

Chapter 2

Seeing and Governing Street Hawkers Like a Fragmented Metropolitan State

Seth Schindler

Approximately 500 street hawkers gathered at Jantar Mantar in central Delhi on 16 February 2014, and demanded the passage of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill.¹ By providing a framework that mandates how municipalities throughout India regulate street hawking, the bill provides protection against capricious local officials. Some of the hawkers announced that they were launching an indefinite hunger strike until the bill passed the upper house of parliament, the Rajya Sabha, and *The Hindu* (2014) quoted one of their leaders: “A strong law protecting our livelihood can only put brakes on the loot and the terror of the men in khaki and municipal officials. Such people need to be put behind bars”.

This episode demonstrates that many street hawkers consider the state the primary threat to their livelihoods on an everyday basis, while it is simultaneously a potential benefactor. In this chapter, and in line with a similar argument made in the introduction to this volume, I seek to explain the state’s dual role by demonstrating that in Delhi “the state” is in fact a highly fragmented entity whose power is dispersed among numerous interest groups. As a result, street hawkers’ interactions with “the state” unfold in a range of places, such as court rooms, parks, bazaars, municipal government offices and roadsides. This chapter adds to a growing body of scholarship that dismisses the notion of a singular state that acts purposefully and with coherence. Instead, the state encompasses a range of actors that often-times pursue competing agendas and work in contradictory ways (Gupta, 2012;

¹Hereafter referred to as the Street Vendors Bill.

Seth Schindler (✉)

Department of Geography, University of Sheffield, Firth Court,
Sheffield, South Yorkshire S102TN, UK
e-mail: s.schindler@sheffield.ac.uk

Anjaria, 2011). This is not to suggest that the state is a powerless or imaginary entity. On the contrary, the actions of governmental officials can profoundly impact the people and places they “see” and act upon. However, consequences are often unintended and outcomes are seemingly arbitrary (Gupta, 2012).

The nature of interactions between street hawkers and municipal officials across Delhi’s regulatory and actual landscape varies greatly. In this chapter, I contrast the actually existing everyday interactions among municipal authorities and street hawkers in Delhi’s markets, roadsides and parks, with the regulatory framework put forth in the Street Vendors Bill. Street hawkers frame the struggle as that of a malevolent state bent on producing public space that is free of unlicensed street hawkers, versus a benevolent state committed to the creation of inclusive public space. Instead, I argue that the *multiple* ways in which various officials “see” and act upon street hawkers comprise the art of fragmented metropolitan government, and the Street Vendors Bill has the potential to reorder this fractured governance. As a result of establishing elaborate procedures to enumerate street hawkers and allocate space, the Street Vendors Bill could encourage street hawkers to make lawful claims. Thus, the stakes in this struggle are over what mode of governance will emerge, and how street hawkers will be “seen” and engaged.

2.1 The Regulation of Street Hawking in Delhi

Street hawking has a long history in Indian cities. In spite of forays into the Indian market by global retail giants such as Wal-Mart, the retail sector in India remains approximately 90 % informal. It provides livelihoods to rural migrants who cannot sell their labour power for a wage in the formal sector (see Sanyal, 2007) as well as retrenched formal-sector labourers (Bhowmik, 2013). Street hawkers offer a wide range of affordable goods, yet in spite of providing a valued service they are often criminalized by municipal governments (Bhowmik, 2013). Authorities commonly explain crackdowns on street hawkers as a response to the threat they pose to public health and order (Te Lintelo, 2009). Arvind Rajagopal (2001: 94) has argued that rather than an imminent threat, street hawkers are viewed by authorities as “a symbol of metropolitan space gone out of control” and an aesthetic affront to ongoing efforts to transform the city. The Municipal Corporation of Delhi Act, 1957 (Sec. 322) empowers authorities to confiscate “any article whatsoever hawked or exposed for sale on any public street or in any public place”. While enforcement is haphazard and seemingly random, the vast majority of Delhi’s 250,000–500,000 street hawkers (Bhowmik, 2013; SEWA, 2012) are unlicensed so they face a constant threat that municipal authorities tasked with preventing encroachment could confiscate their goods. Obtaining a license is essentially impossible, as it requires hawkers to provide evidence that they have been operating in a particular area for a number of years, yet given the nature of their work this is impossible for the vast majority of hawkers.

