

Formalising the Quandary of the Informal sector: A Study of the Female Hawkers in the Local Trains of Mumbai

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Abstracts:

Our employment industry is divided into the formal and informal sectors. The formal sector being the vital forms the mainstream which is monitored by some form of the government. Whereas the informal sector is seen to breed on a hand to mouth survival to exist that depends on no authority. The informal sector involves men and women who engage in different jobs which include beggary, shoe shiners, rag pickers, hawkers on streets etc. These informal errands provide economy for the poor who engage in such work. The struggle of existence for this population breeds inequality, poverty, helplessness, livelihood concerns etc. Such situation calls for a socio-anthropological study so as to mainstream their plight and provide the informal sector with better facilities and recognition. The paper addresses this concern with reference to the case of the hawking community with special attention to the female hawkers in the local trains of Mumbai. This paper explores the realities of train hawking and the plight of female train hawkers. First it looks at the dynamics of their business and highlights their daily struggle for security and survival. Followed by examining the train hawkers as part of the unorganized sector and the need for regulation of employment that would assure them security and independence. An analysis of the legal status of hawkers in India and their right to livelihood is made to understand their struggle with the government.

Through primary, secondary resources and transient ethnography, this paper would seek to validate its stance about questioning the existing inequality created between Hawking as a means of earning livelihood and mainstream employment in India which is inherently discriminating and the legislative interventions of the system which would fail to deliver if they are not audited in a timely and adequate manner. In conclusion, the paper would make a critique of the existing systems and offer a few suggestions and practical ideas for betterment of train hawkers especially through a contribution that can be made by civil society and some that could be taken up for further discussion.

Key Words: *Informal, Mumbai, Train hawkers, Unorganized Sector, Women*

The paper explores the essential presence of train hawking in a city, which requires a critical understanding of the functioning of public space. It places the female hawkers in train against the backdrop of informal sector in India. The experiences of hawkers in Mumbai, as elsewhere in India, has taught them not to fear a dictatorial state, but a voracious one, a state that constantly demands bribes and threatens demolition, against which a license provides security. For this paper, female train hawkers in the ladies compartment of the Mumbai local were interviewed for a brief period of six months almost every day on the researcher's to and fro journey to college. Data was collected by venturing into the markets, gathering joints of hawkers and by observation on various occasions and other public spaces. The issues and reflections from this ethnographic experience will spell out the issues and situations of the train hawkers. The paper uses the experiences of the female hawkers and generalizes their issues to larger community of train hawkers including both male and female. Although the female hawkers being more on the vulnerable side face issues related to their gender and also their work.

Most working class population in Mumbai use the local train as means of transport to commute to their work places. Hence, the frequency of trains across the three lines: central, western and harbour is quite high in Mumbai. Even though the frequency between two trains is a gap of two to three minutes, the trains are over flowing with commuters at peak hours. In such a scenario, train hawkers are most often seen as the less significant and unwanted human beings that need to be removed for the hygiene, safety

and comfort of more important human beings in the local trains.

Avek Sen describes, "They are illegal to the courts, inconvenient for the authorities, necessary for parties and unions and thus they are seen as categories of hawkers and beggars, divested of history and identity and hence of rights and needs. Their presence is acknowledged when counting them up for surveys, and when they have to be represented in law, policy, unions and quotas. These are some of the country's most vulnerable and, in every way unrepresented people thrown to their own resources in devising what they do for a living". The hawkers have a passion for economic self-reliance. Their existence is hand to mouth. They are in a profession that involves an endless daily fight for survival. Certainly not because of low sales or low profit earnings but the fear of losing their hard earned money to railway police and officials within a selfish system that cares not for the betterment of the marginalized.

Those that hawk in trains in Mumbai buy their stock of goods daily from wholesale markets in the city, a popular one located at Kurla¹ among others like Crawford, Natraj, Dadar etc They buy beauty and make up items, decorative accessories, stationary, brushes, toiletries, cutlery, food etc all at a rate of rupees five, ten, twenty and maximum of fifty and make a profit of two or three rupees on each item. The goods they sell are entirely their choice and are many times they are left with unsold goods. Seventy-five percent of their daily earning goes into investing goods for next day's business while just twenty-five percent is saved. They carry

¹ A station located on the central railways of Mumbai.

on trade with perpetual fear of encountering a cop at all times and are constantly at risk of losing their earnings to railway officials. They are made to pay a fine of rupees one thousand and two hundred on being caught besides this they are robbed by officials, their goods are confiscated which leaves them in debts sometimes of thousand of rupees.

