

# StreetNet International

## Research Report: Statutory Representational Systems at Local Government Level

### Ahmedabad, India



Two generations of SEWA vendors and leaders.

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## **Abstract**

Ahmedabad has a long history and culture of worker organization and struggle. Since 1972 the Self-Employed Women's Association has been organizing street vendors to defend their place in a city where the traditional manufacturing sector contracted, unemployment grew, and street vending in the informal economy became central for an increasing number of workers' livelihood strategies. Ahmedabad has been developing rapidly under the impact of globalization, and aspires to be a global mega-city. Street vendors are threatened with loss of livelihood through displacement from traditional areas of activity by urban planning and infrastructure development. Although India has a National Policy on Urban Street Vendors, it is not binding as law on state and local administrations under India's federal system. There has been a long and hard struggle by street vending organizations to force the local administration to implement its guidelines, and to adopt a more humane and inclusive approach to street vending regulation. The struggle has been fought at various levels: on the streets of Ahmedabad, in the law courts at state and national level, and through national campaigns of mass mobilization and political lobbying. The report details these struggles and describes the outlines of the national legislation placed before parliament as a key outcome.

## **Acronyms**

AMC: Ahmedabad Municipal Corporation

AUDA: Ahmedabad Urban Development Authority

BJP: Bharatiya Janata Party

BPCA: Bombay Provincial Corporation Act, 1949

IAS: Indian Administrative Service

IPS: Indian Police Service

JNNURM: Jawaharlal Nehru National Urban Renewal Mission

NASVI: National Association of Street Vendors of India

NPUSV: National Policy on Urban Street Vendors

PIL: Public Interest Litigation

SEWA: Self-Employed Women's Association

TLA: Textile Labour Association

TVC: Town Vending Committee

## **Preface**

My visit to SEWA in Ahmedabad, from 2<sup>nd</sup> to 6<sup>th</sup> October 2012, formed part of the StreetNet research project Statutory Representational Systems at Local Government Level. At the start of 2012 affiliates of StreetNet were requested to suggest cases of potential interest for documentation where significant negotiations had taken place between street vending organizations and local authorities. On the basis of responses from affiliates a number of cases were selected, and local researchers were identified and commissioned to write reports.

The project has generated six such case study reports and two reports based on research visits by myself as a project lead researcher to São Paulo, Brazil, and Ahmedabad, India.

The two issues for research identified by the Self-Employed Womens' Association (SEWA), prior to the visit, were the negotiation of spaces for natural markets, and the institution of a Town Vending Committee by the Ahmedabad Municipal Council. A number of relevant documents were sent to me in advance to assist with preparation. SEWA prepared a comprehensive programme of work which was presented and discussed on arrival, and amended during the course of the visit where necessitated by changing circumstances. (See **Appendix A**.) I was unable to discuss the important issue of Public Interest Litigation with the advocate responsible for much of the critical work by SEWA in this field, and have had to content myself with summaries of available secondary sources on this issue.

## **Acknowledgements**

My visit to Ahmedabad, was very brief, and very intense. The programme of meetings and visits was very tightly structured, and provided a wealth of information – almost too much to absorb in such a short space of time. I left with a range of powerful impressions of the city and of SEWA. Chief among these were the sense of community of purpose I felt among people I met at the SEWA reception centre, and the strength and solidarity within the various committees with which I was privileged to interact. Their enormous generosity of spirit was truly remarkable, and I sincerely hope that their attention and time so freely given will be repaid in some measure through the report that follows. Visiting some of the various natural markets covered in this report I obtained a sense of the sheer number of people in the city going about their daily lives, of the energy in the city, and of the physical conditions under which vendors work in their search for a livelihood for themselves and their families. Ahmedabad is a city on the move, but vendors are struggling to maintain their place in it.

It would be difficult to name individually everybody who assisted me on my visit, but I would like to thank Manali Shah for her role in enabling my visit and for her generous welcome. I would also like to thank Manjulaben for her role as my good shepherd and Shaliniben and Geetaben in particular for the leading roles they played in ensuring my research visit was productive. Varshaben, Monalben and Mansiben gave vital help with translation in meetings. Mansiben's technical skills with photoshop is also highly

appreciated. Finally thanks to Jasuben, Savitaben and Manishaben for ensuring that I was amply supplied with delicious food every day! Dr. Usha Desai provided the translation of the AMC bio-metric survey questionnaire. At StreetNet my thanks go to Ruby, Nozipho, Mdu and Annelene for their logistical support for the trip. Once again my thanks and gratitude to fellow researcher Debbie Budlender for her support, patience, and editorial acuity.

## **1. Ahmedabad: History and basic information**

Ahmedabad is the largest city in Gujarat state, India, and the former state capital. The city was founded in 1411 by Sultan Ahmed Shah to serve as the capital of the Gujarat Sultanate and was named after him. A permanent British military presence was established in 1824 and municipal government followed in 1858. In 1864, a railway link between Ahmedabad and Mumbai (then Bombay) enabled traffic and trade between northern and southern India via the city. During the period of British rule, the city established itself as the home of a developing textile industry, which earned it the nickname of 'the Manchester of the East'.

The city was at the forefront of the Indian independence movement in the first half of the 20<sup>th</sup> century and the centre of many campaigns of civil disobedience to promote workers' rights, civil rights, and political independence.

Today the city is the administrative centre of Ahmedabad district and the State judicial capital, seating the Gujarat High Court. It is the seventh largest metropolis in India with an area of over 450 square km. Its population was estimated at 6.35 million by the 2011 census, and it is one of the fastest growing urban economies in India. The city experienced severe economic crises from the late 1980s to the late 1990s during which most of the cotton textile mills closed down. Many jobs were lost, and a large section of the labour force was displaced from the formal to the informal economy. Since the closure of the organised textile industry, the city has experienced the casualization of its workforce. In 2009-10, 53% of the total workers were engaged as self-employed and another 11% as casual labour. (Mahadevia & Vyas 2012)

The population is growing rapidly, and there has been an increase in the construction and housing industries. The city has received recognition for its Slum Networking Programme, and has also won national awards for its Economically Weaker Section (EWS) housing under the Basic Services for the Urban Poor (BSUP) component of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM). Nevertheless urban poverty remains acute and around 26% of the urban population live in slums. (Alison Brown, Michael Lyons, Darshini Mahadevia: July 2012).

## **2. City Administration**

Ahmedabad city is administered by the Ahmedabad Municipal Corporation (AMC). The AMC commissioner is an Indian Administrative Service (IAS) officer appointed by the state government. He exercises administrative executive powers over the city. The

political head of the corporation is the Mayor. The city residents elect the 192 municipal councillors – ‘corporators’ through a popular vote, and the elected councillors select the deputy Mayor and Mayor of the city.

The administrative responsibilities of the AMC are: water and sewerage services, primary education, health services, fire services, public transport and the city's infrastructure. The city's suburban areas are administered by the Ahmedabad Urban Development Authority (AUDA).

In the 2010 Ahmedabad Municipal Corporation elections, the Bharatiya Janata Party (BJP) won 148 seats, 38 seats went to the Congress, and 3 seats went to an independent candidate. Gujarat State is presently governed by the BJP.

Law enforcement and public safety are maintained by the Ahmedabad City Police, headed by the Police Commissioner, who is an Indian Police Service (IPS) officer.

The city is divided into 6 zones constituting 64 wards. Local administration is decentralized to the zone level, with all important services regulated at this level. Street trading activities fall within the ambit of several units: the Estates Department which issues licences, the Health Department which deals specifically with food items and the sanitary conditions around markets, the Traffic Police who regulate the movement of vehicles around the city, and the City Police who maintain general law and order. Vendors attempting to earn a livelihood on the streets have to contend with the representatives of these various agencies and their specific regulative demands.

### **3. The Legal Context of Street Vending: Municipal Laws and Regulations**

The municipal and police laws that impose restrictions on street vending in most cases do not directly prohibit street vending as a profession, but impose restrictions on the use of public urban space for street vending purposes. Ahmedabad street trade is governed by various laws and acts namely:

- *Bombay Provincial Municipal Corporation Act, 1949*
- *Indian Penal Code, 1860*
- *Bombay Police Act, 1951*
- *Motor Vehicle Act, 1988*
- *Criminal Procedure Code, 1973*
- *Gujarat Town Planning and Urban Development Act, 1978*

Some of this legislation dates back to the colonial period or soon after. The acts are archaic and fail to meet the challenges posed by the current situation particularly relating to migration, unemployment, and the incapacity of the formal sector. Vendors are viewed as a problem to be controlled, or as a nuisance or obstruction, rather than as enterprises that contribute to the urban economy. Since vendors typically lack legal status and recognition, they frequently experience harassment and evictions by local authorities or

competing shopkeepers. Although the sector provides employment, it tends to be perceived by the middle class as antisocial, anti-developmental, dirty, unsightly, and unhygienic, and some businesses such as food stalls face additional checks by the Food and Drug Administration. This negative attitude and neglect has meant that this sector is ignored in town planning regulations and treated as unplanned urban growth. (Mahadevia & Vyas: 2012)

The Ahmedabad Municipal Corporation is responsible for licensing vendors under the terms of the Bombay Provincial Municipal Corporation Act (BPMC), 1949. Within the AMC, the Estate Department issues licenses to vendors and hawkers. The license procedure requires an application to be submitted to the Estate Department with the required documents, including ration card, proof of address, or voter ID cards. If the trade is related to food then a further license needs to be issued by the Health Department of the AMC. According to the BPMC Act, the license should specify the period, restrictions, conditions and date of renewal and the licensee must produce the licence when the relevant authority requires it. After submitting the application the authority is required to verify the premises and then grant the license. Food vendors' licences are revoked if they fail to comply with hygiene standards during quality checks by municipal officials. (Mahadevia & Vyas: 2012)

According to the BPMC Act, municipalities must provide licences for vending and hawking, but in reality the authorities are reluctant to issue licences, application forms are complicated, and the criteria for acquiring a licence are onerous. According to SEWA, formerly two types of licences were issued: a pitch licence for fixed vending and another for hawking. The city stopped issuing pitch licences in 1980 and more recently even the issuing of hawking licences has been suspended. (Interview: Shalini Trivedi) The eligibility requirements for a vendors' license include a ration card, proof of address, or alternatively, voter ID card. This can act as a hurdle to legalisation as many of the vendors and hawkers live in slums without a recognised address.

