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## **URBAN INFORMALITY AND THE POLITICS OF STREET VENDORS' RIGHT TO THE CITY IN A SOUTH DELHI MARKET**

### ***Abstract***

*Formalisation and legalisation are held to be powerful instruments for empowerment of those engaged in informal economic activities in urban public space. However, this paper argues that the processes of implementation of legislative reforms, far from empowering may, at times, further disempower and marginalize the very people whom they seek to help. Typically, the impact of legislation on ground may not be uniform given the differential capacities of competing stakeholders to mobilize power networks and gather political support to appropriate urban space. Drawing from 'the right to the city' perspective (Lefebvre 1991), the paper circumvents the conceptual divide between structuralist and legalist positions on informality and instead looks at the multitude of everyday 'urban navigations' (Anjaria and McFarlane 2011) at the interstices of formal and informal that are constantly underway in the form of resistance, mobilisations, protests and public interest litigations (PILs) in the production of public space. It does so by examining the politics of legalisation of street vending and the right of vendors to occupy streets and pavements in a South Delhi Market in the wake of enactment of a protective legislation in the shape of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. The paper makes a detailed study of the impact of court rulings on the street vendors and their struggle for appropriation of public space. Based on a critical analysis of primary and secondary data derived from news and research reports; and my own field observations and interviews, the paper seeks to understand the politics of competing rights among various stakeholders such as street vendors, shopkeepers, traders' association, South Delhi Municipal Corporation (SDMC), Delhi Police, National Association of Street Vendors of India (NASVI), and local residents.*

**Keywords:** *urban informality; public space; street vendors; right to the city; Street vendors Act 2014; politics of.*

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### **Urban Informality: An Introduction**

The debate around the formal and informal economy has a long history. The old binary and dichotomous conceptualization has gradually changed to a new understanding whereby the informal and formal are now interlinked<sup>1</sup>. It was also expected that informal would slowly get formalised and gradually disappear as agrarian-rural economies changed into industrial-urban. Instead, empirical investigations established that informal economy has not only expanded but also received due recognition for its contribution to the formal, so much so that in the cities of the global south, informality has now become a way of urban living. Urban informality has become all-embracing, especially in the cities of the global south. It has therefore recaptured the attention of contemporary scholars, policy makers, activists and planners. Under focus in this paper is the street vending as a form of urban informality and responses to it in India's capital city of New Delhi from "the right to the city" perspective (Lefebvre 1996 and Harvey 2003).

There are several urban processes that serve as a context for the rise of the urban informal economy. Notable is that for the first time in human history, the urban population has surpassed its rural counterpart for more than a decade. The rate of urbanization, too, has accelerated at an unprecedented rate for the first time since industrialization began. The majority of this urban growth is centered in cities of the Global South due to a surge in rural-urban migration following an agrarian crisis; the informal urbanisation of agricultural land; the encroachment of village and urban commons; and the economic restructuring following de-industrialisation. The implications of these processes on urban infrastructure, livelihoods, housing, basic services, public health, education, and governance are quite wide-ranging. A momentous epistemological response that has been noted in urban studies is that the city of the Global South has become the new site for "(re)theorising the city" (Parnell and Robinson 2013); a "new paradigm for southern urbanism" (Schindler 2017); or the blueprint "towards a new epistemology of planning" (Roy 2005).

The debates on the urban informal economy may be divided into four schools of thought: dualist, structuralist, legalist and voluntarist (Chen 2012: 4-5). However, the views of these schools are not completely disparate. There are similarities in the way they approach the informal economy. Analytically speaking, the informal and formal are seen to be falling into two broad categories; structuralist and legalist (Rakaowski 1994). The structuralist position is dichotomous (ILO 1972 and Hart 1973) and it views the informal as subordinated to the formal; as serving to aid and reduce cost of the formal (Moser 1978, Castells and Portes 1989). It approaches informality as a temporary survival strategy and arrangement in response to the 'uneven capitalist development' until the state bridged the gap between the informal and the formal. For the legalists, informal activities are entrepreneurial (De Sotro 1989)<sup>2</sup>. The informal workers deliberately operate "illegally" outside the formal framework so as to gain from efficiency in costs, energy and time. It sees

legalisation as a solution that would reduce the exploitation of entrepreneurs at the hands of urban managers and bureaucrats.

