

“All that is Necessary is to Get off Their Backs”

Memorandum Submitted to the Lt. Governor on behalf of Delhi’s Street Vendors and Rickshaw Pullers and Owners

○Madhu Kishwar



Following the historic intervention by the Prime Minister’s Office in drafting a new and radical policy for the cycle rickshaw sector and street vendors of Delhi, we had planned to mark this year’s Gandhi Jayanti by celebrating the inauguration of a new agenda of economic reforms for the poor. This was to be a mammoth rally of Delhi’s vendors and rickshaw pullers who had struggled long years to win a legitimate space for themselves in the urban economy — all in vain. The stranglehold of the pernicious License-Quota-Raid Raj on their modest livelihoods had gotten more and more deadly through the decade of economic reforms. (See Issue Nos 124, 125 of MANUSHI for a detailed report). Therefore, the far reaching reforms incorporated in the policy draft prepared by the PMO in response to MANUSHI’s Lok Sunwayis of these two sectors came as a very happy and welcome surprise. That is why we wanted to celebrate it as the beginning of a new era of pro poor liberalisation. Instead, we were compelled to mark October 2, 2001 as a day of resistance and protest against the wilful sabotage of the new policy by the power wielders in Delhi. Surprisingly, several leaders of Vajpayi’s own party—from corporators to MLAs and MPs—are active in Operation Sabotage. The protest at the Lt. Governor’s office organised by **Manushi Nagrik Adhikar Manch** was electrified by the enthusiastic participation of several thousand street vendors, rickshaw pullers and owners. This despite the fact that the demonstration was organised with only, six day’s preparation time. This was an emergency response to the increased onslaughts on vendors and rickshaw owners by the police and municipal authorities. These worthies understandably feel threatened by such a far reaching move to liberate these two sectors from needless and harmful bureaucratic controls.

The following memorandum was submitted to the Lt. Governor of Delhi, Sh. Vijai Kapoor, on Oct 2, 2001. We have not received any response so far :

We have gathered here on *Gandhi Jayanti* (Mahatma Gandhi's birthday) to express our support for the New Policy for street vendors and cycle rickshaw operators as well as to protest against official attempts to sabotage it. This New policy, which came in response to **Manushi's** campaign on behalf of these two sectors, marks the beginning of pro poor economic reforms in India. These are the kind of reforms that Bapu would have liked to see take place soon after Independence as part of a concerted effort to decolonise the

Indian economy. To quote Bapu: "the pressure from the top crushes those at the bottom. All that is necessary is to get off their backs."

Today, our entire economy is being crushed by the dead weight of our officialdom which has perfected the art of devising laws, rules and regulations which facilitate extortion and compel people to appear as grovelling supplicants before various agents of the all pervasive *sarkar*. While the harmful effects of the needless bureaucratic controls on the health of our industry and the

corporate sector have been reluctantly recognised, there is much less awareness of how much more deadly the stranglehold of the License-Quota-Raid Raj is on the livelihoods of the poor.

The PM's policy draft sent to you for implementation states categorically 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

Letter Sent to the Lt. Governor of Delhi Informing Him of Our Demonstration

The Lt. Governor of Delhi,
Rajniwas Marg, Delhi 110054

Dear Mr Kapoor,

Re: Aagrah Pradarshan at LG's office on October 2, 2001 between 2 to 4 p.m.

On behalf of Delhi's street vendors and rickshaw operators, Manushi had submitted written requests to your office followed by my personal meeting with you to urge you to include representatives of rickshaw operators and street vendors in all deliberations to implement the New Policy drafted by the Prime Minister's Office for these two sectors. I regret to say that so far there has been no attempt to involve us in working out the operative details of the New Policy.

At the same time, assaults on street hawkers and rickshaw operators have increased. You have given far greater powers to the police to carry out raids, confiscations and removal of vendors and rickshaws than are warranted in any functioning democracy.

We are organising an *agrah pradarshan* outside your office on Oct 2, 2001 to urge you to:

1. Include the legitimate representatives of rickshaw operators and street vendors in working out the implementation details of the new policy.
2. Create an independent monitoring committee comprising of consensually acceptable people to oversee the implementation of the New Policy.
3. Confine the role of the police to maintaining law and order and nabbing criminals, rather than carrying out economic assaults on honest, hardworking citizens.

The new policy, as drafted by the PMO is an apt tribute to the memory of Bapu because he believed in minimising government controls over people's lives and livelihoods.

Even though October 2 is an official holiday, we hope you will address our gathering, or at least invite a delegation to submit a memorandum to you. It is wholly inappropriate that the birthday of Mahatma Gandhi, a *karmayogi par excellence*, be observed by closing all offices and suspending all work.

