

Street Vendors Act 2014

Enumerating Street Vendors in Mumbai, Maharashtra

Prashant Narang¹

New Delhi, India
February 2020



¹. The author extends his gratitude to Vidushi Sabharwal, Simran Massey and Sanjana Anand for their research assistance in this case study.

Contents

Introduction	1
Survey and Licensing of Street Vendors in Mumbai: Last 40 Years	1
Challenges in the Implementation of the 2014-Law	4
By allowing the Municipal Corporation and the State Government to veto TVC decisions, we dilute participatory governance	4
Power to reject or recall TVC proposal for non-adherence to local laws goes against the Street Vendors Act, 2014	5
No safeguard against misuse	5
Executive assuming a judicial function violates the doctrine of separation of powers	6
Six years after the Act, Maharashtra still does not have a scheme	6
Bombay HC set aside the GR dated 9 January 2017 as it did not comply with the consultation mandate	6
One Scheme for the entire State?	6
Scheme-making is complex: consultative requirements are both necessary and difficult to comply with	7
The 2014-Vendor Survey was not as per the Street Vendors Act, 2014 or 2009 Policy	7
Survey was to be based on 2009-Policy	7
2009-Policy prescribes census-like survey and hiring a professional agency for the survey	8
2014-registration drive was based on application submission and not census-like survey	8
Exclusion through additional requirements	9
Domicile Certificate	9
Vendors who cook are excluded	9
Conclusion	10
Bibliography	11

Introduction

Street vendors sell goods and services informally on the street. They may not have any permanent physical structure (Bhowmik 2001). According to the Government of India, there are around 10 million street vendors in India, including about 250,000 vendors in Mumbai (National Commission for Enterprises in the Unorganised Sector 2006). Another study, based on trade union records, pegs the number of street vendors in Mumbai at 350,000 (Saha 2009). After 11 years, considering the population growth, the number may have gone up to 400,000.

Municipal Corporation of Greater Mumbai [commonly known as Brihanmumbai Municipal Corporation (BMC)] - the largest and richest municipality in India, is responsible for regulating street vending in Mumbai. BMC represents 67 per cent of the total population of the metropolitan region (Zérah 2009). BMC has been grappling with the 'street vendor nuisance, encroachment and other illegalities' at least since the 1880s. Street vendors are a curious phenomenon, having a 'precarious legal status while deeply enmeshed in daily life' (Anjaria 2016).

However, the *Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014* (the 'Street Vendors Act, 2014') now empowers a participatory committee called the Town Vending Committee (TVC) to regulate street vending. One of the most important functions of the TVC is to conduct a survey of all street vendors and formalise them.²

This paper investigates the status of survey, licencing and allocation of vending rights in Mumbai since the enactment of the Street Vendors Act 2014. Part-II presents the recent history of surveying and licencing vendors in the city. Part-III identifies four issues with the policy implementation and discusses them in detail. Part-IV concludes.

Survey and Licensing of Street Vendors in Mumbai: Last 40 Years

1983: Bombay Hawkers Union filed a writ petition before the Supreme Court of India challenging the constitutionality of certain provisions of the Bombay Municipal Corporation Act, 1888. The provisions, petitioners claimed, vested arbitrary and unguided powers in the local authority to refuse to grant or renew licences for street vending and to remove the goods without hearing. On 6 May 1983, Municipal Commissioner proposed a scheme, but the hawkers' union showed no response to the proposed scheme. On 5 August 1983, the Supreme Court allowed BMC to go ahead with a scheme without consulting the street vendors, should the Hawkers' Committee remain undecided about the draft scheme.³ On 12 September 1983, the Hawkers' Committee discussed the BMC proposal and shared their concerns regarding some terms used in the scheme. On 30 September 1983, the Municipal Commissioner proposed a modified scheme. On 15 October 1983, the Hawkers' Committee requested BMC to formulate the final

