

Working Under Constant Threat

Some Setbacks and Some Steps Forward in Sewa Nagar

○ Madhu Kishwar

Our plan of making the existing squalor ridden hawkker markets into vivid examples of model markets for street vendors and their customers, reducing their heavy burden of payoffs, and promoting civic discipline, urban planning and citizen participation through self governance, has gone through many ups and downs since we last reported about it in MANUSHI (see articles “*Jadhu Pooja* in Sewa Nagar” in issue No.127 and “Attempts at Collaboration with City Administration” in issue No.128).

One Step Forward?

After the visit of the Additional Commissioner of Municipal Corporation Mr. Ramesh Negi to Sewa Nagar, it looked like we had made a breakthrough with at least one important official. Even though Mr. Negi was moved to another portfolio in MCD soon after, he has helped us build bridges with other officials in the Corporation.

At the same time, there was a change of regime in Delhi. The Bharatiya Janata Party was routed in the Municipal elections and the Congress came back to power with a massive majority. We hoped that this would augur well for our work because the BJP Corporators and MLAs were especially hostile to any attempts at reform and improvement in the system, even though the New Policy for street vendors had come from BJP leader and Prime Minister.

(The story of how BJP leaders and their cadres actively sabotage this New Policy while at the same time use it to run extortion rackets needs to be told in detail, which I hope to do in another article.)

For all these months we lived under constant threat of eviction and destruction of the hawkker market at Sewa Nagar and other places where we have a similar readiness to develop model hawkker markets. When the Congress Party came to power we had hoped to find a more responsive atmosphere, especially since Chief Minister of Delhi Smt. Sheila Dikshit had shown interest in the idea. However, it soon became clear that getting a positive response from the Chief Minister is one thing and getting

the Congress party’s newly elected corporators and city officials to cooperate or yield space is quite another. They see such activity as a challenge to their power and influence, no matter how hard you try to convince them that such improvements in areas under their charge would only enhance their prestige.

A New Opening

The most positive development, however, was the coming of the new Municipal Commissioner, Mr. Rakesh Mehta. He is respected as an upright and honest official, with a desire to make things better. In our very first meeting we were able to establish a good rapport. He showed great excitement at our proposal and agreed



A section of Sewa Nagar market with a neatly drawn *Sanyam Rekha*

Virinda Makwana

to give us the go ahead at once. In fact, he suggested that we begin the work with the entire Chandni Chowk and New Delhi Railway Station area near his office in the Town Hall. Despite being in the closest proximity to the MCD headquarters, these commercial areas are among the most disorganised and chaotic, not just due to the presence of a large number of vendors without any realistic and meaningful plans for their presence, but also because the commercial establishments in the regular markets have been allowed to spread chaos and get away with uncontrolled encroachments on public spaces.

We said we are ready to take on the challenge, provided we are first allowed to show results in Sewa

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Nagar and the CGO Complex area, where we are in full readiness with our development plans and have good support among the concerned vendors. However, within a couple of days, Mr. Mehta expressed his inability to go ahead with even one token market, saying his officials had convinced him that this would amount to going against the orders of the Supreme Court issued in May 1993 in the Gainda Ram versus MCD case, which had laid down that those vendors who do not qualify for any of the four categories of vending/hawking permits allowed by the Supreme Court as per the Sodhan Singh Case judgement, are not entitled to any protection. This decision conveniently overlooks other relevant Supreme Court judgements, including the above



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May 14, another 'Operation Ujaad' bordering Sewa Nagar.

mentioned Sodhan Singh case, where the Court had ruled that street vending as a legitimate means of earning a living is covered by the Fundamental Rights provisions of the Indian Constitution.

The municipal officials have made a total mockery of the entire *tehbazari* system, even going by the very absurd criteria laid down by the Supreme Court and the highly defective system of verification followed by the Chopra Committee.

