

Cycle Rickshaw Pullers in Delhi



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INTRODUCTION

According to the NSSO 55th Round of Employment-Unemployment survey for 1999-2000, India's population levels stood at about 1027 million people. The Census 2011 estimates the current population to 1,210,193,422 people in India. India's population has seen tremendous growth- it has increased more than times in 110 years from a level of 238.4 million in 1901. The growth rate of the population has been about 17.64% in the past decade whereas the growth rate of population in urban and rural areas has been 31.80% and 12.18% respectively.

According to the National Sample Survey Organization (NSSO) for the year 1999-2000, the total workforce in India stood at 397 million which reached the 6 million level by the year 2006. Of this, only 9% of the total workforce is employed in the organized sector and the remaining 91% are a part of the unorganized sector.

The unorganized sector is seen to be characterized by lack of: labour protection schemes, social security schemes, provident fund, pension, medical benefits, medical and life insurance, maternity benefits, etc. Along with this lack of benefits, the unorganized sector most importantly lacks the backing to attain these benefits.

Rickshaw pullers contribute over 5% of the total workforce in the unorganized sector. It is estimated that there are over 10 million rickshaws operating in India at the moment. Since this doesn't require any prerequisites such as a minimum literacy level or large investments- anyone can enter this occupation. Hardly 10% of the rickshaw pullers own their rickshaws. They're usually acquired on daily rental basis from private owners. Since this occupation allows them to choose working hours at their own discretion, rickshaw pullers prefer this work viz-a-viz manual work in a factory.

In spite of the avid presence of auto-rickshaws, the traditional rickshaws are still a preferred mode of transport for most areas, especially for short distances.



HISTORY

The concept of cycle rickshaws came into existence in India around the 1940s. It was a huge technological improvement and much preferred over the classic hand pulled rickshaws which was large and highly inefficient. The advent of cycle rickshaws alleviated the position of the 'puller' to a 'driver'. Today in India, one can find rickshaws in practically every nook and corner. They are used for transportation of goods and also carry people. What makes the use of cycle rickshaws special is the fact that they cause zero pollution. Given the rate at which technology has been progressing in the modern era, one may have expected the concept of cycle rickshaws to be replaced by motorized transport. It has been suggested that 5 million motor vehicles ply Delhi roads, which are owned by 15-20% of the people. Around 80% of the general public is said to be dependent on public transport of which prominence is given to motorized transport at the cost of non-motorized transportation or the cycle rickshaw. Despite this, the numbers of rickshaw pullers have been increasing over the decades. Rickshaws most certainly are the more cost effective mode of transport over short distances and can be easily maneuvered in narrow lanes where they emphatically score over auto rickshaws.

The profession in India is popular and provides livelihood to almost 5 million people in the country of which 95% are rural migrants and unemployed men. The profession thus is the bread provider for millions. In Delhi, Mr. Parreira, the Commissioner of Traffic police, says there are about ten lakh rickshaws in the entire region. Conservative estimates suggest at least the presence of 5 -6 lakh rickshaws. Not only is it a source of livelihood to the pullers themselves but also to the small scale mechanics that assemble and make rickshaw parts, the contractors who own anything from five to a few hundred rickshaws. Thus the profession easily provides livelihood to at least 5 million people within the capital.

The pullers in Delhi are mostly migrants who are based in villages outside of Delhi mostly from agricultural backgrounds with shrinking land holding or from artisanal households. With growing decline of India's traditional artisans, craftsmen, weavers etc, millions have abandoned age old occupations and are taking up rickshaw pulling instead. The reason for this shift towards this profession in specific is mainly because it is easy in terms of skill, requires bare minimal capital and provides instantaneous income with negligible financial risk. It is a matter of supply and demand, rickshaw pullers play to the natural market. Rickshaws can be easily and quickly hired from contractors in Delhi at (not more than Rs. 25 a day. The cost of a new rickshaw would be between Rs. 6500 to Rs. 8000 and the cost of a second hand one would range between Rs. 2000 to about Rs. 4000 depending on its condition. Renting a rickshaw at most costs the puller between Rs.900 to Rs.1500 a month which is a large amount when compared to the cost of a second hand or even a new rickshaw. The main reason behind this high rental rate charged by the contractors is mainly due to corporation laws (discussed in detail later). A violation of these laws has adverse consequences ranging from a temporary confiscation of the vehicle to impounding it all together. Thus, owning and hiring a rickshaw becomes a very risky venture and often causes heavy losses to the contractors operating in the sector.