2. Refer to Section 3(2), The Street Vendors Act.

3. "If the members of the Hawkers' Committee do not come to any decision by consensus, the Commissioner of Bombay Municipal Corporation will be free to frame a scheme." - Supreme Court order dated 5 August 1983.

scheme. On 23 November 1983, Street vendors filed an application before the Supreme Court seeking directions to the BMC to demarcate street vending zones.⁴

3 July 1985: The Supreme Court directed the Municipal Commissioner to demarcate zoning in consultation with the BMC, and to frame the final Scheme based on the Court's directions and observations. The Supreme Court empowered the Municipal Commissioner to extend the no-street vending zones in the interest of public health, sanitation, safety and public convenience.⁵

1997: BMC in partnership with Tata Institute of Social Sciences (TISS) and Youth for Unity and Voluntary Action (YUVA) conducted the first survey of street vendors in Mumbai and identified around 1,03,000 street vendors (Sharma and Sita 2008). 15,000 street vendors were found to be licenced; 22,000 hawkers were issued 'pautis' - 'unauthorized occupation cum refuse removal charges'.⁶

14 March 2000: The Bombay High Court observed that BMC ought to distinguish between licenced street vendors and unlicensed street vendors, and prefer the former for space allotment. The Court observed that unlicensed vendors would have to wait in queue without claiming any right until all the licenced vendors are accommodated. As per the Court, pautis were only "refuse removal charges" and did not vest any vending right in the street vendors.⁷

9 December 2003: The Supreme Court directed BMC to invite applications for allocation of licences and allot licences based on a draw of lots.⁸

2009: *National Policy on Urban Street Vendors* was adopted. The Policy prescribed digital surveys of vendors and outsourcing the contract for survey and spatial planning to professional agencies for spatial planning. It recommended that surveys should be the basis for fixing quantitative space norms (carrying capacity/ holding capacity) and licence allotment, and that the survey should be a periodic census "to assess the increase or decrease in the number of street vendors".

9 September 2013: The Supreme Court of India issued directions to the Chief Secretaries of States to constitute TVCs as per the 2009 Policy, and to choose the representatives of various organizations and street vendors through a fair and transparent mechanism.⁹

2013: As per the 2009 Policy, BMC Commissioner constituted a 30-member TVC under his Chairmanship.¹⁰

4. *Bombay Hawkers' Union v. Bombay Municipal Corporation* MANU/SC/0027/1985 : (1985) 3 SCC 528

5. *Bombay Hawkers' Union v. Bombay Municipal Corporation* MANU/SC/0027/1985 : (1985) 3 SCC 528

6. *Maharashtra Ekta Hawkers Union v. Municipal Corporation, Greater Mumbai* MANU/SC/1008/2003.

7. *Hawkers Merchants Welfare Association v MCGM* MANU/MH/1381/2000

8. *Maharashtra Ekta Hawkers Union v. Municipal Corporation, Greater Mumbai* MANU/SC/1008/2003.

9. *Maharashtra Ekta Hawkers Union v. Municipal Corporation, Greater Mumbai* MANU/SC/0927/2013

10. *Azad Hawkers Union v. Union of India* MANU/MH/2574/2017

4 March 2014: The Parliament of India enacted the [Street Vendors \(Protection of Livelihood and Regulation of Street Vending\) Act, 2014](#).

2 April 2014: The 2013-Mumbai TVC approved a draft of the vendor registration form. The form covers details like the category of vending (stationary/mobile), vending spot (road/footpath), and vending zone.

1 May 2014: The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 vide [gazette notification](#) came into force.

7 July 2014: The 2013-Mumbai TVC passed a resolution to form 241 teams for conducting a survey of the vendors. BMC issued only 1,28,443 forms to vendors¹¹ and 99,435 vendors submitted the forms. Vendors needed to submit a birth certificate, a domicile certificate, proof of working as a vendor (any fine/receipt issued by the police/court/BMC before 1 May 2014) and an undertaking (hamipatra) of having *vending as their only source of livelihood*.

