

Blackmail, Bribes and Beatings

Lok Sunwayi of Delhi's Street Vendors

○ Madhu Kishwar

On June 25, 2001, MANUSHI NAGRIK ADHIKAR MANCH organised a *Lok Sunwayi* of vendors and hawkers, which was presided over by Central Vigilance Commissioner of India, Sh. N. Vittal. The panelists included S.P. Shukla of the Federation of Indian Chamber of Commerce, Tavleen Singh, leading columnist; Prof. Dinesh Mohan, HT Delhi; Rani Jethmalani, Supreme Court lawyer and Dr Vijay Sheel Kumar, leading neurosurgeon affiliated to Apollo hospital. Mr. Kuldip Nayyar, MP, participated in part of the hearing. The meeting began with screening of a film in Hindi made on street vendors of Delhi by Madhu Kishwar, entitled, '**Udarikaran: Kewal Oopar Ka Udaar?**' (**License Permit Raj: A View from Below**). First made in 1995, the film has been updated with recent information on the plight of vendors, current bribe rates and the actual working of the "clearance operations" undertaken by the police and municipal authorities.

Over 90 per cent of India's work force earns its livelihood in the informal sector, which accounts for 63 per cent of the country's GDP. Street vendors and hawkers are among the most visible and active parts of this large informal sector. Most of them come from impoverished rural families. Given the poverty in agriculture, they are unable to feed, clothe and provide other basic necessities for their families by working on the small landholdings they own, or as wage labourers in rural areas. Street vending absorbs millions of those who come to cities as economic refugees from villages, because they can enter this occupation with very small amounts of capital. They not only create employment for themselves through their own entrepreneurial skills, but also help generate employment in agriculture as well as small scale industry. They are the main distribution channel for a large variety of products of daily consumption— fruit, vegetables, readymade garments, shoes, household gadgets, toys, stationery, newspapers, magazines and so on. If they were to be eliminated from the urban markets, it would lead to a

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severe crisis for fruit and vegetable farmers, as well as small scale industries which cannot afford to retail their products through expensive distribution networks in the formal sector. Hawkers provide a low cost, decentralised and highly efficient system of distribution covering an incredible variety of

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products, at prices far lower than those prevailing in the established markets. They reach the consumer at convenient locations, even at their doorsteps. Middle class people buy a large proportion of their daily requirements from street vendors, whereas for the poor, hawkers are often the only affordable source for items of daily consumption. Thus, they are a vital link between consumers and producers and make a valuable contribution to the economy. But for their enterprise, urban consumers would have to travel long distances by buses, cars and scooters to procure their daily necessities. This will lead to more vehicular pollution and congestion.

A detailed study¹ of street vendors selling food on the streets of eight cities in Asia and Africa documents the important service rendered by vendors, who provide the poorer sections of society, nutritious food at affordable prices. It was found that street foods are not only far cheaper than restaurant foods, but actually cost less than

¹ Irene Tinker, *Street Foods: Urban Food and Employment in Developing Countries*, Oxford University Press, New York, 1997.

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even home prepared foods, especially if we take into account the time spent on shopping and cooking. In large and congested cities working people have to spend more and more time on travel. They tend to eat out more often because cooking proper meals at home takes a lot of time and energy. The study also showed that in terms of nutritional value, street foods offer far better bargains than restaurant foods. Most surprising of all was the finding from Pune that the cheapest street meals, cooked under the most abysmal conditions by the poorest of vendors, were often less contaminated with bacteria than samples taken from restaurants. Even a cursory comparison of the hygiene levels in the kitchens of most Indian restaurants bears out the relative neatness of street food suppliers. Despite lacking basic amenities like regular water supply and place to wash, the arrangements they devise are far better than available in most restaurants where filth is cleverly hidden from sight.

Moreover, as road safety expert Dinesh Mohan pointed out at our *Lok Sunwayi*, by their very presence, street vendors bring safety and security to the neighbourhoods. Deserted streets and neighbourhoods facilitate the job of criminals. But wherever there

² Geetam Tiwari, "Encroachers or Service Providers?" *Seminar* 491-July 2000



Lok Sunwayi of street vendors, June 25, 2001

are clusters of open shops on pavements, the crime rate is also low.

