



How **Nidan** organised street vendors to demand legitimacy in India



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The purpose of this case study is to provide context and analysis about complexities of scaling social impact in South Asia. It does not intend to serve as endorsement or illustration of effective or ineffective organizational practices. The full series of cases can be found at innovation.brac.net.

*We see poverty
300 km away,
400 km away
but not at our
doorstep.*

In the early 1990s, Arbind Singh stood up in a meeting with local government officials, politicians and donors to plead that they address the issues facing the urban poor. In the weeks before, the state government of Bihar had carried out a massive anti-encroachment drive that left thousands of poor street vendors without the means to earn a living. Across India, cities were being 'beautified' and vendors were being removed as part of that process. Unlike the rural poor, who received considerable sympathy, attention and budgetary allocations from both the central and local governments, the urban poor remained largely unnoticed and unwanted.

Over 30 percent of India's 1.2 billion people lived in urban areas. Even Bihar, a relatively poor and less developed state, was home to 11.7 million urban dwellers. Poverty and lack of gainful employment in rural areas drove large numbers of people to towns and cities seeking to take advantage of the myriad opportunities they offered. These people generally possessed few skills and lacked the level of education required for formal, paid jobs. Besides, such jobs in the organised sector were few in number; often, even those having the requisite skills, were unable to find formal employment. For all these people, hawking or street vending represented one of the only means of earning a livelihood, as they required minor financial input and very basic skills.

Founded by Arbind Singh, Nidan started its work of organising street vendors and other workers in the urban informal economy in Patna, the capital of Bihar, in 1995. Nidan's primary aim was to ensure the wellbeing of the informal workers. It sought to achieve that through organising them, providing them with the legal support necessary for them to assert their right to their livelihoods and fair working conditions, and through seeking a policy and legal environment that respected the role of informal workers in the economy. Nidan also tried to ensure their access to health, education, and other social security measures by linking them with various government schemes and donor funded programs.

Ideas in brief

- 1 Just because no one acknowledges an issue – intentionally or otherwise – does not mean that it doesn't exist. The first step may be to create a more enabling environment by making people see and feel the problem.
- 2 Implementing service delivery is not always the best strategy for large-scale development. When aiming for sustainable impact, there is no substitute for the people who need things to change to take initiative themselves and make things happen. Interventions can be aimed to simply facilitate groups - often with conflicting priorities - having a dialogue and guiding them so they aspire to bring about permanent rather than temporary change.
- 3 Leaders must ask themselves what they want to scale and why; the answer will have huge implications for their strategy. Scaling does not always mean opening offices or networking –an organisation can be an idea, a notion, and an ownership structure owned by people who feel it is a part of them.

Soon after getting registered as a society in 1996, and in order to have a better grasp of the important issues, Nidan initiated a large-scale survey of street vendors in Patna. This helped the Nidan team come in contact with nearly 6,000 street vendors working across the city. The exposure helped the team understand the situation of street vendors in particular, and the urban poor in general quite well. It also developed the foundation of Nidan's relationship with the vendors.

One of the major findings of the survey was the complex ecosystem of corrupt municipal corporation officials, policemen and private contractors – all of whom formed a web of extortion that fed off the poor street vendors who eked out a living by selling vegetables, garments and other goods from baskets or trolleys on pavements and other public places.

The 'private contractors' - people with connections to local politicians - leased out space in public places from the municipal corporation at very low rates and rented them out to street vendors, charging each of them a very high share of their daily income. The police made sure that the vendors - none of whom had trading licenses - could occupy vacant places and regularly confiscated their goods. They were returned only after the payment of hefty fines (*chalaans*). This was made possible by the absence of a legal framework that acknowledged and regulated the trades of street vendors as important contributors to the informal economy of towns and cities.