Following Ananya Roy (2005), both these frameworks—one of “crisis” and the other of “heroism”—may seem contradictory on the surface, yet a closer look reveals some striking similarities between the two. For example, both view informality as fundamentally separate from formality and both equate informality with poverty. She further states that neither viewpoint recognizes how informality might be “a differentiated process embodying varying degrees of power and exclusion” (Roy 2005: 148). Secondly, both views look at “informality as caused by isolation from global capitalism” (ibid). The problem with this view as Roy points out is that the informal sector could be manufacturing for global markets and she cites Seabrook’s (1996) work on the slum dwellers of Dharavi in Mumbai to make her point. Another problem with the two frameworks is with respect to the idea of enablement i.e., helping the poor help themselves because it seems to absolve the state of its responsibility towards the informal sector. There is, however, no dispute that neoliberal global processes are powerful drivers of changes in the cities of the Global South.

Drawing my theoretical position from the “right to the city” perspective (Lefebvre 1996), I hold that the practice of urban informality is an act of “appropriation” of urban space and is constitutive of what Lefebvre refers to as “urban contestation” between the “city as a site of capitalist accumulation” and the “city as a site of inhabitation”. However, the outcomes of these spatial contestations are contingent upon the local politics, the historical context of the site under contestation, and differential mobilization capacities of actors involved. I am therefore, convinced by Anjaria and McFarlane’s argument for a need to do “grounded research on the politics of urban space”- what they term as “urban navigations”- to make sense of the multiple ways in which people navigate the city, its politics and ways of meaning making (2011: 5-6).

By navigations, we mean how people make sense of and work their way through diverse urban environments, often in contexts of deep political, economic and social inequality...ways in which different people actively move through, practice, cope with, seek to dominate, and learn how to live in the city (Anjaria and McFarlane 2011: 6).

It is equally important to understand how informality is framed within the contemporary discourse on “urban” before proceeding further. For Lefebvre (1991), “urban” today is a socially produced space that is constantly emerging in the contest between the “abstract space” for surplus value and “lived space” for use value. Urban is not just about the process of urbanisation but it has to be imagined as a “not yet realized urban society” that facilitates social connections by bringing together various social inhabitants in “play”, “work” and “collective autogestion” (Lefebvre 2003). It is a space for social encounter, interaction, participation and co-habitation directed towards a new promise of

spatial justice, freedom and inclusivity in the city (Lefebvre 1996 *cf* Purcell 2003). The urban, in this sense, is constitutive of an ideal space that embodies the struggle of various classes over their “right to the city” and urban informality is the most visible expression of this struggle.

### **Street Vending and its Legalisation in India: A Timeline**

While manifestation of urban informality may take several forms, my focus, in this paper, as mentioned earlier is on street vending. Street vending is a ubiquitous phenomenon of Indian cities, however big or small. Street vendors can be found in almost all parts of the city where they provide a wide range of items and services at low cost. But with the rise of the formal economy, increasing urbanisation and agglomeration of urban capital, the street vendors experience fierce competition and struggle for access to city’s common resources and public spaces. Even though street vendors are considered part of the informal and unorganized sector, the legal recognition of their contribution to the national economy has been slow in coming. Two international events had a strong impact in recognizing the rights of the vendors over public space. First was the signing of the Bellagio International Declaration of Street Vendors in 1995 and the second was the formation of StreetNet, an alliance of street vendors in Durban in the year 2000. It is outside the scope of this paper to discuss in detail the collective action and movements of street vendors over public space.<sup>3</sup> Yet, it will be in order to draw a brief timeline of the major milestones of their struggle in India:

