Shivkrit Rai and Deepanshu Mohan analyse street vending in New Delhi and review the Street Vendors Act in protecting the urban vendor.
Introduction
One of the key activities affianced in the commercial operational dynamics of the informal economy in cities across urban India features street vending as a vital source of self-employment for street vendors. Most of these street vendors are often seen as low-skilled urban people including those who have migrated from rural areas or may belong to a low-income class. This self-entrepreneurial, unregulated activity of street vending (as part of the informal economy) is also instrumental in providing affordable, low-priced products to the urban population, forming an integral part of the overall consumer goods’ supply chain.

The city of Delhi itself accommodates around 300,000 street vendors (the MCD released official data states the figure to be 125,000 though). In a post-demonetization context, a lot has been recently written about the negative impact of the policy on the lives and livelihoods across India’s rural-urban informal landscape. This article makes an attempt to highlight the current situation of street vendors based in Delhi in a post-demonetization context based on the reflections gathered from the implementation of Street Vendors Act (2014), since its inception.

The Street Vendors Act (2014)
The idea to legalize street vending came a few months before the 2010 Commonwealth Games when a large number of vendors were evicted from their vending areas in lieu of security concerns. This led to an outcry by vendors and NGOs. The Union government in 2004 had taken up the national policy for a supportive environment for street vendors. This policy however, was not binding and inadequately implemented. Around 2012, the government moved to draft a Bill, which would give rights to the Street Vendors.

The enactment of the Street Vendors Act (Protection of Livelihood and Regulation of Street Vending), 2014 aimed at changing the status quo for street vendors enabling them to sell products in open public spaces to pursue their livelihoods in a congenial and harassment free environment. The Act was laid down in consonance with the princi-
people enshrined in the Constitution namely, Right to Equality in Article 14 and Freedom to practice any profession, trade and business in 19(1)(g). The purpose was also to design a mechanism to regulate street vending avoid congestion on sidewalks and maintain free flow of traffic. Furthermore, the Act also envisaged providing basic social security to street vendors by assigning them identity cards to facilitate access to basic services safeguarded and provided for by the State.

An effort by agencies of the government and the local executive order to properly implement the Act would go a long way in minimizing the social cost accrued to street vendors from street vending activities
The implementation curse
The implementation of the Street Vending Act in different spatial market zones in Delhi was investigated in a recent study done on urban informality by the Centre for New Economics Studies, OP Jindal Global University. Some of the key observations drawn from the study with respect to the inadequate implementation of the Street Vending Act are discussed below:

• Limited presence of the Town Vending Committee: a Town Vending Committee (TVC) is to be constituted according to the provisions laid down in Section 22 of the Street Vending Act. According to the Act there can be more than one TVC in a town/ward/zone, depending upon the spatial requirement. The TVC must have a Chief Executive Officer/Municipal Commissioner who shall be the Chairperson. The appropriate government authority is also required to put its nominated members. The committee shall also constitute a minimum ten percent membership from NGOs and community based groups.

Most importantly forty percent of the committee should have representation from street vendors (with minimum one-third representation from women). This was to give all street vendors (especially women) a strong representation for collective bargaining. Moreover, the purpose of TVC is to represent the street vendors, protect their interest and address their grievances. A TVC is supposed to observe rules of procedure regarding transaction of business. Furthermore, according to Section 26, it is supposed to publish a Street Vendor Charter specifying the time and issue of certificate of vending and the renewal of the certificate.

On interviewing street vendors in different parts of Delhi, namely Civil Lines, Mayur Vihar, Connaught Place and Dilli Haat it was found that these Vendors were not aware of any such Town Vending Committee (a mandatory requirement as per the Act). Furthermore, it was also found that most of the vendors were not aware of The Street Vendors Act. The only grievance redressal mechanism they are aware of is that of a ‘Pradhan’ or a
‘market head’ who would informally resolve disputes through local police and municipal authorities. This widens the information asymmetry between the street vendors and the recognition of their rights.

In another observation, a major problem with the formation of TVC in different zonal/ward areas lies within the drafting of the Act itself. The street vendors are required to vote for their forty percent representation pursuant to which the TVC would give the street vendors their ID/certificate for vending purposes. But them who votes for the representation without the IDs? There cannot be any official representation of the street vendors in the TVC without having any statutory street vendor. This anomaly in the constitution of the TVC warrants a review by respective state authorities.

• Subjugation to extortion and harassment: In an informal, unregulated landscape, street vendors are often asked to pay a bribe in order for operational ease and to avoid harassment from government authorities. This destroys the main purpose of the Act which was to provide vendors with a “congenial, harassment free environment”.

While interviewing various vendors across local markets in Delhi, it was found that the nature of harassment from local state authorities (including local municipal authorities and police) also included a confiscation of their goods for a long duration, discriminate fines and physical violence against street vendors (in some cases).

For example, in the weekly Wednesday market in Mayur Vihar, East of Delhi, one of the vendors who was the former head of the market stated that the police used to charge Rs. 100 daily. This was despite the fact that the market was regulated by the East Delhi Municipal Corporation and regular rental of Rs.10 was charged. Another vendor who used to sell books in front of Dilli Haat stated that his goods were ceased/confiscated
by the NDMC employees. Another vegetable vendor in Civil Lines explained how he has to give vegetables to police officials solely because he thought that he was not allowed to sell on the footpath.

- No regular survey on street vendors: Section 3 of the Act requires the TVC to conduct a survey of the street vendors within the area of their jurisdiction. No such surveys were conducted by any TVCs (even where present). The purpose for such a survey is to make sure that vending areas do not get overcrowded by new entrants. A failure in conducting such a survey has not only resulted in overcrowding of selected market spaces (particularly in parts of North Delhi near Chandni Chowk) but also made it difficult for existing street vendors to have space for commercial activity, triggering conflict amongst old and new street vendors. Section 3 of the Act also gives rights to the vendors against getting evicted by local state authorities.

- No identity cards/certificate of vending provided to street vendors: according to section 4 of the Act, every street vendor identified as per the provisions of the Act will get a certificate of vending. This vending certificate gives the informal vendor an identity in the city for meeting his basic subsistence needs. It is also a representation of her/his citizenship and is a way forward for the informal to be inclusively accommodated in the urban landscape. The identity certificates also bring a bundle of rights with them, which were previously considered as abstract privileges. However, in our observations made in the report no such vending certificates have been issued by the TVCs or local municipal authorities to street vendors in Delhi.

**Conclusion**

When majority of the people falling under the purview of the Act cannot benefit from the provisions, the Act itself becomes infructuous. From the scenario discussed here, it is clear that key provisions of the Street Vending Act have been inadequately executed, raising serious concerns for local agency considerations involved in safeguarding basic, fundamental rights to street vendors. An effort by agencies of the government and the local executive order to
properly implement the Act would go a long way in minimizing the social cost accrued to street vendors from street vending activities and further help to explore, maximize revenue opportunities from it for local municipal authorities.

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