

Enumerating **STREET VENDORS** in Gurugram, Haryana

Field studies on the implementation of the Street Vendors Act 2014



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Introduction

The [Street Vendors Act 2014](#) (the ‘Act’) mandates town vending committees (TVC) to survey all local street vendors at least once every five years. A TVC must accommodate all surveyed vendors subject to the holding capacity of the vending zones.¹ Until a survey is complete, no street vendor is to be evicted. The state is to specify the manner of conducting the survey in the scheme.²

Of the 35 states and Union Territories in India, 15 do not have a scheme in place ([NULM, Ministry](#)).³ In eight states ⁴, over 90 per cent of TVCs have already completed the survey, even without a scheme in place ([CCS Report, 2019](#)). This is a cause for concern as TVCs ought to enumerate vendors in the manner specified by the state scheme.⁵

As discussed in the previous paper on ‘Why count vendors?’, surveys are the first step in ensuring street vendors are treated justly under the aegis of the Street Vendors Act. In this paper, we document and critically evaluate how street vendors were enumerated in Gurugram, Haryana.

Haryana is one of the eight states that has constituted TVCs and conducted vendor surveys without framing a scheme. Gurugram, one of 80 towns in Haryana, is home to 18,670 vendors.⁶ The city administration, as well as the state government, have conducted a series of survey exercises over the last three years. Both outsourced these exercises to private agencies.

Methodology of case study

In late 2018, we studied the constitution and functioning of one TVC in Gurugram. We then extended the study to the city’s vendor enumeration practices. Between June and July 2019, a team of four researchers conducted in-depth interviews of government officials, representatives of private survey agencies and vendors.⁷ For a comprehensive understanding of zone-based vending, we spoke to 30 street vendors conveniently selected across seven zones.⁸ The sample size for interviewing street vendors is small and not

¹Section 3

²Section 38

³Andaman and Nicobar Islands, Assam, Bihar, Haryana, Jharkhand, Karnataka, Lakshadweep, Maharashtra, Madhya Pradesh, Manipur, Mizoram, Puducherry, Sikkim, Uttarakhand, West Bengal

⁴Arunachal Pradesh, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Manipur, and Puducherry

⁵Section 3(2)

⁶The State Urban Development Authority, Haryana quoted this number in a Right to Information response dated 21 November 2018.

⁷The list of interviewees includes: Members of the Local authority (City Project Officer, Municipal Corporation of Gurugram); Representatives of two vendor survey agencies (Egmac Capital and Rudrabhishek Infosystem Pvt. Ltd) and thirty vendors across seven zones—four designated vending zones and three non-designated zones. Mobile vendors were conveniently picked in the earmarked vending zones. Two, out of four private agencies, declined a request for an interview. The interviewees were contacted again in September-October 2019 to verify and collect more information.

⁸A sample of 3-5 stationary vendors was surveyed in each of the seven zones.

randomly selected. The findings at best indicate whether they were aware of surveys and if they had been surveyed.

Multiple surveys, varying methods

In the span of seven years, six private agencies have been contracted by different government departments at the municipal and state level. These agencies conducted vendor surveys in the city using different methods, and counted different number and category of vendors.

