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**STANDING COMMITTEE ON
HOUSING AND URBAN AFFAIRS
(2021-22)**

SEVENTEENTH LOK SABHA

MINISTRY OF HOUSING AND URBAN AFFAIRS

[Action Taken by the Government on the recommendations contained in the Eighth Report (Seventeenth Lok Sabha) of the Standing Committee on Housing and Urban Affairs on the subject Implementation of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014]

ELEVENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2021/Agrahayana, 1943 (Saka)

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Presented to Lok Sabha on : 13.12.2021

Laid in Rajya Sabha on : 13.12.2021



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2021/Agrahayana, 1943 (Saka)

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**COMPOSITION OF THE COMMITTEE ON
HOUSING AND URBAN AFFAIRS (2021-22)**

Shri Jagdambika Pal* - *Chairperson

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3. Shri Benny Behanan
4. Shri Ramcharan Bohra
5. Shri Hibi Eden
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SECRETARIAT

1. Shri V. K. Tripathi - Joint Secretary
2. Shri Srinivasulu Gunda - Director
3. Ms. Swati Parwal - Deputy Secretary
4. Ms. Jisha James - Committee Officer

(v)

INTRODUCTION

I, the Chairperson of the Standing Committee on Housing and Urban Affairs (2021-22) having been authorized by the Committee, present the Eleventh Report (17th Lok Sabha) on the action taken by the Government on the Observations/Recommendations contained in the Eighth Report (17th Lok Sabha) of the Committee on the subject Implementation of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014'.

2. The Eighth Report was presented to Lok Sabha on 06 August, 2021 and laid on the table of Rajya Sabha on the same date. The Action Taken Replies of the Government to all to all the recommendation contained in the Report were received on 01 November, 2021.

3. The Committee considered and adopted this Report at their Sitting held on 09 December, 2021.

4. An analysis of the action taken by the Government on the recommendations contained in the Eighth Report (Seventeenth Lok Sabha) of the Committee is given at Annexure-II.

5. For facility of reference and convenience, the observations/recommendations of the Committee have been printed in bold letters in the body of the Report.

New Delhi
09 December, 2021
18 Agrahayana, 1943 (Saka)

JAGDAMBIKA PAL
Chairperson
Standing Committee on
Housing and Urban Affairs

CHAPTER I
DRAFT REPORT

This Report of the Standing Committee on Housing & Urban Affairs (2021-22) deals with the action taken by the Government on the recommendations contained in their Eighth Report (Seventeenth Lok Sabha) on Implementation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 which was presented to Lok Sabha on 6 August, 2021.

1.2 Action Taken Notes have been received from the Government in respect of all the 33 recommendations contained in the Report. These have been categorized as follows:

- (i) Recommendations/Observations, which have been accepted by the Government:

Recommendation Serial Nos. 1, 2, 5, 6, 7, 9,15, 17, 26, 30, 31 and 33

(Total -12)
(Chapter-II)

- (ii) Recommendations/Observations, which the Committee do not desire to pursue in view of Government's replies:

Recommendation Serial No. 21&32

(Total -02)
(Chapter-III)

- (iii) Recommendations/Observations, in respect of which replies of Government have not been accepted by the Committee:

Recommendation Serial Nos.3,10,14, 23 &25

(Total -05)
(Chapter-IV)

- (iv) Recommendations/Observations, in respect of which final replies of the Government are still awaited:

Recommendation Serial No. 4,8,11,12,13,16,18,19,20,22,24,27,28&29

(Total -14)
(Chapter-V)

1.3 The Committee desire that specific replies to the Comments of the Committee as contained in Chapter-I and final action taken in respect of the recommendations contained in Chapter-V of this Report for which interim replies have been given by the Government may be furnished to them at the earliest and in any case, not later than three months from the presentation of this Report.

1.4 The Committee will now deal with the action taken by the Government on some of their recommendations in the succeeding paragraphs.

Recommendation (Sl.No. 2)

APPLICABILITY OF THE STREET VENDOR'S ACT TO JAMMU & KASHMIR AND LADAKH

1.5 The Committee had recommended as under:

“The Committee note that Section 1 of the Act states that it extends to the whole of India except the State of Jammu & Kashmir. Accordingly, the Act was not made applicable to the erstwhile state of J&K. However, subsequent to the abrogation of Article 370, the Committee observe that the Ministry of Home Affairs has issued adaptation order in respect of Union Territory of J&K and Ladakh also. The Committee are glad to note that Government of Jammu & Kashmir has notified both the Rules and the Scheme under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 on 29 January, 2021. Similarly, Ministry of Home Affairs vide Union Territory of Ladakh Reorganization (Adaptation of Central Laws) Order, 2020 has notified the adaptation order of the Act on 23 October, 2020. Since the jurisdiction of the Act was extended to these UTs recently, the Committee recommend that expeditious steps may be taken to implement the provisions of the Act such as conducting vendor surveys, forming TVCs, issuing ID cards to street vendors, earmarking vending zones, etc to enable the street vendors to carry out their business legitimately and to avail benefits under the schemes meant for welfare of the street vendors.”

1.6 In their Action Taken Reply, the Ministry have stated as follows:

“Ministry has, vide letter dated April 30, 2021, requested UT of Jammu & Kashmir to conduct survey, issue Certificate of Vending (CoV) and Identity card to identified street vendors and to implement the provisions of Street Vendors Act, 2014. In addition, this issue is reviewed regularly during video conferences/ webinars.

The Rules of UT of Ladakh under Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 have been notified on July 8, 2021. Subsequent to that, in accordance with the provisions of the Act, Ministry of Home Affairs has issued a notification on 27.09.2021 delegating the powers and functions of the appropriate government for formulation and notification of Scheme to the Lt. Governor, UT of Ladakh. Pursuant to this, Ministry of Housing and Urban Affairs has also requested UT of Ladakh, vide letter dated October 13, 2021, to notify its Scheme within the time frame prescribed in the Street Vendors Act, 2014.”

1.7 The Committee appreciate the Ministry’s efforts to impress upon UT of Jammu & Kashmir to expeditiously implement the provisions of the Street Vendors Act and UT of Ladakh to notify the Scheme under the Act within the time frame prescribed in the Street Vendors Act, 2014 to enable the street vendors to carry out their business legitimately and to avail benefits under the schemes meant for welfare of the street vendors. They, however, apprehend that there may be many teething problems for the newly constituted UTs of J&K and Ladakh and considering that the jurisdiction of the Act was extended to these UTs recently, they would require continuous hand holding, frequent reminders and monitoring of the progress of the implementation of the Act by the Ministry. The Committee therefore reiterate their recommendation of taking expeditious steps to implement the various provisions of the Act in the UTs of J&K and Ladakh by MoHUA.

Recommendation(SI. No. 3)

NOTIFICATION OF THE SCHEME BY MEGHALAYA

1.8 The Committee had recommended as under:-

"The Committee note that State Govt of Meghalaya has enacted 'The Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. In order to exercise the powers conferred under section 3 of the aforementioned Act, the state of Meghalaya has formulated a Scheme - The Meghalaya Street Vendors(Protection of Livelihood and Regulation of Street Vending) Scheme, 2017 for urban areas of the state. The Committee note that in the matter of States having their own State Acts, Ministry of Law & Justice opined that if State law has been enacted under State list, then those provisions, which directly and substantially relate to a matter enumerated in Concurrent List and are repugnant to any provision(s) of the Central Act of 2014, shall be void. Therefore, repugnancy in provisions of State Act to Central Act would have to be removed and State Act brought in conformity with Central Act. The Committee also note that MoHUA vide letter dated August 2, 2016, requested the State Government of Meghalaya to ensure that the repugnancy in provision of State Act to Central Act is removed and State Act brought in conformity with Central Act. Alternatively, since Central Act has been extended to whole of India, it will be appropriate if State Government repeal the State Act and adopt the Central Act of 2014. Accordingly, Government of Meghalaya was advised to examine the provisions of its State Act vis-a-vis Central Act and take necessary action, as applicable, to repeal the State Act and implement the Central Act, in toto, at the earliest, so as to bring uniformity in implementation of provisions and extension of facilities provided by the Central Act. The Committee however, find that there is no clarity as to whether the provisions of the Meghalaya's state Act are in way contradicting with those of the Central Act and if so the same are repealed/ amended to conform to the Central Act. The Committee therefore would like to be apprised of the final outcome of the MoHUA's efforts taken in this regard at the earliest."

1.9 In their Action Taken Reply, the Ministry have stated as follows:-

"Government of Meghalaya has been reminded for intimating Ministry of Housing and Urban Affairs about the outcome of comparative examination of the State Act with the Central Street Vendors Act, 2014 with a view to remove the repugnancy, if any, in the State Act."

