

In Issue 147 we reported how MANUSHI's pilot Project to create a model market for street vendors faced repeated attacks from an extortionist mafia, with the covert support of the local police and MCD officials. When they failed to break the unity and resolve of the Project's vendors through intimidation and violence, on January 15, 2005, two leading members of this gang – Dharam Singh and Umesh Rawat – approached the High Court demanding a stay order against the Project. The good news is that Justice Ravindra S. Bhat, who heard the case, not only refused to give a stay order against the Project but on October 7, 2005 he gave a clear verdict in favour of MANUSHI's endeavour to transform the existing squalor and corruption ridden vendor market into a model market for street vendors by replacing the bribe-based regime with a legal rent-based regime that has brought a high degree of civic order and discipline to the area. The bad news is that they appealed against Justice Ravindra Bhat's order and filed a review petition in the High court which came up for hearing on February 17, 2006. They are demanding yet another stay order on the Project. It speaks volumes about the state of law and order in India that even while the case was being heard in Court, their violent attacks and attempts to damage the new civic structures continued. Nor did the harassment and attacks cease after the Court gave a clear verdict in our favour. On numerous occasions, hooligans came and broke some of the new pavements we were constructing. They continued their attempts to damage the new stalls. We got no help from the police if we tried registering a complaint. Nor did MCD officials ever come to our aid or rescue. This

The Battle Continues

High Court Order in Favour of Model Hawker Market

○ Madhu Purnima Kishwar

when the Project is being executed by MANUSHI through a legal 'Agreement' with MCD and therefore it is MCD's responsibility to protect the market from violent attacks and harm. However even while lower level officials of the MCD either created hurdles and/or refused to cooperate in protecting the Project, the Commissioner of the MCD as well as the Deputy Commissioner of the Central Zone, under which the Project is located, stood firmly with us in defending the Project in Court. The MCD lawyers, therefore, put up a strong defense with documentary evidence to prove that the petitioners were acting with malafide motives.

Malafide Objections

The gangsters who took us to Court had alleged that the new stalls

constructed by MANUSHI would create insecurity in the colony and lead to an increase in noise pollution levels and other forms of undesirable activity. They alleged that the entire Project is "contrary to the provisions of the Delhi Municipal Corporation Act, 1957." The petitioners also falsely alleged that the residents of Sewa Nagar, primarily a colony of Class IV employees (peons, sweepers, etc.) of the Central Public Works Department (CPWD), had raised objections to the model market project on the grounds that it constituted an "inconvenience" and a "nuisance" for them. However, approximately 70 per cent of government employees have illegally sub-let their official accommodation of a two room flat. A large number of



No encroachments on the road : each vendor disciplined to stay within 6 by 6 ft. space in the pilot project

these tenants happen to be street vendors of Sewa Nagar who find it locationally convenient to be near their place of work. While they have a special stake in the market, even the few government employees who continue to live in their allotted flats are strongly in support of the model market because it has vastly improved their quality of life. Their own quarters are dilapidated due to poor maintenance – a form of neglect which is typical of all government buildings in India. By improving the civic infrastructure in the area, including paving of lanes that lead to their homes, we tried to make life more dignified for the residents. The most bizarre aspect of this entire episode was that thanks to the help and support of influential politicians of the ruling party, the obstructionist mafia were able to get letters of support against our Project from Joint secretary P. K. Pradhan, in the Ministry of Urban Development and Poverty Alleviation – the very same Ministry which has introduced a new National Policy for Street Vendors with a view to providing security of livelihood to the millions who earn their living as street traders in India by removing the stigma of illegality on street vending. In addition, they were able to get a Junior Engineer in the Land and Development office of the Urban Development Ministry to ask the police to register a case against MANUSHI and stop the construction of new stalls. Thus, both Pradhan and Prabhakar acted in direct violation of the mandate and policy of their own Ministry in trying to sabotage a project being executed with the sanction of the Supreme Court.

Support from the High Court

The Court dismissed their objections, noting that the allegations of causing inconvenience to residents and congestion in the area did not appear valid since:



Before MANUSHI took charge vendors paying bigger bribes were allowed to occupy huge spaces on the road measuring upto 20 ft. by 15 ft.