The Supreme Court of India, however, as early as in 1986, had passed a ruling which stated that "... public ways should not be considered spaces meant exclusively for public movement. Vending in streets, if organised well, is a service to the public, and street vendors should not be indiscriminately displaced from their livelihoods". With this ruling, Nidan started organising and raising the awareness of the street vendors and working through courts to redress individual cases of harassment. The street vendor organisations also staged protests and peaceful demonstrations to give visibility to their plight, rights and demands. Eventually, in early 2002, the movement managed to get the Patna Municipal Corporation to stop auctioning areas to private contractors and to issue licenses to vendors directly for conducting their business. As a result, the vendors could no longer be harassed and the municipal corporation earned much more in rents.

This first 'big win' deepened the street vendors' interest in working with Nidan. It gave them faith

about the movement. It also gave Nidan both the confidence to be more ambitious about the scale of its work and to engage in national level advocacy in a more pronounced way. It started working in the neighbouring states of Jharkhand, Uttar Pradesh and Madhya Pradesh.

Trying to mobilise street vendors on a state-by-state basis and hoping for broader public support for the cause was not working. Could influencing legislation be a solution?

Challenges inevitably emerged. Numerous threats were made against the lives of Nidan staff - starting from grassroots level organisers all the way up to Arbind Singh himself - by disgruntled people who were making significant profits off of the street vendors. Nidan itself also felt disappointed at not being able to create visibility and awareness regarding the plight of street vendors in the public conscience to the extent it wanted. This meant that it struggled to mobilise the amount of funds necessary to scale its operations to reach street vendors in other states. Finally, Nidan could not find other organisations that understood the issues related to urban poverty the way it did and had the ability to make a positive contribution.

From street protests to influencing policy: a change in strategy

Nidan realised that working to mobilise street vendors on a state-by-state basis and hoping for broader public support for their cause would not work. A proper, legal environment at the national level was required and only street vendors themselves had the motivation and moral authority to advocate for it. In 2003, Nidan helped its street vendor organisations federate under the umbrella

of a National Association of Street Vendors of India (NASVI) and positioned them at the forefront of all efforts. NASVI was formed as a member-based organisation. Executive members were elected from member street vendor organisations in each state of the country and Arbind Singh was appointed national coordinator. Together, they formed the national executive committee.

The state of Punjab, for example, had 15 member organisations and each member organisation sent one executive committee member. Sachin Grover, Nidan's state program manager in Punjab, visited the local markets regularly and built a rapport with the vendors. Once they started to trust him, he gradually started to raise their awareness about their rights and helped them organise. Most street vendors felt that they were able to vend only because of the kindness of the police and the municipal corporation. Sachin explained that it was their fundamental right and that only once they established it could they truly improve their situation. He then focused on building the capacity of the executive members to identify how to locate the offices of the police commissioner, the mayor and the municipal officers and introducing them to one another.

He also liaised regularly with NASVI's centralised legal support team and consulted them whenever necessary. For example, the police confiscated all the goods of the street vendors of Saroshjinagar market and took them to the police station. Acting on advice from the legal team, Sachin filed a public interest litigation and got a stay order from the High Court. The street vendors then surrounded the station and convinced the police to return all the confiscated goods. They didn't stop there. They lodged a complaint with the Assistant Commissioner of Police and when it became clear that the officer

had confiscated the goods simply to harass the vendors so they would pay him off, he was transferred.

Stories like this increased in number as NASVI's network grew to cover 23 states in India. The enhanced reach lent weight and credibility to its advocacy efforts at the national level and in January 2004 a national policy on street vendors was introduced by Atal Bihari Bajpayee's Bharatiya Janata Party (BJP) government. It was groundbreaking in the sense that it explicitly stated for the first time that it was the fundamental right of street vendors to earn a living and that they be allowed to vend. For Sachin, it meant that the tickets for fines previously issued by the police could now be used to actually prove that an individual was an authentic street vendor! This ploy became a key weapon in implementing the policy.

