

Progress Report 2020:

IMPLEMENTING THE STREET VENDORS ACT

Cross-state implementation

Quality of delegated legislation in each state

Cross-state comparison of rules and schemes



Progress Report 2020:

IMPLEMENTING THE STREET VENDORS ACT

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FOREWORD

Street vendors constitute an important segment of the urban economy and offer a range of goods and services to all sections of the society especially the migrant labour and urban poor. Their role and importance in the provision of essential commodities and services to the nation through the lockdown and beyond cannot be overemphasised.

Centre for Civil Society (CCS) has long championed vendors' right to earn a dignified living, an intention given statutory effect by the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014. Recognising the importance of effective implementation in protecting the rights of vendors, CCS has prepared the third edition of its Progress Report on Implementing the Street Vendors Act.

The report offers crucial insights into the state and ULB level implementation of the Act based on the data States have provided to Deendayal Antyodaya Yojana-National Urban Livelihoods Mission's (DAY-NULM) Management Information System (MIS). In addition, the report also provides a comprehensive understanding of the rules and schemes developed by individual States as per the mandate of the Act. The report shows commonalities and divergences in how states have interpreted and given life to the different provisions of the Act.

The report includes individual State profiles, showcasing their progress in implementing the Act, comparing how they fare against other States, and highlighting key provisions of the delegated legislation adopted by each State.

I would like to congratulate DAY-NULM for setting up the Support to Urban Street Vendors Component and convening States towards better implementation. My sincere thanks to the team at CCS for generously contributing their time and skill to this project. Finally, I would also like to acknowledge the effort put in by State government officials in updating the MIS and providing a detailed account of the implementation of the Act in their geographies. I sincerely hope that the report will pave the path for a new, dignified era for street vendors and empower partnerships between civil society and the State in the future.

(Rajiv Kumar)



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Date: 18th May, 2020

FOREWORD

In the past few months, apart from doctors, paramedics and law & order machinery, street vendors have been working relentlessly to ease our lives with daily supply of necessities at affordable prices. This spirit has inspired Deendayal Antyodaya Yojana-National Urban Livelihoods Mission (DAY-NULM) and Centre for Civil Society (CCS) to continue working together on the third edition of the "Progress Report on Implementing the Street Vendors Act 2014". I congratulate CCS on bringing out this report in time, despite the challenges presented by the pandemic.

DAY-NULM aims at reducing poverty and vulnerability of the urban poor by enabling them to access gainful employment opportunities. As part of this, the Mission is tasked with addressing livelihood concerns of urban street vendors, by facilitating them access to suitable vending spaces, institutional credit, social security besides creating opportunities for developing their skills. For the 'Support to Urban Street Vendors' component, DAY-NULM has committed to spend up to 5% of its total budget.

It is appreciable CCS shares the belief of DAY-NULM that the poor are entrepreneurial and have an innate desire to come out of poverty. Our shared efforts are directed at unleashing their capabilities to generate meaningful and sustainable livelihoods. Nowhere is this challenge more magnified than in the case of street vendors—an underappreciated group of micro-entrepreneurs.

DAY-NULM and CCS recognize the need for implementation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 in letter and spirit, in order to ensure vendors' protection. This report uses data shared by Ministry of Housing and Urban Affairs on progress made by the States and Urban Local Bodies to measure their respective compliances. In order to capture the qualitative aspects of Rules and Schemes notified by the States/UTs under the Act, the report identifies some of their notable features and provisions. The report also employs visualizations to capture key aspects of Rules and Schemes.

By empirically tracking the progress towards compliance, this report showcases the way forward in meeting the intent of the law. It is an excellent example of civil society aiding the work of government institutions through research and cross-state collaboration.

We are grateful to our counterparts at the state level for furnishing data and helping us understand the challenges they face. We hope this report will facilitate horizontal learning among the States/UTs and lead to effective compliance of the Act ushering into an eco-system of secured business of the street vendors.


(Sanjay Kumar)

Contents

Acknowledgements	iii
Abbreviations	iv
Executive Summary	1
Introduction	3
What powers are delegated to state governments?	4
How do we track state compliance with the Act?	5
How do states fare on implementing the Act?	6
Steps 1 and 2: Notifying rules and schemes	8
Steps 3 and 4: Formation of TVCs and ensuring vendor representation	9
Step 5: Formation of Grievance Redressal Committees	10
Steps 6 and 7: Survey of vendors and allocation of vending certificates and identity cards	11
Step 8: Publishing the street vending plan	12
Step 9: Earmarking Vending zones	12
Which states have done better than others?	13
Performance of states on the Compliance Index	13
Top performing urban local bodies	15
How do states approach the salient provisions of the Act?	16
State rules: approach to different rule-heads under the Act	17
Manner of constituting TVCs	17
Manner of conducting TVC meetings	19
Manner of redressing grievances and filing appeals	20
State schemes: approach to different subject matters under the Act	24
Manner of conducting surveys	24
Manner of distributing IDs and CoVs	27
Manner of seizing and reclaiming goods	31
Manner of relocation and eviction	32
What is the quality of delegated legislation in each state?	35
Andhra Pradesh	37
Arunachal Pradesh	39
Assam	40
Bihar	41
Chhattisgarh	43
Goa	44
Gujarat	46
Haryana	47
Himachal Pradesh	48
Jharkhand	48
Karnataka	49
Kerala	50
Madhya Pradesh	51
Maharashtra	52
Manipur	53
Meghalaya	54
Mizoram	56
Nagaland	57
Odisha	59
Punjab	60
Rajasthan	61
Sikkim	62
Tamil Nadu	63

Telangana	64
Tripura	65
Uttar Pradesh	66
Uttarakhand	67
West Bengal	67
Andaman & Nicobar	68
Chandigarh	69
Dadra and Nagar Haveli	70
Daman and Diu	71
Delhi	72
Lakshadweep	73
Puducherry	74
Conclusion	75
Bibliography	76
Appendix 1	77
Appendix 2	78
Appendix 3	79
Appendix 4	80

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The analysis would not have been possible without cooperation from the state representatives who updated their data in the Management Information System maintained by MoHUA.

We thank the Atlas Network for supporting our work on improving the livelihood of street vendors.

We are grateful to Vidushi Sabharwal for assisting us in obtaining data from MoHUA and to Apoorva Nangia, Shruti Gupta and Vrishti Shami for working on the state rules and schemes tabulation.

We thank Ravi Kumar Yadav for the illustration on the cover page and assistance in designing infographics for the report. Credits are due to Tarini Sudhakar for designing the report's template and assisting in drafting and typesetting the report.

Special thanks to Dr Parth J Shah, President, CCS for conceptualising the project and Bhuvana Anand, Director (Research) for guiding us throughout the drafting of the report. We hope this analysis contributes in securing the rights of vendors and facilitates participatory urban space management.

Prashant Narang

Associate Director, Research

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Abbreviations

AA	Appellate Authority
DAY-NULM	Deendayal Antyodaya Yojana-National Urban Livelihoods Mission
DRC	Dispute Redressal Committee (term used in state rules)
GRC	Grievance Redressal Cell/Committee (term used in state rules)
LA	Local Authority
MoHUA	Ministry of Housing and Urban Affairs
TVC	Town Vending Committee
ULB	Urban Local Body
CoV	Certificate of Vending
ID card	Identity card

Indian states and union territories

AN	Andaman and Nicobar Islands
AP	Andhra Pradesh
AR	Arunachal Pradesh
AS	Assam
BR	Bihar
CG	Chhattisgarh
CH	Chandigarh
DD	Daman and Diu
DH	Dadra and Nagar Haveli
DL	Delhi
GA	Goa
GJ	Gujarat
HR	Haryana
HP	Himachal Pradesh
JH	Jharkhand
KA	Karnataka
KL	Kerala
MP	Madhya Pradesh
MH	Maharashtra
MN	Manipur
ML	Meghalaya
MZ	Mizoram
NL	Nagaland
OD	Odisha
PB	Punjab
PY	Puducherry
RJ	Rajasthan
TN	Tamil Nadu
TR	Tripura
TS	Telangana
UK	Uttarakhand
UP	Uttar Pradesh
WB	West Bengal

1. Executive Summary

Street vendors form an integral part of the urban economy—majority of the population depends on hawkers for affordable goods and services. Vending constitutes a sizeable proportion of the informal sector and creates opportunities for entrepreneurship and self-employment. For several decades post-independence vendors faced harassment, extortion and eviction at the hands of local authorities and found no respite from courts either.¹

In 2014, recognising the rights of vendors to earn a dignified living, Parliament passed the Street Vendors (Protection of Livelihood and Regulation of Vending) Act 2014. The Act introduces a uniform framework to regulate vending, but delegates rule-making and decision-making powers to state governments and local authorities. Compliance with the Act has two components: formulating subordinate legislation (*de jure*) and introducing institutional mechanisms and processes (*de facto*) through which vendors’ rights are protected and conflicting claims over urban streets are managed.

Since 2014 Centre for Civil Society has tracked the *de jure* and *de facto* progress made by states. In 2017, we built a Compliance Index to assess the distance covered by states in implementing the Act. Our Index classifies the central tenets of the Act into easily measurable steps to score and rank state performance. We also analysed judicial trends across states after the passing of the Act. In 2018, we repeated the assessment and conducted an on-ground implementation check in two cities.

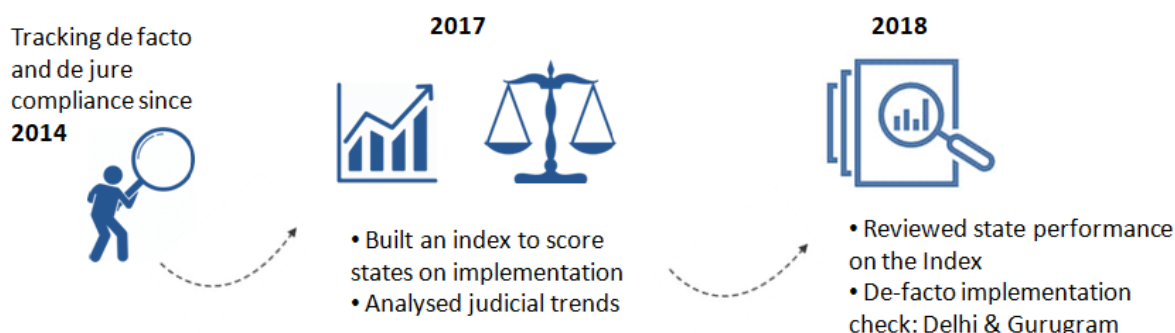


Figure 1: Tracking *de facto* and *de jure* progress made by states since 2014

In 2019-20, drawing from the Management Information System maintained by the Deendayal Antyodaya Yojana-National Urban Livelihoods Mission (DAY-NULM), we obtained data on implementation progress at the level of states and urban local bodies (ULBs). The 2019-20 report builds on the previous practice of tracking state progress and contains three sections:

- **Section 1** of the report reviews the progress made by 28 states and their respective ULBs in implementing the Act using data received from the MoHUA. We rank and score state performance and present a list of top performing ULBs across the country.
- **Section 2** of the report presents a cross-state comparison of rules and schemes notified under the Act. Using maps and simplified tabulations (also available on our [website](#)) we capture the patterns, variations and similarities in the way states approach the same rule-headings.
- **Section 3** of the report presents the salient features, hits and misses of the rules and schemes of 35 states and union territories.² For each state, we examine whether the delegated legislation departs from the mandate of the Act and encodes checks against administrative excesses.

1. Bombay Hawkers’ Union And Ors vs Bombay Municipal Corporation.1985. (Supreme Court of India, July 3).

2. Our analysis does not cover Jammu and Kashmir and Ladakh. As of 2019, both regions have become separate union territories and the Act will eventually be applicable to them.

What do we find in the 2019-20 progress report?

1. Mixed state performance in implementing the Act:

- (a) Many states have substantially progressed in implementing the Act. The range of scores on the Index has risen from 9-76 points (out of 100) in 2018-19, to 24-78 points in 2019-20. In Andhra Pradesh, the highest ranking state, all towns have constituted Town Vending Committees (TVCs), completed enumeration, formulated vending plans, issued identity cards to more than 75% of vendors and demarcated vending zones.
- (b) Other states have failed to make progress since 2019 and continue to fare poorly. Seven states (Assam, Haryana, Karnataka, Maharashtra,³ Madhya Pradesh, Puducherry and Uttarakhand) are yet to notify schemes and two states (Telangana and Uttarakhand)⁴ are yet to notify rules. Although 75% of ULBs have formed TVCs, only 47% have vendor representatives. In four states (Maharashtra, Puducherry, Telangana and Tripura) no ULB has constituted TVCs with vendor representation. In two states (Goa and Manipur) no ULB has completed vendor surveys.⁵ In states where most TVCs have completed surveys, vending certificates have not been issued. Only four states (Madhya Pradesh, Nagaland, Punjab and Uttar Pradesh) have constituted grievance redressal committees.

2. While some ULBs represent best practices, most ULBs show glaring inconsistencies with the Act in their method to madness:

- (a) Even in the top performing states, ULBs are implementing the Act on their own terms. They have enumerated vendors, distributed vending certificates, formulated vending plans and demarcated vending zones without constituting TVCs—the mainstay for all processes.
- (b) Of the 3,248 ULBs in our dataset, less than 131 ULBs (4%) meet the criteria for top ULBs. Most of the best performing ULBs (109) are in Andhra Pradesh. Other 22 ULBs are spread across eight states: Tamil Nadu, Rajasthan, Mizoram, Kerala, Jharkhand, Gujarat, Himachal Pradesh and Madhya Pradesh.

3. In many instances, notified rules and schemes appear to go against or beyond the mandate of the Act:

- (a) In some states, rules and schemes delegate powers to state governments and local authorities that go beyond the mandate and intent of the Act. For instance, in Arunachal Pradesh, Bihar, Goa, Haryana, Karnataka, Nagaland, Andaman & Nicobar, Chandigarh, Daman & Diu and Delhi rules empower state governments to remove any member of the TVC. This mandate finds no mention in the parent Act.
- (b) In other states, rules and schemes fail to provide clear guidance on executive action. For instance, in Arunachal Pradesh, Bihar, Chattisgarh, Manipur, Meghalaya and Nagaland schemes introduce 'misbehaviour' as grounds for suspension of vending certificates without defining what constitutes 'misbehaviour'.
- (c) In yet other states, the delegated legislation introduces new obligations that are not mentioned in the parent Act. For instance, in Rajasthan and Meghalaya, schemes mandate vendors to maintain record books for TVCs to inspect at any time. Such a provision is not mentioned in the parent Act.

By tracking state and ULB level performance, our report highlights the gaps in implementation and allows state authorities to draw lessons from one another.

3. Although Maharashtra notified its scheme in 2017, the Bombay High Court in *Azad Hawkers Union v. Union of India* refused to regard it as a legitimate scheme under Section 38 of the Act.

4. Although Uttarakhand notified its rules in 2016, the rules are not under Section 36 of the Street Vendors Act 2014.

5. These findings are based on the data updated by states on DAY-NULM's management information system before 03 March 2020. In the past two months, Goa and Manipur have updated their data and completed surveys in some ULBs.

2. Introduction

Roughly 2.5% of India's population is engaged in street vending (Bhowmik 2003). Besides being a source of self-employment and entrepreneurship, vending plays a central role in urban life—it supplies affordable and essential goods to the public. Over 1,00,00,000 street vendors of India contribute towards 50% of the country's savings and 63% of the Gross Domestic Product (Sankrit 2015).

However, by virtue of operating in public spaces without clearly defined usufructuary rights, vendors often succumb to extortion and harassment by local authorities (Narang and Sabharwal 2019).

Historically, street vending was regulated by several state and municipal laws that weighed against vendors.⁶ The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 (hereon referred to as 'Act'), introduced to prevent harassment of vendors and regulate their livelihood, is a landmark. After 50 years of judicial and regulatory clashes, it legitimised a vendor's right to livelihood and regulates urban street vending with due consideration to the social security of vendors (Centre for Civil Society 2019).

The Act aims to provide a 'congenial and harassment free environment' for vendors.⁷ It creates a uniform legislative framework applicable across states and outlines broad principles to safeguard vendor interests.

These principles include:

- Introducing participatory decision-making and giving vendors a voice in decisions that affect their livelihood;
- Prohibiting eviction before survey and accommodating all existing vendors;
- Making relocation the last resort by giving due consideration to the economic conditions of vendors and;
- Prioritising natural markets while demarcating vending zones.

6. They derived legislative competence from entry 5 of the State List, in the seventh schedule.

7. Per the Press Information Bureau dated 19 February 2019 on the 'Street Vendors Bill, 2014 passed by Rajya Sabha'.

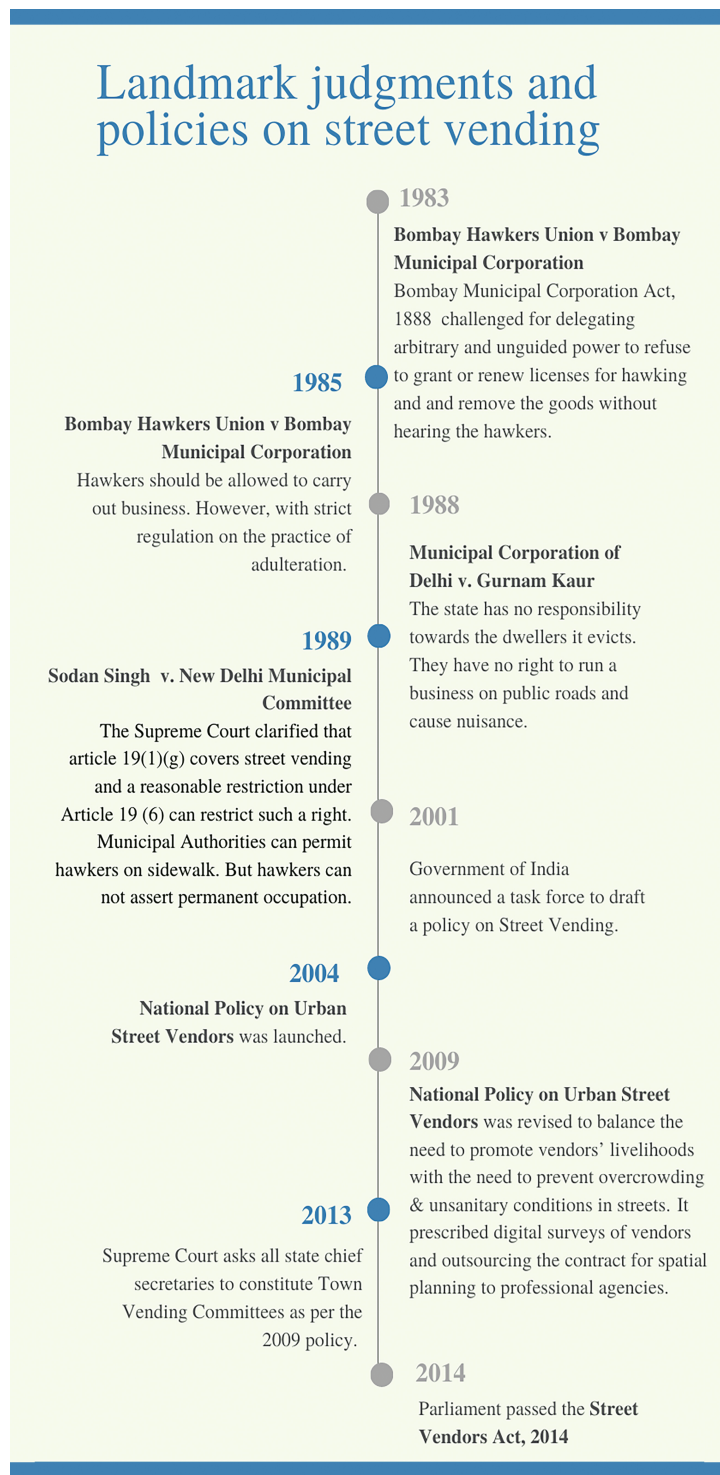


Figure 2: Landmark court judgements and policies on street vending between 1980 and 2014.

What powers are delegated to state governments?

Although municipal zoning and regulation of vending falls under the State List, the standing committee on the Street Vendors Bill recognised that Parliament may legislate on the rights and obligations of street vendors under entries 20, 23 and 24 of the Concurrent List (Bedi 2013).⁸

Nevertheless, the challenges associated with vending may vary from state to state and require localised responses. The Act delegates the power to make subordinate legislation and implement its key features to state governments. It lays out the statutory contours within which the local institutions built by state governments may evolve.

To meet the letter and spirit of the Act, state governments ought to:

- Formulate subordinate legislation that lays out an appropriate framework for guiding institutional mechanisms and processes;
- Establish institutional mechanisms (such as Town Vending Committees and Grievance Redressal Committees) and execute processes (such as vendor surveys and demarcation of vending zones).

De jure implementation: Setting the guiding framework for processes and institutions

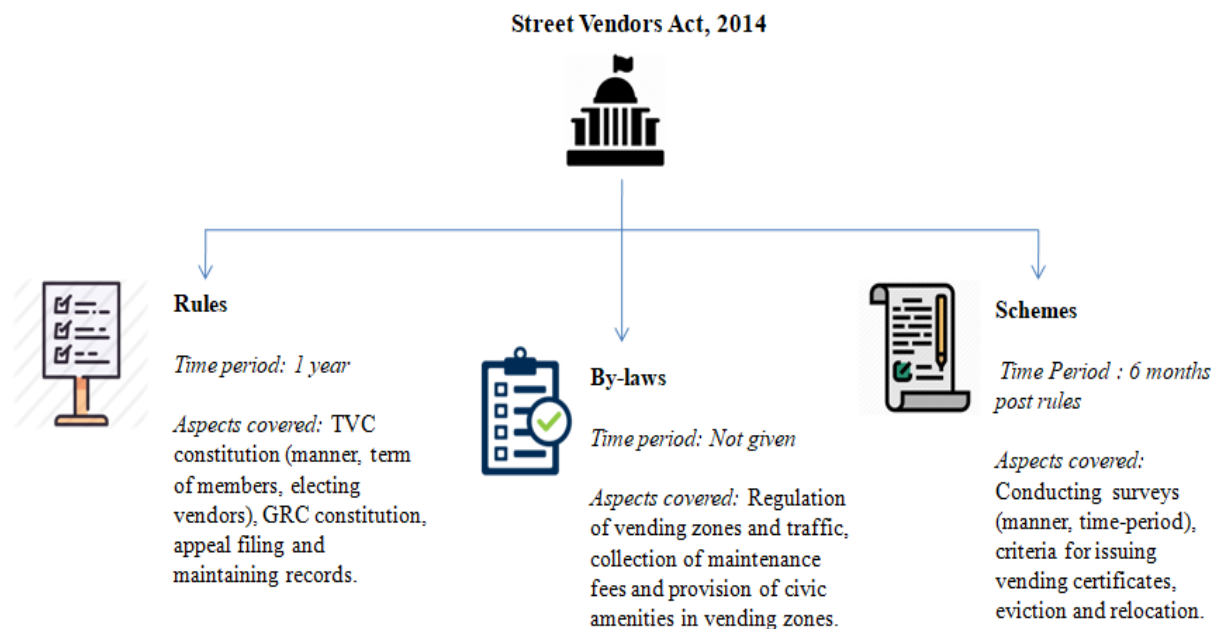


Figure 3: Nature of rule-making powers delegated under the Street vendors Act 2014

The Act delegates power to make subordinate legislation to state governments and local authorities. While state governments have to formulate rules and schemes, municipal authorities are required to enact by-laws.⁹ The Act neatly delineates the matters that rules, schemes and by-laws must elaborate on and specifies timelines for enacting them.

In 2012, the standing committee on the Street Vendors Bill criticised the erstwhile Ministry of Housing and Urban Poverty Alleviation (now known as the Ministry of Housing and Urban Affairs) for delegating extensive rule-making powers to state governments and defeating ‘the purpose of the Central Law’ (Standing Committee on Urban Development 2013). Although the Bill was revised after the committee’s recommendations, delegated legislation still holds considerable power over key features of vending regulation. Rules and schemes elaborate on the manner and details for constituting institutional mechanisms and conducting processes.

8. This includes economic and social planning; social security, social insurance, employment; and, welfare of labour.

9. Per S(37) of the Act by-laws must be made subject to provisions of the Act and state rules and schemes.

De facto implementation: Establishing key processes and institutional mechanisms

Per the Act, once the framework is established, the minimum institutions and processes that state governments ought to put in place to protect the interests of vendors include:

- *Constituting participatory Town Vending Committees (TVCs)*: The Act instills accountability at the local level by necessitating the formation of local governance bodies called TVCs. To encourage participatory decision making and recognise the voice of vendors, the Act requires 40% of TVC members to be vendors. Civil society participants (such as members from non-government or community-based organisations) must constitute 10% of the total strength.
- *Surveying street vendors, issuing certificates of vending and distributing identity cards*: TVCs are responsible for enumerating vendors in their jurisdiction at least once every five years. Section 3(3) of the Act prohibits any eviction before all existing vendors are enumerated. Once the enumeration is complete, TVCs must issue certificates of vending to the identified vendors (based on criteria laid down in the Act and state schemes). Following this, all vendors holding certificates of vending must be given identity cards.
- *Formulating the city street vending plan and demarcating vending zones*: Section 21 of the Act requires each local authority to formulate a vending plan (once in every five years), after consulting the TVC. The plan should lay down criteria for earmarking ‘no-vending’, ‘restricted’ and ‘restriction-free’ vending zones and give priority to natural markets. These norms must be in consonance with the principles for demarcation mentioned in the First Schedule of the Act.
- *Constituting Grievance Redressal Committees*: Section 20 of the Act recommends the local authority to form one or more Grievance Redressal and Dispute Resolution Committees for addressing vendor disputes and grievances. It prohibits members of the local authority or state governments from being a part of this committee.

How do we track state compliance with the Act?

In 2017 and 2018 we tracked the progress made by states in implementing the Act using the [Street Vendors Act Compliance Index](#). We also analysed court judgements to build a comprehensive understanding of the judiciary’s approach to issues such as vendor evictions after the Act was passed. Finally, we evaluated the *de facto* and *de jure* functioning of TVCs in Delhi and Gurugram.

Our latest report tracks state progress on *de facto* and *de jure* compliance with the Act. First, we use ULB-level data to evaluate the extent of implementation across the country and individual state performance. Second, to facilitate comparison, we classify, map and tabulate the rules and schemes of all states based on how they approach different rule-heads under the parent Act. Third, we analyse the subordinate legislation enacted by states and capture where they fall short of meeting the Act’s intent.

In 2019, we also documented the enumeration practices of two states to study their de-facto progress in detail: [Gurugram](#) and [Mumbai](#). In both cities we found that local authorities began the enumeration process without notifying schemes. The surveys excluded a large number of existing vendors and failed to comply with the mandate of the Act. These case studies are available on our website.

3. How do states fare on implementing the Act?

The Act articulates a clear legislative intent and lays down the regulatory contours for vendor protection. The Parliament introduced the Act to uniformly define the rights and duties of vendors across the country. However, public space use, threats to the livelihood of vendors and the management of urban areas may show inter-state variation. Consequently, the Act delegates crucial rule-making and decision-making powers to state governments. The way states realise the central tenets of the Act and fill in gaps will ultimately determine how vendor interests are safeguarded.

Since 2017, Centre for Civil Society has mapped the progress made by states in implementing the Act. We do this by classifying the provisions of the Act into measurable and easily identifiable steps. A careful reading of the Act reveals that the broad principles of vendor protection are advanced through the following **11 steps** (Centre for Civil Society 2019):

1. Notifying rules
2. Notifying schemes
3. Constituting TVCs
4. Ensuring vendor representation in TVCs
5. Constituting Grievance Redressal Committees
6. Survey of vendors by TVCs
7. Issuance of vending certificates and identity cards to more than 75% of identified vendors
8. Publishing street vending
9. Earmarking vending zones
10. Publishing street vendors charter
11. Allocating office spaces to TVCs.

These 11 steps are the sine qua non for implementing the letter and intent of the Act.

Methodology

In 2018-19, we collected state-level data on these 11 steps via RTI applications and with assistance from DAY-NULM (MoHUA). This year, we collaborated with DAY-NULM to solicit responses from all states and union territories on the progress made in implementing the first 9 out of these 11 steps. We were unable to collect data on the number of TVCs with allocated office spaces and the number of vending charters published. We received the complete set of responses on our data collection template (Appendix 1) from 27 states and 1 union territory.

States have provided data on the progress made by *each ULB* for the period between 01 April 2014 and 03 March 2020 by updating it on DAY-NULM's Management Information System. Andaman and Nicobar Islands, Dadra and Nagar Haveli, Daman and Diu¹⁰, National Capital Territory of Delhi, Sikkim and West Bengal did not update data on the Management Information System.¹¹

The data received has *three limitations*. First, most states have only reported data for ULBs that have implemented the DAY-NULM. Second, any progress in implementation after 03 March 2020 is not reflected in our analysis. Third, we have not discussed the data received with respective state authorities. Consequently, any missed entry or data entering errors have not been rectified. All data is self-reported and not triangulated with an on-ground assessment.

10. Per the [Dadra and Nagar Haveli and Daman and Diu \(Merger of Union territories\) Act 2019](#), Dadra and Nagar Haveli and Daman and Diu now constitute a single union territory.

11. Although our analysis does not cover Jammu and Kashmir and Ladakh, as of 2019 both regions have become separate union territories and the Act will eventually be applicable to them.