- If the residents of the area were not benefiting by the services of the vendors they would not be doing business with them, in which case the vendors would not be situated in that location;
- The road on which the Project is located is neither an arterial road, nor congested so as to result in traffic snarls on account of the Project.

While ruling out any illegality in the pilot Project, Justice Bhat upheld the validity of the model market on grounds that it was “aimed at implementing a National policy, to

ensure fulfilment of multiple objectives, such as long term assimilation of marginalized street vendors into society [by] the efficient utilization of public spaces, in a systematic manner...”

An important factor that went in our favour was the spontaneous support of a majority of residents of the area for the model market. Several hundred local residents declared their open defiance of the anti-social elements who were stopping the Project. They submitted signed statements and affidavits in Court in support of the Project. This



Chaos in the area just outside MANUSHI’s charge: vendors spread their goods on the road cluttering the entire area with garbage and filth

effectively demolished the petitioners' plea that they were representing local residents who were all opposed to the Project. In fact, some of the government employees who live in the Sewa Nagar government quarters provided us with evidence that the Resident's Association in whose name the petitions were filed were altogether bogus and existed only on paper for fraudulent purposes. This too helped seal the fate of their petition.

Several Sewa Nagar vendors risked their life and safety by submitting sworn affidavits in the High Court naming people who had been terrorizing them for years, to collect and distribute bribes on behalf of the police and MCD officials, as well as local politicians. We were also able to present evidence to the Court that the petitioners have a long and well established criminal record. One of them – Umesh Rawat – is actually out on bail on charges of attempted rape, molestation and assaulting a woman from his own neighbourhood. He is a Class IV employee who spends his time committing anti-social acts in support of local politicians. His colleagues and neighbours have registered numerous complaints against him with the Department of Personnel.

Denied Legal Power

However, noting some of the concerns expressed by the Water Board during the course of the arguments, Justice Bhat directed Manushi to get a written undertaking from all the participating vendors stating that they would co-operate as and when required with the Water Board in case of an emergency relating to repair of the underground water/ sewer pipelines. MANUSHI readily complied with this requirement and submitted signed affidavits from each vendor to this effect. However, the MCD has yet to comply with the directions of the Court to carry out inspections of public facilities in the market at regular intervals and to notify



The road space has increased by ten feet even after MANUSHI constructed 5 ft wide pavement and 6 by 6 ft. size stalls

MANUSHI of any deficiencies for remedial action as per the Agreement. In fact, the MCD officials have not yet carried out any of the tasks they were supposed to perform as their responsibility towards the Project as per the Agreement signed with MANUSHI.

It is significant that the obstructionist petitioners were able to get affidavits by the Delhi Jal Board, Delhi Electricity Board, and Sewage Department officials to raise bogus and frivolous objections to the Pilot Project, despite the fact that:

- MANUSHI is trying to prevent theft of electricity and insists on vendors getting legal paid connections for water and electricity; and
- Jal Board and Electricity Department Officials had participated in several meetings organized by the Deputy Commissioner of the Municipal Corporation to work out the modalities for providing legal power and water connections for the market. However, in their submissions to the Court they pretended they had neither been informed nor consulted with

regard to matters under their jurisdiction and therefore had a right to object to the Project.

Since we were able to show documentary proof of consultations held with these two departments, the Court directed them to cooperate with the Project. But the brazen support lent by officials of these two agencies to the extortionist mafia opposing our Project demonstrates that despite the façade of privatization, these agencies are still in the grip of the same old employees who continue to function in the same old corrupt ways. They too prefer to let the poor “steal” electricity by paying a bribe and “buy” drinking water from illegal private sources rather than have access to paid, legal services for these basic facilities. For example, despite repeated requests and persistent efforts by Manushi, the Electricity and Jal Board officials have refused to provide legal connections in the Project area.