We assure you of our full cooperation in getting the new policy regulations observed with due respect, provided they are arrived at through consensus between administrators and those for whose benefit the PMO's New Policy is actually meant.

Yours sincerely
Madhu Kishwar
on behalf of MANUSHI NAGRIK ADHIKAR MANCH

hawking and [plying] cycle rickshaws as legitimate occupations which help reduce poverty, and facilitate their integration into the formal economy.”

Sabotage by 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 overtime to sabotage the PM’s policy that sincerely attempts to redress many of the genuine grievances of vendors and rickshaw operators. 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, frequency and vengeance, just to drive home the message that the municipal inspectors and local policemen are the real gods—that even the PM’s writ cannot run contrary to their wishes.

Some Examples 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 for vendors and rickshaws. The latest notification issued by the Traffic Police on September 18, 2001 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 gone to sleep? This makes a mockery of the PM’s directive and policy note which had envisaged free access for rickshaws and vendors without numerical restrictions in “amber” zones under the ‘pay and hawk / ply’ scheme.



➤ It was recently reported in the press that space for 80,000 uprooted hawkers would be provided in the hawkers *haats* proposed to be created by the MCD. (See for instance, *The Hindu*, September 12, 2001) Where does the figure of 80,000 come from considering 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.

➤ Newspapers have also reported 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 in *haats* is allocated on a daily, first come, first served basis.

➤ On September 29, the municipal authorities were quoted in *The Hindustan Times* saying that the MCD will be constructing new *haats* in each one of its 12 municipal zones. These are supposed to work on 3 to 4 days a week between 9 am to 6 pm. If these markets are to come into existence by destroying the existing “natural markets” created by street vendors, then lakhs are likely to lose their livelihood. Also why impose *sarkari* work schedules (four days a week, between 9 am to 6 pm!) on these hardworking self-employed entrepreneurs who add dynamism to the city economy by keeping “natural markets” bustling from early morning till late night? Instead of creating new *sarkari haats* where entry will be regulated by officials, thus further legitimising corruption, it is far more practical to recognise and provide necessary facilities to the existing “natural markets” set up by these street smart entrepreneurs who understand the market demand and supply equation far better than bureaucratic planners.

➤ Similar distortions are likely to creep into the rickshaw policy if after the abolition of the quota system



the existing policy of restricting licenses only to the pullers, stays intact. The existence of rickshaw fleet owners must also be legalised otherwise they will remain easy targets of extortion. If a person can legitimately own any number of trucks, buses, cars, taxis and put them on hire, why is it considered a crime to own 5-10 or even 200 rickshaws?

➤ One of the most worrisome developments of recent months is that the police has been empowered 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 that 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.

➤ We are sure you would agree that for effective maintenance of law and order, citizens should have faith in the ability of the police to protect life and property. However, the increasing tendency of our administrators to use the police to carry out attacks on citizens, to wreck their livelihoods and keep them in terror is not only breeding unbridled corruption in the police, but also destroying their ability to maintain law and order. Today, our country is facing grave dangers from hostile powers. At such a time, if most of the energy of the police is spent on carrying on an economic war against honest, hardworking citizens and devising newer and newer ways of collecting bribes from

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If most of the energy of the police is spent on carrying on an economic war against honest, hardworking citizens and devising newer and newer ways of collecting bribes from them, then the police are not going to be able to meet the increasing threats to our national security.

them, then the police are not going to be able to meet the increasing threats to our national security. Police patronage of criminals and touts impair their ability to gather effective intelligence and combat crime, since honest citizens have begun to shun the police.

Since the task of implementing this policy rests with the Lt. Governor, we urge you to:

☞ Ensure that the new laws and regulations for the rickshaw sector and street vendors are concretised and implemented in partnership with legitimate representatives of these two occupational groups. The PMO's policy note clearly envisages that organisations like MANUSHI which have played a role in highlighting the plight of street vendors and rickshaw pullers should be included as partners in the task of institutionalising the new

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policy and its actual implementation. On behalf of vendors and rickshaw operators, we assure you our full cooperation in effective adherence to the new dispensation, if representatives of these two sectors are involved in working out practical rules and regulations which respect their legitimate requirements, as also that of citizens who use their services.

☞ Stop the 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 apprehending criminals rather than carrying out economic assaults on honest, hard working citizens.

☞ Set up an independent monitoring committee comprised of people acceptable to both sides with adequate powers to ensure that the New Policy is implemented with

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sincerity and respect for the spirit and intent with which it was drafted.

Only if the 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 these sectors and enable them to earn their livelihoods in dignity. For too long the citizens of this country have been treated as colonial subjects who are to be browbeaten into submission by the use of coercive and exploitative laws. Let us make a new beginning in effective governance through citizen's active participation and cooperation as stakeholders. □

Women Bhakta Poets

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