New challenges and course corrections

Despite exciting achievements, it wasn't all smooth sailing. One of Sachin's first priorities was to get a sense of the true number of street vendors in Punjab. He knew that the policy instructed mayors of all cities to conduct such surveys but many refused to share the information with him. Whenever Sachin asked them, they either quoted an unbelievably small number or came up with an excuse to deflect the question. His hunch was that as soon as the true numbers were known and authentic street vendors identified, city and municipal corporations would no longer be able to avoid serving them. That would mean added responsibilities and more

The final push to get the Street Vendors Act passed

January 2014:

Street vendors held rallies in front of political parties offices

February 2014:

Thousands of street vendors marched to the residence of Congress party vice president. Also Arbind Singh, with 29 street vendor leaders, participated in an indefinite hunger strike

February 19, 2014:

The Indian parliament passed the Street Vendors Act 2014

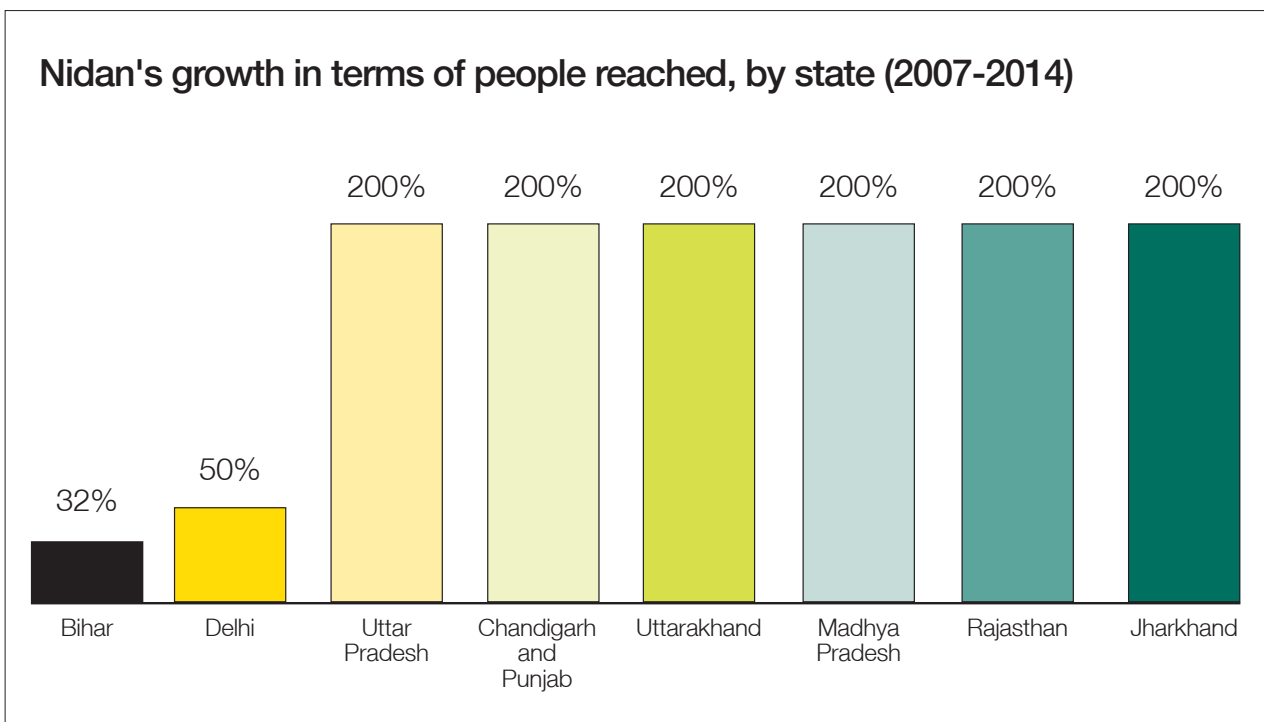
expenditure from their already stretched budgets. Another factor that exacerbated the problem was that while mayors and municipal officials were under the ministry of local government, the street vendors' policy was issued by the Department of Urban Employment & Poverty Alleviation. In India, it was not mandatory for one government department's policy to be followed by the others.

