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# Sharing Street Space

Discussion on 'Draft Scheme for Street Vending, Govt of Maharashtra' under the Street Vendors Act, 2014

12 March 2016 at Yashada, Pune

## Workshop Report

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## Context

Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 is an Act of the Parliament of India enacted to regulate street vendors in public areas and protect their rights. The State Government is required to prepare the Rules for implementation of the Act. In addition to the Rules, the State Government is also required to frame a Scheme for Street Vendors (“Second Schedule”) after due consultations with the local authority and the Town Vending Committee.

The Act specifies that this should be done within six months of the Act coming into force, which it did on 1st May 2014. By this, the Scheme should have been published no later than 1st November 2014. Once the Scheme is finalized it is required to be published in at least two local newspapers.

The Scheme consists of 28 items which are broadly related to details of these 5 types of activities

- I. Survey of Street Vendors
- II. Certificate of Vending/ID Cards – format, categories, issue, validity, renewal, suspension etc
- III. Relocation/Eviction – conditions, manner, issue of notice, seizure and return of goods
- IV. Functioning of TVC – social audit, maintenance of records, State nodal officer
- V. Principles – for restriction-free, restricted or no-vending zones, time-sharing, holding capacity of each zone, relocation

The Scheme also includes these fees to be specified

1. Vending fees – for each type of city and each category of vendors
2. Renewal fee for Certificate of Vending
3. Fees for return of seized materials/goods

The Govt. Of Maharashtra has already prepared a draft of the Scheme and will probably publish it for public comments in the coming months. The draft text has been obtained through an RTI application and a simplified version of the draft Scheme text has been prepared.

These are available for download from: <http://parisar.org/resources-list/42-news/184-workshop-to-discuss-hawkers-and-vendors-draft-scheme-for-maharashtra-held-in-pune>

In this context, SUM Net, Centre for Environment Education and Parisar organized a workshop on the provisions to be made in the Scheme. The aim of the workshop was to

1. Share updates with regard to the Act and experiences and innovations in street vending arrangements
2. Review the draft Scheme, and prepare a submission such that the draft Scheme text reflects good governance principles and the intent of the original Act
3. Explore the need for additional guidance materials to determine holding capacity and processes for allocation of vending spaces, carry out the enumeration surveys, and conduct of social audits
4. Explore the education and capacity building needs for effective implementation of the Act

## Identification and Engagement of Potential Participants

Parisar initiated development of background notes on the Street Vendors scheme. Parisar and CEE as part of SUM net network joined hands to initiate deliberation on Street Vendors scheme. Potential participants were identified in the initial brain storming meeting. Yuva (NGO) from Mumbai is hosting the Secretariat of the Maharashtra Hawker Federation. A meeting was held with members of

Maharashtra Hawkers Federation (MHF) in Pune. MHF agreed to invite members of the MHF for the workshop. Prof. Bhowmik Sharit (earlier with TISS and now with Mumbai University) was contacted for his inputs and participation. Prof Bhowmik had undertaken a study of Hawking and Vending in Mumbai 15 years ago which revealed that hawkers and vendors are paying over Rs 180 crores as bribes to Police and Municipal Corporation staff. Prof Bhowmik suggested involving Shri Arbind Singh of National Association of Street Vendors of India (NASVI). The workshop invitation and the draft of the Scheme were sent to Shri Arbind Singh for his critical review. Organizers met Arch. Hussain Indorewala, Collective for Spatial Alternatives (CSA) at the Symposium on Smart Cities organized by the Committee for Right to Housing in association with School of Habitat Studies TISS. In Pune, TVC members supportive of the Act were contacted and invited for the workshop.

