

Emergency Avatâr of a Secular Goddess!

Manushi Swachha Narayani Descends to Protect Street Vendors

O Madhu Purnima Kishwar

On 12th March 2005, a new goddess, MANUSHI Swachha Narayani chose Sewa Nagar hawker market as her abode. The Goddess evolved out of MANUSHI's work to protect street vendors from routine human rights abuses, humiliation, assaults on their livelihood and huge extortion rackets legitimized by archaic laws which treat this legitimate occupation as an "illegal activity" despite the fact that the city cannot function without street vendors. During our sustained campaign to get all those laws and regulations changed or removed that facilitate such extortion, we also endeavoured to combat the prejudices against vendors among officialdom and influential citizens who see them as sources of squalor and chaos in the city. In that process, we began organizing the vendors to take responsibility for maintaining cleanliness and observing exemplary civic discipline. To drive home the message that cleaning one's physical environment is as sacred a duty of every citizen as cleansing our system of governance of corruption and abuse of power, in December 2001, we began the practice of worshipping the humble broom with all the rituals that go with worshipping regular deities. Our Broom Deity slowly acquired a human form. We named her MANUSHI Swachha Narayani. Its literal translation would mean the Goddess of Cleanliness but she represents many more qualities than respect for physical cleanliness.

Why the Emergency Descent

Devi Swachha Narayani was to appear in Sewa Nagar after a proper temple had been constructed for her abode



Mehboob, key organiser of Manushi Sangathan at Sewa Nagar, lighting a lamp in the Swaccha Narayani mobile mandir

as part of MANUSHI pilot project of developing a Model Market for street vendors and hawkers to demonstrate by concrete example how street vendors can be integrated in the city economy in an orderly and aesthetic manner. (Picture 5 shows the architectural plan of the park front in Sewa Nagar where the temple will soon be constructed). However, since our Model Market construction work was stopped midway by sheer violence and force and we were facing serious assaults from the extortionist gangs who were getting support of the local police, Corporator as well as the Member of Parliament of our area, we decided to bring our Goddess to Sewa Nagar much ahead time and with much fanfare. She travelled in a specially decorated tempo amidst the auspicious sounds of *shehnai* and was received at

Sewa Nagar with beautiful *dholak* beats to celebrate her arrival. The younger vendors danced ecstatically as she took abode in Sewa Nagar. The function, was organized at two days notice. Therefore, apart from Sewa Nagar vendors, only a select few friends of MANUSHI could be invited to attend the function. This proved a tremendous morale boost for the terrorised vendors. Call it coincidence or a miracle, the situation started improving rapidly after Devi Swachha Narayani positioned herself in Sewa Nagar on March 12.

For the moment, her mandir is on a mobile stall which was conceived and constructed by our architects as one of the many design options for vendor stalls we offered to MCD as part of our pilot project plans.

Legitimate Occupation Declared Illegal

Our work for vendors is part of a larger endeavour to free the livelihoods of our people from needless state
(Contd. on p.6)



Powers and Symbols of Our Devi

The many powers of Swachha Narayani are represented by the following symbols:

- **Broom** to symbolize our respect for cleanliness of the physical environment as well as our resolve to cleanse the government machinery of corruption. The broom also represents the strength that comes from unity. Each stick that constitutes the broom is by itself weak and can be easily broken into pieces. Alone, it is of little value. However, when the same sticks are tied together for a common purpose, they cannot be broken except by pulling them apart. By coming together, they transform themselves into a useful and indispensable tool for healthy living.
- **Clock** to emphasise the need to change with changing times and remove all the archaic colonial laws that continue to tyrannise our people.
- **Coin** placed in the palm of the Goddess held in *abhay mudra* to communicate our resolve that citizens are allowed to earn a dignified livelihood without fear, harassment and extortion.
- **Weighing-balance** symbolizing our commitment to social justice and careful weighing of truth and untruth as well as critical evaluation of our own work.
- **Video camera**, has been one of our key weapons to fight assaults on vendors. We have been able to stall several municipal operations to remove vendors simply by reaching the chosen site with our video camera. A large part of the success of our campaign for policy and law reform for street vendors was due to our recording on videotape the human rights violations of vendors and cycle rickshaw pullers and using the documentary film we made on street vendors as a tool of campaign and lobbying.
- **Diya** (earthen lamp) to symbolize the dispelling of darkness and bringing hope for the poor and vulnerable.
- **Account book or calculator** to communicate our endeavour to keep honest accounts and resolve to make all financial dealings of this project available in a transparent manner on a notice board as well as our website.
- **Pen** as a symbol of wisdom and learning as well as our belief that the pen is mightier than any sword.
- **Conch shell** for purity as well as a clarion call for self-organization of citizens so that they can become active players in democratising governance.
- **Stalk of barley** to symbolize multiplication of wealth as well as the spread of our message. Just as one seed can produce unlimited number of grains, so also we hope that this pilot project will show the way for numerous more such initiatives.
- The Goddess stands on a **lotus flower** to convey how we are attempting to create beauty out of squalor.



