

**Protection of Street Vendors' Human Rights: A
Study of Siliguri**

A Dissertation Submitted

To

Sikkim University



In Partial Fulfillment of the Requirement for the

Degree of Master of Philosophy

By

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Declaration

I hereby declare that the dissertation entitled “**Protection of Street Vendors’ Human Rights: A Study of Siliguri**” submitted to Sikkim University in partial fulfillment of the requirement for the degree of Master of Philosophy in the Department of Peace and Conflict Studies and Management, School of Social Sciences, Sikkim University, is my original work. This dissertation has not been submitted for any other degree of this University or any other University.

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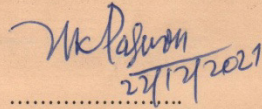
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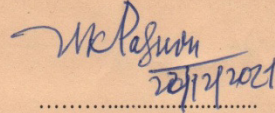
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“Protection of Street Vendors’ Human Rights: A Study of Siliguri”

Submitted by Seema Sharma under the supervision of Professor Nawal Kishore Paswan of the Department of Peace and Conflict Studies and Management, School of Social Sciences, Sikkim University, Gangtok 737 102, India.

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List of Abbreviations

BHA	Bengal Hawkers Association
BIDSV	Bellagio International Declaration of Street Vendors
CBOs	Community Based Organizations
CBP	Capacity Building Programme
CSCs	Central Sector Scheme
CCS	Centre for Civil Society
GDP	Gross Domestic Product
IPC	Indian Penal Code
ILO	International Labour Office
MFI	Microfinance institutions
NASVI	National Association of Street Vendors of India
NCL	National Commission on Labour
NGOs	Non-Governmental Organizations
NSC	National Statistical Commission
OBCs	Other Backward Classes
PMSVA Nidhi	Pradhan Mantri Street Vendor's Atma Nirbhar Nidhi Yojana
RWAs	Residents Welfare Association
RTI	Right to Information
SCs	Scheduled Castes
STs	Scheduled Tribes
SEWA	Self-Employed Women's Association
SMC	Siliguri Municipal Corporation
SVUs	Street Vendor's Union

TVC	Town Vending Committees
UDHR	Universal Declaration of Human Rights
UTs	Union Territories
WEIGO	Women in Informal Employment: Globalizing and Organizing
GRC	Grievance Redressal Committee

Chapter 1

Introduction

1.1 Background

Urban informal sector is one of the important sectors as it helps to generate more employment than the formal sector for millions of people around the world. It also plays a vital role in the economy of developing countries. This is the reason why many rural populations migrate to urban areas where, even a person with no money to invest is able to find himself a job like street vending/hawking. The world bank paper observes that the higher rate of rural-urban migration, however, made the absorption of labour in low productivity service and manufacturing Activities a highly visible feature of most less developed country cities and led to the concern that rural underemployment is being exported to the urban informal sector (Cherunilam:1981).

The Urban Informal sector is an important sector in Indian economy. In order to fulfill one's basic need or survive, people engage in informal Activities like street vending. Street vendors are regarded as an important and integral part of urban economy. "Street Vendors" means a person engaged in vending of articles, goods, ware, food items or merchandise of everyday use or offering services to the general public, in a street, lane, sidewalk, footpath, pavement, public, park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the word "street vending" with their grammatical variations and cognate expressions, shall be constructed accordingly (Street Vendors' Act, 2014).

Street vending is one of the ways of earning a livelihood in the developing country, like India, where most of the people are unable to satisfy even their basic needs due to mass prevalence of unemployment and poverty. People see this occupation as beneficial so many of the migrants resort to street vending in order to survive in the city. Street vending is an easiest way of earning a livelihood, as it requires very little investment and skill. Street vending survives not merely because it is an important source of employment in informal sector but also because of the services it provides for the urban population. (Hussain and Yasmin: 2015).

1.2 Statement of the Problem

Street vendor's contribution and services are usually not recognized by the local authorities. They are regarded as obstructions on the street or sometimes irritants to the city's development. Article 19 (1)(g) of the Constitution of India promises the right to practice any profession, or to carry on any occupation, trade or business to all Indian citizens. On the other hand, different sections of Indian Penal Code (IPC) and Police Act empower police to remove any obstructions on the streets. This is the reason where some of the local authorities and police get a chance to extort money from the street vendors. These vendors are, therefore, forced to bribe them for their own security.

However, they have traditionally been marginalized and vendors are constantly subject to police harassment. Despite frequent attacks and persistent problems, street vending continues to exist and even thrive, possibly as a result of government policies, economic development and subsequent inequalities. The irony of street vendors is that more and more people are flocking to cities to become street vendors as a result of modernization and urbanization; but it is for these same reasons that the

government wants to control their existence (Nguyen:2012). Street vendors have always been dealing with security issues. But, India has framed a national policy for street vendors in 2004, 2009 and 2014 which protects their livelihood rights as well as provides security to them. Still, these street vendors are facing constant problems and harassment from the local authorities and police. Also, these Acts and policies are not implemented properly.

Street vendors are an important contributor to the city's economy but it seems like they are not given much importance by the local body and have been neglected and treated badly. The government of India has taken important steps to protect street vendor's rights but the street vendor's socio-economic condition has not yet improved. So, it is very important to look upon the applicability level of the given Act which is one of the objectives to this research. This study, however, focuses on the street vendors of Siliguri as their socio-economic condition is not satisfactory. It also highlights the problem faced by the street vendors in Siliguri and tries to spread awareness among the street vendors about their rights. This study has also tried to connect the phenomenon of street vending with poverty, migration, unemployment, urbanization etc.

1.3 Literature Review

Review of literature provides the background information about the various aspects of the subject. A comprehensive writings on street vendors with global, national and regional perspective have been presented. A good number of studies have examined the various aspects of street vendors in Indian and global context. A few studies relevant for this research have been thematically reviewed and broadly categorized under (a) Concept of Street Vendors (b) Global perspective on Street Vendors and (c)

National perspective on Street Vendors

a. Concept of Street Vendors

The National policy for Urban Street Vendors, 2004 defines a street vendor as “a person who offers goods or services for sale to the public without having a permanent built up structure but with a temporary static structure or mobile stall. Street vendors may be stationary by occupying space on the pavements or other public/private areas, or may be mobile in the sense that they move from place to place carrying their wares on push carts or in cycles or baskets on their heads, or may sell their wares in moving train, bus etc.”

The revised National policy for Urban Street Vendors, 2009 defines a street vendor as “a person who offers goods or services for sale to the public in a street without having a permanent built-up structure. There are basically three types of street vendors:

(a) Stationary, (b) Peripatetic and (c) Mobile Vendors.”

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 defines “Street Vendors” as a person engaged in vending of articles, goods, ware, food items or merchandise of everyday use or offering services to the general public, in a street, lane, sidewalk, footpath, pavement, public, park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific.”

Sandra, C.M.G (2017), in her book “Street democracy: Vendors, violence, and public space in late twentieth-century”, highlights the importance of street vendors, selling products ranging from fruits and vegetables to prepared food and clothes. The vendors

compose a large part of the informal economy and are the fastest growing economic sector in the world. The author explores the political lives and economic significance of street vendors who are otherwise overlooked.

Mckay, F. H (2016), in his article “Street Vendors in Patna, India: Understanding the socio- economic profile, livelihood and hygiene practices”, mentions that the street vendors are the vital part of our daily life in many low and middle income countries where much of the population of urban area rely on food and other stuffs provided by street vendors. They are known to be an important providers of various important things we need in our daily live. A limited research has been done in vendor’s hygienic practices of food vendors so, this researchers has focused in this area in his research work.

Bhowmik, S.K (2005), in his article “Street vendors in Asia: A review”, defines that “a street vendor is broadly defined as a person who offers goods for sale to the public without having a permanent build up structure from which to sell. The researcher mainly examines the recent research done on street vendors in Asia. He also mentions about the information on the extent of unionization of the vendors and other organization that work for the welfare of street vendors.

Jaishankar, V (2016), in his article: A study on problem faced by the street vendors in Tiruchirappali City”, mentions the importance of street vendors in informal sector. According to him, “street vending is a global phenomenon. Street vendors are often those who are unable to get regular jobs in the formal sectors. This study mainly highlights the problem faced by the street vendors in Tiruchirapalli city.

Roever, S (2016), in his article “Street vendors and cities”, highlights the contribution of street vendors which goes beyond their own self employment. They also generate

demand for wide range of services provided for both formal as well as informal Actors. Where the trade is regarded as an important branch for economic Activities, the share of street vendors is also higher.

Nguyen, H.C & Pham, H.N (2016), in their research work “Solid waste management practices in the street food sector in Thu Duc District, Ho Chi Minh city”, describes street vendors as itinerant vendors, hawkers, ambulant vendors including all those roadside vendors in public spaces like street corner, sidewalks, regulated spaces like vending zone. A vendor may have kiosks in permanent space or pushcarts which are wheeled into their sale position daily or may be moving all around the street to sell their items.

b. Global Perspective on Street Vendors

M.D. Rafiqul, I (2017), in his research work “social-economic condition of vegetable street vendors: a study on Dhaka city”, focuses on the socio economic condition of vegetable street vendors in Dhaka. He has given special focus to women vegetable vendors in his work. He has also made comparisons between male and female vegetable vendors. He also mentions the security issue faced by mobile women vendors.

Weng, C.Y. (2013) in his article “Accommodate street vendors during the urban development process: with two empirical cases of Zhu Lian and Guan Dong public market in Hsinchu city, Taiwan”, highlights the conflict between street vendors and municipal authorities which is often virtual in very city all over the world. Through zoning, licensing or relocating municipal government devise numerous laws and ordinance to control street vending. This paper also mentions about the successful relocation of street vendors into a public market (Zhulian Market) while unable to

replicate this success in another instance (the Guan Dong Market).

Njaya, T (2014) in his article “Operations of street food vendors and their impact on sustainable urban life in high density suburbs of Harare, in Zimbabwe”, illustrates the nature of the street vendors including its socio- economic features and its impact on the local environment and urban life within the context of sustainable development. The study shows that street vending is an important source of employment. They should be provided with decent shelters and provide essential public utilities such as portable water, electricity and public toilets.

Nirathron, N & Yameen, G (2019) in her research paper “Street Vending management in Bangkok: the need to adapt to a changing environment”, presents the incompatibility of the administration of street vending in Bangkok with both changes in the economic and social situation in Thailand and the growth of street vendors around the world. They also highlight the various street vending policy measures. The study is conducted in four areas: Bangkok, Pathumwan, Phranakhon and Samphan Thawang. The paper also recommends that the Bangkok Metropolitan Administration should arrange the administration of street vending in accordance with rules and functions of the livelihood as well as the dynamics of the economic and social situation.

Husain, S & Islam, S. MD (2015) in their article “Assessment of the socioeconomic aspects of street vendors in Dhaka City: Evidence from Bangladesh”, tries to focus on the socio- economic aspects of street vendors in Dhaka city. Street vendors being a part of informal sectors play a prominent role in terms of employment generation as well as poverty alleviation. Nonetheless their role is often neglected and their vulnerable conditions are never looked upon. The authors conduct a field survey of

vendors engaged in fruit, vegetable, tea and other food items selling through in depth interviews using three stage sampling methods.

Cabaltica, A.D & Nguyen, H.D (2015) in their research paper “Solid waste management practices in the street food sector in Thu Duc District, Ho chi Minh City”, basically focuses on solid waste management of street vendors and highlights few recommendation for waste collection and disposal to keep the surrounding clean and hygienic. The survey by interview was conducted with 62 random stalls; waste samples from 32 different stalls were collected for weight and volume management.

Umoh, V.J & Odoba, M.B. (1999) in their article, "Safety and Quality Evaluation of Street Foods Sold in Zaria, Nigeria", focuses upon environmental sanitation and safe food handling practices in order to reduce the risk of food borne diseases. For that, it is necessary to educate the street food vendors and the public on the importance of environment sanitation.

Ratna, F.Z. (2012) in his research study “Hawkers in Dhaka: their struggle for livelihood and functionality of the city”, focuses upon the hawkers in Dhaka who struggle for their livelihood. Most of them are engaged in this sector not because they wish to but they have to in order to earn its livelihood. The author also intends to inquire about the failure of eviction Activity in Dhaka.

Mazhambe, A.K. (2017) in his research work “Assessment of the contribution of street vending to the Zimbabwe economy: a case of street vendors in Harare”, explores the contribution of street vending to Zimbabwe’s economy. The author has used qualitative methodology to collect data from the field. The study also highlights the contribution of street vending to economic development by creating jobs, especially to women. The study concluded that street vendors should get recognition

from the authorities/government.

c. National Perspective on Street Vendors

Debdulal, S. (2016), in his book “Informal Markets, Livelihood and Politics”, mentions the declining agricultural sector and limited expansion of the formal sector in India that forced the poor people to adopt informal sources for their survival. Street vending as an informal sector is one of the vital sources of self employment. The author also highlights the survival strategies of street vendors across 17 cities in India and various problems revolving around them. The author also discusses the national policy taken for street vendors.

Joglekar, A & Bhoi, S (2013), in their research work “A study on personal hygiene of street food vendors of Raipur city”, mainly focuses on the personal and environmental hygiene of the street vendors. The study is based on primary sources of data, collected through the field survey in Raipur. A total of 200 street vendors were selected from different areas of Raipur city. They also highlight awareness programmes at regular intervals.

Ray, C.N & Mishra, A (2011) in his case study “Vendors and informal sector; a case study of street vendors of Surat City”, focuses on the social-economic background of street vendors in Surat city and compares the situation of street vendors of Surat to other Indian cities like Ahmedabad, Vadodara, Bangalore, Delhi, Kolkata, Patna, Pune etc. the situation of street vendors was found more or less same in comparison to other selected areas. The basic aim of the study is to develop a strategy for the vendor's inclusion into formal planning process in Surat city.

Vashit, P.D. (1990) in his article "In formal sector: A Tool for Poverty Eradication",

defines the importance and various problems of the informal sector. In a developing country like India, where the population is increasing day by day, development of the informal sector can generate employment in order to eradicate poverty and unemployment. The author also gives suggestions for promoting the informal sector.

Assan, J.K. & Chambers, T (2014) in his article “India's street vendors and the struggle to sustain their livelihood and informal enterprises: Unionization, political Action and sustainable development”, basically explores the difficulty and challenges faced by the street vendors like forced removals, exploitation and extortion. The authors highlight various ways to overcome such problems.

Basu, M & Basu, S (2016) in their research study “The role of hawkers in creating encroachment: A study of Kolkata”, illustrates the nature, cause and the problem of encroachment created by the hawkers in urban areas. The problem of pavement, footpath and public place encroachment has been common in many of the urban areas and it is a major concern. The author considers large scale migration from rural to urban to be responsible for overcrowding in urban areas.

Vashit, P.D (1990) in his article "In formal sector - A Tool for Poverty Eradication", mainly focuses on the importance and the problems of the informal sector. In a developing country like India, where the population is increasing day by day, the development of the informal sector could be seen as a good source of employment generation and consequent eradication of poverty. The author also highlights few suggestions for promoting this sector.

Sekhani, R & Mohan, D. (2019) in their case study “Street vending in urban informal markets: Reflection from case studies of street vendors in Delhi and Cambodia”, focuses upon the needs of the street vendors working in markets of Delhi and

Cambodia. The study also explores the inter-twined relationship between the informal and formal aspects of urban ecosystems.

Sen, R & Gupta, S. (2017) in their research work “Struggle for social space, from residence to road: a special focus on women street vendors of Barasat and Basirhat Municipal area, North Twenty Four Pargana district, West Bengal”, mainly focuses on the participation of women in the informal sector like street vending. For a long period of the time the contribution of women in the informal sector was not recognized and were only restricted to household works.

Nguyen, L. (2012) in his article “Capability approach to street vendors in Vietnam: Evaluation current situation basically uses capability approach of Amartya Sen to justify government policy to accommodate street vending. Street vending is not a new phenomena and it is growing faster than ever. The author also highlights the current situation of street vendors in Hanoi, Vietnam, using the Central Capabilities Framework proposed by Martha Mussbaum.

Dr. Satya, S (2016), in his journal “Street vendors in the Urban core of Kolkata: Problems and prospects of their rehabilitation”, mainly focuses on many rehabilitation projects of street vendors in Kolkata that have failed due to unrealistic relocation by the government. The author tries to recommend areas and policies for their relocation and controlling the development process for the urban city.

Dharshini, M (2016), in her research paper “Street vending in Guwahati: Experiences of conflict”, attempts to understand the nature of the deprivations and conflicts by focusing on two markets in Guwahati. The author also highlights the important measures taken by the government towards mitigating the conflict.

1.4 Rationale and Scope of the Study

Urban informal sector plays a vital role in the economy and generates more employment than the formal sector in the developing countries but the government pays little attention to this sector especially to the street vendors. The government also does not recognize the contribution of street vendors towards the economic and social well being of the urban population. They also have poor social protection. However, the government has implemented “Street Vendors (Protection of livelihood and regulation of street vending) Act, 2014”, which protects the rights of the street vendors. Despite such legal Act, they still face various challenges. So, an attempt has been made through this study to understand the problems faced by the street vendors and the role played by the local authorities in safeguarding vendor’s rights in Siliguri.

Though there is ample literature focusing on street vendors in general, no work has been found in Siliguri City. This study has tried to spread awareness among the street vendors about their rights and also tried to bridge the gap between the existing literature on street vendors and street vending in Siliguri and tried to provide scope for further study in this topic.

1.5 Objectives of the Research

1. To review the national policy for urban street vendors in India in general and status of its implementation at Siliguri in particular.
2. To identify the role played by the local authorities in safeguarding vendors’ rights.
3. To highlight various challenges faced by the state authorities in implementing the street vendors’ policy in Siliguri.

4. To come out and suggest meaningful suggestions to the policy makers to upgrade the status of the street vendors.

1.6 Research Questions

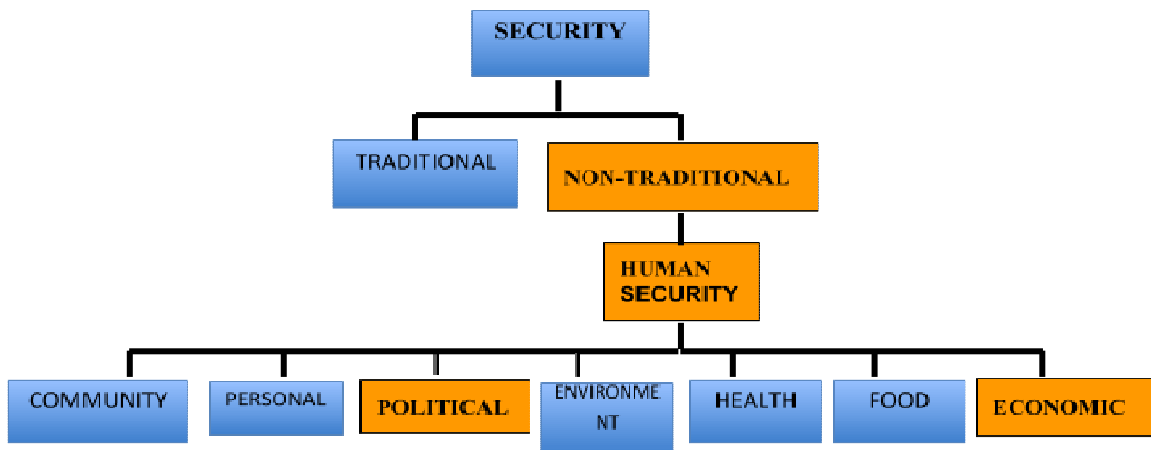
1. What is the status of implementation of the national policy for urban street vendors in Siliguri?
2. What is the role played by the local government in safeguarding street vendors' rights?
3. What are the various challenges faced by the state authorities in implementing the street vendors' policy in Siliguri?
4. What are the various suggestions to the policy makers to upgrade the status of street vendors?

1.7 Research Methodology

a. Theoretical Framework of the Study

In the pre cold war era security as a concept focused more on state. The end of the cold war redefined the concept of security and the focus of security got inclined towards individuals. Security in the contemporary era is categorized under two parts i.e. Traditional security and Non- traditional security; which is presented in Diagram 1.1

Diagram 1.1 Components of Security



Source: Self compilation on the basis of Mahbub- Ul- Haq’s concept of Human Security mentioned in UNDP Human Development Report 1994.

This study has used human security as a theoretical framework. The study locates the issue of human security within the broader framework of Non-traditional security where the study mainly focuses on political and economic security as these dimensions of human security would protect street vendors against any ill treatment by the local authorities or police and help them ply their business safely so that they can achieve economic security by becoming self-reliant to earn their livelihood. Today, we hear lot about nuclear security, securing ourselves from terrorism, securing ourselves from any harm or building military forces but what about an individual’s security? When this question arised, Mahbub- Ul- Haq was the first person to draw global attention to the concept of human security. Human security is people centric and focuses on the safety and protection of an individual. It also advances peace, security and development.

We usually see that the people earning a livelihood in the street/pavements or footpath or marginalized groups are often pushed away and neglected. Their rights are also not

often taken care of. All human being requires the protection of their human rights and one cannot have security without the protection of human rights. Therefore, the notion human rights defines human security. (Ramcharan: 2002). Human security being prevention- oriented approach focuses on protection and empowerment of an individual. People face various threats that are sometimes beyond their control. Here, the state has a primary role to implement such a protective structure in order to secure people likewise, India has framed a national policy for street vendors in 2004, 2009 and 2014 which protects their livelihood rights as well as provides security to them. But in many regions these policies and Acts are not implemented properly. When a majority of people falling under the policies and Act cannot benefit from the provision, the Act and policies become ineffective.

b. Study Area

For this study, Siliguri has been selected due to the poor socio-economic conditions of the street vendors and so far no detailed research work has been done on street vendors in Siliguri. Within Siliguri, two markets have been selected for the study namely, Bidhan market and Hawkers' corner, which falls under the jurisdiction of the Municipal Corporation of Siliguri.

