

**Cycle Rickshaw Pullers of Delhi: Struggle and Survival of the  
Urban Poor, 1940-2014**

*Thesis submitted to Jawaharlal Nehru University in  
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**DOCTOR OF PHILOSOPHY**

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**Declaration**

I hereby declare that the thesis entitled 'Cycle Rickshaw Pullers of Delhi: Struggle and Survival of the Urban Poor, 1940-2014' submitted to Jawaharlal Nehru University for the award of the degree of **Doctor of Philosophy** is the result of original research and has not been previously submitted for any degree to this or any other university.

रविशंकर  
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**Certificate**

We recommend that this thesis may be placed before the examiners for evaluation.

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***Dedicated to***

***All Cycle Rickshaw Pullers***

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## INTRODUCTION

Across many Indian cities and towns, it is not uncommon to see a large mass of labouring poor whose hope of survival lies in finding people and goods to be seated or placed on their wheeled bodied–rickshaw, cycle rickshaw, *thela*, tonga, push carts, pull carts and the like. Their carriage and its passengers maintain the loose thread of their existence. They always remain concerned to sustain this loose thread because many lives are connected with it. One snap triggers multiple snaps and lifeless bodies get smoked up in the air or submerged into the water. Only few get embodied into the texts and images of records whereas many come and go unrecorded. Doing history of such mass whose history also fears being stereotyped as fiction invites derision. It is a daunting task to discover texts and images scattered and fragmented, broken and blurred in archival records. It is worth if one reads this poetic expression and dares write history in the face derision and challenges:

We plough and sow-we're so very very, low  
That we delve in the dirty clay,  
Till we bless the lain-with the golden grain,  
And the vale with the fragrant hay.  
Our place we know-we're so very low.  
'Tis down at the landlord's feet:  
We're not too low-the bread to grow,  
But too low the bread to eat.<sup>1</sup>

Having recognised this limitation, I yet embark upon doing history of transport labour. I am not alone in having undertaken such journey. Some have already set out and have charted paths. I also set out to follow the trails and chart my own way. Since my interest arose after encountering numerous cycle rickshaw pullers in Delhi, I decided to do the history of cycle rickshaw in large measure. However, I also touch upon many other forms of transport labour since they all embody one common existence, that is, labouring body. This engagement with the history of cycle rickshaw pullers opens up several channels which have points of convergence. I therefore engage with mapping out of these converging points. Broadly speaking, four areas constitute the foreground for

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<sup>1</sup> Ernest Jones, "The Song of the Classes", in *Poems for Workers: An Anthology*. (Ed.) Manuel Gomez, (Chicago: Daily Worker Publishing Co., 1927) p.7.



development of discussion and arguments— labour, means of livelihood, urban space and the state.

For the purpose of historiographical understanding, I have consulted works which have dealt with these four areas in critical light. I have also incorporated into discussion pretexts and instruments which the colonial forces used to assert and perpetuate their control in all sphere of life in colonies.

One comes to know that the root of contemporary regulatory principle which circumscribes rickshaw and rickshaw pullers lies in the colonial past. Although the period and the place chosen for the study is from fourth decade of twentieth century Delhi, historical enquiry into larger patterns which had certain similar trajectories led towards transgression of time and space. This reflects in my effort to go back as far as nineteenth century in order to explore the root of regulatory framework. Likewise, the places chosen besides Delhi serve the purpose of tracing the debates around transport labour which had already evolved prior to coming to India. In many Asian cities, rickshaw labour had become hotbed of discussion. The mechanism of control was common to all places where the colonial forces were trying to consolidate their foothold. In case of India though, it was being used with cautious approach and in piecemeal fashion. Acquaintance with historiography of above-mentioned four areas and some other important themes would ground this study.

### Historiography

Instead of discussing each work independently, I have tried to go by theme based summary of the works which have dealt with transport labour particularly related to rickshaw. David Strand<sup>2</sup>, Fung Chi Ming<sup>3</sup> and James Warren<sup>4</sup> have done social and political history of ordinary men like rickshaw pullers. David Strand, keeping rickshaw pullers of Beijing at the centre, investigated various other social and political issues of that time. Rickshaw pullers of Beijing accounted for a large number of labouring class in the city during 1920s where factory labour accounted for little percentage of working

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<sup>2</sup> David Strand, *Rickshaw Beijing: City People and Politics in the 1920S* (Berkeley: University of California press, 1993)

<sup>3</sup> Fung Chi Ming, *Reluctant heroes: Rickshaw Pullers in Hong Kong and Canton,1874-1954* (Hong Kong: Hong Kong University Press, 2005)

<sup>4</sup> James Francis Warren, *Rickshaw Coolie: A People History of Singapore (1880-1940)*(Oxford: Oxford University Press, 1986)

class. Rickshaw pullers, by virtue of their larger number, asserted their role in urban politics. Their participation in union politics and protest marked greater degree of political activism of the working class. Their active protest against the western technology like taxi, motor cars, tram services is an evidence of anxiety among this class whose livelihood seemed under threat. Their strong presence also appealed to different political parties of China. However, two main political parties—Communist Party and Nationalist Party contested for larger share of rickshaw-men's strength.

Fung Chi Ming's study of Canton and Hong Kong rickshaw pullers shows that rickshaw pullers, by and large, were strength of left political parties. It is for this reason that they became brutal target of Nationalist party after Communist Party's insurgency failed during 1927-28. According to her study, most of these pullers were migrants from villages of China who had very little or no education. Generally factory setting is often said to be fertile ground for the growth of working class consciousness. Interestingly Fung through his work brought to our attention that rickshaw pullers despite being workers in non-factory environ showed enormous degree of solidarity. Despite lack of political experience and being workers scattered across streets, they demonstrated remarkable level of unity. She further described the significance of these rickshaw pullers for the city and simultaneously drew attention to the poor and unsafe conditions in which they lived and became victim thereof. They became victim of poor economic conditions like poor housing and poor income; they experienced brutality at the hands of military and police forces. The police was deployed by the Nationalist party to persecute left forces since they were suspected of being part of Left political parties. Many of them were executed on this suspicion. They were also looked down upon since the act of pulling was seen by educated population as symbol of backward society. Moreover, most of them, being migrants from Chinese villages, suffered derision and hostility from the local Cantonese rickshaw labourers.

James Francis Warren's study of Singapore rickshaw pullers cast broader focus on the lives of labouring rickshaw men in Colonial Singapore. This study exposes the gap between the colonial forces' claim of bringing sense of order in disorderly colonial spaces and ground reality. The rickshaw pullers on the streets of Singapore lived the miserable life without any services or facilities. Warren had brought this gap into discussion through consultation of varied sources and oral histories. His study reiterates what David Strand and Fung Chi Ming have maintained in their respective studies. His

use of neglected Coroner's record enriches his effort towards writing social history of ordinary men. His work is precursor to many debates which revolve around the owner-puller relation, brokers, living condition, colonial agenda of improvement, licensing policy, and restriction on their number, spatial restriction, problematic modern urban and several inter-related issues. Coming across similar debates in case of India points to the parallels which were part of the larger design conceived by the imperialist forces. The claims of the colonial rulers for order and civilisation felt short in Singapore where the death among poor rickshaw pullers had become order of the day. Before moving to next theme, it must be stated that most of these rickshaw coolies were migrant from the villages of South-east China.

Jason Lim's<sup>5</sup> work of rickshaw pullers in Singapore raises question of ethnicity. Reading Jason Lim along with James Francis Warren helps broaden the understanding of rickshaw industry in Singapore. There were three ethnic groups of migrants from China—Hengua, Hockchias and Hokkiens. The other groups which came earlier had taken up important occupations. Even the menial job like cleaning of night soil was already taken up by the earliest batch of migrants. Hengua took up rickshaw pulling when rickshaw was brought to Singapore in 1880. Later on, Hockchias arrived and formed their own groups. These groups were called *bang*. It was impossible to get job by one *bang* in sector which was dominated by other *bang*. This led to inter-*bang* conflict and riot.

Another major theme is changing technology and everyday life of the ordinary working mass. In this regard, David Arnold<sup>6</sup>, Erich DeWald,<sup>7</sup> Michael Pante<sup>8</sup>, Tilman Frasch<sup>9</sup> and Hazel Hahn<sup>10</sup> have looked at dimension of tension and adjustment in society as a result of technological changes and appropriation. To begin with David Arnold explains

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<sup>5</sup> Jason Lim, 'The Trishaw Industry as a "Bang"-Based Trade', *Journal of Malaysian Branch of the Royal Asiatic Society*. Vol.69, No.2 (271), (1996), pp.39-59.

<sup>6</sup> David Arnold, *Everyday Technology: Machines and the Making of India's Modernity* ( Chicago: The University of Chicago Press, 2013). 'The Problem of traffic: The Street-life of Modernity in Late-Colonial India' *Modern Asian Studies*, 46, 1 (2012) pp.119-141.

<sup>7</sup> David Arnold and Erich DeWald, 'Cycle of Empowerment? The Bicycle and Everyday Technology in Colonial India and Vietnam' *Comparative Studies in Society and History*. Vol.53, No.4 (October 2011),pp. 971-996.

<sup>8</sup> Michael Pante, 'Rickshaws and Filipinos: Traditional Meanings of Technology and Labor in American-Occupied Manila' *International Review of Social History* 59(2014) Special Issue, pp.133-159.

<sup>9</sup> Tilman Frasch, 'Tracks in the City: Technology, Mobility and Society in Colonial Rangoon and Singapore', *Modern Asian Studies*, 46, 1 (2012), 97-118.

<sup>10</sup> H. Hazel Hahn, 'The Rickshaw Trade in Colonial Vietnam', *Journal of Vietnamese Studies*, Vol.8, No.4 (Fall 2013), pp.47-85.

assimilation of imported technology, it merits attention to see how small-scale technologies, despite movement against foreign goods, went on to become integral part in everyday life of people. Focus on small-scale technologies instead of big and heavy technology makes his work distinguished. It is here, under the category of small technology, that sewing machines, bi-cycles, cycle rickshaw etc are covered. Although he does not dwell on rickshaw, his emphasis on ‘a process of local acculturation’ explains how use and meanings of machines conformed to the society which received it. Rickshaw technology differed from ‘capital-intensive’ and ‘state-sponsored’ technology like railroads, telegraphs, steamships, electrification etc. David Arnold in his study of ‘Problems of Traffic: The Street-life of modernity in late Colonial India, engages with the idea of traffic which paved the way for policing and the growth of the ‘everyday state’. He refers to writer in the *Indian Ladies’ Magazine* in 1937 who considered India’s streets chaotic, devoid of reason and common-sense in the presence of bullock-cart driver, cyclist and the Tonga or *Jutka-wallah*’.<sup>11</sup> ‘A language of ‘congestion’ and ‘rush hours’ had entrenched itself in public discourse by late 1920s.’<sup>12</sup> Erich DeWald collaborated with David Arnold to share Vietnamese experience in regard to social life. Hazel Hahn in her study of rickshaw trade in Vietnam drew attention to political economy to explain the challenge which the European posed to perception that rickshaw-pulling was dehumanising work. Since European companies were involved in manufacture of rickshaws especially luxury rickshaws, perception that rickshaw-pulling was dehumanising ran contrary to the interests of their business. In this regard, the common rickshaw meant for public were discriminated in favour of the special rickshaws meant for private carriage. Higher rate of tax were charged from common rickshaws as compared to private rickshaws. Her work also acquaints us with debates which revolved around aesthetic, morality, use of public space, hygiene, convenience and comfort. Besides this, the demand was made to mechanise rickshaws in order to do away with un-modern and ‘archaic means of transportation’. Such labelling against rickshaw was increasingly becoming common.

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<sup>11</sup> David Arnold ‘The Problem of traffic: The Street-life of Modernity in Late-Colonial India’ *Modern Asian Studies*, 46, 1 (2012) p. 123. Some thought that India needed to reform itself in order to qualify for that modernity.

<sup>12</sup> *Ibid.*, p.130.

The inter-technology tension and competition which Tilman Frasch discusses with respect to colonial Rangoon and Singapore is evident in rickshaw coolies' vehement opposition to the tram services. The coolies went to the extent of derailing tram tracks and lowering of rickshaw fares which accounted for big loss to Tram service in which European companies had considerable stake. Michael Pante showed how opposition to rickshaw by Filipino nationalist had discomforted American colonisers who criticised the people of Philippine as 'lazy native workers who failed to grasp the dignity of labour'. Michael Pante, drawing on David Arnod and DeWald, establishes how 'rickshaw' was given meaning by the middle class (mostly leaders of Union Obrera Democratica). This meaning turned rickshaw into a symbol of 'oppression, foreign and enslavement' which was used as opposition to foreign rule, that is, American colonialism and imperialism. In other words, getting rid of rickshaw became tantamount to decolonisation.

In similar line, H.W. Dick and P.J. Rimmer discussed about the technological imperialism which tried to obliterate the previous forms of transport—tonga, rickshaws or carts in the name of bringing modernity.<sup>13</sup> 'Man-powered vehicles are deemed humiliating and exploitative, and pony carts unhygienic—both types of vehicles are seen as out of place in a modern city.'<sup>14</sup>

Chitra Joshi and Nitin Sinha have engaged with transport labour in colonial India. Joshi has dealt with *Dauriya* (mail runner)<sup>15</sup> and *Dak* (the post, that is, stages at relays of couriers or other modes of communication were stationed). Joshi underlines how colonial system subjected traditional communication workers (*Dauriyas*) to a new system of written contracts and regulation during second half of nineteenth century. The colonial control over the body of *dauriya* reflected in clocking his time and measuring his speed. Through *dauriya*, the colonial power widened its reach into places like dense forests where it could not have reached with ease. *Dauriyas* risked their life, underwent

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<sup>13</sup> H.W. Dick and P.J. Rimmer, 'Urban Public Transport in Southeast Asia: A Case Study of Technological Imperialism?' , *International Journal of Transport Economics*, Vol.13, No.2 (June 1986), pp.177-196. Also see, Howard Dick and Peter J. Rimmer, *Cities, Transport and Communications: The Integration of Southeast Asia since 1850* (New York: Palgrave Macmillan, 2013) Peter J. Rimmer, *Rikisha to Rapid Transit: Urban Public Transport Systems and Policy in Southeast Asia* (Sydney: Pergamon Press, 2011)

<sup>14</sup> H.W. Dick and P.J. Rimmer, 'Urban Public Transport in Southeast Asia: A Case Study of Technological Imperialism?' , *International Journal of Transport Economics*, Vol.13, No.2 (June 1986), p.193.

<sup>15</sup> Chitra Joshi, 'Dak Roads, Dak Runners, and Reordering of Communication Networks', *International Review of Social History*, 57 (2012), pp.169-189.

hardship and dangers to accomplish the task of delivering mails on time. The establishment of *dak* (post) was part of ‘a new politics of spatialisation’. Similarly, Nitin Sinha, in his *easy*, deals with the relation between the East India Company and boatmen in the period between 1760s and 1850s. The boatmen were roped in for the transport of imperial commodities (opium, indigo, textiles, salt, and saltpetre) and troops and officials.<sup>16</sup> Sinha lays emphasis on the ‘work’ as an important category in writing social and economic history of labour. In case of boatmen, it is mobility-based work. He also brings to notice the undesirable consequences of contract system on labour engaged for running boat. The reduced wage and freedom was considered to be the outcome of contract and regulation. In the course of journey, these boatmen were also known to articulate their displeasure through delay and disorientation. Since the boatmen possessed knowledge of routes, dangers, weathers, and the commodities, it gave them a little scope to resist in case the European travellers’ behaviour would be unbecoming. Somdatta Chakraborty draws our attention to covert and overt resistance which the hackney drivers and palanquin bearers showed against the state<sup>17</sup> who tried control them with regulatory threads.

The work of Rob Gallagher which is based on extensive and intensive study of Dakha rickshaw pullers deals with multiple aspects—extent of the rickshaw pulling occupation, acquaintance with pro-rickshaw arguments, strength and weakness of unions, technological innovation, livelihood issues and environmental concern. Harold A Gould’s study of Lucknow rickshaw pullers was that rickshaw pulling as occupational category where rickshaw pullers showed two different behaviours—one that urban and that other of rural characters which was more dominant. Begum and Binayak Sen also deal with the rickshaw pulling occupation and health implication. There are several big and brief works on rickshaw pullers—Ravi Rajendra, Dilip Halder, Madhu Kishwar, Asima Sood, Prtibha Misra, Subir Bandyopdhyaya, and other more whose focus has, broadly speaking covered livelihood issue, contestation of abolitionist measures and environmental issues. These works shed light on contemporary issues around rickshaw and rickshaw pullers. These works establish how coloniality is still intact in post-colonial

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<sup>16</sup> Nitin Sinha, ‘Contract, Work, and Resistance: Boatmen in Early Colonial Eastern India, 1760s-1850’, *International Social History Review*, Special Issue, (2014) pp.11-43.

<sup>17</sup> Somdatta Chakraborty, ‘Criminalizing the Migrant: Street carriers and the Colonial State in 19<sup>th</sup> -20<sup>th</sup> century Calcutta and Bengal’. [http://www.merg.ac.in/6thCSC/6thCSC\\_Full\\_Papers/Somdatta.pdf](http://www.merg.ac.in/6thCSC/6thCSC_Full_Papers/Somdatta.pdf).

state when it comes to deal with the issues of the poor. The manner in which the state has dealt with rickshaw pullers is evidence of such continuity.

The legacy which the state carries in the sphere of governance and control to the present date is evident from the technology of governance-ethnography, census, surveys, enumeration, cartography, registration, written contracts, gathering of persons' information from name, thumb impression, age and photo-graphs. The work of U. Palkagam<sup>18</sup> is interesting in this regard which provides adequate insights to understand the idea of governance and governmentality. Bernard Cohn also familiarises how the colonial power's serious engagement with the understanding of local traditions and systems was part of larger scheme which aimed to enforce its plan of consolidation in planned and gradual manner.<sup>19</sup> In accordance with this scheme,

the dense administrative discourses were not merely representations of modern power enabling certain kinds of interventions but served as carriers of Western categories of space, time measure, reason and causality that constitute modern sciences and that were not hitherto part of the epistemological fabric of those societies...In doing so, the epistemological domains of pre-colonial times were irretrievably altered.<sup>20</sup>

Since the present study tries to understand the transport labour of urban, understanding urban and the urban poor gives important framework for situating my study in context. Gareth Stedman in his study of mid-nineteenth century London talks about the 'casual labour' whose socio-economic location was at the lowest rung of urban London. There was thin-line distance between being casual labour and jobless because their earning from casual employment was very low and the fear of losing job was always lurking. These poor people and their spaces in London were delineated as dangerous, filthy and sites of diseases. As people were increasing becoming jobless, the rank of the poor was swelling and the boundary was also expanding. This expansion of 'casual residuum' was seen as expansion of threat to the rest of society. The intellectuals and the governing bodies were made to come forth with remedies. In the course of remedial exercises, that idea of sanitisation, improvement, education, morality and control figured. Many negative traits were ascribed to this class of people so far so that they were treated as

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<sup>18</sup> U.Kalapagam, *Rule by Numbers: Governmentality in Colonial India* (New Delhi: Orient BlackSwan, 2015)

<sup>19</sup> Bernard S. Cohn, *Colonialism and Its Forms of Knowledge* (New Jersey: Princeton University Press, 1996)

<sup>20</sup> U.Kalapagam, 'The Colonial State and Statistics', *History of Human Sciences* (2000)p.39. <http://hhs.sagepub.com/content/13/2/37>



‘outcast’. The real problem lay in the lack of economic opportunities rather than low morals of the poor. I want to draw attention to the fact that these remedies related to ‘civilising and moralising’ which figured in the course were used as by the Colonial power in non-western colonised world. The precarious condition of the poor gave the employed upper hand in negotiation which implied more profit for the employer disregarding the life of the poor workers. Bringing Henri Lefebvre here would help contextualise how slums as sites of poor came to be constructed. I draw on his idea of ‘the production of social space’. I agree with Henri’s claim that ‘the space thus produced serves as a tool of thought and of action; that in addition to being to being a means of production it is also a means of control, and hence of domination, of power...’<sup>21</sup>. For Henri, ‘the revolution was to gain ‘rational organisation of production’ and ‘rationalised management of society’ but this seemed to have degenerated into the idea of growth and aligned with the bourgeoisie ideology.’<sup>22</sup> There is need for seeing the process of urbanisation as a process of production of space. The close investigation of this process unfolds inherent ideology and design. As Partho Datta<sup>23</sup> analyses how the new spatial order which the colonial force tried to impose by means of town planning ideas under the pretence of rational urban order. This rational urban order created scope for regulation and policing. In the words of Jyoti Hosgrahar, ‘influenced by Victorian urban reformers in England who sought to overcome the social and environmental ills of industrial cities, colonial planners in Delhi disdained what they saw as the disorderly and dense living condition of the old city.’<sup>24</sup> Jyoti brings out underlying motive of the Colonial planner by drawing our notice to the fact that the Municipal bye-laws for European in the civil lines were different from bye-laws which controlled location, timing and nature of vending and hawking. By and large, concretising of control was made possible through transition from ‘unwritten form of governance to written codes of the governance’<sup>25</sup>. Awadhendra Sharan carries further the discussion of governmentality. He shows how the idea of residence and idea of work compete over shrunken space of city for which

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<sup>21</sup> Henri Lefebvre, *The Production of Space*. Donald Nicholason-Smith (trans.) ( Blackwell Publishing, 1991)

<sup>22</sup> Ibid, p.422.

<sup>23</sup> Partho Datta, *Planning the City: Urbanization and Reform in Calcutta c.1800-c.1940* (Delhi: Tulika Books, 2012)

<sup>24</sup> Jyoti Hosagrahar, *Indigenous Modernities* (London: Routledge, 2005) p.65.

<sup>25</sup> Ibid., p.47.



lead to residence-work dichotomy in city. In the name sanitation, de-congestion and nuisance, the framework of regulation is hardened.<sup>26</sup> Narayani Gupta,<sup>27</sup> besides bringing up socio-cultural tension which the British Empire engendered, discusses issues regarding road congestion, improvement, health, and other municipal issues of the city. Stephen Legg,<sup>28</sup> drawing on Foucauldian idea of discipline, emphasised how idea of regulation was deep-seated in the idea of civilising and urban management.

The brief discussion of Nandini Guptoo, Chitra Joshi along with Oscar Lewis and Charles A. Valentine with respect to urban poor gives some idea of looking at urban poor from a little different perspective. Taking urban as site of work and locating urban poor across that site in relation to politics of production gives rise to problems which the urban poor faced within and beyond their workplaces. Uneasy relationship with the workplace accounted for certain kind of anger, frustration and dissatisfaction among urban working class. Nandini Guptoo maintained that they articulated their politics through political participation and reliance on self-improvement, physical fitness, creation of new historical narrative and collective demonstration. The frameworks of their politics, nonetheless, remained same as the elite politics. Guptoo did not find class cohesion among the urban working class despite collective acts of strike and demonstration because she noticed strong presence of caste, religion and regional identities. In this regard, Chitra Joshi's approach seems well-founded and placed. According to Joshi, the relation of working class in city overtime undergoes the change which reflects in re-defined identities and redrawn boundaries. Charles Lewis whose study is although based on South American Slums, makes a broad generalisation that the urban poor lack socio-political participation which I find missing in case on India where historical works by above authors tell different narratives.

I would like to reflect on how I am going to draw on such a large and complex corpus of themes. Since all of these works, put together, talk about urban, urban space, urban poor and the state, I hope to sharpen my views to locate underlying themes and politics which more or less figure whenever we endeavour to deal with urban poor and their struggle for

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<sup>26</sup> Awadhendra Sharan, 'In the City, Out of Place: Environment and Modernity, Delhi 1860s to 1960s.' *Economic and Political Weekly*, November 25, 2006. Pp. 4905-4911.

<sup>27</sup> Narayani Gupta, *Delhi Between Two Empires: 1803-1931 Society, Government and Urban Growth* (New Delhi: Oxford University Press, 1998)

<sup>28</sup> Stephen Legg, *Spaces of Colonialism: Delhi's Urban Governmentalities* (Oxford: Blackwell Publishing, 2007)

survival in highly contested urban space. Besides relying on wide range of historical and inter-disciplinary literatures, I depend, for large measure, on wide range of primary sources which range from Hackney rules, papers relating to Municipal Acts, Transport papers, news papers, papers related to industry and labour department. Since I am also dealing with the post-colonial period, I have consulted documents of post-colonial period which comprise of master plans, Judicial cases, journals, news papers, censuses, Delhi Development authority papers, audio-visual sources, oral testimonies, films, stories and fictions.

### Outline of Chapters

The chapter one explores the history of regulation and control regarding urban governance, transport and transport labour which the colonial rule brought to India. Under this chapter, the period is mid-nineteenth century onwards. The mid-nineteenth century is when the colonial administration was dealing with the idea municipal governance especially in the Presidency towns. Since the transport is integral to town, the transport, transport labour and the road space got broad attention. The chapter therefore deals with the history of Hackney rules which the imperial forces brought to India. It discusses all forms of mechanism of control which were devised by the administration—registration, licensing, ceiling, written form of governance, enumeration, fitness inspection, fare-tables, punitive measure and so on and so forth. The purpose of the chapter is to unearth the intention of the colonial rule which was guiding principle behind the evolution of regulatory frameworks. Keeping the intension of the colonial rule, I aim to understand how they prepared the background for bringing a regime of elaborate regulatory and controlling frameworks under the pretext of order, sanitation, improvement and other reasons. There is an attempt to study the biases of the colonial forces which presumed the colonies to sites of disorder, nuisance, unhealthy and dangerous. Towards the end of the chapter, the purpose is to draw attention to the fact that regulatory frameworks which were laid during nineteenth century, continued to be in force in time to come.

Chapter two is about urban modernity and its margins. Under this framework, the state have often resorted to reordering of the space especially urban space. The colonial rule left enough evidence of such design. Keeping the colonial evidence of biased re-ordering and planning of town, this chapter tries to see how ‘the idea of modern’ has

been used. The over-emphasis on the idea of modern urban gave rise to more issues than it promised to solve. This chapter examines these consequent matters. Among the issues which have affected the poor are—ruthless opposition to the presence of the workers and their spaces in city. The poor rickshaw pullers bore the brunt of the state's desire for modern urban. This longing for modern urban space created conflicting dichotomy between modern and traditional. The machine, speed and beautiful came to be classified under the modern whereas the manual, animal, impoverished, as traditional. Likewise slow moving vehicle cycle rickshaw came to be regarded as undesirable and un-modern. This chapter engages in critique of the desire of modern urban which is basically an instrument of control in the hands of the powerful and the rich. I examine how the idea of modern urban is hollow and destructive from inside even though the dominant discourse makes it appear beautiful to camouflage its hollowness and disregarding nature. The uneducated and unskilled workers bear the brunt of this exclusionary modern urban. For this chapter, I have consulted papers and documents related to the Local Self Government, Master plan, Slum clearance and re-housing, Delhi Development Authority, Transport plan and Planning Commission. The newspapers also throw light on the issues with which this chapter engages. Overall, the purpose is to draw attention to paradoxes which this hyped modernity contains within itself.

In chapter three, the effort has been made to delineate areas of laws and bye-laws which have been used to regulate roadside hawkers, vendors, rickshaw pullers and other urban poor. The chapter mostly deals with the post-colonial period. The relation between law and the poor has been brought up for clear analysis in this section. Since laws have often been used to trivialise the poor, I have tried to see how judiciary and the Constitution have played important role in securing the poor their rightful and respectful place in the society. This chapter deals with judicial cases involving the rickshaw pullers. All issues pertaining to registration, licensing, punitive measures, ceiling, owner-puller policy, fees, confiscation, impounding, auctioning etcetera have been incorporated. In this, one also gets an idea of continuity of colonial legal framework. An attempt has been made to map discontinuity and the role of judiciary in marking departure from the colonial frameworks. By and large, this chapter is about the intervention of judiciary in resolving tussle between the rickshaw pullers and the state. In course of dealing with the cases, all the stakeholders and their standpoints have been located and discussed. The

Municipal Corporation and the traffic police have been two key opponents of the cycle rickshaw. These two opposed it on various grounds and this chapter examines these grounds which two opponents put forth.

In chapter four, attempt has been made to trace the history of rickshaw pullers through visual, aural (audio) and textual sources which consist of films, songs, poems, stories and novels. As regards films, most of the films belong to post colonial period. I have dealt with film as old as 1949. Since songs have been integral part of Indian cinema, the representation of rickshaw in songs has also been incorporated. Moreover, efforts have been made to see how rickshaw has been represented in arts. Through mapping the presence of rickshaw pulling across these sources, the purpose is to understand the potential of created imageries of urban poor like rickshaw pullers. Through this chapter, I have tried to understand metaphors which have been used to depict the rickshaw and labouring body of puller. This chapter maps out how rickshaw evolved to the extent of becoming metaphor. Although the key focus of the chapter is to see the representation of rickshaw pullers in culture, a brief attempt has also been made to see how rickshaw pullers represent culture. The chapter ends with emphasis on the ubiquity of rickshaw puller in popular imagination and its significant presence across films and literatures of various regions.

The Chapter five is based on in-depth interviews with rickshaw pullers and other workers in open spaces of the city. The total number of respondents covered is eighty. This chapter draws on a body of literatures which deal with the worldview of the poor. Since rickshaw pullers work on roads and streets, their experience of space and time differ from those workers who work in factories. This chapter has tried to study this difference which exists between experience of factory workers and non-factory workers. In the course of the fieldwork, many individual as well as collective biographies of respondents emerged which I have used for understanding their everyday life. The effort has been to see through their lens. How rickshaw pullers think about their occupation, family, health, habits, food, leisure, aspirations, body, rickshaw, house and their relation with state. The purpose of this chapter has also been to see how far 'the idea of culture of poverty' conforms to the details which emerged from my field work. Thus, this section engages with the critique of 'the culture of poverty' because it says that the poor adapt to oppressive conditions of life instead of overcoming them. The 'culture of poverty' says that the cause of the poverty lies in the culture of the poor who are said to

be people of low aspiration. The details from the field suggest contrary to this. The chapter ends with appeal for further engagement with the urban poor.

## **Chapter 1**

# **Regulating Urban Transportation: Hackney Carriage Acts of Colonial India**

### Introduction

Colonial rule brought out a new form of urbanism which introduced the idea of municipal governance. As alien rulers and external to India society, they were working out on ideas and principles which were quite prominent in their own society. They were constantly engaged in search of legitimisation of their rule in India. Bringing the good sense of ‘order’ into supposedly ‘chaotic’ and ‘disordered’ colony constituted the pretext for their intervention. The notion of improvement which is often pervasive throughout their municipal discourse is the manifestation of the imperialist civilising mission. They chose major towns especially the Presidency towns for making inroads through ‘improvement’ mission. This chapter discusses two forms of law: Municipal and traffic. It develops the idea of labour especially transport labour with the specific focus on rickshaw and Hackney. The chapter looks into the intersection of English laws dealing with Municipal law and traffic regulations. It deals with a specific form of transport labour the trajectory of which could be dotted across Southeast Asian regions. It begins with a brief discussion of introduction and the development of the transport system in the Presidency towns. The problem didn’t derive from diverse forms of transport. Regulating and ordering transport were the main concerns of the municipal government. I use the term ‘non-motorised’ with caution because the idea of motor or automobile surfaces during the last quarter of the nineteenth century.

This chapter investigates how the Colonial power used its colonies as laboratories for experimenting with its ideas and designs. The section also enquires about the challenges and debates which such ideas gave rise to. I also try to see how the elements of coloniality were combined with that of indigeneity. In doing so, the discussion involves questions which revolve around urban space, the municipal body, transport labour, race and class.

I am engaging with Hackney carriage acts, municipal laws, legislative files and secondary sources to build and develop my arguments for this chapter. Since this is mostly dealing with Hackney and the idea of municipal governance, the period covered

is from the mid-nineteenth century to the mid-twentieth century. However, most discussions are from the nineteenth century period. I intend to trace the origins of the ideas that were to be concretised by the end of the colonial rule. How much these ideas were of indigenous origin, and how much of them were borrowed from abroad?. It is for this reason that I have also dealt with kinds of literature and sources which have details regarding Southeast Asian countries and Europe.

### Evolution of Transportation Systems in the Presidency Towns

The inanimate wheel was not complete in itself. It drew its true meaning and momentum from its connection with animal and human bodies. Later on, its combination with automobile technology brought about significant changes which will be discussed in other chapters. The presence of informal means of conveyance forms the significant source of articulation of wheels across the streets of the cities. Although adequate attention has been paid to wheels in connection with powered machines, wheels in the context of animal and human pulled vehicles have been least recorded and documented. However, piecing together records and details from across wide spatial and temporal ranges gives the topic considerable momentum. The study of this sector, Hackney and rickshaw, calls for the analysis of inter-relationship of rural and urban space as urban at the core draws its formative labour from the peripheries. This inter-relationship of the rural and the urban would be addressed in another chapter. Amid urban growth during the colonial and post-colonial period, road space in particular and urban space, in general, emerged as contested areas.

The traditional means of transportation and communication were in operation even after the arrival of the British. There were mostly animal driven vehicles like bullock carts. Other animals like elephants, camels, donkeys, horses and mules were also employed for the conveyance of goods and people. The British also used the existing means of transport. The British, however, brought some regulations along with taxes and fines. The use of palanquin was widespread for which human labour was used. The porters, coolies and head loaders formed the carriage system. The palanquin bearers were generally from a particular caste. The palanquin carriers were of '*Kahar*' caste<sup>1</sup>. However, the practice of palanquin in towns and cities was carried by non *Kahar* castes

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<sup>1</sup> *The Report of The Advisory Committee on the Revision Of the Lists of Scheduled Castes and Scheduled Tribes* (Delhi: Government of India, 1965).

as well because the practice of caste-based occupations was not rigidly followed in towns and cities; cities as space came to be more about class-based occupation even though the people into such occupations were generally from lower socio-economic strata. The coaches of tongas which were noticed during the British period were something which was influenced by the British design and arrangement. For instance, in Bombay, these horse driven carriages came to be addressed as Victoria. The name Victoria was an element, the origin of which was not indigenous.

Putting hackney carriage at the centre of the discussion gives an idea of wherefrom and how the modality regarding regulatory framework was coming and evolving. The cycle rickshaw, though Asian in its origin came and developed from the West.

### Hackney

The Hackney coach is said to have been started during the seventeenth century.<sup>2</sup> There are some claims for the etymological origin of the term ‘hackney’. One claim is that the term ‘hackney’ has evolved from the French word ‘haquenee’ which means “ambling nag”.<sup>3</sup> Another claim is that of its etymological association with “haca isle” which, in the literal sense, means dry land in the marsh. One such place was there in London where ‘horses of particular variety’<sup>4</sup> were kept. When horse-drawn carriages appeared, they seemed to have upset sedan chair and wherry which were in operation.<sup>5</sup> The boatmen, regarded as watermen, took a critical stand against the hackney.<sup>6</sup> In brief, Hackney had begun to register phenomenal growth in London city. Around the fourth decade of the seventeenth century, they were said to be pestering and encumbering the streets of London. By the mid-seventeenth century, the ceiling was introduced.<sup>7</sup> As their numbers grew considerably and as the roads grew worse, the ubiquitous presence of Hackney by the nineteenth century is said to have caused serious irk. The first major legislation for

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<sup>2</sup>Fu-Chia Chen, *Cab Cultures in Victorian London: Horse-Drawn Cabs, Users and the City*, ca 1830-1914 (Ph.D, University of York, 2013)p.25.

<sup>3</sup>Ambling nag pertains to slow trot. see <http://www.dictionary.com/browse/hackney>

<sup>4</sup>Small saddle horses which were usually let for hire. See <http://www.dictionary.com/browse/hackney>

<sup>5</sup>Fu-Chia Chen, Op. Cit.,p.25.

<sup>6</sup>Edwin A. Pratt, *A History of Inland Transport and Communication in England* (London: Kegan Paul, Trench, Trbner & Co., Ltd, 1912) p.59. One such watermen was so influential that he managed to get control set on number and operation of horse-drawn hackney carriages. He also arranged one poem in which he took jibe at hackney cabs.

<sup>7</sup>Ibid.,p.61.



Hackney came around the mid-eighteenth century which marked the era of its regulation. By the second decade of the twentieth century, it underwent decline owing to the growing popularity of motors.<sup>8</sup>

The colonial power utilised all the resources for the consolidation and expansion of its foothold in its colonies. In the process of utilisation of these resources, it met several challenges which drove it to undertake measures of rationalisation by framing regulation. The presence of regulation gave it broader scope for the assertion of power in various fields including the sphere of transport and communication. It took control of all means of communication and transportation: boatmen<sup>9</sup>, palanquin bearers<sup>10</sup>, runners<sup>11</sup>, porters, coolies, bullock carts, horse driven carriages<sup>12</sup>, rickshaws<sup>13</sup> and other significant forms of transport. A common strand which underlies all these means of transportation is the process of regulation and control. Another line of strand pertains to suspicion, fear, mistrust towards people working in this transport network. This line of the strand was used as background for the introduction of elaborate regulation and contractual arrangements. In the case of Hackney, the conditions for grant of the license were registering details like name, father's name, place of abode, age, confirmation of sober habits and possession of knowledge of localities.<sup>14</sup> Corruptions practised by the hackney carriers, the fear of desertion in the middle of the river or road, for instance, pervaded the official discourse. Through regulation, the act of desertion was made punishable. Attention was hardly paid to external conditions like rough roads, dangers of severe weather, wild animals and water bodies.<sup>15</sup> Bodily conditions like fatigue, thirst, hunger,

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<sup>8</sup>Fu-Chia Chen, Op. Cit.