- 1985: The Bombay Hawkers Union v Bombay Municipal Corporation. (After this case, the court outlines a scheme for issuing licenses to street vendors).
- 1985: The Supreme Court declares street vending as a constitutionally protected practice, subject to reasonable restrictions.
- 1998: NASVI (National Association of Street Vendors of India) formed.
- 2001: The findings of a study of 7 cities by NASVI presented to GOI (Ministry of Urban Development).
- 2001: National Task Force on Street Vendors (It included NASVI and SEWA) tasked with drawing up a draft National Policy.
- 2004: National Street Vendors Policy announced (demand for legal status for street vendors and hawkers).
- 2004: National Commission for Enterprises in Unorganized Sector (NCEUS) formed.
- 2006: NCEUS Report suggests revisions and procedure for regulatory process.
- 2009: Revised National Policy on Urban Street Vendors.

- 2009: Model Law and demand for a bill to be passed by June 2011.
- 2012: Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012 is introduced.
- 2012: Bill is sent to the standing Committee on Urban Development
- 2013: Committee suggests changes in the Bill.
- 2014: The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, stands passed by the parliament.

The struggle of street vendors, however, is far from over even after this legislation. I present below, the politics of legalisation of street vending through a case study of the Pushpa Market, Lajpat Nagar in South Delhi as it has been in the thick of this struggle. I do so by examining critically and empirically, the impact of the Street Vending Act, 2014 on the street vendors who occupied the pavements and streets of the central Market. I have been a frequent visitor to this market for more than two decades. The observations and interviews for this study were conducted in fieldwork conducted from early 2016 to mid-2018. The court rulings; findings of earlier research studies; reports of National Association of Street Vendors of India (NASVI)<sup>5</sup>; online news reports; and other online sources have provided the relevant secondary data for my research.

### **The Field**

Lajpat Nagar, similar to many other areas of Delhi developed due to influx of migrants/refugees from Pakistan during the 1950s. Some shops were allotted to these refugees around the main square of the colony and it came to be known as the Central Market, also popularly known as Pushpa Market. During the 1960s and 70s it remained a small market catering to local neighbourhoods. In the 80s, the market started expanding as the middle class shoppers began to visit it from other parts of South Delhi. By the 1990s, Lajpat Nagar had become a popular destination of shopping amongst the masses as well classes due to the real estate boom and arrival of new brands, fast food eating joints, and places of entertainment such as the 3Cs Cinema complex. Today, the market caters to high end buyers of expensive home furnishings or electronic gadgets, wedding and festive wear alongside the low income buyers of textiles for making dresses, shoes, readymade garments, household goods, and street food. The market has traditionally been a site of street vending and hawking since its very inception and their number continued to rise as the market expanded. In his working paper<sup>6</sup> on the implementation status of the Street Vendors Act in Delhi, Pariroo Rattan (2015) estimated that in 2014, there were over 2000 street vendors/ squatters/ hawkers in Pushpa Market. The market has also been attracting a very heavy footfall ranging from 10,000 on a week day to 60,000 on a festival day.

Unfortunately, on May 21, 1996, there occurred a major bomb blast in the Lajpat Nagar market in which 14 people were killed and 38 others suffered serious injuries, in addition to the loss of property, both movable and immovable. It would not be wrong to assume that its congestion and popularity made Pushpa Market an easy target of a bomb blast in 1996. After the blast, citing public safety and security reasons, a high level committee was appointed by Lt. Governor of Delhi and on the basis of the findings of the committee, he declared Pushpa Market as a “no-squatting zone” on 13<sup>th</sup> November, 1996. Pursuant to the order, an eviction drive was launched and many street vendors were removed from the market. Some of the evicted squatters challenged their eviction in the Supreme Court and asked why they could not squat at the restricted site when some other areas close to the blast site were still being used for squatting purposes. In December, 2000, the Supreme Court, too, keeping in view the safety concerns raised by Delhi Government, ordered that the entire area close to the bomb blast site be treated as a “no- squatting zone”. The same argument was also submitted by the Traders Associations in a recent petition before the Delhi High Court in 2017.<sup>7</sup> Since then, Pushpa Market, Lajpat Nagar has become an archetype of the fierce urban spatial contestations over public space between conflicting interests of state actors such as the Delhi Police and SDMC; the private actors such as the shopkeepers and trader’s association; the middle class residents and pedestrians; and the street vendors.

