

Rationale for Proposed Amendments to the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014

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Current vs Proposed Provisions for the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
Preamble			
	An Act to protect the rights of urban street vendors and to regulate street vending activities and for matters connected therewith or incidental thereto.	An Act to protect the rights of urban street vendors, prevent harassment of street vendors and to regulate street vending activities and for matters connected therewith or incidental thereto.	The term 'prevent harassment of street vendors' has been added to give explicit recognition to the one of the central purposes of this Act
CHAPTER I - PRELIMINARY			
1(1)	This Act may be called the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.	This Act may be called the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.	No proposed amendment
1(2)	It extends to the whole of India except the State of Jammu and Kashmir.	It extends to the whole of India except the State of Jammu and Kashmir.	Post-abolition of Article 370, all central laws can now apply to Jammu and Kashmir
1(3)	It shall come into force on such date 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.	It shall come into force on such date 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.	No proposed amendment
1(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).	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).	No proposed amendment
2. Definitions			

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
2 (1) (a)	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;	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;	No proposed amendment
2(1)(ab) [New Provision]		“association of street vendors” means an association or group of street vendors, by whatever name called, registered under any law for the time being in force.	To counter inaction on part of the local authority, our proposed amendments seek to shift the onus of implementation on to associations of street vendor. Some of their key functions would include: completion of survey; applying for declaration of natural market and collection of vending fees. Given their role in these key processes, the amendment seeks to define an association of street vendors.
2(1)(ac) [New Provision]		“heritage markets” are natural markets where street vendors have conducted business for over fifty years;	The meaning of heritage markets is nowhere defined under the Act. Second schedule to the Act, made the declaration of a Heritage market subject to the scheme of the appropriate government. The proposed amendments seeks to define heritage markets in the Act itself.
2 (1) (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;	“holding capacity” means the maximum number of street vendors who can be accommodated in any vending zone and has been determined as such by the local authority on the recommendations of the Town Vending Committee but not less than two and half percent of the population of the ward or zone or town or city, as the case may be;	The meaning of ‘holding capacity’ and the norm on ‘two and half per cent’ have been used to mean two separate concepts in the Act. Along with being complicated, this opens room for state governments to define holding capacity on their own terms (which may or may not be inclusive). Our proposed amendment, clubs the two and ensures that no vendor is denied a vending certificate until the two and half percent threshold is met.

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2 (1) (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;	“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;	No proposed amendment
2 (1) (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;	“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;	No proposed amendment

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
2 (1) (e)	<p>“natural market” means a market where sellers and buyers have traditionally 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;</p>	<p>“natural market” means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services for more than seven years and has been determined as such by the local authority on the recommendations of the Town Vending Committee;</p>	<ol style="list-style-type: none"> 1. Although the Act mentions natural markets in the first schedule, so far, no market has been designated as a ‘natural market’. To make this provision more enforceable, our proposed amendment seeks to add a bright line rule that will guide the local authority’s decision on natural markets. Given that it has been almost seven years since the Act was passed, we use ‘seven years’ as the threshold. This way, the first set of natural markets will be those where buyers and sellers have naturally congregated since or before the passing of the Act. The amendment will allow decision-making to be easier and more objective. 2. Our progress reports over the past 4 years show that TVCs have either not been constituted or they are dysfunctional. Given that de-facto they barely function as a participatory body, our proposed amendments aim to limit the role of the TVCs. It prevents unnecessary delays in decision-making.
2 (1) (f)	<p>“notification” means a notification published in the Official Gazette and the term “notify” shall be construed accordingly;</p>	<p>“notification” means a notification published in the Official Gazette and the term “notify” shall be construed accordingly;</p>	No proposed amendment

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
2 (1) (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 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;	“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 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;	No proposed amendment
2 (1) (h)	“prescribed” means prescribed by rules made under this Act by the appropriate Government;	“prescribed” means prescribed by rules made under this Act by the appropriate Government;	No proposed amendment
2 (1) (i)	“Schedule” means the Schedule annexed to this Act;	“Schedule” means the Schedule annexed to this Act;	No proposed amendment
2 (1) (j)	“scheme” means a scheme framed by the appropriate Government under section 38;	“scheme” means a scheme framed by the appropriate Government under section 38;	No proposed amendment
2 (1) (k)	“stationary vendors” means street vendors who carry out vending activities on regular basis at a specific location;	“stationary vendors” means street vendors who carry out vending activities on regular basis at a specific location;	No proposed amendment

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
2 (1) (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;	“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 and includes a person vending without a certificate of vending, till the certificates of vending are issued in accordance with this Act;	Data recorded in NULM’s Management Information System (and analysis of our Progress Report) reveals that even after six years since the passing of the Act, all ULBs have not conducted vendor surveys. ULBs that have conducted surveys are yet to issue certificate of vending to all vendors. The proposed amendment adds an additional check against eviction of vendors before the survey is completed or in the intervening period between survey completion and issuance of identity cards. This ensures that vendors are not penalised for delays in surveys or distribution of vending certificates.
2 (1) (m)	“Town Vending Committee” means the body constituted by the appropriate Government under section 22;	“Town Vending Committee” means the body constituted by the appropriate Government under section 22;	No proposed amendment
2 (1) (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 in use by street vendors for street vending and includes footpath, sidewalk, 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.	“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 in use by street vendors for street vending and includes footpath, sidewalk, 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.	The principle for demarcation is to have a negative (i.e. a list of no-vending zone); any zone that is not in the list is a vending zone. In other words, by default, all zones are vending zones (unless an area has been categorised as a no-vending zone).
2 (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.	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.	No proposed amendment

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
CHAPTER II - REGULATION OF STREET VENDING			
3. Survey of street vendors and protection from eviction or relocation			
3 (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.	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, or engage a professional agency to conduct the survey , within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years.	The proposed amendment gives explicit recognition to and accepts the practice followed in many states of engaging a professional agency to conduct the survey. This helps counter capacity constraints and may even avoid delays in the completion of the survey process.
3 (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.	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.	Refer to and read with justification for section 2(1)(b).
3 (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.	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.	No proposed amendment

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
3(4) [New Provision]		If no survey under subsection (1) has been completed in the last five years, then a local association of street vendors in a vending zone may conduct a survey of the street vendors in the vending zone and submit it to the town vending committee and the local authority.	Data stored by states in NULM’s Management Information System reveals that in most states ULBs have either not completed the survey process or only completed the first round of surveys. Completion of the survey process and issuance of vending certificates is key to formalisation of vendors. If the local authorities and town vending committees (TVCs) do not complete the survey process, vendors are put at a major disadvantage. This provision empowers vendors to ensure survey completion in case of inaction. It will also help ease administrative burden of conducting surveys. Finally, given that conducting surveys is in the incentive of vendor associations, this provision will ensure that all cities complete vendor surveys.
3(5) [New Provision]		The local association may submit the survey report conducted under sub-section (4) to the Town Vending Committee and the local authority along with an application for the issuance of certificate of vending to the street vendors.	This amendment aims to introduce procedural checks, ensure due process and principles of natural justice (including reasoned order) in the exercise of executive power. An upper time limit has been introduced to act as a check against inaction.
3(6) [New Provision]		The survey conducted by a local association of street vendors in a vending zone under subsection (4) shall be treated at par with a survey to be conducted under subsection (1) for all purposes.	The proposed amendment ensures that in case the local authority or TVC does not complete the survey process, then the survey conducted by vendor associations can be treated as a direct substitute (and equally valid).
4. Issue of certificate of vending			