Incentives for “Stealing”

Among a host of other excuses, they keep raising technical objections saying it is not possible for them to give metered power supply to small consumers, even though vendors

offered to pay the cost of installing separate meters for recording power consumption. Initially, we had planned to set up groups of four who would share one meter so that the cost per person was reduced because we were given to understand that the cost would come to nearly Rs 4,000 per meter. However, the Electricity Board officials went back on this agreement, saying it would be difficult for them to collect dues from a group of four since the probability of default is likely to be higher with group-owned meters.

We tried breaking this stalemate by persuading vendors to pay for individual meters. At an average cost of Rs. 4,000 for each meter, the total cost would amount to nearly seven lakh rupees for the entire Project, including lighting for common public spaces such as park fronts. This in itself is not a small amount to pay for a group of low-income people. However, once this hurdle was crossed, other flimsy objections followed one after another, all communicated orally. When we insisted that they give us their objections in writing, the Electricity Board officials recently came up with a real trump card. In a letter dated January 18, 2006 they communicated to us that in order to provide metered connections to 169 stalls they would have to set up a sub-station, the cost of which would have to be borne by MANUSHI. They will start the process of providing legal connections only after we deposit a fee of 11.19 lakh rupees, in addition to the cost of the individual meters that will be borne by each stall owner. This would amount to a total cost of nearly 17 lakh rupees – an amount totally out of reach of the poor. We checked with knowledgeable people and were told that their requirements for installing legal power outlets were absurd and false.

This amounts to:

- Active discrimination against the poor, and;



Prior to MANUSHI's coming vendors stood on the road causing obstructions

- Forcing the poor to steal electricity in order that Electricity Board employees and political touts can extract bribes.

For example, when a contractor who is building a four storey housing unit in the elite Defence colony area, involving use of all kinds of electrical gadgetry, including power guzzling air conditioners, applies for a power

connection, all he has to pay is a deposit of Rs 51,200 for a 3,000 kilowatt power connection, amounting to Rs 12,000 per floor. But a low-income street vendor is expected to pay far more money than the rich per unit in order to gain legal access to the power supply. Likewise, the paper work required to get a legal connection for the poor is far more cumbersome than for the rich. Not surprisingly, most vendors are compelled to draw power from street poles through illegal tapping of overhead wires in the most risky and dangerous manner with the active connivance of the Board's staff. In the process they end up paying ridiculously high amounts in bribes for using small amounts of power.

Poor Pay More than Rich

For example, in most parts of Delhi street vendors pay bribes of Rs 10 to 15 per day for using one or two 200-watt bulbs for about 4 hours in the evening, amounting to Rs. 300 to Rs. 450 per month. In the eyes of the world, they are "thieves" who steal electricity. The authorities claim they are responsible for the bankrupt condition of power boards. But in actual fact they are paying a far heavier charge than the rich and wealthy pay for using power. For



Vendors now have covered stalls with pavements and wiring for legal power connections

At per Rs 12 per jar of 5 litres of water vendors are paying far more than the hundred odd rupees an upper class family pays for an entire month's supply of household water.

example, an upper middle class family, using a couple of air-conditioners, a washing machine, geyser, mixer, toaster, oven grill, etc., along with about 10 lights and six fans in the house, usually ending paying no more than Rs. 3,000 per month!

It is the same for most basic needs, such as drinking water. Despite persistent efforts, we have failed to get a legal connection to provide potable drinking water in the market. Similarly, they refuse to provide us water for the toilet block we are constructing with contributions from vendors. The Water Board officials argue that there is a shortage of water. Therefore, the Jal Board has none to spare. However, the same Jal Board dare not use the same argument to deny water to elite colonies - not just for drinking and for flushing toilets, but even for swimming pools. It is not as if the poor will stop drinking water if the government agencies do not deign to provide them a legal source. All it means is that the poor end up purchasing polluted water at exorbitant prices from private suppliers. For example, several

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enterprising individuals have bored underground tube wells and supply this unpurified and polluted ground water at Rs 12 per jar of 5 litres each to vendors and others who do not have access to the municipal water supply. They are paying far more than the hundred odd rupees an upper class family pays for an entire month's supply of household water, including water to bathe, water plants and flush toilets.