VENDOR SURVEY IN GURUGRAM

A timeline of events

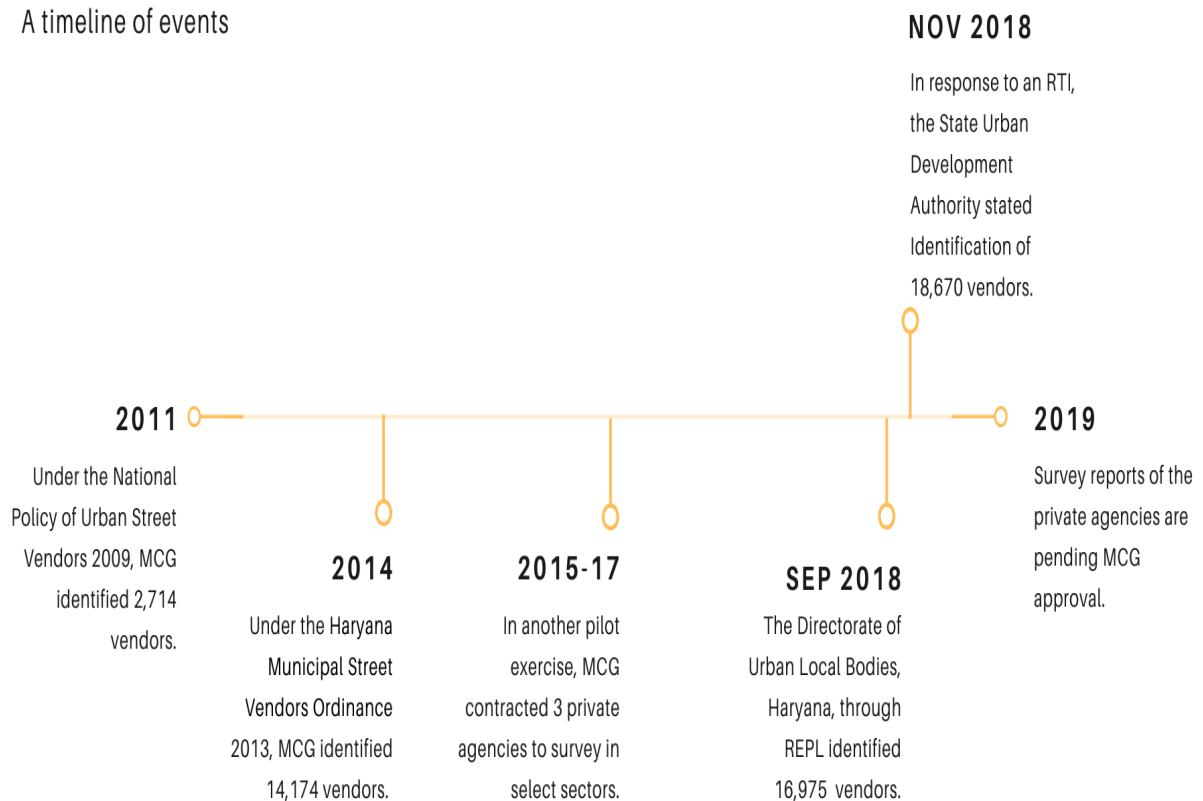


Figure 1: Timeline of surveys in Gurugram

2011 | Vendors counted but records not available

The Municipal Corporation of Gurugram (MCG) tasked Delhi’s School of Planning and Architecture with surveying vendors under the **National Policy on Urban Street Vendors**

2009. This survey enumerated 2,714 vendors under the city's local authority. There is no survey record of the location of vending spots or any contact details of the identified vendors despite an expenditure of Rs 34 lakh on the exercise (RTI, People's Voice to MCG).

2014 | Vendors counted but as per state policy guidelines

MCG carried out another survey through a private agency⁹ and issued biometric ID cards to 14,174 vendors. The list published on MCG's website includes the name of the vendor, address of vending, address of stay, size of cart, type (fixed or movable), and nature of vending.

A first comprehensive count of vendors done in the whole of the city, this enumeration exercise complied with the stipulated policy guidelines under the Haryana Municipal Street Vendors (Protection of Livelihood and Regulation of Street Vending) Ordinance, 2013.¹⁰ As per guideline 1 (Study and Analysis), the survey is to include 'total number of existing street vendors, their names, address and their present location, the extent, type and demand of street vending in different localities, identification of vending zone/sites, the capacity to accommodate vendors, nature of vending activities and mode of vending, whether mobile or stationary'. As per our interview with the MCG official, the guidelines are the 'reference document' for conducting vendor survey.

2015-17 | Vendors counted but only in designated vending zones

In May 2015, MCG invited private bodies to participate in the Street Vending Pilot Project in the city.¹¹ Eight expressed interest, and four were shortlisted between 2015 and 2016. The four shortlisted agencies were Spick and Span Services, Leo Mediacom, Egmac Capital, and National Association of Street Vendors of India (NASVI).¹² MCG allotted sectors to be surveyed to these agencies through a draw of lots.¹³

As per the TVC meeting dated 3 June 2016, out of all the suggestions, 10 sectors were shortlisted to become designated vending zones on a pilot basis. The work order to the select four agencies was issued on 12 August 2016. As reported in the TVC meeting on 25 January 2017, survey exercises in all the allotted sectors stand completed.

