

Regulation, Rights and Reality of Street Vendors in India: A Sap-Lap Analysis

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Abstract: This paper assesses the status of street vendors with respect to indicator 13 in Urban Governance Index –UNDP using self-surveyed data collected from four wards of Pune city. A SAP-LAP analysis of the government initiatives has been conducted in order to understand the efficacy of regulations and government interventions. The study also takes a brief look at the larger survival crisis created by the ongoing Covid-19 pandemic as many lost their livelihood during lockdown. Despite having legal recognition, major proportion of street vendors still suffers from unrealistic licensing, challenges due to illegal space occupancy, obligation due to information asymmetry about their rights and responsibilities which expose them towards another burden of bribery and extortion.

Keywords: Street Vendors, Government Regulation, Urban Governance Index, Sustainable Development Goals (SDG), SAP-LAP Analysis

JEL classification: H 32, K3, K4, J7

Received : 30 January 2023

Revised : 27 February 2023

Accepted : 14 March 2023

Published : 30 June 2023

TO CITE THIS ARTICLE:

Sana Bhide & Shrabani Mukherjee (2023). Regulation, Rights and Reality of Street Vendors in India: A Sap-Lap Analysis. *Indian Development Policy Review*, 4: 1, pp. 29-48.

1. Introduction

The spiralling rate of urbanization is an effect of the continuous development across the country with regards to infrastructure, financial inclusion, employment opportunities etc. In the recent times, cities have attracted a lot of foreign investments for implementation of infrastructural development. This has led to a rise of urban areas in the country with better opportunities, thus attracting migrants from villages and small towns. However, with a rise in unemployment, in the past few years, there has been a simultaneous increase in the number of urban poor. The urban poor tend to seek employment in informal sectors because of its ease of operation. The informal sector does not demand any special skills, large investments or educational qualifications (Uwitije, 2016). Street Vending is the most sought-after occupation in

the informal sector in Indian cities since the past three decades. In the informal sector, street vending forms a crucial source of income and employment to a large number of the urban poor. Street vendors constitute an important segment at the bottom of the pyramid of informal sector in cities forming a major source of self-employment and a catalyst for urban poverty alleviation (Raj, 2017). It has the potential to absorb people of all strata from both, the supplier as well as consumer sides. It holds a prominent position as it provides inexpensive products and easy access to commodities making it suitable for all the classes of the population (Skinner, 2016).

Further, the current pandemic has created a survival crisis for many vendors, like other businesses. Continuous lockdowns across the nation and an ever-rising uncertainty has left many vendors looking for alternate sources of income. This has led to exploitation of many vendors as they get lured to perform dirty jobs (Bandyopadhyay, 2020). Street vending has often been looked at from the lens of its socio-economic status and its financial sustainability. However, it is seldom addressed from a governance point of view. Given the parameters and indicators created by UN Habitat's Urban Governance Index, street vending forms a critical part for assessment of good governance. Given this gap in the available literature, the study aims to address the gap and find its constraints and possible solutions. UN-Habitat introduced the Urban Governance Indicators (UGI) in 2002. It was designed as an advocacy and capacity building tool to assist cities in monitoring and improving local governance. The indicators are broadly categorised into four- Effectiveness, Participation, Equity and Accountability (UN-Habitat, 2004). The 'equity' indicator includes incentives for informal business. It provides conditions that need to be considered to ensure the welfare of informal businesses.

There were some attempts made by the central government to recognize street vending. In 2004, National Policy for Urban Street Vendors was realized which was revised twice, in 2006 and 2009. The 2009 policy reforms were passed as a model law known as the Street Vendors (Protection of Livelihood) Bill, 2009. Despite some constitutional effort put in, street vendors failed to gain legal recognition in the country. It had no legal status until 2014, when the Street Vendors Act was passed in India. Several laws were laid down in order to protect the rights of the street vendors and give them a legal recognition. However, despite the legal status, many street vendors face challenges such as spatial restrictions, asymmetric information etc. even today. The ineffective role played by the judiciary and lackadaisical implementation by the states, makes the Act fall short of fulfilling its intended objective, that is protecting the rights of urban street vendors (Center for Civil Society, 2019). Thus, this paper checks the application of the indicator 13 laid down by UN-Habitat in the Pune city by exploring

the initiatives taken by the government towards street vending, its shortcoming, if any, and the challenges faced by the street vendors.

