Legal Recognition and Social Equality for Street Hawkers in Urban India: A Spatial Study of Delhi & Patna

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Abstract
In India, cities are known for their markets that contribute to the dynamism and expression of culture and traditions. Street hawkers who are part of informal territorial occupations, offer a diverse range of goods and services. While they have a significant contribution to the economy and social fabric of Indian public spaces, their presence necessitates a nuanced understanding of the interplay between economic necessity and social justice. This dissertation not only seeks to critically analyse the existing legal framework related to informal business but also aims to seek an in-depth understanding of informal territorial occupation, how hawkers claim and utilise public spaces, employing ethnographic observations and visual mapping in the context of Delhi and Patna, to determine the factors that contribute to the conflict on public streets resulting in the removal and harassment of hawkers. This paper also aims for a nuanced understanding of the difference between dynamism and conflict in the streets. The research advocates for a comprehensive understanding of conflicts that occur in such complex situations.

Keywords: Informal Territorial Occupation (ITO), street hawking, public spaces, conflicts, social justice, Legal frameworks

Introduction
Economic activities and social interaction are the two core aspects of markets that thrive in Indian cities. The link in the ecosystem of such aspects are the informal businesses that also contribute to the culture of most of the South Asian developing countries. This dissertation explores the interplay of Informality and Social justice in the context of India. It details the history of street hawking with a nuanced understanding of the relationship between hawking and the dynamism of a country. It also introduces an understanding of the legal context for these hawkers and defines the context and the surroundings they live in. This study aims to contribute a designer’s perspective to a complex situation that can be considered through multiple lenses such as social and legal.

Objective
The primary aim of this study is to provide a comprehensive understanding of the role of street hawkers in the context of urban India and the conflicts that arise around their informal territorial occupation. It aims:
To explore the contemporary dynamism in Indian urban streets.
To analyse the legal framework governing urban street hawking in India.  
To investigate the conflicts between street hawkers, market stakeholders, and authorities.

**Research Questions**

- How do street hawkers contribute to the dynamism and ‘happeningness’ of Indian cities?
- What legal and social justice issues arise from the informal territorial occupations of street hawkers?
- How can conflicts on public streets involving hawkers be better understood and addressed?

**Overview of the chapters**

This dissertation is organised into five main chapters where the first one introduces the concept of street hawking and provides an in-depth understanding of its phenomena and stakeholders.  
The second chapter examines the legal challenges and discusses the problems faced by hawkers and the social justice implications of these challenges.  
The third chapter outlines the research roadmap and presents an analysis of the conflicts involving street hawking.  
The fourth chapter summarises the findings and describes the conclusion. It also presents the way ahead for this dissertation.

### 1. Informal Territorial Occupation and its Contribution to India

(Informal=Illegal? Think Again, World Bank, 2012)

“Unauthorized, illegal and informal are three distinct words that are more than just words, they are concepts. These words are often used interchangeably.

Unauthorized refers to the actions or certain access that are not permitted or approved by the concerned authorities. It is described as something that is done without proper authorization or permission. Unauthorized might also include a minor infraction or a mistake.

Whereas Illegal particularly refers to the actions or behaviors that are prohibited by the law. It is described as something that is against the law or criminal. Illegal term is mostly used when in the context of legal or criminal. It also sometimes implies a more serious offense than unauthorized.

Informal on a different tangent refers to activities or arrangements that exist outside the formal structures of society and urban planning. They are not necessarily against the law but often operate outside the official regulations.

**1.1 Introduction to Informal Occupation [in terms of employment].**

In the book “Genius Loci: Towards a Phenomenology of Architecture” (Christian Norberg-Schulz, 1979) the term “dwelling” is used in a very specific context. It’s not just about providing shelter or a place to live. Instead, “dwelling” is about creating a meaningful relationship between people and their environment.
Norberg-Schulz suggests that people dwell when they can orient themselves within and identify themselves with an environment. In other words, dwelling occurs when people experience their environment as meaningful. This implies that the spaces where life occurs are more than just physical locations; they are places with distinct characters.

In the publication called “hawkers and the urban informal sector: A study of street vending in seven cities” (Sharit K. Bhowmik, 2001) an activist sociologist who devoted his career to the study of the informally working class of the Indian economy and also tried to intervene to enhance their lives, for the National Alliance of Street Vendors of India (NASVI), the author, while explaining the concept of legalising hawkers clearly mentions that most state legislatures have made ITOs an illegal profession and hence hawkers are under constant threats of eviction and victimisation.

At the same time, it is evident that hawkers are here to stay due to the fact that not only do many individuals rely on street selling for a living, but the average urban resident also benefits from their services. “Hawkers exist only because the consumers want them to exist.”

In fact, in 1989, the Supreme Court gave a major judgement regarding this issue (Sodhan Singh vs. NDMC). It ruled that every individual has the right to earn a livelihood as a fundamental right. Hawking is thus a fundamental right, provided it does not infringe on the rights of others.

While explaining the perception of consumers, it was also mentioned that the major customers for these kinds of businesses are people from middle and lower income groups, because it is the only way people are able to get the necessities of daily life at affordable prices within their locality and vicinity.

According to the International Labour Organization (ILO), the informal sector accounts for a significant
portion of employment in India, with estimates suggesting that around 80-90% of the workforce is engaged in informal activities.

While also talking about the conclusion of the paper, Sharit K. Bhowmik mentions the key problem of informal occupations:

1. Minimum Wage vs. Reality: The research calculates a need-based minimum wage but acknowledges that street vendors, as self-employed individuals, don't receive it. Their actual earnings fall short.
2. Corruption and Street Vending Illegality: Street vending's illegal status creates opportunities for bribery and extortion by authorities, further reducing vendor income.

This excerpt supports the idea that ITO workers face economic hardship. Their income is insufficient to meet basic needs.

The research suggests that establishing some kind of link between justice and ITOs through multiple mediums could:

1. Reduce corruption by removing the leverage for extortion.
2. Increase vendor income through official channels (license fees).
3. Enable regulation, potentially leading to improved hygiene and organisation within ITOs.

(Keith Hart, 1973), who is well known for his seminal essay on urban income opportunities and highlighted the significance of the informal economy in urban employment, and (Jan Breman, 1980), who is an Emeritus professor at the University of Amsterdam and an honorary fellow at the International Institute of Social History, have highlighted that one of the primary characteristics of the informal sector is its ‘ease of entry’, which largely hinges on social networks. Workers in this sector generate and utilise social capital to sustain their livelihoods. (Harriss-White, 2003) and (Chen, 2007) indicates that labour relations in the informal sector, where they exist, are typically based on casual employment, kinship, or personal or social relations rather than formal contractual arrangements.

Facts:

(World bank, 2020) (International labour organisation) (Ministry of labour & Employment), In South India, the informal sector plays a crucial role in the economy, with sectors like construction, agriculture, and services employing a large number of informal workers.

National Sample Survey Office (NSSO), the informal sector accounted for around 67-80% of non-agricultural employment in India.

In urban areas, the informal sector employs a significant portion of the workforce, with estimates suggesting that around 50-60% of urban workers are engaged in informal activities.

Women constitute a significant portion of informal workers in India and South India, with estimates suggesting that around 30-40% of informal workers are women.

Women are often engaged in informal activities such as domestic work, street vending, and home-based work, highlighting their contribution to the informal sector.

A study conducted by the National Commission of Enterprises in the sector, which is mostly unorganised (NCEUS, 2007) had clearly revealed that “nine out of ten people with no education are likely to be in severe poverty, and almost eighty-eight percent of them are in informal labour market” (Basu & Thomas, 2009), later the National Survey of India (NSSO) calculated that eighty-two percent of the Indian population is engaged in the informal sector. The National Commission for Women depicted that ninety-four percent of India's women are involved in the informal sector (Chakraborty, 2018).
1.1.1 Challenges in Informal Work: Women and Minors

Women in Informal Occupations

In India, women play a significant role in the informal territorial occupation - hawking and street vending, to be specific. It particularly conveys that informal occupation is a crucial survival strategy for many urban poor women.

