

Researching Reality

HAFTA BAZAAR

WALKING THROUGH DELHI'S CORRIDORS OF COMMERCE



**FRIEDRICH NAUMANN
FOUNDATION** For Freedom.

South Asia



**Centre for
CIVIL
SOCIETY**

SOCIAL CHANGE THROUGH PUBLIC POLICY



Hafta Bazar: Walking through Delhi's Corridors of Commerce

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Hafta Bazaar

Walking through Delhi's corridors of commerce

Edited by
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This year, Researching Reality has conducted a one of its kind exploration of an understudied subject. We have attempted to fill gaps in the literature available on weekly markets and their vendors. We restricted the scope of this research to Delhi. We approached the research from various methodologies, uncovering the most prominent challenges faced by these vendors. A big shout out to the Research Guides— Arjun Krishnan, Ashana Mathur, Astha Pandey, Avi Majithia, Jayana Bedi and Karthika Rajamohan —for guiding the interns throughout and bringing out the best in our cohort.

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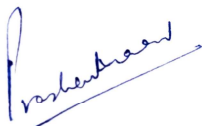
We appreciate the contribution of Yoda Press towards copyediting and proofreading our compendium. They ensured our research was put forth clearly and accurately.

Because RR involves so many people, it requires an extraordinary level of coordination and compliance. Simranjyot Kaur, the coordinator for this year's compendium, has done a marvellous job at it.

Lastly, we thank the National Hawkers Federation for agreeing to consultations. The study would not have been possible without their extensive support and insights.

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We are grateful that the Friedrich Naumann Foundation for Freedom has shown its trust and support for our program year after year. Without their funding, we would have been unable to produce this compendium. We are deeply thankful, especially to Dr Carsten Klein and Nupur Hasija, for believing in this project.



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Foreword

Street vendors and markets are a vital part of Delhi, not only for the character they bring to the city but also for the economic contributions they make. By reducing transaction costs and saving time for residents, street vendors and markets help to keep the city running smoothly. Among the most well-known features of Delhi are its weekly markets, which can be found in various locations throughout the city. These markets offer affordable goods and services to people from all economic and social backgrounds, creating a sense of community and togetherness. It's hard to imagine Delhi without its vibrant street vendors and markets.

Every year, Centre for Civil Society (CCS) offers training to students and fresh graduates across the country through their Researching Reality Program (RR). The six-week-long intensive training-cum-capstone project focuses on primary research. As part of this project, trainees undertake research on a specified theme under the guidance of an expert and co-author a research paper. This year marked the 22nd edition of this leading initiative, and the theme was "Hafta Bazaar: Walking through Delhi's Corridors of Commerce".

The trainees covered 15 weekly markets across the city to study the workings of these markets. Carefully designed methodologies and questionnaires helped unearth missing information from the earlier literature. The stories from the ground have highlighted the nature and extent of harassment weekly vendors face.

In the past, the Aam Aadmi Party (AAP) has also acknowledged the problem of corruption and how it leads to harassment of the vendors at the hands of public officials. We have been working on a progressive policy to stop the practice of extortion and allow vending without any disruptions. AAP's government at the State and local (MCD) level are committed to demarcating clear vending zones. This is to strike a balance between the rights of the vendors to livelihood and rights of the pedestrians to enjoy unclogged walkways.

We are certain this Compendium will help the new and first time elected AAP government at the MCD level in achieving their objectives by bringing in reforms to expand the legal and economic freedom of the vendors.

It is imperative that the youth of the nation learn the essentials of good governance and public policy. I congratulate CCS on leading the charge and doing a commendable job of shaping young professionals who appreciate the principles of choice and accountability. We also appreciate the evidence-based research they have been producing for marginal entrepreneurs.

Let's together ensure that the unseen are not unheard, anymore.


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Foreword

The vibrance of Delhi can be witnessed while strolling down the paths of weekly *bazaars* in Karol Bagh and Daryaganj, among others. These *bazaars* charm you with their rustic old beauty and stunning colours and flavours. They are windows to the city's culture and history. But what about the people behind these *bazaars*? Modern-day street vending plays a significant role in the urban economy by providing access to affordable goods and services. However, these markets are understudied. There is little to no literature on how these markets function, the nature of their informality, and the impact of this informality on weekly vendors.

This year's edition of Researching Reality attempts to address this gap through primary research in the weekly markets of Delhi. Over two months, the trainees focused on studying the formalisation, eviction, relocation, and zoning mechanism of the weekly markets. Multiple methodologies such as *de jure v. de facto* comparison, stakeholder analysis, judicial analysis, surveys, and interviews were applied to unearth new information.

Apart from competing for public space with other stakeholders, weekly vendors have to navigate through a multitude of challenges. A concerning revelation was that most vendors are unaware of the Street Vendors Act, 2014 (Act). We found that some vendors have not yet received Certificates of Vending (CoV), and the ones who have, lack knowledge of its utility. The current format of the CoV does not cater to the unique needs of weekly vendors who have different vending locations on different days of the week. Due to this, several weekly vendors also struggled to get surveyed by local authorities and Town Vending Committees. The formalisation of vendors must adopt a creative and flexible approach to account for these issues.

CCS champions economic freedom and the right to livelihoods for marginal entrepreneurs like street vendors. We envision a world where each individual leads a life of choice and dignity in personal, economic, and political spheres and where every institution is accountable. In 2003, CCS began gathering information on livelihood barriers and other challenges facing the urban poor in India. Since 2014, CCS has released three progress reports on the implementation of the Act across the country. In 2019, CCS was nominated as an NGO member for three Town Vending Committees. In 2020, CCS reviewed all state rules and schemes under the Act to highlight provisions that depart from the intent of the Act. In the same year, CCS was invited by the Ministry to suggest amendments to the Act. In 2021, CCS was the only civil society representative invited by the Parliamentary Standing Committee for suggestions on improving the implementation of the Act.

My congratulations to the Researching Reality Team for their valuable contribution to keeping the embers of liberty burning brightly in India through evidence-based research and outreach. I sincerely hope the compendium will further the economic and legal rights of the weekly vendors in Delhi.



Lakshmi Sampath Goyal
CEO - Centre for Civil Society

Introduction

During the lockdown, weekly markets in Delhi were shut for over two years affecting an estimated 1.5 lakh vendors.

Who are these weekly vendors?

The Street Vendors Act (SVA), 2014 provides a definition for stationary and mobile vendors but does not mention weekly vendors. The Delhi Street Vendor Scheme, 2019 does so. Rule 6.1.4 of the Delhi scheme defines weekly vendors as “vendors who participate in weekly *bazaars* and sell their goods and services in weekly *bazaars*.” Rule 6.1.7 also directs the local body to allocate “sufficient space” for weekly markets. However, as chapter 3 suggests in this compendium, the scheme “downplays” weekly vendors by clubbing them with temporary vendors.

Why do these vendors sell only once a week? What do they do on other days? Given that Section 5 of the SVA Act prohibits moonlighting, that is, taking up alternative employment, these questions remain.

Not much literature about weekly vendors is available at present. Often the discourse on street vending is about stationary vendors, and sometimes about mobile vendors. We do not know how many weekly vendors are out there and how many of them are surveyed or registered. Many of them vend at different locations on a rotational basis, and so their enumeration poses a challenge.

Chapter 1 identifies the stakeholders competing with weekly vendors for public space. Resident Welfare Associations (RWAs) across the city often approach the High Court against chaotic weekly markets. Weekly vendors may not be voters in that particular location, but residents are, and hence the latter’s complaints to the local authorities carry more weight over the livelihood concerns of weekly vendors. Local authorities find the markets in no-vending zones illegal. What is illegal –vending in a no-vending zone or the no-vending zone constituted without consulting a Town Vending Committee (TVC) before the survey? Shopkeepers charge a “rent” from weekly vendors who occupy a spot in front of their shop. Vendors view this “rent” as a way of compensating shopkeepers for partially blocking access and visibility. It is a “deal” whereas in the case of public officials, they talk of it as a “rule”. They assert their power in this manner, because the rule, or the law, no longer favours arbitrary eviction. Rent-seeking by public officials is common. The chapter also identifies the market Pradhan, that is, the de-facto head of the weekly vendors in a given *bazaar*. Even though he may be unelected, he negotiates with the police, MCD officials, and local residents much like a vendor representative would.

Chapter 2 questions the notion of the Certificate of Vending (CoV). It argues that the conditions attached to a CoV in Section 5, including the ban on moonlighting, are infeasible. The section also bans subletting and hiring of employees, or owning multiple spots. Vendors do not know about the law and continue with their livelihood; like the Great Indian Bustard or Sonchiriya, despite weighing up to 15 kg and oblivious to the laws of aerodynamics, keeps flying. When informed, vendors find these conditions arbitrary and infeasible to comply with. It seems that the authorities too never enforce these conditions. Then why even have these

unreasonable conditions on paper? The CoV as a proof of formality is supposed to guarantee protection from harassment and rent-seeking.

Chapter 3 finds that while many vendors have not received the CoV even after being surveyed, those who have are still being harassed. Unsurprisingly, as many weekly vendors do not understand the utility of the CoV, they do not use it to assert their legitimacy. Until vendors are surveyed and given CoVs, no no-vending zone can be carved out. This is one of the five principles in the First Schedule to the Act. Let's call the principles Panchsheel for our purposes here. The others are:

- a natural market cannot be declared a no-vending zone;
- overcrowding cannot justify a no-vending zone; neither can sanitary concerns;
- zoning must strive to minimise vendor displacement; and
- no zoning can happen without survey and plan formulation.

Like China's attack on India following the Panchsheel doctrine, MCD too violated each of these "Panchsheel" principles and removed many weekly markets. Chapter 3 looks at zoning-based eviction, particularly in the Daryaganj Sunday Book *bazaar*, Ajmal Khan Road, Karol Bagh Som *bazaar*, and the Ashok Nagar weekly market. Ajmal Khan Road, Karol Bagh, initially made vehicle-free, is now to be made vendor-free. Indeed, administrative minds may be harder to read and difficult to predict. Chapter 3 also finds that the Master Plan of Delhi has no reference to the SVA. Like Sarkar, the law can also be polyvocal.

The chapter further observes that the famous book *bazaar* of Daryaganj, despite being more than 50 years old, was relocated to the *Mahila haat*, a lesser known location. While some Daryaganj vendors may have accepted this new location, it was not a product of choice. For them, as a result of this move, daily harassment may have reduced but then, so has profitability.

Chapter 4 digs deeper into the Daryaganj judgement while looking at a couple of other markets to study relocation. This chapter argues that the SVA having an overriding effect on any prior ordinance, judgement, scheme, or legislation should have been given precedence while deciding the relocation of Daryaganj vendors. However, the judgement emphasises the 2005 North Delhi Municipal Corporation (NDMC) order declaring Netaji Subhash Marg as a no-vending zone over the SVA 2014. The Municipal Corporation had granted natural market status to this weekly *bazaar* in 2007. Per the 2014 law, a natural market cannot be declared as a no-vending zone. But the judgement ignores this as well. As a matter of fact, the judgement does not refer to the 2014 Act at all. No survey was conducted before the relocation and no 30-day notice was given to the vendors. The survey began for them after they were relocated to *Mahila haat*. Further, even the *Mahila haat* location is not permanent; it is on a three-year lease. Vendors are not sure where they will go after the lease expires. The authors also reached out to the *Chor bazaar* vendors who, on a trial basis, were relocated in 2019 from Netaji Subhash Marg to Yamuna Pushta. This eviction too happened without any notice. Permanent relocation got delayed due to COVID-19 and is still pending. As they continue to face harassment and undue seizure, most of them have taken up alternative employment and quit vending.

Chapter 5 looks at the patchy formalisation of the weekly vendors. Karol Bagh vendors seem aware of the governing TVC but vendors at Inderlok market knew little about the TVC and its functioning. The survey is not yet complete in Karol Bagh. At the Dilshad Garden market as well as Seelampur market, surveys are complete.

The chapter also finds inconsistencies in how CoVs record vending addresses. For instance, the CoVs of the vendors of Seelampur acknowledge them as weekly vendors. Even though weekly vendors vend at different locations on a rotational basis, their CoVs record only one of their several vending locations. A couple of vendors claimed that their CoVs do not mention any of their vending addresses and that space in the CoV was left blank. A vendor in the Dilshad Garden market had their ward-level location mentioned in his CoV. Another vendor had all his vending addresses recorded in his CoV.

This chapter also finds that on 12 March 2020, the Department of Urban Development under the Government of National Capital Territory of Delhi (GNCTD) notified the constitution of the Dispute Redressal Committee (DRC). However, vendors seemed unaware of this. When informed about it, they were sceptical about the role and usefulness of the DRC. The SVA offers no details about the kind of disputes that would be handled by the DRC. Another important finding is that per the Second Schedule to the Act, the declaration of heritage markets would be dealt with under the scheme but the scheme mentions no procedure for declaring a market as a heritage market. As of now, Delhi has no heritage market designated under the Act.

In conclusion, this compendium has important implications.

First, weekly vendors are peculiar in terms of rotational vending locations and so their enumeration and formalisation must take that into account. Ambiguity in terms of recording vending spots on the CoV will further favour public officials and work against vendors.

Second, the conditions for issuance of a CoV are unnecessary, impractical, and unenforceable. Perhaps, the government is aware of this and hence it is not even attempting to enforce these conditions. Still, it would be best to do away with these conditions.

Third, there is no procedure either in the law or the Delhi Scheme to identify and declare a heritage market and a natural market. The GNCTD should amend the scheme to insert suitable provisions in this regard.

As recent judgements signal adverse judicial behaviour towards vendors, a critical engagement is all the more pertinent to correct the judicial discourse and jurisprudence in matters pertaining to them in the long term.

Prashant Narang

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Once-a-week Relationship



Aditi Jain, Ishika Ray Chaudhari, Jayana Bedi, and Mrinalini Niranjani

Introduction

Delhi stands as an amalgamation of multiple settlements and villages—from Indraprastha to Mehrauli and the British capital—each accompanied by the presence of roadside markets (Sohail Hashmi 2007). The drive to reach out to a city full of customers, combined with the culture of mobile vending, led to the formation of a system of weekly vending (Sohail Hashmi 2007). Vendors visited the same six or seven markets in a week, attached to various settlements within the city. These *hafta bazaars* continue to increase the accessibility of the goods sold in the markets for local residents. They have therefore, historically been a crucial component of Delhi's cultural landscape. For centuries now, some or the other form of weekly vending has existed in the city (Yadav and Bhaduri 2019).

Hafta bazaars are unique because they are set up in a particular place only once a week. Typically, such markets come alive by late afternoon, and the vendors dismantle their stalls and pack the goods to be transported to the next destination by late evening. Weekly *bazaars* also sit in places which already host a permanent market of daily vendors and shopkeepers. Naturally, this causes a conflict between the weekly and daily actors over a scarce resource — public space. The conflict is further complicated by other users of this resource. These include consumers, local residents, vehicles, and pedestrians. Finally, the public officials who regulate vendors and allocate space also become important stakeholders in the system. They exert an influence over all the actors and affect the shape their interactions take.

We visited four *hafta bazaars* to speak to relevant stakeholders. We saw similar scenes of busy vendors setting up their stalls on either side of the road, aesthetically arranging their goods — colourful clothes, fresh fruits, tasty treats, and jazzy jewellery. Some sold their goods out of a semi-concrete stall, or on wooden tables with impermanent plastic sheet walls. Others pushed mobile carts around the market and set up shops on a single tarpaulin sheet laid on the side of the road. Whatever the structure or goods sold, all the vendors wanted to earn a dignified livelihood.

This paper explores the dynamics between different stakeholders and their perceptions of each other using an economic lens, that is, the 3Is framework of Interests, Incentives, and Information. We interviewed all the key stakeholders in these four weekly markets to understand how they perceive their challenges and opportunities in the marketplace, and their relationship with weekly vendors. We also studied all court cases pertaining to weekly vendors in the High Court of Delhi to highlight key pain points and sources of tension between stakeholders.

Identification of Stakeholders and the Data Collection Process

Analysis of court cases

Table 1.1 analyses cases pertaining to weekly street vendors in the High Court of Delhi from 2010 to 2022. This analysis serves a two-fold purpose. First, it helps identify the key stakeholders in a weekly market. Second, it sheds light on the nature of challenges, concerns, and perceptions surrounding weekly markets. Writ Petitions under Article 226 of the Constitution of India can be brought directly to the High Court, making these cases appropriate for our analysis. The table discusses the cases by presenting the key facts, issues examined, judgements delivered, and stakeholders involved. Based on these details, we draw inferences on the nature of the conflicts/issues.

On-ground surveys

Along with relying on the analysis of the cases, we visited weekly markets to identify the key stakeholders. After identification, we picked four markets to cover North-East, North-West, South-East, and South-West Delhi. These markets include, Govindpuri Wednesday market (South-East Delhi), the 25 Feet Road Saturday Noor market in Gokulpuri (North-East Delhi), the Raghubir Sunday market in Rajouri Garden (West Delhi), and the Vasant Kunj Monday market (South Delhi).

In each of these markets, we conducted semi-structured interviews with ten weekly vendors, five daily vendors, three shopkeepers, five residents, five consumers, and two public officials using convenience sampling.



Figure 1.1: A Double Thank You Moment in Progress
Vendors Selling Tomatoes in the Vasant Kunj Monday Market

Who All Compete Over the Use of Public Space?

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (SVA), regulates vendors, including weekly vendors. The SVA aims to “protect the rights of urban street vendors and to regulate street vending activities”. Per section 12, all street vendors have the right to vend in accordance with the terms and conditions mentioned in the Certificate of Vending (CoV).¹ The SVA also imposes certain restrictions/duties upon the vendors. These include, maintenance of hygiene, payment of vending fees and maintenance charges, and adherence to time constraints for vending if they operate on a time-sharing basis.

The Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019, recognises weekly vendors as a separate category and mandates local bodies to allocate sufficient space for them, based on the demand for their services. Further, local authorities are required to ensure non-congestion of public spaces and ration spots if the number of vendors exceed the space available.²

Brugha and Varvasovszky 2000 define the stakeholders of a given system as “actors who because of their position, interest in the issue, or being affected by the issue, have or could have an influence on the decision-making and implementation process.” *Hafta bazaars* are often situated in areas where other stakeholders contest the use of public space. The interests of weekly vendors are usually in conflict with the daily actors in the market. These include street vendors who set up their stalls daily, shopkeepers, residents, pedestrians, and vehicular traffic. Apart from this, the local authorities who are in charge of regulating street vending and the public space “influence” the system.

The SVA lays down the rights and duties of street vendors and local authorities, but not of other contenders of public space. In the absence of a legal framework governing these competing uses, we investigate the informal mechanisms in place that help resolve tensions in the marketplace.

1. SVA, s 12

2. Delhi Scheme, clause 6.1

Gauging the Interests, Incentives, and Information of Stakeholders

To understand the complex web of relationships that exist among different stakeholders, we examine the outcomes each stakeholder envisages from the market (interests), their motivations to act the way they do (incentives), and the nature of information they possess to realise their intended outcomes. For example, many *challans* issued by the Municipal Corporation of Delhi (MCD) to verify the payment of vending fees do not carry identifying details of the concerned vendors—no names, addresses, etc. In six court cases, since the *challans* did not carry names, vendors were unable to use these *challans* as evidence to verify their vending history in the Karol Bagh weekly market. Such inadequate documentation may be a draw for the public officials and assist in rent seeking. Weekly vendors may not have the requisite information or bargaining power to contest this.



Figure 1.2: Something for Everyone
A Vendor at the Raghbir Nagar Sunday Market

We find that the primary parties that approach the High Court include: local residents, public officials, and the weekly vendors' associations. The table below provides a snapshot of the key cases and issues pertaining to weekly vendors.

Table 1.1: Stakeholders Identified through Case Analysis*

Case Name	Stakeholders Identified	Facts	Issues	Judgement	Inferences
<i>Residents' Welfare Association, Chhattarpur Enclave vs. Municipal Corporation of Delhi and Ors. (2012)</i>	Residents, local authorities, and weekly vendors	The RWA sought prohibition of the weekly <i>bazaar</i> set up in Chhattarpur that caused them "acute inconvenience".	Whether the weekly market is authorised and is operating within the permissible limits	The court directed the MCD to decide, in consultation with the traffic police, whether the weekly <i>bazaar</i> should be allowed to operate. MCD was required to make this decision within one month and ensure that traffic in the area operates smoothly.	The court clarified its role and mentioned that it will not decide whether hawking should be permitted on a certain road. The matter first needs to be considered by the MCD.
<i>B-Block (Part II) Residents' Welfare Association vs. Municipal Corporation of Delhi (2013)</i>	Residents, local authorities, and weekly vendors	RWA appealed against disposal of their demand to prohibit weekly markets in Naraina Vihar (a residential area).	Residents cite concerns regarding sanitation and blockades, and complained that MCD has failed to comply with various orders and directions on street vendor regulation	The court directed the MCD to implement the 2009 policy as required by the Supreme Court. Further, MCD was required to ensure that minimum sanitation is maintained and weekly <i>haats</i> do not cause any obstruction to individual residents.	The court follows an approach similar to the previous case and does not comment on the legality of the weekly markets. Instead, it encourages the MCD to implement the 2009 policy.

Case Name	Stakeholders Identified	Facts	Issues	Judgement	Inferences
<i>Dinesh Kumar vs. North Delhi Municipal Corporation (2017); Hemant Kumar vs. North Delhi Municipal Corporation (2017); Rakesh Kumar vs. North Delhi Municipal Corporation (2017); G Raju vs. North Delhi Municipal Corporation (2017); Lal Chand vs. North Delhi Municipal Corporation (2017); Shiv Giri vs. North Delhi Municipal Corporation (2018)</i>	Weekly vendors and local authorities	Six vendors individually approached the High Court of Delhi to prevent harassment by the MCD and interference in their vending activities. They claimed that they had been regular squatters for years, and produced MCD-issued <i>challans</i> for years between 1981 and 2012 as proof.	Whether the petitioners qualified as regular squatters based on the <i>challans</i> they placed on record	In most cases the court held that the petitioners cannot claim protection under Section 3(3) of the Act since their names do not appear in the relevant lists prepared by the MCD. Further, the court directed the petitioners to approach the TVC as and when it is functional with its case.	The case points to the peculiar nature of weekly vendors and the challenge they face in being recognised as regular squatters by the judiciary and the executive. Even after the enactment of SVA, courts continued to rely on lists prepared by the MCD pre-2014 in deciding whether to grant protection to vendors.
<i>SB Tripathi vs. South Delhi Municipal Corporation (2018)</i>	Residents, public officials, police, and weekly vendors	A resident alleged that a weekly <i>bazaar</i> was being held near his residence in connivance with SDMC officials for “illegal monetary gains”.	Whether the weekly <i>bazaar</i> obstructed the free movement of traffic and pedestrians	The court directed the police and MCD officials to ensure that weekly vendors conduct their business in “an ordinary manner without causing inconvenience to the residents”.	While courts acknowledged resident grievances they do not order a removal of markets. Instead, they either direct the MCD to determine its legality or streamline its functioning and prevent obstructions.

