

EQUATIONS Inputs on the Model Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill 2009

**Ministry of Housing & Urban Poverty Alleviation
Government of India**

EQUATIONS
30 June 2011

	Original Text	EQUATIONS Comments	Suggested Text
	<p>A Bill to provide for protection of livelihood of urban street vendors and to regulate street vending and for matters connected therewith or incidental thereto.</p> <p>BE it enacted by Parliament/Legislative Assembly of the State of -----(Name of the State) in the Fifty-ninth Year of the Republic of India as follows</p>	<p>The Bill has covered only urban street vendors, and does not include the vendors in rural area. In rural areas, weekly bazaars are an age-old practice where vendors from nearby places come and make the goods available in rural areas. Presence of mobile vendors has been of utmost significance to women in rural areas given their restricted social mobility. Tourism is an added factor to the places which provide source of employment to large number of people as well as revenue for the local authority. It becomes more important given the focus of Ministry of Tourism on 'Rural Tourism' that intends to provide livelihood opportunities. Therefore, it is pertinent to recognize the context of rural areas, trends of development and the corresponding demand of rural vendors by including them also under the ambit of the bill.</p>	<p>A Bill to provide for protection of livelihood of urban and rural street vendors and to regulate street vending and for matters connected therewith or incidental thereto.</p>

	Original Text	EQUATIONS Comments	Suggested Text
CHAPTER I PRELIMINARY			
Short title Extent and Commencement	(1) This Act may be called the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2009.		
	(2) It extends to the whole of the State/Union territory----- (name of the State/Union territory).		
	(3) It shall come into force on such date as the Central/State Government may, by notification in the Official Gazette, appoint.		
	(4) The provisions of this Act shall not apply to the land, premises and trains owned and controlled by the railway	The provision is in violation of the right to carry on trade or business mentioned in the Article 19(1) g of the Constitution. This is more so in view of the huge demand of their services at these places.	The policy (2009) has included the vendors in moving bus or local trains in the definition of Street Vendors. Following that, we recommend that the vendors in and around railway premises be recognized.
Definitions	2 (1) In this Act, unless the context otherwise requires, a) "appropriate Government" means, i) in relation to the lands owned or controlled by the Central Government, the Central Government;		
	(ii) in relation to the lands owned or controlled by the State Government, (name of the State), the State Government;		

	Original Text	EQUATIONS Comments	Suggested Text
	(iii) in relation to lands owned or controlled by the Union territory, (name of Union territory administration), the Union territory Administration;		
	(b) "Holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone		
	(c) "local authority" means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under Section 47 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 tbe "planning authority" which regulates the land use in that city or town;	Local Self Governing Bodies denote development authorities in rural as well as in urban areas, therefore, the changes in the text.	(c) "local authority" means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, Local Self Governing Bodies in villages by whatever name called, or the Cantonment Board, or as the case may be, a 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 or village to provide civic services and regulate street vending, and includes tbe "planning authority" which regulates the land use in that city or town or village;
	(d) "notification" means a notification published in the Official Gazette;		

	Original Text	EQUATIONS Comments	Suggested Text
	(e) "planning authority" means a Urban Development Authority or any other authority in any city or town designated by the appropriate Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Town and Country Planning Act or the Urban Development Act or the Municipal Act;	Changes are suggested in view of the recommendation to include rural vendors also under the Bill.	e) "planning authority" means a Urban Development Authority or district rural development authority or Regional Development Authority any other authority in any city or town or village designated by the appropriate Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Town and Country Planning Act or the Urban Development Act or the Municipal Act; or the Panchayati Raj Act
	(f) "prescribed" means prescribed by rules made under this Act by the appropriate Government;		
	(g) "scheme" means a scheme framed by the appropriate Government under section 3;		
	(h) "specified" means as specified by the scheme;		
	(i) "state nodal officer" means an officer designated by the State/Union Territory Government to co-ordinate all matters relating to urban street vending in the State/Union Territory;	The word is added to include rural vendors also under the ambit of the Bill.	(i) "state nodal officer" means an officer designated by the State/Union Territory Government to co-ordinate all matters relating to urban and rural street vending in the State/Union Territory;
	(j) "street vendor" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or	<u>Moving from place to place</u> - There are two types of vendors included in this- those who roam around on foot carrying their goods on head or shoulder and those who sell their goods on bicycle, pushcart or any motorized or non motorized vehicle.	We proposed the following definition for street vendors: "street vendor" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area or from a temporary built up structure. It includes hawker, peddler, squatter and all other synonymous

	Original Text	EQUATIONS Comments	Suggested Text
	<p>any other public place or private area or 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; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;</p>	<p>Both these categories should be mentioned clearly as those moving around on foot face more problems and need more support in accessing the facilities.</p> <p>In this regard, the National Policy on Urban Street Vendors :Report & Recommendations May 2006 and the Policy 2009 has recognised the difference between these vendors based on the means used by them to carry the goods while moving from one place to other.</p>	<p>terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;</p> <p>The Bill recognises three basic categories of Street Vendors. First, Stationary - those Street Vendors who carry out vending on a regular basis with 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. Second, Peripatetic-those Street Vendors who carry out vending not on a regular basis and without a specific location, for example, Vendors who sell goods in weekly bazaars or during holidays / festivals /tourist season only and so on; Third, the 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, trains etc.</p>
	<p>(k) "town vending committee" means the body constituted by the appropriate Government under section 4;</p>	<p>Since the Town Vending Committee (TVC) consists of members of the particular city / town / village therefore, it will make the process simple and easy if the local authority constitutes the body rather than the appropriate government under section 4.</p>	<p>(k) "town vending committee" means the body constituted by the local authority (based on the definition given in the Bill) as per the Constitution;</p>