### **Participants**

About 38 participants from Ratnagiri, Mumbai, Parbhani, Pune attended the workshop and included:

- Hawker groups/representatives
- Academics involved in the issues related to street vendors, informal sector and governance
- Architects engaged with this issue and involved in street design exercises
- NGOs and advocacy groups promoting sustainable transportation



## Workshop Methodology

Welcome and context setting	Initial remarks and context setting was done by Avinash Madhale, CEE
Self introductions	Participants introduced themselves and their organizations and listed 2 to 3 specific concerns. The concerns expressed have been recorded and grouped, and are presented in the next section.
Overview of Draft Scheme	A presentation was done by Ranjit Gadgil, Parisar. The comparative analysis is provided in the Appendix
Group discussions on <ul style="list-style-type: none"> <li>• Survey</li> <li>• Certificate</li> <li>• Relocation and Eviction</li> <li>• Vending Fee, Records by TVC (and State Nodal Officer)</li> </ul>	<p>Four groups were made with each group, ensuring that hawker groups were part of each group.</p> <p>Inputs of each group on each topic were taken by a Topic Facilitator. The summary of the discussions are provided in the next section.</p>
Presentation and discussion on Social audit	A short lead talk on the purpose and broad method of Social Audits was given by Prof Shruti Tambe, followed by a discussion. The main points made are presented in the next section.
Presentation and discussion on declaring hawker zones, holding capacity, space allocation, design	<p>Three different perspectives and experiences of studying and designing for hawking activities were presented:</p> <p>Ar Chetan Sodaye from Prasanna Desai Architects (PDA), presented the work at Gunjan Chowk, by PDA, CEE and PVP College of Architecture</p> <p>Ar Hussain Indorwala presented learnings of his engagement with Hawkers and Vendor groups to influence Development Planning process in Mumbai</p> <p>Ar Nikhil Mijar presented the experience and discussions around inclusion of a multi-utility zone in the Pune Street Design Guidelines</p> <p>A summary of the points made is presented in the next section.</p>
IEC Needs	There was no separate discussion on IEC needs. However a short note has been prepared drawing from the discussions done through the day
Way Forward	A few minutes were spend at the end of the day , expressing the need for further discussions in Parbhani, Mumbai etc which would be helpful to enhance understanding about the implementation of the SV Act. A few specific actions have been identified which are listed in the next section

## Concerns Expressed in Session 1

Participants introduced themselves and their organizations and listed 2 to 3 specific concerns each. The concerns expressed are listed below

1. Implementation of the Act is taking very long
2. Why is there growth of hawkers – larger systemic issues need also to be studied and considered when developing initiatives for hawkers' livelihoods support
3. What is the status of hawkers in Smart City
4. Street Designs - How to design street spaces so that there is no conflict between pedestrians and hawkers
5. Elections - Even though the issue of Elections to TVC is not in the purview of the Scheme text, it is still a matter of concern and requiring discussion
6. Procedure for seizure of goods – the experience is that police takes *hafta*, there is harassment, no listing of goods is done, and sometimes half the goods are not returned

TVC working/ meetings

7. The role of hawkers' representatives in the meetings should be strong and active
8. Sometimes members are unaware of their role and responsibilities, not fully informed about the issues and so they cannot participate effectively
9. The discussions of the TVC are not publicized and the hawkers and public do not get updated about the issues being discussed
10. The meetings of TVC do take place in Mumbai, however, the agenda items are decided by the MC, who conducts the meeting without taking into account any items hawkers want to raise; decisions are presented without discussions
11. The TVC should be a platform for coordinating between different departments of the municipality (encroachment, livelihoods, roads) and various stakeholders
12. Survey - All hawkers are not being covered so unions must ensure full coverage; even if an agency is appointed then how will it be ensured that all genuine hawkers are covered
13. Certificate of Vending – there is confusion about which types of goods are admissible; in Ratnagiri the MC has decided to give COV only to fruit and vegetable vendors
14. Coordination and Attitudes
15. It is wrong to say 'unauthorized' or 'illegal' street vendor – there is no such thing after SV Act coming in 2014
16. Evictions are still being carried out, though it is illegal on the part of the Police and municipal administration to do so – their actions are illegal, not the street vendors
17. MV vs SV - The Motor Vehicle has a bigger status than the Street Vendor!
18. The municipal administrations are not at all concerned about the welfare of street vendors and don't take up their issues with any seriousness or commitment
19. 'Sangharsh' seems the only way at the moment but other strategies are also needed

## Overview of Draft Scheme

1. The SV Act if implemented well can really help to provide protection to street vendors and hawkers.
2. It is perhaps important to remember that while one may quote from the Supreme Court judgment of 2013, essentially what needs to be followed is the Act. The judgment was also clear that their

directions would hold only until an Act comes into force. The Act is actually even better than the Policy which is the basis for the Supreme Court judgment.