<sup>9</sup>Sinha, Op. Cit. pp.11-43. In this work, it has been shown that how the system of contract as one of regulatory frameworks subdued the various kinds of workers on the boat-space. The use of contract lessened the scope of resistance and bargain which boatmen had prior to contractual system. This system actually circumscribed the scope of freedom contrary to what the contractual system is known for besides reinforcing unfairness in terms of wages and compensatory relief for loss of time in delay and for operating in throes of harsh weather conditions.

<sup>10</sup> Calcutta Hackney Carriage Act 1919, Chapter VII, Section 61-64, Palanquin, p.56. In Bengal Act I of 1919.

<sup>11</sup>Joshi, Op. Cit., pp.169-189.

<sup>12</sup>Calcutta Hackney Carriage Act 1919, Chapter II, Sections 5-9 in In Bengal Act I of 1919.

<sup>13</sup>Ibid., Chapter VIII, Rickshaws-Sections 70 & 70A. In Bengal Act I of 1919.

<sup>14</sup>Calcutta Hackney Carriage Act,1919. Section 32-47, Bengal Act I of 1919.

<sup>15</sup>working during night time in those days (19th century) was not without danger. Mobility in darkness of night was difficult and dangerous.

and rest at intervals were not a part of the consideration. The colonial authority was still very concerned about the value of its own time, and it, therefore, adhered to the terms of the contract whereby it could ensure required speed from these modes of transport. Such inconsiderate adherence to speed<sup>16</sup> took tolls on the health of workers especially runners, porters and boatmen. Chitra Joshi in her research on “runners” and Nitin Sinha in his work on “boatmen” address these aspects with evidence drawn from travel diaries, official records and secondary sources. My research draws considerable direction from their insightful works. The speed, time<sup>17</sup>, space and weight, bodies of human, animal and transport were all kept within the loop of control.

The study of rickshaw shows that the processes of making and unmaking preceded the phase of re-making of a type of vehicle. Vehicles like rickshaws and hackney carriages were, in the very beginning, made to cater to the needs of well-to-do and royal members. In the 1820s the horse and carriage were imported from England for the well-to-do. By the 1860s there were two-wheeled Hackney carriages (gharries) for hire in addition to the ubiquitous Sedan chairs. High-class ladies also used the ride (a hammock strung on two poles which had a thick palm leaf cover thrown over it in which there were peepholes). Most people walked in Singapore until the introduction of the Jinrikisha that was imported from Japan via Shanghai in 1880. In India, the Hackney Carriage Act was passed in 1867.<sup>18</sup> With the coming of advanced technology, there arose competition on the road which went on for long. In the course of time, animal-drawn and human-driven vehicles lost to motorised vehicles and became second-class vehicles.

When we read the existing rules of hackney carriages in England, America or other places, and when we compare them with rules of Hackney Carriage in India, we find that these rules in India hardly differed from those in England and elsewhere. There was no

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<sup>16</sup>For instance, the runners were supposed to sustain a particular speed if they were to deliver the communication in time or else their remuneration was compromised as per the contract. Likewise, the boatmen were anxious to reach destination in time but journey via water route was often unpredictable for various reasons like bad weather, flood and wind patterns. The presence of contract sustained such anxiety. Any failure would be equated to non-compliance which was, in turn, likely to call for fine, punishment or cancellation of permission. The same sphere of fear existed for tonga drivers, palanquin bearers, rickshaw pullers etc.

<sup>17</sup>The proposal of introduction of watches for time keeping. See Chitra Joshi, ‘Dak Roads, Dak Runners, and the Reordering of Communication Networks’ *International Review of Social History*, 57 (2012) pp.180.

<sup>18</sup>Peter J Rimmer, *Rikisha to Rapid Transit: Urban Public Transport Systems and Policy in South Asia*. (Sydney: Pergamon Press, 1986) p.107

need to give any further thought regarding regulations for Hackney Carriage in India especially when much thought had already been given to it. There was simply a need for bringing all rules from one place to places where this mode of transport was introduced. Moreover, the rules were evolved after the long process, time and effort, it had covered most of the areas of the country. It was, therefore, applied to other modes of transport too in large measure. These regulatory frameworks, therefore, echo the same tune everywhere. With demands for modifications at local levels, the amendments were proposed and brought about. The regulatory body and the regulatory lines evolved so much so that it grew to be monumental to exert control on many in the occupation and also for those to enter such occupations.

What rules and regulations existed before the coming of rickshaw and cycle rickshaws? Here we come across numerous documents which deal with hackney carriage traffic. It is essential to go through these documents concerning proposals, bills and regulation because these form the background of the regulatory framework. Thus, it also aims to study the history of regulation. It thus tries to see whether the same regulations are used to cover other modes of transport and vehicles. The earliest document regarding India to have come to my notice dates as far back as 1878.<sup>19</sup> Although most of the papers and government records pertaining to hackney carriage deal with tongas and *ekkas*, it calls for close attention because the similar approach was adopted later to deal with rickshaws, tri-cycles, and cycle rickshaws. The study of Hackney carriage will take us through existing nuances which were later adopted to be applied for other kinds of vehicles like rickshaw and cycle rickshaw. These rules found acceptance across prominent places in British India.<sup>20</sup> The manner in which the proposed rules and regulations were debated and adopted calls for attention. Studying the manner would show how the methods of governmentality were evolving and finding resonance across various regions and sectors.

### Rickshaw Beyond India

The rickshaw appeared in Japan around the 1860s, spread to other regions like China, Hong Kong, Philippines, Vietnam, Myanmar, Malaysia, Singapore, Bangladesh, India and to some other regions of Asia and Africa. A few well researched historical and

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<sup>19</sup>Home, Municipalities, August 1878, Nos. 37-38. 'Proposed Bill for Hackney Carriage Traffic' (NAI)

<sup>20</sup>Ibid

sociological works have been conducted on rickshaw pullers of these regions. Rangoon has figured a lot for widespread rickshaw pulling. Rangoon also had a good number of Indian pullers. Following abolition campaign of rickshaw pulling in Rangoon during the mid-twentieth century, the matter assumed serious dimension which gave a serious jolt to Indian rickshaw pullers in Rangoon. They were faced with the uncertain livelihood. The issue called for the repatriation of Indian rickshaw pullers with an assurance of compensation and employment. The matter turned so serious that two countries got involved in regular communication to figure out the ways and means of dealing with this situation.<sup>21</sup> The manner in which rickshaw pullers' organised movement is seen across these regions is hardly seen anywhere else. The social history done around rickshaw and pullers of these regions familiarise us with multifaceted aspects of rent control, traffic regulation, poverty, inter-country politics, urban politics and questions of everyday life. In the case of India, doing the history of the rickshaw is a challenge for want of considerable source. In this case, there is a considerable scale of the data on rickshaw and pullers in China, Burma and Singapore. Singapore also has a large collection of oral traditions which throw a great deal of light on rickshaw and pullers. No matter, how varied these places are in terms of regional policies and approaches, the one thing which is common to a considerable extent is their poverty. Their daily confrontation with the state, dealing with passengers, owners of rickshaws, their daily jostling with other modes of transport on road space and their continuing uncertainty regarding subsistence, cloths, abode and other very necessities are some of the points which merit consideration. There is a body of literature on rickshaw pullers focus on toiling bodies and their role in urban life. So many occasions arose when there were strikes by them, so many occasions when they took out large processions, and on so many occasions many of them succumbed to the onslaught of the state. The narrative of rickshaw pullers' life outside India is something not very different from the Indian experience. The overall study of rickshaw pullers of these regions gives a picture in which it is not uneasy to notice how a large class of toiling poor was in the making.

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<sup>21</sup> Min. of External Affair (Overseas II), 1947, File No. 7-1/47-OS II (NAI)

### Transport Labour: The making of Non-factory Workers

Another aspect which underlies the current investigation is that a large mass of labouring poor whose locus of work was in non-factory settings. People working in the non-motorised sector accounted for a considerable size of non-factory workers. The role of non-factory workers in the making of the informal sector is an under-researched area so far. By focusing on this category of non-factory workers, this chapter also aims to trace sources beyond the transport sector because data under the head of the transport service is mostly about people in motorised sectors. The chapter aims to cover those who fall beyond the framework of organisation and management since they are highly dispersed and unaccounted. Writing a chronological history of them is difficult. Here an attempt would be made to narrate a social history of people from this quarter. The dispersive presence precludes them from assuming a certain shape which is often the precondition for the formation of co-operative agency necessary for voicing concern and grievance redressal. They could have remained outside the regulatory framework because of being dispersed, but regulation grasped this section of people within its grip. This dimension of grasping this section owes to the colonial agency. Colonial agency took it seriously to bring them within the fold of tight regulation for they perceived the danger which the imperial agency had experienced in its own land where a large number of such people were considered to be ‘dangerous’<sup>22</sup> for various reasons like foul language, fraud, crime, disorder, rebellion and the like.

Most works on transport labour have mainly highlighted two aspects: one of legal control and another, the sense of fear and suspicion towards the labouring class. Gareth Stedman Jones in his work has dwelt on collective fear towards the class of ‘casual labourers’<sup>23</sup> whose were spreading faster in London due to irregular and highly uncertain nature of employment during the 1860s, 70s and 80s. Proponents of liberal

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<sup>22</sup>Gareth Stedman Jones, *Outcast London* (New York: Pantheon Books, 1984). In this work, Gareth refers to class of casual labour. In similar work, he is referring to notion of danger which the upper class perceives in this class. Gareth Stedman takes critical view of this approach in this regard and emphasizes material conditions of the laboring class who are rather exposed to dangers.

<sup>23</sup>Uncertainty, temporariness and seasonality determined the jobs for a large number of people whose earning was barely enough for subsistence. Understanding this notion of casual labourer’ is crucial to study the idea of informal labour which is twentieth century phenomenon especially with Keith Hart who is said to have coined the term ‘informal’ 1960s. See Gareth Stedman Jones, *Outcast London: A Study in the Relationship between Classes in Victorian Society* (New York: Pantheon Books, 1984)

ideas, in answer to this problem, placed considerable stress on a system that would bring order among people of this class. This speaks a great deal about the reason behind the English society's fixation with controlling and rationalising the dreadful class of people. The expectation to improve the morality of working class through regulation and intervention speaks of deep-seated fear which perturbed people of upper and middle classes alike. Wherever and whenever they experienced the possibility of disorder, they at once considered making regulations to control that section.

I would like to bring one instance of 1874 when J.G. Cordey<sup>24</sup> brought this up for elaborate discussion and consideration for making legislation to control horse-driven carriages in Lahore. He drew authority's attention to ill-regulated conditions of hackney carriages in Lahore. He thereby referred to issues of mismanagement. He further took to the matters related to the incidence of over-charging, rickety state of carriages, rotten harness, unsound horses, and employment of boys who were said to be unskilled and therefore unsafe. According to him, these all accounted for nuisance and annoyance for the general public. It would not be unfair to infer that such patterns, where usage of such language and description of the situation, were the carryover from their own home experience. Gareth's study of London, which covers similar time periods that is the 1860s, 70s and 80s, throws light on the aspect of fear and the peculiar habits of people who were from the quarters of casual labourers. Given this background for regulation and the class factor, I would like to investigate how far class turned out to be a significant determinant of regulation and nature thereof.

The human body was also subjected to the regulation. The examination of their health, age and behaviour were undertaken prior to the grant of license. Under the pretext of dealing with nuisance especially public nuisance and for ascertaining the orderly and respectable conduct of owners and drivers,<sup>25</sup> checking the history of drivers' behaviour was necessary. The Minimum age was set to be 18.<sup>26</sup> Likewise animal body was also put to test. In this case, cruelty to the animal in any form was to be avoided. His body, in the name of enforcement of such rules, was subject to inspection and examination by

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<sup>24</sup> Officiating Secretary to the Government of Punjab. He wrote this in his correspondence with the Secretary to the Government of India. See Home, Municipalities, June 1878, Nos. 28-31 (NAI)

<sup>25</sup> Legislative, (Legislative), September, 1879, Nos. 65 to 103 (NAI)

<sup>26</sup> Ibid., Also see Home, Revenue & Agricultural (Municipalities,) July 1881, Nos.1-3 ( NAI)

competent authority as guided by the rule. The drivers or pullers were expected wear metal badge provided by the competent body. The badge would be punched with a number corresponding with the license number of respective puller and driver.<sup>27</sup> The worn badge was required to be visible. Failure to wear badge caused penalty. The fitness of the driver or puller was necessary to obtain the license. In some cases, it was required to possess a fitness certificate signed and given by the Medical officer –in- Charge.<sup>28</sup> In the same manner, the animal body was the area of tension between the drivers and the authority. The required age for a horse to be employed was three years, and necessary height of the horse had to be 13 hands. Also, it had to be healthy enough to be employable.<sup>29</sup> The debate on the act of Cruelty to animal brought a new dimension to it because it called for the further tightening of the noose of regulation to ensure that animals are not subjected to cruelty even when used for the carriage of people and goods. Overloading was impermissible. In case the horse or any animal was found to be suffering from incurable disease, the Magistrate was empowered to issue an order for the destruction of that animal.<sup>30</sup> The goods carried were also checked with due attention to ensure that no objectionable articles were to be found in the vehicles. The fitness of the horses was to be checked by the members and the secretary of the Committee. In fact, the quality of horses and the carriage determined as to what class of license was to be granted given the seating capacity and the number of horses. The license fee would vary accordingly with the class of vehicle.<sup>31</sup>

Terms like rickety, rotten aged and dilapidated conditions of harnesses recur in old records. Possibilities of serious accidents owing to the running of ill-kept harnesses were brought to light. Pre-occupation of the colonial administrators with fear of contagious diseases speaks volume about their own experience in their own country where such vehicles were viewed with great suspicion on account of fear of infection. Sick people used to take the service of hackney coaches. The occurrence of contagious diseases and death therefrom had become so common, that any site of disease would spell horror. The

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<sup>27</sup>Home (Judicial), June 1879, Nos. 50-60 (NAI). It is important to note that the same rule was applicable elsewhere as well. Moreover, the same rule was extended to rickshaw pullers too.

<sup>28</sup>Agency Secretariat (Branch), Year 1942, File No.A/5-78 (NAI)

<sup>29</sup>Home, Revenue & Agricultural (Municipalities,) July 1881, Nos.1-3 (NAI)

<sup>30</sup>Home (Judicial), June 1879, Nos. 50-60 (NAI)

<sup>31</sup>Legislative, (Legislative), September, 1879, Nos. 65-103 (NAI)



Hackney coaches had come to be associated with the site of sickness and illness. They carried similar fear to places where they went. It is for this reason that they laid great emphasis on mandatory disinfection<sup>32</sup> of vehicles in case the vehicles were used for carrying of dead or sick persons. Failing to adhere to such regulatory directives on the part of drivers meant severe punishment. The carriage bodies were expected to maintain fitness and necessary features like the fitting of light and bell on suitable places of the carriage. In case light is not there, time regimentation was brought into play by fixing the timing of plying, that is, plying was to stop with the sunset.<sup>33</sup> Likewise, attention was paid to speed whereby minimum speed set was six miles per hour.<sup>34</sup> Reckless plying was due to attract penalty. The maximum number of passengers and maximum weight were ascertained in accordance with the type of carriers.<sup>35</sup>

### **Governing Urban Space: The Municipal Acts**

The municipal body was not strong enough to regulate the sector until the need to regulation arose in order to avoid certain nuisances resulting from overloading, cruelty to the animal, over-charging, drunken drivers, rickety carriage, galled horses, and the like. The year, when the need to have the special power to frame bye-laws to address the concerns mentioned above arose, was around 1878.<sup>36</sup>

The need for the conveyance was also acknowledged especially with the increase in the number of the European population,<sup>37</sup> and therefore the need for vehicles was also felt. Horses-driven carriages formed an important means of transport, and there it attracted due attention. The need for conveyance was greater around railway stations, especially large railway stations.<sup>38</sup> In the same view, the comfort of the public was underscored.

How the idea of ‘nuisance’ was used as a pretext could be understood from the larger framework of Municipal rules. The notion of ‘nuisance’ is one of many remarkable

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<sup>32</sup>Legislative (Unofficial), Nos. 260/1911. Failure to disinfect vehicles after it used for the person, dead or alive, suffering from contagious disease attracted punishment.

<sup>33</sup>During moonlight, ekkas were permitted to ply. See. Legislative, (Legislative), September, 1879, Nos. 65-103 (NAI)

<sup>34</sup>Home, Revenue & Agricultural (Municipalities,) July 1881, Nos.1-3 (NAI)

<sup>35</sup>Ibid.

<sup>36</sup>Proposed Law for regulating Hackney Carriage Traffic in Lahore and Elsewhere. Home, Municipalities, June 1878, Nos. 28-31 (NAI)

<sup>37</sup>Ibid.

<sup>38</sup>Ibid.



instances which were used to invoke the need to regulate. It was acknowledged that there was nothing which could have been done towards such carriage and the drivers as long as they were carrying this occupation for the livelihood. But the administration felt it necessary to take steps in order to exact fees and regulate this occupation which eventually led to serious consideration in this direction.

By emphasising the need to avoid nuisance and need for the greater comfort of the public, the idea was to set in the regime of penalty upon failing drivers or owners of the carriages. It also demanded punishment for dangerous and unskilled driving. Since the animal body was engaged in this class of vehicles hence, it called for consideration attention towards the cruelty to employed animals and regulations thereto. Such development needs to be seen as a factor which accounted for the widening scope for administration to control.

The foundation of the urban structure must be put to the critical test so that the far-reaching impact it left on various aspects on urban life may be understood at greater length. Colonialism aimed to achieve control using such structures. The principle on which the idea of the municipal body was based determined urban characteristics in considerable measure. The study of Singapore's Rickshaw pullers by James F. Warren<sup>39</sup> throws light on this structure in abundance even though his specific focus is on people's history. The apathy of civic bodies towards the poor living conditions of rickshaw pullers, who had a significant role in the socio-economic life of Singapore city, compounded their suffering. His study asks a very pertinent question. Did the idea of improvement better the lifestyle of people or it was merely an instrument of control? This study covering six decades of Singapore from 1880 to 1940 brings to fore a large body of evidence to show serious problems with the features of colonial urbanisation. Despite the death of many rickshaw pullers which was due in large measure to poor housing, health and civic conditions, the municipal or civic agencies did not budge to undertake measures to mitigate the severity of the issues, let alone adequate relief. It is for this reason that he refers to the term "colonial administrative heart".<sup>40</sup> Drawing on

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<sup>39</sup>James Francis Warren, *Rickshaw Coolie: A People's History of Singapore(1880-1940)* (Oxford & New York: Oxford University Press, 1986)

<sup>40</sup>*Ibid.*, p. 316. Also see his research article, 'The Singapore Rickshaw Pullers: The Social organization of a Coolie Occupation, 1880-1940', in *Journal of Southeast Asian Studies*, Vol.16. No.1. (March,1985),p.1.

his study, the present research takes particular care to sharpen the focus on the history of the poor who laboured in urban space under conditions which were, to a large extent, attributable to European economic ideas of town planning. The class of people who laboured and provided several services to commoners as well as urban elites were subjected to the process of stereotyping. The author has drawn a lot of details from gleaned out historical records to demonstrate how language, region and clan mattered for getting work and surviving in the city of Singapore. These factors played the crucial role in the social organisation of the poor's lives. By doing the history of the ordinary people whose accounts would have otherwise been lost, he has opened a scope for a different genre of history which revolves around the lives of the large mass of labouring poor. It is thus not that the 'underside'<sup>41</sup> cannot be understood by the wider focus on 'overside' but also vice versa which is well reflected in Warren's approach.

The British, away from their indigenous loci, were concerned with adapting to the environs of colonies. Given the schemes, they had generally consisted of two choices—finding suitable places or transforming the places to render them suitable. Under the category of the first choice, hill stations came to occupy their mind. The second was that of the transformation of place. Even the first category had to undergo a transformation. The design of transformation had race and class-based connotations which reflected in the segregation of spaces in line with conscious design. For the purpose of transformation as well as governance of colony, they needed 'an organised administrative framework'.<sup>42</sup> The governance through Municipal bodies catered to this need of the English scheme which is evident throughout the nineteenth and the second quarter of the twentieth century. Pamela Kanwar has brought this out through her study of Simla's colonial past. Her approach exposes the colonial administrators' underlying plan towards the change of urban character. On the one hand, the ruling class availed of the services of people from the labouring class like coolies, rickshaw pullers, porters and so on, they, on the other hand, also ensured that population of this quarter could not become part of the spaces they had earmarked for themselves. Although people from this class did not pose any overt threat to the order, the presence of labouring class on the

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<sup>41</sup>Ibid. He refers to both the terms as a matter of approach which is useful in many ways.

<sup>42</sup>Pamela Kanwar, 'The Changing Profile of the Summer Capital of British India: Simla 1864-1947', in *Modern Asian Studies*, Vol.18, No.2 (1984), pp. 215-236.

landscape seemed to threaten the aesthetic sense of order which is reflected in their clear plan to keep Indians especially from the poorer section out of the loop. The labouring class, therefore, were to be found hinged upon the peripheral layers of the town. The Pamela Kanwar's work on Simla draws our attention to this aspect. Pamela also shows how such changes were reflected in the constitution and functioning of Simla's municipal committee.

It is for this reason that I have underscored the study of municipal in order to understand the law, urban affairs, transport, road-street space and transport labour. These all variables invariably fall in the scheme for they provide very crucial linkages to understand each other. There is no way these inter-linkages could be compromised with if true and broader understanding of 'informal transport' is aimed at. I emphasise the notion of 'improvement' which ran in the course of town planning in order to show implicitly biased interests. Pamela, whose study cover till 1947, mentioned towards the end with the debate surrounding Improvement trust which eventually languished. This idea of 'improvement' is ubiquitous throughout colonial discourse which is related to civilising the non-European colonies. At the deeper level, this was a reflection of their pre-occupation with the idea of sanitisation. One instance is worth citing which was reported in Simla in 1935 when local health authorities subjected 2700 rickshaw coolies to the cleansing of their bodies and clothes. Coolies resisted a lot. The report goes as follows:

Early every morning, 50 coolies are asked to assemble at a place below Cart Road. Each is given a cake of disinfecting soap, and his garments in the meantime are placed in a separate disinfecting chamber. Wrapped in a blanket, he enters at the end of the bath, and emerges at the other looking much healthier and lots cleaner. In this way, the Simla is being given a brigade of cleaner and healthier coolies. In the evenings, educational health films are shown to large groups interested coolies.<sup>43</sup>

#### State Control: Municipal and Hackney

The capacity of the state to appropriate anything from big to small under the pretext of maintenance of order is well articulated by David Arnold. The state's regular engagement with legislation and regulation is suggestive of this very tendency. The making and developing of wider frameworks for keeping everything within its grasp is what becomes evident in the case of Hackney carriage regulation as well. The rules were made so extensive that it genuinely epitomised controlling apparatus. Was the scope of

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<sup>43</sup>The Times of India, 1935, 4 September.

freedom on streets thinkable in the light of the fact that regulations were so extensive? Such a question is helpful in perspectivising the broad nature of regulation and ‘daily urban life of common people’.<sup>44</sup> To put it this way, it was the gaze of the state in the garb of extensive rules. ‘For people who made their living on the street, in particular, more regulation meant more difficulties in securing their livelihood.’<sup>45</sup> The state’s fixation with defining and re-defining of everyday situations often and for most of the part give meanings which justify state’s intervention. The idea of town ‘improvement’ which has figured throughout municipal discourse and this speaks of the configuration of context for intervention. For instance, ‘the apparent chaos of the street became a metaphor for what many outsiders saw as the disorder of Indian society itself.’<sup>46</sup> David Arnold has shown how investigating the far, wide and deeper connections, which small things like the bicycle, sewing machine or rickshaw for that matter have with people, space, time and the state, can take us into realms where there is constant tension, negotiation, resolution and adjustment. David Arnold cites one fascinating example of polarities between tradition and modernity which appear irreconcilable on the surface and he further, with empirical examples, breaks this polarity. David Arnold referred to co-existence of ox-carts, tongas and other older modes of transport alongside automobile transports even though there was an apparent decline in the number of older modes of transport. By referring to the possibility of this co-existence, he shows that ‘the modern machine did not enjoy an easy triumph’<sup>47</sup> and there often lay scope for the existence of old with the new due to constant variability of time and speed within the same space at any given time. The idea of speed in the context of time and space appeared to be more and more important. He gave the example of palanquin which continued to be seen in Calcutta till the 1920s despite a sharp decline in numbers: six hundred in 1880s to two in 1928. Likewise, he cited instances of tongas, hand-pulled rickshaw, cycle rickshaws. Interestingly, it is difficult to see these connections on the surface. It calls for the deeper probe. In a similar vein, probing Hackney rules and Municipal bodies’ rules enrich our understanding of such underlying areas where questions of labour, law, property, class,

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<sup>44</sup>Di Wang, ‘Street Culture: Public Space and Urban Commoners in Late-Qing Chendu’, in *Modern China*, Vol.24, No.1 (Jan.,1988) p.36.

<sup>45</sup>*Ibid.*, p.61.

<sup>46</sup>David Arnold, *Everyday Technology: Machines and the Making of India’s Modernity* (Chicago & London: The University of Chicago Press, 2013) p.161.

<sup>47</sup>*Ibid.*, p.8 and p.9.

race, space, time, traditions, modernity and the like arise. Addressing these questions provide us with a helpful framework to understand tonga drivers, palanquin bearers, rickshaw pullers and several other categories of workers in this class.

The very idea of registration, assignment of unique numbers, granting of licenses after the officer is satisfied, setting terms of validity, enumeration of these vehicles, periodic inspections and the like need to be viewed as the formation of the background of governmentality. Even the efforts towards defining these vehicles must be treated in the same manner to see how the notion of governmentality, the model of which is colonial, was assuming greater forms. The definition allowed the governing body to contain the modification which would often come as a result of an aesthetic, aspirational and cultural drive. For instance, it would not be uncommon to notice decorative elements being added to such vehicles but the even small change like that was sufficient to draw the notice of the administrative agencies even though these came to be accepted over a period of time. Thus the very idea of defining things and putting the noose of the law around those things or activities were gradually becoming trends intended to control, and the purpose was to ensure revenue through exaction of taxes from them.

It was always a matter of great concern for the colonial administration to deal with the fear of resistance. Based on the understanding of Bernard Cohn about the introduction of English law in the colony, we can see the problems of the imposition of the intended legal regime.<sup>48</sup> Protests and resistances were common following the introduction of a particular act. It is for this reason that the British administrators took great care and resorted to a thorough understanding of customary laws and rules based on ancient texts and tradition before they did engage in actual governance. During second half of eighteenth century, Warren Hastings and William Jones, instead of going by assumptions that India has always been under despotic rule, laid due stress on thorough understanding of indigenous customary laws and traditions including indigenous tradition of governance so that the scope for legal plurality could not be dismissed in the interest of long rule.<sup>49</sup> In the light of this common understanding, the question arises whether a similar approach was adopted in the case of Hackney related laws in the case of India.

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<sup>48</sup>Bernard S. Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (New Jersey: Princeton University Press, 1996)

<sup>49</sup>*Ibid.*, p.57.

The body of evidence which I have collected regarding Hackney carriage Acts and bills, there is no such adoption. However, care had been taken by bringing in the Act at one place at a time and the same Act at another place at the different time so that implementation could be possible without fear of major resistance. The law, therefore, needs to be viewed as an essential instrument for the colonisers to make intervention and intrusion in everyday life of the colonised subjects.

Hackney related matters usually begin from the second half of the nineteenth century by which time the British had gained the strong foothold. Considerably detailed communication in the forms of regular correspondence regarding the legislative procedure for Hackney Carriage Act leads to the rise of the vast body of evidence which shows the history of prolonged engagement and deliberation. In the course of my search for documents on Hackney carriage Acts and bills in India and other Asian countries, I have managed to collect ten Hackney carriage related archival materials. The earliest one is that of Hackney Carriage Act Lahore and else where 1878, and the latest one is that of Calcutta Hackney Carriage Act of 1919. Remaining eight belong to Secunderabad, Bolarum, Madras, Hyderabad, Umbala, Rangoon, Delhi, Ferozpur, Rawalpindi Cantonments. Thus these Hackney related documents, therefore, cover about four decades which is long enough to understand the overall beginning and expansion of Hackney Carriage regulation. Its expansion, later on during the 1930s and 40s, also covered rickshaws and other informal means of transport.

Understanding Hackney and regulation thereof is of great significance in order to see how regulation of an informal class of vehicles evolved. Although the period for the current research begins from the 1940s, I have found it important to include the study of Hackney Carriage Act which dates as far back as second half of 19th century. Besides the development of Hackney rules, understanding of the Municipal body is important in equal measure because it was the Municipal body which was at the immediate helm of affair regarding governance and management of town space. Studying Hackney rule in conjunction with the Municipal body also leads us into the aspect of 'larger framework of the imperialist state which brought its own laws into colonies and carefully

experimented with its application’<sup>50</sup> in a piecemeal manner so that no scope of resistance and disorder could arise. In regard to hackney carriage rule, its approach could be considered piecemeal because it went region by region at the differential time albeit it covered almost most of the regions within the span of about fifty years in India beginning from the second half of the nineteenth century. The crucial instruments of law were elaborate legislation, which involved elements like licensing, provision of prosecution, conviction, punishment, inspection, among other things. These instruments of law, by forming intangible layers of intrusion, laid the basis for subordination. Going by the understanding of Wolfgang J. Mommsen, the imperial rule seemed to have attained a ‘unified rational legal system’<sup>51</sup> in the case of Hackney carriage rule. Governing town affair consisted of varied roles which ranged from the conservancy, looking after improvement of roads, streets, drainage, health services, sanitary works among other several activities. Since Hackney carriages implied usage of street and road space, it came straight under the gaze of the Municipal body. The municipal body was also in making which roughly coincides with the making and evolution of Hackney frameworks during the second half of 19th century. A brief engagement with the general history of the Municipal body in India would throw light on complexities which existed and exist to the date between municipal agencies and the class of people belonging to tonga drivers and owners, palanquin bearers, *thela* carts, rickshaw pullers and owners. For instance, when ‘*thelas*’<sup>52</sup> were found to have caused a considerable damage to the road of Delhi in the beginning of the 20th century’,<sup>53</sup> it became a concerning issue for the Municipal body. Since Calcutta was where the colonial rule was reining in from, we refer to Calcutta for evidence of making and growth of Municipality in India in general. It is very interesting that the beginning and evolution of municipality was fraught with many issues. The Lack of European members’ interest in the improvement of colonial

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<sup>50</sup>Wolfgang .J Mommsen and J.A. DE Moor, (Eds.) *European Expansion and Law: The Encounter of European and Indigenous Law in 19th Century and 20th Century Africa and Asia* (Oxford: Berg, 1992). See introduction.

<sup>51</sup>Ibid. See introduction.

<sup>52</sup>It is four-wheeled carts used mainly vendors for the cartage of vegetables.

<sup>53</sup>Narayani Gupta, *Delhi Between Two Empires 1803-1931: Society, Government and Urban Growth* (New Delhi: Oxford University Press,1981). P.168.



space, the constitution of its governing body, and ‘funding’<sup>54</sup> remained major issues throughout the 19th century.<sup>55</sup> The following excerpt will show how the conception of bills and amendments regarding Municipal body during the last quarter of the 19th century had broader implication for the entire country.

The bill, if passed into the law, will virtually extinguish Local Self-Government in Calcutta, and will Municipal affairs under the control of a particularly irresponsible executive. It will, besides, very largely interfere with private liberties of residents of the town, reduce their comforts, add to their vexations, make life costly, affect rights of property; and may even drive out of town those respectable men of moderate means who may be described as the poorer middle-class. The Bill has, therefore, caused, intense and widespread alarm in the town...The Bill is not a thing of merely local interest or importance. Directly, of course, that is in its immediate bearings, the Bill purports to affect the people of Calcutta alone. But the principle, on which it is based if once recognised as valid, may be extended to any other part of the country.<sup>56</sup>

The earliest Act that deals with a Municipal matter is XII of 1837. No Municipal act had yet come into existence, nor did this Act create any. Commissioners appear to have been first appointed under the Act XVI of 1847 for the improvement of the Town Calcutta. After this, the Act which is indicative of noticeable progress is Act X of 1852 because four Commissioners were appointed by the Lieutenant-Governor of Bengal for the improvement of the Town of Calcutta. Following this, more Acts were brought into the series. However, Act XIV of 1856 for conservancy and improvement of the Towns of Calcutta, Madras and Bombay and Act XXV of 1856 for the assessment and collection of Municipal rates and taxes in these three towns were known for these new elements...The procedure of appointment and the manner in which the control was exercised was a pointer to the strengthening of a centralised system which ran contrary to the principle of local self-government.<sup>57</sup> Reading the excerpt provided below is evidence of the observation.

It will be observed that the system of municipal administration in Calcutta under these Acts was official, or at any rate centralised. The Municipal Commissioners were not necessarily, but they might be and often were, servants of Government. They were

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<sup>54</sup> The funds of the Corporation were derived entirely from the rates and taxes, and no grant was made either by The Government or any commercial or trading body for the purpose of municipal administration. See N. N. Ghose, *The Proposed Municipal Law for Calcutta: A History and A Criticism* (Calcutta: Sen Press, 1898). It is 19 pages long pamphlet.p15.

<sup>55</sup> N. N. Ghose, *The Proposed Municipal Law for Calcutta: A History and A Criticism* (Calcutta: Sen Press, 1898). It is 19 pages long pamphlet.

<sup>56</sup> *Ibid.*, 1-2.

<sup>57</sup> *Ibid.*



certainly appointed by Government and were responsible to it...Under the Act 1868, the appointment of Justices of Peace by Lieutenant-Governor. This official, centralised administration proved a failure. The failure reflected in the poor sanitary condition of the town.<sup>58</sup> The failure can also be attributed to the apathy of the Justices appointed who, being businessmen, were more interested in their business affairs rather than management of town-related affairs.

The idea of Municipal body had a lot to do with the pre-occupation of the Colonial administration with sanitation, disease and death which they had experienced in their homeland. Such experience accompanied them to wherever they went. Throughout the history of Hackney Carriage rules, from the nineteenth century onwards and in fact to the date in many cases, the fixation with fear of disease and death there from remained ingrained in the policy and bill making. It could be well maintained in the light of the fact that all tongas, palanquins and later on during the twentieth-century rickshaws were all to adhere to rule regarding avoidance of carriage of sick persons and dead bodies. Moreover, the great emphasis was laid on the disinfection of carriage bodies in case these were ever used for transport of person suffering from contagious diseases and dead bodies. Breach of the rule in this regard invariably attracted penalty. The most crucial context which results from this pre-occupation and measures to deal with it is that of the building of context or rather say pretext for developing and institutionalising of the control mechanism. The other impact which such replicated measure left was that of Europeanisation of administrative mechanism based on standardisation along the lines of their home-based models of apparatuses along with the biased recruitment. For example, 'the trading and mercantile interest of the town was to be represented by European bodies whose nominees to the Corporation have the same ideas, opinions and prejudices as the nominees of the Government are likely to have.'<sup>59</sup>

Matter of sanitation would surface especially when such conditions were likely to affect the European population in the town. For example,

In 1884, a section of European inhabitants of the town made a complaint to the Government of Bengal regarding the sanitation of Calcutta and conducted an agitation against the Corporation in the press and on the platform. It was alleged that the sanitation of the town had been neglected and that the Corporation had failed in its duty. On receipt of the complaint, the Government of Bengal appointed, under Section 28 of Act IV of

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<sup>58</sup>Ibid., p.6

<sup>59</sup>Ibid., pp.14-15.

1876, a Commission “to inquire into certain matters connected with the sanitation of the Town of Calcutta.”<sup>60</sup>

Similarly, those parts of Towns where the native population lived received the least attention whereas the parts where Europeans inhabited got scrupulous attention.<sup>61</sup> In carrying forward this discussion on the bias, a straight instance related to Hackney rule requirement in case of Lahore is worth placing:

The state of hackney carriages plying for hire within the limits of Lahore Municipality has long been a standing complaint, and I think the time has now come that active measures should be adopted towards remedying an evil that is so notorious. To a certain extent, the nuisance of bad carriages and galled horses can be abated by bringing up offenders and punishing them under the Police Act; but it is desirable this whole question should be put up on such a footing that any repetition of the really disgraceful scenes of overloading, of cruelty to animals in the employment of ponies quite unfit for traffic, of annoyance to the public by the exhibition of unsafe rickety and unsavoury vehicles, may be finally put a stop to...<sup>62</sup>

The Govt. Advocate, drew attention to a couple of things: necessity of decent vehicles and good horses; setting of rates of hire should be fixed on some intelligible basis, instead of being left, as they now are, to the whims and fancies of the coachmen; the comfort of the public and the interest of the carriage owners. The Advocate of Government then drew to the fact that under the existing law, the Municipal Committee was not able to undertake any of these duties. He thereby pointed to the urgent need for amendment of Act IV of 1873 or the passing of a short Act with the permission of the Lieutenant-Governor so that the committee might be empowered to frame right and proper rules for the control of hackney carriages within Municipal limits. He further added two points to strengthen the demand for above-stated necessity; one was the fact related to constantly increasing European population and the corresponding rise in demand for mobility. The second was an unsatisfactory state of affairs due to the class of vehicles and cattle which were perambulating the streets.<sup>63</sup>

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<sup>60</sup>Ibid., P.9 and 10.