NEED OF THE STUDY

In India, the majority of the population is involved in the unorganized sector. And even those who aren't, they are affected by this sector directly or indirectly. This population, constituting the unorganized workforce, has an immense entrepreneurship spirit which remains to be untapped and is bogged by various socio-economic and political vices that prevail in our society.

One such group is that of rickshaw pullers. The need of this study is realized because there isn't any organization or body that genuinely looks after this stratum.

The rickshaw pullers are usually migrants from who come to the cities in search of jobs and hence, a relatively better quality of life. They wish for education for their children and for a decent meal every day. But these remain to be wishes as the reality is quite different. The reality is in their poverty where they live on railway tracks or over-crowded quarters, are prone to diseases and are unable to educate their children.

They are ignored by the government and the Municipal Corporation is far from a support to them. They face harassments and are exploited by the police. The need of this study is because there isn't anyone who is there to show them they have rights to. They have the same rights as any individual working in an MNC has. Someone has to bring attention towards this stratum and highlight their plight and misery; and to provide a better reward for their hard work.

OBJECTIVES OF THE STUDY

- To find out what problems are faced by the rickshaw pullers in the National Capital- New Delhi.
- To find and analyze the economic status of the rickshaw pullers.
- To find and analyze the social status of the rickshaw pullers.
- To study the level of financial inclusion.
- To find out the state policies applicable to rickshaw pullers.
- To find the effect of these rules on them and the level of implementation.
- To expose ground reality- distinguishes the actual reality from what the written documents say.
- The rules laid down by the government and the MCD and probing into the ground reality in terms of execution and effectiveness of rules by considering a sample study.
- To critically evaluate the effectiveness of existing and upcoming policies and laws.

RESEARCH METHODOLOGY

The various methods used to conduct this study are:

1. SAMPLE SURVEY

Using interview schedule administered by us to acquire data: interviewing a sample of 60 rikshaw pullers on the following grounds:

- Daily income
- Working hours
- Savings
- Family size
- Average expenditure
- Literacy level
- Awareness of existing state policy relevant to the profession
- License holder?
- Time and ease to accessibility of legal paperwork
- Nature/ frequency of harassment
- Unofficial payments made (bribes)
- Violations of due rights.

2. INTERVIEWS

Interviewing MCD officials on the following grounds:

- No. of rickshaws operating
- Opinion of the profession
- Regulations – problems faced during regulation
- No. of registered rickshaws operating – why only so many registered?
- Number of legal paperwork required – how time consuming is it?
- Laws/policies – current and upcoming, level of implementation, justification of these policies.

3. CASE STUDY

In-depth research about the following has been done in the form of case studies:

- A rickshaw puller
- A rickshaw contractor

LIMITATIONS

During the course of the study, we had to battle certain impediments especially during collection of data. Many pullers were skeptical of intentions behind data collected and initially were not candid about their thoughts but eventually gave in after adequate convincing and reassurance.

Rather than focusing on the issue at hand and giving out information regarding their profession, many rickshaw pullers were hopeful of an alternate source of livelihood. Hence, it was rather difficult to keep hold their attention at the issue under consideration.

While interviewing one individual, many others would collect around, curious about what was happening. Many gave in inputs at random without waiting their turn.

A big limitation encountered was the lack of education and awareness in the sample. Many individuals were not aware of many aspects regarding financial inclusion and benefits they could avail from the government or even their age for that matter. Explaining details while administering the sample was rather time consuming.

BACKGROUND OF THE STUDY: THE LAWS UNTIL 2005

In 1960, special bye-laws were introduced for this sector which formalized the rickshaw licensing policy. Between 1960 and 1975, the MCD decided on a quota of 600 rickshaws. Later the number rose to 750. The MCD from the very beginning made attempts to control the number of rickshaws mainly with the aim of easing traffic congestion and increasing road space. However, they kept registering a steady increase which called for a revision of quotas every few years. In 1976, based on a survey conducted by the MCD, a new policy was implemented which increased the number of quotas to 20,000 for Delhi. In December 1998, the MCD was forced to increase the quota to 99,000 to cater to the increasing demand and persistent demands of the rickshaw operators.