Despite contributing massively to the urban sector as a part of informal economy, still requires policy level attention for sustainability. This sector has been considered illegal in Indian cities since last several decades. “The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act” has been implemented by Central Government in 2014 to legalise the business. The act sought to improve the conditions of street vendors by providing guidelines to local governing bodies for arranging better facilities and granting legal status to the vendors. These guidelines are said to be in agreement with the indicators of the Urban Governance Index. Street vending is an activity that works largely towards poverty alleviation. The driving force for people to pursue street vending includes many economic and social factors. Many cities face spatial challenges due to street vendors. Setting up shops on the footpaths, parks, lanes etc. leads to congestion putting everyone at risk. It observed the need and significance of street vending in their respective countries and pointed out the main reasons for a gradual rise in number of street vendors. This increase was related to the economic changes in the respective countries (Bhowmik, 2005). The creation of zones for hawkers, provision of a legal identity to them and better spatial planning is utmost necessary. This questioned the law and order of the nation. Therefore, studies with legislative dimensions were looked at. The release of National Policy for Urban Street Vendors was the first step taken by the government that provided some form of legal recognition to the street vendors in 2004. It was launched in order to protect the rights of urban street vendors and address their concerns (Ministry of Urban Development and Poverty Alleviation, 2009). However, since this was a policy, states were not bound to implement it. It is also true that having a policy for the hawkers and street vendors was not sufficient (Sundaram, 2008). With the release of the Street Vendors Act, 2014 there was a legal obligation for states to recognise street vendors. The act specifies about providing legal identification to the street vendors by providing them licenses for vending and creating hawking zones. It created several other provisions that worked towards the welfare of the street vendors (Ministry of Law and Justice (Legislative department), 2014). The cause and consequences of poor implementation of the Street Vendors Act, 2014 were nothing but severe. A critical analysis of the Street Vendors Act, 2014, tracking the progress of the act in Delhi and calculation of the cost born due to non-implementation of the act in NCR pointed out the shortcomings of the Act causing misinterpretation of the law. It was also seen that there was a need for dedicated state level committee that would ensure proper implementation of the act (Rattan, Pariroo, 2015). Lack of regulation often raised questions on the feasibility of spatial

dimensions of street vending instead of resolving the situations. Reflecting the scenario back when eviction of hawkers was continued to be the default response in big cities it was evident the main problem was that too many hawkers were given the available space. Thus, optimization of public spaces such as empty parking lots used as holiday markets was seen as a viable solution (Jha, 2018). Street vendors face problems on a day-to-day basis. While constituting a law was important, asymmetric information on imposition of the Street Vendors Act, 2014 was also to be looked at. Spatial challenges faced by the street vendors and the tardy work process of the government resulted in delayed provision of licences to the vendors despite applying for the same several times. Additionally, creating formal street vending zones was also deemed necessary (Mahajan, 2018). Although it has been six years since the Street Vendors Act, 2014 was implemented across the nation, they still face problems frequently, not just financial but also socio-economic constraints. This study aims to check the application of the UN Habitat's Urban Governance Index's Indicator 13 in the policies and laws along with a check on the on-ground reality.

2. Data and Methodology

Indicator 13- Incentives to informal businesses, under 'Equity' head of the index was taken into consideration for this study. The study involved primary and secondary survey. It attempts to make SAP-LAP analysis of the government policies and interventions for the welfare of the street vendors. Primary survey has been conducted based in Pune city. Given the dispersal of varied street vendors, sampling size depended upon the homogeneity and heterogeneity of the responses. Purposive multi-stage sampling technique was adopted for the study. A total of 175 street vendors spread across four major wards of Pune city were interviewed using questionnaire method. Sample areas (Ghole Road Ward, Dhole Patil Road Ward, and Kothrud Ward and Vishrambaug Wada Ward) were chosen using cluster sampling.

SAP-LAP (Situation, Actors, Process and Learning, Action, Performance) Analysis used to comprehend the current scenario. SAP-LAP Analysis refers "a generic framework which can be used in a variety of contexts such as problem solving, change management, strategy formulation, supply chain management, marketing management, technology management, human resource management and so on" (Sushil, 2009). 'Situation' talks about the internal and external, past, present and future (if any) characteristics of a policy. 'Actors' comprise of the agents or stakeholders involved in policy making and implementation. 'Process' talks about the course of actions taken by the agents involved, the manner in which it is done and the reasons behind the same. It recommends the improvement required and the possible actions that could be

taken to tackle the identified problems. 'Performance' talks about the outcome of the 'Actions' in the behaviour of the Actors' and the improvements that might take place upon proper implementation of the recommendation. The Street Vendor's Act, 2014 was the main document referred. Other publications from National Institute of Urban Affairs (NIUA), Ministry of Housing and Urban Affairs (MOHUA), Ministry of Urban Development and Poverty Alleviation, Ministry of Law and Justice (legislative department) and Pune Municipal Corporation were also referred for understanding the policies and schemes implemented so far. Reports by organizations such as Centre for Civil Society (CCS), National Association of Street Vendors of India (NASVI), National Sample Survey Office (NSSO) and Town Vending Committee M.O.M of Pune Municipal Corporation were also referred.

3. Results and Analysis

The UN Habitat was formed the Urban Governance Index (UGI) in the year 2002, as a framework and tool to test governance of a municipal body. The Index consists of four primary heads- Effectiveness, Equity, Accountability and Participation. Indicator 13 focuses on incentives for informal businesses and recognises the importance of informal businesses as an employment for many. It checks governance of informal sectors on the basis of parameters such as, provision of no vending and vending zones, existence of established incentives for informal sector (e.g., municipal markets, fairs etc), uprising and frequency of any protests by street vendors against the municipal government

The observations obtained from primary survey and some additional adjacent factors to street vending. In the sample taken, 63.42% of the vendors were registered vendors. 47.43% of the vendors were migrants from all over the country. Most of the street vendors were people between thirty to fifty years of age. Most of these vendors were found to be literate and had formal education up to class 12. The registered vendors faced several challenges despite the implementation of Street Vendors Act, 2014. Majority of those interviewed were between the age groups of 25 and 50. Although, street vending is believed to be a women-dominant profession (Nengroo, 2013), the primary survey revealed that 69.71% of them were male while only 30.29% were females. 89.15% of the interviewed had received formal education. Many street vendors were migrants from different parts of India in search of a better lifestyle and were people hired by the registered vendors. Their families continued to stay in their native places and were engaged in agriculture, contract labour and other similar occupations. Out of the 54.85% of vendors from Maharashtra, 52% belonged to Pune city.

