



## In Danger of Sabotage

### Historic Intervention by the Prime Minister

**T**he common experience of people's rights movements in India is that no matter how strong the mobilisation and how genuine the grievance, our policy makers remain callous and indifferent. This has led to growing demoralisation of people in India who are losing faith in government's ability to redress their wrongs. Therefore, when MANUSHI began to study of the problems of rickshaw pullers and street vendors in Delhi followed by organising *Lok Sunwayis* to bring attention to the various legal and extra legal mechanism through which people working in these two sectors were being tyrannised into paying hefty bribes, we never dared count on speedy redressal. We were expecting a long drawn out struggle to get the required policy and legal changes to free the livelihood of street vendors and rickshaw pullers from needless and harmful *sarkari* controls which facilitate extortion rackets, depress the incomes of people in the urban informal sector and expose them to violence and crime.

In 1995, we had made a documentary film: "License Quota Raid Raj—A View From Below," which provides a graphic account of the economic assaults on street vendors and those in the rickshaw trade. The film was

screened before varied audiences, including policy makers. However, apart from awareness raising, the film by itself did not lead to any redressal. Therefore, we began the process of organised lobbying early this year. On April 27-28, the first in a series of conferences around the theme **Laws, Liberty and Livelihood** was organised jointly by **CSDS** and **MANUSHI**. The second day was devoted to a Dialogue of rickshaw pullers and vendors with select policy makers and representatives of the media. It came out starkly in this Dialogue that during the decade of economic reforms in India, the state machinery had intensified its economic assaults on people working in these two sectors.

On June 16, MANUSHI submitted a brief report of our findings to the Central Vigilance Commissioner, Sh. N. Vittal. He promptly sent off letters to Delhi's Chief Minister, Municipal Commissioner and the Police Commissioner recommending that the license-quota regime operating in these two sectors be dismantled since it only bred corruption, as exposed by MANUSHI study. This missive from the CVC received a fair amount of press publicity.

One June 25, MANUSHI organised of *Lok Sunwayi* of street vendors presided over Sh. by N. Vittal. Other panelists included **Sh. Kuldeep Nayar**, (M.P Rajya Sabha), **Sh. S.P Shukla**, (Deputy Secretary General, FICCI), **Ms Rani Jethmalani**, (Advocate, Supreme Court), **Dr. Vijay Sheel Kumar**, (Neurosurgeon, Apollo Hospital), **Dr. Dinesh Mohan**, (Road Safety Expert, UT Delhi) and **Ms. Tavleen Singh**, (columnist).

The *Lok Sunwayi* of rickshaw pullers and owners was held on August 29.

During this period, we had knocked on the doors of various power wielders who determine the policy with regard to urban hawkers and rickshaw pullers—the Lt. Governor of Delhi, Delhi's Chief Minister, the Minister for Urban Development, the Municipal Commissioner, the Police Commissioner and so on. They either expressed helplessness to curb the vast extortion racket run by the MCD and police using the License Quota-Raid Raj for hawkers and rickshaw operators, or treated our appeals for a rational policy for these sectors with barely veiled contempt.

Just when we had begun to despair, came this pleasant surprise in the form of a nine page long document received at MANUSHI from the Prime Minister's Office on the morning of August 28<sup>th</sup>, 2001. It endorses the findings of the MANUSHI study, "How the License Quota Raid Raj Impacts the Urban Poor" as well as facts that emerged through *Lok Sunwayi* of people involved in street hawking and rickshaw pulling:

The document sent by the PMOs contains a letter to Delhi's Lt Governor advising him that the Government of Delhi must address the task of policy reform with regard to street hawkers and cycle rickshaw operators in Delhi with urgency. There are some noteworthy aspects to this intervention by the PMO:

1) The letter to the L.G., does not end with general advice, but gives a detailed "alternative regulatory system for street hawkers and cycle rickshaws," which begins by stating that "The existing licensing system with quantitative limits must be scrapped forthwith and that "the policy reform must seek to eliminate the scope for rent seeking and harassment by licensing and enforcement officials, recognise street hawking and [plying] cycle rickshaws as legitimate occupations which help reduce poverty, and facilitate their integration into the formal economy."