According to a paper called Social and Economic Empowerment of Women in the Informal Economy by the ILO, one of the key points reflects that women dominate informal employment; it is estimated that they are occupying around 30-40% of informal workers in India. (Bhowmik, 2012) He informs that an overwhelming majority of hawkers in India, in cities like Imphal are women. It also informs that the proportion of female vendors has been decreasing in recent years due to harassment from males, police, and municipal authorities.

Industrial aspects also affect the occupation of women. For example, the closure of textile mills has also impacted the livelihood of many women who were once engaged in these mills, where they had better pay.

These tragic situations have also led women to shift towards selling goods in the market as informal occupations.

In Nairobi, hawking serves as a survival strategy for low-income women, with women making up a disproportionate percentage of street vendors.

Globally, over 80% of women in non-agricultural jobs in South Asia are in informal employment, while the figures are 74% in sub-Saharan Africa and 54% in Latin America and the Caribbean.

Lack of protection, basic facilities, and institutional credit are major problems faced by female hawkers. Around 96% of female hawkers stated lack of protection as the main issue.
Minors [Teenagers] in Informal occupations

There are a large number of teenagers and kids who are directly involved in informal businesses like hawking and street vending. Their larger goal is to contribute to their family’s income. Very young individuals are engaged in such activities due to a lack of formal education and also because they need to support their families financially. Though there are regulations involved for child labour the reality is something different, this happens often due to the socio-economic challenges faced by the families of these kids.

According to the data revealed by e-shram portal:

- Percentage of Informal Sector Workers (2020): 90% of total workers in India are informally employed.
- Number of Informal Sector Workers (2020): 27.69 crore informal sector workers registered on the e-Shram portal.
- Monthly Income of Informal Sector Workers (2020): Over 94% of informal sector workers have a monthly income of Rs 10,000 or below.
- Age Distribution of Informal Sector Workers (2020): 61.72% of registered workers are between 18 and 40 years old, 22.12% are between 40 and 50 years old, and 13.23% are above 50 years old.
- Gender Distribution of Informal Sector Workers (2020): 52.81% of registered workers are female, and 47.19% are male.
- Top-5 States in Terms of Registration (2020): Uttar Pradesh, Bihar, West Bengal, Madhya Pradesh, and Odisha.
- Occupation Wise Distribution (2020): Agriculture is the top occupation with 52.11% of enrolments.

(Wikipedia, 2024) there are approximately 10.12 million child labourers in India, as purported by the census data in 2011.

Though this data does not directly provide the number of children engaged in informal activities related to the street, it still gives enough information about the condition families of these children are facing which leaves no option for these kids other than to go out and work.

1.1.2 Earning from Informal Occupations in India

According to the paper, conditions of ‘decent working life’ of street vendors in mumbai (Debdulal Saha, 2011) (Phd Scholar, TISS Mumbai) and statistics by the National Association of Street Vendors of India
(NASVI), there are several facts about how much hawkers and vendors are earning from informal business:

Income Range: How much a street hawker can earn depends very much on the product they sell, location, trade volume, and terms of trade. If we take Mumbai as an example, the average income of street vendors ranges from Rs 50 to Rs 80 per day. Additionally, we can understand that around 23% of vendors have a monthly income between Rs 3000 and Rs 4500.

Product Influence on Income: Vendors selling raw materials like vegetables, fruits, and food tend to have a higher profit margin, earning about 50 to 60 percent of their daily sales.

Profit margin: If we consider vendors selling raw materials such as vegetables, fruits, and food, they have impressive profit margins compared to other categories of vendors. They earn a substantial percentage of profit from their daily sales.

Income Disparities: The income of informal businesses doesn’t have a fixed income, but it varies so much depending on the type of business, age of the business, location, and the products they sell. For instance, garment vendors, fruit vendors, and electronics vendors have different income levels compared to vegetable vendors and small enterprises.

Average Daily Earnings: The average daily earnings of street vendors in major Indian cities like Ahmedabad, Calcutta, Delhi, Mumbai, and Patna range from Rs. 50 to Rs. 66.

1.1.2 Aspects of Informal Territorial Occupations

Cultural Aspects

The cultural dimension of the informal sector is significant and cannot be overlooked. The evolution of the informal sector is historically rooted, and its ability to generate surpluses represents one of the most primitive forms of capital accumulation. The nature of informal sector activities varies across geographic locations. For example, major cities in India (Delhi, Kolkata, Mumbai, and Hyderabad) are recognized for their street food junctions and local street markets, which are integral parts of the informal sector.

[Ramanath Jha, 2023] Informal workers are often people who learn skills through the informal
apprenticeship that happens within their community, passing on traditional crafts and particular techniques of making and selling goods and even just the tradition of street hawking across generations. This informal system of skill transfer or development is deeply rooted in the cultural practices of India.

**Religious Aspects**

"Wayside Shrines in India: An Everyday Defiant Religiosity.” (Samaj, vol. 18, 2018) draws on ethnographic data and analysis to present an analytical framework for understanding the concept of “wayside shrines” figure 1.2. These shrines are defined as sites that enshrine a worshipped object immediately adjacent to a public path, visible to passersby.

In 2006, the Gujarat High Court directed the various governmental authorities to "take immediate steps for removal of encroachment of religious structures in the public space without any discrimination and submit their reports" in response to a Times of India news report stating that 1,200 temples and 260 Islamic shrines, including mosques and not just wayside shrines, had encroached upon public space. The Supreme Court reviewed the legality of this High Court judgement and, in 2009, delivered a legal blow to "illegal religious structures" by announcing an interim measure that stated:

(i) No unapproved construction of any kind of religious building, such as a temple, church, mosque, gurudwara, etc., is allowed to be built on a public street or other public space;

(ii) The State Governments will assess any prior unapproved religious building that has occurred and take appropriate action. (2009, Union of India v. Gujarat State & Ors.)

1.2 What is Dynamism?

Dynamism with Incommensurate Development: The Distinctive Indian Model (Rohit Lamba, Arvind Subramaniam, 2020) talk about how the concept of dynamism in India refers to the country’s unique economic and social development with varied growth in different communities across the country. In the WIEGO Working Paper No. 44 (Mathew Idiculla, 2022) describes how informal occupations, particularly street hawking contribute significantly to the dynamism of historical and urban cities in India. They bring unique energy and vibrancy to the city streets and markets by offering very diverse and bustling activities.

(Norberg-Schulz, 1979) also talks about the streets and particularly mentions that streets are more than...
just physical pathways in a city. They are part of the city’s ‘schemata’ or structure, contributing to its identity and character. Streets can be seen as a collection and sharing source of memories, both individual and collective. They shape and are shaped by the activities that take place within them, thus playing a significant role in the memory of a distinctive atmosphere.

(Norberg-Schulz, 1979) Used the term “character” or “atmosphere” to describe the unique qualities or feelings that a place evokes. This character is shaped by both its physical attributes (such as its architecture and layout) and the experiences and perceptions of the people who inhabit it. It’s this character that gives a place its distinct identity.

The engagement on the street between people and space creates a vibrant buzz around the whole city, which is mostly created by the informal activities happening on these streets. These informal activities result in fostering a sense of community, cultural expression, and, most importantly, a sense of place. This contribution of a diverse community interacting with the spatial elements is actually the biggest contribution to the dynamism of the city. This leaves a huge gap with respect to society and the general public, which decides if they want to appreciate or neglect this dynamism.

A lot of these concepts discussed by the author are actually descriptions of humans and how important it is to link each and every inch of “space” to the emotions and dynamism of a country’s population.

1.3 Happeningness
Informal economic activities in Indian streets offer unique benefits to marginalised groups through “Happening-ness”

The Stoic Resilience of India’s Street Hawkers (Mariam Fatima, 2021) It explains how, despite having such hardships, these small street entrepreneurs exhibit a strong desire for a simple and dignified life. They choose to work diligently rather than resorting to illegal means for their survival in this country, suffering from a huge scarcity of jobs and an increasing population. These informal settlements, which sell goods to people at affordable rates, play a crucial role in the economy by serving a significant portion of the Indian population. Contributing to urban developments as well as food security for many households across the country.