Case Name	Stakeholders Identified	Facts	Issues	Judgement	Inferences
<i>Saptahik Merchant Welfare Association vs. North Delhi Municipal Corporation (2019)</i>	Weekly vendors and local authorities	A case contesting the weekly <i>bazaar</i> held in Netaji Subhash Marg that was declared as a non-hawking zone by the MCD before 2014.	Whether an interim order that temporarily allowed the Sunday <i>bazaar</i> to operate in Netaji Subhash Marg should be modified	The court held that based on the submissions made by the MCD, no weekly <i>bazaar</i> should be permitted to operate in Netaji Subhash Marg.	Courts continue to uphold no-vending zones demarcated by the MCD before 2014. This makes it difficult to contest even those no-vending zones where vendors have been squatting for years and have been granted protection under the SVA.
<i>Saptahik Patri bazaar Association vs. Government of NCT of Delhi (2021)</i>	Weekly vendors and Government of NCT of Delhi	Weekly vendors contest the limits on number of markets and vendors per market set by the Government of NCT of Delhi during COVID-19.	Whether the restrictions imposed on weekly <i>bazaars</i> should be removed	In response to the notice issued in the petition, the DDMA authorised the functioning of all weekly markets. The court directed all weekly vendors to ensure that they are vaccinated at the earliest	In this case, the court responded to the petitioners plea and pushed the Government of NCT of Delhi to consider reopening weekly <i>bazaars</i> soon.

***Search Engine Used:** IndiaKanoon and SCCOnline; **Keywords:** Delhi High Court, Weekly Markets, Weekly Vendors, Street Vendors Act, Delhi Street Vending Policy 2009; **Timeline:** 2010-2022; **Total Search Results:** 54; **Search Results/Cases Mentioning Weekly Vendors:** 11.

Our on-ground observation helped us identify other stakeholders such as consumers, daily vendors, and shopkeepers. Below, we elaborate on each stakeholder and their relationship with the weekly markets.

Weekly vendor: The once-a-week occupant

Weekly vendors are those who vend for a brief period of time on a given day at a certain spot. These vendors move from one market to another based on the day of the week. Operating across markets allows weekly vendors to access more customers and set up stalls on days that see high footfall. They are usually embroiled in two kinds of conflicts: (i) with local authorities on undue relocation and eviction, and (ii) with residents on setting up the market and defining its boundaries. Recently, their complaints against the government have been focused on reopening markets post-COVID-19.

Pradhan: A messiah vendors wish they didn't need

Market Pradhans are *de facto* the informal heads of the market. The Pradhan usually governs the informal rules of the market, and solves internal conflicts (Chowdhary 2017). They manage conflicts over vending spots, new entrants, and negotiations with the police, MCD officials, and local residents. For other stakeholders, the Pradhan becomes the focal point for coordination with vendors in the market.

Pradhans often own either shops or big stalls in the market. Some weekly vendors express dissatisfaction with them because they collect “huge sums” from vendors to operate and oversee the markets. They claim that Pradhans hold considerable sway in making decisions in the market. However, most vendors acquiesce to such decisions because it helps the market function smoothly and without conflict.

Public official: The protector and the destroyer

Each week, MCD officials patrol the weekly markets and collect vending fees from weekly vendors.³ They also check whether the vendors present in the *hafta bazaars* are authorised and are vending within the prescribed vending zones. The local officials take action against vendors who do not have their name on the survey list or a vending certificate, as required under the SVA. While some residents see them as upholders of law and order, vendors view them as disruptors of their business. Officials have a dual identity, where, they are also consumers in the weekly markets located in their neighbourhoods, and they consider the markets useful.

3. Usually, officials charge a nominal fee of INR 10 or INR 15 per table set up, as seen in Govindpuri, Raghuvveer Nagar, and Vasant Kunj. Not meant to capture all *hafta bazaars* across Delhi.

Resident: An unfriendly neighbour

Hafta bazaars are often set up in residential areas, in bylanes that serve as access roads into and out of neighbourhoods. As a result, the Residents' Welfare Associations (RWAs) often fight the expansion of weekly *bazaars* (as is also clear from the cases in the High Court). The unchecked expansion of markets causes congestion, traffic, and adversely affects residents on the day the weekly *bazaars* are held.⁴ In most cases, however, while weekly vendors are seen as the encroachers, the complaints are directed against the MCD. Residents expect local authorities to manage, control, and even remove weekly markets if needed. Several weekly vendors complain that they have been kicked out of their *bazaars* due to complaints from residents. Yet, local residents who frequent weekly markets depend on them for access to a wide variety of affordable goods. These markets are considered convenient and looked upon favourably by most consumers.



Figure 1.3: Getting Ready for the Market
In the Narrow Residential Lanes of 25 Feet Road Market

Daily vendor: The competitor lookalike

Vendors who are daily occupants of the market compete and conflict with weekly vendors. This is due to two reasons. First, daily vendors are often displaced and forced to shift their vending spots on days when the weekly market is held. Second, weekly vendors reduce the visibility of stationary daily vendors. This tussle is further complicated by claims made by some daily vendors that weekly markets improve footfall for them. Consequently, on days when the *hafta bazaars* are set up, daily vendors want to capitalise on the increased footfall and maximise their visibility.

4. Residents' Welfare Association, Chhattarpur Enclave vs. Municipal Corporation of Delhi and Ors. (2012)

Shopkeeper: A symbiont

Shopkeepers sell their goods in permanent structures in marketplaces. They have a symbiotic relationship with the weekly vendors. The vendors often pay the shopkeepers to set up stalls outside their establishments and sometimes store their goods. This informal mechanism helps avoid conflict, and compensates shopkeepers for the reduced footfall and decreased visibility during the days the weekly market is set up.⁵ Although seemingly counter-intuitive, weekly markets do not always conflict with the interests of shopkeepers.

Some vendors express discontentment about the impermanence of the renting relationship. The space outside a shop is allotted by the shopkeeper to the highest bidder—this amount can go as high as INR 500 a day.⁶

Habitat II, the Second United Nations Conference on Human Settlements, in 1996, stated that “Urban governance is the culmination of all the various ways that people and institutions, both public and private, plan and administer the common affairs of the city.” The regulation of *hafta bazaars*, an important feature of urban areas, is also a result of both formal and informal agreements between the players in the market. The interests, incentives, and information of each stakeholder affects how they balance competing claims, cooperate with each other, self-organise, and defend their rights. Therefore, it is important to ascertain the 3Is of all stakeholders as rational economic agents, to better understand the pitfalls of the existing regulations, and design new ones. The 3Is of key stakeholders have been tabulated below.

5. As reported by the surveyed weekly vendors.

6. As specified by weekly vendors interviewed in the 25 Feet Road and Raghuveer markets.

Table 1.2: Analysis of Interests, Incentives, and Information

Themes	Stakeholders					
	Weekly Vendors	Market Pradhans	Shopkeepers	Residents	Police	Government Officials
<i>Interests: What outcomes do stakeholders envisage for themselves, or what do they want to maximise?</i>						
Nature of the use of public space and demarcation of vending zones	Weekly vendors view the public space as best used for selling their wares and envisage profitable outcomes from it. They require secure and stable access to a market with high customer footfall. It is in their interest to have clear and predictable rules on demarcation of vending zones. This will allow them to play by the rules and avoid eviction. Finally, they would not want any natural market to be declared as a non-vending zone or be relocated from a market once they have established a customer base.	Pradhans often own shops or big stalls in the market. However, instead of viewing themselves as competitors of the space with weekly vendors, they establish their position as the ones who uphold and represent vendor interests. This position grants them the power to negotiate conflicts and control the markets. While they would not want weekly market areas to be designated as no-vending zones, complete clarity on the status of the market may diminish their role.	Shopkeepers see the market as conducive to and profitable for the sale of their goods/services. On days when <i>hafta bazaars</i> are set up, shopkeepers want to capitalise on the increased footfall. In some cases, shopkeepers and vendors strike an informal contract. Vendors pay an amount to shopkeepers for reducing the shop's visibility. In return, shopkeepers provide vendors space to set up their stalls without any hassle.	Weekly markets provides residents convenient access to a variety of affordable goods and services. Some view weekly markets as a cheaper alternative to malls. However, residents who do not shop at these markets see other uses of public space to be more crucial. This includes access to footpaths for walking and to clear roads for smooth commute. It is in the interest of such residents that the weekly markets do not obstruct their access, have clear boundaries, and have a limited number of vendors.	The police do not favour one kind of use of public spaces over others. At the same time, they view these conflicts over space as opportunities to seek rent. Lack of a conflict resolution mechanism and informality of several markets allows them to maximise rent-seeking. They benefit when competition over the public space increases (for instance, due to festivities). This creates more pressure for law and order from other stakeholders.	Local authorities do not wish to antagonise any party while deciding on the correct use of a public space. To avoid that, they attempt to give an appearance of order to the market and balance competing interests.

Stakeholders						
Themes	Weekly Vendors	Market Pradhans	Shopkeepers	Residents	Police	Government Officials
Allocation of vending spots	Weekly vendors want permanent access to a spot in the weekly market. They want a spot to be recognised as theirs for the specific day and time at which they vend in the market, by all other stakeholders. They want to avoid any conflict over the use of vending spots.	Pradhans would want some ambiguity over the vending spots to preserve their role as the market regulator. While Pradhans may want a larger market, they would want to avoid new entrants or those who do not respect their position as the informal head of the market.	It is in the interest of shopkeepers to allocate the spot in front of their shops to vendors who are willing to pay the highest amount as rent. In some cases the arrangement is in kind (spot in return for free goods from the vendor).	Residents want spots to be allocated in a manner that does not disrupt the flow of traffic and pedestrians. Some prefer fewer spots to be allocated to limit the size of the market. Finally, they want close surveillance of who occupies vending spots to avoid petty crimes. Those who shop at these markets would prefer vendors to be at the same spot every week.	A vendor's secure access to a vending spot, especially one that has the force of law, will limit rent seeking opportunities for the police.	MCD officials would want to formalise vendors' access to the vending spot in accordance with the SVA, that is, through issue of CoVs. If vendors are formalised through surveys, informal ticketing will reduce, and revenue collection will become easier during weekly markets.

Stakeholders						
Themes	Weekly Vendors	Market Pradhans	Shopkeepers	Residents	Police	Government Officials
Payment of vending fees/rent collection	It is in the interest of vendors to limit to whom they pay rent and the proportion of their earnings that goes in rent payment. At the same time, they would prefer clarity on the rent amount and the nature of contract with each stakeholder.	Pradhans would want the vending fees and other payments to be channelled via them. This would help solidify their position in the market.	Shopkeepers often collect rent or payments from weekly vendors to set up their stalls without conflict in front of their shops, or to store goods within shop storage space. This allows them to make up for low accessibility during the weekly markets.	While customers are not involved in the rent payment process in the market, residents may be.	It is in the interest of the police to obtain periodic payments from vendors (as bribes), in exchange for security and protection from eviction/raids.	MCD officials collect periodic payments from weekly vendors with designated stalls as vending fees. The payment varies from INR 10 to INR 20, based on the space occupied. Given the meagre amount, MCD officials often engage in informal ticketing for personal revenue.

Stakeholders						
Themes	Weekly Vendors	Market Pradhans	Shopkeepers	Residents	Police	Government Officials
Incentives: What motivates the stakeholders to act the way they do?						
Nature of the use of public space and demarcation of vending zones	<p>A key incentive for vendors who move from market to market is access to more customers. Vendors oppose demarcation of no-vending zones in areas where buyers and sellers congregate naturally. If footfall is high, they continue to set up stalls in zones that have no clear demarcation despite the risk of eviction.</p>	<p>They encourage the use of public space for street vending and assist vendors in fighting arbitrary demarcation of no-vending zones. This allows the Pradhan to collect rent.</p>	<p>A weekly market affects their footfall (for some it decreases and for some it increases).</p>	<p>For customers, the incentive of coming to a weekly market is the affordability, accessibility and variety of goods. High income residents often shop for perishables, whereas low-income residents shop for all kinds of goods. Residents who do not buy from these weekly markets often view the markets as a nuisance and push local officials/courts to remove these markets.</p>	<p>Police benefit when public spaces have vendors that can provide them with an opportunity to extract rent. Weekly <i>bazaars</i> with a high density of vendors acts as a good source for rent collection. Lack of clarity on the legality of the market may expand opportunities for rent collection.</p>	<p>While the SVA vests key implementation powers to the MCD, they have little incentive to demarcate zones and regulate markets. They appease residents by beautifying public spaces (sometimes at the cost of vendors). Officials also provide alternate spots and greater protection from eviction to those vendors who politically support the MCD.</p>

Themes	Stakeholders					
	Weekly Vendors	Market Pradhans	Shopkeepers	Residents	Police	Government Officials
Allocation of vending spots	<p>The incentive of a formal market space is that it will enable them to claim their rights over the “vending” space.</p> <p>A proper survey and issuance of a CoV that clearly identifies the spot of the vendors will formalise their presence and help them assert their rights.</p>	<p>Pradhans help resolve conflict in the market over vending spots. They perform this role to maintain a smooth flow of business and expect payment from weekly vendors in return.</p>	<p>Shopkeepers allow vendors to vend outside their shops. The space is opened up for bids and allocated to the vendor who pays the most. This becomes an additional stream of revenue for shopkeepers. Once an arrangement is struck, shopkeepers protect the vendor’s access to that spot (from being co-opted by other vendors).</p>	<p>Not applicable.</p>	<p>The absence of clear property rights and indication of the particular vending spot on CoVs allows the police to benefit from channels of rent-seeking.</p>	<p>Most CoVs do not mention the specific spots and markets that weekly vendors occupy. This allows MCD officials to relocate/evict vendors when there is a pressure from other stakeholders or to collect additional revenue.</p>

Stakeholders						
Themes	Weekly Vendors	Market Pradhans	Shopkeepers	Residents	Police	Government Officials
Payment of vending fees/ rent collection	Weekly vendors view payments of rent to shopkeepers, MCD officials, Pradhans, and police officials as necessary for protection from harassment and avoiding conflict. Vendors give rent to MCD to acquire permission to set up their stall and access amenities. They pay the Pradhan for preserving order. Finally, vendors who set up stalls in front of a shop pay a mutually agreed upon amount to shopkeepers. Vendors view this as “compensation” for reduced visibility of shops and to store goods, if needed.	Pradhans play an active role in streamlining payments from weekly vendors to MCD officials and coordinating amenities. This grants them a degree of control and earn the trust of both parties. Apart from this, Pradhans in most markets also collect a fee from vendors and promise protection in return. This fee varies across markets between INR 100–800 per day for each vendor. It becomes an added revenue for the Pradhans.	They collect rent as a source of additional income. Our interviews revealed that shopkeepers collect rent to mitigate the loss in income incurred due to limited visibility during <i>hafta bazaars</i> .	Weekly vendors who sit outside houses may also pay some amount to residents for occupying that space and the inconvenience it causes.	Vendors report paying <i>haftas</i> to the police. The absence of any check or penalty on the conduct of police officials, allows them to harass the vendors freely.	Distribution of CoVs and <i>challans</i> allow MCD officials to maintain a steady flow of income in the form of vending fees. Some “vending receipts” (<i>parchaas</i>) also do not contain the name of weekly vendors. MCD officials thus have an incentive to come to the market to collect rent informally from the weekly vendors.

Stakeholders						
Themes	Weekly Vendors	Market Pradhans	Shopkeepers	Residents	Police	Government Officials
<i>Information: whether a stakeholder has access to information required for maximising their interests</i>						
Nature of the use of public space and demarcation of vending zones	Weekly vendors know about many <i>hafta bazaars</i> that sit in different places on different days. Most weekly vendors are aware of the zoning demarcation in their markets. However, vendors are not well-versed with the criterion for such categorisation and their rights in case their market is declared as a no-vending zone.	Pradhans are typically old residents of the market and well-versed with the zoning history of their market and the neighbouring markets. This information allows them to better navigate tensions with public officials.	Most shopkeepers remain updated and informed on the zoning in their markets. This allows them to exert force on public officials to oust the vendors if needed, by citing violation of zoning constraints.	Residents and RWAs remain updated and informed on the zoning in their markets. This allows them to exert force on public officials to oust the vendors if needed, by citing violation of zoning constraints.	Police officials are aware of the zoning demarcations. They use this knowledge to their advantage to threaten weekly vendors.	Public officials are aware of the vending and no-vending zones, and the boundaries of each market. They apply this knowledge selectively, based on their political interests.

Stakeholders						
Themes	Weekly Vendors	Market Pradhans	Shopkeepers	Residents	Police	Government Officials
Allocation of vending spots	Weekly vendors rarely have information regarding surveys and CoVs. Some weekly vendors have been issued CoVs, others have filed the form, and still others do not have any information about CoVs. Weekly vendors are rarely selected as TVC members.	Pradhans are typically the most well-informed on the status of vendor surveys and the distribution of CoVs. They use their greater information (vis-a-vis vendors) to their advantage.	Shopkeepers do not have detailed information on the survey process and CoV distribution in their market.	RWAs have little information on the allocation of vending spots and distribution of CoVs in the market.	They are ill-informed about surveys, TVC, and SVA, and CoV. Should any orders to relocate be issued, police often act without consulting street or weekly vendors.	They have information about all surveys, TVCs, CoVs, and the SVA.

Stakeholders						
Themes	Weekly Vendors	Market Pradhans	Shopkeepers	Residents	Police	Government Officials
Payment of vending fees/rent collection	All weekly vendors have information about the MCD tickets, how and when the MCD collects payments, and why they need to pay. However, most find the amount arbitrary and are unclear on the basis of which this amount is decided. The same is true for the amount they pay to police officials. While vendors are clear on the amount they pay to shopkeepers, they may be unclear on how much other vendors pay.	Pradhans are aware of all the different kinds and amounts of rent that vendors pay to public officials and shopkeepers.	Shopkeepers have information about the practice of rent collection from weekly vendors for vending in the space before their shops. They are also well aware of the high competition for space, using this to their advantage by allowing the highest paying vendor to vend in their space.	While they are broadly aware of the system of rent collection in weekly <i>bazaars</i> , they have limited information on the details of this payment.	Their information regarding the weekly market rents are limited to MCD payments.	MCD officials are aware of the variation in footfall, stall size, and income of weekly vendors. They charge different amounts from vendors based on this knowledge. Further, they keep updated on vendors who support them in political rallies and have <i>tehbazaaris</i> to protect their spots.

Conclusion

Our paper explores the relationship between stakeholders and their perceptions of each other using the economic lens of the 3Is framework of Interests, Incentives, and Information. The 3Is framework helps highlight the complexities of *hafta bazaars*. We find that the interests of weekly vendors, daily vendors, and shopkeepers with relation to the *hafta bazaars* are similar. They all envisage the marketplace as a productive place for profitable trade. However, similar interests over the use of a scarce commodity—public space—can result in conflict.

Our case law analysis revealed that the primary parties that approach the High Court with cases on weekly markets include local authorities, Resident Welfare Associations, and the Weekly Vendors' Associations. The key issues include, illegal vending in no-vending zones, issues with relocation/ eviction, and complaints regarding mismanagement of weekly markets by local authorities.

While the SVA, provides some formal mechanisms to regulate vending, stakeholders often navigate through tensions informally and in a manner that helps preserve rather than disrupt the market. For instance, weekly vendors view informal rent payments to shopkeepers as a method of “making up” the shopkeepers' loss of a day's profit. Similarly, vendors view the payments they make to the local officials and market Pradhans as a necessary trade-off for stability and uninterrupted business. In this way, the interests, incentives, and information of all stakeholders has a bearing on how the market comes alive and holds lessons for policy design.

Gaining the support of stakeholders is essential to implement any change (Aligica 2006). Consequently, understanding the dynamics between different stakeholders and their strategies to resolve conflict holds lessons for the way in which we govern the use of public space. Assigning rights over use of public space is especially complicated. The nature of conflicts and dynamics may also vary across markets. In such a case, it may be best to allow every market to create and enforce its own rules.



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Help or Hassle

Exploring the nuances of the
Certificate of Vending



Ashana Mathur and Karthika Rajmohan*

* Pallav Shrivastava assisted with primary and secondary research for this chapter.

Introduction

Every Friday afternoon, the streets of Patel Nagar are filled with tempos making their way to the heart of the local *hafta bazaar*. On 1 July 2022, we followed this sea of tempos to reach the market. We arrived before the market had officially begun, and found the weekly vendors immersed in the process of setting up their stalls for the day. We watched them meticulously remove their items from their vehicles and put them on display for the customers passing by. Upon closer inspection and inquiry, we found that the vendors had left something behind at home, a certificate apparently essential to their operations as a weekly vendor.

The Certificate of Vending (CoV) gives vendors the right to vend in a particular location and protects them from harassment by the local authorities. Thus, in the eyes of the law, it is an indispensable document for street vendors. When we asked the vendors (who had been issued CoVs), why they had not carried their certificates to the market, one vendor simply pointed to the rainwater dripping over his stall and said, “What’s the point of getting it here? It will only get ruined. Besides, you are the first person who has asked me for the certificate since I got one.”

According to the National Association of Street Vendors of India (NASVI), there are more than 1,000 weekly markets across Delhi (Singh 2021a). Consumers rely on these weekly markets for their supply of everyday goods like clothes, food, and kitchenware. Thus, the weekly vendors that operate within these markets form an integral part of India’s informal economy. The effective regulation of these markets depend on the proper implementation of the Street Vendors Act, 2014 (SVA).

The intention behind the SVA was to protect the livelihood rights of street vendors, regulate urban street vending in the country, and set up a uniform legal system across the country (Standing Committee on Urban Development 2013). The CoV was meant to be an instrument which guaranteed the vendor’s protection. However, the certificate has little value to the vendors if they lack awareness about the SVA, and cannot effectively use it to avail protection from harassment or to assert their right to vend. Keeping such paradoxes in mind, this paper aims to explore the conditions required to be fulfilled by weekly vendors in order to procure a CoV, and how compliance with these conditions can stifle their economic prosperity.

We use Richard Epstein’s theory of simple and complex rules to argue that the entire process of issuing CoVs leads to high administrative costs and becomes futile if vendors do not actively use the certificate to avail protection. We hypothesise that this lack of utilisation of the CoV can be attributed to two key reasons, a) the vendors are not aware about the benefits of possessing a CoV, and b) the CoV does not offer sufficient protection to the vendors.

The first section of the paper sheds light on the SVA, the importance of possessing a CoV, and the process through which a vendor can procure a CoV. It also expands on the conditions which have to be met by the vendors in order to receive a CoV.

To better understand the realities on the ground, we interviewed weekly vendors from three markets, the Mustafabad Friday market located in East Delhi, the Patel Nagar Friday market in West Delhi, and the Karol Bagh Monday market in Central Delhi. Our sample size was limited to 35 vendors spread across these markets.