2) Officials in the PMO did all the required homework in meticulous detail themselves, eliminating the scope for burying the issue in reams of paperwork by appointing this or that committee to avoid taking any action.

3) The PMO's policy is crafted with consideration and care for the legitimate rights of the self employed poor and balances the needs of urban consumers with measures for effective governance of our cities.

4) This is perhaps the first time that such a major policy pronouncement affecting the livelihood of millions India has been made at the highest level in response to media reports of a study and public hearings organised by a social organisation. Even though, the PMO's policy note refers only to Delhi, it is bound to influence policy for other cities in India.

This unprecedented intervention by the Prime Minister surprised a lot of people because no one expects the PMO to get involved in the nitty gritty of municipal regulations and functioning of local *thanas*. However, the policy document sent to the Lt. Governor makes it clear that the PMO sees this as the inauguration of far reaching second generation economic reforms.

So far the reforms agenda has been dominated by the concerns of the corporate sector, the Public Sector Undertakings and the multinational corporations..All these together absorb no more than 3 to 4 per cent of our work force. Over 90 percent of our people are in the unorganised sector and vast majority are self employed. This is the first time that the deadly stranglehold of the license-quota-raid raj on the livelihoods of the self employed poor has been acknowledged and sought to be dismantled with determination and commitment.

### **Sabotage by Delhi Administration**

However the task of translating that policy into a legal framework and implementation of those laws is left in the hands of the same municipal and police authorities that are currently running extortion rackets. As expected, they are working over time to sabotage the PMO's policy that sincerely attempts to redress many of the genuine grievances of vendors and rickshaw operators. At the same time, actual assaults on the street hawkers and rickshaw operators have increased. Raids, confiscation of goods, *rehdis* and rickshaws are being carried out with greater ferocity and vengeance, just to drive home the message that the municipal authorities and local policemen are the real gods—that even the PM's writ cannot run contrary to their wishes.

The PMO's policy note to the Lt. Governor clearly envisages that organisations like MANUSHI which have played a role in highlighting the plight of street vendors and rickshaw pullers would be included as partners in the task of institutionalising the new policy and its actual implementation. To quote the concluding para of the PM's

concept note: “Non-government organisations with a record of working for the welfare of street hawkers and rickshaw pullers may be authorised to interface between them and the concerned MCD/NDMC authorities in respect of registration and renewals, issuance of ‘amber zone’ stickers, and enforcement measures. Such interfacing by NGOs may provide employment to unemployed urban youth.”

Unfortunately, neither the affected parties, nor organisations like MANUSHI have been included in the ongoing deliberations for policy reform. Everyday we read newspaper reports about the proposed changes which give an indication that the municipal authorities are not honouring the spirit and intent of PM’s policy directives. For example, various newspapers reported that space for 80,000 uprooted hawkers would be provided in the hawkers *haats* proposed to be created by the MCD. Where does the figure of 80,000 come from when there are no less than 5-6 lakh hawkers operating in Delhi? The PMO’s policy framework note had made it clear that the existing licensing system with “quantitative limits” must be scrapped forthwith. Why then are officials talking of 80,000 street vendors, as though that is a definite ceiling figure for now and all times to come?

MANUSHI is also getting reports from different markets of Delhi that the corporation inspectors are making a pretense of carrying out surveys to identify who these lucky 80,000 will be. In the process, they are trying to collect hefty bribes from gullible hawkers who are promised that only those who pay up will have their names included in the survey.

### Police Raj in Action

We also hear reports that in the new *haats* proposed to be constructed by municipal authorities, a certain fixed number of vendors will be allowed to come on a daily “first come, first served” basis under the “pay and hawk” scheme. The PM’s note had clearly laid down that there should be no attempt to regulate the numbers of hawkers except in certain “Red Zones” earmarked as ‘no hawking’ or restricted hawking areas. If this regulatory system is put in place, police and MCD inspectors will ensure that only their bribe paying touts are “first served” in such *haats*.

Police routinely use violence and threats of arrest on trumped up charges to drive

out of markets all those who try resisting their ever escalating bribe rates. But today if hawkers pay up a monthly bribe, they have some security of livelihood. Even that will be denied to them, if the space allocation in *haats* is done on a daily basis.

