

Commentary

Case of Lajpat Nagar Market in New Delhi: Creation and Execution of Street Vendor Survey for Observing Public Health and Order in a Non-Vending Zone

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The Lajpat Nagar market had been made a no-vending zone after the 1996 bomb blasts as vending, along with other issues, blocked the way of the emergency services. In 2014 a street vending law was passed in India to make street vending a right to livelihood under Section 19 (1) (g) of the Constitution of India. After court intervention, the area remains a no vending zone. Yet, the study found 522 street vends in the market. A method to observe street vendors was developed using the street vending law and its related rules and this was tested in the Lajpat Nagar (Central) market. The street vending law puts upon the vendor a duty to maintain public order and public health. This is done by preventing blockages to public roads/footpaths and cleanliness by placing dustbins respectively. It was found that there was no universal compliance of the same, and due to the market being a no-vending zone, the enforcement of the street vending law may be difficult, as it is not valid in the first place. 24.9 percent of vendors blocked footpaths and 17.6 appeared to be without dustbins. Either the enforcement of the no vending policy should be fully done, else vending must be regulated with duties of the vendors towards public health and public order. The latter may prevent any theoretically possible scope of extortion from the vendors by some fringe elements of municipality or the law enforcement agencies or other forms of corruption.

Keywords: *Street Vendors, Right to Livelihood, Public Health, Public Order, Central Market, Pushpa Market, Lajpat Nagar, 1996 Bomb Blasts, Delhi High Court, Street Vendors, Squatters, No-vending zone.*

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Introduction

The Indian parliament enacted a law to '*protect the rights of urban street vendors and to regulate street vending activities and for matters connected therewith*'. Street vending is a common occupation that provides a source of income for millions of individuals and their families. There are vendors in multiple areas in urban settings which includes inside markets, on streets and other areas, which is both formal and informal in nature.^{[1][2]} The Delhi Government, along with other states and union territories has also notified rules under the Act.^[3] The Delhi government has also created an detailed document containing the duties of vendors and the procedural matters related to vending, survey and other parts of the substantive issues of the street vending law.^[4]

According to act regulating street vendors in India^[2], a 'street vendor' is

“a person engaged in vending of articles, goods, wares, food items or offering services to the general public or selling items of daily use in a street, pavement, public park, or any other public or private area, either from a fixed location or by moving from one location to another and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific.”

The street vendors, as defined above, may be fixed or moving.^[5] Further, the Act has been very inclusive in making sure that the definition does not exclude any vendors that may be called by any vernacular name, or may be in private or public area, or may be doing anything which is synonymous with street vending. The act comes with the positive approach of welfare measure of providing regulated employment to these street vendors.

Some narratives state that the street vendors contribute the social and cultural life of the city are part of the whole narrative associated with a city.^[5] There have been multiple studies, including comparative studies with other parts of the world where it has been observed that the street vendors not only provide goods and services but also play a social role in the multi-ethnic and multi-class population of the city. ^[6] Some studies state that street vendors are an essential component of generating employment as 11% of the urban workers are absorbed by street vending. ^[7] Some studies highlight that street vendors are essential to the paradigm of food distribution, food security and public space safety, and have fostered gender diversity and inclusiveness in the workplace as an important example.^[8]

But, like any urban phenomenon, the street vending may have a negative side and may need to be dealt due to the issues of public order and convenience that may be created by them.^[9] The issue of street vendors is therefore two fold. On one side is the issue of having people live a life of dignity by letting them have a profession and a means of livelihood. On the other hand is the issue of public order and the inconvenience and

the dignity of the other people that may be using roads, pathways and other public areas that are blocked by the street vendors. This was observed by the Delhi High Court which stated^[10] that:

'...street vendors do have a fundamental right but when they use a public way, they impinge on someone else's right to walk.'

The High Court of Delhi has further observed that they cannot 'let the city go to dogs'^[11] and cannot allow unregulated vending in the city as it not only is a cause of problem to public order, but is also an economic loss to the shop owners who abide by the law and pay high price to run organised shops. This shows that in organised markets, the street vendors also hamper the business of organised shopkeepers.

