



Street Vendors Act 2014: A Forgotten Promise?

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ABSTRACT

The National Policy on Urban Street Vendors (2004) estimates the number of street vendors in a city to be 2.5% of the urban population (All-India 17-25 lakhs). Despite such a massive population being engaged in an occupation, street vending is characterized by uncertainty, extortion and low standards of regulation. The Street Vendors Act 2014 aimed to solve these problems through a comprehensive mechanism. This paper evaluates The Street Vendors Act 2014's viability, status of implementation and monetary loss borne by street vendors due to its non-implementation. This is followed by ethnographic evidence and recommendations to improve the situation of Street Vendors.



INTRODUCTION

Street Vendors Act, 2014 (Ministry of Justice and Legality), defines a 'street vendor' as "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, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific". As commonly understood, a street vendor is a person who offers goods for sale to the public at large without having a permanent built up structure from which to sell. Street vendors may be stationary in the sense that they occupy space on the pavements or other private/public properties. Street vendors may also be mobile in the sense that they move from place to place by carrying their wares on push carts or baskets on their heads. (*Recio: 2014*)

Street vendors contribute directly to the overall level of economic activity by exchanging various goods and services. It is a space for local entrepreneurship which may later manifest into big businesses. Given the low capital investment and mobility, street vending is an effective way of catering to seasonal and sporadic demands. It can be viewed as a source of potential tax revenues. It's a massive source of employment and provides lower quality goods to those who can't afford it. Finally, street vending is a great example of a self-help initiative. But for many, street vending is also a nuisance. Street vending blocks pavement spaces slows down traffic and dirties public spaces. (*Ray Brombley: 2000*)

Urban space is a highly political issue involving many interests. Modern infrastructure has resulted in suppression of traditional livelihoods like street vending. It is observed that many large retailers, fearing competition, continue to lobby for the elimination of street vendors (*Kyoko Kusakabe: 2006*). Even when street vendors are allowed to trade, they do so under inhospitable conditions with no basic facilities, subject to continuous harassment by local authorities. At the core, there is moral ambiguity on whether these vendors can be given the status of 'legitimate'. The uncertainty often arises due to competing claims of macroeconomic efficiency, fairness, health, safety, security, city planning, etc (*Naik: 2013*).



Urbanisation has played a huge role in expansion of street vending. Lack of opportunities in rural areas led to migration from rural to urban areas in search of jobs and a higher standard of living. In that process, there was increasing unemployment within cities due to a gap between demand and supply of workers. Many turned to street vending since it didn't require much skill or capital (*McCatty: 2004*).

The street is a celebration of the good, bad and ugly. As Abhayaj Naik writes in *Contextualising Urban Livelihoods (2013)* "The street is where public demonstrations, traffic breakdowns, cycling critical mass demonstrations, carnivals, dinner-time shopping, snack urges, traffic offenses, festival celebrations, crimes, prostitution, religious celebration, public nationalisms, gang rapes and a host of other infinitely varying activities exist."

But, for most street vendors, the pavement is full of uncertainties. The constant harassment, eviction, bribery and municipal raids are a common sight. A municipal raid is like a cat and rat game where the vendors run like rats the moment they see the fat cats- the municipal authorities. There is haphazard running all over the market, the vendors run and hide their goods.

The Street Vendors Act 2014 was constituted to address many of these problems. Its objective is to legalize vending and provide street vendors the rights that they deserve. Unfortunately, this Act has not been fully implemented despite being way past its deadline. This paper seeks to understand the status of the Act in various government departments. It uses primary research from 8 street vendor markets based in Delhi to evaluate the average cost of extortion, bribes, penalties, eviction etc. due to non-implementation of the Act.

BACKGROUND

For decades, even after independence, street vending was deemed an illegal use of public space. Over the years, there have been numerous Non-Governmental Organisations and Street Vendor Unions pressurizing the government to take steps for recognition of the vendors. In the 1990s street vendor movements across the world became popular. In November 1995, representatives of street vendors from 11 cities and 5 continents got together and signed the Bellagio International Declaration of



Street Vendors. Taking inspiration from the same, Street Vending led to a fair amount of discourse in India (*Sinha and Roever: 2011*).

The Supreme Court had taken notice of vendors as long ago as 1985 in the case of *Bombay Hawkers' Union v/s Bombay Municipal Corporation* where the verdict claimed "the Court held that The Non-Hawking Zones may be fixed by the Municipal Commissioner in his discretion, in consultation with the Bombay Municipal Corporation. In areas other than the Non-Hawking Zones, licenses should be granted to the hawkers to do their business on payment of the prescribed fee. That will be without prejudice to the right of the Commissioner to extend the limits of the Non-Hawking Zones in the interests of public health, sanitation, safety, public convenience and the like." Further, the Court observed that "Hawking licenses should not be refused in the Hawking Zones except for good reasons."

A model framework for licenses and vending zones was created in this decision. The case of *Sodan Singh v/s New Delhi Municipal Corporation (NDMC) (1989)* has been a benchmark in the history of street vendors. The Court ruled that "the right to carry on trade or business, on street pavements, if properly regulated, cannot be denied on the ground that streets are meant exclusively for passing or re-passing and for no other use." It recognized the state of poverty and claimed that "there is no justification to deny the citizens of their right to earn livelihood by using public streets for the purpose of trade and business." The Supreme Court has made continuous calls to the government to uphold the rights of the street vendors. In the recent *Gainda Ram v/s Municipal Corporation of Delhi* the Supreme Court made a unique move mandating that the government must make appropriate laws by the 30th June 2011.

In August 2001, the government set up a National Task Force on Street Vendors. Subsequently, the government released a National Policy on Urban Street Vendors in 2004. It was then revised in 2006 and 2009. The Policy's major aim was to protect the livelihood of the street vendors. It aimed to do this through a registration system and by creating a system of local management and self-governance to protect the vendor's rights.

The National Policies were only guidelines towards which state governments had to work. There was no binding order on the governments to implement these directives. The primary problem with the National Policies remained non-implementation. The lack



of detailing with respect to relocation of vendors, surveying, harassment-control, fees etc. made implementation tough.

The Ministry of Human and Urban Poverty Alleviation (MHUPA) prepared the model legislation entitled Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill in 2009. This Bill was instrumental because it converted a suggestive Policy into a model legislative Bill which would make it binding on all governments and municipalities to implement.

On 6th September 2013, The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2013 was passed by the Lok Sabha and on 19th February 2014 by the Rajya Sabha. The assent of the President was received on 1st May 2014 after which the notification was sent to all local governments. It had to be fully implemented in one year's time i.e. 1st May 2015.

