# GUIDING PRINCIPLES TO THE LOCAL AUTHORITIES FOR PREPARATION OF A PLAN

#### CHAPTER - I

#### **PREAMBLE**

**Whereas**, the Parliament has enacted the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 to protect the rights of urban street vendors and to regulate street vending activities;

**And Where As,** sub-section (1) of section 21 of the said Act cast duty upon every local authority to prepare a plan to promote the vocation of street vendors covering the matters specified in the First Schedule annexed to the Act;

**And Where As,** it is considered necessary to issue General Guidelines so as to enable the local authority to prepare such plan in consultation with the Planning Authority and on the recommendation of the town vending committee;

**Now, Therefore,** the government ................ (Name of State / UT or the officer who is head of the local authorities) hereby issue the following guidelines to the local authority for preparation of the Plan for urban street vendors.

- - (2) It shall come into force from the date of its publication.
- **2. Definitions.-** (1) Section 2 of the Act defines certain words and expressions used in the Act. The relevant and important definitions are mentioned in Part I of the Annexure I appended to these guidelines.

  - (3) The other words used in these guidelines are defined and mentioned in Part III of the Annexure I.

#### **CHAPTER - II**

#### CONCEPT OF PLANNING FOR STREET VENDING

- 3. **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. A copy of the said Schedule is appended to these guidelines as Annexure II. Such plan shall be prepared by the local authority in consultation with the Planning Authority and on recommendations of the town vending committee.
- 4. **Consultation of other Authority.-** The local authority shall organize a consultative meeting with the Urban Development Authority and the town vending committee and other institutions involved and work out an overall vending plan for the area.
- 5. **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.

### **CHAPTER - III**

#### PRINCIPLES FOR PLAN OF STREET VENDING

- 6. 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 with the town vending committee 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 town vending committee shall examine the adequacy or otherwise of these services in the vending areas across the City or town. The street vendors shall be strictly prohibited from putting any garbage blocking the catch pits or manholes.
- (5) The town vending committee shall cause the information to be collected on the sources from which the street vendors collect their goods and articles to be vended or the raw materials or semi-finished goods to be processed further by them to be sold in the market. The town vending committee shall also try to collect the information of the terms and conditions for obtaining those goods or semi-finished goods or raw materials from the Manufacturer, Whole seller or Retailer. A focused discussion of street vendors shall be arranged to find out their perception about the unfair terms and conditions of the supply of goods or materials and the poor quality of the goods and materials. The town vending committee shall arrange a joint meeting of the suppliers of goods and materials, the street vendors and association of organized traders of concerned goods and materials.
- (6) In case the suppliers of goods and materials and traders come to an amicable settlement about terms and condition for supply of goods and materials, the decisions shall be recorded and supplied to the members attending the meeting. In case the difference of opinion persists about the fairness or otherwise of the terms and conditions, the matter may be referred to the Nodal Officer.

- (7) For ensuring the quality of any product, it is necessary to have a standard of the product and a statutory back-up for ensuring the standard. The goods sold by the street vendors may not be having any such prescribed enforceable standards. It is necessary to evolve a procedure and machinery for ensuring minimal quality of the goods.
- (8) The following matters may be specified in the plan so as to give effect to the plan for street vending, a public purpose project shall signify
  - (i) any project, execution of which benefits the large part of the community or the community as a whole,
  - (ii) any project which aims at benefiting a comparatively lower number of persons but belonging to the economically depressed classes, and
  - (iii) any project aiming to preserve eco system resource for a habitation.

#### **CHAPTER - IV**

#### SPATIAL PLANNING

- 7. **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) checkup 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.
- 8. Determination of spatial planning norms for street vending in green field areas.- (1) The Planning for vending space for the street vendors has to be approached from two different angles, one the planning in the green field areas and another the planning in the brown field areas including re-development of any segment of the City or town. For the green field areas, there is certain convention fixing approximate quantum of space to be reserved for various categories of urban functions. Usually twenty per cent. of the land under planning is kept reserved for road and street purposes. In order to accommodate the street vendors in future in the area under planning, the quantum of reservation of land for roads and streets has to be increased by approximately two per cent. The assumption would be that the street vendors shall be accommodated in single file on the strips of land running parallel to the roads and streets. In important areas with rich footfall, it may require more than one strip.
  - (2) Seasonal or festive vending is normally confined to the sale of certain seasonal produce like fruits, fireworks, cloth, readymade clothes, decorative elements etc. It is necessary to ear mark areas where such items can be

stored in bulk and sold from the same site. It shall be desirable to keep reservation for such markets in the master plan or the development plan of green fields.