1.10 The Committee note that despite a lapse of more the 5 years since the MoHUA's request sent vide their communication dated 02 August 2016 and also the subsequent reminders of MoHUA to the state Government of Meghalaya to remove the repugnancy of the State Act to bring it in conformity with the Central Act, State Government of Meghalaya is yet to take suitable action in this regard. The Committee, therefore suggest that the matter may be taken up at the highest level and apprise the Committee of the outcome in this regard.

Recommendation (Sl. No. 10)

PROPER CONDUCT OF TVC MEETINGS

1.11 The Committee had recommended as under:-

"The Committee note that section 23 of the Act stipulates that TVCs shall meet at such times and places within the jurisdiction of the local authority and shall observe such rules of procedure in regard to transaction of business at its meetings, and discharge such functions, as may be prescribed. The Committee note that as of now MoHUA does not have any mechanism to monitor whether TVC meetings are held properly in the States/UTs, the nature and conduct of the meetings, maintenance of minutes of the meeting, etc. Several stakeholder organizations who appeared before the Committee expressed their concern regarding the manner of conducting TVC meetings such as non-circulation, absence of agenda, forcing the vendors sign without giving them opportunity to read what they are signing, i.e., without following proper procedure. The Committee while noting that Urban Development, being a subject under the 'State List', the manner of conducting TVC meeting falls within the respective State/ UT., they are of the view that since the Act is a Central Act, MoHUA has certain responsibility in ensuring that States/UTs implement the provisions of the Act in its true spirit to achieve the intended objectives. They accordingly suggest, MoHUA to issue guidelines regarding the conduct of TVC meeting on the following points:

- i. Holding a minimum number of meetings of TVCs say 4 or 5 a year to make them effective in addressing the issues faced by street vendors;
- ii. Ensuring that the Schedule of the meeting is intimated in advance to all the TVC members;
- iii. Maintaining copies of the Minutes of TVCs with the respective State Governments/UT administrations;
- iv. Uploading of the Minutes of the meetings of TVCs in public domain/ official website of the ULBs;
- v. Preparing the minutes of the TVC meetings in the local language; and,
- vi. Appointing a nodal officer in the respective States/UTs to oversee the working of TVCs. "

1.12 In their Action Taken Reply, the Ministry have stated as follows:-

"Street Vendors Act is the Central Act, which is implemented through States/ UTs. The manner and procedure of conduct of business by TVCs is laid down in the Rules notified by individual States / UTs, and these may vary from State to State. Issuing guidelines in the matter, which has already been delegated to States / UTs may be contradictory to the provisions made in Rules. However, the suggestion has been noted for issue of a general advisory to States / UTs subject to the provisions contained in their respective Rules."

1.13 The Committee while acknowledging that the manner and procedure of conduct of business by TVCs is laid down in the Rules notified by individual States / UTs, and these may vary from State to State, however, feel that the recommendation given by the Committee for better conduct and increased effectiveness of TVC meetings helps in achieving the true objective of the Act, i.e., to provide legal right to street vendors to vend and giving them a voice to assert their rights through vendor representation in the TVCs and hence will not be in conflict with the prevalent rules notified by individual States / UTs. The Committee, therefore are of the view that there would not be any contradiction incase a general advisory is issued by MoHUA regarding the conduct of TVC meetings as enumerated from points (i) to (vi) and accordingly reiterate their recommendation made in this regard.

Recommendation (Sl. No. 14)

NOTIFICATION OF VENDING ZONES

1.14 The Committee had recommended as under:-

"The Committee note that the Act provides that every local authority shall in consultation with the planning authority and on the recommendations of the TVC, once in every five years, prepare a plan to promote the vocation of street vendors covering the matters contained in the first schedule of Act. The Plan is to be approved by the State/ UT Government. Such plans are to include, inter-alia, earmarking of space or area for vending zones, restricted vending zones and no vending zones.

The data at Annexure shows that 11 States/UTs namely A&N Islands, Dadra & Nagar Haveli Daman & Diu, Delhi, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Ladakh, Meghalaya, Sikkim and West Bengal have not notified vending Zones. In respect of the remaining States / UTs, the Ministry stated, they have not received any specific reason for not notifying vending zones. The Committee further note that so far 10,385 vending Zones have been created in various ULBs. This number, the Committee believe is far lower than that of the potential. The reply of the Ministry clearly shows that no follow up action seems to have been taken to persuade the States/UTs to demarcate and notify vending zones as considerable delay has already occurred. The Committee are of the view that being a nodal ministry and having piloted the enactment of the Act for the welfare of the street vendors, MoHUA has a Monitoring role in ensuring inter alia planning, earmarking creation and development of vendors markets, vending zones, etc in accordance with the letter and spirit of the Act.

The Committee note that in some cities, for instance in Jaipur, various areas have been made 'no vending zones' without any clear demarcation of vending zones. As this is against the spirit of the Act, the Committee suggest MoHUA to impress upon them the need to follow the Act in demarcating vending zones in their interactions/ review meetings with the States/UTs."

1.15 In their Action Taken Reply, the Ministry have stated as follows:

"Implementation of the Act lies with States / UTs. Ministry of Housing and Urban Affairs, from time to time, issues advisories on implementation of provisions of the Act including creation of vending zones. The number of vending zones have increased to 10,827 from 10,385 since June 24, 2021 when the position was intimated to the Committee"

1.16 The Committee note from the reply of the Ministry that the number of vending zones have increased to 10,827 from 10,385 since June 24, 2021. The Committee are disappointed to note only a marginal increase in the number of vending zones notified in the past four months especially in the context that it has been seven years since the Act has been enacted. The Ministry's oft repeated reply that they can only persuade and request the States/UTs to implement the Act and implementation of the Act lies with States / UTs is not acceptable due to the very fact that the Centre felt it imperative to legislate this Act and hence MoHUA is assigned an overall monitoring role in ensuring inter alia planning, earmarking creation and development of vendors markets, vending zones, etc in accordance with the letter and spirit of the Act. The Committee, therefore, reiterate their recommendation to MoHUA to impress upon the States/UTs the need to follow the Act in demarcating vending zones in their interactions/ review meetings with the States/UTs and continuously review the performance of each State/UT.

Recommendation (Sl. No.23)

VENDOR IDENTITY CARDS AND CERTIFICATE OF VENDING

1.17 The Committee had recommended as under:-

"The Committee observe that as per provisions of this Act the street vendors are issued two cards/Certificates - Vendor identity Cards and Certificate of Vending (CoV). The CoV contains details of the vending zone where the street vendor shall carry on his vending activities, the days and timings for carrying on such vending activities and the conditions and restriction subject to which he shall carry on such vending activities. The

analysis of the data furnished by MoHUA shows that two States/ UTs (excluding J&K, Ladakh & Sikkim) viz. Delhi and West Bengal have not issued any CoV and 24 States/UTs have issued CoVs to less than 50% of the street vendors identified. The Committee express their concern that even after a lapse of seven years since the enactment of the provisions of the Act which could protect street vendors from harassment have still not been implemented fully by the states/ UTs. They, therefore recommend that MoHUA needs to follow up with States/UTs and issuing identity Cards and CoV to all the identified street vendors. Continuous monitoring and discussing the progress in the meetings held to review the status of the implementation of the provisions of the Act at regular intervals may result in States/ UTs to improve their performance in this regard."

1.18 In their Action Taken Reply, the Ministry have stated as follows:-

"This Ministry continuously pursues and follows up with the States/ UTs for issuing Certificate of Vending to the vendors identified in the survey. The status is updated by States / ULBs from time to time. The present State / UT – wise position of issue of CoV and ID cards is given bellow:

S.No.	Name of State/Union Territory	Number of Certificates Vending issued	Number of ID Cards of issued
1.	Andaman & Nicobar Islands	633	633
2.	Andhra Pradesh	239035	240028
3.	Arunachal Pradesh	818	5290
4.	Assam	1672	1871
5.	Bihar	102036	81830
6.	Chandigarh	10934	2345
7.	Chattisgarh	2857	27457
8.	Dadra & Nagar Haveli and Daman & Diu	1853	436
9.	Delhi	0	0

10.	Goa	1625	1580
11.	Gujarat	136881	213585
12.	Haryana	49722	9390
13.	Himachal Pradesh	4320	4290
14.	Jammu & Kashmir	0	5897
15.	Jharkhand	3247	25726
16.	Karnataka	95242	124706
17.	Kerala	398	14442
18.	Ladakh	427	427
19.	Madhya Pradesh	504550	433055
20.	Maharashtra	29170	30128
21.	Manipur	543	1181
22.	Meghalaya	253	295
23.	Mizoram	3184	3885
24.	Nagaland	1818	1619
25.	Odisha	24818	32896
26.	Puducherry	2040	5454
27.	Punjab	50500	46139
28.	Rajasthan	23714	73915
29.	Sikkim	0	0
30.	Tamil Nadu	53249	103048
31.	Telangana	356906	555846
32.	Tripura	8656	8327
33.	Uttar Pradesh	602083	489485
34.	Uttarakhand	17791	19983
35.	West Bengal	0	0
Total		23,30,975	25,65,189

"

1.19 The Committee appreciate that out of the 25,65,189 street vendors who have been issued Vendor ID Cards till now 23,30,975 have already been issued

Certificate of Vending (CoV). The Committee, however, are concerned to note that in the States/UTs of Delhi, J&K, West Bengal and Sikkim the issue of ID Cards/CoV have not been initiated yet and hence needs a strong push from the Ministry. The Committee therefore while reiterating their recommendation made in this regard suggest the Ministry must continue its frequent monitoring and discuss the progress in the meetings held to review the status of the implementation of the provisions of the Act at regular intervals with special emphasis on the above mentioned States/UTs.

