



Enabling Street Vending through the Delhi Master Plan: A Technical report by Main Bhi Dilli Campaign



Source: Rashmi Chaudhary for WIEGO

Main Bhi Dilli is a people's campaign aiming to envision and enable a more inclusive city. It is a collective of civil society organisations, activists, researchers and others who work on diverse issues of housing, livelihood, gender and other rights. Visit www.mainbhidilli.com for more information on the campaign.

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1. Abstract

While we talk about livelihood of street vendors from the point of view of the master plan we have to limit ourselves to vending zones. The master plan fixes a frame of imagination that only operates spatially and at a particular scale and hence fails to talk about other spheres of a street vendor's life such as mobility, social and urban entitlements and forms of violence faced. At the least, this technical report will achieve three things. 1. As MPD2041 will be the first master plan after SV act2014 and during/post the COVID19 pandemic, it is important to align it with the regulatory framework. 2. Giving spatial and design recommendations for Vending zones in Delhi. 3. Proposing to regulate limits to categorizing a street/ space as no vending or restricted zone instead of regulating limits to vending zones.

2. Introduction

When we talked about efficiency, convenience and cost effectiveness, street vending qualifies all the three yet, vending is always seen as deviancy by police, residence groups, local government etc. even though the legal landscape has been much more accommodating in the last few years. It is seen in an everyday contestation with other activities such as pedestrian movement, vehicular flow, landscaping, and parking. What we fail to understand is that these activities complement each other. However it is also important to prioritize livelihood of vendors and the services provided by them as top priority in our public spaces as they are top contributors to these spaces. The aim is to get away from the language of trade-offs to a more accommodative approach when we look at street vending.

Street Vending is one of the most visible forms of informal livelihood. Street vendors form a considerable part of the Indian informal sector economy. There are close to 10 million street vendors in India. Roughly 2% of any city populations are street vendors. Vendors in India contribute greatly to the country's savings and GDP. Despite this, street vending is part of the unregulated informal economy and is therefore criminalized by a range of both state and non-state actors including city officials, police officers, wholesalers, resident welfare associations, and many residents themselves.

There are close to 3, 50,000 - 4, 00,000 street vendors in Delhi, of which around 30% are women. People choose street vending as a profession due to the low investment required and the ease of entry and exit from it. A 2012 study by the National Association of Street Vendors in India (NASVI) showed that a majority of vendors live in proximity to their vending places, and often work for around eight to twelve hours a day plus additional time for cleaning and display. They often live in low-quality informal housing where they also store and prepare their goods. Street

vendors typically have very low earnings, only getting the bare minimum for survival and are often unable to accumulate any savings. (SEWA)

The Justice Verma Committee which sought to lay down norms for prevention of gender-based violence in India considered street vendors to be greatly adding to public safety by being ‘eyes on the street’. Multiple research studies by Jagori and Safetipin have shown that a public place which has street vendors is perceived to be safer by women. This contribution of street vendors to pedestrian safety has also been recognised in MPD 2021 (para 12.7.2.viii). Street vending thus has diverse economic, social, and environmental benefits, collectively known as its “social value” (LSE Cities).

This Technical Report draws on the legal provisions mentioned in the following section, and extensive consultations with vendors’ groups and civil society, to propose a blueprint for inclusion of street vending within MPD 2041, and provide a framework which can then be used for spatial allocation and local planning by TVCs once the survey under the SV Act is complete.

3. Aligning SV zoning in MBD2041 with the previous master plans and current legal framework

Street vending was considered illegal and street vendors regarded as unauthorised occupiers of public space in urban India under provisions of several municipal laws, including the Delhi Municipal Act 1957. A long effort for of almost six decades was carried out through court litigation, including in Delhi, and public advocacy which culminated in until the passage of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act in 2014 (“SV Act”). The Act aims to protect street vendors’ livelihoods and provide them a conducive environment for carrying out business. The regulation is to be carried out by Town Vending Committees (TVCs) which are multi-stakeholder bodies including both vendors’ representatives and government officials. The TVCs are mandated to carry out surveys to identify street vendors, issue certificates to them, identify holding capacity of existing vending zones and declare certain areas as “no-vending zones” (Jha, July 2018).

