

The Role of Informality in Shaping Public Space in India: A Case of Street Vendor Evictions in Bengaluru

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Abstract:

The unequal treatment of citizens based on identity, class and income is a phenomenon that can be observed in most countries of the world, including democracies. In the particular case of street vending, which is a socially and economically relevant informal activity that is prevalent in both rural and urban areas of India, the issue of evictions from public spaces by authorities is a regular phenomenon. In recent years, multiple civil society organizations have formed coalitions and developed a voice to protect street vendors from exploitation by various groups that hold positions of power (Lintelo, 2010). Their efforts have resulted in policies and acts that aim to regulate the act of street vending in India. However, the legal systems introduced by the government to resolve issues of street vendors have many loopholes. Some of these drawbacks have been utilized by people in positions of power to evict street vendors from their locations of work. An example of this is the evictions of street vendors from outside the Lakshmi Devi Park, Bengaluru, that was orchestrated by the local resident's association, along with the police force. This article aims to raise questions on the illegal status of street vending in India, and its relevance in a neo-liberal context of growing inequality.

Keywords:

Street Vending, Informality, Public Space, Urban

“The cities everyone wants to live in should be clean and safe, possess efficient public services, be supported by a dynamic economy, provide cultural stimulation, and also do their best to heal society's divisions of race, class, and ethnicity. These are not the cities we live in”

- (Sennett, 2006)

The Politics of Public Space

The Cambridge dictionary defines democracy as “the belief in freedom and equality between people, or a system of government based on this belief, in which power is either held by elected representatives or directly by the people themselves” (Cambridge, 2016). The latter part of this definition is crucial to the narrative of this essay, as it describes democracy as a system of governance in which the major role is that of the citizens. Through the provision of fundamental rights (some of which are governed through trans-national agreements with international agencies such as the UN), the democratic system aims to ensure equal rights amongst all its citizens. However, the world as we know it exists in a state that is far from the utopian dream of ideal democracy. The rights of various groups of citizens are challenged even in the most democratic of systems, on the basis of various identities such as gender, race, ethnicity, class etc. This challenging of rights raises a question on the fundamental principle of the system of democracy – equality.

In an ideal democratic state, public resources must be equally accessible to all citizens, regardless of the nature of their identities. One of the most fundamental resources that is available to citizens in most democratic states of the world are public spaces. In the basic meaning of the word, public space can be defined as ones that are not private, hence are accessible to all. The mental, physical and social benefits of interacting with other human beings are manifold, including reduction of risks for various diseases (Bloomberg, et al., 1994). Public spaces provide opportunities for this, and hence are an important layer of social life in today's world. These spaces are elemental to human well-being, and hence, equal accessibility for all citizens is crucial. Additionally, accessibility of public spaces by citizens of various income and identity groups could also be a key indicator of democracy. The rights of citizens to protest is a key element that differentiates a democratic state from an autocratic one and public spaces have historically been sites of protests, from the Trafalgar square in London, the India Gate in New Delhi, and across the globe (Naik, 2015). Thus, the role of public space in protecting the democratic rights of individuals is of utmost importance.



Figure 1: Occupation of Public Space during Anti-Trump Protest at Trafalgar Square, London

Source: Sky News, 2018. *RECAP: Trafalgar Square filled with Trump protesters*. [Online]
 Available at: <https://news.sky.com/story/live-go-home-trump-thousands-protesting-against-us-president-11435778>
 [Accessed 06 01 2019].

This article is set in the context of India, which is one of the largest democratic countries in the world. In a nation where people from “*dalit*” (lower caste) backgrounds are still engaged in the occupation of manual scavenging (IDSN, 2018), there is a long history of disparity in access of resources based on class. While there have been multiple instances where citizens of lower income groups have been denied access to public space (including evictions of homeless people from streets in New Delhi (Taneja, 2014)), this article uses the example of street vendor evictions in India to explore the role of power and class in determining the “Right to the City” (Harvey, 2003).

The Informal Economy of India

India is a country with a large population of 1.35 billion people (World Population Review, 2018). What is most significant about this number is that 75% of the population is engaged in economic activities that are informal in nature (ILO, 2018). Agriculture is the largest employment sector for informal workers in the country, hence it can be concluded that a significant proportion of informality is based in rural areas. However, more than 100 million informal workers are based out of industries that are located in urban areas, including construction, waste collection, street vending, and other contractual employments in formal industries (Sankaran, n.d.).