CURRENT LITERATURE

Shalini Sinha and Sally Roever in *Women in the Informal Sector: Globalising and Organising* (2011) elaborate on India's National Policy on Urban Street Vendors and give a detailed history of the legal aspect. The working paper on *Developing National Street Vendors Legislation in India: A Comparative Study of Street Vending Regulation* (2011) by Yale Law School analysed various provisions of the Act and explained the comparative approaches to street vending regulation. *Street Vending in Ten Cities of India* (2012) was written by Tata Institute of Social Sciences for NASVI which released the demographic data for street vendors in 10 cities. This report showed the exact social and economic status of street vendors. *Struggles for Spaces: Everyday Life of a Woman Street Vendor in Delhi* (2014) brings out the plight of women street vendors and their importance in our daily lives. *Contextualising Urban Livelihoods: Street Vending in India* contextualises the idea of public space and the rights of citizens over that space. *Street Vendors Bill: Opportunities and Challenges* (Mathur, 2014) gives a comprehensive analysis of the Street Vendors Act 2014 highlighting its achievements and drawbacks. *The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2013: Is the Cure Worse than the Disease?* By Rohan J Alva is a detailed critique of the Act both concerning legality and implementation.



The Street Vendors Act 2014 released by the Ministry of Human and Urban Poverty Alleviation had to be studied in fine detail. The National Policies of 2004, 2006 and 2009 were reviewed to analyse the progress of legislation with time. The Delhi government gazette on rules made for its state was compared with the central Act. The Supreme Court ruling of Sodan Singh v/s New Delhi Municipal Corporation (NDMC) (1989) is an important decision in the history of the vendors.

METHODOLOGY AND DATA COLLECTION

This research paper is essentially a 3-point project revolving around Delhi. It involves:

- i) Critical Analysis of Street Vendors Act 2014
- ii) Tracking the Progress of the Act in Delhi
- iii) Cost born due to non-implementation of the Act with the NCR

This research paper involves primary and secondary research. The first part of the research involved a detailed study of the Act and a literature review. It also involved a discussion with around 20 Street Vendor Representatives and policy researchers.

To understand how far the Act has been implemented, the progress of Delhi's municipal corporations and government were tracked. The Central Act brought out major guidelines and deadlines, but since street vending is a fairly localised issue, specific rules were left to the municipal corporation. So to understand how far the Act has been brought into action, each of the four municipal corporations in Delhi- North Delhi Municipal Corporation, South Delhi Municipal Corporation, East Delhi Municipal Corporation and New Delhi Municipal Corporation were contacted. Interviews were conducted with office bearers of the Enforcement/Central Licensing department of each municipal corporation, and the status of the Act was evaluated. Meetings were held in the Ministry of Housing and Urban Policy Alleviation and Delhi Government office(s) to understand the status of implementation and why it is currently jammed.

For the final element of the paper, the loss in monetary terms due to non-implementation of the provisions of the Act has been calculated. Non-implementation of the harassment provision has been most important because vendors end up losing most money due to bribing, eviction, penalties etc. 2 markets from each of the 4 municipal corporations were interviewed to get a holistic understanding of the city, namely:



New Delhi Municipal Corporation	Sarajini Nagar, India Gate
North Delhi Municipal Corporation	Karol Bagh, Jama Masjid
South Delhi Municipal Corporation	Sarai Kale Khan, Lajpat Nagar
East Delhi Municipal Corporation	Shahadra main market, Shahdra Sabzi market

These markets were selected randomly through convenience random sampling method. Within each of these markets, 5 vendors were interviewed. The vendors were selected on the basis of random sampling (semi structured interviews; questionnaire attached).

Loss per street vendor was calculated as follows:

Sr. No.	Total Loss to each vendor in the market	Computational Method
1.	Average monthly bribe paid	Direct Question to vendors
2.	Average monthly goods damaged due to eviction	Average number of goods lost per eviction x Average number of evictions per month
3.	Average monthly penalty paid to reclaim the goods lost	Average penalty paid x Average number of evictions per month
4.	Average monthly affidavit charges ¹	Average affidavit charges x Average number of evictions per month
5.	(sum of all above) Total Loss for (Vendor 1)	_____

Total Loss in the Market X per year=

Total loss for (Vendor 1+Vendor 2+Vendor 3+Vendor 4+Vendor 5)/5 x number of vendors x 12

Average Loss per Vendor in New Delhi per year=

Total loss in (Market 1 + Market 2+ Market 3+ Market 4+ Market 5+ Market 6+ Market 7+ Market 8)/ Total number of vendors in these 8 markets

¹ An affidavit charge has to be paid while paying the penalty to redeem the evicted goods. The standard charge for every affidavit is Rs. 150 per affidavit.



Total Loss to all Street Vendors in New Delhi per year=

Average loss in Delhi x Total Number of Street Vendors in Delhi

Where, Total number of street vendors in Delhi= Total Population of New Delhi (As per Census 2011) x 2.5%

(As per National Policy of Urban Street Vendors, approximately 2.5% of a city's population comprises of street vendors)

The union leader provided a birds-eye view of the problems that the vendors face in their particular market and how effective/ineffective the Street Vendors Act has been in solving them. He also corroborated the information provided by the vendors.

SECTION I: CRITICAL ANALYSIS OF THE STREET VENDORS ACT, 2014

The Street Vendors Act 2014 is the Act that mandates all state governments, municipal corporations to provide an identity to Street Vendors. Since this Act was preceded by the National Policy on Urban Street Vendors 2009, it created the right environment for the pursuance of street vendors' livelihood.

The Street Vendors Act 2014 mainly aims to provide the street vendors empowerment through rights and responsibilities. The major features of this Act include:

- 1) Right to Vend: Sec 12-16 of Chapter III highlight that the street vendors have complete right to carry on the business of street vending. It emphasizes the legality and legitimacy of street vending as a profession. A certificate of vending will be binding documental proof of the same.

- 2) Town Vending Committee: The Town Vending Committee (hereafter TVC) is the pivotal element of this Act mentioned in Section 22-26 of Chapter VII. The Town Vending Committee is a comprehensive committee of government officials, municipal officers, street vendors, bankers, traffic police, NGOs, RWAs etc. to take into consideration the opinion of all stakeholders within the ambit of street vending. The Town Vending Committee has to hold regular meetings and carry out functions relevant to vendors.



3) Plan for Street Vending: According to the second schedule of the Act, this plan is meant to be prepared by local authorities in consultation with the TVC. It involves laying down vending zones, non-vending zones and restricted zones for various markets. Civic amenities have to be created and regulated.

4) Redressal Mechanism: The Act, in Chapter V, prescribes a government redressal committee which will consider the application of the street vendor and take steps for redressal on the basis of the rules set. It also allows vendors to appeal to a local authority if preferred.

5) Prevention of Harassment: Chapter VII of the Act clearly pronounces that vendors following the terms and conditions of the certificate of vending cannot be prevented from carrying out their right to vend by any police or local authority in any manner. This is possibly the most relevant provision of the Act since harassment is the biggest problem that street vendors face.

The Street Vendors Act has been a leap of progress from the previous National Policies by virtue of being more specific. But, the Act in itself has some problem areas which make protection of street vendors tougher.

According to the Act, a Town Vending Committee has to involve a representation of 40% street vendors through an electoral process. For electing the street vendors, there needs to be an election held within the vending zone. A voter's list of street vendors needs to be created to conduct an election. For a vendor's list to be created, there needs to be a survey conducted. But according to the Street Vendors Act 2014, a survey of the Street Vendors needs to be conducted by the Town Vending Committee. This created a 'chicken-egg'² situation within the Act. TVC needs to do a survey of vendors to give them certificates of vending, but, for the formation of the TVC, there needs to be a prior survey.

