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Vendors' Right to Market Space

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Abstract: *Vendors in Lall Market, Gangtok, come from different socio-economic backgrounds and places, from different parts of India and Nepal. A large section of them constitutes the urban poor who make a living by doing petty trade while being a part of the urban informal economy. They have found vending as a way of earning their livelihood for themselves and their family. The right to livelihood is guaranteed as a Fundamental Right in the Indian Constitution; Article 21 guarantees the Right to Life and Personal Liberty. For the vendors, however, earning livelihood requires space from where they vend their goods, which is a contested space in the market place and hard to secure. The one who owns it and operates on it has to navigate their way through various social and administrative control and in that effort, the political participation of vendors plays a very important part in holding on to the place in the market. The paper aims to highlight the impact of the political participation of vendors in manoeuvring their way into the market space in availing the limited assets available.*

Keywords: Vendor, market place, right to life and livelihood, insecurities, political manoeuvre.

Introduction

Vendors in Kanchenjunga Shopping Complex, Lall Market, Gangtok, come from different socio-economic backgrounds and places, from different parts of India and Nepal. A large section of them constitutes the urban poor who make a living by doing petty trade while being a part of the urban informal economy. The vendors struggle to establish a stable secure position in this market place as the structural forces are at work to unsettle them. The fundamental question concerns their right over life and livelihood,

which are intertwined. In both political and ethical sense, the basic human rights of a group of people who struggle to make a living in the market place assume the central point. Living with risks and uncertainties the marginalised community of vendors take recourse to political means to promote, protect and articulate their importance in creating a better world (Harvey 2008). The present paper examines how the vendors in Lall Market in Gangtok mobilise themselves politically to ascertain the Constitutional Rights as laid down in Article 21 about the Right to Life and Personal Liberty in securing the right place.

According to the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, a street vendor is: "a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, sidewalk, footpath, pavement, public park or any other public place or private area, from a temporary built-up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region-specific…." (The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014).

When it comes to enforcement of laws and providing legal protection to street vendors, India is possibly the only country to do that (Bhowmik 2014). The National Policy on Urban Street Vendors was adopted in 2004 and later was passed as the 'Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014'. Despite provisions for legal protection of street vendors by issuing licenses, there has always been an influx of new vendors and seasonal vendors and protecting them within the legal provisions has always been a problem (Falla 2016). Moreover, mere distribution of licenses does not solve the everyday practical problems that face the vendors at the ground level (Mathur 2014).

Contested market place

For the vendors, earning livelihood requires a 'space' from where they can vend their goods. But the idea of 'space' in the marketplace is contested. It is perceived to be an important but limited physical asset and hence, hard to secure. It is an essential component of livelihood for the urban poor.

Borrowing from Lefebvre's perception of urban space Elden observed: "Much spatial language deals with contestation, struggle and productivity. This is precisely because it mirrors the actual uses and experiences of space…. Space is a social and political product" (Elden 2007: 107). According to him, Lefebvre perceived 'Space' in three ways - perceived, conceived and lived. The first view of space is perceived as material form, actual space which is produced and utilized. The second view of space is conceived of the mental form, of knowledge, logic, and imaginary space of social engineers and urban planners. The final view of space is generated and altered with use over a period of time with the lived experience of everyday life into a space which is both real and imaginary (ibid: 110-111). In accordance with this view, market 'space' is conceived, planned, and constructed using labour, machinery and various institutions of the state but the meaning of the market 'space', and the market 'space' itself, undergo change and transformation as it is perceived and lived by the vendors and other groups. The market 'space' will not only refer to the urban planner's model of space made to fit into the urban beautification idea nor does it only signify the concrete table or stall for the purpose of vending. As this space is lived by the active social actors (vendors and consumers) and passive actors (tourists, authorities) in their everyday life, this space will assume a new meaning for them – of their struggle, achieved security and memories. The space for vending thus assumes an existential and emotive meaning, centering around the question of the identity of the vendor and the question of rights in a liberal-market order that works on the Darwinian principles: the struggle for existence and the survival of the fittest.

