

Street Hawkers and Public Space in Mumbai

Street hawking is generally considered as a “menace” or an “eyesore” that prevents the development of Mumbai as a world-class city. But this article explores the essential presence of hawkers in a city, which requires a critical understanding of the functioning of public space. The experiences of hawkers in Mumbai, as elsewhere in India, have taught them not to fear a regulatory state, but a predatory one, a state that constantly demands bribes and threatens demolition, against which a licence provides security.

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The hawker question is central to the debates over public space in Mumbai. Since the late 1990s, elite NGOs and residents’ associations have been actively promoting, with some success, the idea that hawkers are to be blamed for many of the city’s problems. To them, hawkers are “a symbol of a metropolitan space gone out of control” [Rajagopal 2001:94]; a “menace” who inappropriately use streets and footpaths, block traffic, depress real estate values and are, more generally, eyesores that prevent Mumbai from being a “world-class” city. This despite the fact that street hawking has had a long historical presence in Mumbai, provides essential services to most of the population and provides direct employment for over three lakh people, in addition to indirectly employing hundreds of thousands more [Bhowmik 2003]. Their essential and at the same time contentious presence on the streets requires a critical engagement with the function of public space and the role of street hawkers in future plans for the city.

In order to understand the functioning of public space in Mumbai, it is necessary to understand what hawkers actually do in that space, and how they conceptualise their own relationship to it. This is important because several parties involved in the debates over hawkers operate with a limited understanding of their work, their daily interactions with the state and the visions hawkers themselves have of a vibrant, democratic and well-functioning city. In an attempt to address this problem, this paper provides an account of the situation of hawkers in Mumbai, drawing from field research conducted from June 2004 to September 2004 and from June 2005 to March 2006 with unlicensed street hawkers in Mumbai. It is also based on the interviews and informal conversations conducted with the activists working with Mumbai’s elite NGOs (often referred to as “citizens’ groups”) and residents’ associations, as well as the statements made by them at public meetings. Demonstrating the complexity of hawkers’ daily lives and their interactions with the state will hopefully elicit new ways of thinking about the place of hawkers in Mumbai’s future.

Hawkers and the Law

No new hawking licences have been issued in Mumbai since 1978, although, along with the larger population, the number of hawkers in the city has increased since that time. Thus it is estimated that licensed hawkers now account for less than 10 per cent of the total number of hawkers in the city. The other 90 per cent of hawkers are, in the eyes of the state, illegal.

However, the official illegality of unlicensed hawkers does not preclude other forms of recognition by the state. The unlicensed hawkers, although officially outside the purview of the law, have frequent, if not daily, interactions with a wide range of representatives of the state, including police constables, the Brihanmumbai Municipal Corporation (BMC) staff and the regional transport office (RTO) authorities profoundly shaping hawkers’ everyday experiences.

Violent actions against hawkers by police and BMC are not a new phenomenon in Mumbai. A violent demolition drive in the early 1980s led the Bombay Hawkers’ Union to file a case in the Bombay High Court against the BMC. The hawkers’ unions argued about the unconstitutionality of what they claimed to be arbitrary BMC demolition actions and refusals to issue new licences. The BMC defended their actions, citing sections 312, 313 and 314 of the 1888 BMC Act, which give BMC the power to remove encroachments on streets and footpaths and to do so without warning. Concurrently, the petitioners in the Olga Tellis vs BMC case (on the matter of slum demolitions) argued that the 1888 BMC Act contradicts Articles 19 and 21 of the Constitution, which grant citizens the right to livelihood. In what has become a much-cited judgment, the Supreme Court upheld the BMC’s right to remove encroachments, while also declaring that the Constitution not only provides a right to life, but a right to livelihood. Moreover, the Supreme Court added in a 1989 judgment regarding a public interest litigation (PIL) filed on behalf of an evicted hawker in Delhi against the Delhi Municipal Corporation [Bhowmik 2003]:

The right to carry on trade of business mentioned in Article 19(1)(g) of the Constitution, on street pavements, if properly regulated cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and for no other use. Proper regulation is, however, a necessary condition as otherwise the very object of laying out roads – to facilitate traffic – may be defeated (Sodhan Singh vs NDMC, 1989).

