

On July 26, 2006 MANUSHI SANGATHAN in collaboration with NASVI organized the first all-India *Jansunvayi* (Public Hearing) of street vendors at Kamani auditorium in order to bring the issue of assaults on street traders to the notice of high level policy makers in the country. The frequency of these assaults has increased due to the non-implementation of a liberalized licensing regime for vendors as envisaged by the National Policy for Street Vendors. A concrete plan of Action was presented to a high-powered panel chaired by the Union Minister for Urban Development, Jaipal Reddy. Other members of the Sunvayi panel were Kumari Selja (Minister of State, Poverty Alleviation), Ramesh Chauhan (Bisleri International), Dilip Cherian (Business consultant and columnist), Renuka Vishwanathan (Secretary, Ministry of Rural Development), Prof. K.C. Sivaramakrishnan (Centre for Policy Research), Tavleen Singh (writer and columnist), Rajeev Sethi (Chairman, Asian Heritage Foundation), Syeda Hameed, (Member, Planning Commission), Nitish Sengupta (Member of Parliament and former member of the Planning Commission), Indira Jaisingh (Senior Advocate, Supreme Court) and Prithvi and Surekha Sharma (India Friends Association), long time supporters of this cause from the US also joined us on this occasion.

Street vendors representing 276 vendor unions from more than 60 cities and towns of India came to pressure national policy makers to expedite the liberalization of the licensing regime for street hawkers.

The meeting began with Jaipal Reddy and other panelists performing *Jhadu Pooja* (ritual worship of the broom) as is the standard practice in all our meetings. (For the meaning and details of the ritual see issue Nos. 127 and 147 on our website)

REPORT

The First all India *Jansunvayi* of Street Vendors

Why the Airconditioned Comfort?

Several friends, well-wishers and some critics expressed surprise that MANUSHI held a *Jansunvayi* of street vendors in an air-conditioned auditorium known for hosting elite cultural events. This is not the first time we did so. Our earlier *Jansunvayis* of vendors and cycle rickshaw pullers were also held in similar locales, namely India International Centre and FICCI auditorium. Our response is the same as it was then. When we work for the poor and disadvantaged, one part of connecting with them is to leave our own comfortable environs and go share their trails and tribulations by experiencing the conditions under which they toil and

live. However, when we are inviting them to provide a forum for their grievances, we should be willing to share with them some of the comforts and luxuries we routinely enjoy. If we feel no embarrassment in holding meetings of our own class of people in air-conditioned comfort, why should we feel uneasy at treating them at par with ourselves for at least the one day that they are our guests?

The entire auditorium, including the foyer, was decorated with flowers to make the atmosphere welcoming and optimistic even though the *Jansunvayi* dealt with very grim issues and survival battles. The festive spirit was to celebrate the fact that this was the first all India



Jaipal Reddy, Union Minister for Urban Development performing *Jhadu Pooja* along with other *Jansunwayi* panelists

Jansunvayi of vendors and the first time ever when such a cross section of influential citizens and policy makers gathered together to pay attention to this issue.

Shocking Revelations

The panel was particularly moved and shocked by the incidents of self-immolation by desperate vendors following eviction of hawkker markets in Patiala, Gwalior and Lucknow captured on film by Sunil Umarao of MANUSHI. These short films are part of a larger portrayal of the battles of street vendors in various cities of India to defend their right to livelihood in the face of continuing assaults by police and municipal agencies. (A detailed account of these suicides are available in issue No. 153 of MANUSHI as well as on our website www.manushi-india.org in the article titled, "Destroying *Swadeshi* Retail Sector to Make Way for *Videshi* Retailers?").

Street vending is an important source of self-employment for the poor in India. Hawkers play a vital role in the distribution of items of daily consumption at relatively low prices to all classes of consumers at convenient locations, thus saving urban citizens a great deal of time, energy and money for procuring their daily requirements. These street retailers therefore help the farm sector as well as the small-scale industry by acting as channels of distribution of their goods in every nook and corner of the country at minimal costs, bringing vitality to the urban economy. As per conservative estimates, the total all India turnover of business by street vendors is at least Rs 86,000 crores. In Delhi alone, their turnover is over 3000 crore.

Economic reforms have liberalized controls over a small section of the corporate sector and consequently given an unprecedented boost to



economic growth in select areas. However, these reforms have been confined to a tiny segment of the population of the country and therefore the benefits of liberalization are not reaching the vast majority of self-employed sections in the informal sector who constitute more than 90 per cent of the work force in India. The needless and harmful controls imposed upon street vendors provide an example of how the License Quota Raid Raj continues to exercise tyrannical control over the livelihoods of the self-employed poor, despite the rhetoric of liberalization.