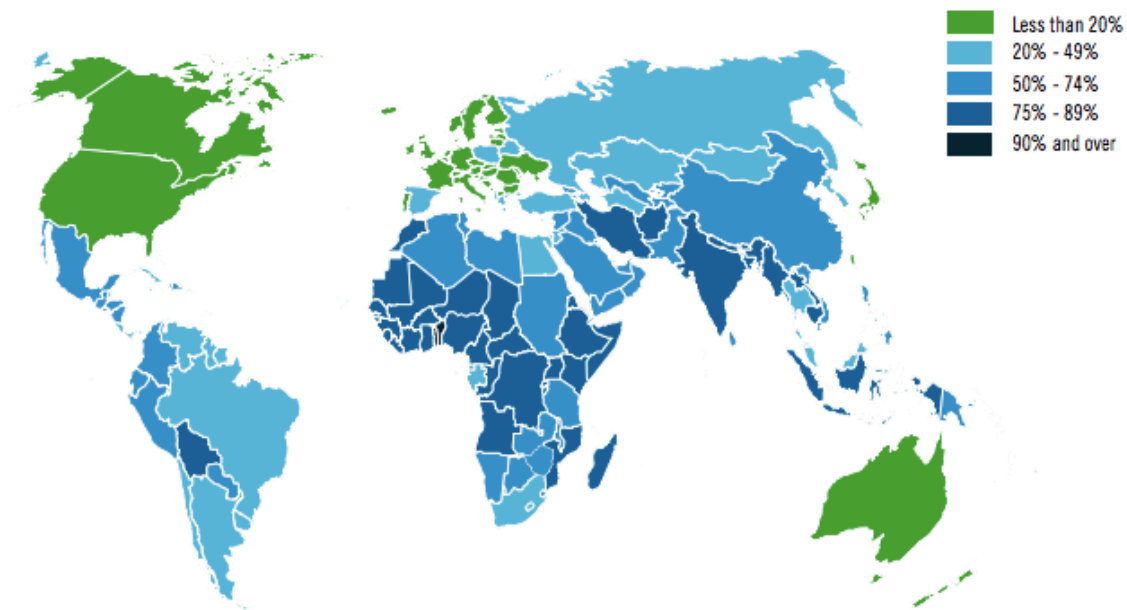


Figure 2: Share of Informal Employment in Total Employment (Excluding Agriculture)

Source: ILO, 2018. *Women and Men in the Informal Economy: A Statistical Picture*, s.l.: International Labour Organization, p. 14

Considering that the number of people engaged in the informal sector is significantly larger than the population of many European countries, including Austria and Switzerland (World Population Review, 2018), the number of laws protecting these workers are disproportionately low (Horn, 2009). It was to address this issue that the government set up various commissions to study the informal sector, including the First National Commission for Labor (1991), the Second National Commission for Labor (2002), and the more recent National Commission for Enterprises in the Unorganized Sector” (NCEUS) in 2004. The NCEUS adopted the following definition for the informal sector for the purposes of its working:

“The unorganized sector consists of all unincorporated private enterprises owned by individuals or households engaged in the sale and production of goods and services operated on a proprietary or partnership basis and with less than 10 total workers” (Sankaran, n.d.)

There is a lack of a comprehensive legislation to provide for minimum conditions of work in the informal sector, and the development of this regulation has been recommended by every committee that has been set up to address the issues of informal workers by the government. Although the second commission proposed an Act that covered interests of both agricultural and non-agricultural workers, the first commission focused on legislation targeting purely informal agricultural workers (Sankaran, n.d.). Recently, the NCEUS has drafted two legislations to address issues of minimum working wage, working hours, and various other social benefits for informal agricultural workers. (Sankaran, n.d.)

This article focuses on the informal activity of street vending that is largely based out of urban areas in India. Broadly speaking, street vendors can be defined as people who sell goods to the public from temporary establishments (Bhowmik, 2010). In the context of growing unemployment in India, street vending is an activity that is able to provide income to a large number of un-skilled workers. Due to the minimum investment required, this activity is also able to provide goods at a low-price in a country where 21% of the population lives on less than 2\$ a day (World Bank, 2016).

A recent attempt by the government to recognize the rights of street vendors was in the form of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. This act shall be discussed in detail further in the article. What is important to note here, however, is that planning policy in the global south has been historically influenced by policy in the global north (Watson, 2009). This is reflected in the structure of the Street Vendors Act, 2014, which focuses on formalizing street vending, rather than embracing the intricate webs of informality through which a highly efficient economic activity has flourished over the ages. It is this non-recognition of informality as a crucial element of the urban fabric in India that has led to its moral criminalization by upper class citizens, thus leading to widespread evictions of street vendors, through both legal and illegal systems.

The Significance of Street Vending in the Indian Context

As mentioned previously, street vending is an activity that is significant to the urban context of India in more ways than one. In a country with finite resources that is experiencing a high rate of population increase (Vohra, 2015), the role of street vending is one that is relevant socially, spatially and economically.