The problem is pretty evident at this point. We have stated the fact that there are around 5-6 lakh rickshaw pullers operating in Delhi while the MCD has fixed the number of licenses 99,000 of which less than 75,000 have actually been given out. This suggests that over 80 percent of the operational pullers are functioning without a license. The rickshaw pullers are subject to constant harassment and extortion and often tend to bribe their way out of situations with officials.

Other attempts at restricting the number of rickshaws involve regulating who can get the license and the number of licenses a person is liable to hold. Article 3(1) of the Cycle Rickshaw Bye-laws of 1960, framed under Section 481 of the Delhi Municipal Corporation Act of 1957, says that "No person shall keep or ply or hire a 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 that may from time to time, be fixed under sub section (2) of Section 430." Delhi's municipal law further stipulates down that "No person will be granted more than one such license." However, some exceptions are allowed. The commissioner may grant more than one license to a widow or a handicapped person subject to the limit of five licenses. If a person is found driving a car without a license, he/she is liable to pay a fine of a few hundred rupees. But a person plying a rickshaw without a puller's license invites confiscation of the vehicle.

In relation to the various laws, various questions regarding the authenticity of the laws have been posed.

- When there are no legal upper limits on the number of trucks, buses, cars etc that a person or company can own, why should there be one on cycle rickshaws?
- If restricting traffic is the sole purpose of the quota, why is absence of licenses let off with bribes?
- A study suggests that a bribe of almost Rs. 200 per month is paid by each rickshaw puller without a license which amounts to almost Rs. 80 million a month. Why can't the money paid unofficially be converted into a monthly fee and be used to increase the budgetary surplus?

The following study aims at giving perspectives of both parties involved i.e. the rickshaw puller on one hand and the MCD on the other about the problems associated with licensing. It also documents the changes in existing laws, new laws and the level of implementation as of today.

THE STUDY: ANALYSIS OF THE DATA

Primary data was collected across 3 districts in New Delhi – South, North and West and covered 60 rickshaw pullers who were randomly selected in various areas of operation. The study uses detailed interview schedule which covers different aspects – basic information, social status, health, business, economic status, level of financial inclusion, benefits availed from social security schemes and policy specific questions; Personal interview of a contractor; Personal interview of the MCD official from the licensing department.

FINDINGS FROM SURVEY

The survey administered probes into:

1. **Basic profile** of the rickshaw puller which includes information regarding his age, religion, home town, area of work.
2. **Social status** including details about marriage, family, original occupation.
3. **Health**
4. **Business** which includes time spent in the profession, working hours, awareness of traffic rules and regulations and business expenditure.
5. **Economic status** which includes monthly earning, asset possessions, other sources of income and personal expenditure.
6. **Financial inclusion** which includes credit availability, borrowing behavior and remittance behavior.
7. **Social security scheme awareness** which includes possession on voters ID, ration card.
8. **Policy specific question** which includes information regarding licensing, confiscation, details about contractor.

Based on data received, it was found that the mean age for rickshaw pulling in the sample studied stood around 34 years of age. The average rickshaw puller was illiterate or with primary school education

Case study: Mohan

Mohan, 27 years of age has been plying his rickshaw at Timarpur district in North Delhi. Originally from Uttar Pradesh, Mohan claims to have originally come to Delhi in search of livelihood in 2002. He was initially employed as a servant in a house and later took up rickshaw pulling. He claims to find it more lucrative to pull rickshaws since he earns higher but flexible wages and can work as per his convenience.

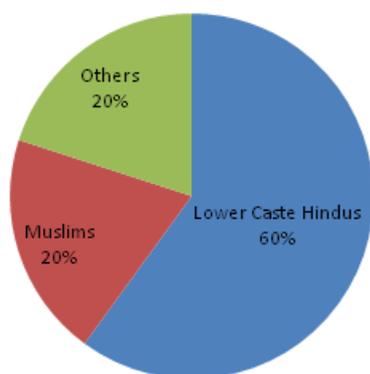
Mohan works for 8-10 hours a day for 6 days a week. He claims to be earning approximately Rs. 7500 a month and pays Rs. 50 every day as rent to his contractor, DRR. His expenditure on food, travel, medicine, consumption on narcotics, entertainment comes up to approximately Rs.3000. The remaining Rs. 4500, he sends back home for his family. He also uses a portion of the money to clear his debt. He claims to owe between Rs. 20,000 to Rs. 50,000, which has been borrowed from friends and relatives. Mohan is among the minority who has a bank account. He however says that access to credit from friends and relatives is more convenient to him. He says some friends even waive off interest payments. Mohan has a voters ID in Delhi. He however says that he does not avail any benefits of government programs.