SUMMARY OF FINDINGS

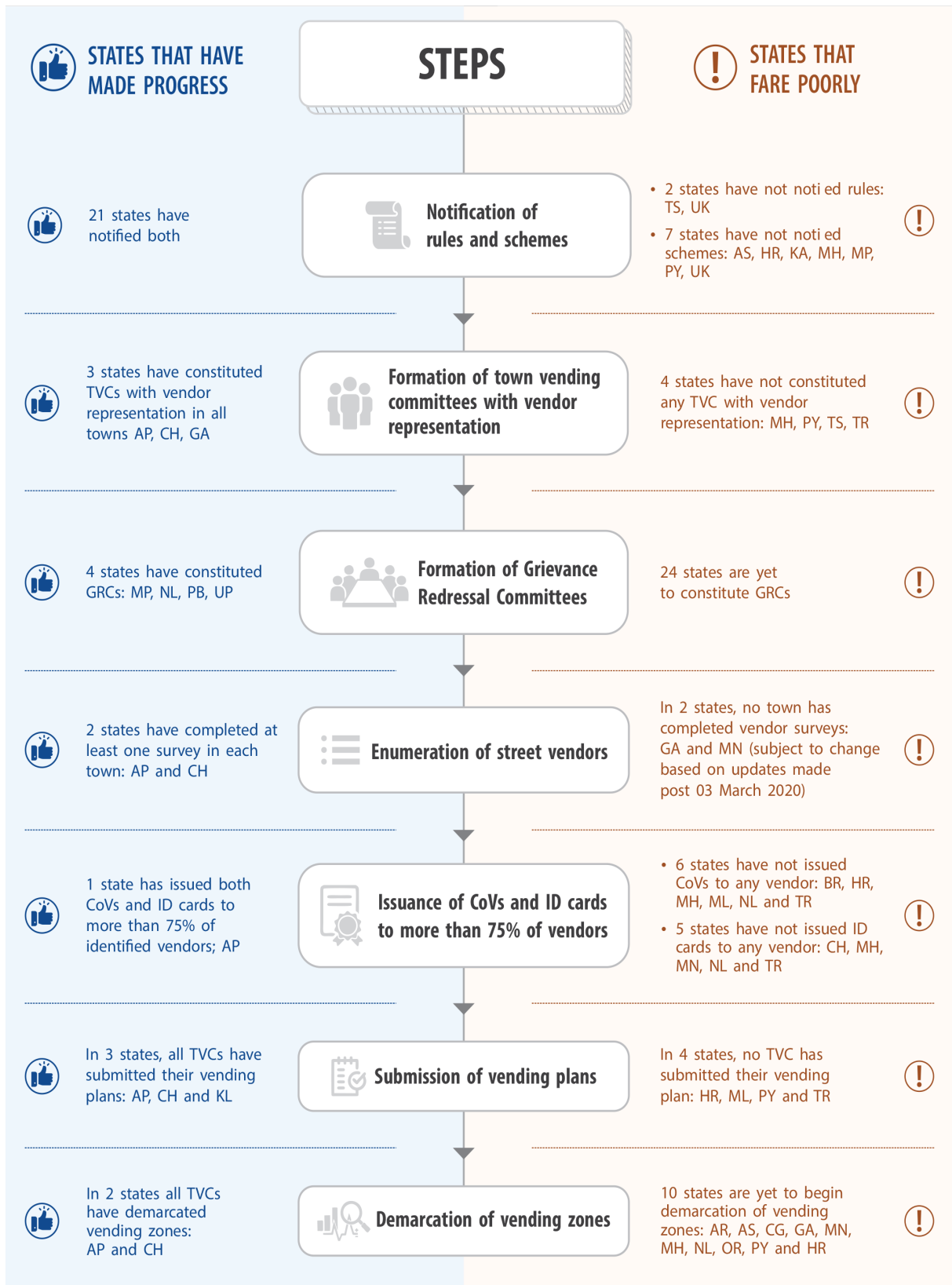


Figure 4: A summary of state performance on 11 steps as updated on 03 March 2020

Steps 1 and 2: Notifying rules and schemes

The Act delegates rulemaking powers to state governments. It holds the executive accountable by putting in place a clear timeline for formulating subordinate legislation. Section 36 of the Act mandates state governments to frame rules *within one year* of enactment. Among other things, rules may provide for the term and manner of constituting TVCs, the manner of electing vendor representatives in TVCs, the manner of constituting Grievance Redressal Committees, procedural hygiene of Grievance Redressal Committees and the manner of filing and disposing appeals.

Section 38 of the Act mandates state governments to frame a scheme for vendors *within six months* from the date on which state rules come into force. Among other things, the scheme may provide for: the manner of conducting surveys, criteria and time period for issuing vending certificates, criteria for suspending and cancelling vending certificates, manner of relocating and evicting vendors, manner of seizing and reclaiming goods and the principles for demarcating vending zones.

Notifying rules and schemes are the first two steps towards implementing the Act. They provide the framework for actualising all other nine steps. In the following progress updates, we use the official abbreviation of Indian states and union territories.

Progress update:

- **Two states have not notified rules:** TS, UK¹²
- **Seven states have not notified schemes:** AS, HR, KA, MH,¹³ MP, PY, UK¹⁴
- **In seven states, ULBs have constituted TVCs and enumerated vendors either without notifying rules or before notifying schemes:** AS, HR, KA, MP, PY, TS, UK.


	2019 - 2020	2018 - 2019
 With notified schemes	21	19
Without notified schemes	7	11

Figure 5: States with notified schemes

This raises a pertinent question: In the absence of a legal framework (as mandated by the Act), would any action for implementation be legally valid/tenable in these states?

Per the Act, drafting rules and schemes is not enough. The scheme must be formulated in consultation with the local authority and the TVC. There is no information on whether all states complied with this mandate and the extent to which recommendations of the local authority and TVCs were considered.

Further, schemes must be summarised and published in at least two local newspapers per Section 38(2) of the Act. Such provisions attempt to nudge state governments to make rules and schemes more accessible. However, we faced considerable difficulty in locating the notified rules and schemes of certain states. Ultimately, we obtained them from the database maintained by the MoHUA.

Ideally, even subordinate legislation must follow a transparent and accessible rule-making process. Both rules and schemes should be placed before the public for comments, revised after reviewing these comments and then published on the government’s website (with summaries in local newspapers).

12. Although Uttarakhand notified its rules in 2016, the rules are not under Section 36 of the Street Vendors Act 2014.
 13. Although Maharashtra notified its scheme in 2017, the Bombay High Court in *Azad Hawkers Union v. Union of India* refused to regard it as a legitimate scheme under Section 38 of the Act.
 14. Lakshadweep, Sikkim, West Bengal are also yet to notify schemes. These states and union territories have not been included in the analysis as they did not update DAY-NULM’s management information system.

Steps 3 and 4: Formation of TVCs and ensuring vendor representation

To ensure participatory local governance, Section 22 of the Act requires state governments to constitute a TVC in each local authority. The committee must comprise of the Municipal Commissioner (to preside as the Chairperson) and representatives from the ‘local authority, medical officer of the local authority, planning authority, traffic police, police, association of street vendors, market associations, traders associations, non-governmental organisations, community based organisations, resident welfare associations and banks.’

Enumeration of vendors, issuance of vending certificates, demarcation of vending zones, relocation of vendors, preparation of the vending plan and publication of the vendor charter—all have to be completed either by the TVC or in consultation with the TVC.

Per the Act, representatives from non-governmental and community based organisations should constitute at least 10% of all members of the TVC and vendor representatives must constitute at least 40%. While most members of the TVC have to be nominated by state governments, street vendor representatives must be elected (in the prescribed manner) by vendors.

The Act creates a chicken egg problem. It requires the TVC to enumerate vendors. But, to hold elections among vendors for constituting TVCs we first need to enumerate them.

Many ULBs have attempted to resolve this conundrum by constituting provisional TVCs, without vendor representation. Apart from conducting surveys, these ULBs with provisional TVCs have also distributed identity cards, issued vending certificates, formulated vending plans and demarcated vending zones. Implementing these steps without having vendor representatives in TVCs, overlooks the Act’s intent of giving vendors a voice in decisions that directly affect them.

Progress update:

- **Five states have constituted TVCs in all ULBs:** AP, CH, GA, KL, TR
- **Of 3,248 ULBs in the dataset, 2,433 ULBs (75%) have formed at least one TVC¹⁵**
- **In six states fewer than 50% of ULBs have a TVC:** AS, HP, MN, ML, MZ, UP
- **1,514 ULBs (47%) have formed at least one TVC with vendor representation¹⁶**
- **Four states have no regular TVCs:** MH, PY, TS, TR


	2019 - 2020	2018 - 2019
 At least one TVC	2,433	2,397
No TVC	815	4,866

Figure 6: Number of ULBs with Town Vending Committees

Although many states constituted provisional TVCs for implementing the Act in its initial phases to enlist vendors, it is unclear why ULBs have not constituted regular TVCs even after one round of survey. Steps implemented without a TVC or with a provisional TVC do not are not based on a strict interpretation of the parent Act.

15. This number also includes provisional TVCs (i.e. ones that are formed without vendor representation).
 16. Although these TVCs have vendor representation, it is not clear whether they meet the minimum threshold of 40%.

Step 5: Formation of Grievance Redressal Committees

Section 20 of the Act directs state governments to form one or more Grievance Redressal and Dispute Resolution Committees for addressing vendor complaints.¹⁷ The section is drafted in a manner that leaves the decision to constitute these committees to the discretion of state governments. If constituted, the Act requires this committee to be chaired by an ex-civil judge or a judicial magistrate and include two other professionals as members. Further, it prohibits members of the local authority and the state government from being part of the committee.

Any vendor who has a grievance or dispute may make an application, in writing, to the Grievance Redressal and Dispute Resolution Committee. Other details including, manner of filing applications, qualification of the committee members, time and manner of disposing applications and the procedural hygiene of the committee, may be laid down in the state notified rules.

Vendors who are aggrieved by the decision of this committee can appeal to the Appellate Committee constituted by the local authority. The manner, form and time period for filing these appeals need to be prescribed in the notified rules.

Progress update:

- **Of the 28 states in our data-set, 26 states lay down the procedure and manner for constituting Grievance Redressal Committees in their notified rules.**
- **Only four states have formed Grievance Redressal Committees:** MP, NL, PB, UP
- **UP stands out on this parameter:** it has constituted 55 Grievance Redressal Committees.

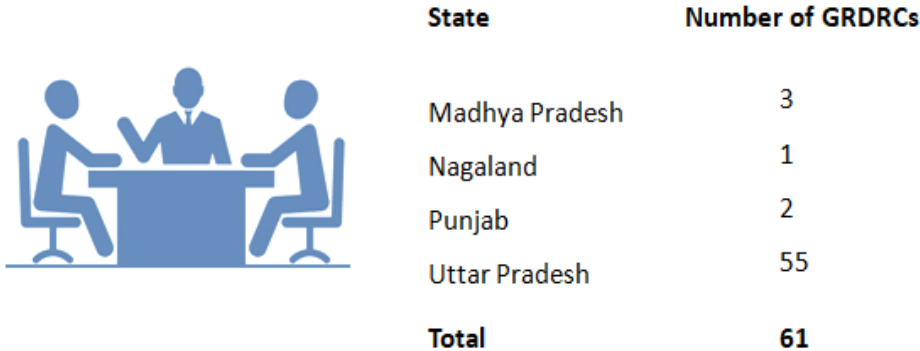


Figure 7: States that have constituted Grievance Redressal and Dispute Resolution Committees

Most states are in the process of conducting surveys and demarcating vending zones. While in some states TVCs are taking charge (per the mandate of the Act), in other states local authorities are implementing these steps. Without a Grievance Redressal and Dispute Resolution Committee, vendors may lack any recourse to address complaints that arise during this process.

¹⁷. Some states refer to this committee as the 'Grievance Redressal Committee/ Cell' or the 'Dispute Redressal Committee' in their notified rules.

Steps 6 and 7: Survey of vendors and allocation of vending certificates and identity cards

Section 3 of the Act, mandates TVCs to enumerate (survey) all existing vendors at least once every five years. Following this, TVCs are required to issue certificates of vending and distribute identity cards to all vendors surveyed. The Act prohibits eviction and relocation of vendors before the survey exercise is complete and certificates of vending are issued. State schemes are required to provide details on how the survey should be conducted and the duration within which it must be completed.

Progress update:

- **2,063 ULBs (64%) with TVCs have completed at least one survey**
- **In two states all ULBs have completed at least one survey: CH, AP**
- **Two states have not completed a survey in any ULB: GA and MN.¹⁸**
- **Seven states have done surveys without a scheme: AS, HR, KA, MH, MP, PY, UK**
- **Six states have not issued any certificates of vending: BR, HR, MH, ML, NL, TR**
- **Five states have not issued any vendor identity cards: CH, MH, MN, NL, TR**
- **AP is the only state that has issued vending certificates to more than 75% of vendors identified.**

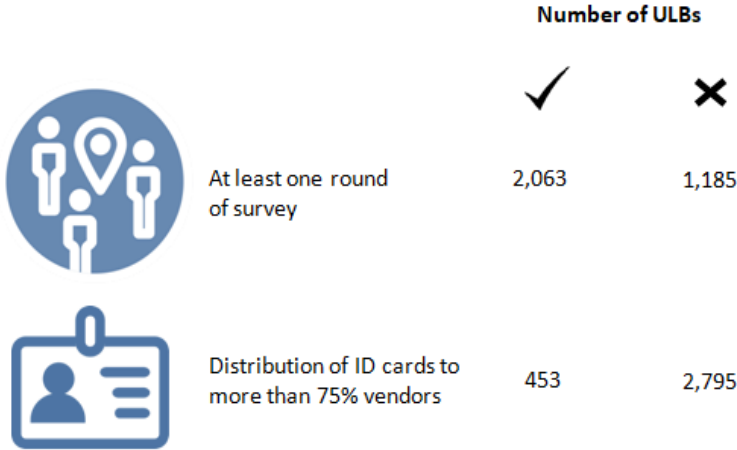


Figure 8: Number of ULBs with TVCs that have completed surveys and distributed identity cards

In some ULBs provisional TVCs have completed surveys. In other ULBs, surveys have been completed without constituting a TVC. It is likely that in these ULBs, either the local authority or an agency enumerated vendors. Since they are undertaken without the supervision of TVCs, in our opinion, these surveys disregard Section 3 of the Act.

State schemes are required to prescribe the manner of conducting surveys and the criteria for issuing vending certificates. In states where TVCs have completed vendor surveys without a notified scheme in place, it is unclear how they determined the manner of conducting surveys. Once these states notify their schemes, would the survey process be repeated? Further, the criteria used for distributing certificates of vending in these states remains unclear. This problem becomes salient especially when all identified vendors are not issued vending certificates. How does one check the basis for rejection?

Finally, the Act establishes a clear sequence of processes: Enumeration of vendors → issuance of certificates of vending → distribution of identity cards. However, in most states, ULBs have failed to follow this sequence of processes.

¹⁸ These findings are based on the data updated on DAY-NULM’s management information system before 03 March 2020. In the past two months, Goa and Manipur have updated their data and completed surveys in some ULBs.

Step 8: Publishing the street vending plan

Once survey is complete, TVCs must ensure that all identified vendors are accommodated in vending zones based on prescribed norms. The Act requires the local authority to prepare a vending plan for this purpose, after consulting the TVC once every five years. This plan should provide for the norms of spatial planning and guide demarcation of zones as 'restricted', 'restriction-free' and 'no-vending' zones. The vending plan must accommodate all existing vendors that are identified in the survey.

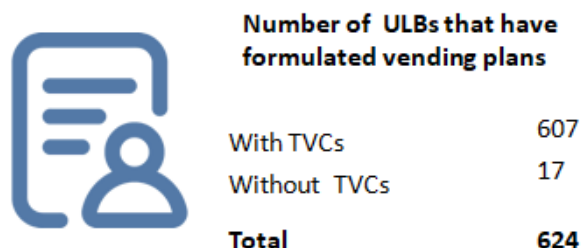


Figure 9: Number of ULBs that have published vending plans

Progress update:

- In three states, all TVCs have submitted their vending plan: AP, CH, KL
- In four states, no TVC has submitted the vending plan: HR, ML, PY, TR
- In two states TVCs have formulated vending plans without surveys: GA, MN.

Step 9: Earmarking Vending zones

A 'vending zone' is a place designated for vending. Per the Act, local authorities may demarcate restriction-free vending zones, restricted vending zones and no-vending zones, in consultation with TVCs. If a zone is demarcated as a no-vending zone, the local authority is required to relocate vendors from that area to the nearest vending zone. Demarcation of vending zones has a direct bearing on the day-to-day realities of vendors.

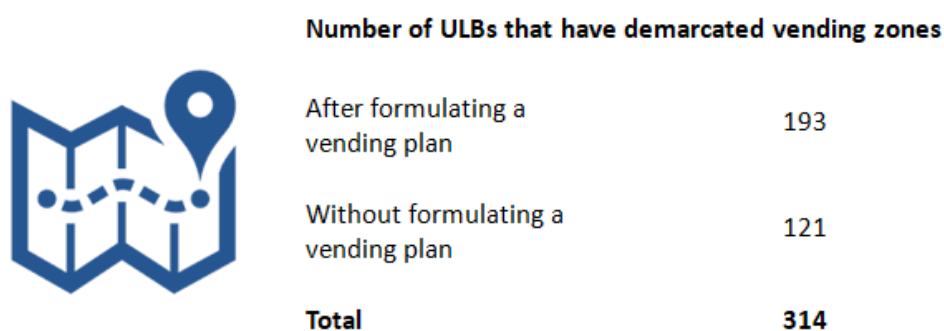


Figure 10: Number of ULBs with TVCs that have demarcated vending zones

Progress update:

- 10 states have not begun demarcation: AR, AS, CG, GA, HR, MN, ML, NL, OD, PY
- Only AP has demarcated vending zones in all ULBs
- 121 ULBs have demarcated vending zones without formulating a vending plan.

4. Which states have done better than others?

While the preceding section examined the progress made across the country in implementing the Act, this section features a comparative assessment of states. Using the Street Vendors Act Compliance Index, we assign all states a score (out of 100) and rank them based on the extent to which they implement the steps mentioned in Appendices 2 and 3.

These scores reflect two aspects:

- **The number of steps implemented by a state:** Each step is assigned a different weightage, based on its importance in implementing the consequent steps. For instance, the Act requires TVCs to enumerate all street vendors in their jurisdiction. Since vendors can only be enumerated once a TVC is constituted, the latter has higher weightage than the former. The aggregate score of a state is thus affected by the number of crucial steps (with higher weightages) implemented.
- **The extent to which each step is implemented:** We measure the extent to which each state has implemented a particular step. For instance, rather than checking if ULBs in a state have TVCs with vendor representation, we measure the proportion of ULBs that have TVCs with vendor representation. Greater the degree of implementation, higher the score of a state.

What is different from last year?

- **Nature of the data received:** Last year we sourced state-level data through RTIs and the MoHUA. This year we received ULB level data for each state. Rather than providing aggregate numbers, states have reported how each town has progressed. This increased granularity allows us to calculate and cross-verify the aggregate data and list the top performing ULBs.
- **Missing parameters:** This year we were unable to collect data on the number of TVCs with an allocated office space and the number of vending charters published.
- **Only received data from towns that have implemented the Mission:** DAY-NULM lays down guidelines for implementing the Act. Since we sourced our data entirely from DAY-NULM this year, only ULBs that have implemented the mission reported their data.
- **Two versions of the Index:** This year, we track state compliance on two indices. The index follows last year's methodology and scores states on 11 parameters. The variant of the index reviews state performance on only 8 parameters (with revised weightages).

Performance of states on the Compliance Index

To measure state performance, our Compliance Index scores states on 11 parameters. The score assigned to a state on each parameter is multiplied by the parameter's weightage and summed to give a cumulative score out of 100 (Appendices 2 and 3 detail out the methodology). This year we map state progress on two index variants:

1. The Index (Table 1.a) presents state scores and ranking based on the extent and depth of implementation across 11 steps: notifying rules; notifying schemes; constituting TVCs; constituting Grievance Redressal Committees; vendor representation in TVCs; enumerating vendors; distributing identity cards to more than 75% of vendors; publishing vending plans; demarcating vending zones, allocating office space to TVCs and publishing vending charters.
2. The Index variant (Table 1.b) scores states on 8 steps. Since the formation of Grievance Redressal Committees is not a mandatory requirement in the Act, we exclude the parameter in this version. Further, to ensure that state scores represent updated data we exclude the parameters on which we did not receive any information this year (i.e. number of vendor charters published and number of TVCs with allocated office spaces). We distribute the weightages assigned to these excluded parameters amongst the 8 steps that are scored.¹⁹

19. Appendix 4 provides a comparison of state scores in 2018-19 and 2019-20.

Table 1: State Scores and Ranking

Index			Index Variant		
Rank	State	Score	Rank	State	Score
1	AP	78.93	1	AP	99.91
2	CH	75.00	2	CH	90.00
3	TN	64.88	3	MZ	79.60
4	PB	63.18	4	KL	78.27
5	MZ	63.07	5	JH	76.12
6	KL	61.90	6	PB	74.68
7	RJ	61.82	7	RJ	72.95
8	JH	60.26	8	TN	71.29
9	UP	59.79	9	UP	69.63
10	GJ	55.00	10	GJ	69.32
11	HP	51.21	11	HP	64.48
12	MP	48.60	12	AR	60.95
13	AR	48.51	13	TR	60.60
14	TR	48.25	14	GA	60.29
15	GA	48.00	15	OD	58.73
16	OD	47.65	16	NL	58.21
17	BR	47.13	17	BR	57.03
18	NL	46.99	18	MP	55.76
19	CG	42.18	19	CG	52.80
20	PY	41.30	20	KA	50.37
21	KA	39.76	21	ML	49.67
22	ML	39.67	22	TS	49.18
23	MN	39.31	23	MN	44.04
24	TS	38.95	24	HR	41.05
25	HR	32.48	25	PY	39.45
26	MH	28.46	26	MH	35.25
27	UK	25.23	27	UK	32.59
28	AS	24.44	28	AS	30.73

1.a: State performance based on extent and depth of implementation across 11 steps

1.b: State performance based on extent and depth of implementation across 8 steps

Top performing urban local bodies

The key authority responsible for implementing the Act—TVC—is formed at the ULB level. Barring the notification of rules and schemes, all the other parameters scored on our index are materialised by either TVCs or local authorities. Using the disaggregated ULB-level data, we closely examine each state’s method to madness in implementing the Act.

In Table 2, we present a list of top 22 ULBs across the country that represent the most progress in meeting the following five parameters:

- Constituting a TVC with vendor representation;
- Completing at least one survey;
- Issuing identity cards to more than 75% of identified vendors;
- Submitting at least one street vending plan;
- Demarcating vending zones.

Some of the key findings on top ULBs are:

- Of the 3,248 ULBs in our dataset, only 131 ULBs (less than 4%) manage to meet the five parameters mentioned above.
- In Andhra Pradesh, barring one ULB (Tirupati), all ULBs have achieved 100% progress in implementing these parameters.
- Of the 131 top ULBs, 109 are in Andhra Pradesh. All other 22 ULBs are spread across eight states: Tamil Nadu, Rajasthan, Mizoram, Kerala, Jharkhand, Gujarat, Himachal Pradesh and Madhya Pradesh.
- Although most of the top ULBs are in states that fall within the top 10 on the Compliance Index, it is striking that in some states like Uttar Pradesh no ULB meets all the five parameters.

Table 2: Top Performing ULBs across India

Name of the ULB	State
109 ULBs (minus Tirupati)	AP
Ariyalur	
Bodinayakanur	
Coimbatore North	
Hosur	
Kovilpatti	TN
Padmanabhapuram	
Ramanathapuram	
Thuraiyur	
Thuvakudi	
Tiruvannamalai	
Alwar	RJ
Pali	
Champhai	
Mamit	MZ
Serchhip	
Paravur	KL
Sahibganj	JH
Dabhoi	GJ
Bilaspur Sadar	HP
Hamirpur	
Harda	MP
Umaria	

5. How do states approach the salient provisions of the Act?

While the parent Act sets the contours for vending regulation, states vary in the way they elaborate on the different aspects of street vending. This section presents a cross-state comparison of all rules and schemes under the Street Vendors Act 2014.²⁰ We use *Maps* and *Tables* to show the patterns and divergences across states, in their approach to the different rule heads under the Act.

Approach adopted for state rules: Section 36 (2) of the Act directs the states to notify rules within one year from the date of commencement of the Act. Sub-sections 2(a) to 2(r) outline the matters that the rules may address. Of these 19 rule-heads, we pick some of the salient ones and club them into three categories (with smaller subcategories):

1. **Manner of constituting TVCs:** We parse through state notified rules to review the process they prescribe for electing vendor representatives to the TVC and the term of TVC members.
2. **Manner of conducting TVC meetings:** Using maps, we highlight the commonalities across states in the time period prescribed for conducting the first TVC meeting, frequency of meetings, notice period provided to TVC members before conducting meetings and the quorum required for holding meetings and taking decisions.
3. **Manner of redressing grievances and filing appeals:** We use simplified tables to present in detail the manner of filing complaints to the Grievance Redressal Committee, the manner of handling disputes by the Committee, the manner of filing appeals against the decision of the Committee and the manner of handling appeals by the Appellate Committee.

Approach adopted for state schemes: State governments are required to notify schemes within six months from the date on which their rules come into force (in consultation with the TVC and the local authority).²¹ The second schedule of the Act elaborates on the matters that the scheme may address. We club the 29 rule-heads provided in the Act into four categories (with smaller subcategories):

1. **Manner of conducting surveys:** We capture the method prescribed in state schemes for conducting surveys, the manner in which data must be collected, the periodicity of surveys, the publicity of surveys, documents required and authority responsible.
2. **Manner of distributing IDs and CoVs:** We parse through schemes to identify the modalities across states in issuing identity cards and vending certificates. This includes: the manner of issuing, terms and conditions, manner of renewal and the grounds for suspension or cancellation.
3. **Manner of seizing and reclaiming goods:** Apart from identifying the authority that has the power to seize goods, we outline the process, time period and fees prescribed in the state schemes for vendors to reclaim their goods.
4. **Manner of relocation and eviction:** Finally, we highlight the principles used across states to decide on matters pertaining to relocation and eviction. This includes: identifying states that define public purpose, highlighting the manner of eviction and presenting the principles of relocation mentioned in state schemes.

What do we find? While on some aspects states vary greatly from one another—such as the definition of ‘public purpose’ and manner of conducting relocation and eviction—on other aspects, they have similar provisions (with states sometimes borrowing each other’s phrasing). Finally, since the parent Act does not mandate rules and schemes to deal with all matters, some states have not introduced provisions for certain heads under the parent Act. We use maps to capture the patterns across states in framing subordinate legislation and tables to lay down the details.

20. Our analysis only covers rules notified by 29 states and schemes notified by 20 states. At the time of working on our tabulations and maps, rules and schemes introduced by other states were not available in the public domain.

21. Per the [Street Vendors \(Protection of Livelihood and Regulation of Street Vending\) \(Removal of Difficulties\) Order, 2015](#) issued by MoHUA.

1. State rules: approach to different rule-heads under the Act

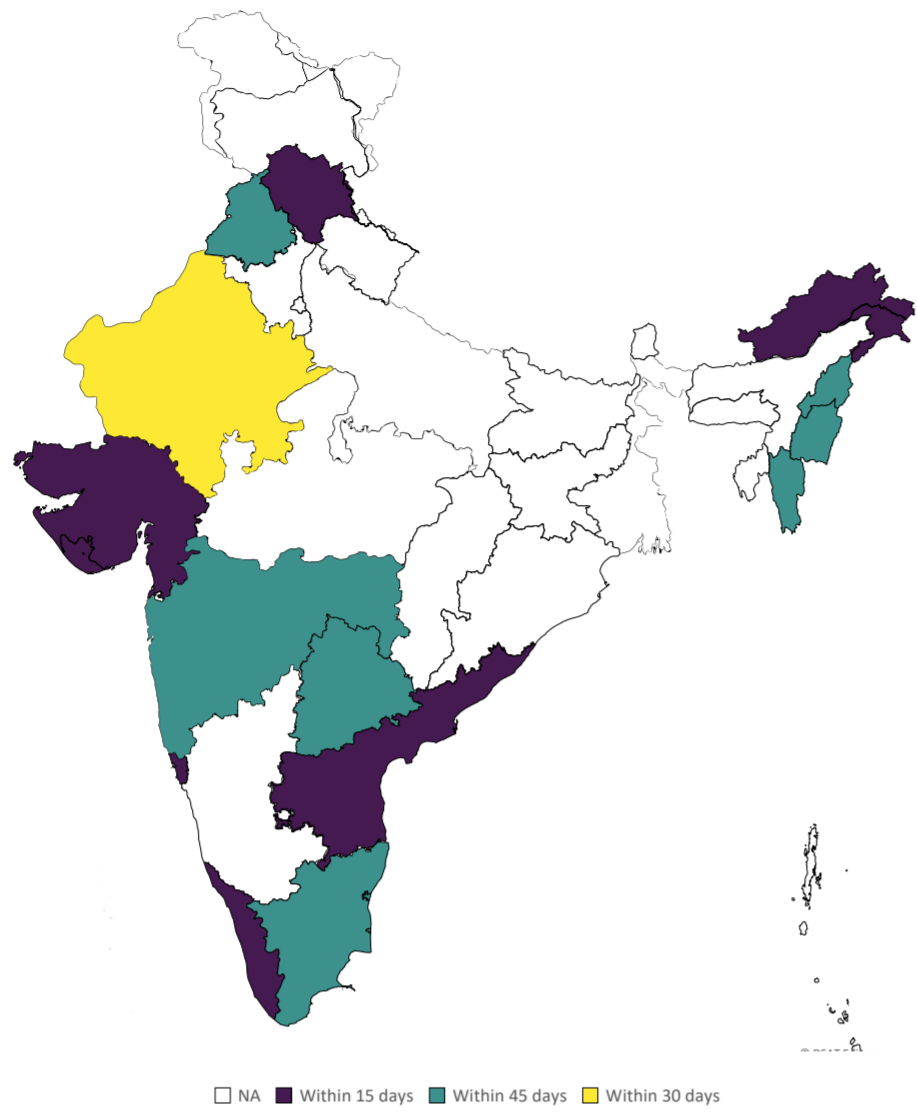
1.1 Manner of constituting TVCs

1.1.1 Manner of conducting vendor elections and term of TVC members		
	Manner of conducting vendor elections	Term of Members
AN	<ul style="list-style-type: none"> • LA to supervise conduct of ballot-based elections and appoint returning officer • LA to determine date, time and place for conducting elections 	—
AP	<ul style="list-style-type: none"> • LA, with approval from Government, to choose ballot based election or selection by lots • Notice for applications to be published on website and three local papers • If applications exceed vacancies: conduct lottery 	3 years
AS	<ul style="list-style-type: none"> • Process of election to be decided in meeting convened among listed vendors • Listed vendors to exercise franchise and elect their representatives 	3 years
AR	<ul style="list-style-type: none"> • Returning officer to elect all to TVC if valid nominations do not exceed number to be elected • Returning officer to conduct a poll (using ballot paper) if valid nominations exceed number to be elected 	3 years
BR	<ul style="list-style-type: none"> • Vendor representatives to be nominated by office of District Magistrate in consultation with Municipal Commissioner • Applications to be shortlisted using predefined eligibility criteria • If applications exceed the number required, District Magistrate and Chairperson to select using lottery 	3 years
CH	<ul style="list-style-type: none"> • Returning officer to elect all to TVC if valid nominations do not exceed number to be elected • Returning officer to conduct a poll (using ballot paper) if valid nominations exceed number to be elected 	—
CG	—	Co-terminus with municipal body
DH	<ul style="list-style-type: none"> • Returning officer to conduct a poll (using ballot paper) if valid nominations exceed number to be elected 	—
DD	<ul style="list-style-type: none"> • Returning officer to conduct a poll (using ballot paper) if valid nominations exceed number to be elected 	—
DL	<ul style="list-style-type: none"> • Returning officer to conduct a poll (using ballot paper) if valid nominations exceed number to be elected 	5 years
GA	<ul style="list-style-type: none"> • Returning officer to elect all to TVC if valid nominations do not exceed number to be elected • Returning officer to conduct a poll (using ballot paper) if valid nominations exceed number to be elected 	3 years
GJ	<ul style="list-style-type: none"> • Free of cost nomination forms • Returning officer to elect all to TVC if valid nominations do not exceed number to be elected • Returning officer to conduct a poll (using ballot paper) if valid nominations exceed number to be elected 	3 years
HR	<ul style="list-style-type: none"> • Free of cost nomination forms • Returning officer to elect all to TVC if valid nominations do not exceed number to be elected • Returning officer to conduct a poll (using ballot paper) if valid nominations exceed number to be elected 	5 years
HP	<ul style="list-style-type: none"> • LA, with approval from Government, to choose ballot based election or selection by lots • Notice inviting applications to be published on website and three local papers • If applications exceed the vacancy: conduct a lottery 	5 years

