

LEGISLATION WATCH CELL

Rehribaan (Street Vendors) Livelihood Protection Act 2023

Report 2024-01



Human Rights
Commission of Pakistan

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Introduction

Street vendors, referred to as *rehribaan* in Pakistan, play a pivotal role in urban economies globally. Their population in Pakistan is roughly estimated to be 1 million, generating around PKR 900 billion in annual sales.¹ This substantial street economy operates informally—without any legislative backing to protect street vendors' rights and the state's corresponding obligations—and is regulated only by local governments who issue licenses for vendors to operate.

The vast majority of street vendors are from low-income households, with many living from hand to mouth. Many are migrants from rural areas who are often unaware of their rights and more likely to capitulate to the intimidation tactics employed by a network of municipal staff, police officials and shopkeepers who seek to extract (illicit) payments from unlicensed and even licensed vendors to allow them to operate unhindered.² Moreover, following a 2018 Supreme Court judgment ordering the removal of encroachments, thousands of street vendors found themselves being summarily evicted from markets and streets they had serviced for years.³

There is a noticeable absence of a dedicated law in Pakistan recognizing street vendors as integral to the economy and safeguarding their livelihoods. A clear legal framework—one that strikes a just balance between the rights of street vendors and the powers of the regulatory bodies concerned—is also required since municipal officials wield extensive discretionary power in regulating street vendors, a power often exploited without accountability. Vendors often report facing difficult working conditions as they contend with lack of access to credit, harassment, displacement,

¹ <https://www.dawn.com/news/1721699>

² <https://file.pide.org.pk/pdfpdr/2023/133-143.pdf>

³ <https://www.dawn.com/news/1599420>

arbitrary anti-encroachment drives, and violence perpetrated by government authorities and rival businesses.⁴

In 2021, the federal Poverty Alleviation and Social Safety Division initiated a pilot initiative named 'Ehsaas Rehribaan' in collaboration with the Metropolitan Corporation Islamabad (MCI) and other city agencies. The primary goal of this programme was to establish a supportive and regulated environment for street vendors. Although the programme helped regularize and protect street vendors, for example, by issuing vending carts and providing financial inclusion, it encountered challenges following a change in government. In order to sustainably protect and regulate the street-vending economy in Pakistan, it is imperative to have an all-encompassing legislative framework comprising acts, rules, by-laws and policies.⁵

⁴ <https://www.crux.pk/pakistani-street-vendors-pillars-of-the-economy/>

⁵ <https://pide.org.pk/research/street-vending-an-introduction-and-overview/>

Scope of the law and analysis

The Rehribaan (Street Vendors) Livelihood Protection Act 2023 is designed to regulate street vending in Islamabad and protect vendors' livelihoods. The bill was tabled in the Senate in August 2023 but has not been passed to date. If passed, it would be the first legislation in Pakistan to provide a concrete legal framework for the orderly conduct of street-vending activities in Islamabad. The provincial governments may then follow this precedent to legally structure street vending in their respective territorial jurisdictions.

As a whole, the bill is a welcome step as it recognizes the need to formalize the street economy and acknowledges street vending as an integral part of the urban economy. However, a detailed analysis of the bill indicates that, if enacted, the objectives of the law may not be achieved due to certain counterproductive provisions. The bill consists of 13 chapters, covering various aspects related to street vending in Islamabad. The main provisions of the bill are as follows:

Rehribaan Secretariat

The bill establishes a Rehribaan Secretariat under the relevant ministry to coordinate and supervise government policies related to street vending. Crucially, however, the ministry concerned has not been specified within the text of the bill. This could cause a delay in implementation as well as ambiguity at the administrative level unless it is specified in the rules prescribed under the bill once the bill is passed and the law enacted. The bill also outlines the functions of the secretariat, including policy formulation, coordination of surveys and support for capacity-building initiatives.

Rehribaan Unit

The bill requires the MCI, established under the Islamabad Local Government Act 2015, to establish a dedicated Rehribaan Unit

responsible for implementing government policies related to street vending in Islamabad. The responsibilities of this unit would include overseeing surveys, issuing licenses and coordinating with financial institutions.

Zoning for street-vending areas

The bill stipulates principles for zoning, including the segregation of vending and no-vending areas, determination of holding capacity, and guidelines for designated vending spaces. It also mandates the Capital Development Authority (CDA) to prepare a street vendor zoning plan.

City areas and street vendor survey

The bill designates city areas based on the street vendor zoning plan. It further requires the MCI to undertake surveys of street vendors in each city area and encourages the formation of local street vendors' associations.