By the “proper regulation”, the court refers to a system of hawking and non-hawking zones, something that the BMC was instructed to establish as early as 1985. The final judgment of the 1985 case included the text of a BMC commissioner’s 1983 letter to the court suggesting hawker regulations. Although presented as suggestions at the time of the 1985 case, this list has since become the basis on which later rules on hawking have been written, including the restrictions and conditions on hawking as well as the Bombay High Court judgments 2003. According to this list, cooking food on streets should be prohibited, as well

as hawking within 150 m of railway stations, municipal markets, colleges, schools, hospitals and residential areas. Hawking is also prohibited on roads less than eight m, or from a table, stall or even handcart. Moreover, only one licence was to be issued per family, and hawking was to be banned after 10 pm, regardless of context.

To those who are familiar with the conditions of public spaces, street markets and the sale of vegetables in the city, these restrictions are a bit odd; the rules banning handcarts and limiting licences to one per family contradict the historical practice of street vending in Mumbai; and railway stations, colleges and municipal markets are precisely the places where the majority of the population requires the food and goods provided by the hawkers. Consider, for instance, the sale of vegetables in Mumbai. According to the statistics provided by the Agricultural Produce Marketing Committee (APMC) in Vashi, which administers the city's wholesale vegetable market, more than 1,000 metric tonnes of vegetables are sold for the purpose of household consumption each day (an additional 500 tonnes are consumed in hotels). Barring the almost negligible sale of vegetables in the new supermarkets such as Big Bazaar, one can see how integral street markets are to the economic and social functioning of the city. Even the Supreme Court found the ban on street food unreasonable, as well as the ban on all hawking within 150 m of railway stations and colleges.

Nevertheless, until the mid-1990s, little action was taken by the BMC to implement the suggestions for new hawking and non-hawking zones. Meanwhile, in lieu of actually issuing new licences, the BMC set up a 'pauti' system for street vending. Between 1988 and 1997, hawkers paid the BMC daily Rs 5-10 "unauthorised occupation cum refuse removal charges" entitling them to hawk. According to a survey, in 1997, 22,000 hawkers were issued such pautis daily [YUVA/TISS 1998]. As the name indicates, this was a formal recognition of an informal, officially unrecognised, yet widespread, activity. In effect, this system was an official recognition of an unofficial practice ("unauthorised occupation") – a clever manoeuvre of the state to collect revenue from an officially illegal population, otherwise outside of the purview of state regulation and control.

The current legal case in the Supreme Court regarding hawking has its origins in the 1998 petition filed by the Citizens' Forum for the Protection of Public Spaces (CFPPS) (later to change its name to CitiSpace) in the Bombay High Court. In this petition, the CFPPS claimed that the BMC was taking no action on the 1985 ruling and that hawking was flourishing under the corrupt practices of the authorities. The CFPPS cited the pauti system in particular as one of the BMC's illegal practices. The high court conferred and declared that the BMC had no legal authorisation to implement such a system.

As a result of the court order, the BMC has not issued pautis since 1998, and many hawkers now say that the end of this system marked the beginning of their current troubles. Although the pauti did not confer long-term rights to hawk, or even the rights to hawk in a particular space, hawkers to this day express their desires to return to this previous system. This supports the findings of the TISS/YUVA surveys, which indicate that most hawkers are willing to pay daily official BMC charges. Moreover, contrary to the stated aims of CFPPS, the end of the pauti system did not lead to a diminished presence of hawkers in Mumbai's public spaces. In fact, it led to further unruliness of public spaces, as the BMC no longer maintained any formal relationship with the unlicensed hawkers. Indeed, as hawkers throughout the city attest, the formal revenue collection through pautis was replaced

by dramatically increased bribery demands from the BMC and other state authorities.

At present, the creation of hawking and non-hawking zones is one of the most contentious issues facing hawkers in Mumbai. Currently, the court-appointed three-member committees are making lists of streets in each ward on which hawking will be allowed or disallowed. To this end, the committees is also collecting proposals from the various concerned parties. Whereas hawkers' unions have filed hundreds of requests for the inclusion of areas as hawking zones. CitiSpace, with the backing of a powerful industrial house and various business associations, has coordinated the fight among residents and business associations to prevent streets from becoming hawking zones. The problem currently facing the court is that the proposed 187 hawking zones (significantly reduced from the original 488 hawking zones proposed by the 1996 BMC draft scheme) can accommodate at most one-fifth of the city's hawkers. At present, the committee has with far greater frequency decided in favour of the residents' and business groups than with hawkers' unions. This is despite the fact that many of the complaints against the formation of hawking zones have come from business associations, as well as residents' associations who, despite their name, often do not actually represent the residents on whose behalf they claim to act.¹

Understanding Street Hawking

There are a few discrepancies between assumptions about the informal economy in general and the particular situation of hawkers in Mumbai. Most notably, till the 1990s, in social scientific literature the informal workforce has been considered a bastion of reserve labour to be absorbed into the formal, organised economy. In the past 40 years, however, as Bhowmik and More (2001) have shown, the opposite has occurred. For instance, in the central districts of Mumbai, many former mill workers and their families have been compelled to take up a wide range of informal economic activities, ranging from home-based small-scale production, to hawking household items, vegetables and cooked food on the street.