In this study, as a case example, the Lajpat Nagar market has been studied. This is known as Central market or Pushpa market. This market is a popular destination for shopping in Delhi and has multiple shops selling clothing etc. The reason why this market was chosen was because it is a unique case where a no street vendor zone was declared after a terrorist act that had taken place in this market in 1996. On 21st May 1996, there was a bomb blast in Lajpat Nagar with 13 people killed. The emergency services could not reach due to the blockages and encroachments and this led to the formulation of the R.C. Chopra Committee. The R.C. Chopra committee stated that the Lajpat Nagar (Pushpa) or Central Market will not have street vendors/squatters or hawkers. This was later challenged after the Street Vendor law came in 2014, where the demand for a survey under the law was made. The Delhi High Court in 2021 ruled that:

To allow the encroachment of vendors in Lajpat Nagar Market/Pushpa Market, and thereafter directing survey by TVC, would amount to putting the life and security of various individuals and citizens on the line. In deciding between the vendors' right to livelihood under Section 19(1)(g) of the constitution, and the safety and security of many more individuals living in this city, we have to give precedence to the latter over the former. Without there being any life and security, no question of right to livelihood can arise. These two conflicting rights must be read in consonance and be subjected to reasonable restrictions under the law.^[12]

Despite a prohibition on street vendors in Lajpat Nagar Central market, the street vendors were found in the market. This is an area which has been designated as a non-vending zone. This study was performed in the Central market of Lajpat Nagar, New Delhi with the framework of the Street Vendor law itself, despite the area being a non hawkers' zone in order to understand whether there is compliance to the parameters that the street vendor law has framed. The compliance of the street vendors law is used as it parameters effects health, well-being and public order of the area. This includes important questions regarding cleanliness in areas with street vendors and blocking of public thoroughfares by the street vendors.

Aims and Objectives

Aim:

To understand whether Lajpat Nagar Market (Central Market) has vendors and observing the same from the lens of blocking of thoroughfares and cleanliness.

Objectives:

1. To create list of parameters from the Street Vending law, its rules and from a pilot study of the Central market in Lajpat Nagar for observing the status of street vending which can be replicated elsewhere.
2. To understand the status of street vending in Central market Lajpat Nagar from the parameter created above to check the issues of blockage of public thoroughfares, cleanliness measures like dustbins along with other vendor typology details.

Methodology

The research design followed in the study is given in Figure 1. The study is observational in nature and uses a multi step approach to understand.

