

## **Critique of the National Policy on Urban Street Vendors, 2009** **Prepared by The Concerned for Working Children**

In a country where all cities are fast becoming obsessed with being the next Singapore or Shanghai, in a country that has a growing mall culture, street vendors are being thought of as an unnecessary and a problematic burden on the city. The truth however is far from this. With increase in distress migration and urban poverty, the informal and economic advantage that street vending provides is very critical to the survival of migrants. In this context, there is much need to take a look at the National Policy on Urban Street Vendors, 2009 and critique it. There are very many problematic issues with the National Policy however, we shall be critiquing it mainly from the point of formalisation, management through Town Vending Committee (TVC) and the question of eviction.

### **I. Formalisation of street vendors**

The national policy on urban street vendors, 2009 starts out with 'Street vendors form a very important segment of the unorganised sector in the country.' However, while recognising this, the policy goes on to the put in procedures and systems to formalise and regulate this sector.

- The policy lays a lot of stress on registration of street vendors. However, it must be understood that street vending is a relatively easy way for migrants from other parts of the country to come and subsist by selling their wares on footpaths. It will be a monumental obstacle for such migrants if they are made to register as a legal street vendor before they can begin to earn.
- Another clause under registration is that only one member from each family can be registered. This clause completely misunderstands how most street vending works. Most footpath vendors are into it as a family business and different members of the family will be selling different goods at the same place. Street vending is not just a job or source of income, for many families street vending is a livelihood and cannot be separated from dwelling.
- Another aspect in the current policy about registration is that the vendor is supposed to certify that he/she does not have any other source of income. Many street vendors work only part time as street vendors. They do a variety of small jobs to make up their income. All these varied types of street vendors needs to be recognised and given space and acceptance.

### **II. Management of street vendors**

The current policy sets up something called the Town Vending Committee for management of street vendors. However, there are many problems with the current constitution and functioning of the TVC.

- The current constitution of TVC has only 40% representation for street vendors. A committee that is supposed to assist street vendors in their problems cannot have street vendors as a minority group. 50% or greater membership needs to be of street vendors.
- Article 12 of CRC states "Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child".
- Child street vendors need to have a representation in the Town Vending Committee.
- We must ensure that Resident Welfare Associations and others who have representation in the TVC do not have the political clout to act against the best interests of Street Vending.

There is also the whole concept of representation of street vendors and how this can be achieved. Street vendors are an unorganised and informal sector. Moreover, many traditional street vending areas also are power centers for people with political clout among other things. In such a scenario regulation and management of street vendors through representation will be very challenging. The current constitution and mandate of the Town Vending committee does not address all the various dynamics. There needs to be a wide discussion on how an effective TVC can be constituted.

### **III. The question of eviction of street vendors**

Street vendors conduct business only when and where there is a market for them. Therefore eviction of street vendors results in depriving the livelihood of families as well as depriving the customers. Thus the

concept of eviction of street vendors is completely unacceptable and we reject any such proposition. This includes any suggestion for relocation. When you relocate street vendors, the new location will not have the same type of demand and that is detrimental to the concept of street vending.

### **Framework for a new policy on street vendors**

While rejecting the National Policy in its current form, there is a great need to recognise the importance of maintaining this sector in its current unorganised fashion and the provide improvements to benefit the street vendors. The current policy is only further trying to control a sector that is already facing lot of pressure and opposition and looks at regulating street vendors from the point of view of the city. However, what is needed is a policy that will work towards the **best interest of the street vendors**. Such a policy should cover the following aspects in addition to others.

#### I. Provisions for street vendors

- A ration card for all street vendors as long as they are in the city must be issued so that they can have access to public distribution system.
- Voting rights must be given to street vendors as they are very much part of the city where they conduct their business.
- Access to Government health systems along the lines of Employee State Insurance (ESI),etc should be available to all families of street vendors.
- Access to drinking water and public restrooms should be available at all street vending locations.

#### II. Women street vendors

An important aspect that needs to be looked at is protection and provisions for women street vendors. A system should be set in place that looks into protection aspects of women street vendors. This system should have the women themselves as a participant.

#### III. Child street vendors and children of street vendors

- Specific provisions for protection and facilities for child street vendors. There have been many a case where children who sit with their parents to help them in vending during weekends or after school are caught and booked under the Child Labour Prohibition and Prevention Act, 1986. This must be immediately put to a stop.
- Child street vendors and children of street vendors should have easy access to Government schools, bridge schools and vocational training institutes keeping in mind the best interests of the child.

#### IV. Pedestrians and citizens v/s street vendors

In the context of pedestrians, street vendors or hawkers are sometimes spoken of as an hindrance and an obstacle to walking. We contend that these articulations fail to capture the larger environment within which street vending is located on the streets of our city. The mutually beneficial relationship that pedestrians and street vendors share is rarely raised. Article 19 1(g) of the Constitution grants all citizens the right “to practice any profession or carry on any occupation, trade or business”. Invoking the right to livelihood for street vendors is a critical argument for creating an environment that embraces street vending as an integral and integrated element of city life.

Investigations are required to identify the extent to which private vehicles and motorists are in fact causing conflict between pedestrians and street vendors. Due to increasing number of private vehicles roads are becoming wider and footpaths narrower. This increases the pressure on pedestrians and street vendors who are forced to share a shrinking space. This factor also needs to be recognised and addressed.