

Analysing the Street Vendors Scheme, 2019

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Abstract

Street vending has been a significant source of livelihood in India for centuries. However, street vendors have long faced many challenges, including police harassment, eviction, and limited access to basic amenities. To address these issues, the Delhi government introduced the Street Vendor (Protection of Livelihood & Regulation of Street Vending) Scheme in 2019, under the background of the Street Vendors Act of 2014. This study will evaluate the implementation of the Street Vendor Scheme and its overall effect on street vendors in India. The primary data has been collected through 10-12 interviews with street vendors. The research will assess the procedures outlined in the scheme for licensing, relocation/eviction, seizure of goods, and infrastructure development.

The Street Vendor Scheme provides guidelines for conducting comprehensive surveys every three years to identify street vendors and outlines licensing, relocation, seizure of goods, and infrastructure improvement procedures. The scheme also provides measures for training, skill development, and financial assistance to street vendors. The effectiveness of the Street Vendor Scheme will depend largely on its implementation. This study aims to evaluate the performance of the scheme and identify areas for improvement. By delving into the experiences, opinions, and perceptions of the street vendors, the study will offer valuable insights into the challenges of implementing the scheme and its overall impact on street vendors.

The study will also identify the gaps in the scheme and suggest practical solutions to make it more effective and enforceable. The research will contribute to the discourse on urban poverty and the challenges faced by street vendors in accessing opportunities to earn a livelihood.

Research Questions

1. How effective has the implementation of the Street Vendor Scheme been in providing street vendors with licensing, relocation, and infrastructure improvement opportunities, as well as curbing police harassment and providing financial assistance and skill development measures?
2. What are the major gaps in the Street Vendor Scheme, and what practical solutions can be proposed to make the scheme more effective and enforceable?

Methodology

A questionnaire was drafted and street vendors working in the inner circle of Connaught Place were interviewed. Their answers were recorded and due consent about the survey was taken beforehand. A total of ten questionnaires have been duly filled. An unstructured interview with three to four local street vendors was also taken afterwards seeking details of the court cases filed against street vendors along with civil action against them.

Provisions in the Street Vendors Scheme

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2019, as per the link provided, has provisions for providing licences to street vendors and conducting surveys for the same.

Licensing

The Town Vending Committee is bound to conduct digitised surveys from three months after the commencement of this scheme wherein during the course of the survey, 40% of the elected TVC representatives are to be present. The scheme also mandates the conduct of a survey of all existing street vendors within the jurisdiction of the local authority, which helps to identify the number of street vendors and their vending locations. This information is then used to develop a street vending plan, which includes provisions for the allocation of suitable vending zones and basic facilities to the street vendors. It also has provisions for identifying and issuing certificates of vending which will be valid for up to 1 year.

Vending Fees

This vending fee is to be submitted by the 10th of every month at the Community Service Bureau Counter of the respective zone/area. The scheme provides for a 75% reduction in fee payment in the case of female street vendors. There are eight categories - A, B, C, D, E, F, G and H. The actual categorization of street vendors and the determination of vending fees is done by the Town Vending Committee (TVC) in consultation with the street vendors and other stakeholders. The categories are determined based on the location of the vending, the time of vending, the type of goods sold, and the size of the vending unit. The vending fees for each category are also determined based on these criteria, with vendors in more prominent locations and larger vending units required to pay higher fees. The scheme provides for the collection of vending fees on a daily, weekly, monthly, or quarterly basis, depending on the category of the vendor. The fees collected are used to provide basic facilities and services to street vendors, such as water supply, sanitation facilities, and waste disposal services. The table below describes the fees against the street vendors' category.

| Category | Vending Fee (₹ per Month) | | | |
|----------|---------------------------|--------------------------------------|--------------------|------------------|
| | Static Vendors | Mobile Vendor | | Other Vendor |
| | | Mobile Vendor & Weekly Market Vendor | Peripatetic Vendor | Temporary Vendor |
| A | 1500 | 750 | 350 | 1000 |
| B | 1000 | 500 | 250 | 750 |
| C | 750 | 500 | 250 | 500 |

| | | | | |
|---|-----|-----|-----|-----|
| D | 600 | 400 | 200 | 400 |
| E | 300 | 300 | 200 | 400 |
| F | 250 | 250 | 150 | 300 |
| G | 200 | 200 | 100 | 300 |
| H | 150 | 150 | 50 | 150 |

Preference

3% of vending sites in all categories are to be allotted to PwD. 1/3 of all vending sites are to be given to women with a first preference for widows. Preference is also to be given to applicants in the BPL category.