Formalisation and scarcity of space in the market

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, recognises the need to preserve "natural markets" in urban areas; such markets are usually the areas where vendors are concentrated as they perform important tasks for the common people (Bhowmik 2014: 1). Lall market started as a natural open-air market many years back. With the growth of the tourism industry in the state, it became the most feasible way of making Sikkim a self-sufficient economy (Chakrabarti 2009). Consequently, keeping in demand with time the State authorities

developed and redeveloped Lall market as a space of tourist attraction; a place to visit for tourists coming from diverse parts of the world, to have a different marketing experience (Gonzalez 2018). With the redevelopment, over the years, the open-air market was elevated to a multi-level complex, a regulated and formalized market 'space' named Kanchenjunga Shopping Complex, Lall Market.

Formalization includes regulation of licenses, markets, or areas that permits the vendors to work legally. It is often projected as an agency that creates empowerment and works for the overall improvement of the poor (Falla 2016). However, the formalisation of the market and the construction of physical structure means the space has already been allotted to the long-standing vendors and leaves little space for the new vendors trying to find a place. The easy entry and access to the informal economy of which vending forms an important part means there is a constant influx of new vendors looking for space to operate in the marketplace. This means that the limited formalised space cannot accommodate vendors in excess of its capacity legally.

Although "social capital" plays a very important part in having an access to the market space; the aspiring vendors are engaged in competition and use all possible means to convince the power that allots market place, rented or free access through license. Regularization of space occupancy through license gives protection and security; it, in actuality, means ownership, which can be transferred to the legal heir. These vendors operate to earn their livelihood by encroaching upon the spaces near the stairs and corners of the market - spaces many of which are concealed, congested and hinder the movement of the customers and, as a consequence, do not generate the desired level of income and clientele. The already settled vendors doing a particular trade also lose business when there is a sudden hike of new vendors in the same trade. Those operating without the license also mean they will be under constant threat of being evicted. In that sense, the need for the allotment of the license becomes paramount as it removes the uncertainty and constant pressure of being raided by the local authorities and falling prey to harassment. The license gives them the legitimate and legal ground to operate without having fear of a sudden raid by them and losing their chance of earning a livelihood.

Political participation and the right to market space

Political participation can be defined as "those actions of private citizens by which they seek to influence or to support government and politics…it includes not only active roles that people pursue in order to influence political outcomes but also ceremonial and support activities…. some focus their attention on what the system demands from them, while others focus on the benefits they derive from the system" (Milbrath 1981: 198). This informs that there is a mutual relationship between the participants and the government to extract beneficial outcomes for both sides.

According to Lefebvre, "There is a politics of space because space is political" as he maintains that space is an important site and agency of struggle and as such a vital political issue (Elden 2007: 107). In the marketplace, 'space' is a double-edged sword. Access to space requires political participation, negotiation with the local authorities and changing governments to maintain somewhat informal recognition. And once, space is allotted to a vendor with formal recognition in the form of a license, it often means secure access to earning a livelihood and socio-economic and political benefit.

This paper focuses on the issue of allotment of space and license to 43 vendors who were already doing business in Lall market for years. The space consists of the long passage inside the first floor of the complex - a prime location as it is visible to the customers as they enter the market. The current state of affairs regarding these vendors and their quest for market 'space' has a long period of struggle – of dialogue, negotiation, financial investment, bureaucratic process and troubling legal issues. These vendors were kept in the loop by the government for an extended period and were not given recognition or security in any form. This changed when the vendors were provided with the allotment letter in the year 2018. The journey from the requisition for the license to the provision of the allotment certificate is ripe with many instances which show the importance of political participation in the vendors' journey from the illegal occupation of space to legal recognition in the form of a license.

By virtue of their position in their quest for legal recognition, these vendors have organised themselves into an informal pressure group determined to fight for their rights. According to their need

and feasibility of time, they organised meetings with specific agenda in mind. It is during such meetings as per the government notice that they decided to financially invest in building their own stalls similar to the ones available to the old vendors.