Recommendation (Sl.No.25)

ISSUE OF SMART CARDS COMBINING ID CARDS AND COV

1.20 The Committee had recommended as under:-

“The Committee are concerned to note that even after a lapse of seven years since the enactment of the Act, street vendors are yet to be identified and vendor Id Cards and CoVs are not issued to all the vendors. Not only this, even in those States/UTs where vendor Id Cards have been issued to street vendors, they are yet to receive the CoV which will provide them a legal right to vend in a designated vending Zone. It is not clear as to the need for multiple cards/ documents of identity (ID cards and CoV) for street vendors. The Committee are of the view that smart cards consisting of details of the ID cards, Certificate of Vending and any other details and are durable vis-à-vis paper based documents may be issued to the vendors. Further, such smart cards prevents the possibility of tampering associated with the paper based documents. They accordingly recommend that suitable steps may be taken in this regard in consultation with the states/UTs.”

1.21 In their Action Taken Reply, the Ministry have stated as follows:-

"Section 6 (3) of the Act provides for issue of ID cards to every street vendors who has been issued CoV. The form and manner of issue of CoV and ID cards is in accordance with the Scheme notified by the respective States/ UTs. Therefore, the CoV and Id card are two different documents prescribed by the Act.

Further, vide letter dated 28.10.2019, a sample of the Smart ID card was circulated to all States/ UTs for their guidance. The details captured in the Smart ID card include name and age of vendor, gender, address, mobile/ telephone number, type of vending/ business, site/ place of vending, CoV No./ registration No., date of issue and photograph with signature/ thumb impression. "

1.22 The Committee observe that MoHUA vide letter dated 28.10.2019 has circulated a sample of the Smart ID card to all States/ UTs for their guidance. The Committee appreciate that the details captured in the Sample Smart ID card include name and age of vendor, gender, address, mobile/ telephone number, type of vending/ business, site/ place of vending, CoV No./ registration No., date of issue and photograph with signature/ thumb impression. The Committee, however, express concern that this sample Smart ID Card was circulated two years back and many States/UTs are yet to issue normal ID Cards and hence issue of Smart ID Cards does not seem to be realistic. Since, the implementation of the Street Vendors Act has gained impetus due to the PM SVANidhi Scheme, the Committee feel that MoHUA needs to again take suitable steps in order to impress upon the States/UTs to issue Smart ID Cards to the street vendors. Therefore, the Committee reiterate their recommendation in this regard.

CHAPTER II

OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Sl. No. 1)

NOTIFICATION OF THE STREET VENDOR'S ACT IN SIKKIM

2.1 It could be seen that "in pursuance of the Street Vendors Act, 2014, the Sikkim Government has notified the "Rules" in 2017 which, inter-alia, contains Manner of maintenance of records of street vendors by Town Vending Committee (Section 24) and publication of the summary of the scheme notified under section 38 (1) of the Act in the local print media for wide publicity (section 26). The MoHUA, therefore felt that the Government of Sikkim has to notify the Scheme under the provisions of the Street Vendors Act, 2014. The Government of Sikkim, however, is of the view that the sections 5 (the procedure for obtaining license) and 8 (the manner of issuing licenses) of the Sikkim Trade License and Miscellaneous Provision Rules, 2011, are an impediment in notifying the Scheme under the Street Vendors Act, 2014. MOHUA while appreciating the issue is of the view that there is no contradiction or conflict between Section (5) or (8) of the Sikkim Trade Rules, 2011 and provisions of proposed Scheme to be notified under the Street Vendors Act, 2014. The MoHUA is further of the view that even if hawkers are being covered under Sikkim Trade License and Miscellaneous Provision Rules, 2011, State may notify the scheme which would be more focused and segment (street vendors) specific. MoHUA's concerted efforts for persuading the state Govt of Sikkim for notifying the Scheme are yet to fructify. As notification of the 'Scheme' under the Act is a pre requisite for availing the benefits under Prime Minister Street Vendors' Atma Nirbhar Nidhi (PM SVANidhi) Scheme, the Committee recommend that the matter may be taken up at the highest levels to impress upon the need for notifying the 'Scheme' without further delay.

Reply of the Government

2.2 Government of Sikkim has notified Sikkim Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2021 on April 20, 2021.

Recommendation(SI. No. 2)

APPLICABILITY OF THE STREET VENDOR'S ACT TO JAMMU & KASHMIR AND LADAKH

2.3 The Committee note that Section 1 of the Act states that it extends to the whole of India except the State of Jammu & Kashmir. Accordingly, the Act was not made applicable to the erstwhile state of J&K. However, subsequent to the abrogation of Article 370, the Committee observe that the Ministry of Home Affairs has issued adaptation order in respect of Union Territory of J&K and Ladakh also. The Committee are glad to note that Government of Jammu & Kashmir has notified both the Rules and the Scheme under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 on 29 January, 2021. Similarly, Ministry of Home Affairs vide Union Territory of Ladakh Reorganization (Adaptation of Central Laws) Order, 2020 has notified the adaptation order of the Act on 23 October, 2020. Since the jurisdiction of the Act was extended to these UTs recently, the Committee recommend that expeditious steps may be taken to implement the provisions of the Act such as conducting vendor surveys, forming TVCs, issuing ID cards to street vendors, earmarking vending zones, etc to enable the street vendors to carry out their business legitimately and to avail benefits under the schemes meant for welfare of the street vendors.

Reply of the Government

2.4 Ministry has, vide letter dated April 30, 2021, requested UT of Jammu & Kashmir to conduct survey, issue Certificate of Vending (CoV) and Identity card to identified street vendors and to implement the provisions of Street Vendors Act, 2014. In addition, this issue is reviewed regularly during video conferences/ webinars.

The Rules of UT of Ladakh under Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 have been notified on July 8, 2021. Subsequent to that, in accordance with the provisions of the Act, Ministry of Home Affairs has issued a notification on 27.09.2021 delegating the powers and functions of

the appropriate government for formulation and notification of Scheme to the Lt. Governor, UT of Ladakh. Pursuant to this, Ministry of Housing and Urban Affairs has also requested UT of Ladakh, vide letter dated October 13, 2021, to notify its Scheme within the time frame prescribed in the Street Vendors Act, 2014.

2.5 For comments of the Committee please see *para 1.7* of Chapter-I of the Report.

Recommendation (Sl. No. 5)

PUBLICITY ABOUT THE SURVEYS IN VERNACULAR MEDIA

2.6 The representatives of federation of street vendors' associations appearing before the Committee submitted that many street vendors and hawkers are left out of the surveys carried out due to lack of documents or not registered due to lack of awareness about the survey. The Committee are of the view that a wide publicity, in vernacular media - both print and electronic media, must precede the commencement of vendor survey. The documents required should find a mention in the publicity campaigns. The survey teams may visit the vendors at their place of vending to have maximum response from the vendors and the survey becomes an inclusive process.