<sup>61</sup>Ibid.,page 17

<sup>62</sup>Deputy Commissioner (Major A.Harcourt) Lahore to Commissioner and Superintendent, Dated 25th February 1878. Lahore Division. See Home, Municipalities, June 1878, Nos. 28-31 (N.A.I)

<sup>63</sup>Advice given by Advocate of Government to Secretary to Government. No.1495 of 25th Feb., 1875. See Home, Municipalities, June 1878, Nos. 28-31 (NAI)

The Notion of Validity and Time: Mechanism of Control and Subordination

The validity of the license was not permanent. The validity would last for a year, and upon expiry, renewal would have to be done. Such measure maintained a degree of uncertainty among drivers and owners of such vehicles who were made to think in terms of time. On the matter of fare and rate, the anomaly which existed was with respect to the fixing of fare by time. I draw on Somdatta Chakraborty's work which exposes the difficulty of knowing the time especially when the watch must not have been affordable possession among palanquin bearers and tonga drivers. The initiation of time by watch amounted to challenging the indigenous sense of time. The watch-determined time appeared very deceptive to the indigenous especially bearers and drivers.<sup>64</sup> During the 19th century, there were various indigenous modes of transport. Notable among them were horse-driven tongas, *ekkas*, palanquin bearers which were common in towns. The carriage drivers were to the state a merely people of the periphery, migrants.<sup>65</sup>

The very idea of registration, assignment of unique numbers, granting of licenses after the officer is satisfied, setting terms of validity, enumeration of these vehicles, periodic inspections and the like need to be viewed as the formation of the background of governmentality. Even the efforts towards defining these vehicles must be treated in the same manner to see how the notion of governmentality, the model of which is colonial, was assuming greater forms. For instance, it would not be uncommon to notice decorative elements added to such vehicles but an even small change like that was sufficient to draw the notice of the administrative agencies even though these came to be accepted over a period of time. Nevertheless, the presence of clear definition was sufficient to disallow such modification in the small or large measure because such modifications were very likely to be treated as defiance of the standard set by means of definitions. Thus the very idea of defining things and putting the noose of the law around those things or activities were gradually becoming trends intended to control, and the purpose was to ensure revenue through the exaction of taxes from them. The validity of the license was not permanent. The validity would last for a year, and upon expiry, renewal would have to be done. Such measure maintained a degree of uncertainty among

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<sup>64</sup>Chakraborty, Op. Cit., P.14. Many bearers were said to have left and migrated elsewhere as a result of regulation of fare by time. Source: [http://www.mcrge.ac.in/Rural\\_Migrants/Ford\\_Final\\_Report.pdf](http://www.mcrge.ac.in/Rural_Migrants/Ford_Final_Report.pdf)

<sup>65</sup>Chakraborty, Op. Cit.,

drivers and owners of such vehicles who were made to think in terms of time. It was difficult to escape the maze of bureaucratic demands. The governmentality was taken to another level when the agencies prescribed punitive measures for the non-compliance with the rules laid which ranged from imprisonment to imposition of penalty. Later, other measures like the seizure of property and auction thereof also became common. Nowadays, the administrative personnel also tend to impound the vehicles. The fear of cancellation or suspension of license was ushering. Any act in this regard would give a fair idea of governmentality which was evolving over time.<sup>66</sup> It is not that regulations did not exist before the coming of the British. However, the elaborate and systematic engagement which was seen under the colonial regime speaks for itself. For instance, there came to be noticed many sections and subsection for various kind of operations, defiance, negligence and defiance. This emphasis on regulatory framework was giving rise to the demand for more personnel who would be engaged for the purposes. It was thus giving rise to the structure of regulator and the regulated. In case of these vehicles and people occupied in employment through such vehicles, a distinct class emerged which need to be seen as the beginning and growth of the informal sector. This class was to chart out space for itself in the city. And that space was to assume its own peculiarities relative to its class of people and employment. In the name of sanitisation, the rules were framed. This was also used to regulate the sector.<sup>67</sup>

It was difficult to escape the maze of bureaucratic demands. The governmentality was taken to another level when the agencies prescribed punitive measures for the non-compliance with the laid down rules which ranged from imprisonment to imposition of penalty. Other punitive measures like seizure, auction and impounding of vehicles were evolving. The fear of cancellation or suspension of license also accompanied. Any act in this regard gives a fair idea of governmentality which was evolving over time.<sup>68</sup> It is not that regulations did not exist before the coming of the British. However, the elaborate and systematic engagement which was seen under the colonial regime speaks for itself. For instance, there came to be noticed many sections and subsection for various kind of operations, defiance, negligence and defiance. This emphasis on regulatory framework

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<sup>66</sup>See for instance, The Calcutta Hackney Carriage Act 1919. And see Chapter VIII of the Act for regulatory details on rickshaws.

<sup>67</sup>Ibid., Act I. (Chapter xi-Miscellaneous-Section 80-84).

<sup>68</sup>Ibid., see Chapter VIII of the Act for regulatory details on rickshaws.

necessitated the engagement of more personnel for the purposes of supervision, inspection and enforcement. It thus gave rise to the structure of the regulator and the regulated.

Even within this class of vehicles, there were classes to be determined in case of the Hackney carriage where class one, two or three came to be identified on the basis of kinds and sizes of the carriages. The rate also varied according to classes. By and large, these vehicles formed a distinct picture, and that was of non-engine. Thus it was largely about the involvement of animal and manual labour employed for the purpose of conveyance of passengers and goods.

The regulation of this class of vehicles was not without its contextual link with the urban space and issues. In other words, it had a great deal to do with the idea of governing urban space. Thus it has to do with the history of urban governance and urban affairs. Such insights have been acquired through the reading of primary documents and records. The stage comes when we get to notice multiplicity of actors coming to the rescue of the sectors. Going by the details and events of the records, it thus becomes apparent that each existing policy could be said to have evolved from a prototype which could, for the most part, be traced in the colonial period starting from the 19th century and if probed further back, the elements of such prototypes could be said to have come from across the country's territory.

#### Asian Phenomenon, European Law: Making of Hackney Carriage Acts in India

The background was laid before bringing these vehicles within the framework of Hackney Carriage Law. It was maintained that there prevailed chaos and disorder because of the absence of regulation. The need was felt to make such rules throughout British India.<sup>69</sup> The increasing European population's need for mobility was to be addressed. The poor condition of coaches, poor health of horses, cruelty to animals, ignorance of the drivers regarding knowledge of places, roads and streets of the cities, nuisance due to uncertain fare charges were cited as the ground for the consideration of regulation.<sup>70</sup>

The want of a law to regulate hackney-carriages in towns and cantonments in the interior of India has long been felt and has lately been pressed upon the notice of the

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<sup>69</sup>Legislative, (Legislative), September, 1879, Nos. 65-103 (NAI)

<sup>70</sup>Ibid.

Government of India by the Lieutenant-Governor of the Panjab and His Excellency the Commander-in-Chief.

2. The present Bill has been prepared to supply this want in the case of municipalities in those parts of India which have not local Legislatures, and in all cantonments, whether in British India or the Native States.

3. It gives power to the Municipal Committee, in case of a municipality and to the Local Government, in case of a cantonment, to make rules (subject, in former case, to the sanction of the Local Government, and in the latter, to that of Governor-General in Council) to ensure that carriages offered for hire, and animals and harness used with them, shall be in proper condition; that fit persons shall be employed as drivers; that the fares charged shall be reasonable, and that carriages shall not be over-laden.

4. It further provides that breach of these rules shall be punishable with fine which may extend to fifty rupees and that disputes between the hirer and owner of a carriage, as to the amount of fare, shall be determinable by a Magistrate.<sup>71</sup>

It was, however, outside jurisdiction of Municipal authority to regulate because of the absence of comprehensive provisions which rendered the local bodies clueless. Any step on the part of local bodies in the direction of regulation of such class of vehicles was considered to be illegal for want of elaborate rules and provisions. It was soon going to change since seriousness was at conclusive phase. The process was set in. And the framed and supported took formal shape and thus became enforceable.<sup>72</sup> Soon after, the colonial rule began to take advantage by means of framed regulation in terms of overcoming the danger of disturbance from this quarter. The present study views commencement of licensing policy as a form of contract replete with conditions. Licensing rendered it mandatory to possess a license for carrying on occupation which amounted to an acceptance of comprehensive terms laid out in rule book of laws and bye-laws. The incidence of trial and penalty in the event of failure to comply with rules must have resulted in enhanced consciousness of regulations which need to be seen how the colonial agency was intruding into mental space through everyday practice of rule.<sup>73</sup> Although it amounted to the acceptance of given terms which was pre-condition for obtaining the license, it was different from the contract in the sense that contract determined work relationship and work here had some degree of autonomy. 'To this

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<sup>71</sup>“Statement of Objects and Reasons” by T. H. Thornton, dated 20 January, 1879. Legislative (Legislative), September, 1879, Nos. 65-103 (NAI)

<sup>72</sup>Legislative, (Legislative), September, 1879, Nos. 65 to 103 (NAI)

<sup>73</sup>David Arnold and Erich DeWalid, ‘Cycle of Empowerment? The Bicycle and Everyday Technology in Colonial India and Vietnam’ *Comparative Studies in Society and History*, Vol.53, No. (October 2011) P.991.

date, many rickshaw pullers give reasons why they avoid working in the factory where the rule of contract and undue supervision prevail.<sup>74</sup> The question arises whether these people had any regulatory safeguard which they could have resorted to in case of unfairness against them. That is why what we see today as evidence of criminalisation of working-class people for breach of the rule is mostly attributable to the colonial legal tradition. However, it is to be acknowledged that factory, by and large, remained a space where more exploitation of labourers was possible despite several legal safeguards.

There were various channels through which the regulation was enforced. Wage and fare tables constituted one of such channels. In order to prevent the issue of overcharging and bilking, the attention was paid to fare table by time and distance which could be found in many of Hackney carriage bills and Acts. Drivers and pullers alike were subject to punishment for overcharging. The purpose of having a fare table in the place was to rule out the scope of conflict between passengers and pliers. It apparently reduces the chance of conflict, but the scope for negotiation and bargaining which the poor tonga drivers and pullers had was reduced too. The question which is to arise for apparent reason is whether ever tonga drivers or rickshaw pullers for that matter were consulted before such fare tables were prepared. There is no answer to this question. Was their economic condition taken into consideration? This silence asserts the fact of the state's growing influence. There is the passing reference to this where they have been treated as poor before the amendment of law was being proposed whereby regulation could be stronger. The use of statistics was a way of control which reflected in the exercise of enumeration and censuses.

This regulatory framework accounts for the laying of background for informality especially in non-factory or say floating workers' space. The State did not want to let any area skip its regulatory gaze because it was in regulation that had kept its hope of lingering and extracting gain intact. Any disturbance whether small or considerable, from organised quarter or unorganised quarter, appeared as the threat to the prevailing order. What is evident from a close examination of Hackney carriage Acts of various places is that this class of vehicles was closely monitored by the Government albeit it appears as though they were beyond the gaze of the Government. The government

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<sup>74</sup>Interview, Delhi Rickshaw pullers.



noticed their numerical growth. The government also noticed an increase in demand of conveyance as a result of the increase in the number of tourists, visitors and strangers.<sup>75</sup> In case of these vehicles and people occupied in employment through such vehicles, a distinct class emerged which need to be seen as the beginning and growth of ‘casual’ sector.<sup>76</sup> This class was to chart out space for itself in the city. And that space was to assume its own peculiarities relative to its class of people and employment. In the name of sanitisation, the rules were framed. This was also used to regulate the sector.<sup>77</sup>

Brushing Hackney carriage Act aside would amount to the serious omission of the crucial link because it is bringing of Hackney Carriage Act which brings in an element of colonial practice and by means of this, the expansion of colonial sphere was given effect. As soon as the Hackney Carriage laws are employed to control one sphere, it becomes considerable to expand the application of similar rules into other areas too. This is how the frames of Hackney carriage Act was brought to bear upon other means of informal modes of conveyances like *thelas*, *tongas*, *ekkas*, hand-pulled rickshaws, hand-pulled carts and cycle rickshaws. Thus the tentacles of the colonial states were gradually spreading to all spheres.<sup>78</sup> If the frames of the Hackney Carriage Act are done away with, the colonial character is lost, and those informal means of the conveyance resume Asian character. Since the Hackney Carriage laws are empirical fact, it forms reasonable ground to understand how colonial state was adhering to its practice of expansion into all spheres of the colonised. The presence of Hackney carriage law, which is laced several sections and provisions, is evidence of control which the state had held over street spaces and the people in the streets. The legacy of a particular kind of legal system which is roped in to the date is attributable to colonial legal system in large measure.

As far as the history of cycle rickshaw is concerned, there is no evidence from any published records as to when and where the rickshaw was first introduced in India. It is believed that it was imported into Madras by some of the officers of the French East

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<sup>75</sup>Legislative (Legislative), September, 1879, Nos. 65-103 (NAI)

<sup>76</sup> Uncertain and irregular nature of work.

<sup>77</sup>See page 563 of The Calcutta Hackney Carriage Act 1919, Act I. (Chapter xi-Miscellaneous-Section 80-84).

<sup>78</sup>.Cohn, Op. Cit. see the first paragraph of Introduction. He writes, “From the eighteenth Century onward, European States increasingly made their power visible not only through ritual performance and dramatic display, but through the gradual extension of “officializing” procedures that established and extended their capacity in many areas... The state licensed some activities and suppressed others as immoral or unlawful.”



India Company from the East Indies. The word 'Rickshaw' is abbreviated colloquial adaptation of the Japanese word 'jin-riki-sha' meaning literally a 'man-power-vehicle' (jin implies man, riki means power, and sha means vehicle).<sup>79</sup> When cycle rickshaw appeared, it was also considered the modern and technological improvement. It involved technological sophistication even though it is now viewed as an outdated and traditional mode of transport (Rob Gallagher 1992). Rajendra Ravi (2004) asserts that it is modernity which has used the rickshaw to move out of the crisis. The severe problem of fuel as a result of the Second World War brought the transport system of Asian countries to a standstill, but rickshaw kept the system afloat.<sup>80</sup> As regards Delhi, it had tongas and Rehras which were in competition with cycle rickshaw.<sup>81</sup>

### Conclusion

Overall, the sector undergoes formative, legislative, administrative and judicial cycles. Passage through such cycles has given this sector a particular shape which speaks a volume about the State and its relation with its large mass of labouring poor.

It has a journey from the royal domain<sup>82</sup> to the public domain. It also has a history of the spatial journey like the place of origin, and its spread to another region whereas dismissed at the place of origin. When we talk of its journey from royal space to ordinary space, it implies unmaking of its class and its remaking for the different class. In other words, it is a transition from the formal realm to an informal realm which is accommodative of the informal class of people. Although the royal past has now become an illusion, Tonga wallas maintain that Tonga was for royal people until very late.<sup>83</sup> It is worth noting here that the 'Tongas in Delhi were unlike the hackney carriages of Bombay as far as the speed was concerned. One was rattled along at a rapid pace, which

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<sup>79</sup> Ahmed Mukhtar, *Labour Investigation Committee Report: Report on Rickshaw Pullers* (Simla: Government of India Press, 1946) p.2

<sup>80</sup> Rajendra Ravi, (Ed.) *Riksha, Ek Mahagatha Pahachan, Sangarsh, aur Davedari*. (New Delhi, Vani Prakashan, 2004)p.28

<sup>81</sup> Ahmed Mukhtar refers to sarcastic remarks which tongwallas aimed at cycle rickshaw pullers. ("Horse without a tail")

<sup>82</sup> Foreign, Internal B, April 1911, Section: Coronation, Nos.201-202 (NAI)

<sup>83</sup> Interview with them at Hauz Quazi Tonga Stand. Old Delhi, 2017.

would be the cause of embarrassment due to sudden collision with an electric post and baggage would fall out on the road.<sup>84</sup>

One whole area was dedicated to the fitness of carriage, the maximum number of passengers, avoidance of overloading, speed, the timing of operation, things to be avoided from being carried, underlining the need to have tariff-fare-table as the distance and time and the like. Attention to all these small details emphasises the level of control and surveillance.

It took a great deal of efforts and time to bring regulation into force. It involved governing agencies from the top level down to local bodies. The several meetings took place to discuss the massive level of correspondence, and memoranda around need to bring the bill to such effect.

One more noticeable thing is related to the unhindered development of policy for over a long period of time even though many actors are involved. Since the voices from the ground are not accommodated, it could be said to have lacked the suitable dialogue. The treatment towards anything, which has moved to the public realm from the royal domain, undergoes transformation and evolution in the different direction. The study of such vehicles bears testimony to this observation. The transition from the royal to the public realm is not abrupt and quick. It has taken its due time and course. Likewise, the noticeable treatment also did not change overnight. It also took time and its course before it could be differentiated from the previous kind of treatment. There existed a long process of communication in the forms of debate and discussion before it could undertake the full transition to other forms.

The life cycle of such policy which went unchallenged for some time is also noteworthy. There was hardly anything which the State wanted to leave outside its scope of regulation because regulation granted it tremendous political and economic power and simultaneously the over-expanding regulatory framework rendered the governed weak and dependent. It is thus also about the assertion and growth of the State. The intervention like this is evidence of the State's desire to widen its scope of control. Such scope, though, does go unchallenged. It is challenged, and its unreasonable stretch is

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<sup>84</sup>Claud Lovat Fraser, *At Delhi* (Bombay: Times of India Press, and Thacker & Co.Ld., 1903) p. 5.

questioned at some point of time. Taking note of that time when such a challenge occurs speaks about many contextual things.

The class dimension of such policy cannot be overlooked. Such policy, besides being instrumental in the formation of classes, actually played a crucial role in the perpetuation and consolidation of such classes. The effect of such perpetuation and consolidation is noticeable to the date. It is for this reason that it becomes necessary to look as far back as possible to understand the root of the issue and trace it through various times, stages and places. The trend of discrimination, exclusion and exploitation which is noticed in today's urban governance could be seen to have evolved from fallacious models which were conceived in time way back during the colonial period. It also gives an idea as to how one should, instead of accepting an old model without hesitation, suspicion and question, address present-day problems. Even though challenges were posed, it did not amount to the unmaking of what existed. In fact, challenges were intended to bring about acceptable corrections so that a large number of people who have played a key role in the making of the urban in which we seek to live with comfort.

What we could see from the foregoing discussion that the State has been appropriated by an enlarged elite (including the vast middle class).

It could not be ruled out that people engaged in occupations based on transport of this kind formed part of working class even though they differed from the working class engaged in factory and industry setting. To make it clearer, it is good to draw upon Foucault's work<sup>85</sup> where he makes the distinction between labour as sellable and purchasable commodity and labour as productive force. The former classified category seems to represent kind of working-class people engaged in slow-moving means of carriage because people in this sector pervaded road spaces which were very unlike factory space of production.

What is evident from the plethora of regulatory frames is that people outside factory were also controlled in large measure even though it seemed as though there were immune from such regulatory frameworks. Thus regulatory framework had become ubiquitous and thus covered a wide range of people from factory to not factory setting.

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<sup>85</sup>Michael Foucault, *The Order of Things: An Archaeology of the Human Sciences*( London & New York: Routledge, 1989)

## Chapter 2

### **Urban Modernity and Its Margins: Delhi Against Slow-moving Vehicles**

#### Introduction

From mid nineteenth century to about mid-twentieth century, governing frameworks, under the rubric of improvement, were conceived, evolved and consolidated. From about period of the Second World War, governance was carried under the pretext of modernisation. The notion of improvement had not become redundant. It was still intact and at force in the background. In other words, it was not that they moved from the idea of improvement to the idea of modernity in a linear fashion. In fact, both were employed to suit their needs. Both the ideas are not entirely different from other. There are overlapping tendencies. Modernity cajoled collective minds into believing that it is full of comfort and remedies for all sorts of crises. On the contrary, modernity per se turned out to be riddled with crises and contradictions. The modern ideas of “European” origin were brought to bear upon planning of design and architecture. It was all undertaken bearing their interests and motives in mind. The very idea of zoning was based on segregation of people and activities. Official spaces were delineated from residential. Likewise, segregation was made depending on one’s social class. The planning was undertaken to make governance efficient and easier. Besides policing and governance, the principle of aesthetic also guided the colonial administration.

The British were present in Delhi even before they actually chose to shift here from Calcutta during the second decade of twentieth century. The changes that they had brought before this shift from Calcutta to Delhi had formed one layer of urban reality. With the formal decision to shift to Delhi, the colonial administration now embarked upon the process of bringing about another conspicuous layer of changes. They took particular care to transform places to make them suitable for the purpose of residence and control. The same exercise was undertaken to transform Delhi under the rubric of modernity. The reordering of the urban space involved the racial and class segregation. Those aspects that seemed incompatible with the modern were to be dispensed with. Slow-moving vehicles became dispensable as a consequence of this modernity driven agenda. This reordering of city space also draws our attention to residence-work

dichotomy<sup>1</sup> that Awadhendra Sharan has discussed. The question is whether cities can remain as sites of both residence and work in view of this conflict. The idea of nuisance remained widely used instrument during colonial period especially from 1860s to 1940s.<sup>2</sup> Another instrument that became widely used from 1940s onwards was the idea of 'decongestion'. The report by A.P Hume laid emphasis on this aspect.<sup>3</sup>

Such instruments of governance affected the economically marginalised people the most. Transport labourers engaged in informal means of transport bore the brunt of such an idea. It is important to note that urban is not a space of singular form, it rather consists of varied locations in manner as if the very purpose of such constitution is to locate varied classes and to perpetuate such variety. However, it becomes problematic as soon as it perpetuates inequality. By means of repeated onslaught on vast number of labouring poor, the city's propensity appeared to turn itself into a place purely of homogenous class. This becomes evident as soon as it allows the dominance of one class over the other in which the upper classes gain an upper hand while the lower classes find themselves at the receiving end.. This is how the politics of right to city space and right to work in city came into play.

In light of the above discussion, various sources have helped in mapping out of empirical instances and proved turning points in the history of informal transport sector. Examination of these instances, in turn, give broad understanding of the underlying patterns. I have tried to encompass the general political and socio-economic conditions which prevailed 'during these times' because this forms very crucial contexts for the discussion of informal means of transport like rickshaw and other vehicles of same category. 1940s and 50s witness high level of unemployment and poverty. Under these circumstances, rickshaw's importance as a source of employment especially for the poor holds great significance. The labour movement was gaining an intense momentum across the country during those years.. Taking view of such movements gives an idea of labour issue which prevailed. Situating the phenomena in a time and space context is crucial here.. Skimming through the surface of this phenomena will lead us to the underlying and intricately connected structures.. At economic level, the poverty, famines and

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<sup>1</sup> Sharan, Op. Cit., pp. 4905-4911.

<sup>2</sup> Ibid., p.4906

<sup>3</sup> A.P.Hume, *Report on the Relief of Congestion in Delhi*, Vol.I, (Simla: Government of India, 1936).

unemployment were major issues. Moreover, the conditions of working class had caused major debates and discussion. The main focus of this research is those urban poor who were working beyond the ambit of ‘factory’ because they have remained under-examined so far. The demand for the modern was finding manifestation. The motorised transport was also one area where the notion of modern had a strong foothold. The element of speed that accompanied motorised vehicles called for restructuring and reallocation of urban resources. This call for realignment led to enormous tension and gave rise to several areas of contestation.

### **Brief History of Cycle Rickshaw in Delhi**

From sixth decade of nineteenth century to the end of First World War, Hackney rules went from incipient stage to an advanced stage in India. Hackney framework was also used to cover other vehicles like bullock carts albeit tonga remained main vehicle to be governed under this framework. When hand-pulled rickshaw made appearance in Calcutta, Simla, Darjeeling and other places in 1880s, Hackney rules were applied to hand-pulled rickshaw as well. It was during 1930s that cycle rickshaw appeared in Calcutta. It took about a decade for cycle rickshaw to ascertain its foothold on streets and roads of popular Indian cities like Calcutta, Madras, Delhi and others. From 1940s, debate around the inhuman nature of occupation and cause of traffic congestion began to unfold. This spelt an uncertain future for the rickshaw pulling community. In line with the frameworks of Hackney carriage laws, rules for rickshaw were framed and enacted during the 1950s. These rules have been maintained under Hackney Carriage Department to the present day. From 1960s to 1990s, the debates centred around abolition of cycle rickshaw pulling. If they were abolished, then the question of unemployment had to be tackled. The discussion regarding mechanisation also figured during the same period. However, several petitions against and in favour of cycle rickshaw pulling that came up during those decades speak a lot about their battle for survival. The whole period is marked with contestation. From 1990s onwards, it found voice and tangible support. Battle still continues. Rickshaw has defied the rules but complied with the line of logic.

The cycle rickshaws were introduced in Delhi in the early part of 1939. According to the ‘bye-law’ framed under the provision of Punjab Municipal Act 1911, the “Cycle-Rickshaw” means a Rickshaw attached to cycle with three pneumatic cycle wheels that

are propelled with a chain and pedal in the manner of a bicycle.<sup>4</sup> The clause (8) of Section 3 of the Calcutta Municipal Act defines the term “carriage” as “any wheeled vehicle, with springs or other appliances acting as springs, which is used for the conveyance of human beings, and includes a *jinrickshaw*,<sup>5</sup> Motor Vehicle or a bicycle or a tricycle.<sup>6</sup>

Petrol crisis caused by the Second World War was said to have given push to demand for cycle rickshaw.<sup>7</sup> This wartime shortage of petrol is said to be the reason behind the introduction of cycle rickshaws in Delhi too.<sup>8</sup> At the time of Partition, in the year 1947, there were nearly 400 cycle rickshaws in the Capital and practically, all these were owned by the Muslims. After the Partition, this trade fell into the hands of displaced people and they became the owners of about seventy five per cent of the total number of the rickshaws. This proprietorship of the rickshaws was acquired by the displaced persons by the outright purchase from the hands of outgoing Muslims. At this time, rickshaw pullers were paying the owners a rent of Rs.3/- per day. The idea of ‘double shift’ rent was also started around 1947 and the owner would charge Rs. 4 instead of Rs. 3 for double shift. The cost of a new cycle rickshaw was earlier Rs. 375/- and with change of ownership it jumped up to Rs.5900/- in 1950 because the license would cost a lot otherwise the cost of rickshaw during 1950s was around Rs.400/-. The rent had increased to Rs.5 per day. By and large rickshaw had become a sound trade.<sup>9</sup>

However, the rickshaw had become a contested domain from 1940s onwards. The increase in their number made its presence conspicuous. Some officials and people from the public domain took serious view of growth in the number of rickshaws. In regard to

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<sup>4</sup> Local Self Government, CC Branch, 1940. File No. 19(33)/56 LSG. DSA. Also see David Arnold, *Everyday Technology: Machines and the Making of India's Modernity* (Chicago & London: The University of Chicago Press, 2013). He talk about how cycle rickshaw, which was of Asian origin, is an example of adaptation and “creative appropriation” in parlance of Frank Dikotter. p 7. Rob Gallagher, *The Rickshaws of Bangladesh*, (Dacca: University Press Limited, 1992) He has mentioned about James Starley who had in late 1870s in England developed a tricycle with a crude cycle chain and a differential (which allowed the wheels to turn at different speeds when cornering.)

<sup>5</sup> Japanese term for ‘Man-powered vehicle’.

<sup>6</sup> *The Calcutta Law Journal*, 1920, Vol. XXXIII, p.21. And the All India Civil Court Manual, imperial Acts. Vol. I. Also see. Calcutta Hackney Carriage Act, 1919. Chapter I, Preliminary, Section 4.

<sup>7</sup> David Arnold, *Everyday Technology: Machines and the Making of India's Modernity* (Chicago & London: The University of Chicago Press, 2013), p. 162. See Rob Gallagher, *The Rickshaws of Bangladesh*, (Dacca: University Press Limited, 1992).

<sup>8</sup> *The Times of India*, November 22, 1947. ‘A Jubilee Appeal Cycle Rickshaws’.

<sup>9</sup> Local Self Government, File No. 19(33)/56 LSG. DSA



this, Shri Krishna of Associated Press contacted Jinkins to regulate cycle rickshaws. Jinkins, in turn, communicated with Chief Commissioner and Deputy Chief Commissioner and as an outcome, ceiling of 200 was ascertained during the latter half of 1940.<sup>10</sup> From the report of the D.C.P of city it becomes evident that apart from its other uses, the rickshaw had proved to be a good substitute for the 'doolie'<sup>11</sup>. It is also used by the sick and infirm when visiting hospitals. In particular, it seems to have found special favour with the Indian woman.<sup>12</sup> It is so unfortunate to notice that the same mode of transport which was considered suitable soon fell out of favour. Rickshaws began to be seen as a danger to traffic. Moreover, they are said to have given serious competition to other forms of transport.<sup>13</sup> This change led Delhi Municipality to bring the rickshaw under licensing regime. Thus, this is how the licensing regime began to grip this sector. Besides this, various forms of control were introduced. For instance, Delhi Municipality began to determine the number of persons and weight to be carried and also the routes within the city where rickshaws may ply for hire. Despite all these regulations, it appears that control was not very strict since there were several cases of overloading.<sup>14</sup>

The status quo, however, did not last long. Bye-laws were freshly framed in order to control this sector. H. J. Evans, the Deputy Commissioner of Delhi wrote a letter to the Chief Commissioner of Delhi (A.V. Askwith), recommending that he publish the rickshaw bye-laws in the Gazette and thereby confirm. Before delving deeper, it is important to note that rickshaw bye-laws got framed in 1940 under section 188(a) (b) of the Punjab Municipal Act, 1911. These bye-laws were published in the local news papers for objections and suggestions. Only one suggestion regarding the fixation of the maximum load to be carried by a rickshaw was received and it was accepted by the committee. The head clerk of Municipal Committee addressed Mr. K.B Mirza Mumtaz Hasan Kizilbas, the Secretary of Municipal Committee. This correspondence was with respect to his observation that rickshaws were not only used for the conveyance of

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<sup>10</sup> LSG, CC, 1944. DSA.

<sup>11</sup> 'Doolie' is Palanquin. This was being used by paradh women.

<sup>12</sup> Papers of Chief Commissioner's Office, Delhi from Local Self Government Branch, 1940

<sup>13</sup> Local Self Government, 1940. Delhi State Archives.

<sup>14</sup> Ibid.



passengers but they would take luggage and loads too.. He suggested that there should be some rules to govern the maximum loading capacity of these vehicles.<sup>15</sup>

So far rickshaws were exempted from “wheel tax” because the number of rickshaws were insignificant. But with increase in the number, according to the administration, such exemption did not seem justified any more. This is when the question pertaining to humanitarian aspect came up. This is a question of whether such occupation should discontinue in the view that it seems very inhuman since it involves an act of one human pulled or carried by other human. At the same time, rickshaws began to be considered unfavourably because of traffic congestion that they caused in the city. They were considered a traffic nuisance. But this is one side of the narrative. The other side of the narrative favoured their existence, continuance and growth for it was found to be good substitute for ‘doli’. Moreover, it was an easy, comfortable, cheap and handy conveyance for people living in narrow streets and lanes that were not accessible by cars and tongas. The favourable aspect, however, could not prevail. Along with the regulation to control their number with a view to minimising congestion, a provision was made to keep them out of busy thoroughfares when not engaged on hire. Thus rickshaws were confined to the narrow lanes and streets on which traffic was not heavy.<sup>16</sup>

From here onwards, no rickshaw without license was allowed. The issuance of license needed to be in accordance with the rules of Hackney carriage sub-committee. It bore the signature of the secretary or the assistant secretary of the Municipal Committee. The unique serial number that accompanied the license was to be printed in English and Urdu on some conspicuous part of the licensed rickshaw. Every licensed puller was to wear the metal badge on his arm inscribed with the number of his license issued to him, free of charge, by the Municipal Committee. In case of suspension or termination of his license, rickshaw puller was suppose to return the metal badge along with the license to the Committee. The license was valid for one year. An annual fee of Rs.6 was charged for renewal of each license. The license holder was to inform the Municipal Committee in writing in case of transfer of ownership. The rule also necessitated the placement of name of new owner in case of transfer. The rule mandated that every holder of license or any person, for the time being in charge of a licensed rickshaw, would produce for

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<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

inspection, the license and the list of prescribed fare whenever required to do so by an authorised person. The list of such fare was to be exhibited on conspicuous part of the rickshaw. Puller was also supposed to have a license to pull as no unlicensed person was allowed to pull rickshaw. There was rule with a view to width, height and certain fittings like lamp, bell, rubber tyre, hood and cushion. The inspector was authorised to cancel the license in case a rickshaw was found to be unfit. Ten areas namely Chandani Chowk, Khari Baoli, Lal Kuan, Chaori Bazar, Sadar Bazar, Dariba, Egerton Road, Ballimaran, Chitli Qabar, Bazar Sita Ram and Ajmeri Gate were mentioned where no licensed rickshaw would pick up passengers or be kept or wait for hire.<sup>17</sup> Any breach or offence in this regard was made punishable with a fine that may extend up to Rs.50. In the event of continuing breach, a further fine that may extend to Rs.5 for every day after the date of the first conviction was levied. Moreover, the Inspector or authorised person had the right to impound the rickshaw in case either the rickshaw or the puller had not been licensed or if the license was suspended. It is important to note that it was punishable to carry any person who suffered from contagious or infectious disease. The owner or the puller had to be present in person when ordered to do so by the Secretary of the committee or the Municipal Hackney Carriage Inspector.<sup>18</sup>

A puller would not, when hired by time, desert from hiring before discharging his hirer. He would not refuse to let his rickshaw on hire when such rickshaw is standing on a rickshaw stand. He would not avoid punctuation of time and place agreed unless such was unavoidable due to sufficient cause. The thorough knowledge of streets, offices, fares, roads, rules of road and signals was mandatory for every puller. Every puller was supposed to possess good physique, health and could not be less than 21 years of age. The khakhi coloured uniform consisted of a coat, trouser and turban. From 16<sup>th</sup> April to 30<sup>th</sup> September, it consisted of khakhi shirt, khakhi turban and Dhoti. In any case, the uniform had to be clean. The puller had to pull with all care and without being intoxicated. He was refrained from the use of abusive or obscene language. He was not to hinder the puller of any other rickshaw in taking up any person or wrongfully prevent the puller of another rickshaw from being hired. It was mandatory for him to keep the lamp properly lighted between half an hour after the sunset and half an hour before

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<sup>17</sup> Papers of Local Self Government, 1940.

<sup>18</sup> local self Government, CC, 1944, File No. 2 (105)44- LSG.DSA

sunrise. He would not disobey any direction of any police officer for the regulation of traffic or the control of rickshaws or rickshaw stands. There were other rules like getting passport size photographs from authorised photographers and left thumb impression of the puller. The change from operation under unlicensed regime to operation under licensing regime happened in a time span of one year. The thought of banning it had not yet come.<sup>19</sup>

In 1940, a census of the rickshaw plying on hire was taken and their owners asked to get their vehicles registered in the committee by a given date. The responses were prompt and applications for the registration of 904 rickshaws were received. The owners could not produce more than 630 rickshaws at the time of inspection and of these 79 were found unserviceable. The condition of the remainder had since deteriorated appreciably. According to the finding of the Head Clerk of Municipal Office of Delhi, it would have been doubtful to find even 50 percent of rickshaws to be fit enough for the grant of license if another round of inspection had been conducted. He further added that even supporters of rickshaws have changed their mind. Going by his statement, even the supporters, keeping the safety of traffic in mind, seemed to favour the restriction on the number of rickshaws in the city. They were of the opinion that the number should not be allowed to exceed 200 and they should be kept away from the busy thoroughfares. A.V. Askwith, the Chief Commissioner of Delhi, wrote a letter to Deputy Commissioner of Delhi in order to seek confirmation of Municipal Committee's final decision in relation to the restriction of the number of licenses to be issued.<sup>20</sup> As a result of this, strict enforcement came into effect which is evident from the letter of J.A. David, Chief Commissioner, to the Deputy Commissioner in which he wanted to be sure about the strict enforcement of the decision regarding the limit of number of licenses.<sup>21</sup>

Then next event in the series came in 1945 when Delhi Municipal Committee came up with the idea of amendments to the Rickshaw bye-laws.<sup>22</sup> The cost of a cycle rickshaw in India was around Rs. 450 which is evident from an advertisement in Times of India.<sup>23</sup> In case of Delhi, it was around this time that the rickshaw hire was increased from Four

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<sup>19</sup> Ibid.