Table 1: Native place of vendors

<i>Native State</i>	<i>Frequency in Percentage</i>
UP	6.86
Maharashtra	54.85
Bihar	6.86
Kerala	1.71
Rajasthan	1.14
Karnataka	4.00
Chhattisgarh	1.14
Bengal	1.14
Gujarat	1.71
Nepal	1.14
Others	19.43

Source: Based on Primary Survey

Street Vendors' Registration

The survey done by Town Vending Committee in 2016 tried to accommodate as many vendors as possible in their survey to give them legal recognition. However, due to lack of proper procedure, there are still many who remain unaccounted. A lack of formal mapping of vending zones, has enabled many unregistered vendors to accommodate themselves with the registered vendors, in order to escape seizure of goods and legal action by the corporation. The awareness about vendor registration existed mostly among those who were educated.

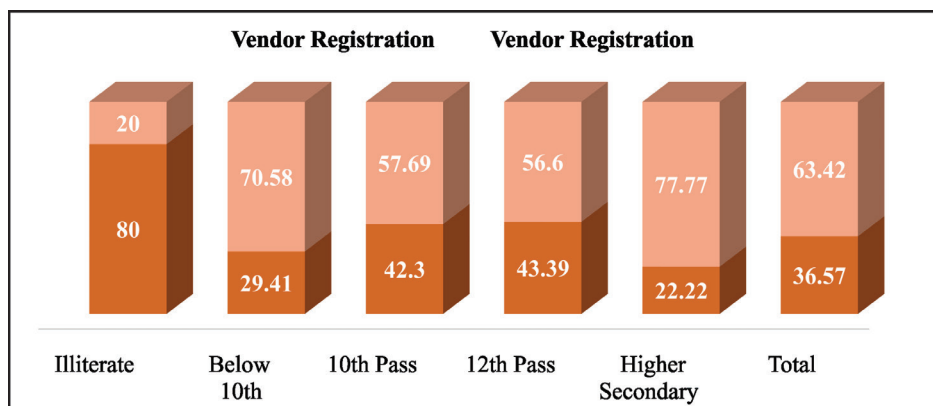


Figure 1: Percentage of registered vendors and their education qualifications

Source: Authors' contribution based on Primary Survey

Income and Expenditure

Since Street Vending is a means of livelihood for many, the entire family engages itself in street vending, contributing in one way or the other. The survey revealed that their income varied from Rs. 3,000 to Rs. 60,000 per month. Most of the vendors with higher incomes engaged in selling food products, electronics, stationary and photocopying services. A significant number of vendors earned a monthly income between Rs. 8,000-20,000. Some of these vendors were migrants and were hired on a monthly basis. Another feature noticed was that the income of the street vendors varied as per the area of vending. Another reason for a higher income was that most vendors sold street food which attracted a large number of employees of companies located in the area.

The street vendors have various daily or monthly expenditures. Most of these include daily groceries, travelling, health and medicines, education expenses, rent etc. While most of the vendors couldn't identify one particular type of expenditure as their maximum, it was seen that among others, groceries accounted for the maximum expenditure. Rent also accounted for a large share of expenditure. This was common among in-migrant street vendors. Many vendors found travelling to be the most expensive expenditure. This is because they travelled to two or three different locations for purchasing goods at wholesale and then going to the vending zones for sales.

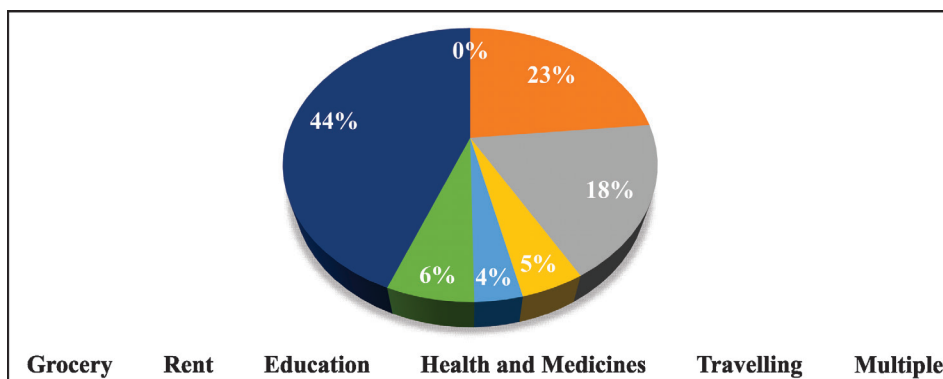


Figure 2: Expenditures Incurred

Source: Authors' contribution based on Primary Survey

Facilities provided by Municipal Authorities

Apart from a license to vend, the authorities assign space and often provide shelter to the vendors. The size of the space and the shelter depends upon the nature of the business. However, it was found that vendors did not find the space to be sufficient

for carrying out their businesses. 49.14% of the registered street vendors do not find the space provided sufficient. Thus, some of the street vendors ended up expanding their business beyond the space allotted. The goods kept outside the allocated space are seized by the authorities causing a fair amount of damage and loss to the vendors. This suggests that just the provision of space and shelter is not sufficient. The spaces should be such that they are sufficient for vending purposes and at the same time, do not create congestion.