This is creating massive problems for execution of the Act. The Town Vending Committee is responsible for the execution of all field-based functions. The First Schedule of the Act specifies the plan for street vending which involves vending and non-vending zones, civic amenities, certificates of vending, surveying, and rights of

² The 'chicken-egg' term as commonly referred by government officials refers to the circular instructions within the Act. The TVC is required to conduct a survey for creation of vendor list, but, for a TVC to be elected a vendor list needs to be present for elections to happen.



vendors etc. specific to that local municipal corporation. These are essentially the provisions which will start the implementation of the Act. Without the Town vending Committee, these provisions cannot be converted into action and without these provisions being converted into action, the situation of the vendors will remain stagnant.

Another problem with the Act is sub-section 1 of section 5 of Chapter II. It mentions that a street vendor has to ensure that he has no other means of livelihood except street vending. Street vending is not a highly paying profession and many street vendors take up alternate jobs in order to support their families (average income Rs. 49,536 per year). This provision could act as a hindrance in incentivising vendors to apply for certificates of vending. It might be problematic for authorities to check whether vendors are taking up other jobs.

The Act is meant to focus on the rights of street vendors in order to empower them with the local authorities. Chapter III talks about the rights and obligations of street vendors but the Act only specifies that the vendors have the 'right to vend' and not rights of street vendors. It talks nothing of the protection of the fundamental rights of street vendors that are currently being exploited. The state needs to assure upholding of their fundamental rights like freedom of speech, freedom to occupy public space, freedom to protest which are continuously being mocked by the local authorities.

Section 10 of the Act brings out how the Act seeks to punish vendors rather than support them. It emphasizes that there is no difference between a major and minor breach of the terms and conditions of the Act by the vendors. This implies that there is no difference in the kind of penalty that is going to be imposed, in all cases there is direct cancellation of the vending certificate and beyond. A minor breach by the vendors also costs them their livelihood as the lowest form of punishment.

According to section 27 of the Act, the police, and the municipal authorities are still the final deciding factors in which vendor is to be evicted and which vendors is not to be evicted. Given the history of the street vendors who have been exploited and harassed so gravely by the local authorities, it is problematic to leave them on the whims and fancies of the same local authorities. This may be conferred as a carte-blanche to harass any street vendor who they think is violating the terms of the certificate of vending, like



many current laws and rules which are followed and not followed arbitrarily by the local authorities.

Section 28 of the Act spells out the penal provisions that the street vendors have to face if they contravene the terms and conditions of the certificate of vending. It also emphasizes on how the local authority will take these measures. A municipal corporation which is purely an executive body is being converted into a judicial body with no judicial officers whatsoever. The principle of separation of power is the essence of the Indian Constitution. In the Supreme Court Case of Ram Jawaya Kapur v/s State of Punjab, Chief Justice Mukherjee elaborated 'Our Constitution does not contemplate assumption, by one organ or part of the State, of functions essentially belonging to the other'. Section 28 does not specify the kind of officers who will be in-charge of this kind of criminal adjudication, making this provision unconstitutional.

The Act explicitly claims that if the number of vendors is greater than 2.5% of the local urban population of the area, they won't be given certificates of vending unless they are relocated. A technical problem emerges from this. If the number of vendors in Delhi itself is greater than 2.5% of its total urban population, then they won't be given vending certificates. They won't be given non-harassment insurance or redressal mechanisms according to section 27 and 28 of the Act. Since these vendors are now illegal, they also come under the Bombay Prevention of Begging Act 1959 and can be prosecuted for the same.

SECTION II: TRACKING THE PROGRESS OF THE ACT

The Street Vendors Act was published on 1 May 2014 and a year's time was given to all states to implement this Act. In order to implement the Act, each state government is required to consult with the Municipal Corporations and the Town Vending Committees to finalize local rules and a scheme for Street Vendors of their state. Then functions of the Act, Scheme and Rules are to be carried out by the state government and TVCs.

This research paper focuses on Delhi and implementation of the Act in various municipal corporations. Delhi is divided into 4 municipal corporations:

- i) North Delhi Municipal Corporation
- ii) South Delhi Municipal Corporation



- iii) East Delhi Municipal Corporation
- iv) New Delhi Municipal Corporation

COMPARATIVE ANALYSIS (a/c to Municipal Authorities)

Provision	North DMC	SDMC	EDMC	New DMC
Interviewee	AO, Central Licensing Department	Enforcement Department	Deputy Commissioner, Consent Department	Director, Enforcement Department
Conducting Survey	Not done	Not done	Not done	Not done
Setting up of TVC	Not done	Not done	Not done- older TVC exists, but no work is being carried out	Not done
Assigning Certificate of Vending	Not done	Not done	Not done	Not done
Division of Vending Area amongst vendors	Not done	Not done	Not done	Not done
Scheme sent to Delhi Government	Yes	Yes	Yes	Yes
Stopped Eviction	Yes- all police commissioners, local authorities had been given notices saying that according to the Act evicting street vendors is no longer	Yes- Notices have been sent to all local authorities to stop the eviction. But if vendors are taking up space that	Yes	Yes- But if they create a nuisance they are told to move



	allowed. _____ _____	exceeds their limits then they are told to move.		
Solving the 'chicken egg' situation	Suggested that the rest of the Town Vending Committee (including Government officials, NGOs, Banks, Police officers etc. excluding the vendors) be created so that they can carry out a survey and conduct elections to elect the street vendor members.	Vendors' information is being combined in all of the sub-zones of South Delhi Municipal Corporation- South zone, West zone, Najafgarh Zone, Central Zone. Letters are being sent to vendors to register themselves in order to hold elections.	Given instructions to the zonal offices to make lists of all existing street vendors to have an electoral list in place so that the EDMC can then conduct elections. _____ _____	suggested that elections should be conducted from the street vendor's lists that already exist with the NDMC. It may not include all the vendors and may not be up-to-date, but it will, at least, be a starting point for the Act. _____ _____

Mostly, all four municipal corporations have completed the task for sending in their schemes but await the Delhi Government's notification to start work. Unless Town Vending Committees are formed, functions like division of vending area, providing certificates of vending, taking action on eviction cannot be executed. The election of TVCs is taking the longest time which is causing a blockage in the system.

Ministry of Human and Poverty Alleviation (MHUPA)

Regarding implementation of the Street Vendors Act 2014, the MHUPA is simply a guiding force. Even though MHUPA created the Act, it is not the accountability body for the implementation of this Act. The MHUPA is keeping vigilance of the progress of



all states on a monthly basis. Given that almost all states have missed the deadline for implementation of the Act, the MHUPA sends them reminders and notices to speed up work. Meetings are set-up for various officials from the state governments to clarify the Act, review their progress and share experiences for the benefit of others.

The MHUPA is flexible about creating the Schemes specific to the requirements of state governments. It allows state governments to incorporate changes in their state-scheme keeping in mind the general guidelines of the Act. The MHUPA also has model rules which can be adopted straight by the State governments.

There is no direct penalty imposed or strict order is sent by the MHUPA to the state governments. Pressurization or evaluation of the state government's progress is absent. The MHUPA passes on this work to the state governments.