In Delhi, Rules and Scheme under the Act were initially framed in 2016 but were subject to further litigation as vendors’ unions claimed that these were not in consonance with the Act. Eventually the amended Rules were notified in 2017, followed by constitution of TVCs and framing of a Scheme in 2019. Despite the law having legalized legalisation of the activity, however, the default

policy municipalities and other authorities in Delhi most cities across India have continued to clamp down on street vending, due to vagueness in the earlier Master Plan which was framed prior to the SV Act hawkers. Yet Given that it street vending remains a viable source of employment for many, and is likely to increase with urbanisation,. As the pace of urbanization increases across India, it is only likely that a greater number of street traders will contest for space. This brief examines the spatial and legislative dimensions of street vending. It scholars have recommended that street vending be made into a planned activity, purposefully written into a city's urban plans. (Jha, July 2018)

The Act does not take into consideration the total number of current vendors and the potential increase in their numbers in the future. In defence of the Act, it has laid down the rules fairly, seeking to balance the overall interests of city mobility with the welfare of street hawkers. However, those entrusted with planning cities and implementing the law need to proactively plan in the spirit of the Act. One would assume that if a person who has been unable to find employment chooses to do vending; the government will proactively provide them space. However, the ground reality is quite the opposite: the administration discourages such people from occupying pedestrian space or disrupting track. The administration has often raised questions on the feasibility of the spatial dimensions of street hawking, instead of proactively resolving the situation. In the current situation, eviction of street hawkers continues to be the default response in big cities. The primary problem that must be addressed is that there is an excess number of hawkers given the available space. The question that needs to be answered is if it is possible for the administration to reverse this situation. (Street Vending Act, 2014)

While the Street Vending Act asks planning laws to take cognizance of the requirements of street vending and align state planning laws to vending needs, little has been done in practice to achieve this. If designed properly, street vending has the potential to add to the efficiency of a city. Vendors should be placed where they can do business easily, and this must be achieved without impeding pedestrians, moving track and any other city activity. It means that street vending must become a planned activity written into the urban planning and operational statutes. A larger percentage of strips of land along roads around transportation terminals, hospitals, government offices, business centres and similar places that have a large number of people entering and exiting these spots must be allotted for vending areas. The gargantuan struggle in cities to balance vending, pedestrian and vehicular mobility and hygiene will be alleviated once the status of vending is raised to a planned activity. It also needs to be examined whether some vending spaces can be made available for multiple use, allowing more than one vendor in different time slots. Eight-hour slots can be another plausible solution to enable a larger number of vendors to earn their living.

Additionally, underutilized spaces can lend themselves to vending. For instance, parking spaces that are not utilized on holidays can be opened up for vending. These can be called Sunday markets or holiday markets. The concept of multi-utility land needs to be included in urban planning laws, as the Mumbai 12 Development Plan (DP) 2034 has done. The DP Mumbai stipulates that *while the predominant user will operate for long periods of time, hawking would be permitted in time slots when the other activity is suspended*. Similarly, vending spaces can be created in housing schemes, markets and other large developments. Improved work conditions for street vending must be put in place. These amenities will not only increase the productivity of the vendors but also help in maintaining sanitary conditions in the area. Land allotment will be key to improving urban designing. This, in turn, will have the potential to address the complexities of urban poverty and generate increased opportunities for the urban poor. A thorough understanding of the local context will help achieve on-site implementation of modified street vending designs while addressing the existing challenges in allotting space to vendors

DMP 1967 does not in any of its sections recognize street vending, whereas in 2001 there was mention of vending booths around large government complexes and public spaces. This was before the national policy of street vendors however a lot of guidelines, acts and regulations have come in since the last master plan including the SV act 2014 and Delhi street vendors scheme 2015. (Previous master plans, 1967, 2001)

This is going to be Delhi's first master plan after the street vending act, 2014 was enacted. We shall not only align the master plan with the act but also with urban design norms as well as guidelines and recommendations issued by the ministry of housing and urban affairs for 'Holistic Planning for Pedestrian Friendly Market Spaces in Consultation with Stakeholders' on June 10, 2020, in wake of the pandemic (Refer to the annexure) (MOHUA, 2020)

4. Recommendations

1. Regulation of vending under MPD 2041

- Vending/informal markets must be permitted in all land use categories. NVZ cannot be declared in any area that is categorized under commercial, industrial, mixed use, public, semi public, transportation, CBDs, major highways, arterial, sub arterial streets cannot be categorized as a no vending zone.
- Notification of areas as vending zones, no-vending zones, restricted vending zones etc should be left to the TVC under Paragraph 8.1 and 8.4 of the Scheme read with Rule 21(e) of the Rules and Paragraph 3 (refer annexure part) of the First Schedule to the Act. Principles for notification of

vending/no-vending zones should be deleted from the Plan since they are already provided in the aforementioned instruments.

