

**GOVERNMENT OF INDIA
URBAN EMPLOYMENT AND POVERTY ALLEVIATION
LOK SABHA**

UNSTARRED QUESTION NO:997
ANSWERED ON:29.11.2005
WORKING OF HAWKERS ON ROADSIDES
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Will the Minister of URBAN EMPLOYMENT AND POVERTY ALLEVIATION be pleased to state:

- (a) whether a recent judgement of Supreme Court has held illegal the working of hawkers on roadsides in cities;
- (b) if so, the main grounds given for such order;
- (c) the estimated number of poor hawkers likely to be affected by the said judgement;
- (d) whether vide earlier judgements of 1989 and 1992, the compulsion of workers to earn their livelihood was declared as a fundamental right and the Court had held that the maximum number of hawkers be given place to work;
- (e) if so, whether these judgements were considered in the latest order; and
- (f) the action proposed to be taken to ameliorate the lot of poor roadside workers and steps taken to enable them to continue working for their livelihood?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) IN THE MINISTRY OF URBAN EMPLOYMENT & POVERTY ALLEVIATION (KUMARISELJA)

(a)&(c): Supreme Court in the matter of Mumbai Hawkers Union Vs. UOI & Others dated 9/12/2003 had ordered formulation of a committee to identify hawking & non-hawking zones in the financial hub and also to decide how many hawkers would be accommodated on the road/street if it was to be a hawking zone. The matter is still sub-judice.

(d)&(e): As per the Judgement dated 30/8/1989, in the matter of Sodan Singh etc. etc. Vs. NDMC & Anr. etc., the Supreme Court had held that Street Trading being a fundamental right has to be made available to the citizens subject to Article 19(6) of

the Constitution. It is within the domain of the State to make any law imposing reasonable restrictions in the interest of general public. This can be done by an enactment or by any other law permissible under Article 19(6) of the Constitution. Since a citizen has no right to choose a particular place in any street for trading, it is for the State to designate the streets and earmark the places from where Street trading can be done.

As per the Judgment dated 13/3/1992, in the matter of Sodan Singh & Ors. etc. Vs. NDMC & Ors. etc., Court held the view that having regard to the question of livelihood and survival of a large number of families, it would be justified to adopt a compassionate approach so as to ensure that genuine squatters/hawkers are not denied their daily bread at the alter of technicalities while at the same time ensuring that those who are out to exploit and abuse the process of law do not succeed. As per the judgment dated 9/12/2003, in the matter of Mumbai Hawkers Union Vs. UOI & Others, the Supreme Court has ordered for formulation of a committee to identify hawking & non-hawking zones in the financial hub and also to decide how many hawkers would be accommodated on the road/street if it was to be a hawking zone. The matter is still sub-judice.

(f): The National Policy on Street Vendors, 2004 formulated by the Ministry, is to promote a more supportive environment to the street vendors for earning their livelihoods and to provide guidelines for the States/UTs to act in the overall interest of the Street Vendors to continue hawking activity for their livelihood.

A one day National Workshop was organized by the Ministry of Urban Employment & Poverty Alleviation on 19th October, 2005 at Vigyan Bhawan, New Delhi. A wide range of issues concerning urban street vendors were deliberated upon during the workshop including, inter alia, their legal status, social security cover, self compliances, access to credit from financial institutions, their rehabilitation, need for training and skill development and creation of a data base in the States. There was a consensus in the workshop amongst the stakeholders to provide and promote a more supportive environment to the street vendors for earning their livelihoods. Major decisions taken in the workshop included, inter alia, need to have a monitoring mechanism in place in each State to oversee implementation of the National Policy on Urban Street Vendors; need for training and capacity building of State Nodal Officers; need to document and disseminate best practices in vending/vending policy in various States; need to sensitize the concerned officials of the Municipal Authorities/ local police; need to earmark land space in the Master Plan and Zoning Plans for street vendors by the States/Cities/Urban Local Bodies; need to streamline the registration of street vendors by the States/Urban Local Bodies;

need to provide social security (medical, insurance, etc) and access to credit to them by the Governments; need to formulate State Vendor Policies in line with the National Urban Street Vendors Policy; and need to have a relook by the State to promulgate/modify/amend their Street Vendor Act, if any, in tune with the National Policy.