23 October 2015: Bombay High Court held: (1) the Street Vendors Act, 2014 does not protect those vendors who cook food at the place of street vending; (2) All existing vendors as on 1 May 2014 would be covered under the Act and those who started vending after the notification date were encroachers. The Court further directed the State Government to set deadlines for formulation of the scheme, the rules and constitution of TVCs in each local authority.¹²

3 August 2016: The Government of Maharashtra notified its state [rules](#) under the Street Vendors Act, 2014. Rule 22(10) empowers the Municipal Commissioner or the Chief Officer to reject a proposal “passed in Town Vending Committee on majority of votes or voice of vote” and similarly, rule 22(11) empowers the Government of Maharashtra to “recall the proceedings of the Town Vending Committee and revoke the proposals passed” if the proposal is not in accordance with certain local laws.

9 January 2017: The Urban Development Department (UDD), Government of Maharashtra formulated a scheme vide a [government resolution number BMC/2516/1519/2016/21](#) under the Street Vendors Act, 2014. On the same day, the Department also brought out another [government resolution](#) entitled “Scheme enforcement related information” allowing local authorities to constitute TVCs *without* any representation of street vendors.

1 November 2017: Bombay High Court held: (1) the scheme dated 9.01.2017 could not be regarded as the statutory scheme because the Government did not consult the local authorities and TVCs for framing the scheme, as per the Act; (2) BMC-conducted survey of 2014 can be considered to be the first survey under section 3 of the Street Vendors Act, 2014 and elections can be held based on that survey; (3) Government resolution dated 9.01.2017 allowing the local authorities to constitute TVCs without the representation of street vendors, was bad in law.¹³

11. Azad Hawkers Union v. Union of India MANU/MH/2574/2017

12. Shri Vile Parle Kelvani Mandal vs. Municipal Corporation of Greater Mumbai MANU/MH/2896/2015

13. Azad Hawkers Union v. Union of India MANU/MH/2574/2017

Jul-Aug 2018: TVCs completed verifying 96,655 applications of the total 99,435 applicants; remaining 2,780 applicants are pending verification. The TVC found only 23,265 applications eligible. BMC asked for a domicile certificate among other documents from the applicants (Singh 2018).

Dec 2018: BMC decided to arrange field visits for seven zonal TVC members to inspect roads and pitches proposed for street vending. TVCs approved a mere 10,000 street vending pitches in Borivali, Gorai and Malad out of the 85,000 proposed by the civic body (Express News Service 2018).

Apr-May 2019: Zonal TVCs are yet to assign street vending pitches to 17,000-18,000 eligible street vendors (Express News Service 2019).

Oct 2019: In an interview, Deputy Municipal Commissioner (Removal of Encroachments), BMC shared that within the next two months, the certificate of vending would be issued, space allotment would be done as per the street vending zones, and finally licences would be provided. The software for issuing certificates was ready and 'normal ID cards' would be issued. Later, geotagged ID Cards with QR Code would be issued. Approximately 11,000 licenced vendors would be issued certificates of vending.

Challenges in the Implementation of the 2014-Law

We find four challenges in the way, the Government of Maharashtra has implemented the 2014-Act (Figure 1).

By allowing the Municipal Corporation and the State Government to veto TVC decisions, we dilute participatory governance

The Government of Maharashtra notified the Maharashtra Street Vendors (Protection of Livelihood and Regulation of Street Vending) (Maharashtra) Rules, 2016 on 3 August 2016. Rule 22 of these rules vests powers in the Municipal Commissioners and the State Government to overrule TVC proposals.¹⁴ This Rule may be ultra vires of the parent Act because it ignores the overriding powers of the Street Vendors Act, 2014, does not provide any safeguards against executive abuse, and violates the doctrine of separation of powers.

