

NATIONAL POLICY ON URBAN STREET
VENDORS, 2009



Government of India
Ministry of Housing & Urban Poverty Alleviation
Nirman Bhavan
New Delhi

National Policy on Urban Street Vendors, 2009

1. Rationale

1.1 Street vendors form a very important segment of the unorganized sector in the country. It is estimated that in several cities street vendors count for about 2 per cent of the population. Women constitute a large segment of these street vendors in almost every city. Street vending is not only a source of self-employment to the poor in cities and towns but also a means to provide 'affordable' as well as 'convenient' services to a majority of the urban population.

1.2 Street vendors are often those who are unable to get regular jobs in the remunerative formal sector on account of their low level of education and skills. They try to solve their livelihoods issues through their own meagre financial resources and sweat equity. Estimates of average earning of street vendors in 2000 by studies, referred to in the Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector, 2007 of the National Commission for Enterprises in the Unorganised Sector (NCEUS), suggest that the vendors' earnings are very low although they vary from trade to trade and from location to location. The men's average daily income is around Rs. 70 in most cities excepting Patna, where it is slightly lower. Women earn considerably less – Rs. 40 per day. The monetary problem is compounded by the fact that the vendors have scarce resources for their trade and they need to obtain credit by borrowing. Most of the street vendors report having borrowed from money lenders who charge exorbitant interest rates. In Bhubaneswar the credit is obtained from the wholesalers in the form of advances to be paid back at the end of the day at rates up to 110 per cent.

1.3 Public authorities often regard street vendors as a nuisance and as encroachers of sidewalks and pavements and do not appreciate the valuable services that street vendors render to the common man. However, as the Supreme Court of India has ruled in a 1989 case:

"if properly regulated, according to the exigency of the circumstances, the small traders on the side walks can considerably add to the comfort and convenience of the general public, by making available ordinary articles of everyday use for a comparatively lesser price. An ordinary person, not very affluent, while hurrying towards his home after a day's work, can pick up these articles without going out of his way to find a regular market. The right to carry on trade or business mentioned in Article 19 (1) g of the Constitution, on street pavements, if properly regulated, cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and no other use."

[Sodan Singh & Others versus New Delhi Municipal Council, 1989]

1.4 Accordingly, the starting point for this Policy is the recognition of the positive role of street vendors in providing essential commodities to people at affordable prices and at convenient places. It also recognizes the need for regulation of street vending by way of designated 'Restriction-free Vending', 'Restricted Vending' and 'No Vending' zones based on certain objective principles. Such regulation is consistent with the imperative to ensure free flow of traffic, smooth movement of pedestrians and maintenance of cleanliness and public hygiene while facilitating vendors/hawkers to sell goods/services at convenient locations frequented by the public.

1.5 This Policy also aims to reflect the spirit of the Constitution of India on the right of citizens to equal protection before the law (subject to reasonable restriction) as well as their right to practice any profession, occupation, trade or business; and the duty of the State to strive to

minimize the inequalities in income, and to adopt policies aimed at securing that the citizens have the right to adequate means of livelihood as enshrined in Article 14, 19(1)(g), 38(2), 39(a), 39(b) and 41 of the Constitution.

1.6 This Policy recognizes that to be able to practice any profession or to carry on any occupation, trade or business is a fundamental right of every citizen in our country. A person who wants to buy some items in wholesale and sell the same in retail by hawking is actually exercising such a right. Thus, it would be desirable, other things being equal, that such a right is not circumscribed unless reasonable restrictions are warranted in public interest. At the same time, it will be impracticable that every hawker be provided a permanent site because most cities/towns suffer from severe constraints of land for commercial vending. However, it should be possible to demarcate vending zones and vendors' markets where peripatetic and mobile vendors can sell their wares within certain time restrictions and subject to regulatory stipulations.

1.7 Street vendors provide valuable services to the urban masses while eking out a living through their own enterprise, limited resources and labour. They facilitate convenient, efficient and cost-effective distribution of goods and services to the public. They also contribute significantly to local economic growth and vitality of the urban economies. This Policy recognizes that street vendors constitute an integral and legitimate part of the urban retail trade and distribution system for daily necessities of the general public. As the street vendors assist the Government in combating unemployment and poverty, it is the duty of the State to protect the right of these micro-entrepreneurs to earn an honest living. Accordingly, the Policy aims to ensure that this important occupational group of the urban population finds due recognition at national, state and local levels for its contribution to the society. The Policy is meant to foster a congenial environment for the urban street vendors to carry out their activities. It is conceived as part of a major national initiative towards the alleviation of poverty in cities and towns.