The governance of street hawking is not so straightforward in practice. The power of municipal authorities to prevent street hawkers from encroaching on public space is hampered “from above” by the Supreme Court. In a landmark decision in 1985, the Supreme Court limited the power of municipal authorities to evict street hawkers if it would devastate their livelihoods.² This ruling was followed by a second important Supreme Court ruling that forced municipal authorities to balance the needs of street hawkers with those of the wider public.³ This decision mandated the New Delhi Municipal Council (NDMC) to create a comprehensive regulatory framework for street hawking. While municipal authorities sought to meet the requirements outlined by the Supreme Court, they steadfastly refused to recognize street hawkers as legitimate users of public space. The logic employed by Delhi authorities was encapsulated in the law that was finally proposed by the New Delhi Municipal Council in 2006:

The hawkers are large in number, but the population of citizens is many times more than that of hawkers and, therefore, the fundamental rights of the citizens cannot be put in jeopardy by permitting hawkers and squatters to block roads, footpaths, public parks, etc... Consistent with the rights of citizens, if it is possible to provide any space to hawkers, squatters, etc., that may be done consistent with the policy to be framed by the concerned Authority.

This law is clearly out of step with the Supreme Court’s balanced ruling, and it set the stage for conflict between municipal authorities and civil society organizations that support street hawkers. These conflicts unfolded in courts as organizations such as the National Association of Street Vendors in India (NASVI), the Self-Employed Women’s Association (SEWA) and Manushi accused Delhi authorities for failing to comply with earlier Supreme Court orders (see Schindler, 2014a). Municipal officials were forced to relent and establish committees—which included representatives of street hawkers—to identify spaces where licensed street hawkers could operate. These zonal vending committees (ZVCs) failed to identify a significant amount of space for street hawkers, however, and the committee members representing street hawkers claimed that municipal authorities actively subverted the ZVCs’ mission. When the mandate authorizing the ZVCs expired in December 2011, a Delhi High Court judge disbanded them, claiming that “both NDMC and the representatives of hawkers/squatters/vendors are members of the Vending Committee. A Committee of adversaries cannot be said to be having adjudicatory powers”.⁴

Street hawkers were occasionally able to obtain favourable rulings in lower courts, but this High Court ruling is important because it signaled the emergence of a consensus among authorities in Delhi. Importantly, it empowered authorities to unilaterally evict encroaching hawkers without trying to reach a compromise over how and by whom space could be used, and without considering how

²*Olga Tellis & Ors v Bombay Municipal Council* [1985] 2 Supp SCR 51.

³*Sodan Singh & Ors v NDMC & Ors* [1989] 4 SCC 155.

⁴*NDMC v Usha Gangaria & Ors* [2011] Delhi High Court No. 13647/2009.

their eviction would affect their livelihoods. This did not give authorities a free hand to evict hawkers, however, because they also faced pressure “from below”, as non-state actors at the micro-scale protect street hawkers from authorities and facilitate their use of space in exchange for rent. These organizations include resident welfare associations, market traders’ associations and local gangs. While in some cases these non-state interest groups seek to extract as much rent as possible from street hawkers, others are motivated by the prospect of regulating the flows of people and goods in their environs. This is the case in upscale colonies, where resident welfare associations license hawkers in an effort to regulate who enters their communities, what they sell and how much they charge. While these arrangements require street hawkers to subordinate themselves to powerful local interest groups, they do provide street hawkers with access to space and secure livelihoods (Schindler, 2014b, c).

In September 2013, the Supreme Court once again affirmed street hawkers’ right to use public space, but it also empowered High Courts to hear cases concerning street hawking, noting that “it is virtually impossible for the [Supreme] Court to monitor day-to-day implementation of the provisions of different enactments and the directions contained in the judgments noted hereinabove”.⁵ This demonstrates the extent to which power is dispersed throughout “the state” with a number of agencies and officials struggling to regulate how and by whom public space is used. Meanwhile, non-state actors participate in the regulation of space on an everyday basis. Municipal authorities who would like to limit street hawkers’ use of space *tout court* face opposition “from above” (i.e. the Supreme Court) and “from below” (the street). Instead of imposing a permanent and comprehensive regulatory regime, municipal authorities periodically assert their power to determine how and by whom urban space is used by raiding markets. These raids are violent assertions of sovereignty in which municipal employees confiscate the wares of unlicensed street hawkers encroaching on public space. It is to these raids that I turn in the next section.

