

A brief study of Street Vendors in the city of Bengaluru

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The advent of Information technology to Bangalore city, has been associated with infestation of infrastructure projects. While it is essential for a city to have good infrastructure, these projects have been given the green signal with no in-depth thought or analysis on the effects these would have to the environment and people and city at large. Urban poor have been the most affected by such magnanimous projects, with most times them not even being recognized by the Government.

This report has been written to educate and sensitise people and communities likewise on the problems faced today by street vendors of Bangalore city.

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Introduction



Come evening, the cold breeze of Bangalore always tempts us to eat some spicy bhajjis from the street corner push cart selling hot chilli, capsicum, potato and onion Bondas and Bajjis or the chaat from the neighbouring vendors selling mouthwatering spicy chaat. An evening walk often leads us to the vendors selling fragrant Jasmine flowers, vegetables and fruits. But then

once back into the cosy comfort of our living rooms sitting back and relaxing with coffee in one hand and having a conversation, the discussion swerves to the direction of how roads are filled with street vendors making it difficult for anybody to drive or walk in peace.

Looking at the history of our country, street vending has been a part of our culture and tradition. Traditionally, during the times of the Vijayanagar Empire, street vending mostly in the form of selling of gold and silver ware. The folk tales told to children also speak of vending on streets in one form or the other. More



recently, street vending includes selling of eatables, to vegetables, to even carpets. Street vendors form an important part of the socio-cultural and economic



life since time immemorial. Traditionally, these vendors have been a part of our lives, which till date continues. And nowhere in history have they been considered as obstructions to public spaces till colonial rule entered the country.

Today, there are vendors carrying vegetables and fruits till right in front of our house making it very convenient.

There are others who keep the healthy refreshing tender coconut under the shade of a tree which are very energizing after having walked or driven in the sun. And there are still others who carry roasted or steamed groundnuts which is a nice snack to munch on. Many a time we are blessed by a cobbler on the street when our footwear snaps and we have a long way to go. These are small things we all

enjoy and have taken for granted that little do we think about the services they provide and the harsh conditions under which they function.

But come to think of it, they seem to be reading people's minds! For street vendors provide us with practically everything close to our homes. Eatables, electronics, toys, clothes, you name it and we find it being sold on these road side stalls.



Unfortunately with growing cities, increasing urban populations, and reducing employment opportunities the number of people taking to street vending have also increased. Many of them are migrants from agricultural backgrounds and people who have been displaced by many of the mega development and infrastructure projects. Several of the vendors live under very meagre conditions, barely able to make ends meet. They survive on a hand to mouth existence and not working for a single day often leads to no food for them and their family for that entire day. Poor living conditions, poor health, increased expenses on health care often leaves them in debt for long periods of their life. The role played by these vendors in the economy as also in the society needs to be given due credit but more often than not they are considered as unlawful entities and are subjected to continuous harassment by Police and civic authorities.

With increase in the economy and the city of Bengaluru is witnessing an enormous spatial change along with changes in local culture and society. Investments on public infrastructure are changing the face of the old tree lined city to a concrete high sky lined city dressed in glass and granite. Streets are being widened at the cost of lives and livelihoods, new roads, expressways, signal free roads, flyovers, underpasses, grade separators and the metro rail are the new feathers in Bangalore's cap! With such a plethora of projects to cater to the new emerging middle class and the elite, the urban poor are completely forgotten. These mega plans take away the basic rights of the



urban poor thereby making it extremely difficult to earn even a single meal a day.

The biggest problem faced by street vendors is the police and corporation authorities, who continuously force them to pay bribes. Inability of vendors to pay monetary bribes results in taking away half their wares. Contrarily, however, the services provided by street vendors have been acknowledged by the Supreme Court and National Street Vendor Policy as noble. Considering that major population of India is below the poverty line, who cannot go to huge malls to buy even basic necessities, it is through buying goods from street vendors that they make ends meet at home.

The National Street Vendor Policy provides guidelines on setting up of state wise policy for street vendors.



- While the policy mentions that street vendors need to have a licence to utilise public places as a means to sell their goods, there is no cap on the number of licences that can be issued by the authorities.
- Schemes like pension, health care etc. should be provided to street vendors
- Each ward should have committee, which in turn would be responsible to form a location centric policy, keeping the National Street Vendor Policy as a guiding tool.

With the existence of such legal framework, it is really distressing that street vendors have not yet been accepted as an integral part of the society. This initiative is a small effort to help understand the quality of life, the socio-economic background of the street vendors, the growing challenges they face in a transforming city and how they overcome the different pressures in their day to day life in the city of Bengaluru.



Area of Survey

The survey was conducted across different streets of Bengaluru city in different neighbourhoods. The areas were chosen based on their historical significance and proximity of the student volunteers from CMR College, Bangalore who undertook this initiative as part of their community work, a mandated requirement to complete the Master of Business Administration course. The area selected for the survey were Lalbagh in the southern region, Avenue road, M.G.Road, Brigade road representing the two central regions, Malleshwaram in the north, Tannery road, commercial street in the north east, Ulsoor, CMH road in the eastern regions of the city respectively.

Lalbagh was the private garden of Hyder Ali, one of the rulers of Old Mysore, in the 18th century, which was further developed by his son, Tipu Sultan. Once British took over the Moghal Empire, they added exotic species to the garden, which still thrive in this now botanical garden. Today, Lalbagh comes under the Directorate of Horticulture, Government of Karnataka. However, with the onset of “Namma Metro” project, 1189 sq. metres of Lalbagh along its western wall has been lost to build a station.



Avenue road is one of the oldest, busiest, and most crowded place in Bangalore city. History tells us that Kempegowda let four bullock carts go in four different directions from Avenue road, and where they stopped at sunset; he marked the boundaries of the city. He constructed four watch towers to mark these locations.

Always bustling in activity, a wide range of items are sold on the cross roads of Avenue road. As rightly said by one of the shop keepers himself, except for parts of an aircraft, you will find everything under the sun on these roads. Being centrally located and a very old locality of

Bangalore, the road has narrow streets and was thus proposed for road widening by Bruhath Bengaluru Mahanagar Palike(BBMP).

What we now know as Mahatma Gandhi Road or more popularly **M G Road**, was called "South Parade" in the pre-independence times by the British. It is located in the centre of the city and runs from Trinity circle to Anil Kumble circle, and is home to a large number of buildings, banks, shops, retail stores, food outlets, pubs, and coffee shops. The construction of "*Namma Metro*" has blocked many access points to the road and also narrowed the complete stretch. Today, M G Road does not have the effervescence it had before due to this ongoing Metro construction.

Brigade Road is perpendicular to M G Road and is as busy a shopping area, if not busier than M G road. Being crowded with retail outlets of international brands, restaurants and pubs it is flocked by not just local people but also by visitors from other cities and countries likewise. The close proximity of Brigade road to M.G. has resulted in it being equally affected by "*Namma Metro*" as M G Road.

Placed between Shivaji Nagar and Kamaraj Road, **Commercial street** is another busy area of Bangalore city. Garments form a major fraction of what is sold in the shops. You get different varieties of clothes on the street, from stitched ones to just materials, from branded to the local varieties, and from modern to traditional wear. The street is also flooded with tailors who will stitch these clothes for you. In addition, there are shops that sell shoes, jewellery, and other general goods.

Located in Bangalore North, **Malleshwaram** is a very old residential area of Bangalore city. It derives its name from Kaadu Malleshwara temple, located in Vaiyyalikaval. Malleshwaram 8th Cross is the shopping hub and one can buy everything there – be it clothes, utensils, vegetables, fruits, or chaats.

Located on the northern tip of Bangalore city, **Tannery road** has many hardware and meat shops. In December 2009, BBMP planned to raze down 690 structures along a length of 5km to widen the stretch of road from 24 feet to 80 feet. While a few shops got



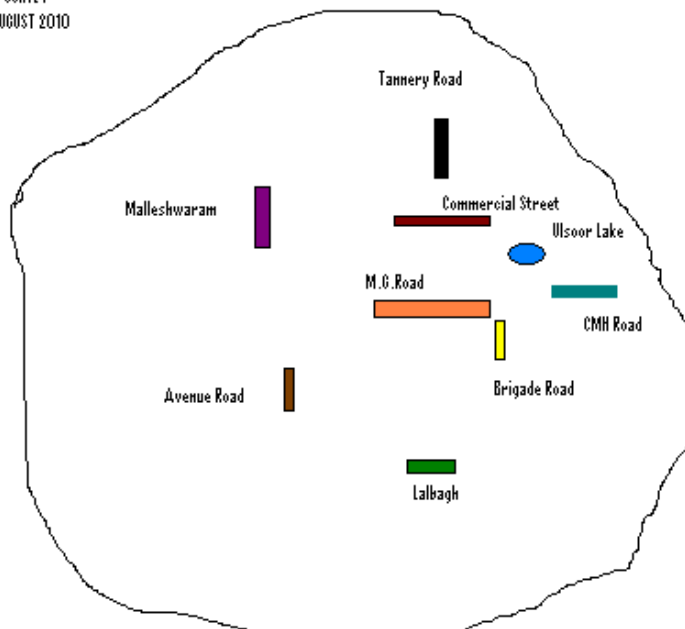
demolished, shop owners in the locality protested strongly leading to a stop of this rampage.