Relocation

Relocation is only to be done in exceptional circumstances and declaration of a vending zone as a non-vending zone. The affected street vendors are to be accommodated in a nearby vending zone. A written notice is to be issued and sent to the vendor's correspondence address before the 15th and 30th day after the decision is made with three alternative sites mentioned.

No street vendor can be evicted from the site of vending without prior notice, completion of the registration process and formulation of a rehabilitation plan.

Eviction Notice

As per the Street Vendor (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019, a street vendor whose certificate of vending has been cancelled, or whose notice period in case of relocation has expired, or who is vending without a certificate may be given a 30-day notice to vacate the site and stop vending. Additionally, a reminder notice will be issued on the 15th day of the notice period. If there is no response from the vendor after the two notices, a notice for eviction will be pasted conspicuously at the vendor's place of vending. The notice for eviction must contain the justification for eviction and the procedure to appeal against the eviction. This process ensures that street vendors are given sufficient notice and an opportunity to appeal before being evicted from their vending location.

Manner of Eviction

If a street vendor fails to vacate the site after the notice period has expired, the TVC may determine the manner of eviction. However, no street vendor can be evicted by law enforcement agencies or other institutions without orders or directions from the respective Town Vending Committees. All evictions, removals, and displacements

of street vendors must be authorised by the TVCs and carried out in their presence. Photographs and videography of the site before and after the removal action must be taken, and a report must be submitted to the TVC.

Seizure of Goods

According to the 2019 scheme, if a street vendor is found vending without a certificate of vending or outside the vending zone allocated to him/her or in a no-vending zone or prohibited area, the enforcement officer may seize the goods of the street vendor.

Manner of Seizing Goods

When goods of a street vendor are seized, a list of the seized items will be prepared in duplicate. The vendor will verify the list and will be issued a duplicate copy. A TVC member and a witness will authenticate the list. The copy of the seized goods will contain the name, designation, and office address of the official, as well as the address of the premises where the goods can be reclaimed. The process of seizing the goods will be videographed.

Manner of Reclamation

The street vendor may apply for the release of seized goods on the same day for perishable goods and within 0-30 days for non-perishable goods. After this period, the right of the street vendor on the seized goods will cease, and the local body may dispose of or auction them. The vendor may request an additional 30 days to pay the fine/storage charges if they can prove their inability to pay. The perishable seized goods will be released within 24 hours, and non-perishable seized goods within two working days of the claim, subject to payment of the prescribed fee or penalty to the local body. The local authority will destroy unhygienic/spoiled/rotten or unfit for human consumption items without compensation to the claimant.

| Storage Charges in ₹ | |
|---------------------------------|--------|
| Load up 100 Kg (24 hrs) per day | ₹75/- |
| More than 100KG per day | ₹150/- |
| Removal of Cycle | ₹20/- |
| Removal of Scooters/Motorcycle | ₹150/- |
| Removal of Cars/Vans/Jeep | ₹300/- |
| Removal of Commercial Vehicles | ₹750/- |

This data has been directly taken from the Street Vendor (Protection of Livelihood & Regulation of Street Vending) Scheme 2019.¹

¹ [Street Vendor \(Protection of Livelihood & Regulation of Street Vending\) Scheme 2019](#)

Survey Results

This section of the paper exclusively focuses on the results of the survey.

Demographics of the Population

The survey included 8 male and 2 female participants, with an average age of 40.2 years. The participants had an average experience of 19.2 years as street vendors and reported an average monthly income of ₹13,875. Additionally, 70% of the participants reported having a licence.

Conduction of Surveys

According to licensed street vendors, surveys to provide licences to new street vendors have not been conducted in 1992, done in the *Sodan Singh vs. New Delhi Municipal Committee* case.² These licensed street vendors, known as 'Tehbazaari', obtained their licence after the 1992 survey by the NDMC, and no identification or licensing survey has been conducted since then. Court orders with temporary licences in the years 2014-2015 have occurred.

Unlicensed street vendors usually work in the stalls of the other licensed street vendors and their income ranging from ₹15,000 to ₹18,000 gets divided among three to four. They also attempt to set up their stalls after 8:30 PM, around which time the committee members leave office. They carry on their business till 10 PM, when the police arrive in the area and stop their activities.