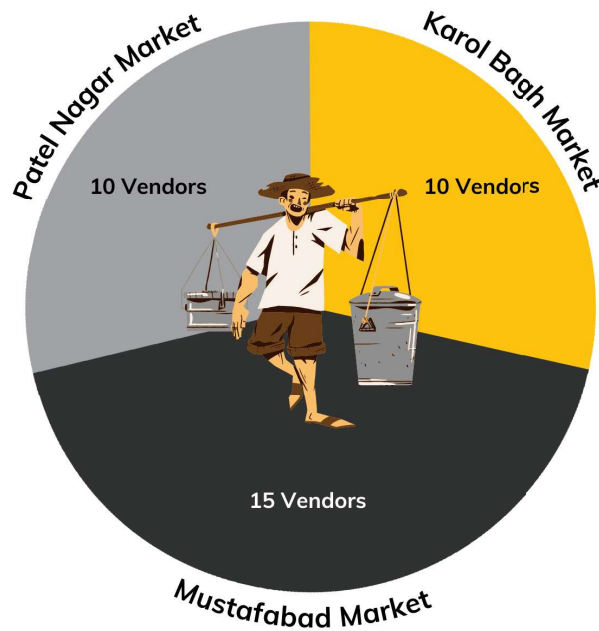


Figure 2.1: Sample Size from Each Market Studied

The second section of the paper encapsulates the key findings from our primary research. Through our conversations with the vendors, we aimed to understand their views on the utility of a CoV, while attempting to determine their level of compliance with the conditions required to obtain the CoV. This section also analyses the impact of the conditions imposed on the weekly vendors and argues that these conditions stifle the growth and economic progress of the street vendors.

The final section of the paper highlights why the conditions included in the CoV are complex, and how the entire CoV mechanism is not as effective as it seems on paper, thus raising questions about the justification of the high administrative costs involved in the process.

Background

The Street Vendors Act, 2014

The SVA was a landmark legislation. Street Vending is an essential part of the urban economy and a source of self-employment and entrepreneurship. Roughly 2.5% of India's population is engaged in street vending (Bhowmik 2003). However, street vendors in India have a history of being subject to harassment by police and civic authorities. Public authorities often regard street vendors as a nuisance instead of recognising the indispensable contribution they make to the urban economy (Standing Committee on Urban Development 2013). Street vendors provide a source of self-employment, and act as a conduit for urban poverty alleviation without significant government intervention. The SVA is aimed at protecting livelihood rights, regulating urban street vending, and formulating a uniform legal framework for street vendors across the country (Parliament of India 2012).

Previously, the regulation of street vending was dictated by state and municipal laws.¹ In Delhi, the street vending landscape was dominated by the Municipal Corporation of Delhi (MCD), which wielded discretionary powers over its regulation. Since local laws differ from state to state, the police authorities were granted excess powers to regulate street vending in some states. For example, per the Delhi Police Act, 1978, “No person shall cause obstruction in any street or public place - by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.”² This gives enough power to the Police to remove any form of trade on the streets even if permitted by the municipality.

However, the SVA is vendor-centric with its vision to empower the vendors and reduce the harassment faced by them.

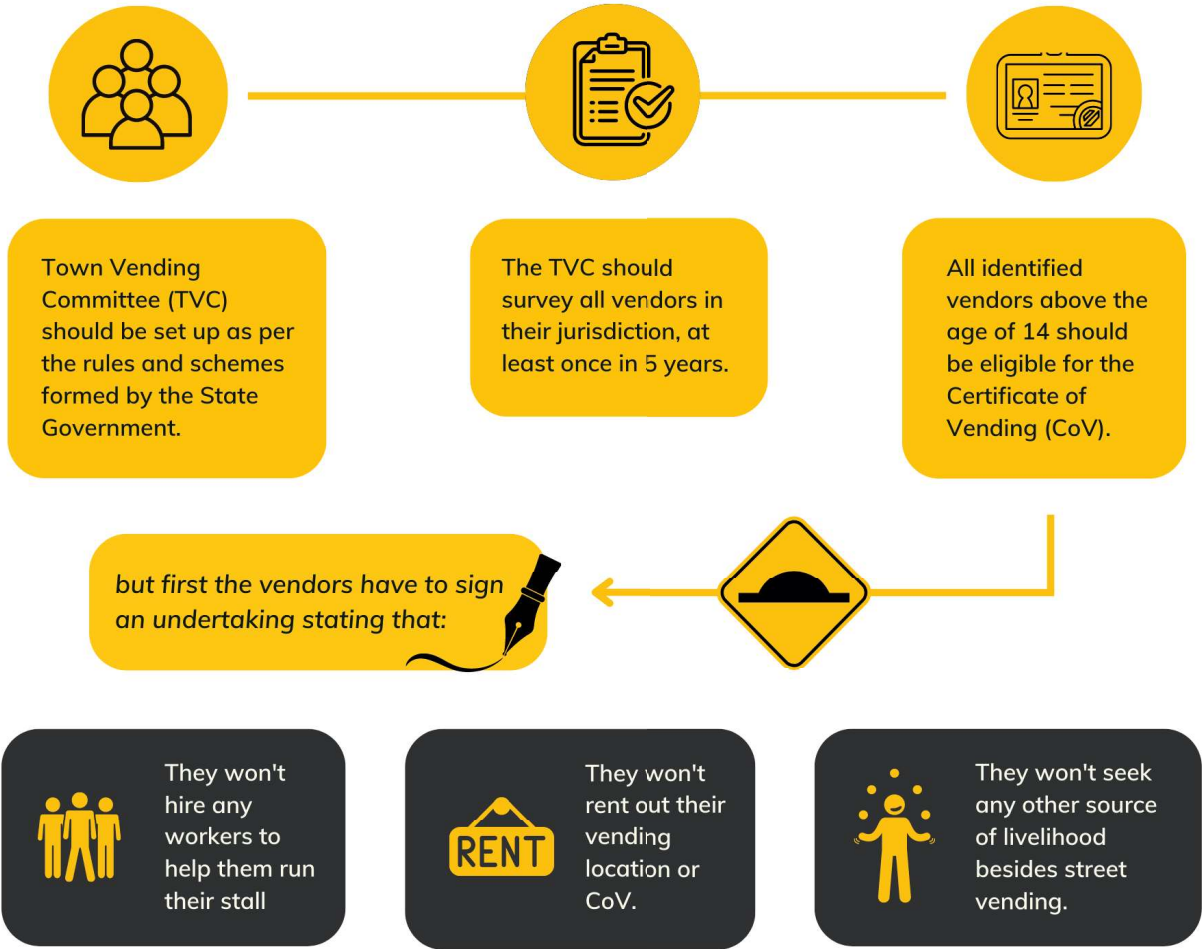


Figure 2.2: The Process of Issuing Certificates of Vending

1. These authorities derived power from entry 5, State List, Seventh Schedule, Constitution of India (Bedi and Narang 2020).
 2. Delhi Police Act, 1978, s 83(e)

Survey, certify, and safeguard

As per the SVA, state governments are required to formulate rules and schemes, and set up Town Vending Committees (TVC) under its jurisdiction.³ A TVC is a local governance body in every ward to which the Act imparts accountability. The TVC would then be required to conduct surveys of all the street vendors under its jurisdiction.⁴ All street vendors who were surveyed by the TVC should be eligible to obtain a certification if they comply with the conditions stated in Section 5 of SVA, 2014. According to Section 5(1) of the SVA, before the certificate of vending is issued under section 4, every street vendor shall give an undertaking to the TVC that

1. he shall carry on the business of street vending himself or through any of his family member;
2. he has no other means of livelihood;
3. he shall not transfer in any manner whatsoever, including rent, the Certificate of Vending or the place specified therein to any other person.⁵

Vendors who have the CoV would then be allowed to do business in properly designated vending zones.⁶ If any vendor is found breaching the conditions of the act, then their certificate may be cancelled.⁷ The next section highlights the underlying importance and benefits of the CoV, which make it a necessary document for the weekly vendors.

Significance of a CoV

As mentioned before, one of the key objectives of SVA, 2014 is to formalise street vending. The Act defines street vendors as:

a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, sidewalk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words “street vending” with their grammatical variations and cognate expressions, shall be construed accordingly.⁸

3. SVA, s 22

4. SVA, s 3

5. SVA, s 5(1)

6. SVA, s 12

7. SVA, s 10

8. SVA, s 2(1)

The definition makes no explicit mention of weekly street vendors. The Supreme Court in *Maharashtra Ekta Hawkers Union and Another vs. Municipal Corporation, Greater Mumbai and Others* stated that:

A street vendor / hawker is a person who offers goods for sale to the public at large without having a permanent structure / place for his activities. Some street vendors / hawkers are stationary in the sense that they occupy space on the pavements or other public / private places while others are mobile in the sense that they move from place to place carrying their wares on push carts or in baskets on their heads.⁹

The definition of a street vendor does not mention the frequency of vending that a vendor must engage in to qualify as a “street vendor”. Weekly vendors as “street vendors” have been recognised by state schemes as well. For instance, clause 7(6) of the Assam Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2020, states that “the licence granted to vendors may specify whether the vending is to be conducted daily or weekly.” Vendors in local weekly markets are a subset of street vendors who regularly come together at a particular place and time.

A street vendor is thus any person who is engaged in the activity of vending; the definition does not mention a requirement for any certification. However, as mentioned before, the breadth of protection offered to street vendors is contingent on possessing a CoV. For instance, the right to carry on the business of street vending activities and the right to receive a new site upon relocation is only available to street vendors who possess a CoV.¹⁰ Local authorities have the power to evict street vendors who do not have a CoV if that market has been surveyed, and certificates have been issued to the vendors, or penalise them with a fine that may extend to INR 2000.¹¹

The SVA aims to protect the rights of urban street vendors, but in essence, the Act only protects those street vendors who have been surveyed and certified. The Statement of Objects and Reasons of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012, also indicates a similar understanding. The Bill states, “no person shall carry on or commence the business of street vending unless he holds a certificate of vending issued under this Act.”¹² This cements the fact that legally compliant vending activities cannot be undertaken without a CoV.

The conditions stated under section 5(1) of the SVA, seem to restrict the activities of the street vendors by preventing them from hiring workers, seeking other sources of livelihood or acquiring additional income from renting out their CoV. According to the Standing Committee on Urban Development Report on the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012, the committee and the ministry intended to prevent an “unwanted rush for street vending” (Standing Committee on Urban Development 2013). Hence, according to them, these restrictions were justified.¹³

9. *Maharashtra Ekta Hawkers Union and Another vs. Municipal Corporation, Greater Mumbai and Others* (2013).

10. SVA, s 13

11. SVA, s 28

12. Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012, s 5

13. In our analysis of National policy for urban street vendors (2009), National Commission for enterprises in the unorganised sector (NCEUS) report (2007), court judgements, and parliamentary

As we have established before, to claim the protection and recognition that the Act aims to provide the street vendor, the vendor must hold a CoV. The SVA clearly differentiates between those vendors who have the CoV and those who do not. The next section outlines the challenges faced by weekly street vendors when it comes to procuring a CoV.

A Roadblock for Weekly Street Vendors

The SVA, 2014, fails to take into account the intricacies of weekly street vending. We observed multiple inconsistencies with the law during our primary research. First, as per the Delhi Street Vendor Scheme, 2019, vending zone/zones should be clearly mentioned in CoV.¹⁴ Hence, ideally, weekly vendors should have multiple addresses mentioned on their CoVs, but vendors have either their home addresses or the addresses of only one market listed on their CoVs.

Second, we found that a majority of the vendors in the Mustafabad market were vending without a CoV. On the other hand, although a majority of the vendors in Patel Nagar market had a CoV, none of them were carrying it with them. This goes against the Delhi Street Vendor Scheme, 2019, which states, “The vendor shall permanently display the CoV at the vending site and original document shall be produced before the TVC when so requested”.¹⁵

Last, during our interviews, we also found that the vendors who had the certificate were unaware of its utility and advantages. For them, it was just another piece of paper. In addition to this, the vendors who had the certificate were also unable to comply with all the conditions of the CoV. Once we informed the vendors about the conditions that need to be complied with to obtain a CoV, they were all equally confused about the rationale behind these seemingly arbitrary restrictions. According to vendors, it was not feasible for them to comply with all the conditions in the Act. This highlights the stark contrast between the law’s expectation from the vendors and the vendor’s inability to comply with said expectations.

To explore how inconvenient and arbitrary these conditions are in reality, the next section examines each condition in greater detail. It also highlights the impact of these conditions on the weekly street vendors, notes their existing level of compliance with the condition, and pinpoints the ways in which these are detrimental to the vendor’s activities.

The Conditions and their Consequences

While on paper, the conditions required to procure a CoV are clearly spelt out, the effect of these conditions on the ground morphs into an entirely different reality. As per the Statement of Objects and reasons of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2012, compulsory registration

standing committee report (2021) on the implementation of the SVA, we could not find any other substantial explanation for these conditions which could further demystify their intention and objective.

14. Delhi Scheme, clause 3.1

15. Delhi Scheme, clause 2.1.11

of all street vendors is one of the aims of the SVA. However, in reality this has not happened.

We can deduce that the purpose of a CoV is two-fold—protection and regulation. Yet, many street vendors operate with a CoV, and are unable to avail the protection. This is because with low degrees of enforcement, there is a failure of the system. For instance, the TVC in Delhi is yet to complete its survey to identify and accommodate street vendors, without which CoVs cannot be issued (The Hindu 2022). These failures in enforcement will be further elaborated on in the following paragraphs.

a. Restriction on hiring employees

The first condition that the vendors have to comply with to acquire a CoV is that they must only use the help of their family members, and they must not hire any additional workers to assist them.

Before we dive into an analysis of this condition and its impact, we must note that weekly street vending involves several transportation and logistical costs. In order to have enough time to properly set up their stalls, the vendors have to ensure that they reach the market on time before the customer rush. Depending on the size of the stall, this process takes considerable time and effort. After the market shuts down, this entire process has to be repeated when the vendors pack up their stalls. After finishing the day's work, many vendors told us that they used to reach their homes by 1:00 to 2:00 a.m. A vendor from Patel Nagar market said, "Vending is not easy, this is also a talent. Every day, setting up a new shop at a different location requires a lot of hard work". Hence, given the demanding nature of their work, it's natural for vendors to seek help.



Figure 2.3: A One Man Army
A Vendor Ready for His Day's Sale

However, owing to the differences in size and make-up of the vendors' families, we found that, in many cases, vendors may choose to vend alone instead of seeking help from their families. For example, a vendor from the Patel Nagar market told us that he had two daughters, and he wanted them to focus on their studies instead of helping him with his business. Another vendor from the Mustafabad market said, "I could not complete my education, but I want my children to do well and become doctors, engineers, etc." Hence, if the vendors do not wish to involve their family members in their business, then the entire burden of setting up and managing a stall falls on a single vendor.

Despite this first condition, we found several vendors in both the Patel Nagar and the Karol Bagh markets who had hired workers to assist them. One vendor from Karol Bagh was shocked to hear that the act bans the hiring of workers. This goes to show that for many vendors, it is not wilful disobedience, but ignorance of the law which leads to their non-compliance with the conditions. Even after learning about the restriction on hiring workers, the vendor from Karol Bagh said, "it is unimaginable for me and many vendors to conduct this business without hiring any worker."

We also spoke to some vendors who had been vending in weekly markets for the last 20 to 35 years. The vendors spoke to us about how, given their old age, they rely on workers to help with the logistical and labour-intensive work. Vendors also hired workers to boost their efficiency and increase output. The condition disallowing non-familial assistance thus places restrictions on the productivity of street vendors.

The condition, however, does not affect all vendors equally. In markets like Mustafabad for example, the vendors earn only approximately INR 100 to INR 450 as their average daily profit; an amount barely enough to sustain them and their families. Hence, in such markets, vendors are not in a position to pay wages to an external worker. This is also partly due to the uncertainties related to weekly markets.

In most cases, weekly markets serve as a lucrative opportunity for vendors, owing to their popularity amongst middle-class households. However, vendors do not have a stable income flow and there is always a possibility that they may incur losses. This is why we received ambiguous responses when we asked vendors about their average earnings. Before giving us any concrete figures, the vendors would always preface their answers by stating that their daily earnings are a function of their sales, which vary from day to day. Their sales are in turn subject to an umpteen number of factors, such as, changes in tastes and preferences of the consumers, availability of stock, etc.

Additionally, since weekly vendors do not operate out of fixed, permanent structures, they are also vulnerable to external factors, such as adverse weather conditions. On rainy days, for example, it becomes increasingly difficult for vendors to set up their stalls. The likelihood of customers visiting weekly markets also reduces drastically, thus driving down their daily earnings. Hence, for vendors, hiring workers is not as straightforward a decision as it seems.

In order for vendors to be able to hire workers, they have to be at a level of relative financial stability where they have enough income that they are ready and willing to part with, even if they incur losses on a particular day. Reaching this level of financial stability is relatively easier for vendors who have been vending for generations as compared to new vendors who have just entered the market. Hence, several vendors

choose to run their businesses on their own and take assistance from neighbouring street vendors to move heavy inventory.

Another point to note is that for many prospective vendors, working for an already-established street vendor is an easy way to enter the market. Hence, by hiring workers, street vendors are creating more employment opportunities.

In addition to this, the task of distinguishing the vendors from their workers or distinguishing vendors from employees of shopkeepers is also a puzzling one. This adds to both the administrative and enforcement cost of the first condition. An example of this playing out could be found in the Karol Bagh market. Shopkeepers are not allowed to extend their shops or display their merchandise beyond the boundaries of their shops. However, several shopkeepers in the Karol Bagh market would take advantage of the weekly markets on Monday and ask their employees to set up stalls outside the boundaries of their shops. These employees would then masquerade as vendors but they would deny any association with the shopkeepers when questioned.¹⁶ If the intention behind drafting these conditions was to limit the number of entrants into the market, then it entirely fails on that front. This is because, during the weekly markets, there are several employees (affiliated with the shops) who operate as weekly vendors. Hence, enforcing such a condition would be a demanding task, especially in the cases where the vendors are aware of this condition and have prepared their workers to deny any association with the primary vendor/shopkeeper.

16. When we first approached the vendors, they claimed to be independent street vendors. However, as soon as we started asking them more questions, they simply directed us to their employers, the shopkeepers, the same shopkeepers whom they claimed to have no connection with mere seconds ago.

The key takeaway is that this restriction: a) is unnecessary for vendors who cannot afford to hire external employees, b) is suboptimal, since street vendors who do need help in running their business cannot hire employees, c) deprives potential workers of the opportunity of having a job and a stable livelihood, and d) is difficult to enforce, since it is hard to distinguish between the vendors and their workers.

b. Restriction on other sources of livelihood

According to this condition, street vendors should rely on street vending as their sole source of livelihood. Our interviews with the weekly street vendors and the National Hawker Federation (NHF) representatives revealed that the primary occupation of most weekly street vendors is vending in different locations on different days of the week or engaging in daily vending on the days they are not setting up weekly stalls. The only secondary occupation we came across from our primary research was vendors who were working as casual labourers. A vendor from the Sunday market at Meena *bazaar* shared with us that most vendors have to work full days to meet their daily needs, so thinking about another occupation along with street vending seems unimaginable. A majority of the vendors we spoke with echoed these sentiments, “*Roz ka khana, roz ka kamana*”, which means that they have to work each day to earn enough to sustain themselves.

As per the Delhi Street Vendors Scheme, 2019, which categorises street vendors into Static, Mobile, and Other (weekly street vendors fall under this category), no vendor is entitled to registration of CoV under more than one category.¹⁷ However, we met with a few vendors who would vend for only a few days a week, in different weekly markets and work in other jobs on other days. A vendor from the Patel Nagar market, for example, told us that he would vend only three days a week and on the rest of the days, he would work as a daily wage labourer. Three female vendors, who sat right outside the metro station steps in Karol Bagh, told us that they would only vend on Monday in the weekly market, and work as mobile vendors for the rest of the week.

Since weekly markets are popular, a relatively higher customer footfall is expected here as compared to static daily markets. This makes weekly street vending an attractive occupation for people from different professions in the informal sector as working as a weekly street vendor enables them to earn additional income. The second condition restricting other means of livelihood, however, prevents them from engaging in other activities which could help them increase their earnings.

Additionally, this condition only allows one CoV per family.¹⁸ For instance, a married couple cannot have two CoVs. This is a highly restrictive condition, as it takes away the right of any spouse who would want to work independently or supplement their family income by working independently in the same market.

This restriction deprives vendors of their choice to engage in other professions and have an additional source of income. Street vendors should have the right to transfer to another profession or hold multiple jobs while working as street vendors. An Act which aims to create a conducive environment for street vendors should allow them at least some degree of flexibility.

17. Delhi Scheme, clause 6.1.8

18. Delhi Scheme, clause 3.3.6



Figure 2.4: Packed Goods and Closed Avenues
Vendors Cannot Have Alternative Sources of Income

In addition to this, since weekly markets are held only once every week, it is difficult to track the activities of the street vendors on the days when the market is not being held. Hence, enforcing this condition or ensuring that vendors are complying with this condition would require a disproportionate amount of resources and manpower.

c. Restrictions on transferring/renting the Certificate of Vending or the vending location

While the lack of awareness and relevance of the CoV has rendered “renting it out” pointless, the spot that a particular vendor uses for vending holds great value. These spots are often informally decided upon amongst street vendors and offer great commercial advantages. We were informally told by street vendors that these spots are often bought and sold among vendors. According to this condition, a vendor is not allowed to transfer or rent out their CoV or the place specified on their certificate to any other person.

As far as the vending location is concerned, all vendors whom we interviewed informed us that these are arranged through mutual understanding between the vendors in the market. For many of them, this is a generational business, and hence,

they have been setting up their stalls in the same spot for decades. Hence, an old vendor's spot is fixed in the market while a new vendor might have to search for an empty spot or set up their stall in relatively less desirable locations on the edges of the market. Again, we did not find any vendors renting their vending location. Only in the case of the Mustafabad market, did the street vendors have to pay rent to the homeowners for setting up stalls in front of their houses.

However, even if, hypothetically, vendors were seeking rent for their vending location, it would be nearly impossible for the authorities to find out, since the vendor's location of vending is not specified clearly in the CoV. In the place where the vending address of the street vendor has to be specified, the CoV contains either the home address of the vendor or the address of only one market.

The question of the restriction on transferring the CoV raised eyebrows amongst interviewees at the Mustafabad market since most of them had not even heard of the need for a certificate. At the Karol Bagh and Patel Nagar markets, while many of the vendors had CoVs, none of them considered it important, as they did not think that the CoV could protect them in case of harassment, evictions, etc., or help them secure their right to vend. Hence, they didn't believe the CoV had any intrinsic value that could be exchanged for money. In all of our interviews, we could not find a single vendor who claimed that they had ever rented their CoV or taken a CoV on rent. While some vendors remarked that there might be vendors who engaged in such activities, we were not able to find any concrete evidence of this.