While our goddess has Durga like ability to battle tyrants, none of the weapons and symbols associated with her have violent or bloody overtones. While the foremost symbol of Swachha Narayani is the broom representing her creative energy to cleanse wrong doing, she is as much the goddess of self discipline – the power of the individual as a member of a group to create order and withstand chaos.

(Contd. from p.4)



The present mobile mandir of Swachha Narayani

controls, restore the legitimacy of these occupations and dismantle laws and regulations that tie them in a web of “illegality”.

All over India municipal laws treat street vending as a virtual crime. Their licensing policies are so restrictive that barring a handful, the vast majority of vendors operate illegally. In Delhi, for example, the number of unlicensed hawkers is estimated at 2.5 to 5 lakhs while those bestowed licenses are less than 4,000. The illegal status of more than 98 percent vendors makes them vulnerable to bribes, beatings and extortion.

In Delhi alone the terror unleashed by the License-Quota-Raid-Raj for vendors yields bribes worth Rs 40 crore per month plus enforced idleness for long periods every few months for most vendors.

The use of draconian laws and policies against vendors has not made street vendors and hawkers disappear. All it has done is to strengthen the hold of anti-social elements and extortionists who prey on these hard working people.

Trade plays the same role for an economy that blood circulation does for the human body. Just as the human body gets diseased and may even die if unnatural obstructions are placed in its arteries and veins, the health of an economy is seriously jeopardized if needless bureaucratic obstructions are placed in the way of trade and flow of goods from the producers to the consumers.

Without an active and vigorous flow of goods and easy access to markets, no society can sustain vibrant economic activity for long.

We believe that societies prosper fast when governments provide security of life and livelihood to their citizens. In all those societies where these rights are fragile and under constant threat, the economic and political health of the society inevitably breaks down. We also believe that if governments treat their citizens like scum, those who are persecuted may appear to grovel before the officialdom as and when required for their survival, but in reality are forced into cynicism and begin to doubt the validity of all sources of societal authority. The best way to encourage citizens to act responsibly is to treat them with respect and to be sensitive towards their legitimate requirements.

The squalor, chaos and inefficiencies prevalent in our public spaces are a direct result of the failure of the government to give due respect to legitimate requirements of various categories of citizens – street hawkers, traders, shop owners, consumers, pedestrians, motorists and local residents. Instead of reconciling these complementary interests in a judicious manner, we have allowed our public spaces and markets to become the scene of daily battles leading to chaos and disorderly behaviour. This failure has increasingly resulted in tightening the hold of criminal mafias over them. It is time we realised that safety is indivisible. If people are obstructed from creating gainful



The planned Swachha Narayani mandir which is soon to be built in front of one of the parks



Jhadu pooja (broom worship) is a standard ritual in all Manushi Sangathan meetings. This picture of the first *jhadu pooja* performed on December 19, 2001.

self employment, they will be forced into destitution. If people routinely see the police and government officials extort money through coercion and blackmail, they lose respect for laws and in the process more and more tend to gravitate towards crime, making the lives of all of us unsafe. Without economic freedom, political freedom can be reduced to a ritual without much substance. That is why poorer citizens can be used as captive vote banks by those who exercise control over their livelihoods.

Struggles for Right to Livelihood

Street vendors, through their unions as well as individually, have fought long drawn out battles in several cities of India to defend their right to livelihood both on the streets as well as through courts. SEWA of Gujarat has done pioneering work for women vendors of Gujarat. However, most of vendor unions tend to be captured by politicians and used to serve their own partisan purposes. Moreover, most of the struggles by vendors' unions have so far been to demand that their members be given licenses and that the quota of licenses be increased. The major paradigm shift brought about by MANUSHI has been to demand that the number of hawkers in any city or town ought to be determined by market demand rather than bureaucratic quotas.

An important breakthrough for street vendors came through a landmark judgment of the Supreme Court in response to a petition by a Delhi vendor in the case Sodan Singh and others Vs NDMC in 1989. The honourable Court ruled that "...The fundamental right of livelihood under Art. 19(1)(g) of the Constitution cannot be denied to street /pavement hawkers..." The Supreme Court also ordered that all cities should create hawking zones to provide legitimate space for street traders and subject them only to reasonable restrictions.

However, even while accepting street vending as a legitimate means of livelihood, the licensing procedures sanctified by the Supreme Court in Gajindra Ram vs MCD and others (1993) judgement are very arbitrary and totally irrational. This further institutionalised and strengthened extortion rackets in every city and town of India. (For a detailed analysis of the Supreme Court sanctioned *tehbazari* system is available in issue No. 128 of MANUSHI) That is why manushi's campaign focused on changing the basic features of the licensing regime for vendors rather than demanding increase in the quota of licenses.

Vendors' Services are Indispensable

It is time we recognised that hawkers:

Exist in Response to Market Demand: Vendors locate themselves only where there is actual demand for their services. Surveys have shown that the proportion of vendors in a given area is proportional to the number of people who use that road, bus stop, market office complex. Thus, vendors create "natural markets" in sizes proportional to the demand for their services. That is why, despite routine "clearance operations" vendors stage a comeback within a few hours, days or weeks right in the same place.