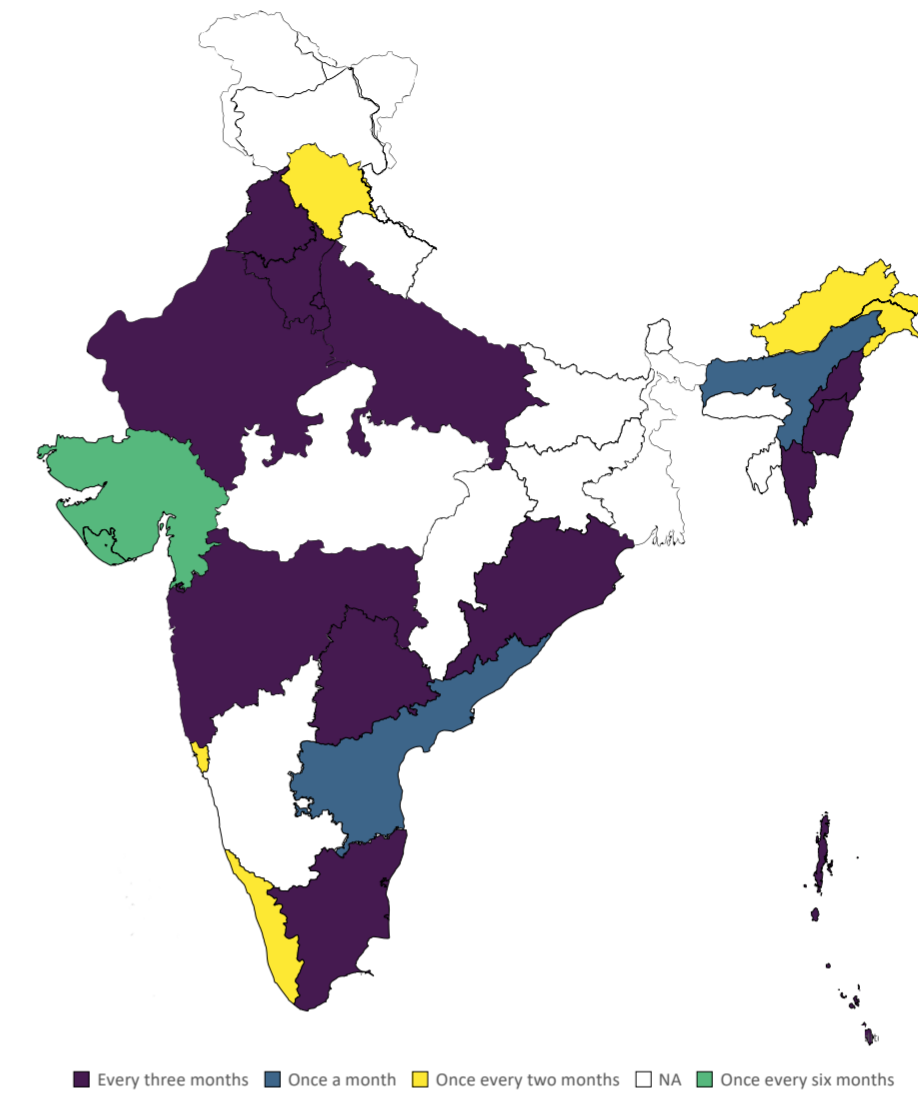
1.1.1 Manner of conducting vendor elections and term of TVC members

Manner of conducting vendor elections		Term of Members
KA	<ul style="list-style-type: none"> • LA to publish voters list of registered street vendors 3 months prior to elections • Suggestions/objections to be called within 15 days and decided by LA 	5 years
KL	<ul style="list-style-type: none"> • LA to publish notice and invite nominations 14 days prior to date of submission • Office bearer can nominate one member from each vendor association • If there are more/ less than 10 associations, council to select from the panel of persons 	3 years
MH	<ul style="list-style-type: none"> • LA, with approval from Government, to choose ballot based election or selection by lots • Notice inviting applications to be published on website and two local papers • Candidates to submit security deposit of Rs 2,000 	5 years
MN	<ul style="list-style-type: none"> • LA to express intention to conduct elections and appoint returning officer 	5 years
MZ	<ul style="list-style-type: none"> • LA to express intention to conduct elections and appoint returning officer 	3 years
NL	<ul style="list-style-type: none"> • LA to express intention to conduct elections and appoint returning officer 	5 years
OD	<ul style="list-style-type: none"> • Vendor representatives to be nominated by Chairperson amongst members of vendors associations 	3 years
PY	<ul style="list-style-type: none"> • Vendor representatives to elect members from vendors associations 	5 years
PB	<ul style="list-style-type: none"> • Vendor representatives to elect members from vendors association 	5 years
RJ	<ul style="list-style-type: none"> • Vendor representatives to elect members from vendors association 	5 years
TN	<ul style="list-style-type: none"> • LA to: notify intention to conduct election; appoint a returning officer for conducting; determine: date, time and place for elections • Notice in newspapers, speed post or courier services and notice board • Free of cost nomination forms • Disqualification of candidates, if: convicted of an offence involving moral turpitude or found incapable of discharging duties in TVC • Returning officer to conduct a poll (using ballot paper) if valid nominations exceed number to be elected • In case of equality of votes: Returning officer to declare result by tossing a coin 	5 years
TR	<ul style="list-style-type: none"> • LA to notify its intention to conduct elections and appoint returning officer • Manner of conducting elections to be prescribed by the government • Disqualification from election if: convicted of an offence involving moral turpitude or found incapable of discharging duties in TVC • LA to intimate the government about the elected members 	5 years
UP	<ul style="list-style-type: none"> • Municipality to publish notice inviting applications from registered vendors associations (in two daily papers and local markets) • Notice to be given 30 days prior to date of submission • Municipality to seek information about work experience and other details • Municipal Commissioner to allot a unique application number to recommended applicants • If recommendations exceed required numbers, municipality to select based on lottery; all information to be published on its website 	5 years
WB	—	3 years

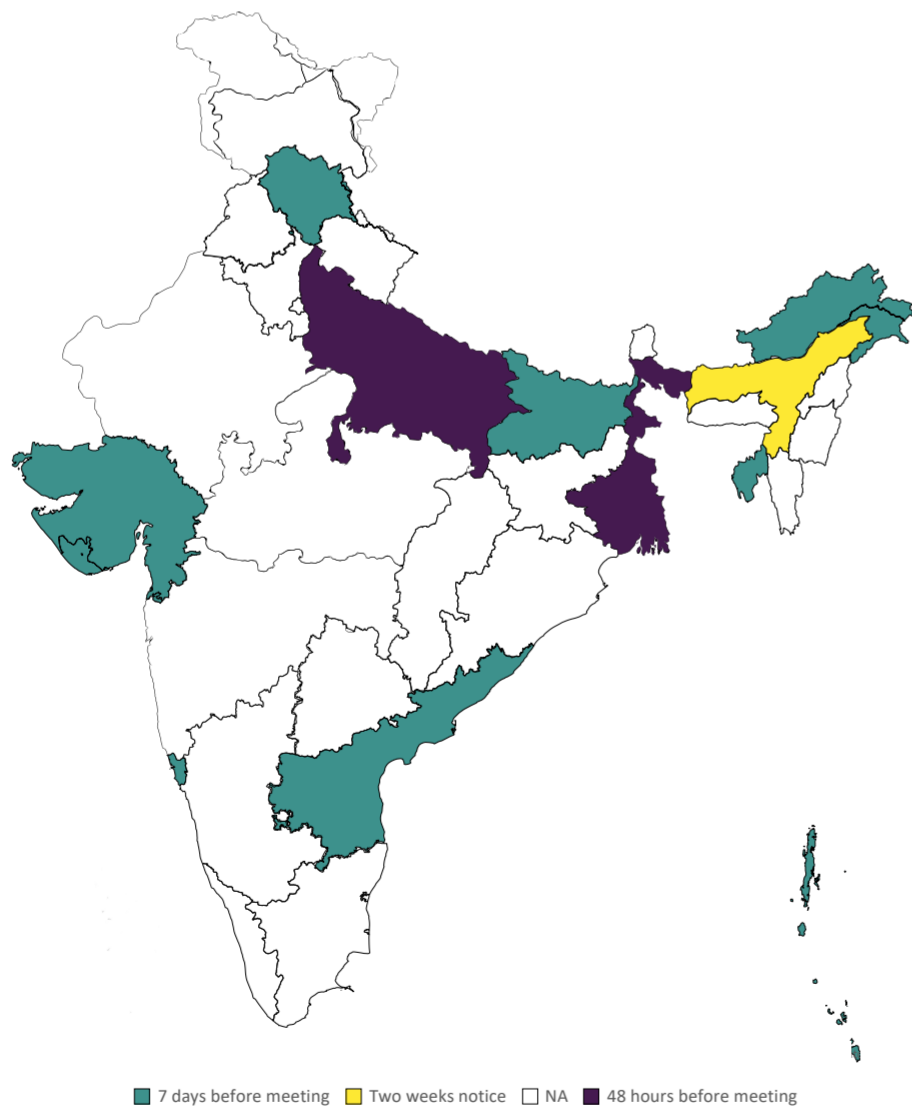
1.2 Manner of conducting TVC meetings¹



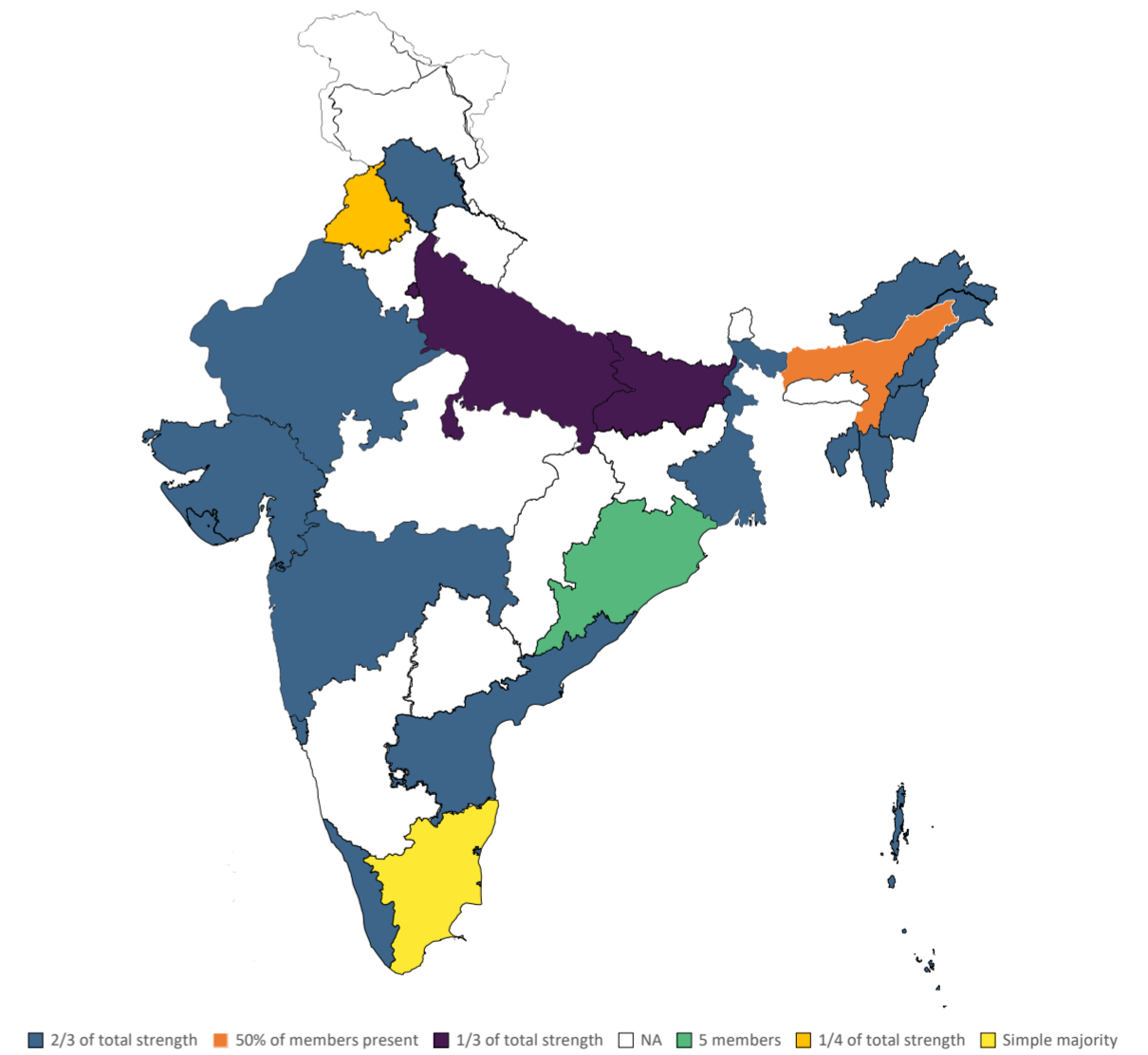
(a) First Meeting



(b) Meeting Frequency



(c) Notice Period



(d) Quorum

1.3 Manner of redressing grievances and filing appeals

1.3.1 Form, time period and manner of redressing grievances and filing appeals				
	Form and manner of making application to the GRC	Time and manner of handling applications by the GRC	Form and manner of filing appeal with Appellate Authority/Committee	Time and manner of handling appeals by Appellate Authority/Committee
AN	<ul style="list-style-type: none"> Application signed and presented in person or through an authorised representative to GRDRC or authorised person 	<ul style="list-style-type: none"> Hearing within 15 days from date of filing the application Notice of hearing to be served to parties GRDRC to pass orders as it deems fit, within 60 days from date of receipt of application 	<ul style="list-style-type: none"> Appeal to be preferred within 30 days from date of order appealed against Committee to comprise Mayor or President (as Chairperson) and two other members of LA 	<ul style="list-style-type: none"> Hearing not later than 15 days from date of filing the application Notice of hearing to be served to parties Authority to pass order within 60 days of receipt of appeal and record reasons in writing
AP	<ul style="list-style-type: none"> Application in writing to committee Submitted with non judicial stamps of Rs. 50 	<ul style="list-style-type: none"> GRC to take steps for redressal within 10 days from receipt of application (after verification and enquiry) 	<ul style="list-style-type: none"> Appeals against decision within one month Municipal Committee (consisting of three members) to be appointed by the LA to work as the AA; presided over by the Mayor or President 	<ul style="list-style-type: none"> LA to dispose appeal received within 15 days from date of filing LA to provide aggrieved opportunity to be heard before disposing appeal
AS	<ul style="list-style-type: none"> Application (form) presented by self or agent authorised to DRC Chairperson or authorised officer 	<ul style="list-style-type: none"> GRC to pass an order within 30 days from receipt of application Every decision to be in writing, communicated to all parties and be signed by the members constituting the bench concerned 	<ul style="list-style-type: none"> Appeal against decision within 30 days To be filed with the preferred municipality 	<ul style="list-style-type: none"> Every decision of Municipality to be in writing and signed by Mayor/Chairperson Any person who may be adversely affected by the decision, to be given a hearing before passing order Authority to dispose case within 30 days of filing
AR	<ul style="list-style-type: none"> Application in writing in person or through a representative to GRC Within 30 days from date of incident causing grievance 	<ul style="list-style-type: none"> After holding preliminary hearing, if there is a prima facie case: notice to be issued to public authority with details of the grievance Public authority to file a reply and vendor may file a counter reply (within 2 weeks) GRC to pass an order in writing within a month after hearing concludes 	<ul style="list-style-type: none"> Appeal to be preferred within 30 days from date of order Committee to comprise Mayor or President (as Chairperson) and two other members of LA 	<ul style="list-style-type: none"> Notice to be issued to both parties on receipt of appeal intimating the date and time of hearing Appeal to be heard within 30 days of filing Order to be passed within 30 days of hearing Reasons to be recorded in writing
BR	<ul style="list-style-type: none"> Application in writing in prescribed format (himself or through affiliated union) Application to specify name, place of residence and details of grievance Within 30 days from date of incident causing grievance 	<ul style="list-style-type: none"> After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority Public authority to file a reply (within 4 weeks) and vendor may file a counter reply (within 2 weeks) After hearing both parties, GRC to pass an order in writing within a month after hearing concludes 	<ul style="list-style-type: none"> Appeal against to be filed with Mayor/Chairperson of LA concerned within 30 days 	<ul style="list-style-type: none"> Appeal to be heard within 30 days of its filing Notice to be issued to both parties on receipt of appeal intimating the date and time of hearing LA to pronounce order within 30 days of hearing
CH	<ul style="list-style-type: none"> Application signed and presented either in person or through authorised representative to GRDRC or authorised person To be filed in three sets along with fee of Rs 100 and copy of order against which application is made 	<ul style="list-style-type: none"> Hearing not later than 15 days from date of filing the application Notice of hearing to be served to parties GRDRC to pass orders as it deems fit, within 60 days from date of receipt of application 	<ul style="list-style-type: none"> Appeal to be preferred within 30 days from date of order appealed against Committee to comprise Mayor or President (as Chairperson) and two other members of the LA 	<ul style="list-style-type: none"> AA to fix a date for hearing within 15 days of filing of appeal Notice to be issued to both parties upon deciding date of hearing AA to pass an order with reasons in writing, within 60 days from the date of receipt of the appeal

1.3.1 Form, time period and manner of redressing grievances and filing appeals

Form and manner of making application to the GRC	Time and manner of handling applications by the GRC	Form and manner of filing appeal with Appellate Authority/Committee	Time and manner of handling appeals by Appellate Authority/Committee
CG	—	—	<ul style="list-style-type: none"> • Appeal to be disposed off within 30 days from the date of its presentation • No appeal shall be disposed of unless the appellant has been given an opportunity of hearing
DH	<ul style="list-style-type: none"> • Application signed and presented by applicant or agent authorised to GRDRC or authorised officer 	<ul style="list-style-type: none"> • Hearing not later than 15 days from date of filing the application • Notice of hearing to be served to parties • GRDRC to pass orders as it deems fit, within 60 days from date of receipt of application 	<ul style="list-style-type: none"> • Appeal to be preferred within 30 days from date of order appealed against • Committee to comprise Mayor/President (as Chairperson) and two other members of LA • The officer to make an entry of appeal with the date on which it was presented • AA to fix a date for hearing within 15 days of filing of appeal and issue notices to both parties • AA shall pass such order, as it thinks fit, with reasons to be recorded in writing, within 60 days from the date of receipt of the appeal by the LA
DD	<ul style="list-style-type: none"> • Application signed and presented by applicant or agent authorised to GRDRC or authorised officer 	<ul style="list-style-type: none"> • Hearing not later than 15 days from date of filing the application • Notice of hearing to be served to parties • GRDRC to pass orders as it deems fit, within 60 days from date of receipt of application 	<ul style="list-style-type: none"> • Appeal to be preferred within 30 days from date of order appealed against • Committee to comprise Mayor/President (as Chairperson) and two other members of LA • The officer to make an entry of appeal with the date on which it was presented • AA to fix a date for hearing within 15 days of filing of appeal and issue notices to both parties • AA shall pass such order, as it thinks fit, with reasons to be recorded in writing, within 60 days from the date of receipt of the appeal by the LA
DL	<ul style="list-style-type: none"> • Application signed and presented by applicant or agent authorised to GRDRC or authorised officer 	<ul style="list-style-type: none"> • Hearing not later than 15 days from date of filing the application • Notice of hearing to be served to parties • GRDRC to pass orders as it deems fit, within 60 days from date of receipt of application 	<ul style="list-style-type: none"> • Appeal to be preferred within 30 days from date of order appealed against • Committee to comprise Mayor/President (as Chairperson) and two other members of LA • The officer to make an entry of appeal with the date on which it was presented • AA to fix a date for hearing within 15 days of filing of appeal and issue notices to both parties • AA shall pass such order, as it thinks fit, with reasons to be recorded in writing, within 60 days from the date of receipt of the appeal by the LA
GA	<ul style="list-style-type: none"> • Application to be filed in the prescribed format within 30 days from date of incident causing grievance 	<ul style="list-style-type: none"> • After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority • Authority to file written reply; vendor may file counter reply (both within one week) • GRC to pass an order in writing (with reasons) within one month from the date of receipt of application 	<ul style="list-style-type: none"> • Appeal against decision within 30 days • Appeal to be filed with LA • Notice to be issued to both parties on receipt of appeal intimating the date and time of hearing • Appeal to be heard within 30 days of its filing • Order to be passed within 30 days of hearing • Order to be in writing containing reasons for passing of decision
GJ	<ul style="list-style-type: none"> • Application in writing (in prescribed format) either himself or through his representative to DRC 	<ul style="list-style-type: none"> • After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority • Authority to file written reply; vendor may file counter reply (within two weeks) • GRC to pass an order in writing (with reasons) within one month after conclusion of hearing 	<ul style="list-style-type: none"> • Appeal to be preferred within 30 days from date of order appealed against • Committee to comprise Mayor/President (as Chairperson) and two other members of LA • Notice to be issued to both parties on receipt of appeal intimating the date and time of hearing • Appeal to be heard within 30 days of its filing • Order to be passed within 30 days of hearing • Order to be in writing containing reasons for passing of decision

1.3.1 Form, time period and manner of redressing grievances and filing appeals

	Form and manner of making application to the GRC	Time and manner of handling applications by the GRC	Form and manner of filing appeal with Appellate Authority/Committee	Time and manner of handling appeals by Appellate Authority/Committee
HR	—	—	<ul style="list-style-type: none"> • Appeal against TVC decision before the Divisional Commissioner within a period of 30 days from date of decision 	<ul style="list-style-type: none"> • The appeal filed before a competent authority to be disposed of by it within 60 days from the date of receipt of such appeal • Appellant to be given opportunity to be heard before disposing of the appeal
HP	<ul style="list-style-type: none"> • Application in writing (in prescribed format) either himself or through his representative to DRC • Within 30 days of the dispute 	<ul style="list-style-type: none"> • After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority • Vendor may file counter reply (within two weeks) 	<ul style="list-style-type: none"> • Written appeal with the LA within 30 days from date of decision • Appeals must be disposed off within 30 days through a written order 	<ul style="list-style-type: none"> • Written order passed within 30 days from date on which hearing of both parties has been concluded
KA	<ul style="list-style-type: none"> • Application in writing, to the GRC either himself or through a representative • Within 30 days from the date of the dispute 	<ul style="list-style-type: none"> • After holding preliminary hearing, if there a prima facie case: notice to be issued to public authority • Vendor may file counter reply (within two weeks) 	<ul style="list-style-type: none"> • Appeal against decision before the Mayor/Chairman of LA within 30 days 	<ul style="list-style-type: none"> • AA to schedule hearing within 30 days from date of filing of appeal and pass a written order within 60 days from date of receipt of appeal
KL	<ul style="list-style-type: none"> • Application in writing (in prescribed format) either himself or through his representative to DRC • Within 30 days of the dispute 	<ul style="list-style-type: none"> • After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority • Vendor may file counter reply (within two weeks) 	<ul style="list-style-type: none"> • Appeal against decision before the Mayor/Chairman of LA within 30 days 	<ul style="list-style-type: none"> • Written order passed within 30 days from date on which hearing of both parties has been concluded
MH	<ul style="list-style-type: none"> • Application in writing (in prescribed format) either himself or through his representative to DRC • Within 30 days of the dispute • To be filed in three sets along with a fee of Rs 100 	<ul style="list-style-type: none"> • After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority • Vendor may file counter reply (within two weeks) 	<ul style="list-style-type: none"> • Appeal against decision before the Mayor/Chairman of LA within 30 days 	<ul style="list-style-type: none"> • Written order passed within 60 days from date on which hearing of both parties has been concluded
MN	<ul style="list-style-type: none"> • Application in writing (in prescribed format) either himself or through his representative to DRC • Within 30 days of the dispute • To be filed in three sets along with a fee of Rs 100 	<ul style="list-style-type: none"> • After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority • Vendor may file counter reply (within two weeks) 	<ul style="list-style-type: none"> • Appeal against decision before the Mayor/Chairman of LA within 30 days 	<ul style="list-style-type: none"> • Appeals must be disposed after personal hearings and within one month of filing complaint • Written order passed within 30 days from date on which hearing of both parties has been concluded
MZ	<ul style="list-style-type: none"> • Application in writing (in prescribed format) either himself or through his representative to DRC • Within 30 days of the dispute 	<ul style="list-style-type: none"> • After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority • Vendor may file counter reply (within two weeks) 	<ul style="list-style-type: none"> • Appeal against decision before the Mayor/Chairman of LA within 30 days 	<ul style="list-style-type: none"> • Written order passed within 30 days from date on which hearing of both parties has been concluded
NL	<ul style="list-style-type: none"> • Application in writing (in prescribed format) either himself or through his representative to DRC • Within 30 days of the dispute 	<ul style="list-style-type: none"> • After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority • Vendor may file counter reply (within two weeks) 	<ul style="list-style-type: none"> • Appeal against decision before the Mayor/Chairman of LA within 30 days 	<ul style="list-style-type: none"> • Written order passed within 30 days from date on which hearing of both parties has been concluded
OD	<ul style="list-style-type: none"> • Application in writing (in prescribed format) either himself or through his representative to DRC • Within 30 days of the dispute 	<ul style="list-style-type: none"> • After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority • Decision can be stayed by the municipal committee 	<ul style="list-style-type: none"> • Appeal against decision to be preferred to concerned municipality within 30 days from date of communication of decision 	<ul style="list-style-type: none"> • Authority to dispose off appeal within 30 days from date of filing of Memorandum of appeal
PY	<ul style="list-style-type: none"> • Application in writing in prescribed format • Signed by applicant or authorised representative and submitted to superintendent of GRDRC • To be filed in three sets along with fee of Rs 100 and copy of the order against which application is made 	<ul style="list-style-type: none"> • After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority • Decision can be stayed by the municipal committee 	<ul style="list-style-type: none"> • Appeal against decision to be preferred to concerned municipality within 30 days from date of communication of decision 	<ul style="list-style-type: none"> • Written order passed within 180 days from date on which hearing of both parties has been concluded

1.3.1 Form, time period and manner of redressing grievances and filing appeals

	Form and manner of making application to the GRC	Time and manner of handling applications by the GRC	Form and manner of filing appeal with Appellate Authority/Committee	Time and manner of handling appeals by Appellate Authority/Committee
PB	<ul style="list-style-type: none"> Application in writing to the respective DRC 	<ul style="list-style-type: none"> After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority Decision can be stayed by the municipal committee 	<ul style="list-style-type: none"> Appeal against TVC/GRC decision to LA concerned within 30 days of decision 	<ul style="list-style-type: none"> Written order passed within 30 days from date on which hearing of both parties has been concluded
RJ	<ul style="list-style-type: none"> Application in writing within 20 days from the date of incident that caused grievance 	<ul style="list-style-type: none"> After holding preliminary hearing, if there a prima facie case: notice to be issued to appropriate authority Decision can be stayed by the municipal committee 	<ul style="list-style-type: none"> Appeal against TVC decision to Chairperson of concerned LA within 30 days from date of order 	<ul style="list-style-type: none"> Written order passed within 45 days from date on which hearing of both parties has been concluded
TN	<ul style="list-style-type: none"> Application, in writing, signed by applicant and presented in person or through authorised representative to Superintendent of GRDRC/ authorised person Application in triplicate with a fee Rs.500/- along with copy of impugned order or notice 	<ul style="list-style-type: none"> GRC to fix hearing and issue notices to parties GRC to pass an order within 90 days from receipt of application (after hearing both parties) 	<ul style="list-style-type: none"> Appeal against decision of the TVC/GRC to LA concerned, within 30 days of decision Appeal to be examined by Appeal Committee constituted in each LA Committee to consist of Chairman/ Mayor, one Councillor nominated by Mayor and zonal Assistant Commissioner/Executive authority 	<ul style="list-style-type: none"> Committee must give its order within 180 days from date of receipt of appeal
TR	<ul style="list-style-type: none"> Application signed by the applicant Filed in triplicate with a fee of Rs. 100/- and a copy of the order and other relevant documents Filed within 30 days from the date of dispute 	<ul style="list-style-type: none"> GRC to fix hearing and issue a notice to both parties GRC to pass an order within 60 days from receipt of application (after hearing both parties) 	<ul style="list-style-type: none"> Appeal to be preferred within 30 days from the date of receipt of the order 	<ul style="list-style-type: none"> Authority to pass order within 60 days from date of receipt of appeal Authority has power the to pass interim order
UP	<ul style="list-style-type: none"> Application in writing to the executive committee or to Committee constituted by municipality 	<ul style="list-style-type: none"> Committee to collect comments of the municipal comissioner on the matter and take steps for redressal within a month from receipt of application Steps taken to be communicated to the applicant in writing, within 45 days from receipt of application 	<ul style="list-style-type: none"> Appeal against TVC to be heard by Mayor/Chairperson within 30 days of the receipt of the order Appeal against GRC to the municipality within 30 days 	<ul style="list-style-type: none"> Municipality to issue a summon to the appellant; after hearing within one month Municipality to dispose of the appeal within the following month
WB	—	—	<ul style="list-style-type: none"> Appeal to Mayor (in case of Municipal Corporations) or Chairman or other authority in case of LA within one month from date of decision 	<ul style="list-style-type: none"> Mayor/Chairman to dispose of appeal within a month from application date with reasoned order Decision of Authority to be final