2.2 Market Raids and the Street Vendors Bill

The first time I witnessed a raid was when I was eating lunch in a *dhaba* (roadside restaurant) at a market in south Delhi when two blue Municipal Corporation of Delhi (MCD) trucks arrived each carrying half a dozen labourers. They were followed closely by two Ambassadors⁶ with red lights flashing, from which officials in starched white shirts emerged. Their objective was to enforce zoning laws, and this meant confiscating hawkers’ wares and shopkeepers’ displays that extended

⁵Maharashtra Ekta Hawkws Union & another v Municipal Corporation, Greater Mumbai & Ors [2013] (9)SCC490; 2013(9)CPSC31(SC).

⁶This is a make of car commonly used by government officials in India.

onto walkways. Their arrival sparked pandemonium as hawkers fled into nearby alleyways and shopkeepers hurriedly dismantled their displays that were extending from their shop fronts onto the pavement. Most hawkers carried all of their goods and easily escaped, but some hawkers compromised their mobility by displaying their goods on the ground and they required more time to flee. The labourers in the trucks disembarked and they began confiscating things on the orders of the officials. A few unlucky hawkers who sold clothing had their inventory confiscated and thrown into the back of the truck, and then the labourers began tearing down storefront displays, such as mannequins displaying readymade *kurtas* (a kind of upper body garment). The trucks wound their way slowly through the market. There was a heavy police presence to restrain the crowd that gathered, many of whom were hawkers who had returned to the market to witness the raid after stashing their goods in nearby hiding places. At the centre of the market there was a small open space where some street food vendors typically gathered. One vendor abandoned his oven and escaped with the rest of his things, but instead of confiscating it one of the municipal labourers smashed it to pieces with a metal pipe.

While I photographed this incident I was approached by police. They first sought to confiscate my camera, but I produced a business card for an NGO with which I volunteered. After a rather lengthy discussion, I was allowed to keep my camera although I had to promise not to take any more photographs. They said that photographing the incident required permission from the officials, who, in the meantime, had worked their way to the other end of the market. Meanwhile a large crowd had gathered to observe my interaction with the police. I asked one of the officers why the police were involved in the operation because typically enforcing zoning ordinances is not their responsibility. “[We’re here] because of the violence” he said nonchalantly. The only violence I witnessed was perpetrated by the municipal employees.

The police escorted me to the officials directing the operation, who were in the warren of alleyways behind the main shop fronts, ordering the labourers to look for goods stashed by street hawkers inside air conditioning units, under stairwells and cars. The atmosphere was tense as bodies jostled in close quarters and police slammed their *lathis* (sticks) on the ground to keep the crowd at bay. The crowd was comprised of street hawkers who had returned to watch the raid after hiding their goods, and it momentarily recoiled with each swing of a *lathi*. The MCD official directing the raid introduced himself and then confirmed that bystanders were prohibited from photographing the incident because it was a “government operation”. Nevertheless, the incident changed the way in which I was viewed by street hawkers, who had hitherto remained rather indifferent to my presence. Many of the street hawkers became eager to share their stories of harassment at the hands of municipal officials and some of them became long-term informants and contacted me whenever a raid commenced.

The street hawkers explained that in order to work in the market they pay a weekly fee to an intermediary, and they are strictly prohibited from harassing shoppers, charging too much for their goods and congregating in front of the entrances to shops. In return for rent the intermediary typically informs them of

impending raids, and prevents hawkers who have not paid the weekly fee from operating in the market. In other words, this informal system determines how and by whom space within the market is used on a daily basis, and it provides street hawkers with a measure of security. The first raid I witnessed was unique because the labourers from the city's enforcement department were accompanied by mid-level bureaucrats, and this most likely explains why there was no advanced warning. Furthermore, the hawkers explained that the labourers usually only make half-hearted attempts to confiscate their goods, and they are normally not pursued into adjacent alleyways.

The details given by these hawkers confirmed what I had been told on numerous occasions, that the MCD's mid-level bureaucracy posed a particular danger to street hawkers. One group of hawkers who operated small roadside stalls near Jawaharlal Nehru Stadium explained how they were removed:

During the Commonwealth Games in India, we were requested to remove [our stalls] and we agreed, but there was no written agreement though, they told us, that once the Commonwealth Games ends we could start it again. But after the Commonwealth Games, they were not allowing us to put it back, and then we went to the MCD and to the police. They asked us to get it in writing. (Personal communication, June 2011)

In this instance officials explained that they could provide the written document for a fee. Thus, municipal officials are threatening to street hawkers in multiple ways. On the one hand they participate in the extra-legal web of negotiations and rent payments which determine land-use on an everyday basis, while on the other hand they occasionally enforce formal zoning ordinances.