It is significant to note the judiciary has played a crucial role in this entire contest. In 1989, street vending was recognized as an important economic activity that provided livelihoods to a large population, without any other source of income. Concurrently, a long standing demand for a proper law to regulate street vending/hawking was also recognized. Earlier in a very remarkable judgment in October 2010, a division bench of the Supreme Court upheld that the right to hawk in the streets of Delhi was a fundamental right as per the Indian constitution’s article 19(1)(g) and was therefore also subject to reasonable restrictions under article 19 (6). The apex court impressed upon the need for a proper law to regulate vending in the streets. It further stipulated that in the meanwhile, all earlier schemes of Municipal Corporation of Delhi (henceforth, MCD) that classified different areas as either “squatting” or “no- squatting zone” under the “tehbazari”<sup>9</sup> scheme were to continue to be effective till the end of June, 2011, by which time the new bill on street vending was expected to be passed. The bill became an Act in 2014 and recognised vending as a legitimate livelihood but its implementation was stayed in the Delhi High Court. It was this long delay, firstly, in the enactment of the Act and secondly, in its implementation<sup>10</sup>, that led to a lot of confusion about the validity status of earlier classifications/ schemes of MCD.

### **Conflicting Court Rulings and Urban Contestation over Legality/ Illegality**

The Street Vending Act, 2014 had its origins in various court rulings

and earlier Street Vendors Policy, 2004, which got revised as the “National Policy on Urban Street Vendors, 2009”.<sup>11</sup> The Act was welcomed by street vendors and shop owners alike as both groups perceived it as a solution to their problems. For vendors, this promised an end to their illegal status and thus an end to the extortion and everyday harassment at the hands of MCD officials and local police. For shop owners, it promised a permanent end to “encroachment” by vendors in an already over-congested market. During my fieldwork in the market in 2016 and 2017, most of the vendors I talked to were aware about this new Act, but they did not know the details of its implementation mechanism. Most of the vendors, I spoke to, were not part of any association. It was with great difficulty, I traced a few vendors who were part of a small association which had been formed with the support of NASVI. The participation of vendors in this association was not significant.

[I]n Lajpat Nagar Market, for example, the Pradhan (the leader) was nominated by a few vendors, the process being facilitated by NASVI last year. However, very few vendors in the market are even aware of it. In fact, even some vendors who work in the same lane as the Pradhan, were unaware of the existence of the association.<sup>12</sup>

Many of the vendors agreed that while they had high hopes from the new Act, so far there was not much relief from harassment, extortion, and the threat of eviction. Those who were sitting in the vending zones, however, felt a slight relief from the weekly extortions from the police and the South Delhi Municipal Corporation (henceforth SDMC) but they attributed this change to the Delhi Government formed by the Aam Aadmi Party (AAP). In an interview, some vendors who sold dry flowers on the pavement informed me that extortion had certainly reduced. For this, they credited the Delhi Chief Minister, Mr. Arvind Kejriwal who had assured them that no vendor would be evicted till the time the town vending committees were formed and the survey of street vendors was completed. But the other vendors, who squatted around the central plaza, did not share this view because they were sitting in the no-squatting zone. They continued to face evictions, paid penalties to the civic authorities despite having paid bribes to the civic authorities. Their goods were often seized and they had to constantly shift their vending locations<sup>13</sup>. It was for them a “routine”, a “normal practice”, without which they would not be able to sustain themselves since they were squatting in the “no vending zone”. During one such eviction drive, I spoke to a couple of police constables on condition of anonymity and they informed me that they were “duty bound” to make arrests and carry out evictions, when the SDMC officials decided to raid. The vendors, on the other hand, complained that some of their peers who had “connections” in police and corporation, generally got confidential information in advance about the impending raids and were smart enough to remove their wares before the police arrived. Those who were not part of this power nexus had to pay bribes or face legal action. Most of the time, they paid “protection money” but even that did not always guarantee that their goods would not be seized. At times, when the senior officers came on visits, the lower functionaries