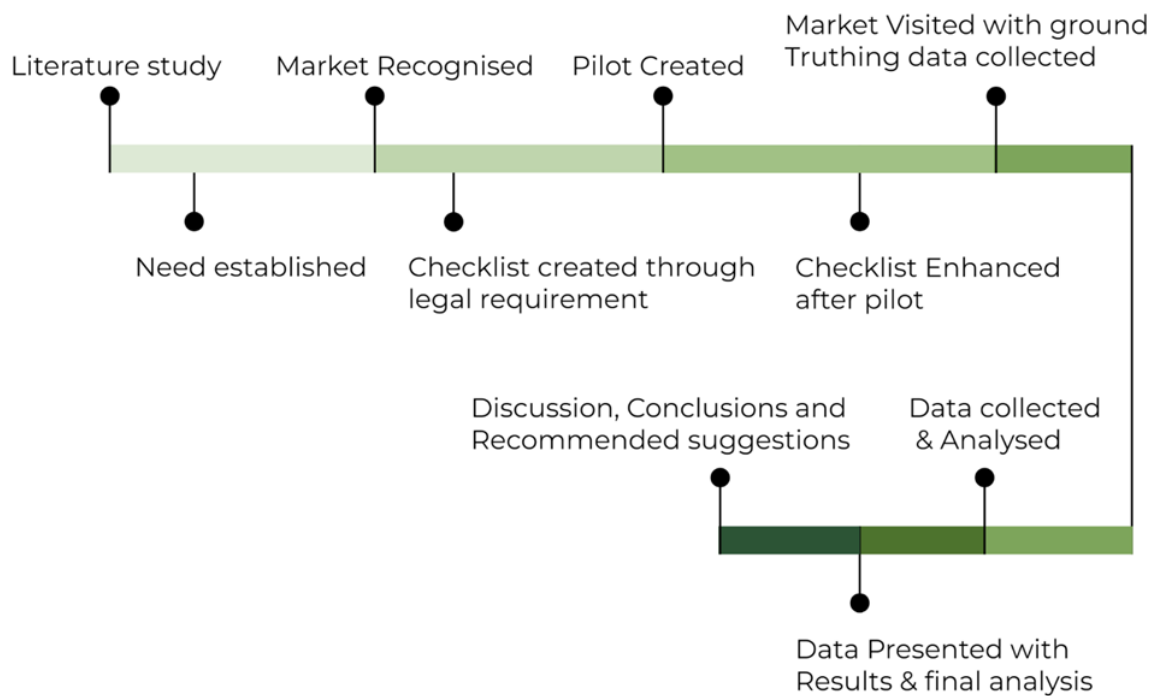


Figure 1. The research design flowchart for the study. *Source: Authors*

A literature study was done to understand the context of the study, and through that the survey checklist was created. This was based on the rules framed by the Delhi government in compliance to the street vendor law passed by the parliament. The parameters selected, along with the survey points checked have been listed in the Table 1 below.

S. No.	The survey point	Remarks
1	Vendor identification number	
2	Type of Vendor	Three options were available: 1. Static/stationer vendors 2. Mobile vendors or peripatetic vendors 3. Others (Daily/weekly/festival/fair market/temporary)
3	Time of the Day	
4	Day of the Week	
5	Category of Vending	1. Food/Snack Preparation- With Gas Cylinder/Fire 2. Food/Snack Preparation-Without Gas Cylinder/Fire 3. Fresh Fruit/Vegetable Perishable 4. Electronics 5. Clothing 6. Toys 7. Accessories 8. Other:
6	Was the 'certificate of vending' prominently displayed?	
7	Was a distance of 1m in all accessible directions clean?	
8	Was there a dustbin that the Vendor kept?	
9	Was there a nearby big dustbin within 500 m of the vendor? And other details, if any	
10	Did the vendor do any permanent construction? Any other details, if any	
11	Was there any umbrella or sheet for rainfall protection? Any other details, if any	

S. No.	The survey point	Remarks
12	Was the vendor in a place blocking the footpath, etc, for the flow of pedestrains? Any other details, if any.	
13	Was the vendor in a place that was blocking any vehicular road? And other details, if any.	
14	Did the vendor have a permanent source of water supply and permanent method of waste water disposal?	

Table 1: The various survey points that were recorded in the study.

A pilot study was then performed on the fringe area of the same market itself, with a observation of the inside areas to understand and upgrade the survey points. With the enhanced checklist or survey points, the visit into the market was done over four days of a week in June of 2023. The selection of days in particular was made to include two days as a week day and two days as a weekend. This ensures high rush days and low rush days and provides a balanced view. As shown below in table 2 below, the time period of observation was throughout the opening time of the market from noon to 8pm in the day. The area of the market that was selected was the area that has been market as 'Local shopping area' and highlighted as red in the 'Zone D' map of the Delhi Development Authority Masterplan of 2021^[13]. This area snapshot from the Zonal development plan is shown below in Figure 2 and the same area on google my maps is shown in Figure 3 below.



