

Handbook for Capacitating Street Vendors on the Street Vendors Act 2014



National Hawker Federation



Indo-Global
Social Service Society

Credits

Handbook Content:
Maindeep Gudella

Illustrations and Design:
Kabeer Arora

Design by : Manoj M Hodawadekar

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**Indo-Global
Social Service Society**

Handbook for Capacitating Street Vendors On Street Vendors Act of 2014

Prepared by:
Indo-Global Social Service Society (IGSSS)



National Hawker Federation (NHF)



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Contents

Introduction to the Handbook

Street Vending in India and the Constitutional Safeguards

Path Breaking Judgements on Street Vendors by the Hon. Supreme Court

Introduction to the Street Vendors Act 2014

What is Town Vending Committee (TVC)?

Constitution of Town Vending Committees

Protection of Street Vendors

Manner of Carrying out Surveys of Street Vendors

Responsibilities and Duties of Street Vendors

Conclusion - Right to the City

Acronyms

TVC -Town Vending Committee

SV Act - The Street Vendors Act of 2014

SC - Schedule Caste (Dalit)

ST - Schedule Tribe (Adivasi or Mulnivasi)

OBC - Other Backward Caste (Bahujan)

NGO - Non Governmental Organisation

RWA - Residents Welfare Association

ULB - Urban Local Bod

GIS - Geographical Information System

GPS - Global Positioning System

QR Code - Quick Response Code

NHF - National Hawker Federation

IGSSS - Indo-Global Social Service Society

MOHUA - Ministry of Housing and Urban Affairs

Acknowledgements

This manual is a result of a year-long engagement, which entailed a series of discussions and continual fieldwork, with the urban street vendors across different cities. This was developed in consultation and with support from various street vendor networks and federations, led by the National Hawker Federation. The urgency for developing a handbook was realised while we were working with the street vendors, who were unaware of the enactment of Street Vendors Act of 2014 and failed to see any positive impacts post the same. The aim was to thus simplify the street vendors act to the benefit of street vendors and vendor organizations to employ the act for their benefit.

We would like to express our deepest appreciation towards the National Hawker Federation (NHF) for taking the lead to develop a comprehensive framework and detail out the manual. The aim of developing a comprehensive manual would not have been possible without the help of our numerous friends and partner networks who helped us to finetune the document by guiding us on the nuances of the issue by reflecting on their field experiences, drawing from challenges faced by vendors and highlighting the gaps that currently

inhibit the effective and efficient implementation of the Street Vendors Act.

We would also like to express our earnest gratitude to Mr. Saktiman Ghosh, Secretary of the National Hawker Federation and a Human Rights activist working with street vendors across the country, and Mr. Macenzy Dabre, Joint Secretary of the National Hawker Federation, for their valuable contribution and suggestions that were reflective of years of experience of working on the ground. Also, Manideep Gudela, who very diligently drafted the main body of the handbook in a simple and easy to understand language. Last but not the least, the numerous interactions with our street vendor community friends, who have unknowingly contributed to and enriched this document.

IGSSS Urban Poverty Reduction Thematic Team

Introduction


It has been more than five years since the Street Vendors Act has been enacted in India. In spite of its progressive features that protect the street vendors, the act has failed to be implemented across the cities in the country. The main reason for the non-implementation of the Street Vendors Act is a result of the lack of awareness and non-percolation of salient features that protect street vending as a livelihood option in urban India.

This handbook aims to transform the complicated process of comprehending a complex law and make it more accessible for vendors and other laypersons by developing a more palatable module with the use of illustrations. It also aims to explain the main/core objectives and principles of the Act so as to capacitate the street vendors and their organizations to further interpret the law and its nuances. It will also be useful for various civil society organizations to raise awareness on vendors issues to ensure easy, effective implementation of the Vendors Act in the long term, The State Urban Livelihood Mission (SULM) – the nodal agency for implementation of NULM in the state – and anyone interested in understanding the gist of the Street Vendors Act to further develop their interest in

the informal sector economy in urban India.