1.8 A centre piece of this Policy is the role of Town Vending Committee (henceforth referred to as TVC) to be constituted at City/Town level. A TVC shall be coordinated by a convener who should be nominated by the urban local body concerned. The Chairman of TVC will be the Commissioner/ Chief Executive Officer of the concerned urban local body. The TVC will adopt a participatory approach and supervise the entire process of planning, organisation and regulation of street vending activities, thereby facilitating the implementation of this Policy. Further, it will provide an institutional mechanism for due appreciation of the ground realities and harnessing of local knowledge for arriving at a consensus on critical issues of management of street vending activities. The TVC may constitute, in collaboration with the local authority, Ward Vending Committee to assist in the discharge of its functions.

1.9 This Policy adopts the considered opinion that there should not be any cut off date or limit imposed on the number of vendors who should be permitted to vend in any city/town, subject to registration of such vendors and regulation through the TVC. At any time, an urban poor person can decide that he or she would like to go to a wholesale market, purchase some items and sell these in vending zones during permitted hours to make an honest living. The vendor may not be subject to undue restrictions if he/she wishes to change the trade. In order to make this conceptual right a practically feasible right, the following would be necessary:

i) Vendor markets/outlets should be developed in which space could be made available to hawkers/vendors on a time-sharing model on the basis of a roster. Let us say that there are 500 such vending places in about a 100 new vendors' markets/push cart markets/motorized vending outlets. Let us also assume that there are 5,000 vendors who want to apply for a vending site on a

time-sharing basis. Then by a simple process of mathematical analysis, a certain number of days or hours on particular days could be fixed for each vendor in a vending place on a roster basis through the concerned TVC.

ii) In addition to vendors' markets/outlets, it would be desirable to promote week-end markets in public maidans, parade grounds or areas meant for religious festivals. The week-end markets can be run on a first-come-first-serve basis depending on the number of vending sites that can be accommodated in the designated area and the number of vendors seeking vending places. However, in order to be equitable, in case there is a heavy demand from vendors, the number of week-ends a given vendor can be allocated a site on the first-come-first-serve basis can be restricted to one or two in a month depending on demand.

iii) A registered vendor can be permitted to vend in designated vending zones without restrictions, especially during non-rush hours. Again in places like verandahs or parking lots in areas such as central business districts, e.g. Connaught Place in New Delhi, vendors' markets can be organized after the closing of the regular markets. Such markets, for example, can be run from 7.30 PM to 10.30 PM as night bazaars on a roster basis or a first-come-first-serve basis, with suitable restrictions determined by the concerned TVC and authorities.

iv) It is desirable that all City/Town Master Plans make specific provisions for creating new vending markets at the time of finalization/revision of Master Plans, Zonal Plans and Local Area Plans. The space reserved in such plans should be commensurate with the current number of vendors and their rate of growth on perspective basis (say 10-20 years) based on rate of growth over a preceding 5-year period.

This Policy attempts to address some of the above concerns, keeping the interests of street vendors in view vis-à-vis conflicting public interests.

2. Definitions

2.1 For the purposes of this Policy, a 'Street Vendor' is defined as 'a person who offers goods or services for sale to the public in a street without having a permanent built-up structure.' There are three basic categories of street vendors: (a) stationary; (b) peripatetic and (c) mobile. Stationary vendors are those who carry out vending on a regular basis at a specific location, e.g. those occupying space on the pavements or other public places and/or private areas either open/covered (with implicit or explicit consent) of the authorities. Peripatetic vendors are those who carry out vending on foot and sell their goods and services and includes those who carry baskets on their head/slung on their shoulders and those who sell their goods on pushcarts. Mobile street vendors are those who move from place to place vending their goods or services on bicycle or mobile units on wheels, whether motorized or not. They also include vendors selling their wares in moving buses, local trains etc.

2.2 In this Policy, the term 'Urban Street Vendor' incorporates all other local/regional specific terms used to describe them, such as hawkers, pheriwallas, rehri-patri wallas, footpath dukandars, sidewalk traders, etc. The land, premises, trains owned by Indian Railways, its subsidiaries including Public Sector Undertakings, Corporations or other undertakings where Indian Railways holds share, are exempted from the ambit of this Policy.