The problem was not limited to Punjab, and the solution was unclear. NASVI started holding consultations with nationally renowned lawyers, academics and political activists. The consensus reached was that the policy would not be effective and that only the enactment of a full-fledged law had the potential to officially mandate all relevant government actors to work to safeguard the rights and livelihoods of street vendors. So, NASVI then started collaborating with many of the experts who were consulted to gain access to ministers and advisers of the national advisory committee (NAC) for judicial affairs in India. Finally, after years of persistent lobbying, Manmohan Singh's Indian National Congress Party-led government yielded and the legislation was drafted in early 2012. NASVI immediately started organising market meetings at all locations where it had members and, over the next couple of years, staged street marches in the capital Delhi to attract the attention of the national media and make street vendors and the voting public countrywide aware about the Street Vendors Bill. It also got its members to send out over one hundred thousand postcards

and letters to senior politicians and government ministers including the president of the ruling party Sonia Gandhi, urging her to ensure the passage of the bill. But getting legislation passed that effectively broke a web of extortion based on political influence was going to take more and the current term of the Congress party was coming to an end with general elections scheduled for April 2014. Arbind Singh knew that there was a good chance that Congress would pass the bill to gain votes. But, if they lost this opportunity, the campaign would lose momentum, at least another five years would be wasted and most importantly, the confidence of the street vendors would suffer a severe blow.

In January 2014, NASVI re-doubled its efforts. Street vendors held rallies in front of the offices of major political parties in various states. A dialogue of street vendors with political leaders was also held in Delhi alongside a 'footpath parliament' – all aimed at leveraging the hype surrounding the upcoming general elections to establish it firmly as a national issue. In February, thousands of street vendors marched to the residence of Congress party vice president and heir to the Gandhi political dynasty Rahul Gandhi. It was a bold effort to publicly tie the passage of the bill to his first attempt at leading his party's election campaign.

With less than two months left before the elections, NASVI was desperate to leave no stone unturned. It published an open letter in national dailies addressing the heads of all political parties urging them to ensure that the bill was passed. With the



final session of parliament coming to an end, Arbind Singh personally requested some of the most experienced and vocal street vendor leaders from Nidan's earliest working days in Bihar to come to Delhi and participate in an indefinite hunger strike called on February 16. In all, 29 street vendor leaders, hailing from all the states where NASVI had members, fasted for four days straight supported by thousands of fellow street vendors. Finally, on February 19, the Indian Parliament passed the bill and the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 came into existence.

The change was immediate. In Punjab, the same mayors who refused to help out in any way started requesting his guidance on how to establish the 'town vending committees' and conduct the survey of street vendors in their cities – the first step in authenticating and formally licensing street vendors. Where they used to quote numbers like five thousand, the survey revealed that in the city of Chandigarh alone, the number of street vendors was over twenty thousand.

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014

- For redressal of grievance or resolution of disputes of street vendors, there shall be a 'town vending committees' consisting of a chairperson who has been a civil judge or a judicial magistrate and two other professionals. But no government employee or member of the local municipal authority can be on the committee.
- The number of members nominated to represent the street vendors in the town vending committees shall not be less than 40%. The numbers of members representing the NGOs shall not be less than 10%.
- One-third of the members representing the street vendors shall be from amongst women vendors.
- The 'town vending committees' shall carry out a survey at least once every 5 years of all the existing street vendors within their jurisdiction.
- Existing street vendors cannot be relocated or evicted till the survey is complete and license of vending issued.
- Every street vendor who is issued a vending certificate shall also be issued an identity card by the 'town vending committees'.
- Once the certificate of vending is issued, no other law, including Police laws, will be applicable as far as vending is concerned.
- No street vendor who carries on her trade in accordance with the terms and conditions of her license shall be prevented from exercising such rights by any person or member of law enforcement.
- No vendor shall be relocated or evicted from the specified place without 30 days notice.
- On seizure of goods, a list of all goods seized shall be prepared and a copy, signed by the person authorized to seize the goods, shall be issued to the street vendor. In case of non-perishable goods, the goods shall be released within 2 working days and in case of perishable goods, on the same day.

Street Vendors Act, 2014 in action



*A fruit seller selling fruits on a street in Delhi
(Photo credit: Nidan)*

In April 2014, the municipal corporations of Delhi issued public notices banning street vendors from selling food and fruit juice. It also enforced stringent guidelines which barred vendors without licenses from doing business.