The term “Happening-ness” used in this research paper aims to capture the daily struggles, resilience, and most importantly, socio-economic challenges faced by street entrepreneurs in India as they navigate through a precarious and often hostile “created” environment to work, sustain their livelihoods, and then also contribute to the urban economy of India.

The term also defines how these informal hawkers have been a significant part of most of India’s population by providing them with what they need, hence contributing to their “happening-ness”.

1.4 Relation between Hawker and happeningness and dynamism
The term Happening”ness” used in this research paper aims to capture the daily struggles, resilience, and most importantly socio-economic challenges faced by street entrepreneurs in India as they navigate through a precarious and often hostile “created” environment to work and to sustain their livelihoods and then also contribute to the urban economy of India.

In an Article by “The Wire” written by Keerthana Jagadeesh and Shriya Anand, it is explained how many street hawkers are actually mobile, moving from one place to another to access different locations, suppliers and markets. This is actually their mobility and dynamism, which allows them to adapt to
changing circumstances and customer demand. They often feel challenges such as lack of access to public spaces, their poor working environment, and most importantly, harassment by authorities.

1.5 Diverse function of ITOs

In an article by OKCREDIT, by Utpala Ghosh, “The Wire”, Keerthana Jagadeesh and Shriya Anand and (Sharit K. Bhowmik, 2012) explain the relationship between dynamism and street hawking, which can be defined in 6 major benefits and advantages:

**Affordable prices:** Streets sell goods at lower prices compared to shops and supermarkets, which in turn makes them accessible to the very middle and lower-income classes. Street hawkers usually purchase goods from wholesale markets at cheaper rates and pass on the savings to the customers.

**Convenience:** Hawkers are generally located in very convenient spots for public reach, like near railway stations, bus stops, and residential areas, saving a huge amount of time and effort for both parties. They bring their services to the doorsteps of buyers.

**Variety:** Street hawkers usually offer a wide variety of fresh produce, cooked food, and other goods, catering to diverse tastes and preferences. Consumers can find everything they need in just one place.

**Food security:** Street vendors are a key source of affordability when it comes to accessible food for many urban households. For instance, people working on low and medium incomes have access to these hawkers for their daily meals and snacks.

**Cultural heritage:** Street markets are an integral and extremely important part of Indian cities, and their vibrancy helps promote tourism in the country. Buying from hawkers is a cherished tradition of many foreigners and Indian local tourists when they visit any city in the country.

**Bargaining:** Consumers enjoy the victory of bargaining with street vendors, which definitely is not an option for shopping in bigger shops where they offer fixed-price shopping. This approach makes the shopping experience more interactive, which in turn makes the customer want to shop more.

1.5.1 People prefer to buy from street hawkers.

(NASVI, Admin, 2012) There are multiple reasons why people prefer shopping from hawkers. It provides a unique shopping experience where individuals are allowed to shop in a non-judgmental environment where everyone can be themselves without any concern about their attire or any other kind of social norm. This particular freedom of judgement helps foster a sense of comfort and inclusivity within the shopping experience. India is one of the countries that still has a population with a very low or informal (non-regulated) income source who prefers to shop within their limitations or below what they can afford. The availability of hawkers at unconventional hours, like late at night, provides convenience and accessibility to the customers, ensuring that hawkers can attract customers whenever they want. Furthermore, the informal and relaxed atmosphere of shopping from these hawkers eliminates the greater need to adhere to strict etiquettes, which allows for a more casual and enjoyable shopping experience.

1.6 Purpose and relevance of study

This chapter delves into the explanation of how hawkers and informal settlement have contributed to a vibrant tapestry of urban life that is often neglected in conventional city planning, which makes it even more important to understand the spatial nuances before judging the informal occupation of those physical spaces.

This chapter also aimed to establish the context of the research for this paper, which is the streets of Indian cities, and the necessity of a subsequent examination of the legal context and its implication in the domain
of social justice. This necessity comes from the very intricate relationship between the informal economy and the regulatory environment that governs it. The purpose of this chapter has also been to elucidate the vitality and dynamism that street hawkers bring to urban spaces.

The relevance of the study in this chapter can also be found in the article published by “The Hindu” in the newspaper on May 1, 2024, that defines Livelihood generation: It very clearly mentions that the informal occupation is a vital source of income for millions of people, especially migrants from the urban poor. It offers them subsequent opportunities for greater self-employment and sustenance.

The article also validates the crucial role of these hawkers in providing services to urban residents in exactly the way their customers want them, which results in the existence of these informal occupations.

2. Legal context & social justice

The Parliament of India defined the most exclusive right for the street hawkers as the “Street Vendors Act, 2014 (SVA)” with the overarching aim of protecting the rights of urban street vendors and regulating their vending activities. With other important things it also aimed to formalise the vendors through a survey that would provide them with certificates; it would also demarcate vending zones and establish a grievance redressal mechanism.

According to an article published by the Centre for Civil Society-Social Change Through Public Policy on December 15, 2022 called Examination of the implementation of SVA, 2014, the evidence that was collected on the Management Information Systems (MIS), which is maintained by the National Urban Livelihood Mission (NULM), shows that all the key provisions of this act were never implemented with any sort of success by any of the states in India.

Vendors continue to suffer from frequent evictions; they regularly face seizure of the goods and, most importantly, heavy penalties.

When this condition of hawkers was analysed by the Center for civil society they were successful in identifying gaps in SVA. They clarified that the reason for a complete failure of SVA was due to the local authorities because of: missing incentives, lack of formalising vendors and lack of accountability measures.

(Norberg-Schulz, 1979) the author, while discussing enclosures, emphasises on the existence of boundaries which nowadays has become the base of the concept of street dynamism. Boundaries play a crucial role in defining a place. They can be physical (like walls or roads) or symbolic (marking the transition from one place or state to another). It suggests that things actually begin from these boundaries instead of limiting. In other words, boundaries not only define the limits of a place but also give it a sense of structure and order. It explains and defines the relationship between ITOs and law making agencies.

(Bhownik, 2012) also talks about how certain households find it difficult to enter the official labour market, which creates a vicious cycle of informal work and financial insecurity. The author highlights that systemic factors, such as restricted access to official job possibilities and social protection, as well as individual choices, contribute to informal work.

The author contends that a comprehensive strategy is required to effectively combat informal employment. The approach ought to tackle both personal and institutional obstacles. At the individual level, this can entail improving courses of study and skill development initiatives. Structurally, this can entail strengthening laws governing the labour market and offering social safety nets to underprivileged workers.
Social justice: 
"The Death and Life of Great American Cities" is a critique of urban planning practices from the (Jane Jacobs, 1950) She also discussed an important point while talking about public policy that it can support the expansion of private businesses that provide after-hours services and liven up the city, even though it cannot directly control these businesses. By applying pressure and public influence in the appropriate areas, this can be accomplished. In continuation, she further explains about public housing and criticises the idea of public housing, contending that methods of achieving it—such as income sorting, slum shifting, slum immuring, and standardisation—are inappropriate for well-planned urban development. She urges the development of innovative methods for subsidising housing that are in line with various objectives of urban planning as well as approaches to eradicate slums while maintaining a diverse population. Where directs us in learning and understanding different meanings of such relations and how we can benefit from this.

One of the key aspects of this chapter is the fact that dynamism is so important for us to make India the country we live in, which is also argued by Jane. She mentioned how important it is to capture a city's visual hierarchy. She also underlines that a city is composed of "bits and pieces" that work in harmony to support and enhance one another, forming an uninterrupted web of activity. She argues that a city's complicated order is in several ways an enormous wonder, representing the freedom of many people to create and carry out various designs.

(Debulal Saha, 2017) mentions a relatively recent idea that encompasses both the nature of work and the traits of informal companies is the employment-based definition of informality. Since it covers employment without formal contracts, worker benefits, and social protection both inside and outside of informal firms, this is more inclusive and broader in certain ways.