Social: The National Classification of Occupation 1968 (431.10) defines the occupation of street vendors as people who “sell articles of daily utility and general merchandise such as vegetables, sweets, cloth, utensils and toys, on footpaths or by going from door to door”. (Chougale, 2013, p. 6). From Chandni Chowk in Old Delhi, to the Colaba Causeway in Mumbai, the VV Puram eat-street in Bengaluru, and the leather markets in Kolkata, street vending has dotted the Indian urban landscape for many decades now. One needs to go no further to support this statement than to refer to the history of India’s very own movie industry - Bollywood. In the movie “*Pyaasa*”, Johnny Walker sings to us about the advantages of getting a cheap head massage done from him. He uses the song (“*Sar Jo Tera Chakraye*” – translated to “when your head spins”) to advertise his business on the streets, and jokes about how even the rich and the powerful ultimately bow their heads before him (Pyaasa, 1957).



Figure 3: Johnny Walker, in Pyaasa, walking the streets with his bottles of oil, in search of customers

Source: *Pyaasa*. 1957. [Film] Directed by Guru Dutt. India: Guru Dutt Movies Pvt. Ltd.

For most parts of its history, India has been a country where the movement of women has been highly restricted and dictated by male members of the family (Phadke, et al., 2011). In households where large joint families lived, women were given their own spaces for interaction, many of which were not accessible to even male members of their own family. What is interesting here is that street vendors selling household items significant to women (clothes, bangles, crockery, etc) were quite often allowed into these spaces. The time spent on selection of products and haggling of prices with the vendors was the extent of social interaction that women in India were allowed in the past. Although family structures have changed significantly, the sight of women bargaining with vegetable vendors early in the morning is one that is visible in most, if not all, neighbourhoods in urban India even today.

Spatial: One of the key arguments used by groups in favour of evictions of street vendors is that they occupy space that is provided for pedestrian movement. This can be attributed to the lack of regulations for street vending under planning law in the country. The influence of the Global North in dictating planning principles in the Global South has resulted in a set of rules that do not encompass the advantages of informality that exists within its contexts (Roy, 2009). An example of this is the spatial relevance of street vendors in ensuring safety in urban neighbourhoods in India. The presence of street vendors in every corner of its neighbourhoods has provided urban India with a layer of informal surveillance, the advantages of which have been formally captured on very rare occasions. The scenario of policemen in plain clothes posing as street vendors to observe and capture criminals is one that has been utilized by Indian cinema for many years now, and is a representation of the relevance of vendors in monitoring crime in the country. This could be attributed to the fact that vendors are able to observe activities happening in their lane while conducting business,

and hence have “eyes on the street” (Jacobs, 1961). This form of surveillance enables the presence of a safe environment as potential offenders are aware that there is someone watching them (Anjaria, 2010). The increased rate of crime in urban areas in India has created a scenario where parents are unwilling to allow children to play in the open. This creates a major roadblock for the well-being of the child, as research shows that playing outdoors and interacting with other children is crucial for their cognitive and physical development (Goswami, 2015). In a world where safety is a growing concern, informal surveillance provides a certain reassurance to residents of urban Indian neighbourhoods, especially families with children.

In a country of 1.3 billion people (World Population Review, 2018), street vending has demonstrated an example of appropriate utilization of available space, which is a highly valuable and finite resource. Street vendors utilize the high flow of people in public areas such as movie theatres and parks to increase their profits, and the transient nature of their physical infrastructure allows them to move shop easily. As an activity, street vending requires minimal investment, and can be conducted with goods being sold in spaces that are as small as 4 sq.ft, and provides flexibility and mobility in terms of being able to position themselves in strategic locations across the day, depending on the flow of people (Chougale, 2013). The temporal occupation of space located in areas of prime real estate provides a solution that reduces the disparity of access to space between high and low income groups. The result of this phenomenon is an amalgamation of permanent and temporary spaces; a kinetic city that weaves itself around the static one (Mehrotra, 2008). The occupation of minimal space, and peak-hour presence of street vendors allow them to access space in locations that would be otherwise unaffordable to them, hence, in a way, countering the effect of gentrification. This provides them with a better opportunity to increase their income. The informal nature of the activity also allows for the sharing of space between various street vendors based on need and requirement. For example, certain vendors may require extra space during festival seasons to sell specific goods. These requirements are usually accommodated through mutual understanding between the vendors.



