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## **The Role of Hawkers in Creating Encroachment: A Case Study of Kolkata**

**Mohana Basu**

*Guest Lecturer, Surendranath College for Women, Dept. of Geography, W.B., India*

**Dr. Snehamanju Basu**

*Associate Professor, Lady Brabourne College, Dept. of Geography, W.B., India*

### **Abstract**

**Encroachment** means any physical obstruction and any object or structure of any kind or character placed, without the authority of law, either in, under or over any kind any city street or any other public property in which the city has an easement or other interest. The problem of pavement encroachment is an issue of major concern in the **urban areas**. It typically has a slightly negative meaning, hinting at something that intrudes on something and then spoils in some way. Large scale **migration** into the urban areas are responsible for encroachment of the **pavements** as the migrated people fail to find proper shelter and hence end up living on the pavements. **Street vending** which includes **commercial installation** of stalls by tea shop owners, **hawking** etc. encroaches the pavements and creates problem for the pedestrians to their easy access to the pavements. The issue of encroachment is a burning problem in the cities of the urban areas so it needs urgent attention. In most of the urban areas the encroachment is mainly done by the hawkers

**Key Words:** *Encroachment, urban areas, migration, pavements, street vending, commercial installation, hawking.*

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### **Aim:**

The main aim of the paper is:

- To highlight the nature, causes and the problems of encroachment created by hawkers in the urban areas with special emphasis on Kolkata.

### **Objectives:**

The main objectives are as follows:

- To explore the role of the hawkers in creating encroachment.
- To provide details about the lifestyles and economic condition of the hawkers
- To identify the role of the government in avoiding encroachment.

**Introduction:** An encroachment is something that intrudes and has the power to influence whatever it encounters. It carries the sense of something slowly creeping into something else's space, either literally or figuratively. An encroachment can be of the physical variety such as encroachment of a pavement.

**The Problems of Encroachment:** Encroachment of pavements leads to a variety of problems specially in the densely populated urban areas. The ill-effects of encroachment are increasingly felt during the peak hours of the traffic flows. Some of the problems arising because of encroachment are listed below:

- The first problem that arises because of encroachment is that the pedestrians are deprived of their rights to use the pavements which are exclusively made for them
- The pedestrians are compelled to use the roads for walking.
- As the pedestrians use the roads for walking the probability of road accidents increases. Moreover the speeds with which the traffic could travel also reduces since the drivers need to be very careful while driving and cannot drive at desirable speeds.
- Traffic congestion is one of the major problems that results from pavement encroachment. In the urban areas it is seen that often the hawkers encroach upon the adjoining roads and leads to immense traffic congestion.
- Parking of vehicles becomes very difficult in the areas where the roads are also encroached.
- Vehicular movement becomes very slow in the encroached areas.

**Nature of encroachment in the developing countries:** Street vendors are an integral part of the urban economies around the world; offering easy access to a wide range of goods and services in public spaces. They sell everything from fresh vegetables to prepared food, from building materials to garments and crafts, from consumer electronics to auto repairs to haircuts. Street vendors are a very large and very visible workforce in cities, yet it is difficult to estimate their numbers accurately.

One of the major causes of encroachment in the developing countries is Hawking. The hawkers encroach the majority part of the pavements and eventually end up encroaching the roads as well leading to traffic congestion and problems in swift vehicular movement. For example Nearly all main commercial areas of Rawal Town in Pakistan have been encroached upon by shopkeepers and vendors who occupy footpaths and open spaces, thus creating problems for commuters and pedestrians.

The encroachers have set up stalls in Raja Bazaar and its adjacent markets including Iqbal Road, Liaquat Market, College Road, Liaquat Road, Kalan Bazaar, Urdu Bazaar, Mochi Bazaar, Jinnah Road, Jamia Masjid Road, Bunni Market, Kashmiri Bazaar, Nankari Bazaar, Namak Mandi and Gunjmandi.

Several city roads are also under the control of encroachers. Benazir Bhutto Road and its service roads mainly Circular Road have fully been encroached upon where the

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motorcycles are displayed on the both sides of the road and the encroachers have occupied open spaces on the road.