A few weeks after the raid I went to the MCD's new headquarters opposite Ramlila Maidan in central Delhi. I was told that the enforcement of zoning laws was managed at another building near Chandni Chowk in north Delhi and I finally found the office in a municipal office at Civil Lines (north Delhi). I arrived in the morning as the labourers were lounging around awaiting assignments. I explained to the incharge that I was conducting research and would like to accompany one of his teams to learn about the enforcement of zoning ordinances in Delhi. He politely explained that I was mistaken, that I would not learn about enforcement from his office because he simply relayed orders from above. The phone rang and judging by his deferential tone the person on the other end was a superior. When he hung up the receiver he barked some orders to the labourers; apparently a car was illegally parked and he was ordered to investigate. This incident gave the impression that the enforcement of zoning laws is extremely haphazard. It was unclear where orders to enforce zoning laws at particular times and places originated, as was the logic of selecting those times/places.

The next time the market was raided one of the street hawkers phoned me. This raid was passé in comparison to the first one I witnessed. The labourers were not being directed by officials, and they did not make an effort to pursue fleeing street hawkers or to find the places where they hid their goods. Street hawkers gathered in the alleyway behind the shopfronts and lounged around, waiting for the MCD trucks to depart so they could resume their operations. Some simply disguised themselves as shoppers. One hawker explained: "They never take my stuff,

[because when] they come, I put it in my pack. Who will know whether I am a shopper or not?" Thus, for many hawkers municipal raids represent little danger, but the constant threat of a raid impacts their livelihoods because they must remain highly mobile. This typically requires a trade-off because they can only keep as much inventory on hand that they can quickly remove and/or hide in the event of a raid. Some hawkers have devised strategies that allow them to compromise their mobility and enlarge their stock. For example, some hawkers have standing agreements with shopkeepers, who, for a small fee, allow them to stash their goods inside their shops during raids. One hawker who operated a relatively large stand and sells cosmetics, combs and sunglasses, quickly dismantled his semi-permanent display into four parts which he moved less than ten metres into a nearby shop when a raid commences. Other hawkers have devised ingenious ways of hiding or disguising their goods. One group of hawkers who sold readymade *kurtas* kept a relatively large stockpile in an unused building nearby that had a security guard who was paid to watch over their inventory. This reduced their risk during raids, because at most the authorities could confiscate the items they had on display. One of my long-term informants was a member of this group, and one day she phoned and informed me that a raid had commenced. On this occasion this group of hawkers had been surprised and unable to escape. Six of them had their displayed goods confiscated. My informant explained that to compensate for this loss she would have to work longer hours in the coming days, but this was a contingency for which she was prepared. I walked to the nearby alleyway where a group of hawkers had congregated, and as we were speaking a commotion suddenly erupted across the street. The authorities had located the stockpile of *kurtas* in the vacant building and in an instant six hawkers lost everything. My informant was in tears, and some male hawkers whose goods were confiscated began accusing another hawker—a competitor—of informing the authorities about the existence of the storage space. He denied any role in the matter, and for a moment it appeared as if the situation was going to turn violent, but then an elderly woman who was among those whose goods had been confiscated put an end to it by shouting: "I don't know who said [where our things were], but [I hope] their children will get sick and die".

Street hawkers resent not being able to work legally. One street hawker in his early teens complained: "It's not allowed to walk around and sell. If I thief and eat it's allowed but if I sell here it's not". Others expressed their anger at the state more emotively; to the delight of a group of hawkers in one focus-group discussion, a young male hawker insisted that MCD stands for "mother *chod* Delhi".⁷ Street hawkers' resistance goes beyond astute vernacular discursive framings of municipal governance, however, and they (1) try to evade municipal authorities on an everyday basis, while they (2) reveal themselves in particular times and places in order to gain proof of their existence (e.g. official documents). Meanwhile, the authorities tasked with enforcing court orders commonly disobey them, while they

⁷This is an obscenity meaning "motherfucking Delhi."

try to avoid creating a paper trail which hawkers could use as a basis for future claims to space. In one example, a group of hawkers were evicted from a bazaar in 2007 and ultimately relocated to an alternative space and forced to pay Rs. 100 to the MCD. The authorities provided a generic receipt of payment, but they were careful not to indicate why this payment was made. Instead, the receipts listed the payment as a “processing fee”. Given the scarcity of such documents, however, many of the hawkers laminated these generic receipts and continued to carry them at the time of my fieldwork in 2011.