Harassment from Municipal Authorities

The enactment of the Act has helped in reducing malpractices by local authorities such as damages of goods, bribery, frequent displacement etc. Although these activities reduced after the implementation of the Act, it did not stop completely. Some vendors still face these problems- both registered and unregistered. As per the act, each vendor is allotted space for vending as per the nature, type and location of the business. The TVC also allots specific areas for vending to the mobile vendors. Registered vendors often face problems with the authorities for due payments, problems with rental agreements etc. A few vendors pointed out that the authorities also harass those whose applications for license were pending, leading to bribery to avoid damages. Thus, lack of provision of a receipt or any form of document which justifies their application for license, leads to harassment too. On the other hand, some of the unregistered vendors face no problem from the authorities. This is because many of them set shops in hawking zones among the registered street vendors. Therefore, they often go undetected. Additionally, some of them were backed by local corporators and Nagar Sevaks who safeguarded their businesses.

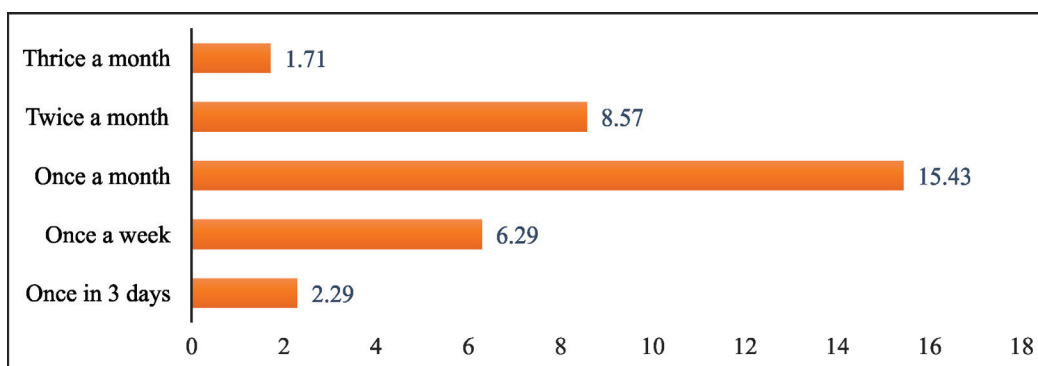


Figure 3: Frequency of harassment by municipal authorities

Source: Based on Primary Survey

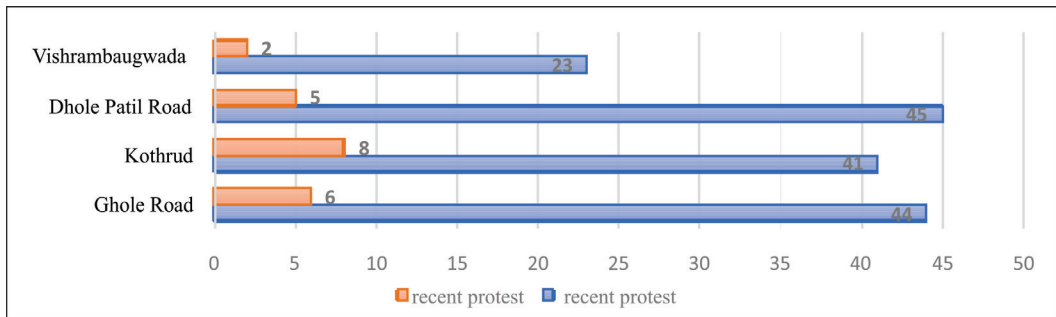


Figure 4: Recent Protests by vendors

Source: Authors' contribution based on Primary Survey

Other challenges

Communication barrier causes more problems than just difficult customer interaction. As was revealed during the interviews, communication causes problems with suppliers too. Migrants were looted by the suppliers of raw materials and goods. Transportation, packaging and storage of goods also some of the prevalent problems among vendors. This was prevalent in case of perishable goods. Harassment from other street vendors due to great competition, also causes concerns with regards to safeguarding and security of goods and shop. Many vendors selling groceries found packaging of local goods to be a challenge. Apart from selling grocery items, many vendors also sold homemade food items and locally manufactured products. However, due to a lack of proper packaging of such goods, many vendors faced problems. Some vendors incurred huge