Delhi Government

The pressure at the moment is on the Urban Development Department of the Delhi Government. There have been continuous meetings held between the Delhi government and all four municipal corporations. After a series of discussions and deliberations with the local municipalities, the Delhi government finalized its scheme specifying the exact rules to be followed during surveys, criteria for certificate of vending and its suspension, audit scheme for TVC etc.

The first draft had been created by the Urban Development Department, Delhi government in August 2015. The Scheme had been sent to the Law Department, Delhi government for vetting. The Law Department has found some problems on incorrect referencing of certain Sections within the Act. After the rectifications were made, the Delhi Government released the Government of National Capital Territory of Street Vendors Scheme, 2015 on 23rd September 2015. These were then forwarded to the Municipal Corporations for implementation.

According to the Deputy Secretary of the Urban Development, drafting the scheme is just the easy part. The tougher part of this Act will be the accurate implementation of the Scheme, especially with respect to forming of the Town Vending Committees and its proper functioning.



Mostly, the Act is in the process of implementation, but red-tapism is making it tougher for effective implementation. Trickling down to the grass-root authority is problematic in terms of time. The number of authorities the Act needs to pass through and the number of consultations per scheme is taking is causing the avoidable delay.

SECTION III: COST BORNE BY STREET VENDORS DUE TO NON-IMPLEMENTATION OF THE ACT

Harassment from local authorities in the form of eviction, penalties, bribery is the biggest problem that the street vendors face on a daily basis. The major focus of the Street Vendors Act has been to give vendors appropriate rights to empower them to fight the harassment. Due to non-implementation of the Act, this harassment continues to happen. This section aims to analyze the loss of street vendors in monetary terms due to non-implementation of this act.

Two markets from each of the four municipal corporations were visited, and 5 vendors from each market were surveyed. Averages on the basis of their responses have been calculated. Major avoidable losses that they face on a daily basis are:

- i) Bribes paid to MCD and Police
- ii) Penalties paid during eviction
- iii) Loss of livelihood once they have been evicted
- iv) Damage to goods/loss of goods when goods are taken away
- v) Affidavit Charges³

The responses were corroborated by other vendors and their representatives. Unless mentioned, all figures are in Rs. Per month.

A) North Delhi Municipal Corporation

a. CHANDNI CHOWK

From the North Delhi zone, a census of the Jama Masjid street vending area was conducted. Vendors selling and trading different kinds of goods were consulted and the following results were obtained:

³ The approximate Affidavit charge is Rs. 150/eviction



*In INR per month

Average Income	33,400
Average Profit	10,800
Average number of times Police/MCD comes to evict (in days)	4
Average number of times goods are evicted (in days)	1
Average number of days goods stay with the police	4
Average penalty paid	230
Average bribe paid	360
Average amount of goods lost	500
Total number of vendors	1000

Total Loss per year: Rs. 1,48,80,000⁴

Additional Notes:

- Of the 1000 vendors, 350 members are part of their union.
- The police and MCD haven't been visiting much, so the eviction rates have become almost null in the past year. Even if they do come, they continue to harass the vendors. Even if the vendors show them the stay order by the Supreme Court, it is trivialised by the authorities.
- A major problem the vendors face is the fact that it is a purely authoritative rule- no identification or proof is shown to the vendors when they are being asked for money.
- There has been no market survey conducted by local authorities.
- The vendors know about the Street Vendors Act and its provisions through the union formed with the help of NASVI, but the local authorities do not pay any heed to even documental proof.

a. KAROL BAGH

Karol Bagh falls in the North Delhi Municipal Corporation area and is one of the oldest markets of Delhi. It has a total of 1500 vendors who set up markets outside main shops. The following data was collected:

⁴ Formula used to calculate loss per year in the market= (Bribe paid + Penalty paid + Goods damaged due to eviction + affidavit chargers)* number of street vendors in the market * 12



*In INR per month

Average Income	45,600
Average Profit	10,800
Average number of times Police/MCD comes to evict (in days)	11
Average number of times goods are evicted (in days)	1
Average number of days goods stay with the police	2
Average penalty paid	720
Average bribe paid	1360
Average amount of goods lost	3200
Total number of vendors	1500

Total Loss per year: 9,77,40,000

Additional Notes:

- There has been some kind of improvement in this region after the Street Vendors Act 2014. A union of about 70 members has been formed which is trying to inform vendors about their rights by setting up meetings for vendors.
- The stay order is effective in stopping eviction by municipal authorities.
- The street vendors are relatively more aware. They organised a gheraav of the commissioner's office in order to stop the harassment that they faced on a daily basis.
- 50% of the vendors stopped paying bribes, but 50% (750 vendors) still bribe the police, municipality and health department through the Dalal system⁵.

B) New Delhi Municipal Corporation

a. INDIA GATE

India Gate has about 800 vendors who have been vending there since many years. India Gate comes under the New Delhi Municipal Corporation Area and is a popular tourist spot in Delhi. The vendors there are mainly food vendors. The following data was collected:

⁵an internal system where Municipal authorities have deployed a few street vendors from within the market to collect bribes on behalf of the Municipal Authorities



*In INR per month

Average Income per month:	39,600
Average Profit per month:	12,300
Average number of times police evicts	30
Average Number of times goods are taken away in eviction: (in days)	2
Average Amount of penalty paid:	28,200
Average Bribe Paid:	3200
Total Number of Vendors	800

Total Loss of goods per year: 18,56,64,000

Additional Notes:

- All the street vendors carry the stay order ensuring that they are allowed to vend, but the local authorities don't consider it.
- Many people whose goods are evicted don't even go back to collect their goods from the municipal office because the penalty to be paid is almost double the value of those goods.
- The Dalal system is very rampant at the India Gate market; there are approximately 36 working Dalals who collect and send money to the municipal and police officers.
- The major evicting threat there is not the Police but the NDMC officials. The Police collect bribes and only tells the vendors to re-place themselves. But the moment the municipal authorities come to the vending area all the vendors run as far as they can to avoid eviction.
- There is a street vendors union which is making the vendors aware of the Act and it's provisions, but nothing much has changed since the past year.

b. SAROJINI NAGAR MARKET

Sarojini Nagar falls under the NDMC area and is a part of Central Delhi. It is a popular market, both regarding sale and eviction raids. With a range of products being sold here, NASVI has been continuously working with them to improve the situation of the vendors. The following data was collected:

*In INR per month

Average Income	43,200
Average Profit	11,700



Average number of times Police/MCD comes to evict (in days)	30 days
Average number of times goods are evicted (in days)	2 times
Average number of days goods stay with the police	8 days
Average penalty paid	690
Average bribe paid	1600
Average amount of goods lost	12,120
Total number of vendors	1400 vendors

Total Loss in one year= Rs. 46,23,36,000

Additional Information:

- There has not been much change after the implementation of the Act in this market. The local authorities continue to harass the vendors, and the vendors have to pay bribes to both the police and NDMC officials here.
- The union is growing but curtailing people from paying bribes and making them aware of their rights is becoming a problem.
- Most vendors in this market are scared of losing their livelihood and therefore don't revolt against the local authorities. The stay order doesn't matter to local authorities.