Figure 2. Portion of the Zone D map of the Delhi Master plan 2021 which shows the market area surveyed as highlighted in red and called as ‘Local Shopping Area’ Source: *Delhi Development Authority*^[13]

Selected days of the week for visit	Thursday, Friday, Saturday, Sunday
Selected time of the visit	12:00 to 20:00
Area of survey	Entire market market by red line in Figure 2.
Type of survey	Visual observation

Table 2. Brief details of the survey

The Global positioning system integrated into the mobile phone was used to mark the points onto google my maps with correct geolocation. The Reference name of the vendors and their location was noted and marked on the plan for easy reference, and the information about each Vendor was posted on Google Forms for easy and

Figure 3. The geo locations of the vendors that were observed in this study. *Source: Authors & Google MyMaps*

Results

In total, 522 stores/stalls were identified and the different types of vending was seen. The three most common types of vendors are described below.

The first type was static/ stationery vendors who were the vendors who have a particular place in the market to sell their goods, they don't move from their spot. The second are the mobile/ peripatetic vendors do not have a designated space in the market thus, they own carts and move around the market for selling goods. And, the

last type is those who are temporary/ daily/ weekly/ festival category vendors who visit the market occasionally to sell their goods. The three types of street vendors are represented in Figure 4 below.



Figure 4. The three types of street vendors observed in Central Market, Lajpat Nagar. *Source: Authors*

It was observed, as also represented in the Figure 5 below that the most type of vendors, i.e. 62.2% are static or stationery vendors. These usually have a fixed place and use the same place every day to set up the vend. The second type are the mobile/peripetatic ones, or the ones who keep moving with the vends. These may be on foot or on a cycle, but they do not have a certain fixed place in the market. They would even keep changing their place in the same day multiple times in the market. These are 29.9% of the total and the third are the seasonal types, who may be static or mobile (though mostly were static), are the ones who sell either on a weekly basis, or season basis. An example of this would be sellers of diwali decorations who may only come during the season of the diwali festivities.

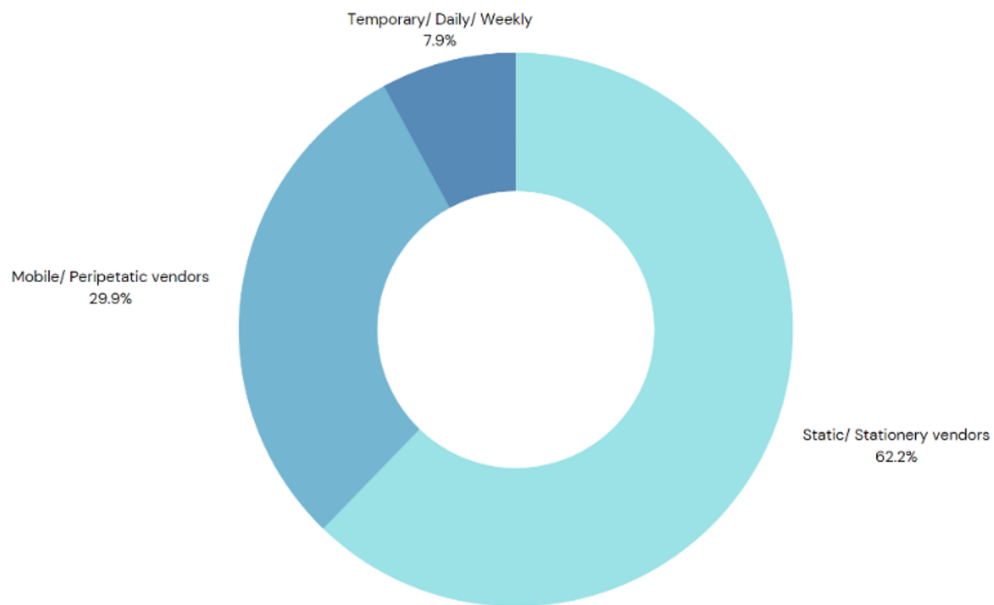


Figure 5. Percentage of Vendor types in Lajpat Nagar. *Source: Authors*

The type of the goods/services offered by the street vendors were also observed. The results are shown in the Figure 6 below. The most common type of vendors are clothing and accessories followed by food vendors. It is pertinent to note that the food vendors are also required to comply with the food safety related laws in India.^[14]