2.3 The term 'Town Vending Committee' means the body constituted by an appropriate Government for protecting the livelihoods of street vendors while at the same time imposing reasonable restrictions, if necessary, for ensuring flow of traffic and for addressing concerns relating to public health and hygiene in the public interest. The TVC may constitute, in such manner and for such purposes as it deems fit, Ward Vending Committees, if required.

2.4 The term 'Local Authority' (referred to as Municipal Authority in this Policy) in this Policy means a Municipal Corporation, Municipal Council, Nagar Panchayat, Cantonment Board, Civil Area Committee appointed under Section 47 of the Cantonment Act, 2006 or such other body legally entitled to function as a local authority in any city or town to provide civic services and regulate street vending, and includes the "planning authority" which regulates the land use in that city or town at the city/locality level.

2.5 The term "Natural Market" means a market where sellers and buyers have traditionally congregated for more than a specified period for the sale and purchase of a given set of products or services as assessed by the local authority.

3. Objectives

3.1 Overarching Objective

The overarching objective to be achieved through this Policy is:

To provide for and promote a supportive environment for the vast mass of urban street vendors to carry out their vocation while at the same time ensuring that their vending activities do not lead to overcrowding and unsanitary conditions in public spaces and streets.

3.2 Specific Objectives

This Policy aims to develop a legal framework through a model law on street vending which can be adopted by States/Union Territories with suitable modifications to take into account their geographical/local conditions. The specific objectives of this Policy are elaborated as follows:

a) Legal Status:

To give street vendors a legal status by formulating an appropriate law and thereby providing for legitimate vending/hawking zones in city/town master or development plans including zonal, local and layout plans and ensuring their enforcement;

b) Civic Facilities:

To provide civic facilities for appropriate use of identified spaces as vending/hawking zones, vendors' markets or vending areas in accordance with city/town master plans including zonal, local and layout plans;

c) Transparent Regulation:

To eschew imposing numerical limits on access to public spaces by discretionary licenses, and instead moving to nominal fee-based regulation of access, where previous occupancy of space by the street vendors determines the allocation of space or creating new informal sector markets where space access is on a temporary turn-by-turn basis. All allotments of space, whether permanent or temporary should be based on payment of a prescribed fee fixed by the local authority on the recommendations of the Town Vending Committee to be constituted under this Policy ;

d) Organization of Vendors:

To promote, where necessary, organizations of street vendors e.g. unions / co-operatives / associations and other forms of organizations to facilitate their collective empowerment;

e) Participative Processes:

To set up participatory processes that involve firstly, local authority, planning authority and police; secondly, associations of street vendors; thirdly, resident welfare associations and fourthly, other civil society organizations such as NGOs, representatives of professional groups (such as lawyers, doctors, town planners, architects etc.), representatives of trade and commerce, representatives of scheduled banks and eminent citizens;

f) Self-Regulation:

To promote norms of civic discipline by institutionalizing mechanisms of self-management and self-regulation in matters relating to hygiene, including waste disposal etc. amongst street vendors both in the individually allotted areas as well as vending zones/clusters with collective responsibility for the entire vending zone/cluster; and

g) Promotional Measures:

To promote access of street vendors to such services as credit, skill development, housing, social security and capacity building. For such promotion, the services of Self Help Groups (SHGs)/Co-operatives/ Federations/Micro Finance Institutions (MFIs), Training Institutes etc. should be encouraged.

4. Key Elements of Policy

4.1 Spatial Planning Norms

Following the Supreme Court orders, some cities have drafted guidelines for regulating urban vending activities. However, the provisions made so far do not generally recognize the fact that demands for the wares/services of street vendors are highly specific and vary with location and time. This manifests in the natural propensity of street vendors to locate at particular places at particular times. Spatial planning norms should not disregard such "natural markets" but fully take them on board. There is need for the master/zonal/local/layout development plans to be 'inclusive' and address the requirements of space for street vending as an important urban activity through norms for reservation of space for street vendors in accordance with their current population, projected growth of street vendors, based on the rate of growth in the previous five years and the average number of customers that generally visit informal markets in vending zones. It is equally important that the provisions made in zonal, local or layout plans for street vending are implemented in an equitable and efficient manner.