Seizure of Goods

The licensed street vendors claim that their goods have been seized only a few times, as long as they abide by the designated boundaries for selling and maintaining cleanliness. In contrast, unlicensed street vendors are extremely fearful of the police and committee officials and constantly worry about being caught. During the day, a few unlicensed vendors take the risk of setting up their stalls and quickly flee upon the sight of any legal authorities. With regards to the procedure of reclamation, one of the interviewees expressed hesitation in reaching the authorities and others revealed that the average fine was around ₹200-₹1000, depending on the price value of the goods. This is in sharp contrast to what the policy advocates in section 4.1 of this scheme.

The vendor went on to state that he did not receive any copy of the goods seized and that reclaiming the confiscated items was almost impossible without paying the entire value of the seized goods, which could range from ₹300 to ₹2000. This practice is in direct contradiction to section 6.8.3 of the Street Vendor (Protection of Livelihood & Regulation of Street Vending) Scheme 2019.³

² [12457.pdf \(sci.gov.in\)](#)

³ [Street Vendors \(Protection of livelihood and Regulation of Street Vending\) Scheme - 2019](#)

Legal Encounters

One of the street vendors detailed the legal encounters he had had. They are mentioned in detail in this section. As per his records, the New Delhi Traders' Association is behind few of the legal cases pending against the street vendors as well as responsible for direct calls to the committee which is then quick to evacuate street vendors. This part of the paper focuses on the cases mentioned by him and details them.

Legalisation Efforts

The courts over the years have ordered the creation of a total of three lists to identify street vendors who could be provided with the licences. The initial list was created before 1989, while the second list was formulated with the guidance of the Supreme Court and verified by the Thareja Committee. Additionally, the third list, which enlisted 628 street vendors, was compiled in 2012 as a result of the NDMC's 2007 policy.⁴

NDMC Policy 2007

The *Sudhir Madan v/s MCD & Ors* case resulted in a direction by the Supreme Court of India to revise the New Delhi Municipal Council's (NDMC) 1989 scheme. As per the ruling of the court, "Only if a space is available for hawkers and squatters without any difficulty or inconvenience to the citizens, the same may be allotted."⁵ The scheme includes provisions for the creation of a Vending Committee to demarcate vending and non-vending zones, timing restrictions on urban vending, norms for the number and location of squatters, and qualitative norms, among other provisions. The policy also identifies potential hawkers who could receive a license to vend based on recommendations from the Residents Welfare Association (RWA) in accordance with RWA regulations. Additionally, the policy requires fresh registration every five years. In 2012, the policy was executed, resulting in the identification of 628 individuals based on survey data.

Supreme Court, 2015

The case of *Sh. Dharam Chand vs Chairman, NDMC & Ors* is a landmark case in Indian jurisprudence that was decided by the Hon'ble Supreme Court of India on July 29, 2015. The case arose out of a dispute between the New Delhi Municipal Council (NDMC) and the street vendors in Connaught Place, New Delhi. The NDMC had issued a notification in 2006 that sought to regulate street vending in the area, but the street vendors claimed that the notification was arbitrary and violated their right to livelihood. The street vendors challenged the notification in the Delhi High Court, which initially struck down the notification, but later allowed the NDMC to survey the area to identify the number of street vendors and the nature of their businesses. The street vendors appealed against this decision in the Supreme Court.

⁴ [Mahesh Kumar Yadav vs New Delhi Municipal Council & Ors on 18 September, 2017](#)

⁵ [Scheme for street vendors in NDMC, 2007](#)

The Supreme Court, in its judgement, held that the right to carry on a trade or business was a fundamental right guaranteed under Article 19(1)(g) of the Constitution of India, and that street vendors were entitled to the protection of this right. The Court also held that any regulation of street vending had to be reasonable and non-arbitrary, and had to take into account the needs of the street vendors as well as the larger public interest. The Court directed the NDMC to carry out a survey of the area within four months to identify the street vendors and their businesses, and to frame a scheme for their relocation and rehabilitation. The Court also directed the NDMC to constitute a Town Vending Committee (TVC) in accordance with the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, to oversee the implementation of the scheme.⁶

High Court, 2016

The Vaiso Jain vs NDMC Delhi High Court verdict on July 22, 2016, was related to the eviction of tenants from a commercial property in Connaught Place, New Delhi. The case involved the New Delhi Municipal Council (NDMC) issuing eviction notices to the tenants of a property located at F-Block, Connaught Place, which was owned by Vaiso Jain. The tenants had been occupying the property for several decades, and the NDMC argued that they were illegal occupants and were using the property for commercial purposes without proper authorisation.