When asked about the problems faced, he says that the police and MCD officials bother by threatening and confiscating the rickshaw. He however says that the owner takes responsibility for returning the rickshaw when confiscated, a process which takes a maximum of 3 days. Mohan also claimed to own a license and thus the pretext of confiscation in his case was mostly plying outside the designated zone.

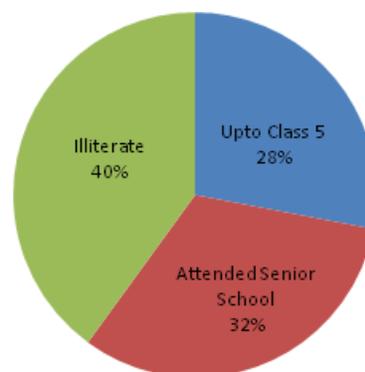
Mohan believes that registration of rickshaws would be a good idea and he wishes for more designated parking stands for rickshaws.

and asset poor. 36 persons were literate which approximates to 60% having gone to school while 24 persons were illiterate. Of the literate pullers, 17 attended school up to class 5 or less and 19 attended senior school. A bulk of the pullers were Hindus from lower castes, scheduled castes, scheduled tribes and other backward castes approximating to 60% of the sample, next to this was Muslims who formed 20%.

Religion

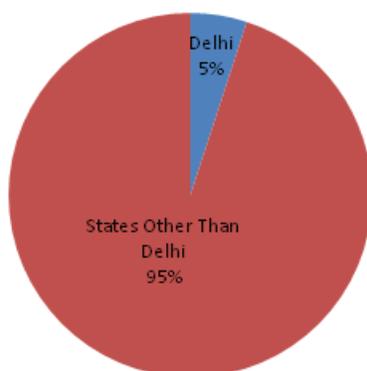


Literacy Levels

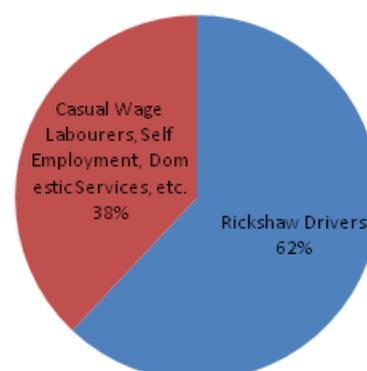


A feature of the rickshaw pullers in Delhi is that they are mostly seasonal or circular migrants majorly from the states of Bihar, West Bengal, Uttar Pradesh and Madhya Pradesh. Only 3 of the 60 persons interviewed were based in Delhi which accounts for a meager 5%. Of the 95% that migrated to Delhi, 23% migrated 5 years back while 61.4% migrated 10 years back. These people have been uprooted from their traditional social networks and have come to Delhi in search of livelihood. Many claim to shuffle between Delhi and their village, especially those that own farming land back in the village in which case they return home at the time of harvest. Of the 60, 35% were permanent migrants while 65% claimed to go back to the village. 62% of the migrants claimed to have been plying rickshaws since the time of migration while the other 38% shifted to rickshaw pulling from other occupations like casual wage labor, self employment, or domestic services.

Home Town

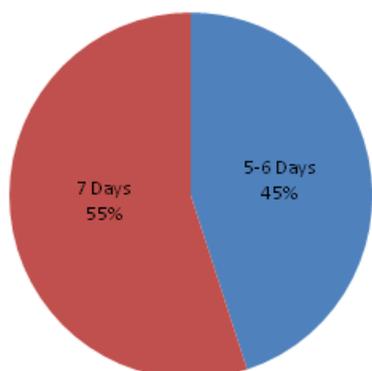


Original Occupation

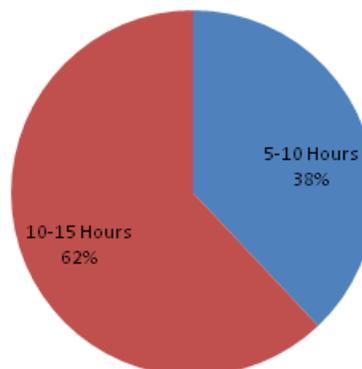


The rickshaw puller worked very hard under harsh conditions. 38% of the pullers plied for up to 5 to 10 hours a day while a larger majority, up to 62% plied between 10 to 15 hours a day and 55% worked all 7 days of the week while 45% worked 5 to 6 days a week.

