



# Cycle Rickshaw: A Post Modern Vehicle

## Challenging Government's Warfare against Citizen Friendly, Eco-Friendly Rickshaws

**Madhu Purnima Kishwar**

*Cycle rickshaw originated in Japan where this man powered vehicle was called 'jinrikisha'. It is used. This vehicle is widely used in Asian countries in varying styles and called various names such as trishaw, pedicab, cyclo and becaks. It has been referred to as "developing world's taxicab." However, today even developed countries have begun discovering its value.*

*Manushi has been working in diverse ways to get the Government of Delhi to reform the policies with regard to cycle rickshaws and street vendors since the existing regime has bred endless crime and corruption due to the absurd restrictions imposed on these trades. We have documented the plight of cycle rickshaw pullers and owners on film, organized Public Hearing for them, lobbied with city authorities to pay attention to their exploitation by government functionaries, sought the intervention of the Central Vigilance Commissioner and taken up the matter through the Courts.*

*In August 2001, the then Prime Minister responded to our campaign and announced a liberalized policy regime for street vendors and the cycle rickshaw trade. There has been some progress with regard to street vendors at least in terms of recognition of their right to exist after the Cabinet approved a New Policy for Street Vendors in 2004. This Policy may soon be translated into law.*

*However, the cycle rickshaw trade has witnessed greater assaults and a more determined resistance to reform after the announcement of the liberalized policy by the PMO in 2001. In recent years, more and more areas of Delhi have been declared out of bounds for cycle rickshaws while the licensing regime remains totally out of tune with the requirements of the City. (For earlier reports on this issue, see Manushi issues 92-93, 125, 126, 134 and 137 on our website [www.manushi-india.org](http://www.manushi-india.org))*

*At the behest of cycle rickshaw owners and pullers, Manushi will be soon filing a petition in the Supreme Court challenging the assaults on the Right to Livelihood and other Fundamental Rights of the cycle rickshaw operators.*

*We provide Manushi readers and friends a comprehensive summary of the existing status of this trade and why the cycle rickshaw policy needs to become more rational. Though this account is based on the happenings in Delhi, it has implications for this trade in other towns and cities of India as well. **We count on your support in the Rickshaw Bachao, Pollution Ghatao Campaign ('Save Rickshaws to Reduce Pollution Campaign').***

## Richshaw as Living Art Security of Livelihood

*In cities and town where municipalities do not routinely confiscate and destroy cycle rickshaws, owners decorate every part of the vehicle with love and artistic flair*



The hands that convert a humble vehicle into an object of art.



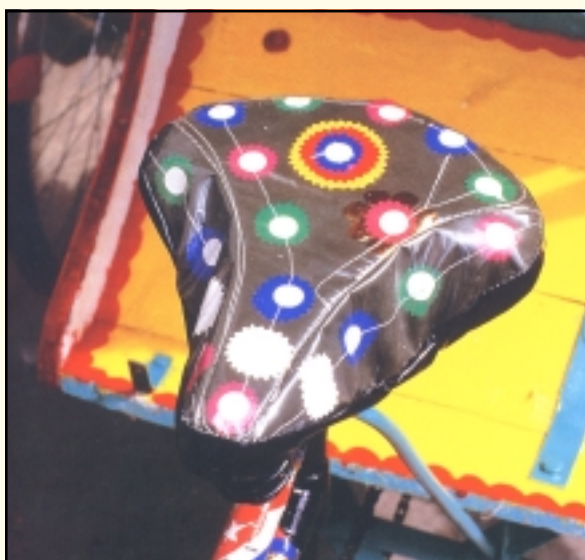
A typical trolley rickshaw for school children used in Bangladesh



Rickshaw art in Allahabad



The seats for passengers and the space they use for resting their feet are lovingly decorated.



Decoration on the rickshaw puller's seat

## A Multi-Purpose Vehicle : S



**Inexpensive and convenient for daily shopping in local markets.**



**Safe, personalized doorstep transport service for school children**



**Inexpensive and convenient mode of carrying goods over short distances**



**Low cost mode of garbage collection.**



**Feeder service for the Metro and bus stations: Rickshaws queued outside Metro station in Delhi**

# Survival against Heavy Odds



A resting place during the day and for many shelterless pullers the rickshaw becomes a bed at night.



Instant source of livelihood for seasonal migrants from impoverished villages.



Generates employment in small-scale industry that produces rickshaw parts as well as a source of livelihood for lakhs of mechanics all over India who assemble and repair this vehicle.



Inexpensive mode of travel for low income families

## Rickshaws in Other Countries



The puller pedals from behind in Hanoi's rickshaw



Trishaw in Georgetown



Singapore's cycle rickshaws are enjoying a new lease of life as a tourist attraction. Here the yellow shirt convoy of trishaws takes visitors through the aromatic streets of Singapore's Little India.