Provide location specific services at convenient points: Middle class people buy a large proportion of their daily requirements from street vendors, whereas for the poor, hawkers are often the only affordable source for items of daily consumption. Thus, they are a vital link between consumers and producers and make a valuable contribution to the economy. But for their enterprise, urban consumers would have to travel long distances by buses, cars and scooters to procure their daily necessities. Their absence would lead to more expenditure on transport, vehicular pollution and congestion.

Provide a vibrant training ground for development of entrepreneurial skills: Dhirubhai Ambani of Reliance Group and Gulshan Kumar of T-series fame both began their lives as street traders. A large proportion of Partition refugees rehabilitated themselves by undertaking street vending and thereafter grew to be successful entrepreneurs. Many more such entrepreneurial pioneers can emerge in our country, provided we create a safe and conducive atmosphere for people working in this sector.

Create employment for themselves and help stimulate employment in agriculture as well as small-scale industry: They are the main distribution channel for a large variety of products meant for daily consumption—fruit, vegetables, readymade garments, shoes, household gadgets, toys, stationery, newspapers, magazines and so on. Elimination of street hawkers from the urban markets would lead to a severe crisis for fruit and vegetable

farmers, as well as for small-scale industries, which cannot afford to retail their products through expensive distribution networks in the formal sector.

□ Provide a low cost, decentralized and highly efficient system of distribution: Hawkers distribute an incredible variety of products, at prices far lower than those prevailing in the established markets. Consumer prices of daily use essential commodities would rise dramatically if hawkers were to be eliminated from the urban centres, especially in a city like Delhi where property prices are incredibly high. Those who invest such phenomenal amounts of money in purchasing high price commercial space are not likely to sell low value and low profit goods like fruits and vegetables. Consequently the numbers of players in the market for the sale of such goods will decrease dramatically, removing competition, and consequently resulting in high prices for consumers. Street vendors keep prices low by working for incredibly long hours and keep their overhead costs low by involving family members in their operations. For example, a vegetable seller leaves home at 4 a.m., if not earlier, to reach the wholesale *mandi* by 5 a.m. By 7 a.m., he/she has carted the vegetables to his chosen spot, sorted out and

displayed them for the early buyers and continues selling his goods till 10 p.m. or even later in some areas, with only a couple of hours break in between for rest and food, when some other member of the family takes over the job. They work 365 days a year, with no weekly or even festival holiday, providing vital services to the city at great personal cost.

□ Provide the poor with freshly cooked nutritious food at affordable prices: In large and congested cities working people have to spend more and more time on travel. They tend to eat out more often because cooking proper meals at home takes a lot of time and energy. Street foods are not only far cheaper than restaurant foods, but also cost less than home prepared food, especially if we take into account the time spent on shopping, packing and cooking. In terms of nutritional value, street foods offer far better bargains than restaurant foods. Studies have shown that the cheapest street meals, cooked under abysmal conditions by the poorest of vendors, have lower bacterial contamination levels than samples taken from restaurants. Even a cursory

comparison of the hygiene levels in the kitchens of most Indian restaurants suggests the relative safety of street food in comparison to most Indian restaurants. Despite lacking basic amenities like regular water supply and places to wash, the arrangements devised by street vendors are open to view and, therefore, better than those available in most restaurant kitchens where filth is hidden from sight.

□ Bring greater safety and stability to cities: By their very presence, street vendors bring greater safety and security to their neighbourhoods. Deserted streets and neighbourhoods facilitate the job of criminals. But wherever there are clusters of open shops on pavements, the crime rate is lower. These self-employed daily earners have a very special stake in keeping public places conflict free and safe because their livelihood is disrupted if there is violence on the streets or when the administration declares a curfew to deal with lawlessness in the city. Therefore, they tend to be extremely vigilant to not only avoid conflict situations themselves but also have reliable information on and a stake in curbing the activities of anti social elements.

Thus all categories of citizens need the services provided by street vendors as much as they need us. Given the vital economic contribution of this sector, it is imperative that we provide due recognition to their

legitimate requirements. All they ask in return is the right to use a small amount of space so that they can earn an honest livelihood through their own money, skills and labour in dignity and peace, free of extortion and oppression.

This is not to suggest that we allow vendors to take over public spaces without regard for civic discipline and due respect for the rights of other citizens. That is why MANUSHI's plan of developing model hawker centers includes very strict self-regulation and civic discipline as well as willingness of vendors to pay rent for the space they use. We hope these can become role models for the rest of the city and set new standards of citizen's responsibility and partnership in governance.

How it All Began

MANUSHI's campaign took off with a documentary film made for national television as part of Manas series entitled "*Licence Quota Raid Raj: A View from Below*". This film shot in MANUSHI's own neighbourhood, describes the vicious controls on vendors and rickshaws which facilitate brutal exploitation of people in these two sectors.