No. of Days Worked (Per Week)

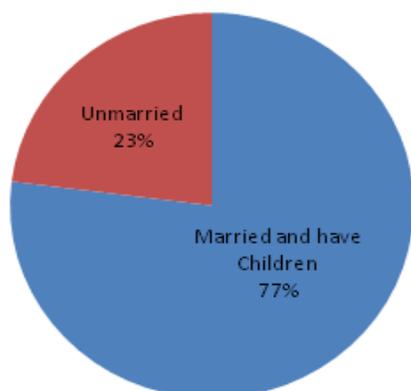


No. of Hours Worked (Per Day)



The study found that 77% of the surveyed members were married and had children. Some had families residing in Delhi itself while others remitted money back home to families who resided in the village. The average family size was approximately 5 with 10 being the maximum and 1 being the minimum. Barely 10% of the rickshaw pullers own voter cards and ration cards in Delhi.

Marital Status



The earning of a rickshaw puller is erratic, meager and irregular in nature. He toils under harsh, unfriendly climatic conditions and since the rickshaw is non-motorized, it is slow moving and thus not as appealing to a passenger when compared to the motorized auto rickshaw. And since demand is sparse, so is the fare. The average monthly earning of the sample was found to be 4625 rupees. 18.3% of those surveyed received earnings from other sources, dominant one being agriculture back in the village. There is evidence suggesting that age is a very important determinant of wage. Wages are comparatively lower among those below 25 years of age and those above 50 years of age. Another

important determinant of wage is weather. The use of rickshaws during the summer is more than in the winter, when people prefer to walk. 13% of those surveyed has other members working in the family mainly wives working as domestic help.

Rickshaw pulling is popular as a profession mainly because the base cost incurred by the puller is so low. 90% of the pullers rent rickshaws at a daily cost of 40 rupees on an average. The puller faces direct costs which include maintenance cost, fines imposed, penalties etc. and indirect costs which crops at the time of confiscation leading to losses of potential income during the confiscated period. Majority of the rickshaw pullers claimed that almost all major costs of maintenance are undertaken by the contractor. A very important cost incurred is that of fines and penalties paid to the police and MCD officials due to lack of a license. Most pullers claimed that on confiscation by MCD, the contractor pays the official off and brings the vehicle back within 1 to 3 days time.

Rickshaw pullers also spend on many things other than operational and vehicle costs. Findings on expenses showed that:

Item	Average expenditure
Housing	Rs. 1,727
Food	Rs. 2,934
Travel expenditure	Rs. 834
Education	Rs. 276
Medicine	Rs. 253
Temptation goods (alcohol, tobacco)	Rs. 268
Remittance	Rs. 2,337

Most rickshaw pullers lived in areas which were marked by squalor. 38% of those surveyed claimed to have no rental expenses suggesting they lived in parks or slept on the rickshaw or on the streets. On an average they claimed to maintain satisfactory or good health conditions except for a one of case. 2 of the 60 pullers interviewed claimed to have been victims of tuberculosis, the rest being clear of any major illness. Thus the average rickshaw puller did not incur too much expenditure on medicine. Rickshaw pullers spent a considerable amount of their income on food and next on remitting to family back in their village. They were close knit to family with 83.3% of them sending remittances. The most popular means of remittance is the courier service. Though the commission charged by courierwalas is considerably higher, the convenience, speed and timely delivery trumped this card.