2017-18 | Second comprehensive vendor count in the whole city

With the objective of covering all street vendors in the state, the Directorate of Urban Local Bodies of the Government of Haryana engaged REPL for the survey, street vending plan and MIS system of registered vendors in 2017. As of September 2018, REPL recorded a count of 16,975 vendors in Gurugram.

⁹No information available about this private agency.

¹⁰Document not found online.

¹¹The Act, under Section 24 (1), provides for the TVC to 'temporarily associate itself with any person for their assistance...in carrying out the provisions of the Act'.

¹²As per Egmac and NASVI representatives, NASVI first surrendered its contract 'due to lack of support from MCG', but they later subcontracted to another agency.

¹³Interview with Egmac representative on 20 June 2019.

	Contracted under MCG				Contracted under state government
	Egmac Capital	Spick and Span	Leo Mediacom	NASVI	REPL
Areas covered	Sectors 10A, 56	Sectors 4, 7, 31 and 32	Sectors 14 and 46	Sectors 15-II and 57	Whole of Gurugram
Time of survey	November 2016	September 2016			April-September 2018
Methodology	Manually through physical survey forms	Biometric identification and videography	Information not made public; request for interview declined	Subcontracted to another agency; information not made public	App-based with GIS mapping
Number of vendors identified (in sectors)	10A: 120 56: 143		14: 237 46: 104		16,975
Number of rehriis authorised	10A: 140 56: 286	4/7: 66 31: 61 32: 67	14: 256 46: 186	15-II: 105 57: 74	
Contract fee	<ul style="list-style-type: none"> Each vendor pays Rs 80000-1.05 lakhs for cart to the agencies. Maintenance fee of Rs 1500, where Rs 500 per vendor is transferred to MCG. 				Paid Rs 200-250 per vendor

Figure 2: Map of vendor enumeration exercises of all agencies in Gurugram¹⁴

What does the contract between agencies and MCG say?

As per the 2016 work order between the agencies and MCG, the agencies were mandated to conduct ‘an immediate survey of their locations, videography of each site where vendors are presently organised’, and identify vendors covered under 2014 survey and those not enlisted in 2014.¹⁵ The Order also mentions that the firms must adhere to the central Act and the state policy guidelines.

How did each agency interpret the work order? How do we know that the agencies

¹⁴Blanks indicate ‘information not provided or not applicable (in case of REPL)’. Data source: Interview with representative of Spick and Span on 27 November 2018; Interview with representative of Egmac on 20 June 2019; Circular retrieved from MCG office on Leo Mediacom and NASVI; and Interview with representative of REPL on 1 July 2019.

¹⁵14,174 vendors were identified in the 2014 survey conducted by MCG. Agencies contracted out in 2015 were directed to prioritise survey and identification of 2014 vendors and then enlist new vendors.

adhered to the Central Act and state guidelines? Was an evaluation framework set up by the local authority? These essential details on what would count as a comprehensive and well-conducted survey exercise have not been outlined or are unavailable in the public domain.

Survey Practices of contracted agencies

To understand the enumeration mechanisms adopted by different agencies, we interviewed two agencies, Egmac Capital and REPL. While the former was contracted under the local authority, the latter was contracted by the state government.

MCG contracted agency

Egmac recorded vendors' information using physical survey forms in two of its allotted sectors, Sector 10A and 56. A team of eight surveyors with a vending zone coordinator, architect and urban development expert conducted the exercise over a four week period in November 2016.

State government contracted agency

REPL conducted the exercise through a proprietary mobile-application REPL Survey (available Google Play). A team of 20-25 surveyors collected information in three morning-afternoon-night slots from April to September 2018. The team also includes a project supervisor and master planner for spatial planning of vending zones.