Malaysian Trishaw



In Oxford



Indonesian becak

The humble cycle rickshaw has carved out a unique space for itself in most towns and cities of India, including the capital city of Delhi, despite the rapid proliferation of fancy cars and other modern means of transport, including the Metro. This has happened in spite of daily assaults on rickshaw pullers and those who own these vehicles.

While rickshaw plying is altogether banned in the areas governed by the New Delhi Municipal Council, in the areas under the charge of the Municipal Corporation of Delhi (MCD), the Cycle Rickshaw Bye Laws passed in 1960 have fixed unrealistic

**Cycle rickshaws have kept increasing despite draconian laws and regulations aimed at limiting their role in the city and erasing their existence from the supposedly modern and elite areas of Delhi.**

quotas for issuing licenses and developed bizarre types of restrictions on owning and plying cycle rickshaws. It is noteworthy that there are no quotas on the number of cars, trucks and other motorized vehicles plying in urban centres even though they cause deadly pollution. But the cycle rickshaw ownership is subject to draconian controls and pitiful quotas. And yet, the number of cycle rickshaws has kept increasing despite draconian laws and regulations aiming at limiting its role in the city and erasing its existence from the supposedly modern and elite areas of Delhi.

### **Unconstitutional Quotas**

The quota was fixed at 600 during the 1960s; it was raised to 20,000 in 1976; and 50,000 in 1993, when the actual number plying was reported to

**There are no quotas on the number of motorized vehicles plying in urban centres even though they cause deadly pollution. But the cycle rickshaw ownership is subject to draconian controls and pitiful quotas.**

be 4,50,000. In 1997, it was raised to 99,000 and remains the same at a time when according to MCD's own admission in the Supreme Court more than 6,00,000 rickshaws are reportedly plying in the City, including trolley rickshaws for carrying goods and garbage. The actual number of licenses issued to rickshaws in Delhi is 89,429.

As I will explain later, almost all of these licensed rickshaws also carry the stigma of "illegality."

The slow and measly increase in the quota did not happen automatically. It was grudgingly sanctioned after rickshaw operators fought long drawn out battles in the High Court of Delhi and the Supreme Court of India. The ceiling has always been adjusted in an *ad hoc* and *post facto* manner, but it has never been anywhere near the actual numbers of rickshaws that reflects the growing demand for their services.

In fact, the MCD does not even have an accurate count of rickshaws plying the streets of Delhi, since most of the rickshaws operate illegally and therefore do not show up in the record books. Many rickshaw owners allege that MCD officials deliberately exaggerate the number of rickshaws in order to frighten judges and elite sections of society into believing that, if restrictions are removed, the City would be completely swamped by rickshaws, making it impossible for motorized vehicles to travel on the roads. MCD officials respond to this

charge by alleging that the rickshaw owners under-report their numbers so as to cover up their own illegal possession of huge fleets of rickshaws. In the absence of an accurate count, it becomes virtually impossible to assess the actual numbers and the holding capacity of the city for this vehicle.

The arbitrary setting of ceilings violates Article 14 of the Constitution of India. It also goes against, and is in contempt of, earlier Supreme Court Orders both in letter and spirit as given, for example, in *All Delhi Cycle Rickshaw Operators Union v. Delhi Municipal Corpn.* AIR 1987 SC 648 (Para 4) and *Nanhu & Ors. Vs Delhi Administration & Ors.* 1981 (1) SCR 373 which give aggrieved parties the right to challenge arbitrary ceilings and quotas, and directs the Delhi Administration to adopt reasonable and relevant criteria in setting ceilings on the number of licenses to be issued for Delhi. Also, it goes against the spirit of the Supreme Court Order which directs that there is need for positive

**Till about three decades ago rickshaws were found plying mainly in the walled city area, lower middle class neighbourhoods and outlying colonies of Delhi. Today, one sees them plying in most elite colonies**

measures to protect the rights of rickshaw pullers rather than a negative ban on licensing.

### **Vital Role of Rickshaws**

Less than 15 percent of the citizens in Delhi own private motorized vehicles while 85 percent have to rely on public transport, of which cycle rickshaws are a very crucial part,

## The Story Behind Technological and Aesthetic Deterioration

Among traditional communities in India, art has been an integral part of daily life rather than treated as a leisure activity involving visits to museums, art galleries or buying beautiful objects as decoration pieces to be displayed in one's drawing room. India is one of the few places in the world where humble objects of daily use, including kitchen utensils, doors, window, *jharokhas*, household furniture, trunks, closets of even ordinary villagers were crafted as aesthetic objects. Many of these today command high prices in the international antique market.

This creative urge finds expression even in crafting of implements and traditional transport vehicles—bullock and camel carts, tongas, and even in the making of elaborate gear used for decorating farm and other domesticated animals — cows, bullocks, camels and elephants.