Thus there is no account of the millions of illegal bribes that are paid and this is one major reason for not issuing them licenses to function. There are complete hierarchies of police and railway that thrive on these illegal earnings. The condition of the train hawkers is comparatively worse than the street vendors who now at least hold permits from the municipal corporation in Mumbai to hawk at the places allotted to them on streets. Also identity cards for street vendors which serve as licences are also being issued against a registration process and payment.

In a category which they don't belong to as against the street vendors because trains fall under no hawking zones. There are different ways that train hawkers carry on their trade. There are those who have their *Maliks*² or bosses, this group includes mostly young children hawkers and those that sell food items (*Vada Pav*³, groundnuts, *bhel*⁴, homemade sweets, *chikkis*⁵) and other items. Today nearly all train hawkers invest in goods themselves and sell them. The once existing mafia that bullied them no longer exists. The Police claim that they let child

hawkers continue their work without charging heavy fine so that they do not take to vices like drugs etc. for survival. They ask them for favours, small ones like boot polishing, etc. instead of money.

1. Female Hawkers

Female train hawkers are the most commonly found in the hawkers category and these include young girls, teenagers, middle aged women, mothers and some old aged women too. These are generally those women who have taken up hawking either due to tradition or those who see it as a convenient option to help their family survive. In this daily routine the female hawkers are involved in other risks along with those related to their work. Some of which is for mothers who carry their babies on them and enter the crowded train and also jump out when the train takes off. The risk of slipping off the train with the child is so high here. They ensure that their baby is generally sleeping during their hawking hours in the train; babies are even drugged to sleep so that they don't trouble their mothers at work. In the case of small girls who come selling goods when asked if education or going to a school was important, their reply is 'the money that she earned wasn't sufficient to meet the food expenses of the family'. Hence studying in a school is a far away dream for the young girls. Old aged women usually hawk as they have to earn for themselves with nobody to depend on in their family. These are the ones who usually give in to the bargaining done by the other lady commuters in the train. There are even male hawkers seen in ladies compartments in the trains. This is because women are seen as good targets for purchasing female related goods and for some it is just a mere occupation.

² A term used in Hindi which refers to one's owner or In charge.

³ It is the local Mumbai snack. It resembles a burger.

⁴ A puffed rice dish with various vegetables and a tangy tamarind sauce.

⁵ A traditional Indian sweet prepared with any edible nut or puffed rice or with mixed nut and sugar or jaggery.

2. Convenience or Crowding

The only issue on train hawkers raised by the Media so far is the 'convenience versus crowding' debate. Hawking of goods in Mumbai's suburban trains is strictly prohibited but in effect the entire railway system stretching across three separate lines (Western, Central and Harbour) are like a giant supermall on wheels that cater daily to 6.1 million commuters more appropriately read as customers (Indian Express, 1993).

For a group of women commuters en route from Churchgate to Virar⁶ the three hour journey to and fro daily, the hawkers on trains are their regular vegetable vendors and grocers because it is difficult to make time for shopping at the end of the day after the hectic work. These days the vegetables, dry fish and sometimes also fresh fish come cleaned, cut into pieces and ready to just be cooked. The flip side of the coin is that overcrowding in these trains has grown to such an extent that 4700 passengers are travelling per nine car train during peak hours as against the rated carrying capacity of 1700 thus making the presence of these hawkers extremely undesirable (Asian Age, 2005). Commuters complain that they have to make their journey in the company of beggars, eunuchs⁷, middle aged men and scrawny urchins but these very same commuters buy goods from them. According to the railway officials, the hawkers are a menace and it is not the railways job to provide them with a livelihood. They also argue that it is the commuters who are responsible and that the presence of hawkers

continues only because commuters carry on to buy goods from them.

Most commuters believe that hawkers enter into suburban trains for free except on occasions when caught by the police. In reality they have to pay hefty sums to police to hawk within trains. Hence they choose to operate within specific areas. For example if they hawk between *CST* (Chatrapati Shivaji Terminus) and *Byculla*⁸, they pay the railway police at *CST*. If they go beyond this fixed area they have to shell out to police at every station. The researcher witnessed an instance where a first class commuter created havoc in the entire compartment when a hawker selling earrings and clips entered. She threatened her saying that hawkers are forbidden from entering the first class compartment and asked people not to buy her commodities and hence forth boycott all hawkers.

There is constant passing of the buck of responsibility of protection from hawkers between the GRP (Government Railway police), the ticket collectors and the RPF (Railway protection force). The GRP is posted to ensure law and order at railway stations and are often blamed for the current state of affairs, the RPF claim that they are only concerned with the protection of Railway Property. The Railway Act that empowers the Railway personnel to take action against trespassers claim that their job is to only check the credentials of passengers and hawkers are the GRP's responsibility. But the steady income generated from *haftas*⁹ feeds the pockets of all the authorities within Railway Police hierarchies thus

⁶ They are names of railway stations on the western line.