3. There may certainly be some issues in the Act of concern, such as the elections to the TVC, but for now the Act is what it is and any changed in these fundamentals will require an amendment of the Act itself. However Rules and the Scheme should reflect the spirit of the Act and if we ensure that they are well drafted, hawkers and vendors will be better protected going forward, despite the fact that the authorities so far have not changed their inherent attitude towards hawkers as being unwanted and a nuisance.
4. SUM Net looks at the Street Vendors' Act as not just a "right to livelihood", which is certainly important, but essentially in conjunction with the National Urban Transport Policy 2006, which talks of "equitable allocation of road space". We see this in light of the important question of "who has the right to road space", and the answer is that the road space needs to be shared equitably/justly with various street users such as pedestrians, cyclists, public transport, other street amenities and of course street vendors.
5. From a sustainable cities point of view a city which is friendly for walk, cycle and public transport, as recommended by the National Urban Transport Policy, naturally co-exists with Street Vendors, who make streets lively and safe for all other users.
6. The current paradigm, one in which the lion's share of the road space is allocated to personal motorized vehicles, needs to be changed if we are to move towards people-friendly, sustainable cities. The NUTP says the same.
7. Current conflicts between pedestrians and hawkers is the result of inadequate space given to these (and other) users. Ample space for pedestrians, hawkers, cyclists and utilities like street lights, trees, benches, garbage bins, water fountains, toilets etc would reduce/eliminate these conflicts. This however implies that some space for motorized vehicles may have to be rationalized, something that requires public support and political will along with outreach and education.
8. Often the case is that existing spaces are poorly utilized and that better spaces can be created simply by better design. We will see examples of such 'smart designs' in the workshop. Many cities are making Street Design Guidelines, which are a first step towards more humane streets.



## Deliberations on the Draft Scheme

The topics for deliberation were:

- Survey
- Certificate of Vending Procedures
- Vending Fee
- Relocation and Eviction Procedures
- Role of State Nodal Officer
- Records by TVC

Participants were made into 4 groups. Each group had about 20 minutes to deliberate on each topic. Facilitators recorded the suggestions made by each group and helped them clarify or elaborate on the points made by earlier groups. The consolidated recommendations are presented below.

### Suggestions and Recommendations on Survey

1. ULBs have started doing surveys, however, legal status surveys need to be verified, as they may not be as per the draft / proposed schedule scheme.
2. No survey should be conducted in the month of April to June, as migrant hawkers and vendors may go to their native places.
3. First meeting before commencement of survey should be called by ULB representative. List of existing vendors (if any) needs to be prepared for as baseline data.
4. Adequate publicity needs to be done before the survey, however, adequate majors needs to be put in place to curb proxy hawkers and vendors (eg. BCGM has asked for fine fee recite as proofs of vendors. However, no consensus could be reached as all vendors may not have to recites of fine)
5. Representatives of the local hawker-vendor unions should be part of the survey team
6. Survey team must have understanding of the social, political and economic dynamics of the area they are surveying. Agency should present the area profile before commencement of the survey.
7. Survey agency should design the survey as per the timing of the natural markets. Timings of the survey must be agreed upon by the unions and the ULB authorities and agency as the timings of local markets varies from location to locations. Morning 5 am to 12 pm.
8. Some members field that survey form should not ask information about caste, category, religion as that may lead favoritism, however, if Govt has clear policy on how caste, category data will be used then unions and civil society can use the same data for social auditing
9. While doing the existing land use survey for Development Plan, ULBs should map natural and heritage markets and propose vending zones under social infrastructure
10. Survey fees: General agreement was on different fees for municipal councils and corporations. It is recommended that survey fees should not be more that INR 50 for councils and INR 100 for municipal corporations. However, if the Municipal Council / corporation will be providing the Geo Tag certificates / cards then cost of survey should be decided by the TVC in consultations with survey agency, hawker, vendor unions and ULB officials
11. After survey, certificate of vending should be issued to hawker / vendor within 30 to 90 days. However, proof of payment of survey fees will be considered as provisional certificate of vending (eg. Municipal Commissioner, PCMC has issued circular to this effect)
12. ULBs should set up tracking systems from survey to issuing of certificate to ensure timely delivery of the certificate of vending

13. List of documents to be submitted by the vendors should be 1. Any of Identity proofs 2. Address proof. This would help avoid local interpretation of scheme as ULBs are asking vendors to submit income and domicile certificates.