2. State schemes: approach to different subject matters under the Act

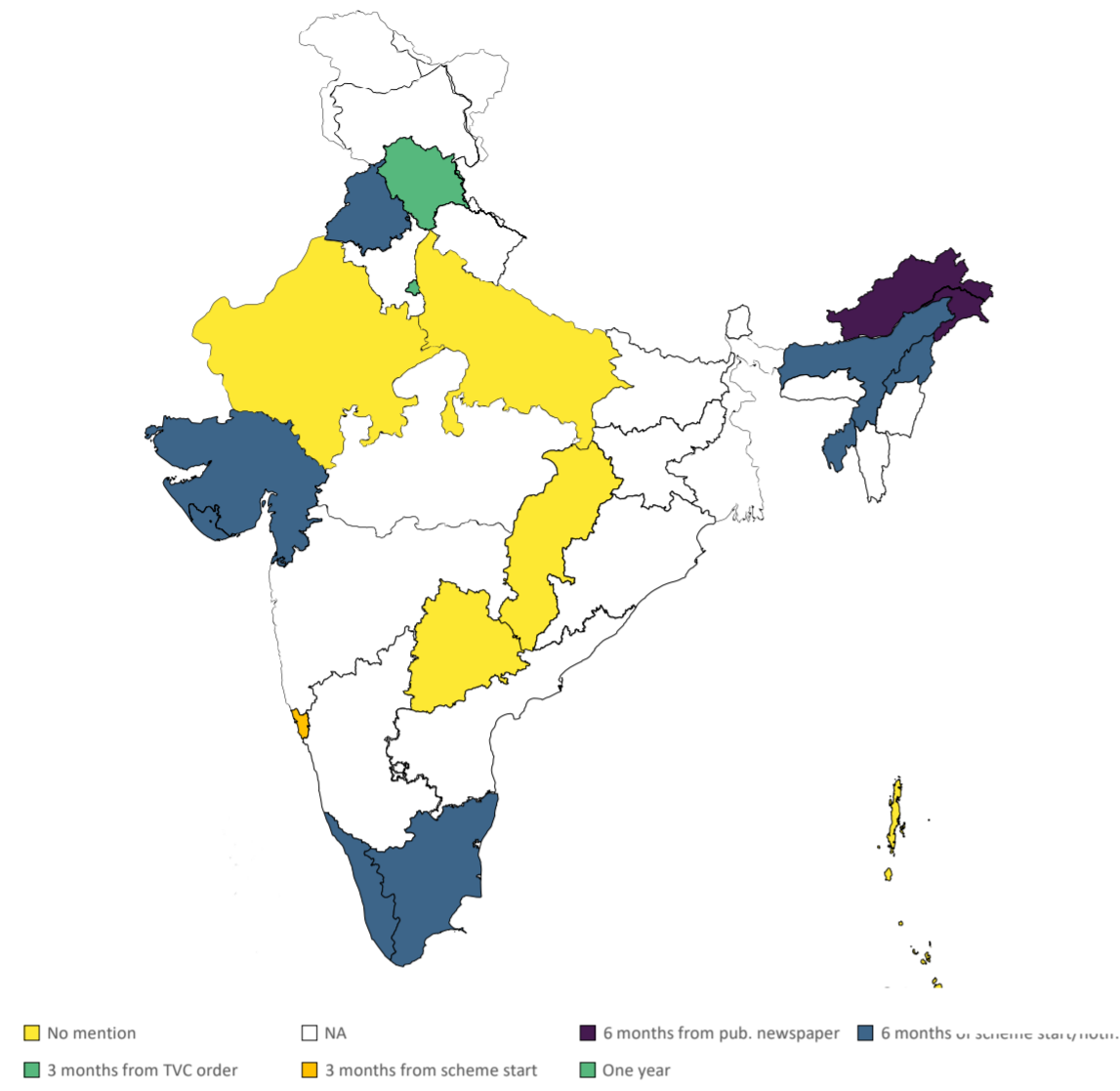
2.1 Manner of conducting surveys

2.1.1 Method, publicity and authority responsible for conducting surveys			
	Survey method and data to be captured	Publicity of Survey and vendor lists	Authority Responsible
AP	<ul style="list-style-type: none"> Survey of area under jurisdiction via Community Resource Persons or by web/mobile applications Prepare GIS based Plan 	—	<ul style="list-style-type: none"> TVC
AR	<ul style="list-style-type: none"> Capture geo-coordinates of vendors Details on survey form: ID proof, vending spot, nature of business, past licenses, vending mode, etc 	<ul style="list-style-type: none"> Website, 2 local papers, ward offices, local markets Make outcome available in digital format 	<ul style="list-style-type: none"> TVC or government approved agency
CH	<ul style="list-style-type: none"> Spot verification Photo-biometric census with GIS mapping Survey form with Aadhaar linked unique barcode ID Survey to be videographed 	<ul style="list-style-type: none"> Local newspapers and notices at prominent places 	<ul style="list-style-type: none"> Survey to be approved by TVC
CG	<ul style="list-style-type: none"> Conduct survey as in Annexure I of Scheme Collect: Details of vendor, unique ID, type of business, family members, income 	—	<ul style="list-style-type: none"> Team under TVC (with help from agencies)
DH	<ul style="list-style-type: none"> Spot verification Photo-biometric census with GIS mapping Survey form to have unique barcode ID Survey to be videographed and photos of vendors taken 	<ul style="list-style-type: none"> Local papers and notices at prominent places 	<ul style="list-style-type: none"> Survey to be approved by TVC
DD	<ul style="list-style-type: none"> Spot verification Photo-biometric census with GIS mapping Survey form to have unique barcode ID Survey to be videographed and photos of vendors taken 	<ul style="list-style-type: none"> Local papers and notices at prominent places 	<ul style="list-style-type: none"> Survey to be approved by TVC
DL	<ul style="list-style-type: none"> Comprehensive digitised photo-biometric survey and GIS mapping of vendors 40% of elected TVC reps to be present at time of survey Form to have Unique Record ID (URI) TVC to designate Facilitator to help vendors fill forms TVC, with the help of LA, to compile list of surveyed persons who will receive CoV Applicant to be given reason for denial Denied vendors to file objections with TVC within 15 days and TVC to pass order within 30 days 	<ul style="list-style-type: none"> Give acknowledgement to all surveyed vendors 	<ul style="list-style-type: none"> Government to verify validity of survey data
GA	<ul style="list-style-type: none"> In situ survey of all existing vendors Enumerate vendors found to be actually carrying on business in a vending zone 	—	<ul style="list-style-type: none"> TVC or a suitable agency
GJ	<ul style="list-style-type: none"> Survey to be made available in digital format and capture geo-coordinates of vending site, details of vendor, area details, nature of business, residence proof 	<ul style="list-style-type: none"> Website, local papers, ward offices and local markets 	—
HP	<ul style="list-style-type: none"> Spot verification, GIS mapping, photo census 	<ul style="list-style-type: none"> ULB to notify in local dailies 	<ul style="list-style-type: none"> TVC
KL	<ul style="list-style-type: none"> In situ survey of all existing vendors Enumerate vendors found to be actually carrying on business in a vending zone 	—	<ul style="list-style-type: none"> TVC

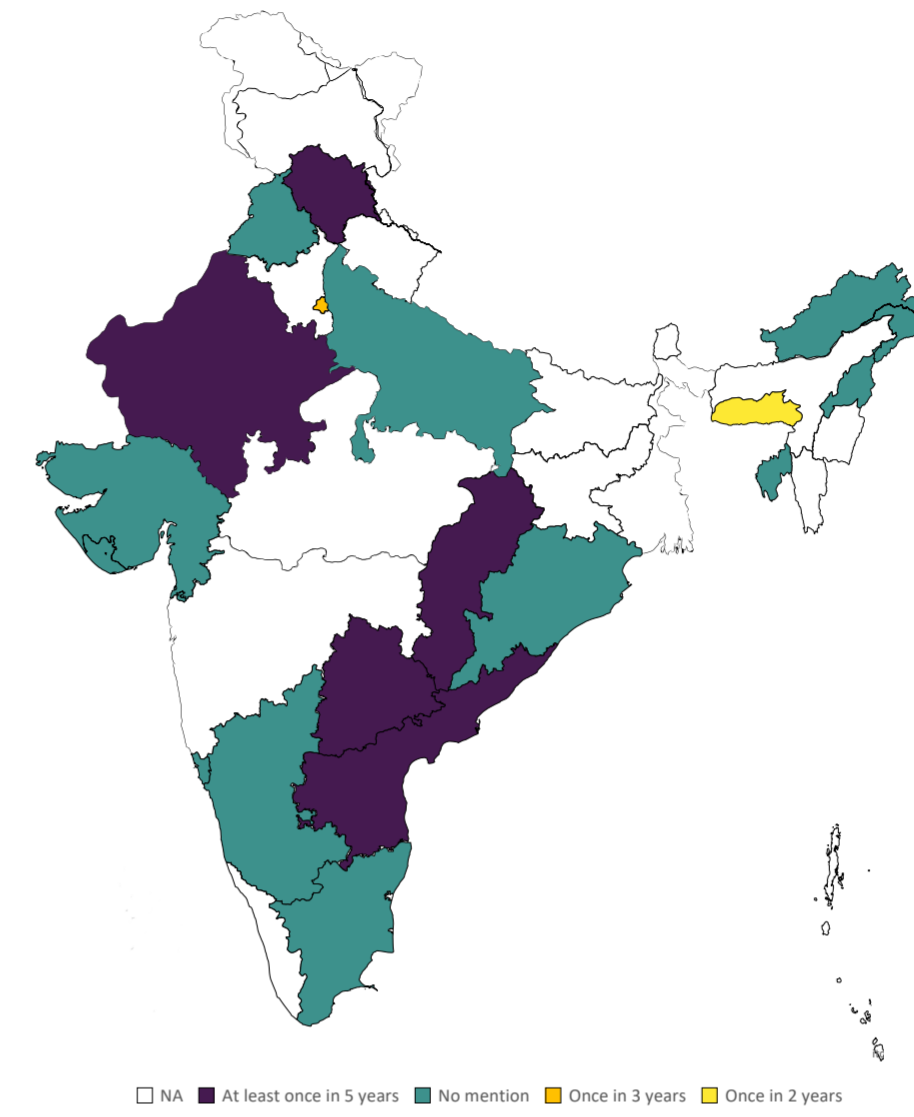
2.1.1 Method, publicity and authority responsible for conducting surveys

Survey method and data to be captured	Publicity of Survey and vendor lists	Authority Responsible
ML <ul style="list-style-type: none"> • Spot/camp/door to door verification (including police verification on antecedent/conduct/eligibility) • Record vendor identity, verify by spot or community • Survey through camp approach/self declaration/using mobile or tablets • Field/Spot/Camp based followed by spot/locality survey and can be through mobile based app • Digitized photo census; Biometric Photo Identity Cards • Registration camps followed by visits 	<ul style="list-style-type: none"> • Adequate publicity of the survey 	<ul style="list-style-type: none"> • TVC with the help of Local bodies, professional organisations and NGOs
NL <ul style="list-style-type: none"> • Capture geo-coordinates of vendors • Details on survey form: ID proof, vending spot, nature of business, past licenses, vending mode, etc 	<ul style="list-style-type: none"> • Website, 2 local papers, ward offices and local markets • Outcome to be available in digital format 	<ul style="list-style-type: none"> • TVC or government approved agency
OD <ul style="list-style-type: none"> • Spot verification, GIS mapping, digitized photo census, biometric sensor 	—	<ul style="list-style-type: none"> • TVC
PB <ul style="list-style-type: none"> • Survey of street vending by mobile based application; • GIS mapping; • Digitized photo census; • Biometric Photo Identity Cards; • Manual survey using forms as specified by TVC 	—	<ul style="list-style-type: none"> • TVC
RJ <ul style="list-style-type: none"> • Mobile based app • GIS; digitised photo census; biometric photo ID • Record mode of vending 	—	<ul style="list-style-type: none"> • TVC
TN <ul style="list-style-type: none"> • In-situ survey of existing vendors: only recording details of vendors carrying on business 	—	<ul style="list-style-type: none"> • TVC
TS <ul style="list-style-type: none"> • Survey to cover all street vendors in the area being surveyed • Assistance from Community Resource Persons; random check of the data collected 	—	<ul style="list-style-type: none"> • TVC to conduct survey • ULB to develop the strategy
TR <ul style="list-style-type: none"> • Map all existing vendors, notify in local dailies and specify details of survey • Conduct GIS mapping, digitised photo-biometric census • Survey by forming area wise teams of police, LA officials and members of TVC • Collect data on vendors as in Form and generate unique barcode for every vendor • Application fee of Rs 100 • LA to publish information on website within 30 days of application • All those denied to be given an opportunity to object 	—	—
UP <ul style="list-style-type: none"> • Methods for survey: GIS mapping; digitised photo census; biometric photo ID cards; Registration camp by constituted teams 	—	—

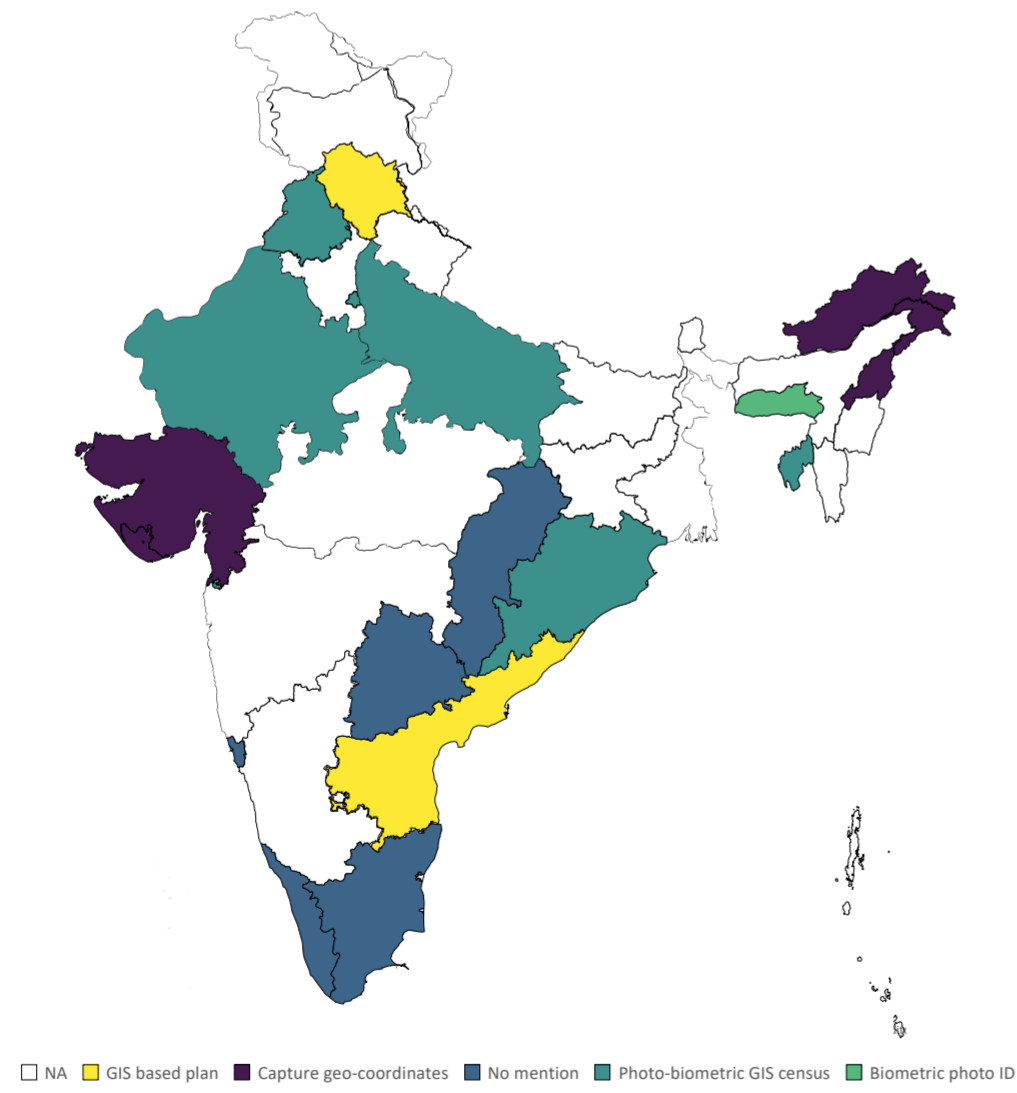
2.1.2 Patterns across states in conducting surveys²



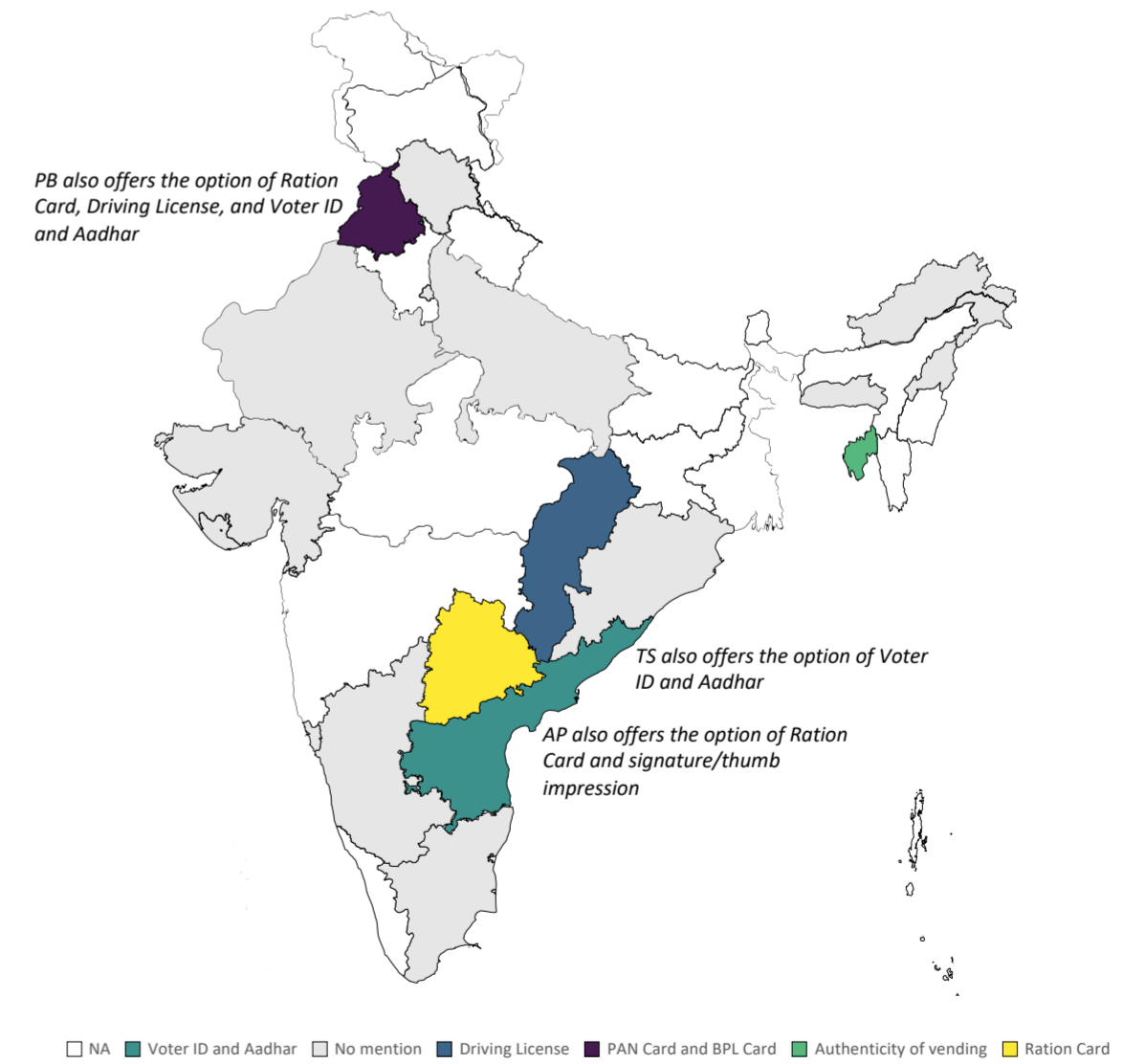
(a) First survey within



(b) Periodicity of Surveys



(c) Required Documents



(d) Data to be captured in the survey

2.2 Manner of distributing IDs and CoVs

2.2.1 Categories of vending, requirements for issuance, requirements for renewal			
Distribution and contents of ID	Categories of vending	Requirements for issuance of CoVs	Requirements for renewal of CoV
AP <ul style="list-style-type: none"> • Electronically generated • To have seal and sign of MC 	—	<ul style="list-style-type: none"> • Ration/Aadhaar mandatory for new applicants • Voter ID additional address proof • Preference to SC/ST/PwD/BC/minorities, women from deprived/vulnerable sections, transgender 	<ul style="list-style-type: none"> • Collect required fee
AR <ul style="list-style-type: none"> • ID to have details of vendor, vending site, period of validity 	<ul style="list-style-type: none"> • LA may add 	<ul style="list-style-type: none"> • Person to: not engage in any other activity; not have parallel vending site and be 14+ • Preference to senior citizens, PwD, single mothers, widows 	<ul style="list-style-type: none"> • Payment of fee • LA to put up list of vendors up for renewal within 2 months • TVC to prepare list of defaulters, allow 1 month grace without penalty, then penalty of Rs 25/day for 6 months
CH <ul style="list-style-type: none"> • In case of loss or damage to ID card, vendor may apply for duplicate along with copy of FIR and fee 	<ul style="list-style-type: none"> • TVC may decide 	<ul style="list-style-type: none"> • Name should be in the survey • No other means of livelihood • 14+ on date of issue of COV 	<ul style="list-style-type: none"> • Apply for renewal 2 months before expiry • TVC to publish defaulter list; 1 month grace period w/o renewal fee, then daily penalty determined by LA • If not renewed within 3 months of lapse, TVC may cancel
CG <ul style="list-style-type: none"> • Info on date of issue, validity, zone number, vending place, vending period, category of vending, address, sign 	<ul style="list-style-type: none"> • Permanent, seasonal and mobile • Market based classification (natural, weekly, heritage) 	<ul style="list-style-type: none"> • Preference to natives; PwD, senior citizens, divorced or widow, third gender and women • Seasonal vendors to be issued temporary CoVs 	<ul style="list-style-type: none"> • Approval of TVC
DH <ul style="list-style-type: none"> • Details of vendor, vending site and category, contact, period of validity • If loss/damage: Application for duplicate with copy of FIR and fee 	<ul style="list-style-type: none"> • TVC may decide 	<ul style="list-style-type: none"> • Name to be in survey • No other means of livelihood • 14+ on date of issue of COV 	<ul style="list-style-type: none"> • Apply for renewal 2 months before expiry • TVC to publish defaulter list; 1 month grace period w/o renewal fee, then daily penalty determined by LA • If not renewed within 3 months of lapse, TVC may cancel
DD <ul style="list-style-type: none"> • In case of loss/damage: vendor may apply for duplicate along with copy of FIR and fee 	<ul style="list-style-type: none"> • TVC may decide 	<ul style="list-style-type: none"> • Name to be in survey • No other means of livelihood • 14+ on date of issue of COV 	<ul style="list-style-type: none"> • Apply for renewal 2 months before expiry • TVC to publish defaulter list; 1 month grace period w/o renewal fee, then daily penalty determined by LA • If not renewed within 3 months of lapse, TVC may cancel
DL <ul style="list-style-type: none"> • Details of vendor, URI, family details, vending site, item sold, days/timing of vending 	<ul style="list-style-type: none"> • Static, mobile • Daily/weekly/festival/temporary/fair market, as categorized by LA • TVC may recognise new forms of vendors/markets 	<ul style="list-style-type: none"> • Vendor to: be registered; give identification as active vendor and Delhi resident; not have other CoV • Space allotment basis: Seniority, draw of lots if holding capacity exceeded; PwD/women/BPL preferred • LA to maintain waiting list for oversubscribed vending zones 	<ul style="list-style-type: none"> • Apply 3 months prior, endorsement made on CoV • Vendor can file an objection within 30 days if not renewed
GA <ul style="list-style-type: none"> • Vendor details, ID Card number 	<ul style="list-style-type: none"> • Stationary/mobile/mobile vendors using motor vehicles/ others 	<ul style="list-style-type: none"> • Name in the survey • Vendor to be directly involved in business; preference to SC, ST, OBC, women, PwD, minority and transgender 	<ul style="list-style-type: none"> • Apply 2 months before expiry
GJ <ul style="list-style-type: none"> • Vendor details, vending site and validity 	<ul style="list-style-type: none"> • LA may add 	<ul style="list-style-type: none"> • Vendor to: have name in the survey; not be engaged in other occupation; not have parallel vending site • Priority to senior citizens, single mothers and widows 	<ul style="list-style-type: none"> • LA to put up list of vendors up for renewal within 2 months • TVC to: prepare list of defaulters, 1 month grace, then penalty of Rs 25/day for 6 months; serve notice for reasons in 15 days; cancel CoV if no response

2.2.1 Categories of vending, requirements for issuance, requirements for renewal

	Distribution and contents of ID	Categories of vending	Requirements for issuance of CoVs	Requirements for renewal of CoV
HP	<ul style="list-style-type: none"> • Vendor details, category of vending, issuing date, unique registration number, contact 	<ul style="list-style-type: none"> • Natural, weekly, heritage, festival, night, time sharing, and food markets 	<ul style="list-style-type: none"> • Preference to SC/ST/OBC/minorities/PwD, unemployed/educated youth, senior citizens, single women, women-led households, SHGs 	<ul style="list-style-type: none"> • Deposit fee • TVC to publish list of defaulters and fine Rs 20/day
KL	<ul style="list-style-type: none"> • Card to carry biometric of vendors, details of vendor, nature of business, Aadhaar no. 	<ul style="list-style-type: none"> • Stationary/mobile vendors using motor vehicles/ others 	<ul style="list-style-type: none"> • Name in survey; vendor to be directly involved in vending • Preference: SC/ST/OBC/women/PwD/minorities/transgender 	<ul style="list-style-type: none"> • Apply to TVC 60 days before expiry
ML	<ul style="list-style-type: none"> • Biometrics + details of vendor, vending site and category, validity period, contact details, photo 	<ul style="list-style-type: none"> • Stationary/mobile/others decided by LA and reported to state govt 	<ul style="list-style-type: none"> • Vendor must be: citizen of India and of sound mind • Preference to: prior existing vendors, localites, SC/ST/OBC/women/PwD/minorities • First time registration fee b/w Rs. 100 and 1,500; TVC to decide 	<ul style="list-style-type: none"> • Payment of fee • LA to put up list of vendors up for renewal within 2 months • TVC to: prepare list of defaulters, 1 month grace, then penalty of Rs 25/day for 6 months; serve notice for reasons in 15 days; cancel CoV if no response
NL	<ul style="list-style-type: none"> • Details of vendor as well as vending site, period of validity 	<ul style="list-style-type: none"> • LA may add 	<ul style="list-style-type: none"> • Person to: be 14+; vend himself or via family; appear in survey; not engaged in other activity or vending site 	<ul style="list-style-type: none"> • Payment of fee • LA to put up list of vendors up for renewal within 2 months • TVC to prepare list of defaulters, allow 1 month grace without penalty, then penalty of Rs 25/day for 6 months
OD	<ul style="list-style-type: none"> • Vendor details, vending area and category, validity • If loss/damage: application for duplicate with copy of FIR and fee 	—	<ul style="list-style-type: none"> • Profile: Indian citizen, 14+, of sound mind; to have name in survey and no other livelihood or vending site • Preference to existing vendors, SC/ST/OBC/minorities/PwD, single mother, senior citizens 	<ul style="list-style-type: none"> • Apply for renewal 3 months before expiry, and show fulfilment of T&C; TVC may refuse to renew after a hearing
PB	<ul style="list-style-type: none"> • Vendor details, unique registration number, family details, vending category + site, photo 	<ul style="list-style-type: none"> • Natural/weekly/heritage/festival/night bazaar/ seasonal markets 	<ul style="list-style-type: none"> • Vending of tobacco products basis conditions of excise dept • Preference to manual scavengers, widows, single mothers, senior citizens, SC/ST/OBC/ESM/minorities/PwD 	<ul style="list-style-type: none"> • Apply for renewal with fee • Renewal within 15 days
RJ	<ul style="list-style-type: none"> • Details of vendor, address, vending site, category, validity 	<ul style="list-style-type: none"> • Stationary/mobile; natural/weekly/heritage/festival/seasonal markets 	<ul style="list-style-type: none"> • Person to: have name in surveys; not have another vending site; not be engaged in other occupation • Preference to senior citizens, PwD, single mothers, widows 	<ul style="list-style-type: none"> • Apply 3 months prior, with one month grace period • Defaulters list on TVC notice board, to pay Rs 25/day for 30 days after, then CoV may be cancelled or suspended
TN	<ul style="list-style-type: none"> • Vendor details, category of vending, nature and time of business 	<ul style="list-style-type: none"> • Stationary, mobile, others 	<ul style="list-style-type: none"> • Vendor name in survey; be directly involved in business • Preference to SC/ST/OBC, women, PwD and minorities 	<ul style="list-style-type: none"> • Apply to TVC at least 2 months before expiry
TS	<ul style="list-style-type: none"> • Manner of issue is same as CoV • ID card to have vendor details, vending site, contact 	<ul style="list-style-type: none"> • Mobile/static/peripatetic 	<ul style="list-style-type: none"> • Ration card, Aadhaar card; Voter card • Photo of vendor with family members involved in vending • Declaration of street vendors and payment of registration fee • Preference to SC/ST/BC/minorities, PwD, women of deprived /vulnerable categories, and destitute persons 	—
TR	<ul style="list-style-type: none"> • Details of vendor, unique ID number, site if vending, details of dependent children 	<ul style="list-style-type: none"> • Static/mobile or peripatetic/temporary vendors 	<ul style="list-style-type: none"> • Profile: Indian citizen, 14+, registered voter; not have past registration cancelled, pending arrears or another CoV • Preference to PwD, women, widows 	<ul style="list-style-type: none"> • Apply for renewal 3 months before expiry through endorsement on CoV • If renewal is rejected, vendor can claim/object
UP	<ul style="list-style-type: none"> • Vendor code, vendor details, nature of business/category, validity, nominee 	<ul style="list-style-type: none"> • Stationary, mobile, thella, headload • Weekly/seasonal markets, festival melas 	<ul style="list-style-type: none"> • Preference to SC/ST/OBC/minorities, women, PwD, BPL/Antyodaya persons, poor widows 	<ul style="list-style-type: none"> • Payment of fee determined by TVC • Renewal for 5 years

2.2.2 Terms and conditions for issuing certificates of vending

	Age	No other family member with CoV	No other means of livelihood	No renting/ leasing CoV	Carry on business oneself/ with family	Only vend on vending site	Permanent structure not allowed	Business on specified timings
AP								
AR	✓		✓	✓	✓	✓		
CH	✓			✓	✓	✓	✓	✓
CG	✓	✓		✓				
DH	✓			✓	✓	✓	✓	✓
DD	✓			✓	✓	✓	✓	✓
DL	✓		✓	✓		✓	✓	✓
GA	18+	✓	✓	✓	✓	✓		
GJ	18+		✓	✓	✓	✓		
HP	✓		✓	✓	✓	✓		
KL	✓	✓	✓	✓	✓	✓		
ML	18+	✓	✓	✓	✓	✓	✓	
NL	✓		✓	✓	✓	✓		
OD	✓			✓		✓	✓	✓
PB	18+	Spouse/child 18+ can have CoV	✓	✓	✓	✓		
RJ	18+		✓	✓	✓	✓		
TN	✓	Parent cannot have CoV	✓	✓	✓	✓		
TS	18+							
TR		✓	✓	✓	✓		✓	✓
UP						✓	✓	