Figure 4: Temporal Nature of Street Vending

Source: Butler, I., n.d. *Global Trekkers*. [Online]
 Available at: <http://www.globaltrekkers.ca/6513/india-travel-2/>
 [Accessed 06 01 2019], Edited by Author

Economical: In 2015, the rate of unemployment in India was at 5%, with a very high percent (16%) of youth unemployment (Basole, 2018). Even within those who are employed, there is a significant disparity in incomes, with 82% of male, and 92% of female workers earning less than Rs. 10,000 (150 USD) per month (Basole, 2018). In a country like India that is struggling to meet the employment and income requirements of its growing population, informal activities provide the poorer working class society with a multitude of livelihood opportunities. The result of this is an economy where, as mentioned previously, more than 75% of the population is engaged in income generating activities that are informal in nature (ILO, 2018), street vending being one of the more prominent ones. As has been mentioned previously, the amount of investment required to engage in the economic activity of street vending is quite minimal. Since most unskilled workers looking for employment in India belong to low income categories, street vending is an opportunity that is particularly interesting due to its feasibility. Additionally, it must be noted that it is for this reason that vendors are able to cater to the needs of a large population that lives on a meagre income (World Bank, 2016). This symbiotic relationship between street vendors and their customers is particularly interesting, as it denotes the existence of a market demand that is often missed in government reports. Customers require household goods and products, and have a limited financial purchasing capability for the same. Street vendors require employment, and are able to provide customers goods within their

affordability range due to the informal nature of their commercial activity. Vendors provide customers with affordable goods, and customers provide vendors with affordable employment.

In the context of law and space, the role of street vending in Indian history has been ambivalent (Naik, 2015). While there is significant justification for the need of street vending in India as an activity that is socially, economically and spatially significant, the reasons for which has been previously elaborated in this section, there has also been a desire of the new middle class to “sanitize” the city and effectively eliminate the existence of the activity (Chatterjee, 2004).

Protection of Street Vendors

The roadway to a policy that addresses the needs of street vendors was initiated in the latter half of the 1900’s, through a growing number of civil society organizations that engaged with the issue (Lintelo, 2010). It was the Self-Employed Women’s Association (SEWA), a civil society organization based out of Ahmedabad that initiated policy advocacy for street vendors (Lintelo, 2010). The movement gained steam over the years, ultimately resulting in a coalition that oversaw the drafting of the National Policy for Urban Street Vendors, in association with the Ministry of Housing and Urban Poverty Alleviation (now renamed as the Ministry of Housing and Urban Affairs) in 2004 (Lintelo, 2010). The policy focused on various issues as urgent matters to be addressed with regard to street vending in India. The primary objective of the policy was to legalize the status of street vendors in India through provisions of licenses to people engaged in the same.

The Constitution of India clearly states that every man and woman in the country possesses the “right to adequate means of livelihood” (Article 39 (a) and (b)). This right, along with the right to carry on business and trade (Article 19 (1)(g)), was invoked in the following landmark Supreme Court judgement in the Sodan Singh vs New Delhi Municipal Corporation case (Bhowmik, 2010):

“If properly regulated according to the exigency of the circumstances, the small traders on the sidewalks can considerably add to the comfort and convenience of the general public, by making available ordinary articles of everyday use for a comparatively lesser price. An ordinary person, not very affluent, while hurrying towards his home after a day's work can pick up these articles without going out of his way to find a regular market. The right to carry on trade or business mentioned in Article 19(1) (g) of the Constitution, on street pavements, if properly regulated cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and no other use (Sodan Singh vs NDMC, 1998)” (Bhowmik, 2010, pp. 12-13)

The case provided the precedence required for policy makers to include regularization and provision of licenses for vending as a critical element of the document. Additionally, the policy called for existing vendors to be regularized first, with new vendors being licensed based on availability of space, which would reduce possibilities of corruption in allocation of licenses.

This was due to the fact that threats of evictions by officials often ensured that street vendors paid high amounts of money to retain their lucrative positions in public spaces (Anjaria, 2010). Hence, legalization would help reduce the exploitation of vendors by policemen and other government officials for bribes, also known as “*hafta*” (Anjaria, 2010). The national policy aims to regulate this through a nominal fee-based system, where payment will be based on market forces like price, quality and demand (MoHUPA, 2004) of the product being provided by the vendor.