would make arrests to show that they were carrying out their duties diligently.

In my understanding, it is these systemic acts of corruption that create room for street vendors to “navigate” their way in the city and cull out a living in a regime which purposefully maintains an ambiguity with respect to the questions of legality and illegality.

This regime of corruption seems to be sustained by a set of strategies pursued by the public authorities and by certain actors who enjoy control over the street. In order to understand the day-to-day relations between the urban working classes and the state, illegality should not only be seen as a method of repression but also as a social and spatial resource that provides public actors with an informal source of revenue, as well as a method of governance in its own right<sup>14</sup> (Sales 2018).

Unlike a few small scale vendors’ associations, the Lajpat Nagar Traders’ Association is quite active and strong. The traders have been complaining about the lack of security due to the “illegal encroachment” by hawkers and squatters. Some of the shopkeepers I interviewed were quite infuriated with the presence of vendors on the footpath in front of their shops since the vendors and hawkers blocked traffic, obstructed pedestrian movement and the view of their shop from the road. They were also resentful because they felt that the vendors sold fake copies of expensive brands at very low prices and did not pay taxes, either. This affected the business of shopkeepers adversely and hence they wanted these “encroachments” to be removed. I learnt that there were many court cases pending in the High Court and the Supreme Court implicating different stakeholders.

Interestingly, some vendors whom I interviewed reported that the shopkeepers also “encroached” by extending their shops on the pavement. But when the raids of the police and the SDMC happened, they removed these extensions in time to evade fines and arrests. These processes can be explained as falling under the phenomenon of “urban informality” which according to Roy and AlSayyad,

[I]ndicate[s] an organizing logic, a system of norms that governs the process of urban transformation itself. Against the standard dichotomy of two sectors, formal and informal, we suggest that informality is not a separate sector but rather a series of transactions that connect different economies and spaces to one another (cf. Roy 2004: 148).

In a significant development, in 2015, the Market Association, (Vyapari Kalyan Mandal, Main Pushpa Market of Lajpat Nagar) had filed a writ petition in the Delhi High Court under Article 226 of the Indian Constitution to direct the SDMC to remove squatters, vendors and hawkers from the “no- squatting zone” at Pushpa Market. The case was filed by NASVI on behalf of the vendors/ hawkers/ squatters. The SDMC and the Delhi Police, being the two state agencies responsible for checking encroachment in the “no- squatting zone” were also parties in the case.

As mentioned above, the main argument of the Market Association was that Pushpa Market had been declared a “no - squatting zone” in 1996 by



Lt. Governor of Delhi and the same order was also upheld by the Supreme Court in 2000. Since then, there was no change in the legal position of the court. NASVI, on the other hand, cited the Supreme Court judgment in the Gainda Ram (2010) case, and pointed out that Pushpa Market was declared a “no-squatting zone” only up to a period of 30th June, 2011, by which time the new act was supposed to have been enacted. Thereafter, it claimed that “squatting” and “no-squatting zones” were to be declared afresh by the Town Vending Committees (TVCs) constituted under the new Act. NASVI further argued that due to the delay in the enactment and subsequent implementation of the Act, the TVCs could not be formed in time and therefore Pushpa Market could no longer be treated as a “no-squatting zone”. The position of the traders in the Market Association was quite the opposite. Citing the Supreme Court ruling, they demanded that the existing ban on vending in the designated “no-squatting area” continue to be in force, till the formulation of new TVCs and implementation of the new scheme under the 2014 Act. The Market Association further alleged that NASVI was misleading the court by fabricating the *challans* (legal licenses) of shopkeepers as those of the vendors and submitting that as evidence before the court. The legal positions adopted by both the SDMC and the Delhi Police refuted NASVI's claim. Both authorities informed the court that they had been regularly conducting eviction drives in compliance of the court orders.<sup>15</sup>