<sup>20</sup> Dated 20<sup>th</sup> July 1940. Papers of Local Self Government, Delhi. 1940

<sup>21</sup> Dated 28<sup>th</sup> May 1941. Papers of Local Self Government, Delhi. 1940

<sup>22</sup> Papers of Chief Commissioner of Delhi. Local Self Government, Branch. 1945

<sup>23</sup> . *Times of India*, September 17 1945, Classified Ad. Page 2

Annas to Six Annas for the first half hour and from Two Annas to Four Annas for every subsequent half hours provided no engagement exceeded three and a half hours. At the same time, to get a licence, charge for two copies of photographs was increased from Eight Annas to Rs.3. Although the increase from Eight annas to Rs.3 appeared excessive, there was no objection raised by the Rickshaw Union in this respect. Thus reference to Rickshaw Union points to the existence of union, though its voice could not be heard so far. Such amendments were published in local newspapers.<sup>24</sup> Moreover, a copy of the notice was place on the Municipal Notice Board and announcement by the beat of drum was made with a view to invite objections and suggestions as per the rule. The justification for hike came with the reason that the cost of the paper, printing and painting materials had also increased abnormally. The first time we get to hear of assertive voice from Rickshaw Union around this time came to light when the Rickshaw Union in their letter dated 22<sup>nd</sup> Feb 1944 demanded that arrangement be made for rickshaw-stands in the city wherever there were tonga-stands. Their demands pertaining to revision of rates and stands were considered by the Committee but the Committee did not agree to entertain the proposal to allow two persons in a rickshaw. Such demands and decision were routinely placed before the Hackney Carriage Sub-Committees in the course of finalisation or disapproval.

Delhi of 1950s witnessed a phenomenal rise in motor vehicles in comparison with the non-motorised vehicles including cycle rickshaws. The motor-cycles first appeared in 1948 and became very popular. The scooter-rickshaws came in as late as 1955 and rose much more phenomenally than motor-cycles.<sup>25</sup> During the 1940s the increase in the number of taxi cabs amounted to 743%; of private cars, to 409 % and of public buses, to 190 %.<sup>26</sup> About the slow moving vehicles carried by human traction and animal drawn vehicles, the greatest expansion has been recorded by cycles, whose number moved up from 98,000 in 1950-51 to 137,000 in 1956-57.<sup>27</sup> Cycle rickshaws, operated under a rather strict licensing system, numbered 250 in 1947-48; 400 in 1948-49; 600 during 1949-1954; and 700 in the following years. Significant increase had also been recorded

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<sup>24</sup> *The Watan*, 11 March 1945, *The Statesman*, 8 March 1945 and *The Vishva Mitra*, 16 March 1945.

<sup>25</sup> V.K.R.V Rao and P.B.Desai, *The City of Greater Delhi: A Study in Urbanisation-1940-1957* (New Delhi: Asia Publishing House, 1957) p. 161.

<sup>26</sup> *Ibid.*, pp. 160 -161.

<sup>27</sup> *Ibid.*, p.161.

by hand-carts which plied for goods transport. Their number rose from 663 in 1948 to 1402 in 1951; to 2126 in 1955; and 2506 in 1957, the overall increase measuring over 275 % during the decade.<sup>28</sup> For other means of transport including tongas, *rehras* and bullock carts the position does not appear to have changed significantly in either direction. There were 3007 tongas in 1957 as against 3311 in 1948; 1016 *rehras* as against 1109; and 3660 bullock carts as against 3528. On the whole, this stability of the smaller animal drawn portion of transportation as against a 131% increase of the number of auto-vehicles during the same period is indicative of the increasing reliance on mechanical transportation for the growing population.<sup>29</sup> Internal city transport recorded a great increase in the number of auto-vehicles. Motor-cycle rickshaws were introduced in 1951 and the scooter-rickshaws in 1955. The total number of registered auto-vehicles plying in Delhi in 1956 was larger by 522% as compared to their number in 1940. The city bus transport was reorganised as a public undertaking in 1951 and made significant progress since then. Average number of daily passengers rose from 79,000 in 1950-51 to 193,000 in 1956-57.<sup>30</sup>

### **Imperial Capital: Delhi's Engagement With Urban Modernity**

The aspect of modernity has given rise to many debates. Under the charm of modernity, un-modern categories have remained pushed to the margin. This marginalisation which occurs under the rubric of modernity needs thorough investigation. Under the category of modernity, debates assume various shades. Most of these debates are of conflicting nature. A thorough engagement with discussion of modernity in relation to Delhi and its margins uncover layers of contradiction which lie buried in modernity. I have drawn great deal of insights from Marshal Breman for my general and theoretical understanding of modernity. With respect to Delhi in particular, I draw on works of Jyoti Hosagrahar<sup>31</sup>, Awadhendra Sharan<sup>32</sup> and Stephan Legg<sup>33</sup>. Since I am seeing modernity in relation to

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<sup>28</sup> Ibid., p. 162

<sup>29</sup> Ibid., p. 162

<sup>30</sup> Ibid., p. 170

<sup>31</sup> Jyoti Hosagrahar, *Indigenous modernities: negotiating architecture and urbanism*(London: Routledge, 2005).

<sup>32</sup> Awadhendra, Sharan, 'In the City, Out of Place: Environment and Modernity, Delhi 1860s to 1960s.' *Economic and Political Weekly*, November 25,2006. pp. 4905-4911.

<sup>33</sup> Stephan Legg, *Spaces of colonialism: Delhi's urban governmentalities*. (Oxford: Blackwell publishing, 2007)

colonialism, these two areas often appear overlapped in my discussion. Joyti Hosagrahar challenges the model that western society is civilised, rational and proper. She has also dealt with the way urban regulation was being shaped in the name of progress. Similarly, Awahendra has pointed out the dichotomous design of residence and work place whereby the colonial power kept working class pushed to the margin of the city because working class was feared to be a cause of unaesthetic. His work talks widely of the extended use of 'nuisance law' by the colonial authority to exert control on the local people and the space.

Rickshaws, tongas and other animal and human drawn vehicles were earlier counted to regulate that mode of transport. With the emergence of the notion of unorganised labour during the 1970s, the same category of transport was enumerated for welfare measures by the Government of India. A close examination of the patterns of regulation will expose the inherent coloniality in such measures. The regulations which get enforced in the name of improvement and modernity deprive many workers of the livelihood option which cause serious dent at the very core of the city.<sup>34</sup> Marshal Berman maintains that merit of 'modernity' lies in its capacity to bring enhanced opportunities and understanding of each other. As long as we make the most of the possibilities it offers it merits our attention for organising our cities and our lives.<sup>35</sup> In this itinerary of modernity and resultant contradictions, the problem lay in transposition of modality without having any regard for local conditions. In the course of transposition of such modality, even the problems were not spared. There existed a complete lack of respect for lessons to be learnt from history. The study of events around history of cycle rickshaw and pulling provide a factual basis to support the foregoing claims about oppositional relation between labour in informal sector and magnified notion of urban embedded within the modernity. It is in this historical analysis that we get to see how the system of informality was emerging and gaining momentum. Simultaneously, unorganised sector was falling prey to precarious conditions which characterise the

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<sup>34</sup> At the heart of city life is the capacity for its different people, spaces, activities and things to interact in ways that exceed any attempt to regulate them. While the absence of regulation is commonly seen as bad thing, one must first start with the understanding that no form of regulation can keep the city 'in line'. See Vinay K. Gidwani, 'Remaindered Things and Remaindered Lives: Traveling with Delhi's Waste'. In Bharat Chaturvedi (ed.), *Finding Delhi* (Delhi: Penguin Books, 2010), p37.

<sup>35</sup> Marshal Berman, *All That is Solid Melts into Air: The Experience of Modernity* (Canada: Penguin Books, 1988) p. 9.

system of informality. The precarious condition also led to adaptability towards variety of occupations as prerequisite. Such inter-occupational movements within informal quarter led to a high degree of uncertainty for a large number of people. The circumstances demanded that these people internalise the precariousness which was a strong element in informal sector. Regardless of the magnitude and scale of movement, the state has undermined the demand and need of this class in one manner or other which is factually evident from many instances. On the whole, there are a few underlying forces involved in subordination of the labouring poor. One such force is inadequate documentation of this class. More so, they are represented in certain colonialist terms through which we never get to hear their voice. Looking negatively at this class of occupation resulted in under-classing people engaged in such occupation. Historical analysis of such treatment shows how social problem in urban was gaining shape. Taking view of this shape helps to get hold of the experience of the poor in the city. The manner in which the State was stigmatising them played role in shaping and reshaping their political behaviour. One thing which the labouring poor might have failed to understand is that it was fighting against the inevitable, that is, the disillusionment of stability.

#### Continuum of Old and New

It is not unprecedented to see 'new' become old and disposable overtime. We also see the 'old' gaining respectable place under the rubric of classical and vintage. The idea of the modern has on several occasions been found to have appropriated the outdated under the rubric of romantic and nostalgic old and past. Rickshaw was new and was considered to be advanced when it appeared but eventually it became old and outdated with time. Similarly tram was greeted with identical view and warmth and underwent homogenous trajectory which rickshaw experienced. The terms like obsolete and slow began to be applied for trams too. Automotive motors came to take central place in urban traffic but many of those motors also became old and obsolete. In fact, it also began to be seen as a cause of road congestion.<sup>36</sup> The cycle rickshaw had all the faults which usual cycle had and was considered to be the cause of obstruction to fast moving traffic.<sup>37</sup> We have another instance of *phut phut* –once into popular image soon began to be considered

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<sup>36</sup> *Report of the Calcutta Terminal Facilities 1947*(Calcutta: East Indian Railway Press, 1948).

<sup>37</sup> Local Self Government (Chief Commissioner) 1954, File No.2.(20) 1954- LSG. Delhi State Archive.



noisy and polluting. Motor cycle rickshaws which appeared to be suitable alternative were soon stopped and replaced by Scooter rickshaws.<sup>38</sup>

The idea of redundancy is key element in this modernity's continuum of old and new series. Under the notion of redundancy, the old loses its charm when seen in relation to modern. The regard for practical grounds like livelihood of the marginalised does not figure in the scheme of adoption of new and disposal of old. Rickshaw in urban context can be seen in the light of this process and the repercussion it has on people. The animal drawn carriages were removed from the streets by means of issuance of public carriers in adequate numbers. The blame of congestion in traffic was mostly placed on slow-moving traffic. The animal transport was considered to be the cause of problem for health and traffic authorities and motor transport was suggested as replacement.<sup>39</sup> It is noteworthy that replacing old with new was often costly affair. When the decision regarding gradual replacement of tramcars and trolley buses by diesel and petrol buses was in consideration, it led to concern regarding a large sum of capital required. The contradiction was that maintaining tram service for operation and repair cost besides payment of salary to staff had become burdensome. Moreover, the mobility of the tramcar during crowded hours on narrow streets was considerably impeded. Buses were said to have an advantage over the tramcars in this respect. At the time when the tram service was started in Delhi, the traffic conditions were not so congested. The tramways were confined to a few routes which were in the old city of Delhi. But eventually this part of Delhi became congested and tram had become irrelevant for this reason.<sup>40</sup>

The cycle rickshaw that was once manifestation of modernity in terms of its constitution and advantages in comparison with the previously existing modes of transport<sup>41</sup> like horse cart, falls outside scope of modernity, particularly when modernity reproduces itself and expresses through new inventions and meanings. Likewise, horse cart was also one of expressions of modernity but it also experienced the dialectic on the continuum of modernity. It is modernity that used rickshaw to escape crisis when there emerged severe fuel crisis following World War Two. When transport system of Asian countries had

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<sup>38</sup> LSG Department (MT&CE) .file No. F.12(189) 56-MT&CE. Delhi State Archives.

<sup>39</sup> D.O. No. F. 7(275)/53-Motor transport &Charity Endowment. Dated 03/11/1953. in Planning Commission (Development). Year 1953, File No. 28(87) 1953.Delhi State Archive.

<sup>40</sup> D.O. No. F. 28(60)-53, Dated 18/07/1953. In Planning Commission (Development). Year 1953, File No. 28(87) 1953. Delhi State Archive.

<sup>41</sup> Rob Gallagher, *The Rickshaws of Bangladesh* (Dhaka: University Press Limited, 1992)



come to a standstill, it was rickshaw that maintained the normalcy to a large extent.<sup>42</sup> Looking at this on-going dialectic on the continuum of modernity will be of great help in understanding the impact which the produced and reproduced dimensions of modernity leave on people especially working class like cycle rickshaw pullers. In this manner of dialectical movement, the very modernity questions its existence through new meanings, objects, and its reshaped phenomena. It parts with its past logic and owns a new logic that is very likely to have scope for its own redundancy in future.

It is important to see how cycle rickshaw became important in Delhi following the fuel crisis which had resulted from World War Two. Cycle rickshaw gained popularity for many reasons. Besides its technical wonder, it was more cost effective than horse driven tongas because maintaining horse required a great amount of fee and labour. It was also economical in terms of space. It occupied less space than the structure of tonga and the body of horse. Likewise, manoeuvring rickshaw was far easier and convenient.

#### Insufficiency of Resources and Conveyances: Intra-Urban Mobility Needs

The animal driven carriages used to engage in long distance movement albeit at slow pace. With demand for increased speed after coming of motors, the role of animal drawn carriages got confined to short distance intra-urban area mobility. As the population grew more and activities increased, the travel demand also grew apace. The administration was slowly disfavoured the use of animals drawn and non-motorised conveyances. The tendency towards using motors was gaining strong ground. This tended to compound the seriousness of conveyance anxiety. As far the mobility need of cities is concerned, the situation was starker. Delhi experienced phenomenal growth after it was chosen as site for capital for the British Empire in India. There exists a great relation of city with its transport facilities and working people. They contribute towards making and acceleration of city spaces in considerable measure. Delhi also owes a great deal to its class of transport and working population for its formation and transformation over time. The time is also a witness to antagonistic equation of the space with its means of conveyance and the working bodies which comes to surface upon closer examination. In this regard, it is worth taking view of several instances that do indicate at prevalent tension.

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<sup>42</sup> Ravi, Op. Cit.,p.17

For instance, 'The shift of capital from Calcutta to Delhi and arrangement of Durbar provided big stimulus to the process of urbanisation of Delhi which in turn changed the landscape of Delhi. The need went far beyond functional aspect and shift of place also demanded planning of gardens and lawns. The whole envisaged scheme of Delhi did not materialise in straightforward manner. Rather it led to prolonged debate and discussion which involved Viceroy Hardinge and other authorities regarding the layout of Delhi for making Delhi suitable for the capital of Empire.'<sup>43</sup> An attempt to locate the present enquiry amid such tense climate calls for inter-connections of various factors. The study of this tension draws on Lefebvrian method regarded as 'the regressive-progressive method whereby description of a situation is undertaken at minute level. This approach takes the researcher to the past to understand the present'.<sup>44</sup> It is important to bear in mind that the city does not only belong to agencies which govern but it also belongs to forces that are governed. It is in the later category that the transport and the working people figure. Both sides, that is, the governing and the governed embody the city.

As far as Delhi is concerned, the decision of the Colonial Government regarding shift of capital from Calcutta to Delhi set in the pace in direction towards greater degree of change because it required space suitable for the capital's administrative purposes. In other words, need for road space and administrative buildings called for the involvement of tremendous level of labour and the transport to accelerate the ongoing efforts. Along with these factors accountable for setting in pace of spatial and other forms of changes in Delhi, there were other elements which were crucial. For instance 'introduction of railways in 1867, decision regarding arrangement of Durbar in 1876 and 1911, electrification in 1902, beginning of tram services in 1905, measures to beautify and expand the city, move towards establishments of hospitals and some other civic amenities necessitated the employment of labor.'<sup>45</sup> 'It took about eighteen years of strenuous labour for completion of Delhi as a capital and inauguration took place on February 11<sup>th</sup>, 1931.'<sup>46</sup>

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<sup>43</sup> Private letters of Viceroy Harding 1911-12, NMML

<sup>44</sup> Remi Hess, 'Henri Lefebvre: A Praxis of What is Possible', in *Understanding the City: Henri Lefebvre and Urban Studies*, Gulcin Erdi-Lelandasi, (ed.), (New Castle: Cambridge Scholars Publishing, 2014)

<sup>45</sup> This is summed up understanding of a few aspects from Narayani Gupta's *Delhi Between Two Empires 1803-1931: Society, Government and Urban Society* (New Delhi: Oxford University Press, 1998).

<sup>46</sup> R. C. Arora, *Delhi The Imperial City* (A Guide for Tourists & Visitors) (New Delhi: The Federal Trade Press, 1953), p.16.

In brief, Delhi underwent several change after it was chosen as a site of Capital. During that period mainly animals were employed for the purposes of labour and conveyance. The human labour was also employed. The treatment of administration towards contemporary means of transport and human labour came to be determined by regulation.<sup>47</sup> Rules that were framed to regulate maximum weight animals would carry came to define how the relationship of administration was going to be with the owners of such animals and cattle. Since such rules affected the lives of owners of such animals and cattle, these rules faced vehement opposition from the owners of the animals. This opposition found manifestation in overt and covert confrontation with the administration. Such resistance which lay in background of grand change in the form of Capital establishment speaks of general as well as particular trends. This research has tried to understand such trends at some length.

### **Idea of Civilisation: Delhi Against Slow-moving Vehicles**

Under this theme, principles of health and humanity determine the course of discussion. Other principles which steer the debates are society's preoccupation with decongested space, speed and mechanisation. This element of civilising mission which the colonial powers carried as an instrument for ruling and subordinating the colonised people was used against slow-moving vehicles. This is also evident in official discourse. The slow-moving conveyances stand in binary relation with motors that were fast moving.<sup>48</sup>

Modernity seems to have an unlimited appetite for speed. There was growing penchant for fast pace. The market made effort to cash on in this new propensity for speed.<sup>49</sup> Mr. Shanti Prasad Jain, chairman of Hindustan Vehicles Limited, cited the example of western countries in regard to large ownership of motor vehicles. He further, underlying the importance of transport for achieving prosperity, laid particular emphasis on quicker means of transport. He aimed to come up with such means of conveyance especially motorised ones for price affordable to common men. The Company dealt in tricycles and cycle rickshaws, both motorised and non-motorised. The company also dealt in

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<sup>47</sup> *Annual Reports of Delhi Society for the Prevention of Cruelty to Animals Rules & Acts* (Delhi: Thakur Das and sons) 1916 -1934.

<sup>48</sup> A.D Pandit( Chief Commissioner Delhi) in a correspondence with Venkatsubban (Deputy Secretary to Government of India, Ministry of Health) D.O. No. 4594/ST/CC/55. In LSG, CC Branch, File No. 2(20)1954, Vol.II. All slow transports such as tongas, rehras and bullock-carts impede the movement of the fast moving traffic and therefore these types of vehicles are not allowed in most modern cities.

<sup>49</sup> *The Times of India*, Oct.17, 1958. 'Catering to Transport Needs of Poor Man.'

spare articles for such vehicles. Cycle rickshaw, widely regarded as common man's taxi for its cheapness of fare, was at the centre of discussion. Hindustan Vehicles Limited expressed concern regarding unemployment issue which could have resulted from complete ban on cycle rickshaw. The nation was already under serious weight of unemployment. Given this concern, the company laid stress on desirability of attaching power engines to the existing rickshaws so that pullers' strenuous labour of peddling might be addressed. The company hoped this change to gradually replace the unscientific cycle rickshaws. For this purpose, the Hindustan Vehicles Limited is said to have tied up with the world renowned B.S.A Co. Limited of Birmingham. The demand to ban slow-moving vehicles was gaining momentum.<sup>50</sup>

As food is essential for existence, transport is a keynote to progress and prosperity. Quicker and better means of movement have always engaged the human mind and the restless human in all times has given priority to its development. So we have! America boasts of providing one car to every two persons of her population. Denmark revels at the idea of her each citizen possessing a cycle. Germany on the other hand, is proud of owing the largest number of motor cycles on the road. India, with all the resources at her command, being economically not well-developed, has not been able to afford any such necessities to her teeming millions...Or means of private and personal transport will be bicycles, motor cycles and cheap motor cars or cabin scooters which should be priced well within the common's man's budget. With this end in view, the Hindustan Vehicles Limited. The company also dealt in all such articles and things which can or may conveniently be used for the manufacture of or in connection with all such articles and things as aforesaid and prime-movers for cycles, rickshaws, motor cycles and other vehicles. Speed and comfort has been the theme of the development of transport vehicles, but what is essential today in a world of everyday mounting expenditure is to wed speed with cheapness of both capital and running costs...offers to the consumer, already burdened with various expenses, a satisfactory personal vehicle at low price... No one unless he has a substantial bank balance now-a-days can afford to buy a car. It is the pressing need of time that in order to satiate the speed hunger of the massed, some sleek, handy, comfortable, cheap and economic car type vehicle comes as a relief. This vehicle should not be a possession to fight shy of, but a proud one to possess.<sup>51</sup>

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<sup>50</sup> 1958, *The Times of India*, Oct.17.

<sup>51</sup> *The Times of India*, Oct.17 1958, 'Catering to Transport Needs of Poor Man'.

The idea of nuisance has been widely used as an instrument to control since colonial time. Slow moving vehicles were considered as nuisance. Even though slow was treated as co-terminus with un-modern, modernity by itself required a labouring class that was perfectly sedentarised and static. Nevertheless, the bad traffic condition was attributed to all sorts of slow moving vehicles. The administration demanded ban on slow moving vehicles on this ground.<sup>52</sup> And suggestion to bring motorised form of transport was put forth.<sup>53</sup> Slow moving vehicles symbolised backwardness. Likewise, chaotic traffic conditions of Delhi was brought to notice in order to hold the existing cycle rickshaws responsible for hampering the fast movement of traffic.<sup>54</sup> We also notice instance of motor owners' clandestine engagement for the purpose of troubling rickshaw pullers.<sup>55</sup> City is projected to be a place of fast movement especially in terms of vehicular movement. Given this, the plan did not accommodate pedestrian or any sort of slow moving vehicles because accommodative approach was in contrast with its vision which drew inspiration from the notion of modernisation and westernisation.<sup>56</sup> It was nothing short of myopia for the reason that it tended to overlook the question of employment. Such argument was devoid of regard for many important aspects that figure for discussion and analysis in this chapter.

### Health and Hazard

In civilised society, certain kinds of labour are seen as degrading for human being. In the Report of Labour Investigation Committee of 1946 with reference to working conditions in industries, following observations were made by Ahmed Mukhtar<sup>57</sup>

“whatever ameliorative measures may be undertaken for improving the conditions of pullers, the fundamental fact should not be overlooked that this type of labor is a degradation to the human personality”

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<sup>52</sup> Such argument is as old as 1940 which is evident from papers of Local Self Government 1940 onwards.

<sup>53</sup> Looking at papers of Transport Planning especially in Delhi from 1953 onwards points to such debate.

<sup>54</sup> Local Self Government File, 1954.

<sup>55</sup> Om Prakash Mehta, the Communist leader, made an objectionable speech accusing the police of having been bribed by motor owners to trouble the rickshaw pullers who are being prosecuted for violation of the bye-law forbidding the conveyance of more than one adult passenger in a rickshaw at a time. see Set of Provincial Fortnightly Reports for the month of October 1946. In Home (Political-I) 1946-File No.18/10/46-Poll.(I). NAI.

<sup>56</sup> Literatures of west which largely dealt with the poor of modern Europe or America have a great deal of details about the everyday life problems in cities especially during 19<sup>th</sup> and 20<sup>th</sup> centuries.

<sup>57</sup> *Time of India*, April 25, 1946.

There is no gainsaying that the job of pulling is strenuous and is very likely to cause health complications in the long run. But the question is why pulling occupation in particular? As far as the understanding that results from looking at official policies, data, and measures, it all substantiates the existing bias. In relation to the negative relation between occupation of rickshaw pulling and health, Shri Kishorimohan Tripathi sought medical opinion and asked Rajkumari Kaur whether or not rickshaw pulling was injurious to the health of the pullers. Her reply stated that rickshaw pulling was an occupation that undoubtedly involved hard physical exertion especially on the hills. On the matter of medical report the similar question, she stated, referring to medical reports,

...that rickshaw-pulling like any other hard form of manual labour is not injurious in itself to health provided the puller is of good physique, does not suffer from any disease of the heart or lungs and works under conditions which are favourable for the maintenance of health. In practice, however, these conditions are hardly fulfilled. Inasmuch, therefore, as Government is not in favour of continuing this form of human labour, the attention Provincial Governments is being drawn to the desirability of substituting other forms transport for rickshaws as quickly as possible.<sup>58</sup>

On further question whether most of rickshaw pullers suffer from tuberculosis or paralysis, she refused to agree since there was statistical figure on the matter especially in case of Delhi.<sup>59</sup> Medical authorities were to be requested to give their opinion on the matter of rickshaw pulling.<sup>60</sup> The presence of rickshaw and pullers pose serious threat to grand vision of city. Why the occupation of cycle rickshaw pulling is not unique in this regard is evident from various studies on workers of different occupations. For instance, Chitra Joshi's work on mill workers in Kanpur explains what it meant to be worker at cotton mill. The author has given very vivid description of hazard, risk and monotony involved in work. At one place, a weaver, Ramcharan's elaborate accounts of work brings our attention to tremendous degree of strain on brain and body at work place.<sup>61</sup> The question as to what method is used to ascertain which work is dangerous and which is not. The method is very likely to engage the question about health, working

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<sup>58</sup> Starred questions and answers. In Constituent Assembly of India (Legislative Debates).Part –I (Question and Answer) Vol.iii-No.12. Friday, 1<sup>st</sup> April 1949.

<sup>59</sup> Ibid.

<sup>60</sup> . Local Self Government (Chief Commissioner) 1954, File No.2.(20) 1954- LSG. Delhi State Archives..

<sup>61</sup> Chitra Joshi, *Lost World: Indian Labour and Its Forgotten Histories* (Delhi: Permanent Black, 2006),p.162.

conditions, the nature of work. Given such aspects to ascertain the dangerous nature of occupation, cycle rickshaw cannot be said to be a completely unique. If we take serious view of this and approach the matter from this angle of work, it would become imperative to do away with most of informal sector jobs including that of pulling rickshaw. Such chaotic move would mean the end of employment of about 80 to 90 percent of people in India.

Such demand continued for very long until discourse began to change in favour of cycle rickshaw in the view of the ever-growing energy crisis and pollution problems. The saga of cycle rickshaw is thus largely about its survival despite strong opposition from different quarters. A thorough examination of several records brings to our notice a historical pattern behind a particular kind of reasoning behind prevalent perception towards certain kind of occupations including plying of cycle rickshaw. Pulling rickshaw was being termed abominable practice and obnoxious form of human labour. This partly makes it possible to understand that when riots broke out in the event of partition, Lytens Delhi became a site of bloodbath wherein the rickshaw pullers, predominantly Muslim, were the prime victims. Nirad Chaudhuri provides a handful of narratives of how tonga drivers and rickshaw pullers were among the first to be pulled off and murdered by rioting Hindu mobs. Seen as the scum of the city they were among the first to bear the brunt and the last to receive any police protection (leave alone justice).<sup>62</sup>

Moreover, the state wanted to get rid of them by evoking such image of occupation. For instance, Tamilnadu Government had come up with replacement of around 2000 hand pulled rickshaws with cycle rickshaw in Madras city<sup>63</sup>. What is interesting is that the news of energy crisis had also figured along in the same newspaper. There should have been drive to lessen the number of fossil fuel driven vehicles instead of onslaught on traditional or old form of transport continued.<sup>64</sup> Employing the argument to replace the hand pulled rickshaw with cycle rickshaw and then re-employing the similar argument to replace cycle rickshaw with motor rickshaw had questionable ambition. There was an underlying bias that threatened the urban poor. Instead of recognising, accommodating and encouraging green vehicles like cycle rickshaw, the Government of Tamil Nadu,

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<sup>62</sup> See, Tunzelmann, A. *Indian summer: The Secret History of the End of an Empire* (London: Simon and Schuster, 2007), p.270.

<sup>63</sup> *Times of India*, June 16, 1973.

<sup>64</sup> *Ibid.*



later on, tried to ban cycle rickshaw and expand motor rickshaw during 1970s.<sup>65</sup> Thus, the similar logic was extended cover the occupation of plying cycle rickshaw which began to be seen as inhuman form of occupation. Even the understanding that the political leaders now possess about cycle rickshaw and occupation of pulling echoes the continuity. They also demanded to replace cycle rickshaw with battery rickshaws. Nevertheless, few denied the possibility of phasing out of cycle rickshaw and replacement of them with e-rickshaw.<sup>66</sup>

It was unfortunate that such an uncivilised mode of transport should have been introduced in eastern countries or allowed to operate on our streets. The Deputy Commissioner's action, in the light of preceding facts, was thought to be in public interest.<sup>67</sup> Terming cycle rickshaw unsatisfactory means of conveyance<sup>68</sup> accounted for the making of image which is held towards cycle rickshaw. This is the reason why the perception that the society has towards any phenomenon is attributable to the historical process. The attitude that was gaining currency along this line of thought was common throughout South Asian countries where rickshaw was common means of conveyance. In Calcutta figures of vehicular growth from vehicular census of 1922, 1941 and 1941 pointed towards increase in number of motorised as well as non-motorised vehicles.

Interestingly, the non-motorised vehicles were clubbed under the heading of 'slow-moving' whereas the motors were clubbed under 'fast-moving'. Both categories of vehicles grew manifold. Concern was expressed over the phenomenal growth of both but spectacular growth in slow-moving category was lamented. Particularly in case of rickshaws, 'human being used as draught animals for other human beings was said to be not creditable to any civilised town... Such large number of hand carts and bullock carts were not to be tolerated in a city like Calcutta. Even when permitted as necessary evil, they should not be allowed to use any main roads at all, or at any rate not during the morning or evening peak hours. In Bombay, the Commissioner of Police had issued a

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<sup>65</sup> Murukadas, C. *Urban Poor: Dynamics of Struggle and Survival*. (Chennai: RAC Publications, 1999)

<sup>66</sup> See a synopsis of debates (Proceedings other than Questions & Answers), Lok Sabha (Wednesday, 17 December 2014. *Motor Vehicles (Amendment) Bill, 2014*. Quite a few of member speakers held an opinion that rickshaw pulling is inhumane practice. Even the Minister of Road Transport and Highways and Minister of Shipping (Shri Nitin Gadkari) held that the cycle rickshaw pulling as well as those who pull handcarts are subjected to extreme labour. These people fall prey to incurable diseases.

<sup>67</sup> Local Self Government (Chief Commissioner) 1954, File No.2.(20) 1954- LSG. Delhi State Archive.

<sup>68</sup> Ibid.



notification in which he proposed to prevent the use of one of leading thoroughfares even by horse carriages during the busy hours, and on another road to forbid even motor lorries. Hand and bullock carts in Bombay for many years have been confined to certain roads only at certain times.<sup>69</sup> It is interesting to see how one city was looking up to other city as model in this regard. This is how such perceptions were created towards slow-moving vehicles.

As far as the debate on inhuman nature of occupation is considered, most of the work involves human body and varying degree of labour. Given the impact of work on health, almost all work has health-related repercussion. Some may mean more serious than other. There has been classification of works according to health and hazard. The list of works classified under hazardous and dangerous is very long. Such works are undertaken even in the developed countries, let alone developing countries. For instance, work at construction site is considered highly hazardous as well as dangerous. It is not uncommon to notice large number of poor labour working at various construction sites. Many of them are exposed to severe risk. Many have lost their lives and many still lose theirs during work only. Such incidents go unrecorded in most of the cases. The politics of modern urban lies in the fact that labor of poor is appropriated in large measure for the construction of modern structures like flyovers, roads and big buildings but they are treated as waste as soon as the construction is over. Many regulations are there to harass them. Given the long list of hazardous occupations, cycle rickshaw is not on the top of it. In case of cycle rickshaw pullers and other workers in unorganised sector, it is the living conditions that must draw our attention. If living conditions are addressed, it will mitigate problem to a large extent. Drawing line to determine the boundary of painful and painless categories cannot be taken without question or cannot be agreed upon at all. It is important to know what their demands were at that point of time. Simultaneously, it is all the more important to see whether their demands had anything in common with demands of working class of that time. It is important to establish a system of relationships that existed between pullers, owners, the state and the customers. Do we notice any sort of class antagonism in this system of relationship? Who were the mediating agencies in the event of any conflict? How far the law was responsible in their position?

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<sup>69</sup> *Report of the Calcutta Terminal Facilities 1947* (Calcutta: East Indian Railway Press, 1948)

Seeing cycle rickshaw as problematic for modern Delhi is an instance of State's bias against a large pool of labor in unorganised sector. Such measures gave rise to impression as though the presence of urban poor like rickshaw pullers embodied ugly side of the city and eclipsed the beautiful imageries of modern urban space. These instances from the contemporary period also form a body of evidence of continuity of issues and debates. Delhi Development authority, in its document pertaining to location and role of cycle rickshaw in urban transport, held that use of bicycle and cycle rickshaw is risky and not feasible. Moreover, the DDA maintained that unlimited and unrestricted use of cycle rickshaw has direct relationship with migration into city and the phenomenon of JJ Clusters/slums.<sup>70</sup>

It thus becomes clear that the poor are seen as an alarming or a dangerous class. The poor are bound to live in slums or remain homeless that is a fact in case of many rickshaw pullers. The attack on means of livelihood under the pretext of inhuman nature of occupation is ill-conceived scheme to destabilise the poor and their location in urban space where their presence is considered to tarnish the aesthetic of modern urban. Most of the cycle rickshaw puller interviewees treated cities as place where they can come and find some source of employment. And most of them have had a history of switching from one informal work to another before taking to rickshaw pulling. What is this urban or modern urban made of? Is this to be made of class devoid of poor migrants? Is there no place for manual labor in modern urban? Engaging with such debate and questions in the light of varied evidences sheds light on the social, economic, political and cultural forces of continuity and discontinuity within cycle rickshaw sector. By doing so, the aim is to demonstrate as to how, over a long period of time, discourse around this class of urban poor evolved that tilted, in large measure, against the labouring poor in general. The argument that the occupation of plying rickshaw was and is inhuman arose from different quarters of the cities and country that gave rise to a strong demand for abolition of such occupation on humanitarian ground.<sup>71</sup>

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<sup>70</sup> [http://www.dda.org.in/planning/docs/12\\_Transportation.pdf](http://www.dda.org.in/planning/docs/12_Transportation.pdf)

<sup>71</sup> Local Self Government, 1954, \_The Delhi Rickshaw Driving Bill 1955, Papers of Local self Government, Delhi 1956.

### Machine as Determinant: Diminishing Realm of Labouring Body

In the very beginning during sixteenth and seventeenth century such carriages were ubiquitous in royal domain. Its ride belonged to the privileged class. The quality of horses would be looked at from various angles and quarters. In the same manner, the quality and variety of carriages would engage a lot of attention. The role of coachmen was undeniably quite remarkable.<sup>72</sup> Horse and vehicle were an animal-machine collective that also required a human driver.<sup>73</sup> The approach during second and third decades of 20<sup>th</sup> century towards de-animalised modern city in the view of the decline of horse powered machine is noteworthy.<sup>74</sup> The same goal for the modern city called for the de-humanised transport. The way the rickshaw pullers were thought to be vermins in the city reminds one of the way the horses began to be considered as dispensable under the pretext of hygiene.<sup>75</sup> The idea of nuisance, that had been applied to horses and horse-driven carriages<sup>76</sup>, was also extended to rickshaw and pullers. For instance, ‘...if animals were considered essential to urban activity, they were nevertheless seen as nuisance, even hazardous.’ In big cities, especially if they are dirty [...] sulphurous exhalations escape and soon blacken the gold and the silver lace; but what is worse, if these cities are not well ventilated, or exposed to wind, an atmosphere of man and animal respiration spreads and produces an unhealthy air’ wrote Francois Boissier de Sauvages as early as 1754<sup>77</sup>. Likewise, the accidents and traffic were also associated with these carriages that were also seen in case of cycle rickshaw. What is noticeable is that it is engine and the machine that eventually pushed animal and human-powered vehicles out on the margin. The rise of engines and increased level of automation has also given rise some of very serious contradictions about the viability of machines, engines and automation. the question is whether such contradictions would call for the restoration of older mode of transports.

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<sup>72</sup> Samuel Sidney, *The Book of the Horse: (Thorough-Bred ,Half-Bred and Cart-Bred,) Saddle and Harness, British and Foreign, with Hints on Horsemanship; the Management of the Stable; Breeding, Breaking, and Training for the Road, the Park, and the Field.*(London, Paris & New York: Cassell, Petter, Galpin & Co. 1875)

<sup>73</sup> Peter Atkins (ed.) *Animal Cities: Beastly Urban Histories*. Page 11.(Ashgate, 2012)

<sup>74</sup> *Ibid.*, Page.14

<sup>75</sup> *Ibid.*, Page 25.

<sup>76</sup> *Ibid.*,Page 180.