14. (10) Whenever the proposal is passed in Town Vending Committee on majority of votes or voice of vote as the case may be; and if, it is not in consonance with the Mumbai Municipal Corporation Act (III of 1888), Maharashtra Municipal Corporation Act (LIX of 1949), the Maharashtra Regional and Town Planning Act, 1966, Maharashtra Municipal Councils Nagar Panchayats and Industrial Townships Act, 1965 or any other Law for the time being in force, the Act and the Rules and Schemes, By-laws prepared under the Act; or any other law for the time being in force, the Municipal Commissioner or the Chief Officer, as the case may be, may reject such proposal. (11) The Government of Maharashtra, sue moto or whenever it is brought to the notice, may recall the proceedings of the Town Vending Committee and revoked the proposals passed which are not in consonance with the provisions of the Mumbai Municipal Corporation Act (III of 1888), Maharashtra Municipal Corporation Act (LIX of 1949), Maharashtra Regional and Town Planning Act, 1966, Maharashtra Municipals Councils Nagar Panchayats and Industrial Townships Act 1965 or any other law for the time being in force.

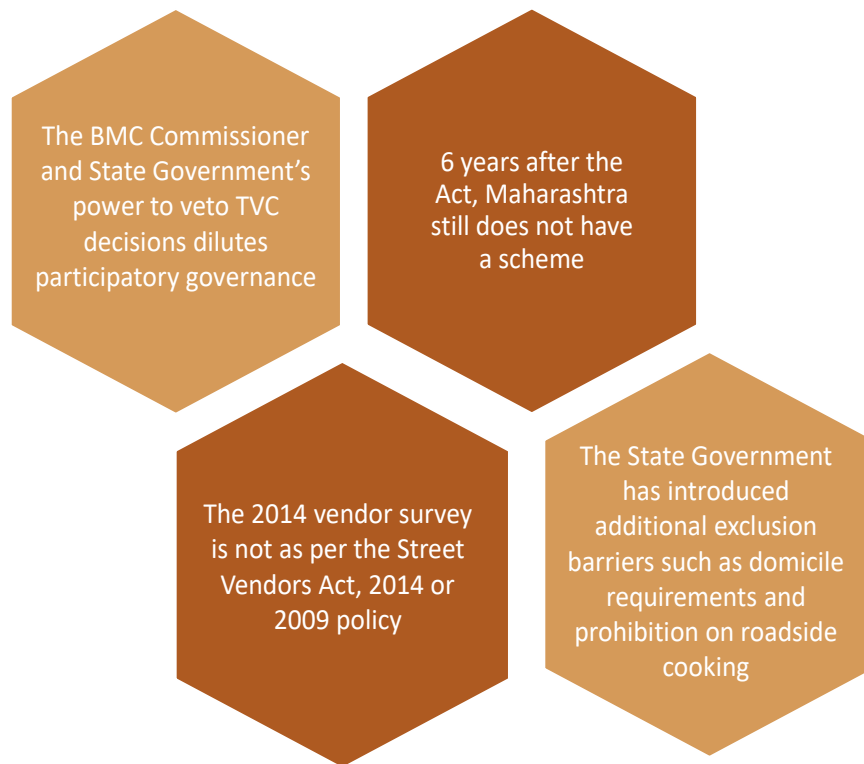


Figure 1: Four Challenges in the way the Government of Maharashtra has implemented the 2014 Act

Power to reject or recall TVC proposal for non-adherence to local laws goes against the Street Vendors Act, 2014

The Street Vendors Act, 2014 expressly supersedes other local laws.¹⁵ However, rule 22(10) and (11) of the Maharashtra Street Vendors Rules, 2016 allows the Municipal Commissioner as well as the State Government to veto TVC proposals in case of conflict with local laws. Prima facie, Rule 22 appears to circumvent the Street Vendors Act, 2014.

No safeguard against misuse

A local authority or the State Government may misuse their veto powers to make the TVC dysfunctional. TVCs are statutory “mechanisms for participatory decision making, reducing the scope for exclusionary practices” (Centre for Civil Society 2019). Veto power can potentially dilute participatory governance. The only recourse against misuse will be to approach the courts. Such a recourse may be too expensive and time-

15. 33. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything in consistent there in contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

consuming for street vendors.