	EGMAC	REPL
Method	Physical survey forms: KYC forms filled in with ID proofs, photograph and mobile number.	App-based: Detailed form; conducted the exercise in three slots, 5-9 am, 12-3 pm and 6-12 pm.
Timeline	When: November 2016	When: April to September 2018
Coverage	Stationary and mobile vendors were covered.	All categories of vendors were covered.
Team on field	8 surveyors	Team of 20-25 surveyors
Team for consultancy	Agency team includes surveyors, vending zone coordinator, architect, urban development expert and security guard of the respective sector.	Agency team includes surveyors, supervisor, and master planner.
Were vendors pre-informed?	Vendors were not pre-informed about the survey.	Vendors were pre-informed through local newspapers like Navbharat and Dainik Jagran.

Figure 3: Comparative analysis of survey practices adopted by two agencies

Practices to note

Egmac consulted with vendors and residents of their allotted sectors

Under survey, Egmac used Know your Customer (KYC) forms with ID proof, photo and contact details of vendors. Allocation of vending sites was done keeping in mind the existing location of vendors and their nature of business. According to the September 2016 order, Egmac submitted a detailed zoning plan of two of its allotted sectors, Sector 10A and 56, to the MCG. For Sector 10A, the agency claimed to work with the concerned resident association to identify vending spots mutually.

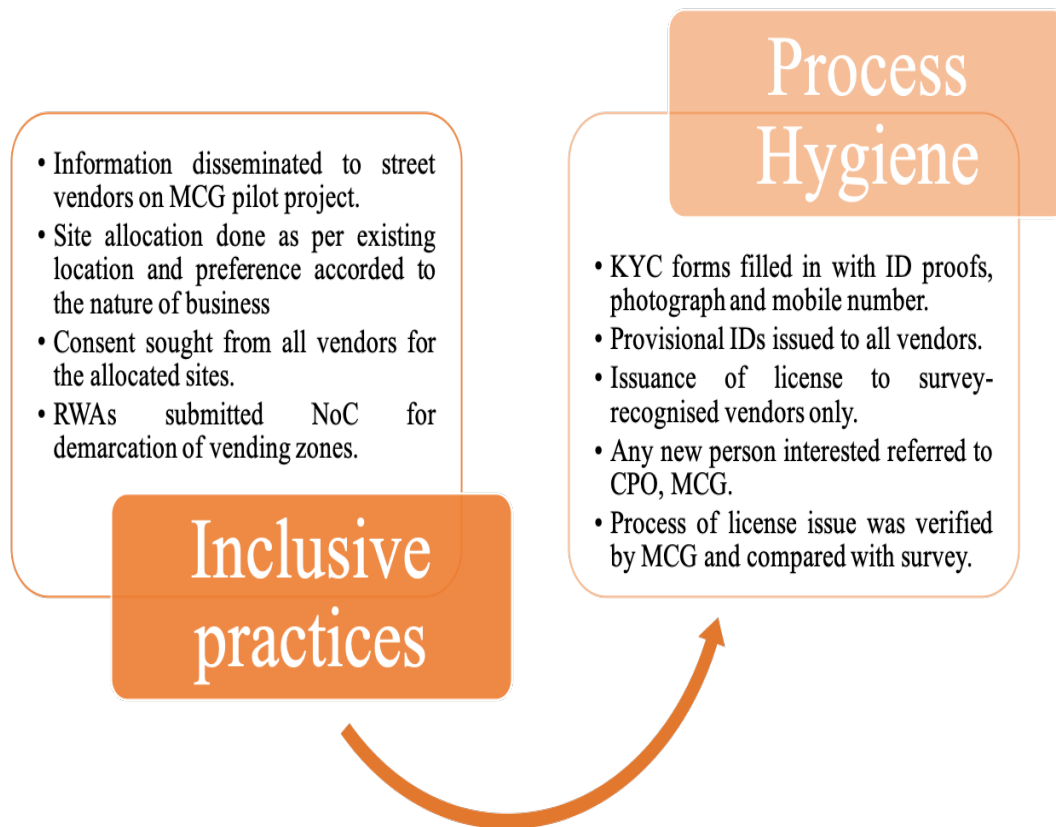


Figure 4: Noteworthy survey practices of Egmac Capital

REPL surveyed, enlisted and geotagged all the vendors

REPL's mobile application covers all information on vendors as per the state policy guidelines, including their photo and thumb impression. The application asks for the geotagged location, where both the market and individual vending spot, of all the vendors were recorded. After the first phase of counting, the agency reported that the local authority raised concerns if the identified vendors were less as per them. The agency then put its team of surveyors at the authority office inviting vendors to register themselves. During April to September 2018, the agency provided daily updates to Project Officer or Secretary, Executive Officer, Municipal Commissioner, Directorate, ULB Haryana on a Whatsapp group.