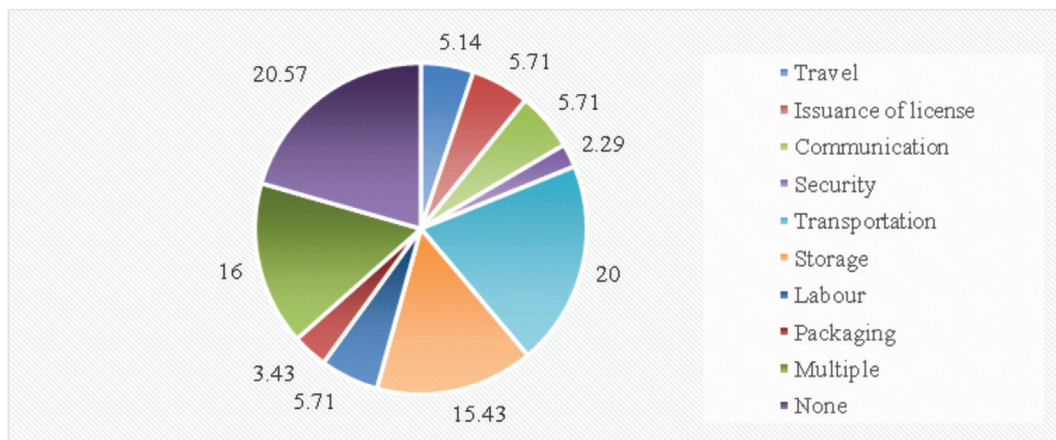


Figure 5: Other challenges faced by vendors on a frequently

Source: Authors' contribution based on Primary Survey

travelling costs. Many, could not afford to stay near their place of vending. Thus, they were forced to travel long distances and incur travelling costs. While a 63.42% of the vendors interviewed have licenses, it was observed that most of the registered vendors would not carry out the vending themselves. They hired labour on a fixed income to carry out vending. As per the Street Vendors Act, 2014, a registered vendor is allowed to carry on his business himself or through his family members (Ministry of Law and Justice (Legislative department), 2014). However, this was not the case in Pune.

Competition among vendors

On interviewing a few street vendors, it was found that some of the vendors had to relocate themselves as the competition led to severe harassment. Some of the vendors even complained about the discrimination they often face in their area of vending. This was seen to be prevalent in areas where there is huge market for hawkers.

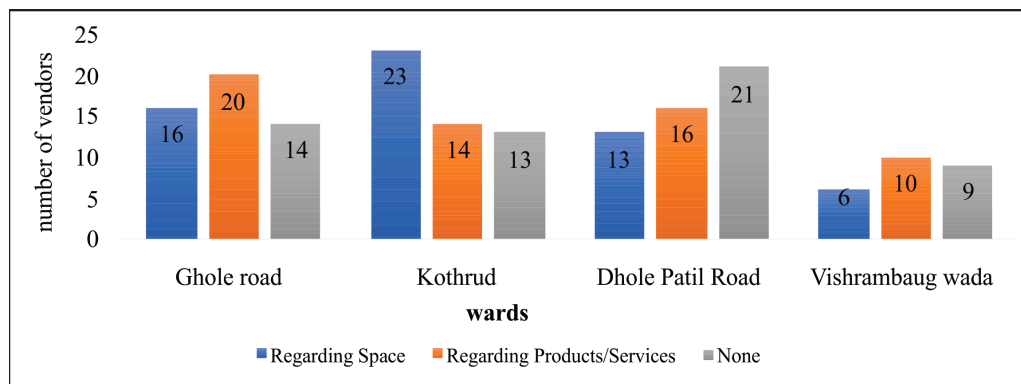


Figure 6: Competition among vendors

Source: Authors' contribution based on Primary Survey

The Street Vendors Act, 2014, was released for the public information in the Gazette of India. Most of the street vendors did not have access to the Gazette. Illiterate vendors or those who could read and write only in their native language found it difficult to comprehend. Awareness about hawker's zone increased when the town vending committee started surveying in order to map the hawker's zones in the city. Only those who were a part of hawker's unions were well informed about the hawker's zones and their rights in the act. It was found that the employers or the owners of the vending businesses were a part of the unions. It was found that there was limited engagement of vendors in hawker's unions. Factors like unawareness of local hawker's unions of their areas among migrants, unwillingness to get involved with unions to avoid political clashes etc. were seen to be prominent.

4. SAP-LAP Analysis

An attempt of SAP-LAP model of inquiry has been made to assess the condition of street vendors and indicates the future actions necessary for better implementation of Urban Governance Index's Indicator 13 in the city of Pune.

4.1. Situation

Around 2.5% of the population finds employment in street vending (Samiti, 2018) and produces a livelihood for themselves and their families. However, lack of legal recognition had caused a lot of problems to the vendors. Street vendors were treated as outcasts and often had to face harassment from the police and the municipal authorities (Anjaria, 2006). In order to understand the initiatives taken by the government to curb this issue, a closer look at these initiatives is taken.

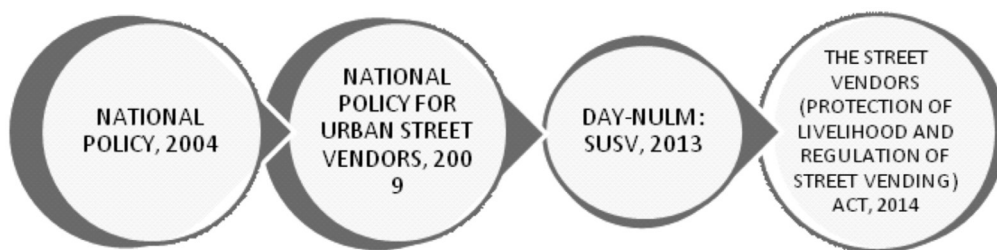


Figure 7: Government policies for street vendors

Source: Author's compilation

National Policy on Urban Street Vendor, 2004: The policy was the first attempt to recognise the right to practice any profession or carry on any trade, occupation or business as a fundamental right of the citizens. The purpose was to provide legal status by formulating laws, create legitimate hawking zones, impose limitation on the accessibility to public spaces, promote self-regulation in terms of hygiene etc. The policy authorized the vendors to carry out vending on pavements and footpaths as long as the passers-by were comfortable with it unless stated otherwise. It constituted the provision to create Vending Committees at ward level in each city by the municipal authorities. However, this policy was vague as it only mentions the implementation of the above-mentioned provisions (Ministry of Urban Development and Poverty Alleviation, 2004).