Similar distortions are likely to creep in the rickshaw policy if the existing policy of restricting licenses only to the puller stays intact, even after the quota system has been abolished. The existence of rickshaw contractors must also be legalised otherwise they will remain easy targets of extortion. One of the most worrisome development of recent months is that since December 2000 the Lt. Governor has empowered the police to take independent initiative to remove rickshaws and vendors from Delhi streets. Earlier, this was the primary responsibility of the municipal authorities who could call the police to assist them as and when required. Enhanced power to the police means bribe rates have gone up dramatically as also the frequency of confiscation. Resisting police bribes is much more dangerous because apart from using violence, the police threaten to implicate people in cooked up criminal cases saying they will make them rot in jail for a whole life time. Thousands of rickshaws are rotting in police stations today.

Yet, another blatant example of sabotage: The PMO’s policy draft had directed that “the metropolis may be divided into “green”, “amber” and “red zones”, signifying free access, fee based access and prohibited access. The latest notification issued by the Traffic Police has effectively banned the entry of rickshaws and vendors not just in Red Zones but also in large parts of the city earmarked as



“amber” zones by notifying that rickshaws and vendors cannot operate in these areas between 8 am And 10pm! Who would need their services after the city has to sleep? This makes a mockery of the PM’s directive and policy note which had envisaged free access for nckshaws and vendors without numerical restrictions in “amber” zones under the “pay and hawk” scheme. Those of us who are committed to ensuring that the benefit of economic reforms also reach the poor cannot afford to let this historic initiative by the Prime Minister’s Office be sabotaged. **Since the task of implementing this policy rests with the Lt. Governor of Delhi, we have demanded that:**

- 1) MANUSHI and other genuine representatives of vendors, rickshaw operators must be included in all deliberations to concretise the new policy.
- 2) The continuing raids, clearance operations and confiscation of goods, *rehdis* and rickshaws should be stopped with immediate effect because that goes against the basic tenets of the Prime Minister’s policy which your office is expected to implement.

3) Police role be confined to maintaining law and order and nabbing criminals rather than carry out economic assaults on lonest, hard working citizens.

4) An independent monitoring committee be set up comprising of people agreed upon by and acceptable to both sides. This committee should have the power to ensure that the New Policy is implemented with sincerity and respect for the spirit and intent with which it was drafted.

MANUSHI has also offered to organise public hearings of vendors and rickshaw operators for the benefit of the Lt. Governor and his senior officials so as to familiarise these power wielders with the situation at the ground level. Only if she affected people are made stake holders in the new system, will it prove capable of redressing the genuine and legitimate grievances of those involved in this sector and enable them to earn their livelihoods in dignity.

**We urge MANUSHIN readers, supporters and other concerned citizens to send the following letter to the Lt. Governor endorsing these demands.**

## Letter to the Lt. Governor, Delhi

Mr. Vijai Kapoor  
 The Lt. Governor of Delhi,  
 Rajniwas Marg, Delhi -110054

I/We the under signed welcome the beginning of pro-poor economic reforms with the historic initiative by the Prime Minister’s Office in issuing a new policy framework for street vendors and cycle rickshaw operators in response to MANUSHI’s campaign.

We appeal to you to ensure that this policy is implemented with sincerity. Those who have been using their government jobs to run extortion rackets should not be allowed to continue violating the fundamental right to livelihood of street vendors and rickshaw pullers. Towards this end we urge you to:

- Include MANUSHI and other genuine representatives of vendors, rickshaw operators in all deliberations to concretise and implement the new policy.
- Stop continuing raids, ‘clearance operations’ and confiscation of goods, *rehdis* and rickshaws with immediate effect because that goes against the basic tenets of the Prime Minister’s policy which your office is expected to implement.
- Confine the role of the police to maintaining law and order and nabbing criminals, rather than carry out economic assaults on honest, hard working citizens.
- Set up an independent monitoring committee comprising of people agreed upon by and acceptable to both sides. This Committee should have the power to ensure that the New Policy is implemented with sincerity and respect for the intent and spirit with which it was drafted.

Signature \_\_\_\_\_ Name : \_\_\_\_\_  
 Address : \_\_\_\_\_  
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