Chinmaya Mission Hospital Road or **CMH Road** is the commercial area of Indiranagar, a suburb located east of MG Road. The road accommodates everything from huge supermarkets to restaurants to showrooms. Today, the road no longer has the vibrancy it once had because of incessant noise, dust and pollution that construction of metro is causing.

Constructed by Kempegowda II, **Ulsoor lake** is situated north-east of M G Road and has a diameter of approximately 6km. It is a major tourist attraction for its boating. Dotted with islands, many tourists boat to one of these islands and relax amidst greenery.

A sketch showing the different streets where the survey was conducted in Bengaluru is shown below.

STREET VENDOR SURVEY
BANGALORE AUGUST 2010



Methodology

The student volunteers were given an Orientation to the city and an overview of the city was presented to them. The group was briefed on the city's urban infrastructure, its development and the forces behind such development. They were also briefed on many of the environmental and social justice issues of the city, the many public interest litigations that have been fought in saving the city's greenery and urban commons. The students were familiarised with the ongoing projects of Road widening and Namma Metro. They were also briefed about the many legal provisions that govern such projects and the manner in which it is being implemented in Bengaluru. The students discussed and debated the pros and cons of such development. The students were sensitised to the issue of the impacts of such projects on the urban poor.

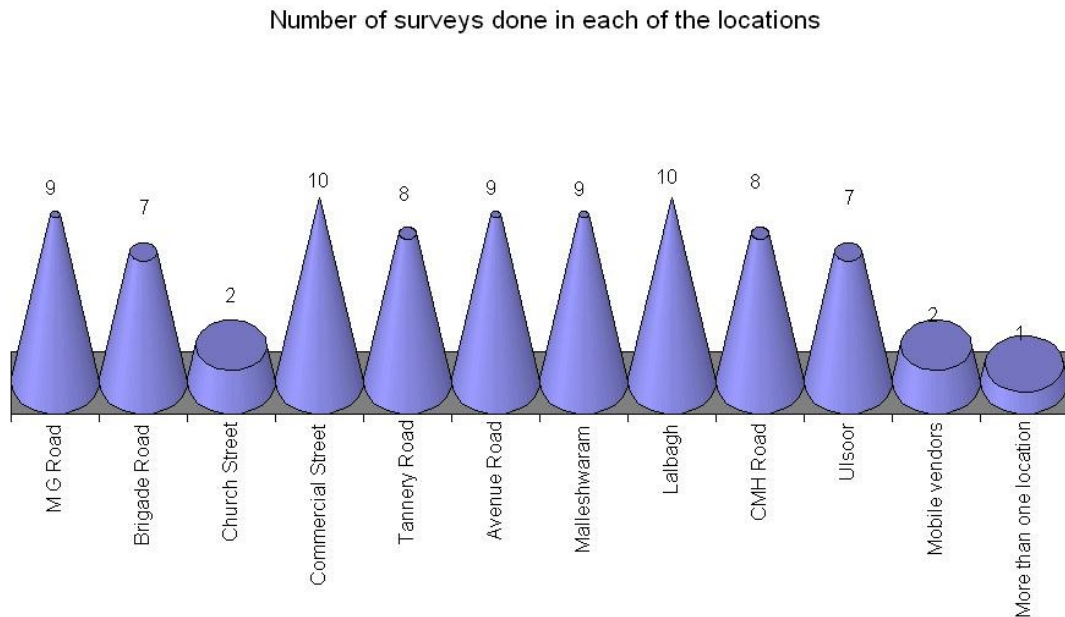


While discussing, students spoke of how many people made a living by selling something or the other either on the streets, parks or market. Students were then asked to discuss in groups about street vendors and how such infrastructure projects would impact them.

With this background, they were asked to prepare a questionnaire that would help highlight the different aspects of the lives of the street vendors and the problems they face in their day to day lives. The questionnaire was fairly comprehensive and would give the background of the vendor with family structure, their work, housing, health, the problems they face and their expectations

from the Government. The questionnaire also touched upon other aspects like effects of road widening and metro on their business, effect of diminishing green cover within the city on these vendors, and problems face by continuous abuse of police and the corporation.

In each location, the student volunteers spoke to 7-10 vendors. A few vendors they came across were mobile vendors, while one vendor they met has over the years progressed to having five pani puri stalls. The number of surveys collected from each of the areas is shown in the graph below.



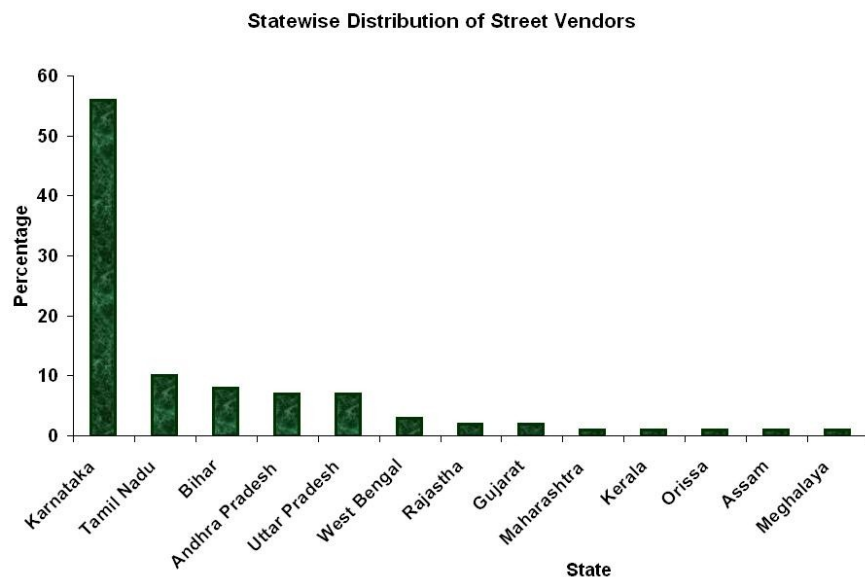
The locations chosen were core market areas of the city, which is the reason for there being such few mobile vendors in the survey. Mobile vendors are usually found in residential areas, where they go house to house selling their goods. To study this class of vendors, the survey should include residential locations and not the popular market areas of the city.

M.G. Road and Church Street are parallel to each other. Brigade Road connects the two streets. These three streets are located in the centre of the city. Both M.G.Road and Brigade Road are the shopping hubs of the city, and while Church Street too is frequented by many, it does not have the liveliness of the other two roads. This made it important for us to collect more information from M.G. and Brigade Road and less from Church Street.

Results and Analysis

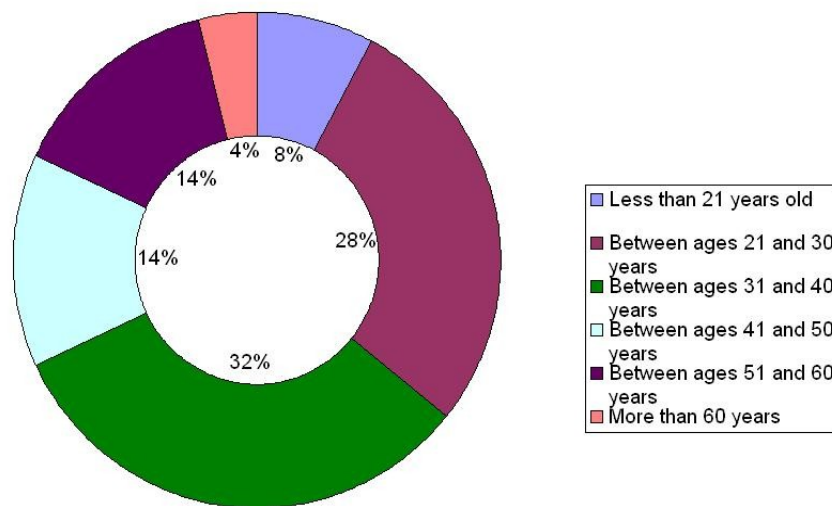
From the surveys carried out in the many street vending regions of Bengaluru, a few important parameters have been tabulated and analysed. It was interesting to note that street vendors in the city represent a diversity with respect to the different regions of India they come from. Their age is also representative of the work force of the country. It is fascinating that the vendors are highly skilled at learning the local language quickly although they come from many different states. The street vendors' mode of travel and their working hours demonstrate the difficult life they lead to make ends meet, thereby providing hardly any time for rest and relaxation, which in turn takes a toll on their health. The study revealed that increase in traffic and pollution in the city is affecting them in more than one way. For instance, the pollution has an impact on their health, traffic affects their mobility, while they have to repeatedly clean their workplace cause of excess dust. The study also confirmed that Projects such as the road widening have become a threat to the street vendors as they do not encompass proper relocation and compensation measures. The most shocking finding was the amount of money street vendors pay regularly to the police as a bribe and the constant harassment they face from the different authorities.