Meanwhile, a town municipal officer said that efforts underway to control the problem, adding that a new strategy to cope with the problem has been evolved and daily raids are conducted in this regard.

Though, a number of anti-encroachment drives were launched by the authorities concerned in all areas but the situation never changed in the city. The traffic mess on the roads creates problems for the area residents and the motorists besides noise pollution.

Street Vending accounts for a significant proportion of informal non-agricultural employment in Africa. Street vendors make up 13% in Dakar, Senegal; 19% in Cotonou, Benin; and 24% in Lome, Togo. In some Asian and Latin American cities, street vendors form a large portion of urban workforce, like Hanoi and Ho Chi Minh City, Vietnam: 11%, Lima Peru 9%. National level statistics reveal that street vendors account for 11% of the total urban employment in India and 15% in South Africa



**A Street market in Hoi An,  
Vietnam**



**Main Road of Abidjan, the capital of  
Ivory Coast**

Low barriers to entry, limited start-up costs and flexible hours are some of the factors that draw street vendors to occupation. Competition among vendors for space in the streets and access to customers is strong in many cities. The pedestrians are deprived of their rights to enjoy clean, orderly and beautiful spaces.

**Problems in avoiding encroachment:** Various problems arise in avoiding encroachment in the developing countries. Urban policies and local economic development strategies hardly prioritize livelihood security for the informal workers i.e. the hawkers. Urban renewal programmes, infrastructure upgrades and mega events routinely displace street vendors but do not provide them with alternatives. Moreover the alternatives that are provided rarely are of any help because the hawkers are displaced in such areas which are either not properly developed to attract customers or are inaccessible. During the Operation Sunshine launched by the government in Kolkata, India the hawkers were initially removed but then they all came back and occupied the pavements as the government was not very strict in continuing the maintenance of the programme. Some of the hawkers sold or rented the rehabilitation

lands to others and generated twin income source. Membership-based organisations help street vendors navigate their relationship with the authorities, build solidarity and solve problems with other vendors. Several countries have developed innovative ways to work with cities to keep the streets clean and safe while gaining a secure livelihood for vendors. Examples include:

- The Self-Employed Women's Association (SEWA) of India, the National Association of Street Vendors of India (NASVI), and the members of the WIEGO Network, were instrumental in making India's National Law on Street Vending a reality. This national law recognizes, regulates and protects the livelihoods of street vendors.
- In Durban, South Africa, street vendor organizations came together to fight the threat of demolition of the Warwick Junction market to make way for a formal mall. India is one of the very few countries that have developed a National Policy on Urban Street Vendors.

**Case study:** Background: In Kolkata, pedestrian ways are encroached either with vendors or with homeless dwellers. Comparatively street vendors are encroaching pedestrian passages more than by homeless dwellers. The meagre road space of 6% is further shortened by the scores of pedestrians who are forced to walk on the roads only because of illegal squatters on the pavements. The pavements have been partially or at some places completely encroached by hawkers leaving little or no space to walk for the pedestrians.

Historically, the city has received lot of refugees following the Partition of India in 1947. By official estimates 35000000 refugees came to India between 1946 and 1951. The 1951 Census mentions that this increase in population in West Bengal amounted to 50 years of normal population growth. Currently, according to the Rapid Assessment Survey of 2011, the total number of homeless in Kolkata is 37,468.

The hawker problem in Kolkata has a historical perspective since Partition saw a huge influx of people from East Pakistan, many of whom came to the city with little means for livelihood. In Kolkata, pavement hawking is an everyday phenomenon and hawkers represent one of the largest, more organised and more militant sectors in the informal economy.

In 1996, the Hawker Sangram Committee (HSC) was formed under which the hawkers organised themselves to resist the Operation Sunshine programme which was a move by the government to forcibly remove the hawkers from selected pavements. More than 32 street-based hawker unions, with an affiliation to the political parties constitute the body of the HSC.

In 1975 the Calcutta Municipal Corporation, Calcutta Metropolitan Development Authority and the Public Works Department jointly took a decision to remove the hawkers from the pavements of the city to make it encroachment free. Before this, the state and the municipal government made sporadic attempts to evict or resettle hawkers that yielded only

*The Role of Hawkers in Creating Encroachment: A Case Study of Kolkata* Mohana Basu & Snehamanju Basu contextual solution. In 1952 for example the government endeavoured to evict the book hawkers from College Street but the teachers of Presidency College and Calcutta University requested the government not to evict the book sellers as that ensured them a steady availability of books. The stalls thrived under middle class patronage.