<sup>77</sup>

The introduction of battery-rickshaw is an example of transition from one kind of mechanisation to another in series. ‘Prior to battery rickshaw, an idea of proto-type powered rickshaw was conceived around 1974 when Akbar Ali Khan, the then governor of Uttar Pradesh Government, in a letter to Prime Minister Indira Gandhi, expressed his gratitude to her for releasing powered rickshaw. It was thought to ameliorate the conditions of cycle rickshaw pullers. This prototype was based on an idea of attachment of power pack with cycle rickshaw. The request was also made with regard to arrangement for massive production of such unit. He also drew her attention to her one of speeches where prime minister had mentioned about the plight of rickshaw pullers. The one sample of powered rickshaw was left with the Director-General of C.S.I.R that was to be to any poor rickshaw puller.’<sup>78</sup> The idea was undoubtedly well-intentioned. Nevertheless, we hear from the experience that *phut phut* vehicle in Delhi that was of this kind was become notorious for snorting aloud. Its ride was certain to give jolty experience. This is how a passenger narrated her experience whose story figured in a certain newspaper.<sup>79</sup> For instance, in view of labor intensity involved in cycle rickshaw pulling, the idea of battery rickshaw was conceived so that manual aspect of labour might be lessened or reduced. There was hope that most of the pullers will gradually leave the occupation of pulling and choose battery rickshaw for their livelihood but it did not happen for various reasons. Now while interacting with cycle rickshaw pullers I was told that the battery rickshaw was not available to people like them because of lack of local residence proof<sup>80</sup>. The lack of local residence proof gives rise to trust issue. Since owning battery rickshaw is very costly, letting it on hire involves the question of trust. It is evident from conversation with most interviewees that they very often lose their belongings and money due to theft and robbery. Likewise, they happen to lose cycle rickshaw on some occasions too. In case of loss, the puller has to cover the cost that he somehow manages to do with his little saving overtime but covering the loss of battery rickshaw would spell trauma and disaster for a poor migrant puller. In other words, hiring battery rickshaw brings a great deal of worry even though its image fits well with

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<sup>78</sup> Prime Minister Office (PMS), Year 1974, File No.17 (1520)/74-PMS. NAI. The Scooter India Limited was likely to be entrusted with the production of such units.

<sup>79</sup> *The Times of India*, 1958, 17 May. The traveler’s account “...I am still awed at the miracle which finally set me, shaken but still alive, on solid ground once again. For anyone who feels life is staid and unexciting, a ride in a phut-phut can certainly jolt him back to life then probably out of it.”

<sup>80</sup> interview with respondent rickshaw pullers, Delhi

the scheme of modern urban. This accompanying worry accounts for the loss of autonomy as well. Battery-rickshaw has not achieved its objectives despite the fact that many people choose it for quick and cheap fare compared to cycle rickshaw. The application of technology was to be used in such a manner that it might help the poor. Hence, there is need for a technology that will help the poor.

‘Appropriate technology could be defined in short as a technology for the poor. In modern times, technology has been used for power and profit by those who are already rich and powerful, because know-how has become expensive and complicated. There has been a polarisation between highly capital intensive, modern, labour-saving and complex technology and the traditional technology that is primitive and inefficient. There is therefore need for evolving a technology that is much cheaper and labour-intensive instead of labour saving and simple instead of complex. Such a technology could serve the poor more efficiently, because it would be within their reach and they would be able to make use of it to earn a better living without exploiting others and at the same time produce wealth for the nation. The cycle rickshaw is a very important means of transport in medium-sized cities. It provides employment to a large number of people. The cost of economics of a powered-engine have been worked out, and it has been found that initial cost, as well as running and maintenance cost, is very high. Middle-class passengers will not be able to pay the increased cost. In addition, this may also result in partial unemployment among rickshaw drivers.<sup>81</sup> The Automative Research Institute, a co-operative research organisation under Council for Scientific and Industrial Research, had also given the direction for bringing powered cycle rickshaw that would be emission free.<sup>82</sup>

Although this transition from tonga to rickshaw and later to battery is not linear and straight, yet it is about transition from a level of mechanisation to a higher level of mechanisation whereby labour intensity is brought down. Unfortunately, battery-run rickshaws are not available to many because of trust and cost issue involved. Since most of the rickshaw pullers have not switched to this mode of transport for their livelihood,

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<sup>81</sup> *The Times of India*, June 25 1976. ‘A Technology for the Poor’ by Hoda M M. See *The Times of India*, July 8 1976, ‘Panel suggests mechanization of cycle-rickshaw’. In this piece of news, the Government had appointed a committee which recommended the mechanization of cycle-rickshaws. However, the committee was against cycle-rickshaw being replaced by auto-rickshaws.

<sup>82</sup> *The Times of India*, December 18 1976. ‘Pune Institute to Evolve better rickshaw engine’.

they have started competing with them instead. The drivers of battery rickshaw pullers form a different class altogether. The impression must not be formed that previous occupation of drivers of battery rickshaw was invariably plying cycle rickshaw. Moving from one kind of mechanisation to another is about perpetuation of contradiction. The whole process to reduce the degree of human labour is underway. Where will such process eventually lead to is an issue of deep concern and therefore requires a thorough scrutiny.

The Delhi Transport enquiry Committee report of 1939 gives idea of transport condition in Delhi.<sup>83</sup> According to this report, there were around 193 motor cabs registered in Delhi; of these 158 are taxi cabs carrying taximeters; and the remaining 35 being vehicles of superior type attached to certain hotels and also carrying taximeters. The motor cabs obviously catered only to a very small number of moneyed section in Delhi. Thus, motor taxicab did not pose major competition to tram service that was increasingly becoming worried about competition. Under Hackney Carriage, there were four classes of vehicles. Class one consisted of landaus, broughams, victorias, that are few in number and no longer of any practical importance in terms of fulfilling the needs of transport requirements. The true competition arose from class ii, iii and iv vehicles that included tongas. There were around 2735 tongas licensed to ply for hire in urban area.

In evidence before us the Delhi Electric Supply and Traction Company (Mr. Lovering) have strongly urged the need for more rigorous control of hackney carriage licensing and a restriction in the number of tongas permitted to ply for hire on the streets of Delhi. The claim that the minimum tram fare of one pice for a stage of about half a mile has been forced on the company owing to unrestricted tonga competition and that at this enforced minimum rate, trams are not an economic proposition. While we consider that the present number of licensed tongas is excessive and leads to deterioration in quality and unnecessary traffic discomforts, we recognise the overriding need of an ample and thoroughly cheap means of transport for the vast majority of Delhi citizens to whose family budgets the pice and anna are monetary values of importance. Indeed, we would particularly stress the economic aspect of transport in Delhi from the point of view of the poor man, and critics of our recommendations, whose views are influenced by modern transport system in western countries, should also remember conditions as they actually are in Delhi and particularly the financial limitations of the travelling public. When this has been said, we still feel that there is a necessity both for a reduction, say to a maximum of 2000, in the number of tongas that should be licensed to ply for hire at any one time in the Delhi urban area., and for an improvement in the quality of vehicle, horse and driving. We are of opinion that Delhi Municipal Hackney Carriage bye-laws are

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<sup>83</sup> See attachment in Ministry of Education, Health and Lands(Forest & Lands), Year 1939, File No.29-36/39-F & L. NAI.

adequate to ensure the necessary improvement and recommend that the committee should consider ways and means of tightening up control.<sup>84</sup>

It is important to note that Public service within Delhi was provided solely by the Delhi Electric Supply and Traction Company. Later on, the service of electrically propelled trolley buses was introduced in 1935 as an experimental measure. Delhi Electric Supply and Traction Company appeared to have many issues with maintenance of profit, avoidance of loss and fear of competition. Gwalior Motor Transport Company that was in contract with the Government of India for running bus service between New Delhi and temporary Secretariat on Alipore Road, and around four other commercial concerns had asked for protection from competition in some or other form. The Delhi Electric Supply and Traction Company registered protest against such competition on certain routes on account of fear of revenue loss to their tramway undertaking. When the Committee, before floating tenders for invitation of interested and suitable parties to run bus services on certain routes, asked for objection from any quarter, it was Delhi Electric Supply and Traction Company that came up an objection on the ground that their financial interests were at stake. As a consequence of this objection, Delhi Electric Supply and Traction Company were granted the right to run bus services along the four proposed routes. Thus this Company enjoyed a certain kind of monopoly.<sup>85</sup> The question was as to whether the tram service met the needs of the population. It calls for study of data to find whether the service provided by the tramway was adequate enough. And looking at the number of passengers it carried, it can be concluded that it was carrying a large number of passengers but the was regarding keeping pace with the population growth in Delhi. Given the extent to which the population was growing, the tramway was not able to keep pace with the demand. See the below tables:

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<sup>84</sup> Ibid., Mr. Lovering maintained in regard to tramway fare, that ¼ anna for ½ mile is not an economic fare, it has been forced upon the Company because of the competition of tongas. In no circumstances can trams be run economically at such low fares.

<sup>85</sup> Ibid.

Table No. 1: Number of Passengers carried

| Year | Trams.     | Trolley buses | Petrol Buses | Total      |
|------|------------|---------------|--------------|------------|
| 1934 | 6,717,330  | ..            | 628,346      | 7,345,676  |
| 1935 | 6,131,178  | 285,299       | 574,615      | 6,991,092  |
| 1936 | 9,116,280  | 358,540       | 487,735      | 9,962,555  |
| 1937 | 11,540,954 | 452,268       | 610,525      | 12,603,747 |
| 1938 | 11,216,102 | 561,728       | 652,529      | 12,430,359 |

Source: Delhi Transport Enquiry Committee, 1939.<sup>86</sup>

Looking at the details of report, it becomes apparent that the tram service was quite sufficient before the establishment of Imperial Capital Delhi. Thereafter, Delhi experienced shifts and changes at significant levels. Moreover, the criticism that was levelled against the Company for their dilatory policy with regard to renewals of track and replacement of obsolete types of rolling stock was fair as the Company also admitted in 1937 that much of the tramway stock was worn out and renewal thereof was due. The company was hesitant to pump more capital towards maintenance and renewal of worn-out stocks for it felt that public opinion was against the continuance of trams and capital expenditure at this stage was tantamount to a position against the public interest. Those who opposed and voiced for abolition of tram service argued that it had become obsolete form of transport in western countries. Besides this, tram was said to be noisy, uncomfortable, slower, more immobile, less free to manoeuvre over a relatively wider range, cause of congestion in traffic, interfering with radio reception, and dangerous to public and to other forms of transport. In the course of this debate, it was also maintained that competition would be in the public interest. In this regard, the Madras Electric Tramways (1904) had strongly advised to have in place one central traffic control board that should be able to protect the public against victimisation by monopolists. Thus it becomes clear that transport was needed to meet the demands of Delhi but there were several traffic issues.

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<sup>86</sup> Ibid.



What is of great importance is to take note of the exercise of making of class in the form of class of vehicles where animal and human drawn vehicles were to be enlisted in course of time. This classification is based on the kind of shared and similar rules that were brought in place to cover this particular class of vehicles, both animal and human driven like tongas, bullock carts, hand carts and later on cycle rickshaws and the like. This category of vehicles also came to be recognised by their slow-moving speed.<sup>87</sup> In case of Delhi, as in case of other cities, it was about a complexity in terms of combination of slow moving vehicles operated with animal or even human power and the fast moving auto-vehicles of diverse kinds, plying for both the goods and passenger traffic. Among slow moving ones we have hand-thelas (carts, bullock carts, tongas and rehras, cycle-rickshaws and cycles and also the old and dilapidated tramways. Included in the faster moving category are passenger buses both private and public, trucks, including again both motor-cycles and scooters, ‘auto-rickshaws of several different kinds and capacity.’<sup>88</sup>

As far as the agencies involved are concerned, many agencies were engaged from top to bottom level of governing agencies like urban local bodies. All of them, at one point of time or other, gave their time and thought towards formulation of rules with respect to the regulation of this class of vehicles. It was more of “vertical interaction”.<sup>89</sup> The ‘horizontal interaction’<sup>90</sup> does not appear to be the case until non-state actors (civil societies, unions and non-governmental organisations) came forward during post-colonial period. There existed a complete lack of consent from the true stakeholders, that is, people like owners and drivers of the vehicles. It could thus be said that this period must be singled out from the period when some degree of negotiation or contestation become visible with the intervention of unions, co-operatives or civil societies. Interest shown and sustained by Delhi Pradesh Congress Committee must be seen as an area of development where political and non-political overlap occurred almost paving the clearer path for the engagement of non-state actors. The case of intervention by Subhadra Joshi,

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<sup>87</sup> Rao and Desai, Op. Cit., p. 160

<sup>88</sup> Ibid.

<sup>89</sup> Find the meaning of the term and contrast it with the horizontal interaction. Reference it with footnote. Apply the term with clear definition.

<sup>90</sup> Page 8. Chapter 1 Joel Ruet Stephanie Tawa Lama-Rewal, “Engaging with the concept of Governance in the study of Indian Metropolises” in *Governing India’s Metropolises*, Joel Ruet Stephanie Tawa Lama-Rewal, (Ed.) (India: Routledge, 2009)

who traversed between political proper and non-political to address the concern of the people in this sector, is an evidence of such overlap. This assistance from the civil society needs to be viewed as beginning of representation of voices so that it might become a party in decision-making that was happening in this sector.

There is need to dwell more on the issue of the much-demanded intra-urban travel trips and the inability of the transport system to cater to it. Having established the crisis, the emphasis would make more sense to underline the importance of alternative modes of transport that not only take care of transport needs of intra-urban mobility but also remain great source of employment for many. In this regard, the overall transport plan and lacunae therein would speak a great deal of larger pattern that is considered to have accounted for the present day problems and irrelevant approach.

‘The growth of Delhi has been phenomenal. Within three decades its population has more than quadrupled. There has been commensurate increase in its activities and physical size. Consequently movement demands within Delhi are also continuously increasing. It is a well known fact that Delhi’s transport service is at its lowest ebb. If the trends are allowed to continue, the crisis in the transportation system in Delhi would lead to a disruption of the total economy of the city itself. In view of the phenomenal growth of population in the Delhi urban area and ever increasing cost of amenities required to meet the needs of the growing population –development of National Capital Region was envisaging in order to decentralise the economic activities in the metropolitan city and disperse the population to the ring towns. The Plan also suggested electrification and dieselisation’.<sup>91</sup>

The financial constraint was felt to meet the envisaged plan. The emphasis was laid on a solution that would cost less. The work proposed for Delhi is necessary for laying the foundation for an integrated public transport system for the national capital. But the present bus system alone, despite the best efforts, cannot possibly help the critical situation that is evident in the highly congested areas to be served by the first phase of integrated system. The above proposals may be considered for inclusion in the 5<sup>th</sup> Plan period with a special allocation of Rs.20 crores by the High Powered Board for the formulation and implementation of the development plans for the Delhi Metropolitan Area and National Capital Region. The Ministry of Works & Housing had set up a Transport Group to evaluate the development in the transport sector under the Delhi Master Plan under the chairmanship of the Chief planner, Town & Country Planning

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<sup>91</sup> Report of the Sub-Group on Short Range Suburban and Intra Urban Programme. In Railway (MTP)Year 1976, File No. 76/MTP/DLI/GENL/2/1-26. NAI.

Organisation. Additional .Member.(Works). stated that it was essential to look at the problem from the point of view of the common man. He had found that the bus system was unable to cope with the demand, with the result that people had to wait for a long time for a bus, and the buses when they did come were heavily crowded. From the point of view of the common man, it was essential to do something immediately to improve the transport system. Since, as Shri Chandrashekhara pointed out, the bus system and the road network could not be developed, it was essential to take in hand immediately the construction of at least one corridor. If funds were the problem, he would spare no efforts to obtain necessary funds so that the lot of the common man could be improved.<sup>92</sup>

Winding up the discussion, A.M.W. stated that everyone present felt that something should be done immediately to alleviate the critical plight of the common man in Delhi. As such, all concerned should make efforts towards this end and to approach the Planning Commission for the necessary funds. The problem of the Delhi transport has been increasing in its magnitude as well as in intensity day-by-day. The public bus system has been meeting the needs of population only partially because of the many constraints to the expansion of this service. The studies conducted by the various expert organisations have revealed that only a high rapid capacity transit system could meet the needs of Delhi's population and that such a system should be brought into operation as early as possible.

Delhi has grown rapidly in population, range and complexity of economic, administrative and other activities and consequently, in physical size as well. The physical extent of Delhi now is more than 350 square kilometres. The intensity of activities and the needs of the population engaged in these activities have demanded an efficient intra-urban transport system that will enable people to move from one part of Delhi to another conveniently and at reasonable cost, either for work, business or recreation. The present intra-urban transport service is made up of Delhi Transport Services, taxis, scooters, auto-rickshaws, private vehicles and bi-cycles. The experiences of the last several years have indicated that the DTC service has been most inadequate and people are forced to travel by private vehicles or by bicycles or even by walk. While DTC have recently introduced a new rationalised system operation with some innovations that have helped to increase the facility, the gap between the needs and the

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<sup>92</sup> Ibid.

available services is so great that DTC is unlikely to be able to provide the needed services on account of various constraints, including capacity of road networks. As a result, there has been a tremendous increase in the number of private vehicles, auto-rickshaws and bi-cycles. Motor vehicles that totalled only 12,000 in 1950 and around 40,000 in 1960, had increased to nearly 3 lakhs by 1973. This increase in number of vehicles coupled with the efforts of the DTC to increase the services have caused acute congestion on the roads and in spite of programmes of widening the roads, construction of over-bridges and under-bridges and other improvements, the road system Delhi is not in a position to handle the transport requirements of even today. In the next few years it will reach crisis proportions. The resources that are available for development of urban transport are limited.<sup>93</sup>

The operation of the service would divert the cycle trips on to the system and thus reduce congestion on the road network, make the traffic composition more homogenous.<sup>94</sup> It is important to underscore the importance of transport arrangement and its role in provision of employment. That is why any vision of transport system, howsoever robust it claims to be, that does not result in adequate provision of employment cannot be said to be robust at all. In this regard, it seems worthwhile to consider correspondence details on transport planning between Sushila Nayar (Minister of Health, Transport & Rehabilitation, Government of Delhi) and K.C. Neogy where K. C. Neogy raised question as to what extent the Minister can alleviate unemployment in her State by any possible modification in road transport policy. In this correspondence, he asked whether it was possible to work out figures of various categories of personnel who may find employment as a result of any new policy.<sup>95</sup>

### Modernity or Survival

The idea is to pose the question of survival in the face of modernity and urban. What is the source of this modernity? Has it actually addressed larger concerns of city life or has rather aggravated it? Fixation with modernity can be discerned in various fields. Have we romanticised with this idea so much so that the question of survival of large number of people whose labor has been instrumental in care of modern urban remained sidelined.

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<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Planning (Development) Year 1953, File No. F28(87)/1953. Delhi State Archive.

The notion of time and change is inherent in idea of modernity. By temporal meaning, it seemed to be in stark opposition to what was old and traditional. As far as change was concerned, it brought something or other element that was new and missing in the old. By means of new, it seemed to supplant the old ones. This whole process was not merely about the new replacing the old ones. The question that underlay was the impact the new was going to leave on those who made their living by depending on the old. The empirical body of evidences suggests that new came with a cost and without sufficient stability. For instance, before rickshaw was brought to Delhi, tram was a crucial means of transport. Other than trams, the major alternative transport was tonga that operated in full competition with tram service so much so that the tram company had to seek protection from the Government by seeking its intervention in order to check the operation of tongas in Delhi. However, tram was losing its popularity for being noisy, slow and obsolete. Tram Company needed large corpus of capital to modernise and renovate its stocks that were said to have worn out. The purpose of bringing this evidence was to point towards the cost involved if the intention was to maintain pace with newness of modernity.<sup>96</sup> This is the time when the entire country was reeling under heavy weight of famine, poverty and unemployment. The real issue was that of survival with dignity. The Government was appealing to its citizens to adhere to austerity measures.<sup>97</sup> The unemployment question was arising from several quarters. Although rickshaw pulling was being seen in critical light, many were dependent on it and ban on rickshaw pulling had undesirable repercussions especially that people rendered jobless might take to beggary. Mr. Pushottamdas Tandon made a novel suggestion in Lok Sabha where he urged a total ban on the manufacture and import of cars and encouragement of cars.<sup>98</sup> Delhi Municipal Committee vide Resolution No.633 of the Executive and Finance Sub-Committee in 1953 confirmed that number of licenses of the cycle rickshaws be increased. However, this resolution was soon suspended despite the fact there was acute shortage of transport and the State Government was considering to liberalise permits in order to cope up with heavy demand. The Government also expressed fear that until and unless two-passenger motor-cycle rickshaws and similar other easy and cheap means of

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<sup>96</sup>. See attachment in Education, Health and Lands (Forest & Lands), Year 1939, File No.29-36/39-F & L. NAI.

<sup>97</sup>. Ministry of Home Affairs (Public), Year 1949, File No.51/373/49-Public. NAI.

<sup>98</sup> *The Times of India*, May 13, 1956.

transport were not on the road in sufficient and adequate number, restricting cycle rickshaw would not be a feasible idea. And given this apprehension, it was suggested to revoke the suspension of order meant to increase the number of rickshaws.<sup>99</sup> Increase in the number of rickshaw was supposed to reduce black-marketing and prevent exploitation of the poor rickshaw pullers by owners.<sup>100</sup> It is important to note that hand-pulled rickshaws were also operational in Delhi albeit in small numbers. It was proposed that they would be replaced by cycle rickshaws. It is ironic that cycle rickshaws were afterwards also supposed to be replaced by powered rickshaws even though it did not materialise soon. There is no limit to the boundary of modernity. Unlimited boundary gives rise to many fallacies.

When unemployment was a critical issue, around 10 million people depended directly or indirectly on rickshaws for their livelihood. A million and half of these were actual rickshaw pullers. The remaining were welders, blacksmiths, carpenters, tailors and spare-parts manufacturers, who were likely to suffer in the event of abolition of cycle rickshaw.

In this regard, it important to take a stock of scale of the trade in monetary term. A good number of small scale industries sustained because of the spare parts they made for cycle rickshaws. It is reported that Rs.24 crores worth of those spare parts were being used every year.<sup>101</sup> This came to light when the rickshaw-pullers of Hyderabad stood firm against the Union's Government's decision to abolish their trade. It was maintained that such step would cause unemployment on massive scale and this alone would reveal how serious the issue is.. Rickshaw pulling was less degrading than begging for one's living. The suggestion that came forward in the course of this matter was that of mechanisation of rickshaws as thinkable solution.<sup>102</sup> When the appropriation of machine was far off rickshaw, the resistance to machine seemed to gain ground as is evident from the tonga drivers and cycle rickshaw pullers opposed the introduction of a State-managed bus service. Their opposition was likened to Luddite movement and they were regarded as

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<sup>99</sup> Local Self Government (Chief Commissioner) 1954, File No.2.(20) 1954- LSG. Delhi State Archive.

<sup>100</sup> Ibid., Rickshaw permits were being sold at a premium price of Rs.3000 to Rs.4000 which was much higher than even taxis and motor-cycle rickshaws.

<sup>101</sup> 1958, *The Times of India*, Nov.3. Given the volume of figure provided in rupees, it is no wonder why the big company like Hindustan Vehicle Limited was eyeing on this to capitalize.

<sup>102</sup> Ibid.

Neo-Luddites.<sup>103</sup> Similarly, Mr. Purushottam Tandon pressed for the stoppage of motor vehicles and addition of more cycle rickshaws for rickshaw provided employment to many.

There was evidently consistent pressure to impose ban on cycle rickshaw even even during the times of dire need for transport. However, there was a representation made from the cycle rickshaw pullers opposing such a ban. Simultaneously, it was requested to avoid such ban at least till such cheap, easy or light motorcycle rickshaw was brought to meet the transport need during 1955.<sup>104</sup> Around this time, use of human labour for haulage was opposed on health grounds. The reference to considerable strain on the heart of pullers was claimed to support the opposition against the employment of cycle rickshaws.<sup>105</sup> Even during this time, cycle rickshaw was termed uncivilised and unsatisfactory; and pedalling it for carrying people or goods was regarded as degrading and inhuman. Moreover, permission of such mode of transport on the eastern countries' streets was regretted. Despite such views, the spectre of unemployment in case of a ban on the cycle rickshaws loomed large. Therefore such a ban was not practical since the rehabilitation of those rickshaw pullers would become an issue of significance.. Even the point was made that searching for alternative employment in the existing hard days would be a severe blow to poor pullers. In light of these veritable concerns, it was proposed that the cycle rickshaws be eliminated within ten years starting from 1955. This is the conceptual ground on which this research intends to base its critique of the modern urban. Interestingly, even these local municipal papers had acknowledged that the pullers are poor. But critique of such view that is held towards the occupation of cycle rickshaw pulling in particular must evolve from comparison of this occupation with other occupations across informal and formal sectors. In this regard, the category of hazardous occupations and occupation that engender ill-health must be put to test in order to check the validity of such historical judgments. This is how the underlying bias against the

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<sup>103</sup> Times of India, 1951, January 9. (Quote what is Luddite) it was said that the English handicrafts-men, following their mythical leader "King Ludd", who first tried to put the clock back. They thought that if only they smashed the lace frames and power looms, they could put an end to all Mechanical devices which had drawn them out of employment. Yet the transport workers of Lucknow were not championing an entirely lost cause. Venice, that city of mysterious silences which is still in love with old ways, only recently decided in favour of its age-old gondoliers by prohibiting all power driven boats and gondolas from screaming and steaming along its canals.

<sup>104</sup> Local Self Government file, 1954. (B File No. F.2(20)54-LSG (DSA))

<sup>105</sup> Ibid



poor would come out on clear ground. Even though the bigger transports were incapable of operating through narrow streets and lanes, the necessity of having something for the narrow lanes like the role cycle rickshaw was undermined.<sup>106</sup>

### **Reordering Space or Reordering Classes? Delhi's Labouring Poor**

The colonial legacy of segregation is still evident. The state's fixation with re-arrangement of urban in order for it to appear uncluttered and beautiful has affected those whose prime objective is to survive. This theme shares considerable space with notion of modernity. It is, therefore, very likely that areas that have already been dealt with may re-figure for reinforcement of previously built arguments. With the occupation of space, the colonial government engaged in reordering of the space. This included the use of space as an instrument whereby it secured its advantageous and dominant position.<sup>107</sup>

In Lefebvrian term, the spaces get broken up into fragments in the order of hierarchy. The spaces that are inhabited by the working populace like rickshaw pullers and other various categories of urban laboring poor come to be signified as informal places. The informality, in other words, lends it an unofficial status and therefore calls for the State control. It does not imply strict boundary between formal and informal. There is undoubtedly an overlap. The traces of one may be noticed in the other and vice versa. The concern that arises from the informal quarter is that of people who are considered to be casual and therefore mostly remain slipped beyond the control of the state apparatus. The street was supposed to be space of freedom that was missing from residence and workplace in general.<sup>108</sup> Does this actually ring true at ground level? The empirical details, however, point in the other direction, that is, street as a highly regulated space. The municipal body is engaged with minute details regarding regulation of streets. By means of regulation, it determined the nature of streets that included very meticulous plan with respect to width, line and length, given the necessity of carriageway and foot-way. The need of smooth traffic flow and diversion thereof in case of repair work on streets and roads was kept in view. In the name of improvement and maintenance the

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<sup>106</sup> Local Self Government (Chief Commissioner) 1954, File No.2.(20) 1954- LSG. Delhi State Archive.

<sup>107</sup> Lefebvre, Op. Cit.,

<sup>108</sup> Di Wang, 'Street Culture: Public Space and Urban Commoners in Late-Qing Chengdu', in *Modern China*, Vol.24, No.1 January 1998(34-72), p.35.



state kept brought the streets under its active vigilance. Obstruction in any form, therefore, drew attention of the state. It also defined the private and public streets and the state possessed power to transform private streets into public streets under certain conditions of laws it had laid out.<sup>109</sup> Thus a street that appears to be space of liberty is actually not so in this sense. Streets have also remained highly contested sites of urban. Those who make living in the streets tend to compete with others who also jostle for street space that is getting narrowed over time. In this regard, the various means of transport come in direct competition. The informal means of transport that are mostly non-motorised generally tend to be weak in this competition for street space. This is so because they lack support of the state.

It is for this reason that the State carries on its onslaught through various means and mechanisms on class of people who inhabit informal spaces of the city. The state carries on its exclusionary tendency by way of reorganisation of space over and over again and thereby keeps pushing the already marginalised to the end of the periphery. This is how people like rickshaw pullers figure in this category of space. In this series, the pavement dwellers, night shelter dwellers and slum dwellers figure in this category of space. Although there is often overlap between formal and informal differentiation of spaces, it is about the created and perpetuated dichotomy between two based on the notion of class. This dichotomy is an extension of colonial legacy where one side of the city remains clean and thus becomes a marker of modernity whereas the other side that caters to the needs of the cleaner side stands as chaotic and therefore a marker of backwardness.<sup>110</sup> In the absence of a safe abode, the sense of alienation from the very city in which they live becomes an everyday reality for a large number of people in cities.

### Politics of Aesthetics: City, its Margins and Image

Its not difficult to find evidence to this effect even in contemporary Delhi that provides ample proof to reflect on the relation between the state, the urban and the poor. For instance, the Delhi Police had held an opinion that “allowing cycle-rickshaws to ply on

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<sup>109</sup> Delhi Municipal Corporation Street Bye-laws, 1958. See Ministry of Works, Housing & Rehabilitation (Ministry of Urban Development-Transfer list)-WCE. Section-1962. File No.8(8)-62-WCE. NAI.

<sup>110</sup> Michael Mann, *South Asia's Modern History: Thematic Perspective* (New York: Routledge, 2015),p.266.

the capital's arterial roads will come in the way of efforts to make Delhi a world-class city.”<sup>111</sup> In a similar vein, a senior police officer of Delhi had referred to rickshaw pullers as class of vermins who deserved to be exterminated.<sup>112</sup>

One hears the echoes of colonial sentiments from such statements made in the post-Independence period. This is what also explains the politics of the modern urban where every single image is supposed to appear beautiful and pleasant. Anything in contrast with beautiful and pleasant was to be obliterated that is evident from the analysis of pulling occupation. The study of Delhi Development Authority's important document like master plans is important in this regard because it is related to city planning and it has its social economic and cultural impact on the population of the city.<sup>113</sup> A Master Plan is the long term perspective plan for guiding the sustainable planned development of the city. This document lays down planning guidelines, policies, development codes and space requirements for various socio-economic activities supporting the city population during the plan period. The first Master plan (1962) intended to make Delhi a government city par excellence. The second Master plan (2001) aimed at building a city that would deserve being the capital of the nation. and to cater to the urban poor of the city with adequate infrastructure, housing and transport. The current plan wants to make Delhi a world class city and a global metropolis (DDA 2007). It is important to note that the importance of intermediate forms of transport like cycle rickshaw pullers did not cross the mind of urban planners in the first and second Master plans. It was in the third Master plan (2021) that such mode of transport has important role to play in terms of environment and employment. Such debates and questions would also be evident from the parliamentary discussion on the place of cycle rickshaw pullers in the city<sup>114</sup>. During the Asian Games scheduled to held at Delhi in November-1982, there was tremendous increase in the requirement of transport to cater to the visitors in the city. It was also important for the image of the country that traffic requirements were met without causing bottlenecks on the roads or on other segments of transport.

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<sup>111</sup> Online Edition of The Hindu, Delhi Edition, Dec 09, 2009.

<sup>112</sup> <http://www.manushi.in/print-article.php?articleid=1610>.

<sup>113</sup> The first Master Plan of Delhi, 1962 , the second Master Plan 2001 and the third master plan 2021.

<sup>114</sup> Rajya Sabha Debates, 2 August 1968. Rajya Sabha, 24 Nov, 1987. Rajya Sabha on Delhi Motor Vehicles Taxation Amendment, 27 July 1939. Rajya Sabha, The Motor Bill 1988. Rajya Sabha The Motor Vehicles (Second Amendment) Bill, 1976. And more debates.

Among other things, emphasis was on construction of fly-overs. Issue of tree cutting for the purpose of widening roads also arose. This was to be duly addressed by replanting more trees. The attention was paid to the need for proper landscaping near fly-overs to avoid any encroachment near or around fly-overs. Such encroachments were seen to cause traffic hazards. The need to consult Urban Arts Commission to beautify the space around the Fly-overs and other places was also felt. Covering of open drains and setting up of shopping centres were duly included.

Likewise, over-bridges for pedestrians and cyclists were given a thought. It was also mentioned that international road signs should be provided at various locations so as to develop proper road sense in Delhi. Similarly, emphasis was laid on proper knowledge of road vehicle rules. It was suggested that the size of the driving license be reduced to a small booklet that could be kept easily in one's pocket.<sup>115</sup> Suggestions like strengthening and widening of roads also came up. Experts were of the opinion that if the number of private operators increased, it will create social problems like unauthorised parkings. The fact that DTC was having operational losses may not be taken into account for determining increase in the size of the fleet as the operational losses were mainly on account of very low fares. The fleet utilisation was 80% and the load factor was 85%. The planning Commission agreed to the proposal that the number of buses should be increased in view of the traffic pressure that might arise during Asian Games.<sup>116</sup> Shri Mohd. Fazal, Member, Planning Commission called meeting with Lt. Governor Delhi, Chief Secretary, Delhi Administration and the representatives of the Ministries of Shipping and Transport, Railways and Finance as well as from other organisations. He stated that the meeting had been called in the context of some ancillary works in the road and the road transport sector in Delhi that had been found necessary in the wake of the Ring Railway Project. He stated that basically these facilities had been found necessary in the long run from the point of view of proper functioning of an integrated transport system in Delhi, but these had assumed special urgency at the present time as their absence could create traffic movement problems during the upcoming Asian Games.<sup>117</sup>

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<sup>115</sup> Planning Commission ( Transport) Year: 1981, file no. 12(9)/81. NAI.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

Mohd. Fazal<sup>118</sup>, in a correspondence<sup>119</sup> to Shri Gujral<sup>120</sup>, drew particular attention to the need of attractiveness and aesthetic qualities of the Delhi city. The key focus of the meeting, that was held on 13 May 1982, was transport facilities arrangement in Delhi in the context of Asian Games. Around this time, for Delhi's road system, nearly RS.30 crores had been spent for fly-overs and almost another sum for road widening and traffic intersection improvement. There was a particular emphasis on and assurance towards landscaping the parking areas along with providing toilet block and the drinking water facilities<sup>121</sup>.

### Right to City Space

The state proceeded under the pretext of overcoming chaos and engaged with the re-ordering of Delhi city. It brought all plausible aspects of modernisation and tried to fit them within the city. A glimpse into the history of cycle ricksha pullers gives an idea of how several symbols and a large number of working people around these symbols inhabit the realm of 'lessness'. Fruits of modernity may be plenty, but most of the people by and large stand deprived. For instance, we witness the presence of many banks, insurance bodies, hospitals, multi-storied buildings, yet a large number of people have remained Outside the domain of these amenities. Amid presence of multiplicity of houses in the city, destitution among poor people, absence of accessibility to bank amid the presence of many banks, looming of threats in many forms despite the presence of the police, untouched with the hope of any basic insurance against looming risk, lack of civic facilities despite the big presence of civic bodies and the like situations embody this contradiction that is evidence of how the urban has been site of inter-class conflict. Despite all these problematic dimensions, modernity is deeply aspired.

Taking note of instances overtime to understand who actually managed to have more "right to city space that is modern". This attempt makes it conspicuous the process of hierarchisation of people in the order of importance. The large number of hard working people whose contribution to the city is remarkable but they have become the least important people in the scheme of hierarchisation. Looking at the question as to that

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<sup>118</sup> He was one of Planning Commission Members.

<sup>119</sup> D.O.No.PC/M(F)/1093/82May 19<sup>th</sup> 1982. See in Planning Commission (Transport) Year: 1981, file no. 12(9)/81. NAI.

<sup>120</sup> He was Chairman of Railway Board New Delhi.

<sup>121</sup> Planning Commission (Transport) Year: 1981, file no. 12(9)/81. NAI.

section of the city become the most privileged and under-privileged in this ever-growing competition for city space. In this struggle for space, the one at the low rung of hierarchy like cycle rickshaw pullers gradually keep getting pushed towards the margin. Their existence tends to get fictionalised owing to lack of adequate documentation of them. It is for this reason that doing history of them and their means of livelihood appear to be of fictional approach. Thus it is like transformation of fact into fiction. Thoughtless adherence to modernity had led to severe forms of problems that affect poor people in most cases. The formation and evolution of the kind of landscape in that modernity has been instrumental does not favour large number of working class at large. In fact, such factors give rise to any kind of politics in that interests of elite class take precedence poor class citizens. These processes find resonance through politics?