(This has been documented in our petition to the Supreme Court challenging the continuation of this extortionist system. This petition is to be filed when the Court reopens after the summer vacation.) The municipal officials continue to argue that allowing us to improve the existing markets would amount to "contempt of court". They use the same argument when they refuse to implement the Prime Minister's New Policy for street vendors. Mr. Mehta's colleagues tried



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Hawkers stage a comeback right there within days of 'Operation Ujaad'.

their best to persuade him that by giving us the permission to improve and beautify the Sewa Nagar and other hawker markets, he would be going against Court orders and might invite a jail term on himself for “contempt of court”!

However, we persevered with Mr. Mehta because we were confident that a person of his integrity would see reason. Our negotiations are still on and it seems likely that he will give us a “go ahead”, at least for Sewa Nagar, and hopefully for more markets, if the Sewa Nagar experiment succeeds.

Attack and Warning

The deliberate bungling and corruption of MCD officials involved in the process of issuing token *tehbazaris* can be gauged from the following example. On May 14, 2002, on the Lodhi Colony side of the Sewa Nagar railway crossing, a group of nearly 40 vendors were suddenly uprooted since 50 other street vendors from elsewhere, who had been issued *tehbazaris* some years ago, were to replace them there. It turned out that the official allocation document indicates that the actual authorised allocation was at a slightly different location, in an area called Prabhu Market that is situated by the side of a big sewage and rainwater drain. But since the business potential of the area on the main Sewa Nagar road right near the railway crossing is far better, the MCD staff took substantial bribes from the *tehbazari* possessors promising that instead of Prabhu Market, they would be given the Sewa Nagar railroad crossing location.

After uprooting the 40 odd vendors from these main road locations, the MCD staff offered to let the former street vendors find places nearby, provided they paid

Supreme Court Guidelines on *Tehbazari*

The four categories of *tehbazaris* laid down by the Supreme Court are as follows:

Regular *Tehbazari*: This license to squat and carry on business in a fixed spot on a yearly basis was to be granted to those whose names are contained in the survey report conducted in 1982 and who had proof of operating at a particular spot between 1970 to 1982. They were entitled to have covered stalls in semi-permanent structures.

Casual *Tehbazari*: This involved licensing people who sell goods in weekly bazaars, on holidays, festivals and melas. At the time of the Supreme Court judgement, there were about 67 weekly markets in Delhi. They have increased to several hundred today, indicating the rate at which this sector is growing.

Open *Tehbazari*: Squatters who had started hawking from 1983 onwards and who were not found on the date of the 1982 survey were also to be considered for grant of open *tehbazari* (meaning they were not to put permanent or semi-permanent roofs over their heads) of 6 ft by 4 ft subject to the production of continuous squatting and proof of residence and nationality.

***Pheri* or Mobile Hawking:** Persons who did not fall within any of the above three categories were permitted to apply for hawking licenses under section 420 of the Delhi Municipal corporation Act of 1957. Their applications were to be considered on merit for permission to hawk—not squat—by moving in specified areas with their goods on their heads or on bicycles.

Even with this limited criteria, there were widespread charges of corruption in issuing of licenses. Therefore, the Court appointed a Committee headed by Justice Chopra to verify the applications and ensure that only “genuine” people got the vending licenses or *tehbazaris*. It is now more than 15 years since this judgement came. Till date, no more than 4000 *tehbazaris* have been issued for all of Delhi in the second category. Half of these have gotten the license on paper but are yet to be allotted fixed sites. The fate of the rest of applicants is unknown. This whole process had given rise to a whole industry of bogus claims and certificates with the active connivance of municipal inspectors. The qualifying criteria and method adopted for screening the claims of applicants was patently absurd and was bound to lead to corruption (more on this on a later occasion.).

As far as mobile hawking licences are concerned, the MCD began the process of inviting applications in the year 2001. It has been more than a year since the applications were submitted. So far the process of giving mobile “*pheri*” licenses has not even begun.

(We will present a detailed analysis of the absurdities inherent in this system in a forthcoming issue)



Rehdis lying desolate after 'Operation Ujaad'.

Aparna Jacob

us not to take our improvement schemes very seriously. They were readying to bulldoze us out of existence.