Moreover, it is also assumed by many that street hawking is an occupation taken up predominantly by recently arrived migrants from rural areas. The writers on hawking have cited relative ease of entry, and the limited requirement of capital as reasons for hawking to be the job of the new entrants to the urban labour force. Although this may be true in some cases, this is not an accurate description of the vast majority of hawkers on Mumbai. Nevertheless, residents' associations and citizens' groups have promoted this misconception, claiming that the increased presence of hawkers on Mumbai's streets are symptomatic of the "flood" of migrants who are ruining the city.

In this regard, tropes of language and religion are invoked to prove the hawkers' outsider status. The residents' associations, for instance, have been active in evicting "outsider" food vendors on the grounds that they are selling non-vegetarian food. For instance, a wealthy activist in a residents' association in Andheri west proudly recounted a story of residents' "victory" against a "foreign" hawker suspected of selling non-vegetarian food: "The women from the adjacent building planned ahead. They knew of the impending (BMC) demolition, so they bought landscaping materials, tools and shovels. Immediately after the stall was broken, they rushed out and quickly built a planter and planted plants over the spot where the stall stood, preventing his return."

Hawkers working in wealthier areas, such as the western suburbs, increasingly fear this kind of hostile action from nearby residents. Unlike the relatively small percentage of former mill worker-turned-hawkers in the central areas of the city, most hawkers in the city are Hindi speakers, both Hindu and Muslim, with roots in eastern UP and Bihar (although many hawkers also have roots in Rajasthan, Gujarat and Karnataka). For most hawkers then, the perceived notions of their outsider status is a serious concern. In interviews and casual conversations, hawkers articulate an acute awareness of this perception, and how it has been increasingly employed by elite groups and the authorities as justifications for violent demolitions. Farooq, who hawks shirts in Andheri, where he grew up, explains: "We are not new to this road. We have been (hawking) here for 15 years." Pointing to another group of hawkers down the road, he continued, "Those hawkers' fathers worked here 30 years ago; I was brought up here, raised here and now work here. That is how it is for most people. We have nowhere to go. We are not from England or Pakistan; we have rights here in Bombay."

Aside, the politics of nativism the significant demographic question for Mumbai is not where the migrants are coming from, but where the migrants are going to. The recent census data indicates that the vast majority of migrants to the Mumbai region are not settling within the city proper, but in satellite townships such as Thane, Kalyan and Bhayander [Shekhar 2005]. Similarly, the way street market function makes it extremely unlikely that the mythical, newly-arrived migrant from a village would set up a stall selling vegetables in a posh, and hence relatively more lucrative, residential neighbourhood. This migrant hawker is more likely to establish himself in marginal areas of the city, such as around the edge of jhopadpattis in the northern suburbs of Malad or Kandivali, or around the unauthorised settlements at the western fringes of Sanjay Gandhi National Park. Thus, hawkers working in the most high-profile (and hence most contentious) parts of the city have, in fact, been working and living in the city for a long time, since only the people who have lived and worked in the city for years would have access to those relatively more profitable spaces in the first place.

Whereas citizens' groups and the media may claim there is a "free-for-all"² in Mumbai's public spaces, and outward appearances of public spaces may seem to support this, there are rather firm, albeit informal, mechanisms among hawkers to control the use of space. Like Farooq, most hawkers in the prominent areas of north Mumbai have been hawking in the same spot for at least 10 years, and, while many were born in the city, the rest have been living and working in the city for at least 20 years. Hawkercannot simply set up their stall where and when they please. The unlicensed hawkers will explain that everyone around them knows this is their spot, meaning only they have the ability to hawk there. Such claims carry with them the power of recognition among other hawkers in the area and among the nearby shopkeepers and residents. Moreover, although these claims to space often do have the unofficial recognition of the state, which is established through 'hafta' and long-term personal interaction with various municipal workers [Chatterjee 2004].