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
4 (1)	<p>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;</p> <p>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.</p>	<p>Every street vendor, identified under the survey carried out under sub-section (1) or sub-section (4) of section 3, who has completed the age of fourteen years or such age as may be prescribed by the appropriate Government, or a beneficiary under any central or state scheme meant for street vendors, 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; not exceeding thirty days from the date of completion of survey.</p> <p>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.</p>	<ol style="list-style-type: none"> 1. Refer to justification for Section 3(4) and 21(1). Data fed by state government's in NULM's Management Information System shows how most cities that have completed vendor surveys are yet to issue vending certificates to all vendors. The amendment adds an upper time-limit for decision making to check against administrative delays and fasten the process. 2. The proposed amendment aims to include beneficiaries of Central or State schemes for street vendors. This allows beneficiaries of the schemes like PM SVANidhi to also receive a certificate of vending.
4(2)	<p>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.</p>	<p>Where, in the intervening period between two surveys, any person applies for a certificate of vending seeks to vend, the Town Vending Committee may grant a certificate of vending to such person, during the intervening period between two surveys subject to the scheme, the plan for street vending and the holding capacity of the vending zones.</p>	<p>Refer to justification for Section 21(1). The proposed amendment ensures that the application for vending certificate (between two intervening surveys) is processed as per the conditions mentioned in Chapter 2A.</p>

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
4 (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.	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 holding capacity of the vending zone and exceeds the number of persons to be accommodated in that vending zone , the Town Vending Committee shall give preference to the street vendors identified under sub-section (1) based on seniority and carry out a draw of lots for persons seeking to vending under sub-section (2) 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.	The intent of the Act is to ensure all existing vendors are recognised/formalised. The proposed amendment will ensure that when the number of vendors exceed holding capacity, then preference is given to existing vendors. Existing vendors and new applicants seeking to vend are two separate categories, for which draw of lots should not be held together.
4A. Natural Market and Heritage Market [New Provision]			
4A (1)		A local authority may declare a vending zone as a natural market or a heritage market, as the case may be, based on the survey under sub-section (1) or (4) of section 3.	The new provision seeks to provide a mechanism for suo-moto cognizance of natural or heritage markets by the local authority.
4A(2)		A local association of street vendors, or a group of 10 vendors, from a vending zone may apply to the local authority for declaring the vending zone as a natural market or heritage market, as the case may be, based on the survey under sub-section (1) or (4) of section 3 along with relevant evidence.	Given the significance of natural markets for vendors, the amendment aims to bring the concept of natural markets from the Schedule to the main body of the Act. It also helps decentralise the process by allowing local vendor associations or a group of vendors to directly apply and get their markets declared as 'natural markets'.
5. Conditions for issue of certificate of vending			

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
5 (i)	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 local authority or a town vending committee shall not ask for a proof of domicile, or a local permanent address for the issue of certificate of vending. 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	Our Progress Report 2020 reveals that some states have introduced additional criteria such as proof of domicile or local permanent address to be recognised as a street vendor. This is against the letter and spirit of the parent Act. It creates an exclusionary definition for street vendors, impinges on vendor livelihoods and limits their ease of doing business. The proposed amendment is aimed at explicitly prohibiting such conditions/criteria for issuance of vending certificates.
5 (i) (a)	he shall carry on the business of street vending himself or through any of his family member;	he shall carry on the business of street vending himself or through any of his family member;	Many street vendors employ other people to run their vending stalls. This creates a mutually beneficial relationship for both parties (owner of the vending stall and the employee). It also helps generate employment. Finally, no other profession is subject to such restrictions. The proposed amendments seeks to do away with such a condition for street vending.
5 (i) (b)	he has no other means of livelihood;	he has no other means of livelihood;	This condition is difficult to enforce and verify. It increases enforcement costs without having any direct implications/ intended benefits.
5 (i) (c)	he shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.	he shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.	This condition is difficult to enforce and increases enforcement cost. Further, a review of previous vending regulations reveal that such a condition has not been mentioned before. Instead of prohibiting such arrangements, the law must encourage to make them official and transparent.

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5 (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—	Where a street vendor to whom a certificate of vending is issued dies or suffers from any permanent disability or is ill, his nominee, or one of his family member in following order of priority, may vend in his place, till the validity of the certificate of vending—	This proposed amendment recognises the common practice of choosing nominees to transfer ownership.
5 (2) (a)	spouse of the street vendor;	spouse of the street vendor;	No proposed amendment
5(2)(b)	dependent child of the street vendor:	dependent child of the street vendor:	No proposed amendment
5(2)(c)	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.	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 Grievance Redressal Cell committee under section 20.	The amendments propose that all disputes shall be referred to the Grievance Redressal Cell (GRC). Hence, the name of the authority has been changed.
6. Categories of certificate of vending and issue of identity cards			
6 (1)	The certificate of vending shall be issued under any of the following categories, namely:—	The certificate of vending shall be issued under any of the following categories, namely:—	No proposed amendment
6 (1) (a)	a stationary vendor;	a stationary vendor;	No proposed amendment
6 (1) (b)	a mobile vendor; or	a mobile vendor; or	No proposed amendment
6 (1) (c)	any other category as may be specified in the scheme.	any other category as may be specified in the scheme.	No proposed amendment

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
6 (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.	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- the grounds for cancellation and suspension of the certificate of vending under section 10 of this Act and the grounds for imposition of penalties under section 28 of this Act.	<ol style="list-style-type: none"> 1. The conditions and restrictions which vendors are subject to have been mentioned in Chapter 3 of the Act. Further, municipal laws also have conditions related to nuisance, sanitation, health and hygiene that are applicable to vendors. Additional conditions and restrictions need not be mentioned on the vending certificate. Our Progress Report 2020 shows how rules and schemes introduce several unnecessary restrictions using such provisions of the Act. The proposed amendment seeks to do away with this possibility by deleting the phrase. 2. The revised provision seeks to ensure that vendors are apprised of the conditions, restrictions and penalties that can be imposed on them, through the certificate of vending itself.
6 (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.	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.	No proposed amendment