In a noteworthy parallel development, the Delhi High Court passed another order on 9th September, 2016 in a case of Ajay Maken vs. Commissioner of Police, Delhi and stayed the eviction of the squatters/ hawkers until further orders.<sup>16</sup> This led to the return of vendors in the “no squatting zone” all over Delhi including Pushpa Market. Opposing this order, the SDMC approached the Delhi High Court on 24th September, 2016, and demanded that the ban on evictions be lifted. Its legal argument was the same as the one that the traders's association had adopted in the previous case, i.e. till the time, the fresh vending and non-vending zones were declared, the previous zoning orders ought to be valid and the hawkers and vendors could not be allowed to squat in the “no squatting zone”. This time, after review of the situation on 5th October, 2016, the High Court in the case of Hawkers Adhikar Suraksha Samiti vs. Union of India and Others, again upheld the view of the SDMC, and ordered the lifting of ban on evictions.<sup>17</sup>

Coming back to the Lajpat Nagar case, Delhi High Court in July 2017, upheld the claim of the Market Association of Lajpat Nagar and declared Pushpa Market as a “no-squatting zone”. The court, again, directed both the SDMC and the Delhi Police to remove all encroachments and take strict legal action against the repeat offenders. The squatting vendors felt let down by the conflicting orders of the courts and said that they were being harassed and penalized for squatting in the market. They persisted with their demand that they should not be evicted from anywhere until the town vending committees

were formed. In a news report, they estimated that more than 800 families who sold all sorts of items such as clothes, bags, furnishing materials, items of daily use, eatables etc. to earn their livelihood on the streets were adversely affected by this order. They demanded that they should get an alternate site for their trade. The traders, however welcomed this judgment and reinforced their demand that the “encroachment” by vendors be removed.<sup>18</sup>

### **‘The Right to the City’ and the Politics of Competing Rights Claims**

The streets of Lajpat Nagar have been a site of contest in the spatial appropriation of urban space among numerous stakeholders who happened to interpret the court rulings from their own point of view. The vendors continued to resist the evictions and legal action by SDMC and Delhi Police. While the latter, too, continued to evict the vendors on the basis of suitable court orders. Incidentally, the court rulings were notoriously arbitrary. In one instance, they allowed vending, irrespective of the zone being vending or non-vending, while in subsequent cases, they stopped vending in the “no-vending zones”.

These urban contestations in Pushpa Market bring out the differential demands and competing rights claims of the traders, vendors, authorities, shoppers and residents - all stakeholders in the public space. From a “right to the city” perspective, all of them are inhabitants/citizens who have ‘a right to configure the urban space in all its manifestations’ (Purcell 2003: 578). As a philosophy,

the “right to the city” [consists] of the right of all city dwellers to fully enjoy urban life with all of its services and advantages – the right to habitation – as well as taking direct part in the management of cities – the right to participation (Fernandes 2007: 2008 *cf* Plyushteva 2009).<sup>19</sup>

Since, the “right to the city” is a right shared by all inhabitants/citizens to give shape to their city, the conflict and unrest is bound to occur due to the differential rights claims. Secondly, the rich and powerful stakeholders, in this case, the Market or the Traders’ Associations, are more likely to be successful in exercising their right and fulfill their vision of the city, compared to the others who are marginalized, i.e. the street vendors. As David Harvey<sup>20</sup> posits, “[I] increasingly, we see the right to the city falling into the hands of private or quasi-private interests....promoting the city as an optimal location for high-value businesses and a fantastic destination for tourists” (2008:13). If, however, the right to the city was given to only the poor and marginalized citizens, it would compromise its democratic principle.

