

Claiming What Is Theirs

Struggle Of Vegetable Vendors in Ahmedabad

Manushi often carries reports of struggles and protest demonstrations but we do not always get information about follow up and ultimate outcome of the case. This account by an activist of SEWA, Ahmedabad, gives an idea of the intricate and lengthy process of a struggle to organise self employed women. Though it may be difficult to wrest concessions from the authorities, and even more difficult to get them implemented, the struggle helps women develop many individual and collective strengths.

CHANDABEN first came to SEWA to ask for help in getting a bank loan. Later, she also brought her two sisters-in-law for bank loans. Soon, she was a regular visitor at the SEWA office. Sometimes, she would bring neighbours, friends and relatives for loans. Other times, she would just drop in because she liked the atmosphere at SEWA. Before long, Chandaben and Elaben became friends and Chandaben began talking about her problems.

She is an old clothes seller. Every afternoon, she walks about the middle class colonies with a basket full of new pots and pans. She exchanges these pots for people's old clothes. In the evening, she and her husband repair these clothes to make them look as good as new and the next morning, she sells them in the old clothes market.

Chandaben is a vaghari, one of the backward castes. The main problem of her community is that they are commonly perceived as thieves. Because of this undeserved reputation, the police constantly harass the old clothes vendors. Whenever the police felt like it, they would arrest a vaghari man or, less commonly, a woman, on the charge of theft. They would take him to the police station and beat him till he "confessed" to a theft. The police insisted that the vendor pay a bribe, often up to Rs 1,000, before being released. The whole vaghari community was terrified of the police.

The situation came to a head one night at 11 when Elaben received a phone call. It was Chandaben. The police had picked up her nephew Raju on a charge of theft. But her nephew could not possibly have been guilty because he had been in the hospital with an appendicitis operation all the week before. Chandaben was afraid that in his weakened condition, Raju would not be able to withstand the customary police beatings. Something had to be done fast.

So Elaben rushed to the police station. A big crowd of old clothes vendors was outside the gate. Chandaben and her sister were waiting inside for Elaben. They were allowed to meet Raju who was lying on the floor, obviously still very weak. But, fortunately the beating had not yet begun.

Elaben and Chandaben sought the police inspector in charge of the station. Elaben pleaded with him to release the



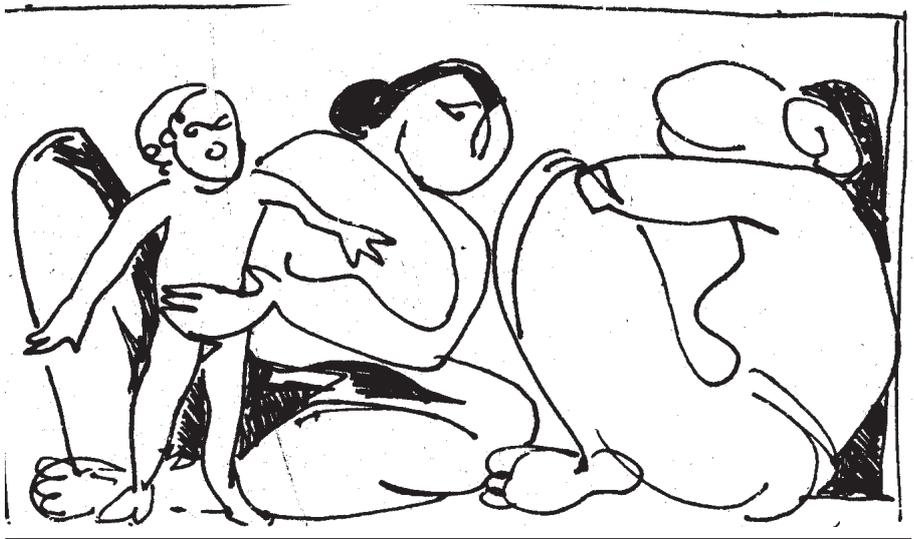
Women vegetable vendors, Ahmedabad

boy. She personally guaranteed his innocence. The police inspector was surprised to see this well dressed woman pleading for a vaghari in the middle of the night. From his window, he could see the crowd of about 70 old clothes sellers, who had come with Elaben. He asked for Raju to be brought before him. Raju was brought and lifted up his shirt to show his fresh appendicitis scar. The police inspector then ordered Raju to be released. "I am doing this just because you, a respectable person, have come to me", he told Elaben. "This is the first time I released a vaghari without getting a confession of theft from him. These vagharis are all thieves."