However, 2004 was the year of national elections in India which resulted in a transfer of political power from one party to another at the central government level. The implementation of the policy was hence entangled in a web of bureaucracy (Lintelo, 2010), and it was in 2014 that the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act was ultimately introduced by the government as an alternative document that would protect the rights of vendors. However, one of the major aspects of street vending that the Act misses is the occurrence of natural markets based on locations that are strategic and convenient for both vendors and customers. This issue is addressed in the earlier policy through recommendations for regularization of natural markets, but is non-existent in the Street Vendors Act (Bhowmik, 2010). The second major drawback of the Act is that while the policy states that evictions should only be conducted as a last resort, and authorities must ensure that the process does not affect the income of the vendor significantly, the Act does not resonate this. Considering that street vending is a responsibility that is constitutionally reserved for state governments (Lintelo, 2010), this then provides opportunities for “municipal authorities to evict street vendors discriminately” (Bhowmik, 2010, p. 14)

The Site and its Urban Context

Having earned various titles such as the “Garden City” and the “City of Lakes”, Bengaluru city in the state of Karnataka, India, provided an ideal environment for investment by major IT companies from 1990 onwards (Vanka, 2014). The large flow of investment thus resulted in a new title for the city, and it came to be known as “The Silicon Valley of India”. This resulted in accelerated urbanization, initially in the central, and then to peripheral areas of the city boundaries. The growing city thus began to attract a large number of low-income migrants¹, a majority of whom moved from rural parts of Karnataka in search of livelihood opportunities; Bengaluru being the only major urban center in the state. While many of these migrants were absorbed into the construction industry as semi-skilled and un-skilled laborers, a large number of them also



Figure 5: Location of Bengaluru, India

Source: Britannica Encyclopedia, 2019.
 Britannica Kids. [Online]
 Available at:
<https://kids.britannica.com/students/assembly/view/128920>
 [Accessed 06 01 2019].

¹ As can be seen in Figure 9, most vendors at Lakshmi Devi Park are from rural areas of Karnataka, and have migrated for work

turned to street vending as a source of income. The demand for low-cost products increased exponentially due to the influx of skilled middle class workers who were being employed by the IT giants in the city. Tiny shops that sold tea, biscuits and cigarettes became a common site outside large offices, where employees could be seen during their break time, sometimes even conducting official meetings. These shops, or “tapris” as they are called in Hindi, have evolved to become an integral part of the office culture in urban India.

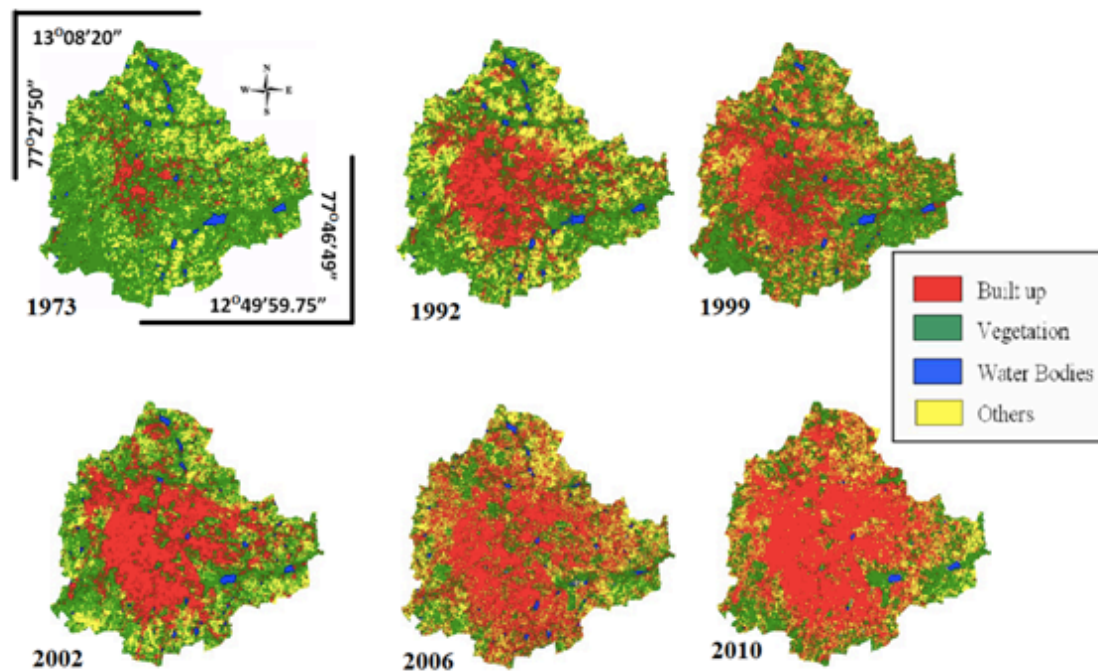


Figure 6: Urbanisation of Bengaluru Over the Years

Source: Geospatial World, 2014. *Geo-visualisation of Urbanisation in Greater Bengaluru*. [Online]
 Available at: <https://www.geospatialworld.net/article/geo-visualisation-of-urbanisation-in-greater-bangalore/>
 [Accessed 06 01 2019].

