

INTRODUCED ON 07.08.2023.

[AS INTRODUCED IN THE SENATE]

**A
BILL**

to provide for the protection of street vendors' livelihood

WHEREAS it is expedient to provide for the regulation of street vending at public spaces in the cities, for the protection of street vendors' livelihood, in consonance with the fundamental right of freedom of trade as envisaged in Article 18 of the Constitution of the Islamic Republic of Pakistan and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

**CHAPTER I
PRELIMINARY**

1. Short title, extent, commencement and application.- (1) This Act may be called the Rehribaan (Street Vendors) Livelihood Protection Act, 2023.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force on such date as may be notified by the Federal Government through a notification in the Official Gazette.

2. Definitions.- In this Act, until and unless the context otherwise requires,-

(a) "Association of Street Vendors" means an organization registered by a group of street vendors under the prevalent law;

(b) "City Area" means a spatially contiguous area as determined by the local government, where area-specific vending zone(s) are established;

(c) "Development Authority" means the Capital Development Authority, a government organization, which regulates land use in Islamabad Capital Territory;

(d) "Government" means the Federal Government;

(e) "Holding Capacity" means the maximum number of street vendors that can be accommodated in a city area as determined by the local government, but not less than two percent of the population in that city area;

(f) "Local Government" means the Metropolitan Corporation of Islamabad established under the Islamabad Local Government Act, 2015 (X of 2015) to provide municipal services and regulate street vending;

(g) "Ministry" means the line ministry, which will be responsible for overseeing the design and implementation of government initiatives and interventions under the ambit of this law;

(h) "Mobile Vendors" means street vendors who vend goods and services in city area(s) by moving from one place to another;

- (i) "Natural Market" means a market where street vending is in vogue for over seven years, as determined by the development authority;
- (j) "Public Space" means an area or place that is open and accessible to all peoples, regardless of gender, race, ethnicity, age or socioeconomic level, which include, but not limited to, street, lane, sidewalk, footpath, pavement, park and squares;
- (k) "Rules" means the rules made under this Act;
- (l) "Scheme" means a scheme framed by the Government under section 32;
- (m) "Stationary Vendors" means street vendors who carry out regular vending activities at a specific location;
- (n) "Street Economy" means the retail economy based on exchange of goods and services on streets and related public spaces through regular and irregular vendors operating in temporary constructed or manufactured structures, whether mobile or static;
- (o) "Street Vendor" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a public space from a temporary built up structure or by moving from place to place, whether or not using a vehicle; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly; and
- (p) "Vending Zone" means an area or a place or a location, as designated by development authority, for use by street vendors for street vending and may include footpath, side walk, pavement, embankment, waiting area for public, a market vicinity or any such other public place considered suitable for vending activities.

CHAPTER II REHRIBAAN SECRETARIAT

3. Scope and Structure.- (1) Secretariat shall be the sub-organizational structure established under the ambit of the Ministry; with the purpose of coordination and supervision of design and implementation of government policies pertaining to betterment of street vending ecosystem.

(2) Secretariat shall be headed by a Ministry official not below the rank of Joint Secretary and manned by technical staff well conversant with different regulatory and operational aspects of street economy.

(3) A steering committee, for overseeing the policy initiatives pertaining to street vendors, shall be formed with representatives from following:

- (a) Minister of the concerned line ministry as the Chairman of the Committee;
- (b) Metropolitan Corporation Islamabad, Officer of the designation of Administrator or Director General;