2.2.3 Suspension and cancellation of certificates of vending and other penalties imposed by the state

AP	—
AR	<ul style="list-style-type: none"> • Suspension if: failure to renew; employing child below 14 yrs (after warning); misbehaviour with women vendor (after warning) • Fine and warning if: vending outside CoV spot; misrepresented age; unauthorised occupation of area; renting/selling CoV; permanent structure constructed; not paid fee (with 6 months penalty)
CG	<ul style="list-style-type: none"> • Suspension/ cancellation of CoV if vendor: vends outside vending zone; illegal occupation; litters despite warning; violates rules of ULB; ignores traffic rules; fails to pay vending fee; frequently uses plastic bags; employs children under 14; misbehaves or eve teases; vends drugs, alcohol or explosives
CH, DH, DD	<ul style="list-style-type: none"> • Suspension can be: on grounds under Section 10 of the Act and for less than 30 days pending cancellation; once cancelled, vendor to surrender CoV and ID card to TVC
DL	<ul style="list-style-type: none"> • Suspension/Cancellation if: unauthorised change/extension of vending site; non-payment of dues; infectious disease; misrepresentation; conviction for offences including moral turpitude; breach of T&C • Manner: After conducting preliminary enquiry and hearing opposition • Other penalties: TVC may impose fine upto Rs 1,500 in case of minor violations and issue warning
GA	<ul style="list-style-type: none"> • TVC may cancel/suspend CoV if: it is obtained by fraud; in case there is failure to pay fee; there is breach of T&C; • TVC to give a 15 day notice; no notice needed if CoV is suspended for less than 7 days
GJ	<ul style="list-style-type: none"> • Cancellation if: employing child below 14 after one warning; guilty of misbehaviour with women vendors • Manner: Prelim enquiry by Member Secy (TVC); notice to vendor to respond within 7 days; summary proceedings if prima facie violation; TVC to decide within 15 days of report • Fine/Warning if: vending outside CoV spot; age misrepresented; unauthorised occupation of area; renting/leasing/selling CoV; CoV not renewed; vending fee not paid for 3 months
HP	<ul style="list-style-type: none"> • Cancellation (after giving hearing) if: vending outside allotted area; misrepresented age; violated norms of vending space or unauthorised extension; constructed permanent structure; leased/rented vending site; CoV not renewed; vendor employs child under 14; misbehaving with women
KL	<ul style="list-style-type: none"> • Suspension/cancellation if: fraud or misrepresentation; failure to pay fees; breach of conditions • TVC to give 15 day notice to vendor to submit reply, no notice needed for suspension of CoV for less than 7 days
ML	<ul style="list-style-type: none"> • Cancellation if: employing child under 14 (after warning); misbehaviour with women (after warning) • Suspension if: causing public hazard; failure to pay tax (after 15 day notice) • Fine/Warning if: vending outside spot; misrepresented age; unauthorised occupation; breach of T&C; missing FSSAI registration; food adulteration; permanent structure; CoV leasing/selling/non-renewal
NL	<ul style="list-style-type: none"> • Cancellation if: failure to renew CoV; employing child under 14 (after warning); guilty of misbehaviour with women (after one warning) • Fine/Warning if: vending outside CoV spot; misrepresented age; unauthorised occupation; renting/selling CoV; constructed permanent structure; vending fee not paid for 3 months; non-renewal
OD	<ul style="list-style-type: none"> • Cancellation if vendor: breaches conditions; misrepresents, provides false document/photo; fails to pay fees and dues; employs child under 14
PB	<ul style="list-style-type: none"> • Suspension of CoV if violation of T&C/rules/scheme/Act or as TVC deems fit; TVC to give vendor 30 days notice to reply and hearing • Cancellation on continuing violation
RJ	<ul style="list-style-type: none"> • Suspension/cancellation if: vends outside site; misrepresents age; unauthorised extension/permanent structure; sells food w/o FSSAI license; rents/sells area; CoV not renewed; employs child <14 years
TN	<ul style="list-style-type: none"> • Suspension/cancellation if: CoV obtained via fraud/misrepresentation; vendor fails to pay dues; breach of T&C on CoV • To give vendor a 15 day notice for him to reply, suspension allowed for fixed time pending cancellation, no notice needed for suspension of less than 7 days • Suspension allowed if vendor violates law, causes public hazard, fails to pay tax
TS	<ul style="list-style-type: none"> • As per Section 10 and 11 of the Act
TR	<ul style="list-style-type: none"> • Suspend/Cancel if: Unauthorised change/extension of vending site; non-payment of dues; violations of T&C; infectious disease; unruly behaviour and nuisance; misrepresentation or conviction for offence • Suspension or cancellation by Nodal Officer of LA, to give hearing
UP	<ul style="list-style-type: none"> • Suspension or cancellation on violations of Act or rules • TVC to issue show cause notice, examine reply, give hearing opportunity; appeal to the Mayor or chairperson of the Municipality within 30 days

2.3 Manner of seizing and reclaiming goods

2.3.1 Authority responsible for seizure, process for reclaiming and fee for reclaiming			
	LA/ULB can seize	Process for reclaiming	Fee for reclaiming
AP	—	—	—
AR	✓	<ul style="list-style-type: none"> • LA to release perishable goods on same day and non-perishables within 2 working days 	<ul style="list-style-type: none"> • <value of seized goods • <Rs. 500 for vending w/o certificate
CH	✓	<ul style="list-style-type: none"> • Vendor to claim within 2 working days and pay fee 	<ul style="list-style-type: none"> • Determined by LA
CG	✓	<ul style="list-style-type: none"> • ULB to return when vendor pays fine; if vendor fails to reclaim, goods to be disposed 	—
DH	✓	<ul style="list-style-type: none"> • Vendor to claim within 2 working days and pay fee 	<ul style="list-style-type: none"> • Determined by LA
DD	✓	<ul style="list-style-type: none"> • Vendor to claim within 2 working days and pay fee 	<ul style="list-style-type: none"> • Determined by LA
DL	Designated Officer	<ul style="list-style-type: none"> • Fixed time limits to reclaim after which LA can dispose/auction 	<ul style="list-style-type: none"> • Storage charges given (Rs 20-750)
GA	✓	<ul style="list-style-type: none"> • LA can dispose/auction after a time if not reclaimed 	—
GJ	✓	<ul style="list-style-type: none"> • LA to release perishable goods on same day and non-perishables within 2 working days 	<ul style="list-style-type: none"> • Value of seized goods • <Rs. 500 for vending without certificate
HP	✓	<ul style="list-style-type: none"> • Written request by vendor for release within a day for perishables and 2 days for non-perishables • Issue of notice if claim not made; goods to be sold after end of notice period 	<ul style="list-style-type: none"> • <Rs 500 per day
KL	✓	<ul style="list-style-type: none"> • LA can dispose/auction if not reclaimed; proceeds from auction to be adjusted with fines and excess to be given to vendor 	—
ML	✓	<ul style="list-style-type: none"> • LA to release perishable goods on same day and non-perishables within 2 working days 	<ul style="list-style-type: none"> • <Rs. 500
NL	✓	<ul style="list-style-type: none"> • LA to release perishable goods on same day and non-perishables within 2 working days 	<ul style="list-style-type: none"> • <value of seized goods • <Rs. 500 for vending w/o certificate
OD	Municipality with the help of police	<ul style="list-style-type: none"> • Vendor to claim within 2 working days 	<ul style="list-style-type: none"> • Rs 250
PB	✓	<ul style="list-style-type: none"> • Application to LA, with list of goods and fee receipt; to be returned same day for perishables and 2 working days for non-perishables 	<ul style="list-style-type: none"> • 10% of price of seized goods
RJ	✓	<ul style="list-style-type: none"> • Vendor to reclaim perishable goods on same day and non-perishables within 2 working days 	<ul style="list-style-type: none"> • <Rs. 500 in case of vending w/o CoV
TN	✓	<ul style="list-style-type: none"> • Vendor to apply for reclaiming within 24 hours for perishables and 15 days for non-perishables • LA may dispose by auction and adjust proceeds against charges and return excess to vendor if he applies within 3 months 	—
TS	—	—	—
TR	✓	<ul style="list-style-type: none"> • Vendor to apply for reclaiming within 24 hours for perishables and 15 days for non-perishables • LA may dispose by auction and adjust proceeds against charges and return excess to vendor if he applies within 3 months 	<ul style="list-style-type: none"> • Storage charges Rs 20-300
UP	Municipality may seize with physical eviction	<ul style="list-style-type: none"> • Vendor to reclaim within 2 working days after paying prescribed fee and giving undertaking that he shall not carry out vending again in the place of eviction; municipality may dispose goods if not reclaimed within 2 days 	<ul style="list-style-type: none"> • Determined by TVC

2.4 Manner of relocation and eviction

2.4.1 Process and principles for relocation and eviction across states

	Public purpose defined	TVC approval for relocation/eviction	Notice of relocation/ eviction	Physical eviction/ penalties	Principles of relocation
AP	—	—	—	—	<ul style="list-style-type: none"> • Plan to be developed in such manner to minimize relocation or eviction • Relocation based on consultation with affected parties
AR	—	<ul style="list-style-type: none"> • Discussion 2 months prior 	<ul style="list-style-type: none"> • 30 day notice • To be issued personally, displayed in public place/vending area or sent by registered post 	<ul style="list-style-type: none"> • Any street vendor who fails to evict to be pay a default amount of upto Rs 250 per day for upto 15 days after which to be physically removed 	<ul style="list-style-type: none"> • Avoid relocation; No relocation from heritage markets • TVC to engage with market representatives and/or consult vendors • Mutually agreed place for relocation • Improve vendor livelihood through relocation (income potential and avoid loss of assets)
CH	—	—	<ul style="list-style-type: none"> • Notice to be served personally or by registered post, and to paste notice near vending site if post undelivered • Eviction with 24 hour notice if vending w/o CoV or cancelled CoV 	<ul style="list-style-type: none"> • Physical eviction if vendor does not leave after 30 day notice with police assistance if necessary • Vendor to be liable to daily penalty if he does not comply with notice period 	<ul style="list-style-type: none"> • Relocation to be in the same area or a nearby vending zone • As under Entry (zb) of the Second Schedule of SVA
CG	✓	<ul style="list-style-type: none"> • Approval 	<ul style="list-style-type: none"> • One month notice • Eviction notice and list of vendors affected by eviction on notice board of ULB, with final notice 48hrs before 	<ul style="list-style-type: none"> • By LA with police assistance, help of female police personnel for eviction of female vendors, legal proceedings if vendors resist 	<ul style="list-style-type: none"> • Avoid relocation and regulate forcible eviction • Consult vendors • Mutually agreed place for relocation • Improve vendor livelihood through relocation (income potential)
DH	—	—	<ul style="list-style-type: none"> • Notice to be served personally or by registered post, and pasted near vending site if post undelivered • Eviction with 24 hour notice if vending w/o CoV or cancelled CoV 	<ul style="list-style-type: none"> • Physical eviction if he does not leave after 30 day notice with police assistance if necessary • Vendor to be liable to daily penalty if he does not comply with notice period 	<ul style="list-style-type: none"> • Relocation to be in the same area or a nearby vending zone • As under Entry (zb) of the Second Schedule of SVA
DD	—	—	<ul style="list-style-type: none"> • Notice to be served personally or by registered post, and pasted near vending site if post undelivered • Eviction with 24 hour notice if vending w/o CoV or cancelled CoV 	<ul style="list-style-type: none"> • Physical eviction if he does not leave after 30 day notice with police assistance if necessary • Vendor to be liable to daily penalty if he does not comply with notice period 	<ul style="list-style-type: none"> • Relocation to be in the same area or a nearby vending zone • As under Entry (zb) of the second Schedule of the Act
DL	✓	—	<ul style="list-style-type: none"> • 30-day written notice • No vendor to be evicted without notice, completion of registration, and formulation of rehabilitation plan • Eviction notice to contain justification for eviction and procedure to appeal • 3 warnings, then case directed to GRC which may fine upto Rs 250 a day 	<ul style="list-style-type: none"> • TVC may determine this matter • Photos and videos of spot after removal shall be submitted along with a report to TVC • Need directions from TVC to evict and TVC needs to be present for eviction 	<ul style="list-style-type: none"> • Avoid relocation, consult vendors and regulate forcible eviction • Relocation to mutually agreed place and/or nearest available site • Improve vendor livelihood through relocation (income potential) • Vendors to not be affected by transfers or land related issues

2.4.1 Process and principles for relocation and eviction across states

	Public purpose defined	TVC approval for relocation/eviction	Notice of relocation/ eviction	Physical eviction/ penalties	Principles of relocation
GA	✓	—	<ul style="list-style-type: none"> • Immediate eviction in cases of no COV or vending outside designated site 	—	<ul style="list-style-type: none"> • Relocation with concurrence of TVC, relocation to adjoining area or same locality
GJ	—	<ul style="list-style-type: none"> • For eviction: Discussion one month prior 	<ul style="list-style-type: none"> • Notice to be issued personally or sent by post, pasted in vending area if undelivered 	<ul style="list-style-type: none"> • Rs 350 penalty if not evicted after notice period • Physical eviction by LA and police after 15 days 	<ul style="list-style-type: none"> • Avoid relocation • Affected vendors or their representatives to be involved in rehabilitation • Relocation to nearby place, temporarily or permanently • Relocation to improve livelihood or restore them to pre-evicted levels
HP	—	<ul style="list-style-type: none"> • For relocation: TVC consent mandatory • For eviction: Discussion 6 months prior 	<ul style="list-style-type: none"> • For eviction: One month notice 	<ul style="list-style-type: none"> • Local Authority or officer authorized by the Local Authority, with police assistance for physical eviction 	<ul style="list-style-type: none"> • Avoid relocation, no relocation from heritage markets, regulation of forcible eviction • TVC to engage with market representatives and/or consult vendors • To be adjusted in same/nearby locality and/or mutually agreed place for relocation • To be restored in original place after work completion • Improve vendor livelihood through relocation (income potential) • Avoid loss of assets • Vendors not to be affected by transfers or land related issues
KL	✓	<ul style="list-style-type: none"> • For relocation: concurrence of TVC 	<ul style="list-style-type: none"> • Immediate eviction in cases of no COV or vending outside in a no-vending zone 	—	<ul style="list-style-type: none"> • Relocation to adjoining area or same locality
ML	✓	<ul style="list-style-type: none"> • For eviction: Discussion 2 months prior 	<ul style="list-style-type: none"> • 7 day notice for relocation and/or eviction • 48 hour notice for cancelled CoV, no CoV, or failure to relocate • No notice: if traffic congestion, law and order problems, nuisance and unhygienic conditions • Notice to be served in person/ pasting at designated place or via registered post 	<ul style="list-style-type: none"> • Rs 250 daily fine on overstay or failure to vacate 	<ul style="list-style-type: none"> • Choice of 2-3 alternative nearby vending sites to be given • Vendor to give LA his choice after period is expired • If relocation not possible, vendor put on waiting list and in priority
NL	—	<ul style="list-style-type: none"> • For eviction: Discussion 2 months prior 	<ul style="list-style-type: none"> • 30 days notice for eviction • Notice to be issued personally, displayed in public place/vending area or sent by registered post 	<ul style="list-style-type: none"> • Upto Rs 250 per day for upto 15 days after notice period • Physical eviction after 	<ul style="list-style-type: none"> • Avoid relocation, no relocation from heritage markets • TVC to engage with market representatives and/or consult vendors • Mutually agreed place for relocation • Improve vendor livelihood through relocation (income potential) • Avoid loss of assets

2.4.1 Process and principles for relocation and eviction across states

	Public purpose defined	TVC approval for relocation/eviction	Notice of relocation/ eviction	Physical eviction/ penalties	Principles of relocation
OD	—	—	<ul style="list-style-type: none"> • 30 days notice given • Notice to be delivered by hand/ registered post 	<ul style="list-style-type: none"> • If the vendor does not evict, Municipality may physically evict 	—
PB	✓	<ul style="list-style-type: none"> • For relocation: Discussion 2 months prior 	<ul style="list-style-type: none"> • 30 days notice for relocation and eviction • Reason for eviction to be given • Notice to be delivered by registered post or in person, if undelivered then paste in vending site 	<ul style="list-style-type: none"> • Physical eviction if CoV not renewed, expired or cancelled 	<ul style="list-style-type: none"> • Avoid relocation, no relocation from heritage markets • TVC to engage with market representatives and/or consult vendors • Improve vendor livelihood through relocation (income potential) • Avoid loss of assets • Transfer of title or rights to not affect vendors
RJ	✓	—	<ul style="list-style-type: none"> • For relocation: Notice to be given • For eviction: 30 day notice 	<ul style="list-style-type: none"> • LA to evict with help of police 	<ul style="list-style-type: none"> • Relocation in exceptional circumstances • Relocate to areas with infrastructural development • Loss of assets must be minimal • Relocate to a nearby place temporarily/ permanently; shift to original spot if possible
TN	✓	<ul style="list-style-type: none"> • For relocation: Concurrence of TVC 	<ul style="list-style-type: none"> • Immediate eviction in cases of CoV cancelled, not renewed, vending in a no-vending zone 	—	<ul style="list-style-type: none"> • Relocation to an adjoining or similar area, same locality
TS	—	—	—	—	—
TR	✓	—	<ul style="list-style-type: none"> • For relocation: 30 day notice • 15 day notice in case of no COV, or relocation notice period has expired • Immediate eviction when traffic congestion, law and order problem, nuisance and hygiene problems • Notice (in Bengali or English) to be issued personally, displayed in public place/vending area or sent by registered post notice 	<ul style="list-style-type: none"> • In case of non-compliance with eviction notice 	<ul style="list-style-type: none"> • Choice of alternative vending site in case of relocation • As under Entry (zb) of SVA (Second Schedule)
UP	✓	—	<ul style="list-style-type: none"> • For relocation and eviction: One month notice • Eviction in case of cancelled CoV and after relocation notice 	<ul style="list-style-type: none"> • In case of non-compliance with eviction notice 	<ul style="list-style-type: none"> • As under Entry (zb) of SVA (Second Schedule)

6. What is the quality of delegated legislation in each state?

The Act assigns state governments, local authorities and TVCs the responsibility to execute its provisions and oversee implementation. It also delegates rule-making powers to state governments. In this section, we review how each state fares on implementing the Act and the promises and perils of their rules and schemes.

What are rules? Section 36 of the Act requires states to formulate rules within one year from its commencement. The *state notified rules* largely elaborate how TVCs must be constituted, the term and allowances of TVC members, how elections must be conducted, the functioning of the GRCs, the manner of filing appeals and the manner in which records must be maintained.²²

What are schemes? Per Section 38 of the Act, state governments must frame schemes (in consultation with the TVC) within six months from the date on which their rules come into force. The *state notified schemes* deal with matters such as the survey process, criteria for issuing vending certificates, governance of the vending zone and approach to eviction and relocation.

How are rules and schemes different?

1. *Subject matter:* The Act makes a clear distinction between the subject matter for rules and schemes. While rules set the framework for constituting institutions, schemes are concerned with specific implementation processes.
2. *Framing procedure and jurisdiction:* Since the Act mandates “due consultation with the local authority and the Town Vending Committee” and not consultation with ‘local authorities’ and ‘Town Vending Committees’, it appears that schemes were intended to be city-specific. In 2017, the High Court of Bombay struck down Maharashtra’s scheme on the grounds that it was not made in consultation with the TVC and local authority (Centre for Civil Society 2019). No state has instituted city-specific schemes.

What are some recurrent issues across state rules and schemes?:

1. *Powers vested in the state government or local authority to remove any member of the TVC or to dissolve the Committee:* In Arunachal Pradesh, Bihar, Goa, Haryana, Karnataka, Nagaland, Andaman & Nicobar, Chandigarh, Daman & Diu, Delhi rules empower state governments to remove any TVC member. States like Kerala, Meghalaya and Lakshadweep empower the local authority to remove any TVC member. Other states like Haryana, Kerala, Tamil Nadu, Daman & Diu, Delhi allow state governments to dissolve a TVC. The Act does not vest such powers in the state government.
2. *Ambiguity in the term and formation of TVCs:* Notified rules of Haryana, Karnataka, Sikkim, Tripura, Delhi, Lakshadweep and Puducherry direct formation of a TVC “prior to the expiry of its term” or “before the expiry of their term.” This mandate is confusing. It implies that TVC members must be nominated before their term expires. Instead, it should convey that *new* members must be nominated for the *subsequent* term before the *current* term expires.
3. *“Compensation” for designating private land as a vending zone:* In Arunachal Pradesh, Bihar and Nagaland, the schemes prescribe “compensation” for declaring any private land as a vending zone. It is unclear whether this provision implies an involuntary expropriation. The Act does not mention expropriation. Without express authorization in the parent Act, should state governments assume the power to expropriate (even with compensation)?
4. *Ambiguity in the definition of “holding capacity”:* Per Section 2(1)(b) of the Act, holding capacity is the maximum number of street vendors who can be accommodated in a vending zone. However, in the schemes notified by Andhra Pradesh, Rajasthan and Telangana, holding capacity is defined using the term “vending site” that is not elaborated either in the scheme or in the Act.

22. Section 37 of the Act delegates the power to make by-laws to the municipal authorities. The Act does not prescribe any timeline for formulating by-laws. These by-laws—subject to the provisions of the Act, rules and schemes—may cover matters that pertain to the regulation of traffic, monthly maintenance charges, penalties, fees and taxes.

5. *Structure of the Appellate Committee:* Per Section 20 of the Act, state governments may form Grievance Redressal Committees led by a retired civil judge/ judicial magistrate. Appeals against the decisions of the committee are required to be filed before the local authority. This may be contrary to the principle of separation of powers. The Grievance Redressal Committee has a judicial member and adjudicates disputes by following a judicial procedure. On the other hand, a local authority is an administrative body and is not competent to adjudicate judicial disputes. The rules should have directed the local authority to constitute a separate appellate committee with a civil judge/ judicial magistrate. Mizoram is the only state that has constituted an appellate committee with a District Session judge as the head. Other states have constituted appellate committees headed by the Mayor or President of the local authority.

While 33 states (including union territories) have notified rules, only 26 states have notified schemes. In the section below, we provide an implementation snapshot for 35 states and union territories. First, we present a summary of each state's performance on the Compliance Index. Second, we review all state rules and schemes to highlight provisions that depart from the letter and intent of the Act, provisions that are ambiguous and those that do not place any checks on actions of the executive. We state reasons for all provisions that we find problematic.

Our analysis does not cover Jammu and Kashmir and Ladakh. As of 2019, both have become separate union territories and the Act will eventually be applicable to them.

ANDHRA PRADESH

Performance on the Compliance Index

Score: 78.93 — Steps Implemented: 8/11

[Score on Index variant: 99.91]

Andhra Pradesh is the top performing state on our Compliance Index this year. The state has notified both rules and schemes. It has formed TVCs with vendor representation in all towns (110). All TVCs have completed the enumeration of vendors in their respective jurisdictions, earmarked vending zones and submitted street vending plans. In 109 towns, TVCs have issued identity cards and vending certificates to all vendors identified. Except Tirupati, all towns (109) have implemented at least 8 steps. The state is yet to form Grievance Redressal Committees.

The Andhra Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules dated 31.03.2017

1. *The provision on issuance of vending certificates discriminates against non-residents:* Rule 3(2) discriminates against non-residents in issuing identity cards and vending certificates. It also excludes non-residential vendors from accessing welfare schemes. However, the Act does not authorise or prescribe any segregation based on residential status.
2. *State government's power to dissolve TVCs is arbitrary and beyond the Act:* Rule 4(4) empowers the state government to dissolve a TVC if it "...persistently makes default in the performance of its imposed on it...or exceeds or abuses its powers". There are three problems with this provision:
 - (a) Rules do not define or guide what constitutes such defaults, excesses or abuse.
 - (b) There is no obligation on the state government to record reasons.
 - (c) The parent Act does not envisage or vest such a power in state governments.
3. *There are multiple and conflicting provisions on quorum between the rules and schemes:*
 - (a) Clause 1(b) of the scheme defines 51% as quorum for TVC meetings but the quorum is a subject matter of the rules, not schemes.
 - (b) Rules contain multiple conflicting provisions on quorum. Rule 4(6)(a)(iii) prescribes two-thirds of the total strength as quorum but, Rule 4(6)(a)(v) prescribes half of the TVC strength plus one as the quorum.

The Andhra Pradesh Scheme dated 16.06.2016

1. *The provision entitled "terms and conditions" does not list any terms and conditions:* Clause 4 of the scheme—titled "terms and conditions subject to which certificate of vending may be issued to a street vendor..." does not list any terms and conditions for issuing certificates of vending.
2. *Procedure for issuing certificates of vending is ambiguous:* Clause 5 states: "After verification of payment of required registration fees, nature of vending and allotment of vending zone, the Commissioner approves the local status of applicant in the software, then the vending certificate will get generated electronically." Clause 6 on "the form and manner of issuing identity cards" has a similar provision. There are two issues with these provisions:
 - (a) Per the Act, TVC is responsible for the issuing certificates of vending and identity cards. It is not clear why the Municipal Commissioner is required to verify fee payment, nature of vending and vending zone allotment.
 - (b) The meaning of "local status" is unclear and not defined in the rules.

3. *“Prime area of street vending” is not defined:* Clause 14 prescribes conducting an audit in the “prime area of street vending” every six months. However, the rules do not define “prime area of street vending” or the manner of selecting such an area.
4. *The scheme deals with matters beyond its scope:* Clause 18 deals with matters such as the structure of TVCs, the functioning of TVCs and maintenance of records. Per the Act, these matters are to be covered under the state rules.
5. *Instead of outlining zoning principles, the scheme empowers the state government to issue guidelines:* Clause 20 on “Principles for determination of vending zones”, prescribes no principles and leaves it to the state government “to issue necessary guidelines and principles...from time to time” for demarcating vending zones. This provision is problematic for two reasons:
 - (a) It creates uncertainty for the local authorities to undertake zoning.
 - (b) The Act does not envisage ad hoc issuance of zoning guidelines. It lays down two possibilities—either the scheme does not deal with zoning and the guidance given in clause 3 of the First Schedule to the Act would be adequate, or the scheme should clearly lay down the zoning principles in advance so local authorities can decide.
6. *The definition of holding capacity is ambiguous and different from the Act:* Clause 21 on “Principles for determining the holding capacity of vending zones” has two issues:
 - (a) The provision defines holding capacity in terms of area: “vending site divided by the total area of the vending area and that space is to be provided shall be 2.5% of the total area”. Per Section 2(1)(b) of the Act, holding capacity is the maximum number of *street vendors* who can be accommodated in a vending zone.
 - (b) Neither rules nor the Act define the term “vending site”—making it difficult to understand the formula used to determine holding capacity.

ARUNACHAL PRADESH

Performance on the Compliance Index

Score: 48.51 — Steps Implemented: 7/11

[Score on Index variant: 60.95]

Arunachal Pradesh has seen a 14 point jump in its score on the Compliance Index this year. A primary reason for this is the notification of its rules in 2019. The state has implemented the mission in 33 towns. Of these, 26 towns have constituted a TVC and 20 such TVCs have vendor representatives. Only 10 TVCs (38%) have completed vendor surveys and four TVCs (15%) have published vending plans. In a state with an urban population of over 3,00,000 only 1,700 vendors have been identified.^aIn 11 towns TVCs have given identity cards to more than 75% of identified vendors. However, our Index only recognises and scores four towns. All others seem to have issued identity cards either without conducting a survey, or before issuing vending certificates. One town has completed surveys and issued vending certificates and identity cards without setting up a TVC. The state has yet to demarcate vending zones and form Grievance Redressal Committees.

a. Per the Act, TVCs must accommodate all identified vendors, subject to the norm of 2.5% of local population. In most states the number of vendors identified is significantly less than this notional vendor population. We consider these numbers to be a gross underestimation.

Arunachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018 published on 11.03.2019 vide notification no. DTP/STREET VENDOR-01/2016/17

- Judicial members should head the Appellate Committee instead of the Mayor or President of the local authority:* Rule 9 prescribes an Appellate Committee chaired by the Mayor or President to hear appeals against the decisions of the Grievance Redressal Committee. The Appellate Committee should have a judicial member as the head for two reasons:
 - The committee is required to follow the judicial procedure for dispute resolution.
 - The committee hears appeals against the decisions of the Grievance Redressal Committee, which has a judicial member and adjudicates disputes by following a judicial procedure.
- The provision empowering the state government to remove any TVC member goes beyond the Act and the grounds of removal are vague:* Per Rule 16(a), the government can remove any TVC member if he “persistently makes defaults in the performance of his duties” or “exceeds or abuses its power”. There are two problems with this provision:
 - The provision does not define or guide what constitutes such defaults, excesses or abuse.
 - The parent Act does not envisage or vest such a power in the state government. Even though the proviso to Rule 16 prescribes a hearing before removal, a procedural safeguard is not a substitute for clear definition and clear delegation of power.
- The provision on convening a TVC meeting does not mention the mode of intimation:* Rule 19(3) prescribes the notice for TVC meetings to be issued seven days prior to the meeting. Rule 19(1) allows for a special meeting to be called within 72 hours. However, both provisions do not mention how vendor representatives would be intimated about the meetings at short notice.

The Arunachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2016 notification no. DTP/STREET VENDOR-02/2016-17

- The provision empowering the local authority to handle applications for vending certificates is contrary to the Act:* Clause 6(i) empowers the local authority to handle the applications for vending certificates during the intervening period between two surveys. However, per Section 4(2) of the Act, TVCs are entrusted with this responsibility.

2. *Instead of defining the categories of vending, the scheme directs the local authority to report them to the state government:* Per Section 6 of the Act, a scheme may define the categories of vending for issuing vending certificates. However, Clause 13 of the scheme directs the local authority to report the categories to the state government. The objective of reporting the categories to the state government and what happens next is unclear.
3. *Misbehaviour as a ground for cancelling vending certificates goes beyond the Act:* Clause 10(3) prescribes repeated misbehaviour with women vendors (based on written complaints filed by the aggrieved) as grounds for cancelling the vending certificate. The provision does not prescribe any judicial procedure. The Act does not mention misbehaviour as a ground for cancellation.
4. *The provision for designating private places as vending zones goes beyond the Act:* Clause 22 prescribes “compensation” for declaring any private land as a vending zone. The compensation can take the form of an additional floor space index, floor area ratio or transferable development rights. The provision is not clear on whether compensation implies an involuntary expropriation. The Act does not authorize expropriation. Without express authorization, the scheme should not assume the power to expropriate and compensate private parties.

ASSAM

Performance on the Compliance Index

Score: 24.44 — Steps Implemented: 6/11

[Score on Index variant: 30.73]

Assam is the lowest ranking state on our Compliance Index this year. Of the 97 towns where it has implemented the mission, only 12% (12) have constituted TVCs and 6% have ensured vendor representation in the TVCs. Three TVCs have completed surveys and issued identity cards to more than 75% of vendors—without the state having notified a scheme and before issuing vending certificates. Further, some towns have enumerated vendors without constituting a TVC. Only one TVC has submitted its vending plan. No town has demarcated vending zones.

Assam Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 published on 26.02.2016 vide notification no. GDD.29/2008/Pt./277

1. *The provision allowing vendor associations to conduct elections on their own saves administrative time and resources:* Rule 5 directs the local authority to issue an election notice every three years specifying the number of representatives to be elected and the designated vendor associations who will hold the elections. This is in contrast to other state rules that lay down a detailed procedure for election. This provision may save administrative resources and time by letting the vendor associations manage elections.
2. *Mutually conflicting provisions on the frequency of TVC meetings create ambiguity:* Rule 6 states that “TVC shall meet twice in a quarter”. However, sub-rule (a) mandates a meeting every month or as prescribed by the Chairperson.
3. *Local authority acting as an appellate body is against the principle of separation of powers:* While the Act prescribes appeals from Grievance Redressal Committee to be heard by the local authority, this may be contrary to the principle of separation of powers. The Grievance Redressal Committee has a judicial member and adjudicates a dispute on merits, following a judicial procedure. A local authority is an administrative body and is not competent to adjudicate judicial disputes. The rules should have directed the local authority to constitute a separate appellate committee having a senior judicial officer.