Thus for all the pro-poor rhetoric our governments routinely flaunt, in actual practice, our power wielders follow highly discriminatory policies



A typical example of unsafe wires for lighting stalls through illegal connections

against the poor. The poor need no special concessions, no special subsidies. All they require is to be accorded the same consideration given to the needs and requirements of the better-off citizens of India.

Terrorised Vote Banks

The underlying reason for the anger and hostility directed at the Project by all these power wielders is that, due to the increased security that has resulted from MANUSHI's presence on the scene, and the Supreme Court sanction of the Project, the vendors not only stopped paying bribes, they also became less deferential towards these power wielders. The Congress

Party Corporator who represents this area is very forthright in explaining why politicians cannot afford to let such initiatives take root and succeed: he told me "How do you expect me to rejoice in this work, when it amounts to destroying my political base? Earlier, when I passed through the market, these vendors would tremble with fear and be appropriately respectful. Now when they see me, they look the other way. How can I stomach such an insult? Therefore, I have had to as good as stop coming to the market. The day people stop hovering around the *neta*, it is the end of his political career. Keeping vendors, shopkeepers, and other groups of self employed poor in a tight grip is a sheer necessity for every politician. When my party bosses ask me to bring 5,000 people for a rally for Sonia Gandhi or some big leader, educated people and well off people are not going to show up. Neither is MANUSHI going to help me mobilize people. And if I can't demonstrate my ability to gather people as a show of strength, I cannot survive in politics. It is in such situations that having a hold over vendors, cycle rickshaw owners and slum dwellers comes to our aid. They are the only ones who can be made to show up in numbers. So also at the time of voting. Most of the upper and middle class people do not condescend to come and vote in elections. It is the poor who come and vote in large numbers. Therefore, we can not afford to loosen our grip on them."

I have personally witnessed and video recorded this mobilisation process more than once. For example, at the time of the U.P. elections in February 2002, I met several groups of vendors who were taken by certain BJP leaders from Delhi to do bogus voting in various constituencies in several cities and towns of Uttar Pradesh. In particular, I recorded interviews on film with a group of vendors who had been uprooted from

the Dhaula Kuan area. These people alleged that they, along with other groups of vendors, were packed in buses and taken to Meerut with the assurance that if they came for casting bogus votes in the State Assembly election, the politician who took them for casting bogus votes would help in getting them rehabilitated. They went even though they were petrified of possible dangers, including legal consequences of being caught indulging in fraudulent voting. Elections in U.P. tend to be violent. Each party indulges in similar malpractices through hired goons. If the rival party's workers had caught them, they were likely to be attacked, maybe even killed in the heat of the moment. Police firings on clashing mobs are not uncommon in India. Or if some honest official or policeman caught them, they could end up in prison.

They were, therefore, very nervous about their own safety. And yet they had to go and do the bidding of these unscrupulous politicians. At night they were kept locked up in a school building. Early in the morning they cast fraudulent votes before the local voters who might detect the fraud, came out in large numbers. However, after they returned to Delhi the BJP worker who had mobilized them for this exercise refused to honour his promise. They were left high and dry and had to start looking for other political patrons who no doubt will also exploit their predicament no less cynically.

Another such episode I was able to record on film involved the *Prachar Yatra* of the then former BJP President Bangaru Lakshman in May 2001. At that time, the entire Sewa Nagar market had borne the brunt of a "Clearance Operation." Consequently, barring two or three vendors who had a high



A Dharna by local politicians, who filed petitions against the Project in the High Court after failing to sabotage it through violence and intimidation.

level of political patronage, all the rest of the Sewa Nagar hawkers were out of work for weeks on end. Most were in a very precarious financial condition, living on high interest loans for sheer survival. A BJP worker named Satish Gupta, who runs a dubious organisation of street vendors named Pawan Putra Rehdi Patdi Khomcha Union under the supposed patronage of a former Delhi Chief Minister, came and announced that his party bosses would help them get rehabilitated in their former locations provided the vendors came in full strength to join the BJP President's *Prachar Yatra*. The hapless vendors had no option but to obey.