- FAR and ground usage limits for informal markets must be revised removed as indicated earlier.
- Reservation of land for markets in the plan to be carried out in accordance with population projections to accommodate 2.5% of the population.
- Declaration of no vending zone should not result into loss of livelihood or distant relocation.

2. Recognition, protection and incorporation of natural markets

- Immediate survey on existing natural markets and weekly markets
- Allocate and make more spaces for permanent, weekly and episodic markets
- Provide supporting infrastructure to all of these areas.
- Pedestrianized areas for some time during the day, week or permanently. This increases probability of a natural market emerging and income generation for the vendors. SEWA in its concept note about natural markets discusses the importance of pedestrian flows for markets to emerge.
- No eviction and relocation or reallocation until absolutely necessary. TVC should consent and facilitate a smooth transition because most of the vendors live in the surrounding areas and their social, cultural and financial networks are crucial parts of their life and livelihood. These will only be in rare situations of overcrowding or zonal recategorization.

3. Provision of basic services:

- Adequate public conveniences like toilets, solid waste disposal, drainage etc in addition to storage facilities
- Special facilities for women vendors. This shall be done for both existing markets and markets that will emerge.

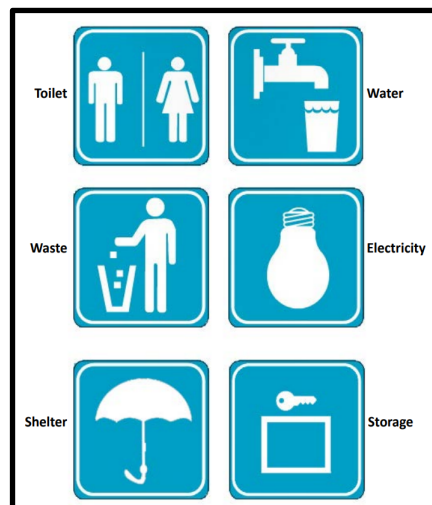


Figure 1: STREET VENDORS IN INDIAN CITIES: strategy, toolbox and public space design : 2011

4. Urban Design Guidelines (STREET AND PAVEMENT DESIGN)

Multi-utility zones will be provided in footpaths, separately from the walking zone. Street vendors will be provided with spaces within the MUZ.

Following are the footpath dimensions break-up into different categories linked to the land-use zoning type. It provides separate dimensions for predominantly residential, predominantly commercial and high-intensity zones.

Recommended widths of footpaths

	Minimum widths (in Meters)			
	Total footpath	Frontage	Walking zone (Minimum)	Multi-utility zone
Predominantly Residential or low-density areas	4.0	Can be combined with the walking zone	2.0	2.0
Predominantly Commercial areas	5.5	1.0	2.5	2.5
High intensity areas (Markets, university or colleges transit nodes)	7.5	1.0`	4.0	2.5

Source: Adapted from IRC 103-2012: Guidelines for pedestrian facilities

Following street and pavement elevations shall be used for streets according to width and landuse in the table above. These also show minimum cross-sections of streets used for vending if no obstructions occur. Pavement widths of 2.0m-2.5m allow two people to pass. Seated vendors with a stall or stand usually require a further 2.0m to display their goods.

Redesigning right of way, for all roads shall be done keeping these dimensions in mind. Because the right of ways has not been designed for the vendors (as the street vending zones did not exist back then) it cannot be considered as part of the right of way. This is because there have been cases where the street vendors have been evicted for 'parking/pedestrianizing the street). Vending should be a permanent part of street design.