Vaiso Jain, on the other hand, claimed that the tenants were not illegal occupants and that they had been paying rent to him regularly. He also argued that the NDMC did not have the authority to evict the tenants as the property was private property and not owned by the council. After hearing both parties, the Delhi High Court ruled in favour of the NDMC and upheld the eviction notices. The court held that the NDMC had the power to evict illegal occupants and that the tenants had been using the property for commercial purposes without proper authorisation.

After the NDMC issued eviction notices to the tenants, Vaiso Jain filed a petition challenging the eviction in the Delhi High Court. During the hearing, the court ordered a stay on the eviction until a final decision was reached in the case.⁷ Regardless of the stay on eviction drives, as per the evidence gathered for the purpose of this paper, the director of the NDMC came and ordered for the removal of the 628 people recognized in the 2012 drive.

Based on the conducted interviews, it was found that certain street vendors were temporarily relocated to an allocated space within Laxmibai Nagar Park. However, the street vendors in question reported, “ek rupaye ka bhi kaam nahi hai vaha”. Despite being stationed there for several months, the street vendors ultimately returned to their original location within the inner circle and resorted to surreptitiously selling their wares.

⁶ [Sh. Dharam Chand vs Chairman, Ndmc & Ors on 29 July, 2015](#)

⁷ [Vaiso Jain vs Ndmc And Anr on 22 July, 2016](#)

High Court, 2021

In October 2021, a plea by the New Delhi Traders Association resulted in a High Court order that led to police and NDMC crackdowns on street vendors in the Connaught Place area. The crackdown was due to Connaught Place being designated as a no-vending zone. During an interview conducted as part of this research, one interviewee reported that the street vendors targeted in the crackdown were those whose eviction in a 2015 court case had been stayed by a further order. Additionally, the counsel argued during the hearing that street vendors continued to return and take advantage of the NDMC's closing hours post 6:30 pm, despite regular removal. However, interviewees claimed that these vendors only returned around 8:30 pm and earned very little during the short period they were allowed to vend (till 10:00).

Policy in Action

It might be essential to take note of the perception of law-protectors of street vendors. Interestingly, even though the court has at points appeared to have safeguarded the rights of street vendors, certain terminologies are being used which remain derogatory when referring to street vendors. For example, in October 2021, the Delhi High Court declared that the Connaught Place (CP) area was a no-vending zone and called for anti-encroachment measures. The court also referred to street vending activities as "jungle raj" that needed to be curtailed in accordance with the Street Vendors Act.⁸ The Delhi High Court also stated that it cannot allow the city to "go to the dogs" and must protect the rule of law, which does not mean solely safeguarding the rights of one constituency, but rather upholding the rights of all.⁹ The bench opined that while vendors do have a right to their livelihood, no right is absolute.

Anti-Encroachment Drives

A recurring feature of judicial rulings in recent years has been anti-encroachment drives. In November 2020, the New Delhi Municipal Council (NDMC) and Delhi Police officials carried out an anti-encroachment drive in three districts, which resulted in the removal of all street vendors who were operating without a license.¹⁰ Many of the vendors were unaware of the situation and were forced to flee with their belongings, while the items of those who could not pick them up were seized. In October of 2021, Delhi's Connaught Place was cleared of illegal vendors in an anti-encroachment drive carried out by NDMC and Delhi Police officials. Unlicensed street vendors who were unable to remove their belongings had their items seized.¹¹

Anti-encroachment drives are conducted to remove unlicensed street vendors. It is to be noted that this procedure neither takes cognisance of the scheme nor the court orders that bar eviction.¹² It is noteworthy to highlight the cyclic nature of the actions taken by the authorities concerning unlicensed street vendors. On one hand, the vendors are removed from their places of business as they do not possess the required licenses. On the other hand, the surveys to provide them with the necessary licenses have not been conducted by the authorities, thereby creating a paradoxical scenario wherein the vendors are penalized for not possessing licenses that have not been made available to them. This cyclic pattern has resulted in a state of limbo for the street vendors, who continue to face eviction and financial penalties despite their repeated attempts to seek legitimacy. Due to the paradoxical and impractical nature of the policy, the street vendors return to the original place within a few months and attempt to sell their goods behind the eyes of legal authorities.