C) South Delhi Municipal Corporation

a. SARAI KALE KHAN

The Sarai Kale Khan market falls in the South Delhi Municipal Corporation zone and leads up to the Nizamuddin Railway Station. This is a much less organised market as compared to the other markets and have approximately 250 vendors. The following details were collected:

*In INR per month

Average Income	47,400
Average Profit	11,400
Average number of times Police/MCD comes to evict (in days)	5
Average number of times goods are	1



evicted (in days)	
Average number of days goods stay with the police	3
Average penalty paid	570
Average bribe paid	160
Average amount of goods lost	4000
Total number of vendors	250

Total Loss in the year: Rs. 38,40,000

Additional information:

- The union leader explained how even though bribing and eviction is reduced, but 80% of the vendors continue to pay bribes (200 of 250 vendors) through the Dalal system.
- The vendors try to show the stay order to the local authorities but they do not pay any heed to it.
- Vendors were observed to be co-operative with the local authorities wherever they could be. They help move the traffic along the road so that there aren't any jams going towards the railway station. One vendor was even making a list of all vendors to submit to the union. Exploitation still continues.
- Even though a union exists, it is not able to do much without municipal co-operation. 100% of the respondents were aware of the act and wanted swift action. They all claimed that a license and vending zone will help them enormously. 60% believed that harassment is the biggest problem in street vending.

b. LAJPAT NAGAR

The Lajpat Nagar market is a popular market that falls under the South Delhi Municipal Corporation area. The market and vendors are divided into the outside and inside region, and maximum sale happens in the inside area of the market. There are a total of about 2000 vendors of which 1800 sit in the inside market whereas 200 vendors sit on the main road outside. The following details were collected:

*INR per month

Average Income	93,750
Average Profit	21,300
Average number of times Police/MCD	25



comes to evict (in days)	
Average number of times goods are evicted (in days)	3
Average number of days goods stay with the police	7
Average penalty paid	520
Average bribe paid	1,300
Average amount of goods lost	6,400
Total number of vendors	2000

Total Loss in one year: Rs. 54,02,40,000

Additional Information:

- Of the total number of 2000 vendors, about 300 vendors are with the union and have stopped paying bribes after it's formation.
- The rest 1700 vendors continue to pay bribes through the Dalal system. The evictions have drastically fallen after the Act was passed last year. Now when the Municipal authorities come to harass the vendors the Union leader asks for the order through which they are supposed to collect money.
- The Act has empowered them to stand up for their rights, but sadly the underground black market of bribing is continuing.
- Sanitation is a massive problem for women vendors there.
- Most vendors are aware of the Street Vendors Act 2014, but do not know how to exercise their rights. 100% of the vendors were aware that there was an Act of some sort but did not know details. They all agreed that a license and vending zone will make business easier for them since harassment is the biggest problem.

C) East Delhi Municipal Corporation

SHAHADRA MARKET

Shahdra falls under the East Delhi Municipal Corporation and is a relatively unorganised market. There is no consolidated union in this entire market. The following data was collected:

*In INR per month

Average Income	70,000
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Average Profit	16,200
Average number of times Police/MCD comes to evict (in days)	2
Average number of times goods are evicted (in days)	1
Average number of days goods stay with the police	3
Average penalty paid	1,010
Average bribe paid	1,000
Average amount of goods lost	4,000
Total number of vendors	1000

Total loss for the year= 7,39,20,000

Additional Notes:

- The Shahadra market is a very divided market with some vendors aware of the Act and the others completely unaware.
- Some vendors have stopped paying bribes whereas the others continue to give money to both the Police and Municipal Corporation.
- The bribes taken are very arbitrary, and police officers discriminate on the basis of the vendors' co-operation in paying the bribes.
- Those who have won high court cases are secure, but the others still face many problems.
- 100% respondents believed that harassment was the biggest issue. All respondents vaguely knew about the Act and claimed that if they are given a license and vending zone, the situation will drastically improve.

SHAHADRA SABZI MARKET

*INR per month

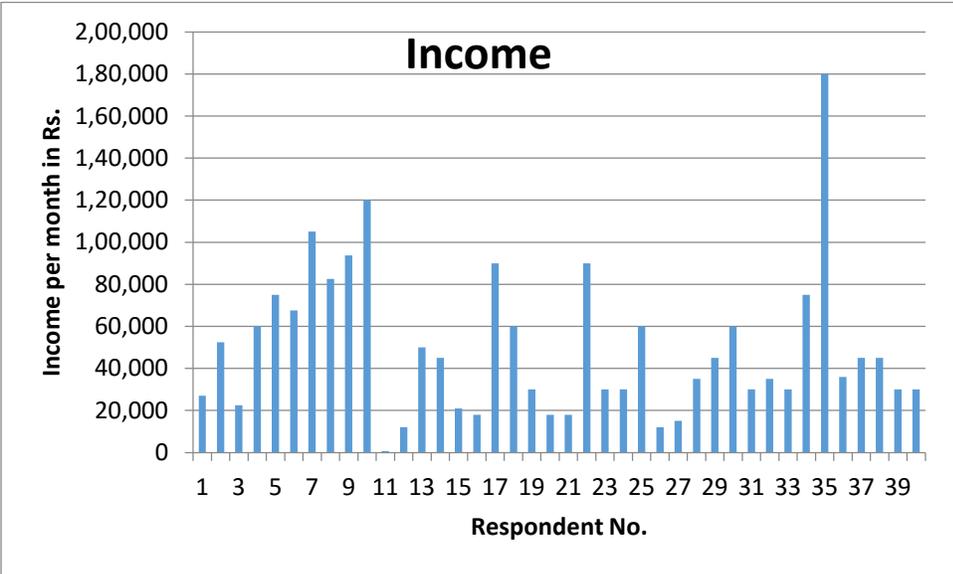
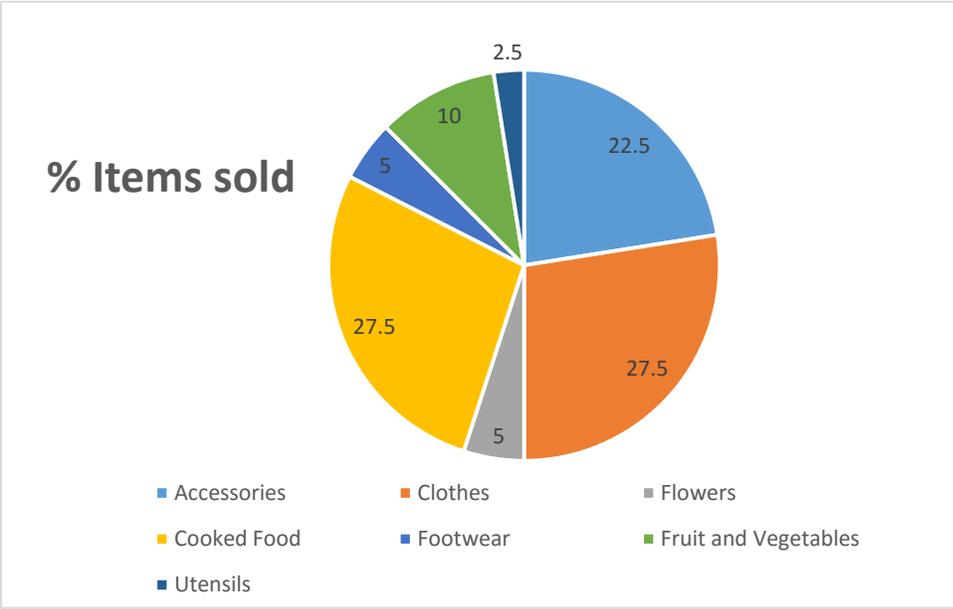
Average Income	37,200
Average Profit	9,800
Average number of times Police/MCD comes to evict (in days)	7
Average number of times goods are evicted (in days)	1
Average number of days goods stay with	4