7. Criteria for issuing certificate of vending

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
7	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.	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.	No proposed amendment
8. Vending fees			
8	Every street vendor who has been issued certificate of vending shall pay such vending fees as may be specified in the scheme.	Every street vendor who has been issued a certificate of vending shall pay such vending fees as subject to such formula may be specified in the scheme; provided that the formula may factor in variables such as the circle rate as applicable to the zone and the prevailing market rental price in the zone.	Most state schemes mention the vending fee in absolute amounts. Instead, the scheme should provide a formula for calculating the vending fee. This helps ensure that the fee remains relevant to changing market/economic conditions. For instance, making it contingent on the Consumer Price Index or inflation rate.
8(2) [New Provision]		(2) A local street vendor association may deposit the consolidated fee for all the street vendors of a vending zone.	Read with section 3(4). This proposed amendment will help considerably ease administrative burden and enforcement costs.
9. Validity and renewal of certificate of vending			
9 (1)	Every certificate of vending shall be valid for such period as may be specified in the scheme.	Every certificate of vending shall be valid for such period as may be specified in the scheme.	No proposed amendment
9 (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.	Every certificate of vending shall be deemed renewed renewable for such period, in such manner, and on payment of such fees, as may be specified in the scheme.	The proposed amendment seeks to ensure auto-renewal and limits the additional layer of bureaucracy. It also helps avoid delays in renewal.
10. Cancellation or suspension of certificate of vending			

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
10	<p>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 thereunder, 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.</p>	<p>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 specified on the certificate of vending under sub-section (2) of section 6 or any rules or schemes made thereunder, 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 manner and for such period 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. Provided that the penalty, suspension or cancellation shall not be disproportionate to the nature and extent of breach of conditions or provisions in the Act, rules or scheme.</p>	<p>The proposed amendment seeks to guide executive discretion by removing ‘as it may deem fit’ and ensuring that action within the time period mentioned in the scheme. Further, it adds the proportionality clause to ensure that vendors are not harassed/threatened by public officials (police and municipal authorities). Finally, the revisions ensure that vendors are apprised of the grounds on which their certificate of vending can be cancelled, through the certificate itself.</p>

ii. Appeal from decision of Town Vending Committee

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
11	<ol style="list-style-type: none"> 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. No appeal shall be disposed of by the local authority unless the appellant has been given an opportunity of hearing. 	<ol style="list-style-type: none"> 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. No appeal shall be disposed of by the local authority unless the appellant has been given an opportunity of hearing. 	The TVC has a member of the local authority as a Chairperson. Consequently, an appeal against the TVC to the local authority does not constitute an extra-departmental appeal. The proposed amendment deletes the relevant provisions. Complaints against the TVC will be addressed under Section 20 of the amended Act.

CHAPTER IIA - DISPOSAL OF APPLICATIONS

11A. Disposal of applications made to the Town Vending Committee or the local authority [New Provision]

11A (1)		All applications made to the Town Vending Committee or the local authority under this Act must be made in the manner prescribed.	For the entire chapter: The proposed amendment seeks to ensure procedural checks, principles of natural justice and due process in the exercise of executive powers (including decisions made by the local authority and the town vending committee in processing applications). Upper-time limits are prescribed to avoid/overcome inaction.
11A (2)		An application shall be instantly acknowledged on the receipt.	
11A (3)		The applicant shall not be asked for additional information after one week from the date of application.	

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
11A (4)		A request to the applicant for additional information or documents must be accompanied with reasons stating the relevance of the additional information sought.	
11A (5)		An application must be determined within thirty days from the date the application was received.	
11A (6)		A show cause notice must be issued to the applicant before rejecting an application.	
11A (7)		In case, a reply to the show cause notice is not found to be satisfactory, an application may be rejected by passing a reasoned order after hearing the applicant.	
11A (8)		In case an application is approved, the approval order must state the scope of approval, the time-period for which the approval is effective and the provisions under which the approval is granted.	

CHAPTER III - RIGHTS AND OBLIGATIONS OF STREET VENDORS

12. Rights of street vendors

12 (1)	(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.	Every street vendor shall have the right to carry on the business of street vending activities subject to sub section (2) of section 6 of this Act. in accordance with the terms and conditions mentioned in the certificate of vending	Terms and conditions are already mentioned in Section 14,15,16 and 17 of the Act. Read justification for Section 6(2).
12 (2)	(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.	(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.	No proposed amendment

13. Right of street vendor for a new site or area on relocation

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
13	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.	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.	No proposed amendment
14. Duty of street vendors			
14	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.	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.	No proposed amendment
15. Maintenance of cleanliness and public hygiene			
15	Every street vendor shall maintain cleanliness and public hygiene in the vending zones and the adjoining areas.	Every street vendor shall maintain cleanliness and public hygiene in the vending zones and the adjoining areas.	No proposed amendment
16. Maintenance of civic amenities in vending zone in good condition			
16	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.	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.	No proposed amendment
17. Payment of maintenance charges			
17	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.	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.	No proposed amendment
CHAPTER IIIA - DUTIES AND RESPONSIBILITIES OF PUBLIC OFFICIALS [New Chapter]			
17A. Duties and responsibilities of the local authority, Town Vending Committee and police officials			

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
17A.		Each local authority, police official and Town Vending Committee shall promote and protect the rights of street vendors, in accordance with the provisions of this Act and the principles contained in the First Schedule.	The proposed section seeks to lay down certain guidelines to aid the public officials in the exercise of their functions towards the protection and promotion of the rights of street vendors.

CHAPTER IV - RELOCATION AND EVICTION OF STREET VENDORS

18. Relocation or eviction of street vendors

18 (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.	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 accordance with section 21 such manner as may be specified in the scheme.	Section 21 of the proposed amendments lay down the principles for zoning and relocation. The amendment seeks to ensure that demarcation is done in accordance with the principles laid down in the Act (rather than leaving it to state schemes).
18(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.	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 subject to sub-section (3) of section 3, in such manner as may be specified in the scheme.	Many vendors are evicted even before a survey has been conducted under Section 3. Therefore, it has been specified that no vendor shall be evicted for not possessing a Certificate of Vending if a survey has not been conducted.
18 (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.	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.	No proposed amendment
18 (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.	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 thirty days the expiry of the period specified in the notice.	The proposed amendment seeks to do away with any confusion by directly mentioning 'thirty days', as given in Section 18(2).

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
18 (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.	Every street vendor who fails to relocate or vacate the place specified in the certificate of vending, after the expiry of thirty days 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.	The proposed amendment seeks to do away with any confusion by directly mentioning ‘thirty days’, as given in Section 18(2).
19. Seizure and reclaiming of goods			
19 (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.	If the street vendor fails to vacate the place specified in the certificate of vending, after thirty days 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.	The proposed amendment seeks to do away with any confusion by directly mentioning ‘thirty days’, as given in Section 18(2).

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
19 (2)	<p>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:</p> <p>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.</p>	<p>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:</p> <p>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.</p>	No proposed amendment
CHAPTER V - DISPUTE REDRESSAL MECHANISM			
	CHAPTER V - DISPUTE REDRESSAL MECHANISM	CHAPTER V - DISPUTE GRIEVANCE REDRESSAL MECHANISM	For the entire chapter: The term ‘dispute resolution’ has judicial implications and requires a judicial body. However, the intent of this body is not to resolve ‘disputes’. Rather, it needs to handle complaints. If the purpose is the latter, then an informal system of a grievance redressal ‘cell’ works better. It is easier to enforce, less costly and serves the purpose. The process is also simplified.
20	Redressal of grievances or resolution of disputes of street vendors	Redressal of grievances or resolution of disputes of street vendors.	Use of both the terms ‘grievance’ and ‘resolution of disputes’ is confusing. The proposed amendment seeks to do away with this confusion.

