

SEWA's suggestion on "Central Law for Street Vendors"

Memorandum submitted to Secretary Ministry of Housing on Poverty Alleviation on 3/5/2012.

SEWA since last 40 years is fighting for the recognition and validation of Street Vendors right. Our vendor members always face the wrath of the civic authorities because they are not legalized. To legalize these vendors SEWA struggle to bring the National Policy for the Street Vendors and implement the same at the state level. Unfortunately, as it had no legal backing the State Government were not very keen to implement it. SEWA therefore lobbied for the Central Law for the Street Vendors.

In the same context SEWA met the Secretary, Ministry of Housing and Poverty Alleviation on 3/5/2012 to discuss the Central Law for the Street Vendors. 2 vendor leaders of Delhi and 5 vendor leaders of Ahmedabad met the Secretary and shared their concerns regarding mapping of the natural market, regularizing the natural markets through schematic plans, procedure regarding confiscation of goods, issuance of family identity card, reserving 1 to 2% of land for vendors, adequate redressal system and inclusion of the same in the Central law for street Vendors.

The Secretary assured us by that the Central Law of Vendors includes much more than they desired and most likely the Central law will come in July or August . It is indeed very good news for vendors and gave them the much needed hope and assurance that their livelihoods will be regularized.

Memorandum

Presented to: - Shri Arun Kumar Misra, Secretary, Ministry of Housing and Poverty Alleviation.

Presented by: - Self Employed Women's Association

Presented at: - Ministry of Housing and Poverty Alleviation, New Delhi.

Date: - 3rd May ,2012

Subject :- Inclusion of Vendors by enactment of the "Central Law for Street Vendors"

Dear Shri Arun Kumar Misraji,

We, in SEWA have known you for some time as a supporter and champion of the urban poor and especially street vendors. Under your leadership the Ministry of Housing and Urban Poverty Alleviation has drafted the national policy for the Street Vendors and making all efforts to implement it. Your Ministry has also drafted the "Model Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill 2009.

At the same time, Street Vendors of India are very happy to note that the Hon'ble Supreme Court in the recent Judgment, Gainda Ram and Other v/s M.C.D and others has called for the Act to protect and regulate Street Vendors. We appreciate the initiative taken by your Ministry to draft "Central Law for Street Vendors" and holding the National Consultation for same in New Delhi.

As you know, SEWA is a central trade union organizing women workers of the informal sector since 1972 with a goal of full employment and self reliance. Today SEWA has organized 1351493 women workers of informal sector in 10 states of India. SEWA has organized 117189 vendors all over India and 88813 vendors in Ahmedabad. SEWA since long is lobbying and advocating providing much needed voice, visibility and validity to the vendors who are poor, vulnerable, self earners. SEWA was also a part of the task force set up to frame the "National Policy for Street Vendors."

SEWA from its vast tenure of working with the street vendors has pioneered schematic plans to regularize the natural markets in the era of urbanization of the cities to blend with the scenario. SEWA, from its vast experience suggests following points to be included in the Central Law for the Street Vendors."

Points to be included in the Central Law for Street Vendors:

1. **Legislation:** "Central Law for the street Vendors" should be speedily enacted and **SEWA should be involved in the drafting process.** With the Population increasing the number of vendors are also increasing. The Law should be enabling so as **to encompass the new entrants.**
2. **Natural Markets:** The main component of the "Central Law for Street Vendors" should be the Natural Markets. The natural markets means a market where the buyers and sellers have traditionally congregated for a long period for the sale and purchase of the goods as per the mutual needs of the public at large and vendors . **Natural Markets** should be persevered and should be **regularized by making schematic plans.** Mapping of the Natural Market should be conducted for same. In case it is not possible to schematize the natural markets, after the consultation with the vendors, the **vendor's natural market** should be **fully accommodated in the open plots** , or adjoining streets within **immediate vicinity of 15 mts.** Natural market committees comprising of the vendors, police and civic authorities should be formed to manage the affairs of the natural market .
3. **Bio-Metric Survey of the Vendors:-** To earmark the natural propensity of the street vendors , the **photographic digitalized surveys of the street vendors and their locations should e conducted by competent professionals/ institutions /public agencies .**
4. **Issuance of the identity Cards:-** After conducting the bio-metric survey, the vendors should be issued family identity card. SEWA has observed that vending is the family business and therefore the family identity card should be issued.
5. **Demarcation of Vending Zones:-** There cannot be clear cut demarcation of Vending zones. SEWA experienced that the clear cut demarcation like restricted vending

zone, no vending zone does not work. Natural propensity of the vendors needs to be taken into account.

6. **Earmarking 2% of the land for street vendors** : 2% of the city population are the street vendors . Therefore 2% of the land of any city should be earmarked for street vendors. Compulsory provisions should be made to earmark 2% of the vending spaces in the new town planning schemes for the new areas.

7. **Redressal Mechanism for Street Vendors:** An Appellate Authority, headed by a single judge should be constituted to ensure a just redressal mechanism for the street vendors.

8. **Confiscation of Goods:** Unfortunately it has become common for ULB,s to confiscate the goods and equipments of vendors without any procedure for return. As far as possible, confiscation of goods should be avoided as the vendors not only lose the capital but are also reduced to destitution. In case it is necessary, natural justice demands that the street vendors' receipt of "*panchnama*" for the goods and the Act should also lay down procedure for recovery of goods.

We strongly believe that the vendors' problem is not a grave problem to which there is not a permanent solution. It should not be seen in isolation. The vendors should be blended with the city scope . Vendors' problem should be solved collectively through the participatory process of stakeholders and a strong legislation with guidelines should be enacted for the same.