

Reclaiming Urban Spaces: vendors in Delhi achieve legal justice in their fight to work

In May 2007 in India an historic legal case was brought to the Supreme Court in India that will set a precedent for vendors across India.

Thousands of poor families in Delhi make their living from selling clothes, food and household goods at daily and weekly markets on the cities streets. However over the last few years the Municipal Corporation of Delhi have been making it increasingly difficult for poor vendors to work. They have been evicted from markets and streets, harassed by the police, forced to pay high prices to vend and are facing increased competition from supermarkets. Women vendors are particularly vulnerable from police violence and harassment. Recently the corporation declared that every vending space should be formally demarcated.



We buy vegetables from the market very early in the morning. By the time we arrive at our usual vending space it is 9.30am. The police only give us half an hour to sell our vegetables. They then throw them on to the street and tell us to leave. They also sometimes beat us if we stay after 10am. We have to pay money to the police every day. They tell us that this is an order from above but this isn't true. We have to travel to different places every day carrying our goods which is exhausting.

Kari

The Self Employed Women's Association (SEWA) have been campaigning since 1972 for the rights of women workers. They are a trade union of poor self employed women who work in the unorganised sector without employment protection or benefits.

In response to the concerns of their members SEWA developed three cases which they took to the Supreme Court to try to protect the vendors and the spaces in which they work. These three cases were:

1. To establish a **market space for women vendors** in Delhi. To protect vendors income and livelihoods and to allow women to work free from violence and harassment.
2. A weekly street book market has been running every Sunday in Delhi for around 50 years. It provides employment to vendors and their families and supplies cheap books to Delhi's citizens. As it only happens on Sundays it poses no problems for the shops in the area. However in a government assessment of market spaces in Delhi no provision was made for the market and vendors realised that its only legal basis was historical. SEWA brought a case to **safeguard the book market by** physically demarcating the vendors spaces – formalising the area and making sure that the vendors were not obstructing the roads or pavements
3. Vendors often pay a regular fee or Tehbazaari to the state to allow them to vend in a particular area. If it is collected and acknowledged then it is the only proof that vendors have been working in a particular area over a period of time. If it is not collected then it becomes much easier for police, government or companies to claim that vendors are illegal and then to evict them. It is a nominal fee of between 5-10 rupees and vendors are willing to pay this to formalise their legality. The third case was therefore to ensure that a fee is regularly collected and acknowledged.

Since independence the poor and middle class have relied on weekly markets to buy cheap goods and they provide a way for thousands of vendors to gain a weekly income. These markets are pro-poor and need to be protected and supported by the city corporation.

Mahek Sethi, case advocate

By putting forward basic principled and responsible arguments SEWA secured a successful judgement on all three cases at the end of May 2007 – a women's market is now in the process of being set up, the book market is now safe and a standard registration and payment process for vendors is being set up that will be administered by the government.

The ruling supported SEWA's argument that the role of the state should be to supply and support the positive relationship between vendors, consumers and the city spaces in which they operate.



We have been campaigning for years for a women only space in Delhi and this has finally been achieved. This will be the first of its kind in Delhi. This is a great thing – it is a dream coming true.

Women vendors from Jehangirpuri, Delhi

Vegetable vendors in Delhi

Lessons Learnt:

- To stress the de facto rights of vendors: Vendors have been working in Delhi and in site specific markets for many years, they are not harming anyone by working there, they are providing a useful service to citizens and vending provides employment and livelihood for poor families.
- To keep demands simple, very specific and realistic - cases based on the reality of problems facing vendors.
- Cases relied on sound and solid research and evidence from SEWA and the vendors themselves.
- The lawyers analysed how international legislation such as CEDAW could be used to justify their case - this was not needed in court but was useful back up to draw from if necessary.

The Supreme Court is the highest court in India so this case now provides a legislative framework to implement progressive legislation for vendors across the country. The main challenges are now implementation and SEWA is now supporting its member to register as vendors.

With thanks to Indira Jaisingh (Supreme Court lawyer), Mahek Sethi and SEWA members.