- (c) Capital Development Authority, Officer of the designation of Member or Director General;
 - (d) Islamabad Capital Territory Administration, Officer of the designation of Deputy Commissioner or Additional Deputy Commissioner;
 - (e) Representative from a selected Association of Street Vendors in Islamabad;
 - (f) Representative from a selected Think Tank focused on local socioeconomic issues;
 - (g) Representative from a selected Civil Society Organization involved in advocacy and support of conducive environment for street vendors;
 - (h) Joint Secretary of Rehribaan Secretariat shall be the secretary of the steering committee; and
 - (i) Head of Street Economy Unit from Metropolitan Corporation Islamabad shall attend the steering committee meetings as an observer.
- (4) Secretariat shall be undertaking following functions:-
- (a) Formulation of policies pertaining to regularization and conducive operating environment for street vendors;
 - (b) Oversee and coordinate the conduct of third party survey of street vendors;
 - (c) Preparation of parameters and design of the operational plan for the regularization of street vending;
 - (d) Provide input on the zoning plan, as prepared by the Authority;
 - (e) Provide technical assistance to the Local Government in the licensing regime and cart design standardization for street vendors;
 - (f) Coordinate with financial institutions for the design of sustainable microfinance and micro-insurance products for street vendors;
 - (g) Support tech organizations in the provision of digital products and services to enhance digital inclusion in the street economy;
 - (h) Promote capacity building initiatives through street vendors training in the areas of hygiene, food safety and marketing;
 - (i) Act as a supporting arm of Street Economy Unit at the Local Government for smooth implementation of the government intervention in the street economy;
 - (j) Operate as a depository of knowledge and technical advisor to Local Governments in other parts of the country for the replication of street vendors' program; and
 - (k) Provide secretarial support to the steering committee on street vendors.

CHAPTER III REHRIBAAN UNIT

4. Scope and Structure.- (1) Local Government shall be establishing the dedicated Rehribaan Unit with the sole purpose of coordinating and implementing the government policy interventions for improved street vending ecosystem in Islamabad.

(2) This Unit shall be headed by a technical person embedded in the mechanics of street economy working; he shall be supported by a professional team seeped in regulatory and operational affairs of street vending.

(3) Areas of responsibilities of the Unit, shall comprise but not limited to following:-

- (a) In coordination with the Ministry, oversee the contract award for the third party survey of street vendors in Islamabad;
- (b) Work with the Authority in devising the parameters of the vending zones;
- (c) Prepare scheme, regulations and bye-laws under the ambit of this law;
- (d) Issuance of vending licenses in accordance to the parameters set in the related regulations and bye-laws;
- (e) Coordinate with financial institutions for the mechanism of cancellation of vending licenses and confiscation of vending carts, in case of defaulter street vendors;
- (f) Determine new vending areas for the placement of street vendors beyond holding capacity of existing vending zones;
- (g) Undertake capacity building initiatives for street vendors in different segments;
- (h) Conduct eviction of unauthorized street vendors or encroachment by licensed street vendors after providing them a proper hearing opportunity; and
- (i) Timely collection of vending fees and penalties for late payments and other violations.

CHAPTER IV ZONING FOR STREET VENDING AREAS

5. Principles for Zoning.- Subject to principles mentioned below, Development Authority shall determine zoning for street vending areas:

- (a) Zoning will be segregated between vending areas and no-vending areas;
- (b) Data will be collected on the total available public space, suitable for vending;
- (c) Public space for vending will include, but not limited to, street, lane, sidewalk, footpath, pavement, park and squares;
- (d) Public spaces will be designated natural markets, where street vending is in vogue for over seven years, with or without vending licensing;

- (e) Street vending space in natural markets will have a priority over car parking space;
- (f) A natural market shall not be declared a no-vending zone;
- (g) Marked vending area will leave reasonable space for pedestrian movement;
- (h) Standard placement area for a vending cart or space will be designated;
- (i) Zoning plan will provide details on maximum number of street vendors that can be accommodated in the given public space along with their placement details;
- (j) A public space shall not be declared no-vending zone on account of overcrowding or sanitary concerns, till such concerns are solely attributed to street vendors and may not be resolved through civic actions by the local government;
- (k) Reasons, for declaring a public space as no-vending zone, shall be put in writing; and
- (l) Objections shall be invited from general public including street vendors before determination.

6. Implementation of Zoning.- (1) Development Authority shall be responsible for the preparation of Street Vendor Zoning Plan within three months of the enactment of the Act.

(2) In case, the Zoning Plan is not completed within the stipulated period, then Local Government shall be entrusted with the completion responsibility of the said plan.

(3) Local Government shall be responsible for the governance of street vending and implementation of Street Vendor Zoning Plan.