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
20 (1)	<p>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 shaving 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 maybe 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.</p>	<p>The appropriate Government may constitute one or more committees</p> <p>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.</p> <p>The appropriate Government shall, by notification, within six months of notification of this amendment in the official gazette, constitute one or more grievance redressal cells to hear the grievances of a street vendor, or any association of street vendors, within its jurisdiction, against any action, omission, decision or an order made by the Town Vending Committee, local authority, or police or an official, employee or member thereof under this Act.</p>	<p>Our research shows that only 4 states had constituted Grievance Rederssal Committee (until March 2020). The proposed amendments have therefore provided for a statutory time limit. The proposed amendment seeks to make the setting up of an independent GRC mandatory for each state to provide for a time and cost effective grievance redressal mechanism to the vendors for their complaints against the Town Vending Committee and the local authority.</p>

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
20A. Constitution [New Provision]		<p>(1) The grievance redressal cell shall consists of: Ombudsperson(s) as required, who has been a person of eminence in public life with wide knowledge and experience in law, social service, management, journalism, mass media or administration and governance and who has an experience of minimum 10 years; senior ombudsperson(s) as required, who has been a person of eminence in public life with wide knowledge and experience in law, social service, management, journalism, mass media or administration and governance, and who has an experience of minimum 15 years: Provided no current or former employee, consultant or empanelled advocate of the appropriate Government or the local authority shall be appointed in the grievance redressal cell.</p> <p>(2) The allowances and salaries payable to, and terms and conditions of service of the ombudsperson(s) and senior ombudsperson(s) appointed under sub-section (2) of this section shall be as prescribed.</p>	<p>The proposed amendments seeks to ensure the independence of the GRC to take up grievances against the local authority through the appointments of independent ombudsperson(s) who are technically qualified to redress such grievances.</p>
20B. Staff [New Provision]		<p>(1) The Appropriate Government shall provide officers and employees as necessary for the efficient functioning of the Grievance Redressal Cell. (2) The allowances and salaries payable to, and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be as prescribed.</p>	<p>To ensure smooth functioning of the GRC, the proposed amendments aims to provide sufficient human resources to it.</p>

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
20C. Procedure [New Provision]		(1) A Grievance Redressal Cell may formulate the procedure based on the model procedure as prescribed. (2) The procedure shall be in accordance with the principles of natural justice and in the interests of procedural efficiency. (3) A street vendor who has a grievance may submit a complaint in writing to the Grievance Redressal Cell. (4) A complaint shall be marked to the ombudsperson and an appeal to the senior ombudsperson. (5) An ombudsman or the senior ombudsperson shall record the reasons in detail if a complaint or an appeal is not resolved or disposed of within thirty days from the date of filing.	The amendments seeks to empower the GRC to formulate its own procedure. Further, it provides for the appropriate Government to formulate model procedures which shall guide the GRC to function in accordance with the principles of natural justice and procedural efficiency.
20D. Powers [New Provision]		The ombudsperson(s) or the senior ombudsperson(s), as the case may be, shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely: (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things; (b) requiring the discovery and inspection of documents; (c) receiving evidence on affidavit; (d) requisitioning any public record or copies thereof from any court or office; (e) issuing summons for examination of witnesses or documents; and (f) any other matter which may be prescribed.	ombudsperson(s) and Senior ombudsperson(s) are provided powers of a civil court under the proposed amednments to ensure that they have access to all relevant materials and evidences to decide on the questions of facts in each case before them.

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
20E. Order [New Provision]		(1) The ombudsperson(s) or the senior ombudsperson(s), as the case may be, after hearing both parties to the dispute shall make an order to:- (a) dismiss the complaint or an appeal, as the case may be, if found unreasonable; (b) direct the Town Vending Committee, the local authority, or the police, as the case may be, to grant the vendor their due rights; (c) compensate the street vendor to the extent of pecuniary loss suffered by the vendor, or twice the vending fees payable by the vendor, whichever is higher; (d) penalize the concerned person for harassment under Section 28(A) of this Act. (2) The order shall be a reasoned order. (3) No order shall be passed without hearing the affected party. (4) An order shall be executable as a decree of Civil Court. (5) A wilful non-compliance with an order shall be punishable with fine as prescribed, not exceeding twenty five thousand rupees.	The proposed amendments ensure enforceability of the orders given by the ombudsperson(s) and the senior ombudsperson(s) and introduce procedural safeguards like reasoned order and pre-decisional hearing against arbitrary decisions that may affect the interests of the affected parties.
20F. Appeal [New Provision]		(1) A person aggrieved by the order passed by the senior ombudsperson, may approach the High Court having jurisdiction to challenge the order within 30 days of receipt of the order. (2) An appeal may be admitted beyond the period of 30 days if there is a reasonable cause for delay.	The current provisions of the Act requires that appeals against the committee is filed with the local authority. However, this is contrary to the principle of separation of powers. The committee constituted by the act is a judicial body. But, a local authority is an administrative body and is not competent to adjudicate judicial disputes. The proposed amendment seeks to resolve this issue by creating a two-tier GRC for appeals. The proposed amendments provide for appeal against the decisions of a quasi-judicial body, the GRC to the High Court, a judicial authority.

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
20G. Jurisdiction of Courts [New Provision]		Where the appropriate government has not constituted a grievance redressal cell in a district or where the grievance redressal cell is not functional due to pending vacancies or for any other reason, then: (a) the Court of Metropolitan Magistrate or equivalent shall have the jurisdiction to decide the complaints of street vendors under 28 A of this Act. (b) the Court of Senior Civil Judge shall have the jurisdiction to decide all other disputes, except those penalized under section 28A, wherein a right of the street vendors granted under this Act has been allegedly breached.	The jurisdiction clause ensures a clear route to file grievances in case a GRC is not constituted in a state.
20H. Data disclosure. [New Provision]		(1) The Grievance Redressal Cell shall maintain a publicly accessible database of grievances and appeals including the following details: (a) total number of grievances and appeals categorised by vending zone/ward/ zone, issue and other relevant parameters; (b) the average cost per grievance and appeal incurred by complainants, respondents or the committee; (c) average time taken for redressal per grievance or appeal; (d) number of grievances and appeals received and disposed of in a year; (2) The Grievance Redressal Cell shall prepare an annual report with a consolidated summary of the data under subsection (1) and its recommendations. (3) The Grievance Redressal Cell shall forward the annual report to the elected body of the local authority, headed by Mayor, President or the Chairman, as the case may be.	<ol style="list-style-type: none"> 1. The proposed amendment seeks to introduce data disclosure norms to promote transparency and efficiency in the handling of complaints by the Grievance Redressal Cell. 2. To ensure that these annual reports are prepared, the proposed amendment mandates that these reports be placed before the elected body of the local authority. This will also ensure that the reports are discussed and deliberated upon by the elected representatives.