- (3) The declaration of a road one way, thereby, easing the problem of congestion which ensures from street vending. This may bring out some amount of space for accommodating a few new vendors also. In case where there are two arterial parallel roads connected by a number of smaller streets or roads, the street vendors from main carriage way may be diverted to the connecting roads and placed in an organized fashion. In such traffic management option, road side parking shall be completely banned.
- (4) In the rich foot fall areas, the planning department shall try to discover the existence of alcoves, niches, recesses, *khuna-khancho*, etc. An attempt shall be made to accommodate street vendors to the extent possible in such places.
- (5) (a) Taking a linear spit of a land carved out along the boundary wall or compound wall of public institutions including schools and colleges, universities, government buildings and parks –gardens. Under no circumstances, more than 1.5 meters can be carved out from the above mentioned institutional land.
  - (b) In case where there is no such institutional land available, then land from the road margin of private owner can be acquired according to the prevailing rules. If need be offering him, floor space index or floor area ration linked to the land taken up for creating street vending space may be worked out.
  - (c) The new land so created or earmarked in the master plan or development plan may or may not have high foot fall. Attempts shall be made by signage to ensure foot fall in that area.

#### **CHAPTER - V**

#### **VENDING ZONING**

- 9. Determination of vending zones as restriction-free-vending zones, restricted vending zones and no-vending zones.- (1) There shall not be any restriction-free-vending zones in the city. 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 shall 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 keeping in view the following aspects, namely:-
    - (i) there shall not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending shall be allowed if such road is declared as no vehicular road,
    - (ii) there shall not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending shall be allowed if such road is declared as one way vehicular road,
    - (iii) there shall be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side stationary vending shall 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 shall be banned in such area where street vending is allowed,
- (vi) mobile vending shall be allowed on such roads after consideration of the traffic and pedestrian movement, and
- (vii) a suggestive road designing as provided in the Annexure III appended to this plan.
- (3) In the no vending zone,-
  - (i) no vending shall be allowed 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;

- 10. **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) The criteria for areas to be allotted to individual vendors shall be as follows, namely:-
    - (i) a maximum of 2.2 sq. mts area as 'vending area' shall be provided to each vendor/ hawker with dimension of 1.8 meter x 1.2 meter,
    - passage of 1.0 meter width in front of stalls / push carts shall be (ii) reserved as 'extension' for consumers/ users to stand or buy the goods,

- (iii) a walkway / footpath of 1.0 / 2.0 meters width shall be provided for pedestrians in front of extension space depending on the width of the road,
- (iv) in no case, the carriageway shall be 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 shall be allowed at a distance of 50 meters from any junction, exit or entry of road or the railway crossing.
- (3) The local authority if necessary may review the street plan of the City to ascertain the availability of total vending space in the City as per the space allocation norms specified above.
- (4) A statement of norms of road designing of various widths with various functions including street vending, cycling and service road is suggested in the Annexure III appended to this plan.
- 11. Consequential changes in the master plan, development plan, zonal plan, layout plan and any other plan. The town vending committee may review the street vending plan every five years and suggest the necessary changes if needed in the master plan, development plan, zonal plan, layout plan or any other plan. Where any changes are to be made in such plan, the necessary approval of the concerned authority shall be obtained.
- 12. **Declaration of no-vending zone shall be subject to following principles, namely:** (1) (a) Any existing market or a natural market as identified under the survey, shall not be declared as a no-vending zone;
  - (b) the ward wise or region wise green vegetable or fruit vending shall be earmarked and shall be placed away from the public conveniences. The local authority shall take special care for the management of such vending places.
  - (2) The town vending committee, for the purpose of special vending zones for niche markets or festive season market, may specify the area in various parts of the City for the hawking for a limited period of time. The vending

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from those areas shall be stopped immediately after the season is over or the period for which the permission was granted.

- (3) The First Schedule annexed to the Act contains the following principles for declaration of no-vending zone, namely:-
  - (i) declaration of no-vending zone shall be done in a manner which displaces the minimum percentage of street vendors,
  - (ii) 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,
  - (iii) 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, and
  - (iv) 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.

Designation of the Competent Authority to issue such Guidelines.