Moreover, whereas myths of car-owning, middle class hawkers abound, the reality is that daily profit from street hawking is rarely higher than Rs 150. While this indicates that hawkers are not the poorest of the poor (their income is higher than most daily wage labourers), the work is hardly lucrative. Most people become hawkers after failing to find a job elsewhere. Consider Javed and Abdul, who work as hairclip vendors on a busy street in north

Mumbai frequently subject to police harassment and BMC demolition raids. They have been hawking for 12 years at the same spot where their father, who can no longer work, had worked for the previous 20 years. Upon passing 12th standard from an English medium school, they searched in vain for decently paying jobs for three years, supporting themselves and their families by hawking. Now, they say, they have given up hope of finding a secure job, let alone the dream job, 'sarkari naukri', and have taken up hawking full time.

For most men and women vegetable vendors, for instance, life simply consists of "waking up at 4 am, leaving the room at 4:30 am for Vashi market, returning at 7 pm with the vegetables, wash, clean, cut and arrange until 9 pm, selling until 10 pm at night and then back to the room again." There is little time for entertainment. Days off to care for sick children are economically devastating and time off for vacation (to Chishti Dargah at Ajmer, for instance) is at most a once-a-decade possibility. Says Rajesh, a tomato vendor, "Our work is difficult and it is dirty. Look at this shirt, see all the dirt on it. This comes from lifting the crates, moving the tomatoes, washing them, sitting all day outside in the sunshine, sweating. It is dangerous work too. We sit next to this busy road. If a car goes out of control and swerves off the road, who does it hit? Us." Hawkercite the lack of other employment opportunities as the reason for doing this rather unpleasant work: "We are just trying to survive. There is no other work. If there was other works then surely we would do it."

Hawkers and Public Space

It is difficult to understand hawkers outside of the dominant discourses used to describe them. They are frequently described by civic activists, municipal officials and journalists as a "nuisance"; and are seen to represent the chaos of the city's streets and the cause of the city's notorious congestion. On the other hand, to others they represent an undeserved claim of the poor on the city's public spaces. This despite the fact that even a cursory look at the city's streets and footpaths shows that parked, privately-owned cars are by far the city's greatest encroachers of public space, and the greatest obstruction to the movement of pedestrians.³ However, to the self-proclaimed defenders⁴ of public space, the civic activists and the NGOs bent on removing hawkers from the city's streets, these facts are irrelevant.

While transnationally circulating notions of how cities should look and function (for instance, what a post-industrial, "global" city should look like) have shaped the debates over hawkers in the city, older, more modernist ideals regarding the city and city spaces are dominant among the most active NGOs, as well as among residents' groups. In their literature, meetings, interviews and media statements, activists in these groups rely on orthodox modernist principles regarding the functioning of city, most notably, the privileging of movement and flow over other concerns. Neighbourhood by neighbourhood, the city's footpaths must be reconfigured, disorderly footpaths must be made mono-functional. The crime of the hawker is to contradict this dream. And, thus they have become a "public nuisance" because, by working on the street, they are engaged in an activity that contradicts the supposed universal ideals of the modern public space.

This hostility towards street hawkers is, of course, not unique to Mumbai. In fact, in comparison to the cities in the US and Europe, such as New York, San Francisco or Paris, the hostile

sentiment towards street vendors in Mumbai, although on the rise, is still relatively weak. A number of scholars working in the US have studied the effects of imposing a modernist ideal of public space on what is considered a “disorderly” or “unruly” urban environment. In her 1961 classic work, Jane Jacobs urges urban researchers and planners to understand streets and sidewalks for how they actually function rather than for their intended use. She found that, contrary to dominant opinion, it is those streets with the greatest outward signs of chaos – for instance, with children playing, old people sitting on steps, and street vendors – that are the most vibrant, safest and livable urban spaces. She identifies particular individuals whose continuous, daily street presence make the streets safe, arguing that such people act as the “eyes on the street,” who, due to their long, continuous presence on the streets, are able to quickly detect when something goes wrong and provide help. Other urban researchers such as Mitchell Duneier (1999) have specifically focused on the way street vendors in New York, although a public nuisance in the eyes of city authorities, in fact, produce safe public spaces and enhance the quality of life in the neighbourhoods in which they work.