	Original Text	EQUATIONS Comments	Suggested Text
	<p>(l) "vending zone" means an area or place or a location designated as such by the planning authority for the specific use by street vendors for street vending and includes footpath, sidewalk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public.</p>	<p>(a) Later in the Bill, allotment of stall is talked about but it is not clear from the definition if the vending zone includes the stall made by the government in the designated space or it is only the designated space / area/ location. In many cases, it is found that the local authority has been allotted space only, not the built structure / stalls. Given this, clarity in the definition is recommended. (b) The zone is not marked in the master plan of each and every city/town / village. There are instances when the master plan is not renewed or the plan is not implemented. In these circumstances, it is the local authority of the area who plays a role in providing space for vendors. Therefore, we propose to include local authority as well.</p>	<p>(l) "vending zone" means the stalls built or an additional arrangement made during particular season such as festive or tourist, in an area or place or a location designated as such by the planning authority / local authority as per the rules defined by the appropriate government. for the specific use by street vendors for street vending and includes footpath, sidewalk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public.</p>
<p>In addition to above definitions, we also propose to add following definitions:</p>			

	Original Text	EQUATIONS Comments	Suggested Text
	(m) Natural Market	<p><u>Natural Market:</u> The Policy 2004 and the Policy 2009 both have recommended to follow the concept of natural market as a norm for spatial planning. It is experienced that the state taken initiative to build vending zones have disregarded the fact that demand for their wares/ services is highly specific and varies as to location and time, manifesting as a natural propensity of Street Vendors to locate in various places at particular times. Following this trend, it is found that the built structure or allotted spaces to the vendors, if not following the natural market principle lie unutilized or under-utilized.</p>	<p>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 in consultation with TVC."</p>
	(n) Public place	<p>Public place: The link between tourist spot and vendors are not well established. This is why the tourist sites are not seen as part of the public place when situation of vendors are talked about. Public place, by and large, include only park, market area etc. whereas the tourist sites are the most commuted places in any urban or rural areas and provide source of livelihood to large number of people.</p>	<p>We propose the definition of following public place to be added: Public place means any place to which the public have access whether as of right or by permission and whether subject to or free of charge and it includes park, market, museums, temples or pilgrim sites, cultural and heritage sites, nature based tourist sites, sites in forest and coastal areas etc. wherever public place is mentioned.</p>

	Original Text	EQUATIONS Comments	Suggested Text
	(2) Any reference in this Act to any enactment or any provision thereof, shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.		
CHAPTER II SCHEME FOR STREET VENDING			
Scheme for street vendor	There should be some basic principles to be followed by every state in formulation of schemes. We propose to ensure street vendors' participation in formulation of the schemes. Detailed recommendations are made along with the points.		
	3. (1) For the purposes of this Act, the appropriate Government shall frame, by notification, a scheme which may specify all or any of the following matters, namely:		
	(a) the form and manner of grant, renewal, suspension or cancellation of a registration certificate for, and issue of identity card to, the street vendors;	(a) Given the acute dependency of vendors on the business to make their living on daily basis, there is dire need to keep the process simple and speedy. (b) We found that there is a conflict between local vs. outside (those who come from neighboring places/ states, in particular season, especially) as it affects the profitability of local vendors. Due to the conflict, it is unlikely that their (outside) voices will be heard even if the Town Vending Committee will be formed. Given this,	Based on the Policy (2009), we propose to take following in consideration with certain changes: (i) The registration process must be simple and expeditious. ii) There should preferably be no numerical restriction or quotas for registration, or prior residential status requirements of any kind. If any applicant does not have proper identification proof then declaration either from the councilor/corporator/ chief executive officer/ Sarpanch or by whatever name called or from the street vendors' association would be accepted alternatively, a self-declaration from an existing street vendor should also be accepted. iii) The appropriate government shall specify the timeline to respond to the application given by the vendors.