The alternative of only granting the Right to the City to a particular, previously marginalised, social group such as slum dwellers...would contradict the pursuit of locating the Right to the City within a democratic framework....Instead of discarding it however, the Right to the City can be conceived differently. It can be used to denote an enabling right, a right-as-means rather than right-as-end for those pursuing or defending their other fundamental rights in an urban context (Plyushteva 2009).

After a detailed hearing of all the concerned parties, the Delhi High Court pronounced its final judgment in July 2017. The bench was of the view that

Being pitched between the conflicting rights of livelihood of the street vendors versus the life and security of the public in general, including the street vendors, we are of the opinion that the former must bow to the latter as, without life and security, no question of earning a livelihood can arise.<sup>21</sup>

From the court's viewpoint, it was a clear decision where the right to livelihood was relatively less crucial than the right to life and security. However, from the "right to the city" framework/philosophy, the right to squat is not merely a right to earn a living but is constitutive of the right to life, itself. Both these rights are, after all, encompassed within the slogan of the "right to the city" (Lefebvre, 1991). The rationale for this interpretation of a seemingly simple "right to earn a living" in the city as "right to life" resides in the fact that without any earnings or income, the vendors will not be able to survive and live in the city. Therefore, disbursement of the right to livelihood in effect translates into the right to life.

From the Lefebvrian perspective, the High Court ruling as paraphrased above is misplaced as it makes a choice between two rights, which, in effect, amount to the same- one being encompassed by the other. Ostensibly, the High Court has allowed the right to life and security of the general public to prevail over the right [of a few vendors] to livelihood by calling the latter as the act of doing private business in a public space. The public, in this case, are the pedestrians. But, assessed from the vendor's point of view, it is, in effect, the triumph of the right to private property over the right to access public space. In this case, the pedestrians have not gone to the courts; rather the many pedestrians I conversed with on various occasions of my visits to the market preferred to shop from the pavements. It was the traders and shopkeepers who have appealed to the court under the guise of public purpose. From the legal point of view, the court has privileged the right to life and security of pedestrians as embodying a higher legal and moral value compared to a standalone right to livelihood. However, from a Lefebvrian perspective, both parties are trying to appropriate urban public space but in this struggle, the private actors are clearly better placed in giving shape to their neo-liberal urban imagery than the urban poor. The courts do not view the right to life as encompassed within the "right to the city". A long struggle lies ahead before the slogan of the "right to the city" turns into a legal instrument for the appropriation of public space by the poor in the city.

### Notes

1. See Martha Chen for a genealogy of this debate. She writes, "It is inferred that informal economy, "produces for, trades with, distributes for and provides services to the formal economy...Most source raw materials from and/or supply finished

goods to formal firms either directly or through intermediate (often informal) firms” (Chen 2007: 5,7). Also see “*At Work in the Informal Economy of India: A Perspective from Bottom Up*” by Jan Breman (2013) for the history of development of the informal sector in India.

2. According to Hernando De-Soto, “the informal economy is the people’s spontaneous and creative response to a state’s incapacity to satisfy the basic needs of impoverished masses” (1989:14).
3. For a detailed understanding of the struggle of street vendors for public space in India, see: Sharit Bhowmik’s ‘Introduction’ in his edited book *Street Vendors in the Global Urban Economy*, pp. 1-18. For an international macro level comparison of eviction practices and exclusionary policies for street vendors’ in Indian cities with that of cities in Latin America and Africa, refer to Roever and Skinner’s, 2016 paper on “Street vendors and cities” published in *Environment and Urbanization*, 28(2), pp.359-374. It also gives a detailed account of the work of a non-profit, SEWA (Self Employed Women’s Association), in the city of Ahmedabad to prevent the eviction and harassment of women street vendors.