The takeaway is that, a) several street vendors are not aware of the restrictions on the transferability of the CoV since they do not possess one in the first place, and b) those who do have the certificate do not consider it valuable enough to be rented out.

To summarise, the first two conditions are highly restrictive, and they actively seek to deprive the vendors of access to opportunities that would improve their economic prospects. On the other hand, the third condition, given the improper implementation of the SVA, is quite unnecessary. These conditions were created in order to regulate the entry of vendors into the market. However, due to the high degree of non-compliance and lack of enforcement, especially with respect to the restrictions on multiple sources of income and on hiring workers, these conditions do little to serve the objective that they aimed to fulfil. Instead, they act as an unnecessary regulatory hurdle for weekly street vendors.

The most striking observation from the field, however, was the widespread ignorance about the CoV as a whole. When we asked the vendors why they did not use their CoV to assert their right to vend, they simply replied that in case they faced harassment, they felt that they were better off complying with the demands of the authorities. This indicates that the vendors do not actively use their CoV to avail protection, because a) they aren't aware of how to properly use it to assert their rights, and b) they do not believe that the CoV offers them sufficient protection against harassment. In our sample, we did not encounter a single vendor who spoke about using their CoV to avail protection under the law. Proper implementation of the Act would have resulted in the vendors possessing more knowledge about the CoV and its related compliances, which was not the case. This shows the clear disparity between the ambitions of the SVA, on paper and the ground realities.

Complexities in the Law, Challenges in the Market

In his book, *Simple Rules for a Complex World*, Richard Epstein explains that the minimum condition for calling a rule complex is that it creates public regulatory obstacles to the achievement of some private objectives (Epstein 2009). The private objective, in this case, is conducting street vending activities and the regulatory obstacle is the CoV. The complexity of this obstacle created by the Street Vendors Act is highly resource-consuming, and a policy which cannot be effectively implemented on the ground should not be considered a sound policy.

Epstein argues that simple rules will reduce the administrative costs required to achieve a goal in question. These costs include the direct costs of inspection, monitoring, and supervising. In the case of CoVs, public resources are being spent on creating rules and schemes, setting up a new statutory body, and ensuring that conditions needed for a certificate are complied with. The complication is heightened by the fact that Rules made by State Governments sometimes go beyond the SVA. For instance, in Maharashtra, the Street Vendor (Protection of Livelihood and Regulation of Street Vending) (Maharashtra) Scheme, 2017 adds additional criteria for certification by requiring that street vendors be residents of Maharashtra. Accordingly, each state has its own procedures and timelines for conducting surveys and setting up TVCs.

The understanding of administrative costs, as proposed by Epstein, also includes the cost of compliance that private parties must bear to bring themselves in compliance with the law. Street vendors, for instance, have to pay a vending fee to obtain the CoV. Additionally, they also have to bear the cost of not pursuing an additional source of livelihood. The law, in theory, deprives street vendors of additional sources of income and business expansion by disallowing them to pursue other means of livelihood, rent out their CoV, and hire employees from outside the family.

The last element of administrative costs that is a consequence of complex rules is the cost of errors in operating the legal system. Epstein argues that more complicated the legal rule, greater the likelihood that error costs will be high. If non-compliance is met with the determination of guilt and innocence at random, there is no incentive for private parties to comply with a rule, since incurring the costs of compliance carries with it no release from legal liability.

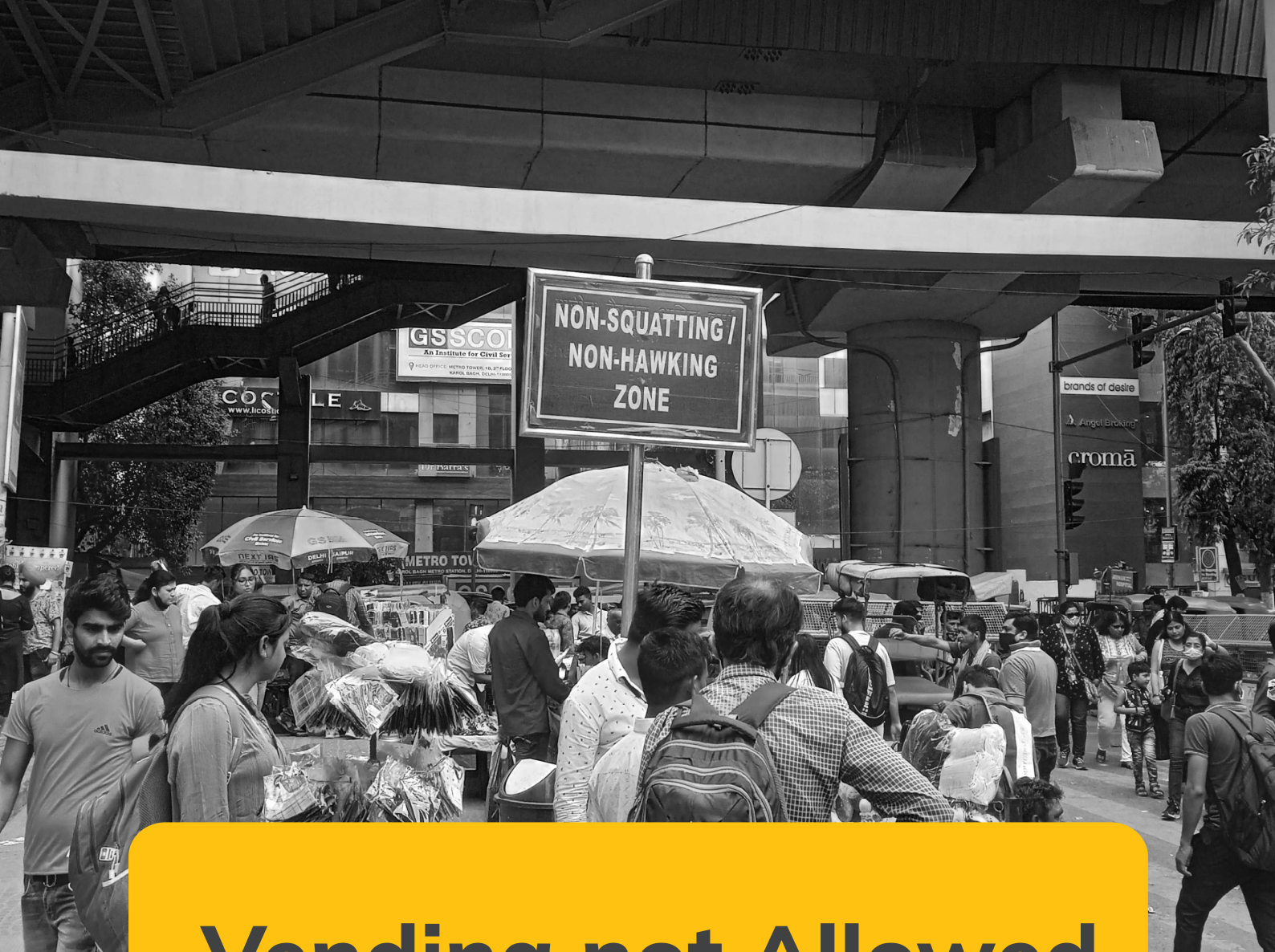
Conclusion

While one does not require a CoV to start vending, one must have it in order to be recognised as a street vendor and avail protection. Hence, compliance with these conditions becomes necessary. However, we found several CoV-possessing vendors ignoring these conditions. The fact that many vendors are not aware about the importance of possessing a CoV further complicates the picture and calls into question the utility of issuing a CoV if the vendors cannot use the certificate to seek protection from harassment, exorbitant fines or arbitrary eviction.

According to the Standing Committee on Housing and Urban Affairs report on the implementation of the SVA, the committee came across many incidents of unauthorised evictions which caused huge losses to the vendors. A vendor from Patel Nagar, who was also a part of the TVC, said, “We still get messages from fellow vendors that authorities aren’t accepting the CoV and continue to harass them. They do not see any significance of the certificate.” The committee found that 24 states/UTs have issued CoVs to less than 50% of the street vendors identified. The responsibility of surveying and issuing CoVs lies with TVCs and even though it has been eight years since the SVA came into being, TVCs are yet to be constituted in all eligible towns and cities. Existing TVCs also suffer from many issues like inadequate representation of street vendors in TVCs, irregular meetings, etc.

Hence, while the SVA aims to protect street vendors from harassment, one cannot say that the issuance of CoVs has helped serve this purpose. Not only do the conditions ignore the realities and situations faced by the vendors, but it is also near impossible for enforcement agencies to ensure that the vendors comply with these conditions. Moreover, a significant proportion of the vendors appear to be oblivious to the utility of being a certified vendor. The entire CoV mechanism, in its current state, only adds to the constraints and restrictions faced by the vendors, and at the end of the day, it fails to provide any concrete benefits to the vendors.

The TVC, not the vendors, have the responsibility of conducting surveys and registration. The TVC survey conducted in Delhi in September 2021 identified 71,371 vendors (Sharma 2021). However, the National Association of Street Vendors argues that there are at least two lakh street vendors in the city (Singh 2021a). If surveys are not conducted, then street vendors cannot be expected to hold a CoV. Though vendors can apply for a CoV, they still require time and energy to pay multiple visits to the MCD office to get the job done. If the government fails to adequately survey and identify street vendors, they have no incentive to apply for a CoV or comply with the requirements for holding a CoV. Hence, this is a clear instance where an overly complicated law has created a legion of errors in terms of non-compliance by the very demographic that they are aiming to protect.



Vending not Allowed

A tussle between spontaneity and planning



Avi Majithia, Manisha Shukla, Rohini Dikshit, and Udit Rana

Introduction

Strolling around the city on any day of the week, one is destined to turn a corner and witness a hubbub of a very particular kind around them. People arriving on rickshaws, bicycles, and on foot, carrying huge bags gather on the sides of the street. In some instances, they might bring their carts, they might sometimes be waiting for a truck to unload their goods, and sometimes, they might just be spreading a piece of canvas on the roadside. Upon careful observation, one sees the commotion, but rarely any confusion. The atmosphere gets charged as the bags are opened, and their contents are displayed in a structured and orderly fashion using carts and tarpaulins spread out on pavements. The goods range from vegetables, fruits, and daily essentials, to specialized items such as books, clothes, and handicrafts in different weekly markets. By looking at the accustomed demeanour of the people slowly arriving at the scene to look at the displayed articles, you realize that this electric atmosphere is not a sudden gathering or a yearly festival but a recurring affair in the area. You have arrived at a weekly market, or a *hafta bazaar*.

These *hafta bazaars* of Delhi are a microcosm of the city's historical and contemporary culture, and exist along centuries-old, naturally emerging spatial patterns. According to the city's planning document, the Delhi 2041 Master Plan, "Weekly markets are an area used once in a week by a group of informal shop establishments in the form of a market. These markets shift from one area to another on different days of the week."¹ As per the reporting of the National Association of Street Vendors in India (NASVI), there are nearly a thousand weekly markets in Delhi, out of which 272 are notified, supporting the livelihood of over 1.5 lakh vendors (Singh 2020). Unlike shopping malls, which have a specific and niche consumer base, weekly markets are a far more accessible, catering to the rich and poor of the city alike.

The middle class comes to buy vegetables, fruits, and meat, which is available at lower prices than those in regular markets. The labourer goes to the same weekly market to buy not only clothes but also a kilogram of wheat flour, a rupee worth of salt, and vegetables that have seen better days. The *hafta bazaars* meet most of the needs of these two distinct classes—merely neighbours living in their separate worlds and generate employment for many as well (Hashmi 2019).

Historically, street vendors have been seen as encroachers and illegal occupants of public spaces in the public narrative (Usman 2015; Chauhan and Unni 2019). Despite the positive contribution that street markets make to the city, they are subject to constant harassment and evictions. As the city metamorphosed into its current form, these weekly markets too experienced expansions and transformations in goods to cater to an ever-growing population and its increasingly complex needs. Here, the one crucial resource that is limited in its availability is the actual physical space in the city. This scarcity leads administrations and citizens to look at weekly markets as encroachers of the streets instead of as an inextricable constituent of public spaces.

The COVID-19 pandemic has further aggravated the vulnerable economic condition of street vendors. For most of the last two years, the weekly markets have been closed or allowed to reopen with restrictions, throwing the lives of the markets and the vendors in disarray.

1. Delhi Master Plan, 2041, clause 22.9.A.1.13

Over time, streets become a contested space, where the glamour of neat planning often takes precedence over existing ecosystems of spontaneous cultural and economic flows. This perceived hierarchy culminates in conflict, compromise, and resistance in the public space. The persistence of a colonial mindset that views the streets as a nuisance continues to guide administrative stances towards vendors (Chauhan and Unni 2022). This leads to policies and orders that are not congruent with the needs of weekly markets and leave the markets unable to function as they have been for decades. The defiance of orders does not push officials to look at problems with policies, but solely escalates harassment.

This paper aims to understand the intersections of law and planning in the context of spatiality, and argues that urban planning and relevant policies must expand their purview to account for weekly markets, given the latter's unique temporal and spatial characteristics as a place used once a week. To better understand these concerns, we visited three weekly markets in Delhi, each with its unique set of problems with regard to spatiality, legality, and planning.

Book Bazaar: That was Once a Fair

Before 2019, it would have been difficult to miss the book market on a Sunday morning in Daryaganj, since all the pedestrians and vehicles seemed to head in that direction. The streets of Daryaganj were bustling with students, academics, and professionals rummaging through the sea of books in search of something valuable. When one arrives at the location today, the streets appear desolate, with a few puzzled students asking for directions to the now relocated weekly market. Books that would have been stretched across most of Daryaganj's pavements in the early morning are now bundled up in rickshaws, with vendors waiting for the gates of *Mahila haat* to open so that they can take the books to the market's new home, a site that was considered the best option for relocation.

The new location we visited appears to be much more spacious, owing to the far more demarcated layout of the new market where spots are allotted by Municipal Corporation of Delhi (MCD). This increase in space is also due to the number of vendors and books, which is now minuscule compared to the seemingly unending rows and stacks of books that existed before. The vendors blame the reduced accessibility of the location, owing to its detachment from an open road, due to which less than half of the 276 registered vendors (who were relocated to the new spot) find it profitable to sell their stocks. Those who do set up shop here, bring very few books because of the spatial constraints of the allocated vending area and increased transportation costs of carrying the books into and up the stairs of the *Mahila haat*. Lack of overhead cover is also a cause of constant concern since the possibility of books being destroyed due to rain and storm is all-pervasive.

But there are also some positive outcomes of the relocation, as harassment by officials has decreased according to interview responses. While the location change has led to reduced business opportunities, vendors believe that the reduction in footfall might not be permanent; the market's historical and cultural stature continues to draw an ever-increasing student population searching for affordable and rare books. Pick-pocketing has decreased, and there is space for customers to sit as they look

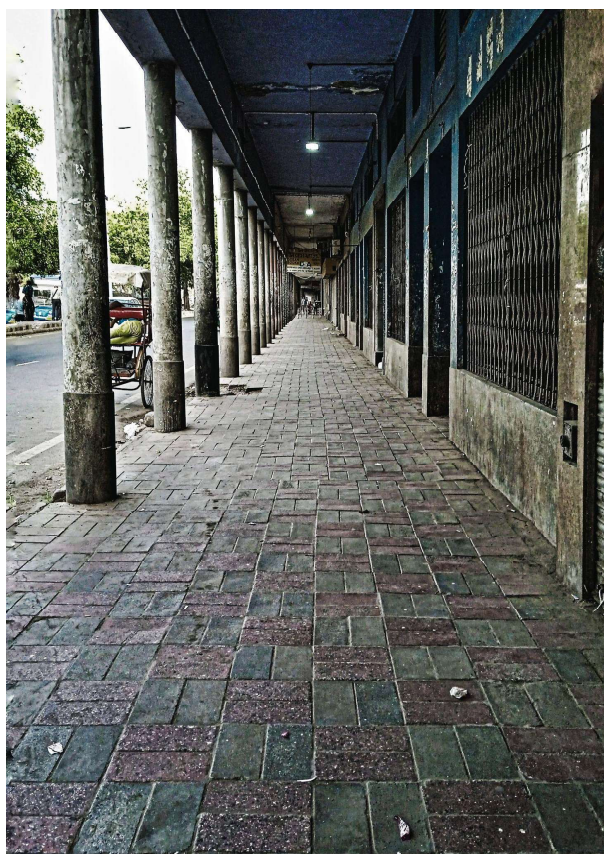


Figure 3.1: Empty pavements, Empty Pockets
The Old Location of the Book Bazaar

through the stocks. Better washrooms and the revival of the canteen should help even more. Vendors said that hope for better prospects despite their presently precarious circumstances at the new location.

While the *Mahila haat* has provided vendors a space to continue earning their livelihood, this has come at the cost of profitability. Worries about eviction are still present, only in a different time frame. The *Mahila haat* location has been temporarily assigned to the weekly market for three years; on being asked about this, the vendors were unsure where they would set up shop afterwards and what the future holds for them. These are the views of registered vendors who are able to continue selling. We did not find any unregistered vendors to interview, which may indicate that relocation has impacted them severely.

The Book *bazaar* is a case of a market that begrudgingly accepted relocation for peace with the administration. However, there are numerous other markets where harassment and a state of instability continue to prevail. One of these markets is in the popular shopping area of Karol Bagh.

Ajmal Khan Market: A Stalemate

The sight that greets commuters disembarking at Karol Bagh metro station onto Ajmal Khan Road is not just your usual scene of eager rickshaw-wallahs, but a cacophony of voices calling for you to look at their goods. Held every Monday, the market is known for its diversity of wares. One can spot many tourists in this market scouting for clothes that are unparalleled in variety and affordability.



Figure 3.2: Pack Your Wares, Again
The Wares of Vendors in Ajmal Khan

Despite its long history as one of the city's most popular shopping spots, the MCD was tasked to shift the market to the adjacent Gurudwara Road for beautification. This continues to be a consideration even though the existing space was tailored for the market's. The MCD placed benches along the middle of road and made the area vehicle-free in 2019 (Mishra 2019). According to the vendors, the MCD wrongly accused the vendors' of encroachment; since street vendors do not set up any permanent structures they are excluded from directives to remove encroachments.

When the matter of shifting the market's location was brought up in court, the judge unequivocally stated that, according to the SVA, the market could not be moved without creating a new vending zone. In spite of this, the Pradhan said that the MCD requires vendors to move out. Vendors pointed out in court that there is considerable traffic on the newly identified Gurudwara road. The judge directed the MCD to make arrangements to redirect traffic from the assigned road. Despite ongoing efforts, the issue has not progressed and remains in a state of stalemate. The harassment has not ceased either. "Even today, they troubled us till 11 a.m.," stated a vendor on the day of our visit. In one such escalation of tensions, the MCD arrived with a truck to remove the vendors, which ended in a visit to the police station of the area. The police told the MCD to stand down after the vendors presented all the necessary papers that allowed them to vend in the area.



Figure 3.3: Beautiful & Broke
Benches Along Ajmal Khan Road



Figure 3.4: Reluctant Relocation
Gurudwara Road: the Street Where the Market is Proposed to be Moved

The vendors of the market clearly want to stay put. Their existing location is important because of its historical association. “Here is where we can do business. People have known of this place for decades....It is an international market. If they move us, people will continue to come here regardless, and it will be a huge loss for us,” said a vendor. Another vendor highlighted that even moving a short distance from Ajmal Khan road would lead to a loss in customers.

Daryaganj and Ajmal Khan markets are an intrinsic part of Delhi's identity; this provides them with a certain leverage over the arbitrary and illegal actions of the authorities as any commotion around them catches the eye of the public (Singh 2020). Issues pertaining to heritage markets like these are treated with relative importance, as evident by various court cases and judgements.² However, no Delhi market has officially been declared as a heritage market. The struggles of most unauthorised *hafta bazaars* throughout the city fail to garner attention, and markets often disappear without a trace. Such unauthorised markets are more vulnerable to disruptions like evictions and lockdowns. Getting reinstated and resuming their work is harder due to the poor awareness and lack of public attention. The Ashok Nagar market brings forth the story of such a case.

Ashok Nagar: After the Break

As the lockdown eased after the second wave of COVID-19 in April 2021, the Delhi Disaster Management Authority (DDMA) issued an order on June 13, allowing only one weekly market, per day per zone, to operate with the strength of 50% of its total vendors from pre-pandemic times. This condition was applicable to the authorised *hafta bazaars* of all the three Municipal Corporations, ignoring the concerns of unauthorised markets that were far more numerous. We found out from the vendors of the weekly market in New Ashok Nagar, that with passing time and after several failed attempts, these unauthorised markets had come to occupy the places they had left two years ago (Akhtar 2021).

Despite enduring much, these vendors were optimistic, and acknowledged the efforts of the Government. They even admitted to their own mistakes of not communicating their points when given a chance to do so. As street vendors, they merely want rules and regulations to recognise their set-up and are ready to pay more fees to get better facilities. One prime concern that surfaced was that their Certificate of Vending (CoV) did not mention the different markets in which they were vending throughout the week. Thus, the MCD does not acknowledge the document as valid proof of their vending at that particular location, an aspect that was not taken into consideration in the SVA. Even though it took time to get settled again, they were satisfied and ready to accept the mandate of the government after the lockdowns were lifted. This acceptance was, however, subject to maintaining customers' accessibility and the basic safety and sanitation needs of the vendors.

what emerges from these cases is vendors have a resigned acceptance of the rule of the day, and not necessarily the rule of the land. Vendors do not resist being regulated, but they do not want to be regulated in an unlawful or opaque way that goes back on previous administrative positions. This seems to echo the sentiment put forth by Seale and Evers, in their compendium on informal street markets, that, "a missing regulatory environment can be as costly to informal operators as an excessive regulatory environment" (Chen 2012).

2. Under the SVA heritage markets are defined as natural markets where street vendors have conducted business for over fifty years. Vendors are not to be relocated from such markets.

The Legal Foundation of Street Vending

The SVA lays down a framework for regulating vendors by defining a system of licences, vending zones, and an administrative structure—the Town Vending Committee (TVC). TVCs, are democratic bodies that are responsible for implementing the rules and regulations for vending in a city, including demarcating vending zones and issuing licenses to vendors. These committees are composed of authorities, vendor representatives, market associations, NGOs, and other stakeholders. They are required to survey all vendors every five years before issuing licenses, with a threshold of 2.5% of the population. The goal of these committees is to ensure that vending activities are carried out in a fair and orderly manner, benefiting both vendors and the community as a whole.

The latest survey, however, received responses from only around 80,000 vendors in the city; a number far lower than most estimates of vendors in the city. Notably, the SVA outlines a lawful procedure for eviction and relocation and entitles TVCs with the power to provide recommendations to the local authority for the same. The Act, differentiating between “vending zones” and “no-vending zones”, states that a natural market or a market that has not been surveyed cannot be declared a no-vending zone. A key function of the TVC is to demarcate both vending and no-vending zones, and the language of the Act makes it clear that preference should be given to preserving natural markets and being in favour of vending zones. Hence, both in letter and in spirit, relocation is the last option to resort to, and if it must be done, it must be done in a manner that displaces a minimal number of vendors.