The old clothes sellers were jubilant. This was the first time one of them had been released without being beaten, and it showed that their lot was not entirely hopeless. They could fight police harassment. This first successful attempt set the pattern for challenging police highhandedness. As word of this success got around the old clothes seller communities, they began besieging Chandaben to intervene whenever the police arrested any of them on the usual theft charges.

Chandaben would honestly investigate and determine whether the person arrested was really innocent. If she felt he was, she would come to SEWA and Elaben would send one of the organisers to the police station. At the same time, a crowd of old clothes sellers would gather outside the police station. Because of the crowd outside, the police would feel hesitant to beat up the arrested person. The organiser and Chandaben would meet the police inspector and would advocate the suspect's innocence.

Once, a woman, Pannaben, was arrested in the market while selling old clothes. The policemen pulled an expensive sari out of her basket and said she had stolen it. The police inspector in charge would not release Pannaben even on the SEWA organiser's request. He too said that sari was stolen. Pannaben insisted that she had exchanged the sari



for pots with a lady in Navrangpura, a posh area. So the SEWA organiser, Neeruben, and Chandaben went to the address where Pannaben said she had exchanged the sari. They met the lady of the house who confirmed that she had indeed exchanged a sari with Pannaben. Neeruben was able to persuade her to come to the police station and identify the sari in the presence of the police inspector. Only after this lady's evidence was Pannaben released.

Soon, Chandaben developed into a real leader. Other old clothes sellers came to her whenever they had a problem. She was elected vice president of SEWA. "She has a fire within", Elaben used to say.

Chandaben and some male old clothes sellers decided to form an old clothes sellers association. SEWA, while not directly involved with this association, extended full support to it. The association felt that many of their problems arose because of the common perception of vagharis as thieves. They decided they should try and combat this perception. Once, a popular Gujarati magazine published an article about old clothes sellers in which someone was quoted as saying that these people were generally thieves. The association decided to protest. They marched

through the city telling the common people how they had been defamed. Then they marched to the magazine's office. They also filed a case for defamation in the civil court.

Like Chandaben, Maniben, a vegetable seller, also first came to SEWA to get a loan. She came back many times and began talking about vegetable vendors. One day, she said to Neeruben: "You have been doing so much for old clothes vendors. Why not do something for us?" Neeruben had been in touch with the workers education department of the government which wanted to organise a class for women vendors. So SEWA organised a workers education class for vegetable vendors, teaching them simple accounting procedures to supplement their sharp intuitive calculating abilities. In this class, the vaghari vendors complained that they too were harassed by the police. They were beaten with *lathis*, their baskets were kicked into the ditch and sometimes they were arrested. The worst affected were the women who sat in Manekchowk. Of these women, the most vocal was Laxmiben.

Manekchowk is the main fruit and vegetable market of Ahmedabad city. The vendors and hawkers have been selling in Manekchowk square for the last three generations from mother to daughter or

father to son. Over half of the vendors are women. However, as the city grows, the square gets more and more crowded, and pedestrians, cars, cycles, rickshaws, handcarts and vendors jostle each other for the limited space.

One day, Laxmiben came to the SEWA office with the news that a young woman, Rajiben, had been arrested. Neeruben accompanied Laxmiben to the police station. the visit to the police station made Neeruben realised that the case of the vegetable vendors was different from that of the old clothes sellers. The vendors were arrested not for the threft, but for encroachment. According to the Bombay Police Act, the vendors were encoarching on traffic space and could be fined by the police. Under the Act, the accused vendor must paythe fine to traffic court, otherwise she will be sent a summons, she will be sent an arrest warrant. Rajiben had been arrested under under this Bombay Police Act and therefore could only be bailed out the next day when the courts opened. Rajiben had to spend the night in jail.