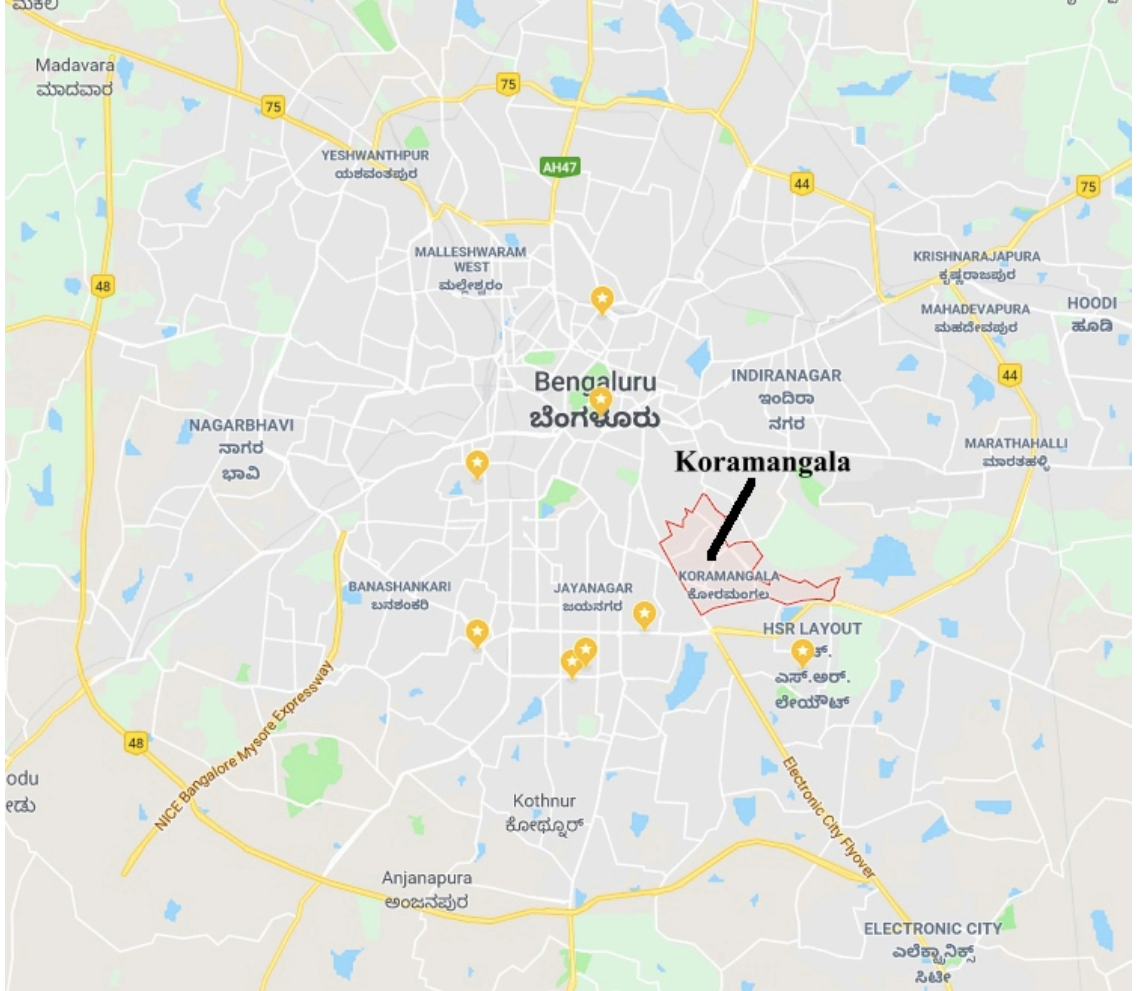


Figure 7: Location of Koramangala in Bengaluru

Source: Google Maps, Edited by Author

The Lakshmi Devi Park is located in Koramangala, which is a centrally located and well-connected locality of Bengaluru. It is a highly commercialized area, with many offices and educational institutions located nearby. Koramangala is also a dense residential area, which results in the park being a space that is occupied by a large number of users, particularly during the evenings. This high influx of people resulted in the space outside the park being occupied by street vendors. Since a large percentage of the customer base consisted of students and young professionals, food vendors were the most popular in the area. Vendors mainly consisted of people who originated from rural areas in Karnataka, and have migrated in search of work. The space outside the park is a typical example of a street vending area that provides employment to vendors, affordable products as required/demanded by customers, and creates