Certification and licensing

The bill outlines the issuing of street-vending certificates and identity cards and describes the categories of vending. Street-vending certificates can be issued under three categories: (a) stationary vendors, (b) mobile vendors and (c) any other category as may be prescribed in the relevant rules.

Section 9 of the bill stipulates that every street vendor above the age of 14 years shall be issued a street-vending certificate by the MCI within 30 days from the date of completion of the survey. This provision may prove counterproductive to the cause of children's education because it may give some parents—especially in low-income households—legal cover to encourage their children to engage in street vending,⁶ despite the state's constitutional obligation to provide free and compulsory education to all children between the ages of five and 16 years. As such, this article could be seen as ultra vires the Constitution. Accordingly, the bill should

⁶ While HRCP fully recognizes that poverty is invariably a driver of child labour and that many children engage in street vending even after school hours, its stance is that the working environment for minor street vendors is not, at this stage, as safe or developed as it should be. Street vending puts children at risk of harassment, abuse and exploitation.

provide for a special category of licences for children aged 16–18 years, giving them the right to work as street vendors after school hours. This will need to be accompanied by a robust enforcement mechanism to ensure that the terms of such a license are not violated and that minor street vendors are protected against abuse and exploitation. The bill could also consider linking such licenses to school attendance by giving parents of school-age children an incentive to keep their children in school while giving them the opportunity to work for a limited number of hours after school.

The bill also declares that vending fees shall be determined by the MCI and that the street-vending certificate shall be valid for five years, renewable for five years successively, subject to payment of the renewal fees.

Applications for vending licenses

The bill sets out procedures for the disposal of license applications made to the MCI. Under section 17, all applications must be submitted in the ‘prescribed’ manner, although the exact format or manner of applications is not mentioned. It may be assumed that the prescribed format will be stated in the rules made under the act.

Opportunity for a hearing

It is noteworthy that under the bill, on filing an application, applicants will be afforded a hearing only if their application is going to be rejected. If an application is likely to be approved, then no opportunity for a hearing is afforded to the applicant. Section 17(4) of the bill states that:

‘An applicant shall be given a reasonable opportunity of hearing before any rejection of the application.’

This clause is concerning from a labour rights perspective because the language is ambiguous and implies that applicants will be heard once the fate of their application—a rejection—has already been decided. The hearing thus becomes a mere formality and has no meaningful impact on the application’s outcome.

Rights and obligations of street vendors

While a significant portion of the bill imposes bureaucratic complexities and provides for coordination among the three main

government entities—the relevant ministry, the MCI and the CDA—the eighth chapter, titled ‘Rights and Obligations of Street Vendors’ comprises only four sections, of which three outline the obligations of street vendors, such as their responsibilities for cleanliness and maintenance of civic amenities, while only one section extends the right to engage in street vending. This is a glaring flaw as the law purports to protect the rights of street vendors. In other words, this chapter must form the heart of the bill instead of containing generic text.

Duties and responsibilities of public officials

The text of the bill barely mentions the duties and responsibilities of public officials, particularly in the ninth chapter based on said duties and responsibilities. Instead, the chapter concludes in a vague manner by mentioning the ‘promotion and protection’ of the rights of street vendors. The matter of assigning responsibility to state institutions for protecting and fulfilling these rights is tactfully evaded. This casts some doubt as to the state’s intention of upholding the rights of street vendors in Islamabad.

Relocation and eviction of street vendors

The bill provides guidelines for the relocation or eviction of street vendors, emphasising transparency and the protection of vendors’ interests. Specifically, section 23 of the bill’s tenth chapter binds the government to consider the interests and voices of street vendors before relocating them. The grounds for relocation stipulated under this section are: (a) to avoid 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) to carry out a scheme for the benefit of the public at large.

The bill also states that the MCI shall convene a meeting with the street vendors’ association to discuss relocation plans at least 30 days before relocating street vendors. While this section shows that some attempt has been made to include street vendors’ voices in relocation and eviction plans, it assumes that all vendors are necessarily part of an association, which may not always be the case. Nor does it specifically protect vendors from arbitrary relocation if, for example, the authorities are looking to gentrify a locality.

Instead of a street vendors' association exclusively, the bill should provide for a diverse committee that takes into account the interests of street vendors who are not part of any association. Such a committee could also include representatives of civil society or human rights organizations who can ensure that street vendors' interests are protected. The time between consulting such a committee and the actual relocation of street vendors should also be increased from 30 days to a more reasonable period, based on consultation with the committee.