A group in IIT Delhi has studied the space requirement for Delhi's vendors and found that all the existing vendors can be easily accommodated in the available space, provided the city authorities are willing to plan space allocation in an efficient and rational manner.²

The importance of this sector cannot be undermined, especially considering that the government does not have the capacity to provide jobs to the millions of unemployed and underemployed people in India. Even the corporate sector is able to absorb only a tiny proportion of our expanding work force. Overall employment in the formal sector is actually declining. This means most people in India have to fend for themselves. People in the informal sector ought to be encouraged to grow and prosper if

the governments want to reduce unemployment and poverty in our country.

Economic War on Hawkers

But instead of creating an enabling environment, government policies are wrecking the livelihoods of these people, depressing their incomes and thwarting their entrepreneurial potential. Street vendors, for example, are treated as

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legal offenders, as a “public nuisance” and routinely beaten and driven out of public spaces. All this is done ‘legally’ in the name of cleaning up the city by clearing it of ‘illegal encroachments’. Our colonial municipal laws make it unlawful for anyone to vend on the streets without a valid *tehbazari*, which is a legal permit for stationary vending. But, getting a *tehbazari* from the municipality without strong political patronage and massive bribes is near to impossible.

The municipal and police laws are heavily loaded against people working in the informal sector. On the face of it these laws appear to bestow powers on the police and municipal authorities to promote civic order. But in actual fact, arbitrary powers vested in the hands of municipal officials, police and other related departments have enabled them to establish a vast extortion racket. The figures speak for themselves. Out of over five lakh vendors in the city of Delhi, only a handful have been issued *tehbazaris*. In the NDMC area, only 778 persons have been granted this legal status while in the MCD zones, till date this precious document has not been bestowed even on all of the 4,128 persons who, according to an absurd yet stringent criteria used by the government, were supposed to have qualified for getting a *tehbazari*. Thus, lakhs of the vendors are doomed to remain illegal encroachers.

The authorities know that declaring the vendors illegal will not make them disappear, in part because there is a massive demand for their services. Moreover, as the hawkers have no other means of livelihood, they too have no option but to carry on with their trade, even if it means facing police beatings and harassment by municipal staff, who have a vested interest in keeping the vendors insecure and grovelling.

The five lakh vendors of Delhi are being fleeced of Rs 40 crore a month, which comes to Rs. 480 crore a year by the government functionaries

They use the illegal status of the vendors to fleece them of a good part of their earnings. If any one of them resists paying, that person is beaten out of the market. In order to keep them frightened as a collectivity, municipal authorities and the police carry out frequent raids in the informal ‘natural’ markets created by these hawkers and vendors. In the guise of removing illegal encroachments, they seize their goods and *rehdis* (push carts) and lock up all the confiscated property in municipal yards.

Even those who have licensed stalls are not spared. Their stalls and wares are likewise destroyed or confiscated. They are then expected to pay hefty fines to get their pushcarts and goods released. The going rate of penalty is Rs. 1,450 plus Rs. 300 as ‘removal charges’ and Rs. 100 per day as store charges for the number of days their *rehdis* stay in municipal yards. Thus a vendor has to spend a minimum of Rs. 1,900 to get his *rehdi* released from the municipality, that is if it is released the very next day. Often

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the vendors can’t pay the exorbitant fines and bribes demanded of them for releasing their goods. So they have to start from scratch again.

There are times when entire markets are demolished. It takes them at least a few weeks or even months to resume work by arriving at a new settlement with the police, municipal employees and local corporators, who are often complicit partners in this extortion racket. Most of these raids are meant to terrorise them into paying ever escalating bribes demanded of them.

Sarkari Extortion Racket

During my survey at various markets in Delhi, I found that the current monthly extortion rates for pavement sellers range from Rs. 500 to Rs. 3,000 a month for ordinary markets. In locations like Connaught Place, many are even paying Rs. 10,000 and more per month. A majority of the small vendors pay between Rs. 500 and Rs. 800 per month to the MCD police and local *goondas* as “protection money”. Those with regular *tehbazaris* pay a little less, but are certainly not spared the humiliation of having to placate the tyrannical deities of license/permit *raj* through regular cash offerings. In addition, the police often take away their goods without payment, whenever they so desire. This results in a major loss of income for them. Thus, if we calculate at a modest average of Rs. 500 per person per month by way of cash bribes and Rs. 300 per month for loss of income due to open robbery of their goods by government servants, the five lakh vendors of Delhi are being fleeced of Rs. 40 crore a month, which comes to Rs. 480 crore a year by the government functionaries.