This innate desire to create beauty has not died despite the marginalisation and pauperization of traditional communities who are perforce migrating to urban centres in search of livelihoods. For example one sees the most innovative *shayari* and decorations behind trucks and lorries – a phenomenon observed only in the Indian sub-continent. Similarly, there is a long tradition of decorating and beautifying cycle rickshaws with as much love and affection as is displayed while decorating a new bride. (see page 21)

However, in many urban centres of India one witnesses a steady deterioration in the technology and aesthetic appeal of cycle rickshaws during the last few decades. This is due to the fact that in these cities and especially in the capital city of Delhi, which has the most pompous pretension of wanting to develop into a “world class city” by emulating the alien and inappropriate models of development of First World cities, the existing



Thousands of confiscated rickshaws are junked as shown above in municipal yards in Delhi every year

Government policy amounts to waging a daily war against the owners of this vehicle. The elite sections of society and influential policy makers consider this vehicle as an unfortunate reminder of India's pre-modern past which ought to be put behind as swiftly as possible. Therefore, cycle rickshaws are officially banned from plying in all the posh and elite areas of Delhi.

It is ironical that in this day and age of liberalization, it is far easier to set up a new airline or own a mammoth fleet of trucks and buses-, if one has the money for it— than to legally own two or twenty cycle rickshaws. The licensing procedures and ownership regulations are so bizarre that they have trapped the entire trade into a web of illegality with very pathetic consequences for those are engaged in this occupation.

In Delhi alone, lakhs of cycle rickshaws are confiscated every year under the guise of decongesting roads and checking unlicensed rickshaws. Nearly 60,000 rickshaws are junked and destroyed every year after confiscation on one flimsy pretext or another. Thus operating a cycle rickshaw has become a high-risk venture. With the threat of confiscation and destruction of the vehicle looming large, the operators have little incentive to invest money on its maintenance or introduce technological improvements. Under such circumstances, the creative urge to transform a humble vehicle into an object of art is effectively thwarted and even crushed.



A typical dilapidated cycle rickshaw of Delhi today

because they are truly multi purpose. Till about three decades ago rickshaws were found plying mainly in the walled city area, lower middle class neighbourhoods and outlying colonies of Delhi. Today, one sees them plying in virtually all elite colonies, including in the fancy suburbs of Gurgaon, as well as in elite housing colonies in the heart of New Delhi such as Maharani Bagh, Friends Colony, Defence Colony, Greater Kailash and the Civil Lines area. The coming of the Metro has in fact increased its relevance because cycle rickshaws have become the most widely used feeder service for commuting to and from Metro stations. This clearly indicates that there is an increasing public demand for this vehicle. Given its many positive features and resilience in the face of violent attacks and competition from motorized vehicles, it could well be described as a Post Modern Vehicle.

### **Why the Growing Demand**

The growing demand for cycle rickshaws is due to the following factors:

→ Rickshaws are the least expensive and the most convenient form of transport in dense urban areas for short distance travel. They provide doorstep service at all hours of the day and night.

→ With parking becoming a major problem, even those with cars prefer taking cycle rickshaws for local marketing because it is both convenient and inexpensive. It will wait, for example, for a housewife as she goes from shop to shop for her purchases, and carry the goods to her doorstep. Picture 8.

→ Rickshaws are widely used for sending children to local schools since they offer personalized and safe service at a modest price by picking up and dropping back children at their doorstep. Picture 9

→ Rickshaws are a necessary feeder service for the city's bus service as

**Given its many positive features and resilience in the face of violent attacks and competition from motorized vehicles, rickshaw could well be described as a Post Modern Vehicle.**

well as the Metro rail. Picture 10.

→ Trolley rickshaws provide a vital service for transporting goods to and from the wholesale markets, especially in congested areas. They are also widely used for delivering heavy goods (timber, sanitary ware, balls of cloth, construction material, etc) from the market to the doorstep of the user. Picture 11

→ Trolley rickshaws are commonly used by private rag pickers who recycle the garbage in the city. The municipal agencies are heavily dependent on the free services of these garbage pickers. Using motorized transport for garbage collection will dramatically increase the cost of garbage disposal and also lead to an increase in vehicular pollution especially since the trucks and tempos that are currently used for garbage collection are diesel-based vehicles with outdated technology. Picture 12.

### **Eco-friendly Vehicle**

Cycle rickshaws are the most eco-friendly of all vehicles. Since they do not consume petrol or diesel, they do not cause atmospheric pollution. Each rickshaw covers a minimum

**If cycle rickshaws were removed from Delhi, it would involve an additional fuel expense of nearly 500,000 litres per day costing more than Rs. 1.25 crores per day.**

distance of 20-25 kilometers a day amounting to a total of 120-150 lakh kilometers per day by the city's 600,000 rickshaws. If cycle rickshaws were removed from the city, it would involve an additional fuel expense of nearly 500,000 litres per day costing more than Rs. 1.25 crores per day. This totals to an expense of Rs. 450 crores per year.