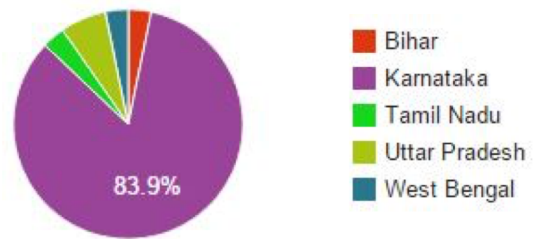


Figure 8: Origins of Street Vendors at Lakshmi Devi Park, Koramangala

Source: Primary Survey conducted by Selco Foundation, Bengaluru, 2015

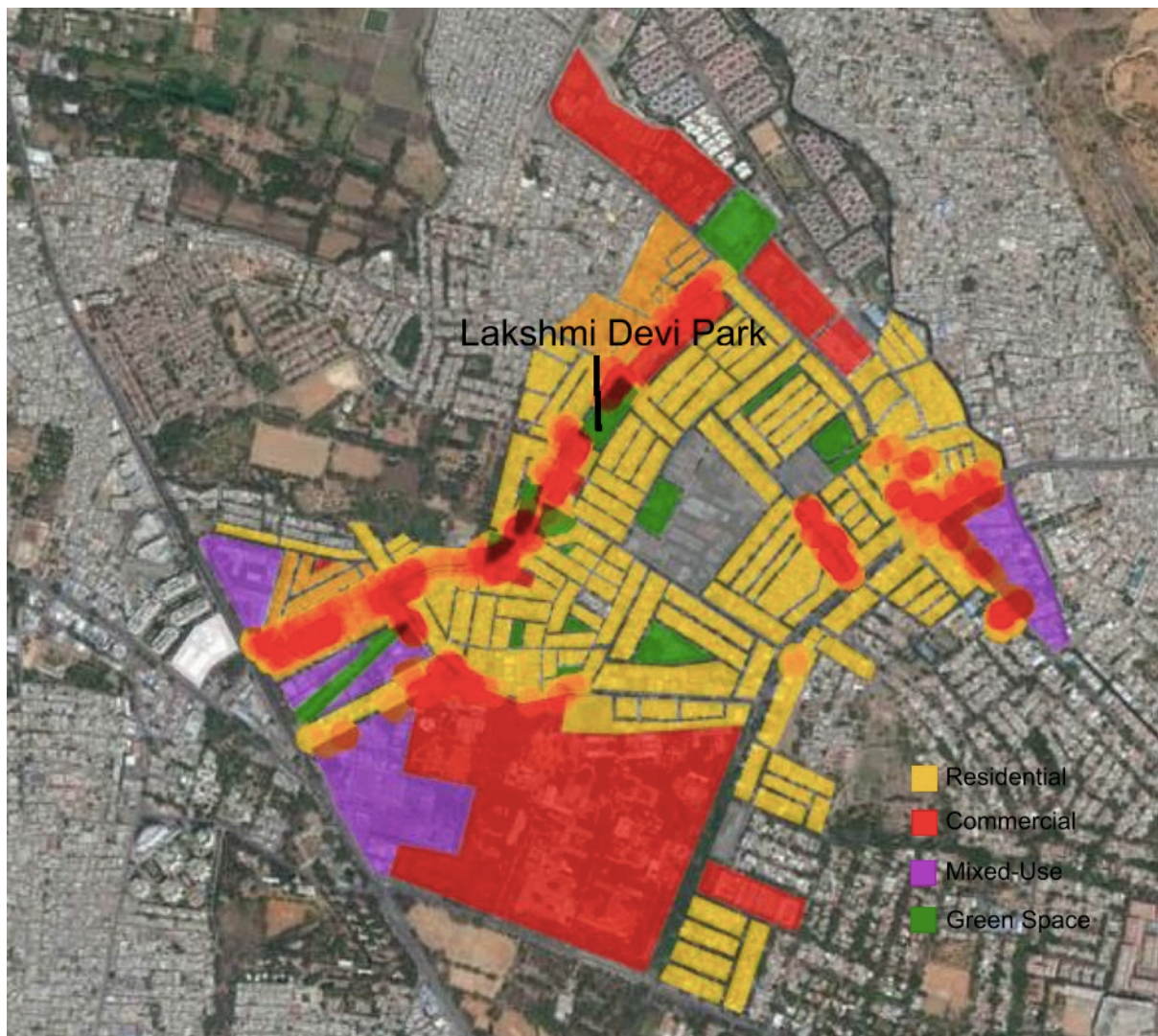


Figure 9: Land-Use Map of area around Lakshmi Devi Park

Source: Selco Foundation, 2015

an environment where people from various backgrounds and age groups can interact with each other. Additionally, as can be seen in the picture below, the vendors have been spatially well-organized, and did not obstruct the footpaths, thus creating a pleasant environment for pedestrians.