Blackmail from Sweepers

It is not just some senior officials who play an obstructive role, the humble municipal sweepers are no less potent in creating hurdles. For the last couple of months members of the cleaning brigade Vatavaran, employed by Sewa Nagar vendors for garbage removal and recycling, were being threatened by the Sanitation Department of the Municipal Corporation of that zone. Our workers were told it was illegal for anyone except government appointed sweepers to carry out any cleaning activity on "government land". They termed our cleanups as "encroachment" on government property! On several occasions our workers were physically manhandled. It all came to a head on June 16 when they tried snatching away the cleaning instruments, including brooms and the vehicle our brigade uses for towing away the garbage.

On hearing reports of threats of physical attacks, three of us from

further bribes. Thus, as always, uprootment provided a good opportunity for extorting yet higher amounts from the affected hawkers while providing more opportunities for graft for the municipal staff. The most telling part of the "success" of this operation for the officials is that most of those who have got the new *tehbazari* sites across Sewa Nagar railway crossing continue to operate in their old locations as well. They have rented out the new *tehbazari* sites to the officially uprooted hawkers at exorbitant rates ranging from Rs. 50 to Rs. 100 per day. Since *tehbazari* can only be procured by the politically well connected, they continue to operate in their old locations where they have an old "understanding" with the local police and MCD to operate without licenses. Therefore, they have no pressure to vacate the old sites. In the meantime, the uprooted vendors have staged a comeback after a new "settlement" involving a higher rate of monthly bribe. From a monthly payment of of Rs. 300 per month, the police are now taking Rs. 15 per day from them,

amounting to a total bribe of Rs. 450 per month – that is, a 50 percent increase. The MCD employees, meanwhile, have demanded a fourfold increase in their "monthly take", apart from a one time amount of Rs. 1000- 2000 per person. All this with increased insecurity.

The local MCD inspectors also let it be known that this demolition drive within a few yards of the Sewa Nagar area was a warning signal to



Pretense of following Supreme Court order : MCD notice announcing issuing of 50 *tehbazaris*

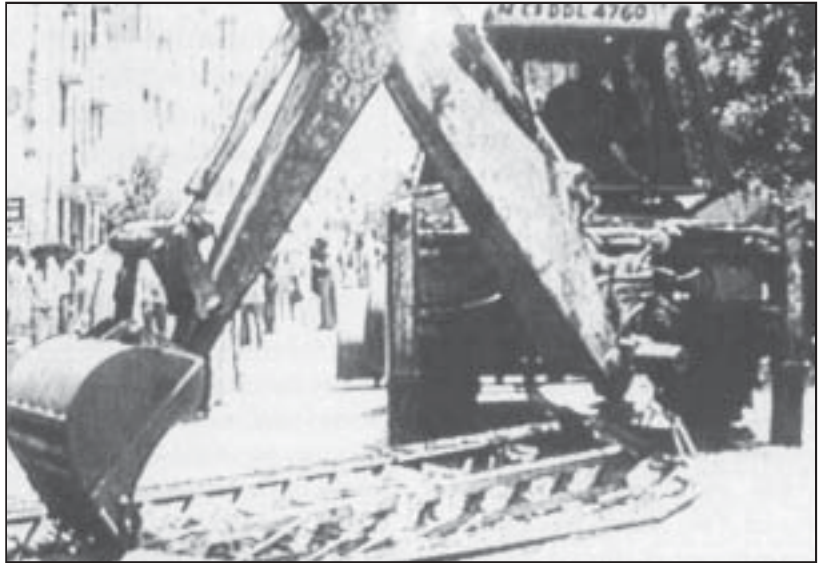
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MANUSHI rushed to Sewa Nagar. Luckily we decided to arm ourselves with a movie camera so that we could record what was happening on film. What followed was a real tragicomedy. However, it could have led to real trouble for all of us, but for the presence of the movie camera.