The use of cycles as a safe and non-polluting, environment — friendly mode of transport is being actively promoted and encouraged by governments in different parts of the world. There are cycle tracks in virtually all the First World cities, even in the high Alps, because people are discovering the health value of using non-motorized vehicles. This is happening even though the vast majority in these countries can afford and do own cars. By contrast, in India, where the vast majority does not own motorcars, our Government refuses to provide road space for non-motorized vehicles despite the fact that we are running huge bills for importing petrol and diesel.

In towns and cities of China, Vietnam, Malaysia, Indonesia and other Asian countries, rickshaws are a popular mode of transport. In several European cities, including Paris and Oxford, which are far more conscious than us about their air quality, cycle rickshaws are being introduced on an experimental basis as a measure to control vehicular pollution in city centers. (pictures 13, 14, 15) In Singapore one finds smartly dressed young men driving cycle rickshaws as a popular tourist attraction. But in India our policy makers are hell bent on destroying this vehicle. (Pic. 16)

### **Instant Source of Livelihood**

Cycle rickshaws provide one of the few instant means of livelihood for poor rural migrants. Most pullers are seasonal migrants who leave their families in the village so that they can keep their living expenses low and save

as much as they can for sending home. Within a few hours of arriving in the city, by renting a rickshaw for the day, a migrant is able to not only earn enough to buy food for the day but also to save something for sending home.

Savings from rickshaw pulling help sustain their families in the village. Farming would be even more crisis ridden and entire families of destitute farmers are likely to flood the cities without these urban remittances.

If the MCD's figures are correct, in Delhi alone, more than 7 lakh people earn their livelihood from the cycle rickshaw trade. This includes thousands of people who get employment in the small-scale industry which produces rickshaw parts. The rickshaw trade of Delhi also makes use of the services of thousands of repair mechanics and assemblers. At an average of four dependents per person, the survival of 35 lakh people is thus linked to this trade.

### **Earning Potential of Ricks**

The cycle rickshaw represents the most efficient use of capital and labour both for the puller as well as for the vehicle owner. An owner invests Rs 4,500 for a new cycle rickshaw and earns a rent of Rs 20 to 30 per day, depending on the state of the vehicle and the area in which it is plying. He spends on an average Rs 200-300 per month on repairs and maintenance of the vehicle, bribes to the police and municipality, and losses due to fines and confiscation of the vehicle.

Thus at an average of Rs 15-25 per day per vehicle an owner can get an income of Rs 450 to 750 per month with an investment of Rs 4,500, provided the vehicle is plied every day of the month. This is not always the case since there is a short supply of pullers during certain seasons and during festivals. Even with all those gaps in earning, an owner recovers

the cost of his vehicle within nine to ten months.

A puller pays Rs 20 to 30 per day rent for the vehicle, earns between Rs 75 and 200 per day depending on the number of hours and distances he pulls the rickshaw as well as the area in which he plies. Thus a rickshaw puller earns at least to 4-10 times of what he pays by way of rent. By contrast, a man who hires a three-wheeler auto rickshaw pays Rs 250 per day towards the rental for the vehicle and earns on an average Rs 300 per day.

While plying a rickshaw is an important source of income for the illiterate and those with low education skills as well as the educated unemployed youth from poor families, for hardworking and enterprising young people it provides an avenue of upward mobility. There are

**Savings from rickshaw pulling help sustain the families of pullers in the village. Entire families of destitute farmers are likely to flood the cities without these urban remittances.**

numerous examples of men who started their lives as pullers but within a few years they manage to attain middle class status by saving up enough money to acquire additional rickshaws for giving out on hire.

### **Other Absurd Restrictions**

The web of illegality that surrounds this trade allows vast extortion rackets to flourish unchecked.

Apart from unrealistic quotas, the following absurd restrictions that govern this trade with regard to owning and plying a cycle rickshaw have ensured that the vast majority of even the licensed rickshaws are rendered illegal:

➔ A person is allowed to own hundreds of trucks, buses and even jet planes — but owning more than one cycle rickshaw is illegal. No person can ply a rickshaw unless he is the owner (and vice versa) and holds a license granted by the Commissioner on payment of a certain fee *as per the Cycle Rickshaw Bye-Laws (1960)*. The punishment for owning more than one cycle rickshaw is confiscation and destruction of the vehicle by the MCD.

➔ A person who owns a truck or bus or taxi may hire whoever he/she wants to ply that vehicle but in the case of cycle rickshaws, the MCD's regulations require that the owner of the vehicle must himself be the puller of that vehicle. A rickshaw owner who lets another, including his own brother or son, ply his rickshaw invites confiscation and destruction of his vehicle. A truck or taxi is never confiscated because the person who owns it does not drive the vehicle.