It is also fascinating to see vendors' change in allegiance to different political parties while lobbying for getting their demands mitigated. The vendors went through the experience of working out the licensing procedure and received the allotment certificate from the political party that was previously in power, namely, the SDF (Sikkim Democratic Front) government but with the change of guard in the 2019 election, when the SKM (Sikkim Krantikari Morcha) came to power, these vendors' position became uncertain. Following the logic of pragmatism, the vendors' group changed their affiliation to the newly elected party to secure their formal recognition.

Many informal meetings and dialogues took place between these vendors and the local elected political leader regarding their issue. In such gatherings, vendors expressed how they started their business as vendors, their daily struggles and how they trust the current government for justice. They wanted a secure holdover of the place in the market for vending, which for them, was a livelihood question. The vendors' group reiterated that their families' well-being depends so much on their secure hold over the place and that by granting them license the party in power would secure their unconditional support. They further argued that not only they but their family members and close kin will ever remain grateful to the party. Demonstration of vendors' numerical strength through movements and in meetings also put across a political message to the party in power. The vendors' group reminded the political representatives about their livelihood rights enshrined in the Indian Constitution to clinch the issue in their favour.

In the meetings with the political leaders regarding the case of new vendors as well as the workers of the previous party filing for RTI (Right to Information) came up. However, the vendors claiming licenses often sought the patronage of the ruling party for their protection and recognition of their ownership of the space. In returning the favour the vendors' group made it a point to attend all the meetings organized by the party in power and

showed their loyalty and allegiance to the party. The negotiations with power yielded results as the members of the group managed to obtain the allotment certificate. The acquisition of an allotment certificate is, however, not equivalent to a license. The vendors are of the opinion that obtaining the allotment certificate in itself is half the battle won; they are optimistic that the procurement of the license is no longer a distant dream. Therefore, with renewed vigour, the vendors have resolved to carry on the final task of the bureaucratic process of licensing.

Conclusion

From the above discussion, we can draw home the point that in a liberal economy the people have little control over different forms of capital (economic, social, cultural) and find it difficult to have secure livelihoods. Those who are made to find living in the urban market, in its informal sector, struggle for a secure place. The right over the space in the urban market is fundamental for their survival. The vendors doing trade for years develop natural rights over the place in the market, the small place where they put up their shops. When they live with the relentless threat of eviction, they mobilise themselves into pressure groups and negotiate with the power for securing their legitimate right over the place. In exchange, they trade their support for the party in power. In a democracy, the political parties negotiate with the organized vote blocs for their support while giving them some concessions in the process. The distressed vendors use their collective agency in negotiations for a rightful place guaranteed in the Indian Constitution.

References

Bhowmik, S. K. 2014. *Street Vendors in India get Legal Protection*. Global Labour Column, 174. URL: http://learn-india.org/assets/Research/Street-Vendors-in-India-get-Legal Protection.pdf, (accessed on November 11, 2021)

Chakrabarti, A. 2009. 'Tourism in Sikkim: Quest for A Self-Reliant Economy'. *The NEHU Journal,* Vol. VII, No. 1: 89-104.

Elden, S. 2007. 'There is a Politics of Space because Space is Political: Henri Lefebre and the Production of Space'. *Radical Philosophy Review,* Vol. 10, No. 2: 101-116.

Falla, A. M. 2016. *Contesting the formalization of urban livelihoods: Development Research Conference.* Stockholm, Sweden: Stockholm University.

Gonzalez, S. 2018. 'Introduction: Studying markets as spaces of contestation',. In S. Gonzalez (ed), *Contested Markets Contested Cities. Gentrification and urban justice in retail spaces*. London: Routledge: 1-18.

Harvey, D. 2003. 'The Right to the City'. *International Journal of Urban and Regional Research,* Vol. 27, No. 4: 939-941.

Mathur, N. 2014. 'The Street Vendors Bill: Opportunities and Challenges'. *Economic and Political Weekly,* Vol. 49, No. 10: 22-25.

Milbrath, L. W. 1981. 'Political Participation'. In S. L. Long, *The Handbook of Political Behavior.* Volume 4. Boston: Springer: 197-240.

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act. 2014. URL: https://legislative.gov.in/sites/default/files/A2014-7.pdf, (accessed on December 27, 2021)