#### **4. The National Street Vendors Policy**

In the 1990s India's big cities faced problems that were familiar to many cities worldwide: increasing urbanization, congestion, deficits in formal job opportunities, and growing informal economies. Internationally, street vendors began to organize as globalization and urbanization heightened city-level conflicts between vendors and local authorities. The 1995 Bellagio International Declaration of Street Vendors called on governments to establish national street vending policies. Following the Bellagio Conference, street vendors and allied organizations in India formed a national organization to advance the vendors' struggle at a national level. The National Association of Street Vendors of India (NASVI) was formed in 1998 with very significant support from SEWA.

A National Task Force on Street Vendors, which included NASVI and SEWA, was set up by the Government of India to consult on a national policy. The Task Force included senior officials of the Ministry of Urban Development, mayors, municipal commissioners and senior police officials. NASVI and SEWA were also part of a smaller committee that

drafted the text of the National Policy, and much of its content and approach can be attributed to the presence of activists and representatives of the vendors' movement in the process.

India is one of very few countries that has developed a National Policy on Urban Street Vendors. The policy was adopted in 2004, with changes in 2006 and 2009. It aims to provide and promote a supportive environment for street vendors to earn livelihoods, while at the same time reducing congestion and maintaining sanitary conditions in public spaces and streets. It explicitly acknowledges the contribution of street vendors to urban life, and is designed as a major initiative for urban poverty alleviation. However, in India's Federal system the national policy is not a 'law' – it is a statement of intent, which only becomes effective when the policy is passed into law at the State level and given effect by local administrations.

The policy aims to reflect the spirit of the *Constitution* on the rights of citizens to equal protection before the law. The central point of the policy is that it recognizes street vending as an integral and legitimate part of the urban retail trade and distribution system.

“This Policy recognizes that street vendors constitute an integral and legitimate part of the urban retail trade and distribution system for daily necessities of the general public. As the street vendors assist the Government in combating unemployment and poverty, it is the duty of the State to protect the right of these micro-entrepreneurs to earn an honest living. Accordingly, the Policy aims to ensure that this important occupational group of the urban population finds due recognition at national, state and local levels for its contribution to the society.” (Source: Par. 1.7, National Policy on Urban Street Vendors, 2009, cited by Sinha & Roever:2011)

The 2009 Policy is organized around seven specific objectives:

- **Legal Status:** To give street vendors a legal status by formulating an appropriate law and thereby providing for legitimate vending/hawking zones in city/town master or development plans, including zonal, local and layout plans, and ensuring their enforcement;
- **Civic Facilities:** To provide civic facilities such as water, sanitation and waste removal for appropriate use of identified spaces as vending/hawking zones, vendors' markets or vending areas in accordance with city/town master plans, including zonal, local and layout plans;
- **Transparent Regulation:** To avoid imposing numerical limits on access to public spaces by discretionary licenses and instead move to regulation of access based on nominal fees, where previous occupancy of space by the street vendors determines the allocation of space; or create new informal sector markets where space access is on a temporary turn-by-turn basis. All allotments of space, whether permanent or temporary, should be based on payment of a prescribed fee fixed by the local

authority on the recommendations of the Town Vending Committee to be constituted under this Policy;

- **Organization of Vendors:** To promote, where necessary, organizations of street vendors (e.g. unions/cooperatives/associations and other types of organizations) to facilitate their collective empowerment;
- **Participative Processes:** To set up participative processes that involve firstly, local authority, planning authority and police; secondly, associations of street vendors; thirdly, resident welfare associations; and fourthly, other civil society organizations such as NGOs, representatives of professional groups (such as lawyers, doctors, town planners, architects, etc.), representatives of trade and commerce, representatives of scheduled banks and eminent citizens;
- **Self-Regulation:** To promote norms of civic discipline by institutionalizing mechanisms of self-management and self-regulation in matters relating to hygiene, including waste disposal, etc. amongst street vendors, both in the individually allotted areas as well as vending zones/clusters; and
- **Promotional Measures:** To promote access of street vendors to such services as credit, skill development, housing, social security and capacity building. For such promotion, the services of self-help groups (SHGs)/Co-operatives/Federations/micro-finance Institutions (MFIs), training institutes, etc., should be encouraged. (Source: Par. 1.7, National Policy on Urban Street Vendors, 2009, cited by Sinha & Roever:2011)

The policy aims to balance the need to promote vendors' livelihoods with the need to prevent overcrowding and unsanitary conditions in public spaces and streets. The explicit goals of establishing legal status for vendors, including vending zones in urban planning, and ensuring a transparent regulation system are critically important. These policy objectives are meant to overcome the persistent problems of police harassment and political patronage that are routinely found in countries worldwide.

The centrepiece of the policy is the formation of the **City /Town Vending Committees** (TVC) and, if required for large cities, ward level committees to supervise the planning, organizing and regulating of street vending. TVCs include representatives of street vendors with members from Resident Welfare Associations, Market Associations, (formal) Traders' Associations, police and municipal and planning authorities. These committees are required to allocate and manage space, monitor street vending and address any grievances and complaints.

The policy recommended that municipal authorities provide a range of services for street vendors, such as water, electricity, solid waste disposal, public toilets, and storage facilities. Another important aspect of the policy was recognition that about 2 per cent to 2.5 per cent of the city's population is in vending activity and that any city planning

should make space provisions for the same number of vendors. This policy gave special emphasis to planning for street vendors and explicitly recognized the locational dynamics of street markets. It stated that street vendors have a natural propensity to locate in certain places termed 'natural markets'. The policy emphasized that "No hawkers/street vendor should be arbitrarily evicted in the name of 'beautification' of the city space. The beautification and clean-up programmes undertaken by the states or towns should actively involve street vendors in a positive way as a part of the beautification programme." (cited by Mahadevia & Vyas: 2012)

The more recent *National Policy on Urban Street Vendors, 2009*, works towards promoting a supportive environment for urban street vending while at the same time ensuring that vending activities do not lead to overcrowding and unsanitary conditions. The 2009 Policy also includes providing access to credit, skills development and capacity building for vendors. But, according to Mahadevia and Vyas: 2012, the revised document has several significant omissions when compared with the 2004 policy, which make it a much weaker document for street vendors.

The 2004 policy proposed amending s.283 of the *Indian Penal Code 1860* and s.34 of the Police Act which penalize anyone who creates an obstruction to traffic flow. These two provisions create the contradiction between a legal 'licensed' vendor and an 'illegal' obstruction which can result in eviction of even licensed vendors. This amendment is not included in the 2009 policy. The 2009 policy also omits mention of the protection of vendors in city 'beautification' schemes. The 2004 policy states that no hawkers/street vendor should be arbitrarily evicted for 'beautification' of city space. The beautification and clean-up programmes undertaken by states or towns should actively involve street vendors as a part of the beautification programme. The policy of 2004 stresses that where relocation is absolutely necessary, a minimum of 30 days' notice should be given to the vendors who should be offered adequate relocation. The 2009 policy also omits comment on the amount of space to be allocated for street vending, which was mentioned in the 2004 policy. The 2009 version, like the 2004 policy, ensures that more than 40 per cent of the members of the TVCs should come from the street vendors' associations but does not address the fact that large numbers of street vendors in India are not members of associations.

Mahadevia and Vyas argue that the 2009 policy is highly restrictive for the vendors, in that it has abandoned the concept of natural markets. Furthermore, it is very much concerned with the space allocated and sounds very deterministic in terms of time and space allocated to the vendors. It also emphasized restrictions such as permitting vending only during non-rush hours and gives examples that the vendors markets could function once the regular markets close down such as night bazaars from 7.30 pm to 10.30 pm. They argue that the policy therefore totally missed the point that the vendors' markets develop where there are people and public activities. Their judgment is that the policy was very much a town planners' approach to vendors in a city, and that in the process of amending the draft policy, some very important recommendations on legal amendments and the conduct of evictions have been dropped. They conclude that the policy remains

only as a method to spatially regulate and institutionalize street vending. In this way, they argue, it becomes a strategy to seize urban space from the urban poor.

## **5. Street Trading Organization: SEWA**

### **5.1 History**

The Self-Employed Women's Association (SEWA) was founded in 1972 as a trade union of self-employed women. It grew out of the Textile Labour Association (TLA), India's oldest and largest union of textile workers founded in 1920. In 1971, Ela Bhatt, the Head of the women's wing of the TLA, campaigned on behalf of women head-loaders who carried clothes for the merchants between the wholesale and retail markets. At a public meeting to discuss their situation the women put forward the idea of forming their own association. SEWA was formed as a trade union for the self-employed in December 1971, which was a radical move, since at that point the self-employed had no prior history of organizing.

The first struggle SEWA undertook was obtaining official recognition as a Trade Union, successfully arguing its case against the Labour Department's initial refusal to register SEWA because it held that a workers' union needed employers to exist. SEWA's position that a union was for worker unity as well won the day in the end. SEWA grew continuously from 1972, increasing in its membership and including more and more different occupations within its fold.