Another paradox arises from the fact that the New Delhi Municipal Corporation (NDMC), which is responsible for conducting anti-encroachment drives and imposing fines on unlicensed street vendors, is also

⁸ [Delhi HC directs authorities to chalk out street vending plan; wants to avoid 'jungle raj' | India News](#)

⁹ [Can't Let City Go To Dogs: Delhi HC On 'Illegal' Encroachment By Street Vendors](#)

¹⁰ [Anti-Encroachment drive conducted in New Delhi district](#)

¹¹ [Delhi: Connaught Place cleared of illegal vendors | Delhi News - Times of India](#)

¹² https://www.livelaw.in/pdf_upload/town-vending-delhi-high-court-401768.pdf

entrusted with the formation of Town Vending Committees (TVCs). This incongruity raises questions about the efficacy of the policy and its failure to allocate responsibilities to the appropriate authority. In light of this, the court has sought clarification on the formation of TVCs, which underscores the importance of identifying the correct entity responsible for the implementation of the Street Vendors Scheme.¹³

Issues with Compliance

It can be argued that the policy mandating the presence of Town Vending Committee (TVC) members during eviction, surveys, and seizure of goods is impractical and creates an additional burden on them. The constant frequency of such drives poses a challenge for the TVC members to attend all encounters, ultimately leading them to evade this extra responsibility. The situation would have likely presented a different scenario if the members of the TVC had received monetary compensation for their efforts. It would be unreasonable to anticipate their consistent availability to attend to the needs of street vendors while simultaneously fulfilling their professional obligations.

Problem with Fixing Prices

It is worth noting that the rates of vending fees and reclamation of goods are not being given due consideration. The legal authorities appear to wield unchecked power and charge street vendors higher amounts. While policy measures such as setting fixed rates and implementing digital documentation to regulate the process seem feasible, the fact that these two factors are within the purview of the same authority raises concerns. This calls for the need to create a more transparent and accountable system where vendors' rights are protected and their interests are taken into account.

Problems with Categorization

The lack of transparency in the mandated categorization for tax collection from street vendors is a matter of concern. Presently, all licensed street vendors are subjected to a uniform monthly tax of ₹1000, regardless of their location or level of business. This indicates that categorization procedures have a sound foundation only in papers and haven't been carried out in terms of exercise. Moreover, the arbitrary fixation of fines for the reclamation of seized goods, based on their quantity, is another area of concern. These deviations from the policy guidelines indicate a lack of proper implementation and undermine the credibility and efficacy of the policy.

¹³ [Delhi HC seeks status on the formation of town vending committee | Delhi News - Times of India](#)

Autonomy of the TVC

As per section 22(3) of The Street Vendors Act of 2014, “The Chairperson and the members nominated under sub-section (2) shall receive such allowances as may be prescribed by the appropriate Government.”¹⁴ Further, a reading of the ruling of the High Court case, *Vinod Kumar & Ors. vs State Govt. Of Nct Of Delhi & Anr.* on 19 July, 2022 states that, “The responsibility for payment of salary and allowances t the members of the TVC lies on the Local Authority, i.e. North Delhi Municipal Corporation in the present case. There is no separate disbursement made by the Answering Respondent/GNCTD to local authorities for this purpose. The Petitioners have themselves stated in Ground D to the writ petition that a direction to Respondent No. 2 (North MCD) will be sufficient towards redressing of the grievance of the Petitioners.”¹⁵ Therefore, it is clear that the TVC is bound to be funded by the very authority that the court aims to protect the street vendors community from. As a result, there is no information available about the amount disbursed as salaries for TVC members.

¹⁴ [Street Vendors Protection of Livelihood and Regulation of Street Vending Act, 2014](#)

¹⁵ [Vinod Kumar & Ors. vs State Govt. Of Nct Of Delhi & Anr. on 19 July, 2022](#)

Learning from other Nations

Thailand

Street vending is a common and important livelihood activity for many low-income individuals and families in Bangkok. However, street vendors face a number of challenges, including limited access to legal vending spaces, harassment from authorities, and competition from established businesses. These challenges have been exacerbated by the rapid urbanisation of Bangkok, which has led to increased demand for urban space.