Prevention of harassment of street vendors

Under section 26, the harassment of street vendors has been defined and prohibited. The definition of harassment, however, is equivocal, thus leaving significant room for manipulation and blackmail. According to this section:

... 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.

The ambiguity in the phrase 'without any reasonable cause' is concerning as it leaves the interpretation of harassment subject to bias, corruption and malpractice. Moreover, it is not difficult for any government or law enforcement authority to put forward a 'reasonable' cause, however arbitrary, in defence of their actions.

Recommendations

Some recommendations that would make this bill more effective from a human rights perspective are outlined below.

- The law should provide for local committees (instituted by the Rehribaan Unit) responsible for ensuring that all major decisions, including the demarcation of vending zones and relocation exercises, are made while respecting and protecting street vendors' rights, particularly their right to earn a livelihood with dignity and their right to security of person. Such a committee could also institute some form of quality controls. At least 50 percent of the committee should comprise street vendors in addition to civil society members and local government representatives.
- The age bracket within which vending licenses are granted must be amended to bring this provision in line with the Constitution. Specifically, a special category of licences for children aged 16–18 years should be created rather than granting licenses to street vendors under the age of 16.
- The format of applications, which will presumably be prescribed in the rules of business, must be kept simple, given the poor literacy and financial circumstances of most street vendors. A cumbersome application procedure may pose serious barriers to approaching the MCI for dispute resolution.
- Section 17(4) must be removed to afford an opportunity for a hearing to all applicants before the disposal of their applications, in line with international labour rights standards.
- Specific provisions to ensure female representation in the Rehribaan Secretariat, Rehribaan Unit or other platforms must be incorporated in the bill.
- The eighth chapter may be expanded to explicitly define the rights of street vendors, especially with regard to financial support such as facilities and opportunities for funding their means of business. This part of the bill should also include special provisions, such as empowering street vendors' associations with the funds required to provide free legal aid

in cases of disputes, cancellations and suspensions of licenses. This chapter must also include provisions introducing gender-sensitive measures for female and transgender street vendors, such as nearby access to washrooms and day-care facilities, and other standards for decent work environments such as waste disposal mechanisms.

- The duties of public officials must be explicitly defined in the ninth chapter to hold these authorities accountable for protecting the rights of street vendors as enumerated in the bill.
- Section 26 must be amended to remove any ambiguities that would allow state officials to justify harassment of street vendors on the grounds of 'reasonable cause'. The grounds on which state officials can intervene (for example, to relocate a street vendor) should be explicitly specified within this section. Additionally, the intimidation of street vendors and confiscation of their wares by the police and other authorities should be strictly prohibited and heavily penalized.
- Given the lack of education and the meagre financial resources of street vendors, bureaucratic involvement related to coordination among the three governing entities (the relevant ministry, the MCI and the CDA) must be simplified and reduced to a one-window operation to avoid unnecessary delays and technical difficulties for street vendors.

Annex

The Rehribaam (Street Vendors) Livelihood Protection Act 2023

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 Rehribaam (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 Rehribaani 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.

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) (b) (c)

Stationary Vendor;

Mobile Vendor; and

Any other category as may be prescribed in the relevant rules.

(2) specified in the scheme.

The Street Vending Certificate shall be in such form, as may be

(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) (b)

(c)

for avoiding traffic disruptions;

in the event of a natural disaster due to which a particular vending zone may become unsuitable for street vending; or

for carrying out a scheme for the benefit of public at large.

(2) 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.

Thirty days prior to relocation or eviction of the street vendors, or

(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

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.

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) 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.

Prior to the commencement of each year, the Local Government

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.
- (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.

The Local Government shall make the draft bye-laws available to

- (2) the public for comments for a period of thirty days.
- (4) the draft byelaws and consider them before publishing the final bye-laws.

The Local Government must publish all the comments received on

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

HRCP Legislation Watch Cell

Instituted in 2022, the Legislation Watch Cell is an initiative of the Human Rights Commission of Pakistan (HRCP). The Cell aims to monitor and analyse legislation, rules and procedures in the form of draft bills and amendments introduced by the federal and provincial assemblies each year that warrant attention from a human rights perspective, especially with respect to women, transgender persons, vulnerable labour groups, religious minorities, and the incarcerated population.

The Cell comprises HRCP staff members, an independent legal consultant, and an advisory committee composed of legislators, lawyers and other members of civil society. HRCP seeks to publish quarterly reports through this exercise that encompass the analysis, findings and recommendations of the Cell.



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