According to municipal laws it is illegal to vend without a license issued at the sole discretion of the municipalities. Yet, the municipalities in India have stopped issuing licenses

to street vendors decades ago, consequently trapping more than one crore vendors of India in a web of illegality, thus making vendors and street hawkers easy targets of extortion rackets.

The Extent of Problem

In Delhi for example, there are around three lakh vendors, but licenses have only been issued to around 3000. In Mumbai, after a High Court and Supreme Court order, licenses were issued to about 15,000 out of 4 lakh vendors. In Patna only 2000 vendors out of 80,000 have received licenses after a long struggle. In Ahmedabad, the Municipal Corporation issued a circular in 1993 saying that henceforth no new licenses would be issued and all old licenses were invalid. This illegal status makes vendors vulnerable to bribes, beatings, arrests and extortion by mafias. During the course of the Public Hearing, MANUSHI gave the example of Anil Kumar and his brother who sell *channa paranthas* at Rs. 5 per plate in a West Delhi colony. (The picture above shows their vending cart.) They work at least 16 to 17 hours a day, beginning food preparations as

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early as 3.30 a.m. so that by 7 a.m. they are ready to provide freshly cooked food to cycle rickshaw pullers and other working poor who do not have cooking facilities in the *jhuggies* and pavements they live on. On an average, they work nearly 16 hours a day. Together the two brothers earn about Rs. 6000 per month. Out of this small income, they are forced to pay the following amounts as bribes every month:

Police : Rs. 1000;

MCD health Inspector : Rs. 400;

MCD general Inspector : Rs. 200;

An unnamed govt. official :Rs. 100;

MCD sweeper : Rs.60;

Total : Rs. 1760 per month.

This means nearly a third of their already low income is siphoned off by government employees, which prevents them from moving out of the poverty trap.

MANUSHI'S audio visual presentation shed light on how in Delhi alone the terror unleashed by the License Quota Raid Raj and the

regular farce of Clearance Operations targeted at vendors lead to the loss of income of Rs 500 crores every year due to bribes, confiscation of goods, long periods of forced idleness, and heavy indebtedness. In Bombay, vendors pay close to 400 crores a year by way of bribes to the municipal inspectors and police.

The street vendors urged the Union Minister for Urban Development to ensure that government policies not be aimed at destroying the *Swadeshi* Retail Sector to make way for FDI and corporate sector investment in retail sector. They should instead let the Ambanis and Walmarts compete with vendors rather than seek to destroy them through state action. Delhi should lead the way and create a model of a Caring People-Friendly World City in preparation for the Commonwealth Games by creating model hawker markets all over the city.

Our Slogan, Our Motto

The following slogan encapsulates the spirit behind

MANUSHI'S approach to this issue:

Na chahiye chhoot subsidy,

Mangen samta ka vyavhar,

Na chahiye reham ki khichdi,

Le ke rahenge bhay mukt, ghoos mukt rozgar.

(We don't want concessions or subsidies,

All we want is equal treatment,

We don't need crumbs of charity,

We will not rest till we have the right to bribe-free, terror-free livelihood.)

Major Landmarks in Battle

Because of the cruelty and tyranny unleashed on them by municipal agencies and the police, street vendors of various cities have knocked at the doors of the Supreme Court for a number of years. The Constitution considers the Right to Livelihood as one of the fundamental rights of every citizen. The following landmark Supreme Court judgements have declared that street vending is a legitimate occupation and therefore entitled to protection under the Constitution which considers the Right to Livelihood as one of the

Key Features of the National Policy for Street Vendors

A National Task Force for Street Vendors was set up by the Ministry of Urban Development and Poverty Alleviation in 2002. This resulted in a National Policy for Street Vendors which was approved by the Cabinet in January 2004.

Key features of this policy are as follows:

- Lays down rules for 'regulation' instead of 'prohibition' of street vending. Licensing to be replaced by a simple registration process.
- Recommends adoption of a system of registration of hawkers and non-discretionary regulation of access to public spaces.
- Requires setting up of Ward, Zonal and Town Vending Committees with representation of street vendor organisations and by other stake holders. These committees are to provide tehbazaris to 2.5 per cent of working population in an area.
- Mandates that street vendors cannot be evicted in the name of beautification or cleaning drives. They can be evicted only if the land is needed for explicit public purpose. It also states that if vendors are evicted, they should be simultaneously rehabilitated to restore their livelihood to previous level.
- Stresses the need for easy access to credit and insurance as also water and sanitation.
- Emphasises self-governance by vendors of hawker zones.
- Calls for amendments in police and other laws which are archaic and are being misused by municipal and police officials to harrass vendors with a view to collecting bribes.

fundamental rights of every citizen: :

❑ *SEWA Vs Ahmedabad Municipal Corporation*. Supreme Court Judgment, 1983

❑ *Bombay Hawkers Union Versus Bombay Municipal Corporation* Judgment of the Supreme Court (1985).

