

Street Hawking In Bangalore

Naveen K R & Nandini Hampole

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Centre for Civil Society

K-36 Hauz Khas Enclave, New Delhi 110016

Tel: 2653 7456/ 2652 1882 Fax: 2651 2347

Email: ccs@ccsindia.org Web: www.ccsindia.org

Introduction

The rapid growth of population over the past century has given rise to problems and difficulties that have been alarming and threatening the sustenance of human civilisation. More people mean more mouths to feed. In search of a livelihood, a large-scale migration of the rural population to the urban areas has become a common sight. Cities and towns with increased opportunities of employment coupled with industries and commerce have become increasingly congested and overpopulated. In developing economies as ours, the state finds it difficult to control as well as regulate such movement.

With limited infrastructure facilities, not all the citizens are able to avail the basic necessities of a living. Most of the migrant population has to live in slums and shanty towns which are at most times unrecognised and hence deprived of clean drinking water, electricity, proper sanitary mechanisms, health and medical facilities. The population being disproportionately high when compared to the limited employment opportunities, most of them have to carry on independent business activities and do not get any help from the state authorities in this regard. In India, with a large poor population, the issue appears to be two sided. On the one hand is the livelihood of these people and their families, and on the other hand is the regulation of economic activities, control on and crimes and illegal business, encroachment of land and property, and last but not the least the protection and conservation of the natural environment. In such a situation it becomes necessary and vital for the local municipal authorities to frame laws and thrust them to manage the behaviour of the society.

One such concern is that of street hawking in large cities. These activities disrupt the smooth functioning of the city in several ways but are difficult to regulate as they involve a large section of the society. Moreover, this population is a vote bank for political groups and a good source for harassment by the public authorities.

To understand these and more issues in the city of Bangalore, we carried out a fieldwork of the actual working of the hawkers and the legal measures framed by the Bangalore Mahanagara Palike (BMP) in this regard. The main thrust has been to understand how far this activity is under the regulation of the corporation and what are the loopholes in its functioning.

The Legal Framework

Every economic activity in a society has to be regulated, and so is hawking. Previously, there were no proper guidelines in the city of Bangalore to guide the hawkers and control their numbers. In 1991, the Hawkers' unions and associations sought the intervention of the Honourable High Court of Karnataka to direct the BMP to frame rules and regulations and issue licences. The BMP announced a scheme for hawking licence in 1999 under the direction of the court. The hawkers had no objection to the guidelines of the scheme, but were unwilling to leave their places of operation that were declared non-hawkable. However, this scheme was upheld and implemented.

The scheme defines a "Hawker" as any person who carries on the business on the pavements of Bangalore city in accordance with the licence issued by the BMP.

We notice that the very definition is flawed as it does not define the type of business, or other parameters, and this in itself causes further harassment faced by the hawkers. The BMP has determined hawking and non-hawking zones in different parts of the city, assembly/ constituency wise.

The following are the guidelines for obtaining a licence under the scheme:

1. No more than one licence shall be issued to each family.
2. Each licensee has to pay a hawking licence fee of Rs 150/- per month payable in advance for 2 years amounting to Rs 3600/-.
3. The hawking licence is for a period of two years only and can be renewed at the discretion of the Commissioner.
4. The hawker shall not change his/her trade once he/she gets the license for a particular trade.
5. Hawker's licence shall not be transferable.
6. Hawking shall be allowed only at the places identified by the BMP.
7. Hawkers shall not be allowed to operate at busy circles and intersections of roads.
8. There shall be a clear 10 ft. space on the footpath for the use of pedestrians and no hawker shall encroach on the footpath.
9. Hawkers may carry out business only between 8 am and 8 pm.
10. No permanent place or structure shall be put up.
11. In public interest, the BMP may suspend the hawker's licence at any time, without prior notice to the hawker.
12. Hawkers shall always wear the licence badge.
13. No licence shall be granted for selling foods which spread communicable disease.
14. Hawkers shall carry out no unlawful activity.