CHAPTER V CITY AREAS AND STREET VENDORS' SURVEY

7. Designating City Areas.- (1) Based upon Street Vendor Zoning Plan, Local Government will segregate Islamabad Capital Territory in number of spatially contiguous city areas from the perspective of effective participatory engagement with local Street Vendors' Associations.

(2) Local Government will encourage street vendors in city areas to establish local Street Vendors' Association for facilitation in outreach and better coordination in implementation of Street Vendor Zoning Plan in each city area.

(3) All these local Street Vendors' Associations will be registered with the Local Government.

(4) Each city area will contain its own vending zone(s) as designated in the Street Vendor Zoning Plan.

8. Survey of Street Vendors.- (1) Local Government will undertake the survey of all existing street vendors in each city area in coordination with the local Street Vendors' Association or engage a professional agency to conduct the survey.

(2) Street Vendors' Survey has to be completed within six months of the enactment of Act, thereafter the survey will be conducted after every five years.

(3) No street vendor shall be evicted or relocated till completion of the survey, as specified in sub-section (1) and issuance of the vending certificates thereafter.

(4) Local Government shall ensure that all surveyed street vendors are accommodated in the vending zones subject to their holding capacity.

(5) In case, the Street Vendors' Survey is not completed within the stipulated period, then the local Street Vendors' Association may undertake the completion of the Street Vendors' Survey.

(6) Survey conducted by the local Street Vendors' Association will be taken at par with the survey conducted under sub-section (1) for the purpose of later issuance of vending certificates to eligible street vendors.

CHAPTER VI REGULATION OF STREET VENDING

9. Issuance of Certificate of Vending.- (1) Every street vendor, above the age of fourteen years, as identified in the survey carried out under section 8 shall be issued a Street Vending Certificate by the Local Government within period not exceeding thirty days from the completion date of survey.

(2) Street Vending Certificate shall bear the name of the person registered and identified as a street vendor under a survey conducted by the Town Vending Committee and his family members i.e., wife and children, above the age of fourteen years and all such persons shall be entitled to conduct street vending under the said certificate.

(3) Street Vending Certificate shall be issued subject to such other terms and conditions as to vending zones, timings and mobility etc. as may be prescribed in the scheme formulated under section 33.

(4) In case, the number of Street Vendors identified under sub-section (1) exceeds the holding capacity of the designated vending zone, then the Local Government shall give first preference to those vendors, who holds documentary evidence as vending licence, challan or receipt; for remaining it shall carry out draw of lots, left over street vendors will be adjusted in adjacent vending zone.

(5) It shall be mandatory for the Local Government to state the terms and conditions on the Street Vending Certificate.

10. Natural Market.- (1) Local Government may declare a vending zone as a Natural Market, based upon the survey under subsection (1) under section '8'.

(2) A local Street Vendors' Association may apply to the Local Government for declaring their vending zone as a Natural Market based upon the survey under sub-section (1) under section '8' along with relevant evidence.

11. Categories of Certificate of Vending and Issuance of Identity Cards.-(1) The Street Vending Certificate shall be issued under the following categories:-

- (a) Stationary Vendor;
- (b) Mobile Vendor; and
- (c) Any other category as may be prescribed in the relevant rules.

(2) The Street Vending Certificate shall be in such form, as may be specified in the scheme.

(3) Identity cards will be issued to all those street vendors, who are issued vending certificates under sub-section (1), in such form as may be specified in the scheme.

12. Vending Fee.-Every holder of a Street Vending Certificate shall pay such vending fees to the Local Government as may be specified in the scheme.

(2) A local Association of Street Vendors may deposit the consolidated fee of all street vendors in its vending zone.

13. Validity and Renewal of Street Vending Certificate.- Street Vending Certificate shall be valid for a period of five years, which shall be renewed by the Local Government for successive terms of five years, subject to payment of renewal fee, as specified in the scheme.

14. Cancellation or Suspension of the Certificate of Vending.- (1) If the holder of a Street Vending Certificate breaches the terms and conditions specified on it, the Local Government may suspend such certificate for such period as may be specified in the scheme.