Today SEWA organizes 4 categories of informal workers: labour and service providers, who are the largest group of workers; street vendors, who are the second largest group; home-based workers making products such as *bidi* cigarettes or incense sticks; and small producers such as small farmers or producers of other goods. SEWA has a total of 1.3 million members nationally, of whom 100,000 are in Ahmedabad. Street vendors are the most visible group of members. SEWA adopts a campaign approach for organizing in urban areas, which is done on a needs basis. It has found the campaign approach based on particular trades more successful than the area approach, as within one area there are a variety of activities being pursued and a waste picker, for example, would not necessarily be attuned to the needs of a vendor. SEWA leaders meet every three years to devise strategy for the next three years and determine which campaigns that they want to pursue.

Apart from defending the interests of vendor members on a day-to-day basis through interventions to protect them from harassment by municipal officials, SEWA has fought through the courts for many years to secure rights for vendors.

### **5.2 Public Interest Litigation from 2006**

In September 2006, SEWA filed a Public Interest Litigation (PIL) in the High Court of Gujarat on behalf of its members, seeking to stop the violation of their rights. The PIL's main objectives were:

- To obtain a declaration that sections 231 of the BPMC Act dealing with seizure of vendors' goods and evictions, and 384 imposing licencing requirements, were *ultra vires* by virtue of their incompatibility with those sections of the Constitution which guaranteed the right to a livelihood;
- To obtain an order in terms of the BPMC Act directing the AMC to implement the Draft National Policy on Urban Street Vendors, 2004.
- That the respondents be directed to –
  1. Set up town vending committees/ ward vending committees with powers to set up terms and conditions for hawking and to register vendors on payment of a monthly registration fees and monthly maintenance charges
  2. To refrain from forcibly evicting street vendors and denial of basic right to livelihood and provide for their relocation and rehabilitation ensuring that-
  3. Eviction should be avoided unless there is a clear and urgent public need for the land in question
  4. Where relocation is absolutely necessary, notice of minimum 30 days should be served on the concerned vendors
  5. Include affected vendors or their representatives in the planning and implementation of any rehabilitation project.
  6. Affected vendors should be assisted in their efforts to improve their livelihoods standards of living or at least to restore them, in real terms to pre- evicted level
  7. Loss of assets should be avoided and compensated
  8. That the areas described in the SEWA report on natural markets be declared natural markets and the street vendors be allowed to carry on their vocation without any restrictions on payment of stipulated registration fees and charges.
  9. That the declaration of natural markets and space for street vendors in natural and other markets as laid down in the National Policy for Street Vendors 2004, be provided for in the Town Planning Schemes or any similar scheme governing the areas under the jurisdiction of the Respondent Corporation.
  10. Pending inclusion of provisions for space for street vendors in the Town Planning Scheme or any similar scheme by the respondents, the Respondents be restrained from prosecuting or evicting the vendors from the places where they carry on their vocation and earn their livelihood.

11. Pending constitution of the Town Vending Committees in accordance with the National Policy 2004, the responsibility and powers to take any corrective action as regards street vendors be assigned to the market committees of the street vendors or their representatives.
12. That Jawaharlal Nehru Urban Development Mission, Ministry of Urban Development, Government of India, be directed to make provisions for street vendors in the development plan for Ahmedabad

The case was filed against the following respondents:

1. The State of Gujarat – it was under the obligation to implement the National Policy on Street Vendors, 2004 by formulating a state policy and taking adequate measures to implement the national policy; in addition, it should cease collecting fines from the women vendors amounting to Rs. 12.50 each week as it has done for decades.
2. AMC- it was under an obligation to exercise its powers under the BPMC Act, 1949 (instead of repeatedly refusing to grant licenses without valid reason/justification) and to refrain (as per the High Court's 1997 order) from violating fundamental rights of the petitioners by evicting them, seizing their goods or prosecuting them.
3. Ahmedabad Urban Development Authority (AUDA) – it was under the obligation to make provisions for street vendors in view of the national policy and the further obligation to provide adequate space for markets by The Gujarat Town Planning and Urban Development Act, 1976.
4. The Commissioner of Police- who violated fundamental rights of the members of SEWA and other street vendors by evicting them and thus depriving them of their livelihood.
5. Jawaharlal Nehru Urban Renewal Mission. (Source: SEWA- List of PIL dates and events)

The petition went through many twists and turns over a four year period. It was first reviewed in 2006, when the petition relating to sections 231 and 384 of the BPMC Act was declared outside the jurisdiction of the High Court. SEWA then moved that AMC be directed to implement the draft *National Policy on Urban Street Vendors, 2004*, (NPUSV). The court then requested the AMC to provide details of its scheme for street vendors. The AMC responded by arguing that the street vending scheme framed in 1988, providing nine sites for the relocation of vendors, was already in place.

SEWA then filed an affidavit arguing that the harassment of vendors continued, and that the draft NPUSV 2004, superseded the 1988 provisions, and therefore a new scheme should be prepared based on the new policy. The High Court directed that the two parties

meet to try and resolve the grievance amicably, and that street vendors should not be evicted in the meantime. In response, in 2007, the AMC filed an affidavit to the effect that the existing 'Scheme' (plan for regulation of street vending) was sufficient in itself i.e. that nothing further needed to be done.

In 2008 the High Court intervened on the basis that no Scheme had been finalized. It gave AMC three months to finalize the scheme based on consultations with SEWA. When the deadline was not met, SEWA prepared its own Scheme and gave it to the AMC, but the AMC argued that several of the relocation plots identified were unsuitable. At a hearing in early 2009 SEWA filed an affidavit to argue that a draft Scheme had not been submitted and vendors were still being harassed. The High Court then gave the AMC until March 2010 to prepare a draft Scheme.

Meanwhile, in May 2009 SEWA filed an affidavit to the effect that vendors were being evicted for the Bus Rapid Transit Scheme (BRTS) with no alternative provision. Over the next few months, various submissions were made relating to the production of the draft Scheme. In February the AMC submitted a consultant's report,<sup>1</sup> but the High Court ruled that this did not constitute a Scheme, and the Estate Commissioner appeared before the court to requesting a further week to produce the draft Scheme.

A draft Scheme was finally presented to the High Court on 2 March 2010, allocating three categories of vending zones: *green* where vending is allowed; *amber* where vending may be allowed under certain restrictions, and *red* where vending is not allowed. The court accepted the submission. SEWA filed an affidavit noting flaws in the consultant's report, specifically that it had overlooked the concept of *natural markets*; SEWA had identified 164 natural markets in Ahmedabad. The High Court ordered appropriate modifications to the Scheme to be negotiated between SEWA and AMC.

In response, in April 2010, SEWA formally requested modifications to the draft Scheme, on the basis that the NPUSV, 2004, had not been adequately considered and that *natural markets* should be regularised. The AMC accepted some of the suggestions, and modified the draft Scheme accordingly, and but gave wide powers to the proposed Town Vending Committee (TVC) concerning *natural markets*. The Gujarat Government filed an affidavit giving permission for the TVC to be set up, as the AMC was trying to delay the court proceedings, hiding behind a technical point that the state government had to approve all the legislation concerning the city and that the AMC could not do so on its own.

SEWA made a final submission that if the draft Scheme were implemented unchanged then 129 out of the 164 *natural markets* identified would be adversely affected. A final judgement was issued in August 2010, nearly four years after the initial petition was heard, to the effect that the Scheme could be finalised, taking into account further amendments. It noted that after proper provision was made for rehabilitation (relocation), and provided due notice was given, evictions could proceed.

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<sup>1</sup> The AMC approached the Centre for Environment and Planning Technology University, Ahmedabad.

In their assessment of the outcome of the PIL process for SEWA, Vyas & Mahadevia: (2012) argue that the use of existing legislation to establish the legitimacy of street vending has been fraught with difficulty. They point out that SEWA's first plea regarding the *ultra vires* nature of the legislation in the BMC Act 1949 in the light of the Constitution's fundamental rights 'to life' (Article 21) and 'to trade' (Article 39) failed through the High Court's puzzling determination that the matter was beyond its jurisdiction. SEWA was then forced to proceed on the more narrow issue of the implementation of the 2004 National Policy on Urban Street Vending. The authors argue that this has led to the framing of a Scheme that is biased against vendors, and which violates both Articles 21 and 39 of the *Constitution*. To take the issue further SEWA would have to challenge the Scheme in the higher courts on the basis of these violations. The outcome raises questions regarding the best avenues to use in defence of vendors' rights, and whether the courts alone can do the job in the absence of a favourable climate at the local state level.

### **5.3 The Town Vending Committee**

The AMC Draft Street Vending Scheme (2010) is the direct result of legal action taken by SEWA in 2006 to force the Corporation to implement the National Policy for Urban Street Vendors, 2004. After a protracted legal process and sustained pressure from SEWA over a period of 6 years, detailed above, the scheme was finally implemented when the Town Vending Committee (TVC) was activated in March 2012. The preamble notes that the main purposes of the scheme are: to allow vendors to obtain a livelihood; to mobilize the urban economy; to regulate vehicle and pedestrian traffic on roads and footpaths, manage its density, and maintain public health and sanitation. (AMC Draft Street Vending Scheme 2010)

The scheme is managed by the Town Vending Committee, which is overseen by a Monitoring Committee. The Town Vending Committee has 28 members. The AMC Commissioner acts as its chair, and its members are the mayor, the collector (city treasurer), representatives from various branches of the city administration, the traffic police, the opposition leader in the council, the Chamber of Commerce, residents' welfare associations, non-government organizations, community-based organizations, and 10 representatives of vendors from different areas in the city, one third of whom are women members.

The Town Vending Committee has

'The absolute powers of implementation of the said Scheme... This Committee will have the powers to frame rules of this Scheme and to make necessary amendments in the same. The information / approval of the decisions taken and the rules framed will have to be obtained from the Standing Committee / Monitoring Committee.' (AMC Draft Street Vending Scheme 2010)

The Standing Committee of 12 is made up of officials and elected council members. It meets weekly to consider all AMC business and exercises oversight of administrative decisions taken. It will function as the Monitoring Committee of the TVC.