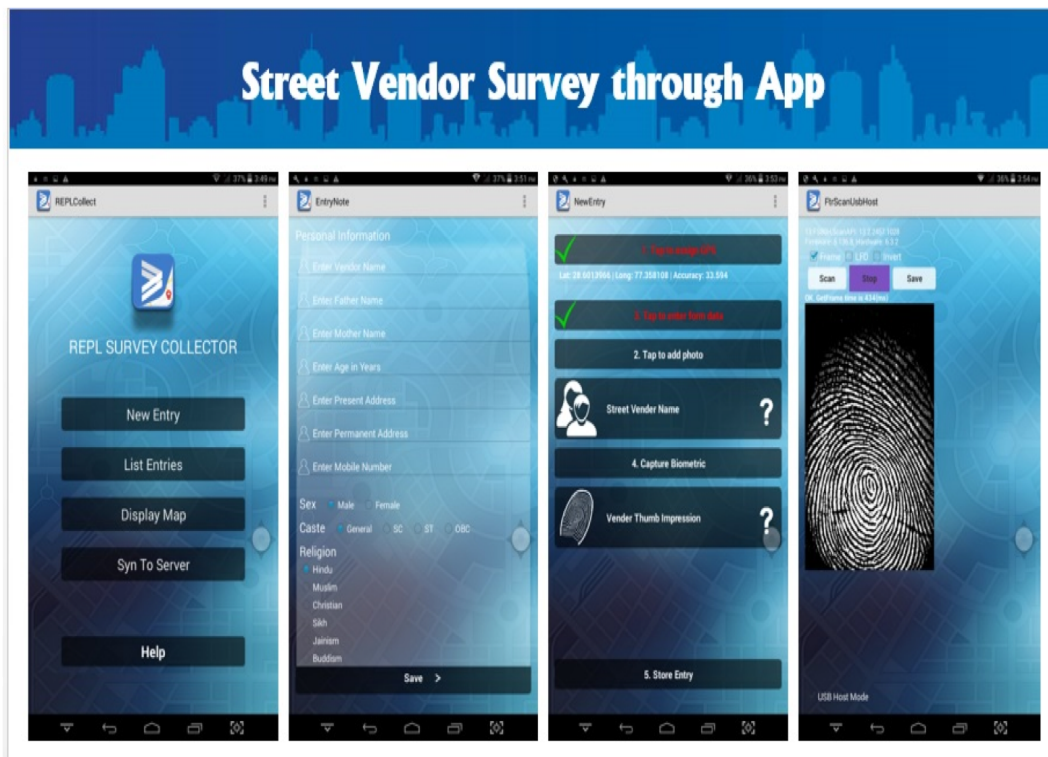


Figure 5: Screenshot of street vendor survey in REPL app

Survey exercises complete, questions remain

Some vendors opted for the cart and paid money to the private agencies under MCG. Many did not. This is why Egmac numbers are much lower than those of REPL. However, by their admission, REPL could not enumerate all vendors either. Are these vendors new, missed or sub-tenants? Or did these vendors choose not to register for fear of eviction or relocation? We do not know. Is there a way to check? Is the geotagged survey data available for the vendors? Can this data be released into the public domain? Can local TVCs with due vendor representation be asked to validate?

What may hinder vendor enumeration in Gurugram?

Despite comprehensive survey exercises, the survey reports of both these agencies are long-pending approval of the TVC under MCG. This points to how the effective practices of a survey may be overshadowed by administrative delays at the local and state level. This section reveals such and more challenges associated with counting and placing the vendors of the city in conducive spaces.