4.2 Demarcation of Vending Zones

The demarcation of 'Restriction-free Vending Zones', 'Restricted Vending Zones' and 'No-vending Zones' should be city/town specific. In order to ensure that the city/town master/development plans provide for adequate space for street vendors to run their activities, the following guidelines would need to be adhered to:

a) Spatial planning should take into account the natural propensity of street vendors to locate in certain places at certain times in response to the patterns of demand for their goods/services. For this purpose, photographic digitalized surveys of street vendors and their locations should be

- iii) Aesthetic design of mobile stalls/ push carts;
- iv) Provision for electricity;
- v) Provision for drinking water;
- vi) Provision for protective covers to protect wares of street vendors as well as themselves from heat, rain, dust etc;
- vii) Storage facilities including cold storage for specific goods like fish, meat and poultry; and
- viii) Parking areas.

The Vendors' Markets should, to the extent possible, also provide for crèches, toilets and restrooms for female and male members.

✓ 4.5 Organisation & Participative Processes

4.5.1 Town Vending Committee

a) Designation or demarcation of 'Restriction-free Vending Zones'/ 'Restricted Vending Zones'/No-vending Zones' and Vendors' Markets should be carried out in a participatory manner by the Town Vending Committee, to be established at town/city level. A TVC should consist of the Municipal Commissioner/ Chief Executive Officer of the urban local body as Chairperson and such number of members as may be prescribed by the appropriate Government, representing firstly, local authority; planning authority and police and such other interests as it deems proper; secondly, associations of street vendors; thirdly, resident welfare associations and Community Based Organisations (CBOs); and fourthly, other civil society organizations such as NGOs, representatives of professional groups (such as lawyers, doctors, town planners, architects etc.), representatives of trade and commerce, representatives of scheduled banks and eminent citizens. This Policy suggests that the representatives of street vendors' associations may constitute forty per cent of the number of the members of the TVC and the other three categories may be represented in equal proportion of twenty per cent each. At least one third of the representatives of categories of street vendors, resident welfare associations and other civil society organizations should be women to provide a gender focus in the TVC. Adequate/reasonable representation should also be provided to the physically challenged in the TVC. The process for selection of street vendors' representatives should be based on the following criteria:

- Participation in membership-based organisations; and
- Demonstration of financial accountability and civic discipline.

b) The TVC should ensure that the provision of space for vendors' markets are pragmatic, consistent with formation of natural markets, sufficient for existing demand for the street vendors' goods and services as well as likely increase in accordance with anticipated population growth.

c) The TVC should monitor the provision of civic facilities and their functioning in Vending Zones and Vendors' Markets and bring shortcomings, if any to the notice of the concerned authorities of the urban local body. The TVC should also promote the organisation of weekly markets, festival bazaars, night bazaars, vending festivals on important holidays etc. as well as take up necessary improvement of infrastructure facilities and municipal services with the urban local body concerned.

4.5.2 The TVC shall perform the following functions:

- a) Undertake periodic survey/census to assess the increase or decrease in the number of street vendors in the city/town/wards/localities;

- b) Register the street vendors and ensure the issuance of Identity Cards to the street vendors after their preparation by the Municipal Authority;
- c) Monitor the civic facilities to be provided to the street vendors in vending zones/vendors' markets by the Municipal Authority;
- d) Assess and determine maximum holding capacity of each vending zone;
- e) Work out a non-discretionary system and based on the same, identify areas for hawking with no restriction, areas with restriction with regard to the dates, days and time, and, areas which would be marked as 'No Vending Zones';
- f) Set the terms and conditions for hawking and take corrective action against defaulters;
- g) Collect fees or other charges as authorized by the competent civic authority;
- h) Monitor to ensure that those allotted stalls/vending spots are actually using them and take necessary action to ensure that these are not rented out or sold to others;
- i) Facilitate the organization of weekly markets, festival bazaars, night bazaars, vending festivals such as food festivals to celebrate important occasions/holidays including city / town formation days etc; and
- j) Ensure that the quality of products and services provided to the public is as per standards of public health, hygiene and safety laid down by the local authority.

4.5.3 In order to implement the decisions of a TVC, the concerned Municipal Authority shall designate an official, who shall act as the convenor of the TVC as well as be responsible for implementing its decisions.