The policy was first revised in 2006 and then for the second time in 2009. On revision, it adopted the practice of limiting imposition on the number of vendors permitted to vend, subject to registration of such vendors in the city or towns. The

policy, in compliance with the UGI Indicator 13, suggested the municipal bodies to promote public markets and fairs. It talked about mapping of hawking and non-hawking zones. The national policy of urban street vendors was not successful as it was not binding to all the states of the nation (Ministry of Urban Development and Poverty Alleviation, 2009).

DAY-NULM- Support to Urban Street Vendors (SUSV), 2013: DAY-NULM's Support to Urban Street Vendors was initiated with the aim to address concerns of urban street vendors by facilitating them access to suitable vending spaces, institutional credit, improved skills and social security. This mission was implemented with the aim to reduce poverty and vulnerability of urban poor enabling them to access them gainful employment resulting in an improvement in their livelihoods. Being a unique mission aimed at improving the lives of street vendors, the mission achieved a better result across the nation. It regulated survey of street vendors and issuance of identity cards, development of street vending plans, infrastructural development of vending zones in the city, financial inclusion, access to credit, linkages to social security schemes and training and skill development exercises (Ministry of Housing and Urban Affairs, 2020). The mission is still active and works towards tackling the problems faced by street vendors. Given the current pandemic crisis, the mission recently launched PM Street Vendor's AtmaNirbahar Nidhi (PM SVANidhi)- a special micro-credit facility for street vendors in order to make them self-reliant (Ministry of Housing and Urban Affairs, 2020).

The Street Vendor (Protection of livelihood and Regulation of Street Vending) Act, 2014: The act mandated states to give street vendors a legal recognition and created provisions for the upliftment of their lifestyle. The act obligated states and urban local bodies to provide the street vendors with vending licenses and identity cards in formal recognition of street vendors. In addition, the act mandated an appointment of Town Vending Committees (TVC) in each city whose duty was to conduct surveys every five years for making key decisions such as the number of vendors who get vending licences, space utilization for creation of hawking zones etc. The act's main aim, however, was to plan and create spaces for hawkers in such a way that there would be no chaos and congestion and the street vendors could carry out their vending peacefully (Ministry of Law and Justice (Legislative department), 2014).

The act mandates states to draft schemes for ULBs to implement the act. However, Maharashtra has not yet specified schemes for the same (Centre for Civil Society, 2020). At municipal level, the town vending committee is in-charge of taking spatial and executive decisions for the street vendors in the city. While TVC in Pune city has been successful at providing licences to almost 60% of the vendors, it has not

complied to all the 11 steps of implementing the Act. The Town Vending Committee of Pune has been successful in marking 190 hawking zones in the city and aims to establish a total of 288 hawking zones in the city (Pune municipal Corporation, 2019). The Town Vending Committee has been relocating street vendors, who were carrying out vending activities in the vicinity of Metro rail construction sites. In addition, it has been creating infrastructure for hawkers to carry out their vending activities. In meetings held by the TVC, decisions such as provisions of special infrastructure for disabled vendors, relocation of handicapped vendors to hawking zones near their areas of residence etc. were taken (Pune Municipal Corporation, 2019).

4.2. Actors

The number of people and institutions involved are bifurcated- at municipal level and at higher levels. The act revolves around street vendors; therefore, the street vendors of Pune city are the subject. In addition, hired labour and family members of the street vendors are also essential. Pune Municipal Corporation and more specifically the Encroachment department of PMC is an important part of the study. Considering the key roles, rules and regulation stated in the act, the Town Vending Committee (TVC) is an important actor for the analysis. The TVC has a composition of municipal, legal, health authorities and street vendors. Although the 75% of the ULBs have formed TVCs in Maharashtra, only 47% have vendor representation (Centre for Civil Society, 2020). Other than the street vendors, TVC consists of the municipal commissioner as the chair person, medical officer of the local authority, officer of planning authority, police, traffic police, banks, resident welfare organization, member from an NGO and representatives of hawker's unions (Ministry of Law and Justice (Legislative department), 2014). The citizens of the city also form an important part of the study as the mapping of hawker's zones is done keeping the convenience and comfort of the citizens as well as the street vendors. The labour and hawker's unions act as watchdogs.

On higher levels, the State and Central governments which are in charge of making and implementing schemes for the benefit of its people. Organizations such as NASVI, WEIGO, Centre for Civil Society, UN Habitat etc. who work towards the welfare of street vendors and act as watchdogs over the central and state governments also form key 'actors' of the study.

4.3. Process

Many government initiatives and interventions have been directed towards the development and upliftment of street vendors of the country. UN habitat developed Urban Governance Index (UGI) in 2002 in association with Global Urban Observatory.