The SVA directs each state to develop a Street Vendors Scheme; the Delhi Street Vendors Scheme was notified in 2019. It comprises guidelines on conducting vendor surveys, issuing CoVs, and the establishment of zones such as “free vending”, “restricted vending”, or “no vending”. Unlike the SVA, under the Delhi Scheme, a survey must be carried out every three years instead of five. Under the scheme’s guidelines, any registered association of street vendors or the local body may submit a request to declare any street or area as a vending zone or a weekly market. With regard to weekly markets, the designation of space and timings must be carried out by the TVCs in association with the local bodies, with the allocation of vending spots operating on a first-come-first-serve basis, though there is provision for a rotational system in case of high demand. Thus, overall, there is an emphasis on both the Scheme and the Act to preserve natural markets.

However, weekly vendors are not adequately governed by the licensing system. They can select only a single address for the licence, even though many weekly vendors vend in different markets, and often in different wards over the week. The Delhi Scheme categorises vendors under three categories: stationary, mobile, and “others” that the relevant TVC and local bodies may define. It must be highlighted that in this final category, while weekly vendors are included, they are classified as “other vendors” and lumped together with festival vendors or other temporary vendors, downplaying the distinct requirements of weekly vendors.³

3. Delhi Scheme, clause 6.1.1

Another key aspect of governing vending in the city is the Delhi Master Plan. The Delhi Development Act of 1957 empowers the Delhi Development Authority to make a Master Plan and Zonal Development Plans. The Delhi Master Plan is a macro blueprint that guides spatial planning for the city for a period of two decades. It is a conceptual framework for future growth and development for the city to improve its residents' quality of life.

The 2021 plan, intended for the 2001–2021 period, acknowledges the value of the informal sector to the economy and employment, and provides for “hawking” zones at the neighbourhood and cluster levels, formulated in consultation with Resident Welfare Associations (RWAs). The Plan envisages the integrated development of informal trade areas, including weekly markets, with other housing and commercial zones and near metro stations. There also exist provisions for weekly markets in an area of five hectares at the sub-city level for a population of five lakhs and 0.1 hectares at the community level for a population of one lakh. The plan recommends the adoption of new designs for stalls and carts as well as the provisions for parking, waste disposal facilities, and other needs for the informal sector.

The Master Plan, last updated on 29 February 2020, does not mention the Street Vendors Act, 2014. Instead, it continues to rely on the National Policy on Urban Street Vendors, which was last updated in 2009. This gap has been called out by labour unions and vendor collectives, like the NHF (Hindustan Times 2021; AICCTU 2021). The plan gives precedence to protecting the “right of way” requiring that the location and concentration of existing stationary informal units be taken into account to guarantee that such activities do not spill over onto the right of way. For example, it advises mixed-use footpaths by suggesting the creation of hawking/vending zones, to ensure a safe environment for pedestrians.

The main issue with the Master Plan and the SVA is that the Master Plan does not align with the SVA and barely mentions it, even in the draft Master Plan 2041. This presents a problem for the successful implementation of the SVA and the regulation of street vending in the city. The SVA outlines specific rules and mechanisms for street vending, including the creation of Town Vending Committees TVCs, which are multi-stakeholder groups including vendors and government officials, to oversee the identification of street vendors, issuance of certificates, determination of vending zones, and designation of no-vending zones. It is important that the Master Plan respects these provisions and leaves the notification of vending and no-vending zones to the TVCs as outlined in Paragraph 8.1 and 8.4 of the Scheme and Rule 21(e) of the Rules, in accordance with the First Schedule of the Act. Any principles for notification of vending and no-vending zones in the Master Plan should either be removed or modified to reflect the provisions of the SVA.

Though the three legal instruments addressed here—SVA, Delhi Scheme and the Master Plan—have scope for improvements, especially for weekly vendors' recognition, they represent an adequate starting point in formally recognizing the ecosystem of street vending. However, there are multiple issues with implementation.

Notwithstanding the inadequate recognition of weekly vendors, the SVA, Delhi Street Vendors' Scheme, and the plan provide an institutional framework to govern street vending. However, there are concerns about implementing the system, stemming

primarily from the limited power afforded to TVCs. Markets are being relocated, or they have already been relocated, despite the vendors' survey not having been completed. While the TVCs are supposed to play an essential role in securing the vendors' interests, there are concerns about their efficacy and representativeness. For instance, during the interview, the Pradhan of Ajmal Khan market expressed his discontent with all the challenges in the election process of Town Vending Committees, which he felt were undemocratic. The TVC members from this zone were all from one stretch of the market road, and the Pradhan felt that they were unaware of their powers and duties.

As pointed out by an advocate associated with NASVI, such gaps in the execution aggravate the issue by bleeding into the final crucial facet of the judicial stance.

The Ball in the Court

The vendors we conversed with largely emphasised that it is not the absence of a law that is problematic, but the implementation of it. Even in a scenario where legislation offers substantial protection, there remains a considerable gap in its gains: this is where the courts enter the scene. A court can offer vendors refuge when their rights are being compromised by administrative action. In this section, we mainly look at zoning, that is, how the classification of the hawking and no-hawking areas before 2014, and of vending and no-vending zones post 2014 unfolded on the ground. We will also examine how the courts responded to the contestations on the part of the administration or that of vendors.



Figure 3.5: Found in the Crowd
Pedestrians, Vehicles, Stores, and Vendors Sharing Space

One of the very first cases that addressed the zoning concern of the street vendors was the *Bombay Hawkers' Union vs. BMC and others* (1985), a case that also upheld the right to livelihood of the vendors, which was reaffirmed in later years when the Court acknowledged the Fundamental Right to Hawk and Vend.^{4 5} In 1998, it was ruled that Article 19(1) of the Constitution guarantees the right to conduct trade, and business on the street pavement cannot be denied on the grounds of its use by pedestrians.⁶ Any demarcation of vending zones relies on the basic principle of the right of access to public space. With street vendors, this basic right is what is often contested, leading to evictions and harassment on the basis of zoning,⁷ despite some cases where the court has recognised the limitations of making acceptable judgements when the vendors' survey has not been carried out.⁸

In its 2010 judgement, the Supreme Court ordered a list of squatting and non-squatting zones to be displayed at every zonal office of the MCD and on their website.⁹ On looking at the appendix of the case file that contains the list of squatting/non-squatting and hawking/non-hawking zones, one sees that only the squatting areas are mentioned, within which some approved spaces have been marked as non-hawking zones. All other areas are marked as non-squatting areas, with residential and industrial areas marked as hawking zones. This signifies the limits set on vending choices of the vendors by the authorities.

As per the documents provided by New Delhi Municipal Council (NDMC) replying to an Right To Information Inquiry (RTI) (id no. 305/ADC/CSPZ), under the eligibility conditions for getting one's application for vending accepted, vendors or their families should not have any other vending premises in Delhi. The TVC must decide the time and location of the weekly market, while sanitation and electricity charges are the responsibility of the vendor. It also mentions that if the vending site is required by any other agency in public interest or has resulted in traffic congestion, the hawking site be transferred to some other suitable place as per availability and feasibility. Two things that the RTI and related documents reveal with respect to relocation are: first, the acknowledgement of the vendor's need for protection from weather, and second, the allocation of three preference-based vending locations, rather than just one as in other official documents.

The documents reveal a lack of consideration for the needs of the vendor; additionally, there is an ambiguity in using terms such as "public interest" and "agency". The zonal vending committee is required to provide the list of squatting/non-squatting areas and hawking/non-hawking areas to the Station House Officer (SHO) of the concerned police station, who has the primary responsibility of removal of unauthorised vendors. Given that the police deal with law and order, and not livelihood, they are prone to clamping down on vendors (Seale and Evers 2018).

The Court's stance proves crucial not just for general precedent in the realm of street vending, but for the fate of individual markets as well. In the *Saptahik Merchant*

4. Gainda Ram and Ors. vs Municipal Corporation of Delhi, 2010.

5. *Bombay Hawkers' Union and Ors vs. BMC and Ors*, 1985.

6. *Sodan Singh vs NDMC and Ors*, 1998.

7. *Hari Ram vs Ramesh Kumar*, 2017.

8. *Bhola Ram vs NDMC*, 2017.

9. *Gainda Ram and Ors. vs Municipal Corporation of Delhi*, 2010.

Welfare Association vs NDMC case (2018), the Delhi High Court found that Netaji Subhash Marg, the erstwhile location of the Book *bazaar*, was mentioned as a non-squatting area in the MCD's final list of squatting and hawking zones.¹⁰ However, the mandated inspection of this road in 2018 had accepted that the relocation of the *bazaar* was subject to the completion of the survey. Thus, the aforementioned verdict of 2019 created a conflict of interpretation when it only referred to the 2005 order, which called for the eviction of the market, citing traffic and commotion as the reason. An MCD scheme in 2007 termed the Daryaganj weekly *bazaar* a natural market that was listed as a no-hawking zone in 2005 itself (Dhingra 2019). We can thus see the contradictions in various government documents and the flipping of the court's stance. However, as we know now, the *bazaar* was relocated in 2019, when the survey as per the SVA was yet to conclude. In the case of *Sudhir Madan and others vs MCD* (2007) too, although the Court acknowledged the undisputed authority of MCD in demarcating non-hawking and non-squatting zones, it said that the Daryaganj book market was indeed a natural market that needed to be preserved. This stance was later reversed in 2019, putting more emphasis on the area being a non-hawking zone rather than its cultural stature.

Spontaneity and Planning

The charm and the essence of the weekly markets lie in their unique nature of self-regulation, which has an inherently organised spontaneity. While these *bazaars* are like English gardens where elements interact with each other organically, planners view them as wild forests that must be tamed. Efforts are being made to fix what is not the problem, resulting in chaos. In the name of orderly planning, a pass has been given to the city planners to change the existing structures of the city as they see fit. In their quest for creating modern and urban-looking spaces, the planners too have been indulgent with rampant and arbitrary modifications to the complex fabric of the city, forgetting that it is not merely plants but livelihoods that they are uprooting.

The livelihoods of the vulnerable are being compromised in the name of easing traffic and pedestrian movement. The vendors who facilitate the everyday needs of the city with, and thereby ensure a smooth and convenient life for its residents, are seen as a threat to the city's order. Consequently, an order which contradicts the dynamics of the city, and is alien to these vendors, is being forcibly imposed.

The impact of arbitrary planning on the economy of the city is disastrous. The uprooting and relocation of weekly markets has an impact not only the shifted vendors' livelihoods but also the various classes that the vendors cater to. As mentioned before, all sections of society—especially the urban poor and middle classes—frequent these markets, since they offer an economical option for everyday necessities and other products. The Book *bazaar* is the perfect embodiment of this, a haven for students or book lovers from the urban poor who cannot afford new copies. The children living in the multiple orphanages near the market also depend on these low priced books. As recounted by the vendors we interviewed, relocating the vendors to different locations, be it vacant land, malls, or shopping complexes, increases the prices of the goods, due to rising costs for vendors in terms of transportation, raised

10. Saptahik Merchant Welfare Association vs NDMC, 2018.

fees, and lower consumer footfall. This rise in prices reduces the disposable income of the poor who shop in these markets, making them more economically vulnerable.

The discord between planners and vendors arises not due to a lack of will to solve the problem but due to the perception of the problem. It is often taken for granted that spontaneity and planning are two incompatible extremes that have negative and positive connotations respectively. However, this restrictive and reductive notion leads to policies that do not account for ground realities. Instead, an alternative way to arrive at pragmatic solutions is to look at spontaneity and planning not as binaries, but as elements on a spectrum that may involve inevitable trade-offs for all stakeholders, that must be managed amicably. The attempted micro-management and unilateral restructuring of an organically functioning ecosystem, such as that of weekly markets, is also harmful to the city's ability to absorb economic upheaval. The vendors are one of the most versatile and early respondents to the ever-changing complex needs of a particular locality. Due to their irreplaceable role in an area's economy, they continue to emerge even in the most formally institutionalised societies. Restrictions on their free movement and separation of their existence from that of the city's fabric will lead to an incentive mismatch, which will be impossible to bridge no matter how thorough the planning.



Figure 3.6: Despite the State
Two Bustling Markets Contrasted with the 'Non-Hawking Zone' Signs

These weekly markets emerge organically in locations where they are required the most. Aside from the markets' location, the goods sold at each one are also tailored to the customers' needs. For example, areas with a concentration of people from the southern states had many stalls selling drum-sticks, areas with Kashmiri neighbourhoods had greens like *kadam* and *haak*, vegetables which were not so readily available in other areas. Markets that had a large number of shoppers from the eastern states, especially Bengal and Bihar, had more fishmongers than the other weekly markets (Hashmi 2019). This level of responsiveness and adaptability to the needs of the consumers is what makes weekly markets so popular. Furthermore, these markets are able to flourish in their original locations despite an almost two-year-long lockdown, owing to the mutually beneficial relationship that exists between

customers and vendors. This understanding of location and wares arises due to continual interaction between buyers and sellers, and is often hard to replicate with even the most intricate level of planning.

Despite significant differences among the three markets we visited, the desires of the vendors converge into a simple demand: stability. They all want stability and the freedom to vend in natural spots near transport nodes with a high consumer footfall, and to retain their built-up consumer base. All they ask for is clarity as to where they can vend and not have the constant threat of eviction or relocation looming over them. To achieve this in a way through which the interests of the vendors and concerns of the authorities are upheld, there needs to be judicious use of spatiality.

The Battle for Space

To mitigate the conflicts of interest between the authorities and vendors, it is important to locate the origin of the dispute. The primary issue is not law and order, beautification, or evictions. These are all mere symptoms of the central problem of misallocation of space. Space is the most important but finite resource in growing and evolving cities like Delhi, which can neither be expanded nor have any substitutes, yet is necessary to undertake any kind of activity. Economical use of space is essential not only for improving the aesthetics of the city but also for safeguarding the finance, lifestyle, tradition, and culture of the people who live there. It must be asked whether it is even possible or desirable to have markets tucked away like the Book *bazaar* is today, given that street markets are inherently a public phenomenon, and a hidden location imposes an entry barrier of knowledge of the market's existence. Moreover, even though there were legitimate reasons to shut down or curtail markets during the pandemic, the criteria for "essential space" must not be accepted without criticism, and must necessarily be analysed. For example, as lockdown restrictions were relaxed, malls were allowed to reopen prior to weekly markets due to their apparent neat layout, even though the former are indoor spaces. Though they may be far more essential to large sections of the urban population, there was no attempt to bring in social distancing in weekly markets despite some organizations creating guidelines for the same (WIEGO 2022).

The current cosmetic approach to planning needs to be abandoned before it is possible to begin with the formation of practical zoning norms based on the fair use of spatial resources. Street vendors need to be recognised as rightful participants in deciding the utilisation of public space as much as any other stakeholders. The occupation of public space by street vendors to earn their livelihood needs to be recognised as their right to the public space as residents of the city, and not as encroachments.

A city derives its beauty not from its spaces but from its inhabitants. Lavasa, a wonderfully planned city in Maharashtra, is an excellent example of curtailed success, because of its elaborate and well-funded design that ignores the role of spontaneously emerging systems. Modelled on the cotton-candy harbour of Italy's Portofino, the city appeared, at first, to be the promised land with its aesthetic buildings and spaces complemented by the scenic beauty of the Western Ghats. However, despite its beautiful setting and award-winning Master Plan, the city is turning



Figure 3.7: Side by Side
Big Brands and Weekly Vendors Thriving Together

into a ghost town. Storefronts are vacant and signs of neglect are rampant. This is a clear indicator of what happens when spaces are planned inorganically without accounting for the lived reality of the space. This once-hilltop-paradise is becoming a hell on earth for some (Antony and Pandya 2018). While Lavasa is a private venture facing legal hurdles as well, other such cities which are government-backed, like Myanmar's new capital, Naypyidaw, have also shown that the failure to plan for lived realities leads to "magnificent" yet empty cities, irrespective of who the planner is. In Chandigarh, for instance, instead of lively marketplaces, the planner substituted large squares that, till today, stand largely empty (Millington 2017; Scott 1999).

It goes without saying that the conventional idea of beautification traditionally does not include the marginalised. This perspective, combined with technocratic initiatives like "Smart Cities", stands in opposition to communities like street vendors. This skewed outlook fosters the urge to control public places like a French garden, which is centred on symmetry and the urge to impose order. It is more formal, time-consuming, and costly to manage. This mindset appears, albeit in a muted form, in the actions of the MCD and the Delhi Master Plan 2021. If proper allocation of space is not done, no amount of detailed planning will aid the planners' vision of a "sanitised and beautiful" city. Street vending is essential to the cultural and economic fabric of a city. Separating vendors from the tapestry of the city will ultimately lead to widespread unemployment, poverty, and crime, which will undoubtedly dull the picturesque cityscape the authorities are trying to create. This is the fear and helplessness that we could sense in the words of a bag-seller in the Ajmal Khan market when he said, "We are uneducated, and since the pandemic, informal jobs have declined sharply. If people are not allowed to vend, they will have little alternative except to turn to undesirable activities as there won't be anything else for them to do. We just want to make an honest living by selling our items."

It must be understood that, like other stakeholders in society, vendors also want to live in a clean and organised space, but this cannot be at the cost of their livelihoods. With some changes in planning, weekly markets can embellish the cityscape.

Ingenious and inclusive solutions must be adopted by the authorities to accommodate pedestrians, vendors, and other infrastructure in the same space. Adopting such measures, rather than glossy attempts focused on aesthetics, can make the city intrinsically modern and smart.

Conclusion and Way Forward

It is evident from our findings that significant reforms are needed in the regime of street vending, starting with the implementation of the SVA and bringing a halt to unlawful evictions. The SVA must be incorporated into the Delhi Master Plan 2041 that is currently being drafted. Despite considerable provisions on vending zones, this draft has been focused on corporate professionals with no reference to informal workplaces (Sinha, Majithia, and Harvey 2022).

The Delhi Master Plan is often considered a path-setter for city development plans all over India. Making the planning process more participatory and inclusive will have a ripple effect—it will bring to life many innovative models and practices that can be carried over to other cities (Sinha 2019).

If planning can be inclusive of all users of public space, there need not be any tussle between spontaneity and planning. Planning should be done not to expand the scale of monitoring but to eliminate the necessity for needless surveillance.

To start with, “Right of Way” and “Right to Vend” should not be put against one another, but rather accommodate each other. Additionally, guidelines on parking and vehicle entry should be put in place depending on the nature of the vending site; making roads vehicle-free may not necessarily be what the vendors desire (Press Trust of India 2019).

- A single model of a fixed vending zone will not fulfil the mandate of providing space for vending, for a changing and responsive form of employment. For weekly markets to function efficiently, demarcation of space needs to be as case-sensitive and unobtrusive as possible. Vending zones, where possible, should be created around natural markets, and beautification and decongestion efforts should be deployed alongside them, not at their expense.
- Eviction and relocation should always be the last resort. As per court guidelines, vending and no-vending zones must be demarcated only after consultation with all the stakeholders in a decentralised manner; due records should be maintained.
- Finally, due consideration should be given to the unique mobility of weekly vendors, who frequent multiple markets. For optimal planning, the distinct dynamics of weekly markets and daily markets must be accounted for.

After many decades of struggle, vendors have claimed their due right of dignity but there is still a long way ahead for their legitimate right to space; that will only become a reality if we acknowledge that spontaneity in planning is the way forward.

MCD हांय हांय
MCD जवाब दे
भगवती मार्किट के 45
दुकानदारो का कसूर
क्या है जो उन की
दुकाने पिछले 2¹/₂ महीने
से सील करके उन
लोगो के रोजगार छिन
लिए है।

Relocating Lives and Livelihoods

A case study of Chor Bazaar and Book Bazaar



Aditya Srivastava, Astha Pandey, and Shubham

Introduction

For decades, mighty crosscurrents of culture and history have flown through the streets of Red Fort and Delhi Gate. Vendors gather here to offer a wide range of products, including fabrics, jewellery, books, handicrafts, artworks, and spices. Shoppers from around the country visit these markets for great bargains. These markets have been a key part of the economic and cultural life of the city, and attract many visitors and shoppers. However, in recent years, the perception of these markets has changed. With the growing population and affluence of the city, they are now often seen as overcrowded and chaotic spots, causing congestion and delays. This has led to increased scrutiny from local authorities, pedestrians, residents, and other groups, who see these markets as a nuisance and a hindrance to the smooth flow of traffic and the use of public space. Despite their rich cultural and historical significance, these markets are at risk of being completely shut down.

Street vending has been the source of livelihood for around five lakh people in Delhi. Street vendors contribute significantly to the economy. Yet they often face harassment and intimidation from local authorities and other groups who see their presence as a threat to people's right to public space. This can create uncertainty for vendors and interfere with their ability to work in a safe environment. Unplanned evictions and forced relocations affect many street vendors. These issues need to be addressed in order to protect vendors' rights.

The Street Vendors (Protection of Livelihood and Regulation) Act (SVA) was enacted in 2014 with the goal of protecting the rights of urban street vendors and regulating street vending in India. These markets are a key part of India's cultural heritage. The Act prohibits any unreasonable relocation of these markets. By protecting these markets and the vendors who work in them, the Act seeks to preserve an important aspect of India's rich cultural past.

In this paper, we focus on two markets in Old Delhi—the Daryaganj Book *Bazaar* and *Chor Bazaar* — to understand the impact of market relocations on vendors and the reasons for these relocations. We document vendors' struggles to maintain their vending spots and study the reasons given in court orders for the relocations of these two markets. We then analyse whether these reasons are compliant with the provisions of the Act and the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019 (Delhi Scheme). Finally, the paper provides an analysis of why these markets were relocated despite being eligible for heritage market status.

Description of Market Sites

Daryaganj book market: Identity in crisis

Initially known as Faiz market, the book market thrived in the streets of Old Delhi for decades. This iconic *patri kitab bazaar* historically stocked a range of books at affordable prices. The Sunday Daryaganj book *bazaar* was a one-stop market for avid bibliophiles and was a source of livelihood for over 250 vendors at one time. Frequented by thousands of customers, this *bazaar* has been a gateway to the world of

ideas and literature for decades. Acknowledging its cultural significance in 2007, the Daryaganj Book market was declared a natural market by the Municipal Corporation of Delhi (MCD) in the MCD Scheme for Hawkers and Vendors, 2007 (Dhingra 2019).