	Original Text	EQUATIONS Comments	Suggested Text
		"on the spot" provision is good but there is also a need for special regulatory mechanism for them.	iv) 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. v) There should 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. "On the spot" temporary registration, the appropriate government shall make clear the regulatory mechanism for these vendors and the procedure to ensure their voices in decisions.
	(b) the manner of levy and collection of fees for the grant and renewal of a registration certificate and fines for contravention of the terms and conditions of registration and other provisions of this Act;	It is seen that the contractors have threatened vendors using local musclemen with support from the local authority, resulting in corruption.	We propose that the nominal fee shall be decided by the TVC. And there should be no contract system / involvement of private party in collection of fees.
	(c) the form and manner of filing appeals to, and procedure for disposal appeals by, the local authority in respect of registration of street vendors;	In section 12 (1), the Bill says that the applicant shall be deemed to have been registered if s/he does not get response on completion of specific period. However, in view of the low negotiation power of vendors, hearing of their appeals takes very long which is a huge loss for them. Therefore, the recommendation.	We propose that the appeals should be disposed off within a period of 30 days Also, if the appeal is not heard within the given period of time, then the party shall approach State Nodal Officer.
	(d) the manner of, and the terms and conditions of, allotment of stalls to the registered street vendors;	(a) It is unclear if it means the structure made by the government in the designated vending zone which will be allotted on rental basis? Different practices are being followed by the government. For instance in Bodhgaya, the local authority has allotted space only. In Bhubaneswar, to make the structure, the Municipal body invites contractors to build the	We propose few additions in the definition of 'Vending Zone' (See the point (l) in 'definition' section) and in addition to that, the local authority shall decide the nominal monthly rent in consultation with TVC. Also, if it is only allotting stalls to stationary vendors, then, the local authority shall make appropriate arrangements including allotment of pushcart to accommodate the peripatetic and mobile vendors while taking consideration of their interest. The guiding principle in the allotment of stalls/pushcarts should be to give preference to women vendors/ disabled in

	Original Text	EQUATIONS Comments	Suggested Text
		<p>structure and the cost of per structure i.e. 20,000/- is borne by the contractor and the vendor on 50-50 basis. This has been made them trapped in hands of money-lenders. (b) It is not clear if the stalls will be allotted to peripatetic and mobile vendors also.</p>	<p>view of their poor accessibility to capital and large number of mobile women vendors carrying their goods in hands/baskets/head/shoulder.</p>
	<p>(e) the form and manner of grant, renewal, suspension or cancellation of a licence;</p>	<p>The recommendations for a Central Law for Protection of Livelihood Rights and Social Security of Street Vendors by NAC give an example where the local authority has reduced the number of licenses to an unreasonable low number. For example in Ahmadabad, it is estimated that there are about 1.5 lakh street vendors. Of these in the new scheme, 22,500 will definitely be evicted, 7000 will presumably be given some kind of legal registration. This means loss of livelihood to large number of vendors. Therefore, the Bill should ensure that no state creates a limitation on numbers.</p>	<p>(e) the form and manner of grant, renewal, suspension or cancellation of a licence; however ensuring that granting, renewal, suspension or cancellation is not governed by a numerical restriction.</p>
	<p>(f) the manner of levy and collection of fees for the grant and renewal of a licence and fines for contravention of the terms and conditions of the licence;.</p>		<p>The same recommendation as given for the point 'b' under this section</p>

	Original Text	EQUATIONS Comments	Suggested Text
	<p>(g) the norms of spatial planning to be adopted by the planning authority for earmarking vending zones for street vendors in the master plan, development plan, zonal plan, layout plan or any other spatial plans;</p>	<p>The recommendations are made as the local authority taking the initiative for demarcating vending zones have disregarded the very fact that vendors congregate to the particular place in demand of their service. Also, to make the planning inclusive, it requires to recognize and make appropriate arrangements for the location, sufficient space, types of vendors and vice versa.</p>	<p>the norms of spatial planning to be adopted by the planning authority or the local authority for earmarking vending zones for street vendors in the master plan, development plan, zonal plan, layout plan or any other spatial plans; Following the norms prescribed in the National Policy on Urban Street Vendors :Report & Recommendations , May 2006 and the Policy (2009) we propose to adopt as norms of spatial planning with certain changes: To make the plans conducive and adequate for the Street Vendors of the respective places including city / town / villages or any other area attracting vendors, the following should be adhered to: a) It should take into account the natural propensity of the Street Vendors to locate in certain places at certain times / seasons in response to patterns of demand for their goods/services. Therefore, surveys of Street Vendors and their location shall be conducted by TVC as defined by the Bill. This will be sponsored by the concerned department of State/central Governments/ Local Self Governing Bodies or Local Authority. b) The Authorities should provide sufficient spaces, designated as 'Vendors markets' in layout plans at locations of such natural markets, for the number of Street Vendors (static and mobile) which can cater to the demand for their wares / services. The Authorities should regulate allocation of stalls/pushcarts in the space based on previous occupancy. If the number of applicants exceeds the number of spaces available, a transparent system of selection such as lottery should be followed. All allotments should be based on payment of a prescribed fee fixed by the Authorities based on the recommendation of the TVCs.</p>

	Original Text	EQUATIONS Comments	Suggested Text
			<p>(c) The Authorities should allocate sufficient space for temporary 'Vendors' Markets' (e.g. Weekly Haats, Rehri Markets, Night Bazaars, Festival Bazaars, Food Streets/Street Food Marts etc.) whose use at other times may be different (e.g. public park, exhibition ground, parking lot etc.). Also, temporary markets should be created at suitable locations in respond to the increased demand of their services in particular season like festive or tourist season.</p> <p>(d) In view of the festive season, tourist season, the Authorities should frame necessary rules for regulating entry of part-time street vendors in designated vending zones or the locations keeping in view three broad categories as defined.</p> <p>e) Mobile vending should be permitted in all areas even outside the designated Vendors' markets, unless designated as 'no-vending zone' through a participatory process. The 'no-vending zones' may be notified both in terms of location and time</p> <p>f) With the growth of the place, every new area should have adequate provisions for Street Vendors.</p> <p>g) Designation of Vendors markets / no-vending zones should not be left to the sole discretion of any civic or police authority, but, must be accomplished by a participatory process by TVCs, to be constituted by the Local Authorities.</p>
	(h) the principles for determination of vending zones as restriction-free vending zones, restricted-vending zones and no-vending zones;		We propose to follow the concept of natural market as defined in the Bill