The content of the handbook places the details of the Act in a simple framework. Beginning with laying down the history of street vending in India and the Constitutional safeguards that protect the vendors in India, the handbook goes on to enlist the key court judgements on street vendors, thereby, forming the judicial precedent to the Street Vendors Act of 2014. The following section introduces the Act in general and mentions the sections within the Act. The subsequent is the most critical section that is devoted to the formation of Town Vending Committees and the functioning of the same, while also sharing the manner in which surveys should be carried out for Urban Local Bodies. The concluding section focuses on the duties and responsibilities of vendors after the section on vendors and their rights.

The handbook has been prepared by the National Hawker Federation which is an association of street vendors across 28 states in the country, affiliated with 1,188 Unions, including 11 Central Trade Unions and over 20 International Trade Unions globally. They have been working on the rights of street vendors for the past



20 years throughout the country. NHF along with the Indo-Global Social Service Society (IGSSS) - a non-profit organisation working in 22 states and one Union Territory of India, with the mandate for a humane social order based on truth, justice, freedom and equity - has conceived this handbook to enhance the capacities of the stakeholders responsible for implementing the SUH scheme.

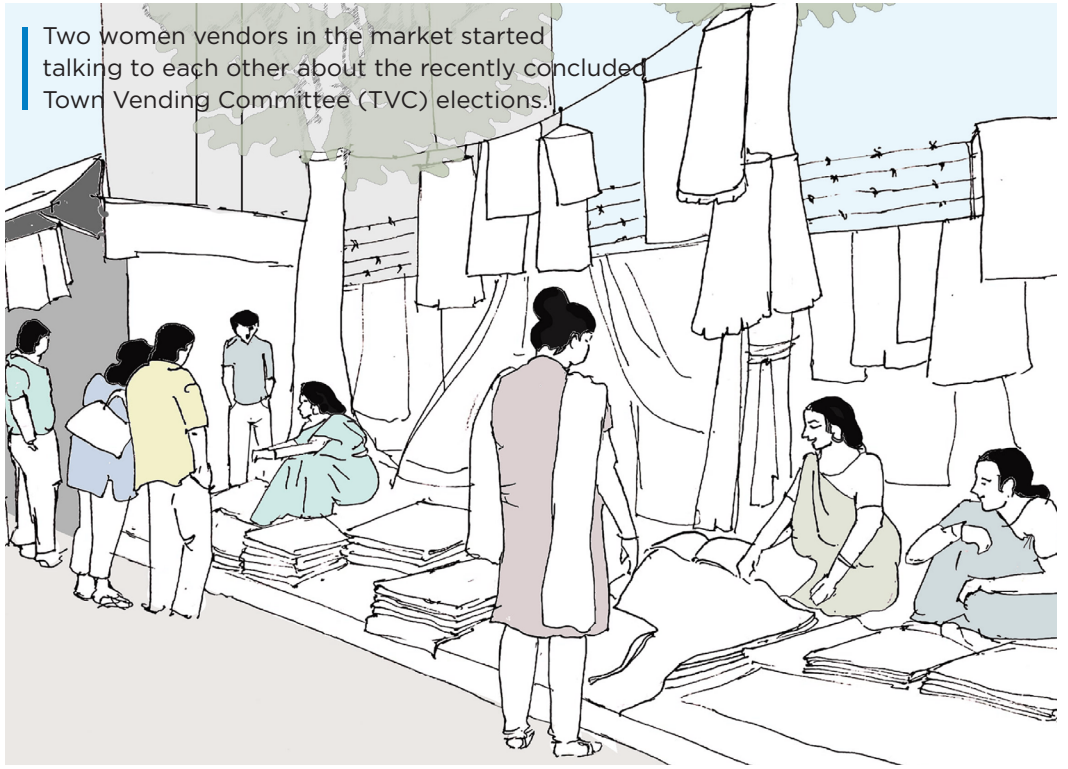
A very busy Indian city street.





