

Standing Committee Report Summary

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012

- The Department-Related Parliamentary Standing Committee on Housing and Urban Poverty Alleviation submitted its 23rd Report on 'The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012' on March 13, 2013. The Committee was headed by Mr. Sharad Yadav.
- The Bill establishes a uniform legal mechanism for the regulation of street vending in the country. The Committee noted that the Law Ministry and the Attorney General had opined that the proposed legislation may be covered under Items 20, 23 and 24 of the Concurrent List under the Indian Constitution.
- The Bill states that it shall not be applicable to land owned or controlled by the Railways under the Railways Act, 1989. The Committee recommended that issue of non-inclusion of street vendors on railway land should be revisited by the Ministry.
- The Committee recommended that, if necessary, mobile street vendors may be given more than one vending certificate.
- Under the Bill, a large number of powers have been delegated to the central or state government to be outlined in the street vending scheme to be drafted by the central or state government. The Committee disapproved of the extent of delegated legislation as it would defeat the purpose of the Bill.
- The Bill provides that the local authority shall determine the vending zones. The Committee recommended that the Bill be amended to specifically require the local authority to consult the TVC and other stakeholders before determining the vending zones.
- The Bill does not provide for any tenure for the TVC members. The Committee recommended that all members should have a fixed tenure of five years.
- The Committee recommended that the Bill should be amended to prohibit the street vendors from leasing or renting out the vending site.
- The Bill does not provide any time limit for the TVC to issue a vending certificate. The Committee recommended that the vending certificate should be issued within one month.
- The Bill does not provide for the renewal of the vending certificate. The Committee recommended that the Bill be amended to provide that the vending certificate should be renewed every three years.
- Under the Bill, the street vendors may be relocated by the local authority on the grounds of public nuisance, obstruction to traffic, or for any other public purpose. The Committee recommended that the local authority should consult the TVC prior to any relocation or eviction.
- Under the Bill, a notice period of seven days has to be given before evicting or relocating the street vendors. The Committee was of the opinion that seven days notice is too short and it should be increased to 30 days.
- The Bill states that the street vendor may reclaim confiscated goods after paying the specified fee. The Committee recommended that the confiscated goods should be released within 15 days. The Ministry has agreed with the recommendation.
- The Bill constitutes a grievance redressal committee. It shall consist of one sub judge/judicial magistrate/executive magistrate and other persons experienced in natural markets. The Committee recommended that the committee should only be headed by a sub judicial or judicial magistrate. . It also recommended that a time frame for disposing off the appeals should be provided.
- The Bill imposes a maximum penalty of Rs 2000 on the street vendors. The Committee was of the opinion in the first instance a lower fine should be imposed, which may be increased to Rs 2000 in case of subsequent violations.
- The Committee recommended that the states should be required to implement the Bill within a maximum period of six months.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.