The Safai Brigade is managed and paid for by vendors

I had to fight a year long battle against attempts to censor those portions of the film which allege that a huge extortion racket is being run by municipal agencies and the police under the guise of “controlling” the numbers of rickshaws and street vendors in the city. This is one of the few no-holds barred exposes of government corruption and brutality telecast over Doordarshan *without a single cut or dilution*.

Seeing this film telecast on national television thousands of vendors and rickshaw owners began to seek MANUSHI’s help in getting redressal. MANUSHI organised a series of special screenings of this film for the street vendor and cycle rickshaw sector to get their feedback and have a more in-depth view of the situation. Between 1997-2001, MANUSHI made citywide contacts with thousands of people working in these two sectors.

In April 2001, MANUSHI and Centre for the Study of Developing Societies organised a two-day conference entitled “Laws, Liberty and Livelihood”. The Conference provided a forum for street vendors and rickshaw pullers to talk about their problems in front of influential citizens and activists from several states of India.

A major breakthrough came in May 2001 when we met the Central Vigilance Commissioner Mr. N. Vittal to seek his intervention in freeing the livelihoods of street vendors and rickshaw pullers from extortionist mafias. MANUSHI’s letter to the CVC shared the findings of MANUSHI that in Delhi alone these two groups of self employed poor are paying at least Rs. 50 crore per month by way of bribes to the police municipal agencies and local politicians. On the basis of MANUSHI’s complaint, the CVC sent letters to the Chief Minister of Delhi and various other high office holders demanding that laws and regulations with regard to these two sectors be changed.



Municipal Corporation’s “Operation Ujaad” near Sewa Nagar, May 14, 2002



Uprooted vendors were back to business on June 14, 2002. How did this happen? Each vendor paid Rs. 2000 lumpsum to the bribe extractors who upped the monthly bribe rate by about Rs. 200. Today, they pay between Rs.1500-2000 per month as “protection money” and yet remain insecure.

On May 25, 2001, Mr. Vittal presided over a Public Hearing of Street Vendors organised by MANUSHI at FICCI auditorium (See issues 124 & 125 of MANUSHI).

Apart from CVC’s letters to various authorities, Tavleen Singh’s article in *India Today* based on what she learnt at the Public Hearing caught Prime Minister Vajpayee’s attention. He directed Joint Secretary in the PMO, Mr. Prodip Ghosh, to draft a new policy for vendors and rickshaw pullers. A letter from the PM addressed to the Lt. Governor of Delhi instructed him to carry out the necessary reforms for street vendors and rickshaw pullers as outlined in the PMO’s Concept Note. The Prime Minister’s letter openly endorsed MANUSHI’s findings regarding extortion rackets flourishing due to present restrictive licensing policy. The text of this Concept Note was published in issue 125 of 2001 (See Box on page 15 for key features of this policy).

On August 28, 2001, MANUSHI organised a Public Hearing of rickshaw owners and pullers at the India International Centre. A panel presided over by the CVC heard people in the rickshaw sector and also saw fresh film footage on the plight of rickshaw owners and pullers.

On that very day, Prime Minister's Office hand delivered a new policy document to MANUSHI's office. The atmosphere at the Public Hearing was electrified not just by the accounts of rickshaw pullers but also by the announcement of the Prime Minister's New Policy.

The Delhi BJP leaders were outraged at the new policy announcement. Therefore, they went overboard in trying to kill it. Some low level BJP workers claiming patronage of Sahib Singh Varma, the then Minister of Labour, floated a new union for vendors and rickshaw pullers claiming that the Prime Minister had given them charge to implement the new policy. Under that garb they started a new system of extortion. They began charging Rs 500 from each vendor and rickshaw owner as membership fee for their union which they fraudulently claimed was run under Vajpayee's own guidance. MANUSHI informed senior BJP leaders and some senior officers of Delhi Police of this racket but no action was taken against those committing fraud.

Worse still, the Lt. Governor of Delhi, Mr. Vijai Kapoor, who had been entrusted the job of

implementing the New Policy by the Prime Minister proved to be very hostile to P.M.'s New Policy and ordered a harsh crackdown on the vendor and cycle rickshaw sector.

On October 2, 2001, MANUSHI organised a demonstration outside the Lt. Governor's Office, attended by nearly 20,000 rickshaw pullers and street vendors to protest against increased assaults, and more frequent 'Clearance Operations' and confiscation of rickshaw and vending stalls by the police and municipal agencies (Issue 126 of 2001 carried a report of this demonstration along with description of the ways through which P.M.'s police was being actively sabotaged). Expecting major benefits to come out of this, vendors and rickshaw sector people insisted that MANUSHI should create a membership-based forum for citizens whose right to livelihood is threatened by the Government. This led to the formation of MANUSHI Nagarik Adhikar Manch (MNAM) as an offshoot of MANUSHI Trust for organizing self-employed poor. This was renamed as Manushi Sangathan in 2003.

