GOVERNMENT OF PUDUCHERRY
LOCAL ADMINISTRATION DEPARTMENT
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OFFICE OF THE INSPECTOR OF POLICE
No: .....
Date: 11.01.2011
G.B. CIRCLE, PUDUCHERRY

No.10019/LAD/PPS (3)/2010 Puducherry, dt: 05-01-2011

Office of the Sr. Supdt. of Police Law & Order, Pondicherry
No. : 41
Date : 6-1-11

To

1. The Chief Engineer, PWD, Puducherry.
2. The Senior Superintendent of Police (Law & Order), Police Department.
3. The Chief Town Planner, Town & Country Planning Department.
4. The Member-Secretary, Puducherry Planning Authority.
5. The Superintendent of Police (Traffic), Police Department.

Sir,

Sub: Action Plan to implement the National Policy on Urban Street Vendors 2009 – Meeting on **11.01.2011** at **4.00 PM** in the chamber of Principal Secretary (LA) – Intimation – Reg.

***

I am to state that following the rulings of Hon'ble Supreme Court in Sodhan Singh *versus* New Delhi Municipal Corporation 1989 and Sudhir Madan and other *versus* Municipal Corporation Delhi and others 2006 case, the Government of India has formulated a revised National Policy on Urban Street Vendors-2009 (second revision) in order to foster a congenial environment for the Urban Street Vendors to carryout their activities without harassment from any quarter and at ensuring the Urban Street Vendors find due recognition at National, State and local levels for their contribution. The Government of India has prepared a Model Street Vendors (Protection of Livelihood and Regulation of Land Vending) Bill-2009 and has forwarded the Bill to all the States/UTs for suitable and appropriate adoption.

2. The Hon'ble Supreme Court in its judgement dt.08.10.2010 in Writ Petition (C 1699/1987) has ordered that appropriate Government is to legislate and bring out the law to regulate hawking before 30.06.2011.

3. The Ministry of Housing and Urban Poverty Alleviation has requested to furnish State's Plan of Action to implement the National Policy on Urban Street Vendors and Model Bill on Street Vending.

4. In this connection, the Principal Secretary (LA) has fixed a meeting on **11.01.2011** at **4.00 PM** in her chamber, to elicit the views of the line Departments concerned, so as to prepare Action Plan in the matter. The Secretary (Town Planning) will also participate in the above meeting. A copy of National Policy on Urban Street Vendors-2009 and a copy of the Model Street Vendors (Protection of livelihood and regulation of street vending) Bill -2009 are enclosed for kind reference and offer of your valuable views/suggestions.

5. I am, therefore, to request you to kindly make it convenient to attend the said meeting.

SHO. GB. PS/Muthial Pet PS
& Th.

Yours faithfully,

(A. BALASUBRAMANIAN)
DIRECTOR

INSPECTOR OF POLICE
GRAND BAZAAR CIRCLE
PUDUCHERRY

Encl.: As stated above.

Copy to:

1. The Commissioner, Puducherry Municipality.
2. The Commissioner, Oulgaret Municipality.
} With instructions to attend the said meeting, without fail.
3. The PA to Principal Secretary (LA), Chief Secretariat, Puducherry.
4. The PA to Secretary (Town Planning), Chief Secretariat, Puducherry.

Model
Street Vendors
(Protection of livelihood
and regulation of street vending)
Bill - 2009

सत्यमेव जयते

Government of India
Ministry of Housing & Urban Poverty Alleviation

The PS to Secretary (Town Planning), Chief Secretariat, Puducherry.

MODEL
THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) BILL, 2009

सत्यमेव जयते

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

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 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; 41 of 2006 1 of 1996

(d) "notification" means a notification published in the Official Gazette;

(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;

(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;

(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 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-

THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) BILL, 2009

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.

BE it enacted by Parliament/Legislative Assembly of the State of ---------- (Name of the State) in the Fifty-nineth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

Short title, Extent and Commencement.

1. (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.

