



**Rights of Street Vendors and Hawkers in Ahmedabad: A study on the
Implementation of the Street Vendors (Protection of Livelihood and
Regulation of Street Vending) Act, 2014 in Ahmedabad.**

By:

Anu Mishra

Teaching and Research Associate

Gujarat National Law University

Under the Guidance of:

Dr. Ranita Nagar, Dean Research, GNLU

INTRODUCTION

Hawkers and Street Vendors are an integral part of economies around the world. They form a very important segment of the informal sector in India. Hawking is a trade where by a person travels about selling goods, typically advertising them by shouting while in street vending a person offers goods or services for sale to the public without having a permanent built-up structure but with a temporary static structure or mobile stall. Hawkers and Street vendors come under the category of self-employed people in India. However, they belong to the informal or unorganized sector and they enjoy little or no legal benefits. Organizations such as the International Labour Organisation have recognized street vending as an activity which represents cultural capital and serves as an 'effective poverty alleviation solution'¹ by providing entry level employment to the urban poor.² This illustrates the economic and social significance of street vending.³

Hawking and street vending is ambivalent in India's imagination of law, space and self.⁴ From the primitive times, markets have played an important part in the development of any society. The *phenomena* of buying and selling have been one of the core machinery of human's dependency on each other. In today's terminology, the *Pherivalas* or sellers in such markets are named as *hawkers or street vendors* who offer goods or services for sale to the public in the street without having a permanent structure. In India, every small or big city, rural or urban areas have the presence of these street vendors. They can be found outside schools, colleges, government buildings, historical monuments, subways, bus stops and even malls, money providing a wide range of items at low cost.⁵ Street trade also adds vibrancy to urban life and in many places is considered a cornerstone of historical and cultural heritage.⁶ Urban vending is not only a source of employment but provides affordable services to the majority of urban population. Most of the hawkers and street vendors belong to the low income groups. There are the linkages between small suppliers, small sellers and small buyers, which provide

¹ Ayani Srivastava, Vasujith Ram, Meenakshi Kurpad, Sohini Chatterjee, Pankti Vora And Modhulika Bose, 'Formalising The Informal Streets: A Legislative Review Of The Street Vendors (Protection Of Livelihood And Regulation Of Street Vending) Bill, 2012', (2013) 4 JILS <http://docs.manupatra.in/newslines/articles/Upload/B2BF305B-4500-4D24-B87F-46F2AD083584.pdf> accessed on 20 February, 2017

² Ibid, citing, Sally Roever, How street vendors and urban planners can work together, (2012) The Global Urbanist

³ Ibid

⁴ Abhiraj Naik, 'Wizards At Making A Virtue Of Necessity: Street vendors In India' [2015] < <http://www.sociolegalreview.com/wp-content/uploads/2015/12/Wizards-at-Making-a-Virtue-of-Necessity-Street-Vendors-in-India.pdf> > accessed on 15 February, 2017

⁵ Ministry of Housing and Urban Policy Development Government of India, *Draft Report on The Implementation Status of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014*

⁶ Sally Roever, 'Vital Contributors to Urban Economies' (WIEGO, 6 August 2016) < <http://wiego.org/blogs> > accessed on 20 December, 2016

reciprocal benefits and contribute to the national economy. This informal economy generates income for local people because the majority of hawkers and street vendors sell commodities which are produced in the locality or the State.

In 1937, the District Magistrate was said to have advised City Magistrates of Kanpur 'to adopt ruthless measures' to prosecute, fine, displace and dispossess offending hawkers, vendors, transport pliers and carters, artisanal workmen who worked at the roadside.⁷ After independence, the issue of legalizing hawking and street vending came forward, which was enduring from a long time. They have struggled a lot to be recognized as a professional community and not a faceless underclass. A turning point came with the decision of the Supreme Court in *Sodan Singh v New Delhi Municipal Corporation*.⁸ This judgment is important because it particularly stressed upon the dispute between the street vendors or hawkers and the area occupied by them. Due to this space tussle, hawkers constantly face the threat of eviction; become subject to harassment by policeman, forced to pay monthly or weekly hafta and countless issues. They are often regarded as public nuisance, which deprives pedestrian of their space, leads to traffic jams and reason of many anti-social activities. So, hawker's right to carry on trade at public space has been the subject matter of debate and discussion in numerous Supreme Court and High Court judgments. Later in 1998, the formation of National Association of Street Vendors of India (NASVI) was a major progress, which brought together all the street vendor organizations to collectively struggle for macro-level changes which had become imminent to support the livelihood of around millions of vendors against the outdated laws, changing policies and practices. It has continuously thrived to provide a safe environment for the street vendor to carry out their legitimate trade. In September 2013, the Supreme Court once again affirmed street hawkers' right to use public space, and also empowered High Courts to hear cases concerning street hawking, noting that 'it is virtually impossible for the Supreme Court to monitor day-to-day implementation of the provisions of different enactments and the directions contained in the judgments'.⁹ Recently, the Street Vendors (Protection of Livelihood and Regulation of Vending) Act, 2014 a central legislation unambiguously recognized urban street trade as a legitimate but regulated activity across India. The provisions of the Act mandate certain rights and formulate regulatory mechanisms in favor of the

⁷ Nandini Gooptu, *The Politics Of The Urban Poor In Early Twentieth century India* (Cambridge University Press 2001) 105-108

⁸ [1989] 4 SCC 155

⁹ *Maharashtra Ekta Hawkers Union & anr v Municipal Corporation, Greater Mumbai & Ors* [2013] 9 SCC 490

street vendors. However this legislation is a model legislation which directs individual states to formulate laws based on the same backdrop.

AIM OF THE STUDY

The aim of the study is to conduct a comprehensive empirical research into the position of right of hawkers and street vendors in the city of Ahmedabad in comparison to the standards mandated by the Act and therefore understand the implementation of the Act in Ahmedabad

SCOPE OF THE STUDY

The scope of this research study is limited to the implementation of the Act in the city of Ahmedabad with an understanding regarding the current rights of the hawkers and vendors vis-a vis the provisions of The Street Vendors (Protection of Livelihood and Regulation of Vending) Act, 2014.

SOURCES OF INFORMATION

The study has been conducted with the aid of both primary and secondary sources of information. The study has been primarily based on the observations received from surveying the sample. The study has also taken into account the sources like books, articles, reports, online databases and other web pages to understand the research problem further

HYPOTHESIS

There is a deprivation of the Rights of Hawkers and vendors in the city of Ahmedabad as compared to the standards laid down in the Act.