Surveys not all-inclusive

Barely a third of the vendors we interviewed (11 out of 30), were surveyed under any of the survey exercises. While one of the agencies under MCG claimed to have covered mobile vendors, the vendors refused on being a part of any survey.

Even in designated vending zones, vendors remain uncounted. 4 of 13 vendors in 4 designated zones still have not been surveyed or possess a certificate of vending/IDs.¹⁶

Only 21% of the interviewed vendors were surveyed in non-designated markets. None of these vendors could confidently declare who their surveyor was.

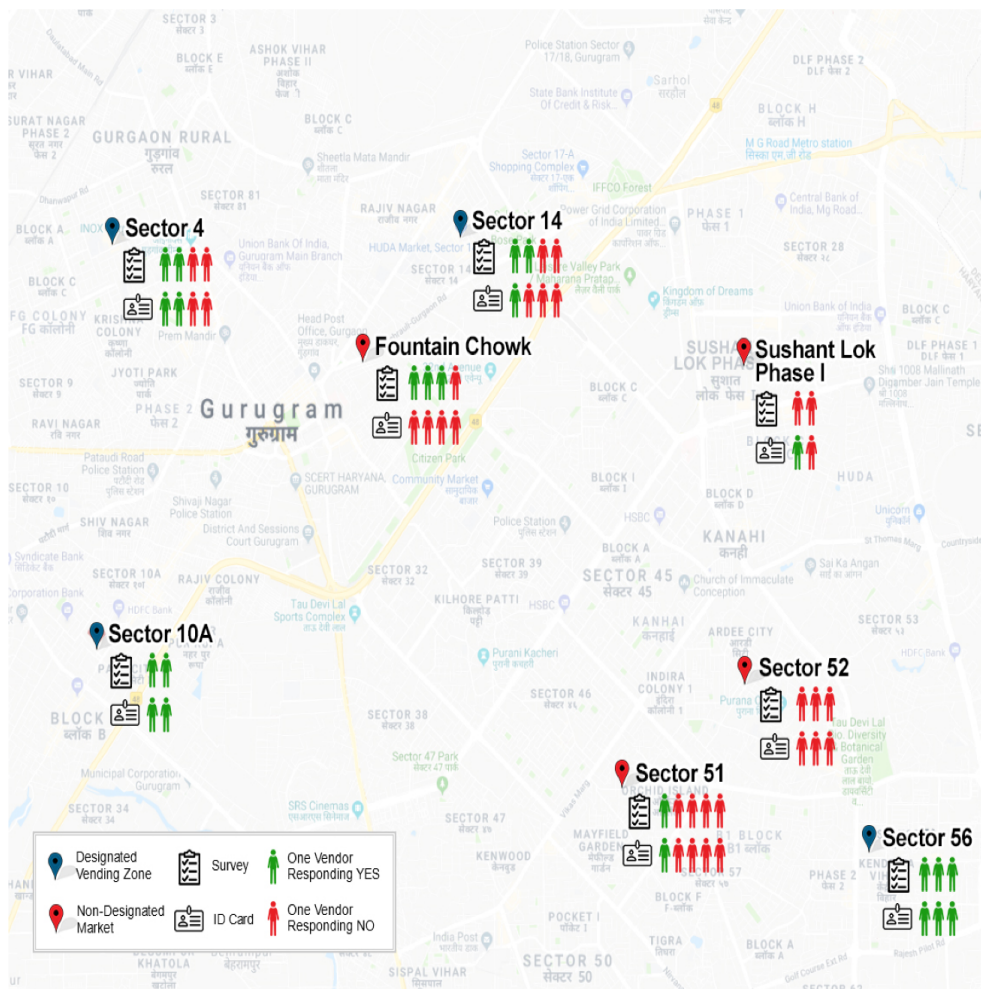


Figure 6: Map of interviewed vendors’ status of survey and registration in Gurugram

A designated vending zone and cart means a secure space to vend. Out of 27 stationary vendors, we found that 16 continue to face harassment and evictions. 3 of these were in designated vending zones. In two of the designated vending zones, Sector 4 and 14, three vendors vend from a designated vending spot. But, they have not been surveyed under any of the exercises. In Sector 14, one of the fee receipts issued by Leo Mediacom¹⁷ includes a vendor whose name is not mentioned in 2014 or 2016 survey. Yet, he has been paying cart as well as maintenance fee.