The author also establishes some aspects of informal business in the aspect of laws. Notably, the definition of the informal sector put up by the National Commission for Enterprises in the Unorganised Sector (NCEUS), which was presided over by the late Prof. Arjun Sengupta and established by the Planning Commission in 2007, is thought to be the most thorough to date. The concept of the unorganised sector has been elevated to the status of businesses. It is clarified that the businesses may fall into one of the following ownership categories: proprietary, partnerships, corporations registered under the Corporations Act, cooperative societies registered under the Societies Registration Act, government or public sector undertakings, or cooperative societies registered under both.

For those excluded from the official sector, the informal sector offers alternatives for a living. Opportunities are insufficient to accommodate the growing number of job applicants each year in a country like India because industrial growth and employment elasticity of industrial production are constrained. For example, labourers in India are leaving the tea plantation industry due to low earnings and looking for work in metropolitan areas. Additionally, the lack of expertise among educated youth in India leads to a scarcity of employment opportunities in the legitimate labour market, forcing these young people to work in the informal sector. Some former mill workers in Mumbai turned to street hawking after losing their jobs.

Looking at the social aspects of Informal economies, a significant portion of the workforce, often lacking formal education and capital, finds it relatively straightforward to enter the informal economy. The informal sector is marked by a notable lack of formal agreements, legally recognized contracts, or even a proper employer-employee relationship. Instead, social connections and networks become crucial for individuals to enter and sustain themselves in this sector. The dynamics of trust and social norms play a
key role in determining their participation in this sector.

2.1 Introduction to laws and regulation for ITOs

The Constitutional Context of Hawking in India

The Indian Constitution, through its Preamble, promises to secure for its citizens justice—social, economic, and political—and equality of status and opportunity. Article 14 reinforces this commitment by ensuring equality before the law, extending these protections to all citizens, including vendors and hawkers.

Fundamental Rights and the Hawker’s Livelihood

Article 19(1)(g) affirms the right of every citizen to practise any profession or to carry on any occupation, trade, or business. This provision includes hawkers, who are entitled to pursue their trade freely. However, this right is subject to reasonable restrictions under Article 19(6), aimed at safeguarding the national interest and maintaining public order (Author A, Year).

In the landmark case of *South Calcutta Hawkers’ Association vs. Govt. of West Bengal*, the court underscored the need for a balanced approach, recognizing street trading as a fundamental right while allowing for state-imposed restrictions in the public interest (Author B, Year).

Article 21 and the Right to Livelihood

The right to life, as enshrined in Article 21, encompasses the protection of livelihood. The Supreme Court has ruled that forcible eviction of hawkers without notice violates this right, as seen in *Olga Tellis & Ors vs. Bombay Municipal Council* (Author C, Year).

Legislative Measures and Policies

The Motor Vehicles Act, 1988, and the Criminal Procedure Code, 1973, contain provisions to prevent obstructions to traffic and maintain public order, which indirectly affect hawkers (Author D, Year).

The National Policy on Urban Street Vendors 2009, building on the Bellagio International Declaration of Street Vendors, 1995, aims to integrate street vendors into the formal urban retail trade and distribution system. This policy emphasises the importance of licensing, planning of hawking zones, and other related matters (Author E, Year).

Licensing and Regulation

Licensing emerges as a key mechanism to legitimise street vending, protect hawkers from harassment, and manage urban space effectively. The National Association of Street Vendors of India (NASVI) plays a pivotal role in organising and advocating for the rights of street vendors.

2.2 Challenges & Policy discussion

*Vidhi centre for legal policy*, also mentions the need for research that requires designing a suitable fit between the objective of a law, the substantive rules governing regulated entities, the structure of government bodies, and the processes these bodies follow. Key concerns include the development of administrative law, adherence to principles like the rule of law and separation of powers, and rationalising processes for adjudication, rule-making, and enforcement by executive bodies.

(Narang, Prashant and Meghna Sharma, 2021) Examining the Implementation of Street Vendors Act, 2014. Centre for Civil Society had put across two distinct suggestions that clearly specify the discussion that needs a consideration in terms of implementation and existence of SVA, 2014.

Despite the establishment of SVA 2014, vendors often face eviction without due process, and this issue has been widely contested in courts.

For example, between January 2017 and September 2018, there were 47 legal judgments related to vendor
evictions. While the law states that vendors cannot be evicted until they are surveyed and given a vending certificate, yet authorities and police officers sometimes disregard this, removing vendors without proper permission or judging them.

Within this problem they suggested that, to prevent such harassment, the law should include penalties for officials who illegally evict vendors.

Another issue that is clearly mentioned in the paper really puts importance to the spatial problem of the implementation of this act, the planning and designation of vending zones. The law requires local authorities to create a vending plan that designates certain areas as vending zones.

However, only a small percentage of local bodies have submitted these plans, and some have done so without consulting the required Town Vending Committees (TVCs). Moreover, vending plans are sometimes made before vendor surveys are completed, which is against the law. The law also aims to protect existing ‘natural markets’ from being declared no-vending zones, but there’s no evidence of any market being officially recognized as such in India.

Within this problem they suggested that,

- The process of declaring vending zones needs revision. Instead of waiting for areas to be declared as vending zones, all areas should be presumed as such unless stated otherwise.
- Vendors should be able to have their markets recognized as ‘natural markets’ by providing evidence to local authorities, rather than waiting for authorities to make these designations.
- The law should clearly define the criteria for declaring no-vending zones and require local authorities to justify such declarations with evidence and written reasons.

It is also clearly seen while looking at the work of researchers like (Hernando de Soto, 1989, 2000) and (William Maloney, 2004). Studies have found that the informal sector is often an outcome of the failure of the legal framework and government regulations (De Soto 1989, 2000; Feige 1997; Maloney 2004).

Enterprises in the informal sector are often perceived as being free from institutional and regulatory frameworks. However, this is not uniformly true. Evidence from various parts of the developing world shows that a significant portion of informal sector enterprises operate on the fringes of legality.

2.3 Relationship between Informality and Street hawking.

This chapter argues the importance of a shared equality of right to public spaces. It directly argues partiality in the legal framework that was established with the base of the negative aspect of hawking with relation to the rights that people involved in such activities have as a citizen of this country and as a human being that exists on this earth. It is very important to consider the educational qualification, family background and need of money that involve someone in doing informal activities. People doing such activities to earn a living, if displaced, will move to a different place to do the same activity. So Is the removal of these people actually the solution to this complex problem?

The position of this paper argues that the existing legal framework of privileging the public domain are actually counterproductive for hawkers and are actually a hindrance to the inclusivity of public policy, instead of protecting their rights.

3: Public space, context and Informality

When we look at the three different types of terms which denote a different environment but exist together in a case called informal territorial occupation in public space in a specific context. Urban informality is a much more complex phenomena than we can imagine. Figure 3.01. A research published in 2018 by Oluwole Soyinka, Yusuf A Adenle and Mohammed Abdul-Rehman called Urban Informality and
sustainable change of public space facilities: a case study of Hong Kong SAR of China (Paul et al., n.d., #) presents two diagrams where the first one illustrates interconnected circles that shows how these statuses are interrelated and have a constant impact on the lives of street hawkers and shaping the discourse on urban informality. It encapsulates the multifaceted issue, categorising it into physical social economic and an important dimension called policy and regulation status. While the first one represents the challenge of informality in a structured way, the second figure argues the importance of systematic approach to resolve the problem of informality. It shows how the process begins by identifying a problem in the urban context. Then the next part is to include all the stakeholders and design with the principles of co-creation leading to a universal design with specific focus on consideration like specificity, facility specificity and spatial capacity.

Figure 3.1

After implementation, evaluation of the project’s impact is crucial as mentioned in the diagram. The framework presented definitely has a different approach for the problem but it argues that this complex problem is a phenomena that requires a constant in depth study before we approach any solution. Figure 3.1 & 3.2.

Figure 3.2

3.1 History of street vending in India

Street hawking in India has a rich historical background that intertwines with India’s socio-economic fabrication.

According to a research published in Research review journals called Life and livelihood of street vendors: A review by Meenu Sehjpal, Ashish Sahjpal and Shashi Kapoor on 15 July 2019 mentions that the concept of street hawking is deeply rooted in the informal sector which has been a critical component of livelihood of the urban poor, especially in the metropolitan parts of India.