Scheme As of writing this report, Assam has not notified a scheme yet.

BIHAR

Performance on the Compliance Index

Score: 47.13 — Steps Implemented: 8/11

[Score on Index variant: 57.03]

Bihar has not seen any change in its score on our Compliance Index since 2019. Of the 142 towns where it has implemented the mission, 50% (71 towns) have constituted a TVC and 23% (33 towns) have ensured vendor representation in the TVCs. Over 75% of TVCs have completed surveys. Bihar has identified 65,000 vendors thus far. This is likely an undercount given the state's urban population is approximately 11,758,016. Towns have disregarded the Act's mandate in conducting surveys and issuing identity cards. Seven towns have completed surveys and issued identity cards without constituting TVCs. All TVCs have distributed identity cards before issuing vending certificates. Although Bihar's scheme elaborates on the criteria for issuing vending certificates, no TVC has issued them to the vendors. Bihar is yet to form Grievance Redressal Committees.

The Bihar Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 published on 15.02.2017 vide notification no. 04/SV(NULM)-04/2015/414/UD&HD

1. *Rules prescribe nomination of vendor representatives instead of elections to form TVCs:* Rule 4 prescribes an application cum sortition method for the nominating vendors to the TVC. This is contrary to section 22(2)(d) of the Act that mandates vendor representatives to be elected.
2. *The provision empowering the state government to remove any TVC member goes beyond the Act and the grounds of removal are vague:* Per rule 4.1, the government can remove any TVC member if he “persistently makes defaults in the performance of his duties” or “exceeds or abuses its power”. There are three issues with this provision:
 - (a) Rules do not clearly define what constitutes such defaults, excesses or abuse.
 - (b) The parent Act does not vest such powers in the state government.
 - (c) Even though the proviso to rule 4.1 prescribes a hearing before removal, a procedural safeguard is not a substitute for clear definition and does not legitimize undelegated power.
3. *The provision prescribing a low quorum allows a small unrepresentative group to make decisions:* Per rule 6(9), the quorum for TVC meetings is a mere one third. This enables a small unrepresentative group to make decisions on behalf of the committee. While the Act does not prescribe minimum quorum, such a provision is likely against the participatory spirit of the Act.
4. *Judicial members should hear appeals instead of the Mayor or President of the local authority as prescribed:* Rule 15 empowers the Mayor or the Chairperson of the local authority to hear appeals under section 20(4) of the Act. Instead, the local authority should form an Appellate Committee with a judicial member heading it for two reasons:
 - (a) The committee is required to follow judicial procedure for dispute resolution.
 - (b) The committee hears appeals against the decisions of the Grievance Redressal Committee, which has a judicial member and adjudicates disputes by following a judicial procedure.

The Bihar Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2017 published on 16.02.2017 vide notification no. 04/SV(NULM)-04/2015-415/UD&HD

1. *The provision for cancellation or suspension of a vending certificate includes dicta not concerned with the subject matter:* Clause 13 enlists 10 grounds (i-x) for cancellation or suspension of a vending certificate. Sub-clauses (ix) and (x) have two issues:

- (a) The subject-matter of these sub-clauses is beyond the jurisdiction of the TVC. Clause 13(ix) on misbehaviour with women vendors, allows TVCs to constitute a women-led committee “to take into account the Domestic Violence Act, 2005, Harassment at the workplace (Prevention, Prohibition and Redressal) Act-2013 and also Indian Penal Code”. These provisions appear outside the scope of the TVC and the parent Act.
 - (b) These provisions do not explicitly establish a link between their prescriptions “misbehaviour with other women vendors” or “forming a women-led committee” and the title of the provision-“the manner in which the certificate of vending may be suspended or cancelled”. Sub-clause (ix) prescribes giving a warning to a vendor who is “guilty of misbehaviour with women vendors” but does not mention cancellation or suspension of the vending certificate. Sub-clause (x) prescribes constituting a committee but does not mention any condition of breach that could lead to suspension or cancellation of the vending certificate.
2. *A mandatory annual hike of minimum 10% in the vending fee is arbitrary:* Clause 16 imposes a minimum 10% annual increase in the vending fee. Such a hike would double the fee in seven years, and may end up being higher than the inflation rate. Instead, the hike in vending fee could be linked to the consumer price index or the actual rate of inflation.
3. *The provision for designating private places as vending zones goes beyond the Act:* Clause 22 prescribes “compensation” for declaring any private land as a vending zone. The compensation can be in the form of an additional floor space index, floor area ratio or transferable development rights. The provision is not clear on whether compensation implies an involuntary expropriation. The Act does not authorize expropriation. Without express authorization, the scheme should not assume the power to expropriate and compensate private parties.
4. *The provision mandating a service record book is arbitrary and beyond the Act:* Clause 26(5) imposes a condition on vendors to keep a service record book that TVCs may access and decide to give a “prize” or impose “fine”. There are two problems with the provision:
 - (a) The provision does not divulge any parameters for judging.
 - (b) The Act has no such provision.

CHHATTISGARH

Performance on the Compliance Index

Score: 42.18 — Steps Implemented: 7/11

[Score on Index variant: 52.80]

Chhattisgarh has seen a marginal decrease in its score on the Compliance Index this year. Of the 168 towns where it has implemented the mission, more than 50% (85 towns) have constituted TVCs. However, only two TVCs have vendor representation. In 48 towns, TVCs have completed vendor enumeration. In a departure from most states, all surveys have been conducted after constituting TVCs. The state has identified more than 28,000 vendors and distributed identity cards to over 26,000 vendors. However, only three vendors have been issued vending certificates. It seems that most TVCs have given identity cards to vendors before issuing them a vending certificate. Although 64% of TVCs have submitted their vending plan, none have started the demarcation of vending zones. Chhattisgarh is also yet to form Grievance Redressal Committees.

The Chhattisgarh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2015 published on 20.11.2015 vide notification no. F5-36/2015/18

1. *Rules prescribe nomination of vendor representatives instead of elections to form TVCs:* Rule 5(2)(c) directs the vendors' guild to nominate 10 vendors, failing which the municipal office is required to nominate 10 vendors. This is contrary to Section 22(2)(d) of the Act that mandates vendor representatives to be elected.

The Chhattisgarh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2016 published on 21.10.2016 vide notification no. F 5-36/2015/18

1. *The provision on surveys is ambiguous:* Clause 3 prescribes two ways to survey vendors—forming a survey team and engaging an agency. The provision is unclear on whether both are mandatory.
2. *The provision directing TVCs to audit their own accounts makes a semantic error:* Clause 10(3) directs TVCs to annually audit its bank account. “Audit” by definition means an inspection by a third party. This provision is likely a semantic error, but important to rectify.
3. *The provision for the suspension/ cancellation of vending certificates includes trivial, excessive and irrelevant grounds:* Clause 13 has 13 grounds for suspension/ cancellation of vending certificates. There are three issues with the list:
 - (a) The list includes crimes and offences punishable under other laws. For example, selling drugs/ explosives, eve-teasing, and child labour are illegal and punishable under other laws. The parent Act does not mention these offences. Similarly, municipal laws may have mandated sanitation norms or banned the use of plastic bags. Non-compliance with these standards attract penalties as prescribed under municipal laws. In our opinion, cancelling vending certificates based on this list requires an express provision in the parent Act.
 - (b) Some grounds are vague or trivial. For example:
 - i. Non-compliance with “standards of hygiene”. The scheme does not define “standards of hygiene” or refer to any other regulation for its definition.
 - ii. Clause 13(1)(c) mentions littering as a ground for cancellation of vending certificates. Similarly, Clause 13(1)(e) cites the ignorance of traffic rules as a ground. Cancelling certificates of vending on these grounds may be disproportionate.
 - (c) The provision does not clearly lay down any guidance for deciding the extent/ degree of penalty from suspension to cancellation and merely lists various grounds of varying severity.
4. *Overcrowding as a ground for relocating vendors is contrary to the Act:* Clause 16(1)(b) lists overcrowding as a ground for relocating vendors. Per section 18 of the Act, relocation of vendors

requires an area to be declared as a no-vending zone. Clause 3(c) of the First Schedule (read with section 21 of the Act) prohibits declaration of a zone as a no-vending zone due to overcrowding. This provision is contrary to the Act.

5. *Some grounds for eviction are trivial, vague or arbitrary:* Clause 17 lists 13 grounds for eviction. Amongst these, some are trivial, vague or arbitrary. For example, evicting a vendor for littering (Sub-clause. d) could be seen as a disproportionate penalty. 'Misbehaviour' (Sub-clause. h) without any detailed definition is vague. Eviction of a vendor based on a complaint against them by more than 80% of vendors (Sub-clause. m) is arbitrary. The scheme does not define "vendors"—either in terms of category or in terms of area. This makes the Sub-clause vague.
6. *The provision on social audit is ambiguous:* Clause 22 elaborates on the "manner and form of social auditing of the activity of TVC". Sub-clause 8 directs the TVC to prepare "a database of this information collected through social audit". However, the provision does not identify any committee/ agency for conducting the audit or prescribe what data is to be collected.
7. *The provision on the conditions for designating a private place as a vending zone is not clear:* Clause 23 lays down the conditions for designating a private place as a vending zone. Sub-clause (1) and (2) prescribes an agreement between landowners and "vendor of the ULB." It is not clear what this agreement is for and who the "vendor of the ULB" is. The scheme does not define these terms. Designating a private place as a vending zone should be a matter of regulation and the factors for determination may be civic amenities and infrastructure such as sanitation, garbage disposal, water, parking. Without definitions, it is difficult to interpret the provision.
8. *The Act empowers the local authority, not the TVC to determine zoning:* Section 21 of the Act empowers the local authority to decide the vending zones, in consultation with the planning authority and on the recommendations of TVC. However, Clause 28(1) directs the TVC to determine the zoning. This is contrary to the Act.

GOA

Performance on the Compliance Index

Score: 48 — Steps Implemented: 5/11

[Score on Index variant: 60.29]

Goa has seen a 10-point drop in its score on the Compliance Index this year. The state has achieved 100% implementation on four steps: notifying rules, notifying schemes, constituting TVCs in all towns and ensuring vendor representation in all TVCs. However, Goa has implemented less than half of the steps that are scored on our Compliance Index. Only two out of 14 towns have submitted their vending plan. No town has completed the survey exercise.^a Although 11 towns are in the process of conducting a survey, no vendor has been identified thus far. 10 towns have issued certificates of vending and identity cards to vendors without completing the survey. The state is yet to form Grievance Redressal Committees.

^a. In the past two months, Goa has updated its data with the Ministry and completed surveys in some ULBs.

The Goa Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 published on 19.10.2016 vide notification no. 10/369/2015/DMA/Part/2021

1. *The provision on convening TVC meetings does not mention the mode of intimation:* Rule 5(5) directs the member secretary to issue a notice seven days prior to holding a meeting. Rule 5(7) allows for a special meeting to be called within 72 hours. However, these provisions do not mention how vendor representatives would be intimated about the meetings in a short time.
2. *The provision empowering the state government to remove any TVC member goes beyond the Act, and the grounds for removing a member from TVC are vague:* Rule 7(1)(c) empowers the state government to remove any member from office if, in the opinion of government, the

member is “guilty of any misconduct or neglect of duty or has abused his position as to render his continuance as member detrimental to the interests of the committee or of the general public.” There are two problems with this provision:

- (a) Rules do not clearly define what constitutes “misconduct”, “neglect” or “abuse”.
 - (b) The parent Act does not vest such power in the state government.
3. *Local authority as an appellate body is against the principle of separation of powers:* While the Act prescribes the appeals from Grievance Redressal Committee to be heard by the local authority, this may be contrary to the principle of separation of powers. The Grievance Redressal Committee has a judicial member and adjudicates a dispute on merits, following a judicial procedure. A local authority is an administrative body and is not competent to adjudicate judicial disputes. The rules should have directed the local authority to constitute a separate appellate committee with a senior judicial officer.

The Goa Street Vendors (Protection of Livelihood, Regulation of Street Vending and Licensing) Scheme, 2017 published on 8.02.2018 vide notification no. 10/369/2015/DMA/Part/3200

1. *The suspension of certificate of vending without notice in certain instances is against the Act:* Section 10 of the Act clearly mandates a pre-hearing for suspension of the vending certificate. However, Clause 12(3) does away with hearing in case the suspension of the vending certificate is for less than seven days. This is contrary to the Act.
2. *The provision on zoning is ambiguous and difficult to comprehend:* Clause 20 of the scheme deals with zoning. There are two issues with this provision:
 - (a) This provision is a multi-level numbered list. Sub-clause (2) of the provision has three Sub-sub-clauses from (a) to (c). Clause 20(2)(c) has two points from (i) to (vi). Point (ii) has 5 sub-points from (a) to (e). Sub-point (b) has 6 sub-sub-points from (i) to (vi). The multi-level list may be confusing for a reader to comprehend.
 - (b) Clause 20(2)(c)(ii)(b)(i) seems to lay down a rule (prohibition on stationary vending at narrow roads) and its exemption (street vending allowed if the narrow road is a non-vehicular road). But the use of a different phrase: street vending in the second sentence instead of using *stationary* vending disconnects the rule and the exemption. The extent of the rules and its exemption becomes difficult to comprehend.
3. *The provision empowering police to make recommendations and TVCs to handle zoning-related objections is not as per the Act:* Clause 20 deals with zoning and presents two issues:
 - (a) Clause 20(2)(c)(ii)(e) allowing any person to challenge the zoning before the TVC is problematic. Instead, the local authority should hear the objections to zoning. Per Section 18 of the Act empowers local authorities to demarcate zones and the TVC can at best make recommendations to the local authority.
 - (b) Per Clause 20(2)(b), Police can make recommendations to the local authority but the local authority may accept, modify or reject the recommendations. However, the Act does not envisage any inputs on zoning from the police.

GUJARAT

Performance on the Compliance Index

Score: 55 — Steps Implemented: 8/11

[Score on Index variant: 69.32]

Gujarat has moved up on state rankings by three ranks in this year. A primary reason for this is the notification of its scheme in 2018. The state has implemented the mission in 170 towns. Of these, 167 towns have constituted TVCs. Only 28% of the TVCs have vendor representation. All but five TVCs have completed the enumeration of vendors. In some towns the survey is being conducted before constituting TVCs. The state has identified 1,76,000 vendors. However, 1,90,000 identity cards (more than the number of vendors identified) have been distributed and only 111 certificates of vending have been issued. Most TVCs have distributed identity cards before completing the survey exercise and issuing certificates of vending. Although 77% of the TVCs have submitted the vending plan, only two TVCs have demarcated vending zones. Gujarat is also yet to form Grievance Redressal Committees.

The Gujarat Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 published on 21.12.2016 vide notification No. GH/H/224 of 2016/NLM/102016/302/H

1. *Judicial members should head the Appellate Committee instead of the Mayor as currently prescribed:* Rule 21 prescribes constituting an Appellate Committee chaired by the Mayor to hear appeals against the decisions of the Grievance Redressal Committee. The Appellate Committee should have a judicial member as the head for two reasons:
 - (a) The Committee is required to follow the judicial procedure for dispute resolution.
 - (b) The committee hears appeals against the decisions of the Grievance Redressal Committee, which has a judicial member and adjudicates disputes by following a judicial procedure.

Gujarat Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2018 dated 10.12.2018 published vide notification No. GH/H/177 of 2018/NLM/102016/308/H

1. *The provision empowering the local authority to decide on the certificate of vending allocation is against the Act:* Per the Act, TVCs should decide the applications for certificate of vending during the intervening period between two surveys and allocate new sites. However, Clause 5 (vii) and (viii) empowers local authorities to identify new sites and allot spots to new applicants. This is contrary to the Act.
2. *Form I survey questionnaire is long and intrusive:* Form-I survey questionnaire is 15-pages long and has 112 questions. It seeks more information than what is legally required under the Act. Some of these questions may be intrusive and unnecessary. For example, the survey questionnaire asks information on procurement sources and frequency, seed capital, daily sales, profit, loan, insurance, and previous vocation.
3. *The purpose of directing the local authority to report additional categories to the state government is not clear:* Clause 12 directs the local authority to report to the state government if there are any categories of vendors other than 'stationary' and 'mobile' vendors. The objective behind this provision is unclear. A local authority may simply register other categories instead of reporting them to the state government.
4. *The provision for relocation does not mention any notice period:* Section 18(3) of the Act mandates a 30-day notice period before relocation. However, Clause 14 of the scheme does not mention any notice period for relocation.

Performance on the Compliance Index^a

Score: 32.48 — Steps Implemented: 4/11

[Score on Index variant: 41.05]

Haryana has seen a fall in its score on the Compliance Index this year. It has only implemented 4/11 steps scored on our index. The state has implemented the mission in 86 towns and constituted a TVC in 93% of the towns (80). All towns with TVCs have completed enumeration, without the state having notified its scheme. Further, seven towns have enumerated vendors without constituting TVCs. The state has identified over 1,00,000 vendors but distributed identity cards to only 1,000 vendors. No vendor has been issued a vending certificate. Haryana is yet to submit vending plans, demarcate vending zones and form Grievance Redressal Committees.

a. Although Haryana has implemented the mission in 86 towns, it has submitted data for only 80 towns.

Haryana Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 dated 31.01.2017 published vide notification no. 2/2/2017-RII

1. *The provision on the term and formation of TVC is ambiguous:* Rule 7(2) states: “the process of constituting a TVC shall be completed:- (a) prior to the expiry of its term; or (b) in case of the dissolution, within a period of six months.” This implies: form a TVC before its term expires. Instead, the provision should mean: constitute a new TVC before the current one expires, or “the process of constituting a new TVC shall be completed within a period of six months prior to the expiry or within six months of the dissolution of existing TVC.”
2. *The provision empowering the state government to remove any TVC member goes beyond the Act and prescribes vague grounds for removal:* Per Rule 8, the government can remove any TVC member for performance defaults or abuse of powers. There are two problems with this provision:
 - (a) Rules do not clearly define what constitutes such defaults, excesses or abuse.
 - (b) The Act does not envisage or vest such a power in the State Government.
 - (c) While the proviso to Rule 16 prescribes a hearing before removal, a procedural safeguard is not a substitute for clear definition and does not legitimize undelegated power.
3. *The provision empowering the state government to dissolve a TVC is arbitrary:* Rule 8 and 9 empowers the government to dissolve a TVC if it “persistently makes defaults in the performance of duties . . . or exceeds or abuses its powers”. This provision has three issues:
 - (a) Rules do not clearly define what constitutes such defaults, excesses or abuse.
 - (b) The Act has no such provision envisaging dissolution of TVC.
 - (c) The rule has no procedural safeguards such as an obligation to record reasons or issuance of notice and hearing.

Scheme As of writing this report, Haryana has not notified a scheme yet.

²³. Although Haryana has implemented the mission in 86 towns, it has submitted data for only 80 towns.

HIMACHAL PRADESH

Performance on the Compliance Index

Score: 51.21 — Steps Implemented: 8/11

[Score on Index variant: 64.48]

Himachal Pradesh has seen a drop in its score by more than 15 points this year. Of the 54 towns in the state, 39 towns claimed to have constituted a TVC last year but only 22 towns report the constitution of their TVCs this year. The discrepancy suggests that some towns in the state have not entered their data this year. 11 TVCs (50%) have ensured vendor representation. 48/54 towns have completed vendor surveys. Of these, 28 towns have surveyed vendors without constituting a TVC. Most towns have distributed identity cards before issuing vending certificates. Even though 89% of towns have completed surveys, only 5,000 vendors (less than 0.8% of urban population) have been identified. Nine towns have submitted their vending plan and five towns have demarcated vending zones. The state is yet to form Grievance Redressal Committees.

The Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 dated 5.02.2016 published vide notification No. UD-A(3)-13/2015

1. *Local authority acting as an appellate body is against the principle of separation of power:*

While the Act prescribes the appeals from Grievance Redressal Committees to be heard by the local authority, this may be contrary to the principle of separation of powers. The Grievance Committee (with a judicial member) adjudicates disputes following a judicial procedure. A local authority, an administrative body, is not competent to adjudicate judicial disputes. The scheme could have directed the local authority to constitute an Appellate body having a judicial member.

Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2016 published on 28.02.2017 vide notification No. UD-A(3)-13/2015

1. *The provision empowering the local authority to decide on vending certificate allocation is against the Act:* Clause 5 (vii) and (viii) empowers local authorities to identify new sites and allot spots to new applicants. This is contrary to the Act. Per the Act, TVCs should decide on vending certificate applications during the intervening period between two surveys and allocate new sites.

2. *Form I-the Application form for a vending certificate misses mandatory particulars:* Per section 6 of the Act, vending certificates should contain information about days, timings, conditions and restrictions. Form-1 “Street Vendor Certificate” does not state the conditions and restrictions and misses out the heads for days and timings of vending.

JHARKHAND²⁴

Performance on the Compliance Index

Score: 60.26 — Steps Implemented: 8/11

[Score on Index variant: 76.12]

Jharkhand has seen a 10 point drop in its score this year. Of the 45 towns where it has implemented the mission, 44 towns have constituted TVCs with vendor representation. Of the 44 towns that have completed surveys, one town has not constituted a TVC. The state has identified over 37,000 vendors (less than 0.4% of its urban population) thus far. Of these, 24,000 vendors have been given identity cards and only 1,300 vendors have been allocated vending certificates. Only 10 TVCs have issued identity cards to more than 75% of identified vendors. Seven TVCs have submitted their vending plan. Of the five TVCs that have demarcated vending zones, three have not formulated vending plans. The state is yet to form Grievance Redressal Committees.

24. We have not analysed Jharkhand’s rules and schemes, since both are available only in hindi.

KARNATAKA

Performance on the Compliance Index

Score: 39.76 — Steps Implemented: 7/11

[Score on Index variant: 50.37]

Karnataka has seen an almost 20 point improvement in its score on our Compliance Index this year. The state recently notified its rules in 2018, but has yet to notify its scheme. Of the 277 towns in the state, almost 75% (205) have constituted TVCs and 39% (110) have a TVC with vendor representation. Over 89% of the towns have completed the enumeration of vendors, without the state having notified its scheme. Of these, 60 towns have completed the enumeration of vendors before constituting a TVC. The state has identified more than 1,00,000 vendors, issued vending certificates to 32,000 vendors and distributed identity cards to almost all identified vendors. Majority of the towns have not followed the sequence of processes established in the Act. Identity cards have been distributed before issuing certificates of vending to vendors and in some cases even without completing the survey exercise. 12 towns with TVCs have submitted their vending plans, and four towns have demarcated vending zones. Karnataka is yet to form Grievance Redressal Committees.

The Karnataka Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules published on 12.06.2018 vide notification no. SDEL 41 ELS 2018

1. *Rule envisaging provisional TVCs is laudable:* The Act prescribes constituting TVCs with elected vendor representatives to conduct surveys. But, elections require a voter list based on surveys. The Act is not clear on what comes first: survey or TVC? Rule 4 addresses this conundrum by constituting provisional TVCs with nominated vendor representatives.
2. *The provision on the term and formation of TVC is ambiguous:* Rule 7(2) “the process of electing or nominating, as the case may be, of the members on the committee shall be completed before the expiry of their term” is confusing. The provision implies that TVC members must be nominated before their term expires. Instead, the provision should convey: nominate new members for the subsequent term before the current term expires, or “the process of electing or nominating, as the case may be, of the new members on the committee shall be completed before the expiry of the current TVC.”
3. *The provision empowering the state government to remove any TVC member goes beyond the Act, and the grounds of removal are vague:* Per Rule 8, the government can remove any TVC member if he “persistently makes defaults in the performance of his duties” or “exceeds or abuses its power.” There are two problems with this provision:
 - (a) Rules do not clearly define what constitutes such defaults, excesses or abuse.
 - (b) The parent Act does not envisage or vest such a power in the state government.
 - (c) While the proviso prescribes a hearing before removal and an appeal against the removal order, procedural safeguards do not justify vague grounds and undelegated power.
4. *Judicial members should head the Appellate Committee instead of the Mayor or President of the local authority as currently prescribed:* Rule 22 prescribes an Appellate Committee to be constituted for handling the appeals. The Mayor or President as the chairperson heads this Committee. The Committee will hear appeals from the Grievance Redressal Committee. The Appellate Committee should have a judicial member heading it for two reasons:
 - (a) The Committee is supposed to follow the judicial procedure for dispute resolution.
 - (b) The Committee hears appeals arising from the decisions of Grievance Redressal Committee—comprising of a civil judge/ judicial magistrate along with two other members.

Scheme As of writing this report, Karnataka has not notified a scheme yet.

KERALA

Performance on the Compliance Index

Score: 61.90 — Steps Implemented: 8/11

[Score on Index variant: 78.27]

Kerala has seen an improvement of 24 points in its score on the Compliance Index this year. A primary reason for this is the notification of its scheme. In 2018-19, it had only implemented four of the 11 steps scored. This year, it has made progress on eight steps. All 93 towns in Kerala have constituted a TVC. Of these, 80 TVCs have vendor representation. Most TVCs (92%) have enumerated vendors. Approximately 19,000 vendors have been identified in the state so far. 76 towns that have issued identity cards to more than 75% of vendors identified. Of these, only one town (Paravur) has followed the sequence of processes established in the Act. All others have issued identity cards prior to issuing vending certificates. Even in Paravur, the number of identity cards distributed is greater than the number of vending certificates issued. All towns have published a vending plan. However, only one town has demarcated vending zones. The state is yet to form Grievance Redressal Committees.

Kerala Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016

1. *The provision empowering the local authority to remove any TVC member goes beyond the Act and the grounds of removal are vague:* Per Rule 8, the local authority can remove any TVC member for performance defaults or abuse of powers. There are two issues with this provision:
 - (a) Rules do not clearly define what constitutes such defaults, excesses or abuse.
 - (b) The Act does not envisage or vest such a power in the local authority.
2. *The provision empowering the local authority to dissolve the TVC is beyond the Act, and the grounds for dissolution are vague:* Rule 9 allows a local authority to dissolve the TVC if the TVC “persistently makes defaults in the performance of duties” or “exceeds or abuses its power”. There are two problems with this provision:
 - (a) The Act does not delegate such powers to the local authority.
 - (b) Rules do not clearly define what constitutes such defaults, excesses or abuse.
 - (c) Municipal Commissioner chairing the TVC may dilute the status of the TVC.

Kerala Street Vendors (Protection of Livelihood, Regulation of Street Vending and Licensing) Scheme, 2015

1. *The formula for calculation of vending fee is ambiguous:* Clause 9 fixes the vending fee in terms of the ‘guideline value’. For example, the vending fee for a stationary vendor using space of up to 10 sq ft will be 1% of the guideline value subject to a minimum of Rs. 750/- per annum. But, ‘guideline value’ is not defined in the scheme.
2. *Suspension of the vending certificate without notice in certain instances is against the Act:* Section 10 of the Act mandates a pre-hearing for the suspension of vending certificates. However, Clause 12(3) allows a TVC to suspend a certificate without any hearing, if it is to be suspended for less than seven days. This is contrary to the Act.
3. *The provision on zoning is not as per the Act:* Section 18 of the Act directs the local authority to decide zoning on the recommendations of TVC. However, Clause 20(2)(b) of the scheme prescribes a consultation with traffic police or police. It also empowers the local authority to “accept, modify or reject the recommendations with due reasoning and designate a place or location as vending zone”. Clause 20(1) empowers TVCs to identify and declare vending zones, no vending zones and restricted vending zones and Clause 20(3) directs the TVC to review the zoning every three years. It is not clear who takes the final decision on zoning.

MADHYA PRADESH

Performance on the Compliance Index

Score: 48.60 — Steps Implemented: 10/11

[Score on Index variant: 55.76]

Madhya Pradesh has not seen any significant change in its score on the Compliance Index this year. The state has yet to notify its scheme. Of the 110 towns where it has implemented the mission, 76 towns (70%) have constituted TVCs with vendor representatives. Of the 67 towns that have surveyed vendors, five towns have completed the exercise without constituting TVCs. In a state with an urban population of over 20,069,405, only 89,000 vendors (less than 0.4% of the population) have been identified thus far. Of these, 97,000 vendors (more than the number of vendors identified) have been given identity cards and only 6,000 vendors have been issued certificates of vending. Most towns have defaulted on the sequence of processes mentioned in the Act. Identity cards have been issued prior to distributing certificates of vending. Of the 13 towns that have formulated their vending plans, two towns have not constituted TVCs. Of the 16 TVCs that have demarcated vending zones, 11 TVCs have not formulated a vending plan to guide demarcation. Madhya Pradesh has constituted three Grievance Redressal Committees.

Madhya Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 dated 24.04.2017 published vide notification no. 11/F 1-4-2017-XVIII-3

- The provision empowering the Commissioner to dissolve the TVC is beyond the Act, and the grounds for dissolution are vague:* Rule 10 allows the Commissioner to dissolve the TVC if the TVC “persistently makes difficult (sic) in the performance of duties” or “exceeds or abuses its power”. There are two problems with this provision:
 - The Act does not delegate such powers to the Commissioner.
 - Rules do not clearly define what it means for a TVC to “make difficult (sic) in the performance of duties”.
- The provision prescribing a low quorum allows a small unrepresentative group to make decisions on behalf of the committee:* Per rule 11(3), the quorum for TVC meetings is mere one third. This enables a small unrepresentative group to make decisions on behalf of the committee. While the Act does not prescribe any minimum quorum, such a provision is likely against the participatory spirit of the parent Act.

Scheme

As of writing this report, Madhya Pradesh has not notified a scheme yet.

MAHARASHTRA

Performance on the Compliance Index

Score: 28.46 — Steps Implemented: 6/11

[Score on Index variant: 35.25]

Maharashtra has seen a marginal drop in its score on our Compliance Index this year. Last year, we analysed the data on 3,799 towns. This year we only received data for 259 towns (where the state has implemented the mission). Of these, 257 towns have constituted a provisional TVC. No town has constituted a regular TVC with vendor representation. Only 37% of towns (97 towns) have completed enumeration of vendors. None of the identified vendors (75,000) have been issued a certificate of vending or an identity card. Only 12 TVCs have submitted a vending plan and one TVC has demarcated vending zones. The state is yet to form Grievance Redressal Committees.