The study by Amita Baviskar gives an idea of such politics.<sup>122</sup> Do we end up doing a history around a long drawn process of marginalisation? It is evident from interviews that they fear such monstrous structure like civic centre and fearsome bureaucratic route for any necessary documentary work. They have to remain dependent on middlemen for necessary documents like license and permits. It is for this reason that most of them prefer to rent cycle rickshaw instead of owning it since it is relatively easy for the person who owns many cycle rickshaw to get these paperwork done whereas it all appears nightmarish to pullers. It is one of the reasons why they avoid buying one. Apparently there are other reasons too. The study brings to notice the evidence against the absence of evidence of several issues that the poor in city have faced but those issues could never morph into a significant body of evidence that would have allowed extensive history writing around the issue of this class. For instance, interviews with the puller respondents gave idea about several problems that they have been facing overtime. Many died in throes of all these issues but hardly any official body took note of things. The evidence to such effect had potential to cause dent in the adopted and borrowed image of modern urban. In other words, such dent would have meant the blot on the larger policy regarding urban and its development. There is a great need to find the role of modern capitalism in terms of its contribution towards social tension at urban. Simultaneously, examining how such tension determined the future of dialectic would bring many

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<sup>122</sup> Amita Baviskar, 'Cows, cars and cycle-rickshaw: Bourgeoisie environmentalism and the battle for Delhi's Streets' in *Elite and Everyman: The cultural politics of the Indian middle classes*. Eds. Amita Baviskar and Raka Ray (New Delhi: Routledge, 2011)

interesting aspects on the reflection of class struggle in history of cycle rickshaw in Delhi because it would help identify forces against that the struggle has been going on for years. Taking close view of policies that deal with emerging areas of tension to verify their inclusive or exclusive element would form background for evaluation and examination of political agencies.

The case of cycle rickshaw bears some resemblance with the notion of the neo-proletariat. The neo-proletariat is no more than a vague area made up of constantly changing individuals whose main aim is not to seize power in order to build a new world, but to regain power over their own lives by disengaging from the market rationality of productivism.<sup>123</sup> Nevertheless, the immediate purpose is not to establish exact resemblance between true meaning of post-industrial or neo-proletariat labor and cycle-rickshaw puller. The main purpose is to distinguish pullers from the labour in factory in that pullers choose this to gain some degree of autonomy as far as supervision and salary are concerned. Despite this distinction drawn, there is no denial of the labor involved in pulling rickshaw. Neither is there denial of value of labor in return for pulling even though the value is subject to negotiation. However, it is this power to negotiate that empowers pullers.<sup>124</sup> With the coming of battery-run rickshaw, there is noticeable erosion in the power of negotiation on the part of the pullers. Although the reason to choose cycle rickshaw has been to avoid undue supervision that is common practice at factory-related works, there is a certain degree of accountability towards payment of rent owed to owner of cycle rickshaw on a daily basis. In this regard, it may be better but such explanation does not equate such better position with better living conditions. In fact, living conditions of cycle rickshaw pullers may be even worse compared to other kinds of labour. Likewise, such interpretation does not mean that there is no alienation from the kind of work a puller does, that is, pulling that undoubtedly strenuous and routine. The same class of pullers feel intimately involved with the kind of work they used to do when at place of origin that is evident from the folks songs, gossip, and laughing out while working in farm. Andre Gorz has shown how most of the working population that is mostly neo-proletariat has no job security and how they form

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<sup>123</sup> Andre Gorz, *Farewell to the Working Class: An Essay on Post-Industrial Socialism*, Michael Sonenscher(trans.) (London and Sydney: Pluto Press, 1982) page 75.

<sup>124</sup> Since rate is not fixed, the negotiation between passengers and pullers becomes apparent.

a class whose work is characterised by casual and temporary nature. Andre Gorz has also shown how jobs in future will be lost to automation.<sup>125</sup> Though he has not talked in relation to cycle rickshaw pullers yet I have drawn on his theoretical findings and find a little similarity in case of cycle rickshaw and what has been happening to large number of cycle rickshaw pullers.

The question is as to how modernity of urban affords to leave large number of people out of its domain to suffer especially when there is so much of interconnections and complexity involved. Is the pleasure of modernity and urban only for non-poor even though there is a greater degree of role of the working class in making of the structure of the modernity and urban? There is thus need to find the points of interconnections and establish the relationship that the working class like cycle rickshaw pullers have with the so-called modern city.

There is no doubt that Urban embodies dimension of livelihood for a large number of the poor migrants. Still the relation between the labouring poor and the city does not consist of mere one dimension. There has been serious effort to understand other possible perspectives to gain full and rounded figure of the relation between the poor migrants and the city.

All forms of labor involve a certain degree of inhumanity, some more than rickshaw pulling and some less than rickshaw pulling. The rickshaw puller, being illiterate or uneducated, does view pulling as a source for livelihood. And the city as a space embodies site for fantasy as well as site for employment. There is undeniably great role of underprivileged labor in making of any city before its major and better portions get earmarked for the privileged. This trend of exclusivity gets articulated in multiple forms. The argument that rickshaw pulling is inhuman is one of such articulations that lessened the scope of survival for many urban labouring class people. The lesser the scope of survival becoming, the more intense the struggle became albeit the struggle could not found continuous momentum due to lack of organisation and political voice that was but natural for this class. Why did then one form of labor, that is, pulling rickshaw, come under scrutiny over and over again? The answer to this question can be found in something that is intricate and part of larger policy where the visible poor were to be obliterated from the envisioned landscape of city. The larger plan wanted the role of the

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<sup>125</sup> Ibid., Page 69.



labouring class but did not wish any entitlement over the city space for the same class. Thus, even if cycle rickshaw became inescapable sight of the city despite unfriendly policies, it has been solely due to long drawn struggle over time. The present investigation aims to treat cycle rickshaw as symbol of labouring class like other more symbols that could be located from the domain of informal or unorganised sector. The policy, on the whole, has been unable to provide jobs to educated ones, let alone jobs for the large number of uneducated and illiterate or semi-literate ones. Under this condition, the state has no right to narrow the existing scope of livelihood for the large number of poor rural migrants in cities who are though ill-equipped, engage in such informal work. It should have rather widened its scope and provided more alternative for such section of society.

Car as a symbol of modernity despite multiple inherent problems like pollution, unsustainable, accidents, class tension, space occupancy etc and non motorised vehicles like cycle rickshaw as symbol of non-modern despite being eco-friendly, safe and sustainable. The fear that has resulted from the arrival of battery-run rickshaw is evident among cycle rickshaw pullers. They also show anxiety on the issue of rising cost of things. The question posed to them about any plan towards alternative in the event of complete ban on cycle rickshaw, they all appeared clueless. Their fear is that of resultant unemployment and its impact on them and their family members. Most of them have a history of switching from one kind of work to other kind of work. Among many reason, inadequate income, lack of autonomy, irregular payment, job dissatisfaction in the past jobs seem to be the cause for switching. What is noticeable is that cycle rickshaw seemed better option among all chosen works and that seems to be the reason why many of them happened to pull it for longer period of time. Despite this evidence, it has taken long to understand cycle rickshaw and its importance. Does modernity have answer to problems that a cycle rickshaw puller in Delhi has been experiencing over the years? The ambitious vision of modernity has tried to obliterate the image of intermediate transports like cycle pullers but their presence on busy streets and roads of the city affirm their necessity for many people and businesses in true sense.

The scale of change that has occurred in design of cycle rickshaw over seven decades since 1940s may not seem great deal but even those sporadic changes are remarkable. It seems a great deal about trial of different innovated bodies in shape of carrier over two to three wheels. If at some point of time, it is combination of wheel, animal and human, it



gradually does with the animal portion overtime with technical improvisation. Improvisation has continued and it had its repercussion. Nevertheless, such technological improvisation has never implied complete disappearance of existing mode even though it has to a large extent, threatened the existing mode with phenomenal threat of large scale replacement. That is why traditional modes of conveyance are carriage are in the city of Delhi to this day. Such presence gives an incredible sense of intersection of views where modern and tradition merge as well as compete with each other in that tradition slowly loosens its hold over urban space. It is also amazing to notice that something, for instance cycle rickshaw that appeared modern at a certain point of time subsequently becomes less modern or outdated that means danger of loss of space. In this regard, the changes that occurred in design of cycle rickshaw over time gives adequate scope to view such development. Taking note of the hand pulled rickshaws in Calcutta, it is easy to think of horse, ox or other animals in front of hackney on two wheels that was reality in the past. When horse gets replaced with human body, it gives rise to several concerns. The quantum of labor began to centre around the human body. However, this is not the end of continuum. Further technological modifications began to lessen the scope of human body. This study also draws on Richard W Bulliet's<sup>126</sup> work in studying cycle rickshaw and pullers from this angle. The heavy wooden cycle rickshaw that was widely in use for the carriage of people is now used for the movement of goods whereas the modified light metal rickshaw is now for the carriage of people as well as goods. The modified and light weighted metal cycle rickshaw has lost a large share to battery-run rickshaws. It is interesting to see how it becomes wheel versus wheel over time. This observation has empirical basis. The rickshaw pullers also share the similar story.

### Conclusion

The technology of governance that the colonial state used in order to reinforce the stricter control on the colonised like census, enumeration and number assigning measures to map out the identity that was later used for the purpose of segregation and discrimination. Richard Harris and Robert Lewis's<sup>127</sup> work is of considerable help in

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<sup>126</sup> Richard W. Bulliet, *The Camel and the Wheel* (New York: Columbia University Press, 1990)

<sup>127</sup> Richard Harris and Robert Lewis, 'Numbers didn't Count: The Streets of Colonial and Calcutta', *Urban History*, November 2012, Vol.39, Issue 04, pp 639-658. doi:10.1017/SO963926812000429.

understanding the technology of governance under the rubric of census, enumeration and statistics.

Hand pulled rickshaw is said to have entered India from the Southeast during third quarter of nineteenth century. Calcutta, Simla, Darjling and other places, these rickshaws were very common. These rickshaws became matter of contestation and regulation during 1940s. A modified rickshaw, that is, cycle rickshaw, then came around 1930s and became common on city streets and roads by 1950s. Undoubtedly, all these means and manners of conveyances competed with each other in overt and covert manners. But these all formed one category, that is, a class of non-motorised vehicles. The taxonomy and nomenclature of the very category surfaced as binary of motorised means of conveyance. This binary opposition went beyond nomenclature. It also accentuated the class opposition. The coming of motorised vehicles actually caused tremendous level of commotion among class of non-motorised vehicles. With decline in the traditional means of transport and increase in the number of non-traditional vehicles, urban character was also undergoing change. The meaning of its space was also changing. The taxonomy and nomenclature is undertaken in such way that it polarises and marginalises the disadvantaged. The process becomes exclusionary.

The state, by means of elaborate laws, not only intruded in conscience of labouring poor but also circumscribed its body by dress code, badge, license and numbering. It is for this reason that unpacking narratives of poor urban labour implies journey to the core of their experiences where tension is principal element. Probing their core of experience uncovers the agenda of the state whose role in portrayal of image of rickshaw pulling also becomes evident. Act of pulling has often been portrayed as inhuman and dangerous for health of rickshaw pullers. Such portrayal of image considers rickshaw to be an un-modern and nuisance on the roads and streets of city. Un-modern and nuisance seem to pose threat to the urban order. What do urban poor like rickshaw pullers get out such portrayal? The obvious answer is unemployment for large number of people. The question of very existence and survival arises in answer to this question. Consequent upon such portrayal, cycle rickshaw has been considered to be chaos on roads and streets that call for thorough cleansing of the very rickshaws from the urban space. The bodies of rickshaw pullers have been treated as sick and unclean. Such projection has blurred the distinction between the work of pulling by human and the animals like horse. Since these imageries run counter to 'imagined' and 'desired' urban image, the state calls for

the obliteration of the very source of contrary imageries. Investigating the background of such imageries has brought to fore the underlying politics over public urban spaces—roads, streets, pavements and slums (loci of the urban poor). In the same manner, in an ideally imagined urban, the speed is romanticised whereas the slow-movement is considered to be sign of backward, non-urban and un-modern. ‘Machine’ has been over-emphasised over human labour so much so that the very meaning of labour of labourers is in deep crisis. As the boundary of machine is expanding, the boundary of human labour is shrinking. Rickshaw pullers have also borne the brunt of over-emphasis on mechanisation. Its ubiquity across urban roads and streets for years lent it a representative image that embodies labouring mass of informal sector albeit rickshaw and pullers have remained lost in one of sub-categories of urban space.

By and large, the cycle rickshaw pullers have remained victim of dominant discourse of modernity. The cycle rickshaw has been pushed to the margin due to the image that evolved from the values that were attached to it like it is slow-moving, symbol of backwardness, inhuman, outdated, cause of road congestion so on and so forth. It is for this reason that this dominant discourse cannot be the true representation of social reality. For instance, How can man and animal driven vehicles that account for only 4 percent of total vehicles population of Delhi be held responsible for road congestion?

<sup>128</sup> Slowly with change in scenario of crisis of fossil fuel, alarming pollution in Delhi the perception towards this mode of transport is changing. It is towards the late end (2010 onwards) that cycle rickshaw begins to be considered a suitable and important mode of transport in view of the fact that it does not contribute to pollution and it is source of employment for large number of poor migrants. <sup>129</sup> This change is evident from data on unorganised sector. Likewise, Unified Traffic and Transportation Infrastructure (Planning & Engineering) Centre (UTTIPEC) placed great emphasis on non-polluting mode of

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<sup>128</sup> Transport Planning, Chapter 12. (<http://delhiplanning.nic.in/Economic%20Survey/ES%202005-06/Chpt/12.pdf>)

<sup>129</sup> National Commission for Enterprises in the Unorganised Sector- Report on Conditions of work and promotion of livelihoods in the Unorganised Sector, 2007 which defines where cycle rickshaw puller fit and defines how they are close to group who make meager income. It places them in unorganized sector. And points out that they are mostly poor migrants from states like UP, Bihar, Rajasthan, Orissa, Madhya Pradesh. Its findings suggest that they are mostly landless and illiterate. It also points out that the rickshaw pullers are not recognized within transport system despite being cheap and pollution free. It lays great emphasis on plan to give them due recognition and place in urban planning. According to this document, most of the rickshaw pullers stay in jhuggies or unauthorized colonies, owner's workshops or even below staircases, on footpaths, under hanging balconies on the roadside, in their rickshaws or in the open space.

transport like rickshaw and demanded the adequate space and thought for such mode of transport.<sup>130</sup>

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<sup>130</sup> UTTIPEC, July 2012.



## Chapter 3

### The State, Judicial Apparatus and the Urban Poor

#### Introduction

For about a decade from 1940, cycle rickshaw struggled to gain due recognition on public space, that is, roads and streets of Delhi. As there was a steady increase in the number of cycle rickshaws, they became a matter of contestation. The following decade starting from 1950 was to witness more trouble<sup>1</sup> since the policy of ceiling and licensing was in place. Simultaneously, replacement of cycle rickshaw with motor rickshaw was under serious consideration for two reasons- (i) rickshaw pulling was being viewed as inhuman (ii) increased number of rickshaws was held to be a cause of traffic congestion. To make sustenance easier for the pullers some cooperatives and societies came up.<sup>2</sup> With tension on claim to road space, laws and byes-laws were framed which are to a large extent carry-over from the colonial laws and byes-laws. The noose of laws around this vehicle slowly sets in the process of regulation. The inconsistencies of laws do not remain unnoticed and these doubts are brought before the courts in one form or other. No matter how much the pullers protested and tried to register their presence, it yielded no fruit. The gaining of independence in 1947 and enforcement of constitution in 1950 takes us into a different phase. The Constitution became a benchmark for looking at rights guaranteed under this document and resorting to judicial intervention upon infringement of rights guaranteed. Prior to Constitution, there was no ideal point of reference to examine the subject. From this phase onwards, the legitimacy of law as well as any decision draws from the provision of constitution were welcomed. The court played its role before independence too but the points of reference were bills, Act, laws and bye-laws. The various hackney carriage acts and amendment thereof provide for the hearing and disposal of cases under the guidance of magistrates. With the Constitution in view, it became the final and ideal point of reference.

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<sup>1</sup> Industries and Labour Department, File No. 10(56)1959/I & L, Vol. I & II. DSA

<sup>2</sup> Bharat Sevak Samaj. Rohtak Society. Rickshaw Pullers Co-operative Industrial Society. Delhi Cycle Rickshaw Pullers' Union. Rickshaw Owners Association. Delhi Pradesh Congress Committee. (see Letter No. F.3/79/A-14/55-PMP, Dated 12 November 1955 in LSG, CC, File No. 2(20)/54-LSG. DSA.

Inconsistencies inherent in the laws and bye-laws came to surface as a result of petitions filed for as well as against cycle rickshaw. It is imperative to underline the role of the state and non-state actors as they were instrumental in bringing the intervention of judiciary.

Laws as instruments are mould and have often been used by the rich to their advantage where the poor have often experienced the dark side of the laws. This study of rickshaw pullers brings to the dark side of the laws. Policing and regulating to downsize their presence has been very common. This creates a condition of illegality. They have no way but to live in such condition which define their life in city. There are over 25 judicial cases related to hackney carriages and rickshaws since 1931. Mostly, the cases at disposal in this chapter belong to post-colonial period. The period of 1980s, witnessed many writ petitions<sup>3</sup>. During 1990s too, a few petitions were made. From 1999 onwards till 2014, a series of petitions were made. These petitions and judiciary's engagement with class of Hackney vehicles arouse our interest in pattern of issues which led to several petitions. The issue which truly perturbs is that of continuity of flawed colonial legacy in regard to perception and approaches towards solution of issues even long after the end of colonial regime, especially when the situations seem to have changed a lot, and become favourable. The impact which British Common law<sup>4</sup> had on our judicial procedure is evident from many of these cases.

In the process of studying history of petitions around rickshaw,<sup>5</sup> we understand how the hackney regulation was brought, elaborated and applied to cover several vehicles of a particular class mostly animal and human drawn. We also notice how hackney laws come on the verge of extinction as a consequence of threatened class of vehicles and people. The judgments which were delivered followed precedents

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<sup>3</sup> In Medieval England, writ meant the elaborate command. It took many forms and was used to commence an action at Law...Source: Edward Jenks D.C.L., 'The Prerogatives Writs in English Law' in *Yale Law Journal*. Vol. XXXII, No.6, April 1923.

<sup>4</sup> . Judicial precedents rather than statue based. The problem with precedential method was that bad precedents were fraught with dangers. Moreover, it rules out the scope to treat any matter of concern from fresh line. Over emphasis on analogy based reasoning is not without its downside even though it has a few upsides too.

<sup>5</sup> I must duly acknowledge a particular limitation of this chapter. One is that it is dealing mostly with post-colonial period for which I could get many instances of judicial intervention on the matter of rickshaws. Thus my understanding of judicial cases on the subject of informal transport and issues develops largely from contemporary sources especially legal sites and portals.

and in some case they became precedents for future judgments. What is nonetheless more interesting is that the precedent with implicit contradictions were questioned and reviewed. Since the domain of law has a lot deal with serious interpretation, evidences and references to legislative frameworks, the process becomes slow-paced and therefore drag on before concrete judgment take final shape. The loss of time and the resources in this process of expectation for fair trail and justice, the poor suffer a great deal.

Identifying major stake-holders sets out clear map for us to understand the prevalent viewpoints. The following are the few stakeholders, to name with - Municipal bodies, the police department, traffic department, unions, N.G.Os and co-operatives of rickshaws and tongas, bourgeoisie agencies, pullers, drivers and owners of vehicles and animals. The municipal bodies, the police and traffic department are part of the state. The state's standpoint on the matter often fit with that of bourgeoisie's stance whereas the other stakeholders generally represent the pullers, drivers and the owners' side of narratives. The owners' interests are sometimes at variance with the pullers and drivers. It, however, never became cause of conflict between the pullers of rickshaws and the rickshaw owners. This is one area which distinguishes the case of India tonga drivers and rickshaw pullers from that of experience of countries like Singapore, Hong Kong, China.

The major concerns which the state side representatives have brought forth revolve around traffic congestion, question of illegality, humanity, modernity whereas the representatives of the other side have brought forth lines of reasoning which adhere to principles of constitutionality, democracy, legal realism and environmentalism. Moreover, the puller side also remains firm on the exposition of fallacies and contradictions implicit in arguments of the State's side representatives. It almost turns into a battle ground where both sides are on war footing. The state's side is always resourceful whereas the other side grapples with the resources to sustain the battle. Getting redressal is not without cost and therefore it becomes difficult for the weaker section. This aspect must be borne in mind to understand that the course of justice is not very simple and straightforward and this complexity makes it harder for the poorer section to pursue the course of justice. The intention of petitioners needs to be understood to see the socio-economic and political contexts for this entire matter. In this



battle, the weaker section is generally the defendant whereas the State's side engages in pre-emptive attack.

This chapter examines the relation between the state and the urban poor in the light of various judgments where the urban poor have been key stakeholders. This can be understood from the courts' judgment on the plying of cycle rickshaw on the roads of India cities. Though the tension around cycle rickshaw had begun during 1940s and 50s, it was during 60s that the tension brew to such a level that it eventually started engaging judicial agencies to straighten the matter. The matter was related to the urban poor like cycle rickshaw pullers' right to livelihood<sup>6</sup> which remained challenged and dependent on the understanding of the judicial apparatuses. In this chapter, attempt will be to read important judgments directly or indirectly related to cycle rickshaw pullers. The period covered under this chapter is from 1960 to 2014 when the matter reached the Supreme Court of India and the matter is still under consideration. The idea of rightness which is said to be inherent in the 'architecture of justice'<sup>7</sup> could be investigated in the case of cycle rickshaw pullers. The large sum of details of petitions and judgments constitute the body of empirical evidence. Looking closely into these details and placing them on the scale of thorough historical analysis familiarises us with the underlying terrain of inclusion and exclusion. The identified issues which arose from the examination of judgments consist of debate around the matter of citizenship, livelihood, equality, ownership-plier debate, violence embedded in law, ceiling on the number of non-motorised vehicles, road as a public space, democracy on the road, embodiment of governmentality and transition to pro-poor judicial stand. The analysis, however, does not challenge the intellectual property of the judicial exercise. There is no doubt that the law has also taken recourse to moral route. It, however, adheres to the jurisprudential requirements.

For the development of idea alongside the issue, four to five cases will be chosen rather than incorporating all the related cases. These four to five chosen cases will cast significant understanding on the process of enquiry.

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<sup>6</sup> See Report on India Parliamentary Participation at International Conference, Addis Ababa(Ethiopia) 5-10 April 2009. Ali Anwar Ansari (Bihar) talked about the plight of rickshaw pullers with historical perspective with particular focus on rickshaw as source of livelihood.

<sup>7</sup> Henrik Palmer Olsen and Stuart Toddington, *Arcitechtures of Justice: Legal Theory and the Idea of Institution Design*( England:Ashgate,2007)

### **Discourse of Illegality: Ceiling, Licensing and Ownership**

The laws embody the structure of governance and policy which permeate law, bureaucracy and the state. The state controls everyday life of the poor. Constant presence of the fear of illegality gets internalised. Nuances of law mostly remain incomprehensible to the poor. This incomprehensibility results from the lack of education and supportive agencies. This shortcoming accounts for the vulnerability. This process accounts for creating the ‘other’ in the informal sector of workers.<sup>8</sup>

### Rickshaw as Property: Pullers, Owners and the State

Rickshaw, being movable property, requires adequate and secure space where it can be kept without fear of loss, damage and theft. Although rickshaw is movable, it is not portable enough to be carried anywhere. For property-less to have moveable property like rickshaw means necessity of having accommodation which is secure and spacious enough to accommodate rickshaw as well as puller. It is for this reason that mobile body of migrants who pull rickshaws do not opt for possession of rickshaw as a personal property, even though they are desirous of owning rickshaws in general because the situation often calls for shift from one location to far-off location. All securities and insecurities which come with the possession of any property also come with the ownership of rickshaw. Overcoming these accompanying insecurities seems costlier than the rent they pay to ply rickshaw on hire. Moreover, they also hesitate to approach state agencies like the police and court for seeking relief in the event of loss, damage or theft of their property.<sup>9</sup> That is why an over-emphasis on idea of ownership of rickshaw by pullers is not feasible alternative for the majority of rickshaw pullers even though such emphasis is premised upon belief that it will redeem pullers of exploitation at the hands of rickshaw owners. It is however important to state that relationship between pullers and

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<sup>8</sup> Michaeline A.Crichlow. ‘Comment on Ritajyoti Bandyopdhaya’s “Politics of Archiving: Hawkers and Pavement Dwellers in Calcutta”’, *Dialectical Anthropology*, Vol. 35, No.3 (September 2011), pp.317-321..

<sup>9</sup> Interview with Rickshaw Pullers of Delhi, 2011-2018, 75 out of 80 respondents gave these reasons for not buying rickshaw of their own.99 percent of respondents shared the sense of insecurity which arises with possession.

owners of the rickshaws is not always what is often projected. The owners were said to help pullers in time of crisis of health and money.<sup>10</sup>

The emphasis on ownership of rickshaw by pullers themselves is based on noble idea of pulling them out of rent-trap. Nevertheless, question arises whether they can be pulled out of rent-trap. The answer is in negative for one very apparent reason- they must take rented accommodation in case they own rickshaw and they have to share rented accommodation with other urban poor so that rent-sharing reduces the cost of rent. 70 out of 80 respondents (87 percent) shared that the living condition in rented accommodation is often more deplorable than living in open in the city. They attribute the poor condition of shared accommodation to cramped space , poor ventilation, lack of freedom, unsafe possession, noise and inadequate space.<sup>11</sup> In general renting is only alternative because buying even small house in slum is not within their reach. It is thus clear that rent-trap is inescapable factor for them. It must be borne in mind that rent-relationship is often based on hierarchy of power where the rent receiver is more powerful than rent-payer be it a case of rented rickshaw or house. Thus ownership of rickshaw may liberate him from the clutches of rickshaw owners but with his own rickshaw, they need to rent accommodation where they have to pay the rent. The real solution thus lies in ownership of house rather than means of livelihood in case of rickshaw pullers. Thus all forms of renting implicitly involves element of exploitation on the part of owner and keeping this view of the court in mind, all forms of renting should be scrapped. If the court were to stop the exploitation, it should have drawn on the maxim of the Karl Marx who said that the exploitation of the labour is inherent in very structure which is almost all pervasive reality. The exploitation commences as soon as the labour enters into relationship with the employer which is true of all sorts of employment. Thus, all forms of labour must be redeemed because there has always been scope for exploitation in all forms of labour-employer relation. But one form of labour becoming centre of attention is what calls for academic attention. The state's fixation with the idea of ownership loses sight of the problems which accompany the ownership of cycle rickshaw. This one-sided approach was outcome of monologue. It called for

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<sup>10</sup> Interview with Rickshaw Pullers of Delhi, 2011-2018, many of respondents' reply in this regard support this finding.

<sup>11</sup> Interview with Rickshaw Pullers of Delhi, 2011-2018

dialogue with pullers who are real stakeholders. Although well-intentioned court called for ‘the provision of cycle rickshaw ownership by pullers’ by means of interest free loan’<sup>12</sup>, it was to lead to same conclusion. Although Supreme Court, considering that the migrants pullers often go back their villages during agricultural seasons, had an option of nomination incorporated whereby rickshaw pullers could choose a nominee with whom they can leave their rickshaws at the time of seasonal visit to their places.<sup>13</sup> This was not easy proposition for poor rickshaw pullers because they live amid dangerous and fraudulent milieu where entrusting someone with safe custody of one’s hard earned property is often impractical remedy.

The debate of “ownership to puller”<sup>14</sup> in line with “land to the tiller” is therefore problematic.<sup>15</sup> Since the rickshaw pullers’ choice was not considered and therefore it was tantamount to denial of puller’s choice not to buy and ply. In parlance of Ash Amin, “freedom of choice” was denied to actual pullers.<sup>16</sup>

Having said that idea of ownership is not feasible, the bye-laws are also of paradoxical nature which becomes clear upon close examination of the bye-laws. If one goes by the line of bye-laws<sup>17</sup> that the license will be granted to only real owners of cycle rickshaws,

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<sup>12</sup> 1981 AIR 14, 1981 SCR (1) 366. (Azad Rickshaw Pullers Union vs State Of Punjab & Others on 5 August, 1980).

<sup>13</sup> See 1981 AIR 14, 1981 SCR (1) 366. (Azad Rickshaw Pullers Union versus State of Punjab and others August 5 1980).

<sup>14</sup> Year 1965, Rajya Sabha Debate. Starred question. Bhaurao Krishnaji Gaikwad to the Minister of Labour and Employment (Damodram Sanjivayya).

Factors like virtual absence of accommodation, anxiety regarding safety of cycle rickshaw, need for circulation migration for survival constituted “material conditions of labouring majority” which render large number of labour migrants nomadic. These material conditions should have been considered by the state prior to any conclusive move particularly move which is of regulatory nature with respect to the livelihood of the poor. Nevertheless, such analysis does not call for omission of the constitutional imperative of Article 39 which laid emphasis on just distribution of ownership and control of material resources of the community for common good. The notable evidence in support such approach could be seen in “Bihar Land Reforms Act of 1950”. The court’s line of argument in case of cycle rickshaw, pullers and owners was in accordance with such constitutional imperative. Despite this, it was necessary to make difference between ownership of land and ownership of cycle rickshaw. In other words, it called for logical necessity to avoid the equation of land ownership with cycle rickshaw ownership where rickshaw pullers are mostly footloose and unsettled migrants in city and away from their rural roots. In case of later, the property was movable and very likely in danger of theft whereas there was hardly any danger of theft in case of first even though there remained a greater possibility of fraud. In the view of ‘informality and circulation’ for the large army of labour<sup>15</sup>, equation of land ownership with cycle rickshaw did not form sound logical ground.

<sup>16</sup> Ayona, Datta (2013), ‘Encounters with law and critical urban studies: reflections on Amin’s telescopic urbanism.’ In *City: Analysis of urban trends, culture, theory, policy, action*. 17 (4). 517-522.

<sup>17</sup> Delhi Municipal Corporation Act 1957, Cycle Rickshaw Bye-Laws 1994 & Thela Bye-Laws 1960. Under these, Municipal Corporation has the power to regulate the plying of non-motorized vehicles.

it corresponds to the fact that those who are not owners will not be granted license and therefore it de-legitimised non-owner pullers. Since grant of license is subject to the verification of residence, those who want to obtain license will have to prove residence. It is generally impossible for the poor migrants to prove their residence. Even in case of rented accommodation which is usually in slum, they do not get any formal documents which can be furnished to prove their residence. The verifying authorities take advantage of this precarious situation of rickshaw pullers. In other words, this gives wide scope for corrupt practices among administrative personnel and the poor bear the brunt of this shortcoming in laws.

There is also contradiction in what Bye-law stipulates and what the State's measure in regard to owning rickshaw provides for. This contradiction is evidence of the fact that the noose of illegality is unbreakable. The bye-law states only owners should be the pullers – going by this, every rickshaw puller would be the owner. This means multiplying the number of rickshaws as the number of pullers is much higher than owners. If pullers turns owners then there will be a surge in the number of rickshaws on the road. At the same time, there is stringent law regarding ceiling on the number of rickshaws which determines the maximum number of rickshaws permissible in city's Municipal limits. Both cannot go hand in hand. Thus the idea in support of ownership by pullers becomes futile. In other words, ownership of rickshaw implies that all the pullers must possess their own rickshaw which is not possible without number of rickshaws far exceeding the limit set by the ceiling. In the view of this inherent contradiction, ownership alone is not an answer. The petitioner on behalf of rickshaw pullers brought this to notice. The question is asked whether same policy is applied on motorised vehicles. What justification does the plaintiff have to give for the fact that there is no such restriction on the total number of cars or other private motorised means of transport? The plaintiff<sup>18</sup> has no satisfactory answers to these questions. The owner of

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Under Section 481 of the Delhi Municipal Corporation Act, Delhi Municipal Corporation had framed the Cycle Rickshaw Bye-Law of 1960 and amended Bye-Law 3 in 1976 to provide that 'no person shall keep or ply for hire a cycle rickshaw in Delhi unless he himself is the owner thereof and holds a license granted in that behalf.

<sup>18</sup> Municipal Corporation of Delhi is plaintiff which operates through such framed bye-laws.

license has to be puller was feared to have legal lacunae ever since such idea was conceived since the same was not in case of Taxi.<sup>19</sup>

The Court maintains that ‘a license holder may employ assistants without any further license being required.’<sup>20</sup>

The petitioners submit that the impugned bye-law, which mandates the “owner-plier policy was undoubtedly approved in its previous ruling reported as All India CRO Union versus Delhi Municipal Corporation. Air, 1987 SC 648. However, there have been substantial changes in the circumstances and the ground realities twenty two years later, which necessitates this Court declaring that such policy is no longer constitutional...Most rickshaw pullers prefer to rent rickshaws, as they cannot afford to but them<sup>21</sup>

Thus, the High Court of Delhi conceded that buying of rickshaw by pullers is not a viable option due to poor financial condition as well as lack of accommodation.

#### Fundamental Rights: Investigation of Cycle-Rickshaw Bye-Laws

The case of rickshaw pullers ever since it became contentious, it gave rise to many fundamental questions. Keeping the Constitution as benchmark, the rights which were under threat as a result of the State’s intrusion into lives of urban poor like rickshaw pullers were right to property, right to life, right to free movement, right to carry on trade and right to equality. The interpretation of the Court also brought into play the right to health and entitlement to social life needed for the poor. Under the issue of livelihood,<sup>22</sup> equality and business, the purpose is to demonstrate how the state has belied its own written documents when it came to treat the poor citizen. The state’s machinery has yet not been able to yield the best results for all sections of the society. It has left a considerable evidence to prove that the state has rules that need to be reformed to meet the concerns of our varied population and their sizeable grievances. The matter did not come to light until it mustered adequate tension and found some voicing agency to voice its concern with the hope for fair redressal in judicial courts. The courts, in the course of treating the matter, refer to various articles of the Constitution including frequent reference to enshrined fundamental rights and face the triviality of the matter. The focus

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<sup>19</sup> Local Self Government ,(Chief Commissioner), 1954, File No.2.(20) 1954- LSG. Delhi State Archive.

<sup>20</sup> WP (C) 4572/07 & 8580/09.

<sup>21</sup> WP (C) 4572/07 & 8580/09

<sup>22</sup> The right to livelihood has been kept at the centre of the debate since the position of the urban poor has always been precarious in the words of Usha Ramanathan. That is why the decision to ban the cycle rickshaw, which is source of livelihood, implies deprivation of life. See Usha Ramanathan, “Illegality and the Urban Poor”, *Economic and Political Weekly*, No.41, 22 July 2006.

on triviality of the matter brings out the biased nature of the state against the poor citizen of the country. The Articles of the Constitution which were brought into focus were—<sup>23</sup>300 A, 301, 38, 39(a-c)), (e), 43, 14, 19 (1)(g), 21 and 19 (1)(d).

Gurbachan Singh laid the background for checking the validity of the bye-laws and anti-rickshaw policy in the light of Constitution. The similar case of owner-puller came to surface in Punjab as well.<sup>24</sup>

### Real Exploiter: Owners or the State Machinery?

“Can the conscientious members of the community sleep in peace when millions of their brethren and sisters are denied the comfort of sleeping on the footpaths of the metropolises of India....to take all such measures as may be necessary to harness law and the legal process in the service of the poor?”<sup>25</sup>

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<sup>23</sup> 300A. No person shall be deprived of his property save by authority of law.

301. Subject to the other provisions of this Part, trade, commerce and intercourse throughout the territory of India shall be free

38. [(1)] The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

[(2)] The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations

39. The State shall, in particular, direct its policy towards securing—

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood;

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength

43. The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas

#### *Right to Equality*

14. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

19. (1) All citizens shall have the right

(d) to move freely throughout the territory of India

(g) to practise any profession, or to carry on any occupation, trade or business.

21. No person shall be deprived of his life or personal liberty except according to procedure established by law.

<sup>24</sup> AIR 1979 P H 223, 1980 Cri LJ 417. (Gurbachan Singh And Others. vs State Of Punjab And Anr. on 6 April, 1979) ( In Punjab, six people who owned 26 cycle-rickshaws with bona-fide licenses, in a writ petition to Punjab High Court, challenged the vires of Section 3 of the Punjab Cycle-Rickshaw (Regulation of License) Act 41 of 1976 on the ground that it violated Articles 14 and 19(1)(g) of the Constitution of India.

<sup>25</sup> 138<sup>th</sup> Report on Legislative Protection for Slum and Pavement Dwellers, Law Commission of India, 1980.



But what has happened and is still happening is contrary to foregoing vision. The illegality of existence which has taken deep root in informal sector is evident from the acknowledgement of the Government's own document. Taken as official evidence, it shows how manifestation of urban poverty occurs through growth of informal sector, proliferation of slums, illegal existence in terms of livelihood and shelter, resultant insecurity, criminalisation and violence manifest urban poverty.<sup>26</sup>

Despite contrary relationship between the poor and the State, we also have instances of the State holding robust view and taken measures which promoted welfare for the poor in true sense. One such measure of ameliorative nature was reported from the Sasaram district of Bihar where the order was issued for the transfer of cycle rickshaw from the owners to the actual pliers even though the owners had come up with petition to challenge such order.<sup>27</sup> If we thoroughly deconstruct this order which appeared to be close to social justice, it implies the coercion of ownership on the part of pliers who would otherwise wilfully choose to avoid the purchase of rickshaw and ply rented ones. However, this is not similar to foregoing move in the sense that the pliers are here not directed to buy the cycle rickshaw. The question is whether plying rented rickshaw amounted to exploitation of pliers by owners of rickshaw. Ownership implied compulsive need to have license of ownership as well as license to ply which meant unavoidable pain of having to go through complex bureaucratic route and procedures.