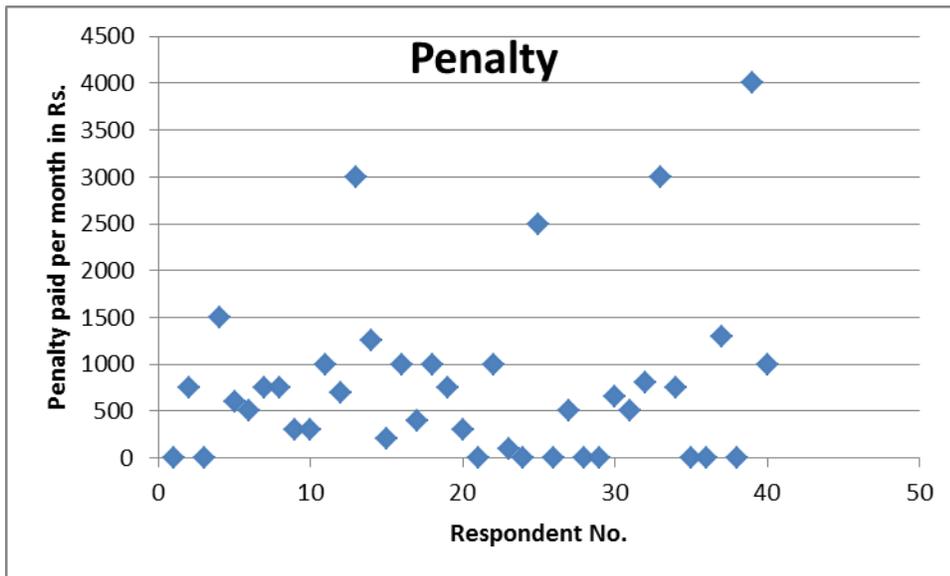
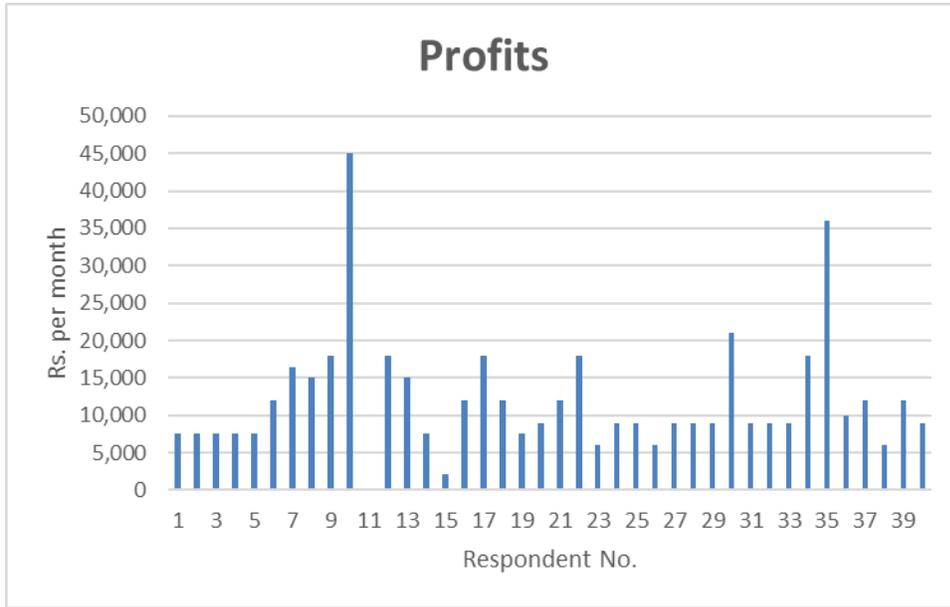


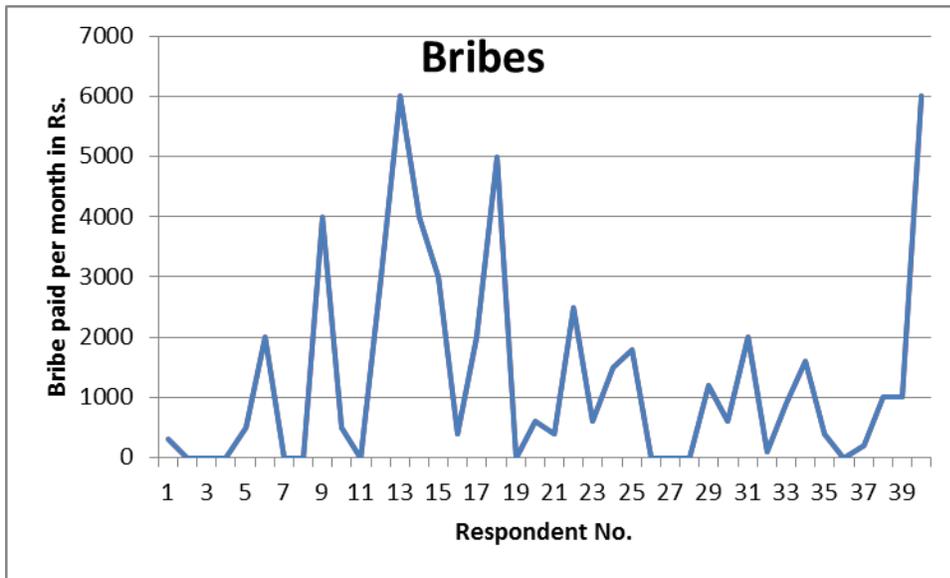
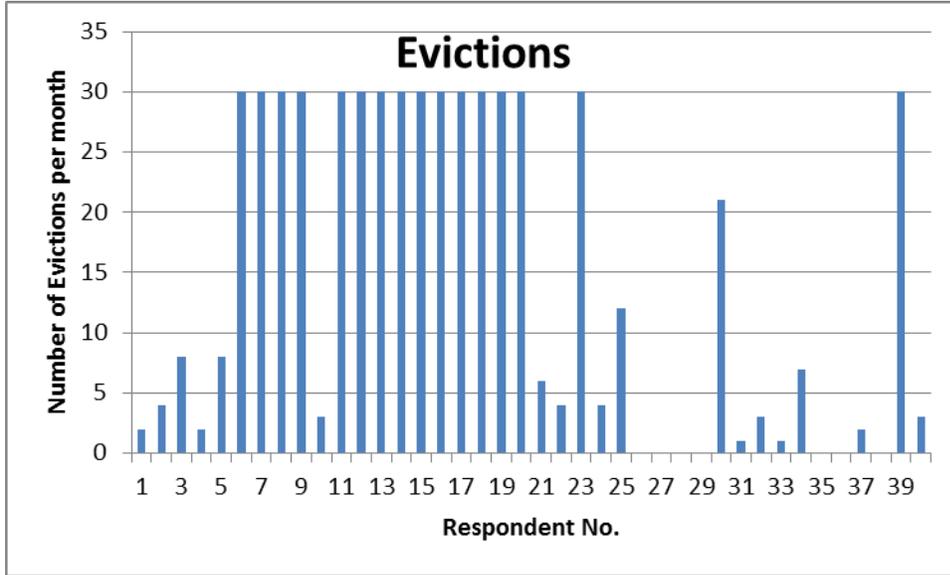
the police	
Average penalty paid	1,260
Average bribe paid	1,640
Average amount of goods lost	21,000
Total number of vendors	200