Figure 3: Inclusive design for street vendors in India - Street elevation 2 (Temporary vending)

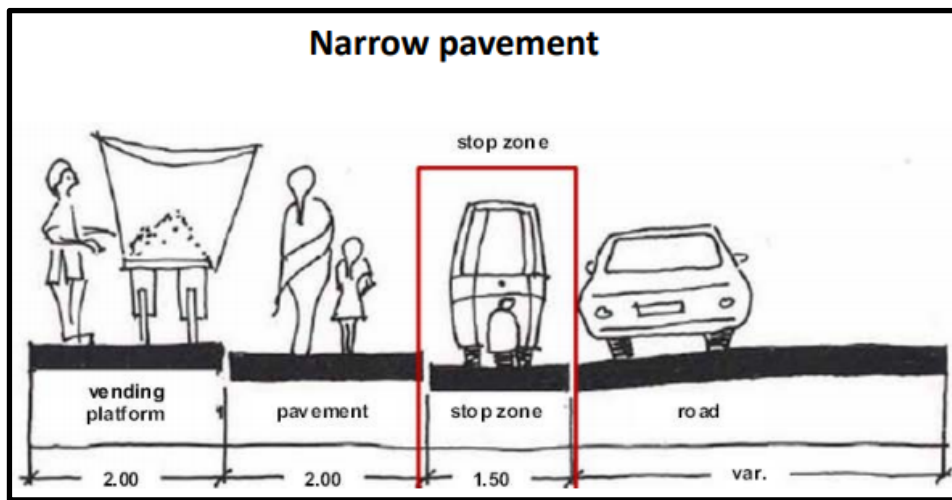
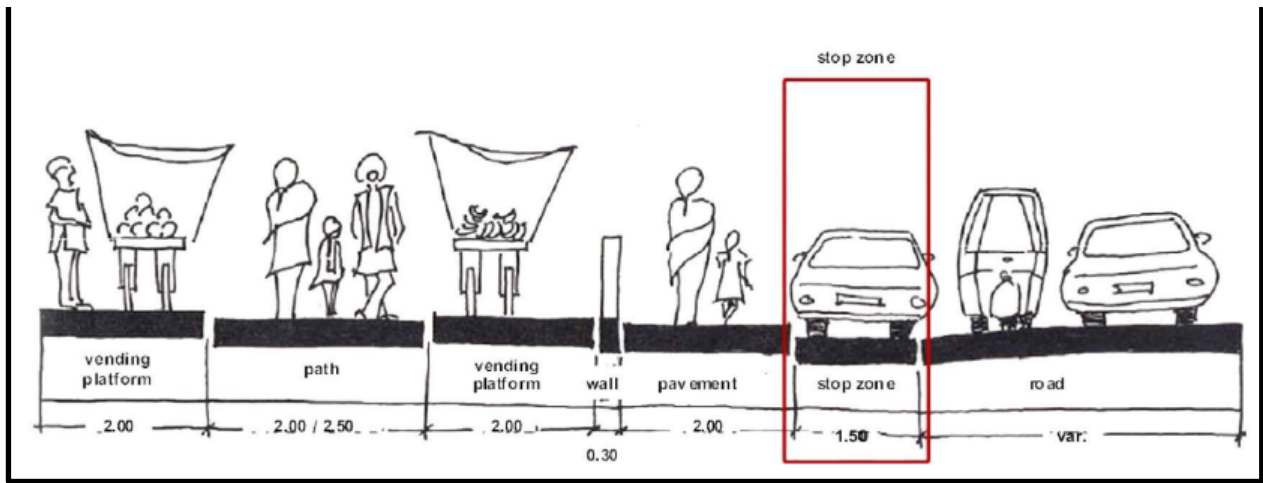
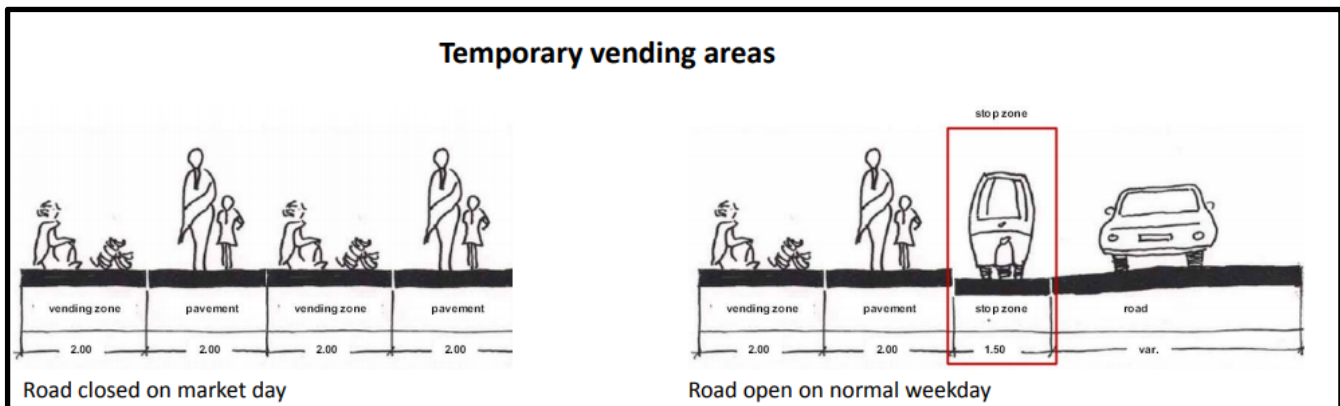