Executive assuming a judicial function violates the doctrine of separation of powers

Local authority or the State Government may reject a proposal only when the proposal violates a local municipal law. However, deciding whether a proposal by the TVC violates another law is a judicial function. Vesting the power of judicial review in an executive body, to review the actions of another executive body for “legality”, is a violation of the doctrine of separation of powers.

Six years after the Act, Maharashtra still does not have a scheme

Maharashtra has not formulated a statutory scheme as per the Street Vendors Act, 2014. Even though the State Government formulated a scheme in 2017, the Court refused to regard it as a legitimate scheme. Six years have passed since the Parliament of India voted to uphold street vendor rights, and per the Act, planning for a second survey should have already been underway by now.

Bombay HC set aside the GR dated 9 January 2017 as it did not comply with the consultation mandate

Azad Hawkers Union, a street vendor association, had challenged the scheme dated 9 January 2017 on the grounds that it was not framed in due consultation with the local authority and TVC. Section 38 of the Street Vendors Act, 2014 mandates consultation with the local authority and TVC for framing a scheme.¹⁶ The Court refused to regard the scheme dated 9 January 2017 as a scheme under section 38 of the said Act.

One Scheme for the entire State?

Responding to the challenge, the Bombay High Court observed:

The next question is with regard to challenge to the said scheme. In the affidavit in reply filed on behalf of the State Government, it is submitted that the scheme which is published by the said G.R DATED 09/01/2017 was found necessary, since under sub-section (1) of Section 3 for conducting survey of existing town vendors, there has to be a scheme for the guidance of the TVC. The tenor of the affidavit itself would reveal that, the said scheme is a general scheme with suggestive guidelines and is applicable to entire State of Maharashtra. The tenor of the affidavit, would further reveal that the said scheme is not a scheme as contemplated under Section 38, but a general scheme for guidance of local authorities and TVCs. It has to be noted that Section 38 mandates a scheme to be framed, after due consultation with the local authority and the TVCs. Admittedly, the said scheme is not framed after consultation with the local authorities and TVCs. We

16. 38. Scheme for street vendors.—(1) For the purposes of this Act, the appropriate Government shall frame a scheme, within six months from the date of commencement of this Act, after due consultations with the local authority and the Town Vending Committee, by notification, which may specify all or any of the matters provided in the Second Schedule.

are therefore of the view that the said Scheme cannot be considered to be a scheme under Section 38 of the said Act.

The Court seemed to have assumed that a scheme should be city-specific. This assumption goes against the common understanding that a scheme is a state-level document common to all local authorities and TVCs. All states that have framed schemes, have framed a single state-level scheme applicable to all the cities and towns.

However, these observations may lead to two policy questions for further consideration: one, is a common scheme suitable across the board? Two, how would a state consult all the local authorities and TVCs for framing a scheme?

Scheme-making is complex: consultative requirements are both necessary and difficult to comply with

A scheme is to outline how a TVC should execute a survey and allocate licenses. Schemes also decide the fee structure for street vending, zoning and relocation. These are municipal-level issues and TVCs, having local representatives, are best suited to offer inputs.

Similarly, local authorities having a rich experience of local governance are better aware of the ground-level realities and practical difficulties with implementation. They have to offer funds and resources to the TVCs to function. State governments are perhaps too removed from municipal governance, and without inputs from stakeholders, are less likely to frame a suitable scheme.¹⁷

The 2014-Vendor Survey was not as per the Street Vendors Act, 2014 or 2009 Policy

The 2014-Survey did not comply with any statutory requirement - neither the Street Vendors Act, 2014 nor the 2009-Policy.