Case study: Taposh

During the course of the study, a contractor by the name of Taposh who owns rickshaws that ply in South Delhi mainly in Greater Kailash 1, Greater Kailash 2, Moolchand, Lajpat Nagar areas was interviewed. Taposh owns a total of 108 rickshaws which he rents out at a daily cost of 40 rupees. Of these 108 rickshaws, Taposh has licenses for only 15 of them. He is aware of the requirement of licenses but also feels that availability of licenses will not put an end to the harassment faced. He claims that reasons for confiscation include reasons other than just a lack of license. These include not having paid enough to the committee in charge, plying in regions outside of the designated zone etc. Taposh says he pays a monthly fee of 325 rupees to the MCD per confiscated rickshaw which is called the 'challaan'. Over and above this he pays 40 to 50 rupees per rickshaw owned on a monthly basis. Rickshaw pullers are often harassed by the police for having parked their vehicle at any spot on a road, due to lack of rickshaw stands. During such incidents, Taposh claims to pay a bribe of at least 1500 rupees as parking fees. Taposh says that the area police are given a lot more money to prevent harassment and that they are more of a menace than the MCD is.

Of the 60 pullers surveyed, 24 have outstanding loans to be paid off. Dependence on informal sources of funds such as friends, money lenders was higher than on banks. Loans were most often taken to fund marriages, education, medical expenses and other emergencies, purchase of working capital etc. Almost all persons who have had loan payments to make claimed to have debt to be paid off back in the village suggesting that access to credit in Delhi was nonexistent.

Despite the hardships faced by the rickshaw puller, tons of migrants choose it to be the preferred occupation. While the rickshaw puller loses income at the time of confiscation, all costs are borne by the contractor and hence saves the trouble for the puller who only has to shell out the daily rental. Thus despite the costs associated, rickshaw pulling is a lucrative profession which manages to provide bread and butter for a large population in Delhi.



16th August 2012, INA, New Delhi

LAWS AFTER 2005

To maintain a fixed quota of rickshaws in the city, the MCD used licensing as a medium to regulate the same. It was noted that rickshaws were confiscated by the MCD when it was found that the rickshaw driver had no license. Rickshaws were also impounded and/or destroyed by the Delhi Police and/or the MCD when a rickshaw was found in a 'different' zone. The licensing policy earmarked specified zones or areas where that specific rickshaw could be plied.

This happened much too often as on record even though only 99,000 license had to be issued in all in the city, unofficial numbers suggest over 4 lacs rickshaws are present in the city and thus, less than one-fourth of the rickshaw drivers have licenses.

The rickshaw community had troubles attaining licenses as the process was much too strenuous and costly; it required elaborate documents like ration cards, residence proof, etc. which the rickshaw pliers usually don't have as they are seasonal migrants and went also spent about Rs.2000 for getting the paperwork done. But the MCD claims otherwise. It had kept the process simple with the license fee of only Rs. 250.

It was felt that the Bye Laws 1960 that enabled an upper ceiling on the number of licenses and the quashing policy of the MCD to be unconstitutional and illegal for which a PIL was filed by The Manushi Sangathan and Initiative Transportation and Development (ITD) in the Delhi High Court.

MCD felt that this ceiling was essential to decongest the city and these regulations were compatible with the Delhi Master Plan.

The Petitioners in the PIL suggest that:

"The cap of the 99,000 licenses does not sub-serve public interest and that instead it provides ready instrument for exploitation and harassment of the rickshaw pullers. The petitioners also submit that the 4th Assessment Report of the year 2007 of the International Governmental Panel WP(C) Nos. 4572/07 & 8580/09 Page 8 on Climatic Change (IPCC) emphasized the need for policies that encourage use of more fuel-efficient vehicles, hybrid vehicles, non-motorized transport, (such as cycling and walking), and better land-use and transport planning, to minimize rising pollution levels.

It is argued that cycle rickshaws are the least expensive and most convenient form of transport especially for short distance commuters –for, they provide service during all hours of the day; they are road friendly in congested areas of the city; and they constitute convenient feeder service for public transport users and those accessing public transport service as well as main arterial roads in the city from far flung areas and outlying colonies. According to the WP(C) Nos. 4572/07 & 8580/09 petitioners; rickshaw trolley service is most convenient for garbage collection as well as transport to wholesale markets etc."

The Bye-law 3(1) of the 1960 Bye-Laws states that, "No person shall keep or ply or hire a 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 that may from time to time, be fixed under sub section (2) of Section 430."