Relocation of Daryaganj Book Market
Source: openstreetmap.in

Figure 4.1: Relocation of Daryaganj Book Market
Source: openstreetmap.in

Demolition of heritage on the stroke of administrative action

Despite being declared a natural market, the book *bazaar* was relocated a kilometre away, to *Mahila haat* in 2019. This was based on a Delhi High Court order that declared Netaji Subhash Chandra Marg as a no-vending zone in 2005. Relying on this order, in 2019, the High Court directed North Delhi Municipal Corporation (NDMC) to relocate the Sunday book *bazaar*, citing impediments to pedestrians’ right to use of public space.¹

1. Saptahik Welfare Merchant Association vs North Delhi Municipal Corporation, 2019.

Many vendors shared that the relocation was sudden and no prior notice was given. Neither was there a Town Vending Committee (TVC) or a Grievance Redressal Committee to address their concerns. During the interview, the market Pradhan and a TVC member from the *bazaar* shared that, at first, the vendors demanded *in situ* upgradation. However, the authorities rejected their demands and relocated them to *Mahila Haat* — a community area under the jurisdiction of the Government of Delhi. Many vendors were opposed to moving to this new spot, which was leased to them initially for three years with the option of renewal after every two years (Tiwari 2020). The vending fee at *Mahila Haat* is approximately ten times higher than the fee at Drayaganj. Vendors now have to pay INR 180 as opposed to INR 15 that they previously paid at Daryaganj every Sunday. This increased fee is to ensure that the cost of the lease of Mahila Haat is covered by the vendors. The vending fee here has also increased tenfold. Vendors now have to pay INR 180 as opposed to INR 15 that they previously paid at Daryaganj every Sunday. This increased fee is to ensure that the cost of the lease of *Mahila haat* is covered by the vendors.

To prove their legitimacy under the law or before a court of law, vendors either need a Certificate of Vending (CoV) or a receipt. However, in Daryaganj, the survey was never conducted and the receipts for the fee charged by the MCD do not list the names of the payees. The absence of payee names is a problem because these receipts cannot be used by evicted vendors as evidence in court to fight against arbitrary evictions. Many displaced vendors are unable to secure a vending certificate, while some are unaware of the CoV entirely. Poor implementation of law has forced these vendors into a never-ending cycle of evictions and relocations.

Chor Bazaar: Market not found

Upon entering the now displaced *Chor Bazaar*, we met an old woman in her 60s who sells dry fruits from a 4x4-foot space on the pavement. She reminisces about the days before displacement, when many customers would travel long distances to buy dry fruits from her on Sunday mornings. She began vending in the streets of Old Delhi at the age of 14 and has witnessed the market shift across multiple locations. Just when we were about to finish our interview, a huge commotion ensued in the market. Police chased and pursued vendors, directing them to vacate the area. According to the vendors, such raids have become routine in the market since 2019 when the High Court declared it a no-vending zone. Vendors revealed that *Chor bazaar* was relocated without a rehabilitation plan, leaving thousands in uncertainty.²

The market, a part of the ancient *Faiz Bazaar*, is popular for its items which range from electronics and dry fruits to modern clothes and antiquities. Despite the immense value that it provides to customers and vendors alike, the market has been relocated several times. It was shifted from Shaaz ka Talab to *Chawri Bazaar*, followed by Red Fort, Jama Masjid, Subhash Park, and Delhi Secretariat, only to be shifted back to Subhash Marg, where the vendors faced eviction in 2019 (Wajid 2020). In 2020, the market was given space behind the Salimgarh Fort on Yamuna Pushta on a trial basis (TNN 2020). Upon the conclusion of the trial period, the market closed down. No alternative vending spot was provided to the vendors. Despite this, the

2. Saptahik Welfare Merchant Association vs North Delhi Municipal Corporation.

Delhi Government continues to promote the market as a tourist hub on its official tourism website—a stark irony as the market no longer exists.³

The market representatives informed us that the market was evicted without the required notice and rehabilitation plan. Post eviction most vendors had to seek other employment, while a few continue to sell at the original location and face harassment from public authorities. The market representatives have appealed to the Supreme Court. *Chor bazaar*'s survival now depends on the outcome of this appeal.

Regulating Street Trade in Delhi

Relocation impacts the vendors' right to the city. Proximity to commercial and residential hotspots are essential for economic opportunities for street vendors.⁴ SVA and the Scheme crystallise vendors' right to livelihood and use of public spaces. SVA created a participatory decision-making body, TVC to regulate street vending and provides for representation of street vendors in those bodies. It also says that every vendor must be given a CoV after a survey conducted by the TVC. The Act bars the eviction or relocation of vendors by local authorities until the survey is completed.⁵

Chapter IV of the Act deals specifically with the relocation and eviction of vendors. It allows local authorities to declare certain areas as no-vending zones, but only with the recommendation of the TVC and after providing 30 days' notice to vendors with a CoV.⁶ Building on the Act's provisions, the 2019 Scheme defines weekly vendors and places them in Category III (others), the same as daily, festival, fair, and temporary vendors. The Scheme allows vendors to be moved only for public purposes, as decided by the TVC, and includes plans to help affected vendors. It also includes principles for moving vendors to make the process stable and certain.

In cases where vendors do not vacate the area, SVA directs the local authorities to prepare a list of the goods seized; a copy of which must be signed by the person who conducted the seizure of goods.⁷ It also attempts to protect the existing markets by introducing concepts like natural and heritage markets.⁸

SVA bars the relocation of vendors from heritage markets by designating natural markets as no-vending zones and restrains local authorities from declaring any space as a no-vending zone till the plan for street vending is formulated.⁹ SVA takes precedence over any prior rule or order passed by the authorities.¹⁰

Building on the provisions under SVA, the Scheme defines weekly vendors as vendors who participate in weekly *bazaars* to offer their goods/services. Under the Scheme,

3. Delhi Tourism website. Retrieved June 24, 2022.

4. Raj Kumari and 39 Ors vs State of UP and 3 Ors, 2020.

5. The TVC consists of vendor representatives and members of the local authorities, and they act as the fulcrum around which the street vendors act revolves around.

6. SVA, s 18(3)

7. SVA, s 19(1)

8. SVA, Second Schedule, (zb) (viii)

9. SVA, First Schedule, (3)(e)

10. SVA, Second Schedule, (zb)(vii)



Figure 4.2: Waiting for a Better Time
An Afternoon at a Weekly Bazaar

weekly vendors have been placed in Category III (others), at par with daily/festival/fair market/temporary vendors.¹¹

As per point 6.3 of the Scheme, vendors can be moved from their existing spots only for public purposes, as decided by the TVC. The Scheme also includes plans to help affected vendors.

It provides that the affected street vendor should be provided a place to vend in the same or nearby vending zone, preferably of the same nature, subject to availability of vending space at the alternate site.¹²

Judicial Decisions Fail to Support Vendors in Changing Business Environment

Eviction is one of the most contested issues before courts in India. As per the SVA, no vendor can be evicted from their vending spot before survey. Even the no-vending zones cannot be demarcated prior to the survey. However, courts have so far focused on reclaiming public space from street vendors by ignoring the provisions of the Act.

11. Delhi Scheme, clause 6.1.1

12. Same nature implies that the alternative site of vending should be of a similar category as the original place of vending. It also implies that the alternative place should provide either the same, or a higher level of business to the vendors.

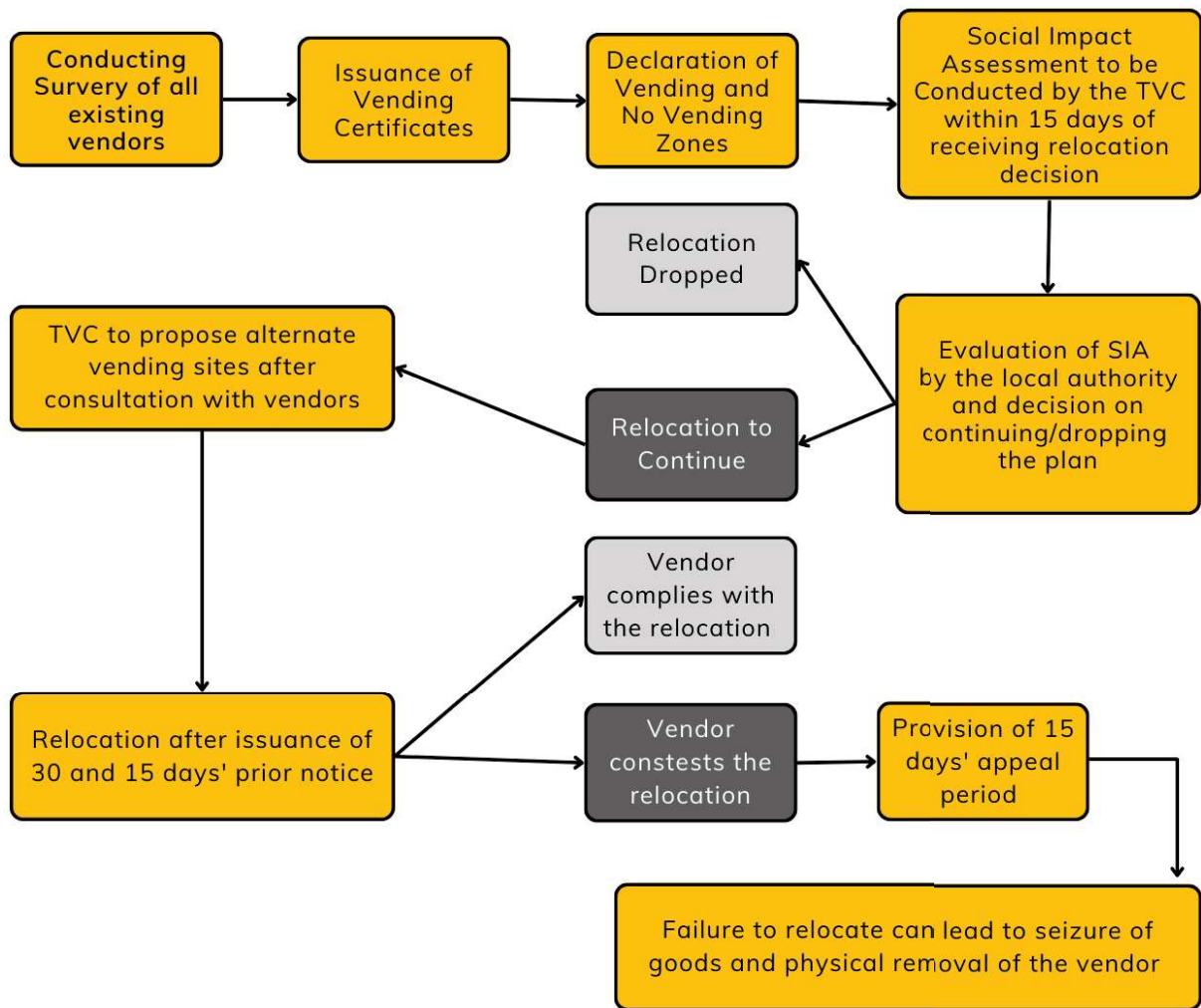


Figure 4.3: Process for Relocation per the SVA

They have failed to address the impact of eviction and relocation on the vendors' economic prospects. The cases of the Daryaganj Book Bazaar and the Sunday Chor Bazaar are glaring examples of the courts' apathy. In Saptahik Merchant Welfare Association v. North Delhi Municipal Corporation, vendors from Chor Bazaar sought a direction against NDMC's action and requested that weekly vendors be permitted to set up their stalls on Netaji Subhash Marg. On 27 February 2019, the Delhi High Court accepted their plea, and allowed them to set up the Sunday Bazaar on Netaji Subhash Marg. These directions were later quashed. Old markets like Daryaganj and Chor Bazaar were shut down by the final order that declared Netaji Subhash Marg as a no-vending zone before their survey was conducted.¹³ The order cited obstruction to traffic and congestion on the road, and relied on the order for decongestion of the Chandni Chowk area in Manushi Sangathan, Delhi vs Govt. Of Delhi And Ors.¹⁴

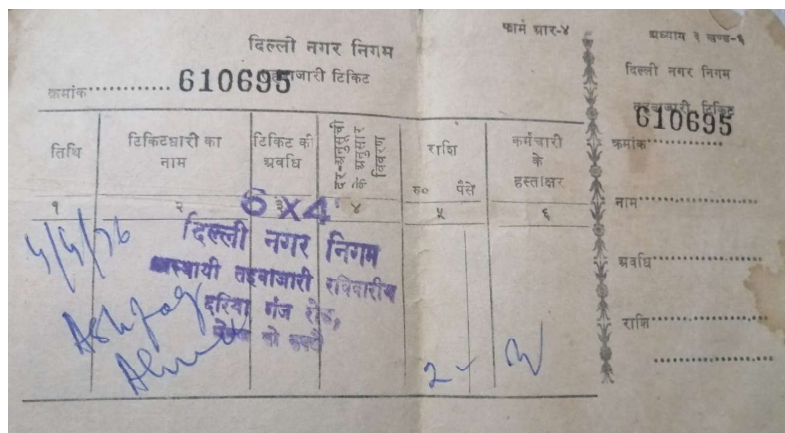


Figure 4.4: Fined, Not Found
A Challan Dated 1976

Vendors from these markets shared that instances of harassment at the hands of the police have increased after this order. Local market representatives (Pradhans) believe that their relocation was upheld to cater to the vested interests of established shops (like the Chandni Chowk Sarv Vyapar Mandal).

Existence in question

SVA and the Scheme provide protection to all existing vendors from eviction from the date of their enforcement. The process of relocation can commence only once the survey is completed and CoVs are issued. Neither the Act nor the Scheme make any distinction between legal or illegal street vendors, or vendors vending from vending zones or no-vending zones. Section 2(1) of the Act recognises all individuals engaged in vending as street vendors.^{15 16}

The High Court in its final order held that no market was allowed to legally exist after the 2005 NDMC order which relied on the 2005 zoning plan. However, in paragraph 6 of the order, the High Court cited these findings from a 2018 joint inspection report:

13. Chandni Chowk Sarv Vyapar Mandal (Regd.) vs Delhi Police Through Commissioner of Police & Ors., 2017.

14. Manushi Sangathan, Delhi vs Govt. Of Delhi And Ors, 2015.

15. SVA, s 3(3)

16. Delhi Scheme, clause 1.1.1.

During the inspection, it was observed that **if weekly bazaar is allowed to continue on Netaji Subhash Marg** up to Jama Masjid, Meena Bazar and its surrounding areas, it will absolutely hinder the smooth flow of traffic and affect the already congested areas of Delhi-6.¹⁷

These weekly *bazaars* continued despite the 2005 order, a fact well documented in various newspaper reports, the 2004 National Policy for Urban Street Vendors, and the 2007 Scheme of MCD for Squatters/Hawkers.

Why is the law not protecting the vendors as it envisioned?

The SVA adopts a bottom-up approach by creating a feedback mechanism that flows directly from the vendors in the form of TVCs (Salès 2018). However, the vision behind the SVA is yet to be actualised. TVCs, which are responsible for surveys, grievance redressal, issuance of vending certificates, and declaration of vending and no-vending zones, took years to be constituted (Unni and Chauhan 2022). The poor performance of TVCs has led to underrepresentation of vendors' issues (Standing Committee on Urban Development 2013).

Section 18 of the SVA mandates TVCs to conduct surveys before taking any decision on eviction or relocation. However, as per Municipal Records, a Court Order, and through the interviews conducted on ground, it was clear that all TVCs were not functional.¹⁸ Two key orders were passed in *Saptahik Merchant Welfare Association vs The North Delhi Municipal Corporation*, one which provided interim relief to the vendors and allowed vending on Netaji Subhash Chandra Marg, and the other (final) order which relocated the vendors.¹⁹

The interim order passed by the Court recognised that the Sunday Weekly markets have been in existence for many decades and that the licences issued to vendors by the local authorities were valid. The order stated that relocating vendors from their vending spots would violate their right to livelihood and granted an interim relief by permitting the vendors to vend from existing vending spots.

However, the Court modified the interim order while pronouncing the final order. It relied on the policies passed prior to the enactment of the SVA. The NDMC in 2005, but ignored that the same body had recognised Daryaganj market as a natural market in 2007, and that the whole lane is recognised as a tourist destination by the state government. In a Right to Information response, the MCD provided a list of authorised weekly *bazaars*, which declared that the area between Delite Cinema and Golcha Cinema, that is, the Daryaganj Book market is an authorised Sunday weekly market. However, in the same response, it also stated that Asif Ali Marg and Netaji Subhash Marg are no vending zones.²⁰ In another reply to an RTI, ID No. 305/ADC/C-SPZ the MCD accepted that, "The Sunday Book *bazaar* is an authorised weekly *bazaar* traditionally running since long," thus accepting its position as a natural market.²¹ The contradictions in MCD documents were not considered by the Court in its judgement. The reasoning behind the relocation that the right to way of the public is

17. *Saptahik Merchant Welfare Association vs New Delhi Municipal Corporation*, 2019.

18. *Saptahik Merchant Welfare Association v. North Delhi Municipal Corporation*, 2019

19. 2019 SCC OnLine Del 9182

20. I.D. 594/ADC/CSPZ

21. ID No. 305/ADC/C-SPZ

more important than the right to vend is also in violation of the 1989 Supreme Court judgement in *Sodan Singh v New Delhi Municipal Committee (NDMC)* which stated that, “the right to carry on trade and business mentioned in Article 19(1)(g) of the Constitution cannot be denied on the ground that the streets are meant exclusively for passing and for no other use.”²²

Furthermore, it is pertinent to mention that the law does not allow zoning demarcation before vendor consultation, formation of vending committees, and the presentation of a vending plan (Narang and Sabharwal 2019). The High Court ignored the Supreme Court’s direction in the case, *Maharashtra Ekta Hawkers Union and Anr vs Municipal Corporation, Greater Mumbai and Ors*, 2013, that after the law had come into effect, zoning should be in accordance with the law and not any prior scheme, court’s direction, or policy.²³ It was also enumerated by the Supreme Court in the *Punjab Water Supply & Sewerage Board vs Ranjodh Singh and Ors* case that a scheme which is inaugurated under the aegis of powers being exercised in accordance with Article 162 cannot prevail over statutory rules.²⁴ The SVA also confers a benefit to the vendors by providing them with statutory protection from abuse of powers of the local authorities. It also gives them certain procedural safeguards concerning their rights, thus not harming any other person or group of persons. A presumption can be made that it warrants a retrospective effect.²⁵ Furthermore, Section 33 of the SVA explicitly mentions that the legislature intended to override any other law currently in force, which would also include any prior policy of the State or order of the Court.

Thus, the High Court was wrong in giving primacy to the orders and upholding the declaration of Netaji Subhash Chandra Marg as a no-vending zone, even though they had already been overridden by the SVA.

Due Process of Law: Still Due?

The Delhi Scheme of 2019 provides that before an area is declared a no-vending zone, the vendors of that area are to be provided with a proper relocation plan made with due consultation with the TVC and the vendors of that area. Considering the fact that Section 5 of the National Policy on Urban Street Vendors, 2004 also provided this condition in case of relocation, the State has to first assist the vendors in setting up their places elsewhere (Sundaram 2008). The mere declaration of an area as a no-vending zone and no substantial effort to help relocate the vendors is a violation of the law, whether it be the 2019 Scheme or the 2004 Policy.

The 2019 Delhi Scheme goes a step further to provide for a more comprehensive protection to these vendors. The multiple notices which are to be provided by the local authority on the 15th and 30th day were not issued by the corporation (Goswami 2022).²⁶ This is in violation of the right to a fair hearing, protected under Article 21 of the Constitution. While interacting with the market head (Pradhan) of the *Chor bazaar*, we were also informed that while the market was evicted in 2019, no alternative locations were shown to the vendors, and the locations suggested by

22. *Sodan Singh v New Delhi Municipal Committee (NDMC)*, 1989.

23. *Maharashtra Ekta Hawkers Union and Anr vs Municipal Corporation, Greater Mumbai and Ors.*, 2014.

24. *Punjab Water Supply & Sewerage Board vs Ranjodh Singh and Ors*, 2007.

25. *CIT vs Vatika Township (P) Ltd.* 2015.

26. Delhi Scheme, clause 6.3.3



Figure 4.5: Formality Due
A Vendor Waiting for His Customers Outside a Shuttered Shop

vendors were denied. The Municipal Authorities accepted that the eviction was done without a proper relocation plan. As mentioned before, they relocated the market to Yamuna Pushta on a trial basis, but after the lockdown in Delhi amidst the COVID-19 pandemic, that process hit a deadlock. While interviewing a vendor and a TVC member of this region, a common complaint was that due to the lack of political pressure for the relocation of *Chor bazaar/Kabari bazaar*, the authorities were lax with whatever little procedure they were still following. Unlike the *Chor bazaar*, the Daryaganj Book *bazaar* had a more formal procedure for relocation. The vendors at Daryaganj were also not provided with prior notices, but due to pressures from various stakeholders—customers, activists, bureaucrats and eminent personalities—the Book *bazaar* was relocated at *Mahila haat*, a few hundred metres from its original location.

However, since the relocation is not permanent and the area has merely been leased to the vendors, it goes against the principles of rehabilitation listed in the Scheme. For any market to function properly, it needs to have recognition and vending spots. As per the market Pradhan,

Even though the relocation has happened without giving us notice or following a proper procedure, the only thing we as vendors want is that this place is now given to us on a permanent basis. To get a consistent stream of customers, it is important for us to have a place which can be identified as the Book market. Constant shifting would only hamper the vendors.

In *Sodan Singh vs NDMC*, the Supreme Court recognised that the vendors must be provided adequate warning before their structures are removed, irrespective of any

previous order.²⁷ They must be given a proper chance to plead their case against the local authorities. Denial of this chance is a violation of vendors' right to fair hearing, protected under Article 21 and Article 14 of the Constitution.²⁸ Yet, during our interviews we found out that the local authorities never followed the process laid out in the law during eviction and relocation of the markets.

Besides evictions and frequent relocations, the vendors live with the fear of having their goods seized. Both the Scheme and the SVA mandate that before seizure of goods, the TVC must prepare a list of goods being seized. They should then provide a copy of the list to the vendors, along with the details of the official in charge: their designation and the address of the premises from where the goods can be reclaimed. While interviewing the vendors in both the markets we found out that no list is provided to them during the seizure of their goods. The only way to reclaim their goods is by paying a fee to the Municipal Corporation. Even in the response to the RTI Application 718/AC/C-SPZ, the Municipal Corporation stated that the vendors on Netaji Subhash Chandra Bose Marg were not given a notice and no seizure list was prepared by the MCD because these vendors are unauthorised vendors. Vendors also mentioned that they have never witnessed the process of seizure being videotaped.