Like any Indian city, the streets are busy and there are many hawkers selling their different wares.

Two women vendors in the market started talking to each other about the recently concluded Town Vending Committee (TVC) elections.



Congratulations on becoming the member of TVC.

Thank you, I was told that this a step forward for our benefit. But I don't know, what benefit did it get us? We are considered illegal even today. We are still evicted and harassed by the authorities every now and then.



A young mobile street vendor selling balloons having overheard the conversation, jumped in the conversation among the women vendors. And said "Didi..."

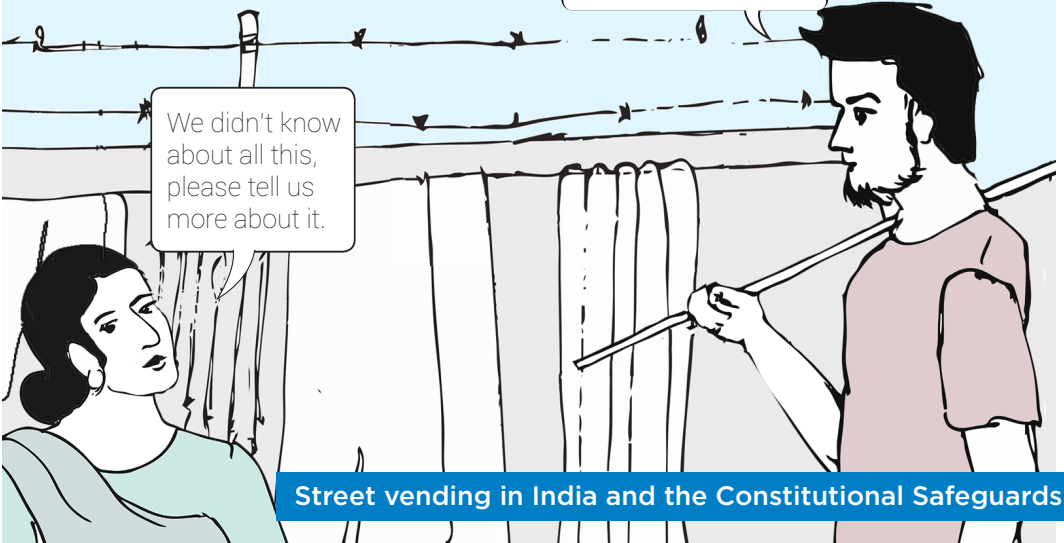
Street vending is the second largest working activity in informal sector that not only provides livelihood to 4 crore people in India but serves affordable services to a majority of the urban population. And this livelihood of ours is a part of the fundamental right granted to us through our constitution. It is part of article 19 - Right of freedom.

According to it, we can resettle and reside anywhere in India and practise any profession or carry any occupation, trade or business.