Many of them, especially the fruit-vegetable vendors and chicken-fish sellers lose a lot more by way of forced offerings in kind demanded by the police and MCD staff. Add to it the loss of income

when they are uprooted and prevented from carrying on their trade for days or weeks on end. If an average of 20 working days is lost every year at Rs. 100 a day, the vendors of Delhi alone are likely to be losing another Rs. 100 crore per year due to frequent disruptions in their work. They also suffer additional losses when their goods and *rehdis* are seized. Calculated at a modest Rs. 2,000 per person per year loss on this account, even if we assume that only 2 lakh vendors bear this loss, it totals to another Rs. 40 crores (Rs. 40,00,00,000) per year.

All this information is based on hundreds of interviews I have personally conducted since 1995, when I made my first film on street vendors of Delhi. In that film I estimated the bribe amount to be roughly Rs. 6 crore a month. Since then the number of vendors and the bribe rates have both gone up substantially, as also my information level about this sector. Therefore, my estimate that Delhi's vendors are currently paying collective bribes of nearly Rs. 40 crore a month is not likely to be off the mark. I do not claim infallibility for these figures and would happily correct myself, if the government or some other agency can come up with more reliable information. However, for the time being, I have to trust the figures I collected, because numerous street vendors have given this information on film and many have even provided written affidavits to MANUSHI about the money each one of them is forced to pay.³ Given the tremendous risks involved in their speaking out so openly, it is unlikely

³. MANUSHI's new film on street vendors will be released shortly.



Sh. N. Vittal, Central Vigilance Commissioner of India, speaking at the vendors' Lok Sunwayi

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that the information they have provided is exaggerated. My experience tells me that the vendors tend to understate the bribery amounts because of fear. Moreover, they have come to accept a certain amount of financial squeeze as inevitable and, therefore, do not keep count of it. In this context it is noteworthy that

If things are allowed to continue like this, many frustrated young men are likely to gravitate towards theft and take to crime as a way of earning a living.

though MANUSHI has released these figures to the press, no one from the government has contradicted or denied their validity.

Beatings and Abuse

On top of it all, many of them, especially the new entrants into this occupation, are routinely beaten, humiliated and abused by the police. These constant economic and physical assaults not only depress their incomes, but also destroy their self-esteem and confidence. This routine violation of their fundamental and human rights takes place at the hands of the very same people who

ought to be ensuring the safety of their lives and property.

This growing violence and insecurity is an important reason why very few women take to vending and hawking in cities like Delhi. The few who dare to venture into this occupation are either widows or older married women whose husbands can't earn enough. Most families don't allow young girls and women to join this trade because they are far more vulnerable to abuse and violence than men. Thus, women lose out on the few available sources of livelihood and are prevented from developing entrepreneurial skills.

If things are allowed to continue like this, many frustrated young men are likely to gravitate towards theft and take to crime as a way of earning a living. This is already beginning to happen, as is evident from the increasing crime rate in Delhi which is jeopardising the safety and well being of all the citizens—rich and poor alike. It is making Delhi more and more unsafe even for business investment.

Right to Livelihood

Hawkers and vendors of various cities have fought long drawn battles, both in the streets as well as through the courts to assert their right to a dignified livelihood. The Supreme Court itself has upheld this right numerous times, but the administration continues to flout it with impunity. In 1985, the Supreme Court, in the Bombay Hawkers Union vs Bombay Municipal Corporation case, directed that each city should formulate clear-cut schemes which earmark special Hawking Zones after which they could declare certain areas as No-Hawking Zones.

This was followed by a landmark judgement in 1989: the Sodhan Singh versus NDMC case. It held that "Street trading is an age old vocation adopted by human beings to earn a living...[and] comes within the protection guaranteed under the Article 19(1)(g) of the Indian Constitution which guarantees the right to earn a living as a fundamental right." Therefore, city administrations were directed to facilitate hawkers in acquiring a legal status. Unfortunately, the Supreme Court orders have been flouted with contempt, not just by municipal authorities in Delhi, but in other states as well.

In the *Lok Sunwayi* held on June 25, Mr. Vittal was visibly moved on hearing first hand accounts from female and male vendors of the indignities and brutalities they routinely suffer while carrying on their humble trade. He immediately took up the matter with the municipal authorities, the chief minister of Delhi and the central government's Ministry of Urban Development. He supported MANUSHI's demand that this trade be de-licensed, since the track record of our municipal and police authorities makes it abundantly clear that they use the licensing system only as an instrument of terror and extortion.

"Street trading ...comes within the protection guaranteed under Article 19(1) (g) of the Indian Constitution which guarantees right to earn a living as a fundamental right."