The National Policy for Urban Street Vendors, 2004 was framed keeping in mind the parameters of UN Habitat's Urban Governance Index's Indicator 13 (UN-Habitat, 2004). The policy talked about protection of livelihood of street vendors. It suggested creation of vending zones throughout the cities. The zones were of three types- restriction-free, restricted vending and no vending. The policy suggested municipal corporations to conduct municipal fairs and markets to encourage and promote street vending in the cities. It was revised twice, in 2006 and 2009. However, since this was a policy, it was not binding for the state governments to enforce it. Therefore, many states did not implement the policies. The Deendayal Antyodaya Yojana- National Urban Livelihoods Mission (DAY-NULM) released its operational guidelines for Support to Urban Street Vendors (SUSV) in 2013. It addressed concerns of street vendors by facilitating spaces for vending, institutional credit, improved skills and linkages to social security (Ministry of Housing and Urban Affairs, 2013). It provided a framework for the roles of state government, local authority and planning authority. This mission is still active and continues to work for street vendors. Finally, in 2014, The Street Vendors Act was passed obligating all the states (except Jammu and Kashmir and Manipur) to provide a legal identity to the street vendors. Manipur has its own Street Vendors Act.

4.4. Learning

National policies of 2004 and 2009, DAY-NULM (SUSV), 2013 and the Street Vendors Act, 2014, aimed to improve lives of street vendors. A large number of rules and regulations stated in the act were already being implemented by states which had adopted prior policies. This led to ambiguity in terms of implementation as the act stated some changes in existing rules. The National Policy, 2009 introduced division of vending zones into three zonal categories- restriction free vending, restricted vending and no vending zones. A similar division was also suggested by the Street Vendors Act, 2014. It, too, enforced laying down vending, no vending and restricted zones. Thus, there was an overlap.

Like overlapping, the Street Vendors Act, 2014 also has made a few ambiguous changes. The act talks about role and importance of town vending committees. According to the act, a Town Vending Committee consisting of 40% street vendors is supposed to be elected through an electoral process. The process described in the act is such that, a survey of street vendors across the city and a voter's list is to be created to conduct elections. But the survey is supposed to be conducted by TVC creating a challenging situation of the municipal in its early stages. There is no solution to this problem in the Street Vendors Act. Such a problem tends to create a 'chicken-egg'

situation (Rattan, Pariroo, 2015). The implementation of the Street Vendors Act begins only when the Town Vending Committee initiates the process. However, without the TVC coming into existence, implementation becomes a challenge.

Another problem is its set of conditions for issuance of vending license. The act states that 'each individual should give an undertaking stating that he/she shall carry on the business of street vending himself/herself or through any of his family members, has no other means of earning a livelihood and that he/she shall not transfer in any manner whatsoever, including rent, the certificate of vending or the space specified therein to any other person' (Ministry of Law and Justice (Legislative department), 2014). Many street vendors have alternate jobs as well in order to earn additional income. Furthermore, there is no provision to prove that street vending is the only source of income for the vendor. This loophole has encouraged many vendors to carry out alternate jobs (Narang, 2017). Another problem with the criteria to apply for street vending license was the transfer of the license. According to the act, transfer of license, is not allowed. However, as is seen in primary data, this isn't followed. Another ambiguity is the penalty charged. The act emphasizes that there is no difference between a major and minor breach of rules and regulations of the act. This has resulted in a confusion about the amount chargeable for penalty or punishments.

Street Vendor's Act, the first legal document that obligates the states to work towards providing better livelihoods to the street vendors, was passed in 2014. Before the act came into enforcement, national policy of urban street vendors was applicable. This policy was implemented in only a few states. This meant, continuation in the harassment of street vendors by the municipal authorities. The Street Vendor's Bill was passed in Lok Sabha in the 2012. However, it took 2 years for Rajya Sabha to pass this bill. Meanwhile, the states which had not implemented the policies continued to create problems for the vendors.

Corruption has been a constant component even before the act came into picture. The harassment faced by the street vendors was fended off by either running away from authorities or paying them off. Many would accept bribes and turn a blind eye to the unregistered vendors. As was seen in the survey, around 33% vendors out of the interviewed 175 vendors, paid money to the authorities in order to avoid damages. Also, out of the 53% vendors who claimed that they faced no harassment almost 12% were vendors who were unregistered but had settled in vending zones. One of the major reasons behind the lack of compliance of Street Vendor's Act in Pune is the lack of regulation at the state level. This had put a large number of street vendors into trouble as majority of vendors engaged in selling street food. This caused a lot of unrest among vendors which eventually concluded by cancelling the entire set of guidelines.

Post that, there has been no initiative taken by the state government to re-draft another set of guidelines (Centre for Civil Society, 2020). This has ended up putting TVCs and Municipal Corporations in a difficult situation because of the ambiguity that exists.

In many places, the awareness of the release of the Street Vendors Act, 2014 among the municipal authorities was absent.

