

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

STARRED QUESTION NO:100
ANSWERED ON:30.07.2010
NATIONAL POLICY ON URBAN STREET VENDORS
Choudhary Shri Harish;Yadav Shri M. Anjan Kumar

Will the Minister of HOUSING AND URBAN POVERTY ALLEVIATION be pleased to state:

- (a) Whether the Government has formulated any National Policy on Urban Street Vendors;
- (b) if so, the details thereof;
- (c) if not, the reasons therefor;
- (d) whether the Hon`ble Supreme Court has given any directions/rulings in this regard; and
- (e) if so, the details thereof and the action taken by the Government thereon?

Answer

THE MINISTER OF HOUSING & URBAN POVERTY ALLEVIATION (KUMARI SELJA)

(a) to (e): A Statement is laid on the Table of the Sabha.

STATEMENT

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 100 FOR 30-7-2010 REGARDING NATIONAL POLICY ON URBAN STREET VENDORS.

(a) to (c) : Yes, Madam. The Ministry of Housing & Urban Poverty Alleviation has comprehensively revised the National Policy on Urban Street Vendors, 2004 and come out with the National Policy on Urban Street Vendors 2009. This revised Policy seeks to provide an enabling framework for street vendors to earn a honest living without harassment backed by a legislative framework. It clarifies the roles of Town Vending Committee, Local Authority and Planning Authority at city level and calls upon the State Governments to provide a conducive environment to street vendors for carrying out street vending.

(d) to (e) : Hon`ble Supreme Court have made observations/given ruling in various relevant cases from time to time. Some of the directions/rulings of the Hon`ble Court are as under :

(i) In the matter of Municipal Corporation of Delhi Vs. Gurnam Kaur the Hon`ble Supreme Court in the year 1988 directed the Municipal Corporation authorities to create Hawking and Non-Hawking Zones and shift the pavement-squatters to areas other than Non-Hawking Zones in consultation with the Delhi Development Authority. The Hon`ble Court further advised that the Scheme must endeavor to reduce congestion on the public streets and remove all encroachments which cause obstruction to the free flow of traffic, and also to rehabilitate street vendors.

(ii) In the matter of Sodan Singh etc. etc. Vs. NDMC and Others etc. the Hon`ble Court has ruled in the year 1989 that:

" if properly regulated, according to the exigency of the circumstances, the small traders on the side walks can considerably add to the comfort and convenience of the general public, by making available ordinary articles of everyday use for a comparatively lesser price. An ordinary person, not very affluent, while hurrying towards his home after a day's work, can pick up these articles without going out of his way to find a regular market. The right to carry on trade or business mentioned in Article 19 (1) g of the Constitution, on street pavements, if properly regulated, cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and no other use."

(iii) In the matter of Saudan Singh and Others etc. Vs. NDMC and Others etc. the Hon`ble Court held in the year 1992 that every citizen has a right to the use of a public street vested in the State as a beneficiary but this right is subject to such reasonable restrictions as State may choose to impose.

(iv) In the matter of Maharashtra Ekta Hawkers Union & Other Vs. Municipal Corporation, Greater Mumbai & Others the Hon`ble Court observed in the year 2007 that the State Government of Maharashtra has initiated a process for implementation of National Policy on Urban Street Vendors by framing regulations as envisaged in Section 10.1 of the National Policy. The Court hoped that the regulations so framed by the State would be in consonance with the aims and objects of the National Policy to render some sort of succour to the urban street vendors to eke out a living through hawking.

(v) In the matter of Sudhir Madan and Others Vs. Municipal Corporation of Delhi and Others, in the year 2007, the Hon`ble Court approved the modified scheme of the MCD and NDMC and observed that since a National Policy on Urban Street Vendors has been formulated, the authorities concerned would have due regard to the said policy in the implementation of the schemes regulating tehbazari/vending sites etc.

(vi) In the matter of Patri Vyapar Mandal Delhi Vs. MCD Town Hall & Others the Hon`ble Supreme Court has ordered interalia on 09.04.2009 that:

i)The Zonal Vending Committee after making proper and appropriate study would submit its report within three months as to reduction of the width of the footpath for the pedestrian.

ii)Advance notice with sufficient time should be given to its members for Ward Vending Committee meeting. The minutes of the meeting should be recorded and maintained.

iii) MCD should take immediate action for carrying out photo census of all the existing squatters and hawkers allotted with tehbazari/vending sites. The photo census should be compulsory for all future allotments also.

Due consideration has been given to the Court directions/rulings while revising the National Policy on Urban Street Vendors in the year 2009. The revised National Policy formulated by this Ministry, strives to promote a more supportive environment to the street vendors for earning their livelihoods and to provide guidelines for the States/UTs to act in the overall interest of the street vendors to continue hawking activity for their livelihood.