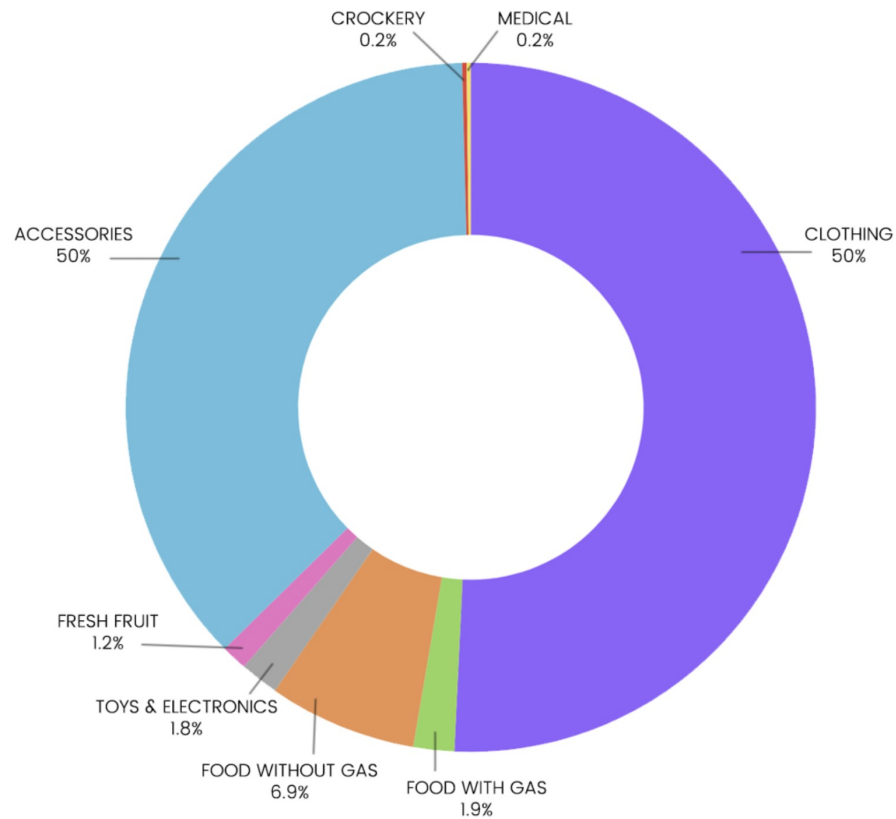


Figure 6. Types of Goods sold by Vendors in the Central Market. *Source: Authors*

It was observed that out of the street vendors, as shown in Figure 7 below, 25.7 percent were in a stall type or permanent type construction, which meant that the vendors would be putting their end in the same place everyday.

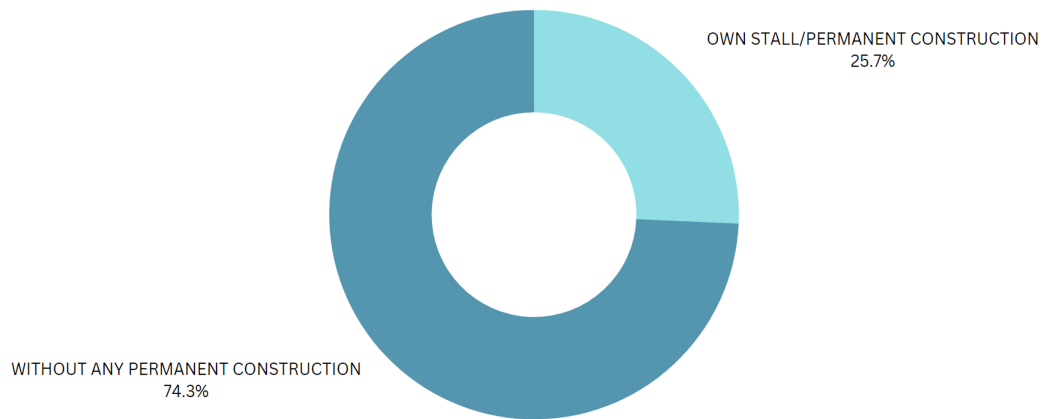


Figure 7. Percentage of Vendors who made a permanent construction in the market. *Source: Authors*