State of Origin of street vendors: The street vendors come from different backgrounds and different states across the country looking for better prospects and an increase in standard of living. While most (approximately 60%) were from different regions in Karnataka, the remaining were from across India as can be seen in the graph below



The study looked at the socio-economic background of the vendors, further highlighting the problems they face in their day to day life. There are many different reasons that have made people leave their homeland and come to the city to try their luck in making a fortune. While most of the street vendors have come to Bengaluru looking for better prospects and standard of living, a few have come because they were left with little choice due to less employment opportunities. This was especially prominent in physically challenged, who were not given jobs in their villages cause of handicap. Others lost their land in villages to big dam projects or to highway development projects. A few took debts with enormous interest rates and lost their land cause of inability to pay their debts. While a few have been able to create some savings, most are barely able to make their ends meet.

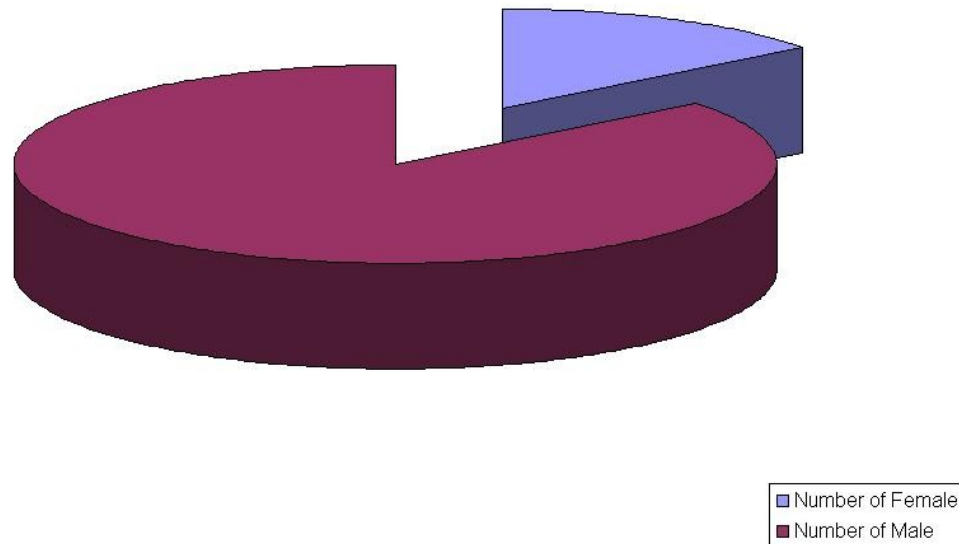
Age of vendors across Bangalore city



Age of street vendors: Streets of Bangalore saw vendors as young as 16 years to senior vendors as old as 75 years old. A few vendors did not reveal their age, some were unaware of their age and others out of discomfort to share the information. However this was a meagre five percent of the survey conducted. The pie diagram above shows characterisation of the remaining ninety-five percent who shared the information with us. Sixty percent of the vendors were in the age bracket of 21 – 40 years, of which thirty-two percent were between ages 31- 40 years, and twenty-eight percent between ages 21-30 years of age. In addition, there were fourteen percent vendors between the ages 41 – 50 and 51 – 60 years. Surprisingly, eight of the vendors were below the age of 21, with one of

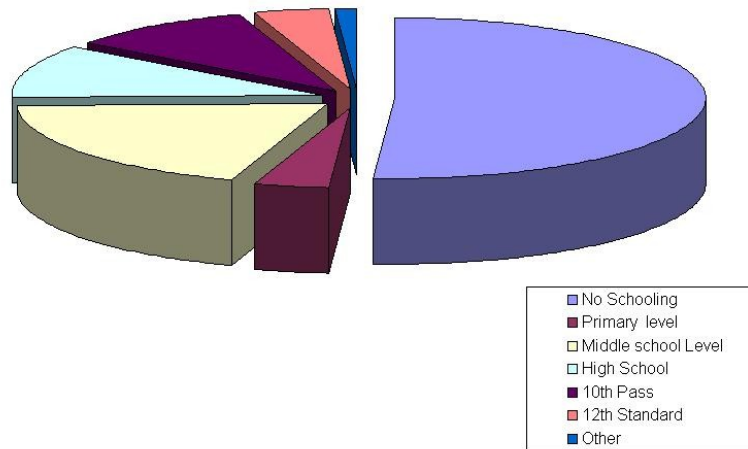
them, Rahul, being merely 16 years old. He left his home in Orissa due to family problems and came to Bangalore city. Today, he sells pani puri near Rajajinagar.

Gender classification

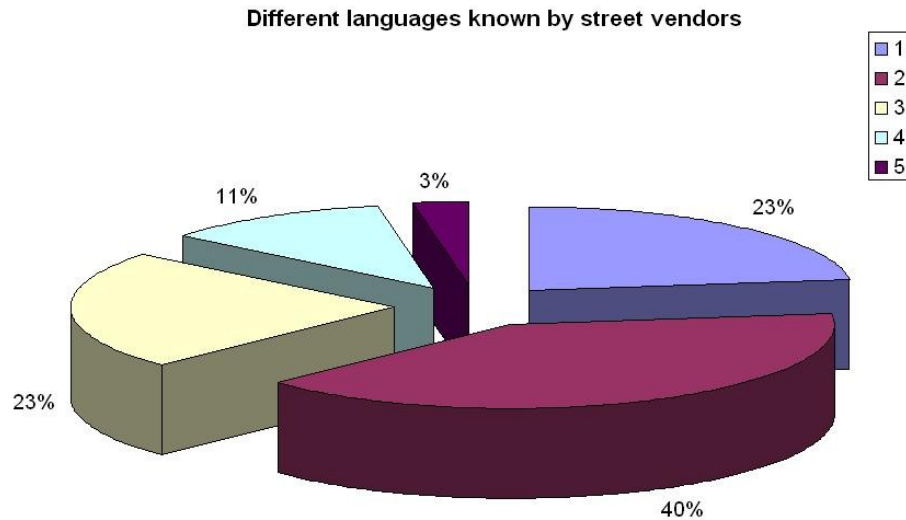


Gender Classification: Most street vendors (86%) on the streets of Bangalore are males, and only a few are females (14%). If we observe the kind of goods sold by them, most female vendors either sell vegetables and fruits or flowers. Males sell a huge variety of products, from bags to sandals to newspapers to clothes, and the list goes on. The extent of abuse faced by vendors probably discourages most women from venturing into it. This was also confirmed by some women surveyed, who said they not only face abuse from the policemen but also from drunkards on the street.

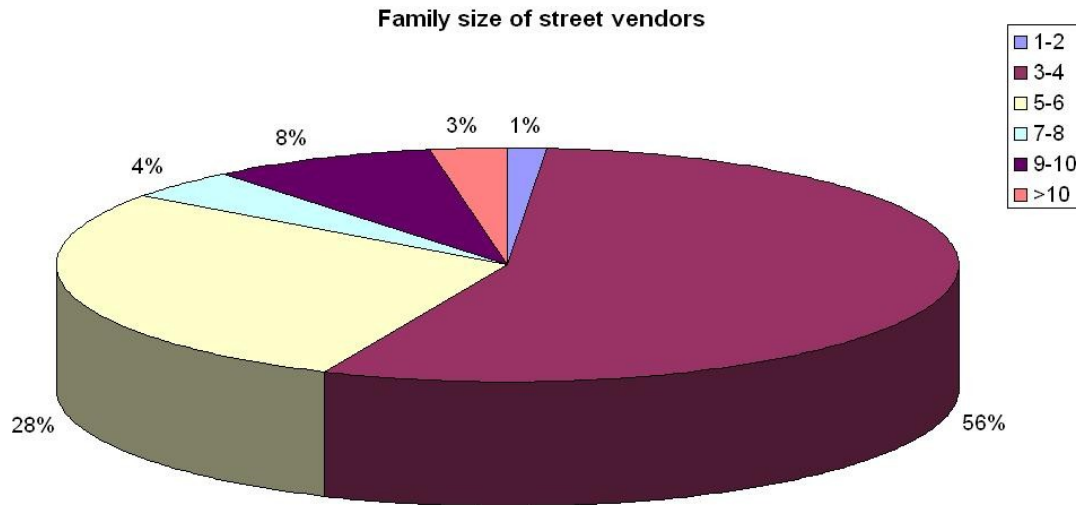
Education level of street vendors



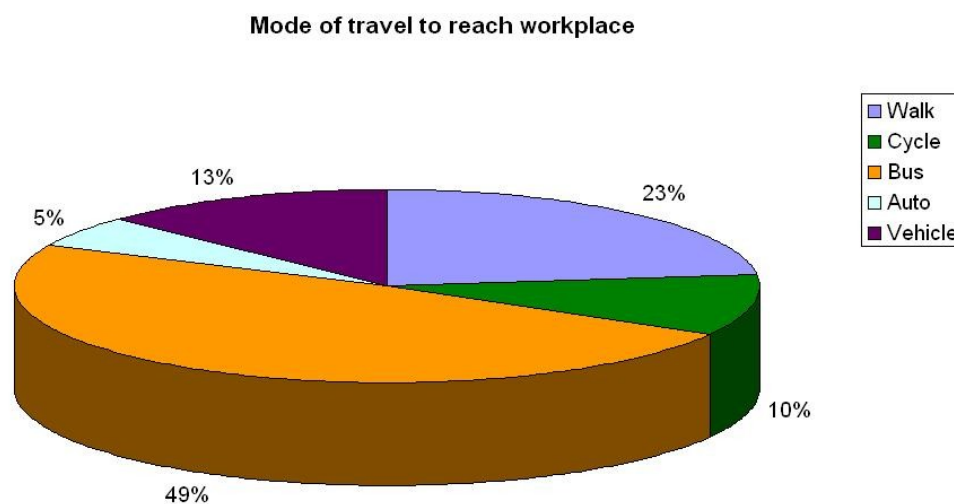
Education level of street vendors: More than half (51%) of the vendors have never been to school. However their not going to school has not hindered their education process. By merely interacting with customers, these vendors over a short period of time learn to speak different languages fluently. Almost twenty percent of the vendors have studied till middle school. Most of these vendors did not give up studying voluntarily, it is the responsibility to feeding a family that has made them give up studying and take up vending. They are also extremely aware of the latest trends and fashions. As told by one of the customers surveyed, he advised the younger generation to shop with vendors, because his experience tells him that before the latest trends hit the malls and stores they are found with these vendors.