RESEARCH METHODOLOGY

The researcher has undertaken primarily an empirical study in nature. The researcher has also simultaneously relied on the doctrinal research to develop a better understanding of the various laws and orders to be compared under the current study. The sources of research consist of both, primary as well as secondary sources. The primary sources consist of statutes and statutory instruments; Indian and foreign Judgments. The secondary sources consist of books, articles, reports, online databases and other web pages. The researcher will also rely on the electronic sources.

The researcher has employed the empirical approach to carry on the research. The relevant data shall be collected by a survey and questionnaires with both open ended and closed ended questions. The

universe of the study is the city of Ahmedabad which has a thriving market of street trade and umpteen number of street vendors. Out of this universe the following four markets have been selected for the study:

- Lal Darwaza Market
- Teen Darwaza Market
- Bhadra Kali Market
- Sunday Flea Market at Riverfront

Out of the above four markets a total of 60 street vendors and hawkers have been interviewed through the questionnaire prepared.

a) General Method of Analysis: The researcher has drawn an analysis after a deduction of data collected by the surveying of Sample. A sample of street hawkers and vendors were interviewed and based on their responses the researcher has arrived at deductions to understand the implications of the research problem.

b) Research tools: The researcher has explored the various Statues concerning the rights and regulation of street vendors. The researcher has also relied on various books and articles of various authors, scholars and organizations and websites reports to understand the different aspect of street trade and its regulation. Various online databases like Heinonline, Jstor, Webstar, LexisNexis etc. have been used to further develop an understanding regarding the latest literature regarding the field of rights of street vendors and Hawkers. Landmark and latest judgments concerning this facet of the research problem have also been relied on to develop a further understanding.

LITERATURE REVIEW

To delve further into the research problem the researcher has surveyed the literature available concerning various aspects of street vending and hawking. The researcher has primarily looked into the provisions of the

The Constitution of India is a social document. *Granville Austin*, a renowned scholar of the Indian Constitution and the Constitutional Assembly debates, described it as '*first and foremost a social document*,' one that embodied the objectives of a *social revolution*. *The Preamble to the Constitution contains the clue to the fundamentals of the Constitution*. It is of significant importance as it guarantees social, economic and political justice to all the citizens. It expressly outlines the basic objectives that have to be accomplished by the Government. Social justice secures equal treatment to all citizens without any discrimination based on caste, color, race, religion, sex and so on. It implies absence of privileges and secures the highest possible development of the capabilities of all the members of the society. It assures equal opportunity and no one is deprived of right to live with dignity. Similarly economic justice implies the ability to practice and carry on any trade or profession under appropriate conditions of work and equal distribution of resources among all. Prof. M.P Jain in his book on Indian Constitutional Law explains that Art.19 to the Constitution of India guarantees six freedoms to the citizens subject to the reasonable restrictions on each of the freedoms so granted. The freedom guaranteed under Art.19 (1) (g) is not absolute and is subject to the reasonable restrictions imposed under Art. 19(6). For the purposes of the current study, discussion with regard to Art. 19(1)(g) is relevant as it guarantees to all the citizens *the right to practice any profession or to carry on any occupation, trade or business*. 'Art.19 (1)(g) uses four different expressions so as to make the guarantee in Art. 19(1)(g) as comprehensive as possible and to include all avenues and modes through which a person earns his livelihood. Nevertheless, Art.19(1)(g) protects only such activities which are of commercial or a trading nature.' **Article 21** of the Indian Constitution encompasses the fundamental right to life and personal liberty. It is the repository of various rights that are essential for survival of a social being.¹⁰

The researcher has also relied upon various judicial pronouncements regarding the rights of street vendors and hawkers. In India, the battle for legislation for the protection and promotion of street vendors and their interests began in the late 1980s.¹¹ Before that in *Pyare Lal v New Delhi Municipal*

¹⁰ Prof. M.P. Jain, *Indian Constitutional Law*, (7th Edn, Lexis Nexis Butterworths Wadha Publications 2016)

¹¹ 41Ayani Srivastava, Vasujith Ram, Meenakshi Kurpad, Sohini Chatterjee, Pankti Vora And Modhulika Bose, 'Formalising The Informal Streets: A Legislative Review Of The Street Vendors (Protection Of Livelihood And

Committee and Anr¹² the issue of sale of cooked food on public streets which was creating problems of unhygienic conditions came up before the Supreme Court in the context of a resolution of the New Delhi Municipal Committee stopping such sale. A three-Judge Bench held that no person carrying on the aforesaid business of selling cooked food has any fundamental right to carry on street vending particularly in a manner which creates unsanitary and unhygienic conditions in the neighborhood.

The Apex Court has for first time in *Bombay Hawkers' Union and Ors. v Bombay Municipal Corporation*¹³ recognized the need for schemes to be framed for the regulation of hawker trade, upheld the right to livelihood of the street vendors and observed that unreasonable restrictions and conditions cannot be imposed on street vendors. Subsequently, the Constitution Bench of the Supreme Court in the cases of *MCD vs. Gurnam Kaur*¹⁴ and *Sodan Singh and Ors. v New Delhi Municipal Committee and Ors*¹⁵, took a paradigm shift on the interpretation of fundamental right of a hawker or a squatter under Art. 19(1)(g) to carry on business.

In *Saudan Singh v NDMC and ors.*¹⁶, questions were raised regarding the functioning of the MCD scheme which was to look into the issue of identifying hawking zones, identify vendors entitled to relocation and space in vending zones etc. The Court laid down four categories of hawkers and gave nine directions maintaining reservation on caste basis i.e. schedule caste/schedule tribe as well on physical disability and miscellaneous criteria like freedom fighter, war widow and humanitarian grounds. The question of compliance of the directions issued in *Saudan Singh* was raised in *Gainda Ram v MCD*¹⁷ and it also dealt with the question of protection to be afforded to various categories of vendors, as recognized in the aforesaid case. This case is relevant because it recognized that the vendors have right to change of trade and can apply for the same with the municipal authority, which shall decide the same without imposing arbitrary or unreasonable restrictions or conditions contrary to provisions of law. The Supreme Court in *Patri Vyapar Mandal Delhi (Regd.) v MCD Town hall and Ors*¹⁸ was called upon to once again look into the aspect of management of street vendors in the metro cities. The Court observed that pursuant to the National policy on Urban Street Vendors, ward vending committees had been constituted in all the 134 wards of the MCD, in addition to Zonal