Street vendors as: outliers of India’s urban landscape by author (Neymat Chadha.2020) mentions that post independence, the legal and social dynamics surrounding street vending began to gain slight attention. A Landmark event was the 1985 ruling by the Bombay high court in the case of Bombay hawkers union vs Bombay municipal corporation which finally led to the first attempt in order to legalise street vending through the channel of proper licensing and demarketing of hawking and non-hawking zones.

Though we all know that after almost 5 decades, the problem still exists. But in 1985 the ruling definitely acknowledged the importance of street vendors in the urban landscape and set the stage for future legislation.

The historical perspective of street hawking in the Indian context reveals a struggle from a long time for recognition and rights within the urban formal economy.

3.2 Key concepts & theories of Informality

(Rajesh Raj S.N. And Kunal Sen, 2016) “Theoretical perspective of the Informal economy.” has described 5 key concepts and theories:

<table>
<thead>
<tr>
<th>Dual Economy Model</th>
<th>This theory positions that the informal economy exists simultaneously with the formal sector, often as a subordinate yet dynamic component of the economy. It particularly suggests that the informal sector provides employment opportunities and services that the formal sector cannot provide or will not provide.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neo-Marxian</td>
<td>This particular viewpoint considers informality as a result of [capitalists exploitation</td>
</tr>
</tbody>
</table>
Perspective and inequality]. It argues that the informal sector is a reservoir of cheap and exploited labour that the capitalist system uses to reduce production costs and maintain profitability.

Legalist Perspective
This specific approach views informality as a rational response by entrepreneurs to overbearing state regulation and bureaucracy. According to this theory, if the state reduces regulatory hurdles, informal business will transition to the formal sector.

Institutionalist Perspective
This particular perspective emphasises the role of institutions and social norms in shaping economic behaviour of a country. It suggests that informality comes from the interplay between formal institutions (like laws and regulations) and informal institutions (like social norms and networks).

Structuralist Theory
Structuralists used to believe that informality is an inherent feature of economic development, particularly in developing countries. They argue that structural factors, such as labour surplus and industrialization, lead to the creation of an informal sector.

Table 3.1

The book called The informal economy (Colin Williams, 2019) in its chapter 2 talks about the evolution of theories explaining the informal economy. Where 4 key theories are mentioned:

<table>
<thead>
<tr>
<th>Theory</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modernisation Theory</td>
<td>This theory underlines that the economic underdevelopment and unmodern system of governance has led to the presence of such a large scale of informal economies.</td>
</tr>
<tr>
<td>Neoliberal Theory</td>
<td>This theory particularly argues that excessive government interventions which may include high taxes and burdensome regulations, is a key factor driving the increase of informal settlement.</td>
</tr>
<tr>
<td>Political Economy Theory</td>
<td>In contrast to Neoliberal theory, this theory puts pressure on the inadequate state interventions and constant lack of protection for workers that contribute to the informal economy.</td>
</tr>
<tr>
<td>Institutional Theory</td>
<td>This particular perspective highlights that formal institutional failures create a disparity between formal rules and informal norms, values and beliefs which leads to a higher number of informal activities.</td>
</tr>
</tbody>
</table>

Table 3.2

3.3 Introduction to Geographical context
The researcher has focused on phenomena of street hawking and informal territorial occupation by street hawkers in two cities: Delhi and Patna.

Urban landscapes: The key to selecting cities for primary observations includes the presence of contrasting characteristics that allows us to explore how ITOs adapt and function in different urban environments. Delhi being a megacity, represents a highly dense capital of the country with more than 1.4 billion people with a dynamic urban space. Patna, the capital city of Bihar is also a large tier 2 city with a
different historical and cultural background which in turn offers a contrasting perspective to study. **Geographical Representation:** Selecting cities from different regions of India will help the research with a broader geographical context for understanding within the limitations of the research paper.

**Fig 3.3(1) - Delhi**
**Fig 3.3(2) - Patna**

3.4 **What is a street**

In terms of space, everything that happens around the street depends on the nature and the scale of the street. The neighbourhood of the Indian context where the hawkers practice relates to a lot of spatial factors that contribute to social and legal context. (Jane Jacobs, 1961) is a critique of urban planning practices from the 1950s, which it blames for the downfall of numerous American city neighbourhoods. According to Jacobs, cities can only serve everyone if and when they are made by everyone. "Cities for
Everybody”.

According to Jacobs, a city street that is prepared to deal with strangers and turn their presence into a safety asset in and of itself needs to possess a very important key characteristic: there must be a clear demarcation between what is public space and what is private space. Streets should be designed in a way that they can be easily monitored. This surveillance isn’t necessarily formal or institutional – it can come from the regular presence of people, creating a sense of safety and order.

She while explaining small businesses mentions that Storekeepers and other small business owners, in Jacobs’ opinion, are essential to preserving law and order on the streets. By serving as unofficial pavement protectors, they enhance street safety and monitoring. The street’s security and life depend on their presence in large enough numbers.

Streets contribute to a greater dynamism of the city and it could be clearly observed by Jane Jacobs perspective on people’s activity. According to Jacob’s, the activity that people create (such as conversations on Indian politics and other recent news, greetings with namaste, enquiring about certain things) when doing chores or purchasing food or drink attracts other people. This shows that a lively and secure urban environment can be enhanced by a street life that is active and includes a variety of uses and activities.

While talking about public life she clearly mentions that public space is an essential component of “city life” and argues that sidewalks, as public areas, play a vital social role by facilitating the intimate, private social gathering of complete strangers. (Jacobs, 1961) a city must be able to support a wide variety of users utilising the same routes and amenities at various times in order to be functional. Planning decisions that result in incompatible uses sharing the same area are criticised by her because they can erode the possibility of mutually reinforcing diversity.

3.4.1 Types of street

If we look at Fig 3.4 and the definition of street defined in a dictionary and in vocabulary, It is a public thoroughfare, paved, which is usually found in a village, town or a city. It includes sidewalks. It is a road with houses or buildings along both the sides in most cases. Where cars, buses, bikes and motorcycles travel or commute, while pedestrians use the sidewalks.

The main difference between a street and the road is that a street usually is a public way in an urban or suburban area that is lined with buildings on both sides, while in the case of a road it is a term used to describe any route that connects two points, regardless of the surrounding environment.

Streets are typically found in their cities and towns that are mostly situated to facilitate small commutes, social interactions which mostly happens due to the presence of shops, stores and houses along both sides. The researcher in this dissertation has used a limited but very important type of street to base the argument and perform the primary research.

[Types of road -design & functional classification of roads][Haseeb Jamal,2017]
Figure 3.4

The eight primary divisions in the system of classification of roads on the basis of basic design separates the roads on the basis of geometrical design features.

The eight primary divisions in this system are:

<table>
<thead>
<tr>
<th>Rural</th>
<th>Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>Local</td>
</tr>
<tr>
<td>Collector</td>
<td>Collector</td>
</tr>
<tr>
<td>Arterial</td>
<td>Arterial</td>
</tr>
<tr>
<td>Freeway</td>
<td>Freeway</td>
</tr>
</tbody>
</table>

Table 3.3

(Designingbuildings, 2023) The institute of civil engineering and wikipedia article on road and a blogpost by Simplicable has defined:

**Arterial Road:** These are major thoroughfares that connect the traffic from very strategic roads to (in most cases) residential or industrial areas. These types of streets are essential for major traffic movement between centres of population and economic activity on a very large scale like national or regional level.

**Service Road:** These roads are partial roads that always run parallel to the main arterial road and they are used to provide access to properties and business without directly connecting to main roads. They are often made and used to reduce congestion on the arterial/main road by segregating or sometimes diverting the traffic.

**Collector road:** These are designed and made for a very specific purpose which is to collect traffic from local streets and direct it to arterial roads or highways. They usually serve as an intermediary between local streets and major thoroughfares, helping to distribute traffic efficiently within a neighbourhood or community.

**Local street:** These are generally public spaces with a lot of recreational activities happening around it. It is a road within a city or town that provides direct access to residential properties or businesses. It is designed for very local vehicular traffic rather than for thorough traffic.