In 1950 the usual way to check encroachment was to convert the erstwhile stable and wayside vacant public lands into ‘Hawkers’s Corner’. Thus in 1955 the then Chief Minister gave permission to build a hawker’s corner adjacent to the Jogubabu Bazar in the Bhowanipore region. Eviction of hawkers became a routine act for the corporation during the 1960s with the coming of the refugees from East Pakistan.



**No place for walking**



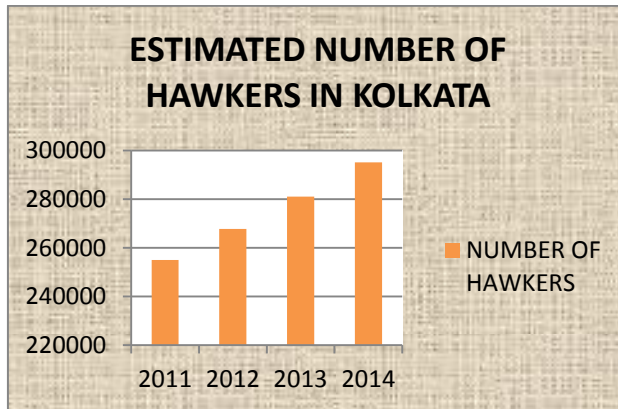
**Cars plying very close to the stalls**

**The Problem of Encroachment in Kolkata:** It seems that the problem of encroachment dates back to a long time period in Kolkata. The pedestrians are worst affected by the problem of encroachment. The car owners and the vehicle drivers face a lot of problem due to encroachment of the roads. Commercial installations like tea stalls etc can be found



*The Role of Hawkers in Creating Encroachment: A Case Study of Kolkata* Mohana Basu & Snehamanju Basu almost all over the city. Parking seems to be a major issue because of the large scale encroachment.

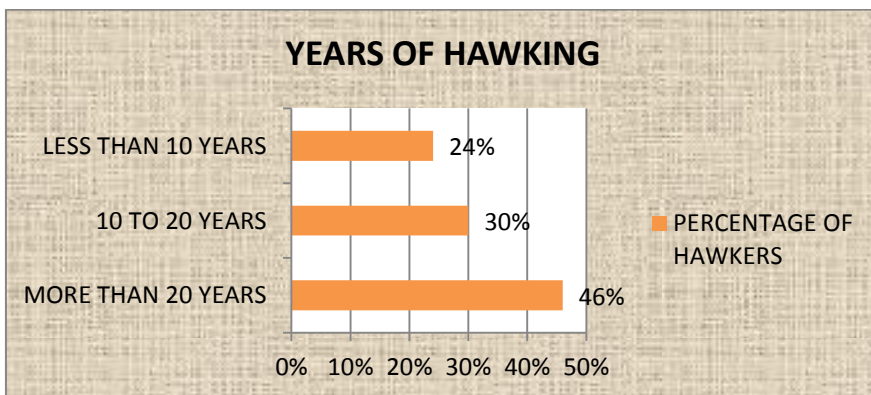
The number of hawkers has shown a steady increase over the years. More areas have been encroached. The atrocities of the hawkers have reached a new level. Incidences of selling off pavements by old established hawkers to the new comers are seen. It has been recorded that the hawkers who were evicted during the Operation Sunshine had made their way back into the pavements by bribing the civic authorities.



Primary survey revealed that all the hawkers at Gariahat area have to make weekly payment to the policemen in order to carry their business peacefully.