Regulation Of Street Vending) Bill, 2012', (2013) 4 JILS 248

¹² AIR 1968 SC 133

¹³ [1985] 3 SCC 528

¹⁴ 1989] 1 SCC 101

¹⁵ 1989] 4 SCC 155

¹⁶ *ibid*

¹⁷ [1993] 3SCC 178

¹⁸ [2009] 12 SCC 475

Vending Committees had also been constituted in all the 12 zones and that special provisions should be made for women street vendors by the MCD. The Court accepted the suggestion that a photo census should be conducted of all squatters. The Court further made photo census compulsory for all future allotment also. Further in *Gainda Ram* the Court observed that, “the fundamental right of the hawkers, just because they are poor and unorganized, cannot be left in a state of limbo nor can it left to be decided by the varying standards of a scheme which changes from time to time under the orders of the Court.” In *Maharashtra Ekta Hawkers Union and Anr. v Municipal Corporation, Greater Mumbai and Ors.*¹⁹ the Court was largely concerned with the implementation of the National Policy on Urban Street Vendors, 2009 and issued directions thereof, till enactment of appropriate legislation, considering the fact that in absence of legislation the hawkers continued to face several problems including harassment from municipal authorities.

In *Navdeep Mathur v State of Gujarat through Secretary*²⁰, the Gujarat High Court stayed the eviction of hawkers and vendors and stopped any fresh construction at the Gujarati market near Ellisbridge by the Ahmedabad Municipal Corporation (AMC) without the Court's permission. In *Hiren Jashbhai Patel v Baroda Municipal Corporation*²¹, the PIL was disposed off by the Gujarat High Court where directions were issued to the Vadodara Municipal Corporation to identify all those areas in the entire city where hawking/vending on the public streets is carried out on regular basis and after identifying all such pockets all over the city, the authorities shall ensure that the hawkers/vendors are asked not to occupy any public street meant for pedestrians and vehicles and make all possible endeavors to find an alternative site in each of the identified areas where the hawkers/vendors could be asked to shift.

In *Gandhinagar Sehar Laari Galla Union v State of Gujarat*²², a petition was filed before the Gujarat High Court, alleging that the State Government evicted hawkers ahead of next month's Vibrant Gujarat Summit-2015 in Gandhinagar. The petition challenged district forest officer's eviction drive of December 3, which removed the hawkers "from the place of their business without prior notice or stating reasons" on the pretext of security for the summit. In 2016, the Gujarat High Court in the case of *Krishna Foundation v State of Gujarat*²³ said that in the light of facts and circumstances of the instant case, it appears that it is the duty of the Corporation to notify the place for Hawking Zone Area or Vending Zone Area to the persons for whose benefit the present petition has been filed. The

¹⁹ [2014] 1 SCC 490

²⁰ W. P. (PIL) No. 48 of [2011]

²¹ W. P. (PIL) No. 167 of [2013]

²² 2015] SCC Online Guj 260

²³ W.P. (PIL) No. 225 of 2013

researcher has primarily relied on the above surveyed literature to understand the various facets of the rights and liberties of the street vendors and hawkers.

DATA ANALYSIS

The data collected from the sample survey has been preliminarily analysed based on the frequency of the observations regarding various crucial aspects of the research problem. The universe of the study was the city of Ahmedabad which has a thriving market of street trade and umpteen number of street vendors. Out of this universe the following four markets had been selected for the study:

- a) Lal Darwaza Market
- b) Teen Darwaza Market
- c) Bhadra Kali Market
- d) Sunday Flea Market at Riverfront

A total of 60 street vendors and hawkers were interviewed through the questionnaire prepared. The observations received have been categorized under the following heads for a better understanding of the research problem at hand.

1. **Possession of Certificate of vending by Street Vendors:** The primary right that was prescribed to the street vendors by the Street Vendors Act, 2014 (Central Act) is the possession of a certificate of vending by virtue of which they can carry out their street trade. The Act mandates the issuance of a certificate of Vending to every identified Street Vendor by the appropriate government. As seen in *figure 1* a majority of the respondents did not possess any certificate of vending or license for carrying out their activities. There was however presence found of Identity card system in one of the market i.e. Sunday Flea Market at Riverfront, as a substitute of certificate of vending. By virtue of their identity cards the respondents in this market could indulge in their day to day activities of street trading and had protection from another vendor encroaching their right.

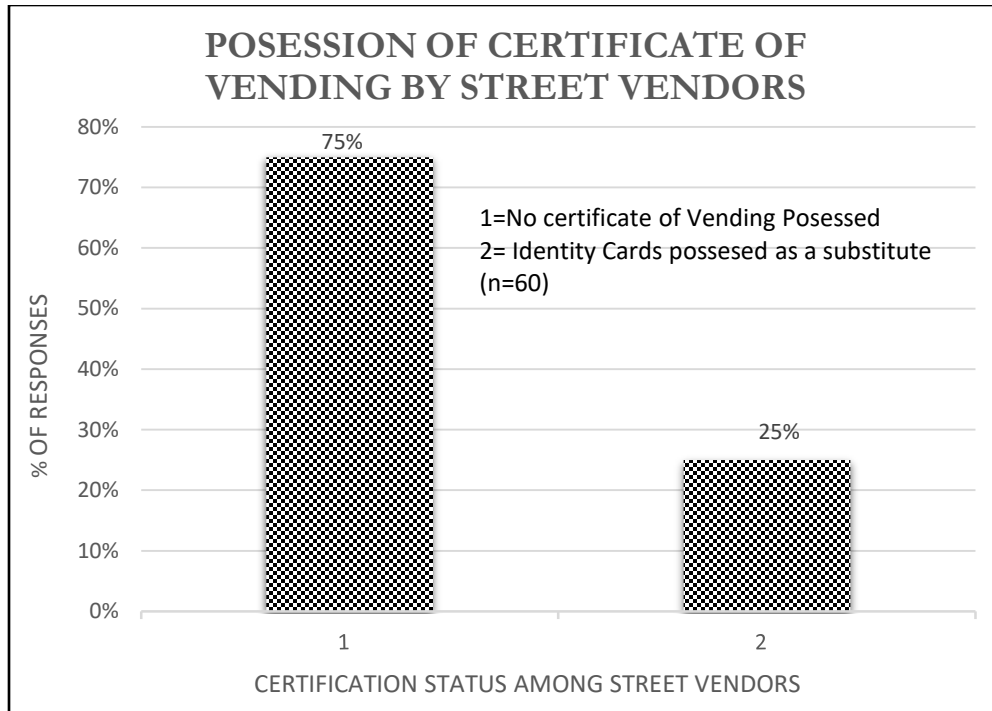


Figure 1: Possession of certificate of vending by the street Vendors in the city of Ahmedabad surveyed in the year 2016-17(n = 60)