**Local streets**
It is important to note that, looking at the degree of interaction between people and hawkers or the degree of involvement of both temporary or permanent types of settlement can be found on local, district, and rural streets.

3.5 Introduction to surrounding
According to the information given by (your dictionary, 2024) and (Cambridge dictionary, 2024)  A surrounding can be defined as, In the larger picture a surrounding is a term of space that particularly refers to the things, conditions, influences or outlying areas that encompass a given place or person, creating an environment around them. It can also be described as the immediate environment that surrounds a specific location or individual. In the context of space, a surrounding could refer to the particular area in proximity to a “celestial body” or a certain object in space”. The concept of surrounding is essential in understanding the context and environment particularly in which something great or small exists or even operates.

3.5.1 Types of surrounding
In the context of this research, there are 6 major types of surroundings which were taken into consideration with the goal to understand the larger context that these surroundings create or thrive inside. The spatial aspect of every chosen area of research can be either just one type of surrounding or can be a mix of two or more.

**Residential:** These spaces in India include a variety of places where people live, each one is tailored to different needs and lifestyles of people.

<table>
<thead>
<tr>
<th>Residential</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Single -family homes</strong></td>
<td>which offer the quintessential private type of dwelling, standalone with mostly non shared walls that are often accompanied</td>
</tr>
<tr>
<td><strong>Apartment buildings</strong></td>
<td>These are another type of residential spaces that rise as multi-storied structures, housing a humongous number of people and their families in separate units. This is one of the best optimal uses of urban areas.</td>
</tr>
</tbody>
</table>
Gated communities: These are another type of urban setting where there is an exclusive enclave. It provides heightened security and includes several shared amenities like parks and clubhouses. It promotes the concept of play in a living environment.

Retirement Communities: These are very specifically built spaces for elderly. It offers a greater mix of independence and care in the same living environment.

Student housing: It mostly is built for the academic population in and around campuses and they are a major source of income for the hawkers and markets that demand for an affordable and accessible set of goods to cater the budget needs.

<table>
<thead>
<tr>
<th>Table 3.3</th>
</tr>
</thead>
</table>

Commercial spaces: These spaces in India include a variety of places where people are involved in commercial activities, each one is tailored to different buying and purchasing needs which also includes multiple services for people.

<table>
<thead>
<tr>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shopping Malls: These are large, mostly enclosed complexes with a large variety of retail stores and restaurants. These are designed to</td>
</tr>
<tr>
<td>Office buildings: They serve as hubs for economic activity, and around them, one can find hawkers catering to the needs of office-goers, selling everything from quick snacks to essential supplies, making daily life more convenient for the workforce.</td>
</tr>
<tr>
<td>Restaurants &amp; Bars: These are establishments where people pay to eat meals prepared on site.</td>
</tr>
<tr>
<td>Entertainment Districts: These spaces offer a different kind of buzz with more than just conventional venues; they are also the stages for hawkers selling so many different things like memorabilia, toys, and snacks, enhancing the leisure experience with their informal spirit.</td>
</tr>
<tr>
<td>Industrial Parks: While these primarily are zones of manufacturing and logistics, they are often surrounded by clusters of hawkers who provide workers with affordable meal options and other necessities, therefore supporting the industrial workforce.</td>
</tr>
</tbody>
</table>

| Table 3.4 |

Similarly there are multiple different types of surrounding spaces that contribute to these two larger surroundings in order to add the extra layer of purpose which includes, leisure, safety, built environment for different agendas.

Following tables intent to present some of these kinds of surroundings:
3.6 Involvement of public in context

It is extremely important to recognise the importance of the public in the context of Indian streets and its relation to the informal occupations in order to ensure that the needs and concerns of various stakeholders are taken into account in the planning, design or even management of public spaces. The primary users of a street in a larger domain are consumers, people who come to interact with hawkers and commuters who are passers-by.

3.6.1 Consumers

Consumers, in some specific cases including street vendors and shopkeepers, play a significant role in shaping the characteristics of the public streets in Indian cities. They contribute to the vibrant street life by providing essential goods and services to the local community and the surroundings around them. However, their activities often lead to conflicts with authorities, other consumers over the use of public space, with issues such as encroachment, congestion, and safety concerns. Consumers are the one who involve the use of money in the context of street, they purchase goods and services from these street hawkers, small business and informal markets. They play a crucial role in sustaining the local economy by supporting these street level businesses. Consumers preference and buying behaviours have a greater impact on types and products offered by the street hawkers.

3.6.2 Commuters

Commuters including pedestrians, cyclists, and motorists are another very critical example/group of stakeholders that play a crucial role in the streets of India. These are the people who rely on public streets
for their daily commutes and their experiences are shaped by the design and management of these streets. Two major concerns that they usually have are the safety and security of these streets they use. There are people who use public transportation and usually rely on auto rickshaw, buses in order to commute between their home and work. The role of e-rickshaws in this case is very crucial where they are the greater source of last-mile connectivity for several commuters daily. Commuters are people who contributed to the overall traffic flow of congestion in cities, impacting transportation infrastructure. Their experience with public transport, safety and accessibility shape a lot of urban policy and planning strategies. It is very crucial to understand that the policies made by authorities and government are governed by the problems faced by these two important stakeholders.

According to world road association, a guide for practitioners called Road Network Operations & Intelligent Transport Systems mentions that it is crucial to to understand the role of commuters pedestrians cyclists, motorists because they play an important role in shaping transportation policies, road safety regulations, and infrastructure development to address their mobility needs and ensure safe and efficient travel.

4 Analysis

While the analysis of the situation in the context of street and the surroundings of informal territorial occupations such as hawking required an analysis on the basis of their situations. It's very essential for the complete understanding of the problem that arises and to understand the feelings of these hawkers around their “working place”.

When talking about the methods, Norberg-Schulz argues that analytical descriptions, while useful, cannot fully capture the essence of a place. This is because places are more than just physical locations; they are lived experiences. Analytical descriptions can capture the physical attributes of a place, but they often fail to capture the subjective experiences and emotions associated with it. Looking at such concepts it is very much possible to argue the fact that emotions is a crucial part of how dynamism can benefit the country more than being a burden to a country.

4.1 Conflict in street

Conflict is one of the key reasons that stops people from appreciating the things they experience. People do get benefits from such activities but because they are harmed or there is threat of someone occupying spaces, they stop appreciating the existence of those benefits.

When conflict arises, they can overshadow the positive aspect of a situation and people involved in the situation. Whether it's territorial disputes, personal disagreement or maybe societal tension. Conflict has a greater effect on our emotions and it influences how we perceive the world around us.

In a research published by CEPT university called Street vending in guwahati:experience of conflict, it is mentioned that a street vendor faces conflicts with fellow vendors over space and customers. They are mostly seen clashing with authorities like municipal corporations who conduct eviction drives to mostly clear streets and end up seizing goods and handcarts.

4.1.1 Disconnect for hawkers

(Bhowmik, 2012) mentioned that despite having legal protection of some type, hawkers are constantly facing evictions and seizures of their goods without due process or information which constantly undermines their livelihood.

(World Bank, 2012) also mentioned the lack of formal recognition of hawkers which is resulting in economic vulnerability of hawkers and they are unable to access the credit or security benefits.
4.1.2 Eviction, Seizure & Vulnerability
(Bhowmik, 2012) street hawkers regularly face evictions and their goods are also being seized regularly. It mostly happens during conflicts with local authorities which are triggered by issues such as space encroachment and compilations by the public.
In other scenarios (Idiculla, 2022) the enforcement actions of hawker removal are certainly a typical response to conflicts arising from the perceived infringement of public spaces by those hawkers.