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
20I. Finance, accounts and audits. [New Provision]		(1)The appropriate Government shall, after due, appropriation made by Legislature by law in this behalf, pay to the Grievance Redressal Cell by way of grants such sums of money as the Appropriate Government may think fit for being utilised for the purposes of this Act. (2) The Grievance Redressal Cell shall maintain proper accounts and other relevant records and prepare an annual financial statement of accounts in a manner as prescribed. (3) The accounts of the Grievance Redressal Cell shall be audited at such intervals as prescribed and any expenditure incurred in connection with such audit shall be payable by the Grievance Redressal Cell. (4) The certified accounts of the Grievance Redressal Cell, together with the audit report thereon, shall be forwarded at the end of each year to the elected body of the local authority, headed by Mayor, President or the Chairman, as the case may be.	<ol style="list-style-type: none"> 1. The proposed provision seeks to ensure accountability and transparency in the finances of the Grievance Redressal Cell. 2. To ensure that these annual reports are prepared, the proposed amendment mandates that these reports be placed before the elected body of the local authority. This will also ensure that the reports are discussed and deliberated upon by the elected representatives.

CHAPTER VI - PLAN FOR STREET VENDING

CHAPTER VI - PLAN FOR STREET VENDING	Chapter VI: PLAN FOR STREET VENDING ZONING AND RELOCATION	Data fed by states in NULM’s Management information system reveals that only 19% of the ULBs have formulated vending plans. The process of making and implementing vending plans is dysfunctional, complicated and impractical. Our proposed amendment seeks to do away with the requirement of formulating a vending plan. Instead, it focuses on outlining the principles that should guide zoning and relocation.
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21. Plan for street vending

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
21 (1)	<p>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.</p>	<p>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.</p> <p>A local authority may determine a no-vending zone subject to the following principles, namely:— (a) A natural market or a heritage market as identified under the survey shall not be declared as a no-vending zone; (b) 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; (c) 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; (d) 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. (e) A zone shall not be declared as a no-vending-zone unless the local authority reasonably restricts other private uses of public space as well in the zone. (f) The local authority shall invite objections from the general public including street vendors before the determination. (g) An order determining a no-vending zone shall be in writing with reasons.</p>	<p>The principles of zoning play a central role in how vendors are regulated. The proposed amendment brings these principles from the schedule to the main body of the Act. The only new principle introduced by the proposed amendment is sub-clause (e). It protects vendors from unreasonable restrictions in the exercise of their vending activities (that other businesses are not typically subject to).</p>

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
21 (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.	<p>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.</p> <p>Relocation of street vendors shall be subject to the following principles: (a) relocation must not displace more than necessary number of street vendors; (b) relocation should be avoided as far as possible, unless there is clear and urgent need for the land in question; (c) affected vendors or their representatives shall be involved in planning and implementation of the rehabilitation project; (d) affected vendors shall be relocated so as to improve their livelihood and standards of living or at least to restore them, in real terms to pre-evicted levels; (e) 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; (f) loss of assets shall be avoided and in case of any loss, it shall be compensated; (g) 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; (h) state machinery shall take comprehensive measures to check and control the practice of forced evictions; (i) street vendors in heritage markets shall not be relocated. (j) If a street vendor is relocated in violation of any of the provisions, the street vendor shall be entitled to adequate compensation and restitution.</p>	The principles of relocation play a central role in how vendors are regulated. The proposed amendment brings these principles from the schedule to the main body of the Act.

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
CHAPTER VII - TOWN VENDING COMMITTEE			
22. Town Vending Committee			
22 (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.	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.	The proposed amendment aims to ensure that the Town Vending Committee is constituted at the Town Level, rather than the zone or ward level. Currently, the Act could result in one local authority having jurisdiction over several TVCs and may create administrative difficulties.
22 (2)	Each Town Vending Committee shall consist of:—	Each Town Vending Committee shall consist of:—	No proposed amendment
22 (2) (a)	Municipal Commissioner or Chief Executive Officer, as the case may be, who shall be the Chairperson; and	Municipal Commissioner or Chief Executive Officer, as the case may be, who shall be the Chairperson; and	No proposed amendment
22 (2) (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;	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;	No proposed amendment
22 (2) (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.;	the number of members nominated to represent the non-governmental organisations and the community based organisations shall not be less than ten per cent.;	No proposed amendment

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
22 (2) (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.	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 a such manner as may be prescribed convenient to the street vendors: 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.	Our Progress Report 2020 reveals how some states have prescribed a lengthy, complicated and cumbersome procedure for election of street vendors. This imposes huge administrative costs, increases delays and may also deter TVCs or local authority from coordinating the process. Our proposed amendment seeks to address this issue and encourage vendors to handle the process. The rules formulated by the Assam government has provisions that allow vendor associations to carry out the election process on their own.
22 (3)	The Chairperson and the members nominated under sub-section (2) shall receive such allowances as may be prescribed by the appropriate Government.	The Chairperson and the members nominated under sub-section (2) shall receive such allowances as may be prescribed by the appropriate Government.	No proposed amendment
23. Meetings of Town Vending Committee			
23 (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.	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.	No proposed amendment
23 (2)	Every decision of the Town Vending Committee shall be notified along with the reasons for taking such decision.	Every decision of the Town Vending Committee shall be notified along with the reasons for taking such decision.	No proposed amendment
24. Temporary association of persons with Town Vending Committee for particular purposes			

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
24 (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.	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.	No proposed amendment
24 (2)	A person associated under sub-section (1) shall be paid such allowances as maybe prescribed.	A person associated under sub-section (1) shall be paid such allowances as maybe prescribed.	No proposed amendment
25. Office space and other employees for Town Vending Committee			
25	The local authority shall provide the Town Vending Committee with appropriate office space and such employees as may be prescribed.	The local authority shall provide the Town Vending Committee with appropriate office space and such employees as may be prescribed.	No proposed amendment
26. Publication of street vendor's charter and Data-base and carrying out of social audit			
26	Publication of street vendor's charter and data-base and carrying out of social audit	Publication of street vendor's charter and data-base and carrying out of social audit	Our past progress reports reveal how this practice of publishing vendor charters is uncommon. Further, sub section (2) and (3) of Sections 26 and Section 30 detail the nature of records to be maintained. The proposed amendment seeks to do away with the requirement of a street vendors charter.
26 (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.	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.	Same as above

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
26(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.	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.	No proposed amendment
26(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.	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.	No proposed amendment
CHAPTER VIII - PREVENTION OF HARASSMENT OF STREET VENDORS			
27. Prevention of harassment by police and other authorities			
27	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.	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 conditions specified in sub section (2) of section 6 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 except according to procedure under this Act.	Refer to justification for Section 6(2)