## **Functions and Duties**

When interviewed, the AMC Commissioner outlined the functions of the TVC as

‘making rules for the vending zones, locating the zones, deciding the density of vendors in each area, the rules for registration of the vendors, the methods for demarcating the vending zones, the terms and conditions of vending, the monitoring mechanism, the weekly markets and vending associations, having discussions with them and listening to them. And dispute resolution - disputes get brought to the TVC for resolution.’ (Interview: AMC Commissioner)

The functions and duties of the Committee are determined by the regulations in the National Policy on Street Vendors 2009, and include the following:

- Monitoring and maintenance of the infrastructure facilities in the vending zones and markets
- Determining the format of weekly bazaars, festival bazaars and night bazaars
- Conducting periodic street vending surveys and determining the increase or reduction in the numbers of license holders in the concerned areas
- Determining the rules and policy for the registration of street vendors, cancellation of registration and issuing of identity cards
- Determining the rules and policy for deciding the vending zones in the concerned ward or area
- Monitoring the public facilities within determined Green Vending Markets and Vending Zones
- Determining the density of the vendors in the Vending Zones
- Determining the days, dates and time of vending in the vending zones and managing appropriate signage
- Framing vending rules and conditions and determining corrective measures for defaulters.
- Determining the fees for vending and their means of recovery

- Ensuring that vendors alone make use of the premises allotted them, framing rules against sub-letting or selling to third parties
- Issuing quality control directives regarding goods and services provided by the vendors.

## **Street vending regulation**

For the purposes of street vending regulation, the roads in the city have been zoned into three types, according to their size and traffic loads: Green, Amber and Red. The zoning works as follows.

### **1. Green Vending Zone: [Restriction-free vending]**

Here vending can be carried out without any kinds of restrictions, within the specified area. In residential zones on roads less than 15 meters width, vending activities can be carried out daily from 07:00 to 21:00. Vending at weekly bazaars, night bazaars, and on festivals holidays is permitted at specified times.

### **2. Amber Vending Zone: [Restricted vending]**

Here vending is subject to permission and conditions as to time and place. In commercial zones with road width exceeding 15 metres, vending is permitted from 06:00 to 09.00 and 18:00 to 21:00. In institutional zones, vending of goods other than restricted items is permitted daily from 07:00 to 19:00. In heritage zones, daily vending is permitted from 07:00 to 19:00 at a distance of 200 metres.

### **3. Red Vending Zone: [No vending]**

Areas where the vending permission cannot be granted include roads of 30 metres or wider, areas with heavy traffic, areas within major commercial zones, and areas within a radius of 200 meters of Heritage Zones

Additionally, a fourth category of vending space - a Green Vending Market – is used to designate places approved by the Town Vending Committee where vendors are permanently vending or where vending activities are carried out.

## **Licensing of vendors**

In terms of the scheme, licences are issued subject to a set of rules, the most important of which are listed below:

- To qualify for a licence, a vendor must be a citizen, over 18 years of age, and have been residing in Ahmedabad for 10 years prior to 31 December 2009.
- The vendor must have ID in the form of an election card issued by the Election Commission of India.

- Vending should be the only form of the applicant's livelihood. No other is allowed.
- The licence is valid for a maximum of three years and is not transferable.
- The area / ward in which the applicant wishes to vend has to be clearly stated on the application

A range of other regulations govern positioning of vendors, use of carts and their specifications, use of assistants, prevention of obstruction, noise and nuisance, and maintenance of health and safety norms.

Licence fees are set out for different categories of vending, and details specified as to documentary evidence necessary for vendors to carry with them and produce on demand of authorized municipal officials. (AMC Draft Street Vending Scheme 2010)

The institution of the Ahmedabad TVC is an important step forward in SEWA's struggle for vendors to gain greater voice in the municipal institutions which make decisions affecting their livelihoods, and heralds a new phase of institutionalized negotiation. This victory was won by protracted legal struggle and sustained organization, and finally institutionalizes an important aspect of the National Policy that SEWA has been struggling for since 2006.

## **5.4 Towards a National Street Vendors' Law**

Street vending organizations have been struggling for a comprehensive central law in favour of street vendors since 2009. SEWA has been at the forefront of this struggle, along with other organizations working under the umbrella of NASVI. In October, 2010, in the PIL case brought by street vendors, the Supreme Court directed the government to convert the National Policy for Urban Street Vendors into law as the policy had not been able to ensure the fundamental right to livelihood of street vendors. Vendors associations had to struggle to convince the Ministry of Housing and Urban Poverty Alleviation of the critical necessity of a central law. Vendors held street demonstrations in several cities in 2011, and organizations lobbied hard for a central law with the Prime Minister, members of the executive and parliamentarians.

The *Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012* was approved by the Cabinet in August, and was sent before Parliament for consideration in September. At the time of writing the Bill is still under consideration. When enacted, the central law will prevail over all state municipal laws as well as police acts to the extent that they are inconsistent with the law for street vendors. It will also do away with the existing license system that has become a tool to victimize and harass street vendors in almost all municipal areas in the country. The Bill makes the creation of Town Vending Committees compulsory, and obliges all municipalities to frame a street vending plan, to be revised every five years.

## **5.5 Struggles on the Ground: Natural Markets & Model Roads**

The concept of 'natural markets' was developed by SEWA to denote places where good accessibility and a significant pedestrian flow create a commercial opportunity for street vendors. Regularization of natural markets is a central demand for SEWA. It argues that the main focus of the Central Law for Street Vendors should in fact be on natural markets. These are generally spaces alongside busy roads where 'the buyers and sellers have traditionally congregated for a long period for the sale and purchase of the goods as per the mutual needs of the public at large and vendors' (SEWA 2012) SEWA is calling for the continuation of natural markets, and their regularization through the creation of schematic plans which set out vending sites, and their mapping. (To see how this process works in practice, see the Jamalpur Market case, below.) In cases where it is not possible to schematize the natural markets, SEWA is calling for consultation with vendors and their full accommodation in nearby open plots or adjoining streets within the immediate vicinity. (See the case of Mansi Road, below.) SEWA is calling for the formation of natural market committees comprising the vendors, police and civic authorities to manage the affairs of the natural market. (SEWA 2012)

In a 2004 survey SEWA identified 164 natural markets each with more than 25 vendors of which it estimates 70% are located in 'no trading' zones and are thus under threat of relocation. (Interview with Trading Committee)

### **Vendor Training**

Multiple meetings are held with the vendors at the market to establish the vendors' situation and their readiness to form a committee. Committees are elected by the vendors on the basis of their knowledge and trust in each other, with one member representing ten vendors, more or less. Committee members have to be prepared take on leadership responsibilities in addition to carrying out their trading activities. (Interview: Mansi Market Committee)

SEWA provides training to committee members which is aimed at providing knowledge, information and skills which will assist them in their leadership roles as well as in their vending activities. There are four training modules: Information and strengthening training; market development training; value added training; and managerial training. For the training sessions the whole committee comes to the SEWA reception centre at a convenient time, when they are not selling. Knowledge of the municipal trading regulations and negotiation skills are passed on along with training on marketing and customer relations training.

When asked what their principal responsibilities were, members of the Mansi Market Development Committee responded that, in order of importance they were:

- To keep the dustbins orderly and clean in order to manage the waste generated around the market.

- To keep their vending activities within the demarcated spaces in the market and not to transgress the delimited space. Both of these priorities are responses to the need to avoid conflict with the municipal authorities and to comply with the Keep Ahmedabad Clean campaign that the city is running.
- Customer relations were seen as very important. Training stresses building a long-term relationship with customers, through courtesy and honesty.
- Negotiations - with municipal authorities such as the municipal police and AMC officers and residents were seen as very important and affecting very directly their capacity to carry out their livelihood activities.

During the course of the interviews conducted with members of various committees it became clear that most had experienced harassment at the hands of the municipal authorities, having carts confiscated and bribes demanded of them. Some had been subjected to physical assault as well. SEWA has provided special training to committees on how to deal with municipal authorities, and it would seem that in at least several instances the strength of the members, their refusal to be intimidated, and their knowledge of the regulations has resulted in victories against the abuses of petty officialdom. (e.g Interview with Mansi Market Committee, and with Campaign Team)

## **Model Roads**

In September 2011 Ahmedabad Municipal Corporation announced the first phase of its plan to develop eight selected roads in the city as ‘model roads’. The aim is to deal with traffic congestion by laying new asphalt on the roads, to make them dust-free, widening roads where possible, and remaking or repairing existing central verges and footpaths on both sides. Improved signage will be used for better traffic guidance, proper pedestrian walkways will be constructed, railings erected and benches and dustbins placed at various intervals along them. (<http://deshgujarat.com/2011/09/16/ahmedabads-8-road-stretches-to-be-developed-as-model-road/> accessed 23<sup>rd</sup> October 2012) A second phase was announced in September 2012 which will see 36.5km of main roads linked with the Bus Rapid Transport System (BRTS) that is being developed. It was reported that 19 more streets will be involved in this plan.

([http://www.dnaindia.com/india/report\\_ahmedabad-civic-body-s-model-plan-reaches-19-more-streets](http://www.dnaindia.com/india/report_ahmedabad-civic-body-s-model-plan-reaches-19-more-streets). Accessed 23<sup>rd</sup> October 2012)

Vendors have no place in these plans and will be cleared off the designated roads as and when work begins. SEWA did an in-depth survey of the natural markets in these areas and found there are 16 which are going to be affected by the model roads programme. SEWA calculates that between 5,000 and 5,500 street vendors will lose their livelihoods when these developments take place. SEWA’s survey obtained information including on the number of consumers visiting each vendor daily and what their earnings were.