Siliguri is a city which spans areas of Darjeeling and Jalpaiguri districts in the Indian state of West Bengal. The city is located on the bank of the Mahananda river and the foothills of the Himalayas. It is the third largest city in West Bengal after Kolkata and Howrah. Based on Census data of 2011, the population of Siliguri Metropolitan is 701,489, while the population in the Municipal corporation area is 5,13,264. (Office of the Registrar General & Census Commissioner, India: 2011)

The world famous Darjeeling Tea grows within a hundred km radius around Siliguri. The Terai forests in the foot hills of Himalayas is a major source of timbers. Siliguri Acts as a trading centre for entire North Bengal and Sikkim. Siliguri, though not a significant tourist attraction itself, is the only transportation gateway to Darjeeling, Dooars, Sikkim, Bhutan and Nepal. ((Ministry of Urban Development, Government of India and the World Bank: 2015). The location of Siliguri is presented in Map 1.1

Map 1.1 Siliguri Location

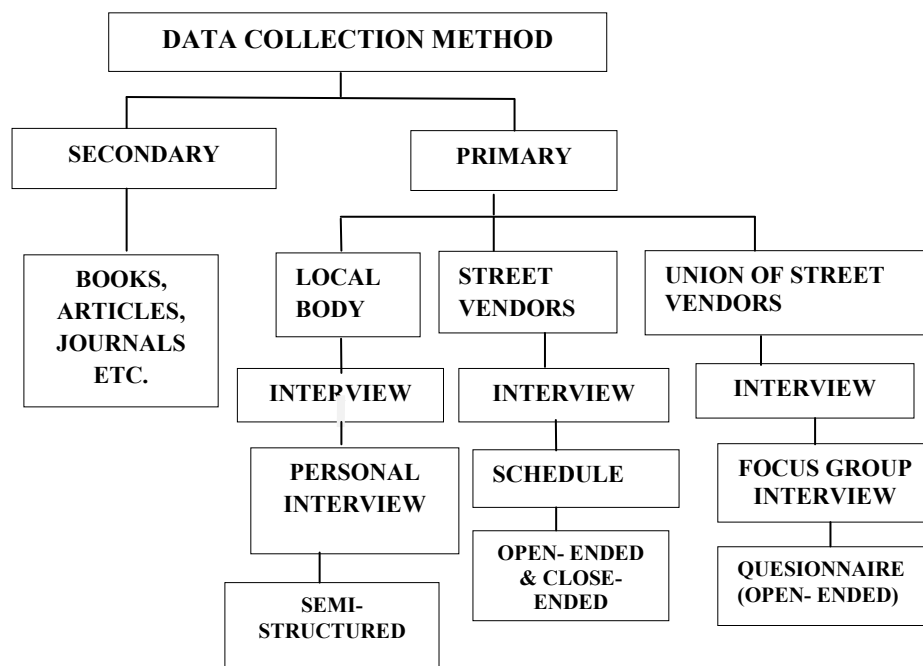


Source: <https://www.mapsofindia.com/maps/westbengal/siliguri-location-map.html>
accessed on 22/8/2021

c. Research Design:- The proposed research is based on exploratory analysis applying both qualitative and quantitative methods. Both primary and secondary data and information has been used. The secondary data consists of the newspaper

articles, books, journals, published survey on the subject. Overall three sets of primary data and information related to street vending are collected. The first set of information is generated from the street vendors, through interview method. To collect data from the field, schedule has been deployed, with both close ended and open ended questions for the street vendors. The second set of information is generated with the help of local body of Siliguri Municipal Corporation through personal interview using semi-structured method as it is characterized by a flexibility of approach to questioning in exploratory research. To collect data from the field, questionnaire with open ended questions has been framed for the local body. The third set of data is collected from the street vendors' union through focus group interview. The flow chart regarding the data collection method is presented below in Diagram 1.2

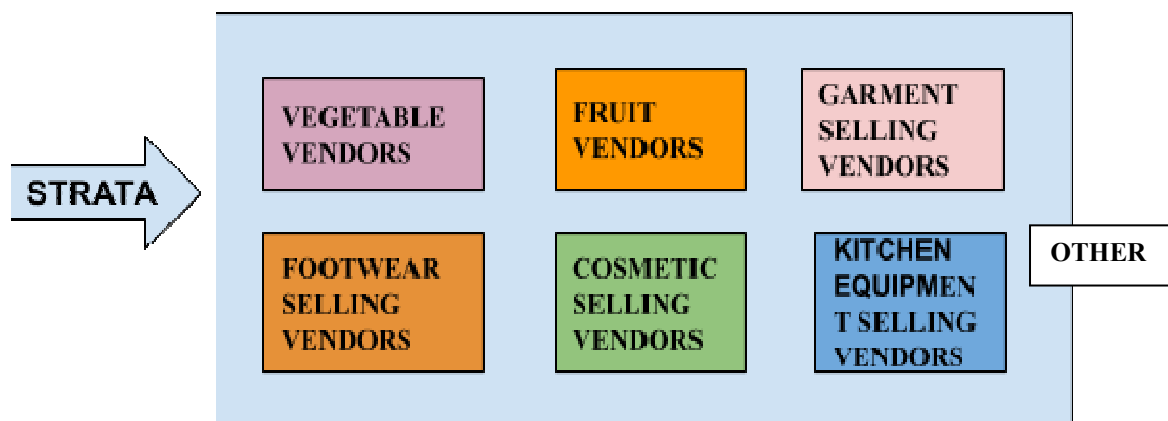
Diagram 1.2 Data Collection Method



Source: diagram designed on the basis of data and information collected from field survey.

d. Sampling design: The sample size is 100 in total which comprises the street vendors from selected pockets of SMC. Since the street vending profession is heterogeneity in nature, stratification methods may be useful, so this study has used stratified random sampling throughout this research to get information from vendors selling different items. In each cluster, a street vendor has been divided into several ‘stratum’ such as vegetable vendors, fruit vendors, garment selling etc as designed below in Diagram 1.3. While conducting this study, ethical norms followed in social science has been strictly followed. The schedule has been distributed among the street vendors in the following stated strata.

Diagram 1.3 Various Strata of Street Vendors



Source: diagram designed on the basis of field survey

1.8 Chapterization

Chapter 1: Introduction

This chapter is primarily theoretical and introductory in nature. It introduces the issue under examination with the help of review of literature, rationale and scope of study, objectives of the research, research questions, research methodology and chapterization.

Chapter 2: Existing Mechanism to Protect Street Vendors' Rights.

This chapter focuses on the existing measures taken by the government with an objective to protect vendor's rights. It also evaluates the policy's viability and status of its implementation and highlights the initiatives taken by Siliguri Municipal Corporation for the street vendors in Siliguri.

Chapter 3: Phenomenon of Street Vending in Siliguri

This chapter presents the phenomenon of street vending in Siliguri, types of vendors in Siliguri as well as categories of markets in the city, Impact of Covid-19 pandemic on street vendors and civil society or NGOs protecting Vendor's rights in Siliguri.

Chapter 4: Street Vending in Siliguri: Field Study Analysis

In this chapter, field data has been analyzed in terms of population, migration details of vendors, issue faced by vendors, vending pattern, educational status of street vendors etc.

Chapter 5: Conclusion.

This chapter has summarized the study, the findings and has made a few viable suggestions for the future researchers and policy makers working in this area.

Chapter-2

Existing Mechanism to Protect Street Vendors' Rights

2.1 Introduction

In developing countries, where there is mass prevalence of poverty and unemployment, large numbers of people from rural area migrate to urban area in search of job and livelihood. These people generally possess low skills and education so they join the informal sector. In most Indian cities, majority of people survive by working in the informal sector. This has led to an explosive growth of the informal sector. For the poor people living in urban areas, street vending is one of the most important means of livelihood. Street vending is regarded as an integral part of urban economies across the world. Street vending also adds vibrancy to urban life. Street vending plays an important role in employment generation, production and income creation.

Street vendors in several Indian states have been regarded as nuisance value. Their presence is seen as unfriendly to the urban development. However, the types of goods and services they provide make them useful to other segments of the urban poor. Thus, they form a crucial part of the informal economy (Bhowmik: 2003). They serve the society by meeting consumer's day to day economic needs still they have not been recognized by the local authorities. But India has adopted various policies and Acts for protecting the rights of the street vendors which recognizes the legitimacy and legality of their Activities through a process of regularization. For the first time the government has taken steps to regularize a major section of the self-employed. It changed the legal status of vendors, since, each municipality would be required not only to grant licenses to registered street vendors, but also to establish Town Vending

Committees (TVC). The responsibilities of such committees are defining areas where street selling would be authorized and for settling conflicts between the different Actors like vendors, municipality residents, shopkeepers etc.

This chapter, therefore, attempts to review the national policy for urban street vendors in India in general and status of its implementation at Siliguri in particular. It will basically focus on the existing measures taken by the government with an objective to protect vendors' rights. It will also highlight the initiatives taken by the Siliguri Municipal Corporation (SMC) for the street vendors in Siliguri.

2.2 Street Vending: Scenario in India

In India, poverty and unemployment has pushed people from rural to urban areas in search of better life. These people move with low education and lack of occupational skills because of which they fail to fit in formal economy. Besides, formal sectors are shrinking hence even those having the required skills are unable to find proper job. Many of these migrants engage in informal sector in order to survive in the city. The report submitted to National Statistical Commission (NSC) by the Committee on Unorganized Sector Statistics (a sub-committee of National Commission for Enterprises in the Unorganized Sector) during 2012 stated that over 90% of the country's workforce is engaged in the informal sector for its livelihood. (Report of the Committee on Unorganised Sector Statistic:2012)

In India, many people resort to street vending for their livelihood as it requires low capital. This is the reason why the phenomenon of street vending is increasing day by day. As of 2002, the total number of street vendors in India stood at around 1 crore. By one estimate, large metropolitan cities such as Mumbai and Kolkata had roughly

2.5 lakh street vendors each, while other cities such as Ahmadabad and Patna had around 80,000 street vendors (Bhowmik:2003).

Street vendors are one of the most socially and economically vulnerable section of the informal sector. Insecurity and uncertainty are the basic problem of vendors as their profession is usually considered as illegal in India. They are stripped of their right to livelihood, right to use public places, right to safety and their right to dignity. Street vendors are treated as irritants to urban planning, so they are relocated to municipal markets. Vending and non- vending zones are created for them to ply their business. Various legal Acts and policies have also been adopted for providing social security and livelihood rights to street vendors. Numerous common society associations, for example, Self-Employed Women's Association (SEWA) and National Association of Street Vendors of India (NASVI) were Active in getting the milestone enactment drafted, trusting that it would facilitate the circumstance for the vendors. Nevertheless, many cities have not implemented the Act.

2.3 Existing Legal Act and Policies: Revisiting the background associated in India

Street vending has been prevalent in our country since ancient times and is regarded as age old phenomenon. In all civilizations, ancient and medieval, there are narratives of travelling merchants who not only sold their wares in the town by going from house to house, but they also traded in neighboring countries. Perhaps ancient and medieval civilizations were tolerant to these wandering traders and that is why they flourished. In modern times we find that street vendors are rarely treated with the same measure of dignity and tolerance (Bhowmik: 2012). This is the reason where numerous Non-Governmental Organizations (NGOs) and Street Vendors' Unions

(SVUs), like NASVI, SEWA, have been pressurizing the government to take effective steps for recognition of the street vendors.

Here, National Association of Street Vendors of India also struggled for the livelihood of millions of street vendors who were threatened by outdated laws and changing policies and practices. NASVI is a federation of trade unions, Community Based Organizations (CBOs), NGOs and professionals. It also created a supportive environment for street vendors by engaging in dialogue with administration and planners. Even Self-Employed Women's Associations (SEWA) has also been able to get women street vendors their rights.

In 1990s the street vendor movements across the worlds became very popular. In November 1995, representatives of street vendors from 11 cities and 5 continents got together and signed the Bellagio International Declarance of Street Vendors. This campaign was held mainly to improve the situation of street vendors around the world. Again in August 2001, the government set up a National Task Force on Street Vendors in 2004. It was then revised in 2006 and 2009 (Rattan: 2015). The policies' major aim was to protect the livelihood of the street vendors and promote a supportive environment for them. On 6th September 2013, the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2013 was passed by the Lok Sabha and on 19th February 2014 by the Rajya Sabha (ibid). At last, this gave birth to the Street Vendors' Act, 2014. This is the last law, till date, which aims to regulate street vendors in public area and protect their rights.

For clearer picture, the chronological development of the Street Vendors Act and Policies are presented in Table 2.1.

Table 2.1: Chronological Development of Street Vendors Act and Policies

Sl. No.	Policies and Acts	Aims and Objective
1	The Street Vendors Policy' 2004	Aim at providing social security and livelihood rights to street vendors
2	Model Street Vendors Bill, 2009'	For Protection of Livelihood and Regulation of Street Vending. All States and Union Territory governments for creation of state legislation, however it had no legal binding, thus few governments made any progress in this regard.
3	Verdict of Supreme Court of India, 2010	Court recognized street vending as a source of livelihood, directed the ministry to work out on a central legislation and a draft of same was unveiled to the public on November 11, 2011
4	Street Vendors' Act 2014	For protection of street vendors from harassment by police and civil authorities. Demarcation of vending zone on basis of "traditional natural market" Proper representation of vendors and women in decision making. Establishment of effective grievance and dispute resolution mechanism

Source: Table prepared on the basis of Street vendors' Act and policies

2.4 Policies and Legal Acts on Operation

a. The Street Vendors' Policy, 2004

India is one of the countries that have adopted a National Policy on Urban Street Vendors. The first policy was adopted in 2004 with an objective of providing and promoting a supportive environment for street vendors to earn their livelihood and to reduce congestion and maintaining sanitary conditions in public spaces. The basic objectives of the National Policy on Urban Street Vendors, 2004 are:

1. To give vendors legal status and provide legitimate hawking zones in urban development/zoning plans.
2. To provide facilities for appropriate use of identified space.
3. To eschew imposing numerical limits on access to public spaces by discretionary licenses and instead moving to nominal fee-based regulation of access.
4. To make street vendors a special component of the urban development/ zoning plans.
5. To promote self-compliance amongst street vendors.
6. To promote organizations of street vendors e.g. Unions/Cooperatives/Association and other forms of organization.
7. To set up participatory mechanisms with representation by urban vendors' organizations (Unions/Co-operatives/Associations), Voluntary organizations, local authorities, the police, Residents Welfare Association (RWAs) and others.
8. To take measures to promote better future of street vendors.

9. To facilitate/promote social security (pension, insurance, etc.,) and access to credit for street vendors. (The Street Vendors' Policy, 2004)

b. National Policy on Urban Street Vendors, 2009

The 2004 policy was later revised as "National Policy on Urban Street Vendors, 2009". The 2009 policy documents several advancements as well as improvements over the older 2004 policy in the areas of provision of civic facilities, registration fees, collection of revenue, eviction, relocation, confiscation, organization of vendors, participative processes, public health, self-regulation, credit and insurance, rehabilitation of child vendors, education, dispute settlement and capacity building etc. The main objectives of the 2009 National Policy are:

1. To give vendors legal status by amending, enacting, repealing and implementing appropriate laws and providing legitimate hawking zones in urban development/zoning plans.
2. **Civic Facilities:** To provide facilities for appropriate use of identified space including the creation of hawking zones in the urban development/zoning plans.
3. **Transparent Regulation:** To eschew imposing numerical limits on access to public spaces by discretionary licenses and instead moving to nominal fee-based regulation of access, where market forces like price, quality and demand will determine the number of vendors that can be sustained. Such a demand cannot be unlimited.
4. **Organisation of Vendors:** To promote, where necessary, organisation of street vendors (e.g. union/cooperatives/associations and other type of organisations) to facilitate their collective empowerment.

5. **Role in Distribution:** To make Street vendors a special component of the urban development /zoning plans by treating them as an integral and legitimate part of the urban distribution system.
6. **Self-Compliance:** To promote self-compliance amongst Street vendors.
7. **Organization:** To promote organizations of Street vendors e.g. Unions/ Cooperatives/
8. Association and other forms of organization to facilitate their empowerment.
9. **Participation:** To set up participatory mechanisms with representation by urban vendors' organizations, (Unions/ Co-operatives/ Associations), Voluntary organizations, local authorities, the police, Residents Welfare Association (RWAs) and others for orderly conduct of urban vending Activities.
10. **Rehabilitation of Child Vendors:** To take measures for promoting a better future for child vendors by making appropriate interventions for their rehabilitation and schooling.
11. **Social Security & Financial Services:** To facilitate/promote social security (pension, insurance, etc.) and access to credit for street vendors through promotion of Self Help Groups/Co-Operatives/Federations/ MFIs etc. (National Policy on Urban Street Vendors: 2009)

c. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014

The most recent legislation is "The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014". This Act was enacted to regulate street

vendors in public area and protect their rights. The Act came into force from 1 May 2014. The major highlights of this Act are:

1. The Act aims to protect the livelihood rights of street vendors as well as regulate street vending through demarcation of vending zones, conditions for and restrictions on street vending.
2. A Town Vending Committee (TVC) to be formed for every town. Any person intending to undertake street vending needs to register with the TVC. He/she may then apply for a vending certificate that will be issued based on various criteria.
3. The TVC comprises of the municipal commissioner, representatives of street vendors, local authority, planning authority, local police, resident welfare association and other traders associations.
4. The state government to frame a scheme for street vendors. The local authority, in consultation with the planning authority, to frame a street vending plan once every five years.
5. Natural markets (those that have come up naturally on account of demand) not to be disturbed while framing street vending plans.
6. No eviction of vendors to be undertaken without relocation.
7. The Act recommends the reservation of 2 per cent land for vending as part of master plans and local area plans. (The Street Vendors' Act, 2014)

2.5 A Critical Analysis and Key Features of the Law on Street Vending, 2014

The above-mentioned Act and policies are framed around some specific objectives mentioned above that aim to balance the need to promote vendors' livelihood with the need to prevent overcrowding and unsanitary condition in public spaces. It aims not only to promote organizations formed by the street vendors but also to make their participation in urban planning process via Town Vending Committee. The Street Vending Act, 2014, as presented in Appendix-III, has been a jump of progress from the previous National Policies by virtue of being more explicit and specific so, this study has given more focus to the Street Vending Act, 2014 and noted few key features of the Act and critically analyzed it, which was the first objective of this study.

I. Key Features of the Act

a. Town Vending Committee

Section 22 of the Street Vendors' Act, 2014 calls for a Town Vending Committee to be constituted at the city and town level to supervise the process of planning, organizing and regulating street vending Activities. TVCs attempts to ensure street vendors' rights by protecting them with necessary facilitation of basic infrastructural services to support their market Activities. According to the Act, street vending association shall constitute 40 percent of TVC members with minimum one-third representation from women, while local authorities, community and other civil society organization shall represent 20 percent of TVC membership. This was to give all the street vendors, especially women, a strong representation in planning process. TVCs also attempts to protect street vendors' interest and address their grievances.

b. Survey of Street Vendors

The Town Vending Committee shall conduct a survey of all street vendors, within the area under its jurisdiction, in every five years. TVC shall also ensure that all street vendors, identified in the survey, are properly accommodated in the vending zone. In addition to this, no street vendors shall be evicted or relocated until the survey is completed and certificated of vending is issued.

c. Registration and issue of Vending Certificate to Street Vendors

Every street vendors identified under the survey, who is above the age of 14, may register with TVC. Any registered street vendors may apply to the TVC for vending certificate. The categories for issuing of certificate of vending include preference for Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), minorities, women and disabled persons. The certificate shall be issued to a stationary, mobile or any other vendor and will specify the vending zone. Those vendors who has been issued vending certificate shall be provided with identity card as well.

According to the Act, street vendors shall follow few conditions to acquire the vending certificate: he/she shall carry their business himself or through any of his family member; He/she should not have other means of livelihood; and he/she shall not transfer its certificate to any other person. Every street vendor who has been issued the vending certificate shall pay vending fees as per the scheme.

d. Plans for Street Vending

The street vending plan is prepared by local authorities in consultation with TVC. The local authority shall prepare such plan in every five years. Such plan shall involve

laying down vending zone, non vending zone. It shall also determine other changes required for accommodating existing and future street vendors.

e. Grievance Redressal Mechanism

The Act prescribes an appropriate government to be constituted to consider the application of the street vendor who has a grievance or dispute and take necessary steps for redressal on the basis of the rules set. The committee consists of a Chairperson who has been a civil judge or a judicial magistrate or an executive magistrate and other professional experienced in street vending. This mechanism also allows street vendors to appeal to a local authority.

f. Prevention of Harassment

According to Chapter VIII of the Act, no street vendors following the terms and condition of the certificate of street vending shall be prevented from carrying out their rights to vend by any police or local authority.

g. Research Training and Awareness

The appropriate government shall organize capacity building programme to enable street vendors to exercise their rights. They shall also undertake research and training programmes to make people aware of the role of the informal sector in the economy.

II. Analysis of the Act

Since India began globalizing, vendors have become more exposed to criticism and obstructions to infrastructure development. The local authorities usually see vendors as illegal occupants of public space. In contrast to these critical views the Street Vendors' Act places responsibility for protecting and promoting street vendors and

their livelihood. This Act also emphasizes the importance of inclusive planning by including street vendors as well. This is one of the best parts of this Act as it is inclusive in nature where the Act includes street vendors and also includes one-third representation from women. This Act not only uplifts the status of women in the society but also promotes the welfare of millions of street vendors in India.