Reply of the Government

2.7 Noted for issue of an advisory to States / UTs for action accordingly.

Recommendation (Sl. No.6)

FORMATION OF TOWN VENDING COMMITTEES

2.8 Section 22 of the Act, the Committee note, stipulates the term and manner of constituting TVCs in each local authority. It also empowers the appropriate Government, if it considers necessary, to constitute more than one TVC or a TVC for each zone or ward, in each local authority. The mandate of the TVC is to conduct (i) surveys, (ii) ensure that all existing street vendors, identified in the survey are accommodated in the vending zones, (iii) cancel the Certificate Of Vending or suspend the same for such period as it deems fit, (iv) recommend the local authority to declare a zone or a part of it a no-vending zone , (v) recommend local Authority to prepare a street vending plan to

promote the vocation of street vendors, (vi) maintain up to date records of registered street vendors, (vii) carry out social audit of its activities, etc. The Committee note from the data given in Annexure that even after a lapse of seven years since the enactment of the Act, TVCs are yet to be constituted in all eligible towns and cities, despite continuous persuasion by MoHUA. The Committee are of the view that due to its aforementioned mandate they consider TVCs as fulcrum of this Act and absence of TVCs makes the street vendors voiceless and prone to eviction. The Committee, therefore, suggest /recommend that-

- i. Formation of TVCs may be expedited by taking up the issues with the highest political executive at regular intervals.
- ii. No eviction/relocation can be enforced without formation of and due consultation with TVCs.

Reply of the Government

2.9 Reply to point (i): Ministry continuously pursues and follows up with the States/UTs for implementing provisions of Street Vendors Act including constitution of TVCs, conducting survey of street vendors. As a result of this, the number of TVCs has gone up to 4,165 from 4,125 since June 24, 2021 when the position was last intimated to the Committee. However, the recommendation has been noted.

Reply to point (ii): As per provisions of the Street Vendors Act, 2014 the local authority may, on the recommendations of the Town Vending Committee, declare a zone or part of it to be a no-vending zone for any public purpose and relocate the street vendors vending in that area, in such manner as may be specified in the scheme. TVC is the fulcrum of the Street Vendors Act. While the powers of eviction and relocation of vendors are vested in the local authority but it can exercise these powers only on the recommendation of the TVC. The Ministry has all along been emphasizing upon formation and involvement of TVCs in matters relating to street vending.

Recommendation (SI. No.7)

CONSTITUTION OF TVCs WITHOUT STREET VENDOR REPRESENTATION

2.10 The Act states that the number of members representing the street vendors in the TVC shall not be less than forty percent who shall be elected by the street vendors themselves in such manner as may be prescribed. The representatives of street vendors and hawkers' federation appearing before the Committee, however, submitted that many TVCs don't have the adequate vendor representation thus defeating the very objective of the Act i.e. enabling the Street vendors/ hawkers to participate in the decision making process involving their own future. The Ministry's oft repeated reply that as they can only persuade and request the state/UT to implement the Act in its true spirit is not justified due to the very fact that the Centre felt it imperative to legislate this Act assigns an overall monitoring role to MoHUA to ensure that States/UTs are giving the mandated 40% representation within the TVCs to the street vendors. The Committee, therefore, recommend MoHUA to

- i. monitor the representation of vendors as per the stipulated norms in TVCs by regularly interacting with the state authorities at regular intervals. Any deviations either in letter or spirit of the Act be discouraged and ensure it is rectified.
- ii. maintain the database of the TVCs including the percentage vendor representation in the TVCs.

Reply of the Government

2.11 **Reply to point (i):** Noted.

Reply to point (ii): Noted for compliance.

Recommendation (SI. No. 9)

DELEGATION OF POWERS OF CHAIRPERSON OF TVC TO SUBORDINATES - NEED TO STOP

2.12 The Committee note that section 22 of the street vendors Act, 2014 unambiguously provides that each Town Vending Committee shall consist of

Municipal Commissioner or chief Executive officer, as the case may be, who shall be the chairperson of TVC. It has, however, come to the notice of the Committee that in some cases Municipal Commissioners have deputed subordinate officers to chair the TVC meetings thus diluting the powers of TVCs. The Committee while taking serious note of such delegation of power, recommend that MoHUA may issue guidelines to all the States/UTs specifying that Municipal Commissioners should not be allowed to delegate their power as Chairperson of TVC which has the effect of diluting the provisions of the Act.

Reply of the Government

2.13 Noted.

Recommendation (Sl. No. 15)

NEED FOR VENDORS' ZONES NEAR RAILWAY STATIONS

2.14 The Committee note that Street Vendors Act, 2014 does not apply to any land, premises and trains owned and controlled by the Railways under the Railways Act, 1989. The Committee are of the view that railway stations attract huge number of passengers on daily basis providing the street vendors a business opportunity and accordingly suggest MOHUA to explore the possibility of creating vendor zones near to the railway stations excluding the railway land.

Reply of the Government

2.15 Earmarking of space or area for vending zones forms part of vending plan which is prepared and approved by local authority on recommendation of TVC. Therefore, creating vending zones near railway station, excluding railway land, would fall within the competence of the respective local authorities and TVCs. The suggestion has been noted for issuing advisory.

Recommendation (Sl. No. 17)

NON- DEVELOPMENT OF VENDOR MARKETS

2.16 The Committee note that fifteen states/ UTs, namely, A&N Islands, Arunachal Pradesh, Bihar, Dadra & Nagar Haveli Daman &Diu, Delhi, Gujarat, Haryana, Himachal

Pradesh, Ladakh, Maharashtra, Meghalaya, Punjab, Sikkim, Uttarakhand and West Bengal have not developed vendor's markets. The Committee also note that under Support to Urban Street Vendors' (SUSV) component of Deendayal Antyodaya Yojana- National Urban Livelihoods Mission (DAY-NULM) 5% of the total allocations under DAY-NULM can be spent for implementation of SUSV component. Major activities under this component, inter-alia, include development of vendors' market/ vending zones/ informal markets in accordance with the town vending plans with infrastructure/ civic facilities such as paving, water supply, solid waste disposal facility, lighting, storage space, parking facilities etc. DAY-NULM is under implementation across States / UTs since 2014-15. The Committee, therefore, recommend/ suggest:'

- i. States not utilizing DAY-NULM funds effectively need to be monitored frequently by MoHUA enabling them to spend the funds on the providing facilities within vending zones; and,
- ii. MoHUA in coordination with States/UTs needs to explore the possibility of collaborating with private players for providing basic facilities within the Vending Zones. Developing Vending Zones on PPP model also need to be explored.

Reply of the Government

2.17 **Reply to point (i):** Under DAY-NULM, fund is being released by Ministry in a consolidated manner to States/UTs. Out of total allocations, 5% can be spent for implementation of SUSV component. The physical and financial progress of components of DAY-NULM is monitored through an IT enabled MIS portal and various meetings/ webinars etc.

Reply to point (ii): Noted.

Recommendation (Sl. No. 26)

CONSTITUTION OF GRIEVANCE REDRESSAL COMMITTEE (GRC) BY ALL STATES / UTs

2.18 The Committee are of the opinion that no Act can be successfully implemented on the ground till an effective grievance redressal mechanism is in place. The Committee are extremely concerned and disappointed to note that only 9 States/UTs i.e. Assam, Delhi, Kerala, Chandigarh, Madhya Pradesh, Nagaland, Punjab, Mizoram and Uttar Pradesh have constituted GRCs. They are of the view to earn the trust of the vendors, ensure integrity and transparency of the process of conducting survey, issuing ID cards, providing CoVs, etc, and to ventilate their grievances and for their redressal, constitution of GRCs is a must. As substantial number of States / UTs are yet to constitute GRCs even after a lapse of more than seven years of the coming into force of the Act, the Committee suggest that MoHUA may take up the matter in their review meetings with States/ UTs to ensure constitution of GRC without further loss of time.

Reply of the Government

2.19 Ministry takes up this issue in the reviews with States / UTs regularly. Hon'ble Minister of State (I/C) has also written to the States/ UTs on the issue vide his letters dated February 17, 2020 and October 15, 2020. However, the suggestion has been noted for further taking up the matter with States / UTs.

Recommendation (Sl. No. 30)

SENSITIZATION OF POLICE FORCES & BUREAUCRACY

2.20 The Committee in the light of many incidents of unauthorized eviction of street vendors brought to their notice, destroying their wares in the process causing huge losses to the vendors feel that there is need for sensitivity amongst the police forces while handling the evictions of the vendors. The committee while appreciating the efforts of MoHUA for taking up the issue of evictions with the officers of the Departments concerned of various state Governments, recommend that to sensitize the police forces and civic body officials. The Act may be included in the curriculum meant for training of the police officers and the civic bodies' officials.

Reply of the Government

2.21 Hon'ble Minister (Housing and Urban Affairs) chaired a meeting on August 18, 2020 with the State Urban Development Ministers along with Chief Secretaries, DGPs/ IGP, Principal Secretaries, SSP/ SPs, District Magistrates and Municipal Commissioners, to sensitize them about Street Vendors Act and also to solicit their cooperation in stopping harassment and undue eviction of street vendors. In continuation, on October 14, 2020, Hon'ble MoS (I/C) also wrote a letter to all Chief Ministers / Administrators on implementation of various aspects of the Street Vendors Act and the PM SVANidhi Scheme.