Source: WP(C) No.4572/2007, High Court of Delhi, 10th February 2010

This law was seen to be highly discriminatory against the cycle-rickshaw pullers. Most of the rickshaw pullers are unskilled migrants, usually seasonal, coming to the city in search of employment. Most of them lack the means to purchase rickshaws and even if they purchase it on Government provided credit- they have to leave the city from time to time. Therefore, this bye-law denies them a source of employment and hence a source of employment when they come to the city.

The “owner-plier policy” was approved by the Supreme Court in its previous ruling reported as All India CRO Union v. Delhi Municipal Corporation, AIR 1987 SC 648. But times have changed. Due to this legislation, these migrants live in constant fear and threat of their rickshaws being impounded and destroyed and thus, losing their source of livelihood.

In response to this PIL filed by ITD and Manushi Sangathan, the Delhi High Court, under Justice S. Ravindra Bhat, passed a judgement on February 10th, 2012 putting a stay on these regulations.

- The “owner-plier” policy embodied in By-law 3(1) was declared arbitrary and void.
- The restriction or cap imposed by the MCD in respect of cycle rickshaws licenses which can be issued and the impugned 2007 policy was held to be arbitrary.

The Delhi HC also ordered the Govt. Of NCT Delhi, the MCD, the Delhi Development Authority and the Delhi Police to form a Special Task Force to explore questions pertaining to the traffic situation in the city, minimizing congestion, reducing pollution levels, and ensuring equal access to all classes of vehicles on the roads including Non-Motorized Vehicles (NMVs).

On April 2nd, 2012- the Honourable Supreme Court of India gave an historic judgement on this stay issued by the Delhi HC. Its judgement favoured the rickshaw pullers and it removed all the regulations give by the By-Laws 1960.

A bench of Justices G S Singhvi and S J Mukhopadhaya said that only a fine of Rs. 5 can be imposed by the MCD for a rickshaw plying outside permitted zones. It was felt that the MCD was unnecessarily targeting the poor and they upheld the decision to do away with the provision of the Delhi Municipal Corporation By-laws, 1960, that restricted the number of tri-cycles to 99,000 in ear-marked zones. Thus confiscating, impounding and destroying of rickshaws have been disallowed.

The SC felt that this mode of transport is eco-friendly and there is demand for it both by the poor and the middle class. It is abominable to reduce the number of rickshaws just to increase the space available for cars.

In our interaction with Mr. Pawan Sharma, Additional Commissioner – Licensing (MCD); we found that as of now, there is no confiscation of rickshaws or licensing. Everybody is free to ply a hired rickshaw. There is no upper limit or ceiling on the number of rickshaws and since there is no licensing, the MCD has no record of the total number of rickshaws. The only regulation that the rickshaw pliers are subject to is no-entry in certain zones like that on National Highways. What the MCD has to say is that the Contractors are actually Mafias running a profitable business and exploiting the rickshaw pullers who hire rickshaws from them. They give an example of a contractor in Old Delhi side who in the span of seven years has managed to make so much money that today he owns over 700 rickshaws and a fleet of trucks.

Therefore, it is not that MCD that is causing trouble to the poor rickshaw pullers, but rather, the contractors.

IMPLICATIONS OF THE NEW POLICY

The battle regarding the absurd rules and regulations regarding rickshaw pulling in Delhi, the harassment following from the same had been going on for a while now which ultimately saw the light at the end of the tunnel in April 2010. The immediate implication of the high court order which later upheld by the Supreme Court too would be an end to confiscation of rickshaws. Authorities no longer have a path to exploit pullers on grounds such as plying in “no entry zones”, parking abruptly etc. The policy effectively removes an upper limit on the number of rickshaws that are allowed to ply in the city and extortion of money on grounds of not possessing a license.

The Supreme Court judgment leads to an immediate dissolution of the absurd bye laws of 1960. The bye laws of 1960 mandated that an owner must ply the rickshaw and that one must possess pullers’ and ownership license and failure to possess any one leads to confiscation. ‘Renting’ was prohibited. The Manushi Sangathan suggested that when it’s not illegal to own fleets of other vehicles, why owning rickshaws must be considered punishable which was validly taken into consideration during the course of the judgment. The judgment allows ownership of more than one rickshaw and allows renting of rickshaws now.