Description of the licence

The licence shall contain the description of the hawker along with his/her photograph, permission to carry on the business, the place of hawking, the nature of business and other details as prescribed by the commissioner. The licence shall be displayed on the person during business hours.

Refusal to grant the licence

The commissioner can refuse to grant licence if in his opinion the trade/business should not be permitted to be carried out on the pavement; or that the carrying of the trade would completely block the movement of the pedestrians; or that the trade is against public interest.

Renewal of licence

The commissioner can refuse to renew the licence:

1. If the hawker carries on the hawking business on the street instead of the pavement.
2. If the hawker violates or contravenes any of the licensing conditions or conditions of the scheme.
3. If the hawker refuses to abide by the directions issued by the commissioner.
4. If the hawker carries on anti- social activities on the pavement or obstructs the pedestrians or occupies the pavement beyond the permitted time/space.
5. A licence shall be liable to be cancelled/revoked whenever there is violation of the licensing conditions or the provision of the scheme.
6. No cooking or sale of foods items or sale of cut fruits, which would cause health hazards, will be permitted.
7. A hawker shall not be entitled to make use of more than 4 feet x 4 feet space on the pavement for running of the business.

Mobile hawkers

One exception to this scheme is the mobile hawkers who are allowed to carry on the business selling goods in residential areas. When we spoke to Madiah, legal adviser to the

BMP, he supported the idea and felt that the mobile hawkers were providing a service to the citizens by making available items at their doorsteps.

Food Courts

Ikkeri, Deputy Commissioner, Department of Health, told us that the BMP has plans to establish food courts for hawkers to sell eatables such as cut fruits, sweets, chats and beverages. The BMP plans to regulate the cleanliness and hygiene of preparation and serving of eatables. He added that the process had not taken off due to lack of space in the city.

In 2003, the BMP proposed to establish a Food Court in Gandhi Nagar area on the strip of the road connecting Dhanwantari road and Sebedarchatram road. The proposal was stayed by the High Court after listening to a Public Interest Litigation filed by the Gandhi Nagar Varthakara Hita Rakshana Vedike (Gandhi Nagar Forum for the protection of the traders' welfare). In response to the notice issued, the corporation dropped the plan to construct the food court.

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 city police arrest hawkers for carrying on business in non-hawkable zones or for illegal business and produce them in court, where they are fined for carrying out illegal activities. However, the police claim that most of them go back to work. The hawkers, too, confirm this but claim to be helpless as this is their only way of earning a livelihood.

The notification issued by the BMP as per the directions of the High Court of Karnataka in 1999 identified the following as "**Hawking Zones**" in the four zones of the city: North, South, East and West. We have mentioned those zones which come under the purview of our study.

1. West Zone: Gandhi Nagar Assembly Constituency- The Pedestrian Road on Kempegowda bus stand to front side of Ayurvedic Hospital.
2. West Zone: Malleshwaram Assembly Constituency- Between Sampige Road and East Park Road at conservancy lane from 7th cross-junction to 11th cross-junction.
3. South Zone: Basavanagudi Constituency- Gandhi Bazaar.
4. City Market: not listed as a hawking zone but is definitely a sought after hawking area as our survey has established.

In our discussions, with both the officials and employees of the BMP as well as the hawkers, we found that there was no knowledge of such a scheme. An official in the Health Department claimed that the corporation had stopped issuing licences any further and that the activity was illegal. In the initial stages of our research, we were of the belief that no legal framework existed for hawking in Bangalore, and only later found out the existence of the scheme.

The Reality

We identified four markets in the city where hawking is prevalent.

1. Majestic

Considered the heart of Bangalore city and a primary trading area. We narrowed in on a street adjacent to the Kempe Gowda Bus Station (the city bus terminus) with 30 street vendors. They could be further divided into small time vendors selling fruits and fancy items (toys, false watches, clocks in plastic) and vendors who were recently shifted from a highly lucrative trading area (opposite Burma Bazaar) to the present place. These vendors sell smuggled goods like watches, clocks, battery powered gadgets. The small time vendors do not possess a licence while the latter have "supposedly" been issued licences, which have not been renewed. They were vacated in 2002 from the Burma Bazaar Area; the place now has very few hawkers on the footpath than earlier when the area was totally blocked by them and created a nuisance.