Table 4.1: Implementation of the SVA and the Scheme in Daryaganj Book Bazaar and Chor Bazaar

Procedure as per SVA 2014 and Delhi Scheme 2019	Daryaganj Book Bazaar	Chor Bazaar
Survey of all 'existing' vendors as per Section 3 of the SVA	Partially. The survey was conducted after their relocation to <i>Mahila haat</i> .	×
Issuance of CoV	Partially. The process is ongoing.	×
Selection of areas to be declared as Vending and No Vending zones as per Chapter 8 of the Scheme	×	×
The local authority intimating the TVC with justification of public purpose	×	×
Social Impact Assessment (SIA) by the TVC within 15 days	×	×
Evaluation of Social Impact Assessment (SIA) by the local authority and decision on continuing with the plan	×	×

27. Sodan Singh vs NDMC, 2003.

28. Olga Tellis vs Bombay Municipal Corporation, 1985.

Consultation of TVCs with the street vendors and identification of alternative spot within 15 days	✓	Partially. Vendors shared that their suggestions were not implemented during the relocation process.
Decision to relocate followed by issuance of prior notices and a rehabilitation plan	✗	✗
TVC to choose the site of location of the vendor if he fails to choose an alternative spot	✓	Partially. They were temporarily relocated to Yamuna Pushta.
If the vendor still refuses to evict, a 15-day appeal period to be provided.	✗	✗
In case of failure to comply with the eviction order, TVC to seize goods as provided in the law.	✓ (Seizure of goods took place but not as per the process laid down in the law.)	✓ (Seizure of goods took place but not as per the law.)

Protection of Heritage Markets

The SVA mentions that natural markets where vendors have conducted business over 50 years shall be declared as heritage markets.²⁹ Areas where heritage markets are located cannot be declared as no-vending zones. For a market to be designated as a heritage market per law, it must first qualify as a natural market and be notified under the Scheme. Schedule II of the Act bars relocation of these markets during the formation of the Scheme. However, the Act does not specify any procedure for determining or notifying markets as natural markets. The Scheme provides that areas that are natural markets and have been traditional weekly markets shall be allowed as vending zones upon ratification by the TVC and local authorities. Their functioning may be controlled by the local bodies.³⁰ Thus far, no market in Delhi has been notified as a heritage market under the Scheme.

Shutting down heritage markets is like tearing down Delhi's history into pieces. Even today book lovers all over the country recognise Daryaganj area as the Sunday book market. For vendors who would set off to Daryaganj every Sunday to cater to thousands of customers, the new location poses many challenges (Kumar 2019). The conundrum is evident when we note that on the one hand, the NDMC order relocated these markets to new areas, while on the other, the Tourism Department of the Government of Delhi continues to advertise the Daryaganj Book *bazaar* as the world's largest weekly book market, and an exciting tourist destination.

29. SVA, Second Schedule (zb) (viii)

30. Delhi Scheme, clause 8.4.2

Conclusion

Eviction and relocation of *hafta bazaars* appear to be centred around reclaiming public space from informal vendors. Forced evictions and unplanned relocations meddle with the sustenance of around 1.5 lakh weekly vendors in the city (Singh 2021b). These *bazaars* bring goods and services to the doorstep of the consumers, empowering common and marginalised folk to access modern and trendy products at affordable prices. The markets also contribute to additional footfall for the regular shops, especially food stalls. Numerous weekly markets in Delhi have origins dating back to pre and post-independence times, with each market having a distinct flavour of its own. With every passing week, we are losing these vendors—who are crucial elements of Delhi’s trade and commerce ecosystem—to alternative employment, which is often a retrogressive step for them.

The lack of any statute before the enactment of the Act in 2014 left these weekly vendors at the mercy of the authorities. But with sheer grit and resilience, the markets continued to exist. It is thus shocking to see these markets dying a slow death, despite the presence of a web of laws guaranteeing protection to the vendors and the markets alike. Our interviews revealed that the state authorities have been irresponsible in complying with the provisions of the Act that can protect vendors from harassment.³¹ TVC has failed to adequately address the challenges faced by vendors due to relocations and evictions, despite having the mandate to do so.

The weekly markets of Delhi have long been a magnet for customers not only from the city but also from its surrounding states. If given adequate protection, they can regain this position and contribute immensely to the economy of Delhi. It goes without saying that the *hafta bazaars*, especially the heritage ones, have immense potential to attract tourists—an aspect recognised even by the tourism department of Delhi (Sharma et al. 2020). The dynamic nature of these markets is a testament to the flexibility of the weekly vendors and the markets alike.

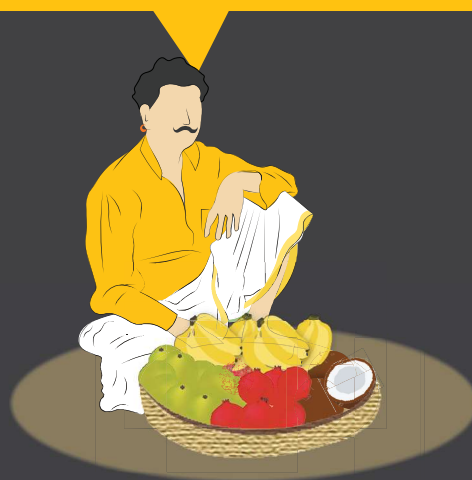
To improve the situation for weekly vendors, it is necessary to implement measures both in law and in practice. This includes clarifying the status of weekly vendors, addressing bureaucratic indifference, providing them training on their rights, and creating a supportive environment that maximises the value of these markets for all stakeholders.

31. SVA, 2014



Formalising the Weekly Market

Issues and challenges



Arjun Krishnan, Srishti Agarwal, and Vrinda Jain

Introduction

“It’s been 35 years, and we’ve received no permanent recognition that we are street vendors. No number, no certificate, no ID. When they could not do it in 35 years, how are they going to do it now?”¹

This statement was made by a weekly vendor in Shalimar Bagh Monday market, who was astonished when informed about the existence of the Street Vendors (Protection Of Livelihood And Regulation Of Street Vending) Act, 2014 (SVA). This lack of information and formalisation represents the reality of hundreds of weekly vendors on the country’s footpaths, pavements, and roads.

The SVA defines a street vendor as

a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, sidewalk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific.²

Street vending is a vital part of the urban economy; it helps boost economic activity. It is also the primary source of livelihood for lakhs of street vendors who provide a variety of goods and services to a large section of society in the country. Areas where local authorities permit vending are known as “vending zones”.³ Street vendors are further classified as stationary and mobile. Other classifications include: daily, weekly, and temporary vendors.⁴ This paper looks at the lives of weekly vendors vending in weekly markets, also known as *hafta bazaars*.

The SVA aims to protect street vendors’ rights, and provide spaces on the streets, with a Town Vending Committee (TVC) under a local authority looking after the welfare of the street vendors, and the means to raise and resolve their grievances. In this paper, we look at the extent to which this purpose has been realised in reality. We look at formalisation in two different contexts. The first is formalisation at the vendor level; this includes the constitution of a TVC, completion of the survey process, and the issuance of Certificates of Vending (CoV). Second, we look at formalisation at the market level which includes identifying and categorising markets into natural and heritage markets. Natural markets are those where buyers and vendors have congregated traditionally, while heritage markets are those natural markets that have been running for more than five decades.^{5 6}

We studied four markets: Karol Bagh Monday market in Central Delhi, Inderlok Thursday market in West Delhi, Seelampur Thursday market in East Delhi, and the Dilshad Garden Tuesday market in North Delhi. A detailed methodology can be found in the Annexure.

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1. Anonymous vendor in the Monday market of Shalimar Bagh.
 2. SVA, s 2(l)
 3. SVA, s 2(n)
 4. Delhi Scheme, clauses 6.1.1-6.6.5
 5. SVA, Second Schedule
 6. SVA, s 2(e)

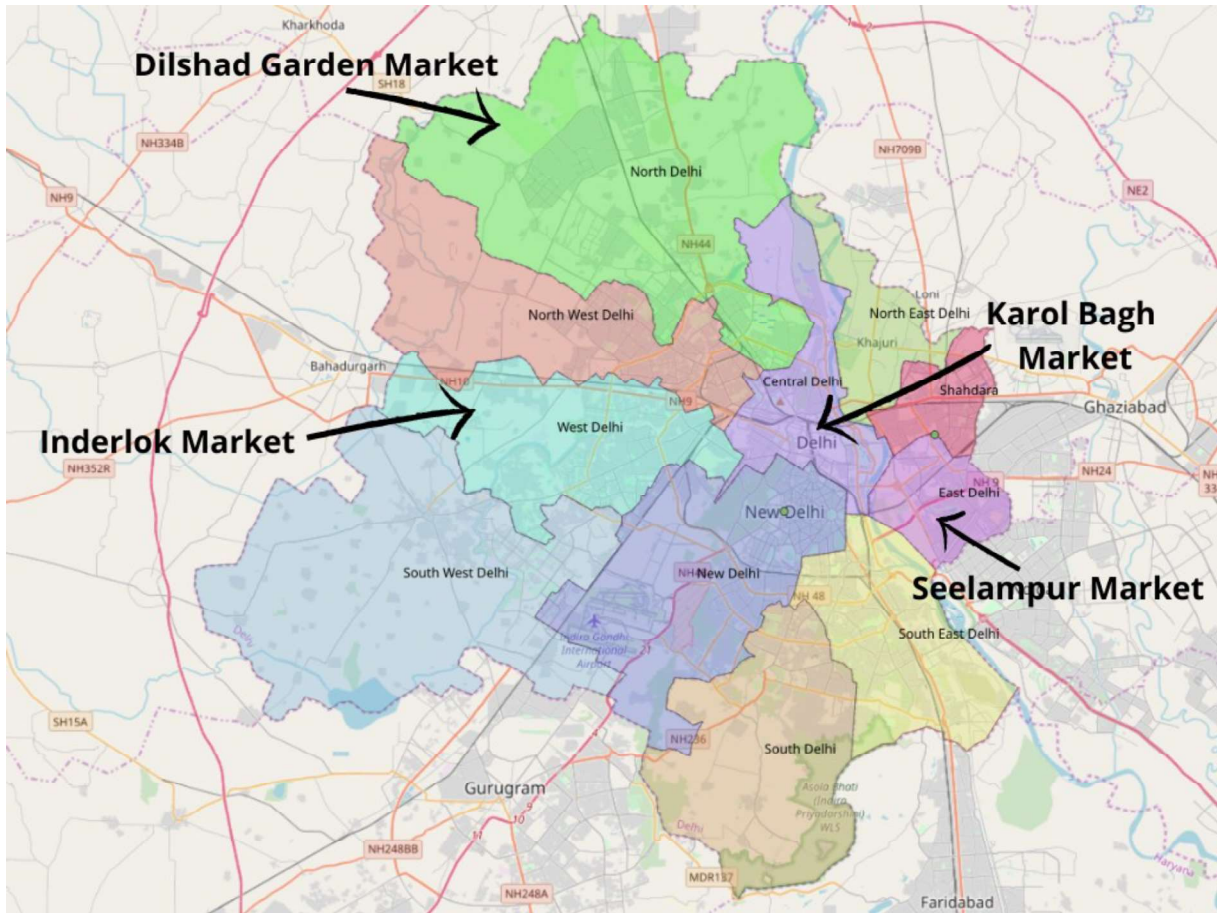


Figure 5.1: Districts of Delhi

The Markets: An Overview

Going forward, it would be useful to understand the overall nature of each market surveyed by the authors.

We observed that the weekly vendors, despite vending in different markets on different days, sold the same goods in all the weekly markets. Several vendors lack knowledge and understanding of the SVA and its accompanying rules and schemes in the weekly markets. There was little knowledge of TVCs and their functioning. The information included on the CoV held by vendors was not consistent and many vendors did not even possess one.

The Karol Bagh market on Ajmal Khan Road runs in line with Ghaffar market. One simply has to walk straight on the Ajmal Khan Road, cross the main road intersection of Arya Samaj Road, and find themselves in Ghaffar market. This market is located in a commercial area with many street vendors setting up their wares outside shops and showrooms. This often attracts trouble from the owners of the shops and showrooms, who either ask for money from the vendors or badger them to remove their stalls.

The Thursday market of Inderlok, situated in the North West district of Delhi, sees clusters of shops on the outer corridor, facing the main road as well as the inner streets outside residential homes. Vendors in this market sell goods ranging from groceries to apparel and beauty products. The Pradhan of this market informed the

authors that during the COVID-19 crisis, an argument broke out between the North Delhi Municipal Corporation (NDMC) (now unified as the Municipal Corporation of Delhi (MCD)) and some local vendors. According to him, the officials, in bitterness, ordered the market to be shifted to a nearby busy street leading to the Deep Chand Bandhu Hospital in Ashok Vihar which was a regular route for ambulances. The street also connected Nimri colony, Shastri Nagar, and Bharat Nagar in Ashok Vihar. It caused the residents a lot of trouble as they had to re-route and travel longer to reach their homes. This decision was taken by the MCD officials without the consent or consultation of the vendors. This relocation was sought on the basis that the market was located on the outer, busy streets of Inderlok, resulting in traffic and commotion. But the market had its spread in the inner corners of the colony as well where vendors and consumers gathered in peace for mutual benefits. These details were entirely overlooked. Today, the whole market is confused and fearful of regular visits from the MCD officials and the police, who arrive with the aim to confiscate the wares of vendors. Vendors can be relocated only in case there is a “clear and urgent need for the land in question or some genuine safety and security issues are involved.”⁷ This must be done in consultation with the governing TVC and in coordination with the concerned vendors or their representatives.⁸ Additionally, the “state machinery” is responsible for keeping forced evictions in check, which is ironic, given that the orders for relocation were given by the state officials without a substantial reason.⁹

Set up on Thursdays in east Delhi, the Seelampur market is known for its fabrics and garments with some setting up stalls displaying items of jewellery and footwear. The weekly vendors of this bright market happily sell their goods to the enthusiastic customers.

The vibrant Dilshad Garden market is set up close to residences on Tuesdays and Thursdays. The vast range of goods displayed and sold in this market, ranging from clothes to crockery, is a delight for any visitor. Quite a few vendors display their wares outside houses, attracting trouble from their owners. Additionally, as remarked to the authors by a weekly vendor of the market, when homeowners park their vehicles inside the market, it results in tension between the vendors and the owners. Arguments breaking out between the two parties is a common occurrence. The same vendor explained that he has to call it a day when such a scenario arises due to the non-availability of a free vending spot in the packed market; this results in loss of business. Barring such friction, the market is trouble-free, with its vendors carrying out their trade in harmony.

De Jure Framework for Street Vendors in Delhi and the De Facto Findings

According to the Delhi Scheme, 2019, weekly vendors, or *hafta bazaar* vendors, are those who sell their goods or services in a market that comes together once a week.¹⁰

7. Delhi Scheme, clause 8.6.1

8. Delhi Scheme, clause 8.6

9. Delhi Scheme, clause 8.6

10. Delhi Scheme, clause 6.1.4



Figure 5.2: Implementation of SVA, a Distant Dream
A Still from the Seelampur Market

Weekly vendors are listed under “others” in the categories of street vendors within the Scheme. In other provisions, such as when specifying the monthly vending fees applicable to the street vendors, the scheme groups weekly vendors with mobile vendors.¹¹ Rights specific to weekly markets only include minimal measures, like the allocation of adequate space while considering the demand for such markets and accommodation of vendors in weekly markets on a first-come, first-serve basis.¹² In addition, in case of excess demand, weekly markets will run on a rotational basis, based on the rules formulated by TVCs.¹³ There is no description of “weekly vendors” in the SVA, or the Delhi Rules, 2017. The Act and the accompanying Scheme and Rules for Delhi are not inclusive in their framework for these weekly vendors who vend their wares in multiple markets.

Town vending committees, surveys and certificates of vending

Under the SVA, the Government of NCT of Delhi is responsible for deciding the term and manner for forming TVCs in each local authority. A TVC has 30

11. Delhi Scheme, clause 4.1.3

12. Delhi Scheme, clause 6.1.7

13. Delhi Scheme, clause 8.3.2



Figure 5.3: Mugged by the System
A Still from the Dilshad Garden Market

members, with the Municipal Commissioner or Chief Executive Officer of the MCD as the Chairperson of the committee. Street vendors must constitute at least 40% of the committee, with one-third of the membership reserved for women, and two seats reserved for Scheduled Castes, Schedules Tribes and Other Backward Classes. Other members include a Medical Officer, a Planning Authority, a Traffic Officer, and a Police Officer. One member from the National Hawker Federation (NHF) must be present along with a Chief Engineer, a Community Based Organisation (CBO) member, and a member of the Revenue Department of New Delhi. In addition, two members each from the Traders/Market Association, Non-Governmental Associations, and a Resident Welfare Association (RWA), as well as three representatives of a local authority must be present.¹⁴

The TVC is required to survey all the existing vendors within their respective jurisdictions with the assistance of the community or NGOs and RWAs.¹⁵ This survey must be completed within three months of order by the TVC, with at least

14. Notification of TVC members, Department of Urban Development, 2019. Notification No.F.13(230)/UD/MB/2018/Pt File 1/(CD NO. 021517474)/1927, Dated 17.09.2019

15. Delhi Scheme, clause 1.1.3

60% of the representatives of the TVC present at the time of the survey.¹⁶ ¹⁷ Weekly vendors must provide proof of vending, ranging from festival receipts, tokens, fees or acceptable receipts to certificates or documents issued by local authorities or market associations.¹⁸ The government will verify the validity of the data obtained by the TVCs.

After verification, vendors receive an Acknowledgement Receipt, after which they must receive their CoV from the local body under which the TVC works within five months of the survey period.¹⁹ The TVC will conduct the surveys every three years.²⁰ Causes for non-issuance of CoVs include vendors providing intentionally incorrect or misleading information.²¹ A CoV allows street vendors to vend according to the terms and conditions laid down in the SVA and its accompanying Rules and Schemes.

To be eligible for a CoV in Delhi, the vendor must be a citizen of India and a resident of Delhi. They must be at least 14 years old or as may be prescribed by the concerned government. If the vendor is over 18 years old, they must be a registered voter of the National Capital Territory of Delhi.²² They pay periodic charges for the amenities and facilities in their vending zones and a monthly vending fee.²³ ²⁴ The vendors must keep their CoVs with them while vending and produce them before any concerned authority on enquiry. No vendor can transfer their CoV. The CoV must be issued in the name of the registered street vendors and is non-transferable, except in cases of demise, insanity, or incapacity of the registered vendor.²⁵ The vendor has to adhere to the vending hours and zones as determined by the TVCs.²⁶

The officer appointed by TVCs is responsible for the cancellation or suspension of any CoV in case a vendor changes vending location without permission, or fails to pay dues within the prescribed time, even after notification. If the vendor suffers from communicable diseases for which they are not undergoing treatment and fails to produce proper medical documents, the official can suspend the vendor's CoV. Furthermore, if the vendor extends their vending site beyond the permissible limit or commits an immoral or otherwise offensive action, they may face cancellation of their certificates.²⁷

The job of the TVC, as laid down in the Street Vendors Rules, 2017, includes identification and accommodation of street vendors based on the plan and holding capacity of the area under its jurisdiction. This identification takes place through surveys. Issuance of CoVs to eligible weekly vendors, or cancellation/suspension of CoVs due to breach of conditions specified above or engagement in fraudulent vending practices, fall within the duties of TVCs. On advice from TVCs, the local authorities can identify vending and no-vending zones. The committee is also

16. Delhi Scheme, clause 1.1.2

17. Delhi Scheme, clause 1.1.1

18. Delhi Scheme, clause 1.1.12

19. Delhi Scheme, clause 1.2.1

20. Delhi Scheme, clause 1.1.1

21. Delhi Scheme, clause 1.1.13

22. Delhi Scheme, clause 2.1.1

23. Delhi Scheme, clause 2.1.7

24. Delhi Scheme, clause 2.1.6(f)

25. Delhi Scheme, clause 2.1.3

26. Delhi Scheme, clause 2.1.4

27. Delhi Scheme, clause 5.1.1

responsible for setting up vending times to avoid congestion in public places, and implementing corrective measures in cases of defiance by the vendors. TVCs must hold regular meetings to ensure the smooth implementation of their functions. The committee also takes up disputes, and conducts follow-ups on cases pending before the Grievance Redressal Committee. TVCs can temporarily appoint professionals for guidance to carry out the provisions of the SVA.

Furthermore, the street vendor's charter must be published with information regarding the time of CoV issuance and renewal. The committee is also responsible for raising awareness among the public about the importance of street vendors and their contribution to the economy of India.

The TVC of the Karol Bagh market was last formed in 2018, with the next elections scheduled in 2023. The Committee informed the authors that they aim to complete the survey and the subsequent CoV distribution by 31 December 2022 before the elections in 2023. One silver lining here was that the vendors of this market were well-aware of its governing TVC.

A similar situation was witnessed in the Dilshad Garden market, where the surveys were incomplete. "Let me make this clear to you, I can tell you, for my MCD, most of the markets on this side of the Yamuna have completed surveys, at least by 75-80%. Other [TVCs under those] MCDs, near South Delhi, don't even know what a Certificate of Vending is", stated a TVC member who is also a weekly vendor in the Seelampur market. The weekly vendors in Seelampur note that the survey process is complete, and their right to vend is recognised through the issuance of CoVs. The certificates of the vendors in Seelampur recognise them as weekly vendors in print.

The Inderlok market was vastly different from the other three markets visited, with no surveys of the weekly vendors having been conducted. The vendors of this market have scant knowledge about TVCs and their functioning.

Several vendors in the Karol Bagh market claimed that they had been vending for more than 50 years in this early market through generations. Most of the weekly vendors have gone through the survey process, although not all have received their CoVs. As mentioned before, there are notable differences in the vending sites mentioned in the CoVs of different vendors. Some vendors have only one of their several vending locations listed. Two vendors claimed that their CoVs do not mention any of their vending addresses. Another vendor mentioned that he had specifically asked for the Karol Bagh market to be mentioned in his CoV. In another case, which appears to be a careless mistake, the vendor's home address is mentioned in place of his vending address.

A vendor in the Dilshad Garden market had his ward-level location mentioned in his CoV. Another vendor had all his vending addresses provided within the location section of his CoV. Another vendor could not collect his CoV because he was sick. A similar situation was experienced by yet another vendor who could not collect his CoV at the time scheduled by the MCD officials. These vendors seemed confused, with no information on how they could collect their CoVs if they had missed their appointment. In Seelampur market, however, the surveying process of weekly vendors was complete, and their CoVs issued.

We brought up the issue of the inconsistencies in the CoV in this market in conversations with TVC members. It was then discovered that the market set up at Ajmal Khan Road had been declared a no-vending zone despite it being run for over five decades. As a result, MCD have only been updating the ward numbers in the CoV.

It is important to note that despite the inconsistencies in the CoVs of the vendors, they face no real problems with vending in their desired sites. All the same, these inconsistencies are a problem in the eyes of the law as they dampen formalisation and leave the vendor prone to questioning if their certificates do not specify their current vending location.

Under the SVA and the Delhi Scheme, 2019, street vendors receive a CoV after they sign an undertaking. It states that they will conduct business themselves or with the help of their spouse and dependent children. The undertaking also states that the vendor should have no other means of livelihood and that they will not rent/lease out or transfer the CoV to any other person.