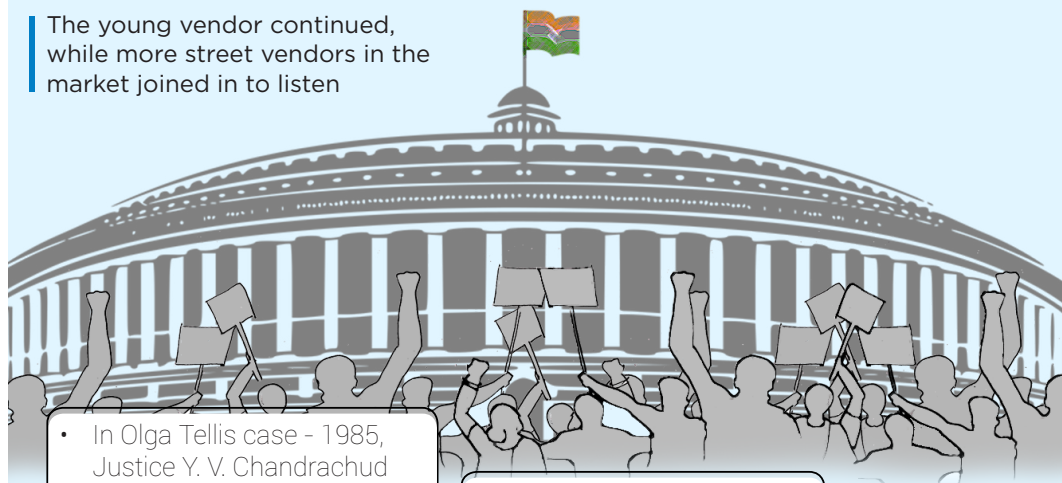


We have been fighting for our rights for the few decades and even the supreme court gave multiple rulings in support of that.

We didn't know about all this, please tell us more about it.



The young vendor continued,
while more street vendors in the
market joined in to listen



- In Olga Tellis case - 1985, Justice Y. V. Chandrachud recognised that eviction from their dwellings was indeed a deprivation of livelihood in street vending. And the right to livelihood is included in right to life which itself is fundamental right.
- In Saudan Singh case 1992, The Supreme Court ruled that street pavements are not only exclusively for pedestrians and government should allow the street vendors the right to trade with certain regulations.

- In Gainda Ram case – 2010, Justice Asok Kumar Ganguly gave the judgement which included asking the government to enact a law by 2011 to protect the right of street vendors.
- In Maharashtra Ekta Hawkers Union case in 2013 Justice G Singhvi ordered the government to allow the street vendors to operate across the country until a law is enacted according to street vendor policy of 2009 and implemented in full.

He also ruled that all previous judgements/against the street vending as null and void. Only those according to the new law will be valid



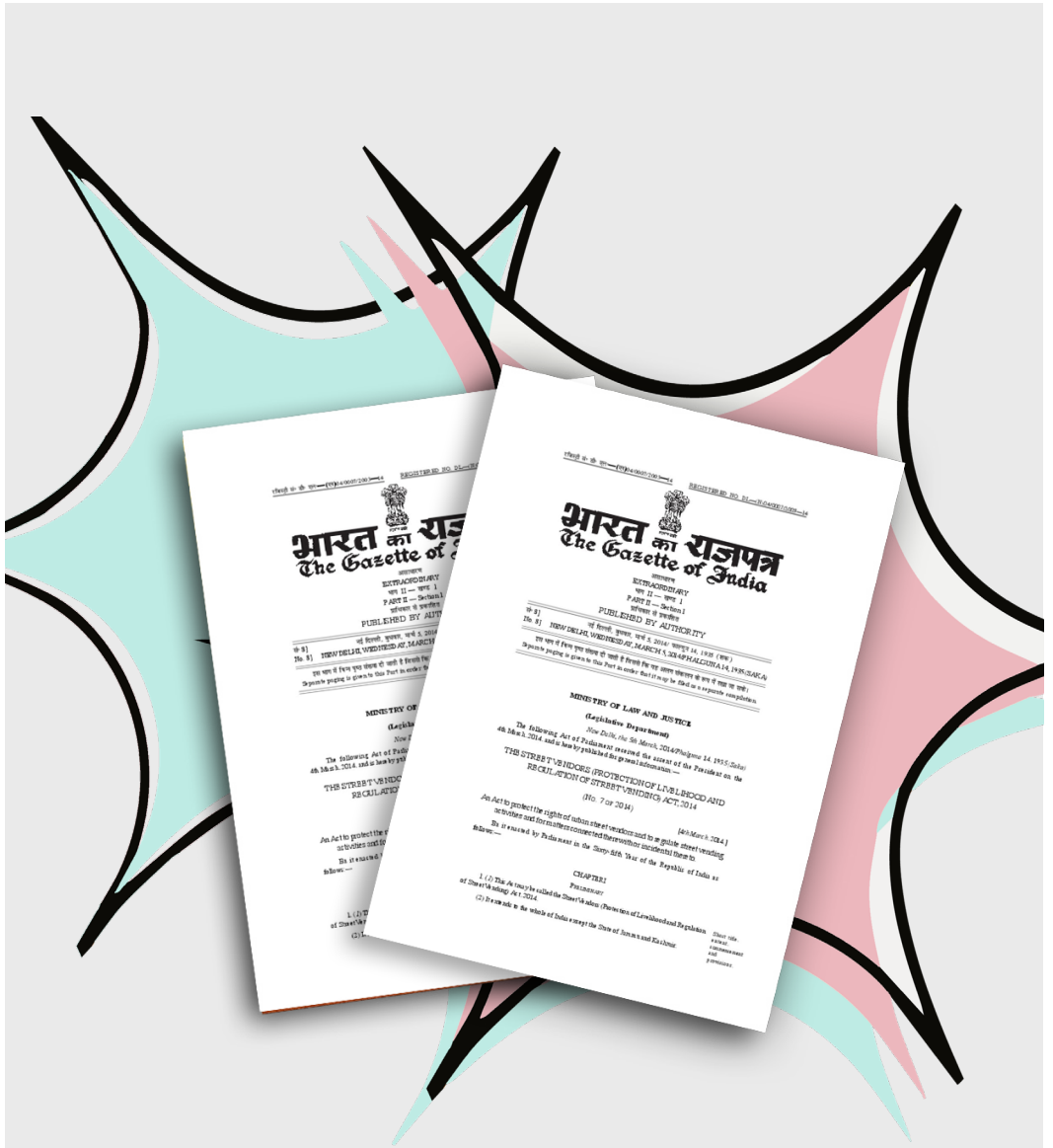
The young vendor continued, and stressed on the need for street vendors to recognize the many struggles that went into the formation of the act.