Languages known by street vendors: More than half of the survey collected did not have information on the number of languages spoken by a vendor. But a lot of them, especially those from other states, have learnt the local language mostly by interacting with customers. Forty percent of the vendors know atleast two languages; their mother tongue and the local language kannada. Twenty three percent vendors are fluent in three and four languages respectively. What is amazing is that most vendors have either never been to school or have left school halfway, and can still fluently converse in more than one language. Babu, a thirty three year old man, selling statues on M. G. Road, has learnt to converse in Kannada, English, French, Italian and Japanese, by interacting with customers.

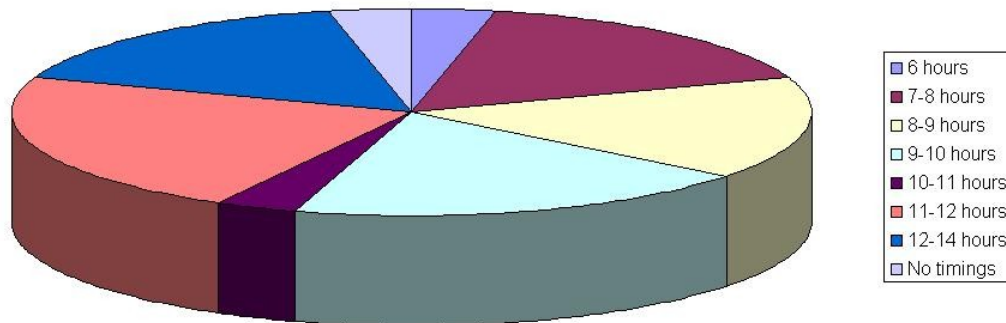


Family Size of street vendors: Data on family size was obtained for approximately ninety percent of the total number of surveys done. When we think of street vendors and their families the common perception one has of street vendors is a huge family. However the study indicates more than fifty percent (56%) households of street vendors have a family size between three and four. Twenty eight percent vendors have a family size five to six. There are a few vendors with huge families of nine to ten members, but the percentage is relatively small at eight percent of the total surveys done.

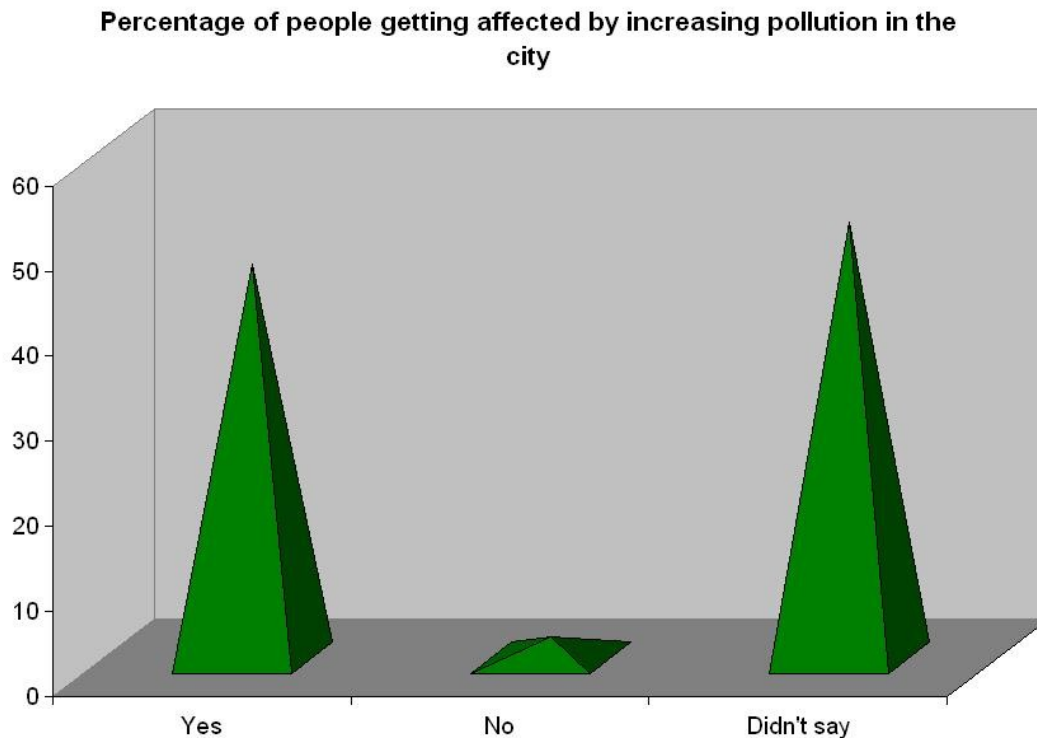


Mode of travel to work: Data for a little less than fifty percent is available on the mode of travel of these vendors to their workplace and back. Of the data available, almost half (49%) commute by bus to not just reach their workplace, but also to buy and store the goods. Twenty three percent walk while ten percent cycle to go from one place to another. A few (13%) use their own vehicle, usually a second hand two wheeler they would have purchased, while an even lesser number (5%) travel by auto, mostly because these items are too bulky to take by bus, and too heavy to carry on walk. Many of them voiced how increasing cost of bus fares is adversely affecting them.

Working hours of street vendors

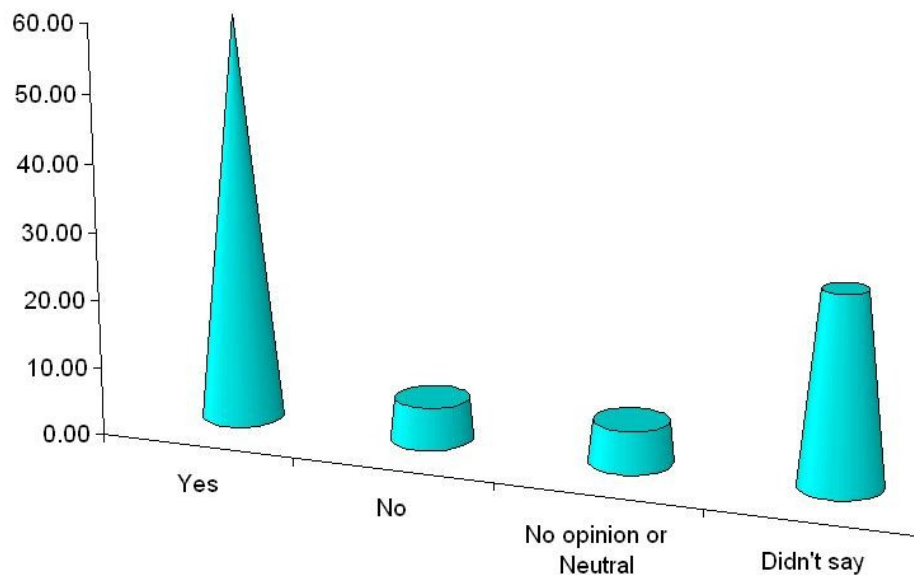


Working Hours: Street vendors work longer hours than the 8 hour work schedule of a normal individual. Three fourths (72%) percent of the vendors spend more than eight hours working on the street. Of these twenty four percent of the street vendors work 11-12 hours in a day, while nineteen percent of them work for 9 – 10 hours. Sixteen percent of the vendors said they work between 8 to 9 hours and 12 – 14 hours in a day. This time does not include the time they spend to travel, buy the goods and reach their workplace. Also, most vendors have to clean their own places, as the footpaths are usually filled with dust and also garbage adding to the work hours.