But Laxmiben said that the real reason Rajiben was in jail was her refusal to pay bribes to the policeman on duty. The vegetable vendors could not “legally” vend in Manekchowk because they had not been given hawkers’ licences by the Ahmedabad municipality. So they could be removed at any time. The policemen on duty used this illegal status of the vendorsto export bribes. If they did not pay, the policemen would beat themand kick over their wares. The police would also fine them and then not give them the fine notice. Rajiben did not even know that a summons was out in her name because the policemen did not give it to her. he wanted to drive home the ponit by making her spend the night in jail. later, SEWA found that this particular policeman was running a restaurant in his off duty hours with the vegetables, fruit and fish that he extorted from the vendors.

Some policemen enjoyed beating the vendors, especially women and children.



Courtesy Seva

if a vendor objected to this treatment, she or he could be arrested on the charge of obstructing a policeman in execution of his duty. One police inspector used to come on a motorbike and run his motorbikeover the vendors’ baskets.

The police prosecution of the vendors was encouraged by the big shopkeepers. Manekchowk has a abuilt up market where shopkeepers sell fruit and vegetables from stalls. They complain that vendors set up shop just outside their shops, selling the same fruits and vegetables and undercutting their prices. the shopkeepers would write to the police department, complaining that vendors created a public nuisance. They also bribed individual policemen to harass the vendors.

The municipal officers too would collect weekly payments from the vendors. If a vendor did not pay, the municipal antiencroachment van would appear and her basket would be dumped into it. Later, SEWA found out that this was permissible under the Bombay Municipal Act. Occasionally, the municipality would have a “clear up” drive and the antiencroachment van would come and take away all the vendors’ baskets. The vendor would lose

not only her day’s earnings but the capital invested in the vegetables and the basket as well.

The day after Rajiben was released, Elaben called a meeting of Manekchowk vendors in the SEWA office. What could SEWA do? After much discussion, it was decided that since the root of the problem was the vendors’ illegal status, SEWA should try to get licences for the vendors. At the same time, SEWA should complain to the authorities against police brutality.

Laxmiben and Neeruben collected a list of women vendors in Manekchowk and applied to the municipality for licences in their names. When there was no answer from the municipality, SEWA sent a reminder and one was sent every six months but to this day the municipality has not replied.

Meanwhile, Neeruben went a number of times with Laxmiben and Rajiben to complain to the police inspector in charge of Manekchowk area about the constables’ high-handedness. Elaben also met the police commissioner. The result of all these efforts was that police behaviour towards the vendors did improve.

However, such small mercies were not long lasting. Police officials must move

on. Whenever a constable, a police officer or a police commissioner was transferred, the cycle of beatings began all over again and a new relationship had to be established with the new man.

In 1977, the new state government ordered wholesale transfers in the police department. The new policemen were particularly brutal. In the summer of 1978, SEWA had a meeting of vendors and it was decided to hold a protest demonstration—appropriately on Independence day, August 15. About 1,000 vendors gathered and the procession wound its way around the city, ending up in a meeting at Parade Ground. The procession went past the police stations and the vendors loudly shouted slogans outside each one. The procession ended in a meeting addressed by the chief minister. The police commissioner and municipal commissioner were also invited. Although the chief minister later proved to be very helpful, at the meeting he told the vendors: “Why do you leave your villages to come to the cities? You should all return where you came from.”

The old clothes vendors also participated in the procession. This proved a turning point for the vendors. Since 1978, there have been practically no arrests of old clothes vendors for theft. The municipal commissioner agreed to meet with Elaben to help the vendors of Manekchowk. Elaben told the municipal commissioner that the vendors should somehow be legalised, but the commissioner refused them licences. He argued that if he gave licences to these, then the 50,000 other vendors of Ahmedabad would also claim licences. He also said that the municipality might want to use that space for something else and if the vendors were licensed it would be impossible to move them out. Finally, the municipal commissioner agreed to “regularise” the vendors by drawing lines on the pavement to mark their spots. The municipality agreed to recognise these spaces as valid vending spots and the vendors agreed to stay within the limits

drawn by the municipality.