From Criticism to Constructive Engagement

Despite Supreme Court judgements requiring that each city set up hawking zones, despite the Prime Minister's personal intervention, no city government took any steps to implement the New Policy or the Supreme Court guidelines.

Demoralisation, Loss of Capital and Erosion of Savings

Here is a typical sample of the economic and political impact of a routine M.C.D. "raid" on the lives of vendors: During a raid conducted on December 3, 2004, in which the local police participated, the following goods were confiscated under 20 different challans, one for every confiscated item, from a vendor named Hari Ram Meena who runs a roadside food stall in Sewa Nagar. In addition they took away a tool box of another man who runs a cycle repair shop and two *rehdis* of adjacent vendors. All this was added to Meena's account. The list of confiscated items reads as follows:

One rehdi, one gas cylinder, 18 broken bamboos, one broken tin sheet, four saucepans, one small kadahi, one pan, one wooden counter, one iron stool, one board, one broken bench, one torn plastic sheeting, one plastic sheeting, one plastic sheeting, one wooden box, two bamboos, one box, one gas stove, one rehdi, one rehdi, one broken bench, one gas light, one wooden stool, some tools in a bag.



Vendor Hari Ram Meena

Fine demanded for return of goods : Rs. 19,000

Cost of starting business again : Rs. 8,000

Minimum loss of income for a month of enforced idleness: Rs. 5000

It takes days or weeks for a vendor whose wares have been confiscated to arrange for loans and start all over again

Reasons offered by officials for non-action on this issue:

- Hawkers bring chaos, squalor and cause obstructions for other road users.
- Legalizing their existence will mean rewarding illegal encroachments on “government land”.
- Such old fashioned bazaars ought to be got rid of and replaced with modern shopping complexes.
- Cities will be flooded with vendors if life is made easier for them in cities. So many vendors cannot be accommodated without causing a total civic breakdown.

Since the city administration of the time was extremely hostile to the idea of legalising these two trades, in December 2001 and January-February 2002 we filed petitions both in the Supreme Court as well as the Delhi High Court demanding an end to the criminal acts of the government agencies and implementation of P.M’s New Policy.

However, instead of being restrained by the Court proceedings the city administration began carrying out even more aggressive attacks and more frequent “clearance operations” in the city. Consequently, MANUSHI had to do endless firefighting by resisting removal of vendors in selected places to register our protest.

Instead of confining our role to mere protests, MANUSHI started work on concrete plans to show how the new policy can be operationalised. To combat official prejudice MANUSHI offered to take responsibility for creating Model Hawker Markets to show by example how vendors can be accommodated in the city in an aesthetic and orderly manner. We raised funds, hired a team of architects and submitted detailed plans to MCD. In addition, we submitted maps of special lanes for slow moving non motorised traffic to convince the M.C.D. that with proper planning and traffic regulation, rickshaws need not create traffic snarls.

After Rakesh Mehta took over as Municipal Commissioner of Delhi, a new era of collaboration between MCD and MANUSHI began. Mehta backed the Model Market project and sought the permission of the Supreme Court in 2002 to experiment with two pilot projects at Sewa Nagar and near CGO Complex. Mehta faced massive opposition not just within the officialdom but more importantly from the municipal corporators who easily transcended party affiliations and made common cause to obstruct the pilot project in particular, and policy reform for street vendors in general.

Supreme Court gave clearance to MANUSHI proposed pilot projects on April 7, 2003. A registered agreement was signed on April 10, 2003 between MANUSHI and the MCD for the execution of two pilot projects- one at Sewa Nagar and the other near CGO Complex. But the project

could not be executed right away because the MCD claimed it had no money for the required infra-structure. Finally, the Commissioner advised us to get the required funds from MPLAD funds.

In March 2004, Mrs. Ambika Soni most readily supported the project from her MPLAD fund to build the required civic infrastructure in Sewa Nagar and Dr. Karan Singh provided support for the CGO Complex project. The latter had to be put on hold because of repeated assaults by the local police despite security clearance. We decided to focus on Sewa Nagar so that with a concrete success in hand we could fight other battles from a position of strength.

Meanwhile, a National Task Force for Street Vendors was set up by the Ministry of Urban Development and Poverty Alleviation in 2002 at the behest of SEWA. Member of this Task Force included SEWA Gujarat, National Alliance of Street Vendors, MANUSHI, Hawkers Sangram Samiti of Kolkatta, Bombay Hawkers Union and several bureaucrats. Minister of State for Urban Development and Poverty Alleviation was its Chairman. The deliberations and recommendations of this Task Force resulted in a National Policy for Street Vendors, which was approved by the NDA government in January 2004. Vendors’ organisations in different cities are battling to get this policy implemented.