❑ *Sodhan Singh & Others vs. NDMC* 1987. Decided on August 30, 1989

❑ *Gainda Ram & Others vs. MCD & Others* 1986 decided by the Supreme Court on May 12, 1993 laying down guidelines for vending licenses. Claims under this are still not settled.

In addition, polices have also been formulated for hawkers at the highest levels:

1) Former Prime Minister Vajpayee's New Policy for Delhi Street Vendors, in August 2001, came in response to a sustained campaign by MANUSHI.

2) National Policy for Street Vendors was adopted by the Central Cabinet in January 2004 due to combined pressure of vendors' organizations from all over India.

Yet despite this progress these policies have remained unimplemented primarily due to the vested interests of those who benefit from keeping them illegal. Nonetheless, solutions are within easy reach if there is a strong political will to find and implement them.

Our Demands and Expectations

The organizers of *Jansunvayi* recommended the following Action Plan:

❑ Make it mandatory for state governments to liberalise the licensing regime for hawkers and create adequate and well planned hawker zones as an integral part of their City Development Plans if they are to qualify for hefty grants for modernizing their cities and towns under the Rs.50,000 crore Jawaharlal Nehru Urban Renewal Mission (JNNURM).

❑ Create a high powered and committed Task Force for the



A view of the Public Hearing at Kamani auditorium

implementation of the National Policy for Street Vendors.

❑ Select certain cities (such as Delhi, Ahmedabad, Patna and Bangalore) to showcase concrete examples of how vendors can be integrated into the city landscape in a dignified and aesthetic manner.

❑ Undertake a ward-by-ward, cluster-by-cluster, street-by-street, and market-by-market photographic digitalized census of street vendors and precise mapping of the areas where they are located. Special attention should be paid to the weekly markets and *haat* bazaars in different areas.

❑ Commission a group of senior architects and urban planners to make ward-by-ward plans for carving out Hawker Zones and redesigning pavements in such a way that vendors can be accommodated without inconveniencing pedestrians or obstructing the flow of vehicular traffic. The planning of hawker markets should respect the principle of "natural markets".

❑ Empower the Task Force to set up the Street Vendor Registration and Grievance Redressal Committees in each municipal ward.

❑ Plan the Hawker Zones on the Sewa Nagar Model Vendor market executed by MANUSHI in Delhi, which have resulted in significant and noticeable reduction of congestion, ensured far greater cleanliness, as well as brought an aesthetic touch to the entire area by providing suitable infrastructure such as proper pavements, cleaning arrangements, and open beautified public spaces. (For details see our website www.manushi-india.org)

When Ministers are Helpless

Responding to the evidence presented during the course of the meeting, Mr. Reddy said "I have attended many public hearings and meetings in my life. However, this is one public hearing I will never forget. It has left a powerful, long-lasting impact on me and I will make sure we do something to address this problem." He then went on to promise that his Ministry would try to implement the Action Plan proposed by MANUSHI for Delhi so that the Capital City could lead by example.

However, although vendors from Delhi were enthused, those who had come from other states were rather disappointed when he expressed helplessness in enforcing the

National Policy for Street Vendors in various states because creating hawking zones is a state subject. He said, the Central Government cannot dictate this policy on state governments.

At this, there were loud protests from people from outside Delhi who felt that a Union Minister should not disown responsibility for enforcing national policies on state governments. Renuka Viswanathan and Madhu Kishwar both pointed out that if the implementation of the new policy for vendors were to be made a necessary qualifying criteria for release of grants under Jawahar Lal Nehru Urban Renewal Fund, state governments would have no choice but to comply.

Promises by Panelists

All the members of the panel expressed strong support for the cause of vendors. Rajeev Sethi commented that hawker markets have been an integral part of our urban culture and have always created many innovative ways for reaching out to customers. He proceeded to read a poem written by famous Urdu *shayar* Nazir, a contemporary of Mirza Ghalib,

whose life and work is immortalized in Habib Tanvir's famous play *Agra Bazar*. Street vendors of those days would have Nazir compose such popular *shayari* and songs to draw attention to the goods they sold in the bazaar. Unfortunately, the new laws proposed by municipal agencies make it illegal for vendors to attract attention of customers by such means. Consequently the threat of routine beatings and assaults have silenced the traditional songs of our vendors and made their selling techniques less aesthetic.

Syeda Hameed assured MANUSHI that she would take up this cause within the Planning Commission. Prof. Sivaramakrishnan said that as a member of the Technical Advisory Committee of the JNNURM, he too would take up this cause with his colleagues.