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
27(2) [New Provision]		If a member, officer or an employee of Town Vending Committee, local authority, police or any other authority has, without any reasonable cause, prevented a street vendor from exercising such rights or has not performed a duty specified under this Act or malafidely rejected an application made under this Act, or knowingly given incorrect, incomplete or misleading reasons for rejection of an application, it shall amount to harassment.	Read with Section 28 (A). The proposed amendment seeks to unambiguously define actions of the public officials that would be deemed as ‘harassment’ and consequently penalised.
27(3) [New Provision]		Relocation or eviction in derogation of section 18 or the provisions of the scheme made thereunder shall amount to harassment.	Read with Section 28 (A). The proposed amendment seeks to unambiguously define actions of the public officials that would be deemed as ‘harassment’ and consequently penalised.
27(4) [New Provision]		Seizure in derogation of section 18 and section 19 or the provisions of the scheme made thereunder shall amount to harassment.	Read with Section 28 (A). The proposed amendment seeks to unambiguously define actions of the public officials that would be deemed as ‘harassment’ and consequently penalised.
CHAPTER IX PENAL PROVISIONS			
28. Penalty for contraventions			
28	If any street vendor—	If any street vendor—	The proposed amendment seeks to clearly lay down the grounds for penalising vendors by removing ambiguous conditions.
28 (a)	indulges in vending activities without a certificate of vending;	indulges in vending activities after the certificate of vending has been suspended or cancelled under section 10 of this Act without a certificate of vending;	

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
28 (b)	contravenes the terms of certificate of vending; or	contravenes the terms of certificate of vending; or fails to relocate or vacate the place after the expiry of thirty days under sub-section (5) of section 18 of this Act;	
28 (c)	contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder, he shall be liable to a penalty for each such offence which may extend up to rupees two thousand as may be determined by the local authority.	contravenes any other terms and conditions specified for the purpose of regulating street vending under this Act or any rules or schemes made thereunder fails to pay the vending fees, if specified in the scheme, under section 8 of this Act; he shall be liable to a penalty for each such offence, which may extend up to twice the amount of vending fees payable by the vendor or rupees two thousand, whichever is less. as may be determined by the local authority.	The proposed amendment seeks to ensure that the penalty charged is not disproportionate. In states where vending fees is low, a fine of Rs 2000 can be excessive.
28A. Penalty for harassment. [New Provision]		(1) Where the ombudsperson or the senior ombudsperson, as the case may be, at the time of deciding any grievance, complaint or appeal is of the opinion that a vendor has been harassed, it shall impose a penalty equivalent to twice the monthly vending fee payable by the aggrieved vendor on the accused. (2) For repeat violation, the ombudsperson or the senior ombudsperson, as the case may be, shall recommend disciplinary action against the accused under the service rules applicable to him, in addition to imposing the penalty. (3) An accused shall be heard before any penalty is imposed. (4) The burden of proving that the accused acted reasonably and diligently shall be on the accused.	Our work in the past 4 years has shown that despite the introduction of the Act, abuse of executive power is rampant. Public officials continue to evict vendors, relocate them and seize their goods without following due process or the mandate of the Act. This amendment seeks to ensure that public officials are held accountable by penalising harassment.
New Provision-28B. Additional Recourse [New Provision]		A street vendor may take recourse to Section 384 of the Indian Penal Code, in addition to section 28A.	The amendments seek to provide for a criminal penalty for extortion of vendors by public officials.

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
CHAPTER X MISCELLANEOUS			
29. Provisions of this Act, not to be construed as conferring ownership rights, etc			
29 (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.	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.	No proposed amendment
29 (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.	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.	No proposed amendment
30. Returns			
30	Returns	Returns Annual Report	

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
30	Every Town Vending Committee shall furnish, from time to time, to the appropriate Government and the local authority such returns as may be prescribed.	<p>Every Town Vending Committee shall furnish, from time to time, to the appropriate Government and the local authority such returns as may be prescribed. Annual Report.</p> <p>—(1) Each local authority and the Town Vending Committee shall prepare and submit an annual report, to the elected body of the local authority, headed by Mayor, President or the Chairman, as the case may be within thirty days from the end of a financial year.</p>	<p>For the entire section:</p> <ol style="list-style-type: none"> 1. The proposed amendment seeks to encourage disclosures on the activities and balance statement of the local authority and the TVC. Such disclosures will encourage transparency and accountability (in action) and push the local authority to think of efficient ways of regulating street vendors. It will also push the local authority to think of ways to review the performance/ functioning of TVCs. 2. To ensure that these annual reports are prepared, the proposed amendment mandates that these reports be placed before the elected body of the local authority. This will also ensure that the reports are discussed and deliberated upon by the elected representatives.

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
30 (2)	[New Provision]	<p>The annual report must be in such form as may be prescribed, and must give a true and full account of the implementation of the Act in the previous financial year, including – (a) a review of local authority’s and Town Vending Committee’s performance, as the case may be, in relation to the discharge of its functions and the achievement of its objectives under this Act based on the systems of measurement referred to under sub-section (3); (b) all information that is necessary to understand the discharge of functions and the achievement of the objectives of this Act, that has been published by the local authority; (c) all information that the local authority is required to be published along with the annual report under this Act; (d) a statement of the deliberations of the local authority, accompanied by the records of meetings of the town vending authority; (e) a statement indicating any statutory obligation that the local authority or town vending authority has not complied with, and reasons for such non-compliance; (f) a statement by the chairperson of the Town Vending Committee, in relation to the activities and performance of the Town Vending Committee; (g) a statement which any member of the Town Vending Committee may wish to include; (h) the statement of accounts in relation to the implementation of the Act certified by a government auditor.</p>	

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
30 (3) [New Provision]		Prior to the commencement of each year, the local authority shall, in consultation with the Town Vending Committee, determine the systems to be used to accurately measure the implementation of the Act: Provided, the systems determined must: (i) promote transparency; (ii) provide objective methods of measurement where possible; (iii) provide subjective methods of measurement where objective measurements are not possible.	
30 A. [New Provision]		30A. Reports and audited accounts, to be laid before the elected body of a local authority. — The following reports shall lie before the elected body of local authority headed by Mayor, President or the Chairman, as the case may be. (a) annual report of the local authority under sub-section (1) of section 30; (b) annual report of the Town Vending Committee under sub-section (1) of section 30; (c) annual report of the Grievance Redressal Cell under sub-section (3) of section 20H (d) audited report of the Grievance Redressal Cell together with the certified accounts under sub-section (4) of section 20I.	
31. Promotional measures			
31	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.	The appropriate Government may, in consultation with the Town Vending Committee, local authority, planning authority and association of street vendors associations or unions, promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors.	The amendment has been included for consistency purposes.
32. Research, training and awareness			

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
32	The appropriate Government may, to the extent of availability of financial and other resources,—	The appropriate Government may, to the extent of availability of financial and other resources,—	No proposed amendment
32 (a)	organise capacity building programmes to enable the street vendors to exercise the rights contemplated under this Act;	organise capacity building programmes to enable the street vendors to exercise the rights contemplated under this Act;	No proposed amendment
32 (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.	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.	No proposed amendment
33. Act to have overriding effect			
33	The provisions of this Act shall have effect notwithstanding anything in consistent 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.	The provisions of this Act shall have effect notwithstanding anything in consistent 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.	No proposed amendment
34. Powers to delegate			
34	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.	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.	No proposed amendment
35. Power to amend Schedules			