The information was collated and presented to the Municipal Commissioner to support the argument that the planning of model roads had to incorporate the vendors, and that

the AMC should be thinking about model markets when planning model roads. According to Geeta Koshti, the legal coordinator, the AMC commissioner was most reluctant initially to entertain the idea, on the grounds that vendors caused commotion and confusion. After a protracted spell of negotiations, with a lot of written communications between them, the commissioner invited SEWA to present written proposals for each case.

In each of the 16 markets affected by the model roads programme, SEWA has approached the Market Committees and has asked them to indicate alternative spaces which might serve as potential sites for relocation. The process was carefully documented, so that in each site all the vendors attached their signatures to the letters to the commissioner outlining the spaces chosen. It has then begun the three-way process of negotiating relocation of vendors from the model roads, consulting with the vendors and communicating with the AMC Estate Department, the Municipal Police, and ultimately with the AMC Commissioner. The following three case studies of SEWA negotiations with the AMC over the relocation of vendors in natural markets and model roads illustrate the complexities of the process of engagement.

## **6. Case Studies: Negotiations over Relocation of Vendors**

### **6.1 Relocation of Hattkeshwar market: a ‘Model Road’**

In this case the vendors were working on a main road of 20m width. They were relocated to a nearby residential side road of 15m width but soon faced complaints from the residents. The latter claimed that the vendors were encroaching on the road, blocking access to their dwellings and endangering children walking to and from a nearby school by forcing them to walk in the road in the face of the traffic. In the face of these protests the vendors were returned to their original sites on the main road while negotiations for a more suitable alternative space proceeded. In the process the helpful AMC officer working with SEWA, with whom they had developed a good working relationship, was transferred. His replacement continued the process. He issued vending licences authorizing trade in an open municipal space already demarcated for use by the e AMTS, the municipal bus service. In order for the vendors to obtain legal access to this space the municipality would first have to change its designated purpose, a potentially lengthy process. To compound the complication, the actual space allocated is in a different zone of the city, and the decision was taken with no reference to the zone officer responsible for that area.

As a perverse outcome, the ID cards issued to the vendors gave them licences to trade in both places – the old and new locations. (See **Appendix C** for an example of a Vendor’s ID Card.) On realizing his error the Hattkeshwar zone officer attempted to collect the ID cards from the vendors, but they have been handed over to SEWA for safekeeping whilst this negotiation unfolds. An added complication is that there is no written documentation recording all the negotiations between SEWA and the former AMC zone official and the decisions taken and agreements reached.

When discussing this case SEWA members were confident of the strength of their leadership and its capacity to carry the negotiations through on the basis of organizational strength and cohesion. (Interview Manjulaben). According to the Market Committee members, the Hattkeshwar vendors approached the ‘corporator’ – their elected local council representative for assistance. They complained that they were being pushed out by the residents from the side road and harassed by the police on the main road, despite the fact that the cards they were issued nominated this as a vending zone for them. They told him that since they had all made a voluntary contribution of Rs. 50 to his election campaign fund they expected him to do something in return for them. He reportedly promised to take up the issue with the Standing Committee on their behalf. This committee has the power to speed up the administrative processes necessary to resolve the issue. (Trading Committee Interview)



**Vendors alongside Hattkeshwar Road**



**SEWA staff consult with leader**



**Unacceptable site: residential street.**



**Relocation site identified by vendors.**

## 6.2 Relocation of Mansi Market: a ‘Model Road’<sup>2</sup>

Mansi market is situated in the Bodakdev area, and was formerly outside of Ahmedabad Municipal Council’s area of jurisdiction, on the periphery of the city. It was a middle class district under the jurisdiction of the Ahmedabad Urban Development Authority. In the 1990s, when the area was not particularly developed, vendors negotiated for, and obtained, space and trading platforms and were allowed to sell on the road, which was narrow. AUDA placed a notice board in the area stating that it was a vending zone, and thus ‘officialized’ it. Vendors sold mainly fruit and vegetables. Some prepared foods were also sold, and there were a few garment stitchers and wallet vendors as well. Vendors earned a good monthly income because the judges of the Gujarat High Court had their bungalows opposite where the vendors sat, and there were many high rise apartments and good shops in the vicinity.

With the expansion of the city Mansi came under AMC jurisdiction and the area started to develop. The vendors began to experience unwanted attention from the authorities. They were not licenced, but this was the general case at that time in Ahmedabad, and the area had been legally allocated to them. The problems arose chiefly because of complaints from the residents, some of whom were judges, about the obstruction to roadside parking caused by the vendors.

SEWA tried to use the market development committee to maintain order in the area, and hired security guards, but the judges questioned the right of the guards to manage the parking of their vehicles. The street became a battle ground over evictions and confiscation of carts, which were taken to the lock-up and had to be reclaimed on payment of a fine. Vendors continued to trade in the area, as although they were harassed and fined they were still able to operate.

Ultimately Mansi was declared a model road in 2012. SEWA members vending along the road approached SEWA because municipal officials visiting the area began asking them for proof of identity and told them they were planning to move them. Following intense negotiations with the commissioner SEWA was able to submit documentation indicating possible alternative spaces pointed out by its members.

SEWA went back and asked again for an alternative space, suggesting that the Mansi market could shift to land nearby owned by the government. The Deputy Commissioner then asked for a proposal in writing, which was produced. Nevertheless, in April 2012, municipal officials started confiscating vendors’ *laris* (carts), throwing out the goods and removing the street vendors. SEWA returned to the Deputy Commissioner of the Mansi zone and queried why this was happening when there was an process on-going with the identification of alternative space. It asked that the vendors be allowed to stay until the space was ready for them and the legal formalities completed. The Deputy Commissioner claimed that the matter was beyond his competence and directed SEWA to the AMC Commissioner who, when approached, was amenable to the vendors being allowed to

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<sup>2</sup> The following account is drawn from interviews with Shalini Trivedi, Policy Coordinator; Geeta Khosti, Legal Coordinator, and the Mansi Market Development Committee

stay in their original location for ‘a couple of months’ until the alternative space was ready.

The AMC then initiated a Model Road survey of vendors. The municipality had already completed a previous Bio-metric survey of 66,000 vendors in Ahmedabad. (See **Appendix B** for the Questionnaire used by the AMC to collect information on vendors.) The Model Road survey seemed a duplication in some ways, with vendors being asked again for proof of identity and other documents. Officials handed over forms to all the vendors and instructed them to fill them out and return them to the corporation. SEWA’s leaders decided that the organization would collect all the forms and documents from the members in order to submit them *en bloc* to the corporation, rather than have members return them individually, as originally requested.

The AMC issued SEWA an ultimatum, demanding all the forms on 24 hours notice, and threatened not to provide space to anyone in the event of non-compliance. At the end of an emergency information-gathering and form-filling exercise 110 forms were submitted to the corporation. Not all the vendors were there at the time and some did not have all the information and documents available. SEWA continued working on obtaining the necessary information for the other vendors. Of the 110 forms submitted, the corporation identified 66 vendors and provided space only for them. The rest were not allocated any space.

The number of SEWA members at Mansi natural market totals 145, so 79 vendors were not allocated space. When SEWA’s legal coordinator, Geeta Khosti, engaged with the zone commissioner on the issue of the remaining vendors he responded with an ultimatum. Either SEWA accept the 66 places or the whole deal would be scrapped and nobody would get a place in the alternative space. In the face of this threat SEWA leadership called a meeting of all members involved.

At a meeting on 14<sup>th</sup> August the situation was explained to the members. The meeting was turbulent:

‘Members got wild and were asking “why did you accept for 66 members and not us?” There was lots of quarrelling and fighting, and even the market committee started fighting among themselves and saying they had been sold out. The members were told that SEWA would do whatever they, the members wanted. “If you want we will go and occupy that space. But if we do not occupy it, then the entire space will be gone”. Members were saying that if we go, we all go together.’ (Interview: Geeta Khosti, legal coordinator)

It was decided that the legal coordinator should go back to the commissioner and ask him to explain why the 110 vendors that SEWA had identified could not occupy the space. He remained adamant that this was not in the plan, conceding that it might be considered at a later stage, but again threatened to foreclose on the offer of a space for 66 vendors if it were not taken. Faced with the necessity of making hard choices Manaliben suggested that the way forward, to avoid internal disputes among the members, should be to decide

the entire allocation of the 66 places through a draw, to be conducted by the AMC in order to avoid accusations of partiality against SEWA. The remaining excluded vendors demanded a guarantee that they would be included in the next phase and that they be allowed to operate in the meantime from the old places. This was not possible however, as the AMC Commissioner wanted a guarantee from the traders that nobody would move into the spaces that had been vacated on the model road.

For the draw, vendors had to bring proof of identity such as a voting card or ration card. SEWA contacted the members involved, and arranged for copies of the correct documentation to be available. On the day, the AMC first checked vendors queuing outside the offices to see if they were on the list, after which they went inside where their documents were verified. Following this the draw took place. It was managed by the AMC Deputy Estates Officer, the official in charge of the entire relocation, and observed by SEWA members, including their representative on the newly activated Town Vending Committee. The names of the eligible vendors were drawn randomly from one box, and the vendors then drew from a second box a number which corresponded with a new space to be allocated them. The new site number was then recorded by the officials. The vendors then went back to the old trading site, with their new ticket, and this was recorded and marked on the old site, effectively 'cancelling' it for further future use. The token was then reclaimed as confirmation of allocation by the AMC to avoid any possibility of the same vendors claiming more space.



**Verification of documents  
(photo: SEWA)**



**Choosing site by lot (photo: SEWA)**

All vendors and office-bearers of SEWA signed a legally-binding document recording that the process had taken place according to the legal norms of the AMC following the declaration of the model roads project. The new space which has been allocated comprises single and double spaces of 5'x6' and the placement has been organized accordingly, allowing space for customers to walk in between the vendors.