There is no dearth of eyes in the street of Indian cities, let alone densely populated Mumbai. Following Jacobs’ argument, the city’s ample street spectacle offers visual pleasure to a wide spectrum of the population. Elderly people staring outside the windows of their homes, shopkeepers and their bored assistants, rickshaw drivers waiting for passengers, and, most of all, street hawkers, to name a few, maintain a vigilant, and continuous, watch over public space. The sudden coalescence of a crowd, seemingly out of nowhere, following all car accidents or other incidents is evidence of this. There is ample evidence too that street vendors’ vigilance over public spaces enhances the safety of all city residents. In casual conversations with Mumbai residents, stories abound of street hawkers preventing violence and sexual harassment against women at night. Hawkers themselves frequently speak of the security they provide the area. As Ahmed, a fruit vendor explains: “The shopkeepers get worried that if we move from the front of their shops, then who will stop the thieves? We are one kind of protection for them. If there is a robbery, we (the hawkers) will yell out, create a scene and catch the thief. But if we are not sitting in front then it will be easier for them to rob the store and run away.” Indeed, many jewellery shop owners encourage hawkers to work in front of their shops for these reasons, and they are known to have long, close relationships with particular hawkers. For instance, Ahmed had been sitting in front of the same jewellery shop for 15 years and, on a number of occasions the shop-owner had defended him and other nearby hawkers in confrontations with the BMC and the police.

However, while some shopkeepers appreciate and actively encourage the presence hawkers near their businesses, others have actively encouraged hawker demolitions. With ever greater frequency, business owners have pressured the police and the BMC to permanently remove hawkers from the spaces around their business. In a number of cases, business associations have complained against hawkers through the coordination of citizens’ groups. Allegations have been made that new supermarkets have paid large bribes to the police and BMC to evict hawkers from the nearby footpaths. Following BMC raids, these shops quickly install large planters and shrubbery (which occupy more space than the hawkers ever did), which are guarded over by a large contingent of security guards. The shop-owners (as well as wealthy residents’ associations who engage in similar practices)

justify the evictions as necessary actions to keep the city clean; hawkers, they say, dirty the public spaces, making them unappealing to customers and residents. “The hawkers caused such problems. They were so dirty, they would wash themselves on the side of the roads! They would throw trash, sleep and eat there!” said an activist in a residents’ association, explaining why an exceptionally violent BMC demolition of hawkers’ stalls was necessary.

Is the idea of clean urban spaces a hopelessly bourgeois concept, inevitably in conflict with the livelihoods of the urban poor, as the rhetoric of residents’ associations appear to demonstrate? While there is ample evidence to support this claim, it does rely on certain assumptions regarding hawkers’ conceptualisation of urban space. It is assumed that hawkers and the rest of the urban poor embrace garbage and urban chaos, whereas in fact, hawkers vigorously self-regulate the use of urban space, and even articulate their own notions of the appropriate and inappropriate use of space. For instance, Ramesh, a hawker actively involved in a hawkers’ union explains, “There are many hawkers who ply the streets on marked handcarts (marked handcarts refer to those owned by non-hawker businessmen, illegally rented out of BMC godowns and hence not subject to demolition actions) and are causing problems. Those hawkers who have worked for years sit next to the building, away from the road and the footpath. Those who are plying marked handcarts set up their business in the middle of the road, creating obstructions.”

As Ramesh’s comments demonstrate, hawkers also evaluate the condition of the city’s public spaces. One afternoon, Ali, a ‘raddiwala’ who had been unable to work for three months because of BMC and police action, took me to a BMC godown in Andheri. In front of the godown is a chest-high field of half-broken hawkers’ stalls and handcarts taken during demolition raids. The rubble spills out into the street. ‘Look at this mess. The BMC tells us to keep our area clean. “Don’t have any garbage around’. They are the ones making the most garbage! Who makes the most garbage in this city!’ Later on, Ali talks of other encroachers on the city’s public spaces. He says that he too believes the city should be clean and orderly. As we walk around the neighbourhood, he points out illegal shop extensions, PCO booths and milk stalls built on narrow parts of the footpath. “This is wrong, they shouldn’t be here, but over there,” pointing to a nearby space on the side of the road that is visible to potential customers but does not block pedestrians.

Ali’s concern for public space is echoed by other hawkers, such as Mahendra, a women’s hairclip vendor who works in a busy street market near a local railway station. “Hawkers must do business with respect. I don’t call out to customers, ‘Idhar aao, saste’. We don’t like to haggle, we know the customers and they know us.” Mahendra is aware of the common stereotype of the outdoor bazaar, characterised by shouting and haggling, but deliberately distances himself from it. Indeed, in my long-term field research with Mahendra and hawkers who worked with him, I observed how they deliberately worked to defeat the stereotype of the chaotic, lawless, bazaar, full of cunning, trickery and “protestations of honesty” [Chakrabarty 2002:72]. By contrast, their sales were shaped by long-term relationship with customers, many of whom lived near them. Interactions with customers, mostly women, were quiet, subdued and respectful, in sharp contrast to the abrasively loud noise of the traffic and crowds swirling around them. These hawkers feel a sense of responsibility to the space and the working class women and men who use it to go to work, roam about or shop. Iqbal, a chappal

hawker who works next to Mahendra, explains the role of hawkers in the city: "Everyone comes here; they can't afford to shop in a store. This is a real public space ('Yeh to ekdum public space hai')."