On the appointed day several hundred vendors from the area joined other groups of urban poor brought there under similar circumstances, and filled up about thirty tempos that formed the *Prachar Yatra* of Bangaru Lakshman. There were just a handful

It is far easier to throw out the Prime Minister of India from his job than to fire a municipal sweeper for non-performance or dereliction of duty.

of middle class men and women in the first tempo. The rest of the processionists were the kind of people who were coerced into coming from Sewa Nagar market. They sported Party flags and headbands and shouted pro-BJP slogans all day without being given even a glass of water in that heat, leave alone any food. After the job was over Satish Gupta shooed them away. He told them to have patience and not to expect rewards so easily and quickly. This when they had been without work for several weeks already and, therefore, their desperation levels were very high.

En route, the procession was received with much fanfare by several traders' associations and groups of street vendors. I was later informed that these people were similarly coerced into putting up a show of loyalty for the Party, which then had a majority in the Delhi Municipal Corporation. However, soon after, when some of those supposedly illegal markets were bulldozed, the very same poor people who had put up a coerced show of solidarity with the BJP fumed and raged at being so cheated.

Compulsions of Politicians

Seen through the eyes of the politician, the situation is indeed difficult, even for them. In post-Independence India, the educated and well-off sections of society have distanced themselves from politics, especially at the local level. During the Independence movement Mahatma Gandhi had succeeded in mobilizing large sections among the elite to take an active interest in the nation's affairs. Most of the political stalwarts of India, including Nehru and Patel, started their political careers with municipal level elections.

However, today most of the well-educated and the well-off consider it

beneath their dignity to engage at this level of politics and governance. The quality of life of citizens is far more affected by the functioning of municipal bodies than by the Lok Sabha. Yet, the highly educated rarely vote in municipal elections. They take very little interest in monitoring the conduct of those who get elected to the municipal corporations and committees. If one asks any group of university students, professors or other professionals to name their local councillor or corporator, one is likely to draw a total blank. However, the very same people have no problem in rattling off the names of prime ministers or presidents of European countries, or leaders in America or Australia. They may have a lot to say about the Prime Minister of India or Central Government ministers who do not really touch their lives directly. But they have very little idea of who the men and women are who get elected to local bodies representing their own neighbourhoods.

Anti-Socials Dominate

This disjunct is proving very harmful for Indian polity and society because it has enabled anti-social elements to gain total control over local representative bodies, including access to public spaces for setting up a street stall or a cycle rickshaw or scooter stand or establishing housing clusters for the poor by constructing illegal jhuggis. Since most of the corporators and councillors are hand in glove with the rest of the corrupt officialdom and police, together they have come to exercise deadly forms of control over the lives and livelihoods of the poor. Not that the elite are spared either. For example, no one, including the very rich, can get their building plans sanctioned without paying hefty bribes which are distributed among the municipal officials, the police and the local corporator. But since the elite sections do not require “protection” on a daily basis and just have to pay bribes once

in a while, they do not find it worthwhile to offer active and organised resistance to corruption and crime in government. In the absence of influential educated groups who take an interest in local affairs, the poor have no buffer between them and the extortionist *neta-babu-cop* nexus.

The *netas* have more justification than the *sarkari babus* for sabotaging the institutions of governance - theirs is the most high-risk occupation in the country. To begin with, the official salaries they get are very meagre while their official job description is very complex and difficult. The municipal bureaucracy and the police have well-entrenched vested interests and their tenure in their jobs brings lifelong security. It is far easier to throw out the Prime Minister of India from his job than to fire a municipal inspector or sweeper for non-performance or dereliction of duty. The worst that can happen to them is a transfer. They have hardly any accountability. They can easily get away with collecting bribes and siphoning off development funds while leaving our urban centres in a state of rot and neglect.

Unlike the *babus* and cops, the *netas* must win periodic elections if they are to stay in power. Apart from fighting his own election once every five years, a corporator has to work for the election of his party nominees who stand for the parliamentary and state assembly elections – otherwise the top bosses will not nominate him next time for election to the municipal

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body. They do not have to show concrete results by providing decent civic amenities and safety and security for citizens if they can manipulate elections by cultivating people who can mobilize votes at election time.