With all these and many more fights and struggles, we were finally able to get the Street Vendors (Protection of livelihood and regulation of street vending) Act enacted in 2014.

Hence there is an absolute need for all us to understand the Street Vendors Act 2014 and fight for our rights.





The Street Vendors Act, 2014 is a pioneering initiative to protect the livelihood rights and social security of urban street vendors in the country and thereby aid poverty alleviation efforts of the Government. The Act aims at fostering a congenial environment for the urban street vendors to carry out their activities without harassment from any quarter. It also provides for regulation of urban street vending and is uniformly and mandatorily applicable to all the States and Union Territories. The Bill was passed in the Lok Sabha on 6 September 2013 and by the Rajya Sabha (upper house) on 19 February 2014. The bill received the assent of the President of India on 4 March 2014. The Act came into force from 1 May 2014.

The discussion continued with an adjacent vendor joining in the conversation.

But even after the act is passed, some states like Maharashtra and Chhattisgarh have framed rules which included only regulating the street vending but not the protection of livelihood part. This is happening because we are not familiar with the provisions of the act, we are not being able to fight with the authorities for not implementing it.



The TVC (Town Vending Committee) is established according to the Street Vendors Act. It not only protects us from harassment by police and authorities, it also intends to provide welfare schemes like availability of credit and insurance.

The TVC is given a very important task to ensure protection of our livelihood. And TVC is entrusted with surveying to identify of all the existing street vendors, within the area and subsequent survey shall be carried out at least once in every five years.

I along with some others were made TVC members, and were told it is for our benefit. But I've no idea what I can do.

I don't know how I can help my fellow vendors being a TVC member.





What is TVC ?

The 2014 Act provides for the constitution of Town Vending Committees (TVCs) that look into the matters of the street vendors. It provides for constitution of a TVC under each local authority and if needed in each wards or zone under the local authority. The TVCs are the foundational and most critical aspect of the 2014 Act and govern how the street vending is protected and regulated in any city.