### **Suggestions and Recommendations on Certificate of Vending Procedures**

1. The certificate of vending be issued to the vendor within 30 days from the date of the survey
2. There shall not be any residency requirement for eligibility
3. Any one or two of the following documents may be asked for:
  - i. Ration card
  - ii. Aadhar card
  - iii. Pan card
  - iv. Voter ID
  - v. Fine record
  - vi. Bank passbook
  - vii. LIC Policy
4. Where a street vendor to whom a certificate of vending is issued dies or suffers from any permanent disability or is ill, one of his family member in following order of priority, may vend in his place, till the validity of the certificate of vending—spouse of the street vendor; dependent child of the street vendor:
5. Certificate shall need to be renewed every 3 years / a verification survey be done yearly in order to identify बेगस vendors
6. Certificates shall be issued with following priority:
  - i. Existing Vendor on site at the time of the survey
  - ii. Women – widows, divorced, single women
  - iii. Disabled (blind, handicapped etc)
  - iv. Any aspirant
  - v. Person undergoing rehabilitation for petty crimes
  - vi. Domicile (Group 4 suggestion)
    1. Ward
    2. Prabhag
    3. City
    4. District
    5. State
    6. Nation
  - vii. Farmers
7. Change of ward within corporation be allowed in the certificate upon request/ application
8. Certificate of Vending shall be of A4 size and shall include:
  - i. Unique Code
  - ii. Name
  - iii. Individual Photo
  - iv. Family Photo
  - v. Address
  - vi. Ward Office
  - vii. Zone
  - viii. Business type
  - ix. Phone number
  - x. Bank Account details



9. Certificates with different colours be issued to different vendors
  - i. Fixed location
  - ii. फेरीवाले
10. ID cards shall be issued for individual members of the family and shall be Biometric
11. SMS system be used to communicate with vendors and their families
12. Certificates shall not be cancelled under any circumstances except:
  - i. If fees are not paid for a period of 3 years OR
  - ii. If fees are not paid for a year, with 6 month extension period
13. No fine shall be applied, in case of failure of payment of fees
14. Fine may be applied for breaking of rules
15. Dustbins shall be provided to vendors by the PMC
16. Pension scheme be provided for vendors (Group 4 suggestion)

### **Suggestions and Recommendations on Vending Fee**

1. Vending fees be charged at fixed rate of Rs. 5/day, to be paid once a year
2. Range: Rs. ५ ते १५ / day in नगरपालिका or Rs. ५ ते २०० महापालिका may also be charged depending on following criteria:
  - a. Type of business and products sold
  - b. Location
  - c. Time of the day (optional)
3. Additional maintenance fees to be paid to Municipality and a TVC desk be placed in each ward office for ease of payment of both fees
4. No additional TVC fees be applied, as 2% of maintenance fees be paid to TVC from central funds (Group 4 suggestions)

### **Suggestions and Recommendations on Relocation and Eviction Procedures**

The relocation of vendor: happening for temporary reason (due to some development/O & M work at the vending location) or permanent reason. The issues like the Notice period, procedure, relocation space and its choice were discussed the suggestions were as follows:

#### **Relocation notice**

1. Cause for relocation should be communicated to vendor through a written notice.
2. Notice period should depend on relocation time (for temporary relocation)
3. At least 30 days Notice period for permanent relocation should be there
4. 24 hrs for temporary relocation is insufficient at least 1 week is required or 3 days to 7 days (Depending the type of vendor) or 21 days of notice period, as per old regulation.
5. Hand delivery of notice to vender & his concerned union is non-negotiable.
6. Notice to be issued by designated officer & contact details (WO/relocated)
  - Inward/outward no., copy to community development officer.