The evaluation of claims to urban space based on the documentation of practice is similar to what Rao (2010: 409; see also Chap. 5 in this volume) discovered in a resettlement colony on Delhi’s outskirts, where “legality is established not only through the instruments and institutions of the state, but through a whole set of formal and informal dealings that produce paper trails as visible signs of urban membership”. These papers can be receipts of payment from the authorities for the legal use of space, fines for illegally using space, membership cards in street hawkers’ unions, or recognition from NGOs that advocate on behalf of street hawkers. Ritajyoti Bandyopadhyay (2011) showed that in Kolkata, where street hawkers are well organized in comparison to Delhi, an organization called the Hawker Sangam Committee keeps meticulous archives which document its members’ use of space. This serves to bolster claims that hawkers have historically been an integral part of the urban landscape, and it distinguishes them from populations without archival histories such as pavement dwellers. These practices point to a formalization of claims-making strategies, in the sense that marginalized groups assert a lawful claim to urban space (see Datta, 2013), rather than try to convince authorities to make an exception to the law (Chatterjee, 2004, 2011). According to Chatterjee’s formulation of *political society* groups identify as a community whose moral attributes entitle it to space and services (Chatterjee, 2004, 2011). In many instances accessing these entitlements is in violation of the law—such as occupying land owned by the Indian Railways—but the claims of these communities imply that morality supersedes law. Morality has undoubtedly served as a fertile terrain for claims-making in Indian cities. For example, there was widespread agreement that refugees from Partition were entitled to a place to live, even if that meant suspending the law and allowing them to construct dwellings on public property. However, it makes little sense for street hawkers to demand or plead with officials to allow them to operate in violation of the law, because municipal authorities have made it clear that they simply refuse to recognize street hawkers as legitimate users of public space. Thus, while street hawkers may indeed feel morally entitled to use urban space, this cannot form the basis for staking a claim. As a result of their refusal to recognize street hawkers as legitimate users of urban space, municipal authorities forego the possibility to exert subtle forms of power over street hawkers. Thus, coercion is the primary tactic in authorities’ disciplinary repertoire. The Street Vendors Bill could significantly change how street hawking is governed because it (1) establishes a codified terrain upon which street hawkers can make lawful claims, and (2) it seeks to involve street hawkers in the regulation and management of public space.

The National Association of Street Vendors in India (NASVI) is a pan-India federation comprised of street hawker organizations, and in addition to engaging in struggles at the urban scale it lobbies on behalf of street hawkers at the national scale. The governance of street hawking varies significantly from city to city, and NASVI was instrumental in pushing for a national law that would mandate how municipal governments regulate hawking. The Street Vendors Bill was endorsed by the National Advisory Council and at NASVI's annual meeting held in 2011 the Minister of Housing and Urban Poverty Alleviation, Kumari Selja, endorsed the bill. It remained a recommendation, however, and municipal authorities in Delhi took little notice. Now that the bill has become a law municipal governments are required to develop a regulatory framework for street hawking. In theory, this curtails the power of local authorities and police, and the violence of market raids would be replaced by a bureaucratic licensing and redressal system.

The Street Vendors Bill (Sec. 21) mandates that “every local authority shall, in consultation with the Planning Authority, once in every 5 years, make out a plan to promote a supportive environment for the vast mass of urban street vendors to carry out their vocation”. This would be achieved by authorities identifying certain times and places where street hawkers could legally operate, and street hawkers could apply for licenses which would guarantee their right to work within these zones. Municipal governments are given discretion in identifying these hawking zones, but their everyday management is the responsibility of a Town Vending Committee (TVC). Each TVC is chaired by a high-ranking municipal official and includes representatives from other concerned departments (e.g. traffic police, planning authority) and civil society organizations (e.g. market associations and resident welfare associations). Importantly, at least forty percent of the membership of TVCs must represent street hawkers, and at least a third of these representatives must be women vendors. The Street Vendors Bill charges the TVC with the task of managing a licensing system for street hawkers (Chap. 7): “Every Town Vending Committee shall maintain an up to date records of registered street vendors and street vendors to whom certificate of vending has been issued containing name of such street vendor, stall allotted to him, nature of business carried out by him, category of street vending and such other particulars which may be relevant to the street vendors”.