As more vendors gathered around, the young vendor further explained the key features of the TVC.

TVC shall constitute of the Municipal Commissioner, a minimum of 40% of members chosen and elected by us, like you. It should also include due representation of SC & ST, OBC and other minorities and persons with disabilities and also from 10% from NGOs. The remaining members are from RWA and police members. Remember everyone in the committee is equal. There is no hierarchy.

There should be regular meetings of the TVC be organized with the prior announcement and while during the meeting, the all related topics must be discussed and in the regional/local language



That is why we need to work with NGOs. They'll not only help us understanding the act & fighting for our rights but with their 10% and our 40% we should protect our interests in decisions made in TVC.

Even we are made TVC members, we still feel like we can't say anything in the meetings, as we are just 40%, we feel like powerless to object many of their decisions that are against our rights.



Constitution of the Town Vending Committee

After the TVC, the young street vendor explained the protection offered in the act for Street Vendors.

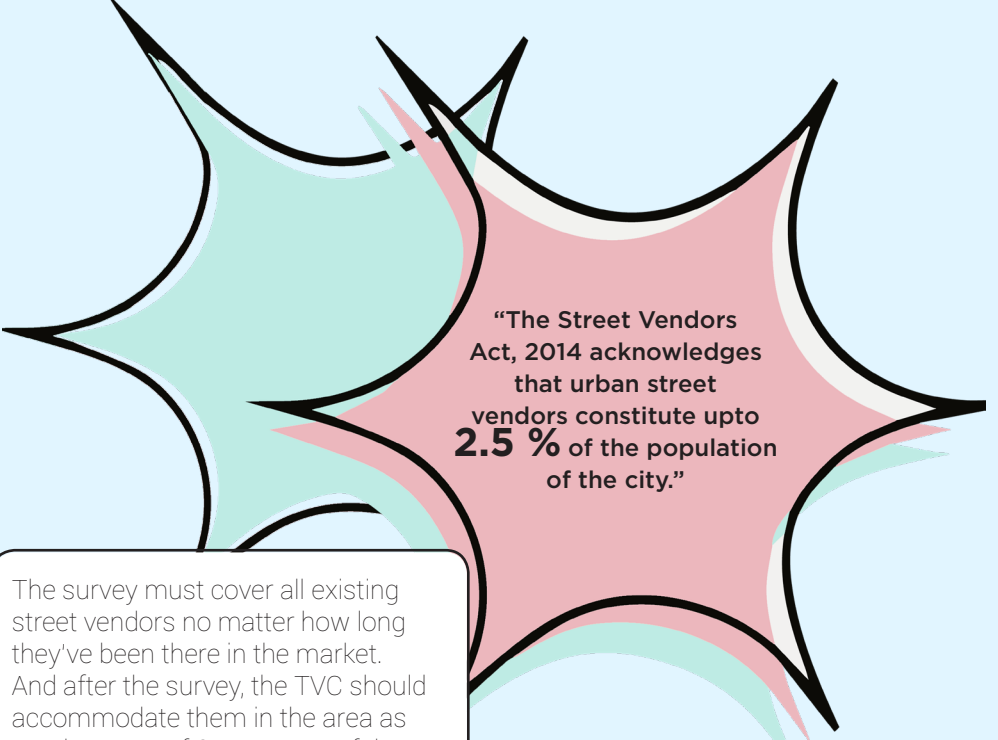
But what is the use of all this?
What are we gaining from this?

