

In for a Freedom Struggle

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Deepak Suri's cycle rickshaw got impounded by the police. After years of living off petty thefts, he felt enough was enough. He decided to earn an honest living; he bought a used cycle rickshaw. For 1200 rupees. The police asked for Rs 400 to release it. Distraught, Suri borrowed twenty rupees and bought a bottle of kerosene.

Sodhan Singh sold ready-made garments on Janpath from a licensed area. But the license could not protect him from the visible foot of the government. He went all the way to the Supreme Court and got a little space near the Secretariat. But then the police declared that area a "security zone." He had the temerity to go to the Supreme Court. For almost a year, Singh is without his business. He is now in Delhi High Court. The entrepreneur has been turned into a courtroom fixture.

The research and documentation done by Madhu Kishwar of *Manushi* provides the legal basis of this brutal and inhumane treatment. Our laws make such inhumane treatment possible. In Delhi, cycle rickshaws are governed by the Article 3 (1) of the Cycle Rickshaw Bye-Laws of 1960, framed under Section 481 of the Delhi Municipal Corporation Act of 1957. The law requires that "no person shall keep or ply or hire cycle-rickshaw in Delhi unless he himself is the owner thereof and holds a license granted in that behalf by the Commissioner on payment of the fee..." It also stipulates, "no person will be granted more than one such license." The License-Permit Raj rules the means of livelihood of millions of urban poor.

The law requires that the owner and puller must be the same person. A person can own as many taxis or buses or trucks as he chooses; he cannot own more than one cycle rickshaw. A Bihari migrant may buy a rickshaw but his income cannot rise above what the one rickshaw earns for him. He cannot expand the only business that he knows. Moreover, if the owner is unable to ply the rickshaw, falls sick for example, no one in his family can ply it. The rickshaw must sit idle.

What is the rationale behind the requirement that owner and the puller must be the same person? Saving the poor from the greedy and exploitative contractor-businessmen. But a license to operate a rickshaw is not easily obtained; it requires bribes and contacts. Besides municipal authorities have fixed a limit on the number of licenses for public safety and traffic management. However, the same concerns do not impose any limits on the number of taxis, buses, or trucks. Initially the quota was 600, which was raised to 20,000 in 1976, to 50,000 in 1993, and then to 90,000 in 1998. The License-Permit-Quota Raj reigns!

In reality though more than five lakh rickshaws ply in Delhi, most without a license. This has created a vast extortion racket run by the police and municipal authorities. A rough estimate by *Manushi* suggests a staggering sum of more than 10 crore rupees a month. The street vendors pay 40 crore rupees a month.

This Raj is well intentioned; it is for the benefits of the pullers and the public. But in fact only a tiny proportion of rickshaws in Delhi are owned by the actual pullers. Individual owners can't survive in the face of the vast powers of the authorities, only the contractor can. The regulations intended to outlaw the contractor has instead outlawed the individual owner-puller. The road to hell is paved with good intentions.

The absurdity and inhumanity of the law gets far worse. If an "illegal" rickshaw is caught, it is first impounded, and then the paperwork begins. Given the myriad rules and regulations, the puller is

always in violation of one rule or the other. It takes days of running around, not to mention the bribes, to get the rickshaw released. The puller is without his means of livelihood for all those days. If a car or taxi were to be in violation of the law, the driver would get a *challan*. We have far stricter laws for rickshaws.

According to the policy introduced in 1998, “unlicensed” rickshaws shall not be released at all. If the owner fails to get the vehicle released within 15 days, by proving that he is the owner-puller, the government must destroy the vehicle. Yes, it is obligatory that all such seized vehicles must be destroyed.

The fine for the release of a licensed rickshaw is Rs 300, plus Rs 25 per day as storage charges. A new cycle rickshaw can be purchased for Rs 3000-4000 and a used one for Rs 1000-1500. Thus the fine could average 20 percent of the cost of the vehicle. Imagine paying 20 percent of the cost of your car as a fine! Not just once, but repeatedly.

These are the laws that our Constitution allows, the same Constitution that declares India to be the Socialist Republic. Deepak Suri used that bottle of kerosene to threaten self-immolation if the police didn't release his rickshaw. He should have used it on the Constitution that permits the police to seize his rickshaw. The story of Suri is on a *Manushi* documentary, *License-Quota-Raid Raj: A View from Below*.

The Constitution recognises several freedoms as fundamental rights. But the right to property or the right to trade are not among them. Economic freedom—the right to trade—should be as fundamental as the right to expression. The government that cannot restrict your freedom to express your opinion has the power to take away the means of your livelihood. The lack of economic freedom is the root of our poverty.

We achieved political freedom from an alien state more than fifty years ago; we still await economic freedom from the Indian state. We fought for the right to vote; we must fight for the right to trade. A second freedom struggle awaits.

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