The regularisation gave the vendors the courage to stop giving bribes to the policemen. Laxmiben was the first to stop the weekly tip to the constables and she urged the others to follow suit. The constable was very angry with Laxmiben but he dared not beat her, so he filed 15 cases against her. However, Laxmiben, with Manjulaben, SEWA’s organiser, appeared in the traffic court and pleaded her case before the magistrate. The magistrate let her off with a Rs 5 fine.

But the forces against the vendors were too strong. The traffic police were unhappy about the increasing congestion, as was the municipality. The shopkeepers too were keen to get rid of the vendors. The situation finally came to a head in 1980. A man died in a fight between two rival groups. The police declared a curfew and Manekchowk was closed to vendors, shopkeepers, pedestrians and traffic alike. The police decided that this was an opportune time to get rid of the vendors, and when the curfew was lifted, the vendors were prohibited from going back to their assigned spots.

Laxmiben, Rajiben and a group of

other vendors came to the SEWA office in great agitation. If the police did not allow them to vend in Manekchowk, where would they go? How would they earn? They had been sitting there for three generations. Surely, they had a right to be there. Elaben phoned the police commissioner, who said it was the municipality’s decision not to allow vendors to sit. So the next day Elaben, Laxmiben and two others went to see the municipal commissioner. He said it was not his decision but that of the police. Again, Elaben rang up the police commissioner. Now the police commissioner was not available. Every time Elaben called, the police commissioner would be out. This went on for a few days. But, every day, the vendors came to the SEWA office in despair.

Finally, Elaben and Laxmiben took a group of about 20 vendors and three SEWA organisers to the police commissioner’s office. As usual, the commissioner was “out.” “Then we will wait here till he comes”, Elaben declared. So the vendors camped out in the gardens while Elaben and the organisers took turns in the waiting room. Four hours later,



Working in the open , all day

Courtesy Sewa

the police commissioner relented and met his visitors.

“The police commissioner was in a rage”, Elaben recalls. “He said the vendors were causing a nuisance in Manekchowk and were becoming a law and order problem. I pointed out that the vendors were not responsible for the disturbances and should not be punished for them. Finally, the commissioner calmed down and promised to see if he could accommodate the vendors.”

Still, the police did not allow the vendors to sit. For five days, the vendors held daily meetings in SEWA and decided to wait an extra day. On the sixth day, they became impatient. Most had no other source of income and after two weeks without work, they were down to one meal a day of dry bread and chillis. Others had begun to pawn jewellery and even their dishes. So, again, a delegation went to meet the police commissioner and again he said he would “see.” Elaben and the vendors concluded he was not sincere.

A meeting of 350 vendors was called in a big hall and Laxmiben explained the attitude of the police commissioner. What was to be done? All the vendors felt very strongly. “If they make us leave Manekchowk, they might as well kill us”, said Laxmiben. “It will be better than slow death from starvation.”

“Are you ready to brave the police and claim what is yours?” asked Elaben. All hands went up. The vendors were ready for action.

It was January 28. It was decided that the vendors should occupy their rightful places two days later. January 30 was Gandhiji’s death anniversary. In a fitting tribute to Gandhiji, it would be a *Satyagraha*.

Laxmiben and a few of the other vendors reached Manekchowk at 7 a.m. in the morning. By 8 a.m., most of the vendors and all SEWA organisers were there. Shopkeepers curiously watched. No policeman was in sight yet. SEWA had already planned the strategy. All the vendors were to sit against the wall in their usual places with their baskets.

SEWA organisers were to stand among them. If arrested, no one waste panic but quietly to go into the police vans. Some of the vendors were timid and huddled in a corner, refusing to sit in their places. Laxmiben, Rajiben and others urged them on. Soon, all the vendors were sitting with their baskets and the organisers stood by their side. The baskets were empty because the vendors did not want to risk losing vegetables in case there was a disturbance.

At 9 a.m. the police vans began arriving, one after another. Five of them stood at one end of the market and policemen poured out. They seemed as uncertain as SEWA about what would happen next. But as the police arrived, passersby began to collect and soon there was a crowd of people pushing and jostling. Ruffians began shouting abuse at the vendors and the vendors shouted back. Some vendors got up to get closer and fight with the ruffians. SEWA organisers kept trying to make the vendors sit down and keep quiet. The policemen walked up and down as if to check the “law and order” problem, but wherever a posse of policemen walked, a crowd would gather and there would be chaos. The police strategy seemed to be to create a disturbance so that then they could treat it as a “law and order” problem and “pick up” the vendors.