In summary, the Street Vendors Bill calls for municipal governments to identify spaces where hawkers can operate, and empowers TVCs to manage a licensing system for street hawkers. By connecting individual street hawkers to specific places, an extensive economy that has hitherto operated in the shadows of illegality is rendered visible. Once street hawkers are recognized by the state they can be acted upon. Chapter 3 of the Street Vendors Bill is entitled “Rights and Obligations of Street Vendors”. This chapter guarantees licensed hawkers’ access to urban space, and it obliges hawkers to “maintain cleanliness and public hygiene in the vending zones and the adjoining areas”, and to “maintain civic amenities and public property in the vending zone in good condition and not damage or destroy or cause and damage or destruction to the same”. Furthermore, the Street Vendors Bill provides for the education and training of street hawkers (Sec. 34),

and calls for municipal authorities to “develop and organize capacity building programmes for street vendors” and to “undertake research, education and training programmes to advance knowledge and understanding of the role of the informal sector in the economy...and to raise awareness among the public through Town Vending Committee”.

2.3 Moving Beyond the Benevolent Versus Malevolent State

The disjuncture between the everyday governance of street hawking and the Street Vendors Bill is apparent. The everyday governance regime fails to recognize street hawkers as legitimate claimants to urban space, and municipal authorities are the primary threat to their livelihoods. The Street Vendors Bill would create a bureaucratic system that enumerates street hawkers, connects them with a place, and acts on them in an effort to induce particular behaviour. To many street hawkers the latter is preferable, and this explains why street hawkers consider the state a potential benefactor. In the previous section, I demonstrated that rather than embrace a singular notion of “the state”, a range of governmental actors participate in the governance of street hawking. While this dynamic is captured by the dual narratives employed by street hawkers, I caution against assuming that this struggle among governmental actors will ultimately be reconciled through the emergence of a coherent regulatory framework for street hawking. While policy shifts are to be expected, what is at stake is not simply the emergence of a benevolent or malevolent state and a concomitant regulatory regime, but rather the modes through which municipal authorities “see” and act upon street hawkers.

The imagination of the state as the supreme agent of social change is one of colonialism’s legacies in India (Kaviraj, 2010). Hansen (2009) argued that it has such purchase that the state assumes mythological and magisterial proportions. These deeply rooted assumptions are shaken, however, when ordinary people are subjected to violence at the hands of low-level officials. Hansen (2009: 35) explains that this disjuncture is reconciled by the notion that the state is singularly profane and sublime:

The [‘profane’] encompass[es] the incoherence, brutality, partiality and banality of the technical sides of governance, and the rough and tumble of negotiation, compromise and naked self-interest displayed in local politics. These features stand opposed to ‘sublime’ qualities imputed to a more distant state: that is, to the opaque secrets and knowledge of the state’s higher echelons, to its hidden resources, designs and immense power, and to the higher forms of rationality or even justice believed to prevail there.

While it is unclear whether Delhi’s street hawkers harbour a “state idea” (Abrams, 1988) that adheres to this model of sublime/profane, their demand for the passage of the Street Vendors Bill is not an attempt to hold a sublime mythical state accountable for unfulfilled Nehruvian promises. Instead, street hawkers’ demand to be recognized as legitimate users of public space is directed at a very

real, yet fragmented, state apparatus. They hope that this recognition and the codification of a regulatory framework will reduce the arbitrariness of their encounters with public officials (see Gupta, 2012).

There is a general consensus that the logic and modes of governance in India is in a state of flux. Corbridge and Harriss (2000: xxiv, 161) argue that an “elite revolt” is eroding the Nehruvian state’s “mythologies of rule”—socialism, secularism, federalism and democracy—and as a result there is a “legitimation of violence around the processes of accumulation and regulation”. Gidwani and Reddy (2011: 1640) argue that in the emergent urban governance regime “neither the apparatuses of the state nor an increasingly anti-poor urban bourgeoisie seek an *ethical* engagement [with the poor]”. They stress that this does not mean that the state disengages from the poor, but rather its “practices of engagement—when and where they occur—are fitful, contractual, and individualized” (2011: 1640). This accurately describes how local authorities seek to govern street hawking; while authorities may tacitly allow street hawking in some places, their overriding goal is to maintain their status as the final arbiter when it comes to land-use. In rare instances when street hawkers enjoy the legal right to use space their relationship with authorities is contractual, and municipal authorities prefer to handle claims on an individual basis rather than negotiate with street hawkers as a population group. Thus, low-level courts may occasionally rule in favour of individual street hawkers, but this does not challenge the prevailing view among municipal authorities that street hawkers *in general* are not legitimate users of urban space.