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;

(iii) in relation to lands owned or controlled by the Union territory, (name of

licence and fines for contravention of the terms and conditions of the licence;

(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;

(h) the principles for determination of vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones;

(i) the conditions under which private places may be designated as restriction-free-vending zones, restricted-vending zones and no-vending zones;

(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;

(k) the terms and conditions for street vending including norms to be observed for upkeeping public health and hygiene;

(l) the designation of State Nodal Officer for co-ordination of all matters relating to street vending at the state level;

(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;

(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 sub-section (1) shall be published by the local authority in at least two local news papers in such manner as may be prescribed.

specific: and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;

(k) "town vending committee" means the body constituted by the appropriate Government under section 4;

(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.

(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 Vendors

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;

(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;

(c) the form and manner of filing appeals to, and procedure for disposal of appeals by, the local authority in respect of registration of street vendors;

(d) the manner of, and the terms and conditions of, allotment of stalls to the registered street vendors;

(e) the form and manner of grant, renewal, suspension or cancellation of a licence;

(f) the manner of levy and collection of fees for the grant and renewal of 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.

(3) The person so associated under sub-section (1) shall be paid such allowances as may be prescribed.

Office space & 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.

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;

(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;

(e) identify and designate 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;

CHAPTER III

TOWN VENDING COMMITTEE

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

(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.

(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.

(4) The Chairperson or the member nominated under clause (b) of sub-section (2) shall, unless his nomination is terminated earlier by 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 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 assoication of persons with town vending committee for particular purposes.

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.

(2) A person so associated under sub-section (1) for any purpose shall have a

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.

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.

CHAPTER IV

REGISTRATION OF STREET VENDORS

Application for 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-section (1) shall be made in such form and manner and accompanied by such fee as may be specified.

Registration of street vendors.

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:

Provided that on completion of specified period, if no response is received by the applicant about rejection or deficiencies in the application, the applicant shall be deemed to have been registered.

(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.

(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 thereunder, he shall register the name of the street vendor.

(i) collect and maintain data regarding street vendors;

(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, night bazaars, holiday bazaars and festival bazaars;

(o) ensure adequacy of civic amenities, including water, sanitation, waste management, electricity, provided in the vending zones;

(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;

(s) specify the terms and conditions for issue, renew, suspension or cancellation of registration in the manner specified;

(t) determine actions including imposition of fine for violating the terms and conditions for registration;

(u) promote awareness regarding credit through institutional mechanisms;

(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

(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;

(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;

(i) notify the entire database of street vendors on its website and update the same at regular intervals.

CHAPTER VI

DUTIES OF PLANNING AUTHORITY

Duties of planning 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 norms for street vending;

(b) earmark space for vending zones in the master plan, development plan, zonal plan, layout plan and any other plan;

(c) monitor the functioning of the town vending committee with regard to the planning norms;

(d) amend the city or town 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 town or city;

(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 such manner, as may be specified.

Preference in allotment of stalls to registered streetvendors.

13 (1) The local authority may give preference to the registered street vendors in allotment of stalls in the vending zones.

(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.

Grant of Licence.

14 A registered street vendor 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.

CHAPTER V

DUTIES OF LOCAL AUTHORITY

Duties of local authority.

15. Notwithstanding anything contained in any other law for the time being in force, the local authority shall be responsible for:-

(a) overall supervision and monitoring of the Scheme for street vendors;

(b) monitoring effective functioning of the town vending committee;

(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;

(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,
   (ii) public toilets to maintain cleanliness,
   (iii) electricity.
   (iv) drinking water,

(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 licence; or

(f) contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder, he 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 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.

(f) make spatial plans conducive and adequate for the prevalent number of street vendors in that city or town and also for the 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 or suspension of registration.

17. Where any street vendor who has been registered under this Act or his agent or servant of commits 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 thereunder, 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.

Cancellation or suspension of allotment of stall, licence etc.

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 thereunder, 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 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:

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.

Penalty for contraventions.

