level awareness efforts to implement this act appropriately in each state.

### Conclusion

Street vendors are an important part of society as they provide easy access to a variety of goods and services in public places. But, instead of understanding their role in the urban economy, vendors are considered to be anti-social, anti-development and unhygienic, due to which they should be protected from all forms of harassment, discrimination, and eviction. For this, the Government of India has passed the Street Vendors Act 2014, which aims to protect the rights of street vendors and regulate vending operations in a proper manner. In fact, this act is a milestone act in the history of street vendors.

After a careful analysis of progress reports from the Center for Civil Society, in this study author states that despite the enactment of this Act in 2014, there has been no significant improvement in the status of street vendors since the implementation of the Act. Even though after the Act, they are often harassed, threatened, and evicted by government officials and municipal officials. The author then also reveals that almost all the States and Union Territories have failed to uphold the letter and spirit of the Act. Therefore, the state and municipal governments should make grassroots and local level awareness efforts for proper implementation of this act in each state. It is also important for the government to understand that there is a need to improve the working conditions of street vendors to enhance their quality of life.

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