Further, vide letter dated 18.05.2021, Secretary (HUA) requested Chief Secretaries of all States/UTs to instruct the ULBs to provide the list of identified street vendors in their area to the concerned Police stations and instruct the CPs/ SPs and Municipal Commissioners to sensitize their front line staff regarding provisions of Street Vendors Act and PM SVANidhi Scheme so that the instances of harassment against the legitimate street vendors do not occur.

However, the suggestion has been noted for examination in consultation with the Ministry of Home Affairs.

Recommendation (Sl. No. 31)

DEVELOPMENT OF WEBSITE AND / OR MOBILE APP AS A COMPLAINT FORUM

2.22 The committee observe that MoHUA and various State Governments are in continuous receipt of representations and complaints from street vendors and stakeholder organizations working for the welfare of street vendors. However, street vendors have no idea regarding the status of their complaint. Further, in order to improve transparency and accountability, street vendors need to be assured that strict action is taken on the errant officials responsible for their harassment. The Committee, therefore, recommend that MoHUA may ensure that a feature for making complaints, tracking the progress for resolving and final outcome may be made in the existing websites of state Urban Development Departments hosting street vendors issues.

Reply of the Government

2.23 Noted for issue of an advisory to States / UTs.

Recommendation (Sl. No. 33)

BETTER IMPLEMENTATION OF THE ACT IN MISSION MODE ON THE LINES OF SWACHH BHARAT MISSION (SBM) AND THROUGH REWARDS AND RECOGNITION

2.24 The Committee observe that it is a matter of concern that even after seven years since the enactment of the Act, substantial number of states / UTs are lagging behind in implementation of the provisions in letter and spirit of the Act, enacted to accord legitimacy to the street vending activity and thereby providing livelihood to scores of street vendors. The Committee, therefore feel that it is the need of the hour to implement the Act on Mission mode on the lines of Swachh Bharat Mission (SBM). The Committee recommend that in order to encourage states/ ULBs for proper implementation of the Act, an annual survey on the lines of Swachh Survekshan should be conducted to award ULBs on the basis of effective implementation of the Act. Further, provision of incentives both financial and non financial may be explored.

Reply of the Government

2.25 Noted for examination of the suggestion.

CHAPTER III

RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT

Recommendation (Sl. No. 21)

STREET VENDING PLANS

3.1 The Committee note from the data given in the Annexure that nine states/ UTs viz. A&N Islands, Assam, Dadra & Nagar Haveli Daman & Diu, Delhi, J&K, Ladakh, Meghalaya, Sikkim, and West Bengal have not made any plan for street vending. In fact, even after a lapse of seven years since the enactment of the Act, out of 4,315 towns, street vending plans have been made only in 1,341 towns. Further, the Committee observe that in States/UTs like Assam J&K, no Street Vending plans have been formulated but Vending Zones have been notified. This is in conflict with the due process of implementing this Act whereby town vending plans have to be prepared before vending zones can be notified. The Committee therefore, would like to be apprised of whether this conflict was brought to their notice and the corrective action taken, if any, in this regard may be intimated to the Committee. In respect of other state / UTs where vending plans have not been made the issue may be taken up in the meetings held with the States/ UTs to review their performance in implementing the Act.

Reply of the Government

3.2 The matter has been ascertained from Assam. They have informed that Vending Zones have been approved by TVCs in the State prior to notification of Scheme by them in July, 2020. Since, the Street vendors Act directs for Survey of street vendors at least once in every five years, a third party has been selected for fresh survey and preparing City Street Vending plans.

UT of Jammu & Kashmir has notified vending zones before coming into effect of Street Vendors Act. After Notification of Rules and Scheme, the Provisional Town Vending Committees have been constituted. Further, the survey of street vendors in

various ULBs has been undertaken with the objective of mapping the existing and new locations for framing and notifying detailed vending plans for each ULB.

Ministry continuously pursues and follows up with the States/UTs for implementing provisions of Street Vendors Act including constitution of TVCs, conducting survey of street vendors.

Recommendation (Sl. No. 32)

REMOVAL OF CEILING ON NUMBER OF VENDORS

3.3 The Committee had recommended as under:-

“Section 3 (2) of the Act restricts the number, of street vendors to 2.5 % of the population of the ward, zone, or town or city. In large and heavily populated cities like Mumbai and Delhi which are centers of economic activity, the ceiling of 2.5% of the population of ward, zone, town or city is grossly inadequate. The Committee believe that the estimates of vendors may vary from State to State and place to place as at some places it is reported to be less than even 1%. They, therefore suggest MOHUA to explore the possibility of revisiting this ceiling.”

3.4 In their Action Taken Reply, the Ministry have stated as follows:

“The norm of 2.5% of population has been fixed by the Act. The Act also provides for conducting survey to identify street vendors and accommodating them in vending zones. The number of identified vendors so far is well within this given norm. Further, the Ministry has not received any representation from any State / UT suggesting for upward revision of the ceiling based upon the survey results.”

CHAPTER IV

OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

Recommendation(SI. No. 3)

NOTIFICATION OF THE SCHEME BY MEGHALAYA

4.1 The Committee had recommended as under:-

"The Committee note that State Govt of Meghalaya has enacted 'The Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. In order to exercise the powers conferred under section 3 of the aforementioned Act, the state of Meghalaya has formulated a Scheme - The Meghalaya Street Vendors(Protection of Livelihood and Regulation of Street Vending) Scheme, 2017 for urban areas of the state. The Committee note that in the matter of States having their own State Acts, Ministry of Law & Justice opined that if State law has been enacted under State list, then those provisions, which directly and substantially relate to a matter enumerated in Concurrent List and are repugnant to any provision(s) of the Central Act of 2014, shall be void. Therefore, repugnancy in provisions of State Act to Central Act would have to be removed and State Act brought in conformity with Central Act. The Committee also note that MoHUA vide letter dated August 2, 2016, requested the State Government of Meghalaya to ensure that the repugnancy in provision of State Act to Central Act is removed and State Act brought in conformity with Central Act. Alternatively, since Central Act has been extended to whole of India, it will be appropriate if State Government repeal the State Act and adopt the Central Act of 2014. Accordingly, Government of Meghalaya was advised to examine the provisions of its State Act vis-a-vis Central Act and take necessary action, as applicable, to repeal the State Act and implement the Central Act, in toto, at the earliest, so as to bring uniformity in implementation of provisions and extension of facilities provided by the Central Act. The Committee however, find that there is no clarity as to whether the provisions of the Meghalaya's state Act are in way contradicting with those of the Central Act and if so the

same are repealed/ amended to conform to the Central Act. The Committee therefore would like to be apprised of the final outcome of the MoHUA's efforts taken in this regard at the earliest."

4.2 In their Action Taken Reply, the Ministry have stated as follows:-

"Government of Meghalaya has been reminded for intimating Ministry of Housing and Urban Affairs about the outcome of comparative examination of the State Act with the Central Street Vendors Act, 2014 with a view to remove the repugnancy, if any, in the State Act."

4.3 For comments please see *para No. 1.10* of Chapter-I of the Report.

Recommendation (Sl. No. 10)

PROPER CONDUCT OF TVC MEETINGS

4.4 The Committee note that section 23 of the Act stipulates that TVCs shall meet at such times and places within the jurisdiction of the local authority and shall observe such rules of procedure in regard to transaction of business at its meetings, and discharge such functions, as may be prescribed. The Committee note that as of now MoHUA does not have any mechanism to monitor whether TVC meetings are held properly in the States/UTs, the nature and conduct of the meetings, maintenance of minutes of the meeting, etc. Several stakeholder organizations who appeared before the Committee expressed their concern regarding the manner of conducting TVC meetings such as non-circulation, absence of agenda, forcing the vendors sign without giving them opportunity to read what they are signing, i.e., without following proper procedure. The Committee while noting that Urban Development, being a subject under the 'State List', the manner of conducting TVC meeting falls within the respective State/ UT., they are of the view that since the Act is a Central Act, MoHUA has certain responsibility in ensuring that States/UTs implement the provisions of the Act in its true spirit to achieve the intended objectives. They accordingly suggest, MoHUA to issue guidelines regarding the conduct of TVC meeting on the following points:

- i. Holding a minimum number of meetings of TVCs say 4 or 5 a year to make them effective in addressing the issues faced by street vendors;
- ii. Ensuring that the Schedule of the meeting is intimated in advance to all the TVC members;
- iii. Maintaining copies of the Minutes of TVCs with the respective State Governments/UT administrations;
- iv. Uploading of the Minutes of the meetings of TVCs in public domain/ official website of the ULBs;
- v. Preparing the minutes of the TVC meetings in the local language; and,
- vi. Appointing a nodal officer in the respective States/UTs to oversee the working of TVCs.