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
35 (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.	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.	No proposed amendment
35 (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.	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.	No proposed amendment
36. Power to make rules			
36. Power to make rules			For the entire section: The proposed amendments seek to do away with rule-heads that may no longer be required and are already addressed in the Act. Further, it includes the specific rule-heads that are prescribed under the proposed amendments.
36 (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.	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.	
36 (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:—	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:—	
36 (2) (a)	the age for street vending under sub-section (1) of section 4;	the age for street vending under sub-section (1) of section 4;	No proposed amendment
36 (2) (b)	the form, period and manner of filing appeal with the local authority under sub-section (1) of section 11;	the form, period and manner of filing appeal with the local authority under sub-section (1) of section 11;	

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
36 (2) (c)	the persons and the experience such person shall have under sub-section (1) of section 20;	the persons and the experience such person shall have under sub-section (1) of section 20; the allowances and salaries payable to, and terms and conditions of service of the ombudsperson(s) and senior ombudsperson(s) appointed under sub-section (2) of section 20A.	
36 (2) (d)	the form and the manner of making application under sub-section (2) of section 20;	the form and the manner of making application under sub-section (2) of section 20; the allowances and salaries payable to, and the terms and conditions of the Registrar appointed under sub-section (2) of section 20B.	
36 (2) (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;	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; the model procedure for the Grievance Redressal Cell under sub section (1) of section 20C in accordance with the principles of natural justice and in the interests of procedural efficiency.	Refer to sub section (1) of section 20 C
36 (2) (f)	the form, the time within which and the manner in which an appeal may be filed under sub-section (4) of section 20;	the form, the time within which and the manner in which an appeal may be filed under sub-section (4) of section 20; the powers of the ombudsperson(s) and the senior ombudsperson(s) under clause (f) of Section 20D.	
36 (2) (g)	the time within which and the manner in which an appeal shall be disposed of under sub-section (5) of section 20;	the time within which and the manner in which an appeal shall be disposed of under sub-section (5) of section 20; the amount of fine payable for the wilful non-compliance of the order of ombudsperson(s) and the senior ombudsperson(s) under sub-section (5) of section 20F.	

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
36 (2)(ga) [New Provision]		the manner of preparing annual financial statements of accounts by the Grievance Redressal Cell and the intervals at which such accounts shall be audited under sub-section (2) and sub-section (3) of section 20I respectively.	
36 (2) (h)	the term of, and the manner of constituting, the Town Vending Committee under sub-section (1) of section 22;	the term of, and the manner of constituting, the Town Vending Committee under sub-section (1) of section 22;	No proposed amendment
36 (2) (i)	the number of other members of the Town Vending Committee under clause (b) of sub-section (2) of section 22;	the number of other members of the Town Vending Committee under clause (b) of sub-section (2) of section 22;	No proposed amendment
36 (2) (j)	the manner of elections among street vendors under clause (d) of sub-section (2) of section 22;	the manner of elections among street vendors under clause (d) of sub-section (2) of section 22;	
36 (2) (k)	the allowances to Chairperson and members under sub-section (3) of section 22;	the allowances to Chairperson and members under sub-section (3) of section 22;	No proposed amendment
36 (2) (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;	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;	No proposed amendment
36 (2) (m)	the manner and the purpose for which a person may be associated under sub-section (1) of section 24;	the manner and the purpose for which a person may be associated under sub-section (1) of section 24;	No proposed amendment
36 (2) (n)	the allowances to be paid to an associated person under sub-section (2) of section 24;	the allowances to be paid to an associated person under sub-section (2) of section 24;	No proposed amendment
36 (2) (o)	the other employees of Town Vending Committee under section 25;	the other employees of Town Vending Committee under section 25;	No proposed amendment
36 (2) (oa) [New Provision]		the manner of making applications to the Town Vending Committee and the local authority for disposal under Section 11	

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
36 (2) (p)	the manner of maintaining up to date record of all street vendors under sub-section (2) of section 26;	the manner of maintaining up to date record of all street vendors under sub-section (2) of section 26;	No proposed amendment
36 (2) (q)	the returns to be furnished under section 30;	the form for furnishing the annual report returns to be furnished under section 30;	Refer to Section 30
36 (2) (r)	the manner of publishing summary of scheme under sub-section (2) of section 38.	the manner of publishing summary of scheme under sub-section (2) of section 38.	No proposed amendment
36 (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.	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.	No proposed amendment
36 (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.	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.	No proposed amendment

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
36 (4a) [New Provision]		The appropriate Government shall review all rules and schemes made under this Act within five years of being notified.	Our research reveals that most countries that fare well on quality of rules, conduct an ex-post review of their regulations. This practice ensures that rules remain relevant and continue to meet the intended purpose (in a cost-efficient manner). The proposed amendment seeks to introduce such a review process for state rules.
36 (4b) [New Provision]		The review must consist of- (a) an ex post costs-benefits analysis; (b) an analysis of the judicial interpretations of the regulations; and (c) an analysis of the applicability of the regulations to a change in circumstances, if any.	Same as above
36 (4c) [New Provision]		Every review under this section must be tabled before the state Legislature.	This provision will ensure legislature's control over delegated legislation and provide checks on executive's rule-making powers.
36 (4d) [New Provision]		The appropriate government must publish the review within 60 days of being tabled before the State Legislature.	Upper-limit will help check inaction and make the executive accountable
37. Power to make bye-laws			
37	Subject to the provisions of this Act or any rule or scheme made thereunder, the local authority may make bye-laws to provide for all or any of the following matters, namely:—	Subject to the provisions of this Act or any rule or scheme made thereunder, the local authority may make bye-laws to provide for all or any of the following matters, namely:—	No proposed amendment
37 (a)	the regulation and manner of vending in restriction-free-vending zones, restricted-vending zones and designated vending zones;	the regulation and manner of vending in restriction-free-vending zones, restricted-vending zones and designated vending zones;	The proposed amendments seek to do away with sub-heads that may no longer be required and are already addressed in the Act.

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
37 (b)	determination of monthly maintenance charges for the civic amenities and facilities in the vending zones under section 17;	determination of monthly maintenance charges for the civic amenities and facilities in the vending zones under section 17;	No proposed amendment
37 (c)	determination of penalty under sub-section (5) of section 18 and section 28;	determination of penalty under sub-section (5) of section 18 and section 28;	No proposed amendment
37 (d)	the regulation of the collection of taxes and fees in the vending zones;	the regulation of the collection of taxes and fees in the vending zones;	This is costly to enforce and need not be required.
37 (e)	the regulation of traffic in the vending zones;	the regulation of traffic in the vending zones;	This is costly to enforce and need not be required.
37 (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;	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;	This is costly to enforce and need not be required.
37 (g)	the regulation of civic services in the vending zones; and	the regulation of civic services in the vending zones; and	
37 (h)	the regulation of such other matters in the vending zones as may be necessary.	the regulation of such other matters in the vending zones as may be necessary.	
37A [New Provision]		The local authority shall make the draft bye-laws available to the public for comments for a period of thirty days.	The proposed amendment seeks to introduce a democratic safeguard (based on best practices followed globally). This will ensure that the rule-making process is participatory.
37B [New Provision]		The draft bye-laws must clearly state– (a) the provisions of the Act under which it is proposed to be issued; (b) its objectives; and (c) the issue it seeks to address.	The proposed amendment seeks to introduce legal safeguards and ensure that the executive acts within the mandate of the parent Act.