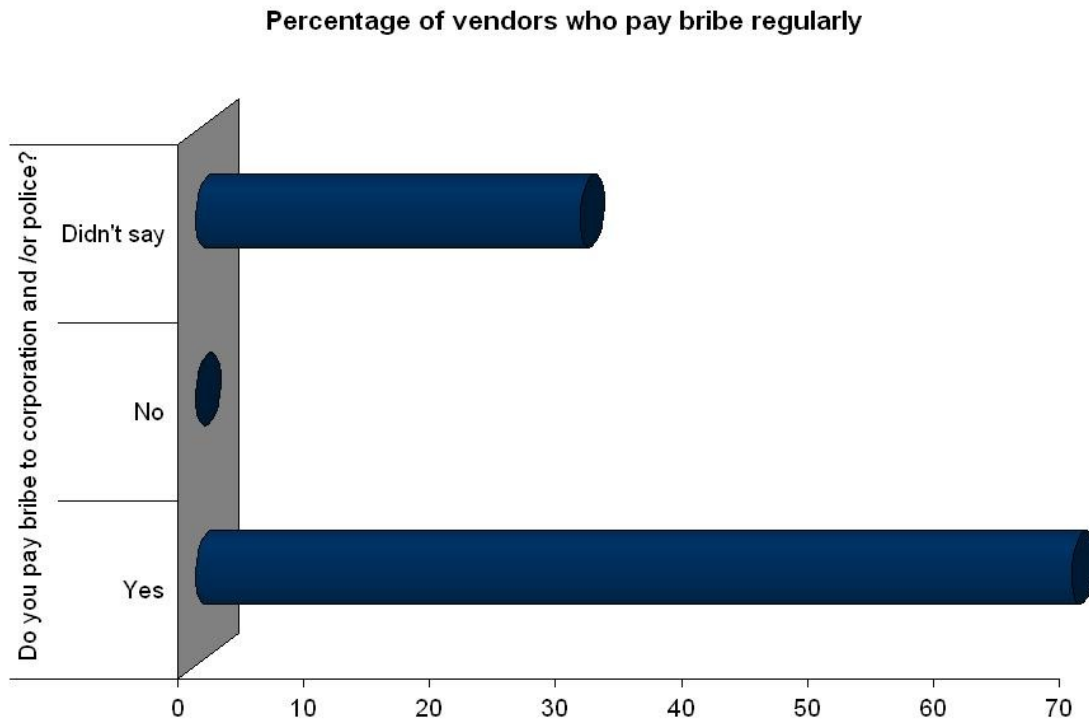


Street vendors comments on increasing pollution in the city: Many street vendors complained about how they suffer because of increased pollution in the city. Many who have been in business for long, also added of how clean and green the city was and how today the Government has destroyed the greenery of Bangalore. Only two people of the forty who answered the question of whether they are getting affected by pollution answered in negative. These were vendors who did not sell goods at busy streets and intersections where pollution is at its peak. Rest of the vendors spoke at great length on how the diminishing green cover and pollution is adversely affecting them.

Percentage of vendors who will get affected by road widening and/or metro



Street vendors affected by Road Widening project: Street vendors are the people most affected by road widening and metro. While a shop or house owner can claim for compensation for loss of land, a street vendor is left with no option but to look for a new place. Moreover, everywhere across the city with reducing footpath and increasing speeding vehicles, they are losing out on the few remaining spaces on the streets. Metro construction on the other hand has increased traffic woes of Bangalore, also blocking major roads to allow for smooth construction of civil works. Sixty percent people are worried about their whereabouts if they were evicted by any of these construction giants. Their worries are many; loss of regular customers, finding a new place, problems they would face by policemen in those regions, and many more. A few are indifferent to this whole road widening process, but when prodded further went on to say that “Government will not listen to us, we cannot be in the wrong side of Government”. A few others, especially mobile vendors said they would not get affected by these works. However these mobile vendors had a different concern – the losing green cover of the city. The city, in the name of development, has lost and is continuously losing huge canopies of trees grown over tens and hundreds of years making the sun becomes unbearably hot by noon. This, in turn, makes it extremely difficult for them to go from one place to another.



Street vendors paying bribe regularly: Of all the street vendors surveyed not even one vendor said he did not pay bribe. However, thirty percent vendors refused to comment on whether they paid bribe or no. The remaining seventy percent were outright in saying that they paid bribe regularly to police officials. Some even went on to say that they have been continuously troubled by authorities to pay bribe, and out of fear they just relent. Failure to pay bribes usually results in the officer taking portion of their wares and never giving it back.



Customer response

Knowing better the life of these street vendors and their problems they face encouraged us to do a survey of the consumers of Bangalore. Especially with the advent of malls across the city, there has been a shift in people's choices with respect to where they go to shop.

For better analysis and comparison, the locations for consumer survey were kept the same as location for street vendor survey. Fiver surveys were done from each of the locations.

It was pleasantly surprising that many of the people still loved to shop in the streets more so because they loved the interaction one could have than in malls, where one just went, picked up stuff, paid at the counter and left. Many couldn't imagine the streets of Bangalore without these vendors, and consider them a part of our culture.

Most of them were also not in favour of thoughtless road widening projects that the Government is undertaking. They are of the opinion that road widening should be done only where it is essential and not everywhere. Rampant road widening, many said, has resulted in loss of greenery across the city, and has done little to solve the traffic problems of the city. Also, in case of road widening, streets vendors need to be properly compensated and given separate spaces to earn their livelihood.

While some buy regularly from the street vendors, there are others who spend as much time in malls as on the streets. While buying durable items, the usually go to malls, but for everything else they preferred the vendors. Even the middle income group consumers admit that it would be difficult to manage monthly expenses had vendors not been a part of our society.

There are still others who prefer going to malls as compared to other places more as a status quo to buy branded clothes, perfumes etc. that form latest trends. A few however prefer to go to malls, because of their lifestyle. With both husband and wife working throughout the day, sometimes till late in the night, it is more convenient to walk into a mall and buy for their daily needs. Also, a lot of the big companies now give coupons to their employees. These coupons are accepted in place of cash for food stuffs by the malls, another reason why a lot of young professionals prefer to go to malls instead of buy vegetables and fruits from vendors on the streets.



What some of the vendors had to say.....

1. *Sailesh is 22 year old man who sells pan masala, cigarette, gutka, etc. in one of the lanes of Commercial Street. On road widening he says "If government continues road widening at the same pace, one day there will be only roads and no people in Bangalore"*



2. *The warm welcoming smile of Sarojamma would make all go and buy flowers from her. She has been selling flowers on CMH Road since she got married and came to the city. As a young girl she was brought up in Narasapuram. She is now 58 years old living with her husband, son and two grand daughters. She spoke of her troubles with drunkards and law enforcers while on the road. Very often they took her daily earnings for themselves. With a very heavy heart she said, "What would they achieve by taking the fifty or hundred rupees from a poor woman like me who has to toil a whole day to earn that money?"*



3. *Walking around M. G. Road, one is sure to notice beautiful statues placed for sale on the streets of this major shopping hub of Bangalore city. Meet Mr. Babu, a 33 year old man selling old statues on M.G. Road. He has never been to school but can still speak Kannada, English, Japanese, French and Italian. He says he learnt all languages by meeting and interacting with customers of these different places. While some days he makes good business, there are other days when he does not make so much money. On one such bad day, he could not pay his regular bribe to corporation people. But this did not stop the corporation people who to ensure they get their daily bribe took a few statues he had put for sale. Not one to give up on his statues, he went to the police station for two whole days but to no effect. After two days of struggle, he finally decided to give up, because he also had the responsibility of feeding his family. The statues if sold would have brought him an income of Rs. 6000/-*



4. Chandra rao had to discontinue his studies after completing 7th standard due to the inability of his family to educate him further. He then decided to start a pani puri stall in Hyderabad. Prevalence of corruption in hyderabad made him leave the city and come to Bangalore. However, he found the same problem existing in the now IT

capital of India. Finally, seeing no other way, he too started paying bribes. Twenty five years later, he now has five pani puri shops across Bangalore.

5. Muniyappa, a 26 year old man, a dam evictee from Andhra Pradesh came to Bangalore after losing his land. He now sells paan on M G Road but constantly fears he will be evicted again due to the progressing Metro project.
6. Twenty eight year old Nadeem is a mobile vendor going from place to place to sell handkerchiefs. While he lives in Malleshwaram, located in north Bangalore, we met him on Brigade road, located centre of Bangalore city. Being a mobile vendor he stressed on need for trees on the roads of Bangalore. He added how with increasing loss of greenery it's become even more difficult for him to cycle from place to place. He says "there's no point asking the government for anything for that they will never listen to us."



7. Thulasi, aged about 40 years sells flowers in Ulsoor. Failing to repay her debt she lost her land to the landlord in Tamilnadu she came to Bangalore. Her flowers become dirty and dry within a few hours because of traffic and dust.
8. Kaveriamma a Flower Vendor on commercial street originally from Tamilnadu says "there are days where no sales occur, but I have to do this because this is the only skill I know to support my family".

9. 75 year old Isaq, lives and works on the foot path of Church Street. He bought a weighing machine costing Rs. 800, and now earns his livelihood by charging a rupee by every person who checks their weight on the machine. He has no home and eats, sleeps, and works of the foot path. On a single day he earns approximately 50 rupees, most of which goes to buy his meals in using the public facilities. Every time he sees a policeman, he is forced to run elsewhere for fear of being caught and locked up, and comes back once the policeman has left.