The important observations are related to the issues of hygiene & cleanliness and public thoroughfare blocking as the two main issues which come under the category of public order and are the counters for the right to livelihood by the street vendors. On the issue of whether the street vendors have their own dustbins, it was found, as shown in Figure 8 below, that 17.6 percent of the vendors did not have their own dustbins. There is a limitation to this observation which is mentioned further.

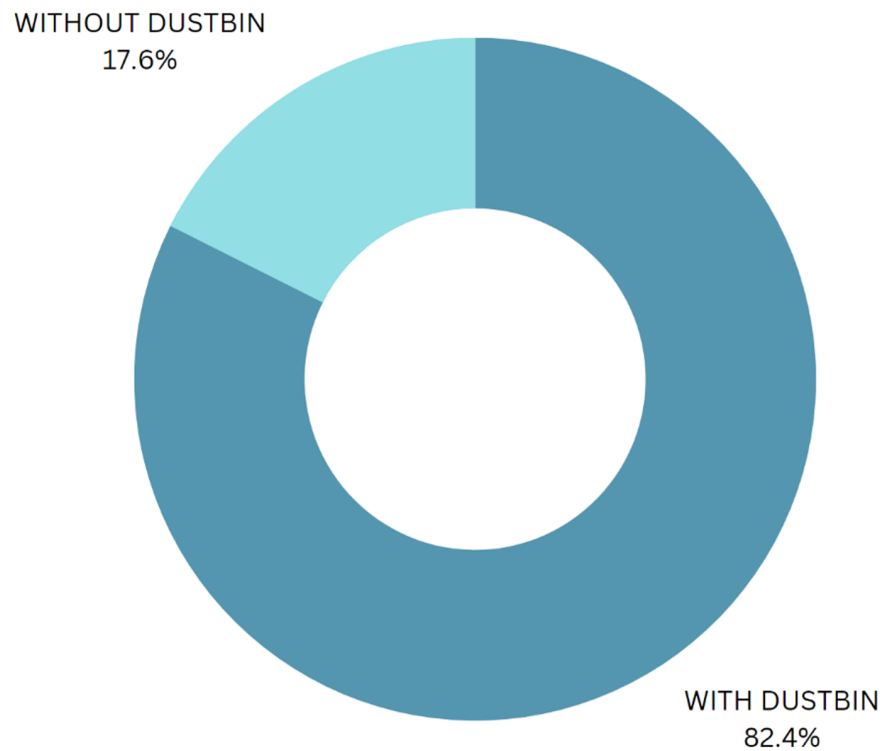


Figure 8. Percentage of stalls with and without their own Dustbin. *Source: Authors*

The other important issue, for which the street vendors are believed to be a cause of nuisance and against public order is the blocking of footpaths and roads by the street vendors. On the issue of blocking of the footpaths, it was seen that 24.9 percent (see Figure 9) of the street vendors had blocked the pedestrian movement and 3.3 percent (see Figure 10) were located at such a position that the vehicle movement was blocked.