To address these challenges, the Bangkok Metropolitan Administration (BMA) has implemented various policies and initiatives to support and protect street vendors. These include the Street Vendors Act of 1999 and the Bangkok Street Vending Master Plan of 2014. The Street Vendors Act mandates that local authorities provide designated vending spaces and support services for street vendors, while the Bangkok Street Vending Master Plan aims to provide legal vending spaces and support services to 30,000 street vendors by 2017.

Despite these efforts, many street vendors in Bangkok continue to face harassment and eviction by authorities. The paper notes that this is often due to a lack of coordination between different government agencies and stakeholders, as well as a lack of transparency in the allocation of vending spaces. The limited availability of legal vending spaces and the lack of a formalised process for allocating them often leaves vendors at the mercy of local authorities, who may arbitrarily decide to evict them or confiscate their goods.

A paper published by WIEGO LAW & INFORMALITY PROJECT¹⁶ notes that many street vendors in Bangkok lack legal recognition and protection, which leaves them vulnerable to eviction and confiscation of their goods. The paper suggests that this is due in part to a lack of political will to recognize and support street vendors, as well as a lack of understanding among policymakers of the importance of street vending to the livelihoods of low-income individuals and families.

In conclusion, the paper highlights that while the legal and policy framework for street vending in Bangkok is relatively well-developed, there are still significant challenges that need to be addressed to ensure the protection and livelihoods of street vendors. The paper calls for greater coordination and effective implementation of policies to ensure the protection and livelihoods of street vendors in Bangkok, as well as greater recognition of the importance of street vending to the livelihoods of low-income individuals and families.

Peru

In May 2014, Lima's City Council passed a new ordinance that governs how individuals are authorised to sell in public spaces. The Campaign for the City Ordinance, initiated by WIEGO¹⁷, played a crucial role in its

¹⁶ [Street Vending in Bangkok: Legal and Policy Frameworks, Livelihood Challenges and Collective Responses](#)

¹⁷ [Street Vendors in Lima, Peru | WIEGO](#)

implementation. This ordinance aims to simplify the authorization process for street vendors, improve their working conditions, and help them move towards formalising their businesses.

The ordinance recognizes street vendors as legitimate workers and prioritises licences for those living in extreme poverty, women heads-of-households, seniors, pregnant women, and people with disabilities. It simplifies and shortens the authorization process, extends the duration of a vending licence, and promotes savings programs for vendors to move towards formalisation. The city also commits to promoting health insurance for the poor and establishing a new commission to bring together the municipality, street vendors' organizations, and neighbourhood representatives. Although the ordinance does not solve all problems, it marks a significant step towards improving street vendors' lives in Lima.

The Campaign for the City Ordinance successfully led to the implementation of a new ordinance in Lima, which recognizes street vendors as legitimate workers and improves their working conditions. This marks a significant step towards formalising their businesses and moving towards more secure and profitable urban/commercial projects. However, there is still work to be done to reach all street vendors and ensure their rights and well-being.

Recommendations

Greater Autonomy for the TVC

The provision of adequate autonomy to the Town Vending Committee (TVC) is an area that requires attention in the realm of urban governance. A considerable amount of funding could be allocated for the effective functioning of the TVC, and its members could be compensated for their efforts. The New Delhi Municipal Council (NDMC) could divert some of its funding towards the TVC, and the licensing fee charged to street vendors could be directed towards the TVC's budget.

Moreover, all actions about the relocation of street vendors, eviction, and seizure of goods must be performed solely under the direct orders of the TVC. As the TVC already oversees authorised street vendors, the probability of increasing their accessibility would be higher. This measure would instil confidence among street vendors and encourage them to approach the TVC for support.

Scholars in urban governance have noted the importance of providing autonomy to local bodies such as the TVC. This approach is viewed as a critical component of effective governance as it allows for greater participation and inclusivity in decision-making processes. For instance, the United Nations Development Programme (UNDP) emphasises the importance of decentralisation in promoting participatory democracy. By delegating authority to local bodies, such as the TVC, a more inclusive approach can be adopted, which allows for the voices of marginalised groups to be heard.

Furthermore, the allocation of funds towards the TVC can be justified using the principles of public finance management. Public finance management emphasises the efficient and effective allocation of resources towards meeting the needs of citizens. The allocation of funds towards the TVC, which oversees the needs of street vendors, is an essential step towards achieving the goals of public finance management.

In conclusion, providing adequate autonomy to the TVC is a critical step towards ensuring effective governance of street vendors in urban areas. This can be achieved through the allocation of funds, the redirection of licensing fees, and the delegation of authority to the TVC. Such measures would promote inclusivity, participatory democracy, and efficient public finance management.