Figure 2: Inclusive design for street vendors in India - Street elevation 2 (Narrow)



Inclusive design often means making the best use of existing space through better space management or time-sharing (eg: for an evening or Sunday market). The sketches below show different ways in which a 4m pavement width can accommodate vending, with or without fixed structures.

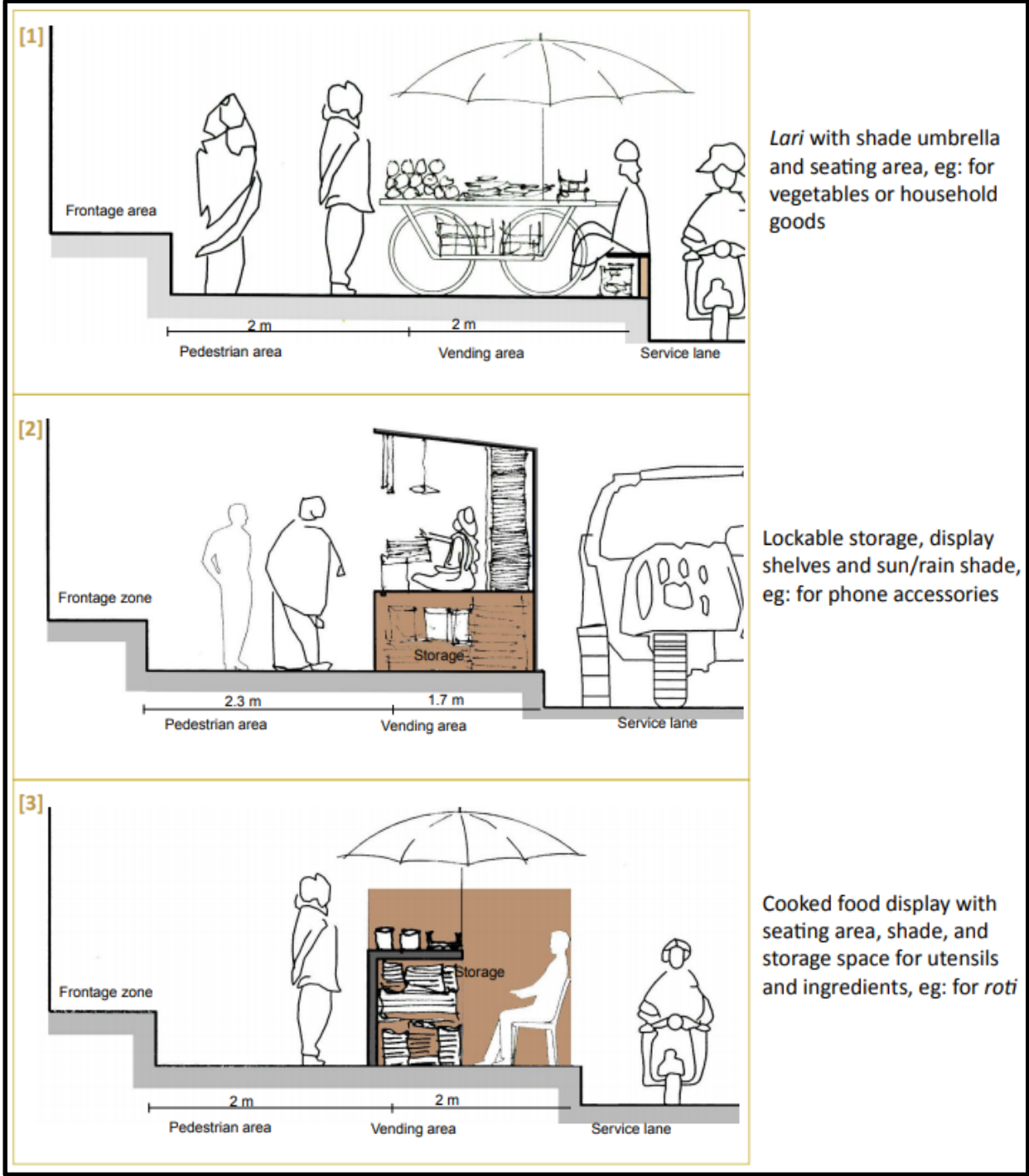


Figure 5: Inclusive design for street vendors in India - Pavement elevation and street design

Conclusion

It is important to get away from language of deviancy and nuisance to a more comprehensive approach looking at street vending as priority and the activity that contributes to both livelihood and public life of the city. We hereby aim to open all the city's land-use zones for vending. However declaring non vending zone cannot simply be done using LU category but a very specific condition on a crossroad, bus stop or narrow roads and only after the consent of the TVC. Another critical proposition is to immediately recognise the current natural markets and provide supporting infrastructure along with redesigning the streets of various widths suiting the vending activity by making multi-utility zones. The master plan doesn't specify and nature of markets but what it does do is that it creates a frame using the act, the scheme and the guidelines that are issued in respect to vending in the last few years and push for better data management and design.

1. Annexure

I. **MoHUA guidelines:**

<https://pib.gov.in/PressReleasePage.aspx?PRID=1630613>

II. **Procedures of AILSG, Ahmedabad issued by MoHUA**

I. CONCEPT OF PLANNING FOR STREET VENDING

1. Preparation of Plan- The local authority shall prepare the plan to promote the vocation of street vendors covering the matters contained in the First Schedule of the Act. Such plan shall be prepared by the local authority in consultation with the Planning Authority and on recommendations of the town vending committee.

2. Consultation of other Authority- The local authority may organize a consultative meeting with the Urban Development Authority and other institutions involved and work out an overall vending plan for the area.

(a) Steps to be taken for Planning.- The vending plan for areas substantially built up (brown field) and sporadically built up (green field) may require slightly different strategies. "Brown field development plan" means a development plan of an area which is partly or already developed. "Green field development plan" means development of totally undeveloped area or with very insignificant development.

II. PRINCIPLES FOR PLAN OF STREET VENDING

3. Plan for street vending-

(1) Every local authority shall work out ward wise likely number of the street vendors on the basis of the two and half per cent of the population of that ward. The Planning Authority shall carry out the exercise to find out the carrying capacity of the ward taking into account the road width and the restriction and regulation in the no vending zone.

(2) While working out a carrying capacity of any area, the minimum space for pedestrian movement after allowing the gathering of the buyers in front of the vending area shall be clearly identified and marked. Municipal Authority shall ensure the goods and merchandise of the shops or commercial establishment and the parking on that road do not occupy any part of the pedestrian movement space.

The area requires be kept free from the obstructions in the form of goods and material hanging with some device projected from the regular shop on that pedestrian on carriage way. (3) The existing natural market shall be identified and vending shall be allowed on the roads on which it