10. Basavaraj, aged 50, sells tender coconut on Avenue road and he complains "Bangalore has changed over the last 30 years. In earlier days people drank tender coconut but today people have become addicted to Pepsi and coco cola."

11. Ballawant a 56 years old man selling T shirts on Brigade road expects help from the government but also feels "the government does not even acknowledge our presence".

12. Mrs. Lakshmi aged about 45 came from vishkapatnam to Bangalore and sells toys on Avenue road to make a living. Fearing eviction due to proposed road widening she says "we will demand a suitable alternative place for our livelihood"



13. Syed Amin aged about 70 years sells fruits on Commercial Street. He has had heart operation but met all the expenses himself. He says "Asking government for help is very cumbersome process and I would have died if I waited for government help".



14. Abdul aged about 32 years is a fruit seller near Lalbagh. He constantly faces harassment from the authorities and says "If the government wants to develop the city, it should do so without affecting the people and the greenery"

15. Mr. Vishnu aged about 47 sells Chaat in Lalbagh area. He says "we are constantly evicted from one road or another on the pretext of road widening without any compensation or alternate place to vend"

16. Mr. Raju, aged about 53 years sells stuffed dolls on the footpath near Lalbagh. He feels "The government's road widening project is eating away the footpaths and taking away our livelihood space" He adds "The government should think about people like us and provide us with an alternative"

17. Murali, a vegetable vendor who has been selling vegetables for three years says "The police are a big headache for me" and adds "there are no trees too, to provide us any shade"

18. Muniyappa, a 26 year old man, a dam evictee from Andhra Pradesh came to Bangalore after losing his land. He now sells paan on M G Road but constantly fears he will be evicted again due to the progressing Metro project.



19. Narasamma a flower seller says "I have to constantly tolerate the harassment from drunkards and the police who snatch away my earnings"

20. Anandappa, has been selling fruit salad from the last 30 years in the same street near Ulsoor Lake. "Initially I used to give high amount of bribe to the policemen but now I bribe them a nominal amount and offer free evening snacks".

21. Mr .Manoher. aged about 35 sells on Brigade road. He says “People like us have no expectations of tomorrow for we just live for today”

22. Mr. Sunil is 23 years old and from Mysore, sells socks and other fancy footwear on Brigade road feels “there’s no point asking anything from the government for it is a waste of time as we know nothing will happen”.

What a few consumers had to say.....

- *Ramya cannot imagine the roads without street vendors. She said that the feel of India comes with its simplicity and if we try to copy everything from other countries then nothing will be unique about us.*
- *Vijay gave a word of advice to the young generation saying they should go visit the roadside vendors as they have lot of trendy goods which is not available with new malls which have come from across the places.*
- *Waqar believes that all people can’t afford to buy branded things so street vendors need to be there.*
- *Ravi and Shweta find malls very convenient as they get all the things under one roof. Also, they receive coupons from their company, which cannot be used to buy stuff from street vendors.*
- *Komal, a college student said road widening must be done only if it is needed and not at the cost of troubling the people or even damaging the ecology. She added that if these street vendors are all gone she would feel really sad and the fun of bargaining and enjoying shopping with the friends would no longer be there.*



Conclusion

The survey tried to look at the various aspects of street vending, the problems of street vendors, and the shift of consumers to purchasing at malls as against roadside vendors. Many vendors have expressed their concerns on less number of people visiting them in recent times. Their troubles don't end there, with government undertaking many urban infrastructure developments without consultation or compensation to these vendors, they live in the fear of being evicted from their places which would result in them looking out for new places. Moreover there is a great amount of apprehension in beginning again from scratch, because that would mean they have to begin right from setting up the shop to dealing with a completely new set of police and corporation officials and also building a regular customer base for themselves.

Most consumers also agreed that as far as possible road widening should not be undertaken without consultations with local people and harming the environment. In case there is no other option then the vendors should be given proper compensation and other places to sell their goods.

The concerns of street vendors need to definitely be considered when any such mega project is being planned in a city. These vendors have been part of the history and culture of the city and need to be given as much say as any other resident of the city.

There are various laws and policies governing street vendors. The National Street Vendor Policy and many Supreme Court Judgments have acknowledged that street vending is a noble profession, providing valuable services to the people of India. As per the National Street Vendor Policy, a committee has to be formed, and each state, based on recommendations by the committee members has to come up with its own policy to regulate street vendors. With the exception of West Bengal, no other state in India has come up with a policy. This should be the first step the Government of Karnataka needs to take. The policy should be formulated in such a way that it considers all the concerns of street vendors across the city. The study could act as an initial guideline to the problems these vendors face in their everyday life.

ANNEXURES

Annexure 1: Legal provisions governing the livelihood of street vendors

Street vending in urban India is becoming increasingly difficult with cities growing beyond boundaries and lack of a comprehensive planning in place. Cities are increasingly sanitizing their roads to suit the western understanding of a city thereby continuously altering the space occupied by the street vendors and making life difficult for the urban poor. However, just as in many countries of the world India too has many legal provisions that govern the functioning of street vendors in its cities. Some of these provisions are fundamental rights and few others granted by the respective states. Given below is a list of some of the legal provisions that govern the livelihood of street vendors in the city of Bengaluru.

Provisions under the National Street Vendor Policy:

Section 3.1.3 of the policy highlights that “Street Vendors provide valuable services to the urban population while trying to earn a livelihood and it is the duty of the State to protect the right of this segment of population to earn their livelihood. This Policy aims to ensure that this important section of the urban population finds recognition for its contribution to society, and is conceived of as a major initiative for urban poverty alleviation.”

The specific objectives of the Policy are as following:

- a) Legal: To give Street Vendors legal status by formulating appropriate laws and providing legitimate hawking zones in urban development/ zoning plans and ensuring their implementation;
- b) Facilities: To provide facilities for appropriate use of identified space including the creation of hawking zones in the urban development/ zoning plans, mentioned above;
- c) Regulation: To eschew imposing numerical limits on access to public spaces by discretionary licenses and instead moving to nominal fee-based regulation of access, where previous occupancy of the space by the Street Vendor for vending purposes, determines the allocation of space.

The Municipal Authorities should regulate allocation of space based on previous occupancy. If demand for space is in excess of supply, a transparent system of selection such as lottery should be followed. All allotments should be based on payment of a prescribed fee fixed by the Municipal Authorities based on the recommendation of the TVCs.

- d) Role in distribution: To make Street Vendors a special component of the urban development /zoning plans by treating them as an integral and legitimate part of the urban distribution system;
- e) Self Regulation: To promote self-regulation in matters relating to hygiene, including disposal of waste amongst Street Vendors both in the individually allotted areas as well as in areas occupied by the Street Vendors as a whole.
- f) Organization: To promote, if necessary, organizations of Street Vendors e.g. Unions / Co-operatives/ Associations and other forms of organization to facilitate their empowerment;
- g) Participation: To set up participatory mechanisms with representation by urban Vendors' organizations, (Unions / Co-operatives/ Associations), Voluntary organizations, Municipal Authorities, the police, Residents Welfare Association (RWAs) and others for orderly conduct of urban vending activities;
- h) Rehabilitation of Child Vendors: to prevent vending by children and seek their rehabilitation where ever such practice exists, in conformity with the Child Labour (Prohibition & Regulation) Act,1986;
- i) Social Security: To provide protective Social Security to take care of contingencies such as sickness, maternity and old age;
- j) Promotional Measures: to promote access to such services as credit, housing and upgradation of skills. For such promotion, the services of Self Help Groups (SHGs)/ co-operatives/ Federations/ Micro Finance Institutions (MFIs) etc should be encouraged.

The constitutional provisions:

Preamble

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

Right to Equality:

14. Equality before law: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Right to Freedom:

19. Protection of certain rights regarding freedom of speech, etc.:

(1) All citizens shall have the right—

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India; 1[and]

2* * * * *

(g) to practise any profession, or to carry on any occupation, trade or business.

3[(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of 4[the sovereignty and integrity of India,] the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.]

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of 4[the sovereignty and integrity of India or] public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of 4[the sovereignty and integrity of India or] public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in 5[sub-clauses (d) and (e)] of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing

in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—

- (i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or
- (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

Provisions under the Directive Principles of State Policy:

38. State to secure a social order for the promotion of welfare of the people:

- (1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.
- (2) The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

39. Certain principles of policy to be followed by the State: The State shall, in particular, direct its policy towards securing—

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- (d) that there is equal pay for equal work for both men and women;
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

39A. Equal justice and free legal aid: The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

41. Right to work, to education and to public assistance in certain cases: The State shall, within the limits of its economic capacity and development, make

effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

42. Provision for just and humane conditions of work and maternity relief:

The State shall make provision for securing just and humane conditions of work and for maternity relief.

43. Living wage, etc., for workers: The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.

The 73rd and 74th amendments of the constitution in 1992 introducing Arts 243 to 243zg are major steps in this direction of implementing this directive principle.

Provisions under the Municipal Laws:

- **The Karnataka Municipal Councils Act 1964:**

The Municipal Council is obligated to make adequate provision for constructing, altering and maintaining public streets and markets including separate and suitable place for vending vegetables.