There was space remaining at the new site, which SEWA wanted to obtain for the rest of the vendors from the market, so it began the next phase of negotiations. Following the placement of the 66 vendors, the Commissioner returned the list of 110 people which SEWA had originally submitted, and asked SEWA to match it with the names of its members claiming sites and then revert to the AMC. The Legal Coordinator was only able to find 26 more names that matched the original list. Of the rest, 43 had already done the earlier bio-metric survey so their names could be considered. It was also established

that some members were ill and absent when the model road survey was done, but were part of the bio-metric survey and thus could be considered. Still others were street hawkers selling edibles and not eligible for a permanent place.



Marking of vacated site (photo:SEWA)



Vendors in new space

At a second meeting this information was given in writing to the zone commissioner. However before he could approve it he was transferred. There was a concern that the change in personnel could affect the process, but assurances were given that, since this was approved at the central level, the new zone commissioner would be bound to follow through with the process, and that the remaining vendors will be accommodated, with the exception of the vendors selling edibles. At the time of writing SEWA was planning on struggling for the latter's inclusion once the second phase of relocation is completed.

Vendors who were interviewed at the new site were very happy that something positive emerged from their long struggle, but they had concerns. Their sales were down by as much as 30%, indicating that their customers had not all followed them to the new site and some of them were incurring debts as a consequence. They were also troubled by the fact that the vendors remaining outside the new site still waiting for relocation were benefiting from their absence and capturing their trade. SEWA is optimistic that the remaining vendors will be accommodated in the end, even though the process may take time, and is claiming the relocation as a victory, describing it as the first time in the history of vending in India and Ahmedabad that the vendors have got a space they can call their own along with an identity card. (Interview Shalini Trivedi)

### **6.3 Relocation of Jamalpur natural market**

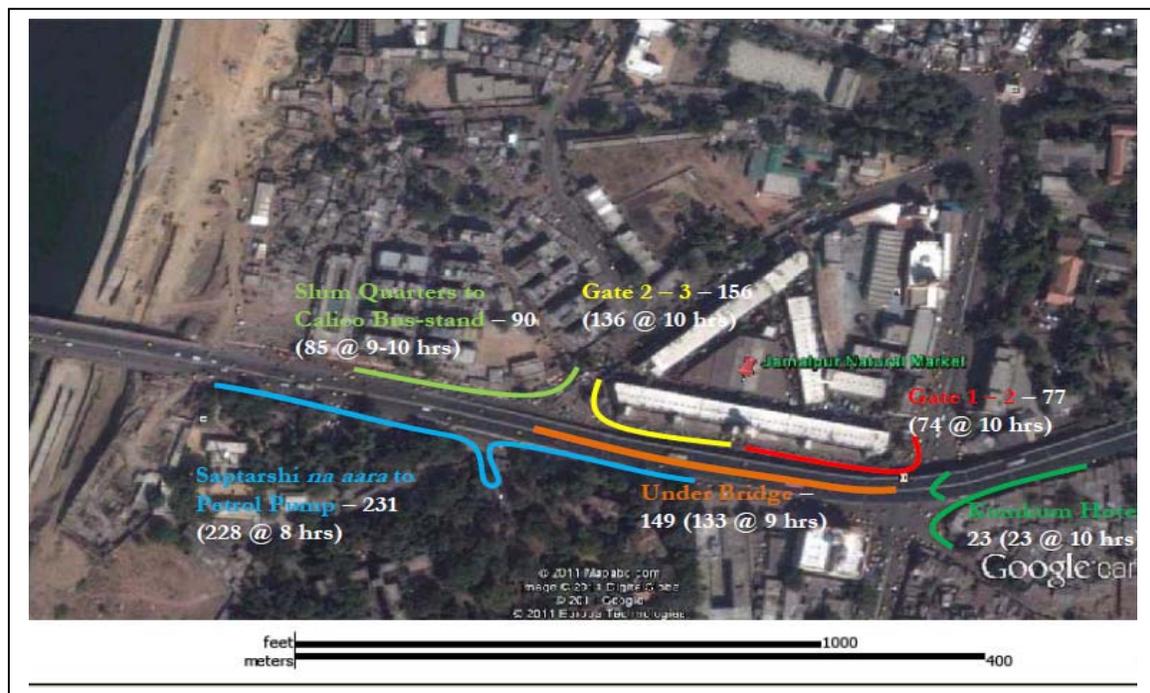
Jamalpur natural market began to develop in the mid-1970s when the Sardar Patel APMC – the principal wholesale fruit and vegetable market for the city - was moved to its present location. This was done to ease traffic congestion, but with the growth of the city and the extension of its boundaries it has become a central hub. The market is situated in the heart of central Ahmedabad near the end of the Sardar Patel bridge which connects the east to the west of the city and is close to the main state bus transport terminal. There are numerous activities in the area to attract potential customers for the street vendors - residential blocks, two hospitals, a municipal transport workshop and a crematorium.

Farmers deliver their goods directly to the market. There is a very heavy inflow of customers as the market supplies bulk buyers such as hotels, restaurants, and retail vendors in other parts of the city as well as individual households. Street vendors buy from the wholesalers inside the market and then sell to the public in a natural market which has developed in the APMC environs.

The symbiotic relationship between the APMC and the natural market has developed into a complex system over time with a wide range of ancilliary services creating livelihoods for many people, including headloaders, bag sellers, tea and refreshment vendors and informal security guards.

Today there are about 1,000 vendors dependent on the natural market for a livelihood. The market activities begin at 4:00 am and reach their peak around 10:00 am. Vendors work in three shifts around the natural market: from 4:00-10:00 am; 10:00 am – 4:00 pm; and 4:00 – 10:00pm. There is considerable traffic congestion around the market, due mainly to loading trucks, ‘tempos’ (auto rickshaws with flat-bed carrying capacity), auto rickshaws and pedal rickshaws and to the lack of proper designated parking space as well as lack of any organized inflow and outflow of vehicles at the APMC. (SEWA:2012 a)

**Jamalpur Natural Market: Map showing the position of the vendors in the market, the number of vendors and the highest concentration in the day at the particular place.**  
(Reprinted with permission: SEWA 2012 a)



For the AMC the problems of the Jamalpur natural market are related principally to traffic and solid waste management. Vendors do not confine their activities to the plots

demarcated by the municipality. They encroach on the main road, and even though it is wide, they obstruct the traffic. Customers park vehicles in the road to buy from vendors and block the way for other vehicles. Rubbish disposal is haphazard as vendors do not use the facilities provided by the municipality. SEWA has been engaging for a number of years with the municipality as it seeks to regulate street vending, in order to defend its members' interests. What follows is an account of this process.

The natural market developed rapidly from the mid-1980s when communal riots in the city caused vendors to move to Jamalpur for safety. The vendors were given demarcated spaces in 1996 following lobbying by SEWA. In 2002 the AMC built platforms for some vendors in an open space near the wholesale flower market.

However, SEWA felt that the exercise was not properly planned (Interview: Shalini Trivedi). The vending platforms were not properly constructed and there was no space for customers to circulate. Only 200 platforms were built and there were at that time around 900 vendors. SEWA proposed a draw for spaces as a way forward, with the Jamalpur natural market vendors as the pool. The AMC had to be prevented by SEWA through court action from going ahead with a draw that would have been open to all vendors in Ahmedabad, something that SEWA argued was a recipe for chaos. The vendors that returned in 2003 to their original place, near to the Juganath temple complained that their activities were frequently disturbed and they were harassed by religious processions, visits by dignitaries and bouts of religious unrest.

In 2004 SEWA formed a Natural Market Development Committee in the form of a trust – the 'Jamalpur Vechnara Bajar Sewa Samiti' for its vendor members to further their welfare and defend their interests. One of the key issues motivating this was the need to regulate internally the allocation of space between vendors. A severe problem of overcrowding and space constraints led to the hiring of a security guard. His task was to prevent opportunistic occupation of space by micro traders such as headloaders who diverted some of the produce they were carrying and then sold it on their own accounts. (Interview: Shalini Trivedi) This is indicative of the conflicts emerging over intense competition for limited available space in a prime vending area.

In 2008 an 'overbridge' - an overpass or 'flyover' - was built at Jamalpur as part of the Jawaharlal Nehru Urban Renewal Mission project aimed at dealing with traffic congestion. SEWA moved to get the AMC to accommodate the vendors under the overbridge as an alternative to them sitting alongside the road. SEWA has proposed a number of improvements and has drawn up schematic plans which it has negotiated with the AMC.

Amongst the improvements SEWA is proposing are

- Provision for a proper designated permanent place for the vendors
- Provision of a proper security person
- Provision for the discarding of waste and its re-use
- Provision of a composting machine for biodegradable waste at the market itself

- Distribution of biodegradable plastic bags for the vendors
- Provision for proper parking area for the customers and traders
- Provision of a storage facility for the vendors
- Regularization of the vendors in order to preserve their livelihoods (SEWA: 2012a)

Out of the 726 vendors incorporated into the plan, 245 vendors are to be accommodated under the over bridge and 250 at the open plot beside flower market.

SEWA drew up the plan and presented it to the AMC on the basis of its viability, and also for its potential for vendors to contribute fiscally for the use of the vending sites, instead of the money going to bribes for municipal police or other administrative officials. What is noteworthy about this case is that SEWA was able to generate sufficient influence, through the outcome of public interest litigation in 2006, to persuade the Municipal Commissioner that it was in his interests to allow SEWA to undertake the lead in the planning exercise. He favoured this approach as it would achieve his main objective of having the road cleared. He in turn influenced the mayor, who had not initially been favourable to the idea.