If the corporator is to deliver civic amenities in an honest way, he/she must seriously clash with the officials who cannot then steal public money with ease. If he tries to control the misdoings of the police, he risks total non-cooperation when he needs their services. Thus, pleasing voters with good performance is not easy even for the few well-intentioned politicians. Therefore, it is far easier and more beneficial for a politician to join hands with the corrupt officials than to oppose their actions. If he opposes them he loses the little clout he has with the bureaucracy to “please” his constituency. If he joins them, the three together have an iron grip over the constituency.

Patronage Rackets

In any case, during election periods, the good and the bad alike need political workers who can assist in the campaign, have personal contact with voters, man election booths and act as their eyes and ears. In order to have a winning chance, a corporator in a city like Delhi needs at least 30-40 lakh rupees to fight in a municipal election. This includes several lakhs by way of pay-offs to party bosses in order to secure the nomination for the election. How are they to mobilize such resources and cover such heavy costs, except through corruption and extortion?

Since citizens are not in the habit of doing electoral work for politicians without the hope of rewards, politicians have to find devious ways of paying off their party workers. These include allowing them to run extortion rackets, letting them indulge in land grab operations, and get payoffs for their work as touts between citizens and government agencies.

A common way of patronizing political workers is to help secure a number of lucrative vending spots for them. In any hawker market or cluster one finds a certain number of spots occupied by people who are aligned with the local corporator or MLA. They not only collect *hafta* from other vendors but also act as the eyes, ears and fighting arms for their political boss. They gather people for political rallies. They make sure that rival politicians do not poach on their territory. That is why every politician in an urban center tries to ensure that in every market vendors loyal to him man the stalls. Those who resist are pushed out of the market through violence and terror since the police is hand in glove with such politicians.

It is commonplace to witness large-scale clearance operations after a new team of corporators get elected to the municipal bodies because each corporator, MP and MLA wants supporters of his opponent removed and his own loyalists brought into the market. Therefore, in every market political touts, called *pradhans* or headmen, switch their loyalty to whoever wins the election. This keeps politicians forever insecure about their support base, and therefore prone to adopt strategies that keep citizens forever on tenterhooks about access to basic services and rights.

Politicians and Mercenaries

Yet, such methods do not ensure loyal workers. Therefore, during election times, it is common for politicians simply to hire people to create an image that they have a large following. For example, during the last Lok Sabha elections, several placement agencies involved in supplying cooks, cleaners, drivers and domestic servants supplied slogan-shouting brigades to well known politicians. For the entire month preceding elections, middle class residents often could not get domestic help because most of the agencies that supply them recalled



A meeting of Sewa Nagar vendors in the cleaned up public space.

those registered with them from their routine jobs to accompany politicians on their campaign trails. Likewise many street vendors and rickshaw pullers were hired at Rs.150 per day plus food and liquor for this job.

Politicians are thus compelled to use hired mercenaries for winning elections. They cannot afford to pay from their pockets the whole army of workers required to develop vote banks. Therefore, it becomes necessary for them to find other means of payment. One such means is to let a supposed loyalist take over key vending spots in markets and have an assured income by either renting out those spaces to vendors or enter into partnership with them. That is one of the reasons MANUSHI's intervention came to be seen as a major threat by all levels of politicians.

Each political tout wanted a few stalls for his own use.

The corporator, the MLA, and the MP of our area wanted us to reserve a certain number of stalls for their people. In such a scenario, genuine vendors would be driven out because space is limited. This has been a prime reason for repeated attacks on the new stalls and structures.

MANUSHI's problem as well as strength lay in the fact that we have avoided getting embroiled in electoral politics. Therefore, at one level we do not constitute a direct threat to any politician. However, the manner in which we have worked to legalize the existence of genuine vendors diminishes and systematically erodes the power of the political touts as well as their bosses. The model market is finally nearing completion. Vendors from several neighbouring markets want us to include them in our vendor organisation. Delhi Development Authority has also offered to put us in charge of establishing several additional hawker locations. We hope we can develop effective strategies to combat the power of the political mafias who are against any change in the system, so that this work has a chance of spreading and gaining strength. □

Large-scale clearance operations often take place after a new team of corporators get elected to the municipal bodies because each corporator wants his own loyalists brought into the market.