The National Association of Street Vendors of India filed a public interest litigation stating that the notices were issued arbitrarily and aimed to harass the street vendors. NASVI counsel Indira Unninar pointed out that food standards were already in place under the Food Safety and Standards Authority of India Act and the notices issued by the municipal corporations just got in its way. As for street vending, the subject matter was entirely covered by the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

She admitted that the survey of street vendors – which was the first step in the licensing process - had not yet been completed. But provisions of the Street Vendors Act still applied and thus, no street vendor could be evicted.

Granting relief to street food vendors in the city, the Delhi High Court set aside the notices issued by the municipal corporations. It, however, told the Food Safety and Standards Authority to ensure that food standards were in place.

Nidan in 2014

NASVI now had its sight set on expanding its network even further by asking all state level members to reach out to street vendors in every district and make them members as well. That would increase Nidan's chances of getting appointed as the NGO charged with facilitating the establishment of town vending committees in each town and city and responsible for the coordination of its activities. It would also ensure proper representation and participation of street vendors in the committees.

As for Nidan itself, while NASVI's agenda was limited only to street vendors, Nidan continued to be concerned with the whole unorganised, informal sector. It had already started to replicate the strategy it used in creating NASVI through the establishment of the National Union for Informal Workers to cover all unorganised workers (street vendors, domestic workers, rickshaw pullers, construction workers, etc.) by raising their awareness of laws passed to

The challenges we have now aren't even challenges compared to what we went through to get the bill passed. In Udaipur for example, there is now a designated vending zone but very few use it -turns out there are no washrooms. So, we spoke to the mayor and got him to agree to build the washrooms; in return for NASVI organising the vendors, helping them figure out a time for them to vend and build rapport with customers.

support them and facilitating access to their entire household to government welfare schemes. Nidan was also appointed Streetnet International's focal organisation for South Asia. That meant Nidan now acted as an umbrella organisation for organisations working with street vendors in the region and helped them develop practical organising and advocacy strategies.

Reflections and closing thoughts

Nidan had been successful in putting the cause of urban, informal workers on the national political agenda. In realising that being a development practitioner doesn't necessarily mean being "just" an implementer, it had accomplished it through NASVI and the street vendors who needed things to change. Nidan facilitated them taking initiative themselves and making things happen. It had crucially influenced the composition of the Street Vendors Act 2014 in such a manner that the street vendors could have a dialogue with better off urban citizens and urban administrators to bring about permanent rather than temporary change.

Nidan knew what it needed to scale. It wanted a legal basis to expand and deepen the work done by NASVI. It knew that even with a blank cheque, it would never be possible to mandate the administrators and service providers of every Indian town and city to be concerned about street vendors let alone contribute meaningfully towards their development. Once the bill was passed, NASVI started reaching out to street vendors in states where it did not have members and Nidan applied to the government - as part of a process open to all NGOs in India - to be charged with facilitating the establishment of the town vending committees in each town and city. Needless to say, given its role in the passing of the bill, deep knowledge of street vendors and NASVI's vast network, it was a natural choice.

The perennial challenge plaguing most developing countries was how to address competing priorities - all of which were serious and urgent. Should one widen roads, take steps to reduce pollution, open more hospitals or integrate the urban poor into the city? Where does one draw the line? "We need not draw the line," was Arbind Singh's unequivocal response. He added, "People and the citizens of the city will draw the line. For example, the forums which we have been promoting, the town vending committees for street vendors. These committees have street vendors and all other stakeholders like the police, the municipality, the resident's welfare association and market associations. So, let them decide."

References

Information for this case was collected over the course of a year as part of the “Doing while Learning” project. Methods included field visits, regular discussions, logbooks, and analysis of Nidan’s existing management information system.

Interviews were conducted with the following individuals:

Arbind Singh, Nidan and NASVI

Ratnish Verma, Nidan

Sachin Grover, Nidan

Anuradha Singh, NASVI

Published sources:

NIDAN, 2014. NIDAN. [online] Available at: <http://nidan.in/nidanwp/>

National Association of Street Vendors of India - NASVI, 2014. National Association of Street Vendors of India - NASVI. [online] Available at: <http://nasvinet.org/newsite/>