	Original Text	EQUATIONS Comments	Suggested Text
	(i) the conditions under which' private places may be designated as restriction-free-vending zones, restricted-vending zones and no-vending zones;	It is not clear if it means the land only or the structure on the private land given on rent? Also, what will be the regulatory mechanism for this? How will the fee or the rent be decided? Whom will the vendors and the private party will report in case of any disputes? Apart from this, involvement of contractors in collection of fees is a lesson to learn in this case.	We propose to involve local authority and TVC as the guiding principle while deciding the private place and the rent / fees. Collection of fees/rent should be done by association of street vendors only through TVC.
	(j) the principles for determining holding capacity of vending zones and the manner of undertaking comprehensive digitalized photo census and survey of the existing number of street vendors with the assistance of experts for the purpose of accommodating street vendors within the holding capacity of the vending zones;	(a) Quantitative norm to decide the holding capacity has not proved in interest of vendors as the government has often limited the numbers to unreasonable number. (b) It is seen, the local authority has taken only static vendors in account leaving mobile or part time vendors which make these vendors vulnerable. Therefore, addition in the text is made.	(j) The principles for determining holding capacity of vending zones- The concept of natural market should be followed as guiding principle in determining the holding capacity. The manner of undertaking comprehensive digitalized photo census and survey of the street vendors including static and mobile, full time and part time with the assistance of experts conducted by TVC for the purpose of accommodating street vendors within the holding capacity of the vending zones;
	(k) the terms and conditions for street vending including norms to be observed for up keeping public health and hygiene	In view of lack of awareness among vendors as well as lack of their capacity to upkeep public health and hygiene on their own, it is required that local authority play significant role in building awareness and capacitate them enough to follow the terms and conditions for the same.	The appropriate government shall define the role of local authorities in terms of their support to enable TVC to follow the norms, terms and condition for the purpose.
	(l) the designation of State Nodal Officer for co-ordination of all matters relating to street vending at the state level;		

	Original Text	EQUATIONS Comments	Suggested Text
	(m) the manner of maintenance of proper records and other documents by the town vending committee, local authority, planning authority and State Nodal Officer in respect of street vendors;		
	(n) the manner of giving notice to, and eviction of, street vendors; impounding, destruction or seizure of stalls, goods and equipments and relocation of, and compensation payable to evicted street vendors;	Given the past experience of forced violent eviction without following any procedure and its impact on the vendors, it is required that every state should adopt humanitarian norms norm for eviction, and the dire circumstances under which this is proposed	We recommend to adopt following as norm for eviction to be adopted by every state We also propose to include the procedures suggested by the National Policy 2004: a) No hawkers /vendors should be evicted in the name of beautification of the place. b) Eviction should be avoided wherever feasible unless there is clear and urgent public need in the land in question. c) Where relocation is absolutely necessary, notice of minimum 30 days should be served to the concerned vendors. d) Affected vendors/ representative's involvement in planning and implementation of the rehabilitation project. e) Affected vendors should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms to pre-evicted levels. f) Loss of assets should also be necessarily compensated. g) State machinery must take comprehensive measures to check and control the practice of forced evictions.'
	(o) Any other particulars which may be considered by the appropriate Government as proper for including in the scheme;		
	(2) A summary of the scheme notified by the appropriate Government under subsection (1) shall be published by the local authority in at least two local news papers in such manner as may be prescribed.		

	Original Text	EQUATIONS Comments	Suggested Text
CHAPTER III TOWN VENDING COMMITTEE			
<p>The Bill has ensured the representation of association of street vendors through Town Vending Committees (TVCs). However, there is inadequate organization among street vendors with a few big organizations / unions/ associations being present. Considering the fact that mobilizing and organizing is already a challenge due to the daily wage earning nature of the occupation, lack of resources and supporters, forces the existing organizations to work within limited time, space and conceptual boundaries. In this situation, it is difficult to ensure the representation of unorganized street vendors, who forms a large part of the group, in the TVCs. The Bill remains silent on this very important issue of inclusion.</p>			
Town vending committee	4. (1) The appropriate Government shall, in each local authority, constitute a town vending committee.		
	(2) Each town vending committee shall consist of (a) the Municipal Commissioner or the Chief Executive Officer, as the case may be, who shall be the Chairperson; and	Given the recommendation to include rural vendor in the Bill, the additional change in the text is made.	(a) the Municipal Commissioner or the chairperson of Local Self Governing Body the Chief Executive Officer, as the case may be, who shall be the Chairperson; and