The process of negotiation provides important insights into how SEWA managed to do this. There were many presentations to the AMC Standing Committee and the Commissioner. No AMC planners were involved. SEWA did not want them, and according to one informant: ‘We said “Give us the market and we will develop it by ourselves.” They were ready for it. They were ready to implement it.’ (Interview Shalini Trivedi)

SEWA worked with the Jamalpur Natural Market Development Committee, which first had to be revitalized, to develop a creative response to the challenge of relocation. The committee had been dormant since 2005, but as a member of the Campaign Team charged with reactivating the committee put it:

‘Once the corporation told SEWA that they wanted to move the vendors, that is when the whole interaction started. Once it was decided that the corporation was ready to give the space under the bridge to the vendors, the first question was “how do we do it?” To form a market committee was very important. So a meeting was held and a hall hired for the purpose so that each and every member from the market could attend. In that collective meeting Manaliben (Manali Shah) explained to them the entire process of what has happened. And they had divided the market into zones according to each location in the market, and Manaliben explained that each zone needed 2 vendors in the committee.

Then the members themselves elected 2 reps from each zone. We had a meeting of reps from each zone. These reps started meeting at SEWA but some of the members did not want to be a part of the committee. But Manaliben explained to them their role and then some were not ready to take that responsibility for the members of that zone. Some reps dropped out and others replaced them. ...The

biggest challenge for the Campaign Team members was to bring all the SEWA members from that market to the collective meeting because there are 3 time zones for vending. In the mornings only, some throughout the day, and some evenings only. So it was very difficult to get them all together in one place at one time.’ (Interview: Jamalpur Natural Market Development Committee)

The first task was to identify the vendors with legitimate claims to space. A SEWA grassroots team did several surveys, of each area in the market, over a period of 6 months, to see who was there, and to make sure that names were not being added just to get space. Initially there were more than 1,000 names. The Market Committee also did its own survey. Then the SEWA team sat with the Market committee and looked at the two lists, on a case-by-case basis. For the vendors concerned the biggest issue was one of trust. One of the Development Committee members had this to say:

‘Once the committee was formed, SEWA had given the members forms and it was their responsibility to get them filled out. The members did not entirely trust the committee. It was difficult to get them to take it seriously – to understand that the relocation was really going to happen. After some persuasion they were ready to fill in the forms, but still not ready to trust them completely. The mistrust was about space mainly’. (Interview: Jamalpur Development Committee)

This process went on for a period of time, over several meetings, so that eventually a credible list emerged on the basis of the actual occupation of space, and not on the desired extra space that vendors might have wanted to acquire through the process. In this way the names of people who were not there were eliminated. The full-time vendors’ numbers were fixed at 214. The other vendors who were there on a part-time basis were not allocated permanent spaces- they were allowed to sell on the roadside only until 8:00 am, after which the roads had to be cleared. (Interview: Shalini Trivedi)

It took a lot of time to arrive at this figure, with a lot of deliberations and meetings, all of which were video-recorded, and minutes taken. The minutes had to be signed and authenticated by the leaders, to avoid last-minute claims and legal issues. In the process a mass of documentation was created which SEWA now keeps - files for each vendor with photos and data used for identity purposes. Another problem was that groups not recognized in the identification process went to the Commissioner or the Assistant Commissioner to claim they were not on the list. They were not vending there but claiming space because they were aware that it was available. Again, it fell to the Committee to decide on the validity of these claims. SEWA is anticipating that the actual spaces will be allocated by a draw process similar to that carried out in Mansi. The aim is to make the process based on chance in order to deflect criticism from SEWA or the Committee as much as possible.

SEWA also had to decide on how much space the vendors need. This was a particularly sensitive issue because some vendors, amongst them SEWA leaders, operate on a larger scale than others, and demanded more space for storage of their produce. The layout and

size of the vending spaces under the ‘overbridge’ was drawn and re-drawn on numerous occasions. An initial layout provided for two sizes – 4’x4’ and 10’x10’. AMC was reluctant to see the larger spaces being allocated because it argued that these were the equivalent in size to a small formal shop and not appropriate for informal vendors. In the end it was decided to provide a standard 5’x6’ space. SEWA has also kept space in its layout for new entrants, or for vendors who only trade for a very short period. (See **Appendix D.**)

Listening to the Market Development Committee it became evident that long-term vendors and members of SEWA played a key role in developing the necessary levels of trust and cohesion to allow the process to move ahead:

‘We do everything together – we do not do it alone. Whenever there are issues we come to SEWA and solve issues with SEWA support. Initially not even the Committee members were ready to trust each other... Once they started coming here (to SEWA) they started understanding the whole process .... SEWA told them, “it is your decision, whether you want to give space to other members, or just 250 members, it is entirely up to you. We are going to be allotting the space, but it is actually up to the members to decide.” They understood that it was one of the challenges they had been given, that if they are allocated space at Jamalpur, and they sit there properly they are going to be a good example for the corporation and this will be emulated in other markets too. (Interview: Jamalpur Market Committee)

The AMC was quite skeptical that the relocation of vendors from the Jamalpur surrounds to the new location under the overbridge would work. It imposed a probation period of three months observation before starting construction work on the vendors’ platform. When the monsoon rains arrived and it became very difficult for vendors to operate, representations to AMC resulted in its agreeing to start the construction, which is in process at time of writing. There was a lot of resistance by the small vendors to moving from the roadside to the underbridge. Many sell on a part-time basis, such as the headloaders who sell small quantities of goods they have appropriated from the loads they carry, and do not qualify for a fixed platform. The Committee has appointed six security guards who have a hard time enforcing the new regulations, and on occasion Manaliben has had to intervene personally. The situation is complicated by Estates Department inspectors who sometimes take bribes from vendors and do not enforce the regulations.

A Memorandum of Understanding between the Trust and the AMC has been drafted. In it the terms and conditions of the management of the space and the rights and obligations of the signatory parties are outlined. Its signature and full implementation await the outcome of the elections, as the Commissioner does not want the issue to become a political football.

The Committee is effectively collaborating with the municipal authorities in policing this new and significant arrangement. SEWA has a substantial investment in demonstrating

to the AMC that this model of negotiated relocation of a natural market is a viable one and can be replicated in other situations in Ahmedabad where markets are under threat of re-location. The AMC for its part is watching carefully to see whether it works, and is a model for potential duplication elsewhere. For it to work it needs collaboration from all sides in constant policing and monitoring to ensure that the spaces vacated at the roadsides during the relocation are not taken up by other vendors. Policing and monitoring have been put in place, but time will be the true test.



**Area under flyover to be developed for vendors**



**Market Committee security guards**

## 7. Conclusions/Lessons

- India's National Policy on Street Vending is important for providing a facilitative regulative framework
- The (National) Street Vendors' Bill before Parliament is largely the product of combined long-term legal struggle and negotiation between street vending organizations and the government
- The national policy context is critical: it creates the environment in which vendor organizations are better able to defend the rights and livelihoods of their members, and advance their claims against the state.
- SEWA has successfully mobilized over the long term sufficient human and financial resources and skills to enable it to engage meaningfully with national and local authorities at political, legal and technical levels
- SEWA has built credibility with, and respect from, national and local authorities through serious, intelligent and sustained engagement
- Urban development in Ahmedabad has threatened the livelihoods of many vendors, and the regulative climate has been hostile towards them
- Negotiations between local authorities and street vendors in Ahmedabad have focused on 'natural markets' and model roads, and the threat to vendors posed by the lack of consultative urban development planning by the local authorities.
- SEWA leadership has built organizational and livelihood capacity among members through sustained training programmes which have included a specific focus on negotiations at the street level
- Democratic organizational culture and practice over the long term has built strong grass-roots membership with substantial commitment to the union and trust in the leadership
- Strong leadership, clear direction and the capacity to persuade members to take difficult decisions during negotiations with local authorities has enabled vendors to defend their livelihoods in the face of threat
- The institutionalization of a TVC will enable vendors to better defend their livelihoods which will continue to be under threat from urban development

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## 9. Appendices

### Appendix A: List of meetings and interviews

Time	Details
<b>3<sup>rd</sup> October</b>	
10:30 – 12:30	Overview of SEWA: Shalini Trivedi
12:30 – 1:00	Overview of Vendors’ Struggle: Manjulaben Parmar- Shaliniben translator
2:00- 5:00	Meeting with Vendors’ Campaign Team: Monal Kapodia translator
5:00	Visit to Bhadra natural market (to be affected by developmental plans of city) Cancelled due to threat of violent disturbances (Anti-Islam film issue)
<b>4<sup>th</sup> October</b>	
10:30- 1:00	Meeting with Mansi Natural Market Development Committee members: Varsha translator
2:00- 4:00	Meeting with Shri Jadavbhai (Deputy Estate Officer) Manjulaben and Geetaben- Appointment missed: in High Court
4:00 – 6:00	Visit to Mansi Natural Market: Manjulaben & Geetaben
<b>5<sup>th</sup> October</b>	
10:30 – 1:00	Legal Struggle – Public Interest Litigation: Bhusanbhai (Advocate of PIL) not available.
1:00 – 1:30	Meeting with Shri Sauabhai (Ahmedabad Municipal Corporation Commissioner): Manaliben and Shaliniben
2:00- 4:00	Trade Committee: Monal Kapodia translator
4:30 – 5:00	Meeting with Shri Mayor (Ahmedabad Municipal Corporation)
5:30 – 7:30	Wrap up meeting : Shaliniben and Manaliben
<b>6<sup>th</sup> October</b>	
10:30 -11:30	Visit to Jamalpur Natural Market: Manjulaben & Geetaben
11:30 – 12:30	Visit to Hatkeshwar Natural Market :Manjulaben & Geetaben
3:00 – 4:30	Jamalpur Natural Market Development Committee: Mansi Shah translator