is abutting with restrictions as would be warranted for the sake of traffic movement, both pedestrian and vehicular. The moot point in case of such market would be to judiciously earmark the areas on which trucks carrying the goods and merchandise to be sold from the shop in that market are brought in. Similarly the area for parking and movement of the vehicle meant for solid waste removal from that market shall be always kept free. (4) The Plan of the basic service lines with indication of the catch pits and manholes shall be available on an authentic map of the vending areas. The existence of public taps and conveniences shall also be indicated. A schedule of solid waste removal from that area also has to be taken on record. The adequacy or otherwise of these services in the vending areas across the City or town shall be examined. III. SPATIAL PLANNING 4. Steps to be taken for Planning.- The following steps to be taken for spatial planning for street vending activity in the brown field areas, namely:- (A) Take the list of the vending areas with the following details,- (i) number of vendors in each area, (ii) modes of vending adopted (push cart, spread on floor, rack & frame etc.), (iii) type of Vending (stationary / mobile / peripatetic), (iv) area occupied by each mode of vending, (v) area of vending carried on from the carriage way, and (vi) area of vending carried on from the footpath. (B) Work out ward-wise figures of two and half percent population and compare them with the numbers of the vendors in the ward. (C) Fixing the tentative norms- (i) work out the minimum area required for each mode of vending, (ii) calculate the total area occupied by street vendors on the road including the footpath, (iii) check-up whether the area is more than the area which would work out as per the number of vendors multiplied by the minimum space requirement - vending mode wise, and (iv) to find out whether the area occupied is more or less than what would have been required as per the standard. (D) In case of area being less than what is required for vending, suggest the areas where the vendors could be re-accommodated. (E) Examine the following five strategies for getting more space for street vending,- (i) traffic management strategy, (ii) discovering of alcoves, niche, corners etc. where a small number of vendors can be accommodated, (iii) creating some space by shifting compound walls of governmental building adjoining the roads to some extent so as to accommodate street vendors there in, (iv) working innovative methods of offering Floor Space Index (FSI) / compensation at market rates for similar deduction from the compounds of privately owned buildings, and (v) the design based strategy.

Determination of vending zones as restriction-free-vending zones, restricted vending zones and no-vending zones- (1) The carrying capacity of an area would put the ultimate limit on the number of street vendors which can be positioned in any area. However, there may not be any restriction on mobile vending in such area if vendors continuously move without affecting traffic and commuter movements. In such cases, the town vending committee has to decide the total number

of such mobile vendors who may be accommodated after taking into account the area of significant footfall and one-third of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way. However, it is the duty of the designated official of the local authority to keep check that number of mobile vendors shall not cross the limit of at a specific place as decided by the town vending committee. (2) Restricted vending zones shall be linked up with the road width. Some indicative norms, which may be considered, are as follows: (i) No stationary street vending on a road having width equal to 3.5 meters. However, street vending may be allowed if such road is declared as no vehicular road, (ii) No stationary street vending on a road having width between 6 meters to 9 meters. However, street vending may be allowed if such road is declared as one way vehicular road, (iii) Only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending may be allowed on a road having road width of 30 meters and above, (iv) the number of street vendors shall be decided by considering the holding capacity of each designated vending area on such a road, (v) such stationary vending shall be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If required, road side parking may be banned in such area where street vending is allowed, (vi) mobile vending may be allowed on such roads after consideration of the traffic and pedestrian movement, and (vii) a suggestive road designing is provided in the Annexure I. (3) Some indicative norms for no vending zone, which may be considered are as follows: (i) no vending around 200 meters of the Secretariat, District Collectorate, offices of District Panchayat, Municipal Corporation, Municipality, Nagar Panchayat, Courts, Cantonment Board and Archeological Survey of India and State archeological monuments. (ii) no vending within 50 meters from any crossing of two or more roads on all sides, both sides of the railway crossing and any declared heritage structure by the local authority. Making of spatial plans conducive and adequate for the prevalent number of street vendors in that City or town and also for the future growth, by adopting such norms as may be necessary;

- Holding capacity.- (1) The capacity of the vending areas on the basis of the space norm to be fixed by the town vending committee against the availability of space in the road or street in that area. (2) Some indicative criteria for areas to be allotted to individual vendors are as follows:- (i) a maximum of 2.2 sq. mts area as 'vending area' to be provided to each vendor/ hawker with dimension of 1.8 meter x 1.2 meter, (ii) passage of 1.0 meter width in front of stalls / push carts to be reserved as 'extension' for consumers/ users to stand or buy the goods, (iii) a walkway / footpath of 1.0 / 2.0 meters width to be provided for pedestrians in front of extension space

depending on the width of the road, (iv) in no case, the carriageway allowed to be used for street vending., (v) if the width of road permits, the street vending may be allowed on both sides of the road, and (vi) no vending activity to be allowed at a distance of 50 meters from any junction, exit or entry of road or the railway crossing.