Although this law was ostensibly meant to protect rickshaw pullers from being fleeced by the supposedly exploitative rickshaw fleet owners and was unfortunately even upheld by the Supreme Court (*All Delhi C.R.O. Union v. Delhi Municipal Corporation. AIR 1987 SC 648 and Nanhu & Ors. Vs Delhi Administration & Ors. 1981 (1) SCR 373*) as a beneficial piece of social legislation, it has been making things even worse for poor rickshaw pullers. It has become a tool of exploitation by the police and MCD officials to extort bribes from unlicensed rickshaw owners and pullers using the threat of impounding such rickshaws and destroying and selling them as junk. This is a major reason why one witnesses deterioration in the technology, functioning and visual appearance of this vehicle. Since the vehicle can be impounded any day with or without reason, owners spend no more than is absolutely necessary

to keep the vehicle moving on the road. (See Box 1)

### **“Owner Must be Puller”**

This restriction is all the more absurd given the nature of the trade and the compulsions of those who come to pull cycle rickshaws. It is well known and openly acknowledged by the MCD that the vast majority of cycle rickshaws (over 95%) are owned by entrepreneurs who own 5 to 500 rickshaws and give them out to others on rent. Only the very poor opt to ply rickshaws because the work is back breaking. They rarely have the means to enter this trade by straight away investing money to buy a new or even a second hand vehicle. After some years of plying, some manage to save enough to be able to buy a vehicle of their own, but they do so only if they are based in that city. Seasonal migrants cannot afford the legal and illegal costs of owning a rickshaw for the following reasons:

→ Most pullers stay in the city for some months, save money and go home for some days or weeks. Often they have to leave at short notice due to some emergency at home or their own sickness. Many prefer to go and work in the fields during harvest and sowing seasons. During festivals and family occasions also they have to go home. During the periods that they are absent from the city, they have no way to keep their vehicles safe.

→ If they rent out or even let a family member drive their vehicle when they go to village, it is likely to be confiscated. Therefore, even if they have the money they prefer not to buy a rickshaw.

→ Even when they are in the city, most pullers sleep on the pavements or share small *jhuggis* with fellow migrants. They have no place to park their vehicle safely at night. The vehicle is likely to be stolen if they leave it out in the open at night.

→ Getting a rickshaw license is almost impossible for a poor man. Unlike

**The punishment for  
owning more than one  
cycle rickshaw is  
confiscation and  
destruction of the vehicle  
by the municipal  
authorities!**

registration for motorized vehicles, licenses for cycle rickshaws have been frozen indefinitely by the MCD. Applications are accepted only during one month of the year, even on those rare occasions when the quota is increased and applications are invited, at least on paper. Application forms are given selectively to those who have made prior ‘arrangements’ with MCD officials. This denies opportunity to those pullers who may want to own a rickshaw to legitimize their status.

→ Since a rickshaw license is not available on demand as a right, MCD officials take hefty bribes for issuing and renewing these licenses, which are valid for three years and require to be renewed every year. Pullers can neither afford the time and bribes required in getting a license nor take the risks involved in owning a rickshaw that may be confiscated any day.

→ Even licensed rickshaws are not spared confiscation and destruction on patently illegal grounds. The MCD routinely rounds up and confiscates a large number of rickshaws under the guise of checking licenses. Even licensed vehicles are not spared in these “raids”. Once the vehicle reaches a municipal yard, the owner

**A rickshaw owner who  
lets another, including his  
own brother or son, ply  
his rickshaw invites  
confiscation and  
destruction of his vehicle.**

has to pay a minimum fine of Rs 325 to get the vehicle released, plus Rs 25 per day as store charges for each day that the vehicle stays in municipal custody. But an owner can get it released only if he can provide “proof” that he is the real owner and also that he was pulling the rickshaw himself. If he lacks the proof, the vehicle is liable to be destroyed.

Therefore, rickshaw owners run after municipal officials and try to strike a bargain so that they can get the vehicle released before it is entered in the record book. They do this by paying Rs. 100-200 in bribes, since in almost all cases, the owner is not the puller and most rickshaws are unlicensed.

Once it enters municipal records, the average expense for getting a rickshaw vehicle released from the MCD yard comes to around Rs 600, including fines, store charges and payoffs. Such expenses can only be incurred by those owning substantial fleets that give them staying power and a good profit margin to pay the bribes. If a genuine owner-puller (a rare species) loses his vehicle in a municipal raid he is not likely have the resources to put together the required bribe money and legal formalities for getting the vehicle released. After 15 days the vehicle cannot be released and has to be crushed and sold as junk. Therefore, pullers find it preferable to rent the vehicle from fleet owners. But the very existence of rickshaw fleet owners is illegal. Therefore, almost all the 89,429 licensed rickshaws are also illegal.