Another significant paper by Lila Oriard Colin (2018) gives a thick ethnographic analysis of the appropriation of the ‘*Bhadra Plaza*’ as a space for vending by street vendors in the city of Ahmedabad. It captures the micro level politics amongst the different groups of street vendors themselves- organised under two different umbrella NGOs viz. SLO (Self labour Organisation) and SEWA having different capacities for political mobilization and community action.

See: Colin, L.O., 2018. “Street Vending from the Right to the City Approach”. In Cabannes and Douglass, et.al (Eds.). *Cities in Asia by and for the People*.

4. This timeline is put together on the basis of various readings and online research reports, referred for this paper.
5. According to NASVI Website, “NASVI is an organization working for the protection of the livelihood rights of thousands of street vendors across the country. Beginning as a Network in 1998, NASVI was registered in 2003 under the Societies Registration Act of 1860”.

Source: <http://nasvinet.org/newsite/about-nasvi/> (accessed on 6th June, 2019).

6. See, “Street Vendors Act 2014: A Forgotten Promise?” A working paper by Pariroo Rattan submitted to the ‘Center for Civil Society’ in 2015. Source: [https://ccs.in/internship\\_papers/2015/341\\_street-vendors-act-2014-forgotten-promise\\_pariroo-rattan.pdf](https://ccs.in/internship_papers/2015/341_street-vendors-act-2014-forgotten-promise_pariroo-rattan.pdf) (accessed on 12th Sept, 2019).
7. The high level committee appointed by Lt. Governor had noted “that casualties and loss of property were due to the delay in reaching the site by emergency services on account of encroachment by squatters / hawkers in the lanes and bye-lanes of the Central / Pushpa market”. See Delhi High Court Order dated 3<sup>rd</sup> July, 2017 in the case of Vyapari Kalyan Mandal, Main Pushpa Market vs South Delhi Municipal Corporation.

Source: <https://indiankanoon.org/doc/70463837/?type=print> (accessed on 6th June,

- 2019).
8. See Supreme Court Order dated 8<sup>th</sup> Oct 2010 in Gainda Ram & Others vs M.C.D & Others. *Source*: <https://indiankanoon.org/doc/70378761/> (accessed on 6th June, 2019).
  9. “Tehbazari” is a license for street vending in the vending zone issued as per the Delhi Municipal Corporation Act. A fee is charged by the authorities from vendors.
  10. See “The Progress Report: Implementing the Street Vendors Act, 2014: Judicial Interpretation, Cross- State compliance, and De-Facto City Level Practices”, *Centre for Civil Society*, Delhi, January, 2019.
  11. Refer to *sources*: [https://www.prsindia.org/sites/default/files/bill\\_files/bill82\\_2006123082\\_National\\_Policy\\_for\\_Urban\\_Street\\_Vendors.pdf](https://www.prsindia.org/sites/default/files/bill_files/bill82_2006123082_National_Policy_for_Urban_Street_Vendors.pdf) (accessed on 27th December, 2018).  
  
<http://legislative.gov.in/sites/default/files/A2014-7.pdf> for “The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 (accessed on 27th December, 2018).
  12. According to Pariroo Rattan, “However, out of close to 2000 vendors operating in Pushpa Market, only about 300 were unionized”. *op.cit.* pp. 24-25.  
  
*Source*: <http://www.indiatogether.org/futile-struggle-for-the-right-to-trade-laws> (accessed on 12th September, 2019).
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  14. See Sales (2018) online paper. *Source*: <https://journals.openedition.org/articulo/3631> (accessed on 11th September, 2019).
  15. See Delhi High Court Order dated 3<sup>rd</sup> July, 2017, *op.cit.*
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