Another instance where the State appeared to have taken considerate view of the poor rickshaw pullers can be found in reading of a case of 1980 which involved cycle rickshaw pullers, owners and the state around the issue of exploitation of actual pullers. In this case of 1980, there was a provision of interest-free loans to enable actual pullers to possess their own cycle rickshaw so that the possibility of their exploitation by hitherto owners or existing middlemen might be ruled out.<sup>28</sup> Although the stance of the state in this case is undoubtedly that of welfare, it did not mark clear departure from the ongoing debate which revolved around the question of owner-puller. Thus, the matter

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<sup>26</sup> For instance, Ninth Plan Document (1997-2002)

<sup>27</sup> See AIR 1982 Pat 116, 1982 (30) BLJR 180 (Bhaiyalal And Others. Versus State Of Bihar And Others. on 5 November, 1981

<sup>28</sup> 1981 AIR 14, 1981 SCR (1) 366. (Azad Rickshaw Pullers Union vs State Of Punjab & Others on 5 August, 1980)



could not progress further. The question was still whether the puller had choice not to buy and remain tension-free about the safety of rickshaw in case he had to go back to his place of origin during agricultural season.

In many cases, rickshaw pullers are homeless. Imagine, for a moment, about the anxiety of having to visit unapproachable officers to regain lost, stolen, mugged up or lost license. Theft and loss is part of everyday life among rickshaw pullers. The key concern is fear from the state machinery and therefore judicial redressal by addressing ownership issue is of great importance to them. True empowerment lay in fearlessness. As long as fear prevailed, empowerment could not come. Cycle rickshaw, non-fixed property, undergoes frequent verification. In other words, puller has to fear frequent verification which amounts to an atmosphere of anxiety. The question is whether ownership confers freedom and prosperity. One also need to examine whether such limitation amounts to injustice. Thus there is a need to problematise the existing array of 'solutions' which appear on the surface but close examination exposes inherent ambiguities and contradictions.

The High court of Delhi is of opinion that the complete prohibition of those class of citizens who cannot or do not wish to own rickshaws due to compulsions of temporary or seasonal residence in Delhi, was not present or considered at the time when the All Delhi C.R.O. decision was rendered.

#### Owner-Puller Debate

The debate that cycle rickshaw has to be plied by owner himself is not new. It is as old as 1950s.<sup>29</sup> It was on this ground that issuance of new licenses and new registrations were stopped. Anybody found in contravention of such ordinance was due to be punished. There was bias in such decision which was much later towards the end of twentieth century highlighted by Madhu Purnima Kishwar.<sup>30</sup> Unfortunately, such biased ordinance had assent of the President of India even though such ordinance was contrary to 'the Constitutional provision'<sup>31</sup> of freedom to carry on trade and business. The entire move against cycle rickshaw, its owner and puller got entangled in the intricacies and

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<sup>29</sup> Patna Municipal Corporation Act, 1951.

<sup>30</sup> Kishwar was opposed to the idea of pullers has to be owners. Through Manushi Sangathan she raised this issue through court case.

<sup>31</sup> Article 301 and 303, Indian Constitution.

contradictions of legality because advocates in favour of such restrictions and ordinances took recourse to the same. Ultimately, the people on the margin seemed to have lost the battle for justice.<sup>32</sup> This is what Usha Ramanathan termed “narrow construction of legality and inversion of constitutionalism.”<sup>33</sup> No matter what course the entire matter intended to take but the issues which are present around restriction of cycle rickshaw pulling can be traced back to 1950s and 60s. What is coming out because of this discussion regarding the intricate law of the state and the urban poor where they suffer from the lack of agency to fight the oppressive State.<sup>34</sup>

‘A license holder may employ assistants without any further license being required.’<sup>35</sup>  
The owner-plier policy is embodied in the proviso to Bye-Law 3(1). The second proviso-which prescribes an exception to proviso to Bye-law 3(1) was to mitigate the policy. The policy is held to be arbitrary and unreasonable; therefore, the proviso to the Bye-law is unsustainable in law...as the impugned proviso to Bye-law 3(1) is severable from bye-law 3(1), this court holds the same (first proviso to Bye-law 3(1) is unconstitutional and void.

On the question of constitutional freedom of carrying trade and business under the provision of article 304 of constitution with particular reference to cycle rickshaw pulling, the petition was placed before the court to challenge the legislation of owner-puller. In reply to petition, the court took historical view of the occupational precedents and came forward with some arguments. For instance, the court referred to arrival of hand-drawn rickshaw and protests against its introduction in the past on the ground of health hazard and dignity of human labour. Likewise, cycle rickshaw underwent same challenge. But the need of transport and people dependent on such mode for their livelihood could not be disregarded. The court underscored the issue of employment and the rising need of transport. However, the court brought to our notice article 39(e) of constitution to prioritise the health of workers and safeguard the workers against the exploitation and any abuse at the hands of employers. Further, the court, taking note of counter-affidavit on behalf of state regarding the plight and poor conditions of cycle rickshaw pullers, emphasised the decent standard of life and full enjoyment of leisure and social and cultural opportunities for the workers under the guidance of article 43 of

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<sup>32</sup> See Article 304 of Indian Constitution for locating contradiction.

<sup>33</sup> Usha Ramanathan, “Illegality and the urban poor”, *Economic and Political Weekly*, No.41, 22 July 2006, p. 3193.

<sup>34</sup> Raj desai, “The Political Economy of Urban Poverty in Developing Countries: Theories, Issues and an Agenda for Research”, WOLFENSOHN CENTER FOR DEVELOPMENT working papers. 2010.

<sup>35</sup> WP(C) 4572/07 & 8580/09.

the constitution. What is even more important in this case is recourse to meaningful and descriptive narrative which shows how cycle rickshaw pullers who are mostly poor people especially landless from rural areas form a class under urban poor.<sup>36</sup>

The court emphasised the importance of autonomy which was likely result of the above proposition. The autonomy was the decision of owner whether to work under unfavourable condition or not which was otherwise not possible and pullers used to feel compelled to carry on working under unfavourable condition. Owner-puller legislation was seen as imposition of excessive restriction and therefore against the interest of public but the court denied to consider this as restriction and dismissed the petition.<sup>37</sup> Thus the owner-puller policy gained acceptance in the view of the law. Even the dismissal of the petition in above case implied the furtherance of legislation and buying became compulsive for the poor migrants even if they had decided to avoid the purchase. Many become rickshaw pullers after leaving some other less rewarding informal occupations and wish to leave pulling for better source of livelihood. But buying meant that the owner had to remain puller unless he disposed off his rickshaw. Eventually, the sphere of criminality was carried over.

The guarantee under Article 19(1)(g) extends to practice any profession, or to carry on any occupation, trade or business. 'Profession means an occupation carried on by, a person by virtue of his personal and specialised qualifications, training or skill . The word 'occupation' has a wide meaning such as any regular work, profession, job, principal activity, employment, business or a calling in which an individual is engaged. 'Trade' in its wider sense includes any bargain or sale, any occupation or business carried on for subsistence or profit, it is an act of buying and selling of goods and services. it may include any business carried on with a view to profit whether manual or mercantile. 'Business' is a very wide term and would include anything which occupies the time, attention and labour of a man for the purpose of profit. It may include in its form trade,

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<sup>36</sup> AIR 1961 ALL 72.(Giyani Singh vs Nagar Mahapalika Of The City Of Agra... on 22 March, 1960) (By a letter dated 25-30 November 1955 the Government of India had recommended to the State of Uttar Pradesh as also to other States that issue of fresh licences for new cycle-rickshaws should be stopped. The said recommendations of the Government of India were accepted by the State of Uttar Pradesh. When Agra Municipal Corporation tried to implement such policy, Giyani Singh, owner of cycle rickshaws, file petition under the Article 226 of Indian Constitution since this Article enables to file writ petition. His petition was dismissed on the ground that it appeared to be individual matter rather than collective matter due to absence of collective body or more people.

<sup>37</sup> Ibid.

profession, industrial and commercial operations, purchase and sale of goods, and would include anything which is an occupation as distinguished from pleasure. The object of using four analogous and overlapping words in Article 19(1)(g) is to make the guaranteed right as comprehensive as possible to include all the avenues and modes through which a man may earn his livelihood. In a nut-shell the guarantee takes into its fold any activity carried on by a citizen of India to earn his living. The activity must of course be legitimate and not anti-social like gambling, trafficking in women and the like.

#### Violent and Extra-Legal Form of the State

The seemingly law-maker turns law-breaker. Furthermore, law-breaking remains legitimate exercise because the State is considered powerful. The present study brings up instances of extra-legal act of the state. The engagement of judiciary as minute reader and interpreter of instances lends credence to evidence based formulation that state has often transgressed its limit.

In the present case, there are specific provisions in the Act, authorising the MCD to exercise confiscation and seizure powers (immovable and movable property). These are sections 156,157 (Distress) and 158(8). Section 158(8) even prescribes that in the event of disposal of such property, seized or distressed, for recovery of specified municipal dues, if surplus remains, the property owner is entitled to such amount. Section 161 specifically prescribes for seizure of vehicles and animals, in case of non-payment of tax. There is no such power to seize, confiscate and destroy cycle-rickshaws. Therefore, the bye-laws, and impugned resolutions, to the extent they authorise the exercise of such power are arbitrary as well as ultra vires.

As far as the penalty prescribed by clause 4 of the impugned policy, Bye-law 17 (b) is concerned, this Court notices that the only provision dealing with penalty in such cases, is section 482, concerning with penalty for breach of bye-laws. The provision of Rs.300/- as penalty in a compulsive manner (by the policy) and Rs.50/- per day for continuing offence is clearly in excess of the said provision of the Act...with this Court declaring clause 4(k) and (I) of the policy and bye-laws 17(b), and 17A to be unconstitutional, there is no power in the MCD, much less the Delhi Police, to seize and either sell in auction or destroy a rickshaw even where it is found to be driven without a license or by a person no having a proper license. We are not unmindful of the manner in which these wide powers were being exercised with cycle rickshaws being easy targets for unleashing the lathi of a traffic policeman. It is hoped that the Delhi Police will, consistent with this judgment, instruct its personnel to treat rickshaw pullers with sensitivity.

The decisions of the Supreme Court have consistently ruled that mere existence of power, either in law or in executive policy, is insufficient to answer a challenge to state action, on the ground of arbitrariness; the executive agency has to satisfy that the decision is not based on whim or caprice, but was taken after a consideration of all

factors relevant.<sup>38</sup> Therefore, it is required of every state action to be informed by reason and an act unformed by reason is per se arbitrary.<sup>39</sup>

The MCD, referring to Division Bench order in Hemraj, stated that there is a cycle rickshaw mafia controlling the trade.

The Court had ruled that clauses 4(K) and (I) of the mcd's policy of 2007 and also Bye-laws 17(b) and 17-A of the Cycle Rickshaws and mandated a continuing offence, prescribing specific sanctions, were held to be without authority of law and contrary to the Delhi Municipal Corporation Act 1957 ('DMC Act').<sup>40</sup>

On 13<sup>th</sup> January 2012, the High Court after hearing learned counsel for the petitioner as well as MCD issued inter alia the following directions regarding registration and licensing of cycle rickshaws: "The status report of the MCD reveals that by a Circular dated 2.1.2012, a scheme for the registration/licenses of the cycle rickshaws throughout the city of Delhi has been made operation. The main judgment dated 10.02.2010 of this court has held the owner-plier policy as well as the ceiling on registration and licensing of the cycle rickshaws are violative of the DMC Act as well as provisions of the Constitution."<sup>41</sup>

The Committee has found that every citizen of India has a legal right under the WP(C) Nos. 4572/07 & 8580/09 provision for articles 300A and 301 of the Constitution of India which gives them the right to possess property and freedom of trade, commerce etc. Furthermore Cycle rickshaw/cycle rickshaw trolley are prime, environmentally, pollution-free as well cheaper and instant means of livelihood for the poorest section of the society...

Their forced illegal status (due to bye-law) is rampantly misused by the MCD and police as a tool for exploitation, and corruption and the bye-laws are used in contrary to interests and requirements of the cycle rickshaw pliers. The WP(C) Nos. 4572/07 & 8580/09 Page 9 petitioners rely on a report of the Central Vigilance Commission, in this respect, and submit that it has gone on record in 2001 stating that the level of corruption due to exploitation of hawkers and cycle rickshaw pullers in Delhi was to the tune of several crores per month, with estimates ranging from Rs.6-10 crores per month. It is stated that the authorities prefer to continue with the bye-law as it generates enormous incomes by way of illegal "rentals", graft and bribes.<sup>42</sup>

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<sup>38</sup> Shri Lekha Vidyarthi Vs. State of U.P.(1991) 1 SCC.

<sup>39</sup> . WP(C) 4572/07 & 8580/09.

<sup>40</sup> CM. No.18051 of 2012 in W.P. (C) 4572 of 2007. It is important to know that MCD had resorted to S.L.P against the Full Bench Judgment which the Supreme Court had rejected. The Supreme Court ultimately dismissed MC.D's S.L.P ON 2<sup>ND</sup> April 2012.

<sup>41</sup> WP (C) 4572/2007. Manushi Sangathan Vs P.K. Panda and Others. 2 June 2012. It is worth mention that

<sup>42</sup> Ibid. In this petitioner also laid reliance upon the 1997 Whitepaper on Pollution in Delhi, issued by Ministry of Environment, which indicated that Vehicular pollution contributed 67% of the total air pollution load in Delhi. In the similar petition, the attention was drawn to the growth of vehicles from 5.13 lakh in 1981 to 32.38 lakh in 2001... it was also noted that total trips would rise to 280 lakhs by the year 2021 (257 lakh motorized trips and 23 lakh non-motorized trips)...In regard to pollution, the role of

### **Pulling rickshaw is inhuman labour: Court View and Popular view**

The act of judicial body involves in verification and truth making by means of close investigation and thorough interpretation. Persuasion is inherent in its approach. Instead of taking popular perception at its face value, it tries to view the matter from all possible angles. Regarding rickshaw pulling as inhuman occupation, the state has its role in perpetuation and reinforcement of such perception. Since 1940s,<sup>43</sup> the administration has, through official discourse, kept this image of pulling intact to the present date. The intervention of court and its role in reforming such perception lends it credence to its benevolent nature. The act of persuasion must not be taken as a negative element in this case since judiciary invariably deals with formulation of logic and argument. Thus it is its intrinsic character. The aim is to underscore the fact that deep engagement with the ground reality and interpretation thereof on the basis of persuasive argument is what is expected of judiciary. It also stretches its territory on moral and ethical ground if need arises.

The long drawn discourse around the ‘rickshaw pulling as inhuman occupation’ came before the court as early as 1954 in case of rickshaw pulling in Tollygunj suburb of Calcutta where Commissioner of Police, Calcutta had objected to rickshaw pulling on various grounds. Rickshaw pulling is inhuman was one of the grounds of objection.<sup>44</sup> Considering rickshaw pulling as source of livelihood for poor migrants, the Municipal and the Police authorities drew attention to the ill impact on health due to long working hours and strenuous occupation, poor material conditions like homelessness, victimisation by owners, and unhygienic food from the roadside shops. In the similar fashion, the attention was drawn to prevalence of tuberculosis among rickshaw pullers. Although poor working condition among other hostile factory work are undeniable, the purpose was to justify the intervention of the State to oppose cycle

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vehicles in air pollution was established in 1994 when the Central Pollution Control Board had estimated that vehicles contribute roughly 64 percent to the city’s pollution load.

<sup>43</sup> Most of the files related to Local Self Government dealing with rickshaw pulling have discussed this dimension.

<sup>44</sup> AIR 1995 Cal417, 59CWN215 (Satya Ranjan Roy and others. Versus Commissioner of Police, Calcutta and Others. One of points made is related to this notion of inhuman-‘ The Rickshaw as a vehicle of locomotion is a barbarous mode of travel. It is strange to talk of fundamental rights to exploit a few hapless human beings, and transform them into beasts of burden, transporting heavy loads on superheated asphalt roads, in tropical sun and shower, for a miserable pittance. Until however, public conscience is sufficiently aroused to see the monstrosity of it, I must assume that to carry on an inhuman business of this description is included in the charter of our rights conferred by the Constitution.

rickshaw and the occupation of pulling. The stand of Court is clear in the following paragraph:

The Court maintains that any trade, profession or occupation for profit or livelihood is legitimate and within the safeguard of fundamental rights as far as it is not inherently noxious and dangerous to the general public. The court gives instance of liquor trade and dealing in drugs in the category of inherently noxious and dangerous to the general public category. Since there is lack of substantial material to prove that cycle rickshaw pulling hurts human dignity, the court disagrees with such assertion.<sup>45</sup> Given the fact that the State cannot meet the challenge of educating, training and employing a large mass of ever-growing population, any work howsoever slight (not from the point of view of those who are educated, trained, skilled or with ability to make choices) is worth exploring. It may be part-time employment or full-time, it may be seasonal or regional. The Court recognises the importance of regulation given the State's concern for scientific and rational management of road.<sup>46</sup> There should be no ceiling as to the number of rickshaws/trolleys...these numbers should be solely determined by the public demand for the services of rickshaws.

In this regard, the court's observation is noteworthy for it hears all the parties and shows considerable regard for the material condition of the poor.

The court regarded the expression "cycle rickshaw puller" as euphemistic term for the hungry human animal. Since the question was related to fundamental right to life, outright ban was avoided for a viable alternative, that is, self-ownership.<sup>47</sup> The purpose of breaking such euphemistic expression was to acknowledge the deplorable conditions of the urban poor in the informal sector. Such acknowledgment from the Judiciary speaks a great deal about people like rickshaw pullers who are in urban areas but own nothing of urban except their labour which is their principal means of subsistence and survival.

Having said all that the court had to say in regard to occupation of rickshaw pulling and the State's anti-poor viewpoints, it must nevertheless be mentioned that the ground reality hardly changes for the poor except that hope of survival gets revived in the light of robust hearings and judgments by the court. The Poor, despite all protection from the Constitution, remain exposed to all sorts of threats and dangers.

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<sup>45</sup> Such observation that pulling hurts human dignity was made in *Hemraj*. (*Hemraj vs C.P. Delhi CWP 3419/99*). In this case, a person by the name of Hemraj, had insisted that MCD be held responsible for illegal encroachments in the old walled city and cycle rickshaw was said to be cause of road congestion. Also see WP(C) Nos. 3419/1999, 5340/2003, 1011-15/2006 and 8685/2006.

<sup>46</sup> WP(C) 4572/07 & 8580/09. The court had noticed on 8 May 2009 that the Commissioner MCD had constituted a Committee to critically examine the 1960 Bye-Laws and study its impact vis-à-vis welfare of the rickshaw pullers and owners.

<sup>47</sup> 1981 AIR 14, 1981 SCR (1) 366. (*Azad Rickshaw Pullers Union Versus State Of Punjab & Others* on 5 August, 1980)



## **Cycle Rickshaws are Eco-friendly: Urban Spaces and Urban Ecology**

‘My Lord- I see you have forbidden the Poplar Borough Council to pay its labourers 4 pound a week. None of you...take less than 120 pounds a week, not counting your savings from past emoluments. It needed high moral courage to announce to the world your conviction that any one of you was worth thirty ordinary men.’<sup>48</sup>

The foregoing remarks unpack class based deep-rooted discrimination which becomes routinised and acceptable. The poor and the citizen get hierarchised in the order of importance in urban ecology. On the one hand the rich claim to be far more important entity of urban ecology, the poor, on the other hand, become the least important and dispensable entity-pushed from margin to extinction. Such ordering is characteristic of ‘bourgeoisie environmentalism’.<sup>49</sup> Scharada Dubey, drawing on the idea of John Hillman, put this idea of ordering in this manner:

‘Environment’ then, would be imagined well beyond social and economic conditions, beyond the entire cultural setting, to include every item that takes care of us every day...it becomes impossible to exclude this bit of environment as irrelevant in favour of that bit as significant, as we would rank world phenomena in order of importance.’<sup>50</sup>

Such approach treats them as “other”, “outsider”, “polluter” and “unauthorised”.<sup>51</sup> Although the State and the Municipal body are true owners of the roads and streets, they, in opinion of learned judges, cannot be irrational and arbitrary in apportionment of roads and streets in favour of the rich. The rich and the poor are citizens of the country alike. Neither class is more or less citizen than other. The vote they cast to choose representative carry equal value. The Court made a reference to Halsbury Law of England when the Judges were considering a case with regard to cycle rickshaw pullers in Noida. A brief of reference:

‘The fact that the members of the public have a right of passing and re-passing over a highway does not mean however that all highways could be legitimately used as foot

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<sup>48</sup> Ian Duncanson, ‘The Politics of Common Law in Theory and History’, in *Osgoode Hall Journal*, Vol.27, No.3 (Fall 1989) p.702

<sup>49</sup> Baviskar (2011).Op. Cit., Page.40.

<sup>50</sup> Scharada, Dubey, *The Toymakers: Light from India’s Urban Poor* (Oxygen Books,2009) p.49

<sup>51</sup> WP(C) No.4572/07 & 8580/09. In this, Counsel for the Delhi Police made insensitive remarks and the Court took objection forthwith. Upon Court’s objection, Counsel of the Delhi Police corrected his intention. He is said to have blamed rickshaw pullers for strain on the resources of the city. As far back as 1993, Gaya Singh had asked the then Home Minister (Shankarrao Chavan) to find out whether rickshaw pullers have set up rickshaw stands on roadside spaces where they often cook food. He also sought answer as to what the Government is doing to restrain them. The reply which came was that they are removed whenever the administration undertakes anti-encroachment measures. See Rajya Sabha Debate, 1993. Starred question. Gaya Singh was general secretary of All India Student Federation of India and later on became leader of Bihar unit of the Communist Party of India.



passages only and that any other user is possible only with the permission or sufferance of the State. It is from the nature of the user that the extent of the right of passage has to be inferred and the settled principle is that the right extends to all forms of traffic and also to all which are reasonably similar and incidental thereto. The law has thus been stated in Halsbury's Laws of England (Vide Vol. 16, p. 185): Where a highway originates in an inferred dedication, it is a question of fact what kind of traffic it was so dedicated for, having regard to the character of the way and the nature of the user prior to the date at which they infer dedication; and a right of passage once acquired will extend to more modern forms of traffic reasonably similar to those for which the highway was originally dedicated, so long as they do not impose a substantially greater burden on the owner of the soil...<sup>52</sup>

The Court, in light of understanding drawn from above passage and case pertaining to Bombay Hawkers<sup>53</sup>, directed state authorities to adopt reasonable approach in other that all view-points, concerns and stakeholders are accommodated.

The Court, in regard to cycle rickshaw pullers of Delhi stated that 'Road management cannot mean prioritisation of access to the only class of vehicles, particularly when there is significant body of evidence that such class (motors) contributes to clogging of roads... The propensity of those cars is to appropriate a lion's share of the road space available in Delhi'... The discriminatory aspect was also evident from the fact that flyovers and fast lanes were developed for the motors whereas separate lanes for non-motorised vehicles like rickshaw were overlooked. Besides violation of Master Plan, such discriminatory policy was in contravention of Articles, 14, 21 & 19(1) (d).<sup>54</sup>

In regard to occupation of urban space, the number of motorised vehicles far exceeded the non-motorised vehicles. The Municipal corporation and the Traffic department still blamed non-motorised for spoiling the ecology of the city by causing congestion<sup>55</sup>

What does then form the basis for discrimination against the poor? The rickshaw pullers have to prove residence of city in order to obtain license. Most of them are migrants who have come from villages. Insistence on proof of city residence coerces them to forge a document to prove their urban residence or ply without license. Under both courses, they become illegal. The court took due view of the fact and therefore instructed municipal personnel not to insist on proof of residence for issuance of

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<sup>52</sup>. Noida Rickshaw Chalak Vikas Samiti and anr. Vs. State of U.P. and others. 27<sup>th</sup> May 2010.

<sup>53</sup> Bombay Hawkers Union Vs. Bombay Municipal Corporation, 1985 (3) SCC 528, And Sodan Singh (Supra) The State and municipal authorities, who own the roads, have a legitimate concern in regulating its use. However, while exercising that regulatory power, the balancing act performed by such regulatory agencies has to accommodate, as far as possible, all the viewpoints, and concerns, of the stakeholders.

<sup>54</sup> WP(C) 4572/07 & 8580/09

<sup>55</sup> There is no restriction on the total number of cars/other private motorized means of transport like motorcycle, scooter etc. in Delhi. Although the number of automobiles in Delhi is almost 7-8 times (approximately 55 lacs) in comparison of total number of cycle rickshaw /cycle rickshaw trolleys which not more than 7 lacs, so there should also not be any ceiling for the Cycle-Rickshaw and Cycle-Rickshaw trolley so that poor people of unorganized sector can earn their livelihood, the right has been given under the provisions of article 14,19(1)(g), 21,38, 39 (a)-(c) of the Constitution. WP(C) 4572/07 & 8580/09.

license.<sup>56</sup> The legality of the work is dependent on the definition and document of the State. If the worker or puller for that matter does not possess documentary evidence, his or her work falls in domain of illegal and therefore subject to prosecution. A citizen becomes migrant in his own country whose life is at the mercy of the state's biased injunction and whims of the urban elites.

Going by what De Soto maintains, such stringent regulation towards the poor workers of the city is said to weaken the bargaining power of the workers. The reduced bargaining position, in turn, helps the rich make these workers cater to their needs for lesser amount of wages. De Soto terms it authoritarian and bureaucratic politics which favour the elite due to which formal becomes unable to employ fast urbanising rural population. And this is what gives impetus to informal economy. There is toleration as well as repression of informal economy by the national or local governments all over. Such framework is studied under neoliberal (legalist) and neo-Marxist.<sup>57</sup> This is all happening at the backdrop of expansion of urbanisation all over the world during 1970s and 80s. Highly regulatory law weakens the bargaining power of the labor. The judicial system assumes crucial role in ensuring that unfairness does not become pervasive and order of the day. Therefore, there arises need to see legal system in relation to inequitable societal structures.<sup>58</sup> 'Cities are the site of for a variety of spatial struggles.'<sup>59</sup> This gives adequate scope to judiciary to intervene and arbitrate in matters arising from such spatial struggles as it is often apparent that 'the process of urban making and remaking does engender displacement and dispossession.

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<sup>56</sup> South Delhi Municipal Corporation, Office of the Additional Commissioner-I, 6<sup>th</sup> Floor, Civic Centre, New Delhi. No.200.ADC(HQ)/2013. Dated 19/02/2013.

Circular: Guidelines/criteria for registration of NMV (Cycle Rickshaws) and issuance of licenses to NMV (Rickshaw pullers/Pliers) in pursuance of Hon'ble High Court direction in the matter of WP(C) 4572/07-Manushi Sangathan Vs MCD & Others, Contempt Case (C) No. 564/2010, Manushi Sangathan Vs P.K Panda & Others.

<sup>57</sup> Tamar Diana Wilson. 'Introduction: 'Approaches to the Informal Economy,' *Urban Anthropology*, vol. 40( 3-4),2011.

<sup>58</sup> Law and Poverty: The Legal System and Poverty Reduction. (London & New York: Zed Books, 2003) Introduction by Lucy William.

<sup>59</sup> Nicholas Blomley, *Unsettling the City: Urban Land and the Politics of Property* (New York and London: Routledge, 2004),p. xviii

### Future of Non-Motorised Vehicles in Urban: Of Late Rays of Hope

In a petition, petitioner drew attention to latest Master Plan which places due emphasis on a rational division of road<sup>60</sup> whereby non-motorised vehicles would be assured of minimum space. Master Plan also emphasised equitable sharing and access to public roads. It maintained need for separate allocation of spaces for rickshaw parking so that pullers may not feel forced to park it anywhere which is likely to account for unhappy and undesirable situations... The Master Plan 2021 also provided for the separate lanes for cycle rickshaws and non-motorised transport.<sup>61</sup> Due recognition was attached to non-motorised vehicles like cycle rickshaw in the light of the fact that these do not cause carbon emission whereas motorised vehicles are key contributors to such unwanted emission in city. Given important role which cycle rickshaw play in city for intra-urban short and medium distance mobility without adding to carbon emission, the Court questioned the zonal and timing restriction which is in force with respect to the movement of cycle rickshaws in city. The Court drew the Delhi Police Authority's heed to the Master plan 2021 to acknowledge the role of rickshaw.<sup>62</sup> Now referring back to the scaling the entities in the order of importance, it would not be unfair to say that every bit of the environment is important. It should not be based on binary division of "less" or "more". Such division is not without problem. Even the rickshaw trolley which is often used to collect garbage is as important as motor employed for the similar purpose. Rickshaws employed for the carriage of goods within the city is as import as the motor carrier doing the same thing. The division and hierarchisation does not serve any important purpose other than that giving rise to and contestation.

Further in this direction, it is important to note that United Traffic and Transportation Infrastructure (Planning & Engineering) Centre had prepared 'Street Design Guidelines' which Pradeep Sachdev and Romy Roy from the same body showed to the Court on 9 December 2011. The chapter four of the guidelines pertains to 'Street Hierarchy of

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<sup>60</sup> Road space, as noted in the Master Plan, is about 21 % of the land in the city. Gains achieved on account of insistence on the use of efficient automobile technologies to minimize carbon emission appear to be completely offset by the unimpeded growth and use of such vehicles. ..Road space cannot be appropriated or monopolized by one mode of transport. see WP(C) 4572/07 & 8580/09.

<sup>61</sup> WP(C) 4572/07 & 8580/09.

<sup>62</sup> WP(C) 4572/07 & 8580/09. In this regard, MCD made an argument against free movement of cycle rickshaw on the basis the presence of slow moving vehicles on roads would hinder the speedy movement of emergency vehicles like ambulance, fire tenders and police control vans.

Delhi’ with ‘categorisation by function’. And section 05A of chapter five focuses on ‘segregated cycle and Non-motorised transport tracts. Master Plan Delhi 2012 is guiding document for such engagement. Master plan Delhi 2021 sets out in unequivocal terms that “all roads should be made pedestrian, disabled and bi-cycle friendly. In addition to it, it also focuses on Non-Motorised transport lanes. MPD 2021 specifies minimum 2.0 meters width for single lane movement. It also makes it clear that Non-motorised Transport lanes are meant for “bi-cycles, cycle rickshaws, hand-pushcarts, hawker carts, animal drawn carts etc.”<sup>63</sup>

Under the influence of obsession with speed and beautiful image, cycle rickshaws has been reduced to the symbol of traffic congestion. The administration then target cycle rickshaw and pullers with hostile policy and messages. for instance,

With the passage of time traffic congestion particularly in congested areas of Chandni Chowk, Walled City, Shahadara etc. has given rise to the number of cycle rickshaws<sup>64</sup> which penetrate deep into the lanes and because of their numbers being so large that the road network is unable to cope up for their movement and idle parking. Cycle rickshaws not only add up to the congestion on the roads and the footpaths but also occupy space as the rickshaw puller is too poor to own a residence or dwelling. The rickshaw puller earns enough money which is more than what he would have earned in his home town or village therefore he continues to do this work. He lives on the pavement, rests in the rickshaw, eats and washes on the pavements which not only causes strain on the civic resources of the city but also encourages them in developing unauthorised colonies/jhuggies giving rise to social problems in the city.<sup>65</sup>

The Court was taken aback at insensitivity of the Delhi Police Department for its hostile remarks on the urban poor. The Court, without wishing to comment further on this matter of insensitive remarks, directed the public authorities, particularly enforcement agencies, to show sensitivity, when exercising the coercive powers under various statutes, towards the vulnerable situation in which the underprivileged populations, of which the rickshaw pullers form an integral part, are placed.<sup>66</sup>

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<sup>63</sup> For detail see, [www.smartcities.gov.in/upload/uploadfiles/files/streetGuidlines\\_DDA.pdf](http://www.smartcities.gov.in/upload/uploadfiles/files/streetGuidlines_DDA.pdf).

<sup>64</sup> It is to be noted that A cycle rickshaw is permitted to carry a load of 3 ½ maunds i.e up to 125 kgs, even when there is no passenger. Bye-law 4 sets out this.

<sup>65</sup> Plea by the Delhi Police through an Affidavit dated 30 November 2009. See written WP(C) Nos.4572/07 & 8580/09, page 26 submission forms an Affidavit.

<sup>66</sup> . See written WP(C) Nos.4572/07 & 8580/09 for detailed information. Mr. Vikas Pahva, learned counsel for the Delhi Police sought to make amends by that his clients should not be understood as having anything in particular against rickshaw pullers as a class.

Another manner in which these slow moving vehicles are reduced to being problematic category is by usage of the colonial notion of “nuisance” which is incorporated into “regulation” became widely applied tool for governance under its pretext. The Hackney Carriage Act which also had it in its body the tool of nuisance began to be employed in manner that raised existential question for the class of vehicles like tongas and rickshaws.<sup>67</sup> Although the learned judges voiced in favour the horse stable.

Undoubtedly all public streets and roads vest in the State. Nonetheless, members of public are entitled as beneficiaries to use them as a matter of right. This right is not absolute in that it is limited only by the similar rights possessed by every other citizen to use the pathways. The State on behalf of the public is entitled to bring in limitations on the extent of the user as may be requisite for protecting the rights of the public in general. As regards the right of a citizen to carry on business in transport vehicles on public pathways it cannot be denied to him on the ground that the State owns the highways. Any member of the public can ply motor vehicle on a public road as business of transporting passengers thereon as far as he is within the limits determined by State regulations since this right is guaranteed to him in Article 19(1)(g). Given this guarantee, he has every right to complain if any legislation circumscribes this right more than what is permissible under Clause (6) of that article. 21. In this regard, the stand taken by the Apex Court with respect the right of street hawkers and traders in the case of *Sodan Singh and Others. v. New Delhi Municipal Committee* is worth reading.<sup>68</sup> The Allahabad High Court had relied on this precedent in case of rickshaw pullers of Noida in 2010. in which a writ of mandamus was issued directing the respondents not to create any hindrance in the rights of the rickshaw pullers from plying their rickshaws in any part of the city of NOIDA. However, it was open for the respondents to impose reasonable

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<sup>67</sup> <https://www.legalcrystal.com/case/879247/corporation-calcutta-vs-srimati-sumeria-bewa.> also see [AIR1936Cal707](#). These two judicial cases deal with the notion of nuisance which was used by the complainant to stop the horse stable. The complainant accounted horse stable for foul smell which obstructed the daily business.

<sup>68</sup> 1989 AIR 1988, 1989 SCR (3) 1038 (*Sodan Etc. Versus New Delhi Municipal Committee &...* on 30 August 1989. Supreme Court in this case had held that street and roadside trading and hawking which age-long tradition for livelihood cannot be denied. The Court in case of *Bombay Hawkers Association* had also held that road and street space especially parts thereof can also be used for ancillary purposes.

restrictions in the interest of general public by 'Law' in accordance with the procedure prescribed.<sup>69</sup>

### Conclusion

Rickshaw, means of livelihood for a large number of poor, throughout remained a site of tension and contestation. In the course of dealing with this contested subject, the judiciary and the Constitution have emerged as saviour of the urban poor.<sup>70</sup> One precedent as old as 1958<sup>71</sup> in which Allahabad High Court had held the Lucknow Municipal board's bye-law pertaining to ceiling of rickshaw to be invalid in the light of the Constitutional principles. As late as 2012, such good judicial precedent is again seen when the Delhi High Court holds the similar ground in the same or comprehensive manner in light of a large body of evidence. The rickshaw pullers were not fighting from singular place and time but their struggle was wide spread across times and places.

One more remarkable thing which came out in the course of the discussion is that of move beyond judicial precedent in case the prevalent precedent was worth review and reconsideration. The Court justified necessity of moving beyond precedent in the light of changed circumstances and time.<sup>72</sup> By doing so, the Court brought much needed optimism for millions of poor whose faith in the system seemed belied to a large extent.

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<sup>69</sup> Noida Rickshaw Chalak Vikas Samiti and anr. Vs. State of U.P. and others. 27<sup>th</sup> May 2010.

<sup>70</sup> Under the Constitutional system courts are havens of refuge for the toiler, not the exploiter, for the weaker claimant of social justice, not the stronger pretender who seeks to sustain the status quo ante by judicial writ in the name of fundamental rights...Judicial engineering towards this goal is better social justice than dehumanized adjudication of the vires of legislation. (WP(C) 4572/07 & 8580/09)

<sup>71</sup> AIR 1959 ALL 186. (Iqbal Singh and others. Versus the Municipal Board, Lucknow.

<sup>72</sup> One established principle of Constitutional law is that a legislation or regulation once held valid, can be successfully challenged if there is a significant change in circumstances. This principle was articulated in Satyawati Sharma Vs Union of India (2008) 5 SCC 287, in the Following manner:

“...legislation which may be quite reasonable and rational at the time of its enactment may with the lapse of time and/or due to change of circumstances become arbitrary, unreasonable and violative of the doctrine of equality and even if the validity of such legislation may have been upheld at a given point of time, the Court may, in subsequent litigation, strike down the same if it is found that the rationale of classification has become non-existent. This Court is of opinion that the complete change in ground realities, such phenomenal growth of Delhi's population in the last 22 years; the unprecedented rise in motor vehicular population (60 lakhs), the increase in the number of new colonies, high rise buildings, growth in employment and livelihood potential in Delhi, elaborated in the earlier part of this judgment, are all features which were absent at the time of the Supreme Court decision. An added circumstance is the incremental and negative impact of pollution levels in environment and the city generally. All these were recognized by the Delhi Master Plan, which mandates the promotion of non-motorized traffic or services, like cycle rickshaws. Coupled with the fact prohibiting a class of impoverished persons, altogether of the chance of livelihood in a category of non-noxious or non-dangerous commercial activity, i.e. hiring cycle rickshaws for plying cannot be supported as a “reasonable restriction”. Taken together, the courts holds that the owner-plier policy even though was valid, 22 years ago, cannot be regarded as non-discriminatory and valid now. It is arbitrary.