The process of acquiring a license was difficult and cumbersome and required proof of residence in Delhi, health certificate etc which is an unreasonable demand from someone who is a seasonal migrant and chooses to sleep on pavements. This process, post judgment has been replaced by ‘registration on demand’ wherein the Municipal Corporation of Delhi must provide authorization to ply and own a vehicle within a two day time period without requiring any extravagant paper work. This is a paradigm shift from the system that has been carried on since 1960 where the official denied license without even a logical justification.

CONCLUSION

From our research, we can conclude that on paper, there are no regulations on the Rickshaws in Delhi. Anyone and everyone is free to hire a rickshaw and ply in the city. There is no licensing required and consequently there is no impounding or destroying of rickshaws or harassment by the authorities. But the key word here is “on paper”. On talking to our sample of rickshaw pullers and contractors we have found that confiscations still occur. Rickshaw pullers are still harassed. The contractors still pay a monthly charge to the MCD officials to let them ply their Rickshaws as confirmed by Taposh, a contractor. Unofficially, some MCD officials still continue to take advantage of the control they exerted on pullers previously.

To top this, the contractors have to pay some amount to the cops as well to get entry to different areas. The Zoning regime has been declared void by the judiciary but still the police continue to misuse their powers and extract money from these contractors. Due to lack of education, the contractors and pullers are unaware of their rights and do not realize that they are being exploited by the authorities. It has been seen that there is a system of unofficial transactions working between the contractors, the police and the MCD officials.

On surveying rickshaw pullers we found that a number of them wished for stands to park their vehicles. Rickshaws are managed by occupying wasted pieces of public land and pavements. This unregulated use of public space makes them vulnerable to extortion in the hands of the area police and Municipal

Corporation of Delhi. In this respect, the Rajdhani Cycle Rickshaw Operators Union had filed a petition in the Delhi High Court for allocation of stands by the MCD. Judgment was passed for the allocation of 234 stands for 20,000 rickshaws. This was not implemented. In 1998, the numbers were revised to 900 to accommodate a total of 99,000 rickshaws. This number which existed in MCD records was grossly understated. Even after the Supreme Court judgment, the fight for designated parking and managing area for rickshaws continues.

SUGGESTIONS FOR THE FUTURE

After our study, we feel that the need of the hour is to make sure that the legislations that have been passed by the Supreme Court to safeguard the interests of the rickshaw pullers are efficiently executed. There are safeguards on paper- but the check on the extent of its implementation seems to be pretty weak.

They are frequently harassed and troubled by the cops as the rickshaw pullers have not been allocated proper areas to park their rickshaws. Just like we have bus stands- there should be proper provisions of rickshaw stands so that rickshaw pullers are not harassed by the police and also so that part of roads are not blocked by them.

We have also come to the realisation that the pullers have no idea of their rights or what are the benefits provided by the government that they are entitled to. Campaigns need to be brought about to make the pullers aware of their rights. Since a major part of their population lacks basic education levels- they are unaware of the fact that legally MCD cannot confiscate their rickshaws. They do not know that they do not need licenses to ply rickshaws and their movement is only restricted to some no-entry zones like the highways. Due to the absence of the same, they have accepted the harassment and exploitation as a way of their lives and a consequence of their poverty.

Education is the key here to bring about change in their lives. It will also help to bring them into the organized financial sector and not depend on borrowings from relatives and money lenders which is presently the case. Debt defaults would fall as the formal banking sector charges a lower rate of interest compared to the private money lenders. Also, fall in family size will improve the quality of their lives which is another favourable change attributed to education.

Suggestions:

- ✓ Check on Implementation
- ✓ Rickshaw Stands
- ✓ Increased Financial Inclusion & Social Benefits
- ✓ Education & Awareness

While Delhi boasts of being India's capital and a metropolitan city- it has also been a city rich with our heritage. Rickshaws have been a part of that heritage since times immemorial. Apart from that, Rickshaws are the most environment friendly mode of transport. At present, when the whole world is working to find alternate mediums of transport that do not depend on fossil fuels; it is shame that there have been instances of putting an upper limit on rickshaws when there is no ceiling on the number of cars and trucks. Also, a large segment of population is dependent on this mode for their livelihood.

To conclude, we think that use of rickshaws should be encouraged in the city and the pullers should be provided with better conditions.

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