	Original Text	EQUATIONS Comments	Suggested Text
	<p>(b) such number of other members as may be prescribed, to be nominated by the appropriate Government, representing the local authority, the planning authority, traffic police, local police, association of street vendors, market associations, traders associations, resident welfare associations, nationalised banks and such other interests as it deems proper: Provided that the number of members nominated to represent the street vendors shall not be less than forty percent of the total number of members and one-third of such members shall be from amongst women vendors: Provided further that reasonable representation shall also be given to persons who are physically challenged.</p>	<p>In view of the low negotiation power of vendors and their dependency on government authority, market and traders association, it is felt that all the members should be categorized and their representation should be quantified as well. 'Tourism Police' is added due to their significant role at tourist spots.</p>	<p>such number of other members as may be prescribed, to be nominated by the appropriate Government, representing firstly the government authority including local authority, the planning authority, traffic police, tourism police, local police, Secondly the association of street vendors, thirdly resident welfare associations, representatives of trade and commerce such as market associations or traders associations, fourthly, other civil society organizations, representatives of professional groups such as lawyers, nationalised banks and such other interests as it deems proper: Provided that the number of members nominated to represent the street vendors shall not be less than forty percent of the total number of members and the other categories may be represented in equal proportion of twenty percent each and one-third of such members shall be from amongst women vendors.</p> <p>In view of the low negotiation power of vendors and dependency of vendors on traders and markets, we propose to define the roles of members in each category while making the rules</p> <p>Provided further that reasonable representation shall also be given to persons who are physically challenged.</p>
	<p>(3) The Chairperson and the members nominated under clause (b) of sub section (2) shall receive such allowances as may be prescribed by the appropriate Government.</p> <p>(4) The Chairperson or the member nominated under clause (b) of sub-section (2) shall, unless his nomination is terminated earlier by</p>		

	Original Text	EQUATIONS Comments	Suggested Text
	the appropriate Government, hold office for a term of three years from the date of his nomination.		
Meeting of Town Vending Committee	(5.) The town vending committee shall meet at such times and places within the town jurisdiction of the local authority and shall observe such rules of procedure in regard to the transaction of business at its meetings, and in discharge of its functions, as may be prescribed.		
Temporary association of persons with town vending committee for particular purpose	<p>6.(1) The town vending committee may associate with itself, in such manner and for such purposes as may be prescribed, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.</p> <p>(2) A person so associated under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the committee and shall not be a member for any other purpose.</p> <p>(3) The person so associated under sub-section (1) shall be paid such allowances as may be prescribed.</p>		

	Original Text	EQUATIONS Comments	Suggested Text
Office space and other employees for Town Vending Committee	(7) The appropriate Government shall provide the town vending committee with appropriate office space and such other employees as may be prescribed	It is not clear what will be the source of funding? Also, Who will be the employee?	
Constitution of Ward Vending Committees	8. The town vending committee may constitute, in such manner and for such purposes, such number of ward vending committees, as may be prescribed.		
Functions of Town Vending Committee	9. The appropriate Government may assign, to the town vending committee, the following functions, namely: (a) grant, renew, suspend or cancel registration certificates to street vendors, in such form and manner, and on such terms and conditions, as may be specified;		Same recommendation made for point 3(a).
	(b) issue to the street vendors identity cards in such form and manner as may be specified;		
	(c) collect such fee for registration or renewal of registration of street vendors as may be specified;		
	(d) determine the manner of collecting fees through banks, counters of local authority or counters of town vending committee, fee for registration, usage of parking space for mobile stalls and availing of civic services, in consultation with local authority;		

	Original Text	EQUATIONS Comments	Suggested Text
	(e) identify and designate vending zones;		The concept of natural market should be followed in identification and designation of vending zones.
	(f) specify timings for vending in vending zones;		(f) specify timings for vending in vending zones;
	(g) maintain the records of land, street, footpath, embankment, waiting area, parks and other public places designated for vending in such manner as may be specified;		
	(h) conduct periodic surveys of vending zones;		
	(i) collect and maintain data regarding street vendors;	It is unclear what data will be collected from the vendors.	The appropriate government shall give a clear list of data required to be collected from vendors so that the vendors would know the information they have to provide. This data should be put up in the public domain
	(j) determine quantitative norms for different categories of stationary and mobile stalls in the vending zones;		
	(k) assess and determine maximum holding capacity of each vending zone;		
	(l) identify and declare vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones in the manner specified;		
	(m) fix sign boards at each vending zone to indicate kind of vending zone, its boundaries and vending timings;		
	(n) declare place and timings of vendors markets for weekly haats,		