The sweepers and the supervisory staff first began with outright threats that we would not be allowed to encroach on their domain, that it was their job to do the cleaning. They told us we had no business to bring in our own workers, that there were orders from “above” to prevent us from cleaning the place, and so on. We picked up the cleaning brooms and began sweeping the streets challenging them to show us any rule, law or order in writing which prevents citizens from cleaning up public places at their own cost. We also pointed out that we were not stopping the municipal staff from cleaning and that they had of their own accord stopped even the nominal cleaning they used to do ever since our Cleaning Brigade started working in that area.

While this heated argument was going on, I happened to say that we would not have needed to undertake this work, if the municipal employees were not so lazy and inefficient in their job. At some point I used the word “*nikkamma kaam*” (lazy work) for the kind of indifferent cleaning they do, as and when they condescend to do it at all. This got them even more charged. We were issued a barely veiled threat by their supervisor saying: “Do you know the consequences of picking up cudgels against the sweeper community? Even the Prime Minister had to apologise for having used the word “*Bhangi*” for them. You don’t realise you are playing with fire.”

I personally know of some cases, including that of a leftist friend who



MCD in action : The Bulldozer brought in to ‘clear’ Sewa Nagar market was diverted to a nearby colony following our resistance.

Our workers were told it was illegal for anyone except government appointed sweepers to carry out any cleaning activity on “government land”.

had spent his entire life fighting for the rights of scheduled castes and scheduled tribes, and yet was booked under the draconian Act for the Prevention of Atrocities against Scheduled Castes, for a trumped up charge of calling someone a “*Bhangi*” or some such casteist abuse. Therefore, I was aware of the dangers of carrying on with this confrontation. And yet, I decided not to succumb to

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blackmail and told the supervisor: “Calling someone “*nikamma*” is not a casteist abuse. It is merely a secular description of the unsatisfactory quality of their work. The whole city knows that the municipal staff does a poor job of cleaning and sanitation. The garbage dumps and filthy streets all over the city, except in select bureaucratic enclaves, tell their own story. All this conversation is on camera. I challenge you to go ahead and make your charges against me. I will prove you to be the liars and blackmailers that you are”.

A Temporary Truce?

That had the desired effect. After a prolonged argument they agreed that they would not obstruct our workers, provided our cleaning operations started after 2 p.m. when their job gets over. We readily agreed though we know this was not their real agenda and that the truce is a temporary one. Their real grouse is that with our people taking charge of cleaning and actually doing it three times a day, they had lost the power to extract the Rs. 2 per day or Rs. 60 per month bribe they were squeezing

from each vendor all these years! We are told that they have the backing of the local Corporator in all this. We tried meeting the Corporator but so far he has refused to engage with us, even though he knows that his party's Chief Minister is supportive of our plans.

All Round Obstructions

With such an atmosphere of all round hostility and uncertainty, we could not proceed with our development plans all these months because development of the area involves the investment of a lot of money and time that would be negated if the market was uprooted. However, we continued hectic all round lobbying through these months. Finally, we were invited by the Delhi Chief Minister to make a presentation of our plans on June 25. This was exactly a year after our first *Lok Sunwayi* of street vendors of Delhi held in FICCI auditorium on June 25, 2001. On the same evening, we made a presentation to the Municipal Commissioner Mr. Mehta.

That very morning, MANUSHI received frantic phone calls from Sewa Nagar hawkers that the municipal demolition brigade had come armed with a bulldozer, along with two trucks used for carrying away confiscated goods, and a whole contingent of police to help them in their task of cracking down on those who dared offer resistance to forcible eviction. In addition, they had spread an altogether baseless rumour that Sewa Nagar had been specially targeted for demolition because MANUSHI had lost the court case on behalf of vendors in the High Court.

Once again we rushed to the spot, our cameraman in tow. The demolition brigade was indeed there in full force but they hastily drove away to other areas when we tried interviewing them on camera regarding who had authorised them

The business of any government ought to be to provide protection to citizens so that they can earn their livelihood in peace, rather than make their life as difficult as possible.

to carry out clearance operations on the very day that we were to make presentations to the Chief Minister and the city's top officials.