Philosophy and Goals of Our Interventions

The purpose behind this pilot project is to:

- Replace the arbitrary and corruption prone governmental “controls” on the livelihoods of the poor with transparent and rational regulatory mechanisms for those working in the unorganised sector.
- Show by example how urban planning ought to take into account the legitimate requirements of all categories of road users: vendors, shoppers, pedestrians as well as vehicular traffic.
- Organize vendors as a union as well as responsible citizens. We fight for their right to livelihood to be respected by the State but also make sure that they observe civic discipline and pay for various services they use, including space, electricity, water and market security.
- Make middle and upper class people recognise their dependence on vendors and join hands with them in maintaining well ordered markets.
- Move out of the Third World mindset that accepts dirt and squalor as the inevitable fate of our citizens.
- Raise the aspiration level and enhance the self esteem of our citizens. Self-respecting citizens are an asset for any society. Those who accept filth, disorder and abuse as their lot, become self-hating and destructive.
- Learn to plan and maintain our cities in tune with the actual requirements of our citizens and their income levels

rather than follow alien and inappropriate models of low populated Western countries.

- Combine aesthetics with optimum utilisation of space to encourage micro enterprises and self-employment rather than curb it through restrictive and unrealistic land use policies. Singapore and Tokyo have higher density populations than Delhi but they do not have oppressive and claustrophobic living and working conditions because they are well planned and well administered.

Experiment in Self Governance

MANUSHI undertook the following responsibilities as per the registered agreement signed between MCD and MANUSHI in April 2004:

- Proper management and recycling of garbage through voluntary contribution from hawkers. A Safai Brigade has been maintaining cleanliness in the Pilot Project area since December 2001. Each vendor pays Rs. 50 per month towards the salary of four employees of the this Cleaning Brigade.
- A proper survey of the space available for placing hawkers and commitment on oath from them to keep within a consensually agreed “*sanyam rekha*” or Line of Self Discipline. This line will be a standard feature of all markets MANUSHI undertakes to bring under its management and supervision. Hawkers who do not observe this discipline are fined Rs. 100 every time they violate the *sanyam rekha*. Habitual violators have their membership to Manushi Sangathan suspended or cancelled. Such denial or cancellation of membership is duly informed to the MCD, which is free to evict those vendors who refuse to abide by the agreed upon norms of civic discipline.
- Provide a detailed plan for the improvement and upgradation of the physical infrastructure of the Pilot Project area, (and other



Both rehdis and stalls maintain discipline and stay within the *sanyam rekha*

each *rehdi*.

- Pay the fee of architects and designers of the new vending structures. This money was raised through individual donations from MANUSHI friends Each vendor pays for the cost of new stalls and *rehdis*. ICICI has provided low interest loans to MANUSHI members towards the cost of these stalls.
- Get written commitment on oath from each hawker of the Pilot Project that he/she will not put up any unauthorized permanent structure on the pavements or anywhere else in the market.
- Ensure rent compliance by MANUSHI members so that the MCD gets due amount of revenue from all those street vendors who opt to become part of the model market project. Since October 2004, MANUSHI has been depositing in the MCD account Rs. 390 per vendor by way of *tehbazari* fee

from Sewa Nagar pilot project area.

- Collecting electricity and water dues to prevent pilferage and theft of these services, after proper electricity and water meters are provided.
- Involve residents from neighbouring colonies, who come to shop in these markets, to collaborate with MANUSHI’s efforts and get involved in initiating a high level of self-discipline among both shoppers and sellers.



Typical squalor, indiscipline and takeover of road space by “influential” stall owners just outside the pilot project area

- Provide appropriate open space for cultural events and maintain green spaces in the area.
- Earmark and maintain proper parking spaces for vehicular traffic, including cycle rickshaws, in a way that decongests the area and makes pedestrian shopping a pleasant experience.
- Take care of the administrative and maintenance costs of running these pilot projects on a continuing basis.

Benefits to the Government

By giving security of livelihood to vendors on the lines suggested by MANUSHI, the government has a lot to gain even while certain officials might lose extra income.

- If vendors' status is legalised, the MCDs income will rise substantially. At an average of Rs. 500 per vendor with a higher fee for high business volume markets the MCD will earn several crores a month from the lakhs of vendors operating in Delhi.
- At an average of Rs. 50 per vendor for the use of electricity, the Electricity Board will earn several crores from street vendors using legal power connections. At present each vendor pays Rs. 200 to Rs. 600 per month for stolen electricity through hazardous connections.
- It will bring down crime level in society by breaking the nexus between the bribe seekers in the Government and the local criminals who act as touts.
- With security of tenure, income levels of vendors will rise substantially and enable many of them to move to higher levels of entrepreneurship.