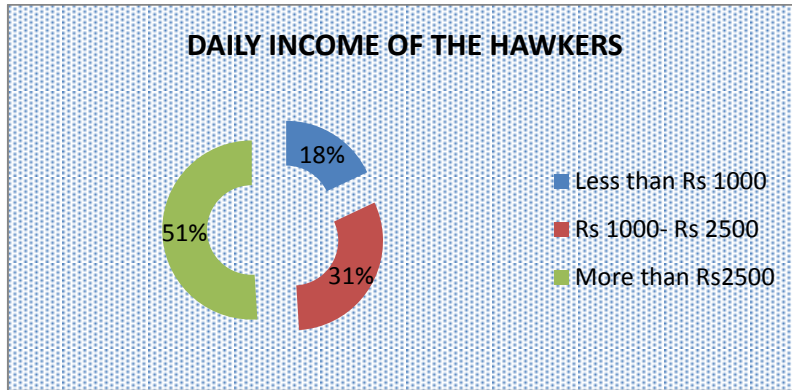
However it can be stated that the encroachment is caused more by the hawkers than by the pavement dwellers. The following diagram shows that the encroachment by hawkers is more immense than that by pavement dwellers.

The survey on the hawkers reveals their conditions. In order to solve the problem of encroachment a detailed knowledge about the encroachers is essential. About 200 hawkers were surveyed from Gariahat area and New Market area.



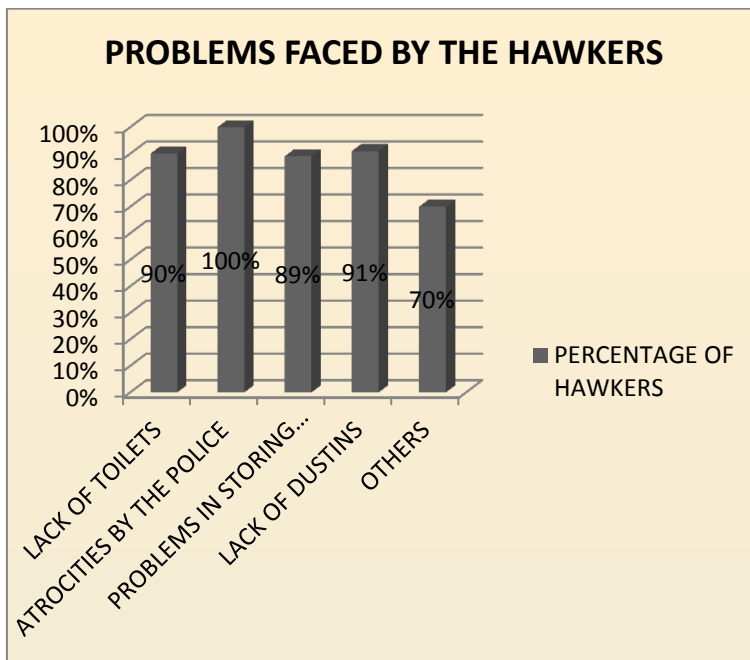
**Source: Primary Survey**

The survey shows that majority of the hawkers have been hawking in the pavements for more than 20 years. About 46% have been in this informal sector for more than 20 years followed by 30% between 10-20 years and 24% for less than 10 years.



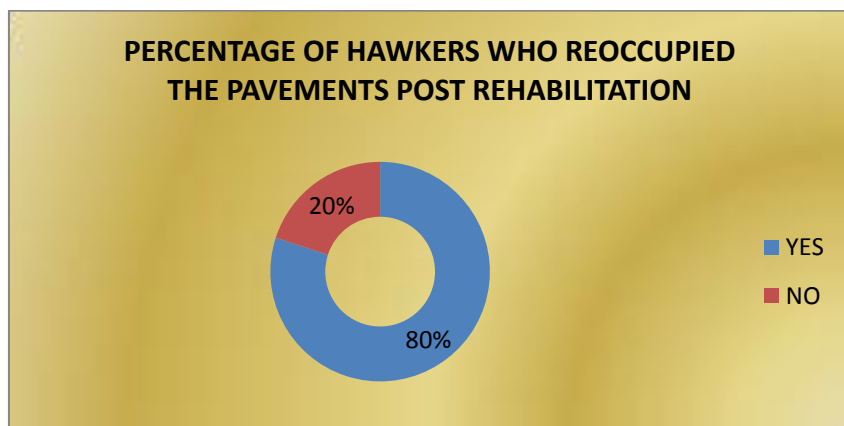
Source: Primary Survey

It is seen that 51% of the hawkers have a daily income of more than Rs. 2500 which shows that the income generated from street vending is not a tall low. The informal unorganised sector generates a good amount of income but since they are not trade license holders so they do not have to pay taxes and hence the economy is not getting any benefits from them. Only 18% of the hawkers have daily income of less than Rs. 1000.