19. If any street vendor -

(a) indulges in street vending without registration;

sub-section (1) of section 6;

(f) the allowance to associated person under sub-section (3) of section 6;

(g) the other employees of town vending committee under section 7;

(h) the manner and purposes for constituting, and the number of the ward vending committees under section 8;

(i) the form and manner for preparing and publishing annual accounts statement under section 10;

(j) the returns to be filed under Section 20.

(3) Every rule, scheme and bye-law made under this Act shall be laid, as 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.

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Power to make bye-laws.

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:-

(a) the regulation and manner of vending in restriction-free-vending zones, restricted-vending zones and designated vending zones;

(b) the regulation of the collection of taxes and fees in the vending zones;

(c) regulation of traffic in the vending zones;

(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;

(e) the regulation of civic services in the vending zones; and

(f) the regulation of such other matters in the vending zones as may be necessary.

Power to make Rules.

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.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the manner of publishing summary of scheme under sub-section (2) of section 3;

(b) the number of members under clause (b) of sub-section (2) of section 4;

(c) the allowances to Chairperson and members under sub-section (3) of section 4;

(d) the time and place for meeting, procedure for transaction of business at meetings and functions to be discharged under section 5;

(e) the manner and purpose for which a person may be associated under

भारत सरकार
आवास एवं शहरी गरीबी उपशमन मंत्रालय
निर्माण भवन, नई दिल्ली–110108.
www.mhupa.gov.in

NATIONAL POLICY ON URBAN STREET VENDORS, 2009

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

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

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 ;

conducted by competent professional institutions/agencies. This is to be sponsored by the concerned Department of State Government/ Urban Development Authority/ Local Authority.

b) Municipal Authorities should frame necessary rules for regulating entry of street vendors on a time sharing basis in designated vending zones keeping in view three broad categories - registered vendors who have secured a license for a specified site/stall; registered street vendors in a zone on a time sharing basis; and registered mobile street vendors visiting one or the other vending zone.

c) Municipal 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.). These 'Vendors Markets' may be established at suitable locations keeping in view demand for the wares/services of street vendors. Timing restrictions on vending should be in accordance with the need for ensuring non-congestion of public spaces/maintaining public hygiene without being ad hoc, arbitrary or discriminatory. Rationing of space should be resorted to if the number of street vendors exceeds the number of spaces available. Attempts should also be made to provide ample parking areas for mobile vendors for security of their vehicles and wares at night on payment of suitable fees.

d) Mobile vending should be permitted in all areas even outside the 'Vendors Markets', unless designated as 'No-vending Zone' in the zonal, local' area or layout plans under the master/development plan of each city/town. 'Restricted Vending' and 'No Vending Zones' may be determined in a participatory manner. 'Restricted Vending Zones' may be notified in terms of both location and time. Accordingly, a particular location may be notified as 'No-vending Zone' only at particular times of the day or days of the week. Locations should not be designated as 'No-vending Zones' without full justification; the public benefits of declaring an area/spot as 'No-vending Zone' should clearly outweigh the potential loss of livelihoods and non-availability of 'affordable' and 'convenient' access of the general public to street vendors.

e) With the growth of cities/towns in response to urbanization, the statutory plans of every new area should have adequate provision for 'Vending/hawking Zones' and 'Vendors Markets.'

4.3 Quantitative Space Norms

These refer to the norms on the amount of space to be provided for Vending Zones in plans and to vendors in designated Vendors' Markets. Every land use has a carrying capacity ceiling or threshold limit for the users and the same is true of the number of vendors operating in a clearly demarcated area. Overuse can cause congestion and reduction of public hygiene. Thus, there is a need to fix space norms at both city/zonal development plan and local/layout plan levels. Each city/town may, however, evolve its own quantitative norms but only after conducting proper surveys and evaluating actual needs, and taking the help of professional institutions/agencies. The principle of "natural markets" should be followed in designating areas as Vending Zones and their maximum holding capacity should be determined based on this principle.

4.4 Provision of Civic Facilities

Municipal Authorities need to provide basic civic facilities in Vending Zones / Vendors' Markets which would include:

i) Provisions for solid waste disposal;
ii) Public toilets to maintain cleanliness;

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;

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.

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.

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