#### ANNEXURE - I

[See Guideline 2]

#### PART -I

#### DEFINITIONS IN THE ACT

- (a) "appropriate Government" means in respect of matters relating to,—
  - (i) a Union territory without Legislature, the Central Government;
- (ii) the Union territories with Legislature, the Government of the National Capital Territory of Delhi or, as the case may be, the Government of Union territory of Puducherry;
  - (iii) a State, the State Government;
- (b) "holding capacity" means the maximum number of street vendors who can be accommodated in any vending zone and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (c) "local authority" means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under section 47 of the Cantonment Act, 2006 or such other body entitled to function as a local authority in any city or town to provide civic services and regulate street vending and includes the "planning authority" which regulates the land use in that city or town;
- (d) "mobile vendors" means street vendors who carry out vending activities in designated area by moving from one place to another place vending their goods and services:
- (e) "natural market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the local authority on the recommendations of the Town Vending Committee;
- (f) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (g)"planning authority" means an Urban Development Authority or any other authority in any city or town designated by the appropriate Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in

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the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Town and Country Planning Act or the Urban Development Act or the Municipal Act, as the case may be;

- (h) "prescribed" means prescribed by rules made under this Act by the appropriate Government;
  - (i) "Schedule" means the Schedule annexed to this Act;
- (j) "scheme" means a scheme framed by the appropriate Government under section 38;
- (k) "stationary vendors" means street vendors who carry out vending activities on regular basis at a specific location;
- (l) "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 street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words "street vending" with their grammatical variations and cognate expressions, shall be construed accordingly;
- (m) "Town Vending Committee" means the body constituted by the appropriate Government under section 22:
- (n) "vending zone" means an area or a place or a location designated as such by the local authority, on the recommendations of the Town Vending Committee, for the specific use by street vendors for street vending and includes footpath, side walk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public.

## **PART -II**DEFINITIONS IN THE RULES

- (a) "public purpose" includes in the context of the Act,-
  - (i) widening of roads, streets, lanes,
  - (ii) shifting the alignment of roads, streets, lanes,

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- (iii) erecting of flyovers with or without clover leaves and slip down roads,
- (iv) erecting underpasses,
- (v) development of land for the purpose for which it has been reserved or acquired for any public projects,
- (vi) implementation of town planning schemes,
- (vii) laying of water, storm water or sewer lines,
- (viii) erecting intermediate pumping stations for the services,
- (ix) public conveniences,
- (x) any project related with public transport like Bus Rapid Transit System (BRTS), Metro etc.,
- (xi) erection of Economically Weaker Section (EWS) Housing,
- (xii) creation of Parks, Gardens and Recreational Area,
- (xiii) conservation of any eco system resource in that area, and
- (xiv) any other developmental work taken by the local authority, the beneficiary of which will be the community at large.

#### PART -III

#### **DEFINITIONS FOR THIS PLAN**

- (a) "brown field development plan" means a development plan of an area which is partly or already developed.
- (b) "green field development plan" means development of totally undeveloped area or with very insignificant development.

#### ANNEXURE - II

[See Guideline 3]

#### PLAN FOR STREET VENDING

- (1) The plan for street vending shall,—
- (a) ensure that all existing street vendors identified in the survey, subject to a norm conforming to two and half per cent. of the population of the ward, zone, town or city, as the case may be, are accommodated in the plan for street vending;
- (b) ensure the right of commuters to move freely and use the roads without any impediment;
- (c) ensure that the provision of space or area for street vending is reasonable and consistent with existing natural markets;
- (d) take into account the civic facilities for appropriate use of identified spaces or areas as vending zones;
- (e) promote convenient, efficient and cost effective distribution of goods and provision of services;
- (f) such other matters as may be specified in the scheme to give effect to the plan for street vending.
- (2) The plan for street vending shall contain all of the following matters, namely:—
  - (a) determination of spatial planning norms for street vending;
  - (b) earmarking of space or area for vending zones;
- (c) determination of vending zones as restriction-free-vending zones, restricted vending zones and no-vending zones;
- (d) 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;

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- (e) consequential changes needed in the existing master plan, development plan, zonal plan, layout plan and any other plan for accommodating street vendors in the designated vending zones.
- (3) Declaration of no-vending zone shall be carried out by the plan for street vending, subject to the following principles, namely:—
- (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 novending 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.

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#### ANNEXURE -III [SEE GUIDELINE 9(2) AND 10(4)] ROAD DESIGNING WITH STREET VENDING SPACE

(IN MTRS)

						(111	MIKS							
Sr.	Width of	Footpath	Street	Service	Cycle	Carriage	Central	Carriage	Cycle	Service	Street	Footpath	Vending	Conditionally
No.	road		Vending	Road	Track	way	verge	way	Track	Road	Vending		Status	allowed
		(in mtrs)	space								space			
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	No vehicular
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	Allowed	area
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	Allowed	One way road
3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	
		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	1.0	Allowed	One way road
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allowed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allowed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allowed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allowed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allowed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allowed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allowed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allowed	Both sides
11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allowed	Both sides

These calculations are subject to approval of traffic division for carrying capacity of vehicular traffic Note:

For two lane traffic minimum 7 mtrs is required for carrying traffic

Minimum Area available for street vending - 3.0 mtrs

Minimum space requirement for pedestrian movements - 1.0 mtr

### MODEL PLAN AS PER THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014