Then the shopkeepers got into the act. They began shouting: “The vendors are ruining our business. If they can sit on the pavement, so can we.” Shoving some vendors aside, shopkeepers sat on the pavement with baskets in front of them. They looked so funny sitting there, crosslegged, in the street, in their tight pants and clean white shirts. They too were trying to create a disturbance—sometimes sitting, sometimes jumping up and down, shouting and appealing to the passers by and gathering a crowd. The vendors became more and more excitable and responded to every provocation, shouting and rushing up from their places. The SEWA organisers kept trying to calm down the vendors and at the same time, keep the shopkeepers and other

provocation away from them.

Meanwhile, the police commissioner called Elaben aside and tried to “reason” with her. He was quite placatory, saying that if the vendors left Manekchowk now, he would “see” later. “You are disobedient”, he said.

Just then, some press photographers arrived. The police commissioner looked apprehensively at them and made one last attempt. “If you honour me, I will honour you”, he told Elaben. “I have no honour”, Elaben replied. The police commissioner was shocked. How could a respectable woman talk like this? He realised that he could not deal with such people. “You have taken the law into your own hands”, he said. “I am leaving, you can deal with any law and order problem that arises.” And he went off in his car. The policemen too got into their vans and left.

The tension ceased when the police withdrew. The crowds melted away, the shopkeepers dusted off their pants and went back into their shops. One by one, the vendors began fetching vegetables to put in their baskets. Slowly, customers began coming into Manekchowk. Some of them, middle class housewives, greeted the vendors saying they had missed them. By afternoon, it was business as usual. The SEWA organisers sat in Manekchowk the whole day. Other SEWA members, old clothes sellers, rag quilt sewers, began arriving and sat on the pavement with the vendors.

At the end of the day, Laxmiben called a meeting. The vendors were jubilant. Manekchowk rang with cries of “*SEWA Zindabad*”. “*Elaben Zindabad*”, “*Gandhi Bapu Ki Jai*” and “*Hum Sab Ek Hain*.”

After the *Satyagraha*, the situation returned to square one. The vendors were back in place, still “illegal”, still being harassed by the police and the municipality. Could not their position be legalised? Unfortunately, each of the lawyers SEWA consulted started off the conversation, saying: “Oh, those Manekchowk vendors, they really cause a lot of congestion. And they usually cheat the customers.” SEWA felt it was



Eking out a meagre living

unlikely that lawyers with such attitudes could genuinely represent the vendors' case.

In February 1982, a sympathetic woman lawyer, Indira Jaisingh, on behalf of petitioners SEWA, Laxmiben, Rajiben, Sakriben and Ela Bhatt, filed a case in the Supreme Court against the municipal commissioner, the police commissioner and the state of Gujarat.

The case was to come up for admission on February 15. All the petitioners went to Delhi. Laxmiben decided that on this historic occasion she would spend some money and fulfill one of her life's dreams. She took the plane to Delhi. Since then, she is known in the Manekchowk market as "Laxmiben of SEWA who flew by plane."

The petition claimed that by denying the petitioners licences the municipality was violating their fundamental right to trade. Not only was the petition admitted but the two judge bench ordered a stay on prosecution by the municipality and the police. It ordered the municipal commissioner to give licences to all SEWA members in Manekchowk area and decided that the municipality, the police and SEWA should work out a compromise

solution.

Laxmiben and company returned as heroines to Ahmedabad with the Supreme Court stay order. But the stay order had put up the backs of the municipality and the police. The police began a systematic campaign of harassment.

One Friday, Laxmiben came to the SEWA office. The police had arrested three women for encroachment, one of them with a six month old baby. Renaben, a SEWA organiser, went to the police station. In the lockup, all three women were sitting miserably, huddled against the cold. The baby was crying. The police inspector triumphantly said that SEWA could not bail them out before Monday since the courts were closed over the weekend.