Figure 10: Street vendors outside Lakshmi Devi Park, Koramangala

Source: Author, Edited by Author

Eviction of Street Vendors

The National Policy for Urban Street Vendors states that local authorities must form vending committees at ward levels, and 24-40% of the members should be constituted from unions of street vendors. This is also reflected in the Street Vendors Act which states that a minimum of 40% of the members of the committee must consist of vendors elected through processes that they may deem suitable, keeping in mind requirements regarding representation of women and minority caste groups (MoHUPA, 2014). However, the policy states that Resident Welfare Associations (RWA) and Shop Owner Associations do not constitute stakeholders eligible to join the committee, considering the fact that they may have interests that conflict those of street vendors (Kumar & K. Bhowmik, 2010). For example, shop owners may consider street vendors as potential competition, and RWA's have been responsible for evictions of various street vendors as part of "cleanliness drives" (Kumar & K. Bhowmik, 2010). Additionally, the National Policy for Urban Street Vendors also states that there are certain clauses within the

Indian Penal Code (IPC) and the Police Act that may act as deterrents for street vending (MoHUPA, 2014). Section 283 of the Indian Penal Code states that “ (...) whoever, by doing any act or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to two hundred rupees” (Council of the Governor General of India, 1860), and Section 34 of the Police Act deems the act of selling products in public places, and the setting up of infrastructure for the same, illegal (MoHUPA, 2004). “These two provisions create the contradiction between a legal ‘licensed’ vendor and ‘illegal’ obstruction or causing nuisance resulting in physical eviction of even licensed vendors” (MoHUPA, 2004, p. 9). Through the lack of resolution of these issues, the Act, in effect, provided powerful members of the police, RWA’s, shop owners associations, and even local government authorities the power to evict street vendors based on their own discretion.

On 13th January, 2015, the BBMP (Bruhat Bengaluru Municipal Corporation) evicted street vendors who conducted business outside the Lakshmi Devi Park in Koramangala (ALF, 2015). The eviction was initiated by the Residents Welfare Association (RWA) of Koramangala, and carried out by the local police force. The reason cited was the presence of vendors who sold food items made of meat, thus hurting the religious sentiments of the residents of the area (ALF, 2015). The interplay of class in this argument can be understood from the fact that food in the Hindu system is classified based on caste (Appadurai, 1980). Vegetarianism is a significant characteristic of upper class Brahmins of the Hindu religious system, and consumption of meat is associated with lower castes (Olcott, 1944). Another reason cited for evictions was the occupation of footpaths by street vendors thus creating obstacles for pedestrians. Figure 10 provides an illustrative case of how vendors had demarcated specific areas to avoid the same, thus deeming this argument baseless. Evicted vendors were then relocated to various other parts of the city. In this process, street vendors lost their customer base, an advantage that was fundamental to their location outside the park. The relocation affected their businesses and reduced their incomes significantly.

As an activity that provides employment to a significant proportion of the Indian population, the evictions of street vendors has a large implication on the economy of the country. The absence of vendors also poses a threat to the social character of urban public spaces in India. While the socio-economic implications of evictions on street vendors are significant, this example highlights a larger issue regarding the status of equality in a democracy. Apart from violating the rights of street vendors to work, which is a fundamental constitutional right that is guaranteed to every citizen of the country, the evictions also infringed upon their right to access public space. As has been mentioned earlier, the role of public spaces as sites of protest has been historically significant, and can be considered an indicator of democracy. While there has been widespread public protest against street vendor evictions in the country (Lintelo, 2010), what is interesting to note here is that the biggest form of protest that can be demonstrated by street vendors in this context is simply their presence at their place of work. The example of street vendor evictions also raises the larger question of inequality and disparity in resource distribution in the country. Additionally, the abuse of power by private authorities (RWA, shop owners), the police force, and even local government representatives, in some

cases, leads us to the question of representation of marginalized groups in the new age neoliberal city.

Conclusion

“Thirty years of neoliberalism teaches us that the freer the market the greater the inequalities and the greater the monopoly [of] power” (Harvey, 2003, p. 940). It can thus be concluded that “ (...) those with substantial money and power (corporations and sometimes individuals) are the only ones who currently exercise the ‘right to the city’ and it is their right that threatens the capacity of lower-income groups (and their children) to continue to live [and work] in the city” (Watt, 2013, p. 105). This article addresses the issue of disparity in access to public spaces in the country, and the role of power and class in determining the same. Through the example of street vendor evictions in India, the author also aims to highlight the relevance of informality in planning cities, particularly in the global south. It also highlights the urgent need to dislocate the centre of urban theory-making from Europe and Northern America (Roy, 2009), and re-locate them within “actually existing urbanisms” (Shatkin, 2011) of the global south.

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