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RETHINKING POLICY ON GENDER, SEXUALITY, AND WOMEN'S ISSUES

ESTABLISHING OVERSIGHT FOR INDIA'S STREET VENDORS ACT

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India's Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act of 2014 was created to regulate street-vending activities and to protect the rights of the vendors. The Act calls for the creation of free vending zones and Town Vending Committees for each locality. While the Act is still in the implementation phase, there are signs that progress toward change has been slow and uneven, requiring refocusing of legislation to apply pressure in areas where changes are not being implemented.

ACCORDING to a recent report by India's Ministry of Urban Development, there are currently 10 million street vendors in India.¹ These vendors are defined as people "who offer goods or services for sale to the public without having a permanently built structure but with a temporary static structure or mobile stall (or head-load)." ² Although exact figures are difficult to determine, it has been estimated that in some Indian cities, such as Jaipur, approximately 30% of street vendors are female, while in others, such as Imphal, 88.5% of street vendors are female.³

While the unregulated nature of street vending in India in the past has made all street vendors vulnerable, female street vendors often face additional challenges, such as sexual harassment. According to one report, "Women vendors earn less, on average, than men vendors: their earnings range from 40 to 60 rupees per day. The lack of access to [sanitary and safe] toilets has an adverse effect on women's health and many

suffer from urinary tract infections and kidney ailments. The mobile women street vendors also face [general] security issues."⁴

CRITIQUE

Although the purpose of the Street Vending Act was to protect street vendors from these sorts of issues and to regulate street vending activities, it has not been implemented as intended, leaving vendors vulnerable to abuse and harassment.

On the one hand, the Act marks a notable victory for female street vendors because it mandates the creation of Town Vending Committees, which are tasked with conducting surveys of and authorizing certifications for street vendors. More specifically, according to Section 38 of the Act, "the appropriate Government shall frame a scheme [for implementation], within six months from the date of commencement of this Act."⁵ Additionally, as a way "to ensure participatory decision making for all aspects relating to street

vending activities,” 40% of the Committee is to be elected from amongst the street vendors of the locality. Of that 40%, at least one-third of the committee members are mandated to be female.⁶

Despite this mandate, Town Vending Committees have, to date, been formed in only 10 of India’s 29 states. This lack of implementation has been attributed to lack of awareness and/or active disregard by the corresponding authorities. There is limited information on whether surveys have been undertaken or whether the vending zones have been formed.

According to a statement by the national coordinator of the National Association of Street Vendors in India (NASVI), “We continue to be harassed and exploited by civic agencies. When we tell them that there is a law in place, they are clueless. Even one of the mayors of Delhi didn’t know about the existence of such a law.” In addition, NASVI has also observed that some street vendors do not know about the vending certificates and are therefore vulnerable to extortion by local police.⁷

The situation is particularly dire in Delhi, where, according to a recent article by NASVI, “Intensity of issuing challans [tickets] and confiscation of goods has increased considerably across all the Municipal Bodies despite orders issued by the new [local] Government.”⁸ In addition, four vending zones have been disrupted by the eviction of vendors by local authorities.

Will this Act will have the same fate as earlier national street-vending legislation? While the Supreme Court of India has ruled in favor of a national policy to regulate street vending, the authority for each level of government remains unclear.⁹ Additional efforts are needed to ensure the Act’s implementation.

RECOMMENDATIONS

National and local governments must act to ensure implementation. The national government must issue urgent guidelines, including a time horizon and oversight, to ensure the Act’s complete deployment. Furthermore, the guidelines would call for collaboration amongst the national government, state, and local governments to decide how to carry out the new zoning regulations and to design efforts to work with local police to reduce harassment of vendors.

This Act’s success could generate invaluable lessons for localities, including Los Angeles, Sao Paulo, and Mexico City, where attempts to develop street-vending regulations are in progress. Regulatory success in an economy as large and diverse as India’s could set a precedent for how street vending can become a safer and more equitable source of employment for both male and female vendors around the world.

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NOTES

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