According to the act, no vendor will be evicted until the survey is done. And once the survey is done by TVC, all the vendors who have completed 14 years of age should be issued a certificate of vending license with identity cards

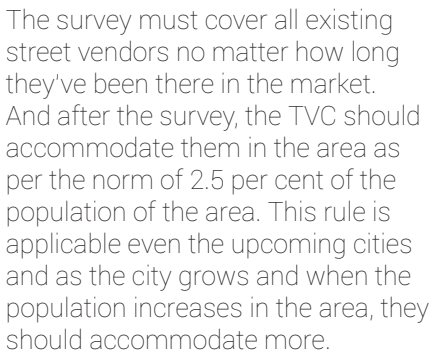
No vendor shall be arbitrarily evicted in the name of 'beautification' of the cityscape. And no vendor shall be relocated or evicted from the specified place without 30 days notice

If an authority seizes our goods, a list of goods seized is prepared and a signed copy by the person should be issued to you. If the goods are non-perishable, they shall be released within two working days and in case of perishable goods on the same day

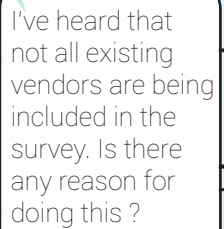




“The Street Vendors Act, 2014 acknowledges that urban street vendors constitute upto **2.5 %** of the population of the city.”



The survey must cover all existing street vendors no matter how long they've been there in the market. And after the survey, the TVC should accommodate them in the area as per the norm of 2.5 per cent of the population of the area. This rule is applicable even the upcoming cities and as the city grows and when the population increases in the area, they should accommodate more.



I've heard that not all existing vendors are being included in the survey. Is there any reason for doing this ?



As more vendors gathered around, the young vendor further explained the key features of the TVC.

Recommendations for the Procedure for Carrying out the Survey

Precondition to the survey – dos and don'ts

- All existing street vendors to be included in the survey.
- Evictions of street vendors to be disallowed before the survey process. Enumeration and eviction cannot go hand-in-hand.
- The survey should not be handed over to any agency and be executed by the Urban Local Body (ULB) itself in support from the Town Vending Committee (TVC).
- The survey should be guided by TVC and its members in its philosophy, methodology and process.
- The survey execution phase will also include TVC members/ULB staff and the local police.

Preparatory stage for survey

- Preparation and approval by the TVC of the list of evicted street vendors till now so that they may be included in the survey process through verification. Any documentation like challans or receipts may be accepted as part of proof of street vending.
- Preparation of basemaps by ULB and division of ULB areas into wards/zones.
- Enlisting different kinds of markets and street vending activities in the ULB area. This information is to be overlaid on the ULB map using GIS.
- Identification of different kinds of vendors – mobile, stationary or weekly etc., and accounting their needs during the survey process.
- Timely implementation of awareness drives to ensure that the vendors are aware about the awareness drives and participate in the survey process.
- Carrying out important trainings on survey process, TVC functioning and the Street Vendor Act, 2014 in the preparatory phase.

What to survey and the different phases

1. In the First Phase of the survey will be to locate the stationary street vendors and their stalls/locations through videography, followed by a rapid headcount survey.
2. The Second Phase of the survey will entail locating identified stationary street vendors.
3. The Third Phase will involve a detailed set of survey questions for gathering information from the street vendors.

Survey data sets to capture the following information of detailed survey of street vendors

- The survey must cover all street vendors in the area being surveyed. ULB will develop methodology for conducting the survey. At a minimum, the survey must include: x Name x Name of parents x Permanent Address x Present Address x Identity proof (if any) x Telephone number (if any) x Place of vending x Type of vending activity x Time/Duration of engagement as a vendor x Details of family members x If identified as beneficiary/poor for any of the government schemes like Food Security Act, TPDS, SJSRY, etc. and details thereof. A detailed questionnaire can be developed according to our needs in ULB.
- This may also include documents/proof that prove their vending in that location which will help in the certification of street vendors.