Case Study 1: Small time vendor

Manjunath. 32, Fruit vendor by profession; has been selling on the same stretch for nearly 13 years. He was the most vocal and complained of harassment. He makes daily sales of Rs 1000 and Rs 100 is given away as bribes. On Sundays, these people have to pay higher amounts as bribes. When he goes to the City Wholesale Market for buying fruits, he has to pay Rs 10-15 in spite of showing the purchase bill as proof.

The Upparpet Police Station, under whose jurisdiction lies this area, has filed many criminal cases against the hawkers in the Majestic area for obstructing pedestrian movement and behaving rudely with them. In most cases the details of the offenders are not available and have not yet been caught. Some vendors have spoken indecently while a few have even beaten up the pedestrians for questioning their act of obstructing movement. Quite a few have been arrested for selling pornographic material and obscene literature.

Case Study 2: Relocated vendor

One of the hawkers, Bapu told us that they were issued licenses and he paid Rs 1800 as license fee And Rs 400 as renewal fees to the Bangalore Mahanagara Palike. He sells watches, bags and electronic items. He has not renewed his license for the past 3 months. He need not pay bribes now but was harassed earlier as he was not recognised. He said that there was no problem and when asked to produce the copy of his license, he said that it was at home. When in Burma Bazaar, these vendors had a union earlier, but do not have one now. (Photo attached)

2. City Market

The Sri Krishna Rajendra Market, commonly known as the city market, is a retail trade centre primarily for perishable items. The market was recently (5 years ago) revamped to accommodate more traders. There is the inner circle which houses small shops "licensed" to sell groceries, spices, and utensils. The inner circle has three floors with a basement. Having spoken to the senior revenue officer, Tulsiram Naik, we noticed that the revenue officers collect rent on a monthly basis not exceeding Rs 1200/- irrespective of the business/trade carried out. They also do not check if the particular trader has a "trade license", when collecting the rent. This is noted down in account books and the money is deposited into the BMP/Corporation Treasury. Most of the traders have been here for nearly 50 years and do

not face any harassment. However, when the BMP employees come to clean the place in the morning as well as the evening, they are supposed to vacate the space and allow the cleaning to be carried on.

The outer circle consists of a vast open space which was clearly constructed as a pedestrian area for customers to walk around. Instead, we notice vendors through the area early in the mornings by 4:00 am to buy and sell vegetables, fruits and flowers. There is an ADHOC LICENSE given to the street hawkers from 5:30 am to 8:30 am on a daily basis for Rs 5/- to vegetable, fruit and flower vendors. The traders are given a challan for this and this challan was shown to me. The hawkers are forcefully removed after 9:00 am.

Fine is imposed by the officials in an "arbitrary manner"

There is no laid out fining system for each trade. The street hawkers, "if they are found to be causing nuisance for the public" by blocking the path in the market area, are fined an amount depending on their trade and their goods are seized and taken to a room (a godown sort of place) owned by the BMP from where which they can recover their items after paying the fine. That could mean a whole day's trade being interrupted by the "seizing staff" as they are called by their colleagues. **The hawkers are fined according to their trade, and their ability to pay.** If a person has a small flower business, he/ she is fined considerably lesser than a "barthan" wallah. Again, this depends on the whims and fancies of the seizing staff. When we probed further, two revenue officers were reluctant to answer and there was even an instance when a junior revenue officer nudged his colleague for revealing too much. According to the revenue officer, once the goods are seized and the day's money collected, the money gets remitted into the corporation treasury. There is a book that is guarded by the seizing staff, which contains the names of traders (both petty shops and hawkers) who have been fined. How much gets remitted into the corporation treasury and how much goes into the pockets of the inspectors is hard to ascertain.