This governance regime does not “see” street hawkers as a population group entitled to use urban space. On the one hand this validates Chatterjee’s (2004: 137) claim that “an entire substructure of paralegal arrangements, created or at least recognized by the governmental authorities, for the integration of low-wage labouring and service populations into the public life of the city” is being dismantled. On the other hand, however, it calls into question his widely cited formulation of *political society* in which claims to entitlements are made on the basis of membership in a community—or population group—with moral attributes. Indeed, market raids leave street hawkers with little doubt that municipal authorities do not feel morally or legally obliged to entertain their claims to space. Thus, the everyday governance of street hawking in Delhi operates by refusing to recognize hawkers as a population group with legitimate claims to urban space, and while their presence in certain times and places is tolerated, elsewhere they are subjected to violence and dispossession.

This mode of seeing and acting upon street hawkers differs from the logic that informs the Street Vendors Bill in significant ways. As noted above, the Street Vendors Bill connects street hawkers to a “proper” place. Furthermore, it seeks to engender a sense of responsibility among street hawkers and enroll them as partners in governance. Each of these modes of governance—the refusal to recognize street hawkers and their classification as a population group with legitimate claims to urban space—is imaginable and could be implemented. Thus, rather than interpret the governance of street hawking as a struggle between a benevolent/malevolent state, or sublime/profane state, the stakes are over the mode and logic of

governance. The Street Vendors Bill would add coherence to the art of fragmented metropolitan government, as street hawkers would be enumerated, fixed in place and subjected to programs aimed at their “improvement”. Each regime—everyday governance and the Street Vendors Bill—elicits particular behaviour among street hawkers. The former forces street hawkers to remain mobile and invisible, while the latter encourages street hawkers to secure some form of formal recognition that could serve as the basis for a lawful claim to space. Currently many street hawkers practice both of these tactics, depending on the situation. Street hawkers’ ability to evade authorities and encroach public space on an everyday basis confirms preconceived notions of their inherent deviance that are deeply rooted among affluent residents. For example, in the course of my research I interviewed a candidate running for an elected position of a resident welfare association in an affluent area (see Schindler, 2014c). I said that the neighbourhood seemed very well-maintained and orderly, and I remarked that there did not seem to be many street hawkers. He quickly assured me that “the vendor menace is there”. This demonstrates that the mobility of street hawkers has fostered a perception that they could appear anywhere at any moment and encroach on public space, so even in their absence they pose a threat to public order. Thus, rather than produce non-deviant subjects, the extant everyday disciplinary regime provokes responses and resistance among street hawkers which, in turn, justify the existence of coercive disciplinary measures.

2.4 Conclusion

Four days after launching an indefinite hunger strike, street hawkers at Jantar Mantar were greeted with the news that the Street Vendors Bill had been passed by the Rajya Sabha. On 5 March 2014 the Street Vendors Bill was signed by the President and it came into effect on 1 May 2014 (for a timeline, see NASVI, 2014). Perhaps in anticipation of the passage of the Street Vendors Bill, the South Delhi Municipal Corporation convened its first Town Vending Committee meeting on 13 February 2014. Representatives of both NASVI and the Self-Employed Women’s Association are among the committee’s members, as well as other local organizations that represent street hawkers.

As I have demonstrated in this chapter, numerous stakeholders influence the governance of street hawking on an everyday basis. Power to influence the governance of street hawking is exercised by these actors at certain strategic locations, such as in courtrooms, bazaars, municipal government offices, sidewalks, parks, NGO offices and so on. This dispersion of power has precluded the emergence of a singular coherent set of regulations, and this explains why the enforcement of zoning ordinances seems random and is ineffectual. It remains unclear whether the TVC—regardless of whether it is sanctioned by the Street Vendors Bill—can concentrate power and usher in the implementation of a citywide regulatory regime. The answer to this open-ended question will explain what type of

“post-development” urban governance regime will ultimately emerge in Delhi. The main point of difference between contemporary everyday governance and the regime envisioned by the Street Vendors Bill is that the former does not recognize street hawkers as legitimate users of public space, while the latter does as long as they agree to certain rules and operate in specific times/places. Both regimes engender resistance, but the former forces street hawkers to evade authorities and remain mobile. While unlicensed street hawkers would likely continue to operate after the implementation of the Street Vendors Bill, contestation would increasingly shift to courtrooms and TVC meetings. It would provide a platform for municipal authorities to engage street hawkers. While the outcomes of these encounters could be arbitrary and have unintended consequences (Gupta, 2012), street hawkers would have the opportunity to assert their presence in the city and advance lawful claims to urban space.