Hawkers and the State

They all come. Every one of them. They take Rs 10-20, sometimes more, clasp their hand in thanks. Smile. Nod their head. And walk away. They (the union leaders) tell us not to give money. But we are here. We have to be here. We know what we have to do, we have been here for 20 years. We say, when the dog barks, you must give it a bone. If the dog barks and barks without getting a bone, he will bite.

This was told to me in early 2006 by Jawahar, a hairclip seller, with uncharacteristic stoicism. He was explaining the recent spate of incessant demands for bribes from the municipal workers and other state officials. Usually light-hearted and eager to chat about a wide range of subjects, on this day, Jawahar could only talk about the BMC and his own deteriorating health. In recent days, his chest ailments had been particularly bothersome. Standing on the side of a heavily-trafficked street for 12 hours a day, for 12 years, had given him serious lung problems. Recently, under the pressure from citizens' groups and media, the BMC had been coming more frequently. The stress from the threat of BMC raids and increased harassment had compounded his health problems, leading to greater medical bills. It is in this way that the illegality and insecurity of their work pervades the

everyday experience of hawkers in Mumbai, and it is for these reasons that they crave legitimacy in the eyes of the state. As Jawahar's case shows, constant fear of bribes, confiscations and demolitions is so deep and all-pervasive that it affects hawkers' health.

"They said they will make Shanghai, instead they are making 'kabristan' (cemetery)", Syed told me one afternoon as we stand on the side of the road, watching as a BMC truck approaching the street of hawkers. It is the third time the BMC has come on an "action" this week. Fortunately there is heavy traffic on this day, so the hawkers have ample time to pack up their goods. It takes 30 seconds to take down the display of hair clips and other accessories. With the help of some people who stood around, hawkers' tables with all goods were swiftly removed a small lane located just off the main street. After keeping their tables, the hawkers stand and wait. The mere sight of the grey truck inching its way through the traffic has made Syed panic with tension and fear: "We are just here doing business, but the police blame us whenever something goes wrong. There are so many criminals in this city, but they always blame us. The government sees us as the biggest criminals. If there is an accident on the street in front of us, even though we are just sitting here, the police blame us. We are businessmen too but the state treats us like criminals." The truck finally passed by time without any incident. It was headed for an action in another part of town. The hawkers moved their goods back on to the street and resumed business. "If not today, tomorrow. They will come back. They don't want us here, but where are we supposed to go? We are

all from here, there is no other job. They are against hawkers and against slums. We should just die.”

One should not assume a direct relationship between the letter of the law and how the law works in practice. The bewildering complexity and length of the current Mumbai hawker legal case (now stretching into eight years), the plethora of (often conflicting) interim orders, the large number of concerned parties (including, but not limited to, CitiSpace, residents’ and business associations, the municipality, various hawkers’ unions, RTO and the police) and, since 2004, the active involvement of the three, three-member committees produces, among other things, a bewilderingly complex relationship between the law as it is found in the courts and the law as it manifests itself on the streets.

It is common knowledge among hawkers that the police and the BMC officials, at various moments, currently use the threat of an area becoming a non-hawking zone as an excuse to increase demolitions or demands for hafta. This is a part of a larger pattern in which any action against hawkers initiated at high levels of the bureaucracy is translated into increased hafta demands by the lower levels. For example, amid the epidemic scares following the July 26 floods, at the recommendation of prominent doctors, the BMC commissioner declared a ban on all street food vending for two weeks. (This is also a notable instance of the bureaucracy acknowledging an illegal practice; from the perspective of a liberal state, it is rather unorthodox to ban an activity already declared illegal.) Although a BMC official subsequently stated that the city’s food hawkers have been requested to shut down (‘City Steers Clear of Chaat’ *TOI*, August 18, 2005) there was little evident change; in the following weeks, street food was as widely available as ever. The only evident change was the municipality’s hafta collection. As one sandwich maker explained matter-of-factly, “Because of the floods, they asked for double hafta this month”.