4.2 Informality, dynamism & conflict
The existence of dynamism only happens when there is no conflict or there is a positive conflict. Conflict and disagreement has a core relation on the basis of how people manage relations when involved in a discomfort situation. The degree and nature of disagreement causes the situation of conflict, it can be classified as positive and negative conflict.
Positive conflict and negative conflict refer to the constructive and destructive aspects of disagreement, respectively. Even if there is a disagreement it can also lead to a positive conflict, where those disagreements are resolved/managed by people themselves to drive a coworking/coexistence of consumers and customers.
If there is a negative conflict, it denotes that the disagreement is causing destructivity which leads to a conflict on the street that mostly concludes with either displacement or removal of hawkers.
So , The existence of dynamism only happens when there is no conflict or there is a positive conflict.
This statement aims to target the relation between the existence of informal occupations like hawking - the conflict that happens because of their existence on streets, and in a particular case where there is no conflict after the complete existence of these hawkers. Then people start to appreciate the informality which in turns gives the street a designation of a dynamic space which is a contribution to the culture of the city.

4.2.1 Mitigating the conflict on street within hawkers, consumers and customers
To mitigate the conflicts that happen on streets which involves hawkers, customers and consumers requires a bridge that can fill the gap of disagreement between the parties, there could be several ways to approach these that people are already using consciously or unconsciously:

<table>
<thead>
<tr>
<th>Mutual Interests</th>
<th>It involves the understanding of each other’s perspective and challenges which can in turn foster empathy, which would lead to better communication and conflict resolution.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negotiation</td>
<td>People mostly unconsciously engage in constructive dialogues and find mutually beneficial solutions.</td>
</tr>
<tr>
<td>Threat perception</td>
<td>Recognition of several threats that can happen if a person takes the step in the conflict can make the person take the step back.</td>
</tr>
</tbody>
</table>
Being open to adapting practices or behaviours or changing the decisions after considering the challenges of other people within our mind helps in promoting harmony.

First is about the acknowledgment of power in society’s structure and ensuring fair treatment among all stakeholders leads to a balanced and respectful environment.

Hawking is an occupation that has a greater relation to the transient nature. Hawkers often operate on temporary/mobile locations within varied time frames throughout the day.

| Adaptation | Being open to adapting practices or behaviours or changing the decisions after considering the challenges of other people within our mind helps in promoting harmony. |
| Power Dynamics | First is about the acknowledgment of power in society’s structure and ensuring fair treatment among all stakeholders leads to a balanced and respectful environment. |
| Transiency | Hawking is an occupation that has a greater relation to the transient nature. Hawkers often operate on temporary/mobile locations within varied time frames throughout the day. |

Table 4.1

4.3 Methodology
The researcher has taken both primary and secondary as main contributors to the argument. The researcher has also simultaneously relied on existing literature and case studies to develop a better understanding and explanation of the various concepts, laws and policy discussions included in this paper. The primary data was collected in the form of ethnographic observations that formed the base of various visual mapping and case presentations of this research paper. The secondary source consists of books, articles, reports, online databases and other webpages.

The researcher had also employed a basic nature of thematic analysis which helped in choosing the content that can be analysed and create patterns in form of cases and helped the researcher to read through a set of data collected by observations and then looking for patterns in the meaning of data to find themes. Out of the whole world the following four geographical contexts were studied to understand the relation between informal activities and public spaces. The conclusion also states a major theory called “Horseshoe theory”, which is a concept in political sciences and sociology. It suggests that sometimes the spectrum of any situation is not a straight line from left to right but it is more like a horse shoe.

4.4 Primary research data
Building upon the secondary research this section will dive deeper into the particular nuances of these hawkers and their surroundings. The potential conflict. The primary research was done in 4 public streets in New Delhi (Kamla nagar market, connaught place, Noida Sector 16 metro station road) and Patna (Ganga Path). The data collected through ethnographic observations are represented in the form of visuals that targets to understand:

**Spatial planning:** This aims to understand the utilisation of space within the public street. The existence of public transport like metro, position and establishments like parking spaces or community halls.

**Level of occupation by informal settlements:** The degree to which each street is occupied or left with relation to hawkers and commuters. It involves the sharing of space on the street throughout the day.

**Position and types of informal occupations:** The location and variety of these hawkers or other different types of occupation being practised within the context. This involves understanding their size and position of carts and their nature of occupancy and the goods/services they offer.

**First case** is the mapping of Cannaught Place where Fig 4.4(1) represents the spatial planning of the whole public space.
<table>
<thead>
<tr>
<th>Name of Space</th>
<th>Attributes</th>
</tr>
</thead>
</table>
| Connaught place | Type of space: Leisure + commercial + high security  
Intersectional station of two metro lines: Blue and yellow line of Delhi metro.  
Even though the metro lines are underground, people get out of the inner circle which is the reason there are a major number of informal activities happening in the inner circle.  
Divided into multiple blocks, each block has parking space either on front or side or back of the main building of the block. |

**Fig 4.4(1)**

Figure 4.4 (2) represents the degree to which each street is occupied or left with relation to hawkers and commuters.

**Fig 4.4 (2)**

Figure 4.4(3) represents the location and variety of these hawkers or other different types of occupation being practised within the context.
Fig 4.4(3)

Being in a high security zone, hawkers can be seen in larger numbers where there is less chance of interaction between people commuting & consumers/visitors.

Second case is the mapping of Patna where Fig 4.4(4) represents the spatial planning of the whole public space.

<table>
<thead>
<tr>
<th>Name of Space</th>
<th>Attributes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patna Ganga Path</td>
<td>Type of space: Highway [+leisure + commercial]</td>
</tr>
<tr>
<td></td>
<td>Newly made highway to connect two important bridges that connect north and south bihar.</td>
</tr>
<tr>
<td></td>
<td>The highway is along the river bank of GANGES in patna.</td>
</tr>
<tr>
<td></td>
<td>The hawkers have made the side street walking street of the highway as a place to sell goods as the highway receives a lot of customers because of the good environment and an escape out of concrete jungle, beside the river.</td>
</tr>
</tbody>
</table>

Fig 4.4(5) represents the degree to which each street is occupied or left with relation to hawkers and...
commuters.

![Figure 4.4(5)](image1)

Figure 4.4(6) represents the location and variety of these hawkers or other different types of occupation being practised within the context.

![Figure 4.4(6)](image2)

Even though the vendors are beside a planned highway, the traffic is getting disturbed by parking on the road side, leading to conversion of highway side into a leisure place which is not restricted by government.

**Third case** is the mapping of Noida sector 16 where Fig 4.4(7) represents the spatial planning of the whole public space.

<table>
<thead>
<tr>
<th>Name of Space</th>
<th>Attributes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noida Sector 16</td>
<td>Type of space: Arterial road + Commercial + Industrial</td>
</tr>
<tr>
<td>metro station road</td>
<td>The road is just below the metro station on the blue line of Delhi metro.</td>
</tr>
<tr>
<td></td>
<td>The area is located in the neighbouring state of delhi called uttar pradesh,</td>
</tr>
<tr>
<td></td>
<td>whereas noida is a part of the national capital region.</td>
</tr>
<tr>
<td></td>
<td>It is a region which receives a lot of commuters everyday from different</td>
</tr>
<tr>
<td></td>
<td>parts of NCR to take study, work and health related services.</td>
</tr>
</tbody>
</table>
Last-mile connectivity and affordable foods and services are key factors that drive the daily intake and outtake of population.

**Fig 4.4(7)**
Figure 4.4(8) represents the degree to which each street is occupied or left with relation to hawkers and commuters.

**Figure 4.4(8)**

Figure 4.4(9) represents the location and variety of these hawkers or other different types of occupation being practised within the context.
E-rickshaw and rickshaw pullers contributing to the last mile connectivity after metro lowers the conflict level with police, the vendors and hawkers provide affordable and accessible food to office employees.

**Fourth case** is the mapping of Kamla Nagar where Fig 4.4(10) represents the spatial planning of the whole public space.

<table>
<thead>
<tr>
<th>Name of Space</th>
<th>Attributes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kamla Nagar market street</td>
<td>Type of space: Market + Economic + Institutional</td>
</tr>
<tr>
<td></td>
<td>It is a market present in a close proximity to the North campus of Delhi university.</td>
</tr>
<tr>
<td></td>
<td>It offers affordable food and clothes goods which include a lot of hawkers and vendors.</td>
</tr>
<tr>
<td></td>
<td>The market exists on the radially spread out roads from a huge roundabout, where the roundabout is a mall consisting of many showrooms and restaurants.</td>
</tr>
</tbody>
</table>

Figure 4.4(11) represents the degree to which each street is occupied or left with relation to hawkers and commuters.
Figure 4.4(12) represents the location and variety of these hawkers or other different types of occupation being practised within the context.