However, Ela Bhatt, Founder President of SEWA, expressed deep pessimism, saying that this was one issue on which even SEWA had failed to make any progress despite decades of struggle and the aid of several Supreme Court judgments and policy reform measures in favour of vendors

that were initially announced with much fanfare.

Indira Jaisingh promised that she would continue lending support to this movement by fighting such cases through the Courts. She shared anger and disillusionment with the fact that no progress had been made on the issue despite long drawn battles spread over nearly three decades, but said: "I have no doubt that this *Jansunvai* will go a long way in influencing government policy and help hawkers claim their rights."

Although Ramesh Chauhan refrained from making any public statements, he assured MANUSHI of his desire to see the rich and poor join together to make the agenda of economic reforms reach all sections of society. Tavleen Singh, a long time supporter of MANUSHI on this and many other related issues reiterated her commitment to securing economic freedom for the poor.

Nitish Sengupta sent a note the next day saying: "I went to the function as an observer with some theoretical interest in the subject. I came back as a convert to the cause that you so effectively focused through this programme. I only wish I

Bribe-Free- Livelihood and Clean-Governance Fund

We urge you to lend support to MANUSHI's endeavours towards: a) Reforming the licensing regime for street vendors; b) Organizing street hawkers so that they acquire the strength to resist assaults on their right to livelihood and dignity; c) Enabling them to act as self-respecting and responsible citizens and maintain a high level of civic discipline and cleanliness in hawker markets.

I resident of would like to contribute a sum of through(mode of payment) to support MANUSHI'S 'Bribe Free Livelihood and Clean Governance Fund'.

Please mail your cheque, M.O or Demand Draft to:

Manushi Sangathan, C-1/3, Sangam Estate, Under Hill Road, Civil Lines, Delhi-110054

You may also pay through our website payment portal at
www.manushi-india.org

had attended such a programme when I was Member Secretary, Planning Commission or a Member of Lok Sabha. But never mind, please treat me as one of your associates in this programme and count upon whatever support I am capable of providing you.”

Responding to the assurances given by Kumari Selja Minister of State for Poverty Alleviation, Arbind Singh of NASVI suggested that the minister call meetings of municipal agencies in various cities to generate interest and put pressure on bureaucrats and local politicians to take this task seriously. He stressed that such meetings are very useful in influencing state policies and creating allies within the administration.

The Mayor of Delhi, Mr. Farhad Suri, could not attend the Public Hearing due to an emergency that prevented him from reaching the meeting, but he called the next day not only to express his regrets but also to assure MANUSHI of his desire to develop a Sewa Nagar type model market for hawkers in some of the areas of his Old Delhi constituency.

Messages of Support

We received the following message of support from Rajdeep Sardesai and Sagarika Ghose of CNN/IBN, whose consistent effort has been an invaluable asset to the cause since MANUSHI began this work: “This is to convey our deepest support and heartfelt appreciation for the campaign to get the government to hear the voices of street vendors. Street vendors are a crucial part of our daily lives, they are highly important economic beings and we feel an essential part of the Indian city. The plight of the street vendors in many ways illustrates how the economic reforms process still remains elitist and focused on the

organised and corporate sectors. For economic reforms to truly succeed and to take our country forward we feel that the work and worth of street vendors must be recognised as an essential and invaluable part of urban India. Our cities cannot, and morally should not be forced to look like ersatz imitations of western metros. Our cities must be “our” cities in the truest sense of the term, with cycle tracks, vendors markets, pedestrian plazas, all regularised and

for the empowerment of the poorest and most disadvantaged segments of our society engaged in various forms of self-employment and income generation activities. Street vendors constitute an important part of this section of our population. Providing these small entrepreneurs with the necessary support and protection in a planned and organized manner will raise their productivity and act as a boost to urban economic activity. I send my good wishes for the success



A vendor giving his testimony at the Public Hearing

created to make urban life the best possible one for all inhabitants, rich and poor. A flyover that provides speedy access for a Pajero but makes life difficult for the *rera patri* or the vendor must be re-examined and rethought. Lets reclaim our cities from the western imagination and provide all possible help to those who are the lifeblood of our urban centres. So all our support to this crucial and excellent campaign, a true forward movement in the ‘independence’ of India.”

Finally, UPA Chairperson and Congress President, Mrs. Sonia Gandhi sent the following message of solidarity: “MANUSHI has been working

of the *Loksunvayi* being organized by MANUSHI in July 2006.”

Even though we hope that such expressions of support will translate into concrete action for reforming the existing system, we know from past experience that it will require a lot of patient effort, battling and lobbying before the government agencies yield ground. □

The full text of MANUSHI’s presentation on the plight of street vendors is available on our website www.manushi-india.org. Small films, which were part of the presentation, will be put up on our website shortly. □