Survey was to be based on 2009-Policy

In Azad Hawkers Union 2017¹⁸, street vendors argued that a survey is not possible in the absence of TVCs, having duly elected members. But they also contended that without the survey, street vendor elections cannot be conducted. The Bombay High Court called it a chicken-egg question and commented:

We find that, if the contention of the Petitioners that, unless survey is conducted, elections of the representatives to be elected under **Section 22** cannot be conducted and that, at the same time, unless the TVCs are duly established by including elected representatives of the vendors, survey cannot be conducted under sub-section (1) of **Section 3** is to be accepted; it will lead to nothing else but unworkability of the said Act.

To address this legal conundrum, the Court held that the first elections to the TVC may be based on the surveys conducted under the 2009 policy. The Court observed:

17. GR 9.01.2017 was published in Marathi only and not in English.

18. Azad Hawkers Union v. Union of India MANU/MH/2574/2017

67. insofar as MCGM is concerned, survey is admittedly conducted after 1st May, 2014. We therefore find that, there should be no impediment in considering the survey conducted by the MCGM to be a first survey, as contemplated under sub-section (1) of Section 3 of the said Act and that the elections under category (d) of sub-section (2) of Section 22 be conducted on the basis of the same.

2009-Policy prescribes census-like survey and hiring a professional agency for the survey

Point 4.2(a) of the 2009 Policy prescribes outsourcing of digital surveys of vendors and vending locations to professional agencies for spatial planning. Point 4.3 of the Policy talks about fixing quantitative space norms (carrying capacity/ holding capacity) with assistance from professional agencies, after conducting the survey. Point 4.5.2 envisages the TVC to undertake “periodic survey/census to assess the increase or decrease in the number of street vendors”. Point 6.6 prescribes allotment to stationary vendors “on licence basis after photo census/ survey and due enquiry”.

2014-registration drive was based on application submission and not census-like survey

In 2013, the Mumbai TVC passed a resolution to form 241 teams for conducting a survey of the vendors. Each squad had an inspector of Corporation from Encroachment/Licensing Department, representatives of street vendors, representatives of NGOs/residents association/traders association, the security guard of the Municipal Corporation and a local police constable.

BMC issued only 1,28,443 forms to vendors.¹⁹ However, there were more than 250,000 vendors in Mumbai in 2006 (National Commission for Enterprises in the Unorganised Sector 2006) and other scholars estimate 350,000 street vendors in Mumbai (Saha 2009).

TVC members manually distributed the 100-rupees forms, took photos on each road for all 24 wards (form annexed below) and completed this exercise in 10-12 days. They asked the vendors to submit the form in their respective ward office. 99,435 vendors submitted the forms.

Vendors needed to submit any fine/receipt from the police/court/BMC dated prior to 1.05.2014 as proof of vending. Other documents required were birth certificate, domicile certificate, and an undertaking (hamipatra) of having vending as their only source of livelihood.

BMC did not hire any professional agency to undertake a survey. Moreover, the survey should have been in a census-like fashion. Instead, BMC merely distributed forms and asked the vendors to submit the filled form later, along with other documents. It was an application-based registration drive. When the BMC sent letters to vendors asking them to submit documents in time, many letters came back undelivered. This is precisely what a census-like survey would have avoided.

19. Azad Hawkers Union v. Union of India MANU/MH/2574/2017

Eligible Hawkers list as on 09.09.2019 in G/South Ward																				
Sr. no.	Survey Application Number	Name of Applicant *	Indian Nationality *				Applicant's date of birth * (dd-mm-yyyy)	Whether 14 Years Of Age Completed This Field Is Not There In New Format				Receipt Of Mcgm/Police/Court (earlier To 01.05.2014) This Field Is Not There In New Format *				Mcgm Licence Issued U/S 313 (A)(B) Yes/No	Mcgm License Number	Undertaking	Domicile	
			Documentary Evidence					Documentary Evidence				Documentary Evidence								
			Pan Card	Aadhar Card	Passport	Election I.D.		Birth Certificate	School Leaving Certificate	Pan Card	Aadhar Card	Passport	Mcgm	Police	Court					Tata Yuva
1	00044672	UPADHYAY MANOJ KAMTAPRASAD	Yes	Yes	No	Yes	29/07/1969	No	No	Yes	Yes	No	Yes	No	No	No	No	No	YES	YES
2	00044680	GURAV SHALINI SHANTARAM	Yes	Yes	No	Yes	25/05/1944	No	No	Yes	Yes	No	Yes	No	No	No	No	No	YES	YES