Under section 216 of the said Act, whoever sets up any encroachment or obstruction in a public street shall be punished with fine, which may extend to Rs. 25.

The Municipal Council has the power to remove any such obstruction or encroachment as also encroachments in any open space belonging to the government

- **The Karnataka Municipal Corporation Act 1976:**

288A Prohibition of structures or fixtures which cause obstruction in public streets: No person shall except with the written permission of the Commissioner under section 288 erect or set up any wall, fence, rail, post, step, booth or other structures or fixtures in or upon any public street or upon or over any open channel, well or tank in any street so as to form an obstruction, or an encroachment upon or a projection over, or to occupy any portion of such street, channel, well, drain or tank.

288B Prohibition of deposit etc. of things in public street: No person shall except with the written permission of the Commissioner place or deposit upon any public street or upon any open channel, drain or well in

any street or in any public space, any stall, chair, bench, box, ladder, bale or other things so as to form an obstruction thereto or encroachment thereto.

288C License for sale in public places: Except under and in conformity with the terms and provisions of a license granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever whether it be for human consumption or not.

288D Commissioner may without notice remove encroachment: Notwithstanding anything contained in this Act, the Commissioner may without notice, cause to be removed, -

- a) any wall, fence, rail, stepm booth or structure or fixture which is erected or set up in contravention of the provisions of Section 288A;
- b) any stall, chair, bench, box, ladder, bale, or any other thing whatsoever, placed or deposited in contravention of Section 288B;
- c) any article, whatsoever, hawked or exposed for sale in any public place or in any public street in contravention of Section 288C and any vehicle, package, box, board, shelf or any other thing in or on which such article is placed, or kept for the purpose of sale.

Provisions under the Town Planning Laws:

- **The Town and Country Planning Act 1961:** The Town and Country Planning Act concerns with mostly the different aspects of infrastructure development also including public amenities. However no where in the act do they speak of the street vendors. In 19991 there was an amendment to regularize unauthorized occupation of Government land. Below is the relevant portion of the amendment.
Amending Act 2 of 1991.—The Government has decided to regularise the unauthorised occupation of Government land subject to certain conditions and restrictions and on payment of regularisation charges. Section 94 of the Karnataka Land Revenue Act, 1954 is intended to be amended and Section 94-A is proposed to be introduced to provide for the following:—
 - (1) making unauthorised occupation of Government land punishable;
 - (2) regularisation of unauthorised occupation of Government land prior to 1-1-1989;
 - (3) the maximum extent of unauthorised holding proposed to be regularised to be 2 hectares of 'D' class land or equivalent thereto;

- (4) where such land lies within the limits of a City or a City Municipality, the extent to be regularised shall be such as may be prescribed subject to the maximum extent of 2 hectares;
 - (5) the regularisation charges shall be 500 times the assessment of the land;
 - (6) the Schedule Castes and Schedule Tribes shall pay only 1/20 of the amount; and
 - (7) plantation lands, garden lands and forest lands shall be excluded from regularisation.
- **The Bangalore Development Authority Act 1976:** They do not provide for any specific zone for vendors and hawkers. The zoning is done only with permanent structures in mind and people who cannot afford these are left out of the protection of the law.
 - **The Bangalore Metropolitan Regional Development Authority Act 1985:** The authority is construed to carry out developmental plans within the city and also has the power to acquire, hold and dispose movable and immovable property in the city subject to provisions of the act. Of the 33 people in the authority only 4 represent the labour, women, and the scheduled caste and scheduled tribe sections of the society. All members in the authority are selected by the Government officials.
 - **Provisions under the Bangalore Master plan 2015:** The master plan draws from the National policy for urban Street vendors and focuses on the policy's key objectives providing for hawking and including requirement of street vendors into the plan.

Other Laws

The Karnataka Highways Act, 1964:

21. Prevention of unauthorised occupation of highway: (1) No person shall occupy or encroach on any highway within the highway boundary without obtaining the previous permission in writing of the Highway Authority or an officer authorised in this behalf by the Highway Authority.

(2) The Highway Authority or an officer authorised by the Highway Authority in this behalf may with due regard to the safety and convenience of traffic and subject to such conditions as may be imposed and such rules as may be prescribed by the State Government, and on payment of such rent or other charges as may be prescribed under such rules permit any person,—

- (i) to place a temporary encroachment on any highway in front of any building owned by him or make a temporary structure overhanging the highway, or
- (ii) to put up a temporary awning or tent, pendal or other similar erection or a temporary stall or scaffolding on any highway, or
- (iii) to deposit or cause to be deposited building materials, goods for sale or other article on any highway, or
- (iv) to make a temporary excavation for carrying out any repairs or improvements to the adjoining buildings:

Provided that no such permission shall be deemed to be valid beyond the period of one year unless expressly renewed by the Highway Authority or the authorised officer.

(3) The permission so granted shall clearly specify the date up to which the person is authorised to occupy the highway, the periods for which occupation is authorised and the exact portion of the highway permitted to be occupied, and shall also be accompanied by a plan or a sketch of that portion of the highway, if necessary.

(4) The person in whose favour such a permission has been given shall produce the permit for inspection whenever called upon to do so by the Highway Authority or any officer by a general or special order empowered in that behalf and shall at the end of the period specified in the permit release the land occupied by him after restoring to it the same state as before the occupation by him.

(5) The Highway Authority or the officer issuing the permission shall maintain a complete record of such permission issued, and shall also cause a check-up to be made in every case at the expiry of the period up to which occupation has been authorised to ensure that the land has actually been vacated.

23. Prevention of encroachment: (1) When as a result of check of highway boundaries made or otherwise it transpires that an encroachment has taken place on a highway, the Highway Authority or the officer authorised under sub-section (1) of section 21 shall serve a notice on the person responsible for the encroachment or his representative requiring him to remove such encroachment and restore the land its original condition before the encroachment within the period specified in the notice.

(2) The notice shall specify the land encroached upon and the time-limit within which such encroachment shall be removed and shall also state that failure to comply within the specified period shall render the person liable to prosecution and also to summary eviction.

(3) If the encroachment is not removed within the time limit specified in the notice and no valid cause is shown for non-compliance, the Highway Authority or the authorised officer referred to in sub-section (1) may prosecute such person for his having made or caused the encroachment and for his failure to remove it within the specified time.

(4) Where the encroachment is made for the purpose of exposing articles for sale, opening temporary booths for vending or other like purpose of a trivial nature, the Highway Authority or the authorised officer referred to in sub-section (1) may with the help of the police, if necessary, have such encroachment summarily removed without issuing a notice as required by sub-section (1) or in lieu of removal of encroachment,

may give the person responsible the encroachment option of executing a lease in favour of the Highway Authority on payment of rent for the area encroached.

(5) When the encroachment is of a temporary nature and can easily be removed, but is not such as can be described as trivial within the meaning of sub-section (4), the Highway Authority or the authorised officer referred to in sub-section (1) may in addition to or in lieu of prosecuting the person responsible for the encroachment under sub-section (3) have the encroachment summarily removed with the assistance of the police, if necessary.

(6) Where the encroachment is of such a nature that its immediate removal is considered essential in the interests of safety of traffic on the highway or the safety of any structure forming part of the highway, the Highway Authority or the authorised officer referred to in sub-section (1) may in addition to the prosecution of the person under sub-section (3), either,—

(i) have such protective work as may be feasible at a reasonable cost carried out so as to minimise the danger to traffic on the highway, or

(ii) have the encroachment removed with the help of the police, if necessary.

25. Recovery of cost of removal of encroachment: (1) Whenever the Highway Authority or the officer authorised under sub-section (1) of section 21 has, under provision of section 23, removed any encroachment or carried out any protective works in respect of any encroachment, the expenditure involved shall be recovered from the person responsible for the encroachment in the manner hereinafter provided.

(2) A bill representing expenditure incurred shall be served by the Highway Authority or the authorised officer referred to in sub-section (1) on the person responsible for the encroachment or his representative with a direction to pay up the amount within the specified period to the authority mentioned in the bill.

(3) The bill shall be accompanied by a certificate from the Highway Authority or the authorised officer referred to in sub-section (1) to the effect that the amount of expenditure indicated in the bill represents the charge incurred and such a certificate shall be conclusive proof that the charge had actually been incurred.

(4) The material, if any, recovered as a result of the removal of any encroachment shall be handed over to the person responsible for the encroachment, on payment of the amount of the bill by him, but in the event of his failure to pay up the amount within the specified period, the materials may be auctioned and after deducting the amount of the bill from the proceeds, the balance, if any, shall be paid to such person.

(5) If the proceeds of the auction sale do not cover the total amount billed for, the excess over the amount realised by the sale of the materials or if there are no materials to be disposed of and the billed amount has not been paid by the person responsible for the encroachment within the specified period, the entire amount of the bill shall be recovered from such person as an arrear of land revenue.

The Karnataka Public premises (Eviction of unauthorized occupants Act) 1971:

Section 5. Eviction of unauthorized occupants:

(1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and 3 [any evidence produced by him in support of the same and after personal hearing, if any, given under clause (b) of sub- section (2) of section 4], the estate officer is satisfied that the public premises are in unauthorized occupation, the estate officer may make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated, on such date as may be specified in the order, by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises.