In fact, demands for hafta by state authorities and the concomitant insecurity of hawkers’ work is the single biggest source of worry for most hawkers. It has been estimated that hawkers pay tens of crores in hafta each year. In nearly every interview, and every conversation with hawkers, the most important problem they face is not the lack of sales or access to credit, or, even work conditions, but the constant fear of demolitions and daily harassment from authorities. In interviews and conversations with hawkers throughout the city, hawkers repeatedly claim, “We only want to work here in peace”. The economic costs, of course, are high: On an average, Rs 1,200-1,400 a month is taken by officials in the form of unofficial fines or hafta. Moreover, significant losses are accrued following confiscation due to the inability to work; and, increasingly, hawkers are complaining of ill-health effects, such as back strains, that come from having to suddenly, and repeatedly, lift up their goods and run away in the event of imminent BMC raids.

Many hawkers must make a regular hafta payment to the police and the BMC (always collected through intermediaries at the lowest rung of the bureaucracy) in the form of money, or in kind. For instance, the vegetable hawkers on one stretch of road in Kandivali, in north-west Mumbai, have calculated that they must give 100 kg of vegetables to the police free of charge every week. Hawkers also tell of the strategies officials use to demand greater than usual hafta. Threats of impending demolition or confiscation of goods, pressure from above, and “complaints” made by NGOs and local residents are often cited as an excuse for increased hafta. More recently, the mere suggestion made by the high court-appointed, three-member committee that an area may become

a non-hawking zone has also been used as justification for greater hafta demands. In certain areas, the inclusion of streets as the non-hawking zones listed by the three-member committee, although not yet a law, has become a law on the ground. In parts of Andheri and Kandivali, the BMC has started to install non-hawking zone signs (which read, in Devanagari script, ‘bina pheriwala kshetra’), which has led to the confiscation of some hawkers’ goods, but more often, simply to the increased demand for hafta in that area. In one area, stories circulate about non-hawking signs that have come up following a 1.5 lakh bribe to the BMC by the local residents’ association with financial backing of a prominent hotel owner. In another area, a non-hawking zone sign was installed amidst 150 vegetable vendors. This was particularly shocking, as these hawkers are the primary providers of vegetables for a large and densely populated (and under-served) part of the city. To one vendor, however, there was a clear logic behind the installation of this sign: “Why would they put this sign halfway down the road, with hawkers located on both sides? Now they will come, point at the sign and say ‘non-hawking zone’. And that way they will be able to collect more hafta.”

It is in this context of persistent fear and insecurity that we can understand some of the political demands of hawkers including for a positive recognition by the state in the form of licences, hawking zones, or systems of registration at the ward level [Bhowmik 2003]. Such a project might seem paradoxical, or even misguided, as bringing hawkers within the legal fold would heighten the hawkers’ subjection to a state regime of surveillance and regulation [Rajagopal 2001]. However, the everyday experiences of unlicensed street-hawkers in Mumbai reveal that the cause of their daily troubles is their illegitimate legal status vis-a-vis the state, not their mere transgressive presence in the street. This distinction may not seem significant, but it is important that it highlights the particular relationship hawkers have with public space and the state in Mumbai.

Indeed, although tempting, there is a great danger in applying a Foucauldian notion of governmental power to understand the relationship of hawkers with the Mumbai municipal government. This is because the local state’s power over hawkers does not come from acts of legalising hawking, but from keeping their legal status in a constant state of flux. As Ali, a ‘raddiwala’ (recycled paper trader) explains, “They (the BMC and the police) want to keep things on a boil. They don’t want a solution to the hawker issue. Because if there is an end to the issue, then they won’t get their hafta.” As hawkers such as Ali are well aware, the power of the state comes by way of a very deliberate process of keeping hawkers perpetually in an uncertain state between legality and illegality. Thus, the subversive act of the street hawker is, ironically, not to circumvent the law or the surveilling eye of the state, but to find a place within it.

Foucault’s discussion of the way states control populations through the process of legalisation explicitly referred to the context of the European state, and implicitly, its concomitant administrative and budgetary structure. With this in mind, a Foucauldian theoretical framework is useful for understanding street vending in certain contexts. For instance, the anthropologist Paul Stoller writes on the experiences of African immigrant street traders in New York, for whom a hawking licence brings with it constant monitoring by state officials, who perpetually fine street hawkers for even the most minor infractions concerning the use of public space (2002: 88-90). For the street vendors in New York, then, it is financially and physically more viable to operate without a licence. As I hope I have made clear, this

radically differs from the experience of hawkers in Mumbai. This is, in part, because the experiences of hawkers in Mumbai, as elsewhere in India, have taught them not to fear a regulatory state, but a predatory state, a state that constantly demands bribes and threatens demolitions – against which a licence or other formal recognition provide security.⁵

Hawkers and the Future of the City

We are Indians too. We are citizens. The NGOs and CitiSpace claim they are fighting for the citizens. Everyone in this area, this slum, are citizens. Who do they really represent? They want to make Singapore but what will they do with the poor people. They want to just throw them out of the city.