National Policy and Act on Street Vendors is a very supportive approach towards the street vendors in India which gives them both respect and dignity at the same time. This Act recognizes the contribution of the street vendors at national, state and local levels. It is designed as a major initiative for urban poverty alleviation as street vending helps the people in fighting unemployment. The Act recognizes the positive role of street vendors in generating employment and in providing essential goods to people at reasonable price. It also acknowledges that street vending enacts an integral as well as legitimate parts of the urban retail trade for daily necessities of the people.

Street vending laws has also raised the profile of the street vendors. As we see that there are various positive aspects of the Act for uplifting the status of the street vendors. This Act has also provided harassment free environment for street vendors. A best example could be seen in Chapter VIII of the Street Vendors' Act, where, no vendor following the terms and conditions of the certificate be prevented from vending by the local authority or police. This is perhaps the most applicable provision of the Act since harassment is the greatest issue that street vendors face. The Act also establishes an effective redressal committee which helps street vendors to report harassment faced by them and share other difficulties. The Act seems progressive and effective but the Act in itself has some areas which make protection of street vendors harder.

According to section 22 of Chapter II, Town Vending committee should involve 40% of representation of street vendors. For vendor's representation, there needs to be an election held among the vendors. A voter list of street vendors needs to be generated to conduct an election. For this purpose, there needs to be a survey conducted. But according to section 3, Town Vending Committee shall conduct a survey of the existing street vendors. This creates a confusing situation in the Act as there needs to be prior survey of street vendors before the formation of TVC.

Another problem within the Act lies in section 5 of Chapter II where, it states various conditions for issuing of certificate of vending. One of the condition states that a street vendor has to ensure that he has no other means of livelihood except street vending. As we all know that street vending is not an exceptionally paying business that is enough for their livelihood. Some people do engage in other part time jobs as they feel it is not enough for them to support their family. So, this could be hindrance for street vendors, who take up alternative jobs, to apply for street vending certificate. On the other hand it is also very problematic for local authority to check whether any of the street vendors is doing any alternative jobs. The Act also does not mention the time limit for the vendors to seek their vending certificate even after they are registered.

If we observe the Act, there is provision that if any of the vendors violates the rules mentioned in the Act, they will have to pay the penalty but what if the municipality or police continues to harass the vendors, who will be penalized? The Act doesn't mention that. On the other hand we see that most of the power is left into the hands of local authorities beginning with the issue of certificate of vending, eviction, cancellation of vending certificate to most of the other things. Given the historical

backdrop of the street vendors who has been mistreated and harassed by the local authorities, it is problematic to again leave them in the hands of same local authorities.

However, there are few weaknesses in the Act yet it is an excellent beginning for creating a harassment free environment for street vendors. Considering the intensity of exploitation of street vendors both mentally and economically, this Act is a savior for them. So, it is very important to implement this Act for the street vendors to get its benefit.

2.6 Action and Implementation of the Laws

The National Policy for Urban Street Vendors is a set of guidelines prepared for the street vendors by the government of India. The policy implementation in India is usually uneven across states and cities. In the case of the National Policy for Urban Street Vendors, some states have moved forward to implement the Act and policies, while others have yet to take any step. There are many states and cities that have made little or no progress on policy implementation. There has also been some important achievement with regards to policy implementation.

Since the adoption of the Act and policies, various vendors' movement has gathered strength. The smaller local organizations have been able to use these policies for protesting eviction and police harassment. The smaller organizations as well as larger organization, like NASVI, have federated to place pressure on the state and local government to implement it on the ground level. The Act and policies has, therefore, become the tool to solve various problems of street vendors and represent a platform from which organizing efforts can be launched. So, it is very important to check the

status of implementation in all states of India so that all the street vendors are benefited by these Act and policies.

In 2017, Centre for Civil Society (CCS) developed an index to rank states on their progress in the implementation of Street Vending Act, 2014. They lodged applications under the Right to Information (RTI) Act 2005 across 30 states and UTs in India. They basically identified 11 distinct steps required of state governments under the Act and gathered data to determine how far the states have progressed. According to their reports, the state with best compliance of the street vendor's Act, 2014 are Tamil Nadu, Mizoram, Chandigarh and Rajasthan. On the other hand the states with poor compliance are Manipur, Karnataka, Sikkim and West Bengal which is displayed below in Table 2.2

Table 2.2 States with poor compliance

Manipur Score: 29 Steps: 7/11	Manipur has enumerated vendors, issued identity cards, published a plan and earmarked vending zones but in the absence of a scheme.
Karnataka Score: 23 Steps: 4/11	Karnataka has framed 265 TVC in 237 towns. The TVCs have enumerated vendors as well. However. The state has not yet notified the rules or the scheme, raising questions on the tenability of the progress.
Sikkim Score: 21 Steps: 2/11	Sikkim has not yet published the scheme.
West Bengal Score: 13 Steps:2/11	West Bengal has notified the rules and formed TVCs in 3 out of 239 towns, accounting for 1%, the lowest among the states.

Source:- Progress Report: Implementing the Street Vendors Act 2014,

<https://ccs.in/sites/default/files/research/svac-report-2019.pdf>, accessed 10/1/2021

2.7 Implementation of the Legal Acts and Policies in West Bengal

West Bengal is one of the most rapidly urbanizing states in India. The population of West Bengal forms 7.54 percent of India in 2011 (Census, 2011). Keeping in mind the rapid urbanization, urban poverty has been growing at a stark reality. The influx of population from rural area to urban has fueled the growth of street vendors in the cities. In West Bengal, many of the people engage in street vending Activities. Even the workers, who were once employed in the formal sector, are engaged in street vending due to closure or collapse of many industries. These vendors have, thus, become an important contributor to the city's economy. But it seems like they are not given much importance by the local body and has been neglected and treated badly.

After many agitation and protests by the street vendors in Kolkata, the West Bengal government finally passed the West Bengal Street Vendors' Rule, 2018 on 7th August 2018 as presented in Appendix-IV. The government has taken a crucial step to protect street vendors' rights but at the same time it is very important to check its implementation level because the law relating to street vending in West Bengal are possibly the worst offenders. So, this study has taken Siliguri as her study area, as it is a rapid developing metropolis in Indian state of West Bengal, in order to analyze the status of implementation of the Act framed by the government for street vendors.

2.8 Local Authorities' Response to the Street Vendors' Act and Policies

An attempt was made through this study to check the implementation level of the Act and policies. For this purpose, various questions were framed as presented in Appendix-I. Overall, 14 distinct questions were identified for the local body of municipality to be answered under the Act and policies and gather data to determine

how far Siliguri as a city has progressed. The local authorities' responses to certain provisions under the Act are displayed below with a help of Table 2.3

Table 2.3 Local Authorities' Response to Various Provisions

Provisions under the Act	Responses of the local body
Town Vending Committee (TVC)	Provisional TVC
Grievance Redressal Committee	Not yet formed
TVC to enmark vending zone	Not yet done
Draft and publish a street vending plan	Not yet done
Distribute identity card/ vending certificate to street vendors	Not yet done
Conduct survey of street vendors in every 5 years	Not yet done
Capacity Building Programs	Not yet
Regular election for vendor's representative in TVC	Not done

Source: Field survey, Siliguri Municipal Corporation, November, 2020

Section 22(1) of the Act gives the power to the state government to decide the number of TVCs that may be constituted under each local authority. The Town Vending Committee is a crucial element of the Street Vending Act mentioned in Section 22-26 of Chapter VII. The Town Vending Committee comprises of government officials, municipal officers, street vendors, bankers, traffic police, NGOs, RWAs etc. to take into consideration the opinion of all stakeholders within the ambit of street vending. A TVC is responsible for conducting vendor enumeration and issuing identity cards and certificates of vending. This is the first step towards protecting and regulating vendors all over India. After the interview with the commissioner of SMC, it was found that TVC is formed provisionally as there was problem regarding the election of representatives. For the election of vendors to TVC, firstly it requires voter lists of all

vendors and street vending being historically regarded as illegal there is no trace of such voter list. So, provisional TVC was created but is not operational in the present time. Since TVC is not operational, it was found that they have neither drafted any plans or any schemes for street vendors nor have they demarcated vending and non-vending zones. The local authorities, under Section 21, are required to frame a plan of vending based on recommendations from the TVC. The plan covers elements such as criteria for earmarking no-vending zones, restricted zones, vending zones, and natural markets.

There are few traditional markets in Siliguri under Siliguri Municipal Corporation (SMC). These markets were not actually demarcated by the municipality. These markets are operating since many years. Vendors operating in such market are not even registered nor do they have any street vending certificates. A TVC, under Section 6 of the Act, is required to issue identity cards to every street vendor. This vending certificate gives the street vendor an identity in the city for meeting its basic needs. It is also a representation of his/her citizenship. The identity and vending certificates also bring a bundle of rights with them. However, in this study, it was observed that no such vending certificate has been issued by TVC or local authorities to street vendors in Siliguri.

According to the Act, TVC is suppose to conduct survey in every 5 years but it seems like no such survey has been done due to non formation of a proper TVC in Siliguri. A failure in conducting such survey has not only resulted in overcrowding of market and pavements in Siliguri but has also made it difficult for existing street vendors to have space for commercial Activity, triggering conflict amongst old and new street vendors.

Capacity Building Programmes is a very important programme as it enables street vendors to exercise their rights. It seems like TVC has also not yet conducted any capacity building programmes. There are also no regular elections for vendor's representative in TVC.

Section 20 of the Act requires the formation of Grievance Redressal Committee (GRC) chaired by an ex-civil judge or judicial magistrate. During the interview it was found that there is no such Committee. The absence of a grievance redressal committee makes it difficult for vendors to report harassment and share other difficulties. So, it is very important to have such committee as it plays a role of a channel between the street vendors and the local body. Without such channel, how will the street vendors tackle the issues? How will the decisions be unbiased?

Even though both Central and state governments have come up with legal frameworks, what we can see that the benefits of the Act is yet to reach the street vending community in Siliguri. This study found inadequacies in the implementation of the Act in Siliguri. The purpose of TVC is to represent street vendors, protect their interest and address their grievances but SMC has not yet formed a proper TVC yet. While interviewing with the street vendors of Siliguri, it was also found that several vendors are not aware of any such TVC- an obligatory requirement according to the Act. Moreover, the vast majority of the street vendors are not even aware of the Act and policies framed specially for them.

There are many reasons to why this Act is not yet implemented in Siliguri. One of the reasons for the non- implementation of street vending Act is lack of awareness among the street vendors about their rights. They are not aware how to use their rights. Many of them do not even know that street vending is legal now. Most of the street vendors

being illiterate, they can't file application in case of eviction. Even though few of them are aware of the Act they are unwilling to protest out of fear of repercussions from the local authorities.

The major challenge or hindrance faced by municipality to implement the street vending laws could also be another reason as found during interview with the local body. The major problem lies is the urban planning that does not allot much space for street vendors in Siliguri. On top of that the rising population has worsened the problem. The escalating rate of migration has lead to overcrowding, disturbing the flow of traffic and people on sidewalks. One of the major factors of high growth rate of population in SMC area is high in- migration. Social disturbances in neighbouring countries (Bangladesh and Nepal), neighbouring states (Assam), and better economic opportunities in Siliguri are the main causes of in-migration. (Ministry of Urban Development, Government of India and the World Bank: 2015). In this condition, the major challenge for SMC is how to incorporate all vendors in urban planning in a manner that would ensure their sustainability and safeguard their rights.

As said by the commissioner of Siliguri, SMC has not yet given the Act the priority it deserves and no work has been done for the street vendors of Siliguri to safeguard their rights instead they are evicted all the time. The authorities evict the street vendors every now and then but the vendors come back again and set up their shops until again the authorities come to evict them in Siliguri. Since the authorities are not able to provide a designated vending zone this game of eviction has been going on for a long time. In short, SMC has done next to nothing in terms of protecting the rights of street vendors. That being said, the Commissioner of SMC is well aware of the

situation and has promised that SMC will be taking positive steps to protect the interest of street vendors in the near future.

2.9 Impact of Eviction on Street Vendors

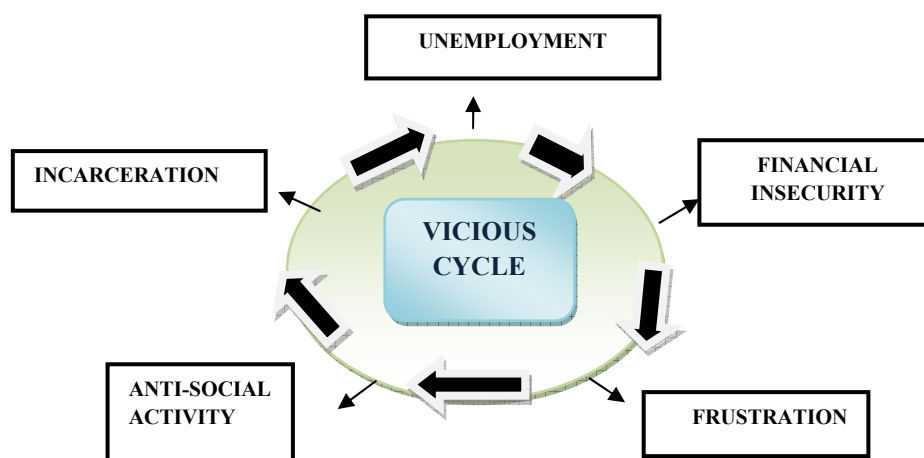
At the point when a larger part of the individuals falling under the domain of the Act can't benefit from the provisions, the Act becomes unproductive. From the situation examined here, it is clear that the Street Vending Act has been insufficiently executed, rising genuine concern for local body in safeguarding the basic, principal privileges of street vendors.

For street vendors, vending is not a choice instead it is the only means of livelihood in the midst of widespread unemployment. Considering this fact, local body should adopt a more considerate and humane approach to encourage self-reliance through street vending by executing the protective laws related to street vending. When local bodies resort to regular eviction they are not fully being sensitive to the consequences of such arbitrary evictions. Since, most of the street vendors live in impoverished condition; even one day's lost opportunity to set up their shop could spell economic disaster to the vendor and their dependents. There by, impacting their political and economic security.

Eviction should not be the go to solution to the growing problem of street vending as it is ineffective in solving the problem. On the contrary, evictions may further complicate the situation by throwing the vendors into a vicious cycle as illustrated in Diagram 2.2. The ongoing pandemic situation has increased the already existing hardship faced by the vendors specially the women vendors resulting into high rate of unemployment, economic impoverishment, passing the mental pressure to children that results in deviant behavior in the children (Choudhury and Kumar:2021)

Diagram 2.2 illustrates the vicious cycle of unemployment triggered by eviction. Eviction may lead to financial insecurity and frustration which may further contribute to anti social Activities culminating in incarceration and repeating the same vicious cycle of unemployment. This may not only affect an individual (street vendors) but also society at large.

Diagram 2.2 Vicious cycle of Unemployment



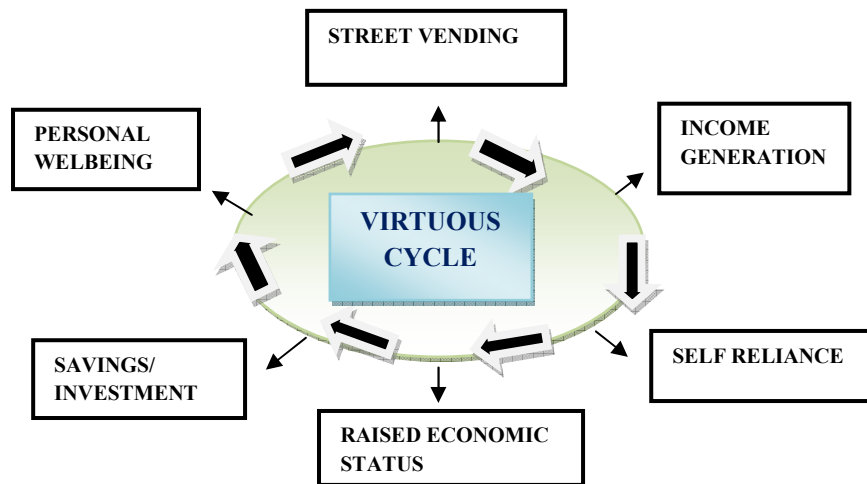
Source: Diagram designed on the basis of field survey

So, the local body should consider the current predicament of the street vendors because once street vendors thrive in their business, they restrain themselves from crime, smuggling and other anti-social Activities. Thus, averting a vicious cycle even before it starts.

The anti-thesis of a vicious cycle is envisioned as the virtuous cycle as mentioned in Diagram 2.3. A virtuous cycle is an ideal model where street vending gives people the opportunity for income generation making them self-reliant. Consequently, a reliable source of income raises their economic status and gives them the opportunity to save and re-invest in their business which ultimately promotes personal well being.

Economic security is an important aspect of every human being. It strengthens growth, development as well as fosters tolerance and happiness.

Diagram 2.3 Virtuous Cycle of Street Vending



Source: Diagram designed on the basis of field survey

A new study of the International Labour Office (ILO) highlights that people's economic security promotes personal well being, happiness and tolerance while benefiting growth and development. Such an innovative idea can work as a tool for decreasing the level of marginalization and disadvantage group in society, especially women and create an environment where they can take an Active part in the process through which they can negotiate in connection with various contested issues. (Choudhury: 2016:132). So, such group of people should be given an opportunity to support a standard of living by engaging in some profit giving occupation for their personal wellbeing as it strengthens tolerance and happiness and promotes growth and development.

Chapter-3

Phenomenon of Street Vending in Siliguri

3.1 Introduction

Siliguri is the third largest metropolitan city in West Bengal, after Kolkata and Asansol. It merges seamlessly with the neighbouring town Jalpaguri to form a significant metropolis; because of its strategic location Siliguri holds an important place in West Bengal. It borders with China, Nepal, Bangladesh and Bhutan. It is also the gateway to the north eastern part of India, also called as the seven sisters. Siliguri has become a major trade and commerce hub because of its geographical location. Over the years, Siliguri has grown from a village into a commercial hub and regarded as fastest growing cities in West Bengal. One of the major factors of high growth rate of population in SMC area is high in- migration. Social disturbances in neighbouring countries (Bangladesh and Nepal), neighbouring states (Assam), and better economic opportunities in Siliguri are the main causes of in-migration. (Ministry of Urban Development, Government of India and the World Bank: 2015). That is why most of the people from the neighbouring villages migrate to Siliguri in order to earn their livelihood.

Siliguri metropolitan is experiencing extensive outgrowth in recent decades due to increase in influx of migrants from the rural area as well as immigrants from the neighboring countries. The development of secondary, tertiary and particularly the services sectors and migration from nearby rural area and neighbouring states in search of livelihood have also contributed to the growth of urban population. People of Siliguri engage both in formal as well as informal sector. But due to the

proliferation of sick industries a major portion of workers have joined the informal sector. The Activities in the informal sector can be categorised into two section:- self-employed and casual labour. A major section of self- employed work as street vendors. Many workers have diversified their occupation into business of goods/services through street vending in Siliguri.

Street vendors play a significant role by providing necessary commodities for daily uses. Many of the street vendors in Siliguri have occupied footpaths to conduct their business. Street vendors usually prefer places where pedestrian flows are quite high, such as in bus stands, busy footpaths, near hospitals, schools, offices, shopping centres etc. This creates problem for pedestrians to travel from one place to another and also seriously hinders the flow of traffic by creating congestion. Such problems are widespread in every corner of the city. This problem is also very common in Siliguri city. There are also various street vendors in Siliguri who ply their business in natural markets where they have to pay for the shop rent, electricity or any taxes to the government.

This chapter will, therefore, presents the phenomenon of street vending in Siliguri, types of vendors in Siliguri as well as examine categories of markets in the city. An attempt has also been made in this chapter to examine the impact of Covid-19 pandemic on street vendors and highlight the role of civil society or NGOs in protecting vendor's rights.

3.2 Evolution of Siliguri as a Sub-urban Market

Siliguri as a city has come a long way from being a forest, to one of the burgeoning cities in West Bengal. It all started when in the year 1835 the British acquired Darjeeling and made its summer capital. Arthur Campbell, a surgeon with the

Company, and Lieutenant Robert Napier were responsible for establishing a hill station there. Campbell's efforts to develop the station, attract immigrants to cultivate the slopes and stimulate trade resulted in a hundredfold increase in the population of Darjeeling between 1835 and 1849. (Indian Frontiers: 2014). The only problem was that there wasn't a motorable road so, the British endeavored to build first road from Siliguri to Darjeeling and were also able to bring the railways to Darjeeling from Siliguri. The first road connecting the town with the plains was constructed between 1839 and 1842. In 1848, a military depot was set up for British soldiers, and the town became a municipality in 1850. Commercial cultivation of tea in the district began in 1856, and induced a number of British planters to settle there. Darjeeling became the formal summer capital of the Bengal Presidency after 1864. (Indian Frontiers: 2014). So, the British rule introduced tea in the Darjeeling and started large scale tea plantations because of which trade and commerce gradually took off, and what was an obscure town in the midst of a forest suddenly was at the heart of development.