Total loss in one year= 5,77,20,000

COMPREHENSIVE ANALYSIS







CONSOLIDATED FIGURES

NAME OF THE MARKET	TOTAL LOSS in one year (2014-15) (Rs.)
Chandni Chowk	1,48,80,000
India Gate	18,56,64,000



Lajpat Nagar	54,02,40,000
Sarai Kale Khan	38,40,000
Sarojini Nagar Market	46,23,36,000
Karol Bagh	9,77,40,000
Shahadra	7,39,20,000
Shahadra Sabzi Market	5,77,20,000

From just these eight markets (comprising of 8,150 vendors) there has been a loss of Rs. 1,43,63,40,000 (one hundred and forty three crores sixty three lakhs forty thousand rupees) or \$ 21,608,873.50 (twenty one million six hundred and eight thousand eight hundred and seventy three point five dollars) due to non-implementation of the Act last year.

Loss per vendor is Rs. 1,76,238 (one lakh seventy six thousand two hundred and thirty eight rupees) or \$2651.39 (two thousand six hundred and fifty one dollars) per year.

This means 29.64% of each street vendor's income per year is lost due to harassment.

The National Policy says that street vendors are approximately 2.5% of the urban population.

Delhi's Urban Population (According to Census 2011)	16,314,838
Delhi's Street Vendor Population	4,07,871

Therefore, total loss of Street Vendors in Delhi due to Non-implementation of the Act is Rs. 71,88,23,84,311 (seventy one arab eighty eight crore twenty three lakhs eighty four thousand three hundred and eleven rupees) or \$10,814,273,423 (ten billion eight hundred and fourteen million two hundred and seventy three thousand four hundred and twenty three dollars) per year.



SECTION IV: ETHNOGRAPHIC EVIDENCE

CASE STUDY 1: *Trivialising High Court Judgements*

The Jama Masjid vending area is a peculiar case because there has been victory of the street vendors, yet there is loss. There were evictions every single day and bribes were taken regularly, but the vendors scraped their way through. It took more than a week to get evicted goods back and penalties were anywhere between Rs 500 and Rs 1000. On 1 August 2014, the street vendors were removed from the vending area on account of Independence day celebrations at the Red Fort. Even after 15 August 2014 the vendors were not allowed to vend. This continued for another 5 months and the street vendors were left without a livelihood to fall back on. Many government officials, police inspectors, MCD officers were consulted but in no vain. Finally, Mr. Sufi along with some other union member vendors filed a court case against this injustice. On 16th Jan 2015 they won the high court case. Ever since then they have been allowed to vend. Neither does the MCD nor does the Police come and directly evict or harass them. But, even though the Police and MCD do not directly come and take bribes from vendors, they operate through the Dalal system where they deploy one vendor who collects money from all the non-union members and makes the payment to the officials. The internal harassment has still not stopped.

CASE STUDY 2: *Lack of Identity of Street Vendors*

Mr. Sunil Mishra, the union leader of the Karol Bagh market, explained how street vending was given no formal recognition as a profession. Many times, close to elections or any community activity that needs identity proof the vendors would voluntarily give in their goods during the eviction and pay a penalty. The vendors would do this so that they would get a challan as some sort of proof of identity. It would be evidence of profession, address and date. This highlights the massive lag of even a basic license recognizing the vendors as parts of this democracy.

CASE STUDY 3: *Evictions and Debt Traps*

Mr. Virendra, a vendor in Karol Bagh since the past 30 years, explains how harassment is not just from municipal authorities. Since most of the vendors only have space to



vend outside shops so that they don't obstruct shoppers walking area, the shopkeepers continuously trouble them. The shop-keepers have formed a market association which often takes away the goods of the street vendors as though the vendors have no right to the street. When these authorities take away their goods, the goods are not returned. The vendors go and buy new goods on credit which are again taken away. This results in street vendors getting stuck in a massive debt trap which they aren't able to repay through regular business.

CASE STUDY 4: *Harassment of family members*

The Union leader of Lajpat Nagar market Mr. Mohammad Salim has been vending in this market for the past seven years. After becoming more aware of the Act, he started revolting against the local authorities when they came to ask for bribes. Early in April 2015, on refusal to make payments to the MCD, Mr. Salim, and his son were charged on mis-behaviour, arrested and sent to Tihar jail. His wife was harassed, and her clothes were taken away by the NDMC. Mr. Salim was released after four days, but his son was kept there for longer. All his goods were seized by the local authorities and haven't been released, despite continuous trips to the Municipal office.

CASE STUDY 5: *Vendors' revolt against local authorities*

Around the 10th of July violence was witnessed in the Sarai Kale Khan market. Inspector Charan Singh and Inspector Sunil were regular harassers in the market. On the 10th of July when they came to the market they misbehaved with the street vendors, abused them and violently asked them for money. Mr. Ram Chandra, along with many other vendors, got together and beat up both the police officers who were asking for bribes. The fight continued for over an hour and all the street vendors got involved. Ever since then (till August 2015), neither of these inspectors have come to the market to harass or evict the vendors.

FINDINGS:

The Street Vendors Act 2014 is a tool for empowerment of the vendors. Considering the level of exploitation both economically and mentally, this Act is a savior for the vendors. Even though most government offices claim that non-harassment and non-



eviction notices have been sent to the local authorities, both exploitation and harassment continue in the markets.

The following are the significant findings:

- 1) Corruption: The cause of non-implementation of this Act is corruption. Corruption not only from the municipal corporations but also from the police authorities. After the implementation of the Street Vendors Act 2014, eviction may have reduced in many markets, but corruption through exploitation continues. Even if local authorities do not come and explicitly collect money from the vendors, the Dalal system is rampant. The Municipal Corporations are unwilling to make changes because they lose out on money through bribes. This is making them want to delay the process more and more.
- 2) Red-Tapism: It has taken over a year for the Municipal Corporation Schemes to be made and notification is still pending. After numerous interviews, the main conclusion is that Municipal Corporations aren't giving the Act the priority it deserves. They have crossed the deadline for the formulation of a scheme.
- 3) Fear from street vendors: Vendors are crippled under the authoritarian rule of Municipal Authorities and do not protest in fear of losing their livelihoods. Even if the municipal authorities aren't directly harassing the vendors, they have deployed Dalals in the markets. The street vendors are unwilling to take the risk of standing up to these authorities for their rights in fear of losing that day's income. Their abject poverty does not allow them to take even that much risk.
- 4) Lack of awareness and empowerment: Street vendors are unaware of their rights and how to use their rights. Many aren't aware of the Act or even the fact that Street Vending is now a legal activity. By virtue of being illiterate, many of them can't file applications in case of evictions or lodge FIRs against Police officers in case of harassment.
- 5) Lack of Collective Action: Collective Action by the street Vendors is the only thing that has helped so far in terms of awareness and stopping to bribe payments. Union leaders hold meetings, awareness camps, interaction sessions and popularise the Street Vendors Act 2014.. When street vendors come together, the power of unity helps them carry out protests. The problem of lack of awareness gets tackled. Many unions are in



association with NGOs like NASVI, SEWA, Manoshi, etc. who keep updating them with progress in the government departments.