Case Study 3: 3 June 2004

We came to know that the "seizing staff" comprised revenue officers who carry out rounds at around 9.00 am in the city market. Along with the Municipal Corporation employees, we identified more players. The local area police and the traffic police raid these areas and seize the goods. The hawkers told us that this was a routine and they had to pay bribes of Rs 2-5 to each person. They would come back at around 10.30 am and start their business and would again be harassed in the afternoon. In the evenings, the hawkers are free to sell as the official duty timings are over. Today, the BMP commissioner was expected to visit the area and hence more precautionary measures were taken to evict hawkers and keep the area clean and neat.

Gate fee collection

There is another interesting point to notice in the market. A gate fee is collected from every trader, again depending on the goods sold by the trader. A vegetable vendor will be asked to pay Rs 2 while a trader selling pots and pans will be asked to pay Rs 5-10. This again will go to the corporation treasury. This is collected by private hands who have helped to build the relatively new market complex 5-6 years ago. This reminds me of a "toll tax" imposed when a new highway is built by private agencies.

Case Study 4: A vendor in the inner circle

One of them is Iqbal, 45, whose relatives own two shops. He has grown up working here right from his childhood. He sells cucumbers and makes sales of Rs 2000 every day. He faces no harassment. Occasionally he pays a bribe of Rs 10-20.

Outer Circle

The outer circle houses shops selling aluminium utensils, photo frames and spices. In between the outer and inner circle is an open space paved with granite stones. This place was originally meant for movement of customers and sellers and the transportation of goods. However, vegetable and fruit vendors occupy most of it, causing inconvenience to passers-by. The main entrance, too, is not spared. None of them hold licences and are the ones who are chiefly harassed by the police, traffic police and the BMP employees. They are vacated twice a day, in the morning (10:30 am) and afternoon (2:30 pm) for the process of cleaning the place. We ourselves found the officials asking for bribes. In spite of this problem, the vendors feel helpless and come back to business, as it is a question of their survival.

3. Gandhi Bazaar

Description of Gandhi Bazaar market

This is one of the oldest markets in Bangalore city where the freshest of vegetables, fruits, and flowers are sold. There is a dilapidated market, which was constructed in the 1970s but was not occupied for a long time because it could not house the 350 odd vendors occupying the pavement, which make up the market.

Stationary vendors on the Gandhi Bazaar stretch

The hawkers are happy on the streets, even if they cause a problem to the pedestrians. The fruit vendors are given a challan or an ad hoc licence from 6:30 am to 9:00 am after which they leave. They are not forced to leave the premises—a direct contrast with the situation in city market. They leave on their own accord because they are through with selling by 9:00 am. The customers stop pouring in after that, as the flowers grow dry. The vegetable vendors who are on the pavement have a strong union backing them called the Sainika Dala Sangha, which was formed after a local politician threatened to evict the whole lot and close the Gandhi Bazaar market. They pay an annual sum of Rs 10 for renewing membership. They unanimously agreed that the BCC officials do not harass them. They were given a licence four years ago (a copy could not be produced for me to see) but it has expired a year ago after which it has not been renewed. They paid Rs 1600 for it and as I said before, it has expired.

Case Study 5

Yezhmalai, M, 35 migrated from Salem, Tamil Nadu, as he does not have land in Salem and decided to move to Bangalore city in search of work. He sells vegetables (onions and tomatoes). He does not possess a licence. He entered the profession using his own capital worth Rs 500 (10 years ago). He invests Rs 300 daily and makes Rs 100-150 profits daily. So his monthly income is roughly Rs 4500/-. He mentioned very clearly that he does not have any problem from the authorities, has never been booked, and he is happy because he is a mobile vendor. His friend Murugan, also from Tamil Nadu, corroborated his views.