What followed was a gradual migration of people from neighboring villages and towns in search of greener pastures. The region witnessed a rapid growth in tea plantation in the areas surrounding Siliguri. In addition to the flourishing tea industry, Siliguri is also known for timber and tourism. Post-independence, Siliguri became a region with strategic importance owing to its proximity to four international borders – Nepal, Bhutan, Bangladesh and China. It also became the 'Gateway to the North East'. It sits plum in the middle of the 'Siliguri Corridor', a narrow 'chicken neck' strip of land just 22 km long- the only land link between the seven North- Eastern states and the rest of India. (Saha: 2019)

Gradually, the city witnessed rapid urbanization and explosive growth. One of the effects of growth has been the cropping up of street vendors across the length and breadth of the city as it is an indispensable economic Activity. The quest for livelihood, in a city which doesn't offer much in terms of jobs and opportunities, has propelled the proliferation of street vendors. Most of the street vendors in Siliguri set up shop alongside busy streets and also started vending in natural markets. There are various natural markets or *haat* in Siliguri now where, local as well as non-local people have started plying their business. Most of the economic Activities in Siliguri are found in the two streets of Sevoke Road and Hill Cart Road. (Final Report-Siliguri City Development Plan: 2015).

3.3 Nature and types of Street Vendors

According to the existing policy documents, the term urban vendor is inclusive of both traders and service providers, stationary as well as mobile vendors and incorporates all other local/region specific terms used to describe them, such as, hawker, *pheriwalla*, *rehri-patri walla*, footpath *dukandars*, sidewalk traders, etc (Ray and Mishra:2011)

According to the National Policy, there are three categories of street vendors:

1. Those Street Vendors who carry out vending on a regular basis with a specific location,
2. Those Street Vendors who carry out vending not on a regular basis and without a specific location, for example, vendors who sell goods in weekly bazaars during holidays and festivals and so on,
3. The Mobile Street Vendors. (Ray and Mishra: 2011)

3.3.1 Mobile Street Vendors

Mobile street vendors are those who sell their goods door to door. They usually operate out of a mobile carts, cycle or bike, basket full of items on their head and would sell their items in multiple locations in the city. They often move from one place to another due to various reasons. Firstly, to gain access to different kinds of customers. Secondly, to be closer to suppliers and also because of the limited holding capacity in any natural market. They normally sell vegetables, fruits, magazine, newspapers, fishes, etc. Mobile vendors usually sell their items in cheap price because they do not have to pay any overhead cost such as shop rent, electricity, gas or water bills or any taxes to the government. But sometimes they have to pay significant portion of their profit to the local police or political person to conduct their business in a suitable place. Some of the pictures of mobile street vendors are presented in Picture 3.1

Picture 3.1 Mobile Vendor in his cart in Champasari Market, Siliguri



Source: Field work, Champasari Market, Siliguri, November, 2020

3.3.2 Stationary Street Vendors

Stationary street vendors are those who sell their items in temporary structure of shop by locating in a specific place. They sell stationary items such as cloths, books, kitchenware, footwear etc. We usually find such vendors in a market area, public/private spaces, under flyovers where they have to pay for the shop rent, electricity or any taxes to the government. Such vendors also sometimes witnesses eviction by the local authorities. In most of the cases their goods are also confiscated by the authorities. Some of the pictures of stationary street vendors are presented in Picture 3.2

Picture 3.2 Stationary Vendors in Hongkong Market, Siliguri



Source: Field work, Hongkong Market, Siliguri, November, 2020

3.4 Nature and Description of the Markets in Siliguri

Siliguri has become a commercial hub where we find numerous markets and street selling imported merchandise. There are three types of market in Siliguri: daily market, weekly market and seasonal market. Some of the market operates in private land where as some of the markets are owned by SMC. These are either rented out by the private land owners or by SMC. These are the markets where you can find some

of the best and cheapest clothes, accessories, local handcrafts etc. Some of the markets in Siliguri are listed in Table 3.1

Table 3.1 Various Categories of Market operated by Street Vendors in Siliguri

Sl. No.	TYPES OF MARKET	NAME OF THE MARKETS
1	Daily Market	1. Bidhan Market 2. Hong King Market 3. Court More Market 4. Champasari Market 5. Gurung Basti Market 6. Panighata More Market 7. Shivmandir Market etc
2	Weekly Market	1. Bagdogra Market 2. Matigara Market 3. Salbari Market etc
3	Seasonal Market	1. Bhutia Market 2. International Market etc

Source: Prepared from the field survey, Siliguri, West Bengal, November, 2020

3.4.1 Daily Market

Daily market means where selling and buying of commodities takes place in regular basis. It helps the people to get the valuable items easily every day. These markets are either owned by private owners or by Siliguri Municipal Corporation. Street vendors gain more profits in daily market as they sell their items every day. Some of the description of daily markets in Siliguri are:-

a. Bidhan Market

Bidhan market is located at the central part of the city. It is one of the most important markets for everyone's daily need. It has a very mixed type of vendors. This market is

famous for fresh vegetables and fruits. Over 500 vendors are Actively engaged in vending in this market. Various goods such as garments, cosmetics, kitchen appliances, books, electronics, home décor, footwear are sold in this market. Various daily grocery items are also available in reasonable price. People visit this market to buy various Indian spices as it is available in abundance here. This market is also famous for Bengali sweets. This market is very active during the afternoon and evening hours. This market is usually very crowded. This market comes under SMC. Most of the vendors are stationary and has been conducting business for a long time. Some of the picture of vendors operating in this market is presented in Picture 3.3

Picture 3.3 Bidhan Market, Siliguri



Source: Field work, Bidhan market, Siliguri, November, 2020

b. Hong Kong Market

Hong Kong market is located near Hill Cart road. It is famous for Chinese goods which is available in very cheap price. This market is one of the oldest in Siliguri.

Here, vendors sell various foreign goods and international brand. Various items like clothes, hand bags, watches, cosmetics are available here. This market is usually very crowded during festival. This market has a large no. of vendors attracting both local

costumers as well as all tourists coming to the city. Some of the pictures of vendors operating in this market are presented in Picture 3.4

Picture 3.4 Hongkong Market, Siliguri



Source: Field work, Hongkong market, Siliguri, November, 2020

c. Court More Market

This market is located in Court More which is also known as Hawker's Corner. This market comes under the jurisdiction of Siliguri Municipality. This market is very small compare to other markets. It comprises of less than 500 vendors. Vendors of this market mostly sell ladies items like cosmetics, footwear, jewellery, clothes etc. Fruits and vegetables are also available in this market. Some of the picture of vendors operating in this market is presented in Picture 3.5

Picture 3.5 Hawker's Corner, Siliguri



Source: Field work, Hawker's corner, Siliguri, November, 2021

d. Champasari Market

In Champasari market, we usually find street vendors selling all the basic items like grocery, fruits and vegetables, household cleaners, kitchenware etc. Here, vendors usually sell fresh fruit and vegetables. This market also comes under the jurisdiction of Siliguri Municipal Corporation. Some of the picture of vendors operating in this market is presented in Picture 3.6

Picture 3.6 Champasari Market, Siliguri



Source: Field work, Champasari market, Siliguri, November, 2020

3.4.2 Weekly Market

Weekly markets are usually operated on a specific day of the week. These kinds of market are of traditional nature in India. This kind of market does not have permanent shops. Street vendors usually set up their shops for the day and close them in the evening. Some of the vendors move from one market to another in weekly basis in order to sell their commodities. We find fresh fruits and vegetables in this market. Many other things are also available in weekly market at cheap rate. Some of the description of weekly market in Siliguri are:

a. Bagdogra Market

This market is located in Bagdogra which comes under the jurisdiction of District Magistrate. This market is operated by street vendors on every Thursday and Sunday. There are more than 200 street vendors. Here, street vendors sell all kinds of items like footwears, fruits and vegetables, kitchen items, fresh fish, fast foods etc.

b. Salbari Market

This market is located in Salbari. It is operated by street vendors on every Wednesday. This market is famous for organic hill's vegetables. There are more than 300 street vendors in this market.

3.4.3 Seasonal Market

Seasonal market usually operates during specific points of the year. Some street vendors ply their business depending upon the demand of certain products or services seasonally for example, street vendors who are in the fashion business usually wait for winter season to come to sell their latest fashionable woolen items. One of the famous and oldest seasonal markets of Siliguri is Bhutia Market which is located in Hakimpara. Every year, Bhutia market opens up for the people of Siliguri where we can find different varieties of woolen clothes, shawls, blankets, other accessories etc.

3.5 Services provided by Street Vendors in Siliguri

Street vendors are regarded as part and parcel of the urban economy of Siliguri as they provide incomparable services to the public. They serve the urban population by providing with all the necessary items. They also provide essential goods to the public at affordable prices than in retail shops, departmental stores and shopping malls.

People from all strata buy goods from the street vendors but the most beneficiaries are the urban poor residing in Siliguri.

Street vendors also play a major role in parallel economy. They ensure the livelihood of a large number of small scale workers in Siliguri who work in traditional sectors like handicraft production and small scale industries like *agarbatti* making, honey processing, pot making etc. They also lend a hand to the local farmers of Siliguri, mainly fruits and vegetable farmers.

Both the mobile vendors and stationary vendors provide different types of goods and services to the urban population. Some of the vendors play a dual character to continue their business and change their mode in different seasons or different occasions. During field survey it was observed that there are few vendors who ply their business in a same site or location but most of them are mobile and rapidly change their business site. There is also interruption of political leaders, police or local authorities which force them to change their site. Again some of the street vendors change their items according to season and festivals and the demand for some specific item increases or decreases according to season. Sometimes they change their business policy and sell new items to fulfill public demand. For example, in summer some of the vendors sell fruit juice, cold drinks etc.; in winter some switch to woolen cloth.

3.6 Impact of Covid-19 Pandemic on Street Vendors

The Covid-19 pandemic and the lockdown that it spawned came as a rude shock to both skilled and unskilled workers including street vendors across the country. They were the most affected groups. Life as they knew it was upended in just a matter of four hours. The sudden announcement left them with no choice but to leave the city and move back to their villages with empty hands.

According to the National Federation of Hawkers, there are four crore people in the street vending business in cities, towns and rural areas of India. This parallel economy is estimated to produce a turnover of Rs 80 crore a day by employing and providing a means of sustaining their life. The National Federation of Hawkers also estimates that 50% of the street vendors sell food, about 35% sell fruits and vegetables and the remaining sell household items, clothes, cutlery etc. (Kaur:2020)

The Street Vendors Act of 2014 gives protection and legitimacy to the idea that street vending can be a viable means of building livelihood across the country and that the street vendors should be entitled to their rights. It also offers vendors to be registered and licensed to conduct their business. However, the implementation of the Act has fallen short in many cities and towns including Siliguri. Even in cities where it's implemented, the number of beneficiaries is very less. For street vendors, life was hard as it is the onslaught of pandemic made it a tad worse. Post lockdown, when the country finally opened, street vendors took a sigh of relief. But most of their businesses did not take off as expected. Social distancing measures and the uncertainty about the arrival of vaccine made the public cautious about venturing out. To add to it, most offices shifted to work from home model which further lessened the movement of people that directly impacted the street vendors' business. Lack of potential customers drove lakhs of street vendors out of business. An already unorganized and fledgling economy has been further thrown into chaos.

3.6.1 The Plight of Migrant Workers

The hardest hit of all were the migrant workers - majority of which either engage as casual laborers or do street vending. Almost all of the migrant workers had to return to their native places as their business came to a grinding halt. Street vending is the

most effective way of getting self employed for economically backward people from rural areas. They migrate to larger towns and cities in the hope of scraping a living by setting up roadside shops selling sundry items, food and vegetables.

Most of the street vendors in Siliguri are non locals who migrated from other parts of India and also within West Bengal as observed during field study. The condition of these vendors became very pathetic during lockdown as all the markets were shut down. There were no buyers so, vast majority of street vendors went back to their villages leaving Siliguri.

3.6.2 Impact on Women Street Vendors

Governments across the globe have tried to get rid of street vending. In some cases, local governments and municipalities have taken aggressive measures to clear public places of street vendors. However, in the past decade, a lot of countries have realized that street vending can instead help reduce poverty and empower marginal groups including women from ethnic and racial minorities.

As street vending does not require a huge financial investment or specialized skills, it is an accessible opportunity to earn a livelihood. According to a report by Urban Employment and Poverty Alleviation, the average per day income of men is Rs 70 and a woman is Rs 50. Street vending offered women to overcome income disparity by making a living independently. Considering the fact that a lot of women are employed in low-paid informal sectors with low wages where exploitation is rampant, street vending provided a way out.

Pandemic has worsened the condition of women who were already grappling with issues of poverty and inequality. Deprived of an opportunity to set up shop because of

the pandemic, women lost their income, faced financial hardship and were exposed to domestic violence and sexual harassment. The household stress, the disruption of social network, economic losses intensified the risk of violence for women.

3.6.3 Government Assistance

The economic fallout of the pandemic on the informal sector and street vending has been devastating. Street vending is the lifeline of our towns, cities and villages that provides affordable access to essential goods and items for the middle class and the poor. Local and state governments should take due notice of their importance in the society and take measures to streamline the sector.

Government has provided relief package for street vendors under Pradhan Mantri Street Vendor's Atma Nirbhar Nidhi Yojana (PMSVA Nidhi) through CSCs as presented in Appendix-V. This scheme is a Central Sector Scheme (CSCs) which is fully funded by Ministry of Housing and Urban Affairs. The objectives of the scheme are:

- Scheme provides the loan of up to 10,000 to street vendors.
- Amount can be repaid into monthly installment in the tenure of 1 year (PMSVA Nidhi:2020)

According to this scheme, only the registered street vendors who have a vending certificate and those who have been identified as street vendors after the survey done by TVC are eligible for this beneficiary. Since, SMC has not formed a proper TVC, none of the street vendors are registered under TVC. Due to non implementation of the Act, the street vendors of Siliguri could not get the benefits of this scheme. There has been no economic relief plan for the street in this pandemic in Siliguri City. The

criteria of this scheme of registering under TVC might not be a good idea as there are only limited street vendors who are registered in India.

For starters, all street vendors should be brought under the purview of Street Vendors Act. This will ensure that the vendors' rights and welfare are protected. The informal sector comprising street vending is the last resort and only means of income for the poor and marginalized. The Covid-19 pandemic took away most of these opportunities. The full scale of the impact is yet to be uncovered. However, from what is known, the long term impact is likely to be adverse.

3.7 Institutions ensuring Human Rights to Street Vendors

The notion of Human Rights promises universal rights to all the people across the world. We usually observe that the marginalized are among the most vulnerable groups such as women, unorganized worker, Dalits etc. They are the ones who do not usually realize their rights or struggle against its violation. So, a vibrant institution/organization is needed for them to help such groups realize their rights.

People who are engaged in informal sector, such as casual wage labourers or street vendors, remain the most vulnerable part of the workforce. The areas of exploitation are high and also suffer from various health hazards. They are also not able to receive the social security benefits that are given to the formal sector. So, it is very important to develop a proper legislation for ensuring minimum protection to the people working in informal sector. The government of India, through its first National Commission on Labour (NCL) set up in 1966, had tried to define the unorganized sector from the view point of its peculiar features and nature of work. According to the first NCL (1966-69), the sector was defined as unorganized which included those who have not been able to organize themselves in pursuit of their common interest

due to certain constraints like casual nature of employment, ignorance and illiteracy and small and scattered size of establishments. (Saha: 2017) The NCL not only defines the informal sector but also highlights the importance of social and economic security for this sector.

In 2014, when the Parliament of India passed a legislation called "Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014", many civil society organizations such as Self-Employed Women's Association (SEWA) and National Association of Street Vendors of India (NASVI) were actively involved in fighting for the cause of street vendors across India. They were also instrumental in getting the landmark legislation drafted, hoping that it would ease the situation for the street vendors. Some cities are working with street vendors' organizations to formulate innovative policies, programs and practices. Membership-based organizations help street vendors navigate their relationship with the authorities, build solidarity, and solve problems with other vendors. (Bhatt and Jariwala: 2018). Some of the important organizations are as follows:

3.7.1 SEWA (Self Employed Women's Association)

Self Employed Women's Association (SEWA) is a trade union registered in 1972 in India. It is the organization of poor, self-employed women workers who earn a living through their own labor or small businesses. Around 60% of the informal sector workforce comprises of women. SEWA members are workers who have no fixed employee-employer relationship and depend on their own labor for survival. (Bhatt and Jariwala: 2018)

3.7.2 NASVI (National Association of Street Vendors of India)

NASVI is an organization working for the protection of the means of support of thousands of street vendors across the country. NASVI was registered in 2003 under the Societies Registration Act of 1860. Regarding recognition among street vendors, the membership of NASVI is increasing day by day. In the year 2014, NASVI has 7,07,695 members from 1,054 organizations from the states of Assam, Andhra Pradesh, Bihar, Delhi, Gujarat, Goa, Jharkhand, Karnataka, Kerala, Manipur, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh, Haryana, Uttaranchal, Madhya Pradesh, West Bengal, Punjab, and Meghalaya, Telangana, Himachal Pradesh, and Jammu and Kashmir. (National Association of Street Vendors of India (NASVI), 2014). They also struggled for the livelihood of millions of street vendors who were threatened by outdated laws and changing policies and practices. It also created a supportive environment for street vendors by engaging in dialogue with administration and planners.

3.7.3 WEIGO (Women in Informal Employment: Globalizing and Organizing)

WIEGO (Women in Informal Employment: Globalizing and Organizing) are a global network engrossed in securing livelihoods for the working poor, especially women, in the informal economy. Informal workers need voice, visibility, and validity. WIEGO creates change by building capacity among informal worker organizations, expanding the knowledge base and influencing local, national and international policies. (Bhatt and Jariwala: 2018)

Likewise, West Bengal also has an association for safeguarding vendors' rights. One of the major associations in West Bengal for hawker/street vendor is the Bengal Hawkers Association (BHA). BHA is affiliated with the Trade Union Coordination

Committee. BHA was founded in 1950, and is the oldest hawkers union in the state. (Chowdhary: 2006)

3.7.4 Active Associations working for the Rights of Street Vendors in Siliguri

A focus group interview was held with a few members of the Street Vendors' union in Siliguri which became successful in gathering information about various issues affecting street vending in Siliguri and their opinion on Street Vending Laws. In addition to that, how successful is SMC in implementing Street Vending Law in Siliguri. The group included four men and two woman hence, it helped to gather gender balanced information.

According to the members of Vendors' Union, street vendors are not given any recognition and identity. Sometimes the local body and police personnel impose restrictions on them and evict them always. They mainly impose restrictions on the use of urban space like streets, pavements etc for street vending Activity. Some of the vendors are very old in Siliguri. They have been vending in a market for a very long period of time. Some of these markets are now under the jurisdiction of Siliguri Municipal Corporation (SMC) but these markets were not planned or set up by the local body according to the Act. The old vendors have occupied these lands very long time. These vendors usually do not have any problem or difficulties but the main problem lies with the vendors who do not have any fix place to vend so, they have to ply their business alongside busy roads, pavements, near bus stand etc.

This brings up the very important issue, namely:-“the urban plans” said one of the members of the union. All urban plans allot space for public use which includes space for parks, educational institutions, hospitals and other infrastructure but such plans do not include anything for street vendors in Siliguri. According to the union, urban

planning should be done considering street vending community in Siliguri and should allot vending space for street vending. Most of these issues are consequence of non consideration of street vendors while planning urban streets.

This union mainly focuses on socio-economic condition of the street vendors for developing a strategy targeting various issues and challenges faced by the vendors. They also sometimes organize meetings and demonstrations when street vendors are threatened by the municipalities or the police. They also sometimes hold awareness champs to popularize Street Vending Act 2014. As per the provision, the local body must form a conflict redressal committee but they have not yet formed. In such situation, it becomes very difficult to communicate with the local body and come up with unbiased decision. So, whenever vendors feel threatened they resort to Actions that enable them to continue their business, though for temporary periods. The Union tries to negotiate with the local body itself in absence of such redressal committee.

Though there are provisions in the law for granting licenses and distributing street vending certificates, street vendors in Siliguri are denied of this. One of the union member mentioned that it becomes easier for the local body or police to harass or evict them from the streets by labeling them as hindrance. In this case, the union constantly makes an effort to discourage such Activity.

Chapter-4

Street Vending in Siliguri: Field Study Analysis

4.1 Introduction

Siliguri is one of the cities in West Bengal, India. It is a very pertinent and strategic area of India. The corridor has a significant role in the progress of India. Siliguri is also regarded as a trading and transportation hub. Over a time, Siliguri has developed from a village into a commercial hub. This is one of the reasons where many people migrate to Siliguri in search of job. Many of them resort to street vending when they do not find other means of livelihood. There are many migrant workers operating in Siliguri. This chapter also discusses about the migration details of the street vendors.