Reply of the Government

4.5 Street Vendors Act is the central Act, which is implemented through States/ UTs. The manner and procedure of conduct of business by TVCs is laid down in the Rules notified by individual States / UTs, and these may vary from State to State. Issuing guidelines in the matter, which has already been delegated to States / UTs, may be contradictory to the provisions made in Rules. However, the suggestion has been noted for issue of a general advisory to States / UTs subject to the provisions contained in their respective Rules.

4.6 For comments please see *para No. 1.13* of Chapter-I of the Report.

Recommendation (SI.No. 14)

NOTIFICATION OF VENDING ZONES

4.7 The Committee note that the Act provides that every local authority shall in consultation with the planning authority and on the recommendations of the TVC, once in every five years, prepare a plan to promote the vocation of street vendors covering the matters contained in the first schedule of Act. The Plan is to be approved by the State/ UT Government. Such plans are to include, inter-alia, earmarking of space or area for vending zones, restricted vending zones and no vending zones.

The data at Annexure shows that 11 States/UTs namely A&N Islands, Dadra & Nagar Haveli Daman & Diu, Delhi, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Ladakh,

Meghalaya, Sikkim and West Bengal have not notified vending Zones. In respect of the remaining States / UTs, the Ministry stated, they have not received any specific reason for not notifying vending zones. The Committee further note that so far 10,385 vending Zones have been created in various ULBs. This number, the Committee believe is far lower than that of the potential. The reply of the Ministry clearly shows that no follow up action seems to have been taken to persuade the States/UTs to demarcate and notify vending zones as considerable delay has already occurred. The Committee are of the view that being a nodal ministry and having piloted the enactment of the Act for the welfare of the street vendors, MoHUA has a Monitoring role in ensuring inter alia planning, earmarking creation and development of vendors markets, vending zones, etc in accordance with the letter and spirit of the Act.

The Committee note that in some cities, for instance in Jaipur, various areas have been made 'no vending zones' without any clear demarcation of vending zones. As this is against the spirit of the Act, the Committee suggest MoHUA to impress upon them the need to follow the Act in demarcating vending zones in their interactions/ review meetings with the States/UTs.

Reply of the Government

4.8 Implementation of the Act lies with States / UTs. Ministry of Housing and Urban Affairs, from time to time, issues advisories on implementation of provisions of the Act including creation of vending zones. The number of vending zones have increased to 10,827 from 10,385 since June 24, 2021 when the position was intimated to the Committee.

4.9 For comments please see *para No. 1.16* of Chapter-I of the Report.

Recommendation (Sl. No. 23)

VENDOR IDENTTTY CARDS AND CERTIFICATE OF VENDING

4.10 The Committee observe that as per provisions of this Act the street vendors are issued two cards/Certificates - Vendor identity Cards and Certificate of Vending (CoV). The CoV contains details of the vending zone where the street vendor shall carry on his vending activities, the days and timings for carrying on such vending activities and the

conditions and restriction subject to which he shall carry on such vending activities. The analysis of the data furnished by MoHUA shows that two States/ UTs (excluding J&K, Ladakh & Sikkim) viz. Delhi and West Bengal have not issued any CoV and 24 States/UTs have issued CoVs to less than 50% of the street vendors identified. The Committee express their concern that even after a lapse of seven years since the enactment of the provisions of the Act which could protect street vendors from harassment have still not been implemented fully by the states/ UTs. They, therefore recommend that MoHUA needs to follow up with States/UTs and issuing identity Cards and CoV to all the identified street vendors. Continuous monitoring and discussing the progress in the meetings held to review the status of the implementation of the provisions of the Act at regular intervals may result in States/ UTs to improve their performance in this regard.

Reply of the Government

4.11 This Ministry continuously pursues and follows up with the States/ UTs for issuing Certificate of Vending to the vendors identified in the survey. The status is updated by States / ULBs from time to time. The present State / UT – wise position of issue of CoV and ID cards is given bellow:

S.No.	Name of State/Union Territory	Number of Certificates Vending issued	Number of ID Cards of issued
2.	Andaman & Nicobar Islands	633	633
3.	Andhra Pradesh	239035	240028
4.	Arunachal Pradesh	818	5290
5.	Assam	1672	1871
6.	Bihar	102036	81830
7.	Chandigarh	10934	2345
8.	Chattisgarh	2857	27457
9.	Dadra & Nagar Haveli and Daman & Diu	1853	436
10.	Delhi	0	0

11.	Goa	1625	1580
12.	Gujarat	136881	213585
13.	Haryana	49722	9390
14.	Himachal Pradesh	4320	4290
15.	Jammu & Kashmir	0	5897
16.	Jharkhand	3247	25726
17.	Karnataka	95242	124706
18.	Kerala	398	14442
19.	Ladakh	427	427
20.	Madhya Pradesh	504550	433055
21.	Maharashtra	29170	30128
22.	Manipur	543	1181
23.	Meghalaya	253	295
24.	Mizoram	3184	3885
25.	Nagaland	1818	1619
26.	Odisha	24818	32896
27.	Puducherry	2040	5454
28.	Punjab	50500	46139
29.	Rajasthan	23714	73915
30.	Sikkim	0	0
31.	Tamil Nadu	53249	103048
32.	Telangana	356906	555846
33.	Tripura	8656	8327
34.	Uttar Pradesh	602083	489485
35.	Uttarakhand	17791	19983
36.	West Bengal	0	0
Total		23,30,975	25,65,189

4.12 For comments please see *para No. 1.19* of Chapter-I of the Report.

Recommendation (Sl. No. 25)

ISSUE OF SMART CARDS COMBINING ID CARDS AND COV

4.13 The Committee are concerned to note that even after a lapse of seven years since the enactment of the Act, street vendors are yet to be identified and vendor Id Cards and CoVs are not issued to all the vendors. Not only this, even in those States/UTs where vendor Id Cards have been issued to street vendors, they are yet to receive the CoV which will provide them a legal right to vend in a designated vending Zone. It is not clear as to the need for multiple cards/ documents of identity (ID cards and CoV) for street vendors. The Committee are of the view that smart cards consisting of details of the ID cards, Certificate of Vending and any other details and are durable vis-à-vis paper based documents may be issued to the vendors. Further, such smart cards prevents the possibility of tampering associated with the paper based documents. They accordingly recommend that suitable steps may be taken in this regard in consultation with the states/UTs.

Reply of the Government

4.14 Section 6 (3) of the Act provides for issue of ID cards to every street vendors who has been issued CoV. The form and manner of issue of CoV and ID cards is in accordance with the Scheme notified by the respective States/ UTs. Therefore, the CoV and Id card are two different documents prescribed by the Act.

Further, vide letter dated 28.10.2019, a sample of the Smart ID card was circulated to all States/ UTs for their guidance. The details captured in the Smart ID card include name and age of vendor, gender, address, mobile/ telephone number, type of vending/ business, site/ place of vending, CoV No./ registration No., date of issue and photograph with signature/ thumb impression.

4.15 For comments please see *para No. 1.22* of Chapter-I of the Report.

CHAPTER V

RECOMMENDATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT ARE STILL AWAITED

Recommendation (Sl. No.4)

CONDUCTING OF VENDOR SURVEYS

5.1 Section 3(1) of the Act, requires the Town Vending Committee (TVC) to carry out survey of all existing street vendors within the area under its jurisdiction within such period and in such manner as may be specified and subsequent surveys at an intervals of five years. The Committee however, observe from the data furnished by MoHUA at Annexure that there are (i) Thirteen States/UTs viz. Andhra Pradesh, Chandigarh, Himachal Pradesh, Gujarat, Karnataka, Kerala, Puducherry, Odisha, Punjab, Tamil Nadu, Telangana, Uttarakhand and Tripura which have carried out vendor survey in 100% of their cities / towns; (ii) four states namely Arunachal Pradesh, Jharkhand, Haryana and Rajasthan who have completed survey in 90-99% of eligible towns and cities; (iii) five states - Assam, Bihar, Goa, Maharashtra and Madhya Pradesh, who have completed surveys in 50-89% of the eligible towns and cities; and, (iv) Thirteen states/UTs which have completed vendor survey in less than 50% of the eligible towns /cities (including 5 states/UTs which have not carried out any vendor survey). It may therefore, be seen that even about seven years after enactment of the Act, many States/UTs are yet to complete the vendor surveys in all the eligible towns/cities. The Committee express their concern that despite MOHUA's (i) furnishing model draft rules and schemes to the States/UTs to assist them in framing their own rules/ scheme including the manner of conducting surveys; and, (ii) continuous persuasion and follow up with the states/ UTs, 18 States/ UTs are yet to complete the surveys in all the eligible towns and cities. Rest five States /UTs namely West Bengal, NCT of Delhi, Andaman & Nicobar Islands, J&K and Ladakh have not done vendor survey at all. While noting that the Act was made applicable to the UTs of J&K and Ladakh about five/six months back only and it may take some time for them to initiate the surveys, the Committee-

- i. would like to be apprised of the specific reasons for not carrying out vendor surveys in West Bengal, NCT of Delhi and Andaman and Nicobar Islands.
- ii. Recommend that the matter may be taken up at the highest political executive level so that surveys are conducted without any further loss of time.
- iii. Suggest the Ministry to explore the possibility of offering non-monetary incentive to those states/ UTs for completing the surveys within the time limit prescribed.