4.5. Action

- (i) Relaxation of the rigid conditions for vending license: The conditions to achieve vending licenses are very rigid and impractical to some extent. The act states that a person can achieve the vending license if he has no other means of livelihood. This, is not always possible for street vendors. Many of them have alternate jobs and occupations in order to survive. The rigidity of the law, forces them to lie about their livelihoods, making it a challenge for the TVC to collect accurate information during their surveys.
- (ii) Stricter survey: Vendors, hire labour to carry out vending activities on their behalf which is clearly termed to be illegal in the act. A higher frequency of rounds by the municipal authorities can be useful to curb this problem. Other than the above-mentioned problem, the problem of unregistered vendors persists. In the survey, many unregistered vendors were found to have settled in the hawking zones. Many vendors had shops in hawking zones to avoid damages.
- (iii) Higher transparency and better communication: There is a need for more transparent screening process in order to curb problems such as bribery. This data should be available to people through open data portals. Effective communication is also important. As per the Compliance Index report, some authorities were unaware of the street vendors act and continued evictions of street vendors. Additionally, there is a need to spread awareness among the street vendors about their rights. This will help in reducing the number of victims and enable engagement in decision making.
- (iv) Amendment to remove ambiguity: One of the major problems faced by the municipal authorities is the ambiguity in some parts of the act. Thus, there is a need to amend the act, clarifying such flaws.

4.6. Performance

The government has worked hard to legalise street vendors and give them a formal recognition. However, certain initiatives failed due to lack of communication and lack of awareness. Stronger and effective communication among street vendors, the better are the chances of success of the initiatives. Not only does effective communication

create better chances of success, but also promote transparency and accountability. In addition, increasing awareness among the street vendors, about government policies, rules and regulations is of utmost importance as it will help in the upliftment of the vendors. Therefore, educating the vendors about their rights will result in a healthier functioning of the system. Given the current scenario, it appears that problems are being created primarily because of ambiguity in the law and its implementation. Thus, a stronger understanding of the act will work in favour of the street vendors as well as the municipal authorities.

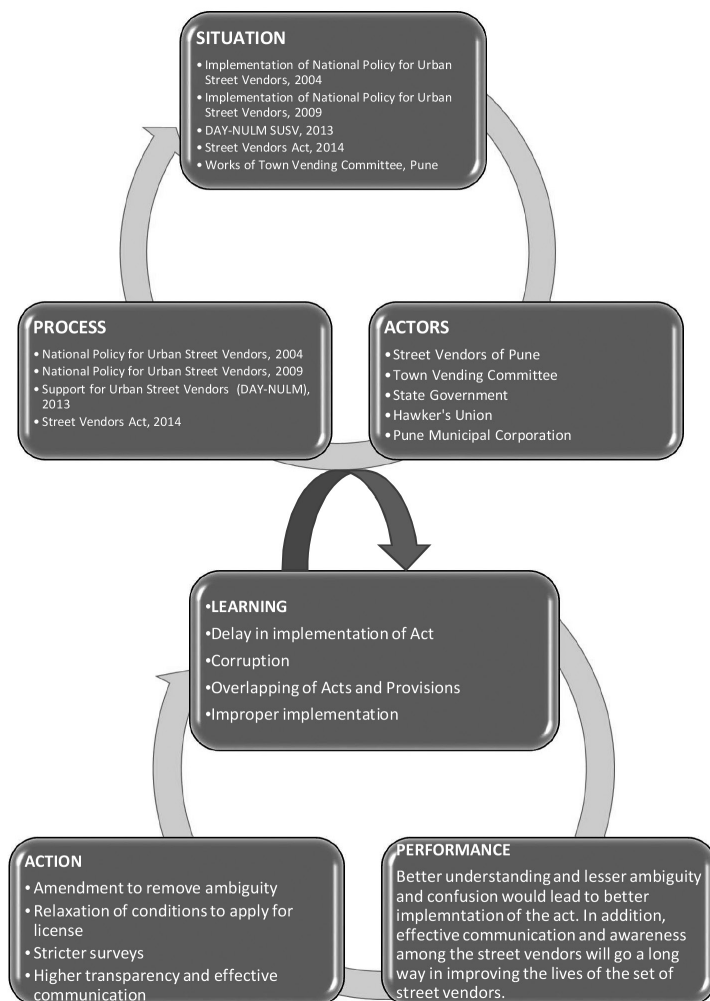


Figure 8: SAP-LAP Paradigm

Source: Authors' Creation

5. Conclusion

The study aimed to assess the implementation of Urban Governance Index's, Indicator 13- incentives to informal businesses, in Pune City. Given the set parameters the government has been successful in framing policies that satisfy the requirements. The SAP-LAP shows that policies and laws have been drafted keeping in mind the urban governance index's parameters for street vending. The Town Vending Committee of Pune city has been making efforts to cover as many vendors as possible in their surveys and providing them with licenses. The results of the primary survey conducted show that more than half of the street vendors interviewed were registered vendors. However, vendors faced problems like insufficient spaces, harassment by municipal authorities, competition among street vendors etc. Many vendors found the space provided by the TVC insufficient. This encouraged illegal expansion of shops, leading to congestion on footpaths and corners, further leading to damage of goods by municipal authorities. Findings from the SAP-LAP analysis, point out the short comings in the drafting and implementation of laws in cities. It is found that though the act was drafted keeping in mind the UGI, it had some fundamental flaws such as formation of the Town Vending Committees in cities leading to the 'chicken-egg' problem. The TVC in Pune was successful in providing licenses to most of the vendors. However, the space provided to the vendors proved to be insufficient. Lack of mapping hawking zones and no participation of hawkers in TVC are some of the main causes of this. Although the rules and regulations drafted in Street Vendor's Act, 2014 comply with the UGI's Indicator 13, ambiguity in some laws has resulted in confusion among authorities. Furthermore, addressing the hidden challenges faced by the vendors is a necessity as these, too, have created difficulties in their businesses.

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