(2) If after conducting an inquiry, the Local Government is satisfied that a Street Vending Certificate has been obtained by any person through fraud or misrepresentation, it may cancel such certificate:

Provided that no suspension or cancellation shall be made by the Local Government without first giving a reasonable opportunity of hearing to the concerned street vendor.

15. Appeal against Suspension or Cancellation.- (1) Any person aggrieved by any decision of the Local Government under section 14 may challenge it in the court of District Judge having territorial jurisdiction over the relevant vending zone of the street vendor.

(2) The District Judge hearing the appeal shall decide the case after hearing the concerned street vendor, and a representative of the Local Government.

16. Prohibition on Confiscation.- Except as provided in section 25 of this Act, no person or authority, including the Local Government or any person acting on its behalf and the law enforcing agencies, shall confiscate or seize or forfeit the goods, merchandize, wares, vehicles, carriers, carts, weights and measures, personal belongings and any other thing in possession of a street vendor under any circumstances.

CHAPTER VII DISPOSAL OF APPLICATIONS

17. Disposal of Applications made to the Local Government.- (1) All applications made to the Local Government under this act must be in accordance to the manner prescribed.

- (2) Applications shall be acknowledged upon receipt.
- (3) A decision on the application shall be made within thirty days of the application receipt date.
- (4) An applicant shall be given a reasonable opportunity of hearing before any rejection of the application.
- (5) In case an application is approved, the approval order shall include all provisions under which the approval is granted.

CHAPTER VIII RIGHTS AND OBLIGATIONS OF STREET VENDORS

18. Vending Right.- A street vendor shall have the right to carry on the business of street vending in accordance with the terms and conditions mentioned in the Street Vending Certificate.

19. Maintenance of Cleanliness and Public Hygiene.- Street vendors shall make every effort to keep their surroundings clean and shall not throw any kind of garbage at any public place in the vending zones.

20. Maintenance of Civic Amenities in the Vending Zone in Good Condition.- Street vendors shall not cause any damage to the public and private properties in the vending zones.

21. Payment of the Vending Fee and Maintenance Charges.- Street vendors shall pay the monthly vending fee and maintenance charges to the Local Government, at the rates prescribed in the scheme.

CHAPTER IX DUTIES AND RESPONSIBILITIES OF PUBLIC OFFICIALS

22. Duties and Responsibilities of the Local Government and Police Officials.- Rights of the street vendors shall be promoted and protected by the Local Government and police officials, in accordance with the provisions of this Act.

CHAPTER X RELOCATION AND EVICTION OF STREET VENDORS

23. Relocation or Eviction of Street Vendors.- (1) Subject to sub-section (2), street vendors may be evicted from one vending zone and be relocated to another adjoining vending zone for any of the following reasons:

- (a) for avoiding traffic disruptions;
- (b) in the event of a natural disaster due to which a particular vending zone may become unsuitable for street vending; or
- (c) for carrying out a scheme for the benefit of public at large.

(2) Thirty days prior to relocation or eviction of the street vendors, or as soon as it may be practicable, the Local Government shall convene a meeting of local Street Vendors' Association to discuss relocation of street vendors likely to be adversely affected by relocation or eviction.

(3) Local Government shall formulate a plan to relocate or evict, as the case may be, the street vendors as early as possible and in doing so shall take into consideration the following factors,-

- (a) the street vendors shall be relocated in the adjoining zones keeping in view their convenience;
- (b) collective benefit of the street vendors' community in the zones; and
- (c) every effort shall be made to keep it feasible for the street vendors to carry out vending.

(4) Local Government shall serve at least fifteen days' prior notice to street vendors before carrying out the relocation or eviction plan.

24. Forced Relocation or Eviction of Street Vendors.- (1) If relocation or eviction from a vending zone, under sub-section (1) of section 23, is resisted by the street vendors, the Local Government shall negotiate with them and shall make every effort to address their concerns and amicably resolve the issues.

(2) After negotiations with the concerned street vendors, the Local Government may amend relocation or eviction plan.