2. **Process of procurement of certificate of vending:** The Central act prescribes for a process by which every identified vendor could apply for procuring the certificate of license. A town vending Committee. It was observed based on the data collected that there was no established process for obtaining the certificate of vending. *Figure 1* already establishes that a majority of the respondents surveyed did not possess a certificate of vending. *Figure 2* further reflects that a majority of the respondents opined that there was no existing process for them to procure a certificate of vending. A minority of the respondents which operated in the Sunday flea market at Riverfront however availed the option of applying for their Identity cards to the GUJARI Association. This even though does not confirm to the mandate reflected by the Central act, yet creates a substitute form of certificate of Vending.

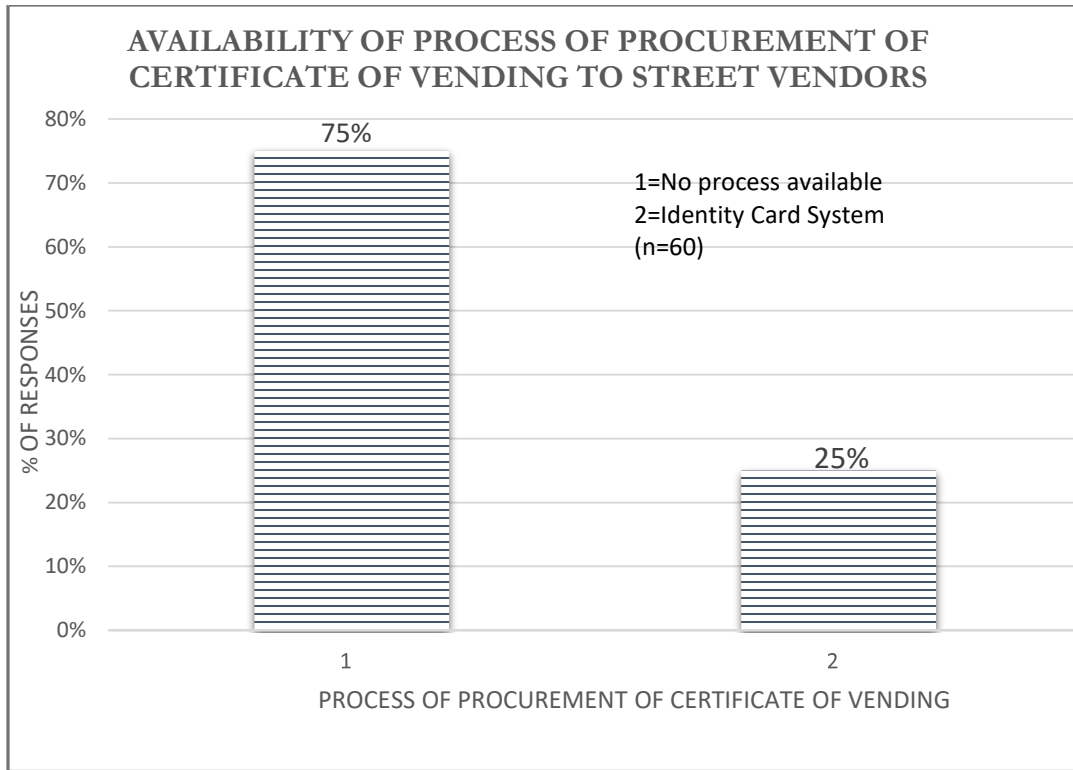


Figure 2: Process of Procurement of certificate of vending by the street Vendors in the city of Ahmedabad surveyed in the year 2016-17(n = 60)

3. **Awareness of law regulating street vending amongst street vendors:** A primary step that arises in assessing any group’s or community’s rights is an assessment of the awareness amongst them regarding their legal status, rights and duties. The Central Act casts an obligation on the appropriate governments to undertake research, education and training programmes to advance knowledge and awareness amongst the society in general and the vendors in particular about their legal rights and duties. *Figure 3* reflects the observations made in regards to the awareness amongst the street vendors and hawkers regarding any regulatory law, authority governing them and their rights and obligations. It can be seen that a vast majority denied any knowledge of their legal rights and laws governing them. A small minority of the respondents came out with mixed responses such as them falling under the jurisdictions of municipal authorities or Police stations etc. There was no coherent awareness found amongst the respondents regarding the laws regulating street trade.