Methodology and Process

1. The First Phase will be executed through a videographing process, discreetly documenting the existing street vendors and their vending sites. In case of various kinds of street vendors through the day in the same site, the said process needs to be followed in the same location at different times. This will be determined by the list of markets/vending types identified in the data set. This phase will ensure that all the streets are documented and videographed to ensure that no existing street vendors are missed out. To assure a reliable and holistic gathering of information, this could be executed in a vehicle where ULB officials, TVC members and local police representatives are present.
2. In the Second Phase, individual headcounts will be carried out, wherein survey slips will be handed out by the field team doing the rapid headcount. At this stage, GPS location of the stall, picture of street vendor and size of the stall will be documented.
3. The Third Phase will include a detailed survey process, with a detailed set of questions as mentioned before. This will be based on the survey slip handed out and will include biometric and photographic details as well. The Third Phase can be carried out at convenient points where facilities are available and photographs can be taken.
4. Remedial measures to the ones who have been missed out will be provided. All such vendors will be given an opportunity to get their survey done through accessing various centres in the ULB that may be allotted for the verification process.

Some points to note on the process

The survey will be completely digital and the process followed will be accessible and visible to the public in real time.

1. Acknowledgment slips to be provided with QR codes to enable street vendors to complete the survey and transition smoothly from the Second Phase to the Third Phase.
2. All data collected with respect to survey to be uploaded online.
3. Street vending certificate to be issued only after the completion and termination of the survey process.

by this time the a dozen street vendors had gathered around the young vendor, and were eagerly listening and participating in the discussion

Thereafter, the young vendor also shared the responsibilities of street vendors in keeping vending regulated and orderly

Responsibilities and Duties of Street Vendors

Knowing your rights is not the only thing that's important. You should also know about our responsibilities, which equally important as our rights. Only then the true objective of the street vendors act is achieved.

This information will help me achieve the goals for which you have chosen me to represent you. Thank you for letting us know our rights.



We as street vendors also have our responsibilities which include

- Every one of us must ensure to maintain cleanliness, public hygiene, civic amenities and public property in the vending and nearby zone. And should pay the periodic charges for the amenities and facilities
- Once allotted a vending certificate, we shall pay the vending fee and renew it as and when required.
- We shall not rent out the certificate of vending or specified place to anyone else and the business should be carried out by our self or through any of our family members.
- We should remove our goods and wares at the end of the time period allotted to us. And we should not step into the regions marked as No vending zones.
- Remember if any vendor violates the conditions of the Act, his/her certificate of vending may be suspended or cancelled by TVC.

For resolution of any disputes regarding to us, there will be a committee with a civil judge as chairman and two other professionals to address them. And there should not be any government employee or local authority as members of that committee

Thank you for letting us know our rights.



Thanks a lot for making us understand the Street Vendors Act. This will empower us to carry our livelihood and protect ourselves from any harassment.

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As the impromptu meeting neared conclusion, the young vendor appealed to everyone



Remember this city is ours and we are part of it. We should also ensure to keep ourselves more organized, serve the people in better way and keep the city clean in all possible ways. Only then the citizens of this city will also back us on our fight to protect our livelihood.

Now that we are relatively at better place in our struggle and also with an act to protect us, we should help our friends working in other informal livelihoods in their fight to achieve their rights. We as a community have to be there looking out for each other.

Let's get back to our work, there are a lot of customers waiting who wating to be served.



Conclusion, The Right to the City

Indo-Global Social Service Society (IGSSS) is a non-profit organisation working with the mandate for a humane social order based on truth, justice, freedom and equity. Established in 1960, IGSSS works for development, capacity building and enlightenment of the vulnerable communities across the country for their effective participation in development.

With its presence in 25 states and one Union Territory of India, IGSSS has set its thematic focus on promoting sustainable livelihood, energising the youth as change makers, protecting lives, livelihood and assets from the impact of hazards, advocating for the rights of CityMakers (Urban Poor Residents) and developing cadre of leaders from the community and civil society organisations. Gender and Youth are underlining theme across all its interventions.



Indo-Global Social Service Society
28, Institutional Area, Lodhi Road,
New Delhi-110003

Email - info@igsss.net
Tele - 011-45705000
Website - www.igsss.org
Facebook - www.facebook.com/igsss
Twitter - [@igsss](https://twitter.com/igsss)