#### **Relocation space**

1. The reason & necessary of relocation to be determined reviewed by TVC.
2. TVC & Word Committee Member & Vender himself should have say in relocation space.
  - a. Priority to Vender opinion.
3. Relocation site should be within Ward/ within 1 km area.
4. There should be procedure for objection/suggestion on relocated site

5. Objections over relocation to be register to state Nodal Office.
6. Lottery system can be followed if the number of vendors to be relocated is more than the spaces available, procedure needs to be defined.
7. Temporary relocation- fees should be reduced for that period on account of loss of vendor (may be 50% reduction in fees for the relocation period)
8. Basic facilities required to be provided by Municipal Authority.

The 'Eviction' of vendor and seizure of his/her goods: The probable reasons for which such actions can be taken, the procedure for the same, the process of release of goods were discussed. The suggestions came through the discussion were as follows:

#### **Eviction**

1. Survey should be properly conducted, Certificate to be issued, If survey is not done properly vender is not responsible for not having license
2. Seizure of goods itself is can be said as illegal.
3. The eviction can be done only for vendors W/O License
4. For expiry of license Notice should be given before seizure.
5. Before eviction Venders Health, Family situation should be considered.
6. 90 days notice period should be there before eviction.
7. Local police, TVC, WO, elected Representative should be there at time of eviction.
8. Authority to issue Notice should be to Ward Officer.
9. The process to be carried out by authorized Municipal staff only with uniform & ID card.
10. Proper Panchnama is to be done on the site itself- which should include- Record of item details, weight, No. & photo copy to vender, Video shooting, photo
  - a. If eviction is because vendor has no certificate, in that case- 15 days warning period for certificate procedure, should be given to vendor
11. If eviction is because vendor is vending at wrong place
  - a. Notice period of 24 hrs should be there
12. Goods seizure & eviction time should be between 10 am to 4 pm.
13. In case of female vender eviction, female authority is required.
14. Hand-cart mafia in certain areas to be taken care of by Municipal Authority.

#### **Release of goods**

1. Reasonable Penalty to be decided in scheme amount.
2. Rules for release of goods to be strictly followed.
3. For seized Perishable items- to be returned on same day
4. For seized non-Perishable items- to be returned within 2 day
5. Fine can also be based on either cost of goods (say for example, 2%)
  - a. Or Min 50 to max 500/-
  - b. Or can be based on Daily fees (can be charged at some proportion of fees)
6. If goods damage during eviction- Damage should be considered & should be deducted from fine amount.
7. Grievance redressal mechanism should be there.
8. Accountability of Authority should be clearly defined.
9. Proper Register should be maintained for recording of vendors contacted for release of goods.
10. Instead of every department charging fine for various reasons to same vendor, there should be One Authority/Dept one penalty

11. One day one penalty- on the single day, a vendor can only be fined once only, multiple penalties on single days, need to be avoided
12. No special evictions should be there.

### **Suggestions and Recommendations on Role of State Nodal Officer**

1. A state level MIS should be created which should be implemented also at district/city level (including formats for survey, reports, minutes, social audits etc)
2. There should be state vending committee (SVC)
3. A Helpline number should be made available at state level
4. Every TVC can/should make suggestions to SVC
5. SNO should be an IAS officer, accountable for implementation of the Act
6. SNO should set up a state level grievance redressal mechanism and scrutinize complaints, suggestions made by NGOs, public, civil society, unions etc.
7. SNO will collect information from all TVCs and should publish annual progress report about the implementation of the Act
8. SNO will arrange for workshops for TVC members to discuss issues, roles, responsibilities, guidelines, capacity building
9. SNO should take steps to remove the words like 'anti-encroachment', 'illegal', 'nuisance' currently used in connection with street vendors
10. SNO should take steps to shift the responsibility for street vendors from Encroachment Department to Livelihoods Dept or Urban Community Development Depts of local govts