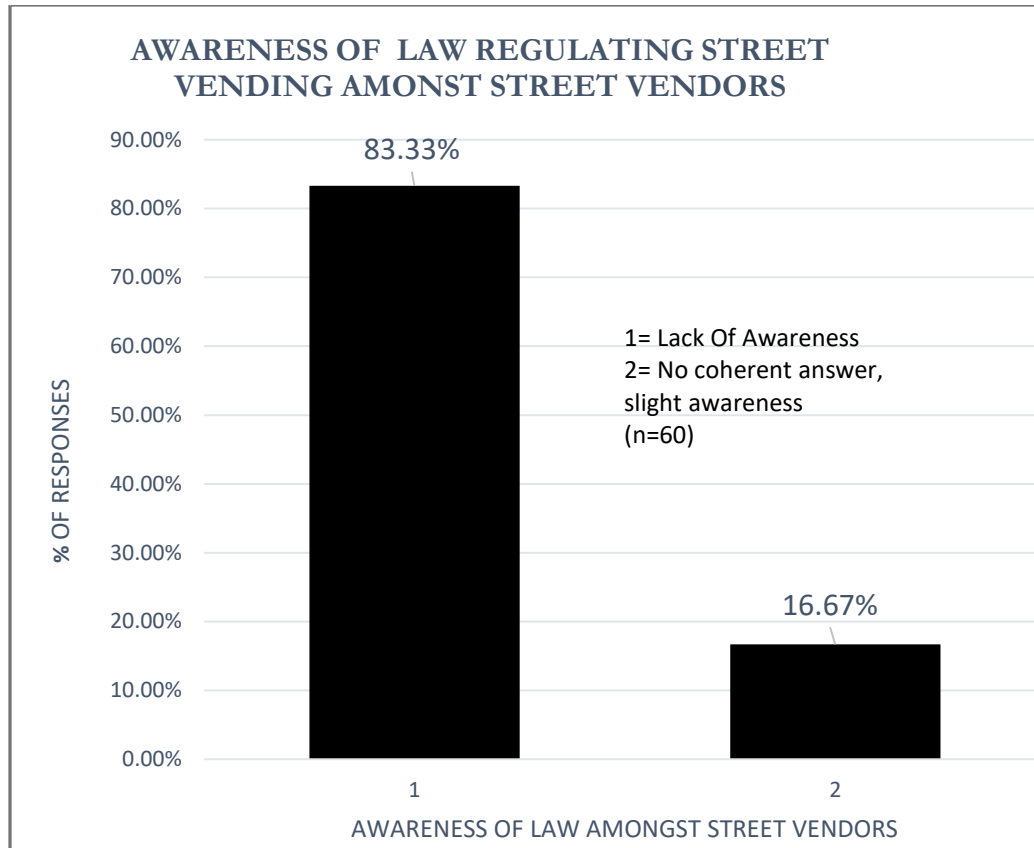


Figure 3: Awareness of law regulating street vending amongst street vendors in the city of Ahmedabad surveyed in the year 2016-17(n = 60)

- 4. Relocation or eviction of street vendors by authorities:** The Central Act prescribes as express provisions for the process of relocation or eviction of street vendors. It provides for a mandatory thirty day notice period to be provided to any street vendor who is to be evicted or relocated. It also provides for express provisions regarding seizure of goods and the release of such goods by the authority. *Figure 4* reflects the data collected in relation to the process of eviction and relocation being followed in the markets surveyed. It was observed that there was no established process of relocation and eviction being followed in the markets surveyed. It was observed that a majority of the sample had been relocated and evicted without adhering to any established process. A verbal notice of a very casual nature or either notice in the form of a warning was served to the respondents and there was no explicit notice given to the respondents before eviction or relocation.

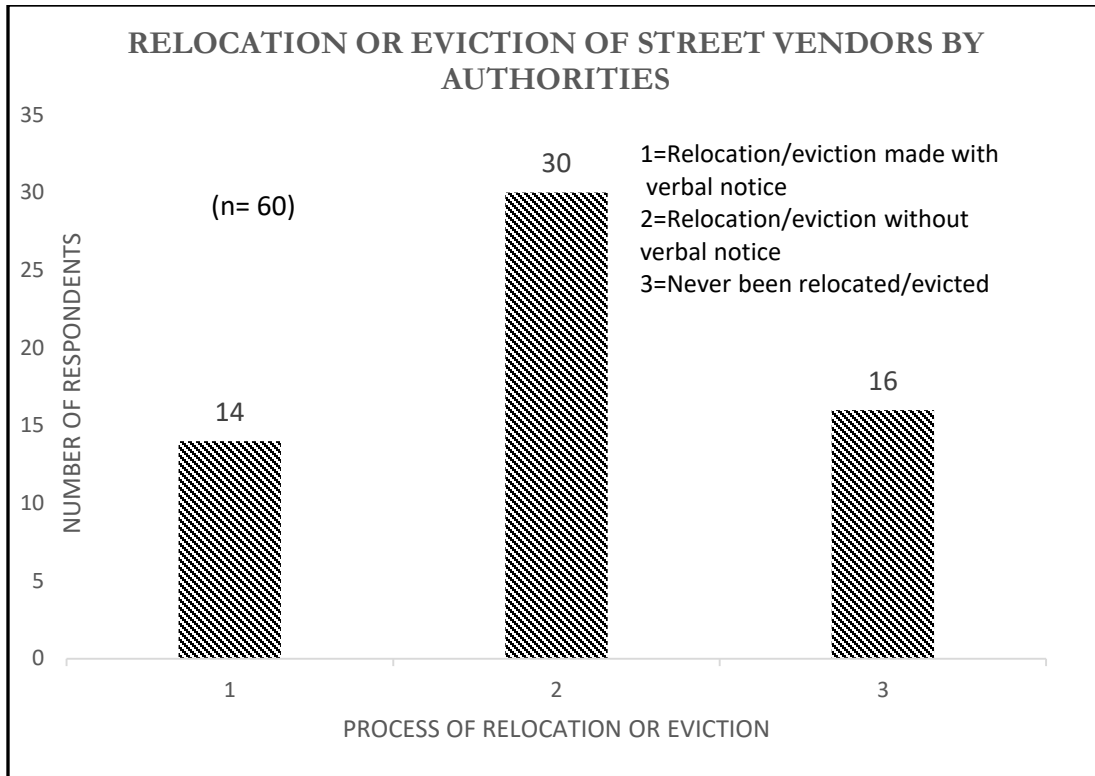


Figure 4: The Process of relocation or eviction of street vendors in the city of Ahmedabad surveyed in the year 2016-17(n = 60)

Figure 4.1 further reflects that the nature or the type of the street vendors who have been relocated or evicted by the local authorities. It can be seen that all such respondents belong to either the category of Mobile Vendors who move from one place to another or street vendors selling small perishable goods like seasonal fruits or sweets. It can be thus understood that it is the vendors in the lowest rung of the sector who face more difficulty than the comparatively flourishing ones. The vendors who have their fixed stalls and are running it for a very long period of time comparatively have an advantage when it comes to relocation and eviction.

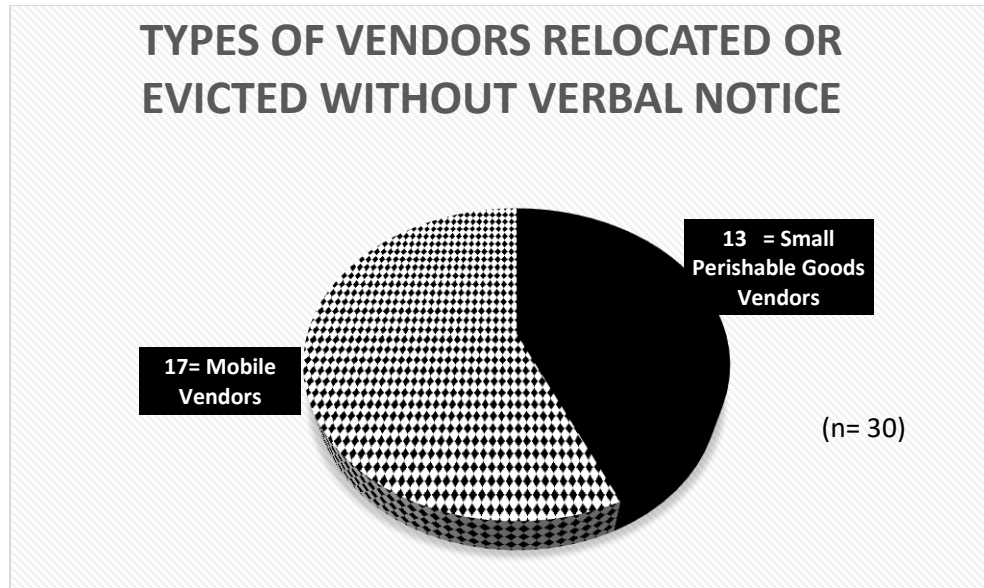


Figure 4.1: Types of Vendors relocated or Evicted without verbal notice in the city of Ahmedabad surveyed in the year 2016-17 (n=30)