NON-Eligible Hawkers list as on 09.09.2019 in G/South Ward														
Sr.No.	Survey Application Number	Name of Applicant *	Indian Nationality *				Applicant's date of birth * (dd-mm-yyyy)	Receipt Of Mcgm/Police/Court (earlier To 01.05.2014) This Field Is Not There In New Format *				Undertaking	Domicile	
			Documentary Evidence					Documentary Evidence						
			Pan Card	Aadhar Card	Passport	Election I.D.		Mcgm	Police	Court	Tata Yuva			
1	00104618	PANDEY KRISHNAKUMAR ADYAPRASAD	Yes	Yes	No	No	10/10/1973	Yes	No	No	No	NO	NO	
2	00135572	CHAVAN USHA SUDHIR	Yes	No	No	Yes	15/09/1968	Yes	No	No	No	NO	NO	

Figure 2: Snapshot of the list of eligible and non-eligible vendors taken from the BMC Website

Exclusion through additional requirements

Domicile Certificate

In the 2014 registration drive, 99,435 vendors submitted applications to BMC. Of those, BMC found only 23,265 vendors to be eligible based on verification of all the documents. After the Government added a domicile certificate to the list of required documents, only 5,000 vendors managed to meet the requirements (Kasale 2018).

The Street Vendors Act, 2014 prescribes no such requirement for the purpose of registration and licensing. Subordinate legislation cannot go beyond the parent Act to add substantial qualifications to the conditions/ criteria for registration.

Local politics in Mumbai has for long hinged on son-of-soil rhetoric, advocating for excluding non-natives from access to the city. Even in the 2017 municipal elections, domicile requirement for street vending was a contended issue. One political party opposed the domicile requirement claiming its inconsistency with the Constitution while the local nativist party advocated for domicile as an instrument to control migration from other states. Since the nativist party won the municipal elections, the domicile requirement continued (Salès 2018).

Vendors who cook are excluded

The Municipal Commissioner vide Scheme dated 30 September 1983 had advocated for a ban on street vending of any cooked food articles. But the Supreme Court in Bombay Hawkers Union case found such a condition to be an unreasonable restriction. The Supreme Court observed:

There are several working families in Bombay, belonging to different strata

of society, which depend upon the food supplied by hawkers. We do not see any valid reason why hawkers should not be allowed to sell cooked food, cut fruits and the like That will, of course, not confer upon them the licence to sell adulterated or unhygienic food They shall have to comply, like any other vendor of food, with the Municipal licencing regulations and the provisions of the Prevention of Food Adulteration Act, 1954.

The Bombay High Court vide judgment dated 5 July 2000 banned the sale of food items except juices. But on 7 September 2000, the High Court allowed the sale of cooked food. The Supreme Court on 9 December 2003 affirmed this stand but refused to allow roadside cooking.

But these directions ceased to apply once the Street Vendors Act, 2014 was notified. The Act places no such restrictions either on roadside cooking or on the sale of cooked food. Yet, on 23 October 2015, Bombay High Court refused to accord protection to those vendors who cook food at the place of street vending. The Judiciary is reading a prohibition in the law that the Parliament has not legislated. It curtails the freedom of livelihood guaranteed in Article 19(1)(g) of the Indian Constitution.

Conclusion

As per Centre for Civil Society’s “Progress Report: Implementing the Street Vendors Act, 2014”, Maharashtra with score 32 featured in the third quartile - moderate compliance (30-49) - among all Indian states (Centre for Civil Society 2019).