Tavleen Singh noted, "One feels ashamed as an Indian to see how our fellow citizens are tyrannised and robbed of their earnings by the government machinery." She and Rani Jethmalani pledged full support for MANUSHI's campaign to end blackmail, bribes and beatings suffered by street vendors. Dr. V.S. Kumar was shocked that fellow citizens of Delhi were getting such a raw deal. He also emphasised the need for rational monitoring mechanisms to ensure that our public spaces are run in an orderly manner. Dr. Dinesh Mohan's brief speech was a real booster for the demoralised vendors, when he spoke about the important role played by vendors in making our cities safe, how they save valuable time and money for urban consumers and reduce vehicular pollution in cities.

Making Common Cause

Our holding this *Lok Sunwayi* in the air conditioned FICCI auditorium puzzled some of MANUSHI's friends, who felt that this was politically incorrect and bound to give the wrong impression to potential sympathisers. However, ours was a well thought out decision. The street vendors had been invited to share their *dukh* (grievances and grief) with us fellow citizens, who are better placed than them. It is our duty to share our *sukh-aaram* (comforts) with them. Why do we assume that clean and comfortable environments are meant only for the middle and upper

classes? These vendors work under extremely harsh circumstances, braving the hot sun in summer, icy winds in winter and watery deluge in the monsoon every day of their lives. The least we could do was to provide them cool comfort for one day when they came to pour out their grievances before us. They are rarely treated as fellow citizens by middle and upper class people, leave alone the *babus* and *netas* before whom they have to constantly kowtow and grovel.

Ours was a small gesture to communicate the message that we consider them fellow citizens. We are not condescending to "help them" but wish to make common cause with them.

Give Them Their Due

Through this *Lok Sunwayi* MANUSHI appealed to the citizens of Delhi, especially those who carry influence with policy-makers and administrators, to help make Delhi a bribe-free, terror-free city. It is in the interests of all to make common cause in removing corruption and the inevitable violence and crime that accompanies it.

The following demands were made on behalf of vendors:

➤ At a time when big industries are being de-licensed, and factories worth crores can be set up without complex licensing requirements, street vending should also be delicensed.

➤ Instead of treating them as a "public nuisance", services of vendors should be given due recognition. The Supreme Court order requiring every city to clearly demarcate Hawking and No-Hawking zones should be expeditiously implemented, taking the actual requirements of every city's population into account, rather than based on arbitrary, bureaucratic whims. A Pay and Hawk scheme would also increase the revenue collected by municipalities, provided that payments are allowed to reach government treasuries.

➤ As long as the Delhi government fails to evolve and implement a viable policy for street vendors by allocating proper Hawking Zones, raids by the municipality and clearance operations should be altogether suspended.

➤ Keeping in view the importance of the 'natural markets' developed by street vendors, the city administration should be pressured to provide them water and sanitation facilities so that they can maintain cleanliness and hygiene in their markets.

➤ Since the police *danda* is used mostly on honest citizens while the anti-social elements actually get protection from the police, the policemen should be disarmed of their *dandas*. In no functioning democracy is the police allowed to wield *lathis* (batons) on innocent citizens, the way it is in India. Today citizens of India, especially the poor, need to be protected from the police. One small step in that direction would be *danda*-free policing.

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➤ In addition, the police should be given better training and better pay packets, along with establishing effective accountability in their functioning, if they are to act as an instrument of law and order, rather than promote crime. They, too, need help in restoring their self respect, so that they do not behave like thugs and looters.

➤ We urge residents' associations to join the vendors to form *Nagrik Sahyog Samitis* to curb the abuse of power by police and bring municipal officials to account.

MANUSHI will attempt to facilitate residents and vendors working together to ensure cleaner and orderly markets.

Appeal to Citizens

We appeal to the concerned citizens of Delhi to help resettle thousands of uprooted vendors who have not been allowed to resume their trade for weeks or months because they have resisted the continuing escalation in bribe rates. Many such families are facing destitution and are sinking under debt.

Your open solidarity will certainly help curb the extortion rackets we are trapped in. That is bound to lower the market prices of the products sold by vendors and bring down the crime in our cities. □

Those who wish to assist street vendors in combating corruption and crime are requested to contact MANUSHI. We are in need of volunteers who will help set up citizens' committees in their respective areas for support of vendors.

Available from MANUSHI a VHS cassette of six short films in Hindi by *Madhu Kishwar*

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