5. **Harassment faced:** The Central act provides that no street vendor who carries on the street vending activities in accordance with the terms and conditions of his certificate of vending shall be prevented from exercising such rights by any person or police or any other authority exercising powers. It was observed from the data collected that a majority of the sample surveyed had faced harassment in one form or the other. *Figure 5* reflects the same that a majority of respondents agreed to having faced harassment in carrying out their day today street trade related activities. The harassment faced varied across the markets from either local authorities, police or goons. The local authorities sometimes seized their goods arbitrarily or vandalized their carts or stalls. Also a few of the respondents accepted that they faced issues at the hands of other street vendors who have been in the business for longer years.

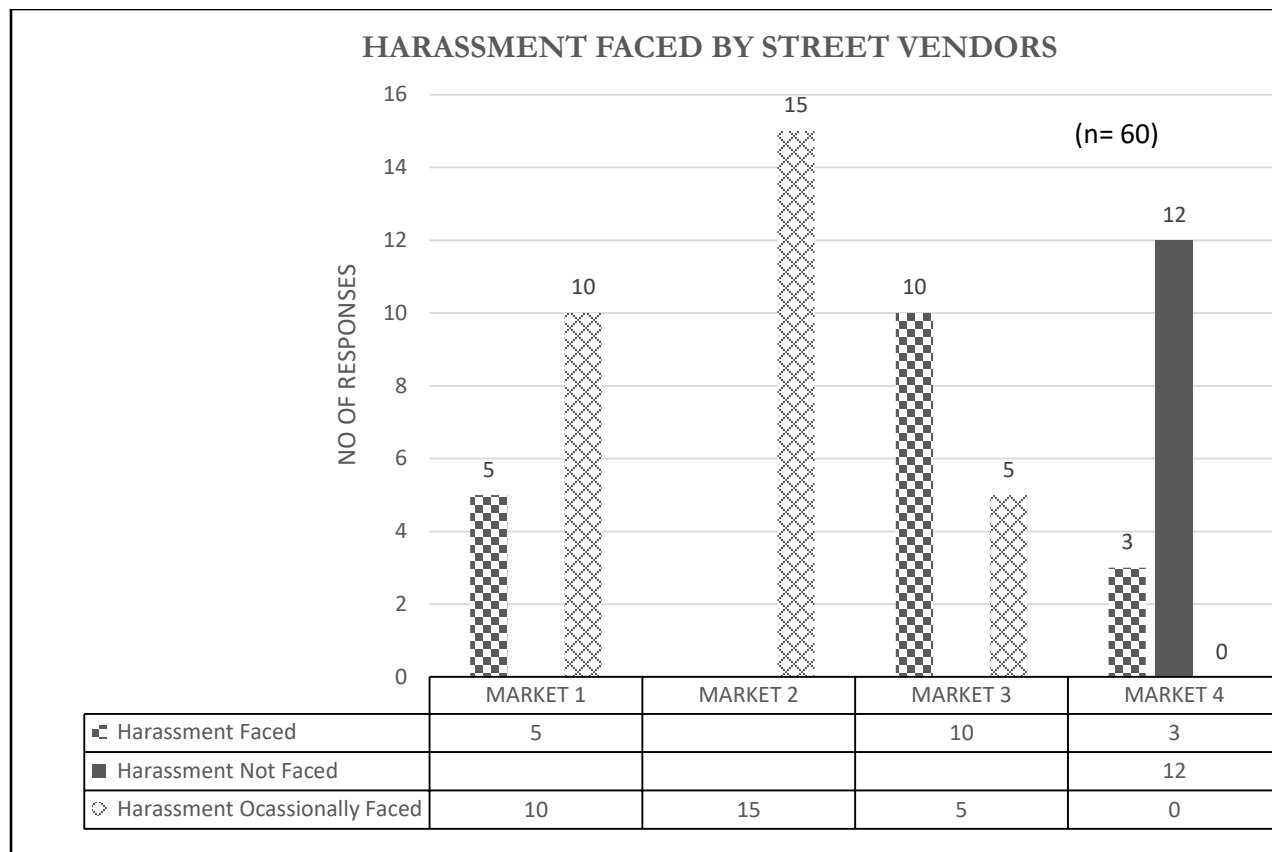


Figure 5: Harassment faced by the street vendors in the city of Ahmedabad surveyed in the year 2016-17(n=60)

Out of the total number of respondents who agreed to having faced harassment in one form or other few reasons come out to be predominant in nature. *Figure 5.1* reflects the forms of hurdles faced by the street vendors in carrying out of their day today activities. These reasons varied across respondents in the nature of harassment faced at the hands of Police Authorities, Fellow Street Vendors and Municipal Authorities. A minority of the respondents also expressed that they faced hurdles in carrying out their trade occasionally during festivals for e.g. Diwali or Eid when the local authorities act arbitrarily and seize their goods, relocate them or evict them.