⁷ They are locally known as *hijras*.

⁸ They are names of railway stations in the Central line.

⁹ It is a local term used for bribe.

allowing an entire corrupt system to thrive on the earnings of these victims.

3. Through the unorganized sector

Hawkers form a large portion of the urban informal sector. The First Indian National Commission on Labour (1966-69) defined 'Unorganized sector workforce' as "those workers who have not been able to organize themselves in pursuit of their common interest due to certain constraints like casual nature of employment, ignorance and illiteracy, small and scattered size of establishments". There are two sets of people that make female hawkers. One is the urban poor migrants from villages who come as economic refugees and possess low skills and lack education required for the better paid organized jobs and hence informal sector is their only means of survival. The second group is those whose spouses were once engaged in better paid jobs in the formal sector, most of them in the mills in Mumbai and Ahmedabad in the state of Gujarat and engineering firms in Kolkata, which have lately closed down. Hence the women of the household pick up trivial jobs to keep the subsistence alive and train hawking being one among them.

The unorganized sector has lesser control over resources and socio-economic power but its contribution to output and employment is greater than the organized sector. Despite a large social role that the unorganized sector plays in terms of production and employment, it is resource and income poor, with limited voice in public affairs and no voice in issues concerning them. This has serious effects on income and wealth distribution, sharing of

socio-political power and the nature and place of India in the global economy (Social Scientist 2003). This unorganized sector of small entrepreneurs and workers which forms a very huge section of the population provide a large part of the market for the mass production, modern sector non-agricultural consumer goods as well as for intermediate and consumer goods.

The total employment provided through hawking becomes larger if we consider the fact that they sustain certain industries by providing markets for their products. A lot of the goods sold by train hawkers, such as moulded plastic goods and household goods, beauty products and cosmetics, homemade sweets, snacks, jewellery, stationery are manufactured in small scale or home-based industries. These manufacturers cannot afford to retail their products through expensive distribution channels of the formal sector. In this way they provide a valuable service by helping sustain employment in these industries. Thus they are a vital link between producers and consumers making a valuable contribution to the economy.

The unorganized sector as an indicator of underdevelopment is treated as a transit category which is expected to disappear with development. The most distressing part is the lack of social security for all the unorganized sector workers in most developing countries. According to the Tenth Five Year Plan (2002-2007), of the 400 million workers in the country, only 50-60 million, i.e. 12-15%, are covered by some form of social security.

Portes and Haller, in their definitive book, 'The Informal Economy' defines Informalisation as 'a process of income generation characterized by one central feature: it is unregulated by the institutions

of society, in a legal and social environment in which similar activities are regulated'. Thus the key difference between a purse/bag sold on the train and an expensive branded bag is that the former sell unbranded products without paying taxes. The informal economy thus functions as a shadow economy (Fredrick and Colin, 2013), producing legitimate products but without the sanction or protection of law. Though it is unregulated by the state, the informal sector often functions with implicit permission from state institutions, although usually in illegal ways. For example, hawkers are unlicensed, but they pay the insignificant bureaucracy huge amount of money per year in bribes.

The descriptions of the informal sector by Hernando De Soto in his work, 'The Other Path' (1989) says that the multitudes of unorganized self-employed workers in the informal economy, such as the local cobbler, rag picker, fishmonger, vendor, florist, pawnbroker, etc., are brave 'entrepreneurs' who routinely oppose stifling state regulation. De Soto considers government regulation of the informal economy as intrusion upon their enterprise. Hence the regulation of employment conditions must entail that employment must be permanent and as per law and that social security be guaranteed by providing insurance coverage for illness, maternity, property, disability, old age, and death must be attached. Regulation of this sector is seen as a solution to make them a part of the development process.

4. Legal Status of Hawkers

The essence of the problem of Hawking lies with legal systems. Law requires them to have a license to hawk and without this slip of paper they are illegal, trespassers and

criminals that disregard law. Law gives an unlimited power to corrupt officials who use it to their benefit, very often illegally. Law that is meant to empower divests them of all moral and human rights of survival and progress. The Constitution of India, The Municipal Corporation Acts of various states, the Police Acts and the Railways Act affect the functioning of hawkers. But except the Constitution of India all other acts were framed under the British rule and by the Britishers keeping in mind their futuristic goals and ideas of perfect cities to remain on par with their western counter parts.

With the formation of the Municipal Corporation street hawking earlier administered by trade guilds was brought under the Corporation's regulatory powers. Hawkers thus had to procure a license to function in the cities, something they did not have to do earlier. Thus the issue of legality of hawker only by holding a license was introduced in Indian cities. The legal status of Hawkers is a very grey area. As per the Constitution of India they are perfectly legal but as per the Municipal Corporation Acts, Railway Act and the Police Acts they are illegal without a license.