## Appendix B: CITY STREET VENDORS SURVEY QUESTIONNAIRE

### Amdabad (Ahmedabad) Municipal Corporation Vendors Information

<b>Date</b> <input type="text"/> <input type="text"/> <b>Month</b> <input type="text"/> <input type="text"/>	<b>Year</b>	<b>Form No.</b>  <b>Zone</b>
--------------------------------------------------------------------------------------------------------------	-------------	------------------------------------

1. Name of Area/extension : \_\_\_\_\_
2. Nearby Area : \_\_\_\_\_
3. Name of Vendor Area : \_\_\_\_\_
4. Surrounding area: resident \_\_\_\_\_ business \_\_\_\_\_ social recreation \_\_\_\_\_  
religious place \_\_\_\_\_
5. Place of Work : street \_\_\_ footpath \_\_\_ public park \_\_\_\_\_ bus stand \_\_\_ railway station \_\_\_\_\_ plot  
border/private property \_\_\_\_\_ religious place \_\_\_\_\_ educational institute \_\_\_\_\_ public building or govt. office  
\_\_\_\_\_ near business place \_\_\_\_\_ industrial unit \_\_\_\_\_
6. Business:    \_\_\_ fruit, vegetables, flowers    \_\_\_ ready garments, shoes, bags    \_\_\_  
food, tea kettle, fruit juice etc.    \_\_\_ books, art items, DVDs    \_\_\_ household things (plastic dishes, prayer  
goods etc.    \_\_\_ jewellery, cosmetic things    \_\_\_ service provider (shoemaker, barber, tailor, mechanic etc.)  
\_\_\_\_\_ other \_\_\_\_\_

7. Name: \_\_\_\_\_

8. Address: \_\_\_\_\_

Phone No. \_\_\_\_\_ Mobile No. \_\_\_\_\_

8.1 Number of years living in city \_\_\_\_\_

8.2 Proof of residence: \_\_\_\_\_ ration card \_\_\_\_\_ election card \_\_\_\_\_ tax bill \_\_\_\_\_

Other \_\_\_\_\_

9. Personal details:

9.1 Age \_\_\_\_\_

9.6 No. of family members earning \_\_\_\_\_

9.2 Gender (M) \_\_\_\_\_ (F) \_\_\_\_\_

9.7 No. of vendors in family \_\_\_\_\_

9.3 Religion \_\_\_\_\_

9.8 Your previous occupation \_\_\_\_\_

9.4 Caste \_\_\_sub-caste \_\_\_caste \_\_\_ 9.9 Previous area of occupation \_\_\_\_\_

9.5 No. of family members \_\_\_\_\_ 9.10 No. of years as vendor \_\_\_\_\_

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10. Do you work only as a hawker? \_\_\_\_\_ (If yes, answer No.11 then go straight to No.13)

Do you work regularly at one place? \_\_\_\_\_ (If yes, answer No. 12 then go to No.13)

Do both the above questions apply to you? \_\_\_\_\_ (If yes, answer No 11, 12 and 13)

11. Moving around \_\_\_ hours of work \_\_\_\_\_to \_\_\_\_\_ No of kilometers covered \_\_\_\_\_

12. At one place:

Work time from \_\_\_\_\_to \_\_\_\_\_ How long you working here? months/years \_\_\_\_\_

How many kilometers you have to travel to work \_\_\_\_\_ kms

No. of sq.ft. of work area \_\_\_\_\_

13. Do you use transport for work: yes \_\_\_\_\_ no \_\_\_\_\_ (then go to No 14)

13.1. If yes, type of transport: (motor type) rickshaw \_\_\_\_\_ van \_\_\_\_\_ tempo \_\_\_\_\_

(manual) camel wagon \_\_\_\_\_ ox wagon \_\_\_\_\_ pedal rickshaw \_\_\_\_\_ other \_\_\_\_\_

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14. Is this your selected area/place of work: yes \_\_\_\_\_ if, no \_\_\_\_\_ ( go to No 14.2)

14.1 If yes, why? suitable place \_\_\_\_\_ good business \_\_\_\_\_

14.1.1 If favourable, what makes it attractive?

distance from home to work \_\_\_\_\_ links \_\_\_\_\_ no intimidation\_\_\_\_\_

14.1.2 If good business, give reasons:

more customers \_\_\_\_\_ dense populace \_\_\_\_\_good people \_\_\_\_\_ well known market \_\_\_\_\_

educational district \_\_\_\_\_ scarcity \_\_\_\_\_ office blocks /close by offices \_\_\_\_\_other \_\_\_\_\_

14.2 If not, what are the reasons (tick all relevant criticism):

unsociable elements \_\_\_\_\_ officials of the municipality \_\_\_\_\_ police \_\_\_\_\_

local residents \_\_\_\_\_ other irregular traders \_\_\_\_\_ health hazard \_\_\_\_\_other\_\_\_\_\_

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15. Do you employ workers for the job? Yes \_\_\_\_\_ No\_\_\_\_\_ If No, go to No. 16

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15.1 How many workers? \_\_\_\_\_ 15.3 How many males \_\_\_\_\_

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15.5 workers average pay/wages (rupees) daily pay \_\_\_\_\_ monthly pay \_\_\_\_\_

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15.6 How long are the workers with you (employed)? \_\_\_\_\_

16. Do you pay for any convenience/ facilities concerning your business? yes \_\_\_\_\_ no \_\_\_\_\_

If no, go to No 17

16.1 If yes, how many rupees : wheelbarrow \_\_\_\_\_ bicycle \_\_\_\_\_ auto rickshaw \_\_\_\_\_ van \_\_\_\_\_  
other \_\_\_\_\_

17. Cost of purchasing raw material: daily Rs. \_\_\_\_\_ weekly Rs. \_\_\_\_\_ monthly Rs. \_\_\_\_\_

18. Income: daily Rs. \_\_\_\_\_ monthly Rs. \_\_\_\_\_

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19. Are you aware that Ahmedabad Municipality grants vendors' licenses? yes \_\_\_\_\_ no \_\_\_\_\_

(if no go to No 20)

19.1 If yes, do you possess a license? yes \_\_\_\_\_ no \_\_\_\_\_ (if no go to No 20)

19.2 When did you obtain the license? Year \_\_\_\_\_

19.2.1 What was the cost of license: 50-200 \_\_\_\_\_ 200-500 \_\_\_\_\_ 500-700 \_\_\_\_\_ 700-1000 \_\_\_\_\_  
1000-5000 \_\_\_\_\_ 5000-10000 \_\_\_\_\_ 10000-15000 \_\_\_\_\_ 15000-30000 \_\_\_\_\_

19.2.2 What were the benefits after obtaining license? If yes, tick all applicable

legally allocated place \_\_\_\_\_ broader selling area \_\_\_\_\_

safe from municipal harassment \_\_\_\_\_ safe from police harassment \_\_\_\_\_ other \_\_\_\_\_

19.2.3. In spite of license do you have to face any problem from others? If yes, tick all applicable

unsociable elements in the area \_\_\_\_\_ officials of the municipality \_\_\_\_\_

police department \_\_\_\_\_ local people \_\_\_\_\_ other vendors \_\_\_\_\_ other \_\_\_\_\_

19.3. If you know about the vendors' license and have not yet obtained it then why is this so?

not a wide sales area \_\_\_\_\_ expensive \_\_\_\_\_ no security from the municipality \_\_\_\_\_

no police security \_\_\_\_\_ no benefits \_\_\_\_\_ no suitable reason \_\_\_\_\_ other \_\_\_\_\_

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20. Are you a member of any vendor society or vendor union? yes \_\_\_\_\_ no \_\_\_\_\_

- 20.1 If yes, give the name \_\_\_\_\_
- 20.2 Number of years member of society/union : \_\_\_\_\_
- 20.3 Membership fee (rupees): \_\_\_\_\_
21. Do you wish to obtain a vendor's license of Ahmedabad city's 'street vendors scheme 2010'? yes  
 \_\_\_\_ no \_\_\_\_
22. How much can you afford for an annual license fee? (rupees) \_\_\_\_\_
23. Preferable time for business (hawking) am/pm \_\_\_\_\_ to \_\_\_\_\_ am/pm
24. Do you prefer any other market besides daily market? (explain to the vendor)  
 weekly market (e.g. Saturdays) \_\_\_\_ night market \_\_\_\_  
 festival market (during festivals) \_\_\_\_ holiday market (e.g. Sundays) \_\_\_\_ other \_\_\_\_\_
25. Which facilities are necessary for expanding sales? (tick all applicable)  
 roof \_\_\_\_ water \_\_\_\_ rubbish removal \_\_\_\_ electricity \_\_\_\_ public toilets \_\_\_\_ other \_\_\_\_
26. Number the following facilities in order of preference ( number 1 to 6 )  
 sales market \_\_\_\_ education \_\_\_\_ training \_\_\_\_ credit facility\_\_\_\_  
 health facility \_\_\_\_ toilet facility\_\_\_\_\_

Surveyor's assurance	Respondent's assurance
I declare that data entry in the computer is true and correct as per information given above	I declare that according to my knowledge the information given above is true and correct. I have
Surveyor's name: Mobile number:	given the biometric fingerprint and a photograph I possess a receipt for all.
Data Capturer's assurance	
I declare that data entry in the computer is true and correct as per information given above Data capturer's name: Mobile number:	

## Appendix C: Ahmedabad Municipal Corporation: Vendor's ID



### Ahmedabad Municipal Corporation

Under the Urban Street Vendors' Scheme

#### Vendors' Identity Card

Street Vendor ID No.: \*\*\*\*\* Zone: (East)

Election Board No. / Name:

Vendor's Name:

Age:

Gender:

Type of trade:

Allotted space:

Authorized Signature

Note: This is only an ID card and the vendors' license has to be acquired separately

**Appendix D: Jamalpur Market Final Lay-out.(Source: SEWA)**