### **Suggestions and Recommendations on Records by TVC**

1. Survey records should be of same format across the state and circulated to all
2. The survey database should track changes in commodities sold
3. Database should include information related to vendor's space, time slot, location etc.
4. The draft minutes, final minutes & action taken reports should be maintained and published
5. The action taken reports should be circulated to press, vendors groups etc.
6. Documents should be in 3 languages - Marathi, Hindi and English
7. Every TVC meeting should end with an agenda for next meeting
8. TVC will facilitate for storage of documents
9. A mechanism should be designed to receive agendas from street vendors before every TVC meeting through register, emails, letters etc.
10. TVC to maintain website
11. TVC to tie-up with the local newspapers for TVC agendas, issues etc.
12. TVC is sole recorder of all surveys, maps, base data, social audit data, rules and guidelines etc to be maintained by TVC
13. TVC to also maintain grievance redressal records
14. TVC to maintain records for encroachment removal activities & permission taken for the same
15. Maps of vending, non-vending zones should be published online

### **Suggestions and Recommendations on Social audit**

This session was led by Prof Shruti Tambe, Dept of Sociology, Savitribai Phule Pune University.

Social Audit refers to evaluation of a scheme in terms of social impact and effectiveness. A social audit is prescribed in the Street Vendors' Act and formation of a committee for social audit is prescribed.

The new Law has been passed only after decades of mobilization by organizations and Unions of street vendors. The Scheme proposed by Maharashtra Government also is an output of this long drawn process. Now is the time to carefully suggest institutional mechanisms for the implementation of legal and policy level pro- Street Hawkers and Vendor suggestions.

In the Indian urban context, the situation of Street vendors and hawkers is continuously affected by the vision of slum-free city or SMART city on the one hand and the push towards infrastructure development on the other, transforming the equations of socio-economic life of the Street Hawkers and Vendors. New visions controlling urban development with new street designs and designs of road crossings deeply affect Street Hawkers and Vendors. The perceptions of hawkers and street vendors in the eyes of the middle class are essentially as criminals. At the same time the agrarian crisis in the rural areas is stimulating city-ward migration all the time. In short, new populations are constantly entering the city, part of which are potential Street Hawkers and Vendors. At such a crucial juncture with contradictory developments, the scheme for Street Hawkers and Vendors is being discussed.

The main aspects in relation to 'Social Audit' in the draft text of the Scheme for Street Vending, on which discussion is needed:

1. The terms of reference of this committee – so that social audit takes place to assess whether the scheme is being implemented not just in letter, but in spirit.
2. Constitution of this committee to ensure representation of vendors and of legal experts, Union representatives and government officials.
3. Evaluation of how the survey of vendors was conducted and what are the loopholes in the data gathered
4. Periodic Review of decisions about license fee, documents essential for issuing license
5. Frequent review of eviction related decisions, their socio-economic and cultural impact
6. Evaluation of whether Eviction related provisions in the Law are adhered to or not
7. Provision of grievance committee and redressal system, and how well that is working
8. Overall evaluation of positive or negative Impact of Street Hawkers and Vendor scheme and policy.
9. Giving directions for training of Government officials to sensitize them about new Street Hawkers and Vendor scheme.

Social Audit must happen at an early stage in the implementation of the law, and regularly thereafter. The early findings will help in development of appropriate institutional practices and procedures, and in preparation of educational/ sensitization modules to support implementation.

Talking from the experience of the MNREGS, Ms Seema Kakde from Yashada emphasized the need of public hearing processes during the social auditing processes.



## Suggestions and Recommendations on declaring hawker zones, holding capacity, space allocation, design

The speakers at this session included

- Chetan Sodaye, Prasanna Desai Architects and Harshvardhan Jatkar, CEE
- Nikhil Mijar, Independent Architect
- Hussain Indorewala,



Chetan and Harsh presented an experience of a participatory process of vending space re-design which was carried out by Prasanna Desai Architects, Centre for Environment Education and PVP College of Architecture.

The initiative for assessing and redesigning the edge space use along a short stretch of Nagar Road BRT corridor was taken up in November and December 2015. This was done in discussion with PMC Zonal Office. The process included a detailed site survey, discussions with hawkers and vendors, study of pedestrian and vehicular movement and discussions with the PMC Zonal Commissioner and other PMC officials, detailed presentations to the Elected Representatives. The proposed design is awaiting trial and implementation. Some of the learnings from this process included

- There is a need for facilitating processes for vending space design
- Municipal officials are generally unaware of the Street Vendors Act and that it is illegal on the part of municipal authorities to evict vendors since the required processes of Act implementation are not yet formulated
- There is a fear that if vendors are allocated spaces in one part of the city then there will be a huge growth in the demand for street vending spaces