(2) If any person refuses or fails to comply with the order of eviction 2[on or before the date specified in the said order or within fifteen days of the date of its publication under sub- section (1), whichever is later,] the estate officer or any other officer duly authorized by the estate officer in this behalf 2[may, after the date so specified or after the expiry of the period aforesaid, whichever is later, evict that person] from, and take possession of, the public premises and may, for that purpose, use such force as may be necessary.

The Karnataka Police Act 1963:

The activities of hawkers are regulated and checked under **Section 92 of The Karnataka Police Act, 1963**, which states: “prevention of certain street offences and nuisance” -- under this, the police have the right to imprison offenders who “cause obstruction by Exposing anything for sale or setting out anything for sale or upon any stall, booth, board, Cask, basket or in any other way whatsoever contrary to any regulation made and published by the commissioner or a Deputy Magistrate”.

The Unorganized Workers’ Social Security Act, 2008: The significant features of the Act are as under:

- ◎ **Section (2)** provides for the definitions, including those relating to unorganized worker, self-employed and wage worker.
- ◎ **Section 3(1)** provides for formulation of schemes by the Central Government for different sections of unorganized workers on matters relating to (a) life and disability cover; (b) health and maternity benefits; (c) old age protection (d) any other benefit as may be determined by the Central Government.
- ◎ **Section 3(4)** provides formulation of schemes relating to provident fund, employment injury benefits, housing, educational schemes for children, skill up-gradation, funeral assistance and old-age homes by the State Governments.

◎ **Section 4** relates to funding of the schemes formulated by the Central Government.

◎ **Section 5** envisages constitution of National Social Security Board under the chairmanship of the Union Minister for Labour & Employment with Member Secretary and 34 nominated members representing Members of Parliament, unorganized workers, employers of unorganized workers, civil society, Central Ministries and the State Governments with provision for adequate representation to persons belonging to the Scheduled Castes, the Scheduled Tribes, the minorities and women. The functions of the National Board, inter alia, include: to recommend to the Central Government suitable schemes for different sections of unorganized workers; monitor the implementation of schemes and advise the Central Government on matters arising out of the administration of the Act. ◎ ◎ **Section 6** has provision for constitution of similar Boards at the State level.

◎ **Section 7** relates to funding pattern of the schemes formulated by the State Governments.

◎ **Section 8** prescribes record keeping functions by the district administration. For this purpose, the State Government may direct (a) the district panchayat in rural areas; and (b) the urban local bodies in urban areas to perform such functions.

◎ **Section 9** provides for setting up of constitution of Workers' Facilitation Centre to (i) disseminate information on social security schemes available to them, and (ii) facilitate the workers to obtain registration from district administration and enrolment of unorganized workers.

◎ **The Unorganized Workers' Social Security Rules, 2009** under the Act have been framed.

Annexure 2: Important Supreme Court Judgements

Olga Tellis and Others v Bombay Municipal Corporation and Others ()

The judgement is not specifically related to street vendors but to street and slum dwellers. Their contention was not about their right to live on pavements, instead it was that they have a right to live, a right which cannot be exercised without the means of livelihood. It is one of the most landmark judgement on street dwellers, wherein the court held that eviction of these street dwellers would lead to deprivation of livelihood and thus deprivation of life. It also went on to add that no person has the right to encroach on footpaths or any other place earmarked for a public purpose. Essentially, it says while eviction is not unreasonable, it has to be done in a stepwise legal fashion. The judgement also stressed on the fact that slums that have been in existence for long will not be removed unless the land is required for public purposes, and in such a case they would be evicted only after alternate sites or accommodation is given to them.

Bombay Hawkers' Union and Others v Bombay Municipal Corporation and Others ()

Bombay Hawkers Union, a trade union comprising of hawkers across the city, had been negotiating with the Municipal Authorities for creation of hawker's zones and for supply of licenses to these vendors. Their contention was that it was their fundamental right to trade on the streets and the Municipal authorities were interfering with their right. This is however subject to certain restrictions mainly in interest of general public using the streets too.

The court with the idea of coming to a solution benefiting both gave a list of recommendations restricting hawkers. Some main points included

- Identifying hawking and non hawking zones by the discretion of the Municipal Commissioner in consultation with Bombay Municipal Corporation; and
- Hawking licences should not be refused in the Hawking Zones except for good reasons.

Sodan Singh and Others v New Delhi Municipal Committee and Others (Special Leave Petition (Civil) No. 15287 of 1987)

In this case, the petitioners alleged that they had been allowed to carry out their business by occupying a particular area on the pavement. However the municipal authorities refused to permit them to continue with their trade, thereby violating their fundamental right as per Article 19(1)(g) and 21 of the Constitution. The court appointed a committee to conduct a detailed examination of the claims received by them and also accepted allotment of sites to certain hawkers who have been there for long duration. However, the court also ordered eviction of unauthorized squatters.

Sodan Singh v New Delhi Municipal Corporation and others (Civil Appeal No. 560 of 1998)

This was in continuation with the previous judgement. It was held that hawking on roadsides fell within the expression "occupation, trade or business" in Article 19(1)(g). The Municipality has full authority to permit "hawkers and squatters" on the sidewalks wherever the Municipality considers it practicable and convenient. But there cannot be a fundamental right vested in a citizen to occupy any particular place on the pavement where he can squat and engage in trading business. Nor can the hawkers assert a fundamental right to occupy any place permanently on a pavement. If the circumstances are appropriate and a small trader can do some business for personal gain on the pavement to the advantage of the general public and without discomfort or annoyance to others, there can be no objection.

Gainda Ram and others and Municipal Corporation of Delhi and others (IA Nos. 35, 36 and 37 of 1994 in Writ Petition No. 1699 of 1987)

The main dispute in this case was allotment of stalls by the Municipal Corporation of Delhi. The Supreme Court asked for categorizing the hawkers to those who possessed survey records and those who did not. It also directed the Municipal Corporation to prevent encroachments in future so that the hawkers existing in a particular locality are not affected. The court also asked for appointment of a Judicial Officer to look into the question whether implementation of the scheme by the MCD Committee has been made consistently with the norms and procedure indicated by this Court and make a report.

Gainda Ram and others and Municipal Corporation of Delhi and others (I.A. No. 97 in W.P.(C) No. 1699 of 1987 (Under Article 32 of Constitution of India) with I.As. Nos. 193, 37, 194 to 20, Contempt Petition (C) No. 231 of 1997 and SLP (C) No. 12618 of 1992)

This is a continuation of the previous judgement, wherein a judicial officer of the rank of Additional District and Sessions Judge was appointed to look into the question as to whether the implementation of the Scheme by the MCD had been consistent with the norms and procedure indicated by this Court and to make a report. The first step was creation of eligible squatters. Once this is achieved, zones would be created with old hawkers getting preference over the relatively newer counterparts.

Annexure 3: Important Karnataka High Court Judgements

Vidyaranyanagar Petty Shopkeepers' Association and Others v The Corporation of the City of Bangalore, and Others (Writ Petition. Nos. 1448 and 1449 of 1986)

Petty shops had been leased by the Corporation of the City of Bangalore, wherein the petitioners had been trading since past two decades. The Corporation of the City of Bangalore assured it to assist the members of the association to construct the kiosks and also renew the lease. However, two committees of the government had opposite views on the same issue leading to commotion. While one committee favoured construction of shops, another committee favoured widening of the road, which meant the shops would never be constructed and existing lease would not get extended. The court held that the Corporation or the State Government has not in any way interfered with the right to livelihood in so far as the petitioner is concerned. They were lessees of Corporation and the lease having come to an end in accordance with law, they cannot now complain that there is deprivation of livelihood. It was hence concluded that because the lease has been terminated, either they are entitled to a fresh lease if the Corporation is willing to lease the land to them or they are entitled to carry on their business activity somewhere else than the area from which they have been evicted. Further, the petitioners could submit a representation to the Corporation or the Government and representation which may be considered favourably for granting alternate accommodation to construct shops in or about the area where the petitioner and the others were trading as petty traders.

Pralhad Venkanna Mundargi, and Etc. v The Gadag Betageri City Municipal Council and Another (Writ Petns. Nos. 17751 to 17753 of 1985)

Town Municipal Council passed a resolution, by which the rents for the shops in the Grain Grocery Market area of Gadag was revised. The shop keepers of the market made a representation to the Divisional Commissioner calling upon him to exercise the revisional powers and set aside the resolution and suspend the same which was rejected by the Divisional Commissioner. The court held that the increase in lease is not arbitrary nor unlawful in the sense that such act is beyond the competence of the Town Municipal Council, nor is there any apprehension of breach of public peace nor public annoyance and the Divisional Commissioner took a suitable decision.

Annexure 4: Important web links

National Alliance of street vendor of India

www.nasvinet.org

Alternative Law Forum

www.altlawforum.org

Environment Support Group

www.esgindia.org

Self Employed women's Association

www.sewa.org

Action aid

www.actionaidindia.org

Urban Street Vendors Lok Seva Kendra

www.freewebs.com/pervez