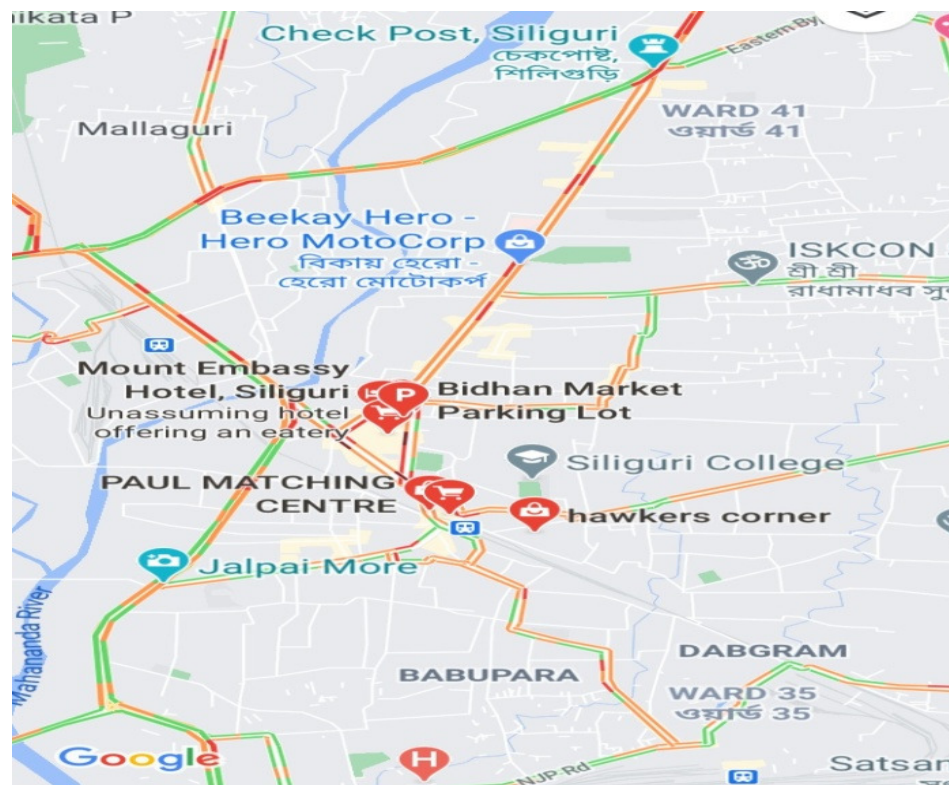
In developing countries, like India, Covid-19 pandemic was a tragedy for the marginalized workers. The impact of the pandemic on domestic migrants of India was extreme and the poor and marginalized were the hardest hit. Migrants died due to reasons ranging from starvation, suicides, exhaustion, road and rail accidents, police brutality, and denial of timely medical care (Guha:2020). The announcement of the lockdown triggered mass exodus and reverse migration of unskilled and semi-skilled laborers from major urban cities who walked back to their villages without food and money. (Dandekar and Ghai: 2020). Many street vendors of Siliguri also had to walk back to their villages with no money left. Along with this more other issues will be discussed in this chapter.

The chapter is basically based on surveys on street vendors in two markets under the jurisdiction of SMC i.e. Bidhan market and Hawker's Corner. The socio-economic surveys of street vendor in the market was carried out. A sample of 100 street vendors

was taken. While selecting the sample in Siliguri, three points were kept in mind. Firstly, vendors were covered from the markets under SMC. Secondly, vendors sold a variety of goods as street vending profession is heterogeneity in nature. This is the reason why this study chooses stratified random sampling. Thirdly, adequate numbers of women were also covered during field survey. Before conducting the survey, information was taken from SMC about the various market operating under them and later mapped two markets, as displayed in Map 4.1, to be surveyed for the purpose of this study.

Map 4.1

Location of Bidhan Market and Hawker's Corner



Source: taken from google Map [https://www.google.com/maps/search/Location+of+Bidhan+Market+and+Hawker%E2%80%99s+Corner/@26.7126243,88.4226](https://www.google.com/maps/search/Location+of+Bidhan+Market+and+Hawker%E2%80%99s+Corner/@26.7126243,88.4226519,16z/data=!3m1!4b1)

[519,16z/data=!3m1!4b1](https://www.google.com/maps/search/Location+of+Bidhan+Market+and+Hawker%E2%80%99s+Corner/@26.7126243,88.4226519,16z/data=!3m1!4b1) accessed 11/4/2021

4.2 Demographic Characteristic of Street Vendors in Siliguri

This study has taken Siliguri as the research area due to familiarity with the place, language and no such research has been conducted in this area. This section basically focuses on detail analysis of the socio-demographic and economic profile of street vendors in Siliguri based on primary data. For this purpose, schedules were deployed for the street vendors. Both open ended and close ended questions were asked to street vendors as presented in Appendix-II. This section is divided into seven parts which are as follows:-

Part I describes the profile of the street vendors which includes the age, gender, native place, caste, religion of the street vendors etc.

Part II highlights the migration details of the street vendors

Part III shows the occupational status of the street vendors

Part IV shows the educational status of the street vendors

Part V mentions about vendor's accessibility

Part VI talks about redressal mechanism

Part VII mentions about the awareness of the given Act

Part-I

Profile of the Respondents

In this section, a set of personal characteristics namely, age, gender, religion, caste, marital status, native place etc of the 100 respondents have been examined and presented.

a. Age of the Respondents

Age of the respondent is one of the most important characteristics in understanding their views about the particular problems. It reflects an individual's attitude, motive and level of understanding and also indicates level of maturity of individuals in that sense age becomes more important to examine the response. The age of all street vendors have been classified into four groups. This includes adolescence, early adulthood, late adulthood and old age. The age groups of the street vendors are demonstrated with the help of Table 4.1, on the basis of data generated during the field work.

Table 4.1 Age of the Respondents

Age	Frequency	Percentage
15-18	4	4.00
19-35	42	42.00
36-59	51	51.00
60 and above	3	3.00
Total	100	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

It is evident from the Table 4.1 that the respondents in the age of 36-59 is more i.e. 51%. While 42% of the respondent is between the age of 19-35. Only 3% indicates old age group and 4% of the respondents falls under the age of 15-18 years (adolescence).

We may observe from the Table 4.1 that majority of the respondents are late adulthoods who are in their productive age. This is the age where people are married and have children too. In this case, they have the pressure in their head to support

their family for surviving. From the above data it is also very disappointing to see 4% of adolescent engaging in this business instead of studying.

b. Gender of the Respondents

Gender is considered to be an important variable to study the gender discrimination in this study. Data with regards to the gender of the street vendors are presented with the help of Table 4.2, on the basis of data generated during the field.

Table 4.2 Gender of the Respondents

Gender	Frequency	Percentage
Male	63	63.00
Female	37	37.00
Others	0	0.00
Total	100	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

It is very clear from the Table 4.2 that the number of male is more than female. Among the total respondent 63% are male and 37% are female. So, we may conclude from the above data that street vending profession is mainly male oriented occupation in Siliguri. The case in Siliguri reveals a contradiction if compared to her neighboring North Eastern states where female work participation are higher than all India average. (Choudhury and Kumar: 2021). There are various reasons why female vendors do not sustain in this business. Even though they try to, they face various difficulties in their work places as they also have to look after their families. They usually prefer to keep lower volume of trade. They also sometimes fail to obtain loans as they are segregated in granting of loans from credit societies.

c. Native Place of the Respondents

Native place of an individual helps to understand the origin of a person and establish the identity of an individual. Data in this regard has been presented in Table 4.3 on the basis of data generated during field study.

Table 4.3 Native Place of the Respondents

Native Place	Frequency	Percentage
Within Siliguri	38	38.00
Other District of West Bengal	20	20.00
Outside West Bengal	42	42.00
Total	100	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

On the basis of the data collected during the study, it is evident from the Table 4.3 that a vast majority of the respondent i.e. 42% are from other part of India like from UP, Bihar, Rajasthan etc. Other 38% originally belong to Siliguri and only 20% are from other district of West Bengal namely, Malda, Islampur, Murshidabad etc. This indicates that more than a half of population of the respondent have migrated to Siliguri in search of a livelihood and found street vending business to be suitable for them to satisfy their basic needs. The detail analysis regarding the migration details is discussed below in Part-2 of this section.

d. Religion of the Respondents

Religion occupies a unique place in human society. It seeks to interpret and controls man's interactions and relationships to the forces of his physical and social environment. Data with regards to the religion of the street vendors are presented in Table 4.4 on the basis of data generated during field study.

Table 4.4 Religion of the Respondents

Religion	Frequency	Percentage
Hindu	76	76.00
Muslim	24	24.00
Christian	0	0.00
Others	0	0.00
Total	100	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

As can be seen from the Table 4.4 that majority of the respondent i.e. 76% are Hindu. Remaining 24% are Muslim. The research did not come across any street vendors whose religion is other than Muslim and Hindu.

e. Marital Status of the Respondents

Marriage is one of the most important social institutions. The perceptions and attitudes of the person can differ by the marital status of the person because the marriage might make the person little more responsible and matured. Marital Status of the street vendors is presented below with the help of Table 4.5 on the basis of data generated from field work.

Table 4.5 Marital Status of the Respondents

Marital Status	Frequency	Percentage
Unmarried	34	34.00
Married	42	42.00
Divorcee	2	2.00
Widower/Widow	22	22.00
Total	100	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

As can be seen from Table 4.5 that vast majority of the respondents i.e. 42% are married and 34% are unmarried. On the further analysis, the data shows that divorcees constitute 2% and widow/widower constitutes 22%. The researcher has not collected data on the marital status of women separately but during field study it was found that most of them were married or widowed. This indicates that widowhood could be a cause for taking up street vending as women do not have social support.

However, from the data shown in the Table 4.5, we can say that the majority of the respondent is married. With the marriage comes lot of responsibility as they have a family consisting of a wife and children. So, they are obligatory to come out of their house and earn to support their family.

f. Caste of the Respondents

Caste is a social stratification or segmentation of society into various groups which is determined by birth. It seeks to interpret the social status of an individual in a society. Data with regards to the caste of the street vendors are presented in Table 4.6 on the basis of data generated during field study.

Table 4.6 Caste of the Respondents

Caste	Frequency	Percentage
ST/SC	52	52.00
OBC	45	45.00
General	3	3.00
Total	100	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

In terms of caste composition, we can observe from table 4.6 that the majority of the respondents i.e. 52% belong to ST/SC category followed by 45% OBCs. Only 3% of

the total respondents belong to general category. So, it is the marginalised section of the society who usually engage in street vending Activity as a means of livelihood.

Part-II

Migration Details

Migration is a way to move from one place to another in order to live and work. People migrate due to various factors. Migration from rural areas to urban areas has increased in past few years in India. The growth of the town received momentum just after independence of India with immigrants from Nepal, Southern Bhutan and adjacent Indian states apart from eastern Bengal. There was also major influx of business communities from other parts of the country. After 1981, some important State Government offices have been established in Siliguri. The sudden increase in population in 2001 is attributed to the formation of Siliguri Municipal Corporation in 1994 and addition of 17 wards within the corporation limits. This is due to intra city migration from core city to peripheral areas. During the last decade (2001-11) the town recorded a net population increase of forty one thousand persons. (Ministry of Urban Development, Government of India and the World Bank: 2015). The findings regarding the migration status will help us know the number of non-local street vendors migrated to Siliguri in order to fulfill their livelihood. The data related to this section is presented in Table 4.7 on the basis of data generated from field work.

Table 4.7 Migration Status of Respondents

Migration	Frequency	Percentage
Yes	62	62.00
No	38	38.00
Total	100	100.00
Reason for migration	Frequency	Percentage
Unemployment	55	55.00
Low economic condition	45	45.00
Total	100	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

From the data presented in Table 4.7, it is quite clear that 62% of respondent are domestic migrants and 38% are not. This clearly shows that the no. of non local street vendors is more than local vendors. 55% have migrated due to poor economic conditions and 45% due to unemployment.

Human Migration is a significant aspect of social science and the oldest Action against poverty. (Galbraith: 1979). However, there has been a significant difference in the migration process of developed and developing countries. While in India the migration is more induced by push factors like penuriousness, unemployment, regional disparities, family movement, marriage, natural calamities, etc those in developed nations are more pull factors like prosperity, safety, freedom, etc. (Lee: 1966). In terms of street vendors we found unemployment to be the major factor for migrating to the urban areas.

Such people migrated to search for a decent job and found street vending to be favorable to them but Covid-19 pandemic came up with a total disaster for them. The announcement of sudden lockdown led to reverse migration where many unskilled worker including street vendors had to go back to their villages with no money and

security. The continuous reverse migration of millions of migrant workers to their native villages had a very detrimental impact on their physical, mental, and economic well-being. (Kumar and Choudhury: 2021).

Street vendors could not ply their business during lockdown due to Covid-19 pandemic. They were facing financial pressure until 2020. They were not able to sell their items. The situation started becoming stable during the beginning of 2021 but gradually started to worsen once again due second wave of Covid-19 pandemic, from April 2021 onwards.

Part- III

Occupational Status

An occupation is a set of job that a person performs, especially as a means of earning a living. This section is very important in analyzing the occupational status of street vendors. The physical, social and economic aspects of vendors have been dealt in this section.

a. Reason for Street Vending

There are various factors responsible for joining informal sector as a means of livelihood. An attempt has been made through this research to find out the factors that compelled the vendors to take up street vending. Some of the street vendors said that they joined street vending due to poor economic condition. Some mentioned unemployment to be the reason to join street vending. Some of them found street vending business to be easy to support their family as it requires low skill and budgeted to start with. Many of them were forced to join street vending business due to closure of various industries. According to the report on Conditions of work and promotion of

livelihood in the unorganized sector, in the metropolis of Kolkata, Mumbai and even Ahmedabad, the closure of various industries led to retrenchment of the workers, who had no option but to take up street vending. (Chandra and Jain: 2015)

b. Type of Commodity Sold

Under this category, the study discusses about perishable and non- perishable items sold by the street vendors. Perishable items are those which gets spoil quickly like fruits, vegetables, any fast food items etc. Whereas, non- perishable items are those items which last for a while, though they may lose quality overtime for example cosmetics, footwear, utensil etc. The data related to this section is presented in Table 4.8 on the basis of data generated from field work.

Table 4.8 Type of commodity sold by the Respondents

Type of commodity sold	Frequency	Percentage
Perishable	32	32.00
Non-perishable	68	68.00
Total Total	100	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

The Table 4.8 shows majority of street vendors i.e. 68% sold perishable items and only 32% sold non-perishable items. It takes lot of effort to sell perishable items as it gets spoiled very soon. It is also very risky to sell them because if the vegetables or fruits are not sold on time, all of them get wasted. This could also be one of the reasons why most of the street vendors do not sell perishable items.

c. Item sold

The income of street vendors generally depends on the item they sell and it deviates from trade to trade and location to location. The data regarding no. of street vendors selling different items is stated in Table 4.9

Table 4.9 Item Sold by the Respondents

Item	Frequency	Percentage
Fruits/vegetables	32	32.00
Garments	16	16.00
Cosmetic	20	20.00
Footwear	15	12.00
Others	17	20.00
Total	100	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

An attempt has been made to select respondents from different trades as street vending profession is heterogeneity in nature. The above data in Table 4.9 shows 32% of the respondents sell fruits and vegetable, 16% sell garments. While, 20% sell cosmetics and 15% of them sell footwear. The rest 17% sell other items except the other categories.

d. Income per day

The income of the street vendors is usually not fixed. It keeps on fluctuating. The ongoing Covid-19 pandemic has affected their business leading to uncertainty of their income. The income of the respondents per day, in Post- Covid and Pre- Covid era, will brief about his /her financial status before and after the pandemic situation. The field study for this research started in the initial period of Covid-19 pandemic. Consequently, Covid related lockdown and restrictions hindered the data collection

process because of which this study could collect only 20 respondents for Pre-Covid study. However, for the Post-Covid study, this study could find more respondents because of the less stringent restrictions. This explains the disparity in the number of respondents. The data regarding this matter is mentioned in Table 4.10 on the basis of data generated during field study.

Table 4.10 Income per day ((during Post-Covid and Pre-Covid)

	Income per day (Post- Covid)		Income per day (Pre-Covid)	
	Frequency	Percentage	Frequency	Percentage
Less than 100	2	2.00	0	0.00
100-200	7	7.00	0	0.00
200-300	46	46.00	2	10.00
300-400	35	35.00	8	40.00
Above 400	10	10.00	10	50.00
Total	100	100.00	20	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

From the data presented in Table 4.10, we can find that, in Post-Covid period, majority of the vendors' per day income is between Rs 200-300 i.e. 46% and only 2% of vendors' income is less than Rs 100 per day. About 35% vendors' income is between Rs 300-400. While, 10% vendors, income is above Rs 400 and 7% earn between Rs 100-200. The street vendors of Siliguri mentioned that Covid-19 has affected their business leading to uncertainty of their income. They also sometimes go back home empty handed. They said that their income per month was quite good before the pandemic to sustain a family. The above data indicates that in Pre-Covid era, 50% of the street vendors were earning more than 400 whereas in Post-Covid era only 10 percent of the vendors are earning more than 400. This indicates that there has been a significant decrease in the daily earnings of the street vendors.

From the Table 4.10, we can also see that, in Pre-Covid period, majority of the respondent i.e. 50% earned above Rs 400 and 40 % of them earned between Rs 300-400. This shows that the majority of the respondents earned more than Rs 12000/- per month. This indicates that street vending is a viable source of income to sustain a family.

e. Regularity of the Respondents in their business

An attempt has been made here to examine the nature and involvement of street vendors in their occupation. There are many street vendors who engage in alternative jobs other than street vending as it is not enough for their livelihood. On the other hand there are also some vendors who vend in different markets. The data regarding this matter is mentioned in Table 4.11 on the basis of data generated during field study.

Table 4.11 Regularity of the Respondents

Regularity of the respondents	Frequency	Percentage
Yes	92	95.00
No	8	5.00
Total	100	100.00
Vend in different places	Frequency	Percentage
Yes	24	24.00
No	76	76.00
Total	100	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

It is evident from data in Table 4.11 that majority of street vendors are regular in street vending business though they might change their mode of trade. Only 8% of street vendors are not regular as they also engage themselves in other alternative jobs

like painting, driving, security guard etc as they are not able to earn much through street vending. According to Street Vendors' Act, 2014, vendors cannot opt for other occupation other than street vending in order to get a vending certificate. So, this could restrict such vendors from receiving the certificate of vending. Remaining 92% vending every day. Sometimes vending in different places may help street vendors to generate more income so, 24% of them vend in different places as show above and 76% vend in same market.

As most of the street vendors also engage in other occupation, as shown in Table 4.11, to make ends meet, restricting vendors who have another occupation other than vending should be done away with because relying on street vending only may not be enough to sustain their families.

Part- IV

Educational Status

Education plays an important role in the social, economic and political progress of the nation. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.” (Universal Declaration of Human Rights, Paris, art. 26). The state also has an obligation to provide free and compulsory education to children under certain ages. Therefore, an attempt has been made through this study to analyze the educational status of the street vendors which is presented in Table 4.12 on the basis of data generated during field study.

Table 4.12 Education Status of the Respondents

Education level of street vendors	Frequency	Percentage
Illiterate	57	57.00
Can sign only	15	15.00
Primary level	19	19.00
Middle level	7	7.00
High school	2	2.00
College	0	0.00
Total	100	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

The educational level of street vendors is generally low which can be seen in Table 4.12. Out of total sample, about 57% vendors are illiterate, about 15% can only sign. While 19% went up to primary level, 7% went up to middle level and only 2% went to high school. It was observed that no one went to college.

From the Table 4.12 we can consider lack of education to be one of the reasons for people engaging in street vending as most of them didn't receive good education. We can also observe a positive angle that in spite of low education they have tried to manage their life in best possible way.

Part- V

Facilities in Vending Space

Vending space is highly important to street vendors to ply their business. Without a vending space it becomes very difficult to vend as it leads to chaos in footpath, streets and traffic jam. This section basically talks about the various facilities provided to them in vending space like access to drinking water, toilet, storage and electricity.

Without these facilities, it becomes problematic for them. The data regarding this matter is mentioned in Table 4.13 on the basis of data generated during field study.

Table 4.13 Accessibility to various facilities in Bidhan Market and Hawker’s Corner for the Respondents

Facilities in Markets	Bidhan Market	Hawker’s Corner
Access to water	Yes	Yes
Access to toilet	Yes	Yes
Access to storage	Yes	Yes
Access to electricity	Yes	Yes

Source: Field work, Siliguri, West Bengal, November, 2020

It is clear from the data that the street vendors from both the markets receive facilities mentioned above in the Table 4.13. It seems like Siliguri Municipality has taken care of all these facilities.

Part- VI

Dispute Redressal Mechanism

Dispute Redressal mechanism is a forum that solves the grievance of street vendors in case any problem arises. According to Street Vendors’ Act 2014, any vendor who has a grievance or dispute may make an application written to the committee. It was found during the field study that no one is aware of such provision. In this case, if any vendors have any problem they receive help from their union. Hawker’s Union mainly work for the protection of their livelihood rights of thousands of street vendors in Siliguri. They play an important role of a watchdog to protect street vendors’ rights and solve their various issues.

Business should be impartial just and equitable treatment to all its stakeholders. It should treat all shareholders including minority share holders in a right and just manner and provide effective redress for violation. (Kumar and Rai: 2019:53). So, the implementation of redressal committee is important looking at the existing condition of the street vendors in Siliguri.

Part- VII

Awareness of the Act

Street vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 was enacted in provide harassment free environment for street vendors and legalizing the vending rights of street vendors. So, it is very important for street vendors to know about all the Act and policies framed for them so that they could get benefits out of it. The data regarding this matter is mentioned in Table 4.14 on the basis of data generated during field study.

Table 4.14 Awareness of the Act

Awareness of the Act	Frequency	Percentage
Yes	18	18.00
No	82	82.00
Total	100	100.00

Source: Field work, Siliguri, West Bengal, November, 2020

From the Table 4.14, we can find that more than half of the respondents are not aware of the Act and policies i.e. 82% and only 18% of them are aware of the Act. So, we can say that lack of awareness among street vendors about their rights, in the very first position, defeats the very purpose of the Act besides, it's proper dissemination. This could also be one of the reasons of non- implementation of Street Vendors' Act 2014.

In this case, the vendors' union should be more active in spreading awareness among the street vendors about their rights and should take collective Action to pressurize the local body so that they take necessary steps to implement the Act and policies soon.

Chapter- 5

Conclusion

Street vending is the most noticeable and dynamic segment of the large urban information economy. They have become a vital part of life in any city. Street vendors constitute a vital position in unorganized sector. Street vending is not only a source of self employment but it provides good services to people in urban areas. But they are usually neglected by the local authorities. Their service is usually not recognized. This is the reason why the street vending laws are framed to safeguard their rights.