These kinds of arrests, summons, and fines continued in spite of the stay order from the Supreme Court. Renaben went to see the police commissioner and was told that if the vendors encroached on the road, they would certainly be fined, order or no order. What was the use of an order from the Supreme Court if no one was going to obey it?

By this time, SEWA had acquired a part time lawyer who usually fought

cases in the labour court. He prepared a contempt of court case against the police which was admitted in the High Court.

At the same time, SEWA organisers approached the judges in the traffic court and told them about the Supreme Court stay order. Nevertheless, the cases continued. By 1984, when the Supreme Court delivered its final judgement, there were over 2,000 cases against Manekchowk vendors pending in the traffic courts.

Meanwhile, the municipality was playing hide and seek with SEWA instead of working on a compromise solution. SEWA sent them a list of Manekchowk vendors and a proposal to solve the problem. SEWA proposed that since Manekchowk was basically a shopping area, it should be completely closed to traffic and converted into a pedestrian shopping mall.

For a year, the municipality refused to acknowledge SEWA's letter. The municipal lawyer stalled at every court hearing. He either asked for another date or said that his clients had not received SEWA's list.

A year later, after a severe rebuke from the court, the municipality decided to check SEWA's list. It made its own list and declared that most of SEWA's members were bogus. This was in spite of the fact that all of SEWA's members had membership slips. After another four months, the municipality accepted SEWA's list of women members.

But what about the male vendors? They were associate members of SEWA and SEWA did not want to make divisions between men and women. Unfortunately, the Supreme Court only mentioned women vendors so SEWA could get its list of male vendors accepted only conditionally.

After this, the municipality delayed convening a meeting with SEWA to discuss the proposal. SEWA wrote eight letters in three months, requesting a meeting, and produced these in court. Finally, the municipality convened a meeting with SEWA and the police.



Daily struggle to survive

The traffic police rejected outright the idea of a pedestrian mall because they said that there was no way traffic could be diverted. The municipality offered another spot where vendors could be seated but it was miles away from Manekchowk, outside the main city. SEWA suggested a place be found closer to the main market. After surveying the area, an open plot belonging to the Gujarat government was found suitable. The meeting ended with the municipality and SEWA agreeing to request the government to give that place to the vendors.

Both SEWA and the municipality wrote to the Gujarat government. A few

months later the government replied that the space had already been given to Ahmedabad Telephones. Elaben met the telephone company manager and suggested that the company build its building on pillars, leaving the basement open as a shopping plaza. The telephone company rejected this suggestion as too "risky for security purposes." So any possible compromise broke down.

Again, the municipality delayed convening a meeting and this time the Supreme Court rebuked and fined the municipality lawyer for delaying tactics.

Finally, a meeting was convened. The municipality suggested that the vendors be moved to the top of the built up

vegetable market. The municipality was ready to build stairs and lifts and provide shelter, light and water. Elaben said she had to consult SEWA members before responding to this suggestion.

At first, the members were reluctant to consider the suggestion. They felt that customers would not bother to climb to the top of the market. They were also afraid that if they left their present spots, other vendors would take them over and the municipality would not be able to prevent them. After some discussion, however, the vendors agreed to move to the roof if the municipality agreed to build broad staircases up to the roof and if they guaranteed that their old spots would not be occupied. If the old spots were allowed to be occupied, then first priority would be given to the old occupants. The municipality agreed to these conditions. The compromise solution was presented to the court and the court ordered that the municipal corporation accommodate members of SEWA on the terrace of the vegetable market, provide a roof on the terrace, a broad staircase, water and lighting facilities, and issue licences. Until such time as the vegetable vendors are shifted to the terrace and the above mentioned facilities provided, the stay of prosecution by police and municipality will be in effect. If at any time in the future any vendors are allowed to vend in Manekchowk, the SEWA members will have priority claim to vend. The management of the affairs of the vegetable market will be carried on by a "Topla Bazar Committee" having equal representation of Municipal Corporation and of vegetable vendors.

As soon as the news reached Ahmedabad, the police department said that now the stay order was lifted they could fine the vendors and began another spate of fining.

As this goes into print, the vendors are still in their old places, the stay order is still in effect and the municipality has yet to build the staircase and shelter. The police are still fining the vendors and SEWA's lawyer is still getting the fines invalidated