Nikhil Mijar, who has been deeply involved in the preparation of Urban Street Design Guidelines for Pune spoke about the importance of inclusion of hawkers in our streets. Hawkers are dynamic and most vital stakeholders on the streets and help to make our streets walkable and safe. Since they cannot be designated or stationed on one spot for long and have varying schedules as per seasons and time of day it may not be right to designate a space for any single hawker permanently. Indian Road Congress' (IRC) *First Revision of the Guidelines for Pedestrian Facilities* (IRC: 103-2012) and *Urban Street Design Guidelines* (draft) of Pune recommend that hawkers be allotted a space in a the Multi Utility Belt which needs to be provided along all wide streets adjoining footpaths and carriageways. Hawkers need response from vehicle drivers more than pedestrians so this belt is in between footpath and

carriageway. This multi utility belt needs to be designed to accommodate hawkers along with trees, parking, bus stops, signage, advertisements and also underground utilities. This concept has worked well in Nanded, Maharashtra. Hawkers' organizations and municipal authorities should try to implement such designs.

Hussain Indorewala suggested that the "scheme" for street vendors must be framed after due consultations with the Town Vending Committee, that sets out the rules and regulations for street vending and related activities. Every local authority is also required once in five years to prepare a "plan" for street vending to "promote the vocation of street vendors" and that the Development Plan and various other sectoral or zonal plans must be modified to accommodate the recommendations and proposals of this plan. Though the Act identifies street vending as a legitimate vocation that needs to be protected and promoted, some of its rigid categories and framework for rules is likely to remove the flexibility that is necessary for street vending. Similarly, with the tendency of "planned" to be understood as "ordered" and "controlled," it is very likely that street vending plans will seek to restrict and contain street vendors.

Following guidelines could be adopted in formulating a sectoral plan for street vending, with the aim of creating an enabling environment for regulated street vending, as opposed to restricting the activities of the vendors themselves. The present approach of marking and assigning "pitches" and demarcating "zones" must discontinued. Instead,

1. As per the act, all the "natural markets" and "heritage markets" in the city must be mapped by the local authority and such maps must be released for public viewing and objections.
2. All streets that contain "natural markets" or "heritage markets" must be designated as "market streets" or "free-vending zones."
3. Every "market street" must be provided with "vending friendly pavements" that must be minimum 1/3rd of the street width, and equipped with supporting infrastructure such as water supply, storage, public toilets, solid waste disposal facilities, parking, etc.
4. If "vending friendly pavements" are not provided, vendors must not be restricted from vending on the carriageway.
5. Every spatial unit (neighbourhood, ward, city) must be equipped with "vending friendly pavements" that can accommodate, as per the law, vendors equivalent to 2.5% of the spatial unit's population. Supporting infrastructure for vendors must be provided adequately to serve these many vendors.
6. All connector streets around major transit nodes and around public open spaces must be equipped with "vending friendly pavements" even if these are not natural markets.
7. If any street is designed or beautified, provisions must be made to provide adequate space for vending on the same street to support at least as many vendors as existed at the time of the latest survey.

## IEC Needs

A few suggestions were made to guide the development of awareness campaigns in the future:

1. There is shrinkage of employment (formal) opportunity and vending provides a viable means of livelihood – this should be recognized by society
2. Vendors should be seen as entrepreneurs, and respected for their efforts and ability to take up a valid means of livelihood

- Vendors are authorized, legitimate, and prejudicial words like 'illegal', 'encroachment' should be actively challenged when used in relation with vendors
- Vendors contribution to GDP must be considered
- Municipal officials must undergo specific orientation about the Street Vendors Act, the spirit behind it, and efforts must be made to acknowledge existing biases and the need to address these biases so as to enable implementation of the Act

## Way Forward

- A note encapsulating the suggestions and recommendations for the draft Scheme may be sent to Urban Development Secretary
- Similar workshops may be organized in other cities as well to help hawkers' organizations and other interested groups to enhance understanding about the current status of the Act and to promote collaborative efforts to get a good law for Maharashtra
- A whatsapp group has been created after the meeting. Those interested in joining may send a request to Avinash Madhale

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