Merely formulating an Act does not ensure implementation, what is needed is work on the grass root level so that the Act serves its intended purpose. For this purpose, it is very important to check the status of implementation. So, an attempt was undertaken to study about the socio-economic life of street vendors in Siliguri with the special focus on the status of implementation of Street Vending Act and policies in general, Siliguri in particular. This chapter summarizes the entire discussion on the phenomenon street vendors and the laws related to street vending. In addition, it also highlights the findings of this study and brings forward few recommendations and suggestions for future course of research.

5.1 Summary and Findings of the Study

Street vendors prosper in areas that are famous gatherings of the general public. Street vendors usually vend near railway stations, along busy shopping streets, housing complexes, in front of religious places, major sports, markets, pathways and the other highly congested places where the street vendors sell their products. They sell a variety of goods like fruits, vegetables, garments, fast food, cosmetics etc. In Siliguri, majority

of street vendors sell non- perishable items (68%) like garments, footwear, cosmetics etc because it is difficult and risky to sell perishable items as these items come with greater risk of loss to them.

Most of the people resort to street vending as it requires low skill, no education and investment. An attempt was also made through this study to know their educational status. It was found that the educational level of street vendors is really very low. Out of total respondent, about 57% vendors are illiterate, about 15% can only sign. While 19% went up to primary level, 7% went up to middle level and only 2% went to high school. It was observed that no one went to college. This could also be one of the factors for people to join street vending as a source of livelihood.

Street vending is a business which helps to sustain in the city and support their family. It was found during field work that about 50% of street vendors earned above Rs 400 per day before the pandemic which is enough for them and their family to sustain in a modest way on daily basis. It is only after the pandemic that has affected their business deeply where only 10% of the respondents earned above Rs 400 per day these days.

Street vending also provides a steady employment to the migrants, while providing items in affordable price. That is why street vending is a viable means of livelihood. During the field survey, some of the vendors also expressed their grievances that prior to lockdown, due to Covid-19 pandemic, their business were doing reasonable well but these days their income has declined substantially. The pandemic situation has also pushed many of the vendors into dept at high interest.

In India, almost 94 per cent of India's work force earns its livelihood in the informal sector, which contributes 63 per cent of the country's GDP (one of largest

contribution from one sector of any economy in India) (Zafar: 2016). For some it is a full time occupation while for others it is secondary occupation and a source of additional income. It was found during the field survey that about 92% of street vendors vend regularly and 8% are not regular as they also engage in other occupation. Some vend in same position while some vend in another spot as well. Majority of the street vendors vend in same market i.e. 75%. From this data it is clear that some vendors do engage in other part time jobs as they feel it is not enough for their livelihood. This could be hindrance for them to seek vending certificate as per section 5 of Chapter II of Street Vendors' Act, 2014. So, restricting vendors who have another occupation other than vending must be repealed because relying on street vending only may not be enough to sustain for some people.

People from every age were found vending in the market of Siliguri as found during field work. Among them, majority are from age group between 36-59 years (51%) i.e. late adulthood. These groups usually have pressure to look after their dependents. Street vending is an occupation open to women as well, who need to earn a living. The low investment in this business as well as flexibility is an attractive factor for some women to join street vending. In Siliguri, a very few female street vendors (37%) were found vending as they face various problems compared to male vendors. Female vendors who have children cannot handle business and kids at a time. There is also no place to keep their children while they are busy working so, most of the female vendors who have small children take them along to workplace. They are also segregated in granting of loans from credit societies and they have to rely on moneylenders for their credit needs. Financial agencies do not extend loans to women vendors mainly on the ground that the women are to a great extent unskilled and largely illiterate and are poorer sections among the urban poor. These agencies feel

that their loans may not be reimbursed. So, they fail to obtain loans. Women vendors who are dislocated due to multiple reasons, including pandemic, can get involve in self-help group which will address their socio-economic need. Infact, in difficult situations, like in neighbouring state of Assam, self- help group became an effective tool to empower women and address the host of societal problems. (Choudhury: 2008).

An overwhelming majority of the respondent i.e. 76% were Hindu and majority of street vendors were married i.e. 42% while majority of the respondents i.e. 52% belong to ST/SC category followed by 45% OBCs. Siliguri witnesses street vendors from different parts of India and also within West Bengal. Siliguri being a commercial hub and a strategic place, people see this as an opportunity to build their career. It was found during the field survey that majority of the respondents i.e. 62% have migrated to Siliguri and work as street vendors. Human migration is a significant aspect of social science and the oldest Action against poverty. (Galbraith: 1979). Migration is a reason for helping millions of people getting rid of poverty, conflict, improving health, gaining education, generating income but the whole world witnessed continuous reverse migration due to Covid-19 pandemic. It became very difficult for the migrant workers, laborers, street vendors to sustain in the city. They immediately lost their source of income and were confronted with deprivation and hunger.

As the lockdown lifted and vending continues, vendors who went back to their villages definitely need some capital to resume their work. So, the government came up with the relief package called Pradhan Mantri Street Vendor's *Atma Nirbhar Nidhi* to overcome with their pathetic condition. The intended micro credit program for street vendors is a positive initiative taken by the government but instead of burdening

them with loan at 7% interest that they have to return within 1 year, the government should have considered their situation and provided them with cash grant to again start their economic Activity. The losses in formal sector could be tracked due to availability of excessive data and information but the plight of informal sector is tough to estimate due to lack of data. This could be understood by analyzing the implementation of Street Vendors Act (2014) which aims to protect the livelihood rights of street vendors as well as regulate street vending.

Street Vendors' Act, 2014 is regarded as a landmark which gives street vendors their rights and mandate states to create rules, schemes, local governance structure. So, an attempt was made through this study to check the implementation level of the Act and policies in Siliguri, which was the first objective of this study and the findings, suggests that there isn't adequate implementation of the Act. The Act mainly priorities the inclusion of vendors in planning process but the officials continue to exclude them, from meeting, from decision and also from streets. SMC has also not formed a proper TVC. There is neither proper election of representatives in TVC nor any survey of vendors. There is also no provision for distributing identity cards, vending certificates and formation of redressal committee. The purpose of laws related to street vending was to design a mechanism to regulate street vending, avoid chaos on pavements and maintain a free flow of traffic. Furthermore, the Act also provide basic social security to street vendors by designing a provision of distributing identity cards to facilitate access to all basic services provided by the state. But it seems like the local body rarely prioritizes social security for street vendors in Siliguri.

During the field survey it was found that SMC has not yet taken necessary steps to safeguard vendors' rights instead they are always evicting them. But according to the Act, the local body cannot evict them before the formation of proper TVC. As mentioned earlier, eviction cannot solve the problem of overcrowding and chaos in the city because the vendors will again come back and start their business until the local body provides a designated vending zone with vending certificate and identity card. So, eviction should not be the solution. On contrary, eviction may further worsen the condition by throwing street vendors into vicious cycle as demonstrated in Diagram 2.2

For street vendors, vending is not a choice instead it is their only means of survival in the midst of widespread unemployment. So, the local body should adopt a holistic approach to encourage self-reliance through street vending by executing the existing Act properly. The local body should also consider the current predicament of the street vendors because once street vendors thrive in their business, they restrain themselves other anti-social Activities. Thus, the anti-thesis of a vicious cycle is envisioned as the virtuous cycle as demonstrated in Diagram 2.3. A virtuous cycle is an ideal model where street vending gives people the opportunity for being self-reliant that will further raise their economic status and strengthen growth and development. Therefore, street vendors should get their rights in order to avert a potential conflict that may arise due to negligence of local authorities. On the other hand, *Atma Nirbhar Bharat* and socio-economic measures undertaken by the government may also not reach the major proportion of vendors if, the Act is not implemented.

The commissioner of SMC is cognizant of the prevailing hurdles faced by street vendors in Siliguri. For SMC, the main hurdle is burgeoning population owing to

migration which is making it difficult for them to accommodate all street vendors in a limited area. The scale and complication of the problem is understandable however, just like a journey of thousand miles start with a single step, a small step in the right direction could pave the way for a viable and conflict free solution to the problem of street vendors in Siliguri.

This study reveals many cases of human rights violation of the street vendors in Siliguri. Human rights are distinct from other rights in the sense that they are an incipient type of rights that apperceive extraordinary special rudimentary interest (Edmundson: 2012). Human rights could be worth having only when they are enforced upon institutions like family, state and so on as these rights aim to forefend the individuals and the core of the principles adhered in Universal Declaration of Human Rights (UDHR). (Kumar and Choudhury: 2021). Similarly, UN Commision of Human Security states “the objective of human security is to safeguard the vital core of all human lives in way that enhance human freedom and human fulfillment”. (Acharya: 2007). The field study among the street vendors in Siliguri reveals contradictory position violating the aspects of human security.

Focusing on the practice of policy making in India, in relation to the street vendors, our strategy must be oriented to enabling our broad based and varied informal sector to reach its full potential for raising production, creating jobs and raising income levels in society. A vigorous private sector, operating under the discipline of competition and free markets, will encourage efficient use of resources and ensure rapid growth. Our policies must, therefore, create an environment which encourages such an outcome. (Mathur and Bjorkman: 2009:157).

This is not only about the implementation of street vending Act and policies. If we acknowledge, we realize that there are number of laws in India which are selectively applied depending upon whose interest the law is for? We usually observe that the laws framed for the marginalized and vulnerable people are not implemented properly.

5.2 Recommendation

This study has, however, helped the research to suggest few recommendations based on field analysis. For this purpose, this study has recommended a periodic plan namely, short term and long term plan.

Short Term

1. Firstly, no eviction process should be encouraged before the survey of vendors and formation of a proper TVC.
2. The local body then needs to form a proper Town Vending Committee (TVC). If the survey of street vendors is not yet done, the rest 60% representatives comprising of various stakeholders can create a committee. This committee can further start the survey of all street vendors to create a voter list. Once the voter list is generated, an election of 40% of street vendors' representatives may be conducted in order to create a proper TVC in Siliguri.
3. All the street vendors (who are in the voter list) needs to be first registered under TVC and granted a proper street vending certificate and identity card so that they get protection from the government. Once they are registered into TVC, they can get the benefit of PM *Atma Nirbhar* Scheme.

4. Street vendors' Association/Union needs to conduct regular awareness program to make all the vendors aware of the laws related to street vending. If required, a pressure group needs to be formed within street vendors to protect street vendors' rights.
5. If the local body is facing the problem as to how to accommodate all vendors to safeguard their rights, firstly, they need to provide a vending zone in a first slot to the residence of West Bengal with all basic amenities for vendors to ply their business.

Long Term

1. SMC needs to accommodate in-migrants (street vendors) as well in the second slot.
2. The construction of multi stored market could be helpful to accommodate vendors in small areas. Vendors can also use the measure of time sharing of space in the market so that everyone gets the equal chance to ply their business
3. Fly-over needs to be constructed to reduce traffic congestion in the city so that the vendors can vend below it. In Siliguri, many fly-overs are already constructed in some areas but the space below it is not used properly.
4. The state also needs to provide welfare programs like health insurance, general insurance, and business insurance to the street vendors.

5.3 Scope for Future Research

- a. The present study is confined to only two market areas. So, this study has opened up a path for further research for the future researcher interested in this area.

- b. As this study already mentioned about the state with best compliance of the Street Vendor's Act, 2014, according to the study by Centre for Civil Society are Tamil Nadu, Mizoram, Chandigarh and Rajasthan. A study can be conducted to examine the gaps in implementation of the policies and Act in West Bengal and other parts of India like Mizoram, Chandigarh etc.
- c. There is also a great scope for research in future for comparative study about the laws related to street vending between India and other countries. This will enhance creating a robust policy in the areas of street vending.
- d. Further research can be conducted on the impact of Covid-19 on street vendors in general and women in particular.
- e. A study can be conducted on the role of civil society/NGOs in safeguarding vendors' rights.
- f. This study can further be linked with the success of self help group viz a viz street vendors.

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Appendix – I

Questionnaire for Personal Interview (semi-structured)

1. Is there any provision of town vending committee in Siliguri?
2. Did the town vending committee demarcate the area of Siliguri into vending and non-vending zone?
3. Did the town vending committee provide the street vendors with identity cards and vending certificate?
4. Does the TVC conduct a survey of street vendors in every 5 years?
5. In case of a dispute between the street vendors or with the local bodies who resolve the dispute?
6. Does the planning process for the vending zone include the vendors itself?
7. Does the municipality draft and publish the street vending plan regularly?
8. Does the local body organize any capacity building programs to make the street vendors aware of the informal sector?
9. Does the local body conduct regular election for vendors' representation in TVC?
10. What are the initiatives taken by the local body in safeguarding vendors' rights?
11. How much does the municipality charge the street vendors for vending in vending zone?
12. In what basis does the local body evict the street vendors?

13. What are the various hindrance/challenges faced by the local authorities in implementing the street vendors' Act and policies?
14. If exceeded the no. of person to be accommodated in the vending zone, what does the local body do?

Appendix-II

Schedule for Street Vendors (open ended and close ended)

Name-

Address-

1. Profile of the respondent

1.1 Age

- a. 15-18 b. 19-35 c. 36-59 d. 60 and above

1.2 Gender

- a. Male b. Female

1.3 Native place

- a. Within Siliguri b. Other district of West Bengal c. Outside West Bengal

1.4 Religion

- a. Hindu b. Muslim c. Christian d. Others

1.5 Marital status

- a. Unmarried b. Married c. Divorcee d. Widower/widow

2. Migration

2.1 Are you a migrant?

- a. Yes b. No

2.2 Reason for migration?

- a. poor economical condition b. unemployment

3. Occupational Status

3.1 Reason for street vending

3.2 Type of commodity sold

- a. Perishable b. Non-perishable

3.3 Item sold

- a. Fruits/vegetable b. Garments c. Cosmetic d. Footwear e. Other

3.4 How much do you earn per day

- a. Less than 100 b. 100-200 c. 200-300 d. 300-400 e. above 400

3.5 Do you vend every day?

- a. Yes b. No

3.6 Do you vend in any other market?

- a. Yes b. No

4. Educational Status

- a. Illiterate b. Can sign only c. Primary level d. Middle level
e. High school f. College

5. Access to Vending Space

5.1 Do you have access to water in the market?

- a. Yes b. No

5.2 Do you have access to toilet in the market?

- a. Yes b. No

5.3 Do you have access to storage in the market?

- a. Yes b. No

5.4 Do you have access to electricity?

- a. Yes b. No

6. Redressal Mechanism

6.1 Are there fights between vendors in the market?

- a. Yes b. No

6.2 Are you aware of Grievance Reddressal Committee mentioned in Street Vendors' Act, 2014?

- a. Yes b. No

6.3 Who resolves the conflict between the vendors or with government officials?

- a. Street vendors itself b. Union of street vendors c. Local body

7. Awareness of the Act

Are you aware of the Act and policies framed by the government for street vendors?

- a. Yes b. No

III. Questionnaire for Focus Group Interview (open ended)

1. What are the various issues effecting street vending in Siliguri?
2. What is your opinion on Street Vendors' Act, 2014?
3. How successful is SMC in implementing the Act?
3. What is the main function of Street Vendors' Union

Appendix-III

The Street Vendors' Act (Protection of Livelihood and Regulation of Street Vending), 2014

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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

**THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND
REGULATION OF STREET VENDING) ACT, 2014**

ACT NO. 7 OF 2014

[4th March, 2014.]

An Act to protect the rights of urban street vendors and to regulate street vending Activities andfor matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

- 1. Short title, extent, commencement and provisions.**—(1) This Act may be called the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in any provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.
- (4) The provisions of this Act shall not apply to any land, premises and trains owned and controlled by the Railways under the Railway Act, 1989 (24 of 1989).
- 2. Definitions.**—(1) In this Act, unless the context otherwise requires,—
- (a) “appropriate Government” means in respect of matters relating to,—
- (i) a Union territory without Legislature, the Central Government;
- (ii) the Union territories with Legislature, the Government of the National Capital Territory of Delhi or, as the case may be, the Government of Union territory of Puducherry;
- (iii) a State, the State Government;
- (b) “holding capacity” means the maximum number of street vendors who can in any vending zone and has been determined as such by the local authority on the commendations of the Town Vending Committee;
- (c) “local authority” means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under section 47 of the Cantonment Act, 2006(41 of 2006)or such other body entitled to function as a local authority in any city or town to provide civic services and regulate street vending and includes the “planning authority” which regulates the land use in that city or town;
- (d) “mobile vendors” means street vendors who carry out vending Activities in designated area by moving from one place to another place vending their goods and services;
- (e) “natural market” means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determine das such by the local authority on the recommendations of the Town Vending Committee;
- (f) “notification” means a notification published in the Official Gazette and the term “notify” shallbe construed accordingly;
- (g) “planning authority” means an Urban Development Authority or any other authority in any city or town designated by the appropriate Government as responsible for regulating the land use by

¹1st May, 2014, *vide* notification No. S.O. 1185 (E), dated 1st May, 2014, *see* Gazette of India, Extraordinary, Part II, Sec. 3(ii).

defining the precise extent of areas for any particular Activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Town and Country Planning Act or the Urban Development Act or the Municipal Act, as the case may be;

- (h) “prescribed” means prescribed by rules made under this Act by the appropriate Government;
 - (i) “Schedule” means the Schedule annexed to this Act;
 - (j) “scheme” means a scheme framed by the appropriate Government under section 38;
 - (k) “stationary vendors” means street vendors who carry out vending Activities on regular basis at a specific location;
 - (l) “street vendor” means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, sidewalk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words “street vending” with their grammatical variations and cognate expressions, shall be construed accordingly;
 - (m) “Town Vending Committee” means the body constituted by the appropriate Government under section 22;
 - (n) “vending zone” means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending Activities and providing services to the general public.
- (2) Any reference in this Act to any enactment or any provision thereof, shall, in relation to an area in which such enactment or such provision is not in force be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

REGULATION OF STREET VENDING

- 3. Survey of street vendor sand protection from eviction or relocation.**—(1) The Town Vending Committee shall, within such period and in such manner as may be specified in the scheme, conduct a survey of all existing street vendors, within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years.
- (2) The Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to a norm conforming to two and half per cent. of the population of the ward or zone or town or city, as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones.
 - (3) No street vendor shall be evicted or, as the case may be, relocated till the survey specified under sub-section (1) has been completed and the certificate of vending is issued to all street vendors.

- 4. Issue of certificate of vending.**—(1) Every street vendor, identified under the survey carried out under sub-section (1) of section 3, who has completed the age of fourteen years or such age as may be prescribed by the appropriate Government, shall be issued a certificate of vending by the Town Vending Committee, subject to such terms and conditions and within the period specified in the scheme including the restrictions specified in the plan for street vending:

Provided that a person, whether or not included under the survey under sub-section (1) of section 3, who has been issued a certificate of vending before the commencement of this Act, whether known as licence or any other form of permission (whether as a stationary vendor or a mobile vendor or under any other category) shall be deemed to be a street vendor for that category for the period for which he has been issued such certificate of vending.

- (2) Where, in the intervening period between two surveys, any person seeks to vend, the Town Vending Committee may grant a certificate of vending to such person, subject to the scheme, the plan for street vending and the holding capacity of the vending zones.
- (3) Where the number of street vendors identified under sub-section (1) or the number of persons seeking to vend under sub-section (2) are more than the holding capacity of the vending zone and exceeds the number of persons to be accommodated in that vending zone, the Town Vending Committee shall carry out a draw of lots for issuing the certificate of vending for that vending zone and the remaining persons shall be accommodated in any adjoining vending zone to avoid relocation.

- 5. Conditions for issue of certificate of vending.**—(1) Every street vendor shall give an undertaking to the Town Vending Committee prior to the issue of a certificate of vending under section 4, that—

- (a) he shall carry on the business of street vending himself or through any of his family member;
- (b) he has no other means of livelihood:
- (c) he shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.
- (2) Where a street vendor to whom a certificate of vending is issued dies or suffers from any permanent disability or is ill, one of his family member in following order of priority, may vend in his place, till the validity of the certificate of vending—

- (a) spouse of the street vendor;
- (b) dependent child of the street vendor:

Provided that where a dispute arises as to who is entitled to vend in the place of the vendor, the matter shall be decided by the committee under section 20.

- 6. Categories of certificate of vending and issue of identity cards.**—(1) The certificate of vending shall be issued under any of the following categories, namely:—

- (a) a stationary vendor;
- (b) a mobile vendor; or

- (c) any other category as may be specified in the scheme.
- (2) The certificate of vending issued for the categories specified in sub-section (1) shall be in such form, and issued in such manner, as may be specified in the scheme and specify 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.
- (3) Every street vendor who has been issued certificate of vending under sub-section (1) shall be issued identity cards in such form and manner as may be specified in the scheme.
- 7. Criteria for issuing certificate of vending.**—The criteria to be followed by the Town Vending Committee for issuing certificate of vending to a street vendor shall be as specified in the scheme, which may, apart from other things, provide for preference to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, women, persons with disabilities, minorities or such other categories as may be specified in the scheme.
- 8. Vending fees.**—Every street vendor who has been issued certificate of vending shall pay such vending fees as may be specified in the scheme.
- 9. Validity and renewal of certificate of vending.**—(1) Every certificate of vending shall be valid for such period as may be specified in the scheme.
 - (2) Every certificate of vending shall be renewable for such period, in such manner, and on payment of such fees, as may be specified in the scheme.
- 10. Cancellation or suspension of certificate of vending.**—Where a street vendor who has been issued a certificate of vending under this Act commits breach of any of the conditions thereof or any other terms and conditions specified or the purpose of regulating street vending under this Act or any rules or schemes made there under, or where the Town Vending Committee is satisfied that such certificate of vending has been secured by the street vendor through misrepresentation or fraud, the Town Vending Committee may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the certificate of vending or suspend the same in such as may be specified in the scheme and for such period as it deems fit:
Provided that no such cancellation or suspension shall be made by the Town Vending Committee unless an opportunity of hearing has been given to the street vendor.
- 11. Appeal from decision of Town Vending Committee.**—(1) Any person who is aggrieved by any decision of the Town Vending Committee with respect to issue of certificate of vending under section 6 or cancellation or suspension of certificate of vending under section 10 may prefer an appeal to the local authority in such form, within such period, and in such manner, as may be prescribed.
 - (2) No appeal shall be disposed of by the local authority unless the appellant has been given an opportunity of hearing.