I have demonstrated that there is considerable tension within the state, regarding the governance of street hawking. This should not be considered a contest that will ultimately result in the emergence of either a benevolent or a malevolent state. Indeed, the supply of licenses that would be made available through any regulatory framework would surely fail to meet extant demand among unlicensed street hawkers. Instead, the stakes are over a fundamental mode of governance, i.e. how municipal authorities will “see”, interact with and act upon, some of Delhi’s most marginalized residents. The regime that emerges will determine whether Delhi’s future includes a place for street hawkers or if they must remain permanently out of place.

References

- Abrams, P. (1988). Notes on the difficulty of studying the state. *Journal of Historical Sociology*, 1(1), 60–89.
- Anjaria, J. S. (2011). Ordinary states: Everyday corruption and the politics of space in Mumbai. *American Ethnologist*, 38(1), 58–72.
- Bandyopadhyay, R. (2011). Politics of archiving: Hawkers and pavement dwellers in Calcutta. *Dialectical Anthropology*, 35(3), 295–316.
- Bhowmik, S. (2013). Legal recognition of street vendors. *Yojana*, 57(December), 31–33.
- Hansen, T. B. (2009). Governance and the myths of state in Mumbai. In C. J. Fuller, & V. Benei (Eds.), *The everyday state and society in modern India* (pp. 31–67). New Delhi: Social Science Press.
- Chatterjee, P. (2004). *The politics of the governed: Reflections on popular politics in most of the world*. New York: Columbia University Press.
- Chatterjee, P. (2011). *Lineages of political society: Studies in postcolonial democracy*. Ranikhet: Permanent Black.
- Corbridge, S., & Harriss, J. (2000). *Reinventing India: Liberalization, Hindu nationalism and popular democracy* (2nd ed.). New Delhi: Oxford University Press.
- Datta, A. (2013). *Illegal city: Space, law and gender in a Delhi squatter settlement*. Farnham: Ashgate.
- Gidwani, V., & Reddy, R. N. (2011). The afterlives of “waste”: Notes from India for a minor history of capitalist surplus. *Antipode*, 43(5), 1625–1658.

- Gupta, A. (2012). *Red tape: Bureaucracy, structural violence, and poverty in India*. Durham: Duke University Press.
- Kaviraj, S. (2010). *The trajectories of the Indian State*. Ranikhet: Permanent Black.
- NASVI. (2014). *Road to Central Act*. Retrieved November 21, 2014 from <http://nasvinet.org/newsite/road-to-central-act/>.
- New Delhi Municipal Council. (2006). Scheme for Street Vendors in N.D.M.C. Area: *On Direction of Hon'ble Supreme Court of India*. New Delhi: Enforcement Department.
- Rajagopal, A. (2001). The violence of commodity aesthetics: Hawkers, demolition raids, and a new regime of consumption. *Social Text*, 19(3), 91–113.
- Rao, U. (2010). Making the global city: Urban citizenship at the margins of Delhi. *Ethnos*, 75(4), 402–424.
- Sanyal, K. (2007). *Rethinking capitalist development: Primitive accumulation, governmentality and post-colonial capitalism*. New Delhi: Routledge.
- Schindler, S. (2014a). Producing and contesting the formal/informal divide: Regulating street hawking in Delhi, India. *Urban Studies*, 51(12), 2596–2612.
- Schindler, S. (2014b). A New Delhi every day: Multiplicities of governance regimes in a transforming metropolis. *Urban Geography*, 35(3), 402–419.
- Schindler, S. (2014c). The making of “world-class” Delhi: Relations between street hawkers and the new middle class. *Antipode*, 46(2), 557–573.
- SEWA (Self-Employed Women's Association). (2012). *Street Vendors' Campaign*. Retrieved April 9, 2014 from http://sewadelhi.org/stree_vndrs.html.
- Te Lintelo, D. (2009). The spatial politics of food hygiene: Regulating small-scale retail in Delhi. *European Journal of Development Research*, 21, 63–80.
- The Hindu*. (2014). Street vendors on hunger strike. Retrieved April 9, 2014 from <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/street-vendors-on-hunger-strike/article5697560.ece>.

Space, Planning and Everyday Contestations in Delhi

Chakravarty, S.; Negi, R. (Eds.)

2016, XII, 233 p. 20 illus., Hardcover

ISBN: 978-81-322-2153-1