Policy Recommendations

We recommend designating specific areas for street vending, streamlining the regulatory process for street vending and promoting the formation of street vendor cooperatives.

Objective

The policies aim to provide street vendors with a safe hygienic environment wherein they can operate legally while maintaining acceptable profit margins.

Action Plan

1. Designated Areas for Vending

It is recommended that the authorities create designated vending areas based on the scale of vending activities in different neighbourhoods. The designated areas should consider the following:

- a. They should be located close to residential areas or workplaces to minimise transportation costs.
- b. They should be well-maintained and designed to allow for easy access by vendors and customers.
- c. They should provide basic sanitation infrastructure such as fresh water supply and wash facilities.

2. Streamline Regulations for Street Vending

It is proposed streamlining the regulatory process for street vending by digitising application mechanisms and reducing the number of licences required. The following steps should be taken into consideration:

- a. A detailed application procedure that is entirely accessible to potential street vendors and those who are interested in vending services.
- b. Substitution of multiple licences with simplified licences that validate specific areas of vending activities.
- c. Clear payment mechanism that is easy to follow the tax obligations.

3. Promoting Street Vendor Cooperatives

It is recommended promoting the formation of street vendor cooperatives as a means of increasing the bargaining power of vendors and reducing the costs of compliance. The following steps should be taken into consideration:

- a. The creation of necessary support to promote the formation of street vendor cooperatives, such as funding and education programs that can increase the effectiveness and size of street vendor cooperatives.
- b. Regular interaction between regulators and street vendor cooperatives to monitor and update implementation of policies, identify necessary modifications and address arising issues.

Adjustment of the policies can be made periodically to ensure their effectiveness and accommodate unintended consequences. Before implementing these policies, it is crucial to consider the potential negative impact on other stakeholders and achieve agreement through consensus with inclusiveness.

Conclusion

Street vending has been an integral part of the Indian economy and culture for centuries. However, the lack of regulation and licensing has led to a chaotic situation for both licensed and unlicensed street vendors. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2019 was introduced to address this issue, providing a framework for the regulation of street vending in India. This paper discusses the scheme, legal encounters of street vendors in New Delhi, and the challenges faced in its implementation.

The scheme mandates digitised surveys to identify the number of street vendors and their vending locations, develop a street vending plan, and allocate suitable vending zones and basic facilities. It also provides for the collection of vending fees and ensures that no street vendor can be evicted without prior notice, completion of the registration process, and formulation of a rehabilitation plan. However, the survey conducted on street vendors in the area revealed a significant disparity between licensed and unlicensed street vendors, highlighting the need for a more comprehensive and fair system for the regulation of street vendors.

The New Delhi Traders' Association is responsible for some of the legal cases pending against street vendors, and the NDMC Policy of 2007 identifies potential hawkers who could receive a licence to vend based on recommendations from the Residents Welfare Association. The *Sh. Dharam Chand vs Chairman, NDMC & Ors* landmark case held that street vendors were entitled to the protection of their right to carry on a trade or business and that any regulation of street vending had to be reasonable and non-arbitrary. The *Vaiso Jain vs NDMC Delhi* High Court verdict of 2016 concerned the eviction of tenants from a commercial property in Connaught Place, New Delhi, and a plea by the New Delhi Traders Association in 2021 is also mentioned. Unfortunately, the street vendors who received a stay order on their eviction were also removed in 2022.

The authorities conduct frequent anti-encroachment drives to remove unlicensed vendors, resulting in a state of limbo for the vendors who are penalised for not possessing licences that have not been made available to them. The lack of transparency in the mandated categorization for tax collection from street vendors, problems with fixing prices and fines, and the impracticality of mandating the presence of Town Vending Committee members during eviction, surveys, and seizure of goods are also discussed.

Two major recommendations have been made to address these problems - recommendations for greater autonomy for the TVC and collaboration between shopkeepers and street vendors. By providing autonomy to the TVC, inclusive and participatory decision-making processes can be promoted, and efficient public finance management can be achieved. Meanwhile, collaboration between shopkeepers and street vendors can be facilitated by establishing a regulatory framework that promotes mutually beneficial relationships. The success of these recommendations would depend on the cooperation of all parties involved and the support of local authorities. Nevertheless, implementing these measures would significantly improve the lives of street vendors and contribute to the overall economic growth and development of Delhi.