¹⁶The REPL representative explains: CoV is only for stationary vendors and specifies their allotted vending zones. ID card is issued once the survey is done. Earmarked vending zone is not a necessary condition for issuance of IDs. The validity of the CoV varies, according to the nature of vending.

¹⁷Retrieved from MCG office.

Why register for non-lucrative vending spots?

De jure: The Act is clear on two aspects of zoning: one, the decision will be made by the local authority in consultation with the TVCs, and two, the scheme has to provide for the conditions and principles of demarcating vending and no-vending zones. It also mentions that, in case of relocation, vendors' livelihood should be improved or at least restored 'in real terms to pre-evicted levels'.

De facto: Haryana fails on both aspects: the local authority decides and then declares to the TVC, and there is no notified scheme. In a designated vending zone of Sector 14, vendors were relocated based on the arbitrary process of MCG and TVC ([CCS Report, 2019](#)). Associations that represent the interests of the long established markets under Haryana Urban Development Authority are a strong lobby against demarcation of vending zones. In such cases, the local authority sides with the market and resident associations, as evidenced from TVC meeting minutes.

Through the course of conducting survey and drafting the city street vending plan, REPL also reported that the local authority tends to either demarcate popular vending areas as no-vending zones or relocate vendors to other areas.

Misaligned Incentives

Contract design influences vendor count: Private agencies contracted by MCG covered their costs by selling vendor carts and charging maintenance fees for these carts. Egmac stopped conducting surveys after the first phase for the lack of money received from vendor payments. Some of the vendors failed to pay the cart fee after the first instalment. Another challenge was highlighted in the [TVC meeting minutes of 25 January 2017](#) where the MCG Commissioner alleged that one of the agencies has undercounted its vendors to evade paying MCG's share of collected fees from vendors.

The Directorate of Urban Local Bodies department at the state level paid REPL on a per vendor basis. As per the tender, REPL receives Rs 200-250 per vendor from the Directorate, ULB. In this case, would per-vendor payment create a perverse incentive to overreport the number of vendors?

REPL also reported that they had not received any payment for five to six months. Are there penalties for each of the parties, local authority and the agencies, in case of failure of performance? Whether it is a lump sum payment term or a per-vendor based payment, are there mechanisms in place to monitor and verify the functions performed by the agency?

Informal protection rackets block even an honest effort: When the local administration and police continue to harass and evict vendors, even after five years of a legal mandate, the vendors continue to rely on informal channels of protection. For instance, in Gurugram, REPL reported the presence of thekedars in certain areas. These intermediaries protect a union of vendors in respective areas from arbitrary harassment and evictions. In return, they charge Rs 1000-2000 per day per vendor to protect existing

vending spots in non-designated vending zones. When surveyed, under the influence of intermediaries, the vendors refuse to provide their information and get registered.

No scheme. Survey done. What next?

Haryana has not drafted its scheme under the 2014 central Act. It has sought to implement its state Act and a non-binding policy drafted in 2014. Operating in this grey zone, the state government as well as the MCG outsourced the survey and vendor project to external private agencies.

Both arrangements differ in terms of scope and payment. While MCG curtailed its survey sample by focussing only on stationary vendors who avail the carts, the state ULB department emphasised on counting all the vendors. The poor implementation of the Act and continuing cases of vendor evictions gave an opportunity for intermediaries (thekeedaars) to flourish. However, does this phenomenon present a potential idea to formalise an intermediary? Are TVCs enough to keep track of over 17,000 vendors, fee payments and encroachments in various markets? Maybe not, given the survey reports of all the agencies are stuck with the local authority and TVC.

Complaints to the MCG go unheard, be it vendors or private agencies. The last TVC meeting was held on 21 August 2018, as opposed to the mandate of at least one meeting within three months ([Section 11\(1\), Haryana Rules 2017](#)). Gurugram's model of decentralising vendor enumeration, through a partnership between the local authority and private agencies, is something worth exploring. However, the question to ask is: Who ensures that the survey practices include all vendors?