(3) If in the opinion of the Local Government the plan formulated under sub-section (3) of section 23 or its amendment, if any, under sub-section (2) of section 24 is the only workable solution, it shall notify the concerned street vendors about it at least fifteen days prior to initiation of execution of relocation or eviction plan.

25. Seizure and Reclaiming of Goods.- (1) In case any street vendor refuses to leave the vending zone, as proposed under the relocation or eviction plan, the Local Government may take measures to seize the vending vehicle, goods and other belongings of such street vendor and keep in safe custody, subject to issuance of a receipt in which all items seized shall be clearly mentioned:

Provided that if the goods seized by or on the orders of the Local Government include perishable items, compensation equivalent to prevailing market value of such perishable items shall be paid to the street vendor within two days from the date of seizure:

Provided further that all other items and belongings of the street vendors shall be kept at a safe place and all reasonable care shall be taken to prevent any damage.

(2) The Local Government shall be bound to return all the items, seized from the street vendor, if he makes a reclaim request in this behalf, undertakes to abstain from vending in the evicted zone and pay such fees, as specified in the scheme:

Provided that if any damage is caused to any of the items seized by the Local Government, it shall pay compensation to the street vendor proportionate to the amount of loss suffered by him. The amount of compensation shall be determined by the Local Government.

CHAPTER XI
PREVENTION OF HARASSMENT OF STREET VENDORS

26. Prevention of Harassment.- (1) If a member, officer or an employee of Local Government, police or any other authority has, without any reasonable cause, prevented a street vendor from exercising any rights under this Act, or not performed a duty specified under this Act, or malafidely rejected an application made under this Act, or knowingly given incorrect, incomplete or misleading reasons for rejection of an application, it shall amount to harassment.

(2) Relocation or eviction in derogation of section 23 or the provisions of the scheme made thereunder shall amount to harassment.

(3) Seizure in derogation of section 25 or the provisions of the scheme made thereunder shall amount to harassment.

CHAPTER XII
PENAL PROVISIONS

27. Contraventions by Street Vendors.- If a street vendor-

- (a) carries out street vending after suspension or cancellation of his Street Vending Certificate;
- (b) contravenes the terms of Street Vending Certificate; and
- (c) fails to pay the vending fees, as specified in the scheme, under section 12 of this Act.

He shall be liable to a penalty for each such offence, which may extend up to twice the vending fees payable by the vendor or rupees two thousand, whichever is less.

28. Penalty for Harassment.- (1) The Magistrate of the first class under the Code of Criminal Procedure, (Act V of 1898) shall, within his territorial jurisdiction, exercise jurisdiction to try and adjudicate the offences under section 26, upon a complaint of the facts which constitute such offence. For trial of offences the Magistrate of the first class shall follow the summary procedure provided under Chapter XXII of the Code of Criminal Procedure (Act V of 1898).

(2) Any person, who commission the harassment offence under section 26, shall be punished with the imprisonment for a term of up to one month or with a fine not exceeding rupees twenty thousand.

(3) The harassment offence, provided in section 26 of this Act, shall be compoundable, non-cognizable and bailable.

CHAPTER XIII
MISCELLANEOUS PROVISIONS

29. Annual Report.- (1) Local Government shall prepare annual report on the implementation of the Act in previous financial year, which will be presented to the elected body of the Local Government, headed by the Mayor.

(2) The annual report shall be completed within thirty days from the end of a financial year.

(3) The annual report must be in the prescribed form and must give a true and full account, including,-

- (a) a review of the Local Government's performance, as the case may be, in relation to the discharge of its functions and the achievement of its objectives under this Act based on the systems of measurement referred to under sub-section (4);
- (b) all information that is necessary to understand the discharge of functions and the achievement of the objectives of this Act, that has been published by the local authority;
- (c) a statement of the deliberations of the local authority, accompanied by the records of meetings;
- (d) a statement indicating any statutory obligation that the local authority or town vending authority has not complied with, and reasons for such non-compliance; and
- (e) the statement of accounts in relation to the implementation of the Act certified by a government auditor.