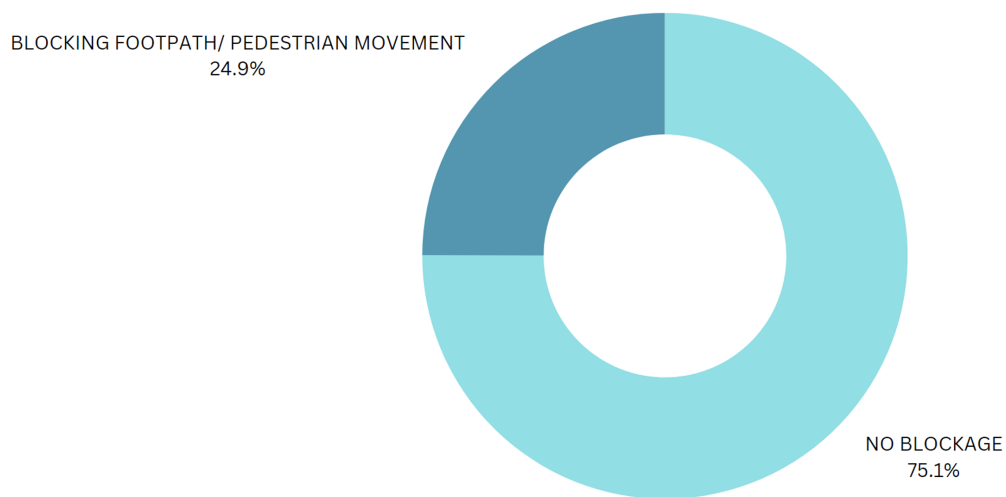


Figure 9. Percentage of Vendors who are blocking the footpath by Hawking/ Squatting. *Source: Authors*

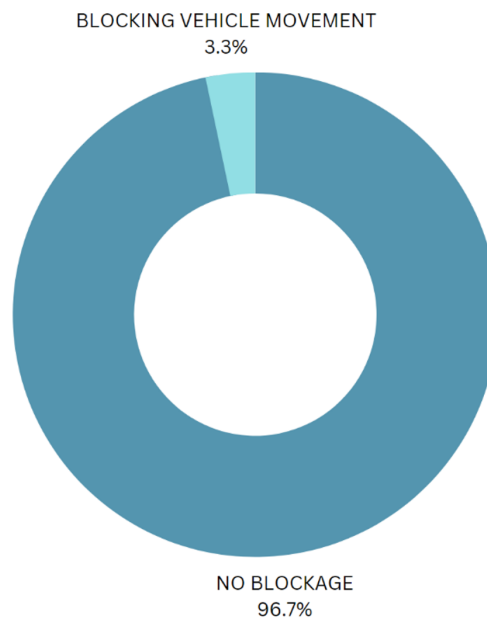


Figure 10. Percentage of vendors blocking Vehicular movement by Hawking/ Squatting. *Source: Authors*

Discussion

The issue of street vendors and a law to regulate it has typically three types of possible responses. The first is the approach which favours that street vendors have the right to livelihood and their presence has socioeconomic, cultural and other advantages^[15] like being the ‘eyes and ears’ on the street (in which many

street vendors have been included).^[16] The second approach is to state that street vendors are a nuisance as they cause littering and block public thoroughfares causing the blocking of important pathways which may not only hinder movement of the public, but also emergency services in case of a fire etc.^[12] The second approach of simply removing the street vendors seems to not fully work and there is a constant supply of vendors that organically appear in places with large public movement. It is also believed that such bans on street vendors may create a situation where the local authorities and the local police may extort money from the vendors in return of not removing them, as the law has provided for.^[17] It was for this reason that the third approach of having a Street Vending law was created to regulate, create vending zones, provide vending licenses and keep a tab on the number of street vendors in a space. This approach may also be criticised as atleast theoretically, some people may influence the town vending committees to have certain people as planted vendors, who would be proxy vendors doing business on their behalf with a license. This approach may exclude the actual needy immigrant who depends on street vending for a livelihood.

But, looking at the observation of the Delhi High Court^[12] it may be noted that the safety and security of many more people in the city is to be given precedence over the right to livelihood of the street vendors.

At the same time there are some other issues with respect to this study. First is the issue of permanence of vendors. The study found that one fourth of the street vendors observed had some kind of permanent structures, which not only makes them static, but may give a sense of permanence. Even the Delhi rules for street vendors state that 'at the close of the vending' the apparatus used by the vendor shall be removed and the place shall be clear of all obstructions. Further, there is a prohibition of registration until a street vendor does not remove/demolish the permanent/temporary structure raised on the vending site. Further, the street vending apparatus has to be 'open to sky and no permanent or temporary structure will be allowed'^[4]

There is also an issue of food vendors, who serve many food items and some also perform cooking of food at the street vends. The Delhi Scheme prohibits cooking of food at the street vends, and also states need for complying with the food safety law of India. ^{[4][14]} But, in the study, it was found that there were certain number of street vendors that were using gas for cooking.