The Project Stalled

Throughout this period we faced repeated assaults by the local extortionist mafia because after MANUSHI succeeded in bringing a measure of security for the vendors and they began paying official rent or *tehbazari* fee, the vendors stopped paying bribes. This outraged the extortionist gang. They first tried blackmailing MANUSHI into giving each of them a certain number of stalls. When we refused to yield to their illegitimate demand they stopped the construction work by force and violence. On numerous occasions, our workers were roughed up and taken to the police station. Our architect and contractor were ordered to stop "illegal construction" or else face action. Our key members began



Shapath patra signed by each vendor promising to abide by agreed upon discipline



MANUSHI designed stalls under construction

to receive serious threats, their goods confiscated and existing stalls damaged despite the MCD Commissioner's orders that pilot project vendors should not face harassment or "removal operations". The situation became explosive when on December 15, 2004, they collected a whole gang of thugs and sat on *dharna* and used physical violence to stop the pilot project. For hours on end they would hurl abuses and false accusations against MANUSHI, calling on vendors to withdraw from the project. They formed a bogus Residents Welfare Association to bolster their case that the pilot project caused inconvenience to the inhabitants of the area. Some of them have long criminal records and are

undergoing trials for serious offences, including murder, kidnapping, sexual assault harassment and fraud. These criminal elements attach themselves to whichever party is in power. That gives them added clout with the police. Fortunately, hardly any vendor from the project area fell prey to their machinations.

Unable to break the unity and resilience of members of Manushi Sangathan through violence and threats, two members of the extortionist gang, Umesh Rawat and Dharam Singh, claiming high level political patronage, approached the High Court in January 2005 to get a stay order against the pilot project.

The High Court refused to grant a stay order, but the gang stalled construction work through the use of violence and strong-arm tactics. For several months, the Station House Officer (SHO) of the Kotla police station and other key personnel lent full support to their criminal activities while MANUSHI members were repeatedly attacked by the police.

Many had their stalls forcibly removed and goods confiscated.

On February 25, 2005, MANUSHI submitted evidence of the criminal activities and past record of this gang to the High Court. We sought protection for our members, some of whom have been getting serious threats.

The *dharna* against the project fizzled out because they could not get even 10 people to continue sitting there. Today, the tent put up at the site stands as a desolate but grim reminder that they could reassemble their forces and attack again. The

Court case is still pending and the next hearing is on March 28. However, the construction work was resumed in the third week of March with the M.C.D. Commissioner directing the police not to lend support to the obstructionist gang. MANUSHI Board Member, Renuka Viswanathan, a senior IAS officer, played a key role in persuading senior police officials that they should discipline the local police and protect us from attacks. Slowly, the SHO of our area turned from an opponent to an ally. It is difficult to say how long this truce will last.

It is noteworthy that gangs of thugs have the power to stall for months a project that:

- Aims was to create guidelines for the implementation of the National Policy for Street Vendors;
- Received Supreme Court sanction;
- Received financial support from the MPLAD fund of a senior leader of the Congress party;
- Has the full support of the Municipal Commissioner;
- Has the approval of the Chief Minister

Why Changing the System is So Difficult

- Police, *netas* and *babus* exercise total control over the livelihoods of the poor because they are denied legal access to land for small business enterprises. Their illegal status makes them afraid of confronting the criminal elements who run extortion rackets. Therefore, organising the poor into a force is a daunting and risky task.
- Politicians react with great hostility to any non-party organisational activity that lends strength to the poor because then these people cannot be used as captive vote banks. An organisation like MANUSHI which is not aligned to any political party is sought to be crushed before it can develop deep roots.
- The bureaucracy, especially at the lower levels, is steeped in corruption and promotes touts as instruments of bribe collection.
- Educated and influential sections of society have abandoned local, municipal level politics which is where, citizens involvement is most necessary and can be most effective. The consequent vacuum has made it easy for anti-social elements and extortionist mafias to dominate public spaces and economic activity.
- Some of those who collect monthly *hafta* are known criminals and can go to any length to destroy those who offer resistance. They are also key political workers and vote



Local politicians sitting on *dharna* against the pilot project

mobilisers for whichever party is in power. Therefore, it is not easy to survive after challenging their power.

At the moment, the fate of this experiment depends entirely on the support of a few senior officers, especially the MCD Commissioner. We hope overtime we will be able to institutionalise a new system so that the model of self governance we wish to put in place becomes self sustaining and is not dependent only on the goodwill of a few honest officers or the little clout

MANUSHI can muster in favour of such projects.

To be continued

(The next issue will carry an account of strategies we have used to overcome hostility and win support, the outcome of the case in the High Court as well as the challenges of organising self employed poor).

Acknowledgements

Since MANUSHI has so far never applied for or received institutional grants, we appealed to MANUSHI readers and friends for financial support to organise street vendors, document their battles on film, do necessary legal and field research, bear the cost of Public Interest Litigation, as well as pay for the fee of architects associated with designing and executing the pilot project.

A special “Model Market and Clean Governance Fund” was started in December 2001. Ajit Gulabchand provided the initial core grant for this work. Subsequent support came from Prithvi and Sulekha Sharma. Currently Arjun Bhagat is providing regular monetary help for consolidating and spreading this work. Other supporters include Uma Iyer and Ananthaswamy.

We owe special thanks to Tavleen Singh whose consistent support has been vital for this work. Renuka Viswanathan’s determined interventions have helped us tide over many crises. She has lobbied tirelessly with fellow bureaucrats and police officials in favour of this project. Thanks are also due to Geeta Luthra and Pinky Anand who have fought several legal battles on our behalf in courts.