Mobile Vendors

They start their day early at 3:30-4:00 am in the city market. This is the time when they collect the vegetables and fruits in the wholesale market and leave the place at around 5:30 am. At this hour the corporation, the police or anybody else does not trouble them since none of the offices are open at this early hour. They are allowed to collect the vegetables and make their way to different parts of the city. There is a long 2 km road on which they travel before reaching the Gandhi Bazaar market.

4. Malleshwaram

This is a very important market area in Central Bangalore which largely contains shops. However, hawking is also prevalent on some streets. The BMP has declared the lane on the right side to 8th cross near the Raghavendra temple as a hawking zone where the vendors mainly sell fruits and vegetables. Further upwards is the market that houses shops selling groceries. A few years ago, the market had many more vendors who sold their goods in the public playground. However, the BMP vacated them and few are left now. The hawkers actually occupy the street (in violation of the BMP scheme) as the footpath is too narrow. They do not face harassment from the police or the BMP officials.

However, the 8th crossroad has been declared a non-hawking area. But hawking is very much prevalent here. The street has big shops and hence the hawkers are unable to use much space on the footpath, as it is an obstruction to these shops. Instead, they use the street, making it difficult for the movement of vehicles and impossible during the festival seasons. The pedestrians have no other means but to walk on the road itself.

Most of them sell fruits, flowers, spinach or petty gift items. While most of the flower sellers are women, lemons and spinach are sold by small children who are mostly children of the hawkers in the hawking zone. These vendors are harassed mainly by the traffic police who visit the area regularly.

When we went in the morning one day, a traffic police jeep was arriving and the hawkers ran away fearing that the Circle Inspector was in it. However, it was later found out that he was not in it and the hawkers came back. They complained of harassment and raids 3-4 times a day. Each hawker paid Rs 2-5 for every person who visited the area.

Case Study 6

Prasad M., 27, has been selling small toys and fancy items on the 8th cross road of Malleshwaram for the past two years. He does not earn more than Rs 200 per day and has to pay Rs 2-5 to each traffic police who passes by. He is made to vacate the place whenever the Circle Inspector comes to raid the area, which happens at least twice a day. Some times, he is able to get the information of the jeep arriving from other hawkers at the other end of the road and escapes them.

Observations and Conclusion

We notice an important irregularity in Bangalore city when it comes to hawking. Each hawking zone identified by us differs vastly in character; such as the cost of illegality is higher in the city market area than it is in Gandhi Bazaar and Malleshwaram. This has to do with the latter two markets being in residential areas with a strong union backing, while the market is highly disorganised with more players squeezing the little livelihood they earn each day.

It is also essential to understand that the scheme of rules and regulations announced for the regulation of hawking in the city have not been widely informed and put into practice. Indeed, most of the BMP officials themselves are ignorant of this and we were made to believe that no legal measures existed in the city for quite some time in the beginning of our research.

With the rapid growth of the city environs and employment opportunities, the population has multiplied over the years with Bangalore being the fastest growing city in the country. However, the city has not been able to bare the influx of people, giving rise to serious difficulties. It would not be incorrect to say that hawking has been taken as an easy way for committing crimes. This is clear from the various cases that have been lodged in police stations. Another dimension is the participation of larger businesses in hawking to take advantage of its nature of work.

However, a large section of the hawker population consists of poor and unemployed youth, helpless women folk and orphaned children. They form a major part of the neglected in our society and have no other means to make a living. In occupations of such meagre earning too, they face hurdles at every level. The associations and unions formed for their rights are controlled by men of greater means who hardly fight for them. Although the petitioners to the High Court were these associations, none of the hawkers know of their existence or functioning.

At the other end are the politicians who frame the laws and forget the plight of these vendors except at the time of elections. The corporation employees and officials are not interested in the implementation of these laws and it is a nightmare for those helpless men and women to get licences issued and renewed. At every stage they are harassed for bribes. The police play an important role in the execution of this process.

Thus, the poorest in our country are not only deprived of a decent living but also bound by the shackles of state regulations and bureaucratic hurdles, which only dishearten them. Further, they end up living to fight a battle throughout life at every instance. For them, life is a living death.

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