CHAPTER III

RIGHTS AND OBLIGATIONS OF STREET VENDORS

- 12. Rights of street vendors.**—(1) Every street vendor shall have the right to carry on the business of street vending Activities in accordance with the terms and conditions mentioned in the certificate of vending.
- (2) Notwithstanding anything contained in sub-section (1), where any area or space, as the case may be, has been earmarked as no-vending zone, no street vendor shall carry out any vending Activities in that zone.
- 13. Right of street vendor for a new site or area on relocation.**—Every street vendor, who possesses a certificate of vending, shall, in case of his relocation under section 18, be entitled for new site or area, as the case may be, for carrying out his vending Activities as may be determined by the local authority, in consultation with the Town Vending Committee.
- 14. Duty of street vendors.**—Where a street vendor occupies space on a time sharing basis, he shall remove his goods and wares every day at the end of the time-sharing period allowed to him.
- 15. Maintenance of cleanliness and public hygiene.**—Every street vendor shall maintain cleanliness and public hygiene in the vending zones and the adjoining areas.
- 16. Maintenance of civic amenities in vending zone in good condition.**—Every street vendor shall maintain civic amenities and public property in the vending zone in good condition and not damage or destroy or cause any damage or destruction to the same.
- 17. Payment of maintenance charges.**—Every street vendor shall pay such periodic maintenance charges for the civic amenities and facilities provided in the vending zones as may be determined by the local authority.

CHAPTER IV

RELOCATION AND EVICTION OF STREET VENDORS

- 18. Relocation or eviction of street vendors.**—(1) 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.
- (2) The local authority shall evict such street vendor whose certificate of vending has been cancelled under section 10 or who does not have a certificate of vending and vends without such certificate, in such manner as may be specified in the scheme.
- (3) No street vendor shall be relocated or evicted by the local authority from the place specified in the certificate of vending unless he has been given thirty days' notice for the same in such manner as may be specified in the scheme.
- (4) A street vendor shall be relocated or evicted by the local authority physically in such manner as may be specified in the scheme only after he had failed to vacate the place specified in the certificate of vending, after the expiry of the period specified in the notice.
- (5) Every street vendor who fails to relocate or vacate the place specified in the

certificate of vending, after the expiry of the period specified in the notice, shall be liable to pay for every day of such default, a penalty which may extend up to two hundred and fifty rupees, as may be determined by the local authority, but shall not be more than the value of goods seized.

19. Seizure and reclaiming of goods.—(1) If the street vendor fails to vacate the place specified in the certificate of vending, after the lapse of the period specified in the notice given under sub-section (3) of section 18, the local authority, in addition to evicting the street vendor under section 18, may, if it deems necessary, seize the goods of such street vendor in such manner as may be specified in the scheme:

Provided that where any such seizure is carried out, a list of goods seized shall be prepared, as specified in the scheme, and a copy thereof, duly signed by the person authorised to seize the goods, shall be issued to the street vendor.

(2) The street vendor whose goods have been seized under sub-section (1) may, reclaim his goods in such manner, and after paying such fees, as may be specified in the scheme:

Provided that in case of non-perishable goods, the local authority shall release the goods within two working days of the claim being made by the street vendor and in case of perishable goods the local authority shall release the goods on the same day of the claim being made by the street vendor.

CHAPTER V

DISPUTE REDRESSAL MECHANISM

20. Redressal of grievances or resolution of disputes of street vendors.—(1) The appropriate Government may constitute one or more committees consisting of a Chairperson who has been a civil judge or a judicial magistrate and two other professional having such experience as may be prescribed for the purpose of deciding the applications received under sub-section (2):

Provided that no employee of the appropriate Government or the local authority shall be appointed as members of the committee.

(2) Every street vendor who has a grievance or dispute may make an application in writing to the committee constituted under sub-section (1) in such form and manner as may be prescribed.

(3) On receipt of grievance or dispute under sub-section (2), the committee referred to in sub-section

(1) shall, after verification and enquiry in such manner, as may be prescribed, take steps for redressal of such grievance or resolution of such dispute, within such time and in such manner as may be prescribed.

(4) Any person who is aggrieved by the decision of the committee may prefer an appeal to the local authority in such form, within such time and in such manner as may be prescribed.

(5) The local authority shall dispose of the appeal received under sub-section (4) within such time and in such manner as may be prescribed:

Provided that the local authority shall, before disposing of the appeal, give an opportunity of being heard to the aggrieved person.

CHAPTER VI

PLAN FOR STREET VENDING

- 21. Plan for street vending.**—(1) Every local authority shall, in consultation with the planning authority and on the recommendations of the Town Vending Committee, once in every five years, prepare a plan to promote the vocation of street vendors covering the matters contained in the First Schedule.
- (2) The plan for street vending prepared by the local authority shall be submitted to the appropriate Government for approval and that Government shall, before notifying the plan, determine the norms applicable to the street vendors.

CHAPTER VII

TOWN VENDING COMMITTEE

- 22. Town Vending Committee.**—(1) The appropriate Government may, by rules made in this behalf, provide for the term and the manner of constituting a Town Vending Committee in each local authority:

Provided that the appropriate Government may, if considers necessary, provide for constitution of more than one Town Vending Committee, or a Town Vending Committee for each zone or ward, in each local authority.

- (2) Each Town Vending Committee shall consist of:—
- (a) Municipal Commissioner or Chief Executive Officer, as the case may be, who shall be the Chairperson; and
- (b) such number of other members as may be prescribed, to be nominated by the appropriate Government, representing the local authority, medical officer of the local authority, the planning authority, traffic police, police, association of street vendors, market associations, traders associations, non-governmental organisations, community based organisations, resident welfare associations, banks and such other interests as it deems proper;
- (c) the number of members nominated to represent the non-governmental organisations and the community based organisations shall not be less than ten per cent.;
- (d) the number of members representing the street vendors shall not be less than forty per cent. who shall be elected by the street vendors themselves in such manner as may be prescribed:

Provided that one-third of members representing the street vendors shall be from amongst women vendors:

Provided further that due representation shall be given to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities from amongst the members representing street vendors.

- (3) The Chairperson and the members nominated under sub-section (2) shall receive such allowances as may be prescribed by the appropriate Government.

- 23. Meetings of Town Vending Committee.**—(1) The Town Vending Committee shall meet at such times and places within the jurisdiction of the local authority and shall observe such rules of procedure in regard to the transaction of business at its meetings, and discharge such functions, as may be prescribed.

- (2) Every decision of the Town Vending Committee shall be notified along with the reasons for taking such decision.
- 24. Temporary association of persons with Town Vending Committee for particular purposes.**—(1) The Town Vending Committee may associate with itself in such manner and for such purposes, as may be prescribed, any person whose assistance or advice it may desire, in carrying out any of the provisions of this Act.
- (2) A person associated under sub-section (1) shall be paid such allowances as maybe prescribed.
- 25. Office space and other employees for Town Vending Committee.**—The local authority shall provide the Town Vending Committee with appropriate office space and such employees as may be prescribed.
- 26. Publication of street vendor's charter and data-base and carrying out of social audit.**—(1) Every Town Vending Committee shall publish the street vendor's charter specifying therein the time within which the certificate of vending shall be issued to a street vendor and the time within which such certificate of vending shall be renewed and other Activities to be performed within the time limit specified therein.
- (2) Every Town Vending Committee shall maintain up to date records of registered street vendors and street vendors to whom certificate of vending has been issued containing name of such street vendor, stall allotted to him, nature of business carried out by him, category of street vending and such other particulars which may be relevant to the street vendors, in such manner as may be prescribed.
- (3) Every Town Vending Committee shall carry out social audit of its Activities under the Act or the rules or the schemes made there under in such form and manner as may be specified in the scheme.

CHAPTER VIII

PREVENTION OF HARASSMENT OF STREET VENDORS

- 27. Prevention of harassment by police and other authorities.**—Notwithstanding anything contained in any other law for the time being in force, no street vendor who carries on the street vending Activities in accordance with the terms and conditions of his certificate of vending shall be prevented from exercising such rights by any person or police or any other authority exercising powers under any other law for the time being in force.

CHAPTER IX

PENAL PROVISIONS

- 28. Penalty for contraventions.**—If any street vendor—
- (a) indulges in vending Activities without a certificate of vending;
- (b) contravenes the terms of certificate of vending; or
- (c) contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made there under, he shall be liable to a penalty for each such offence which may extend up to rupees two

thousand as maybe determined by the local authority.

CHAPTER X

MISCELLANEOUS

- 29. Provisions of this Act, not to be construed as conferring ownership rights, etc.**—(1) Nothing contained in this Act shall be construed as conferring upon a street vendor any temporary, permanent or perpetual right of carrying out vending Activities in the vending zones allotted to him or in respect of any place on which he carries on such vending Activity.
- (2) Nothing contained in sub-section (1) shall apply to any stationery vendor, if a temporary leasehold or ownership right has been conferred on him by a lease deed or otherwise, in respect of a place at specific location where he carries on such vending Activity in accordance with the provisions of any law for the time being in force for carrying out such vending Activity.
- 30. Returns.**—Every Town Vending Committee shall furnish, from time to time, to the appropriate Government and the local authority such returns as may be prescribed.
- 31. Promotional measures.**—The appropriate Government may, in consultation with the Town Vending Committee, local authority, planning authority and street vendors associations or unions, promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors.
- 32. Research, training and awareness.**—The appropriate Government may, to the extent of availability of financial and other resources,—
- (a) organise capacity building programmes to enable the street vendors to exercise the rights contemplated under this Act;
- (b) undertake research, education and training programmes to advance knowledge and understanding of the role of the informal sector in the economy, in general and the street vendors, in particular and to raise awareness among the public through Town Vending Committee.
- 33. Act to have overriding effect.**—The provisions of this Act shall have effect notwithstanding anything inconsistent there in contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
- 34. Powers to delegate.**—The appropriate Government may, by general or special order in writing, delegate such of its powers and functions under this Act (excluding the power to frame scheme under section 38 and power to make rules under section 36), as it may deem necessary, to the local authority or the Town Vending Committee or any other officer, subject to such conditions, if any, as may be specified in that order.
- 35. Power to amend Schedules.**—(1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedules and thereupon the First Schedule or the Second Schedule, as the case may be, shall be deemed to have been amended accordingly.
- (2) A copy of every notification issued under sub-section (1), shall be laid before each

House of Parliament as soon as may be after it is issued.

- 36. Power to make rules.**—(1) The appropriate Government shall, within one year from the date of commencement of this Act, by notification, make rules for carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
- (a) the age for street vending under sub-section (1) of section 4;
 - (b) the form, period and manner of filing appeal with the local authority under sub-section (1) of section 11;
 - (c) the persons and the experience such person shall have under sub-section (1) of section 20;
 - (d) the form and the manner of making application under sub-section (2) of section 20;
 - (e) the manner of verification and enquiry on receipt of grievance or dispute, the time within which and the manner in which steps for redressal of grievances and resolution of disputes may be taken under sub-section (3) of section 20;
 - (f) the form, the time within which and the manner in which an appeal may be filed under sub-section (4) of section 20;
 - (g) the time within which and the manner in which an appeal shall be disposed of under sub-section (5) of section 20;
 - (h) the term of, and the manner of constituting, the Town Vending Committee under sub-section (1) of section 22;
 - (i) the number of other members of the Town Vending Committee under clause (b) of sub-section (2) of section 22;
 - (j) the manner of elections among street vendors under clause (d) of sub-section (2) of section 22;
 - (k) the allowances to Chairperson and members under sub-section (3) of section 22;
 - (l) the time and place for meeting, procedure for transaction of business at meetings and functions to be discharged by the Town Vending Committee under section 23;
 - (m) the manner and the purpose for which a person may be associated under sub-section (1) of section 24;
 - (n) the allowances to be paid to an associated person under sub-section (2) of section 24;
 - (o) the other employees of Town Vending Committee under section 25;
 - (p) the manner of maintaining up to date record of all street vendors under sub-section (2) of section 26;
 - (q) the returns to be furnished under section 30;
 - (r) the manner of publishing summary of scheme under sub-section (2) of section 38.
- (3) Every rule and scheme made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one

session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or scheme or both Houses agree that the rule or scheme should not be made, the rule or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme.

(4) Every rule or scheme made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

37. Power to make bye-laws.—Subject to the provisions of this Act or any rule or scheme made there under, the local authority may make bye-laws to provide for all or any of the following matters, namely:—

- (a) the regulation and manner of vending in restriction-free-vending zones, restricted-vending zones and designated vending zones;
- (b) determination of monthly maintenance charges for the civic amenities and facilities in the vending zones under section 17;
- (c) determination of penalty under sub-section (5) of section 18 and section 28;
- (d) the regulation of the collection of taxes and fees in the vending zones;
- (e) the regulation of traffic in the vending zones;
- (f) the regulation of the quality of products and services provided to the public in vending zones and maintenance of public health, hygiene and safety standards;
- (g) the regulation of civic services in the vending zones; and
- (h) the regulation of such other matters in the vending zones as may be necessary.

38. Scheme for street vendors.—(1) For the purposes of this Act, the appropriate Government shall frame a scheme, within six months from the date of commencement of this Act, after due consultations with the local authority and the Town Vending Committee, by notification, which may specify all or any of the matters provided in the Second Schedule.

(2) A summary of the scheme notified by the appropriate Government under sub-section (1) shall be published by the local authority in at least two local newspapers in such manner as may be prescribed.

39. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary expedient for removing the difficulty:

Provided that no order shall be made under this section after expiry of three years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

THE FIRST SCHEDULE

(See section 21) PLAN FOR STREET VENDING

- (1) The plan for street vending shall,—
 - (a) ensure that all existing street vendors identified in the survey, subject to a norm conforming to two and half per cent. of the population of the ward, zone, town or city, as the case may be, are accommodated in the plan for street vending;
 - (b) ensure the right of commuters to move freely and use the roads without any impediment;
 - (c) ensure that the provision of space or area for street vending is reasonable and consistent with existing natural markets;
 - (d) take into account the civic facilities for appropriate use of identified spaces or areas as vending zones;
 - (e) promote convenient, efficient and cost effective distribution of goods and provision of services;
 - (f) such other matters as may be specified in the scheme to give effect to the plan for street vending.
- (2) The plan for street vending shall contain all of the following matters, namely:—
 - (a) determination of spatial planning norms for street vending;
 - (b) earmarking of space or area for vending zones;
 - (c) determination of vending zones as restriction-free-vending zones, restricted vending zones and no-vending zones;
 - (d) making of spatial plans conducive and adequate for the prevalent number of street vendors in that city or town and also for the future growth, by adopting such norms as may be necessary;
 - (e) consequential changes needed in the existing master plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in the designated vending zones.
- (3) Declaration of no-vending zone shall be carried out by the plan for street vending, subject to the following principles, namely:—
 - (a) any existing market, or a natural market as identified under the survey shall not be declared as a no-vending zone;
 - (b) declaration of no-vending zone shall be done in a manner which displaces the minimum percentage of street vendors;
 - (c) overcrowding of any place shall not be a basis for declaring any area as a no-vending zone provided that restrictions may be placed on issuing certificate of vending in such areas to persons not identified as street vendors in the survey;
 - (d) sanitary concerns shall not be the basis for declaring any area as a no-vending zone unless such concerns can be solely attributed to street vendors and cannot be resolved through appropriate civic Action by the local authority;
 - (e) till such time as the survey has not been carried out and the plan for street vending has not been formulated, no zone shall be declared as a no-vending zone.

THE SECOND SCHEDULE

(See section 38)

Matters to be provided in the Scheme for Street Vendors framed by the appropriate Government:—

- (a) the manner of conducting survey;
- (b) the period within which certificate of vending shall be issued to the street vendors identified under the survey;
- (c) the terms and conditions subject to which certificate of vending may be issued to a street vendor including to those persons who wish to carry on street vending during the intervening period of two surveys;
- (d) the form and the manner in which the certificate of vending may be issued to a street vendor;
- (e) the form and manner of issuing identity cards to street vendors;
- (f) the criteria for issuing certificate of vending to street vendors;
- (g) the vending fees to be paid on the basis of category of street vending, which may be different for different cities;
- (h) the manner of collecting, through banks, counters of local authority and counters of Town Vending Committee, vending fees, maintenance charges and penalties for registration, use of parking space for mobile stalls and availing of civic services;
- (i) the period of validity of certificate of vending;
- (j) the period for which and the manner in which a certificate of vending may be renewed and the fees for such renewal;
- (k) the manner in which the certificate of vending may be suspended or cancelled;
- (l) the categories of street vendors other than stationery vendors and mobile vendors;
- (m) the other categories of persons for preference for issue of certificate of vending;
- (n) the public purpose for which a street vendor may be relocated and the manner of relocating street vendor;
- (o) the manner of evicting a street vendor;
- (p) the manner of giving notice for eviction of a street vendor;
- (q) the manner of evicting a street vendor physically on failure to evict;
- (r) the manner of seizure of goods by the local authority, including preparation and issue of list of goods seized;
- (s) the manner of reclaiming seized goods by the street vendor and the fees for the same;
- (t) the form and the manner for carrying out social audit of the Activities of Town Vending Committee;
- (u) the conditions under which private places may be designated as restriction free-vending zones, restricted-vending zones and no-vending zones;

- (v) the terms and conditions for street vending including norms to be observed for up keeping public health and hygiene;
- (w) the designation of State Nodal Officer for co-ordination of all matters relating to street vending at the state level;
- (x) the manner of maintenance of proper records and other documents by the Town Vending Committee, local authority, planning authority and State Nodal Officer in respect of street vendors;
- (y) the manner of carrying out vending Activities on time-sharing basis;
- (z) the principles for determination of vending zones as restriction-free-vending zones,restricted-vending zones and no-vending zones;
- (za) the principles for determining holding capacity of vending zones and the manner ofundertaking comprehensive census and survey;
- (zb) principles of relocation subject to the following:
 - (i) relocation should be avoided as far as possible, unless there is clear and urgent need for the land in question;
 - (ii) affected vendors or their representatives shall be involved in planning and implementationof the rehabilitation project;
 - (iii) affected vendors shall be relocated so as to improve their livelihood sand standards of living or at least to restore them, in real terms to pre-evicted levels;
 - (iv) livelihood opportunities created by new infrastructure development projects shall accommodate the displaced vendors so that they can make use of the livelihood opportunities created by the new infrastructure;
 - (v) loss of assets shall be avoided and in case of any loss, it shall be compensated;
 - (vi) any transfer of title or other interest in land shall not affect the rights of street vendors on such land, and any relocation consequent upon such a transfer shall be done in accordance with the provisions of this Act;
 - (vii) state machinery shall take comprehensive measures to check and control the Practice of forced evictions;
 - (viii) natural markets where street vendors have conducted business for over fifty years shall be declared as heritage markets, and the street vendors in such markets shall not be relocated;
- (zc) any other matter which may be included in the scheme for carrying out the purposes of this Act.

Appendix-IV
West Bengal Street Vendors' Rule, 2018

Government of West Bengal
Urban Development & Municipal Affairs Department
(Municipal Affairs Branch)
NAGARAYAN
DF – 8, Sector – I, Salt Lake City, Kolkata – 700064

No. 562(125)/MA/O/C-4/1A-10/2011 (PT. II)

Dated: Kolkata, the 7th August, 2018

From: The Joint Secretary to the Govt. of West Bengal

To: (1) The Chairman/ Chairperson, _____ Municipality/ Notified Area Authority
(2) The Municipal Commissioner, Kolkata Municipal Corporation
(3) The Commissioner, _____ Municipal Corporation


Sir/ Madam,

I am directed to forward herewith the Gazette copy of the **West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018** published under department's Notification No. 461/MA/O/C-4/1A-10/2011 (Pt. II) dtd. 27th June, 2018 and to draw your kind attention to the fact that as per provision of section 22 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and in terms of provision under Rule 4 of the West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018, each local Authority, shall constitute a Town Vending Committee consisting the members mentioned in the rules.

In this context, it may be mentioned here that pursuant to publication of the rules in the official Gazette the said rules has become effective from the date of its publication and hence ULBs need to arrange for constitution of Town Vending Committee at the earliest so that the Committee may start functioning immediately.

Therefore you are requested to do the needful with due observance of the rules noted above for proper implementation of the provision of the rules.

Yours faithfully,


Jt. Secy. to the Govt. of West Bengal

No. 562/1(50)/MA/O/C-4/1A-10/2011 (PT. II)

Dated: Kolkata, the 7th August, 2018

Copy forwarded for information and necessary action to, the -

1. Secretary to the Govt. of India, Ministry of Housing and Urban Affairs, Nirman Bhawan, New Delhi - 110011
2. Under Secretary to the Govt. of India, Inter State Council Secretariat, Ministry of Home Affairs.
3. Joint Secretary and Mission Director (DAY-NULM) Ministry of Housing and Urban Affairs, Nirman Bhawan, New Delhi - 110011
4. OSD to MIC, UD & MA Department, Govt. of West Bengal.
5. Sr. PA to Principal Secretary of this Department.
6. _____ Department
7. Guard File/ _____ Wing


Joint Secretary

The

Kolkata **Gazette**
सत्यमेव जयते
Extraordinary
Published by Authority

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WEDNESDAY, JUNE 27, 2018.