Through our conversations, we found that these conditions are just on paper. “We will have to do it right, what else can we do?”, were the words of a Pradhan when asked about these conditions in one of the markets we visited.²⁸

Besides being unaware of the first two conditions, the Pradhan dismissed them as unrealistic. He spoke about how the earnings from weekly markets are not enough to sustain the vendors’ families. Many weekly vendors do not have spaces in enough markets to promise a steady income throughout the week. The Pradhan himself has space for only three days of the week, and has to take up other jobs if provided with the opportunity throughout the rest of the week. One of the vendors from the Sunday *bazaar* confirmed this. In addition to vending with spouses, children, or other family members, the practice of employing workers for help in the stalls is commonplace in Seelampur and Karol Bagh. This stems from the fact that these are very crowded markets, and managing stalls during rush hours, loading and unloading the material, and preventing shoplifting and theft require the assistance of other individuals.

Apart from hurting their livelihoods, these conditions fail to protect the vendors against harassment from established shops or homeowners in the market areas. The Karol Bagh Monday market is set up in front of the shops in Karol Bagh on their off day. These shop owners are now seizing the areas in front of their shops to sell their goods. They agree to give up the area on demand of rents as high as INR 500 per day.

The SVA and the subsequent Schemes and Rules, in their provisions for COV issuance, do not consider the nature of weekly vendors vending in different markets on different days of the week. The hours also, along with the vending location, change.

28. We do not reveal which market in order to protect the identity of the Pradhan.

Role of policemen and MCD (Municipal Corporation of Delhi) officials

The 2019 pedestrianisation plan of the Ajmal Khan Karol Bagh market brought with it a plethora of problems for its weekly vendors. According to the vendors surveyed by us, they are constantly troubled by the MCD officials and policemen about relocation to the nearby Gurudwara Road, which sees heavy traffic and fewer customers.

In Inderlok market, vendors report constant trouble from both the MCD officials and policemen who prohibit them from vending. The officials show up at the market at unpredictable times, sometimes right when the market opens, and confiscate all the goods that they can. They then charge fines inconsistently—ranging from moderate to extremely high fines. This causes a lot of hardships for the vendors who have to constantly be on the lookout for the MCD officials and the policemen, and ready to pack up their goods and leave. With little to no knowledge of the inconsistent fines that are charged, they have to pay whatever amount is quoted by the officials. Moreover, the officials hold no responsibility if, in the process of confiscation, some of the vendors' goods get misplaced, which is another monetary loss for the vendors. Additionally, the vendors spend a lot of time getting their goods released, costing them important earning hours.

The vendors surveyed in the Dilshad Garden market and the Seelampur market collectively reported no trouble either from the MCD officials or the police.

The Grievance Redressal Committee in reality

Section 20 of the SVA directs the appropriate government to set up of a dispute redressal mechanism in the form of a committee. On receipt of a grievance, this committee must “take steps for the redressal of such grievance or resolution of such dispute, within such time and in such manner, as may be prescribed”.²⁹ Section 36 mandates the government to include in its rules the time and manner for these issues to be addressed. The Delhi Rules, 2017, mention that an application should be presented to the Superintendent of the Grievance Redressal and Dispute Resolution Committee. This committee must pass an order within 90 days of the application's presentation. While the Rules explain how the proceedings will take place—in the form of notices, hearings and field visits—it fails to give a time limit for a presentation upon the receipt of application by the Superintendent.

On 12 March 2020, the Department of Urban Development, under the Government of NCT of Delhi, notified the constitution of the Dispute Redressal Committee (DRC) of the previously separate five Urban Local Bodies (ULBs) in the *Delhi Gazette*. However, our research revealed that there is negligible knowledge of the existence of such a committee among vendors and TVC members. The vendors also seem sceptical about the role and usefulness of such a body.

Ringling up the members of the DRC, we became aware that they belong to a whole range of occupations and backgrounds. From a farmer to the head of a social change foundation, to an Aam Aadmi Party member, they bring in critical insights, which

29. SVA, s 20(2)

would have helped in grievance resolution and dispute redressal matters faced by the street vendors.

The key phrase however, is “would have”. As we spoke to them, we also noted the uncertainty and lack of information among the members of the DRC. They mentioned that neither they nor their chairman have any idea as to why the committee is not functional. They said they had been waiting for some prompt action from the MCD for the past two years since the notification had been issued, but this never happened. In addition to there being no functioning of the DRC, no salaries are being credited to the members of the DRC, further undermining the committee’s existence. In other words, legally, a dispute redressal mechanism might have been set up in Delhi, but in reality, it has not been formalised.

A ray of hope emerged when we were informed that the members of the former New Delhi Municipal Council DRC have been assigned an office in the MCD office building and though irregularly, they have met at this location to discuss the further setting up of the committee. We can only hope that the EDMC, SDMC, Delhi Cantt. Board and North Delhi MC will soon take further steps to complete the setting up and set in motion the actual functioning of the DRC. All the same, it did indeed leave us scratching our heads as to how long it takes to form a committee that caters to the grievances and disputes of many street vendors in Delhi, not only weekly vendors.

Additionally, the SVA and Rules do not specify what kind of disputes the DRC is empowered to hear and the kind of orders they can pass. It is unclear if this is meant for disputes with other vendors, disputes with the TVC, disputes with the MCD, disputes with other officials, or all of these. The form simply provides space to fill out the nature of grievance. If the DRC does pass an order against an official or an official body, it is unclear if these orders have the force of law.

The Reality of Heritage Markets

As per the Act, “natural markets where street vendors have conducted business for over fifty years shall be declared as heritage markets, and the street vendors in such markets shall not be relocated.”³⁰ This is all that the SVA mentions about heritage markets. The Second Schedule, under the SVA, mentions all the matters to be addressed in the Scheme. The Scheme is to be framed by the appropriate government.³¹ The Delhi Scheme fails to mention any procedure for declaring a market as heritage market. Further, there is no means mentioned through which a declaration of a natural market can be made. Though it does mention that the local authority will declare a market a natural market on the recommendation of the concerned TVC, we find the MCD passing this responsibility to the court.³² “The declaration of heritage markets is the responsibility of the court,” is what one MCD official claimed on an enquiry about the procedure to declare a market as heritage market.

While many weekly markets have been active for more than fifty years, none have achieved formal recognition for the same. The lack of recognition comes from

30. SVA, Second Schedule, zb (viii)

31. SVA, s 38

32. SVA, s 1(e)

the lack of respect for the rights for street vendors who have devoted their lives to vending goods/services.

The Ajmal Khan Karol Bagh Monday market shows a peculiar case for heritage markets. The Ajmal Khan road, before 2019, was not only bustling with the calls of the vendors and the bargaining tactics of the customers, but with the constant honking of motorised vehicles—cars, motorbikes, autos, and the like. This market road was the epitome of traffic congestion. In a bid to solve this problem, the Unified Traffic and Transportation Infrastructure (Planning and Engineering) Centre (UTTIPEC) of the Delhi Development Authority (DDA) proposed a Karol Bagh Urban Design Project to the MCD in February 2010. The initial concept of a strategy suggested under this proposal was to enforce the pedestrian character of the Ajmal Khan Road, create major pedestrian nodes on the intersection of Ajmal Khan-Arya Samaj Road, and establish a street network as per pedestrian guidelines by UTTIPEC. The proposed components for this were the cordoning of vehicular traffic in the area, only allowing Non-Motorised Vehicles (NVM) to operate, planting trees, situating rest areas, and installing pedestrian-friendly lighting and amenities on the road along the kilometre-long stretch of Ajmal Khan Road (Unified Traffic and Transportation Infrastructure (Planning & Engineering) Centre 2010).

In a report submitted to the Rajya Sabha on 11 December 2019, the standing committee took stock of the traffic situation in Karol Bagh. They were informed of the “Tactile Urbanism” method, which involves low-cost, short-term measures to ensure long-term goals relating to street safety. They were also informed of the installation of benches, making the streets disabled-friendly. It was said that the “[installation] of benches was an instant hit and has proved to be a game changer,” as it did not allow for parking vehicles. The committee recommended further pedestrianisation efforts by the Transport Department and Traffic Police (Parliamentary Standing Committee on Home Affairs 2019).

In 2019, with the order of this pedestrianisation plan for Ajmal Khan Road, the vendors were forced to relocate from the location they had been vending in for more than half a century. They were asked to relocate to the parallel Gurudwara Road, where the client base is negligible compared to Ajmal Khan Road. Street signs and placeholder signs have been placed at the beginning and end of the street, declaring Ajmal Khan Road a “no vending, no hawking zone”.

Even though the pedestrianisation plan has achieved much of what it aimed at, like decongesting the road, our consultation with the vendors of this market revealed the other side of this project. We found that the potted planters in the streets were now full of disposable glasses and other trash. The vendors claimed that the benches have become a site for nuisance and trouble at night, as they provide a spot for drunks to rest. Dogs have been seen peeing on the planters and other placements in front of the vendor kiosks, ruining the market spirit and hampering their business. A vendor, much irritated by these unforeseen consequences of the pedestrianisation plan and the relocation pressure, questioned what good a potted plant does in a street market when the place could have been used to install a vendor kiosk instead.

If the Ajmal Khan Karol Bagh market is declared a Heritage market the vendors’ problems will be solved, as relocation of a heritage market is prohibited. However,

there is a lack of clarity on the mechanism for identifying prospective heritage markets, a crucial step in formalisation on a market level.



Figure 5.4: Taken for Granted
A Planter in the Middle of the Ajmal Khan Road used as a Dustbin

Recommendations

After a systematic and thorough analysis of the reality of the four weekly markets, we recommend a few additions and amendments to the Act, as well as in the functioning of the local authorities on the ground. These are as follows:

1. Systematic completion of the surveying process in all the weekly markets in the manner prescribed by the Delhi Scheme, 2019. The subsequent issuance of CoVs to the approved vendors would be the first step towards true formalisation and recognition of these markets and their vendors.
2. In addition, awareness drives regarding the existence and provisions of the SVA would be a good practice, given the lack of awareness among street vendors.
3. Adding all vending locations of the weekly vendors on their CoV would be a good and inclusive practice.
4. Representation of weekly vendors in the TVC should be improved.

5. Set up a mechanism of following up with the vendor who missed their survey and the collection of their CoV.
6. Recognition and declaration of the Natural and Heritage markets by the MCD. This will help ensure the rights of the vendors in that market. Markets like Karol Bagh, that have been operating for over five decades should automatically receive Heritage status.
7. Complete the setup of the Dispute Redressal Committee and provide clarity on what kind of disputes it can hear.

Conclusion

It is noteworthy that, although, weekly vendors are not separately specified in the law, the problems faced by the weekly vendors overlap with the problems all street vendors face collectively. A serious gap in the implementation of the Act is the weekly vendors are not represented in the TVCs. This comes as no surprise, seeing how the SVA is critically short on the weekly vendor perspective.

Our study of Delhi's *hafta bazaars* has shown us that many gaps exist between the reality envisioned by the law and the actual reality on the ground in the markets. There also exist differences in the realities between as well as within markets. The markets we visited within the periphery of Delhi themselves ranged widely in the scale of a formalised reality. The Seelampur and the Dilshad Garden markets have a properly functioning TVC, and majority have CoVs. Hence, in the survey, the vendors appear to be much closer to proper formalisation than their counterparts in the Inderlok Thursday market and Karol Bagh Monday market.

Annexure

Methodology

Through our analysis, we aim to bring out the on-ground realities of the law, its gaps, and the extent to which Delhi's weekly markets have been formalised. We first look at the formalisation of the weekly vendors in the markets we visited at an individual level and then, at the formalisation mechanism of natural markets at the market level. We also compare a prospective heritage market with other weekly markets.

The four markets we chose cover four different MCD zones. Another factor in our selection was the number of years for which these markets have been operational. Since the heritage market status exists only for markets that have been operational for over five decades, we chose a mix of markets that have existed for both over and under 50 years. While the Karol Bagh Monday market in Central Delhi is more than 50 years old, the remaining markets are all younger than 50 years.

Using convenience sampling, we conducted semi-structured interviews with the following stakeholders:³³

1. Weekly vendors of the markets mentioned above
2. TVC members of these markets
3. Grievance Committee members
4. MCD officials

For our analysis, we compared the *de jure* to the *de facto*, which helped us tie our understanding of the law and the other frameworks with the actual situation on the ground, to bring out the realities of formalisation.

Table 5.1: List of Markets Selected and Vendors Interviewed

Weekly Markets	MCD Jurisdiction ³⁴	Day of Operation	Timings	Number of Vendors Interviewed
Karol Bagh	Central Delhi	Mondays		9 Weekly Vendors 4 TVC Members
Inderlok	West Delhi	Thursdays	9 a.m. - 4 p.m.	8 Weekly Vendors No TVC member represents this market
Dilshad Garden	North Delhi	Thursdays	4 p.m. - 10 p.m.	10 Weekly Vendors 1 TVC Member
Seelampur	East Delhi	Thursdays		5 Weekly Vendors 2 TVC Members

For the *de jure* component, we went through the SVA, Delhi Rules, 2017, and Delhi Scheme, 2019 to understand how the law street vendors. Reading these documents

33. Questionnaires are present in the Annexure

34. Under the old system, pre-unification.

provided us information about how the law envisages the regulatory environment under which street vendors operate. As part of the *de facto* research, we collected information by interviewing relevant stakeholders.

Survey for Weekly Vendors

1. Type of goods sold:
 - a) Vegetables and Fruits
 - b) Cooked food (requires stove/ fire, such as roti, chhole bhature, pav bhaji, pakode etc)
 - c) Cooked food (without any stove/fire, such as chaat, golgappe, bhelpuri, lassi, lemonade etc)
 - d) Packaged food (such as bottled water, chips, biscuits and ice cream)
 - e) Meat such as fish, mutton, and chicken
 - f) Water cart or ice
 - g) Fruit juice
 - h) Goods—clothes, bags, shoes, accessories, flowers, bangles, mobile accessories, etc.
 - i) Services—cobbling, shoe polishing, etc.
 - j) Others, please specify
2. How long have you been vending:
 - Have you been vending before or after 2014?
 - If after 2014: Did you start vending around/during COVID-19?
3. Is this the only Weekly market you vend in?
 - If not: What other Weekly markets do you vend in?
4. Do you vend in any market other than weekly *bazaars*?
 - a) Yes
 - b) No

If yes: What markets are they?
5. Do you sell different goods in different markets?
 - a) Yes
 - b) No
6. Have you employed anybody to help you vend?
 - a) Yes
 - b) No

If yes: Whom?

7. Is your spot rented?

- a) Yes
- b) No

8. How old is this market?

9. Do you have any other source of income?

- a) Yes
- b) No

If yes: What do you do?

10. Have you been surveyed?

- a) Yes
- b) No

If yes: By whom and when?

11. Have you obtained your CoV?

- a) Yes
- b) No

If yes: When?

If yes: What is the address listed in it & how often do you vend there?

If yes: Did you have trouble obtaining your CoV after conducting your survey?

12. Are you able to vend in your preferred vending location?

If no: Why?

13. Do you know any weekly vendors who are a part of the TVC?

- a) Yes
- b) No

14. Have you ever considered standing for elections for a TVC?

- a) Yes
- b) No

If Yes: Have you faced any trouble standing for elections for a TVC because you vend in multiple sites?

- a) Yes
- b) No

If yes: List your troubles

15. Does your TVC hear your problems?

a) Yes

b) No

If yes: Do they get resolved?

If not: Why do you think they don't?

16. Do MCD officials trouble you?

a) Yes

b) No

If yes: How?

- If eviction comes up: Have you been allocated a new vending site?

a) Yes

b) No

If Yes: Are you satisfied with it?

a) Yes

b) No

17. Do policemen trouble you?

a) Yes

b) No

If yes: How?

18. Did you face any COVID-19-related problems?

a) Yes

b) No

If Yes: List your problems

19. Are you aware of any mechanism to address and resolve your grievances?

a) Yes

b) No

Elaborate

If yes: have you been able to resolve your grievances efficiently?

20. What, according to you, are the other problems faced by weekly vendors?

- How, according to you, can they be resolved?

Survey for Town Vending Committee (TVC) members

1. If street vendor: Are you a weekly vendor?
 - a) Yes
 - b) No
2. When was your committee formed?
3. Under what local authority does your TVC work?
4. How many TVC meetings did you have in the last three months?
5. Did you survey your area last year?
If yes: Have the CoVs been issued to all the vendors added to the list?
6. How many Weekly Vendor CoVs were rejected?
 - State the causes for the rejection
7. Do vendors approach you for CoVs?
 - a) Yes
 - b) No

If Yes: What is the process you follow for issuance?
8. How have you listed markets in the CoV of weekly vendors?
 - Why did you follow this approach?
9. Do you think weekly vendors should be given special/updated CoV with the provision for multiple addresses?
 - a) Yes
 - b) No

Elaborate on the reasons
10. How, according to you, can the situation of weekly street vendors be improved?

Survey for MCD (Municipal Corporation of Delhi) members

1. Are there any weekly markets that you think should be traditional?
 - a) Yes
 - b) No
 - If Yes: List them
 - If Yes: Give reasons why
2. Are there any weekly markets that you think should be notified as natural?

a) Yes

b) No

- If Yes: List them
- If Yes: give reasons why

3. What is your understanding of heritage markets?

4. Are there markets that have been in operation for more than 50 years and should achieve heritage status?

a) Yes

b) No

- If Yes: What are those markets?

5. What is the process of ensuring that a market has completed 50 years?

6. What is the process of declaring a natural market as heritage?

7. Why, according to you, can the weekly vendors not rent out their spots?

8. Why, according to you, can the weekly vendors not employ anybody under them to vend?

9. Why, according to you, can the weekly vendors not have another source of income?

10. Is the weekly vending fee still collected by the MCD from weekly markets?

Survey for Dispute Redressal Committee

1. Name

2. When was your committee formed?

3. How often do you meet, when was the last meeting?

4. Why is the DRC not functioning?

5. What kind of disputes has been arising in the meetings?

6. Are the salaries regularly paid to you?

7. Who is the superintendent of the DRC?

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RESEARCHING REALITY 2022

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Aditi defines the saying that creativity is intelligence having fun. The words determination, dedication, and diligence define her. She puts her best foot forward on every task given and her mantra for life is, 'when life gives you lemons, trade them for coffee'.



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Aditya is a 5th-year learner from Symbiosis Law School, NOIDA pursuing Bachelor's in Business Administration and Law. He has a deep interest in Public Policy and aims to become an Indian Administrative Services Officer. Being from an Army background, he has always had the drive to work for the betterment of the country and believes that working in policy research and implementation would be an important step towards his goal.



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Ishika is interested in public and legal policy and their intersections with gender justice, and has, in her time in law school, been involved with the Gender Studies Committee, the International Relations and Foreign Policy Committee, and the MUN Society. In her free time, she likes to listen to true crime podcasts and audiobooks at 1.5x speed. She hopes to one day be a policy analyst and work on feminist legislation internationally.



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Manisha belongs to Basti, Uttar Pradesh. She is a Research Scholar at the University of Delhi and looks forward to learning and unlearning everything encountered in life.



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Udit is a first-year MA Economics student at Ambedkar University Delhi with a firm understanding of economic theory and its practical applications. His experience includes undertaking comprehensive primary and secondary research projects involving econometric analysis. He aspires to utilize the knack for mix-method research for social and economic upliftment through policymaking. Apart from the dismal science, Udit enjoys traveling, reading, and playing the guitar.



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Vrinda is an undergraduate student at Ashoka University, pursuing Economics and International Relations. She is interested in the domain of public policy research and environmental conservation. She enjoys high-altitude trekking, has a senior diploma in Bharatnatyam and her idea of bliss is a good book, cold coffee, and the company of her pet dog and cat.



Research Team



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Arjun Krishnan is a Research Associate at Centre for Civil Society. He is a Political Science graduate from Ashoka University and has a master's degree from Warwick University. Prior to joining CCS, he interned with the Cato Institute and the Institute of Economic Affairs.



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Astha is a Research Associate at Centre for Civil Society. She has an undergraduate degree in Humanities and Law from Maharashtra National Law University, Nagpur. In 2019, she received the Consortium of National Law Universities Scholarship for academic excellence. As an undergraduate student, she published in Penn Undergraduate Law Journal and The Governance Post.



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Avi Singh Majithia is the Focal City Delhi Coordinator with Women in Informal Employment: Globalising and Organizing (WIEGO), a global research-policy network that seeks to improve the status of the working poor, especially women, in the informal economy. Avi has a Master's degree in Regulatory Governance from the Tata Institute of Social Sciences (Mumbai, India). Her work focuses on labour regulation, policy advocacy for informal workers' rights, and inclusion and she is building out her research focussing on street vendors in particular.



Jayana Bedi

Jayana Bedi is a Senior Research Associate at Centre for Civil Society. She pursued her bachelors in Sociology from Miranda House, Delhi University. At CCS, Jayana works on the issues of vendor livelihoods, quality of laws, and education governance. She is a keen learner and strong supporter of the organisation's ideals- freedom, choice, and accountability



Karthika Rajmohan

Karthika is a graduate of National Law University, Mumbai, where she received a Bachelors in Law and Humanities, with a focus on Economics. Her areas of interest include privacy, competition law, and their effect on the technology landscape of India. She is also passionate about land rights in India. Outside of work, she loves debating, listening to podcasts, and exploring new music.



Editor



Prashant Narang

Prashant Narang (PhD) is Senior Fellow - Research and Training Programs at Centre for Civil Society (CCS). He co-conceptualized the Street Vendor Act Compliance Index to track the implementation of the Street Vendor Act 2014, contributed to all three editions of the index (2017, 2019 and 2020) and co-created the state Street Vendor Rules matrix and the state Schemes matrix. As a lawyer, he has represented street vendors at various courts - from Metropolitan Magistrate to the Supreme Court, challenging the undue eviction and arbitrary penalties. His current interest areas are urban governance and livelihood freedom.

“ Written with rare honesty, this compendium is a chronicle of our times, offering a glimpse into the prejudicial system that every weekly market vendor has to face a number of times. This thorough and uncompromising analysis is a must read for all those concerned with regulation of street vending. ”

- Sumit Verma, Street Vendor Representative,
City SP Zone TVC

“ This compendium is a rich resource of case studies that adds to the discourse on livelihood protection and promotion of street vendors by highlighting the need to understand the temporality and spatiality of weekly markets and the specific challenges that the weekly market vendors face. It is a very welcome addition to the limited research and documentation on the weekly markets of Delhi. ”

- Shalini Sinha, Focal City Delhi Advisor and Asia Strategist,
Women in Informal Employment: Globalizing and Organizing

“ I would like to congratulate CCS on choosing the understudied, yet crucial subject of weekly vendors as this year's theme. Weekly vendors are often overlooked when drafting policies for formalising street vendors. This compendium has done a fine job of bringing this issue to light using varied methodologies such as judicial commentaries, stakeholder analysis, and *de jure vs de facto* comparison, amongst others. I sincerely hope the compendium is able to push for wider legal and economic rights for the weekly vendors. ”

-Shruti Gupta, RR Alumna
Narrative Strategy Consultant, Deck Rooster



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