![Map showing location and variety of hawkers](image)

Market being situated in a heavily crowded residential place with students from the north campus of DU, offers affordable goods & services to lower income/fixed budget groups. Market demands for convenience and alternatives.

4.4.1 Findings [conflict cases 1-5]:
There are three major concepts discussed in the research, the context, legality and the existence of the conflict which contributes to people not appreciating the informal occupations.

<table>
<thead>
<tr>
<th>Conflict case 1</th>
<th>Conflict case 2</th>
<th>Conflict case 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct invasion of hawkers on roads contributing to disturbance in the flow of traffic.</td>
<td>People parking on roads to buy things from hawkers + shops</td>
<td>Direct interaction between people commuting as daily commuters &amp; visitors with ITOs and E-rickshaw unauthorised zones.</td>
</tr>
</tbody>
</table>
These cases particularly highlight the multifaceted nature of conflict arising from ITOs. They demonstrate how street type, surrounding businesses, crowd dynamics, and even sensory factors can contribute to tensions in public spaces. There is a need to understand the degree of involvement in these conflicts. If we all agree that conflicts are the reasons we don't appreciate hawkers, we need to find the exact contribution of them in the conflict to fully resolve. Removal of hawkers would only result in displacement of hawkers and not the solution of the problem.

5 Conclusion & Discussion

The dynamic interaction between the different components that create public space is reflected in the vibrancy of urban hawkers. This dissertation has found five incidents through primary research that provide light on the origins of street confrontations that lead to the conflicts on streets and hence negative perceptions about the hawkers, which subsequently hinder the activity that defines vibrant urban environments.

The seamless flow of urban life is disrupted in each of these situations, which vary from the direct invasion of roadside hawkers to the unauthorised zones of E-rickshaws.

In particular, Case 5 draws attention to a feature of street hawking that is frequently disregarded: the consequences of hawking, such as pollution (noise pollution particularly), visual incoherence and lack of hygiene, which lessen the public's opportunity to connect with hawkers.

The study targets the understanding that gaining the trust of the general public, including commuters and shoppers, is crucial to creating an ideal hawker environment in the face of legal disputes. As a result, the legal dispute goes beyond a simple settlement and includes handling the side consequences of hawking.

In contemporary times, winning the legal battle necessitates aligning the public domain with the interests of hawkers and other stakeholders. Consequently, laws must evolve to incorporate mechanisms for the

### Conflict Case 4
Big shop owners park on roads which contributes to not having enough space on the street in markets.

### Conflict Case 5
Other than just commuters, people avoid hawkers or constrain themselves from vendors because of by-products of these services.
effective management of litter and other by-products generated by hawkers. The redevelopment of Chandni Chowk serves as a case in point, where despite spatial reorganisation, the persistent issue of littering continues to hinder interactions with hawkers. The dissertation comes to its conclusion that building a complete legal framework that takes into account the complex nature of street vending is a better answer than trying to enact a single regulation that applies to all forms of hawking. In addition to addressing space issues, this kind of framework needs to cultivate a relationship based on mutual respect and understanding between hawkers and the general public. Adopting the philosophy of "unity in diversity," the framework ought to promote visual coherence, which would lower annoyance and result in a less rigid and more economical market planning approach. This graph (Figure 5.1) illustrates the range of public and legal perceptions towards street hawkers. On one end of the spectrum, we have Removal, where hawkers are not appreciated and are seen as a nuisance, often associated with littering and traffic congestion. This represents a negative view where hawkers are considered a problem that needs to be eradicated from urban spaces.

Figure 5.1
On the other end is Dynamism, which reflects a positive perception. Here, hawkers are celebrated and recognized for their contribution to the vibrancy of street life and the cultural identity of the urban landscape. This end of the spectrum acknowledges the value hawkers bring to the public domain. The second graph (Figure 5.2) depicts the situation of hawkers themselves, ranging from dire to assertive stances. The Illegal, Must Go end signifies the struggles of hawkers to survive under the pressure of legal constraints and societal rejection. It represents a scenario where hawkers are deemed illegal and are expected to vacate their spaces without consideration for their livelihood.

Figure 5.2
Conversely, the Complete Takeover end illustrates a situation where hawkers are in protest, unwilling to compromise or leave their established spots. This represents a resistance movement where hawkers assert their right to occupy public spaces, sometimes leading to conflicts with authorities and other urban stakeholders. Both the linear graphs are not just two ends, but a complete spectrum with a lot of grey areas. A variety of elements can contribute to street dynamism. In this dissertation, the basic approach that reduces complexity to a legal framework that is inclusive, sympathetic, and spatially aware is advocated. It is crucial to identify extralegal frameworks that support a more inclusive and compassionate legal architecture in order to move beyond the boundaries of conventional legal institutions. From a geographical standpoint, the main goal should be to create an atmosphere in which all residents—hawkers included—can cohabit and prosper rather than just allocating space for "conditional citizens." “Horseshoe” theory in political science and sociology explains that it is not necessary that a spectrum/linear graph is always left to right, it can be like a horseshoe. This research also concludes that the conflict arising from the informal occupations can be better understood through the lens of “horseshoe theory”.

Figure 5.3
The extreme rigid enforcement by authorities and informally occupied spaces by hawkers can result in similar negative outcomes or no outcomes. Hence, it is necessary to understand that the policies should avoid taking extreme measures and instead focus on a nuanced understanding of the situation.
5.1 Way forward: Framework
The research also concludes with presenting a need for a defined framework and structure for considering all the aspects of street hawking and the conflicts that occur because of it.
There is a way forward (Figure 5.4) for this research where a structured-tabled form of findings of this paper would make stakeholders trying to understand the conflict, judge and plan the resolution of the conflict in a better way and propose a better understanding of the conflict.
Figure 5.4
The proposed table (Table 5.1) for multisensory-spatial analysis of the conflicts arising due to the hawker would help in two 2 things:
1. Considering all the aspects of conflict that happened on the street and it
2. To Understand, judge and plan the resolution of the conflict in the best possible way.
In the first phase it directs the concerned stakeholder into a three part study in which first includes all three (surrounding + consume/commuter + hawker) and in the it eliminates surrounding in the second part (consume/commuter + hawker). Finally, Last part is solely focused on examining the hawker.
In the second phase the examination would be based on building correlation and finding the exact relevant laws/articles/organisations or all three in order to perfectly align the resolution of the conflict.

5.1.1 Framework
<table>
<thead>
<tr>
<th>Phase 1: Multi-Sensory Analysis of Non Spatial aspects of ITDI (Terriory = Secondary)</th>
<th>Phase 2: Applying Insights to considerations</th>
<th>Provide Options to considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visual: What to consider - signage, lighting; building design, materials, colors, and potential space utilization.</td>
<td></td>
<td>Option 1: Collaborative Solutions with NASC, other stakeholders, and municipal authorities to address identified challenges.</td>
</tr>
<tr>
<td>Olfactory: What to consider - odors of cooking, mices, or other activities.</td>
<td></td>
<td>Option 3: What to consider - third-party involvement for odor control activities.</td>
</tr>
<tr>
<td>Tactile: What to consider - floor, handrails, or other tactile elements.</td>
<td></td>
<td>Option 4: What to consider - third-party involvement for tactile modifications.</td>
</tr>
<tr>
<td>Phisical: What to consider - streets, sidewalks, or other physical elements.</td>
<td></td>
<td>Option 5: What to consider - third-party involvement for physical modifications.</td>
</tr>
</tbody>
</table>

**Table 5.1**

### Key figures & Images used


References
17. India ’ S street vendors and the struggle to sustain their livelihoods and informal enterprises : Unionization, political action and sustainable development. (n.d.). Semantic Scholar.
18. https://www.semanticscholar.org/paper/India-%E2%80%99s-street-vendors-and-the-struggle-to-their-Assan-Chambers/4a2f526273fa85232c21e0ad8f2636434553295b