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
37C [New Provision]		The local authority must publish all the comments received on the draft bye-laws and consider them before publishing the final bye-laws.	The proposed amendment seeks to introduce a democratic safeguard (based on best practices followed globally). This will ensure that the rule-making process is participatory.
38. Scheme for street vendors			
38 (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.	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.	No proposed amendment
38 (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.	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.	No proposed amendment
39. Power to remove difficulties			
39 (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 in consistent 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.	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 in consistent 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.	No proposed amendment
39 (2)	Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.	Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.	No proposed amendment
THE FIRST SCHEDULE			

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
	THE FIRST SCHEDULE (See section 21)	THE FIRST SCHEDULE (See section 21 17 A)	
	PLAN FOR STREET VENDING	PLAN FOR STREET VENDING	
1	<p>The plan for street vending shall:</p> <p>(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;</p> <p>(b) ensure the right of commuters to move freely and use the roads without any impediment;</p> <p>(c) ensure that the provision of space or area for street vending is reasonable and consistent with existing natural markets;</p> <p>(d) take into account the civic facilities for appropriate use of identified spaces or areas as vending zones;</p> <p>(e) promote convenient, efficient and cost effective distribution of goods and provision of services;</p> <p>(f) such other matters as may be specified in the scheme to give effect to the plan for street vending.</p>	<p>The plan for street vending shall:</p> <p>(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;</p> <p>(b) ensure the right of commuters to move freely and use the roads without any impediment;</p> <p>(c) ensure that the provision of space or area for street vending is reasonable and consistent with existing natural markets;</p> <p>(d) take into account the civic facilities for appropriate use of identified spaces or areas as vending zones;</p> <p>(e) promote convenient, efficient and cost effective distribution of goods and provision of services;</p> <p>(f) such other matters as may be specified in the scheme to give effect to the plan for street vending.</p>	Refer to Section 17A for justification

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
		<p>I. Duties and responsibilities of the local authority:—</p> <p>(a) The local authority shall strive to ensure access to basic civic amenities and facilities including electricity, water and drainage to a street vendor as extended to a temporary kiosk or booth set up, run or licensed by the appropriate government, local authority, state dairy or any other government agency.</p> <p>(b) The local authority shall not apply any condition or restriction to street vendors that is not applicable to a temporary kiosk set up, run or licensed by the appropriate government, local authority, state dairy or any other government agency.</p> <p>(c) The local authority in association with Food Safety and Standards Authority of India (FSSAI) and civil society shall promote the heritage market(s) by facilitating festive events.</p> <p>(d) The local authority shall strive to promote self-compliance among street vendors in the matters of cleanliness and hygiene, rather than deterrence through penalties.</p> <p>(e) The local authority shall facilitate a street vendor's ease of doing business by following due process and procedural efficiency.</p>	Refer to Section 17A for justification

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
		<p>II. Duties and responsibilities of the Town Vending Committee</p> <p>(a) The Town Vending Committee shall work with the association of street vendors to promote self-compliance among street vendors in the matters of cleanliness and hygiene.</p> <p>(b) The Town Vending Committee shall allow an association of street vendors to deposit consolidated vending fees for a group of vendors and conduct the street vendor elections.</p> <p>(c) The Town Vending Committee shall encourage an association of street vendors to conduct a survey of the vending zone and submit the survey to the town vending committee for approval.</p>	Refer to Section 17A for justification
		<p>III. Duties and the responsibilities of the Police and the Traffic Police</p> <p>(a) The traffic police in consultation with the planning authority shall designate vehicle-free lanes and schedule vehicle-free hours in natural markets and heritage markets.</p> <p>(b) The police shall not evict or relocate a street vendor without a written order from the local authority and in the absence of the concerned official of local authority.</p>	

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
2	<p>The plan for street vending shall contain all of the following matters, namely:—</p> <ul style="list-style-type: none"> (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. 	<p>The plan for street vending shall contain all of the following matters, namely:—</p> <ul style="list-style-type: none"> (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. 	Refer to justification for Chapter VI

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
3	<p>Declaration of no-vending zone shall be carried out by the plan for street vending, subject to the following principles, namely:—</p> <p>(a) any existing market, or a natural market as identified under the survey shall not be declared as a no-vending zone;</p> <p>(b) declaration of no-vending zone shall be done in a manner which displaces the minimum percentage of street vendors;</p> <p>(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;</p> <p>(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;</p> <p>(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.</p>	<p>Declaration of no-vending zone shall be carried out by the plan for street vending, subject to the following principles, namely:—</p> <p>(a) any existing market, or a natural market as identified under the survey shall not be declared as a no-vending zone;</p> <p>(b) declaration of no-vending zone shall be done in a manner which displaces the minimum percentage of street vendors;</p> <p>(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;</p> <p>(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;</p> <p>(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.</p>	
THE SECOND SCHEDULE (See section 38)			
	Matters to be provided in the Scheme for Street Vendors framed by the appropriate Government—	Matters to be provided in the Scheme for Street Vendors framed by the appropriate Government—	No proposed amendment

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
(a)	the manner of conducting survey;	the manner of conducting survey;	No proposed amendment
(b)	the period within which certificate of vending shall be issued to the street vendors identified under the survey;	the period within which certificate of vending shall be issued to the street vendors identified under the survey;	No proposed amendment
(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;	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;	the form and the manner in which the certificate of vending may be issued to a street vendor;	No proposed amendment
(e)	the form and manner of issuing identity cards to street vendors;	the form and manner of issuing identity cards to street vendors;	No proposed amendment
(f)	the criteria for issuing certificate of vending to street vendors;	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;	the formula for the vending fees to be paid on the basis of category of street vending, which may be different for different zone/wards/ cities and different categories of vending;	Refer to justification for Section 8A.
(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;	the manner of collecting, through banks, counters of local authority and counters of Town Vending Committee and a local association of street vendors , vending fees, maintenance charges and penalties for registration, use of parking space for mobile stalls and availing of civic services;	Refer to Section 8(2)
(i)	the period of validity of certificate of vending;	the period of validity of certificate of vending;	No proposed amendment
(j)	the period for which and the manner in which a certificate of vending may be renewed and the fees for such renewal;	the period for which and the manner in which a certificate of vending may be renewed and the fees for such renewal;	No proposed amendment

Section Number	Current Provisions of the Act	Proposed Amendments	Justification for Amendments
(k)	the manner in which the certificate of vending may be suspended or cancelled;	the manner and the period for in which the certificate of vending may be suspended or cancelled;	Refer to Section 10
(l)	the categories of street vendors other than stationery vendors and mobile vendors;	the categories of street vendors other than stationery vendors and mobile vendors;	No proposed amendment



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