4.5.4 Registration System for Street Vending

A system of registration of vendors/hawkers and non-discretionary regulation of their access to public spaces in accordance with the standards of planning and the nature of trade/service should be adopted. This system is described in greater detail below.

a) Photo Census of Vendors:

The Municipal Authority, in consultation with the TVC should undertake a comprehensive, digitalized photo census / survey / GIS Mapping of the existing stationary vendors with the assistance of professional organisations/experts for the purpose of granting them lease to vend from specific places within the holding capacity of the vending zones concerned.

b) Registration of Vendors:

The power to register vendors would be vested with the TVC. Only those who give an undertaking that they will personally run the vending stall/spot and have no other means of livelihood will be entitled for registration. A person will be entitled to receive a registration document for only one vending spot for him/her (and family). He/she will not have the right to either rent or lease out or sell that spot to another person.

c) **New Entrants:**

Those left out in the photo census or wishes to take up street vending for the first time will also have a right to apply for registration as vendors provided they give a statement on oath that they do not have any other means of livelihood and will be personally operating from the vending spot, with help from family members.

d) **Identity Cards:**

Upon registration, the concerned Municipal Authority would issue an Identity Card with Vendor Code Number, Vendor Name, Category of Vendor etc. in writing to the street vendor, through the TVC concerned containing the following information:

- (i) Vendor Code No.
- (ii) Name, Address and photograph of the Vendor;
- (iii) Name of any one Nominee from the family/and/or a family helper;
- (iv) Nature of Business;
- (v) Category (Stationary /Mobile); and
- (vi) If Stationary, the Vending Location.

Children below 14 years would not be included in the Identity Card for conduct of business.

e) **Registration Fee:**

All vendors in each city/town should be registered at a nominal fee to be decided by the Municipal Authority concerned based on the photo census or any other reliable means of identification such as the use of biometric techniques.

f) **Registration Process:**

- i) The registration process must be simple and expeditious. All declarations, oath, etc. may be on the basis of self-declaration.
- ii) There should preferably be no numerical restriction or quotas for registration, or prior residential status requirements of any kind.
- iii) Registration should be renewed after every three years. However, a vendor who has rented out or sold his spot to another person will not be entitled to seek re-registration.
- iv) There may be a "on the spot" temporary registration process on renewable basis, in order to allow the street vendors to immediately start their earnings as the registration process and issue of I-card etc. may take time.

4.6 Collection of Revenue

4.6.1. Street vendors would be charged a monthly fee towards the space they use and the civic services they receive. There should be a direct linkage between the Municipal Authority and street vendors for the collection of:

- a) Registration fee;
- b) Monthly maintenance charges- differentiated according to location/type of business; and,
- c) Fines and other charges, if any.

4.6.2 A TVC should have access to a proportion of revenue generated from registration fees and monthly fees to run its operations but should in addition receive a minimum grant from the Municipal Authority.

4.6.3. The collection of revenue by the Municipal Authority through TVC should ensure that it is based on a predetermined rate of fee and not amenable to any kind of discretion or extortion. If complaints on this account are registered with the TVC, adequate measures should be taken to redress the same expeditiously.

4.7 Self-Management & Regulation

This Policy advocates the encouragement of collective arrangements by the street vendors to redress any harmful effects on the locality caused by the occupation of street vending. Such arrangements should cover waste disposal, hygiene in the area of vending as well as in the zone/cluster occupied by street vendors as a whole for their activities, traffic management etc. Quantitative norms of spatial planning should be respected by the street vendors as a measure of self-regulation in terms of the number of a typical trade to be allowed in a particular place. Registration system with the participation of street vendors' associations may be used to regulate the scale of operation in vending zones or vendors' markets so that the threshold limits on their holding capacity are not exceeded.

5. Eviction, Relocation and Confiscation

5.1 If authorities come to the conclusion in any given instance that genuine public obstruction of a street, side walk etc. is being caused by street vending, there should be a mechanism of due notice to the street vendors. The vendors should be informed/warned by way of notice as the first step before starting the clearing up or relocation process. In the second step, if the space is not cleared within the notified time, a fine should be imposed. If the space is not cleared even after the notice and imposition of fine, physical eviction may be resorted to. In the case of vending in a 'No-vending Zone', a notice of at least a few hours should be given to a street vendor in order to enable him or her clear the space occupied. In case of relocation, adequate compensation or reservation in allotment of new vending site should be provided to the registered vendors.

5.2 With regard to confiscation of goods (which should happen only as a last resort rather than routinely), the street vendors shall be entitled to get their goods back within a reasonable time on payment of prescribed fee, determined by TVC.