	Original Text	EQUATIONS Comments	Suggested Text
	night bazaars, holiday bazaars and festival bazaars;		
	(0) ensure adequacy of civic amenities, including water, sanitation, waste management, electricity, provided in the vending zones;	The women vendors are seen carrying their children along with them to the zone in lack of an alternate option. During our study, it was observed that the children at vending zones also get involve in vending or begging due to easy entry into the business. Thus, crèche facility is added to the text.	ensure adequacy of civic amenities, including safe drinking water, sanitation, toilets waste management, electricity, lighting ,crèche and basic safety.
	(p) monitor activities of street vendors;		
	(q) ensure that the quality of products and services provided to the public and public health, hygiene and safety standards as specified by the local authority are maintained;		
	(r) ensure that allotted stalls are utilised by the allottees in accordance with the terms and conditions specified;	Allotted stalls only may exclude mobile vendors as static vendors have already occupied the space based on which, the same space is allotted to the vendors after designation of vending zones. In this case, mobile vendors will exclude by design of allotment of stalls only. Also, during the study, it is found that few vendors can not afford the rent of allotted stalls. Therefore, allotment of pushcart to mobile vendors is made.	(r) ensure that allotted stalls and pushcarts are utilised by the allottees in accordance with the terms and conditions specified;
	(t) determine actions including imposition of fine for violating the terms and conditions for registration;		

	Original Text	EQUATIONS Comments	Suggested Text
	(u) promote awareness regarding credit through institutional mechanisms	Lack of awareness among vendors about their right and schemes make them more vulnerable and dependent to the circumstances.	(u) promote awareness regarding credit through institutional mechanisms , their rights as per the Bill, schemes applicable to them;
	(v) determine norms for regulating the activities of street vendors;		
	(w) determine terms and conditions for providing benefits of insurance, maternity benefits, old age pension and other social security schemes to the street vendors in case of death, illness or disability;		
	(x) lay down guidelines for organizing associations and self help groups of street vendors;		
	(y) conduct training programmes for street vendors with a view to enlighten them with entrepreneurship and technical and business skills;		
	(z) Redress grievances and resolve disputes amongst the street vendors.	It is not clear that how the TVC will address the disputes or grievances made by the vendors. Will there be separate mechanism or the TVC will address the matter on its own?? To speed up the case in view of their acute dependency on vending, separate mechanism should be set up for the purpose.	Following the recommendation made by National Advisory Council, we propose that there should be a Town Vending Dispute Redressal Forum for each Town Vending Committee. The appropriate government shall define the rules and regulation to constitute the Forum wherein representation of street vendors as member of the Forum should be ensured. The mechanism/procedure to follow shall clearly defined by the appropriate government. For part time street vendors, especially those who come from other places during festive or tourist season, there should be special mechanism to follow to ensure their interest, given the conflict between local and outside vendors. The number of days should be mentioned clearly to speed up the case.

	Original Text	EQUATIONS Comments	Suggested Text
Publication of annual accounts statement	10. The town vending committee shall prepare and publish its annual accounts statement in such form and manner as may be prescribed.		
Collection of Revenue	The TVC shall have access to the revenue collected from the vendors.	The TVC should have access to the revenue to enable them to make appropriate arrangements and to perform efficiently. Also, the basis of collecting money from vendor is to provide them proper arrangement at the place. Therefore, we propose to insert the section mentioned in the Policy (2004) and (2009).	<p>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 Local Authority and association of street vendors through TVC for the collection of:</p> <ul style="list-style-type: none"> a) Registration fee; b) Monthly maintenance charges- differentiated according to location/type of business; and, c) Fines and other charges, if any. <p>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 Local Authority.</p> <p>The collection of revenue by the Local 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.</p>
CHAPTER IV REGISTRATION OF STREET VENDORS			
Application of registration:	11. (1) Every person who has completed the age of 18 years and intends to do street vending shall make an application for registration as street vendor to the town vending committee. (2) Every application under sub-		

	Original Text	EQUATIONS Comments	Suggested Text
	section (1) shall be made in such form and manner and accompanied by such fee as may be specified.		
Registration of street vendors:	<p>12. (1) An application made under sub-section (1) shall be examined by the town vending committee and the registration made within such period, and in such manner, as may be specified:</p> <p>Provided that on completion of specified period, if no response is received by the applicant about rejection or deficiencies in the application within the given timeline, the applicant shall be deemed to have been registered.</p>	<p>Good point but the Bill has not mentioned if the vendors will get acknowledgement receipt of filing the application. In absence of this, it's difficult for the vendor to claim that he / she has not got response within the given timeline.</p>	<p>To show as a proof of the application filed, acknowledgement receipt should be given by the TVC that will be valid till the vendors get registered.</p>
	(2) The town vending committee shall not summarily reject the application without giving the applicant an opportunity to rectify deficiencies, if any and hearing him / her.		
	(3) If the town vending committee or the officer authorized by town vending committee, as the case may be, is satisfied that the application is in compliance with the provisions of this Act and the rules or schemes made there under, he shall register the name of the street vendor.		
	(4) Any person aggrieved by the decision of the town vending committee under sub-section (3) may, prefer an appeal to the local authority within such period, and in		