The Maharashtra Street Vendors (Protection of Livelihood and Regulation of Street Vending) (Maharashtra) Rules, 2016 dated 03.08.2016 published vide notification no. NHP.2014/c.R. 403/UD-34

1. *Judicial members and not the Mayor or President of the local authority should head the Appellate Committee:* Rule 9 prescribes an Appellate Committee to be constituted for handling appeals. This Committee is to be chaired by the Mayor or President. The Committee will hear appeals from the Grievance Redressal and Dispute Resolution Committee. The Appellate Committee should have a judicial member heading it for two reasons:
 - (a) The Committee is required to follow the judicial procedure for dispute resolution.
 - (b) The Committee hears appeals against the decisions of the Grievance Redressal Committee, which has a judicial member and adjudicates disputes by following a judicial procedure.
2. *The provisions empowering the Municipal Commissioner and the state government to veto TVC proposals go against the Act:* Rule 22 of these rules vests powers in the Municipal Commissioners and the state government to overrule TVC proposals. This Rule may go beyond the mandate of the parent Act for the following reasons:
 - (a) Section 33 of the Act expressly supersedes other local laws. However, Rule 22(10) and (11) of the Maharashtra Street Vendors Rules, 2016 allows the Municipal Commissioner as well as the state government to veto TVC proposals in case of conflict with local laws. Prima facie, Rule 22 appears to circumvent the Act.
 - (b) A local authority or the state government may misuse their veto powers to make the TVC dysfunctional. The only recourse against misuse will be to approach the courts. Such recourse may be too expensive and time-consuming for street vendors.
 - (c) Deciding whether a TVC proposal violates another law would be a judicial function. Vesting the power of judicial review in an executive body, to review the actions of another executive body for “legality”, is a violation of the doctrine of separation of powers.

Scheme

Bombay High Court in *Azad Hawkers Union v. Union of India* (MANU/MH/2574/2017) refused to regard the scheme dated 9 January 2017 as a legitimate scheme under Section 38 of the Act because the state government did not consult the TVCs or the local authority as statutorily mandated.

MANIPUR

Performance on the Compliance Index

Score: 39.31 — Steps Implemented: 6/11

[Score on Index variant: 44.04]

Manipur has seen a 10 point jump in its score on our Compliance Index this year. The state has notified its scheme and rules. Only 2 out of 27 towns have constituted a TVC: one provisional and one with vendor representation. No town has completed the survey exercise.^a Although no vendors have been identified, 139 vendors have been issued certificates of vending. No street vendor has been given an identity card. One TVC has submitted its vending plan, but TVC has begun demarcation of vending zones. The state is yet to constitute Grievance Redressal Committees.

a. In the past two months, Manipur has updated its data with the Ministry and completed surveys in some ULBs.

The Manipur Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 published on 02.05.2016 vide notification no. 7/1/2015-MAHUD

1. *Judicial members should head the Appellate Committee instead of the Mayor or President of the local authority as currently prescribed:* Rule 9 prescribes an Appellate Committee to be constituted for handling appeals from the the Grievance Redressal and Dispute Resolution Committee. This Committee is to be chaired by the Mayor or President. The Appellate Committee should have a judicial member heading it for two reasons:
 - (a) The Committee is required to follow the judicial procedure for dispute resolution.
 - (b) The Committee hears appeals against the decisions of the Grievance Redressal Committee, which has a judicial member and adjudicates disputes by following a judicial procedure.

The Manipur Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2018 published on 01.12.2018 vide notification no. 23/4/2014-MAHUD

1. *The provision lists vague grounds for the cancellation of certificate of vending and goes beyond the Act:* Clause 10(2) entails the cancellation of the certificate of vending of a street vendor for misbehaving with women. There are two issues with this provision:
 - (a) The provision does not define misbehaviour.
 - (b) The Act does not prescribe misbehaviour as a ground for cancellation. Therefore, the provision goes beyond the Act.
2. *The provision allowing the suspension of vending certificates without notice in certain instances is against the Act:* Section 10 of the Act mandates a hearing before suspending vending certificates. However, Clause 10(4) allows a TVC to suspend a vending certificate without hearing if it is to be suspended for less than seven days. This is contrary to the Act.
3. *The provision for designating private places as vending zones lists several conditions that are vague or undefined:* Clause 15 prescribes a permission-based regime for vending in private places. Permission is subject to the following factors:
 - (a) absolute necessity
 - (b) street vendors' welfare
 - (c) accommodating the relocated vendors
 - (d) holding capacity.

The first two are vague and not defined in the scheme. The objective for including the last two conditions is not clear for vending in a private place. The provision should have laid down clear grounds for disallowing vending in private space. For example, vending in private space would be shut down for causing a nuisance to neighbours, or for unhygienic conditions.

MEGHALAYA

Performance on the Compliance Index

Score: 39.67 — Steps Implemented: 5/11

[Score on Index variant: 49.67]

Meghalaya has seen a marginal drop in its score this year. Last year, we received data for seven towns. This year we only received data on six towns in Meghalaya. 2/6 towns have constituted TVCs. Of these, one town (Shillong) has a regular TVC with vendor representation. Two towns have completed surveys. Of these, one town has completed enumeration before constituting a TVC. The state has identified only 800 vendors thus far. Of these, 160 vendors have been given an identity card. No vendor has been issued a certificate of vending. Meghalaya has implemented only five of the 11 steps scored on the index. No town has submitted a vending plan or demarcated vending zones. The state is yet to form Grievance Redressal Committees.

Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 published on 22.06.2017 vide notification no. UAU./I/2011/Pt/368

1. *The provision allowing less than 40% street vendor representation in a TVC is contrary to the Act:* Per Rule 3, TVC has 12 official members, two representatives of local markets association, two representatives of trader association, a representative from the local Dorbar and only three street vendor representatives. This makes the TVC a 21-member body with only three street vendor representatives (less than 15%). This is contrary to Section 22(2)(d) of the Act that mandates 40% street vendor representation in TVC.
2. *Rules prescribe nomination instead of election of street vendor representatives for forming a TVC* Rule 4 directs the TVC Chairperson to nominate the vendor members. This is contrary to Section 22(2)(d) of the Act that mandates street vendor representatives to be elected.
3. *The provision empowering the local authority power to remove any TVC member goes beyond the Act and the grounds of removal are vague:* Per Rule 16(a), the state government can remove any TVC member if he “persistently makes default in the performance of his/her duties” or “exceeds or abuses its power”. There are two problems with this provision:
 - (a) Rules do not clearly define what would constitute such defaults, excesses or abuse.
 - (b) The parent Act does not envisage or vest such a power in the state government. The proviso to Rule 16 prescribes a hearing before removal as a procedural safeguard.
4. *The provision prescribing a low quorum enables a small unrepresentative group to make decisions:* Per Rule 8(v), the quorum for TVC meetings is mere one third. This enables a small unrepresentative group to make decisions on behalf of the committee. While the Act does not prescribe any minimum quorum, one-third quorum may not be in accordance with the participatory spirit of the Act.

The Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2017 published on 29.06.2017 vide notification no. USU./1/2011/Pt/369

1. *The provision restricting various modes of street vending such as vending with a pushcart, motorised vehicle and the hanging frame go beyond the Act:* Clause 3(v) restricts pushcart, motorised vehicle, floor spread, rack and hanging frame for street vending. Clause 12 further prohibits the use of handcarts. Clause 3(v) mandates special permission by a nodal officer “on adequate justification and recommendation of the local authority.” This kind of special permission may breed corruption and bribery that the Act sought to protect the vendors from.

2. *The provision empowering the local authority to handle the certificate of vending applications is contrary to the Act:* Per Section 4(2) of the Act, TVC is entrusted with this responsibility to issue certificates of vending during the intervening period. However, Clause 15(i) empowers the local authority to handle the applications for vending during the intervening period of two surveys. This is contrary to the Act.
3. *The provision directing the local authority to report the categories of vending to the state government has no rationale:* Per Section 6 of the Act, a scheme may define the categories of vending for the purpose of issuance of the certificate of vending. Clause 22 of this scheme, instead of defining the categories other than stationary and mobile, leave it to the local authority to report the categories to the state government. There are two issues with this provision:
 - (a) It is not clear why a local authority should report other categories to the state government. The provision does not mention what the state government should do next once the additional categories are reported to it.
 - (b) Clause 23 is titled as “the vendors can also be categorised with reference to the places from where they are operating” and it enlists six other categories—natural markets, weekly markets, heritage markets, festive markets, night bazaar and seasonal markets. Hence, the objective of Clause 22 is not clear.
4. *Misbehaviour as grounds for cancellation of certificate of vending goes beyond the Act:* Clause 19(iii) prescribes cancellation of the certificate of vending of a street vendor for repeatedly misbehaving with women vendors. There are three issues with this provision:
 - (a) The provision does not define misbehaviour.
 - (b) The provision goes beyond the Act as the Act does not prescribe misbehaviour as a ground for cancellation.
 - (c) There is no judicial procedure prescribed for cancellation and a written complaint filed by the aggrieved person is enough for cancellation.
5. *The ban on roadside cooking goes beyond the Act:* Clause 34(ii) prohibits roadside cooking. However, the Act has no such restriction.
6. *The provision mandating a service record book is arbitrary and beyond the Act:* Clause 34(ii) imposes a condition on vendors to keep a service record book that TVC may check and give a reward or impose a penalty. There are two problems with this provision:
 - (a) The provision does not divulge any parameters for judging and therefore, it is arbitrary.
 - (b) The Act has no such provision.

MIZORAM

Performance on the Compliance Index

Score: 63.07 — Steps implemented: 8/11

[Score on Index variant: 79.60]

Mizoram has seen a 10-point drop in its score on our Compliance Index this year. Of the 15 towns where it has implemented the mission, less than half (6) have constituted TVCs and completed surveys. Two towns have completed surveys and distributed identity cards to all vendors, before constituting TVCs and issuing vending certificates. Only 26% of towns (4) have formed TVCs with vendor representation. Mizoram has identified more than 4,000 vendors, thus far. Five TVCs have issued identity cards to more than 75% of vendors identified. In some towns the number of identity cards distributed is more than the number of vendors identified and vending certificates issued. Seven towns have submitted the vending plan and four towns (with TVCs) have demarcated vending zones. Mizoram is yet to form Grievance Redressal Committees.

Mizoram Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 published on 07.11.2017 vide notification no. 27009/1973

1. *Rule envisaging provisional TVCs is laudable:* The Act prescribes constituting TVCs with elected vendor representatives to conduct surveys. But, elections require a voter list based on surveys. The Act is not clear on what comes first: survey or TVC? Rule 5 addresses this conundrum by constituting provisional TVCs with nominated vendor representatives.
2. *Rules prescribe an Appellate Committee led by a district sessions judge to avoid the violation of the separation of powers:* Section 20 of the Act prescribes making an appeal against decisions of the Grievance Redressal Committee to the local authority. This provision may violate the principle of separation of powers. The Grievance Redressal Committee headed by a civil judge/ judicial magistrate follows a judicial procedure for adjudicating disputes. An appeal from a judicial body must be heard by a judicial committee/ tribunal, rather than an administrative body. Rule 21 constitutes an appellate committee headed by a district session judge. Mizoram is the only state with this provision.

Mizoram Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2017 published on 30.11.2017 vide notification no. B.13017/88/2017-UD&PA

1. *The provision empowering the local authority to handle the certificate of vending applications is contrary to the Act:* Per Section 4(2) of the Act, TVC is entrusted with this responsibility to issue the certificates of vending during the intervening period. However, Clause 8(1) empowers the local authority to handle the applications for vending during the intervening period of two surveys. This is contrary to the Act.
2. *Misbehaviour as a ground for cancellation of certificate of vending goes beyond the Act:* Clause 11(5) prescribes cancellation of the certificate of vending of a street vendor for repeatedly misbehaving with women vendors. There are three issues with this provision:
 - (a) The provision does not define misbehaviour.
 - (b) The Act does not prescribe misbehaviour as a ground for cancellation.
 - (c) There is no judicial procedure prescribed for cancellation and a written complaint filed by the aggrieved person is enough for cancellation.
3. *The provision directing the local authority to report the categories of vending to the state government has no rationale:* Per Section 6 of the Act, a scheme may define the categories of vending for the purpose of issuance of the certificate of vending. However, Clause 13 of this scheme instead of defining the categories other than stationary and mobile leave it to the local

authority to report the categories to the state government. It is not clear why a local authority should report other categories to the state government. The provision does not mention what the state government should do next once the additional categories are reported to it.

4. *Several conditions for designating private places as vending zones are vague and undefined:* Clause 22 prescribes a permission-based regime for vending in private places. The basis for permission is subject to the following factors:
 - (a) absolute necessity
 - (b) street vendors' welfare
 - (c) accommodating the relocated vendors
 - (d) holding capacity.

The first two are vague and not defined in the scheme. The objective for including the last two conditions is not clear for vending in a private place. The provision should have laid down clear grounds for disallowing vending in private space.

NAGALAND

Performance on the Compliance Index

Score: 46.99 — Steps Implemented: 7/11

[Score on Index variant: 58.21]

Nagaland has significantly improved its performance on our Compliance Index this year. The state notified its rules and schemes in 2019. Although it has implemented the mission in 16 towns, we have only received data for 11 towns. Nine out of 16 towns have constituted a regular TVC with vendor representation. Three towns have completed the enumeration of vendors. Of these, one town has completed enumeration before constituting a TVC. The state has identified over 1,000 vendors, but has not issued vending certificates or distributed any identity cards to them. Although two towns have submitted their vending plan, no town has begun the demarcation of vending zones. Nagaland is one of the only few states that have constituted a Grievance Redressal Committee.

Nagaland Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2019 published on 15.04.2019 vide notification no. UDD/8-NULM/09-SUSV/2016

1. *Rule envisaging provisional TVCs is laudable:* The Act prescribes constituting TVCs with elected street vendor representatives to conduct surveys and allocate the certificates of vending. But elections require a voter list based on surveys. The Act is not clear what comes first: survey or TVC? Nagaland addresses this issue by constituting provisional TVCs with unelected street vendor representatives. The state government will nominate all the members to TVC. The duration of provisional TVC will be one year or until the survey-based elections are held, whichever is earlier. Only three states—Karnataka, Mizoram and Nagaland—have this provision.
2. *The provision empowering the state government to remove any TVC member goes beyond the Act and the grounds of removal are vague:* Per Rule 8, the government can remove any TVC member “persistently makes defaults in the performance of his duties” or “exceeds or abuses its power”. There are two problems with this provision:
 - (a) Rules do not clearly define what would constitute such defaults, excesses or abuse.
 - (b) The parent Act does not envisage or vest such a power in the state government.
3. *Judicial members should head the Appellate Committee instead of the Chairperson of the local authority as currently prescribed:* Rule 9 prescribes an Appellate Committee to be constituted for hearing appeals from the Grievance Redressal Committee (GRC). This Committee is to have a chairperson and two other members of the local body. This Committee should be led by a judicial member instead of the Mayor or President of the local authority for two reasons:

- (a) The Committee is required to follow the judicial procedure for dispute resolution.
- (b) The Committee hears appeals against the decisions of the Grievance Redressal Committee, which has a judicial member and adjudicates disputes by following a judicial procedure.

Nagaland Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme-2019 published on 15.04.2019 vide notification no. UDD/8-NULM/09-SUSV/2016

1. *The provision empowering the local authority to handle the certificate of vending applications is contrary to the Act:* Clause 6(i) empowers the local authority to handle the applications for vending during the intervening period of two surveys. However, per Section 4(2) of the Act, TVC is entrusted with this responsibility to issue certificates of vending during the intervening period.
2. *Misbehaviour not a subject matter of this Act:* Clause 10(3) prescribes cancellation of the certificate of vending of a street vendor for repeatedly misbehaving with women vendors. There is no judicial procedure prescribed for cancellation and a written complaint filed by the aggrieved person is enough for cancellation. The Act does not have such a provision.
3. *The purpose of directing the local authority to report additional categories to the state government is not clear:* Per Section 6 of the Act, a scheme may define the categories of vending for the purpose of issuance of the certificate of vending. However, Clause 13 of this scheme instead of defining the categories other than stationary and mobile leave it to the local authority to report the categories to the state government. It is not clear why a local authority should report other categories to the state government. The provision does not mention what the state government should do next once the additional categories are reported to it.
4. *The provision for designating private places as vending zones goes beyond the Act:* Clause 22 prescribes compensation for declaring any private land as a vending zone. The compensation can be in the form of additional floor space index or floor area ratio or transferable development rights. It is unclear whether this provision of compensation implies an involuntary expropriation. The Act does not authorise expropriation. In the absence of express authorisation, the scheme should not assume the power to expropriate and compensate private parties.

ODISHA

Performance on the Compliance Index

Score: 47.65 — Steps Implemented: 8/11

[Score on Index variant: 58.73]

Odisha has seen a drop in its score on the Compliance Index this year. Of the 114 towns, 77% (87 towns) have constituted TVCs and 5% (six towns) have ensured vendor representation in TVCs. Although 96% of towns have completed surveys, 21 towns have done so before constituting TVCs. Odisha has an urban population of 70,00,000. It has identified approximately 61,000 vendors (0.08% of the population) thus far. Of these, 5,000 have been issued vending certificates and 9,000 have been issued identity cards. 19 TVCs have given identity cards to more than 75% of the vendors identified. However, most towns have distributed identity cards prior to distributing vending certificates. Four towns have submitted vending plans, but are yet to demarcate vending zones. The state is also yet to form Grievance Redressal Committees.

The Odisha Street Vendor (Protection of Livelihood and Regulation of Street Vending) Rules published on 07.07.2015 vide notification SRO 311/2015

1. *The provision on the formation of TVC structure goes beyond the Act:* Rule 3 prescribes a 12-member TVC. TVC will have the Municipal Commissioner as the Chairman of the TVC, an NGO representative, a traders' association representative, an RWA representative, a bank representative, a Corporator or Councillor, an officer of the planning authority, a police officer (superintendent or his nominee) and four street vendor representatives. There are two issues:
 - (a) The percentage of vendor representatives in TVC is less than 40% as statutorily mandated.
 - (b) Rules empower the Chairperson to nominate the street vendor representatives to TVC. But the Act prescribes an election for this purpose.

The Odisha Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2015 published on 07.07.2015 vide notification no. SRO No. 310/2015

1. *The provision allowing the suspension of vending certificate without notice in certain instances is against the Act:* Clause 9 allows a TVC to suspend the certificate of vending of a street vendor without hearing if it is to be suspended for less than thirty days. The provision mandates reasons to be recorded in writing. However, the proviso to section 10 of the Act explicitly mandates a pre-hearing for the suspension of the certificate of vending. This is contrary to the Act.
2. *The provision prescribing a registration fee to receive vending certificate goes beyond the Act:* Clause 7(1) provides for an application fee as well as a renewal fee of Rupees 100. However, Section 8 of the Act allows for a vending fee only, payable after the issuance of the certificate of vending and has no provision for any fee for the issuance of certificate of vending.
3. *The provision prohibiting a proxy vendor should have allowed an exception for family members:* Clause 7(1) prohibits a vendor from letting any other person to carry on street vending on her behalf. However, Section 5(a) of the Act allows a street vendor to sell through his family.

PUNJAB

Performance on the Compliance Index

Score: 63.18 — Steps Implemented: 10/11

[Score on Index variant: 74.68]

Punjab's score on the Compliance Index is roughly the same as last year. Of the 167 towns where the state has implemented the mission, 163 towns (98%) have constituted TVCs with vendor representation and completed the enumeration of vendors. Two towns have enumerated vendors without constituting TVCs. The state has identified 90,000 vendors thus far. Of these, less than 50% (34,000) of vendors have been given identity cards and only 1% (901) have been issued vending certificates. Most TVCs have distributed identity cards to vendors, prior to distributing certificates of vending. Although 47 TVCs have submitted their vending plan, only one TVC has begun the demarcation of vending zones. Per past year's data, Punjab has allocated office spaces to 99% of the TVCs. The state has formed two Grievances Redressal Committees.

The Punjab Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2015 dated 12.02.2015 published vide notification no.5/11/2015-5lg4/413009/1

1. *Rule 7 enables a small unrepresentative group to make decisions on behalf of the TVC:*
 - (a) Rule 7(7) fixes one-fourth of the total members as the quorum for conducting TVC meetings. The rule enables a small unrepresentative group to make decisions on behalf of the committee. While the Act does not prescribe any minimum quorum, such low quorum is not in accordance with the participatory spirit of the Act.
 - (b) In the absence of a quorum, the Chairperson will adjourn the meeting and fix another date. However, per rule 7(9), a quorum is not required for holding the adjourned meeting. This implies that an unrepresentative minority can make decisions on behalf of the committee.

The Punjab Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2016 published on 03.03.2016 vide notification no. 5/11/2015-5lg4/702470/1

1. *The provision prescribing an application fee for certificate of vending goes beyond the Act:* Clause 4 of the scheme prescribes a fee of Rs. 500 to apply for a certificate of vending. Section 8 of the Act prescribes a vending fee after the issuance of certificate of vending. However, the Act does not mention any application fee. This provision goes beyond the Act.
2. *The provision directing the local authority instead of the TVC to conduct social audit goes against the Act:* Clause 18 directs a local authority to constitute social audit committees for conducting a social audit. Per Section 26 of the Act, a TVC should carry out a social audit.
3. *The provision limiting vendors to sell pre-specified goods is too restrictive:* Clause 27(VI) and (X) allow street vendors to sell only those goods as specified on the certificate of vending. The provision limits the vendor's freedom to sell different goods.
4. *The provision allowing a TVC instead of local authority to demarcate zones goes against the Act:* Rule 23(2) allows a TVC to demarcate vending areas. However, Section 21 of the Act empowers the local authority to do the zoning demarcation.

RAJASTHAN

Performance on the Compliance Index

Score: 61.82 — Steps Implemented: 10/11

[Score on Index variant: 72.95]

Rajasthan has seen a 10-point drop in its score on the Compliance Index this year. Of the 193 towns where it has implemented the mission, 189 towns have constituted TVCs with vendor representation and 172 towns (89%) have completed surveys. Rajasthan has identified over 80,000 vendors (almost 0.8% of its urban population) thus far. Of these, more than 64,000 have been given identity cards and only 2000 (approximately), have been issued vending certificates. Most towns have distributed identity cards, prior to issuing these certificates. 26 towns have submitted their vending plan. 20 towns have demarcated vending zones. Of these, eight towns have not formulated a vending plan. Per last year's data, local authorities have provided an office space to most TVCs. Rajasthan is yet to form Grievance Redressal Committees.

The Rajasthan (Protection of Livelihood and Regulation of Street Vending) Rules dated 15.02.2016 published vide notification No.F8(Ga)(15)Rules/DLB/15/1144

1. *The provision on holding an adjourned TVC meeting without quorum enables an unrepresentative minority to make decisions:* Rule 7(3) mandates a quorum of minimum two-third of the total members. The Chairperson will adjourn the meeting and fix another date in the absence of a quorum. However, a quorum is not required for holding the adjourned meeting. This implies that an unrepresentative minority can make decisions on behalf of the committee.

The Rajasthan (Protection of Livelihood and Regulation of Street Vending) Scheme, 2017 dated 05.09.2017 notification no. F-(GA)()Rules/QLB/17/32733

1. *The scheme has no deadline for issuance of vending certificates:* The provisions dealing with issuance of vending certificates (such as Clause 4, Clause 7, and Clause 8) do not mention any timeline for issuing these certificates to a new entrant during two intervening surveys.
2. *The provision specifying the minimum age for vending goes beyond the scope of a scheme:* S.5(iii) prescribes minimum age for vending (18 years) which is the subject matter of rules not schemes.
3. *The provision mandating a service record book is arbitrary and beyond the Act:* S. 23(4) mandates all vendors to keep a “vending service record book” ready for inspection by TVCs/ local authority staff. There are three problems with this provision:
 - (a) The provision does not divulge any parameters for judging and therefore, is arbitrary.
 - (b) The provision mentions penalty but does not define it.
 - (c) The Act has no such provision.
4. *The provisions on zoning go against the parent Act:* The Act lists the subject matters to be covered under state schemes in the Second Schedule. Clause (z) of the Second Schedule prescribes principles of zoning. This is subject to Clause (3) of the First Schedule that lists the principles for demarcating no-vending zones. Here are some issues in the relevant provisions of the scheme:
 - (a) Clause 27(2) and 27(3)(a) declare that “there shall be no totally restriction free vending zone”. It is not clear what the provision intends to imply by ‘restriction-free vending zones’. Instead of defining restrictions and their rationale, the scheme attempts to justify the potential of no-vending zones ex-ante.
 - (b) Clause 28 defines the holding capacity in two ways: sub-clause (1) defines holding capacity as 2.5% of the local population. Sub-clause (2) defines holding capacity as the “vending site divided by total area of vending”. However, the terms “vending site” and “total area of vending” are not defined in the scheme.

SIKKIM

The Sikkim (Protection of Livelihood and Regulation of Street Vending) Rules published on 27.06.2017 vide notification no. GOS/UD&HD/6(168)/13/14²⁵

1. *The provision on the term and formation of TVC is ambiguous:* Rule 15(2) mandating completion of election or nomination of TVC members “before the expiry of their term” implies: form the committee before its term expires. Instead, it should convey: nominate new members for the subsequent term before the current term expires. Or “the process of electing or nominating, as the case may be, of the new members on the committee shall be completed before the expiry of the current TVC.”
2. *The provision on holding an adjourned TVC meeting without quorum enables an unrepresentative minority to make decisions:* Rule 7(3) mandates a minimum two-third of the total number of members. The Chairperson will adjourn the meeting and fix another date, in the absence of a quorum. However, a quorum is not required for holding the adjourned meeting. This implies that an unrepresentative minority can make decisions on behalf of the committee.

Scheme

As of writing this report, Sikkim has not notified a scheme yet.

²⁵. Sikkim did not submit any data on implementation until 3 March 2020.

TAMIL NADU

Performance on the Compliance Index

Score: 64.88 — Steps Implemented: 10/11

[Score on Index variant: 71.29]

Tamil Nadu ranks third on our Compliance Index. Of the 664 towns that have reported their data, over 73% (491 towns) have constituted TVCs and 70% (469 TVCs) have ensured vendor representation in TVCs. Although 89% of towns (591) have enumerated vendors, 17% (111 towns) have done so without constituting a TVC. The state has identified more than 10,00,000 vendors thus far. Almost all vendors have been issued identity cards, but only a small proportion (30,000) have been given vending certificates. Most towns have distributed identity cards prior to issuing vending certificates. Only 38 TVCs have submitted the vending plan, but 72 TVCs have demarcated vending zones. It seems that most towns demarcated their vending zones without laying down the principles for demarcation. The state is yet to form grievance redressal committees.

Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2015 published on 2.11.2015 vide notification no. SRO-A/19(c-2)/2015

1. *The provision empowering the local authority to dissolve the TVC is beyond the Act and the grounds for dissolution are vague:* Rule 9 allows a local authority to dissolve the TVC if it “persistently makes defaults in the performance of his duties” or “exceeds or abuses its power”. This provision is a problem for two reasons:
 - (a) The Act does not delegate this power to the local authority.
 - (b) The provision does not define what constitutes defaults in performance or abuse of powers.

Tamil Nadu Street Vendors (Protection of Livelihood, Regulation of Street Vending and Licensing) Scheme, 2015 published on 2.11.2015 vide notification no. SRO-A/19 (c-1)/2015

1. *Suspension of the vending certificate without notice in certain instances is against the Act:* Section 10 of the Act explicitly mandates a pre-hearing for the suspension of the certificate of vending. However, Clause 12 allows a TVC to suspend the certificate of vending of a vendor without hearing if it is to be suspended for less than seven days. This is contrary to the Act.
2. *The provision mandating the concurrence of TVC for relocation is laudable:* Clause 13(1) lists certain conditions for relocation. Clause 13(2) allows deviation from these conditions after recording reasons. However, the concurrence of TVC is a non-negotiable condition for relocation. This would help to curb the arbitrariness in eviction and relocation.
3. *The provision on time-sharing based vending leaves “adverse consequences” undefined:* Clause 22 prescribes “adverse consequences” in cases of breach of assigned hours of vending. However, the provision does not define “adverse consequences”.
4. *The provision on zoning sets out unrealistic deadlines for deciding objections to zoning:* Clause 20(2)(c) allows any person aggrieved by zoning to make a representation to the TVC. It directs the TVC to decide the objection within fifteen days or in the next meeting, whichever is earlier. This is problematic because a TVC cannot make any decision without holding a meeting. It effectively implies that the timeline for deciding on objections is fifteen days and all the zoning related objections must be dealt with, in one meeting.
5. *The provision on the allocation of certificate of vending treats existing vendors and fresh applicants alike and goes against the Act:* Clause 21(3) prescribes the draw of lots for certificate of vending allocation. However, it is silent on the existing vendors. Per the Act, existing vendors should get preference over the new applicants. This clause should have explicitly mentioned preferential treatment to existing vendors over new applicants.

TELANGANA

Performance on the Compliance Index

Score: 38.95 — Steps Implemented: 6/11

[Score on Index variant: 49.18]

Telangana has seen a 10-point drop in its score on the compliance Index this year. Of the 142 towns where it has implemented the mission, only 72 towns (50%) have constituted TVCs. No TVC has vendor representation. Although 66 towns (46%) have enumerated vendors, three towns have done so without constituting TVCs. The state has identified over 71,000 vendors and distributed identity cards to almost all vendors. Only 3,000 vendors (approximately) have been issued vending certificates. Most towns have distributed identity cards either before issuing certificates or without constituting TVCs. Of the 27 towns that have submitted their vending plan, three towns have not constituted a TVC. 27 towns have demarcated vending zones. Of these, 15 towns have not formulated vending plans. The state is yet to constitute Grievance Redressal Committees.

Rules As of writing this report, Telangana has not notified its rules yet.

Telangana State Street Vending Scheme, 2016 dated 05.01.2016

1. *Multiple and inconsistent provisions on survey create confusion:* Clause 2.1 directs ULBs to develop a suitable strategy for conducting surveys and Clause 2.2 directs the survey to be conducted through community resource persons. However, Clause 2.9 makes the TVC responsible for conducting the survey.
2. *The provision for document verification is ambiguous:* Clause 2.4 of the scheme mandates a random verification of the survey data. However, Clause 2.5 mandates the verification of address proof documents, particularly in case of migrant vendors, during the survey. There are two issues:
 - (a) The provision is not clear on whether the address proof-verification should be done for all vendors or for a random sample.
 - (b) The provision offers no guidance on how the verification is to be done.
3. *The provision on vending certificates refers to a missing annexure:* Clause 5 of the scheme refers to the form of vending certificate in the annexure, but the scheme does not have an annexure.
4. *The provision allowing registration fee is beyond the Act:* Clause 8 provides for a registration fee. However, the Act only allows for a vending fee—payable after the vending certificate is issued.
5. *The provision dealing with TVC formation and its functioning is beyond the scope of scheme:* Clause 18 of the scheme deals with the constitution and functioning of TVC. However, per Section 36 of the Act, these are subject matters of the rules and not the scheme.
6. *The definition of holding capacity is ambiguous and different from the Act:* Clause 21 titled as “Principles for determining the holding capacity of vending zones” has two issues:
 - (a) The Clause defines holding capacity in terms of area: “vending site divided by the total area of the vending area and that space is to be provided shall be 2.5% of the total area”. Per Section 2(1)(b) of the Act, holding capacity is the maximum number of vendors who can be accommodated in a vending zone.
 - (b) The Act or the rules do not define the term “vending site”.
7. *The provision envisaging the exit of a vendor after 20 years is ambiguous and beyond the Act:* Clause 26 allows allotment of stalls for ten years and a one-time extension of another ten years. After 20 years, a vendor would not be qualified for the allotment. There are two issues:
 - (a) The reference point for reckoning the 20-years period is not clear.
 - (b) The Act has no such prescription to permanently disqualify vendors after 2 consecutive renewals of the certificate of vending.