The objective of the Street Vendors Act, 2014 was to formalise the existing vendors, to the extent of 2.5 percent of the local population. Apart from the 2.5 per cent norm, the Street Vendors Act, 2014 does not envisage other barriers for formalising vendors. In the last six years, BMC has not been able to allocate vending pitches to vendors and constitute TVCs with elected vendor representatives. The BMC has also created additional entry and operational barriers, such as domicile requirements and the prohibition on cooking, that oust a large number of vendors from business.

As per the Act, a survey is valid for five years only and the TVC must conduct a subsequent survey every five years. It is already time for the next survey.

Steps	Status
Step 1: State Government to draft and notify rules.	✓ Done. Notified on 3.08.2016. But rules allow the local authority and the State Govt to reject TVC proposals.
Step 2: State Government to draft and notify scheme.	✗ Not done. Scheme dated 9.01.2017 is not the statutory scheme because the State Government did not consult the local authority and the TVCs.
Step 3: Local authority to form TVC.	✓ Done. 1 City TVC and 7 zonal TVCs.
Step 4: TVCs to have elected vendor representatives.	✗ None. Elections not conducted yet.
Step 5: TVC to conduct a survey of street vendors.	✓ Done. But the survey did not adhere to 2009-Policy or the Street Vendor Act 2014
Step 6: TVC to issue ID cards to vendors.	✗ Not done. Not until 30.11.2019.

Figure 3: An updated summary of Maharashtra’s compliance with qualitative insights

Bibliography

- Anjaria, Jonathan Shapiro. 2016. *The slow boil: Street food, rights and public space in Mumbai*. Stanford University Press.
- Bhowmik, Sharit K. 2001. “Hawkers and the urban informal sector: a study of street vending in seven cities”. Prepared for National Alliance of Street Vendors in India (NASVI). Available at: <http://wiego.org/sites/wiego.org/files/publications/files/Bhowmik-Hawkers-URBAN-INFORMAL-SECTOR.pdf> (accessed 25.2. 2014).
- Centre for Civil Society. 2019. “Progress Report: Implementing the Street Vendors Act, 2014” (). <https://ccs.in/sites/default/files/research/svac-report-2019.pdf>.
- Express News Service. 2018. “BMC to organise field trips for seven zonal town vending committees”. *Indian Express* (). <https://indianexpress.com/article/cities/mumbai/bmc-to-organise-field-trips-for-seven-zonal-town-vending-committees-5484898/>.
- . 2019. “Mumbai: 18,000 eligible hawkers yet to get pitches”. *Indian Express* (). <https://indianexpress.com/article/cities/mumbai/mumbai-hawkers-brihanmumbai-municipal-corporation-bmc-street-vendors-act-5675542/>.
- Kasale, Prajakta. 2018. “Only 5,000 hawkers eligible for licence in Mumbai”. *Daily News and Analysis* (). <https://www.dnaindia.com/mumbai/report-only-5000-hawkers-eligible-for-licence-in-mumbai-2670504>.
- National Commission for Enterprises in the Unorganised Sector. 2006. *National Policy on Urban Street Vendors: Reports and Recommendations*. Technical report. Government of India.
- Saha, Debdulal. 2009. “Decent work for the street vendors in Mumbai, India—a distant vision!” *Journal of Workplace Rights* 14 (2).
- Salès, Lola. 2018. “The Street Vendors Act and the right to public space in Mumbai”. *Articulo-Journal of Urban Research*, numbers 17-18.
- Sharma, RN, and K Sita. 2008. “Hawkers and Vendors in Mumbai, India”. *INDIAN JOURNAL OF SOCIAL WORK* 69 (3): 339–367.
- Singh, Dipti. 2018. “Registration drive: BMC demands domicile certificates, hawkers cry foul”. *Indian Express* (). <https://indianexpress.com/article/cities/mumbai/registration-drive-bmc-demands-domicile-certificates-hawkers-cry-foul-5287400/>.
- Zérah, Marie-Hélène. 2009. “Participatory governance in urban management and the shifting geometry of power in Mumbai”. *Development and Change* 40 (5): 853–877.