In 1989 the Supreme Court gave a major judgement (Sodhan Singh vs. NDMC). It ruled that every individual has the right to earn a livelihood as a fundamental right. Hawking is thus a fundamental right provided it does not infringe on the rights of others. This makes hawking legal but requires hawkers to have a license for carrying on their business. Train Hawkers have been pleading to the government for the license that has been given to boot polishers at the stations that allows them to carry on their business for ten or twenty rupees paid

to the railways daily, but their pleas seem to be falling on deaf ears.

There are therefore two sets of influences controlled by two different groups of people. One is the practices and dynamics of trade and the market place in which hawkers are vital as they contribute to GDP (Gross Domestic Product) and the other is the legal provisions in which hawkers are to be regulated and controlled. Thus there are traders and small businesses on one hand and the Railway Police and Police Department on the other.

5. Attitude of the Authorities

According to the Mumbai Hawkers Union, Train Hawkers in Mumbai are known to unite temporarily with backing from the Mumbai Hawkers Union in times of adversity and when draconian issues and laws concerning them arise. This tentative solidarity ceases when things get better and they return back to work. This union has organized a number of protests, demonstrations in the past asking for licenses, amendment of laws, fines etc. The Mumbai Hawkers Union has written letters of protest on behalf of hawkers to those in authority for similar reasons.

The researcher was told by a train hawker that their unions are in name sake only. Their unions do not do what hawkers really want and choose to work at the surface level. What train hawkers really want is backing and union intervention when they are caught, threatened or their goods confiscated. They want their unions to free them in times of real trouble. The *morchas*¹⁰ according to them only worsen their already bad condition

and put them in bad terms with authorities. The Mumbai Hawkers Unions and those that run it make things hard for train hawkers when it asks them to go through formalities like registering as a part of the union etc instead of providing the actual help needed. The moderate ways of letters, applications, and permissions fails to give any hope of betterment to these hawkers and only weakens their trust and faith in the capacity of a union.

The government has set aside no hawking zones with a fine of rupees five thousand to hawkers that are caught in these zones. Trains come in the no Hawking zones. This puts train hawkers at a greater risk of encountering officials that may threaten them with such a huge fine taking advantage of the rule. This leaves the train hawkers in this city with no union support, and no government support and at the mercy of these organizations.

There is unity among them but unity with fear. Train hawkers fear that getting together by themselves will worsen their plight if it comes to the notice of police. They fear they will not be allowed to work besides being harassed even more. With a hand to mouth existence and daily struggle for survival it leaves them with little time and no courage to unite and fight. They live today with an attitude that the only way out it is the goodwill of the government and goodwill of their union. The government and union can do all it takes to better their conditions if they really want to.

¹⁰ It is a Hindi term for Protests

6. Conclusion

Given the realities of train hawking and the government apathy suggestions for betterment of train hawkers need to be practical in the sense that they are implementable and not implausible. It is necessary to know how many people are actually employed in this profession and hence registration system is needed, that provides information to the government. With such a system in place the government can get an idea of the number of persons engaged in this activity and release these figures with a certain number of licenses. Hawkers who do not see hope of getting a license will automatically disperse to other urban areas and this will help prevent overcrowding of hawkers in metropolitan cities. Besides their right to profession as a human and fundamental right must be recognized as hawking within trains or on the streets is not immoral and against societal norms.

SEWA (Self Employed Women's Association) in Ahmadabad and NASVI (National Alliance for Street Vendors of India) achieved great milestones in conditions of vendors with pressing for issuing identity cards by SEWA to hawkers that act as licenses and banks that lend money specifically to Hawkers. Imphal in Manipur is another city where street hawking is given legal status although some fees are charged by the Corporation for cleaning garbage etc.

Train hawkers that see the government as their only hope must be assured of the few yet major ways that civil society can help to better their conditions. The Media that is given high regard by society must be used to voice the unheard voices looking at train

hawkers not as collectives or categories like Hawkers, Beggars etc. but as persons deprived of their needs and rights.

Train hawkers are a person's striving for economic self reliance hence we must see them as contributors to a new India, as business people. Train Hawkers are part of the world of commerce and communally must find a place in the chambers of commerce to contribute further to the country's economy. People could patronize their goods without being paternalistic to encourage these budding entrepreneurs'. Besides the civil society could campaign in the interest of hawkers that government make efforts to integrate them in urban plans, to campaign for an environment which promotes and strengthens this sector and works towards the ultimate goal of employment and sufficient work for all.

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