At the Chief Minister's meeting, we got a very mixed response. While Ms. Dikshit seems willing to allow us to at least experiment in a couple of areas, many of her officials seem reluctant and resistant to any proposals for improvement. Also, none of the officials seemed interested in actually seeing or responding to the presentation made by MANUSHI. The only response we got from the officialdom accompanying the Chief Minister was: "How can we allow them security? They are illegal encroachers."

Their main argument is that allowing for improvements amounts to legitimising and legalising the status of street vendors and that if the administration makes things easy and dignified for them, then many

In a situation where a whole army of government functionaries are specially trained to carry out violent attacks on citizens...how can citizens distinguish such government functionaries from dacoits and marauders?

more millions would flock to Delhi. In their view harsh measures and constant insecurity are necessary weapons to control the number of street vendors in the city. This is perverse logic indeed. The business of any government ought to be to provide protection to citizens so that they can earn their livelihood in peace, rather than make their life as difficult as possible.

In a situation where a whole army of government functionaries are specially trained to carry out violent attacks on citizens, confiscate their goods, beat them out of market places and then let them carry on with their trade in an ad-hoc insecure manner only if they agree to cough up whatever amounts are demanded from them as "protection money", how can citizens distinguish such government functionaries from dacoits and marauders? Given such conditions, it is not surprising that an increasing number of people in India have come to believe that it is easier to earn their living through theft and crime than through honest hard work. Criminals today enjoy much greater protection than do honest, law abiding citizens and are often even actively encouraged by the police and other government agencies.

At the heart of this battle lies the imperial assumption that the country's land and other resources belong to the government and that the people exist on bureaucratic sufferance. They should simply disappear whenever our rulers find their presence inconvenient. One frequently hears senior officials and political office holders say: "How can we let these people encroach on government land?" The discussion usually leads to a breaking point when we try to remind them that government doesn't "produce or

create” land, that what they pompously refer to as “government land” was mostly forcibly acquired at pitifully low rates by the government from powerless people who lived in village communities. Sewa Nagar and the neighbouring Defence Colony, for example, as well as Lodhi Colony, are built on land forcibly taken away from the original inhabitants of Kotla village at less than dirt cheap rates. Even by the government’s own laws, the acquired land is supposed to be used for “public purposes”. Therefore, it has to be treated as “public property” rather than “government property” over which bureaucrats exercise arbitrary power.

Not Giving Up

It is now over eight months since we began pleading with the city authorities to allow us the right to clean up as well as beautify public spaces, and to allow us to create an

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atmosphere of civic discipline so that those providing essential civic services in the city can carry on their work in dignity while at the same time perform their civic duties. And what do we get in return? Snubs and humiliation for the most part, with an occasional nod of approval from

those few in the government who don’t treat their office as a license to loot. Most officials make us feel like colonial subjects begging for favours from imperial masters rather than free citizens of a democracy. The MCD officials say they will ask the Supreme Court’s permission before they give us a go-ahead, lest they are hauled up for disobeying court directives. MANUSHI too plans to petition the Supreme Court to revise its earlier guidelines in the light of the New Policy enunciated by the Prime Minister. However, we are not giving up, knowing full well that the task of democratising governance is bound to be a long drawn out battle. □

In the next issue of MANUSHI, we will publish details of contributions received for MANUSHI’S Model Market Fund and further progress of this project.

We reproduce below the text of the letter submitted to the MCD Commissioner as well as to the Chief Minister of Delhi asking for a collaborative relationship of bhagidari in developing model markets in Delhi.

Mr. Rakesh Mehta
Commissioner
Municipal Corporation of Delhi,
Town Hall, Delhi 110006

Dear Mr. Mehta,

As a follow up of our meeting yesterday, I am putting down in writing MANUSHI’S proposal for developing world-class hawker markets in Delhi. 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.

We have selected the following three sites to develop model markets:

1. Hawker Market on both sides of Sewa Nagar – Lodi Colony railway crossing which has about 300 hawkers.
2. Hawker cluster outside CGO Complex, which hosts about 50-60 hawkers.
3. Hawker clusters around Dhaula Kuan bus stop.