	Original Text	EQUATIONS Comments	Suggested Text
	such manner, as may be specified.		
Preference in allotment of stalls to registered street vendors	<p>13 (1) The local authority may give preference to the registered street vendors in allotment of stalls in the vending zones.</p> <p>(2) The-allotment of stalls to the street vendors shall be made in such manner, and subject to such terms and conditions, as may be specified.</p>	This provision is not clear. Does it mean that the Bill will register only limited number of vendors? If so then the provision is in contradiction of the preamble of the Bill which calls for protection of the livelihood and also the violation of their right to carry on the business defined under Article 19(1)g of the Constitution.	We recommend to remove the section which violates the right of the vendors to carry on their business. Also, it goes contrary to the very base of the initiative taken to protect the livelihood.
Grant of License	14. A registered street vendor as defined under the Bill to whom a stall has been allotted in a vending zone shall be granted a licence and renewed from time to time by the local authority, in such manner, on payment of such fee, and subject to such terms and conditions, as may be specified.	Following our recommendation with regard to provide pushcarts to the mobile vendors, the word is added to the text.	14 A registered street vendor as defined under the Bill to whom a stall or pushcart has been allotted in a vending zone shall be granted a licence and renewed from time to time by the local authority, in such manner, on payment of such fee, and subject to such terms and conditions, as may be specified.
CHAPTER V DUTIES OF LOCAL AUTHORITY			
Duties of Local Authority	<p>15. Notwithstanding anything contained in any other law for the time being in force, the local authority shall be responsible for:</p> <p>(a) Overall supervision and monitoring of the Scheme for street vendors;</p>		
	(b) monitoring effective functioning of the town vending committee;		

	Original Text	EQUATIONS Comments	Suggested Text
	(c) deciding appeals in respect of registration of street vendors in the manner specified;		
	(d) allotting stalls to the street vendors in the manner specified;	The word 'pushcart' is added as per the recommendations made for the mobile vendors.	(d) allotting stalls and pushcarts to the street vendors in the manner specified;
	(e) granting, renewal, suspension or cancellation of licence to the registered street vendors in the manner specified;		
	(f) providing, in consultation with the town vending committee, in the vending zones and to the street vendors, civic services, including: (i) solid waste disposal sanitation & cleanliness (ii) public toilets to maintain cleanliness, (iii) electricity & lighting (iv) drinking water, (v) shelter to protect street vendors and their wares, (vi) storage facilities, beautification, placement of signage and, (vii) other facilities as may be needed by the street vendors and specified in the scheme;	In view of large number of women involved in street vending, it is important to recognise and include their requirement at vending zone. It is more so as vending is seen as male dominated business.	(i) solid waste disposal sanitation & cleanliness (ii) public toilets separate for man and women to maintain cleanliness and privacy (iii) Electricity and Lighting (iv) Crèche facility (v) Accident, theft insurance (vi) General safety

	Original Text	EQUATIONS Comments	Suggested Text
	(g) determining, in consultation with the town vending committee, the manner of collecting, through banks, counters of local authority and counters of town vending committee, fee for registration, use of parking space for mobile stalls and availing of civic services;		
	(h) undertake, in consultation' with the town vending committee, comprehensive digitalized photo census and survey of the existing number of street vendors with the assistance of such experts and in such manner as may be specified, for the purpose of accommodating street vendors within the holding capacity of the vending zones;	Few words are added in the text to emphasize the need to recognize all types of vendors.	(h) undertake, in consultation' with the town vending committee, comprehensive digitalized photo census and survey of the existing number of street vendors including static and mobile, full time and part time with the assistance of such experts conducted by TVC and in such manner as may be specified, for the purpose of accommodating street vendors within the holding capacity of the vending zones;
	(i) notify the entire database of street vendors on its website and update the same at regular intervals.		
		In addition to these, we recommend to add the given point in view of dire need to make the vendors aware about the Bill and provisions made for their benefit.	(j) Undertake measures to create awareness about the social security schemes, rights of the vendors as per the Bill, credit etc. The list of the schemes applicable to unorganised sector shall be displayed in local language in TVC office/ local authority office
	CHAPTER VI - DUTIES OF PLANNING AUTHORITY		
Duties of Local Authority	16. Notwithstanding anything contained in any other law for the time being in force, the planning authority shall be responsible for- (a) determining spatial planning		

	Original Text	EQUATIONS Comments	Suggested Text
	norms for street vending		
	(b) earmark space for vending zones in the master plan, development plan, zonal plan, layout plan and any other plan;	To avoid the conflict between TVC and the city /town/ district/ village planning authority, representation from TVC should be made in the Planning Authority.	To ensure TVC representation, the allotted space for vending zones in the master plans/zonal plans / area plan etc. should get consent from the TVC.
	(c) ,monitor the functioning of the town vending committee with regard to the planning norms;		
	(d) amend the master plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in the designated vending zones;		
	(e) demarcate vending zones specific to the requirements of the place;		
	(f) make spatial plans conducive and adequate for the prevalent number of street vendors in that city / town and also for the future growth, by adopting such norms as may be specified.	Text is changed and added: (a) according to the recommendation for including rural vendors in the Bill. (b) To include part time vendors also.	(f) make spatial plans conducive and adequate for the prevalent number of street vendors in that place and also for the seasonal growth in festive or tourist season as well as future growth, by adopting such norms as may be specified.
	(g) discharge any other duty or duties which may be assigned to it by the appropriate Government from time to time.		
CHAPTER VII BREACHES OF CONDITIONS AND PENALTY			
Cancellation of suspension of registration	17. Where any street vendor who has been registered under this Act or his agent or servant commits breach of		