5.3 In case of peripatetic vendors or vendors occupying space on a time sharing basis, the vending activity will be regulated in such a manner that the vendors remove all their wares every day/ on expiry of the time-sharing period allotted. In case of mobile vending outlets, suitable regulations should be put in place for ensuring flow of traffic and public health and hygiene in the public interest.

5.4 The appropriate Government may make suitable amendments to their existing laws/rules, with a view to removing impediments in the implementation of this Policy and to prevent the undue harassment of street vendors.

6. Promotional Measures

6.1 Public Health & Hygiene

Every street vendor shall pay due attention to public health and hygiene in the vending zone/vendors' market concerned and the adjoining area. He/she shall keep a waste collection basket in the place of vending. Further, he/she shall contribute to/promote the collective disposal

of waste in the vending zone/area. Associations of/for street vendors may construct public toilet facilities which may be run by them on "pay and use" basis. To promote such associations, the Central Government/State Governments/Municipal Authorities shall encourage the organisation of/for street vendors, by providing financial assistance.

6.2 Health of Street Vendors

The State Government/Municipal Authorities may take special steps to cover street vendors and their families with benefits of programmes such as preventive and curative health care including reproductive and child health care facilities and health insurance.

6.3 Education & Skills Training

Street vendors, being micro entrepreneurs should be provided with vocational education and training and entrepreneurial development skills to upgrade their technical and business potentials so as to increase their income levels as well as to look for more remunerative alternatives.

6.4 Credit & Insurance

6.4.1 Credit is an important requirement in street vending, both to sustain existing activity and to upscale it. Since vendors work on a turnover basis, they often take recourse to high interest loans from non-institutional lenders. Although they usually demonstrate high repayment capacity, absence of collateral and firm domiciliary status usually debars them from institutional credit. State Governments and the Municipal Authorities should enable Self-Help Groups (SHGs) and organizations of street vendors to access credit from banks through mechanism like SHG-Bank Linkage. The TVC should disseminate information pertaining to availability of credit from various sources, especially micro-finance and should take steps to link street vendors with formal credit structures. Street vendors should also be assisted in obtaining insurance through Micro-insurance and other agencies.

6.4.2 With respect to credit, the Credit Guarantee Fund Scheme for Small Industries (CGFSI), designed by the Ministry of Micro, Small & Medium Enterprises, Government of India and the Small Industries Development Bank of India (SIDBI) may be extended to the street vendors. This scheme aims at resolving the problem of collaterals, and inducing banks to gradually move away from a completely risk-averse stance toward small scale industries.

6.4.3 The registration process undertaken by the TVC based on field surveys through professional institutions/agencies and the domiciliary status confirmed by them on the Identity Card as also in their records should make it possible to cover a large number of street vendors under institutional credit.

6.5 Social Security

Street vendors as a group belong to the unorganised sector of the economy. As such, they don't have access to Government-assisted social security. However, in some States, social security schemes such as Old Age Pension and other benefits are being provided through the Welfare Boards and similar bodies. But, their coverage of street vendors is very small. There are a few Non-Government Organisations (NGOs), who organize social security schemes for the street vendors. The Central Government aims to extend social security cover in the unorganised sector as a whole and the street vendors should be suitably covered. The national efforts should be supplemented by efforts of State Governments/Municipal Authorities and organisations of/for street vendors. These will facilitate protective social security to the street vendors to take care of contingencies such as sickness, maternity and old age.

6.6 Allotment of Space/Stationary Stalls

Stationary vendors should be allowed space/stalls, whether open or covered, on license basis after photo census/ survey and due enquiry in this regard, initially for a period of 10 years with the provision that only one extension of ten years shall be provided thereafter. After 20 years, the vendor will be required to exit the stationary stall (whether open or covered) as it is reasonably expected that the licensee would have suitably enhanced his/her income, thereby making the said stall available for being licensed to a person belonging to the weaker sections of society. Wherever vending stall/vending space is provided to a vendor on a lease basis for a certain number of years, care should be taken that adequate reservation is made for the SCs/STs in accordance with their share in the total population of the city. Similarly, priority should be given to physically challenged/disabled persons in the allocation of vending stalls/vending spaces as vending space can be a useful medium for rehabilitating physically challenged/disabled persons. Further, a suitable monitoring system should be put in place by the TVC to ensure that the licensees of the stationary stalls do not sell/ let out their stalls.