On the issue of littering, the laws and rules in Delhi state that the duty of the vendor shall be to 'pay due attention to public health and hygiene' and also that the 'vendor shall keep the street and premises around his place of vending clean'. A waste bin is to be deployed next to the place of vending, and also be responsible for emptying and cleaning the waste bin. In this study, 17.6 percent of the street vendors did not have their own bin. There were some group of vendors who used common bins, which in this study have not been included into the count of those who did not possess dustbins. But this has a limitation as observation was done from a

distance without interrupting the actual flow of the market or the street vendors. This means that certain details like presence of a dustbin may not be fully accurate as dustbins may be hidden and not visible.

But the most important discussion is with respect to the blockage of thoroughfares by the street vendors. In the first place, after the bomb blast in 1996, the Lajpat Nagar area was made hawker free as the emergency services were not able to reach the bomb blast site and evacuate the injured. The law and its procedural interpretation has clearly prohibited vendors from blocking public footpaths and thoroughfares, but the study found that despite there being no vending zone, the street vendors block the footpath and the roads. It was seen that 24.9 percent of the street vendors had blocked the pedestrian movement and 3.3 percent had blocked roads. A more stricter parameter for checking would mean that considerably much more blockage of footpaths and roads is present.



Figure 11. A vend blocking the footpath in Lajpat Nagar Market. *Source: Authors*

The owners of permanent shops and the local residents do not like the presence of the vendors around their shops and home respectively^[12]. The residents also claim that there may be criminals who may take up street vending and cause law and order problems around their houses. The residents also have the view that if made a right, it will be difficult to manage daily affairs as vendors will encroach upon areas around their houses. ^[18]

The limitations of this study are, firstly, the study was observational, non-intrusive in nature and the details and interview was not performed. Secondly, with respect to the issue of dustbins, it counts a common dustbin managed by multiple shops as a vendor having a dustbin and some dustbins that may be hidden under the vending apparatus may have been missed. Thirdly, this study was done only in a period of four days and may not capture the full reality of the situation over a complete year. Fourthly, there were street vends that were extensions of permanent shops and were more like stalls. These have been counted as street vending as they come under the definition of a street vendor. Fifthly, there may have been some orders of the court that may have been missed, and the correct legal position may not be reported. The readers may rely upon the official channels for the same.

Conclusion

This study has created a framework for observation of street vendors in a market place and this has been tested on the case of the Lajpat Nagar market. In this no vending zone, where street vendors are not allowed, the study found 522 street vendors. If it was to be assumed that the vendors are allowed by law to vend, and the present vendors were to be checked for compliance by law, it would be found that the duties of the vendors with respect to blockage of pedestrian ways/road ways and cleanliness may not have been fully met. Street vendors may have the right to livelihood, but it cannot be at the cost of a person who may want to use the pathway. On the other hand, declaration of no vending zones, may only remain on paper, if the enforcement of the orders is not done and may become breeding grounds of extortion by some fringe elements in law enforcement and municipal agencies.

Statements and Declarations

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CRediT roles

Conceptualisation: RS; Data Curation: PB; Formal Analysis: PB; Investigation: PB; Methodology: RS; Project Administration: RS; Resources: RS; Software: RS, PB; Supervision: RS; Validation: PB, RS; Writing-original draft: PB, RS;

Writing-review&editing: RS;

Link for Google form

Link to open the google survey form mentioned above.

Ethics Statement

The study is exempt from ethics approval as it was observational, not related to health in general, non intrusive, and no patients or human participants are involved. The identities of the street vendors were neither collected, nor disclosed.

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Declarations

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