The fleet owners survive by working out elaborate arrangements for monthly bribes through code language. For example, almost all rickshaws have embossed the code or real name of the fleet owner, as shown in picture 17. This indicates to the police and MCD staff the identity of the man responsible for paying the bribe for that particular vehicle.

**As per the MCD's own admission, nearly 60,000 rickshaws are destroyed and sold as junk every year; many more times this number are confiscated and released after the payment of bribes and penalties.**

Anyone who tries to ply a rickshaw without entering into such an arrangement will never get his vehicle back once it is impounded. As per the MCD's own admission, nearly 60,000 rickshaws are destroyed and sold as junk every year; many more times this number are released after the payment of bribes and penalties.

The destruction of 60,000 rickshaws itself results in a staggering loss of Rs. 27,00, 00,000 per year to their owners at Rs 4,500 per vehicle. Thus far from enabling the poor pullers to own their own rickshaws, the MCD makes it virtually impossible for the puller to become an owner, even if he has sufficient funds to try and own a vehicle. As per Manushi's estimates, the cycle rickshaw trade pays loses a minimum of Rs 10 crores every month due to bribes, fines, confiscation and destruction of vehicles.

### **Who is the Real Mafia?**

"Rickshaw to the Puller" policy is justified primarily on the grounds that the rickshaw owners represent an anti social group who exploit the poor rickshaw pullers by owning large fleets which they give out on daily rent, thus allegedly siphoning off a good part of the puller's daily income. The illegal existence of rickshaw owners is used as a powerful tool to defame and exploit them. Those who take bribes from them call them the "rickshaw mafia". When the owner of an airline acquires an additional fleet of planes, or a truck owner manages

to expand his fleet to several hundred vehicles, he is celebrated as a successful entrepreneur. But when a person comes to acquire a few dozen or a few hundred rickshaws, he gets to be stigmatized as a mafia don.

A new rickshaw costs Rs. 4,500. Even if you own 500 rickshaws, it represents a total capital of no more than Rs 2,25,0000. Many rickshaw owners started their lives as pullers and slowly built a fleet. Why is upward mobility and entrepreneurial spirit treated as a virtual crime only for these people?

There is indeed a "rickshaw mafia" but it is based in the MCD office and merely uses some big fish among the rickshaw trade to act as touts and help them extort money.

### **Owners and Pullers**

Rickshaw pullers actually need the services of fleet owners as much as the owners need them to keep their vehicles moving. Rickshaw operators rent pullers the vehicle without any surety or security. Since most pullers cannot afford proper shelter, they find greater safety in sleeping with other pullers in the rickshaw yards managed by the owners. Fleet owners also act as informal banks for pullers. Owners help them in emergencies, especially if their mutual relations are good and long standing. Some basic services

**If an entrepreneur owning an airline acquires an additional fleet of planes, or a truck owner manages to expand his fleet to several hundred vehicles, he is celebrated as a successful entrepreneur. But when a person comes to acquire a few dozen or a few hundred rickshaws, he gets to be stigmatized as a mafia don.**

**There is indeed a "rickshaw mafia" but it is based in the MCD office and merely uses some big fish among the rickshaw trade to act as touts and help them extort money.**

like water and rest points and social life are provided in the yard. In their own interest, owners also offer to their pullers some protection from harassment and arbitrary arrests by the police.

For example, whenever the police is expected to round up "anti-social elements" to maintain law and order before an election or during certain sensitive festivals, they invariably pick up rickshaw pullers to show in their records that they are taking action against "bad characters" and "vagrants". At such time, many of the owners come to the rescue of atleast their regular pullers.

The fact is that the municipal officials have a vested interest in denying licenses to actual pullers. As seasonal migrants, pullers come and go as their situation demands. Even while in the city they are constantly on the move. Therefore, it is very difficult for municipal staff and the police to collect daily or monthly bribes from lakhs of a floating population of pullers in the city. It is far easier for them to collect bribes from rickshaw fleet owners who have set places and workshops where their vehicles are parked and repaired. It is also easy for them to keep a count of the vehicles owned by each fleet operator and accordingly collect monthly payments from them because the number of illegal rickshaws they own can be easily gauged when the rented rickshaws come back to the yard at night. In addition, the fleet owners can be persuaded to feast

them with free liquor and food every now and then.

### **Tyranny of the Police**

Apart from the municipal raids and confiscation drives, the traffic police also routinely seize rickshaws on patently illegal grounds. For example, under the guise of decongesting roads, the police routinely snatch the rickshaws in a totally arbitrary manner. These are then handed over to the MCD, which releases them only after extracting hefty bribes or fines. They also seize them for real or imagined traffic violations and impose a minimum fine of Rs. 75 plus store charges at Rs 25 per day. Most of the time the real purpose for the seizures is to extract bribes. In order to keep them terrorized and pliable, traffic policemen beat up the pullers with their batons as a daily ritual, no matter where they ply and no matter where they park the vehicle.