TRIPURA

Performance on the Compliance Index

Score: 48.25 — Steps Implemented: 5/11

[Score on Index variant: 60.60]

Tripura has seen an increase of almost 9 points in its score on the Compliance Index this year. All 20 towns in the state have constituted a TVC. However, no TVC has vendor representation. Barring one town, all towns have enumerated vendors. The state has identified only 9,000 (0.9% of the population) vendors thus far. No TVC has issued certificates of vending and identity cards to all these vendors. Five TVCs have demarcated vending zones, without formulating a vending plan. The principles that guide this demarcation are unclear. The state is also yet to form Grievance Redressal Committees.

Tripura Street Vendor (Protection of Livelihood and Regulation of Street Vending) Rules, 2016 published on 21.06.2016 vide notification no.F.14(6)-UDD/DUD/ 2015/1827-52

1. *The provision on the term and formation of TVC is ambiguous:* Rule 7(2) “the process of electing or nominating, as the case may be, of the members shall be completed before the expiry of their term” is confusing. This simply means: nominate members before their term expires. Instead, the provision should convey: nominate new members for the subsequent term before the current term expires, or “the process of electing or nominating, as the case may be, of the new members on the committee shall be completed before the expiry of the current TVC.”

Tripura Street Vendors (Protection of Livelihood, Regulation of Street Vending and Licensing) Scheme, 2016 published on 21.06.2016 vide notification no.F-14(6)-UDD/DUD/2015/1853-78

1. *Local Voter-ID as eligibility for vending certificate is beyond the Act:* Clause 2.15 mandates that the vendor must be a registered voter of Tripura. The Act does not prescribe this requirement.
2. *The provision on the verification of documents prescribes no guidance for scrutiny:* Clause 2.16 specifies no parameters for scrutiny of documents submitted as proof of vending. Instead, it provides for careful and thorough scrutiny. The lack of instruction on what parameters/indicators to consider may encourage arbitrary exclusion.
3. *The provision banning roadside cooking goes beyond the Act:* Clause 4.22 prohibits cooking at the vending site. The Act has no such restriction. The scheme introduces a substantial restriction curtailing the scope of street vending without a legislative mandate.
4. *The provision prohibiting electricity and water connection goes beyond the Act:* Clause 4.23 prohibits electricity and water connection to vendors. The Act has no such prohibition. Instead, Section 17 of the Act directs vendors to pay for the civic amenities and facilities.
5. *Contradictory provisions on the use of an umbrella/ shed are confusing:* Clause 4.17 mandates that “... street vending shall be open to sky”. However, Clause 4.4 allows for the use of sheds and umbrellas. Contradictory provisions create confusion.
6. *The provision empowering the local authority instead of the Town Vending Authority to cancel or suspend the certificate of vending goes beyond the Act:* Clause 12.1 empowers the designated officer of the local authority to suspend or cancel a certificate of vending. This goes against the Act. Section 10 of the Act clearly vests this power in the TVC.
7. *The provision prescribing a 3-day release period for seized goods goes against the Act:* Clause 20.2 allows upto three days for releasing non-perishable goods from date of claim. Section 19(2) of the Act mandates releasing non-perishable items within 2 working days from the date of claim.

UTTAR PRADESH

Performance on the Compliance Index

Score: 59.79 — Steps Implemented: 9/11

[Score on Index variant: 69.63]

Uttar Pradesh has seen a drop of 7 points in its score on the Compliance Index this year. Of the 130 towns where it has implemented the mission, 62 towns (47%) have constituted TVCs and 59 towns have ensured vendor representation in the TVCs. 59/130 towns have enumerated vendors. Of these, two towns have completed the exercise without constituting a TVC. The state, most populous in the country, has identified only 2,00,000 vendors (comprising 0.5% of its urban population). Of these, 43,000 vendors have been given certificates of vending and 50,000 have been given identity cards. Only six TVCs have followed the sequence of processes established in the Act while issuing identity cards. Although only five TVCs have submitted their vending plan, 34 TVCs have demarcated vending zones. It seems that most towns have demarcated their vending zones without formulating a vending plan. Uttar Pradesh has surpassed all other states in constituting Grievance Redressal Committees. It has constituted 55 such committees across the state.

Uttar Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 dated 10.05.2017 published vide notification no. 111/9-9-2017-170ja/2006

1. *Some provisions go beyond the scope of rule-making:* Rules contain provisions with regard to issuance of certificate of vending (Rule 14), zoning (Rule 15), creation of new vending markets (Rule 16) and cancellation or suspension of the certificate of vending certificate of vending (Rule 17), conditions of vending (Rule 18), relocation (Rule 19), eviction (Rule 20), seizure (Rule 21) and issuance of ID (Rule 22). These are subject matters of the scheme and not rules.
2. *The composition of Grievance Redress Committee is contrary to the Act:* As per rule 25, Grievance Committee consists of the Mayor/ Chairperson and two other members of the local authority. Section 20 of the Act clearly mandates a former civil judge or judicial magistrate and two other professionals in the Committee. The proviso to section 20 clearly prohibits appointment of any employee of the State Government or the local authority as members of the Committee. It is a clear contravention of the Act.
3. *The provision prescribing a low quorum enables a small unrepresentative group to make decisions:* As per Rule 8, the quorum for TVC meetings is mere 1/3rd of the total members. It enables a small unrepresentative group to make decisions on behalf of the Committee.

Uttar Pradesh Scheme for Street Vendors 2016 published on 9.09.2016 vide notification no. 818/9-9-2016-170ja/2006

1. *Page number 3 is missing in the scheme available online.*
2. *The provision on holding capacity is ambiguous:* Clause 3(za)(1) defines holding capacity based on "section 3(2) of the parent Act which would not be more than 2.5% of the population of the town as per census 2011". Instead, the provision should have referred to the last/latest census.

UTTARAKHAND

Performance on the Compliance Index

Score: 25.23 — Steps Implemented: 5/11

[Score on Index variant: 32.59]

Uttarakhand has seen a drop of more than 20 points in its score this year. Since its 2016 rules were not introduced under the Central Act, we score the state 0 on this parameter. Of the 90 towns where it has implemented the mission, 61 towns have constituted TVCs and 47 towns have ensured vendor representation in their TVC. 80 towns have completed surveys, without the state having notified a scheme. 25 towns have completed surveys without constituting TVCs. The state has identified 25,000 vendors this far. Of these, only 4,000 have been given identity cards and 55 have been given vending certificates. Only one TVC has submitted its vending plan and demarcated vending zones. The state has yet to constitute Grievance Redressal Committees.

The Uttarakhand Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules dated 25.05.2016 notification no.825/IV(2)-UD-2016-246(Gen)04-TC1

The rules are not under Section 36 of the Street Vendors Act 2014. Instead, the rules are under Section 300(1) of Uttarakhand (the Uttar Pradesh Municipalities Act, 1916) (Adaptation and Modification Order, 2002), and Section 540(2) of Uttarakhand (the Uttar Pradesh Municipal Corporations Act, 1959)(Adaptation and Modification Order, 2007).

Scheme As of writing this report, Uttarakhand has not notified a scheme yet.

WEST BENGAL

The West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules published on 27.06.2018 vide notification no. 461/MA/O/C-4/1A-10/2011 (Pt.II) ²⁶

1. *No quorum is required for holding an adjourned TVC meeting:* Rule 7(3) mandates a minimum two-third members as quorum. The Chairperson will adjourn the meeting and reschedule, in the absence of a quorum. But, a quorum is not required for holding the adjourned meeting. This provisions allows an unrepresentative minority to take decisions on behalf of the Committee.
2. *Zoning is beyond the scope of rules:* Rule 9(e) and (i) lists instructions for TVCs to demarcate zones. However, specific guidelines and principles for determination of zones are to be laid out in the vending plan and the scheme—not the rules.
3. *The provision directing TVC to make recommendations for the identification of special markets is unclear:* Rule 9(h) directs the TVC to give recommendations to the local authority for declaration of special markets. However, the rules do not specify whether:
 - (a) local authority is bound to accept all TVC recommendations;
 - (b) local authority is bound to offer reasons for rejecting recommendations.
4. *The provision banning the use of fire goes beyond the Act:* Rule 14(3) does not expressly ban cooking but it prohibits the use of fire. It is problematic for a large number of vendors who sell freshly cooked snacks or meals. The Act does not have this restriction.
5. *The provision banning the use of tarpaulin and discouraging temporary structures goes against the Act:* Rule 14(4) bans the use of tarpaulin for covering the kiosk. It adds: “other temporary structures shall be avoided as far as practicable”. A vendor, by definition [S. 2(1) of the Act], includes a person vending from a temporary built structure. This rule contravenes the Act.

Scheme As of writing this report, West Bengal has not notified a scheme yet.

²⁶. West Bengal did not submit any data on implementation until 3 March 2020.

ANDAMAN & NICOBAR

The ‘Union Territory of Andaman & Nicobar Islands’ Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules dated 27.07.2015 published vide notification no. G.S.R. 584(E)²⁷

1. *Judicial members should head the Appellate Committee instead of the Mayor or President of the local authority as prescribed:* Rule 9 prescribes an Appellate Committee to be constituted for handling appeals from the Grievance Redressal and Dispute Resolution Committee. The Mayor or President is required to Chair this Committee. The Appellate Committee should have a judicial member heading it for two reasons:
 - (a) The Committee is required to follow the judicial procedure for dispute resolution.
 - (b) The Committee hears appeals against the decisions of the Grievance Redressal Committee, which has a judicial member and adjudicates disputes by following a judicial procedure
2. *The provision empowering the state government to remove any TVC member goes beyond the Act, and the grounds of removal are vague:* Per Rule 16(a), the government can remove any TVC member if he “persistently makes defaults in the performance of his duties” or “exceeds or abuses its power”. There are two problems with this provision:
 - (a) Rules do not define or guide what would constitute such defaults, excesses or abuse.
 - (b) The parent Act does not envisage or vest such a power in the state government.
 - (c) While the proviso to Rule 16 prescribes a hearing before removal, a procedural safeguard is not a substitute for clear definition and does not legitimize the undelegated power.
3. *Mode of intimation for convening a TVC meeting is not mentioned:* Rule 19(3) prescribes the TVC meeting notice to be issued 7 days prior to the meeting. Rule 19(1) allows for a special meeting to be called within 72 hours. However, both these provisions do not mention how vendor representatives would be intimated about the meetings particularly when at short notice.

The Andaman & Nicobar Islands Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2016 dated 26.12.2016 published vide notification no. 232/2016/F.No.3-131/2014-UD

1. *Sub-delegating the power to fix the vending fee to multiple authorities creates confusion:* Section 8 of the Act delegates the function of fixing fees to the state government and directs it to specify the vending fee or its formula in the scheme. Through Clause 6(ii), the state government empowers the local authority to fix the vending fee. However, Clause 10 also sub-delegates this power to the TVC to fix the vending fee.

27. Andaman and Nicobar Islands did not submit any data on implementation until 3 March 2020.

CHANDIGARH

Performance on the Compliance Index

Score: 75 — Steps Implemented: 8/11

[Score on Index variant: 90]

Chandigarh ranks second on our Compliance Index. The union territory has notified both rules and schemes. It has only one ULB, where two TVCs are functional: one provisional TVC and one with vendor representation. The TVC has completed the enumeration of vendors, earmarked vending zones, submitted the street vending plan and has an allocated office space. The state has recognised more than 21,000 vendors. Of these, only 10% have been issued certificates of vending. No vendor has been issued an identity card. Chandigarh is yet to form a Grievance Redressal Committee.

The ‘Union Territory of Chandigarh’ Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules dated 27.07.2015 published vide notification no. G.S.R. 586(E)

- Judicial members and not the Mayor or President of the local authority should head the Appellate Committee:* Rule 9 prescribes constituting an Appellate Committee for handling the appeals from the Grievance Redressal and Dispute Resolution Committee. The Committee should be led by a judicial member instead of the Mayor/ President for two reasons:
 - The Committee is required to follow the judicial procedure for dispute resolution.
 - The Committee hears appeals against the decisions of the Grievance Redressal Committee, which has a judicial member and adjudicates disputes by following a judicial procedure
- The provision empowering the state government to remove any member of the TVC goes beyond the Act and the grounds of removal are vague:* Per Rule 16(a), the government can remove any TVC member if he “persistently makes defaults in the performance of his duties” or “exceeds or abuses its power”. There are the following problems with this provision:
 - The provision does not define what constitutes such defaults, excesses or abuse.
 - The parent Act does not envisage or vest such a power in the state government.
 - While the proviso to Rule 16 prescribes a hearing before removal, a procedural safeguard cannot be a substitute for clear definition and does not legitimise undelegated power.
- The provision on convening a TVC meeting does not mention the mode of intimation:* Rule 19(3) prescribes the TVC meeting notice to be issued before 7 days of TVC meeting. Rule 19(1) allows for a special meeting to be called within 72 hours. However, both these provisions do not mention how the street vendor representatives would be intimated about the meetings at short notice.

The Chandigarh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2016 published on 30.09.2016 vide notification no. 6/1/203-FII(8)-2016/9199

- Sub-delegating the power to fix the vending fee to multiple authorities creates confusion:* Section 8 of the Act delegates the function of fixing fees to the state government and directs it to specify the vending fee or its formula in the scheme. Through Clause 6(ii), the state government empowers the local authority to fix the vending fee. However, Clause 10 sub-delegates this power to the TVC to fix the vending fee.

DADRA AND NAGAR HAVELI

Union Territory of Dadra and Nagar Haveli' Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules dated 27.07.2015 published vide notification no. G.S.R. 585(E) ²⁸

1. *Judicial members and not the Mayor or President of the local authority should head the Appellate Committee:* Rule 9 prescribes constituting an Appellate Committee for handling the appeals from the Grievance Redressal and Dispute Resolution Committee. The Committee should be led by a judicial member instead of the Mayor/ President for two reasons:
 - (a) The Committee is required to follow the judicial procedure for dispute resolution.
 - (b) The Committee hears appeals against the decisions of the Grievance Redressal Committee, which has a judicial member and adjudicates disputes by following a judicial procedure
2. *The provision empowering the state government to remove any TVC member goes beyond the Act and the grounds of removal are vague:* Per Rule 16(a), the government can remove any TVC member if he “persistently makes defaults in the performance of his duties” or “exceeds or abuses its power”. There are two problems with this provision:
 - (a) The provision does not define what constitutes such defaults, excesses or abuse.
 - (b) The parent Act does not envisage or vest such a power in the state government.
 - (c) While the proviso to Rule 16 prescribes a hearing before removal, a procedural safeguard is not a substitute for clear definition and does not legitimise undelegated power.
3. *The provision on convening a TVC meeting does not mention the mode of intimation:* Rule 19(3) prescribes the TVC meeting notice to be issued before 7 days of TVC meeting. Rule 19(1) allows for a special meeting to be called within 72 hours. However, both these provisions do not mention how the street vendor representatives would be intimated about the meetings at short notice.

Dadra and Nagar Haveli the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2016 dated 10.10.2016 published vide notification no. TPS/107(121)/SVACT-2014/298

1. *Sub-delegating the power to fix the vending fee to multiple authorities creates confusion:* Section 8 of the Act delegates the function of fixing fees to the state government and directs it to specify the vending fee or its formula in the scheme. Through Clause 6(ii), the State government empowers the local authority to fix the vending fee. However, Clause 10 also sub-delegates this power to the TVC to fix the vending fee.
2. *Mutually conflicting provisions on who will fix the vending fee create ambiguity:* Clause 6(ii) empowers the local authority to fix the vending fee but Clause 10 delegates this power to the TVC to fix the vending fee. Section 8 of the Act delegates this function to the state government and directs it to specify the vending fee or its formula in the scheme.

²⁸. Dadra and Nagar Haveli did not submit any data on implementation until 3 March 2020.

DAMAN AND DIU

‘Union Territory of Daman and Diu’ Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules published on 28.07.2015 vide notification no. G.S.R. 585(E)²⁹

1. *Judicial members and not the Mayor or President of the local authority should head the Appellate Committee:* Rule 9 prescribes constituting an Appellate Committee for handling the appeals from the Grievance Redressal and Dispute Resolution Committee. The Committee should be led by a judicial member instead of the Mayor/ President for two reasons:
 - (a) The Committee is required to follow the judicial procedure for dispute resolution.
 - (b) The Committee hears appeals against the decisions of the Grievance Redressal Committee, which has a judicial member and adjudicates disputes by following a judicial procedure
2. *The provision empowering the government to dissolve TVCs is arbitrary:* Rule 17(1) empowers the government to dissolve a TVC if the TVC “persistently makes defaults in the performance of duties . . . or exceeds or abuses its powers”. There are three issues with this provision:
 - (a) The provision does not define what constitutes such defaults, excesses or abuse.
 - (b) The parent Act does not envisage or vest such a power in the state government.
 - (c) The rule has no procedural safeguards such as an obligation to record reasons, issue of notice or pre-decisional hearing.

Daman and Diu - the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2016 dated 31.08.2016 published vide notification no. UD/DMN/SVA/68(Part-I)/2016/484

1. *Sub-delegating the power to fix the vending fee to multiple authorities creates confusion:* Section 8 of the Act delegates the function of fixing fees to the state government and directs it to specify the vending fee or its formula in the scheme. Through Clause 6(ii), the state government empowers the local authority to fix the vending fee. However, Clause 10 also sub-delegates this power to the TVC to fix the vending fee.
2. *Mutually conflicting provisions on who fixes the vending fee create ambiguity:* Clause 6(ii) empowers the local authority to fix the vending fee but Clause 10 delegates this power to the TVC to fix the vending fee. Section 8 of the Act delegates this function to the state government and directs it to specify the vending fee or its formula in the scheme.

29. Daman and Diu did not submit any data on implementation until 3 March 2020.

DELHI

Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2014 published on 26.11.2014 vide notification no. F13(61)/UD/MB/CC/2014/7121³⁰

1. *The provision on TVC term and formation is ambiguous:* Rule 15(2) states: “The process of constituting a TVC shall be completed (i) before the expiry of its term; or (ii) before the expiry of a period of six months from the date of its dissolution.” This implies that a TVC must be formed before its term expires. Instead, the provision should imply that: new TVC must be constituted before the current one expires, or “the process of constituting a new TVC shall be completed within a period of six months prior to the expiry or within six months of the dissolution of an existing TVC.”
2. *The provision empowering the state government to remove any TVC member goes beyond the Act and the grounds of removal are vague:* Rule 16 allows the government to remove any TVC member for making defaults in performance or exceeding/ abusing powers. There are two issues:
 - (a) Rules do not clearly define what constitutes such defaults, excesses or abuse.
 - (b) The parent Act does not envisage or vest such a power in the state government.
3. *The provision empowering the state government to dissolve TVCs is arbitrary:* Rule 8 and 9 empowers the government to dissolve a TVC if it “persistently makes defaults in performance of duties...or exceeds or abuses its powers”. There are three issues with this provision:
 - (a) The provision does not define what constitutes such defaults, excesses or abuse.
 - (b) The parent Act does not envisage or vest such a power in the state government.
 - (c) The Rule has no procedural safeguards (such as obligation to record reasons, issuance of notice or pre-decisional hearing).

The Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019 published on 15.04.2019 vide notification no. F.13(244)/UD/MB/SVS-18/2018/214

1. *Local Voter-ID as eligibility for vending certificates is beyond the Act:* Clause 2.1.1(b) mandates a vendor to be a registered voter of NCT of Delhi. The Act does not prescribe such requirements.
2. *The provision on the use of temporary structure is ambiguous:* Clause 2.1.5 prohibits vendors from erecting a temporary structure “of any kind”. In the following sentence, it allows “structures for weather protection including umbrellas/ frames...not permanently fastened to the ground or wall”. Such ambiguity creates opportunities for vendor harassment.
3. *The provision for charging an “additional” fee is vague:* Clause 2.1.8 empowers TVC, in consultation with the local body, to levy an “additional” vending fee. The provision does not mention the statutory source or rationale for this additional fee.
4. *The provision empowering TVC to hear criminal cases may be beyond the parent Act:* Clause 5.1.8 allows TVC to constitute a women-led committee “to hear offenses” under other laws such as the Domestic Violence Act, 2005 and the Indian Penal Code regarding women harassment. The Act does not list this as a function for TVC.
5. *The provision directing the state government instead of TVC to undertake the social audit is contrary to the Act:* Per Section 26(3) of the Act, a TVC should undertake a social audit of its activities. However, Clause 7.1.1 directs the state government to constitute a social audit unit.
6. *The provision mandating social audit every 1-2 years may be unviable:* Clause 7.1.2 prescribes carrying out a social audit every 1-2 years. Given that the frequency of a survey is three years, an annual audit may be inefficient.

30. Delhi did not submit any data on implementation until 3 March 2020.

LAKSHADWEEP

The ‘Union Territory of Lakshadweep’ Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2015 published on 28.07.2015 vide notification no. G.S.R. 587(E)³¹

1. *Judicial members and not the Mayor or President of the local authority should head the Appellate Committee:* Rule 9 prescribes constituting an Appellate Committee for handling the appeals from the Grievance Redressal and Dispute Resolution Committee. The Committee should be led by a judicial member instead of the Mayor/ President for two reasons:
 - (a) The Committee is required to follow the judicial procedure for dispute resolution.
 - (b) The Committee hears appeals against the decisions of the Grievance Redressal Committee, which has a judicial member and adjudicates disputes by following a judicial procedure
2. *The provision on the term and formation of TVC is ambiguous:* Rule 15(2) states: “The process of constituting a TVC shall be completed (i) before the expiry of its term; or (ii) before the expiry of a period of six months from the date of its dissolution.” This implies that a TVC must be formed before its term expires. Instead, the provision should be rephrased to imply: constitute a new TVC before the current one expires, or “the process of constituting a new TVC shall be completed within a period of six months prior to the expiry or within six months of the dissolution of an existing TVC.”
3. *The provision empowering the local authority to remove any TVC member goes beyond the Act and the grounds of removal are vague:* Per rule 16(a), the government can remove any TVC member for making defaults in performance or exceeding or abusing powers. There are two problems with this provision:
 - (a) Rules do not clearly define what constitutes such defaults, excesses or abuse.
 - (b) The parent Act does not envisage or vest such a power in the state government.

Scheme. As of writing this report, Lakshadweep has not notified a scheme.

31. Lakshadweep did not submit any data on implementation until 3 March 2020.

PUDUCHERRY

Performance on the Compliance Index

Score: 41.30 — Steps Implemented: 6/11

[Score on Index variant: 39.45]

Puducherry has seen a drop of more than 20 points in its score on the Compliance Index this year. The state has yet to notify its schemes. Of the five towns where it has implemented the mission, four towns have at least one TVC. However, no town has constituted a TVC with vendor representation. The urban population of Puducherry is over 8 lakh 50 thousand. The three TVCs that have completed enumeration, identified approximately 4 thousand 7 hundred vendors (0.5% of the total population). Of these, only 16 vendors have been issued a certificate of vending and 3 thousand 2 hundred have been given identity cards. Barring one town (Mahe), all towns have distributed identity cards before issuing certificates of vending. One town has distributed identity cards even before completing the survey exercise. As per previous year's data, all TVCs had published a vending charter and were allocated an office space. The TVCs are yet to submit vending plans and demarcate vending zones. The state has also yet to form Grievance Redressal Committees.

The Puducherry Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules published on 25.01.2017 notified vide no. GO Ms. No. 25/LAS/A.4.2017

1. *The provision on age eligibility for issuing vending certificates is improper:* Rule 3 states: “a street vendor who has completed the age of eighteen years shall alone be issued a certificate of vending under section 4”. The provision intends to imply that a vendor above 14 years of age is eligible to apply for a vending certificate. Instead it implies that a vendor above 14 years of age will certainly be issued a vending certificate.
2. *The provision on the term and formation of TVC is ambiguous:* Rule 15(2) states: “The process of constituting a TVC shall be completed (i) before the expiry of its term; or (ii) before the expiry of a period of six months from the date of its dissolution.” This implies that a TVC must be formed before its term expires. Instead, the provision should be rephrased to imply: constitute a new TVC before the current one expires, or “the process of constituting a new TVC shall be completed within a period of six months prior to the expiry or within six months of the dissolution of an existing TVC.”
3. *The provision empowering the state government to dissolve TVCs is arbitrary:* Rule 17(1) empowers the government to dissolve a TVC if it “persistently makes defaults in performance of duties... or exceeds or abuses its powers”. There are three issues with this provision:
 - (a) The provision does not define what constitutes such defaults, excesses or abuse.
 - (b) The parent Act does not envisage or vest such a power in the state government.
 - (c) The Rule has no procedural safeguards (such as obligation to record reasons, issuance of notice or pre-decisional hearing).

Scheme As of writing this report, Puducherry has not notified a scheme yet.

7. Conclusion

The Street Vendors Act 2014, marked the transition in discourse from solving the ‘problem of vendors as encroachers’ to one where their interests play a central role in organising urban street commerce. The Act prioritises local governance and delegates rule-making and decision-making powers to the state authorities for ensuring implementation. ULBs are urged to introduce participatory decision making committees with vendor representation (TVCs), build a mechanism to enumerate all existing vendors, ensure allocation of vending spots with least possible disruption to natural markets and constitute forums to redress vendor disputes.

In 2012, the standing committee on the street vendors bill recommended that states must be given *six months* to comply with the provisions of the Act (Standing Committee on Urban Development 2013). After *six years* since the passing of the Act, we find that the state apparatus is yet to fully implement the law. Our analysis of ULB level data, and the rules and schemes of 35 states and union territories reveals that states still have considerable ground to cover in *de jure* and *de facto* compliance.

Per the Act, it is time for states to do a second round of vendor surveys. However, many states such as Assam and Uttarakhand have not completed the preceding steps: notifying rules and schemes, constituting TVCs and the first round of vendor surveys in all ULBs. In states where most towns have completed enumeration, the number of vendors identified seem to be a gross underestimation given the local urban population. Could this be a result of exclusionary enumeration practices?

Even states that have substantially progressed on most parameters (like Mizoram and Punjab), do not strictly adhere to the procedure laid down in the Act. While some make progress by skipping the prerequisites, others execute processes without constituting the authority responsible for execution. Surveys are completed before notifying schemes, identity cards are distributed before issuing vending certificates, demarcation is done before publishing vending plans and in some cases all of this is done without constituting TVCs.

A close assessment of the quality of all rules and schemes reveals that these too go beyond the letter and intent of the parent Act. Most states have introduced provisions that either explicitly contravene the Act or are ambiguous, vague and unclear. Finally, our tabulations and maps bring out the patterns across states in approaching different rule-heads under the Act. While some exemplify best practices, others fall short of meeting the Act’s intent.

The Act is careful in setting the precedence of one authority over the other and outlining the sequence in which institutions and processes must come to fruition. At a time when more and more states rush to ‘tick’ the box, we take a step back and assess whether they are using the right methods, regulatory tools and procedures. Our findings show that merely putting the Act in place may not be enough. The law remains silent on the accountability of public officials, and places inadequate checks on delays in implementation (Narang and Sabharwal 2019). Vendors, that have a history of being harrassed and evicted by local authorities, require a law that places stronger institutional safeguards against administrative excesses to protect their livelihoods.

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Appendix 1

Template that states and union territories were required to fill for each ULB

ULBs listed the number of:	
Town Vending Committees	<ul style="list-style-type: none">• Provisional• Regular (with vendor representation)
Vendor surveys	<ul style="list-style-type: none">• Ongoing• Completed
Vending certificates and identity cards	<ul style="list-style-type: none">• Vendors identified• Vending certificates issued• Identity cards issued
Grievance Redressal Committees	<ul style="list-style-type: none">• Committees constituted
Street vending plan	<ul style="list-style-type: none">• Plans completed• Plans submitted
Vending zones	<ul style="list-style-type: none">• Restriction-free zones• Restricted zones• No-vending zones

Appendix 2

Assignment of State scores in the first version of the Index

Step	Weight	Score Assignment
Notifying Rules	13%	States are given a score of '1' if they have notified their rules and '0' if they have not.
Notifying Schemes	13%	States are given a score of '1' if they have notified their schemes and '0' if they have not.
Constituting TVCs	11%	States are assigned a score based on the proportion of towns that have formed at least one TVC. Towns with more than one TVC do not affect the score.
Constituting GRCs	11%	States are assigned a score based on the proportion of towns that have formed at least one GRC.
TVCs with vendor representation	10%	States are assigned a score based on the proportion of towns that have TVCs with vendor representation.
Enumerating Vendors	10%	States are assigned a score based on the proportion of TVCs that have completed at least one survey.
Issuing identity cards to more than 75% of the vendors	8%	States are assigned a score based on the proportion of TVCs that have issued identity cards to more than 75% of the vendors. We do not score towns that have distributed identity cards to vendors without completing the survey and issuing any certificate of vending.
Submitting the vending plan	7%	States are assigned a score based on the proportion of TVCs that have formulated their vending plan.
Demarcating Vending zones	7%	States are assigned a score based on the proportion of TVCs that have demarcated vending zones. Although we have received data on the number of restriction free, restricted and no-vending zones earmarked, we do not take these numbers into account while scoring. Since states vary in terms of population, land size and total number of vendors, it is difficult to make any substantive judgement on the number of vending zones earmarked.
Publishing the vendors charter	6%	We were unable to collect data pertaining to these parameters.
Allocating office spaces to the TVCs	4%	For the purpose of scoring the states, we use last year's data.

Appendix 3

Revised weightages in the second version of the Index (or Index variant)

Step	Revised Weightage ³²
Notifying Rules	16%
Notifying Schemes	16%
Constituting TVCs	14%
Constituting TVCs with vendor representation	13%
Enumerating Vendors	13%
Issuing identity cards to more than 75% of the vendors	10%
Submitting the vending plan	9%
Demarcating Vending zones	9%

32. The weightage assigned to the first 5 steps is increased by 3% each, and the weightage assigned to the next three steps is increased by 2% each (from the original weightages as given in Appendix 1)

Appendix 4

A comparison of state scores in 2018-19 and 2019-20

State	Score 1	Score 2	Score in 2018-19
Andhra Pradesh	78.93	99.91	66
Arunachal Pradesh	48.51	60.95	34
Assam	24.44	30.73	39
Bihar	47.13	57.03	47
Chandigarh	75.00	90.00	75
Chhattisgarh	42.18	52.80	45
Goa	48.00	60.29	60
Gujarat	55.00	69.32	53
Haryana	32.48	41.05	45
Himachal Pradesh	51.21	64.48	68
Jharkhand	60.26	76.12	69
Karnataka	39.76	50.37	23
Kerala	61.90	78.27	37
Madhya Pradesh	48.60	55.76	46
Maharashtra	28.46	35.25	32
Manipur	39.31	44.04	29
Meghalaya	39.67	49.67	43
Mizoram	63.07	79.60	75
Nagaland	46.99	58.21	9
Odisha	47.65	58.73	61
Puducherry	41.30	39.45	66
Punjab	63.18	74.68	65
Rajasthan	61.82	72.95	70
Tamil Nadu	64.88	71.29	76
Telangana	38.95	49.18	50
Tripura	48.25	60.60	40
Uttar Pradesh	59.79	69.63	67
Uttarakhand	25.23	32.59	47



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