– Nafisa, a former hawker and current hawker union activist.

In a recent essay, Partha Chatterjee raises the provocative question of whether Indian cities have “become bourgeois at last” (2004). Surely, the recent prominence of elite NGOs and civic activists in public debates in the city, as well as the proliferation and strengthening of neighbourhood Area Locality Managements (ALMs) and residents’ associations, many of whom vociferously oppose the presence of hawkers on Mumbai’s streets, suggest the ascendancy of a new, bourgeois, city with little place for the poor. However, as Chatterjee very tentatively writes, it is possible that the future bourgeois Indian city may very well be a “less malevolent hybrid” (2004:145) of its Euro-American counterpart. There is much evidence to support this position. Although at times powerful, the effectiveness of NGOs and residents’ associations is quite limited. There is a general unease among the middle class public, on whose behalf the NGOs and residents associations claim to act, towards hawker eradication drives. And, the BMC and the police, despite their periodic violent actions, are more concerned with collecting hafta than actually removing hawkers from the city’s public spaces. In fact, as a number of hawkers have told me, and as I have observed during field research, the unlicensed, illegally-operating hawkers have cordial relations with police constables, who, like most other low income city residents, depend on the cheap and convenient products and services provided by hawkers.

If anything, the NGOs and residents’ associations derive their power from deploying the internationally circulating language of development organisations and financial institutions. This is best demonstrated in the widely discredited, although still discussed, “Vision Mumbai” (2003) document, produced by the Bombay First with the assistance of the New York-based McKinsey consultancy firm. Groups such as Bombay First have used the language of the global, or world-class, city to overcome whatever technical or political objections there may be to their ambitions. The hawkers’ unions and other advocates of the hawker cause, on the other hand, have not yet captured this rhetoric of the world-class city. This despite the fact that much research has shown the positive impact street hawkers have on all cities, including those deemed “global”. In his observations of north American cities, Mike Davis has argued that the immigrants from south and central America, because of their vigorous and multifarious use of public space for commerce and sociality, “form one of the most important constituencies for the preservation of our urban commons” (2000: 55). Why not, amidst the international consultancies and universal proscriptions, take heed from studies such as Davis’ as well? Public sociality and multifarious uses of public spaces are things Mumbai, like other Indian cities, has in great abundance. It seems worthwhile, in planning for Mumbai’s

future, to recognise and take advantage of this wealth the city already has. ■■■

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Notes

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- 1 In interviews, leaders of residents’ associations have expressed awareness of the unpopularity of their hawker-eradication initiatives among the people whom they claim to represent. For instance, women homemakers, who depend on the close proximity of vegetable markets, are hugely inconvenienced by residents’ associations’ campaigns to rid neighbourhoods of hawkers. Moreover, there is at least one case of residents petitioning for their locality to become a hawking zone. This caused significant embarrassment to the conveners of the citizens’ groups, who are eager to present a united front.
- 2 As a leader of a prominent residents’ association said, “There is now a free-for-all of hawkers in Bombay. They are everywhere.” Personal communication, December 2005.
- 3 In his report to the Supreme Court, January 20, 2005, Arvind Shah, chair of Zones I and II (covering Colaba to Mahim) three-member committee said, “The problem of unauthorised parking of vehicles/lorries/tempo/two-wheelers, etc, is the case of much greater nuisance for vehicular as well as pedestrian traffic as compared with the problem of unauthorised hawking” p 28.
- 4 “You must defend your road, otherwise it will pass by the SC (as a hawking zone)” says the convener to the audience of a recent citizens’ group meeting. Moreover, the CitiSpace pamphlet on hawking in Mumbai states, “The grand finale in the Supreme Court had CitiSpace *successfully defending* 280 additional roads of Mumbai which were sought to be included as hawking zones by several hawker unions” [italics added, CitiSpace January 2004:2].
- 5 The licensed shoe repairmen found in abundance in Mumbai are example of this. They are rarely fined for infractions on the use of space, nor are they harassed by the BMC or police officials.

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