Most important of all, it is the untiring efforts of Mehboob, a plastic ware vendor at Sewa Nagar, which played a vital role in building the Sewa Nagar unit of Manushi Sangathan. This work would not have been possible if Sewa Nagar vendors had not stood up to the threats of touts and criminals and enabled an honest man like Mehoob to emerge as their leader of choice and trust. □

Key Feature of the New Policy for Street Vendors & Rickshaw Pullers announced by former Prime Minister Vajpayee in Response to MANUSHI's Campaign in August 2001

- Let the laws of market demand and supply determine the number of vendors and rickshaws in the city rather than bureaucratic quotas.
- The metropolis may be divided into “green”, “amber” and “red” zones— representing free access, fee based access and prohibited access, respectively.
- There must be an absolute prohibition on municipal and police authorities from impounding, or destruction, or seizure, of goods and equipment, except when permitted under other laws.
- Any person who wishes to be a street hawker may do so by a simple act of registration involving two steps: (a) reliable identification by any means and (b) payment of a nominal fee to cover costs for issue of a photo identification card.
- Purpose of the registration is to provide reliable identification for the purposes noted above. It is not a permit to ply the trade. No such permit is needed.
- A registered street hawker who wishes to operate in “amber” zone, may do so by paying a fee, upon which a sticker to the effect may be affixed on the registration Id.
- Numbers of street hawkers/cycle rickshaws in the “amber” zones may be regulated by adjustment of the amount of fee periodically. Penalties for plying in an “amber” zone without payment of fee may involve a financial penalty, in addition to the fee but in any case there must be an absolute prohibition on municipal and police authorities from impounding, or destruction, or seizure of goods and equipment.
- The hawking fee may be scaled to different categories of street hawkers, e.g. those pushing carts or those using pedaled vehicles. Thus the number of vendors should be regulated by increasing the license fee rather than putting an unrealistic artificial ceiling on the numbers that can operate in the city.
- Non-government organisations with a record of working for the welfare of these groups may be authorized to interface between them and the concerned authorities.

The Concept Note that emanated from the former Prime Minister Vajpayee’s office provides an excellent framework for reducing the arbitrary powers of the babudom over the livelihoods of poor citizens. Unfortunately, Vajpayee’s own party men did all they could to sabotage this reform.

Key features of the National Policy for Street Vendors Approved by the Cabinet in January 20, 2004

- Lays down rules for ‘regulation’ instead of ‘prohibition’ of street vending. Licensing to be replaced by a simple registration process.
- Recommends adoption of a system of registration of hawkers and non-discretionary regulation of access to public spaces in accordance with the planning standards and nature of trade/service.
- Mandates setting up of Town Vending Committees with representation of street vendor organisations and other stake holders. These Committees are to regulate street vending. Based on decision of Town Vending Committee, Ward Committees to allocate specific places as vending sites.
- Lays down guidelines for evictions. Street vendors can be evicted only if the land is needed for explicit public purpose and not just for beautification. Lays down the rule that if vendors are evicted, they should be simultaneously rehabilitated to restore their livelihood to previous level.
- Stresses the need for access to credit and insurance as also water and sanitation.
- Emphasises self-governance and organising by street vendors.
- Calls for amendments in police and other laws which are archaic and are being misused by officials to harass and collect *hafta*.

Vendors’ organisations in different parts of the country are trying to get it implemented without much success so far.

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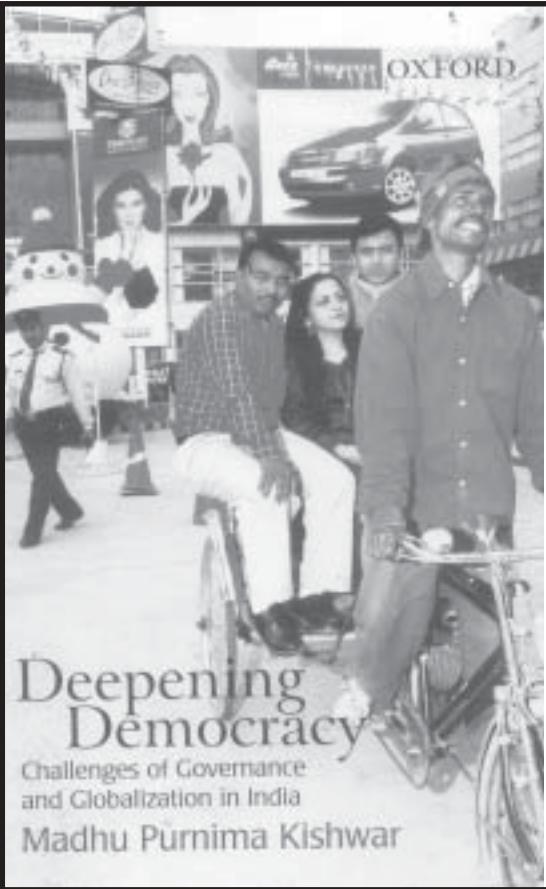
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