Large parts of the city have been declared as “No Entry Zones” for rickshaws. The zoning rules formulated by the Delhi Traffic Police are arbitrary and impractical, since the forbidden zones cannot be avoided by rickshaws while ferrying passengers and goods. “No Entry Zone” regulations do not mean that the police disallow rickshaws from plying on those roads. All it means is that rickshaw pullers are terrorized into paying extra bribes for plying there. In most instances there is no road sign to warn a puller that he is getting into a No Entry Zone.

If the seized vehicle is sent to municipal storage after being handed over by the traffic police, even if it is a licensed rickshaw being driven by its rightful owner, it takes days of pleading and fines, bribes and other expenses to get a vehicle released. Many cannot afford such heavy damages. So they lose their rickshaws since the vehicle is



**“Montu”, embossed on the rickshaw indicates either the actual name of the owner or a code word used by the owner to indicate that the fleet of vehicles displaying this particular code have an informal understanding regarding the monthly bribe to be paid to corporation employees.**

dismantled and destroyed if “unclaimed” for 15 days.

### **Banned Where Needed**

In a recent High Court Order, cycle rickshaws have been banned in the Chandni Chowk area from Red Fort to Fatehpuri Chowk, ostensibly to avoid traffic congestion and ensure its smooth flow. This is particularly absurd since the old city with its narrow by lanes and *gallis* cannot survive without rickshaws — no other vehicle can reach and move about there with comparable ease.

The officials who have imposed the ban argue that rickshaws may continue plying in the inner narrow lanes but they are barred from the main road of Chandni Chowk. This

logic is absurd because those living in the narrow lanes need rickshaws to connect with the outside world, not to stay within the *gallis*. Their life cannot be confined to staying in their own mohalla. In the Supreme Court Order in the *case involving Hemraj Vs. C.P. Delhi*, cycle rickshaws have been prohibited on the arterial roads of Delhi. The reason provided by the High Court was that these roads are meant for motorized transport, that the plying of rickshaws would slow down the traffic, resulting in congestion.

However, the main reason for the congestion is poor observance of traffic rules by motorized vehicles, and non-implementation of lane-driving, as well as the lack of separate lanes for slow moving traffic such as cycle rickshaw pullers and cycles. Moreover, shopkeepers and customers park their cars for long hours thus blocking nearly half the road with their parked vehicles.

**The traffic police also routinely seize rickshaws on patently illegal grounds.**

## No Legal Parking

Huge amounts of public space is provided for authorized car parks, including provision of multi layered underground parking lots built at huge cost. By contrast, there are hardly any authorized parking spaces for cycle rickshaws, despite the fact that people from this trade have fought prolonged battles in the High Court and Supreme Court for allocation of parking spaces.

As a result of interventions by the courts, a mere 406 rickshaw stands were finally provided by the municipality for parking rickshaws. However, the sanctioned parking stands exist mostly on paper. In any case, 406 stands would hardly suffice for the 6 lakh cycle rickshaws of the City. Since there are hardly any authorized stands for rickshaws the traffic policemen routinely inflict the *danda* treatment on the pullers on the ground that they have no right to park their vehicles on the roadside. Again, the main purpose of these beatings is to keep them in a state of terror so that they do not resist paying bribes.

## Cause of Road Congestion

The bans and restrictions on the numbers of rickshaws in the city and bans on its entry in the fashionable parts of the city are justified on the ground that rickshaws cause traffic congestion and obstruct the smooth flow of traffic. Facts tell the very opposite story: the primary cause of road congestion is the increasing number of cars and other motorized vehicles in the City. As per a report in *The Times of India* of December 26, 2006, by the end of October 2006, there were over 50,36,842 registered motor vehicles in Delhi. And their numbers are growing daily. To quote from the report: "If all the vehicles of Delhi were placed bumper to bumper, they would occupy more than 13,320 kms. If Delhi's registered vehicles are lined from the equator, the line could go beyond either of the two poles. The length of the convoy would be

nearly equal to the combined lengths of the Nile and Amazon, the world's two longest rivers.

As per a study done jointly by the World Bank and the Asian Development Bank, New Delhi tops the grim pollution charts listing 20 major Asian cities. Traffic jams occur even in areas where there are no cycle rickshaws, including on the top of flyovers. (Pic. 18)

When a car is forced to stand still or go extremely slow due to traffic snarls it emits greater amounts of pollution and also damages the engine. A rickshaw is intrinsically slow moving and therefore moves more easily in areas of congestion. A car takes at least eight times the road space as compared to a rickshaw not only because it is bigger in size but also because road safety demands at least 10- 15 feet space between one motorized vehicle and another. Cycle rickshaws can move bumper to bumper without the risk of accidents.