Reply of the Government

5.2 **Reply to point (i):** The survey has been completed in UT of Andaman & Nicobar Islands as a result of which 633 street vendors have been identified. As reported by Government of NCT of Delhi the survey is in progress.

This Ministry continuously pursues and follows up with the States/UTs including West Bengal, for implementing the provisions of the Act, including survey of street vendors. However, no specific reason has been reported by West Bengal towards not conducting / completing survey.

Reply to point (ii): Noted.

Reply to point (iii): The Street Vendors Act, 2014 is implemented by States / UTs within their respective jurisdictions and their responsibility commences from notification of Rules and Schemes. States / UTs do not require any incentive as they are under obligation to implement the Act. However, Ministry of Housing and Urban Affairs from time to time impresses upon them for its expeditious implementation including conducting surveys of street vendors.

Recommendation (Sl. No. 8)

INCLUSION OF ELECTED REPRESENTATIVES IN TVC

5.3 The Committee note that prescribed composition of TVC is skewed in favour of official representatives nominated by appropriate Government and comprises 60% of total strength as against the 40% elected vendors. As the Committee apprehend that

such a majority strength of the strength of the official representatives may often override the genuine concerns such as non implementation of the provisions of the Act in general and unjust eviction in particular raised by the vendors' representatives, may go unheard and may not get the attention that it deserves there by hurting the interest of the street vendors. The Committee, however note that there is no provision in the Act for inclusion of the elected representatives in TVCs. With a view to give weightage to the voice of elected vendors, the Committee suggest that elected representatives from local bodies, Legislative Assemblies and Members of Parliament shall be involved in the functioning of TVC as an ex officio Member or as a permanent invite to the meetings of the Committee or an as observer. Suitable steps shall accordingly be taken at the earliest.

Reply of the Government

5.4 The composition of TVC includes street vendors who are 40% of total strength, members nominated to represent the non-governmental organizations and community based organizations, who shall be not less than 10%. The remaining composition that is around 50% would include the official side. The suggestion for involvement of Members of Parliament, Legislative Assemblies and elected representatives from local bodies in TVCs as ex-officio members / permanent invitee / observer, however, has been noted for examining its feasibility.

Recommendation (Sl. No. 11)

NEED FOR PUBLICITY TO THE DECISIONS OF TVC IN THE MEDIA

5.5 The Committee note, from the submissions made before the Committee by MoHUA, that there is no provision in the Act or the rules made there under to publish the minutes of the TVC meetings either in the vernacular media or to place it in the ULBs' websites. Representatives of the federation of street vendors and hawkers appearing before the Committee, referring to the absence of an enabling provision in the Act or the rules made there under to publish the decisions of the TVCs, submitted that there may be a provision for publication of the Minutes in the media/website of the ULBs to create awareness of such decisions among the street vendor community. The

Committee are of the view that coupled with the requirement of notification of every decision taken by them along with the reasons there for, publication of the minutes in the vernacular media will go a long way in enhancing the transparency of the functioning of TVCs. They, accordingly recommend that suitable steps be taken to publish the minutes of the TVC meetings in vernacular media/ Websites of ULBs to create awareness among the street vendor community.

Reply of the Government

5.6 Noted for issue an advisory to States / UTs.

Recommendation (Sl. No. 12)

EVICTION AND RELOCATION OF STREET VENDORS

5.7 The Committee note that under the Act no Street vendors shall be evicted or as the case may be, relocated till the survey specified under sub section (1) of section 3 has been completed and certificate of vending is issued to all street vendors. While the powers of eviction and relocation of vendors are vested in the ULBs, such powers, the Committee observe are required to be exercised only on the recommendation of TVC. The representatives of various NGOs working in the field of street vendors and vendors /hawkers federation have submitted before the Committee that these provisions are not being implemented in their true spirit. Considering that the intent of the Street Vendors Act is to protect the rights of urban street vendors and to regulate street vending activities, the Committee recommend that MoHUA may take up the matter with the states / UTs to ensure that evictions and relocations are taken place only with the approval of the TVC.

Reply of the Government

5.8 Noted for issue of an advisory to States/ UTs.

Recommendation (Sl. No. 13)

5.9 As there is no centralized data base of cases of eviction and relocation and the number of street vendors involved in such cases, the Committee suggest that MoHUA

may advise the States/UTs to compile such data upload it on the State/ District/ ULB website, which may be useful in future policy making in this regard.

Reply of the Government

5.10 Noted for issue of an advisory to States / UTs.

Recommendation (Sl. No. 16)

LACK OF INFRASTRUCTURE IN VENDING ZONES AND MARKETS

5.11 The Committee note that not only the vending zones created so far being far lower than the potential but also these vending zones are plagued by the lack of basic infrastructure such as poor lighting, storage places, parking facilities, utilities for vendors such as drinking water, proper dustbins and toilets, etc. Such lack of basis amenities, the Committee apprehend, may not attract the vendors to these zones defeating the very purpose and the investments made, if any, for creating these zones might become infructuous. The Committee, therefore suggest that MoHUA in their regular interactions/review meetings with states/ UTs impress upon them the need to take suitable corrective action in this regard.

Reply of the Government

5.12 Noted.

Recommendation (Sl. No. 18)

DEVELOPMENT OF MODEL VENDING ZONES/VENDOR MARKETS

5.13 The Committee observe that MoHUA had requested States/UTs to identify two ULBs to be developed as model ULBs in terms of Street Vendors Act, 2014 and Support to Urban Street Vendors, a component of DAY-NULM. The Guidelines in this regard was also issued. On successful development of model ULBs, the same may be replicated in other ULBs of the State/ UT. However, so far, only 16 ULBs in 9 States/ UTs have been selected for development as Model ULBs. The Ministry's reply is silent as to why remaining states have not developed two ULBs as model ULBs and also the

efforts made by them to ensure the remaining states / UTs do the same. The Committee therefore suggest that -

- i. Model Vending zones/Vendor markets may be developed on the lines of Indore's Food Street, Chennai's Pondi Bazaar etc;
- ii. MoHUA may encourage and ensure through review meetings at regular intervals that remaining states/ UTs identify ULBs to be developed as model ULBs in terms of Street Vendors Act, 2014;
- iii. MoHUA needs to develop model Vending Zones in various States/ UTs as "Light House Projects" which can be replicated in other: states/UTs; and
- iv. MoHUA needs to urgently take up training & Capacity Building of ULB/States Government officials showing them the various successful models of Vending Zones/ Vendor Markets.

Reply of the Government

5.14 **Reply to point (i):** Noted for examination.

Reply to point (ii): Ministry has written on June 06, 2019 and also issued two reminders to the States / UTs for identification of ULBs to be developed as model ULBs. However, this has been noted for pursuing with the remaining States / UTs, as suggested.

Reply to point (iii): Ministry of Housing and Urban Affairs has issued detailed guidelines on developing model ULBs, including development of vending zones, in the spirit of Street Vendors Act and Support to Urban Street Vendors component of DAY-NULM. These model ULBs are to serve as 'proof of concept' and also provide exposure to functionaries of States / UTs to develop the remaining ULBs on the same pattern.

Reply to point (iv): The setting up of model ULBs was initiated with the purpose of focusing initially on one or two ULBs in each states and on successful completion of these, the same could be documented as a proof of concept and replicated in other ULBs. However, the suggestion has been noted for further improvements in this regard

Recommendation (Sl. No. 19)

CREATION OF VENDING ZONES ALONG BOUNDARIES OF VACANT PUBLIC SPACES

5.15 The Committee observe that huge tracts of Government Land/ public Spaces lie vacant without proper utilization leaving them prone to illegal occupation. The Committee also observe that in many States/UTs Vending Zones are demarcated far from the cities with no or little customer base. As a result, vending zones at places far away from the cities lie underdeveloped for years leading to wastage of money spent for creating these zones. The Committee, therefore, are of the view that States/ UTs may be advised to explore the possibility of identifying vacant spaces adjacent to parks, Community Centres, etc to demarcate and notify them as vending zones/ vending markets to create business potential for the street vendors.