6.7 Rehabilitation of Child Vendors

To prevent vending by children and seek their rehabilitation wherever such practice exists, in conformity with the Child Labour (Prohibition & Regulation) Act, 1986, the State Government and Municipal Authorities should undertake measures such as sending the children to regular or bridge schools, imparting them skills training etc.

6.8 Promoting Vendors' Organisations

To enable street vendors to access the benefits of social security schemes and other promotional measures in an effective manner, it is essential that the street vendors are assisted to form their own organizations. The TVC should take steps to facilitate the formation and smooth functioning of such organizations of street vendors. Trade Unions and other Voluntary Organisations should play an active role and help the street vendors to organise themselves by providing counseling and guidance services wherever required.

6.9 Other Promotional Measures

The Government of India is considering legislation for the promotion of livelihoods of the workers engaged in the unorganised sector. Once this is in place, it shall equally apply to the street vendors.

7. Action Plans for Stakeholders

- i) It shall be the responsibility of the Government of India to take steps to ensure that street vending activities are carried out in accordance with street vending laws and the same are not actionable under the Indian Penal Code or the Police Act. In this regard, the Government may initiate amendments in these laws if necessary. It may develop a model law to facilitate and regulate street vending in cities and towns.
- ii) It shall be the responsibility of State Governments/UT Administrations to ensure that institutional designs, legislative frameworks and other necessary arrangements are put in place in conformity with the National Policy on Urban Street Vendors. They should undertake legislation and frame rules taking into account the model law developed by the Central Government to suit variations in local conditions.

iii) It shall be the responsibility of the Local Authority/ Planning Authority / Regional Planning Authority to provide for reservation of space for vending zones, vendors' markets etc. in master / development plans, zonal plans and local area plans.

iv) The Municipal Authorities shall implement the legislative and other initiatives as indicated in this Policy including provision of space and civic facilities for vendors' markets, assistance to Town Vending Committees etc.

v) As soon as this Policy comes into force, but not later than one year from the announcement, each Municipal Authority shall constitute a Town Vending Committee and the latter will prepare an action plan for the implementation of the National Policy on Street Vendors at the local level.

vi) It shall be the responsibility of the concerned Department of State Government/ Municipal Authority to initiate surveys to build up a robust data base and information system pertaining to street vendors in cities and towns and update the same regularly.

vii) The State Governments and Municipal Authorities shall support professional institutions and organisations to undertake surveys and projects aimed at improving the conditions of street vendors as well as planning and implementation of promotional measures for them in their respective areas.

viii) The Central Government shall assist such professional institutions and organisations which come forward to study the problems of street vendors and offer realistic solutions to address such problems.

8. Monitoring & Review

Monitoring of street vending activities, action plans and promotional measures for street vendors in accordance with this Policy will be carried on at the following levels:

a) Town Vending Committee:

As elaborated earlier, the TVC will be responsible for monitoring the implementation of this Policy at the city/town/ward/locality levels.

b) Chief Executive Officer/Commissioner of Municipal Authority:

The Chief Executive Officer/Commissioner of each Municipal Authority shall maintain a register containing ward-wise list of registered street vendors (stationary/mobile) exhibited in municipal web site. The Municipal Authority would continuously monitor the functioning and activities of the TVC and ward vending committees (wherever set up) and shall send an annual report on the same to the State Nodal Officer and Secretary of the concerned Department of the State Government containing the following details:

- i) Number of vending zones/vendors markets earmarked / developed;
- ii) Number of registered street vendors;
- iii) Revenue collected;
- iv) Expenditure incurred;
- v) Promotional and other measures undertaken;
- vi) Complaints registered and redressed; and

- vii) Any other matter as prescribed by the State Nodal Officer / Concerned Department of State Government.

c) State/UT Nodal Officer:

The Secretary of the concerned Department or State/UT Nodal Officer designated shall send an annual report to the Ministry of Housing & Urban Poverty Alleviation in the Central Government containing relevant statistics on street vendors for cities/towns, number of vending zones earmarked/developed, number of registered street vendors, number provided with vending spaces, details of TVC and conditions of street vendors in the State.

9. Dispute Resolution

The TVC shall be primarily responsible for the redressal of grievances and resolution of any dispute arising amongst the street vendors or between the street vendors and third parties including municipal officials and the police in the implementation of this Policy. It shall closely work with planning, municipal, police and other authorities and vendors' associations and other organizations to ensure that the National Policy on Urban Street Vendors is implemented effectively at the local level.