Provisions in the Delhi scheme for street vendors

- Categories of vendors –

(6.1.1) there shall be following categories of vendors:

I. Static/ Stationery Vendors

II. Mobile Vendors or Peripatetic Vendors

III. Others (Daily/weekly/festival /fair market/ temporary etc. as may be categorized by Local Body in consultation with TVC)

- The local body in consultation with the TVC will:

- Allocate sufficient space for temporary & Vendor Markets' e.g. Weekly haats, Rehri markets, night bazaars, festival bazaars, food streets/ street food marts at suitable locations whose use at other times may be different e.g. public parks, exhibition grounds, parking lot, etc. keeping in view demand for services of the vendors;
- Ensure ample parking area for expected vehicular traffic and for mobile vendors to store vehicles and wares at night on payment of prescribed fee.

- The conditions under which private places may be designated as restriction free- vending, restricted-vending zones and no-vending zones.

(8.1.1) On the recommendations of the TVC, private places may be designated as restriction free/ restricted/ no-vending zone.

(8.1.2) Safety, security, traffic conditions, cause of general nuisance and demand from RWA/ Market Associations would be the basis of vending at private places in consultation with the TVCs.

- (8.4.1) Places that are natural markets shall be first considered and allowed as vending zones, subject to conditions and restrictions that may be imposed by the local bodies, with ratification of TVC and the traffic police/ local police on owing to issues of traffic congestion/issues and law and order problems.

- (8.4.2) Venues that have been traditional Weekly Bazaars shall also be considered and allowed for street vending on particular weekday(s) and timings, and subject to conditions and restrictions that may be imposed by the local bodies, with ratification of TVC.

Provisions of Spatiality in the Scheme

8.5. The principles for determining holding capacity of vending zones and the manner of undertaking comprehensive census and survey.

(8.5.1) the area under the jurisdiction of the local body shall be clearly demarcated and surveyed and digitally mapped in consultation with TVC.

(8.5.2) regarding decision on pedestrian movement, respective TVC shall decide as per law.

(8.5.3) Adequate space shall be allowed for public utility operations as notified to the TVC no later than 5 days prior to the beginning of such operations.

(8.5.4) If the vending zone is on the public street, it shall be on the edge of the ROW with sufficient pedestrian/vehicular movement.

(8.5.5) Regarding stacking and squatting in Public Street, respective TVC shall decide as per law.

1. Negative list of land use categories wherein non-vending zones can be declared only with discretion on the TVCs to be read along with the following principles specified in section 21 and Paragraph 3 of the First Schedule to the SV Act, for declaration of non-vending zones:

(a) Any existing market, or a natural market as identified under the survey shall not be declared as a no-vending zone;

(b) Declaration of no-vending zone shall be done in a manner which displaces the minimum percentage of street vendors;

(c) Overcrowding of any place shall not be a basis for declaring any area as a No-vending zone provided that restrictions may be placed on issuing certificate of Vending in such areas to persons not identified as street vendors in the survey;

(d) Sanitary concerns shall not be the basis for declaring any area as a No-vending zone unless such concerns can be solely attributed to street vendors and cannot be resolved through appropriate civic action by the local authority;

(e) till such time as the survey has not been carried out and the plan for street vending has not been formulated, no zone shall be declared as a no-vending zone.

Since the survey under the SV Act has not been completed in Delhi, no non-vending zones should be notified in MPD 2041. This may be done subsequently in consultation with the TVCs after the survey is complete.

(8.5.6) Space of 6 (feet) x 4 (feet) (depth) will be considered for one static/ mobile vendor/ temporary and night bazaar vendor; and clearly marked on ground with paint and given unique numbers for each bay.

(8.5.7) Based on above and subject to norm conforming to two and half percent (2.5 %) of the population of Delhi and in accordance with the plan for street vending, the number of street vendors the vending zone can accommodate, shall be calculated. No. of shifts allowed may be determined by the time-sharing arrangement, and accordingly, holding capacity shall be determined. All vendors must be accommodated without time sharing basis till the 2.5% norm for street vendors are accommodated in vending zones.

(11.1.1) The Local Body shall provide and improve basic services in designated vending zones such as toilets, regular waste disposal, lighting, common storage, specialized carts for specific trades, temporary sheds and parking facilities in consultation with TVCs, street vendors and other stakeholders. All the vending zones will be equipped with solar energy facilities to reduce use of non-renewable energy.

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