Reply of the Government

5.16 Noted for issue of an advisory to States / UTs.

Recommendation (Sl. No. 20)

ENCOURAGING NOTIFICATION OF NATURAL MARKETS / HERITAGE MARKETS

5.17 The committee note that the Act empowers the States/ UTs to declare natural markets, where street vendors carried out business for over fifty years, as 'Heritage Markets' and the street vendors in such markets shall not be relocated. A considerable number of States, however, are yet to declare any area as natural/heritage markets. Moreover, there is absence of data on number of 'natural markets' converted into 'Heritage markets'. The committee believe that compilation of data (State / UT wise) and making it available on the Ministry's website will go a long way in attracting the local and international tourists to these markets' The Committee, therefore, recommend that:

- i. Data base on natural/heritage markets notified by the States/UTs may be maintained at a central location and place it preferably in MoHUA's website; and

- ii. States/ UTs may be encouraged to expedite the declaration of Heritage markets, as it may result in attracting tourists and increase their business.

Reply of the Government

5.18 Noted.

Recommendation (Sl. No. 22)

INTEGRATION OF THE ACT WITH SMART CITY MISSION AND MASTER PLAN

5.19 The Committee note that various cities are under the process of either being developed as Smart Cities or are formulating their respective Master Plans. In such a context it becomes all the more important to quickly constitute TVCs, formulate Street Vending Plan and notify vending zones in order to achieve better integration with Smart City Mission and Master Plan of the City. The Committee expressing concern that many cities are being developed as Smart Cities or are formulating Master plans without giving due consideration to the street vendors, recommend that:

- i. MoHUA must issue guidelines to all the States/UTs reiterating the need to integrate the Act with the various developmental missions and the urban planning process of the States/UTs;
- ii. Simultaneously, MoHUA needs to issue directions guidelines to ensure that the TVC is consulted while projects are being planned under Smart City Mission; and
- iii. The Committee in charge of formulating master plan of a particular city should have some representation from the vendor community of TVC and hence, MoHUA should issue guidelines to the States/UTs in this regard.

Reply of the Government

5.20 Noted for issue of an advisory to States / UTs.

Recommendation (Sl. No. 24)

CERTIFICATE OF VENDING FOR MOBILE VENDORS

5.21 The Committee note that Section 6 of the Act categorizes the issue of CoV to (a) a stationary vendor; (b) a mobile vendor or (c) any other category as may be specified in the scheme. The Committee further note that mobile vendors travel from place to place to sell their wares and hence it is impossible to restrict their trade to a particular vending zone. MoHUA itself has admitted that since mobile vendor is subject to mobility, restrictions cannot be imposed on limiting vending to specific vending zone and felt that Since the Act is implemented by States/ ULBs, inter-alia, by formulation of plan of vending, a view on this is to be taken by them, depending on their local conditions. The Committee, therefore, are of the view that instead of specifying a particular vending zone for mobile vendors, a path, locality or a larger area can be specified and accordingly suggest MoHUA to issue guidelines and communicate the States/UTs for implementation to this effect.

Reply of the Government

5.22 Noted for issue of an advisory to States/ UTs in this regard.

Recommendation (Sl. No. 27)

STREET VENDORS CHARTER

5.23 The Committee note that in accordance with Section 26 of the Act every TVC shall publish the street vendor's charter specifying the time within which CoV shall be issued to a street vendor, time within such CoV shall be renewed and other activities to be performed within the time limit specified. such a charter, the committee believe, is essential to ensure that no undue delay occurs in the delivery of the afore mentioned services. It also enables the street to vendors to seek clarifications from the authorities concerned incase the service is not delivered within the given deadlines. Hence, it goes a long way in increasing the transparency and integrity of service delivery. The Committee, therefore express their concern that 25 States/ UTs have not published street vendor charter, even after seven years of the enactment of the Act. The

Committee, therefore suggest MOHUA, being the nodal Ministry, should take up the delay in this regard and ensure vendor charters are published without any delay.

Reply of the Government

5.24 Noted for follow up with the States / UTs.

Recommendation (Sl. No. 28)

SOCIAL AUDIT OF TVC

5.25 The Committee are of the view that social audit, an important element in ensuring the success of the social sector programmes/ projects/ schemes, provides the implementing agencies an unbiased feedback on the implementation aspect and gives an opportunity to carry out course correction required. if any, in its implementation. The Committee are disappointed to note that MOHUA, being the nodal Ministry is not maintaining database as to the conduct or otherwise of the social audit by the states as required under the Act and accordingly recommend that the data in this regard may be uploaded on the websites of the states / UTs and also MoHUA.

Reply of the Government

5.26 Noted for compliance.

Recommendation (Sl. No. 29)

MONITORING THE IMPLEMENTATION OF THE ACT

5.27 Analysis of the data contained in the Annexure shows that many provisions of the Act are yet to be implemented by substantial number of states / UTs as mentioned in detail in the preceding paras. Such lack of implementation of the provisions of the Act in their entirety even after seven years of the enactment of the Act and that too despite many reminders, review meetings, etc. held by MOHUA at various levels requesting the states / UTs to expedite the implementation. These efforts by MOHUA however, have not had desired impact. The committee are of the view that implementation of the Act will go a long way in enabling the street vendors a professional identity, according legitimacy to their business, availing loans from the banks instead of money lenders at usurious rates resulting ultimately their coming into the fold of formal financial system.

They accordingly recommend that a Monitoring Committee at the Central level may be constituted consisting of the Principal Secretaries of the Urban Development of the States/ UTs and senior officers of MoHUA and headed by the Secretary, MOHUA. The committee may meet at specific intervals to review the progress, discuss and thrash out the hurdle/issues, if any, faced in implementation, share the good practices in implementing the provisions of the Act such as setting up of vending zones, vending markets, etc.

Reply of the Government

5.28 Noted for examining the suggestion in consultation with the States / UTs.

New Delhi
09 December, 2021
18 Agrahayana, 1943 (Saka)

JAGDAMBIKA PAL
Chairperson
Standing Committee on
Housing and Urban Affairs

Standing Committee on Housing & Urban Affairs (2021-2022)

Minutes of the Third Sitting of the Committee on Housing & Urban Affairs held on Thursday, 9 December, 2021

The Committee sat from 1500 hours to 1630 hours in Committee Room 3, First Floor, Parliament House Annexe -Extension, New Delhi.

PRESENT

Shri Jagdambika Pal - Chairperson

Members

Lok Sabha

2. Shri Sanjay Kumar Bandi
3. Shri Ramcharan Bohra
4. Shri Hibi Eden
5. Shri Gautam Gambhir
6. Shri Shankar Lalwani
7. Shri C.R. Patil
8. Shri Rahul Ramesh Shewale
9. Shri Sunil Kumar Soni

Rajya Sabha

10. Shri Ram Chander Jangra
11. Shri Kumar Ketkar
12. Thiru K.R.N. Rajesh Kumar
13. Shri Sanjay Singh

Secretariat

1. Shri V.K. Tripathi Joint Secretary
2. Shri Srinivasulu Gunda Director
3. Ms. Swati Parwal Deputy Secretary

2. At the outset, the Hon'ble Chairperson welcomed Members of the Standing Committee on Housing & Urban Affairs for the Sitting of the Committee.

3. The Committee then took up for consideration the Draft Report on "PM SVANidhi" and adopted the same with minor editorial modifications.

4. The Committee later took up for consideration the Draft Action Taken Report on Eighth Report (17th Lok Sabha) on 'Implementation of 'Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014' and adopted the same without any modifications.

The Committee then adjourned.

[Vide para 4 of the Introduction]

ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS/OBSERVATIONS CONTAINED IN THE EIGHTH REPORT (SEVENTEENTH LOK SABHA) ON IMPLEMENTATION OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT,2014

I.	Total number of recommendations	33
II.	Recommendations/Observations which have been accepted by the Government:	12
	Recommendation Nos. 1, 2, 5, 6, 7, 9,15, 17, 26, 30, 31 and 33	
	Percentage to total recommendations	(36.36 %)
III.	Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies:	02
	Recommendation Nos. 21& 32	
	Percentage to total recommendations	(6.06%)
IV.	Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee:	05
	Recommendation Nos. 3,10,14,23 and 25	
	Percentage to total recommendations	(15.15%)
V.	Recommendations/Observations in respect of which final replies of the Government are still awaited:	14
	Recommendation No. 4,8,11,12,13,16,18,19,20,22,24,27,28 and 29	
	Percentage to total recommendations	(42.42%)