(4) Prior to the commencement of each year, the Local Government shall, in consultation with the local Street Vendors' Associations or engagement with professional organization, determine the systems to be used to accurately measure the implementation of the Act:

Provided, the systems determined must:

- (a) promote transparency;
- (b) provide objective methods of measurement where possible; and
- (c) provide subjective methods of measurement where objective measurements are not possible.

30. Overriding Effect.- The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law on the subject for the time being in force.

31. Power to make Rules.-The Federal Government shall, within six months from the date of commencement of this Act, by notification in the Official Gazette, make appropriate rules and regulations for giving effect to the provisions of this Act.

32. Formulation of Schemes.- Within one year from the date of commencement of this Act, the Local Government shall, in consultation with local Street Vendors' Associations, formulate a scheme, which shall be published in the Official Gazette after approval of the Federal Government.

33. Review of Rules and Schemes.- (1) The Federal Government shall review all rules and schemes made under this Act within five years of being notified.

(2) The review must consist of:

- (a) an ex post cost-benefit analysis;
- (b) an analysis of the judicial interpretations of the regulations; and
- (c) an analysis of the applicability of the regulations to a change in circumstances, if any.

(3) Every review under this section must be tabled before the parliament

(4) The Federal Government must publish the review within sixty days of being tabled before the parliament.

34. Power to make Bye-laws.- (1) Subject to the provisions of this Act or any rule or scheme made thereunder, the Local Government may make bye-laws to provide for all or any of the following matters-

- (a) determination of monthly maintenance charges in the vending zones under section 19;
- (b) the regulation of the collection of fees in the vending zones under section 19;
- (c) the regulation of civic services in the vending zones; and
- (d) the regulation of such other matters in the vending zones as may be necessary.

(2) The Local Government shall make the draft bye-laws available to the public for comments for a period of thirty days.

(3) The draft bye-laws must clearly state:

- (a) the provisions of the Act under which it is proposed to be issued;
- (b) its objectives; and
- (c) the issue it seeks to address.

(4) The Local Government must publish all the comments received on the draft byelaws and consider them before publishing the final bye-laws.

35. Removal of Difficulties.-If any difficulty arises in giving effect to any provision of this Act, the Federal Government may, within two years from the date of commencement of this Act and by order published in the Official Gazette, make such provision consistent with the scheme of this Act as may be necessary.

STATEMENT OF OBJECTS AND REASONS

Rehribaan (Street Vendors) are an integral component of any urban economy around the world. In Pakistan, population of street vendors is estimated around 1-million, which are generating annual sales to the tune of PKR 900 billion. This large street economy is predominantly informal. As per existing legal framework of local governments in Pakistan, street vending is regulated through urban municipalities through issuance of licenses. Effectively, this whole system is managed through illegal rent seeking by a nexus of municipal staff, police officials and shopkeepers. This unholy alliance create congestion in public spaces through placement of maximum unlicensed street vendors for maximizing their rents. Any so-called eviction campaigns of street vendors are a mere eyewash, as the same municipal officials place the displaced street vendors back on the same vending spots after taking bribes.

2. In 2021, Federal Poverty Alleviation and Social Safety Division (PASSD) launched a pilot program under the name of "Ehsaas Rehribaan" in collaboration with Metropolitan Corporation Islamabad (MCI) and other city agencies. The purpose of the program was to provide a conducive environment for street vendors through their sustainable regularization. The program achieved its objectives with transparent regularization and financial inclusion of street vendors but hit a snag with the change of government. It becomes evident that till date there is no law in Pakistan that recognizes street vendors as the part of the economy and provides protection to their livelihood. Municipal officials enjoy vast discretionary power for regulating street vendors, which they abuse with impunity.

3. As governance of Islamabad comes under the ambit of federal government, hence it needs to initiate the passage of first of its kind law for the protection of street vendors' livelihood in Pakistan. Its promulgation shall become the model for passage at the provincial level later. It aims to improve upon the urban outlook, enhance municipal revenues, support urban economy and induce market-based poverty alleviation of street vendors.

4. This Bill aims to achieve the above-mentioned objectives.

SENATOR SANIA NISHTAR
MEMBER IN CHARGE