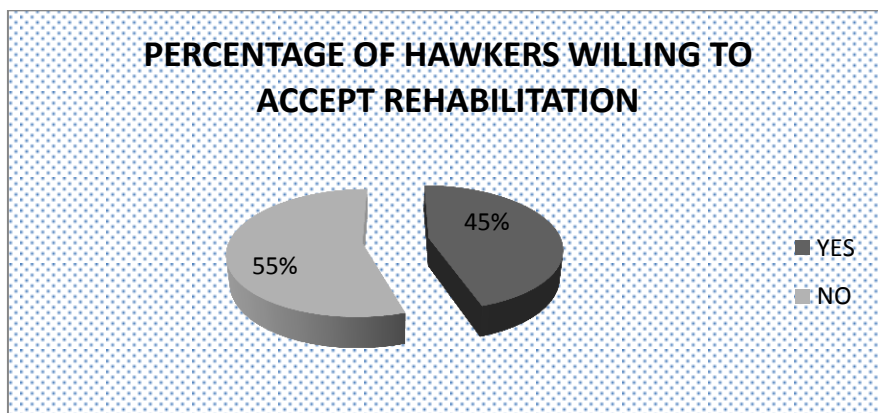
Source: Primary Survey

The primary survey shows that the hawkers face a lot of problems. The foremost problem faced by them is the atrocities bestowed upon them by the police. They have to pay a weekly sum of money to the police and the members of the local political parties for peacefully running their business. Failing to do so leads to immense atrocities of the powerful. About 90% of the hawkers face the problem of the absence of toilets specially the women. It is not possible for them to leave their stalls and go to toilets located meters away from their stalls. 89% of the hawkers have troubles in storing their goods. Those who have their homes faraway do not have the provision of taking their goods back home everyday. So they have to keep their things in the godowns offered by the local houses that charges quite a large sum of rent. Among the other problems faced by the hawkers the foremost is during the rainy season it becomes very difficult for them to store and display their items.



Source: Primary Survey

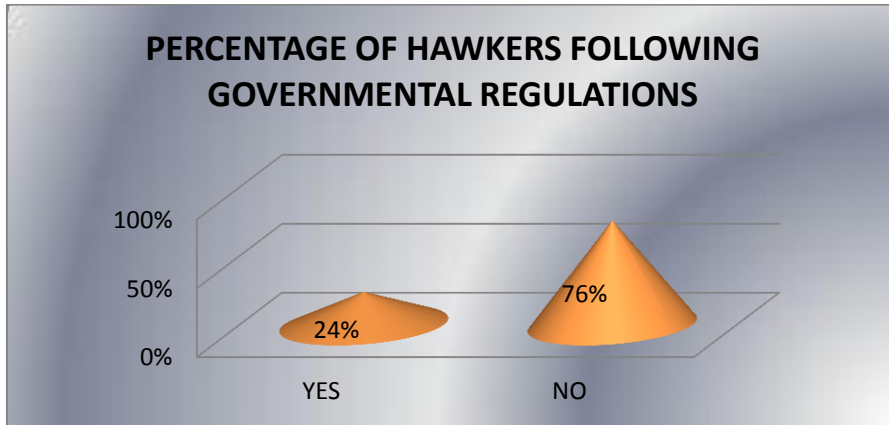
Survey shows that all the hawkers specially of Gariahat region were moved away and rehabilitated in Kosba area during the Operation Sunshine. But 80% of them reoccupied the gariahat pavement. They cite that the rehabilitation offered to them was very poor compared to their existing situation. Moreover some of them have even rented the rehabilitation areas to others or have set up separate business there thus ensuring double earning opportunities.



Source: Primary Survey



Survey shows that 55% of the hawkers are unwilling to shift to new areas as they have long established business in their current locations and the rehabilitations offered by the government hardly matches their present conditions.



Source: Primary Survey

It is seen that only 24% of the hawkers follow the regulations laid down by the government. The government does not enforce strict punishments for not following the regulations. They state that paying an assured sum of money to the police ensures breaking of the laws.