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Department of Urban Development & Municipal Affairs
(Municipal Affairs Branch)
Nagarayan, 6th Floor
DF-8, Sector-I, Salt Lake, Kolkata-700 064

No. 461/MA/O/C-4/1A-10/2011(Pt. II)

Dated : 27th June, 2018

NOTIFICATION

In exercise of the powers conferred by section 36 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014) (hereinafter referred to as the said Act), the Governor is pleased hereby to make the following rules, namely:—

Chapter I

Preliminary

- 1. Short title, commencement and application.**—(1) *These rules may be called the West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018.*
(2) *It shall come into force on the date of its publication in the Official Gazette.*
(3) *It extends to the areas of the local authority in West Bengal as defined in clause (C) of sub-section (1) of section 2 of the Act.*
- 2. Definitions.**— (1) In these rules, unless the context otherwise requires.—
 - (1) *"Act" means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014);*
 - (2) *"bye-law " means the bye laws made under section 37 of the Act;*
 - (3) *"Commissioner" means the Commissioner of the Municipal Corporations under the Howrah Municipal Corporation Act, 1980 and the West Bengal Municipal Corporation Act, 2006;*

- (4) "Executive Officer" means the Executive Officer of the Local authority constituted under the West Bengal Municipal Act, 1993;
- (5) "festive market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during festive seasons as has been determined by the Local authority concerned on the recommendations of the respective Town Vending Committee;
- (6) "Heritage Market" means a market which has completed more than fifty years in one place where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the respective Local authority on the recommendations of the respective Town Vending Committee;
- (7) "holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone as has been determined by the respective Local authority on the recommendations of the respective Town Vending Committee;
- (8) "Mobile Vendors" means street vendors who carry out vending activities in designated area by moving from one place to another place vending their goods and services;
- (9) "Municipal Commissioner" means the Municipal Commissioner of Kolkata Municipal Corporation constituted under the Kolkata Municipal Corporation Act, 1980;
- (10) "Municipal Corporation" means the Municipal Corporation constituted under the Howrah Municipal Corporation Act, 1980, the Kolkata Municipal Corporation Act, 1980 and the West Bengal Municipal Corporation Act, 2006;
- (11) "Town Vending Committee" means the Town Vending Committee constituted under section 22 of the Act;
- (12) "Local authority" means an institution of self-government constituted under article 243Q of the Constitution of India;
- (13) "natural market" means a market where the sellers and buyers traditionally congregate for the sale and purchase of products or services and has been determined as such by the Local authority on the recommendation of the respective Town Vending Committee;
- (14) "night bazaar" means a bazaar where the sellers and buyers traditionally congregate for the sale and purchase of products or services after evening, and has been determined as such by the Local authority on the recommendation of the respective Town Vending Committee;
- (15) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (16) "No-vending zone" means an area or a place or a location designated as such by the Municipality on the recommendations of the respective Town Vending Committee, for no use by street vendors for street vending and includes certain areas of the public places, bus stop, gates of offices and hospitals, public buildings, narrow footpath, narrow street or lane, congregation or worship area, for public or any such place considered not suitable for vending activities;
- (17) "planning authority" means a Development Authority constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 having jurisdiction over the area;
- (18) "public purpose" includes, in the context of the Act, –
 - (i) widening of roads, streets, lanes;
 - (ii) shifting the alignment of roads, streets, lanes;
 - (iii) erecting flyovers with or without clover leaves and slip down roads;

- (iv) *erecting underpasses;*
 - (v) *development of land owned by public authorities for some public projects;*
 - (vi) *laying of water, storm water or sewer lines;*
 - (vii) *erecting intermediate pumping stations for the services;*
 - (viii) *any project related with public transport like BRTS, Metro, etc.;*
 - (ix) *erection of Economically Weaker Section (EWS) Housing;*
 - (x) *creation of Parks, Gardens and Recreational Area;*
 - (xi) *conservation of any eco system resource in that area; and*
 - (xii) *any other developmental work taken up by the Local authority, the beneficiary of which will be the community at large;*
- (19) *"Scheme" means the Scheme framed under Section 38 of the Act;*
- (20) *"seasonal market" means a market where the sellers and buyers have traditionally congregated for the sale and purchase of products or services during specific seasons and has been determined as such by the Local authority on the recommendation of the respective Town Vending Committee;*
- (21) *"section" means a section of the Act;*
- (22) *"State Government" means the Government of West Bengal in the Department of Urban Development & Municipal Affairs;*
- (23) *"stationary vendors" means street vendors who carry out vending activities on regular basis at a specific location;*
- (24) *"street vendor" means a person engaged in vending of articles, goods, wares, food items or merchandise or everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific, and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;*
- (25) *"vending zone" means an area or a place or a location designated as such by the Local authority on the recommendations of the respective Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public;*
- (26) *"weekly market" means a market where sellers and buyers have weekly congregated for the sale and purchase of products or services and has been determined as such by the Local authority on the recommendations of the Town Vending Committee.*
- (2) *Words and expressions used in these rules but not otherwise defined shall have the same meaning as in the Act.*
- 3. Minimum age of Street vendor.** – Minimum age for street vendor shall be **18** years.
- 4. Constitution of Town Vending Committee.** –(1) Each Local authority, shall constitute a Town Vending Committee
- (2) Each Town Vending Committee shall subject to the provision of the Act, consist of:–
- (a) The Municipal Commissioner or the Commissioner, in case of Municipal Corporations or the Chief Executive Officer or Executive Officer or an equivalent rank as the case may be, in case of Municipalities, Notified Area Authorities and Industrial Township constituted under the West Bengal Municipal Act, 1993 or any other local authority, as the case may be, who shall be the Chairperson; and

- (b) Such number of members representing the Local authority, medical officer of the Local authority, the Planning Authority, traffic Police, Police, association of Street Vendors, market associations, Traders' Association, Non-Government organizations, **Public Representatives, Social Workers**, community based organization, Resident Welfare Association, Banks etc :

Provided that the number of members nominated to represent the Committee shall be maximum 12 for the Municipalities with population of less than 2 lakh, 15 with population of between 2 lakh and 5 lakh and 18 with population of more than 5 lakh and that the number of members nominated to represent the street vendors shall not be less than forty percent of the total number of members :

Provided further that one-third of the members representing the street vendors shall be from amongst the women vendors :

Provided also that reasonable representation may also be given to persons who are physically challenged.

- (3) The Chairperson or the member nominated under clause (b) of sub-rule (2) shall, unless his nomination is terminated earlier by the Local authority, hold office for a term of maximum three years from the date of his nomination.
- (4) In case of death, removal or resignation or otherwise of a member, the vacancy shall be filled in the manner enumerated in sub-rule (2).
- 5. Temporary Association of persons with Town Vending Committee.** – (1) The Town Vending Committee may associate with itself, any person whose assistance or advice it may desire in carrying out its function.
- (2) A person so associated under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the committee and shall not be a member for any other purpose.
- 6. Term of Town Vending Committee.** – Term of a Town Vending Committee constituted under rule 4 of these rules, shall be three years from the date of its first meeting following constitution of the Committee.
- 7. Meeting of Town Vending Committee.** – (1) The Town Vending Committee shall meet at such times and places within the jurisdiction of the Local authority in discharge of its functions as may be decided by the concerned Local authority.
- (2) Venue of the meeting, other than the first meeting, shall be determined by the Chairperson of the Committee in consultation with the respective Local authority, and the venue of the first meeting shall be determined by the respective Local authority. Notice for a meeting shall be given at least before three days from the date of the meeting.
- (3) Minimum two-third of the total number of members shall form quorum, and without a quorum no meeting shall be carried on, and in this case the meeting will be adjourned. When a meeting shall be adjourned, the Chairperson shall fix another date and time for holding the adjourned meeting, and in the said adjourned meeting quorum is not necessary.
- (4) Minutes of the meetings shall be signed by the Chairperson and would be put up in the subsequent meeting of the Town Vending Committee for confirmation.
- 8. The manner of maintaining of record.**– (1) The soft and hard copy of the records of the Town Vending Committee shall be maintained in the place to be allotted by the Local authority concern.
- (2) The street/road plan with the existing site of the street vending should be a permanent record with the Town Vending Committee, keeping into consideration of the following, that:
- (a) The Urban Local Bodies will prepare ward-wise list of road and will assign the serial no. of the road in each ward.

- (b) The stall nos. will be in the following manner: Ward No. / Serial No. of the Street within the ward / Stall No.

9. Functions of the Town Vending Committee. – The functions of the Town Vending Committee shall be to devise a system mechanism as follows:

- (a) For identification of existing vendors, a detailed list of such vendors shall be prepared by the Town Vending Committee in consultation with the local authority concerned by way of conducting survey with assistance from local Police Authority & the Local authority to be submitted before the Local authority for consideration and acceptance.
- (b) After completion of survey, for preparation of detailed list of existing vendors, the Town Vending Committee, in consultation with the Local authority concerned, shall fix a cut-off date after which any intending street vendor shall have to obtain license prior to starting new business. After completion of survey the Local authority and Town Vending Committee shall ensure that no new vendor starts his business prior to obtaining license.
- (c) Town Vending Committee shall prepare the list of Street Vendors within their respective jurisdiction as stated at clause (a) above and will recommend the same to the concerned Local authority, and the concerned Local authority, after receipt of the list of vendors recommended by the Town Vending Committee concerned, shall issue necessary license accordingly as per provision of extant rules and statutes.
- (d) Town Vending Committee shall prepare the list of Vending Zone as well as No Vending Zone in consultation of the Local authority, taking into consideration of the provisions of clause 'e' and clause 'i' of Rule 9 within their respective jurisdiction of the concern Local authority.
- (e) The list of vending zones along with their holding capacity to be prepared in consultation with the Local authority concerned, and while preparing the list of vending zones the Town Vending Committee shall consider the following:
- (i) two-third portion of the width of a footpath shall be earmarked so as to ensure smooth pedestrian movement;
 - (ii) the movable carts may be considered to be included so that the vendors may remove the cart after completion of daily business and size of the carts to be suitable with road width;
 - (iii) entrance and exit of any shop or house must not be blocked;
 - (iv) addressing the issue of allocation and relocation of the hawkers, the aspect of marketing scope of the particular trade is required to be addressed suitably;
- (v) smooth running of schools, colleges, hospitals, offices etc.**
- (f) the Committee shall recommend for issue, withdraw, suspension and cancellation of the license to the Local authority, which in turn will consider the same and will take action accordingly.
- (g) for deciding the zoning, the Town Vending Committee shall have the base materials/data from the Local authority concerned. Town Vending Committee, if feels necessary, may approach the Local authority for modification of the regulations and the plan for identifying vending zones. After obtaining decision of the respective authority the Town Vending Committee may take appropriate decisions.
- (h) on the recommendations of the Town Vending Committee, the Local authority will declare the Natural market, Weekly market, Vegetables market, Heritage market, Festive market, Seasonal market, Night bazaar with their exact location and specific period of business.
- (i) while making recommendations about the vending zones the Town Vending Committee shall take into consideration the road width, traffic flow and the pedestrian movement in the area concerned.

- (j) where any Street Vendor, who is registered, or his agent or servant do any breach of any of the conditions determined by the concerned Local authority for regulating Street Vending, or where the Town Vending Committee finds that such registration has been secured through misrepresentation of facts or fraud, the Committee shall cancel the registration or suspend the same for a particular period, as they think fit. Police Authority should play their role in appropriate manner for regulation of street vendors, in consultation with Local authority.
- 10. Manner of furnishing of return.** – Annual report of the Town Vending Committee shall be prepared within three months after the completion of the financial year and to be submitted to the concerned Local authority and a copy of the return shall be submitted to the State Government.
- 11. Manner of publishing summary of scheme.** – The Town Vending Committee shall publish the summary of the Scheme; as notified by the State Government, in order to make the street vendors aware of the Scheme, in at least three newspapers in circulation in the local areas concerned. Such publication by the Town Vending Committee shall be done within thirty days from the date of its notification by the State Government.
- 12. Support staff for the Town Vending Committee.** – The Town Vending Committee shall have its office in the space allotted by the Local authority concerned. The Local authority shall provide personnel as required by the Town Vending Committee, but no permanent burden shall be created on the Town Vending Committee on account of establishment cost. The cost of establishment shall be borne by the Local authority concerned from the municipal fund.
- 13. Appeals against Town Vending Committee.** – Any street vendor, who is aggrieved by any decision of the Town Vending Committee with respect to recommendation for issue of certificate of vending, or cancellation or suspension thereof, may appeal to the Mayor (in case of the Municipal Corporations) or the Chairman or any other authority equivalent to Chairman in case of Local authority (other than Municipal Corporations) within one month from the date of adoption of such decision by the Town Vending Committee. The Mayor or Chairman or any other authority equivalent to Chairman in case of Local authority, as the case may be, shall dispose of the said appeal within one month from the application date either by rejecting or accepting it with a reasoned order. Decision of the Appellate Authority on any Appeal shall be final.
- 14. Responsibilities of vendors.–**
- (1) Every registered vendor shall take vending activities of specified products or services particularly for specified time period as may be determined by the Local authority on the recommendations of the Town Vending Committee;
 - (2) Every vendor shall have the responsibility to keep his vending space clean and free of garbage taking into consideration of the public health, hygiene and sanitation of the area;
 - (3) Every vendor shall ensure by undertaking to the Local authority that no use of fire shall be made while vending, in case of any violations the license shall be cancelled;
 - (4) Any structure with tarpaulin or any other inflammable article shall not be allowed, and the other temporary structures shall be avoided as far as practicable;
 - (5) Entrance and exit of any shop or house must not be blocked;
 - (6) Every vendor shall ensure that no traffic blockage shall be occurred during vending time causing inconveniences to the general public. For this purpose, vending on the black top of the road is strictly prohibited.
- 15. Miscellaneous provisions.–**
- (1) The Hawker's stall to be constructed, if necessary, as per suitability of Trade. For this purpose model design with estimate will be prepared by the State Government and circulated to the Urban Local Bodies.

- (2) The Hawker's stall of specified nomenclature and size, **as may be specified by the State Government**, shall be constructed with the recommendation of the Town Vending Committee as per model approved by the Local authority.
16. **Legal proceedings etc. to continue.** – Any suit or other legal proceeding instituted or any action taken, which but for the making of these rules would have been instituted or taken by or against the State Government or any local authorities, may be continued or instituted by the Local authorities or the State Government, as the case may be.
17. **Removal of difficulty.** – If any difficulty arises in giving effect to the provisions of these rules, the State Government, as occasion may require, by order, not inconsistent with the provisions of these rules and the Act, do or cause to be done anything which may be necessary for removing the difficulty.

By order of the Governor,

SUBRATAGUPTA

Principal Secretary to the Government of West Bengal

Appendix-V

Pradhan Mantri Street Vendor's Atma Nirbhar Yojana Scheme, 2020




Ministry of Housing and Urban Affairs
Government of India

Website: mohua.gov.in • Email: dir-nulm@gov.in



Ministry of Housing and Urban Affairs
Government of India



150
GOVERNMENT OF INDIA
1947-2022

PM Street Vendor's AtmaNirbhar Nidhi (PM SVANidhi)

A SPECIAL MICRO-CREDIT FACILITY FOR STREET VENDORS

FREQUENTLY ASKED QUESTIONS

Generic

- 1. What is the Scheme?**
This is a Central Sector Scheme to facilitate street vendors to access affordable working capital loan for resuming their livelihoods activities, after easing of lockdown.
- 2. What is the rationale of the Scheme?**
The COVID-19 pandemic and consequent lockdowns have adversely impacted the livelihoods of street vendors. They usually work with a small capital base, which they might have consumed during the lockdown. Therefore, credit for working capital to street vendors will be helpful to resume their livelihoods.
- 3. What are the objectives of the Scheme?**
 - (i) To facilitate working capital loan up to ₹10,000 at subsidized rate of interest;
 - (ii) To incentivize regular repayment of loan; and
 - (iii) To reward digital transactions.
- 4. What are the salient features of the Scheme?**
 - (i) Initial working capital of up to ₹10,000/-
 - (ii) Interest subsidy on timely/ early repayment @ 7%
 - (iii) Monthly cash-back incentive on digital transactions
 - (iv) Higher loan eligibility on timely repayment of the first loan.

- 5. Who is the target beneficiary for the Scheme?**
Street vendors/ hawkers vending in urban areas, as on or before March 24, 2020, including the vendors of surrounding peri-urban and rural areas.
- 6. Who is a Street Vendor/hawker?**
Any person engaged in vending of articles, goods, wares, food items or merchandise of daily use or offering services to the public in a street, footpath, pavement etc., from a temporary built up structure or by moving from place to place. The goods supplied by them include vegetables, fruits, ready-to-eat street food, tea, pakodas, breads, eggs, textile, apparel, artisan products, books/ stationary etc. and the services include barber shops, cobblers, pan shops, laundry services etc.
- 7. Which lending institutions will provide credit?**
Scheduled Commercial Banks, Regional Rural Banks, Small Finance Banks, Cooperative Banks, Non-Banking Financial Companies, Micro-Finance Institutions and SHG Banks.
- 8. What is the tenure of the Scheme?**
The Scheme shall be implemented up to March, 2022.



FAQs FOR BENEFICIARIES

1. What is the amount of initial working capital loan?

The Initial working capital loan is upto ₹10,000/- for a tenure of one year.

2. I have an Identity Card /Certificate of Vending. How can I apply for the loan?

You can approach a Banking Correspondent (BC)/ Agent of Micro Finance Institution (MFI) in your area (ULBs will have the list of these persons). They will help you in filling up the application and upload the documents in a Mobile App/ Portal.

3. How will I know that I am in the surveyed list?

You can access this information on the website of Ministry of Housing and Urban Affairs.

4. My name is in the list of surveyed vendors, but I do not have either Identity Card or Certificate of Vending? Can I avail the loan facility? If yes, what is the process ?

Yes, you can still avail the Scheme benefits. A Provisional Certificate of Vending would be issued to vendors through an IT based Platform. The BC/ Agent will help you in filling up the application and upload the documents in a mobile App/ Portal.

5. I stay in the surrounding rural area and vend in the city. Am I eligible for the Scheme? If yes, what is the process?

or

6. I am a vendor from the city but not included in the survey. How can I avail benefits of the Scheme?

The Scheme is available to vendors of surrounding development/ peri-urban/ rural areas vending in the geographical limits of the cities/ towns and those left out of the survey. If you belong to this category you have to produce one of the following documents to obtain the Letter of Recommendation from ULB/TVC:

- (i) Documents of past loan taken from a bank/ NBFC/ MFI for the purpose of vending;
- or
- (ii) If you are a member of street vendors' association like NASVI, NHF, SEWA etc., your membership details;
- or
- (iii) Any other documents to prove that you are a vendor; You can also request ULB through a simple application on white paper to conduct local enquiry to ascertain the genuineness of your claim. After receipt of LoR, you may approach BC/ Agent to apply for the loan.

7. What are the KYC documents required in addition to CoV/ ID / LoR?

You may carry any one of the following documents for KYC purpose:

- (i) Aadhaar Card,
- (ii) Voter's Identity Card,
- (iii) Driving Licence,
- (iv) MNREGA Card,
- (v) PAN Card.

8. What is the rate and amount of interest subsidy?

The rate of interest subsidy 7%. The interest subsidy amount will be credited directly in your account on quarterly basis. In case of early payment, the admissible amount of subsidy will be credited in one go. For a loan of ₹10,000, if you pay all the 12 EMIs in time, you will get approximately ₹400 as interest subsidy amount.

9. Do I need to give any collateral to avail this loan?

No collateral security is required.

10. What is the amount of incentive for digital transactions?

The on-boarded vendors would be provided with a monthly cashback in the range of ₹50 - ₹100 as per the following criteria:

- (i) On executing 50 eligible transactions: ₹50;
- (ii) On executing the next 50 eligible transactions: Additional ₹25; and
- (iii) On executing the next 100 eligible transactions: Additional ₹25.

Each transaction > ₹25 will be counted.

11. I am not familiar with digital transactions. Will there be any capacity building for doing that?

An agent from MFI/ payment aggregator will approach you to onboard and help in conducting sample transactions. You will also be provided with a debit card and a QR code.

12. Is there any incentive for timely/ early repayment of loan?

Yes, on timely/ early repayment of loan of initial working capital, a vendor becomes eligible to avail a higher tranche of loan in next cycle.

13. Is there any penalty for repayment of loan before the scheduled date?

There is no penalty for pre-closure of the loan.

14. How can I enhance my chances of availing this loan?

You may become a part of Common Interest Group (CIG) formed by ULB or Joint Liability Group (JLG) formed by a lending institution.



15. Who all can I approach to avail the facility?

You may meet a member of SHG or ALF or CLF or call toll free number.

16. Will I get Identity Card for use?

Yes, you will be issued Provisional Identity Card on approval of loan and permanent CoV/ID will be issued within 30 days.

17. How long it will take to get the loan approved?

Complete process will be automated through a Mobile App and Web Portal. You will be able to check real time status of your application. Whole process, if paper/ information is complete, may take less than 30 days.

18. Who should I contact for grievances?

In case of any grievance, you may contact the following officer in the Ministry:

Director (NULM),
Room no.334-C,
Ministry of Housing & Urban Affairs,
Nirman Bhawan,
Maulana Azad Road, New Delhi – 110011
e-Mail: neeraj.kumar3@gov.in
Tel: 011-23062850.

