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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 14726/2023 & CM APPL. 58585-58586/2023**

SHAMSHUDDIN

..... Petitioner

Through: Mr. Bharat Aggarwal, Advocate
along with Mr. Arjun Pandey,
Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.

..... Respondents

Through: Mr. Vivek Narayan Sharma, ASC
and Mr. Aditya Vikram, ASC with
Mr. Murai Lal, Mrs. Mahima
Bhardwaj, Advocates for NDMC.
Ms. Sweety Singh, Advocate for R-4.

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Date of Decision: 09th November, 2023

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T

MINI PUSHKARNA, J: (ORAL)

1. The present writ petition has been filed for directions to the respondents to prepare the vending plan in accordance with Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (“Street Vendors Act”). It is the case of the petitioner that he had submitted a representation dated 25th October, 2023 to the New Delhi Municipal Council (“NDMC”) as well as the Town Vending Committee (“TVC”) of the NDMC in this regard, however, to no avail.

2. This Court notes that as per Section 3 (2) of the Street Vendors Act, it



is categorically stipulated that *“The Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to a norm conforming to two and half per cent of the population of the ward or zone or town or city, as the case may be, in accordance with the plan for street vending and the holding capacity of the vending zones.”*

3. Further, Section 21 of the Street Vendors Act stipulates Plan for street vending which is to be prepared by the local authority. Thus, Section 21 of the Street Vendors Act provides as under:

“21. (1) Every local authority shall, in consultation with the planning authority and on the recommendations of the Town Vending Committee, once in every five years, prepare a plan to promote the vocation of street vendors covering the matters contained in the First Schedule.

(2) The plan for street vending prepared by the local authority shall be submitted to the appropriate Government for approval and that Government shall, before notifying the plan, determine the norms applicable to the street vendors.”

4. In furtherance of the Street Vendors Act, The Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 (“Street Vendors Rules”) was notified. As per Rule 25 of the Street Vendors Rules, every TVC shall prepare and furnish to the government and the local authority the ward-wise list of the vending zones identified along with details such as ward, area/colony, road, map of the vending zone and holding capacity.

5. In order to implement the various provisions of the Street Vendors Act as well as the Street Vendors Rules, The Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and



Regulation of Street Vending) Scheme, 2019 (“Street Vendors Scheme”) was notified. As per para 3.3.7 of the Scheme, the matter of vending and no vending zone shall be decided by the Urban Local bodies in consultation with the TVC. Thus, para 3.3.7 of the Street Vendors Scheme reads as under:

“3.3 The criteria for issuing certificate of vending to street vendors

XXX XXX XXX

(3.3.7) Categorization, demarcation and holding capacity of vending zones shall be decided by the Local Body in consultation with the TVC as outlined in Chapter 8.”

6. Further, para 8.4 and 8.5 of the Street Vendors Scheme detail the principles for determination of vending zones and the holding capacity of vending zones. Thus, para 8.4 and 8.5 of the Street Vendors Scheme read as under:

“8.4 The principles for determination of vending zones as restriction - free - vending zones, restricted – vending zones and no-vending zones:

(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.

(8.4.3) Procedure for declaration of Restriction Free/ Restricted/ No Vending/ Time Sharing Basis Vending Zones:

I. Any Registered Association of street vendor may submit a proposal for declaration of any street/ land as vending zone or a weekly market. Local body may, on its own initiative, prepare such proposal as well. The proposal should consist of sitemap of the area with proper dimensions, clearly demarcating the area for vending; plan for squatting in the area; number of vendors it may accommodate; suggested restrictions (if any); and



proposed time- sharing arrangements to maximize the number of beneficiaries.

II. The Proposal shall be submitted to the TVC.

III. The TVC shall cause to conduct survey of the area and GPS demarcation of the area proposed for vending.

IV. The TVC shall thereafter notify the proposal for claims and objections by any stakeholders. Simultaneously, the proposal shall be forwarded to Delhi Traffic Police and the Land-Owning Agency for their comments and observations.

V. Delhi Traffic Police/Land Owning Agency shall have thirty days' time to furnish their comments/observations, failing which, it shall be presumed that they have no comments to offer and appropriate decision may be taken by the local authority.

VI. After considering the claims and objections received, the TVC shall prepare a report/proposal.

VII. Regarding vending on footpath, respective TVC shall decide as per law.

VIII. The Local Body shall notify the area/street as vending zone after ratification of the proposal by the TVC.

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.

(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.”

7. In view of the aforesaid, it is clear that preparation of Plan for street vending is one of the basic requirements for streamlining and regulating the street vending activities.
8. Learned Additional Standing Counsel appearing for NDMC submits that the steps for preparation of street vending plan have already been initiated and that the preparation of vending plan is in progress.
9. In view thereof, the present writ petition is disposed of along with the pending applications by recording the aforesaid statement of learned counsel for the NDMC. It is expected that the requisite action shall be completed within a time bound manner.

MINI PUSHKARNA, J

MANMOHAN, J

NOVEMBER 9, 2023

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