	Original Text	EQUATIONS Comments	Suggested Text
	<p>any of the conditions thereof or any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made there under, or where the town vending committee is satisfied that such registration has been secured by the street vendor through misrepresentation or fraud, the town vending committee may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the registration or suspend the same for such period as it thinks fit: Provided that no such cancellation or suspension shall be made by the town vending committee unless an opportunity of hearing has been given to the street vendor.</p>		
<p>Cancellation of suspension of allotment of stall, licence etc.</p>	<p>18. Where any street vendor to whom a stall has been allotted or a licence has been granted under this Act or any agent or servant of such vendor commits a breach of any of the conditions thereof, or any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made there under, or where the local authority is satisfied that such allotment of stall or licence, as the case may be, has been secured by the street vendor through misrepresentation or fraud, the local</p>		

	Original Text	EQUATIONS Comments	Suggested Text
	<p>authority may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the allotment of stall or licence, as the case may be, or suspend the same for such period as it thinks fit:</p> <p>Provided that no such cancellation or suspension shall be made by the local authority unless an opportunity or hearing has been given to the street vendor.</p>		
Penalty for contravention:	<p>19. If any street vendor (a) indulges in street vending without registration; (b) vends beyond the designated vending zones or specified timings; (c) vends goods or offers services that are detrimental to public health; (d) Contravenes the terms and conditions of registration; (e) contravenes the terms and conditions of allotment of stall or (f)licence; or contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made there under, he / she shall be liable to a penalty which shall not be less than rupees two hundred but which may extend to rupees five hundred, as may be determined by the town vending committee, or as the case may be, by the local</p>		

	Original Text	EQUATIONS Comments	Suggested Text
	authority.		
CHAPTER VIII MISCELLANEOUS			
Returns:	20. Every town vending committee shall furnish, from time to time, to the . appropriate Government and the local authority such returns as may be prescribed.		
Promotional measures:	21. The appropriate Government may, in consultation with the town vending committee, local authority, planning authority and street vendors associations or unions, undertake promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors.		
Research, training and awareness:	22. The appropriate Government may, to the extent of availability of financial and other resources, (a) develop and organize capacity building programmes for street vendors and on how to exercise the rights contemplated under this Act; (b) undertake research, education and training programmes to advance knowledge and understanding of the role of the informal sector in the economy, in general and the street vendors, in particular and to raise awareness among the public through town vending committees.		

	Original Text	EQUATIONS Comments	Suggested Text
Power to make bye-laws	<p>23. Subject to the provisions of this Act or any rules or scheme made there under, the local authority may make bye-laws to provide for all or any of the following matters, namely:</p> <p>a) the regulation and manner of vending in restriction-free-vending zones, restricted-vending zones and designated vending zones;</p> <p>(b) the regulation of the collection of taxes and fees in the vending zones;</p> <p>(c) regulation of traffic in the vending zones;</p> <p>(d) the regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;</p> <p>(e) the regulation of civic services in the vending zones; and</p> <p>(f) the regulation of such other matters in the vending zones as may be necessary.</p>	<p>To ensure the participation of TVC, the text is added in the para.</p>	<p>23. Subject to the provisions of this Act or any rules or scheme made there under, the local authority may make bye-laws in consultation with TVC to provide for all or any of the following matters, namely:</p>
		<p>In view of their role to monitor the implementation of the schemes, certain change may required as per the situation in the local area.</p>	<p>We propose they have the mandate to modify the schemes as per the situation on the ground.</p>
Power to make rules:	<p>24.(1) The appropriate Government may, after consultation with the town vending committee, by notification, make rules for carrying out the provisions of this Act.</p> <p>(2) In particular and without prejudice to the generality of the</p>		

	Original Text	EQUATIONS Comments	Suggested Text
	<p>foregoing power, such rules may provide for all or any of the following matters, namely:</p> <p>(a) the manner of publishing summary of scheme under sub-section (2) of section 3;</p> <p>(b) the number of members under clause (b) of sub-section (2) of section 4;</p> <p>(c) the allowances to Chairperson and members under sub-section (3) of section 4;</p> <p>(d) the time and place for meeting, procedure for transaction of business at meetings and functions to be discharged under section 5;</p> <p>(e) the manner and purpose for which a person may be associated under sub-section (1) of section 6;</p> <p>(f) the allowance to associated person under sub-section (3) of section 6;</p> <p>(g) the other employees of town vending committee under section 7;</p> <p>(h) the manner and purposes for constituting, and the number of the ward vending committees under section 8;</p> <p>(i) the form and manner for preparing and publishing annual accounts statement under section 10;</p> <p>(j) the returns to be filed under Section 20</p> <p>(3) Every rule, scheme and bye-law made under this Act shall be laid, as</p>		

	Original Text	EQUATIONS Comments	Suggested Text
	<p>soon as may be after it is made, before the House of Parliament/State Legislature, while it-is in the session, for total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or scheme or bye-law or both Houses agree that the rule or scheme or bye-law should not be made, the rule or scheme or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme or bye-law.</p>		

Contact us

info@equitabletourism.org

+91-80-2545-7607 / 2545-7659

EQUATIONS, # 415, 2C-Cross, 4th Main, OMBR Layout, Banaswadi, Bangalore 560043, India

www.equitabletourism.org