A car is an object of convenience for just the person or family that uses the vehicle. It provides service to no more than two to four people a day. When a car is parked it blocks road space and makes it unusable for others on the road. By contrast a rickshaw carries at least 50 persons a day and is constantly on the move. Therefore, it represents a much better utilization of road space.

Yet our government policies encourage the proliferation and increase in the number of cars in the City. Not just private banks but even nationalized banks chase customers to avail themselves of their car loans at low interest rates despite the fact that the available road space in our cities cannot possibly accommodate the current rate of increase in private cars.

Government spends crores of rupees on building flyovers as well as four and six lane motorways for the convenience of motor vehicle owners.

But there are no separate tracks for rickshaws and other forms of non-motorized vehicles. Thus rickshaw pullers and cyclists have to compete for road space with trucks buses and cars at great risk to their own and their passenger's lives. As mentioned earlier, less than 15% of the citizens in Delhi own private motorized vehicles; 85% have to rely on public transport of which cycle rickshaws are a very crucial part.

Yet, in utter disregard of the needs of citizens without cars, our civic agencies provide no road space for non-motorized vehicles.

## Policy Reforms Sabotaged

A rational policy framework for the cycle rickshaw trade was provided in the New Policy for Cycle Rickshaw Pullers and Street Vendors announced by Prime Minister Vajpayee in August 2001 in response to Manushi's campaign on behalf of these two sectors. Key features of this policy are as follows:

➔ Let the *laws of market* demand and supply determine the number of rickshaws in the city rather than bureaucratic quotas.

➔ The metropolis should be divided into "green", "amber" and "red" zones designating "free access", "fee based access" and "prohibited access" areas for rickshaws, respectively.

➔ There must be an absolute prohibition on municipal and police authorities from impounding, or destruction, or seizure of rickshaws, including the goods and equipment they haul, for violating licensing or traffic laws, except when they commit some other offence which merits penal action.

Any person who wishes to be a rickshaw puller may do so by a simple act of registration involving two steps: (a) reliable identification by any means and (b) payment of a nominal fee to cover costs for issue of a photo identification card.

Purpose of the registration is to

**A car takes at least 8 times the road space as compared to a rickshaw ... which can move bumper to bumper without the risk of accidents.**

provide reliable identification for the purposes noted above. It is not a permit to ply the trade. No such permit should be required.

→ A registered rickshaw puller who wishes to operate in an "amber" zone may do so by paying a fee, upon which a sticker to the effect may be affixed on his registration card.

→ Numbers of cycle rickshaws in the "amber" zones may be regulated by adjustment of the amount of fee periodically. Penalties for plying in an "amber" zone without payment of the fee may involve a moderate financial penalty in addition to the fee but in any case there must be an absolute prohibition on municipal and police authorities from impounding, or destruction, or seizure of the vehicle or the goods it is carrying.

→ The number of cycle rickshaws should be regulated by increasing the license fee rather than putting an unrealistic artificial ceiling on the numbers that can operate in the city.

→ Non-government organisations with a record of working for the welfare

**A car is an object of convenience for just the person or family that uses the vehicle. A rickshaw carries at least 50 persons a day and is constantly on the move. Therefore, it represents a much better utilization of road space.**



**Traffic jams due to motorcars on multi lane flyovers where rickshaws are non existent are a common sight in Delhi**

of these groups may be authorized to interface between them and the concerned authorities.

However, far from implementing the new liberalized policy for cycle rickshaws, the municipal authorities and the Traffic Police keep the trade in a permanent state of siege and terror with ever new restrictions and bans.

### **Unconstitutional Laws**

The Government's policy, laws and regulations governing this trade are extremely irrational, exploitative and operate in a manner that violates the Right to Equality as well as the Right to Livelihood promised by the Constitution (Articles 14, 19(1)(g) and 21), as Fundamental Rights. They provide an illustrative example of how the gains of economic reforms are not reaching most sections of those working in the unorganized sector, which provides employment to nearly 93% of India's work force. The License-Quota Raj is being dismantled mainly in the export oriented corporate sector, which is witnessing an unprecedented boom as a result. However, since the

corporate sector provides employment to no more than 2% of the working population, a majority of those who work in the unorganized sector remain trapped in poverty due to needless obstructions that thwart their pursuit of a livelihood.

Since the Supreme Court has ruled on more than one occasion that any law that violates the Fundamental Rights assured by the Indian Constitution to every citizen, deserves to be struck down, we believe our petition highlighting the patently discriminatory policy for the cycle rickshaw trade deserves a favourable hearing in the Supreme Court.

### **Appeal for Support**

The cycle rickshaw as a post-modern vehicle needs to be saved from destruction and given its due place in the urban economy. We urge you to join Manushi's Rickshaw Bachao Abhiyan by contributing to Manushi Sangathan, which takes up issues of economic and political reform and provides an organisational platform for the concerned group of citizens. Donations to manushi Sangathan are tax exempt. □