### **Major findings:**

The following are the major findings of this paper are:

- In Kolkata 80% of the pavements are encroached.
- The majority of encroachment is caused by the hawkers and commercial installations
- The number of hawkers have made a steady increase over the years.
- In the major areas of the city like Esplanade, Shyambazar , Gariahat, Moulali etc parking is a major problem.
- In the peak hours heavy traffic congestion occurs due to encroachment of pavements
- After the construction of the Gariahat flyover the problem of encroachment has to a certain extent been reduced in that area
- About 46% of the hawkers have been in this informal sector for more than 20years followed by 30% between 10-20years and 24% for less than 10years
- 51% of the hawkers have a daily income of more than Rs 2500
- 55% of the hawkers are unwilling to shift to new areas as they have long established business in their current locations and the rehabilitations offered by the government hardly matches their present conditions.
- None of the hawkers have trade license
- Hawkers are of the opinion that trade license could improve their condition.

- Access to toilets and non -availability of dust bins are the major problems faced by the hawkers
- Many hawkers sell off part of the pavements or rent them out to the new hawkers.
- All the hawkers face atrocities of the police and the local political leaders if they fail to bribe them weekly.
- 80% of the hawkers reoccupied the encroached lands in the post Operation Sunshine period
- The High income group earners are in favour of complete eviction of the hawkers.
- The middle class people and the shop owners of the encroached pavements are in favour of the hawkers as they get benefits of purchasing at cheap rates.

**Conclusion:** Urban policies and local economic development strategies rarely prioritize livelihood security for informal workers. Urban renewal projects, infrastructure upgrades and mega events routinely displace street vendors from natural markets, leaving the most vulnerable without a workplace. Good practice documentation shows vendors can help with urban management challenges like crime and cleaning. In addition, basic infrastructure – shelters, toilets, electricity and water – can both improve vendor work environments and make public space safer, more comfortable and aesthetically pleasing. India is one of very few countries that have developed a National Policy on Urban Street Vendors. Government of India first adopted the policy in 2004 with the objective of providing and promoting a supportive environment for street vendors to earn livelihoods, while at the same time reducing congestion and maintaining sanitary conditions in public spaces and streets.

Government of India updated the policy in 2009 as National Policy on Urban Street Vendors, 2009. Public authorities often regard street vendors as a nuisance and as encroachers of sidewalks and pavements and do not appreciate the valuable services that street vendors render to the common person. The Supreme Court of India has ruled in the *Sodan Singh & Others versus New Delhi Municipal Council, 1989* case:

*“if properly regulated, according to the exigency of the circumstances, the small traders on the side walks 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.”*

According to the MoHUPA, there are 10 million street vendors in India, with Mumbai accounting for 250,000, Delhi has 450,000, Kolkata, more than 150,000, and Ahmadabad, 100,000. Most of them are immigrants or laid-off workers, work for an average 10–12 hours a day, and remain impoverished. The rationale of the Government of India’s National Policy on Urban Street Vendors, 2009 states that,

*“Street vendors form a very important segment of the unorganized sector in the country. It is estimated that in several cities street vendors count for about 2 per cent of the population. Women constitute a large segment of these street vendors in almost every city. Street vending is not only a source of self-employment to the poor in cities and towns but also a means to provide ‘affordable’ as well as ‘convenient’ services to a majority of the urban population.”*

### **Recommendations:**

- The government should adopt proper policies for avoiding the problem of encroachment while keeping in mind the interests of the encroachers and the people affected by encroachment.
- The government should be very strict while implementing the policies.
- Proper executions and time to time checking of the conditions should be undertaken
- The hawkers should be granted trade license so that they get the protections from the government and have to pay only taxes and no illegal extortions have to be paid.
- Proper employment and rehabilitation policies should be undertaken by the government.
- Parking plazas should be constructed in areas where there is heavy traffic flow
- In the areas where the pavements have to be reduced to widen the roadways footbridges or subways should be constructed for pedestrians.
- Construction of flyovers can help to ease the problems created by the encroachment
- Monitoring should be done periodically to ensure that the rehabilitation sites are used by the encroachers.
- Strict actions should be taken against the vendors who violate the regulations laid down by the government.

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