These three represent three different scenarios: Sewa Nagar hawkers serve residential areas of Defence Colony, Lodhi Colony and Kotla Mubarakpur, CGO Complex vendors exist in response to the demand from office goers and the Dhaula Kuan cluster provides services that typically grow around bus stops.

A team of architects led by Vrinda Makwana and supervised by Prof. K. T. Ravindran [have prepared] detailed plans for their up- gradation. We will start with Sewa Nagar and CGO Complex because the blueprints for both these proposed markets are [now ready].

I list below the tasks we will undertake:

- Improvement in the physical infrastructure of the area, including beautification of pavements, boundary walls, local parks and greening the area. Each hawker has already contributed Rs. 500 for this work. In addition, MANUSHI has already collected more than Rs. 1 lakh through contributions from our supporters. We are confident of collecting more from residents of

neighbouring colonies who come as consumers to this market.

- Scientific garbage management and recycling through voluntary contributions from hawkers. The NGO Vatavaran is already handling this job for us in Sewa Nagar and each hawker is paying Rs.30 to 60 per month for this service.
- Building effective water harvesting structures before the coming monsoon.
- Improvement and beautification of *rehdis* or stalls put up by hawkers. The cost of this will be borne by each hawker.
- Commitment in writing from each hawker that they will not put up any unauthorised permanent structure on the pavements or anywhere else in the market.. The redesigned *rehdis* will provide protection from rain but will be mobile so they can be moved for daily cleaning of the market.
- Proper survey of the space available for placing hawkers and commitment to keep them within a consensually agreed upon *Sanyam Rekha* or Line of Self Discipline. This line of discipline will be a standard feature of whichever market we undertake to bring under MANUSHI's management and supervision.
- Undertaking to collect municipal taxes for the MCD from each of our members on an yearly basis.
- Responsibility for collecting electricity and water dues and prevent pilferage and theft of electricity, provided proper electricity and water meters are provided and we are allowed to organise these services in an appropriate and aesthetic manner as an integral part of our overall architectural plan.
- 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.
- Invite well-known painters and sculptors to contribute their art on select spots in the market. The walls will be so beautified as to look like open-air art galleries. All this will be organised on a voluntary basis from our friends among the art community in Delhi.
- Provide for an open space for music, street theatre and other performances and maintain the local parks as beauty spots.
- 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.

- Provide proper arrangements for the utilisation of the cow dung from cattle that come into this area from Kotla Mubarakpur village. At present they are let loose in the vegetable and fruit market, are treated as a nuisance and are brutally beaten by shopkeepers. But the enormous waste being generated in the wholesale *sabzi* market can easily be used as cattle feed at properly designated spots. This would prevent the cattle from roaming the market in search of food.

What we expect from the MCD:

- Quick clearance of the architectural plans that we will submit to the MCD Commissioner before implementation.
- Monetary contribution for carrying out improvements in the civic infrastructure. This could either be by way of a matching grant as part of *bhagidari* or payment per unit cost of construction.
- Co-operation from MCD inspectors in making a new beginning and end to harassment and threats.
- Proper maintenance of the roads so that they match the improved environment.
- Work out an appropriate tax rate for each category of vendor and for each market according to its business potential.
- Provide a sense of permanence to this *bhagidari* so the vendors can work with confidence and security.
- Allow us to carry out similar improvement programmes in many more markets, if this experiment is executed successfully.

We are reasonably confident of making a success of this plan and then would be ready to take on a similar exercise for the Red Fort, Railway Station area as proposed by you. We are also confident that it will motivate and inspire vendors in other areas to follow this model. Given our wide membership base among hawkers spread all over Delhi, it is very likely that this experiment could trigger off a new era of responsible citizenship, collaboration between different classes of citizens as well as a creative partnership between citizens and government. All of this would help make Delhi a city we can be proud of.

I look forward to receiving an early go-ahead from you.

With warm regards,

Madhu Kishwar.

May 21, 2002