6) Rs. 71,88,23,84,311 of street vendor's income can be saved per year within New Delhi if the Act is implemented correctly.

RECCOMENDATIONS

In a time of dire crisis for these street vendors and continual delay, there needs to be some changes within the legislative and executive systems. The major issue with this Act has been implementation, but implementation problems also arise due to problems within the Act.

Problem	Current Situation	Recommendation
Lack of an Accountability Body	One primary reason the execution of the Act has been delayed for so long has been because of the absence of an accountability body implementing deadlines in a more stringent manner. Every stakeholder institution involved in the implementation of this Act has claimed that there is no accountability body responsible for proper implementation. The MHUPA is simply a guiding umbrella with no urgency to implement the Act. The Delhi government claims it's role is simply to draft the Act and pass it onto the Municipal Corporations for implementation. The issue with the Municipal Body being the principal implementation is body is simply that it has been	There is a need to create a dedicated committee within state governments which works to ensure correct implementation of the Act. Penalties, notices, deadlines, incentives etc. need to be regulated by this committee. This committee needs to carefully monitor the Police, Municipals in order to ensure that no corruption happens in the process. The committee needs to be fully and only involved in the implementation of the Act in the most stringent manner, otherwise an Act that was meant to be implemented on 1 st May 2015 will keep getting delayed.



	the source of maximum corruption.	
Severe Crackdown on Current Harassment	Despite Supreme Court directives giving a stay order to Street vendors and allowing them to vend till Town Vending Committees have been set up, harassment continues. Currently, most Municipal officers/ Policemen claim that a complaint has been filed by residents due to which street vendors need to be evicted. There is hardly ever any written record of the complaint or actions taken.	The committee created in order to ensure implementation of the Act needs to look into this urgently. The municipal officers/ Policemen should report the complaint, reason for eviction, goods evicted, penalty charged with receipt etc. in written form rather than arbitrarily evicting vendors on a complaint that cannot be verified. A copy of the records should be available to the public and vendors.
More Collective Effort	Vendors are typically unaware of their The Street Vendors Act 2014 or their rights. Even though unions are present in a large part of Delhi, membership isn't much.	In order to disseminate information and create a pressure group associations of Street Vendors need to be made. The vendors should take up this activity and the government should promote formation of such associations.
Election of Town Vending Committee	Given the "chicken-egg" situation with TVC having to create a voter list for an election of a Town Vending Committee itself, the MHUPA must clarify it's stance. Preferably, it can send out guidelines amending this loophole.	In the absence of a TVC, the rest 60% of the Town Vending Committee comprising of various stakeholders can be created. This partial Town Vending Committee can then create a voter list and conduct elections as it's first task. Once this is done, the complete, new TVC can then work together towards improving the situation of Vendors.



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STREET VENDORS SURVEY **QUESTIONNAIRE**

- 1) Name:
- 2) Age:
- 3) Types of goods sold:
- 4) Family size:
- 5) How long have you been in this market? ____
a) Below 5 years b) 5-15 years c) 15-25 years d) more than 25 years
- 6) Do you vend around this area or somewhere else as well? Where?
- 7) What is the cost of the cart/stall? ____
a) Rs. 1000 b) Rs. 1000-5000 c) Rs. 5000-10000 d) More than 10,000
- 8) How much do you typically sell your product for? ____
a) Rs. 50-100 b) Rs. 100-300 c) Rs. 300-1000 d) Above Rs. 1000
- 9) What is your average income per day? ____
a) Below 100 b) Rs. 100-1000 c) Rs. 1000-3000 d) More than 3000
- 10) What are your expenses for the goods? ____
a) Below 500 b) Rs. 500-1000 c) Rs 1000-3000 d) Rs 3000 above
- 11) What is your profit per day?
a) Below 100 b) Rs 100-300 c) Rs. 300-500 d) Rs.500-1000 e) Above 1000
- 12) What is the major challenge in street vending? ____
a) No legitimacy b) Harassment c) Low profits d) Others
- 13) How does harassment take place?
a) Raids b) eviction c) penalties d) bribes d)all e)others
- 14) How many times are you evicted? ____
a) Once a day b) twice a week c) once a week d)once in 15 days e) once a month



- b) How many times are you able to run away?
a) Half the times b) all the times c) never d) very few times
- 15) Of all the evictions that happen, how many times are your goods taken away?
a) Once a day b) twice a week c) once a week d) once in 15 days e) once a month
- 16) When an eviction takes place and if you are able to run away, how long does it take for you to come back to business? ____
a) Immediately b) In 2-3 hours c) In 5-6 hours d) The next day
- 17) How many days do your goods stay with the police for? (non-perishable) ____
a) 2 days b) 5 days c) 1 week d) 15 days e) More than 15 days
- 18) If they police throw away all your goods at once, what is the cost damage? (perishable) ____
a) Below 5000 b) Rs 5000-30000 c) Rs 30000-50000 d) Above 50000 e) Above 10000
- 19) What is the process for reclaiming confiscated goods?
- 20) What is the penalty for confiscated goods? ____
a) Below 100-500 b) Between 500-1000 c) Between 1000-2000 d) 2000 and above
- 21) Is the cart returned?
a) Yes b) No
- 22) Do you have to bribe the police to avoid this situation?
a) Yes b) No c) Sometimes
- 23) What amount of bribe do you pay the police? ____
a) Below 500 b) Between 500-1000 c) Between 1000-5000 d) Above 5000
- 24) Do you pay in cash or kind?
a) Cash b) Kind c) Both
- 25) Are you aware of the Street Vendors Act 2014?
a) Yes b) No c) Partially
- 26) Was there a census conducted in your market recently?
a) Yes b) No c) I don't know



- 27) Have you been given licenses or certificates of vending?
a) Yes (specify fee amount) b) No c) Will be given soon
- 28) Were their elections held for a TVC?
a) Yes b) No
- 29) Is there any kind of redressal mechanism for your greivances?
a) Yes (specify details) b) No
- 30) Has there been any change in street vending from the governments side?
a) Yes (specify details) b) No
- 31) Were you allotted vending places?
a) Yes b) No
- 32) How can street vendor's situation be improved?
- 33) Are you a part of any union? What are it's major demands?
a) Yes (specify demands) b) No
- 34) Will you being given a license, vending zone ensure that there will be no harassment help in better business?
a) Yes b) No c) Maybe