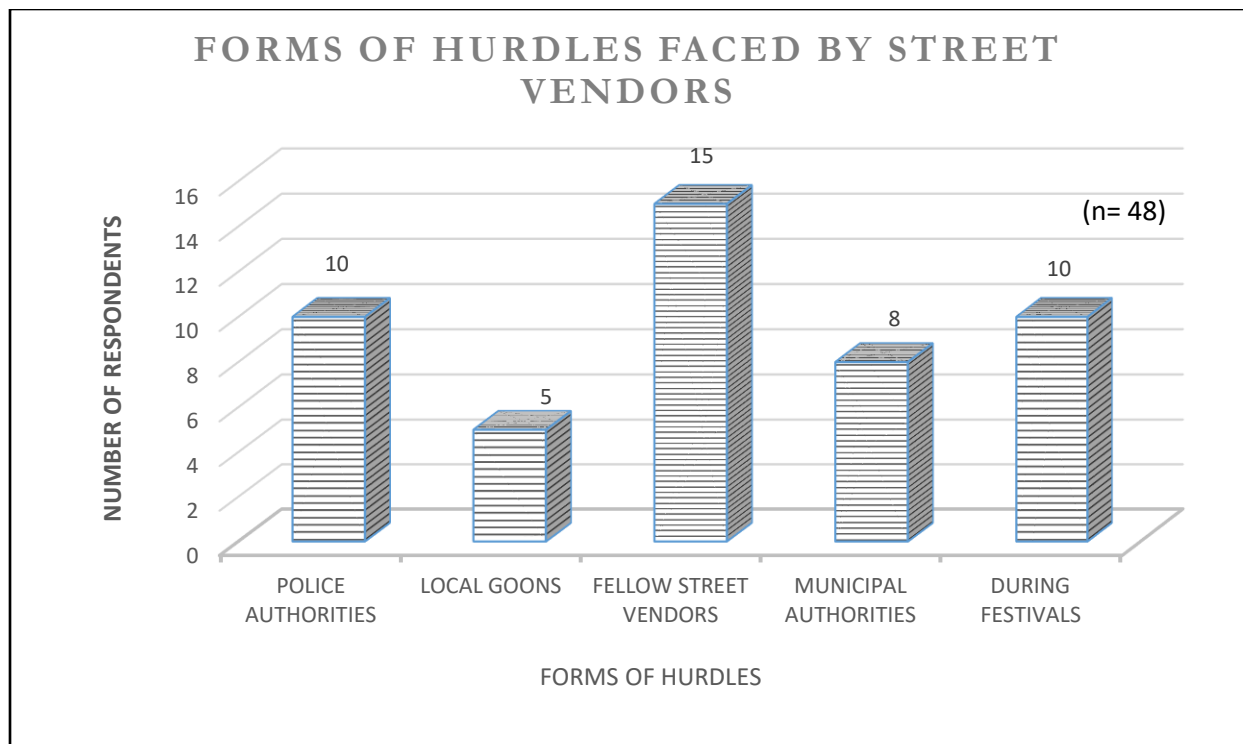


Figure 5.1: Forms of hurdles faced by the street vendors in the city of Ahmedabad surveyed in the year 2016-17(n=48)

6. **Dispute Resolution Mechanisms:** The Central Act provides that every street vendor who has a grievance or dispute may make an application in writing to a committee constituted by the Appropriate Government consisting of a Chairperson who has been a civil judge or a judicial magistrate and two other professionals having such experience as may be prescribed. The Act also prescribes the procedure to be followed for the redressal of the dispute. *Figure 6* reflects that across markets there is no established authority for resolution of disputes. In event of lack of an established dispute resolution mechanism, the sample resorted to other options such as police station, the gujari association or amicably solved their disputes. The respondents mostly depend on mechanisms such as police station if the dispute matters relate to theft or graver issue. At the foremost level they try to amicably resolve their disputes. In one of the Markets i.e. Sunday Flea Market at Riverfront, the respondents can resort to the Gujari Association which conducts and regulates the market. So in that market the respondents have a mechanism available for redressal of their disputes. However none of the markets have a dispute redressal system as prescribed by the Central Act.

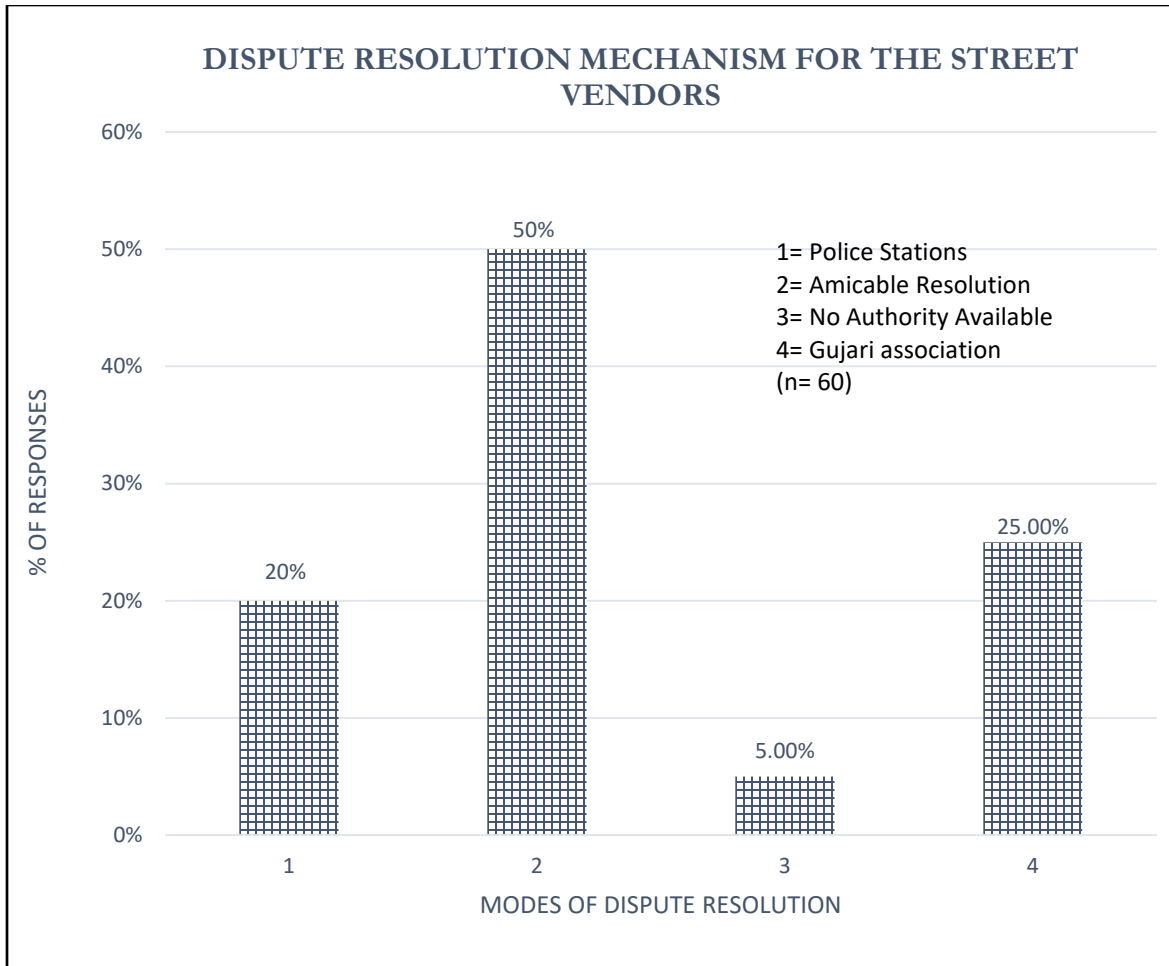


Figure 6: Dispute Resolutions Mechanisms available to the street vendors in the city of Ahmedabad surveyed in the year 2016-17(n=60)

STATISTICAL ANALYSIS

1. Whether there is a mechanism available for dispute resolution to the street vendors across markets?

ANOVA						
<i>Source of Variation</i>	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>	<i>P-value</i>	<i>F crit</i>
Between Groups	101.25	1	101.25	45	0.00676	10.12796
Within Groups	6.75	3	2.25			
Total	108	4				

H_0 = An established and implemented law has no impact on the availability of a Dispute resolution Mechanism to the street vendors.

H_1 = An established and implemented law has an impact on the availability of a Dispute resolution Mechanism to the street vendors.

Since $\alpha = 0.05$ and P-value (0.006) is lesser than α , therefore H_1 is accepted.

Across the markets surveyed it was observed that there is there is no established authority for resolution of disputes. In event of lack of an established dispute resolution mechanism, the sample resorted to other options such as police station, the gujari association or amicably solved their disputes. The respondents mostly depend on mechanisms such as police station if the dispute matters relate to theft or graver issue. At the foremost level they try to amicably resolve their disputes. In one of the Markets i.e. Sunday Flea Market at Riverfront, the respondents can resort to the Gujari Association which conducts and regulates the market. So in that market the respondents have a mechanism available for redressal of their disputes. However none of the markets have a dispute redressal system as prescribed by the Central Act.

2. Whether the respondents face harassment in carrying out their day- to- day activities across markets?

ANOVA						
<i>Source of Variation</i>	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>	<i>P-value</i>	<i>F crit</i>
Between Groups	37.71429	2	18.85714	0.992481	0.446681	6.944272
Within Groups	76	4	19			
Total	113.7143	6				

H_0 = An established and implemented law has no impact on the harassment faced by the street vendors in the city of Ahmedabad.

H_1 = An established and implemented law has an impact on the harassment faced by the street vendors in the city of Ahmedabad.

Since $\alpha = 0.05$ and P - value (0.44) is greater than α therefore H_0 is accepted.

It can be thus understood that the law has no impact on the harassment faced by the street vendors in the city of Ahmedabad. However what is also important to understand is that the harassment faced is a cumulative result of a number of ancillary reasons as well for e.g. lack of a dispute resolution mechanism, absence of a prescribed license system, paucity of awareness amongst the local authorities etc. which will definitely reduce if a law was established and implemented. Even though a direct relationship cannot be established between the harassment faced by the street vendors and the need for a law, yet the harassment can definitely be mitigated if a law was established and implemented.

FINDINGS

After a preliminary analysis of the collected data the researcher has observed certain fundamentals about the rights and liberties of the street vendors and hawkers. These findings can be broadly categorized as following:

- ▶ Across the markets there is a lack of established process for obtaining a certificate of vending, or carrying out their trade under registration. The central legislation mandates for the appropriate authorities to establish a Town Vending Committee which can look into the registration of the vendors and hawkers. However because there is no implementation of the same in Ahmedabad, there is no established authority or procedure to register and obtain a certificate for vending.
- ▶ There is a lack of awareness amongst the respondents regarding their legal status, rights and framework of law. Across the markets it was observed that there is lack of awareness and sensitization amongst the respondents about their legal status, rights, liberties and duties. The respondents seemed to have adjusted to a situation wherein rights and liberties are not established and are informal in nature which leaves them to open to abuse of power by local authorities and police.
- ▶ Majority of the respondents face harassment and hurdles in carrying out their day to day activities, in one form or other. Across the markets the respondents seem to be aggrieved by numerous factors be it local goons troubling them or police authorities harassing them. These hurdles were mostly faced occasionally by the respondents but again exposes them to the possibility of abuse.
- ▶ There is no established way of relocation or eviction of the street vendors across markets. The central act mandates that there must be a prescribed format laid down for eviction and relocation of the vendors and hawkers. It mandates the issuing of a notice before such action is taken. However there is currently no established process of relocation and eviction and can be done at the discretion of the local authorities and police.
- ▶ There is no established dispute resolution mechanism for the street vendors across market. The central act mandates the formation of an authority for dispute resolution of the hawkers and vendors however it was observed that there is no such authority formulated in the city of Ahmedabad. In the absence of an authority the respondents resort to options such as amicably

resolving their disputes or going to the police station and feel that there is a need for an established authority for their dispute resolution.

CONCLUSION

After a perusal of both the primary and secondary data available the researcher has come to a conclusion that there is a deprivation of rights of the street vendors in Ahmedabad owing to a policy gap. Although the central Act was passed in 2014 but yet there has been no implementation of the same in the city of Ahmedabad for the last two years. This policy gap has led to definite deprivation of rights of the street vendors and hawkers. Therefore there is an immediate need for a comprehensive legislation covering various aspects of street trade in the city of Ahmedabad. This legislative framework is essential for the empowerment of street hawkers and vendors.

The research study also exposes that there is a need for awareness amongst the street vendors and hawkers regarding their legal status. Therefore the legislative framework must make special provisions to boost awareness and sensitization amongst them about their rights. The legislative framework must focus on a holistic approach taking into consideration the mobile nature of business. There is a need for a robust frame work to establish an authority for issues such eviction, relocation and dispute resolution of the street hawkers and vendors. The central act mandates and prescribes a model procedure of various aspects that occur in the day to day carrying out of street trade. The research study clearly shows that there is a need for a legislative framework regarding these procedures of eviction relocation and dispute relocation.

The constitution of India mandates all citizens a freedom to practice trade of their choice. With the vehement presence of street traders as an informal economy it is even more essential that a legislative framework is created and implemented. The framework must ensure that their freedom is not encroached and that their life and liberty is further improved.

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