The Municipal Corporation, supposedly law-maker, emerged as law breaker because their act of troubling rickshaw pullers, despite instruction from the Court, amounted to contempt of Court.<sup>73</sup> The Municipal Corporation was throughout found to be engaged with marginalisation of the poor by narrowing their scope of right to livelihood. Contrary Priya S. Gupta's claim in regard to role of judiciary in re-affirmation of neo-liberal principles which tend to narrow disregard the poor's right to livelihood,<sup>74</sup> my study, in the light of court's judgments, affirm role of the judiciary where it is actually a neo-liberal forces.

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<sup>73</sup> 58(1995)DLT 564. And for detail of non-compliance by Municipal Corporation of Delhi which amounted to Contempt of Court. See C.W.No.1742/1993.

<sup>74</sup> Priya,S.Gupta,“Judicial Constructions: Modernity, Economic Liberalization and the Urban Poor in India”. In *Fordham Urban Law.Journal*, Vol.42, Issue No.1, 2016, Article 3.



## Chapter 4

### Toiling Muses: Cultural Representations of Rickshaw-pullers

“मेरे भीतर सवा सौ सालों का इतिहास छुपा हुआ है . मैंने न जाने कितने शहरों को बनते बिगड़ते देखा है ; मैंने इस देश के लहलहाते खेत देखे हैं , और बेरोज़गारी को जन्म देती व्यवस्था ; मैंने अपने हर उम्र में रोज़गार , उम्मीद और सपनों की तलाश में भटकते लोगों को देखा है ; मैंने इस देश की आज़ादी को देखी है ; और इस आज़ाद देश के आधुनिक मंदिरों में लाखों लाख लोगों की प्रार्थनाएं सूनी हैं और इन्हीं मंदिरों की घंटियों को शांत होते देखा है . मैंने इंसान और उसके सरोकारों को अपनी रफ़्तार से पीछे छोड़ती मोटर गाड़ियां देखी हैं और हर दिन चौड़ी फैलती सड़कों पर आम इंसान के लिए काम होती जगह . मैंने देखी है लाखों लोगों की बर्बादी के पीछे कुछ हज़ार लोगों की समृद्धि . मैं इस देश के सवा सौ साल के इतिहास का गवाह हूँ , मैं रिक्शा .”<sup>1</sup>

The above lines sum up well how rickshaw has made its presence felt in relation to space and time. The sight of toiling pullers in open has rendered it deep-seated in memories and of people. People like writers, poets, film makers, travellers and artists have viewed the sweating body of pullers and have tried to articulate in their respective genre. Rickshaw has registered its conspicuous presence in visual and textual domains. In some representation, pullers' labour intensity is prominent whereas some focus on everyday life. The films, novels and travel accounts have covered broader themes. There are some films and the songs in which cycle rickshaw pulling has featured. Likewise, writers have, in their fictional as well as non-fictional writings, plotted narratives with cycle rickshaw puller at the centre of the tales. Since these realist visual and literary sources have drawn on reality in considerable measure, their narratives do not fictionalise the reality. Being of realist nature, 'real' actualises this category of films and writings. An effort to reflect on labouring poor is the underlying principle behind choosing subject like rickshaw pulling.

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<sup>1</sup> Pedal Soldiers of India: A Story of Indian Rickshaw (2004)(<http://ecocabs.org/museum/videos.php#!prettyPhoto/5/>) Translation available in video.(Absorbing the hundred years of history inside me, observing the up rise and downfall of numerous cities, seeing the country's lush green fields and the situations giving birth to idleness. In every stage of my life, I have noticed people wandering for jobs, hopes, and dreams. I have witnessed the independence of this nation, heard the prayers of thousands of people in the modern temples, and seen the toiling bells of these temples falling silent forever. I have seen the speeding vehicles, leaving the apprehensions, far behind. And the everyday widening roads, dwindling space for the common man. The growing riches of a few thousands, behind ruins of millions. I am witness to more than a century old history of this nation. I am the rickshaw.)



Such a significant presence of rickshaw pulling across films and writings has given rickshaw new meaning. Consequent upon such large representation, and narratives being told, retold, viewed, reviewed, heard and reheard over time, rickshaw has come to mean more than mere means of livelihood. It embodies in itself a vivid image of migrant and working poor. Similarly, representation or juxtaposition of carters, tonga drivers and other urban poor with rickshaw reinforces the struggling image of the urban poor who all share same space. Tongas, rickshaws, carts and other means of intra-urban transport have remained so embedded in urban that even if they are displaced from the physical space but cannot be displaced from the memory and collective imagination especially when films, stories, poems and arts continue to relive the imagination. The cycle rickshaw emerges as a strong symbol, strong enough to be representative of the large number of labouring migrants in cities. The nuances like sound of ringing bell of cycle rickshaw, image of puller carrying a piece of cloth around their neck or wrapped on head to beat the heat and wipe sweat, push cart, pull carts and other vehicles sharing the crowded road of city are grasped in the imagination of film-makers, writers, poets and artists.

These media sources, being a vast reservoir of spatial and temporal specific narratives, forge relation with history. These sources reinforce our memory of events in relation to time and space which become instrumental in historicity of the subject. The visual and literary sources particularly those which are of realist nature provide valuable insights into subject like urban and its margins. It is nonetheless necessary to draw on visual and literary materials with care because these sources adhere to different set of rules. That is why care is necessary to ensure that representation does not amount to under or over representation of 'real'.

The effort of this chapter has been to dwell upon a list of films, stories, novels, poems and travelogues which revolve around city and its margins. I have tried to build meaningful and coherent narrative by discovering relations which exist between real and fiction. Since everyday life consists of occurrences of multiple events in space and fleeting temporal framework, grasping such greater degree of complex multiplicity in total is considerably difficult. In other words, urban poor's everyday life consists of several encounters with the state, employers, and people. The above-mentioned sources draw themes from several issues related to urban and urban working people, various issues like union politics, class-struggle, class-antagonism, class-consciousness, poverty,

housing and everyday life's struggle figure prominently in these visuals and texts. The audience and readers expect to view and know all possible encounters.

### **Rickshaw in Cinematic imagination: Pullers in films and Songs**

'Cinema is perhaps the major reservoir of the urban experience in India...the street is a typically urban space...where memories exist to refract everyday life...quasi-existential experience of the city street as a space where individuals carve out values and questions about life as they inhabit different urban world.'<sup>2</sup>

The above lines can also be applied to see the life of urban poor. The cinematic lens try to encompass all aspects of life. The realist films, by remaining rooted to the real issues, blurs the gap which often exist between 'reel' and the 'real'. Most of the films which deal with the urban poor appear to be conforming to this blurring between reel and the real albeit some ideal and utopian vision are contextualized with a view to optimism.

To begin with, I have selected films and film songs which represent poverty as well as rickshaw pulling. The film 'Patanga'<sup>3</sup> of 1949 is not on rickshaw; it, however, tells a great deal about the prevailing conditions of that time. The film begins with an Old man, desirous of male child from his pregnant wife, prays to God for the fulfilment of his desire. Male issue implied body which would grow old enough to work. This is true to the present day. Another theme which draws our attention is the association of 'motors' with 'royal space'. Astrologer, who is called upon to foresee the newly born male child's future, reads the palm lines of the child. He predicts that the child would be 'fortunate' and his 'life will be surrounded by motors'.<sup>4</sup> As soon as people hear word 'भाग्यवान'<sup>5</sup>(fortunate), they name the baby 'राजा'<sup>6</sup>(King). The prediction was perhaps laden with sarcasm because the 'Raja' grew up to become a traffic man who is positioned at the intersection of roads. Although in line with prediction, he was surrounded by motors, though he did not become king as his name suggest. Rather he becomes poor after he is suspended from his duty for one year on charge of negligence.

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<sup>2</sup> Ranjani Mazumdar, *Bombay Cinema: An Archive of the City* (Delhi: Permanent Black, 2012) pp.204-206.

<sup>3</sup> *Patanga*, directed by H. S. Rawail (Bombay: Varma Films, 1949)

<sup>4</sup> (Hindi line) 'जब बड़ा होगा तो इसके आगे पीछे मोटरें घूमेंगी, मोटरें'.

<sup>5</sup> Transliteration: Bhagyawaan.

<sup>6</sup> Transliteration: Raja.

Hungary and penniless Raja tries one thing or other in 'city' which is site of hopes as well as despairs. The poverty compels him to resort to deceptive tactics to survive in the city. The film features a popular song 'मेरे पिया गए रंगून' तुम्हारी याद सताती है'<sup>7</sup> (My beloved went to Rangoon, telephoned from there, your physical absence agonises me)<sup>8</sup>. The mention of Rangoon is noteworthy because Rangoon was place where Indians would migrate for work.<sup>9</sup> Many Indians had taken to rickshaw pulling in Rangoon. Another noteworthy theme is that of intense feeling of agony due to separation of husband from wife. This agony has been studied under genre 'bideshiya'<sup>10</sup> which revolves around the agony of wife in absence of her husband who has migrated to city for work. The narratives also consist of mistrust which the wife develops towards her husband. She thinks that her husband might have developed relation with other women in the city. The film 'Patanga' thus sets an interesting socio-economic context in the wake of World War two for the narrative to evolve which touch upon many issues like obsession with motor and city, poverty, migration and so on and so forth.

Then film 'Do Bigha Zamin'<sup>11</sup> comes in 1953 as a major film on poverty. A poor farmer has small piece of land to support his family. He is also indebted to moneylender from whom his father had borrowed money and cleared by means of his labour. The big landlord wants to dispossess the poor farmer from his small land for which he ties up with moneylender and gets his ledger forged which says that the farmer still owes him. The farmer, namely Sambhu Mahto, gets deadline to settle the debt or risks losing his land. Under this circumstance, he had to migrate to Calcutta where he, with help of his friend from his village, gets a rickshaw on hire for plying. He son who had accompanied

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<sup>7</sup> Transliteration: 'Mere piya gaye Rangoon , wahaan se Laye Telephoon, piya ki yaad sataati hai'. The term 'piya' is dialect version of 'Priya' which means beloved.

<sup>8</sup> Transliteration: 'Mere piya gaye rangoon'. The term 'piya' is dialect version of 'Priya' which means beloved.

<sup>9</sup> There are several reports. The reports which I consulted regarding Indians labour in Rangoon are as follow: J.J. Bennison, *Report of an Enquiry into the Standard and Cost of Living of the Working Classes in Rangoon* (Rangoon: Superintendent., Government. Printing and Stationery, Burma, 1928). As per information in ' *Indian Labor in Rangoon* by E.J.L. Andrew (Oxford University Press, 1933) Hindustani population in Rangoon consisted of people from United Province.

<sup>10</sup> It is genre of folksongs which are very popular in districts of eastern Uttar Pradesh and Western Bihar. Bhikhari Thakur's name is known for he arranged that into drama and popularized.

<sup>11</sup> 'Do Bigha Zamin' directed by Bimal Roy (India: Bimal Roy Productions, 1953). This film is said to have been inspired by the Italian film 'Bicycle Thieves' directed by Vittorio De Sica (Italy: Produzioni De Sica, 1948)

him to Calcutta becomes shoe-shiner. Sambhu Mahto meets with serious accident when his passenger makes him run fast to catch another rickshaw in which his beloved was seated. He runs so fast that he outpaces tongs and other vehicles but his rickshaw's wheel slips off and he meets with serious accident. Accident renders his situation worse. His son starts pick-pocketing to take good care of injured father. Father scolds him for taking recourse to pickpocketing and places stress on ethicality of hard work. Sambhu's wife comes to know about the accident and comes to city where she is exposed to dangers especially sexual harasser. She also meets with an accident and loses her consciousness. It is matter of co-incidence that Sambhu volunteers to carry her to hospital without knowing that it his wife. He is at pain to discover that it is his wife. He feels very bad about privation. Sambhu had to spend all his savings on treatment of his wife. He misses the deadline to redeem his land and he loses his all money with which he had hoped to redeem his land. He comes back to his village to realise that his land is no longer his property and construction work is going on it. He is even stopped from touching the dust of the land by the positioned guard. The family had to go back to city which they had left because of dreadful condition. The film underscores the fact that the poor, daunted by the adverse economic condition, take to occupation like rickshaw pulling and other occupations which involve risk and hard work. Taking recourse to pick-pocketing and street gang is indicative of highly adverse economic situation. The people like rickshaw pullers are people with small land holding or landless farmers. Coming to city is compulsion. In the end the poor is faced with dilemma over choosing the city where realising redemption from privation is belied and the village where the poor seem to have lost everything.

The next film which merits attention is 'Bada Bhai'<sup>12</sup> in 1957. Bada bhai means elder brother. The protagonist of the film is cycle rickshaw puller who displays courage and endurance in taking care of his family. His family consists of his wife, a daughter and his brother. Later on, his wife delivers a baby boy which brings added responsibility to him. Although earning from rickshaw pulling was hardly enough to keep his family going, he would earmark some amount of his daily earning for his younger brother's education. His brother was in his final year of the Bachelor of Arts. The curtailed budget reflected in compromise with some of the bare necessities of life. The earmarked saving would be

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<sup>12</sup> *Bada Bhai*, Directed by Amarnath (Bombay, Amarnath, 1957)

kept in an empty wooden carton. The Younger brother, conscious of his Brother's plight, wanted to share his burden by coaching some students but Ajit (rickshaw puller) did not let him deviate from study. He hoped that Prakash's successful completion of education would secure him a good job in Public Service which will rescue his family from the noose of poverty. Then the story takes inter-class conflict as soon his younger brother falls in love with the daughter of the Police Commissioner. Although Girl's father agrees for a matrimonial alliance, girl's brother is against this alliance with a family whose head is rickshaw puller. Despite opposition from girl's brother, marriage took place between Uma (girl) and Prakash (rickshaw puller's younger brother). Umesh (girl's brother) conspires to get Prakash's elder brother killed with the help of notorious criminals. Ajit (rickshaw puller) is shot at point blank. Fortunately, he is rushed to a hospital where he gets well but was advised to remain on the bed for sometimes. Since he knows that his family is dependent on his daily earning, he flees from the hospital and returns home to discover that during his absence some thieves have stolen all the saving he had stored in the wooden bank for his brother's education. Overlooking the doctor's advice for rest, he takes part in a rickshaw race and wins a reward of 500 rupees and settles the fees. Towards the end of film, when his brother and brother's wife lives are in danger, his along with his rickshaw comrades rescues both from the clutches of the conspirators.

The underlying theme which comes to surface in the movie 'Bada Bhai' is that during 1950s the unemployment was very serious issue which called for adequate redressal.<sup>13</sup> Education was seen as way to job in public sector but getting education also seemed beyond the reach of a person like rickshaw puller. Rickshaw puller's possession was not safe even in his house. A working person had to tread with caution. Falling sick, getting injured, meeting with any accident or coming in conflict with anyone in the city was like depriving a working class person of his daily bread. This aspect figures well in the film when protagonist rickshaw puller is shot, he has to face hospitalisation for serious medical treatment which means outflow of income. His very family's survival was under threat. Worrying about the family rendered him to take risk. A poor like rickshaw puller has to deal with haggling passengers and traffic police. He is exposed to dangers. The inter-class conflict is understood when a person from lower class tries to tie matrimonial alliance. The successful alliance was something which was ideal and is ideal to the date.

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<sup>13</sup> See Chapter two, various sources point to the issue of unemployment.

Being film, it had to overcome tension with optimism. When other rickshaw pullers come to know that the family of Ajit (protagonist of the film) is under threat, they all join him in his struggle against threat. Thus class consciousness has also been well incorporated in the narrative of the films. Despite precarious condition, the rickshaw puller is hopeful. He nurtures dreams and aspirations. In the film, 'Chhoti Behen'<sup>14</sup>, a song has featured rickshaw puller, performed by Mahmood. The song tells how the puller attaches importance to means of livelihood. Before song begins, Mahmood features in the film as a young and sturdy person who has no job. He requests to carry the very rickshaw puller and befriends him and with his help gets one rickshaw to earn living. Towards the end of song, he progresses from hand-puller rickshaw puller to cycle rickshaw puller. The song is as follows:

मैं रिक्शावाला मैं रिक्शावाला /है चार के बराबर ये दो टांगोंवाला  
कहाँ चलोगे बाबू कहाँ चलोगे लाला/मैं रिक्शावाला...  
दूर दूर दूर कोई मुझको बुलाये मुझको बुलाये/क्या करूँ दिल उसे भूल पाए भूल न पाए  
मैं रिश्ते जोड़ूँ दिल के नुझे ही मंजिल पे /कोई न पहुँचाये कोई न पहुँचाये  
मैं रिक्शावाला...  
थी कभी चाँद तक अपनी उड़ान अपनी उड़ान/अब ये धूल ये सड़क अपना जहाँ अपना जहाँ  
जो कोई देखे चौंके ऊपरवाला भी सोचे/ये कैसा इंसान ये कैसा इंसान  
मैं रिक्शावाला...  
रात दिन हर घड़ी एक सवाल एक सवाल/रोटियां कम हैं क्यों  
क्यों है अकाल क्यों है अकाल/क्यों दुनिया में कमी है ये चोरी किसने की है  
कहाँ है सारा माल कहाँ है सारा माल  
मैं रिक्शावाला....<sup>15</sup>

It was during this period of 1950s that people were divided over the question whether rickshaw should be abolished or supported. Purushottam Das Tandon, in Lok Sabha,

<sup>14</sup> *Chhoti Behen*, Directed by L.V. Prasad (Madras: Prasad Production Private Ltd., 1959). This is remake of Tamil film '*En Thangai*' Directed by Narayan Murthy (Madras: Ashoka Pictures, 1952) which was made in 1952. In Tamil version of film, Marudur Gopalan Ramchandran (MGR) played protagonist. In the Hindi version, the song 'Main Rickshawalla' was sung by Mohammad Rafi. Lyrics was by Shailendra. Mahmood features in this song who pulls hand-pulled rickshaw. It was also remade in Telgu and Kannada in 1967 by the title of 'Adda Paducchu' and 'Onde Balliya Hoogalu' respectively. <https://www.youtube.com/watch?v=aZfvg0JktAk>.

<sup>15</sup> Translation: I am rickshaw puller, as good as four-footed animal (horse). I ask to carry people-clerk as well as banker. I help people forge relationship with their beloved ones, but no one takes me to my destination. I also had a lofty dream which is now lost in the dust of roads. People are taken aback at rickshawala. I always seek answers to questions as to why food is always insufficient and why famine looms over, why there is shortage in the world, who are real thieves, where is all the wealth of the world lying? I am rickshaw puller.

encouraged cycle rickshaw because it gave employment. He further recommended the complete ban on manufacture and imports of cars. Then appeared a small poem and a caricature with sarcasm targeted at Purshottam Das.<sup>16</sup> The lines of the poem are as follow:

*If Mr. Tandon had his,/We'd scrap the motor-car/ Its manufacture, bar.  
Instead, to cycle-rickshaws we/ For travel and enjoyment  
Should turn, because-says Mr. T.  
They'd stimulate employment./ Economists would surely "thump"  
A scheme so heterodox:/ The chap who works a petrol pump  
Would surely "give it socks."/Our garage hands it wouldn't please:  
Car drivers all would fear it/ And men in our refineries/Would be the last to cheer it  
But if the scheme should come to pass,/ And if my "tootsie" ache,/A cycle-rickshaw  
(second-class)  
I'll be the first to take:/ And doubly-blest I'll deem my lot  
If only I can land on/ A brand-new cycle chariot/ Propelled by Mr. Tandon<sup>17</sup>( A.C.G.)*

The Marudur Gopalan Ramchandran (MGR)<sup>18</sup> played role of rickshaw puller in Tamil film 'Rickshawkaran'<sup>19</sup> in 1971. The popular actor, taking role of working class, meant a lot. It not only appealed to working class audience but it increased the popularity of the hero among working class audience. A few interesting things come to notice—(i) the poor like rickshaw pullers ply in the middle of dangers (ii) the poor as saviour and fighter (ii) occupational gregariousness (iii) working class reading news paper and books in idle time and (iv) sense of pride in work. The other was that of inter-class interaction and conflict. Frequent inter-class friction is evident in their dealing with passengers who haggle a lot on the matter of fare. The film is also about a romantic affair which develops between puller and a girl from upper class. The plot of the film begins with rickshaw race competition. The protagonist puller, Selvam (MGR) wins the race and gets surrounded by a large number of greeting audience which appears to be of working class. He is garlanded and worshiped. Having witnessed the murder of fellow rickshaw puller, he decides to fight against the network of criminals who are into human trafficking. His faith in judiciary is belied, when criminals go unpunished. He takes it upon himself to fight in his manner. He has been shown as fit, witty, strong and appealing. He has been

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<sup>16</sup> Purshottam Das Tandon was a freedom fighter and politician from Congress party.

<sup>17</sup> The Times of India, May 13, 1956.

<sup>18</sup> Marudur Gopalan Ramchandran, popularly known as MGR, later entered politics. He also became Chief Minister of Tamil Nadu in 1977.

<sup>19</sup> *Rickshawkaran*, directed by M. Krishnan Nair (Madras: Sathya Movies, 1971). Hindi remake of this film 'Rickshawala' was made in 1973. Direction: K. Shankar(Bombay: R.M.V. Productions,1973)



show as a caretaker of orphaned girl whose father (rickshaw puller) was murdered. He as a rickshaw puller symbolises agency which wards off the goons and anti-social elements. This is evident from scene when a young lady is being stalked by a group of people. The stalkers leave stalking as soon as they see the lady beside rickshaw puller, Selvam (MGR). In spare time, rickshaw pullers have been shown to be reading newspapers and books. Taking role of worker or puller also raised the image of MGR among working class people.

In his many movies, MGR smashed tyrants and replace them with his own populist rule, worshipped his mother, condemned the use of alcohol, gave food and clothing to the poor. He played rickshaw pullers and revolutionary leaders, charming lovers and dutiful son. His characterisation identified strongly with the lower class. Combined with a bewitching glamour and charm, it added up to a glittering champion of the poor.<sup>20</sup>

Then in 1974, Hindi film 'Kunwaara Baap'<sup>21</sup>. Mahmood has played the role of 'Bachelor Father'. He is a rickshaw puller in the film. Although the purpose of the film is to create and spread awareness about the polio vaccination, employing the image of rickshaw puller to create and spread this message speaks volume about the rickshaw and rickshaw pulling as popular symbol. The representation of the poor rickshaw puller as caring, affectionate and humorous person tells about the perception film-makers had towards the rickshaw pullers of the society. Like previous two films 'Bada Bhai' and Tamil film 'Rickshawkaran', in 'Kunwaara Baap' too there is rickshaw race which is indicative of a particular pattern. The implicit meaning is about the show of strength which is needed in rickshaw pulling. Another noticeable pattern was the greeting from the audience who appear to be of working class to a large extent. Besides this, the dangers to which rickshaw pullers are exposed have been underscored. The film, soon after short dialogue between two ladies, begins with rickshaw puller who plies and sings a song.<sup>22</sup> The protagonist rickshaw puller is depicted on road running side by side with 'ekka'<sup>23</sup> and other motor vehicles. The rickshaw pulling has been glorified as means of livelihood. Puller derides carrying bulky things or passengers and equated 'bulky physique' with

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<sup>20</sup> See Sara Dickey, *Cinema and Urban Poor in South India* (New York: Cambridge University Press, 1993) p.169.

<sup>21</sup> *Kunwaara Baap*, Directed by Mahmood (India: Balaji Arts, 1974). 'Kunwaara Baap'(Hindi Transliteration: 'कुंवारा बाप' means 'Bachelor Father'. The film is based on American silent drama 'The Kid' directed by Charlie Chaplin(U.S.A: Charlie Chaplin,1921)

<sup>22</sup> The title of song is 'Main hoon Ghoda Yeh Hai Gaadi' (Hindi transliteration: 'मैं हूँ घोड़ा यह है गाड़ी') (English Translation: 'I am the horse and this is motor')

<sup>23</sup> Small two-wheel carriage drawn by single horse.

bourgeoisie body. He points to the role of money in the time of capitalism which he proves by enticing the traffic police with 'bidi'.<sup>24</sup> He also points to rampant corruption and crime. He makes derisive comment on kind of egalitarianism which is noticeable in country after Independence. This is the kind of egalitarianism which equates the dogs and people (the poor). Life seems to be a bunch abusive words.<sup>25</sup> The plot of the film is about rickshaw puller who finds an abandoned child. He takes him along and provides him fatherly treatment. He struggles to raise and educate him well. The child suffers from polio. Rickshaw puller takes him to doctor. The parents of child eventually find out about their child and they try to reclaim their child from the possession of the poor rickshaw puller. The rickshaw puller fights in the court to retain the boy but loses the battle. He feels broken. He becomes all alone. No sooner than he tries to shift to a new place than he is intercepted by a goon who stabs the rickshaw puller to death. Lying seriously injured and dying rickshaw puller is surrounded by working class people who all weep on pitiable death of the rickshaw puller.

The city can be so dreadful is evident from films. 'Do Bigha Zamin' and 'City of Joy'<sup>26</sup> shed adequate light on this aspect of the city where the poor often get deceived. All their hopes get belied. They become stranded. The village they cannot go to and the city they cannot afford to live in. In film 'City of Joy', rickshaw turns out to be a sign of hope for

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<sup>24</sup> The Indian version of cigarette, made of unprocessed tobacco leaves and tendu leaves. it is cheaper than cigarette. That is why people like rickshaw puller prefer 'bidi' to cigarette.

<sup>25</sup> मैं हूँ घोड़ा, ये हैं गाड़ी, मेरी रिक्षा सबसे निराली/न गोरी है न ये काली हो हो हो हो हो हो  
घर तक पहुँचा देने वाली...

एक रुपैया भाड़, पैसेंजर इतना जाड़ा

मला नाको रे नाको रे नाको रे /हो दुबला पतला चलेगा, आडा तिरछा चलेगा

साला हो या वो साली, यानी की आधी घर वाली

एक दिखाकर बीड़ी रुकवा दी साड़ी गाड़ी/अरे पैसे का खेला है खेला

हो जो मर्जी है करा लो, पाकिट से नोट निकालो/फिर ले जाओ जब खाली, बाजु हट बुर्क वाली

हम आज़ाद है मिस्टर, क्या इंसान और क्या जानवर/मेरे देश में सारे बराबर

हो कुत्ता गद्दे पे सोये, मानव का घर तो रोये/ज़िन्दगी लगाती है गाली,हो ज़िन्दगी लगती है गाली.(English Translation: I am the Horse, this is motor/my rickshaw is unique. Neither faire nor dark, it goes to the extent of dropping to the door. Fare so less and passenger so fat, no way. The emaciated and crooked/impaired would do. Be it brother-in-law or sister-in-law meaning half house-wife By mere bribe of a 'bidi' sought favour from the traffic police, it is all game of money. Get anything done, just shell out money from the pocket. Lose money, get pickpocketed. We are free misters, what humankind and what animal-kind? Every kind is same. Dog gets to sleep over donkey and humankind cries. The life seems very unfair.. Singer: Kishore. Lyricist: Majrooh Sultanpuri.

<sup>26</sup> *City of joy*, directed by Roland Joffe (India: Lightmotive Allied Filmmakers, 1992). This film is based on Dominique Lapierre's novel by the same name. (Trans.) Kathryn Spink(Random House, 1992)

many poor migrants who struggle hard to find any work in city. The slum where poor live is full of problems. The poor still try to wear hope and smile. The character, Hasari Pal, pulls rickshaw. He is later shown to have developed tuberculosis. In city where slums often give evidence of pain and agony, the poor still remain hopeful. Many get absorbed in city whereas many get churned out in the city.

As late as 2007, the Bhojuri film 'Nirahua Rickshawala'<sup>27</sup> retells the story which previous films like *Bada bhai* and *Rickshakaran* have already told. The film is mostly about inter-class romantic twist which inter-class antagonism does not let develop without violence and resistance. The solidarity of rickshaw pullers reinforces the idea of occupational solidarity even though there is intra-occupational competition for passengers. The film is set in Bihar. 'Romance' between puller from lower class and the girl from upper and political class takes over *raison d'être* of class conflict. The conflictual equation eventually yields to pressure for harmonious relation when the upper class side agrees for the matrimonial alliance of their daughter with the rickshaw puller. The sense of pride lies in the work irrespective of what the work involves. This is what rickshaw pullers in this film conform to.

### **The Rickshaw in Poet's Imagination**

The poetry possesses enormous level of potential to stir our emotion. It also serves as a significant medium of message albeit in form of poetic imagination. The poet is social. He also witnesses the phenomena. He nonetheless differs in his method of communication of joy and tension of society and the time in which he lives. There is no dearth in history of poetry writings about representation of the lives of struggling workers. Some appeal to stand up and revolutionise and some help workers regain strength and remain resilient to sustain their struggle against every single iota of unfairness. On occasions, some of workers have also been found to have forayed into doing poetry and writings. French philosopher Jacques Ranciere had got access to a body of poems, pamphlets and writings by the workers themselves. Ranciere drew close to making conclusion that the labouring body can also engage in mental work. Under this theme, I have placed some poems of different times and locations to gain understanding of the labouring people through the lens of poets. The poems have been placed. The

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<sup>27</sup> *Nirahua Rickshawala*, Directed by K.D (Ank Media Arts Pvt. Ltd, 2007)

explanation follows each poem. I have tried to understand how such nuanced depiction gives meanings to the image of rickshaw puller. I have tried to bring out subtle meanings and metaphors which are lying in abstract form. I have also cited four poems from internet portals. Since these poems from internet portals reinforce the symbols related to cycle rickshaws, they provide helpful insights for understanding the life of rickshaw pullers.

‘The Rickshaw Puller’

*Sob and wheeze, sob and wheeze,/ Aching feet, aching knees,  
Twist and turn, on I rush,/ through the oily muddy slush  
“Lekas, lekas! I am late!” / “Baik, Tuan!” precipitate:  
Red light u: sudden stop,/ threatened by traffic cop,  
Toot and whine, toot and whine,/ Through traffic /twist and twine,  
Arms tired, face is streaming/ Cramps in hands, body steaming  
Throbbing heart, throbbing brain/struggling on, might and main  
Slop-a-slop ,slop-a-slop,/Feel like death, soon shall drop.  
Wind and rain, wind and rain/ Slip and slide, on again.  
Rain and wind, rain and wind,/ Hardly see, almost blind.  
Jig-a-jig,jig-a-jig:/ “Nanti sikit, you wild pig,”  
Want water and some ice./ Execrated-lorry sais,  
On and on, start again/ faster, faster, tug and strain:  
“B’ renti! B’renti! Itu shop!”/Sit on shaft, slop and mop.  
“Hai yah! Mana chukup?”/ “Sa’ puloh, ta’ chukup!”  
“Diam, diam! musn’t whine!” / “ Go to hell, lazy swine!”  
Jig-a-jig,jig-a-jig,/ ‘Silly fool’, ‘lazy dog’.  
Life like this not for men,/ Eating sleeping in a den.  
Tug and pull, tug and pull,/ Life is short and life is cruel.  
Sob and wheeze, sob and wheeze,/ Finish up lung disease.  
Nights spent in filthy rooms/ Dreaming dreams in opium fumes ( by G.G.D)<sup>28</sup>*

The above poem which James F. Warren cited in the begging of his work captures nuanced image of rickshaw, pullers, and their living and working conditions. This beautifully arranged poem is not only good from rhyming point of view; it is also infused with meanings which touch upon occupational strain inherent in rickshaw pulling, poor housing condition, habits, health and the treatment meted out to them. The difficulty they face on the road and the fatigue their body and mind experience have been plotted in this poem. When one rhymes, the rhyming aspect gives joy but the underlying meanings bring out the pain. This poem about rickshaw puller juxtaposes joy with pain.

‘Rickshaw Wallah’

*His hips swivel, I sway above rutted/clay, clutch a slat, press my buttocks*

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<sup>28</sup> *The Straits Times Annual 1938*, cited in James Francis Warren, *Rickshaw Coolie: A People’s History of Singapore (1880-1940)* (Singapore: Oxford University Press, 1986)

*against stuffed plastic, my head bumps/ the blue canopy, his fatless back  
gleams like teak working for me,/ intimate as the vein twining a cock.  
Young, something left from pumping,/he laughs, his plaited muscles classic/through too  
taut skin,/ but middle-aged,yellow with teasweat and still /renting from chubby owners,  
inelastic, nothing left but doorknob knees, knotted calves,/ he nags the rattled foreign<sup>29</sup>*

The foregoing poem draws a distinction between ‘body’ of the workers and employers. The poet uses the ‘body’ of rickshaw puller. This poetic distinction brings enormous degree of vividness in the imageries of working body of workers. Such body stands in contrast to the employers or owners of means of production who are healthy and plum. The road is workplace of rickshaw pullers. The condition of roads determine as to how easy or harsh it would be for the pullers to ply rickshaw. The harsher road implies the more and more exertion of body. The twisting and the turning as a result of making hard effort gradually diminish the body of labor, so diminished that only ‘knees’ appear protruded from the emaciated body like a ‘doorknob’. The making of such a strong metaphor for depiction of labouring body brings out the intensity of work which has to be carried on for survival against the wishes of comfort. This poem has engaged with the depiction of rickshaw (means of livelihood for the poor). The use of rickshaw and puller underscore the fact the rickshaw was emerging as metaphor for depiction of labour. It is remarkable because metaphors had so far remained confined to factory workers. Metaphorising rickshaw amounted to breaking a new ground where workers working beyond factory space could be imagined.

### ‘खुरदुरे पैर’

खूब गए दूधिया निगाहों में फटी बिवाइयों वाले खुरदुरे पैर/ धंस गए कुसुम कोमल मन में गुदल घट्टों वाले  
कुलिश कठोर पैर  
दे रहे थे गति रबर विहीन टूठ पैडलों को/ चला रहे थे एक नहीं दो नहीं तीन तीन चक्र  
कर रहे थे मात त्रिविक्रम वामन के पुराने पैरों को  
नाप रहे थे धरती का अनहद फासला/ घंटों के हिसाब से धोये जा रहे थे.  
देर तक टकराए उस दिन इन आँखों से वो पैर  
भूल नहीं पाऊंगा फटी बिवाइआं ...  
खूब गयी दूधिया निगाहों में/ धस गयी कुसुम कोमल मन में.<sup>30</sup>

<sup>29</sup> Sondra Zeidenstein, poem titled ‘Rickshaw Wallah’, in *The Women's Review of Books*, Vol. 5, No. 6 (Mar., 1988), p. 18.

<sup>30</sup> Poem by Nagarjun. Year 1989. Source: [http://kavya-prasang.blogspot.com/2011/04/blog-post\\_29.html](http://kavya-prasang.blogspot.com/2011/04/blog-post_29.html) (Translation: *Deep-seated in blurry eyes, ‘the cracked and roughened feet’/ Sunk in flower-like tender mind , ‘knotted and hardened feet’./ Were hitting the rubber-less pedals/ not one, not two but three wheels were covering an infinite measure of the earth like ‘Vaman’/*

This poem, like previous one, deals with impressions which the wretched body of rickshaw pullers leaves in the mind of poet. The gaze of poet describes the peddling feet of rickshaw pullers as ‘roughened,’ ‘hardened’ ‘cracked’ and ‘knotted’. Contrasting cycle rickshaw (three-wheeled) with bi-cycle (two-wheeled), the poet’s gaze is stuck at how three-wheeled carriage was being propelled as if it has to cover the entire sphere of earth in short span of time like the legend ‘Vaaman’.<sup>31</sup> It is worth mentioning that Nagarjun who wrote this poem was multi-faceted person. He was novelist, writer and leader. He wrote on contemporary social and political issues. His real name was Vaidyanath Mishra. Nagarjun was his pen name.

### ‘साइकिल रिक्शा’

यह महज सुनाने में लगता है साम्यवाद / हम अपने घोड़े को इंसान भी समझें  
खास तौर से जब वह सचमुच इंसान हो./ ग्लानि से भरकर रिक्शा से उतर पड़े  
पछतायें क्यों उसकी रोज़ी ली/ फिर तरस खाकर बख़शीश दें/  
तीनों परिस्थितिओं में हम लदे हुए हैं /वह हमें ढोता है.  
सिर्फ़ ढुलाई पर दोनों झगड़ते हैं /हैसियत उनकी बराबर हो जाती है.  
आओ इक्कीशवी सदी के इंजीनियर /ईजाद ऐसी साइकिल रिक्शा करें  
जिसमें सवारी और घोडा अगल बगल/तफरीहन बैठे हों.  
मगर आप पूछेंगे इससे क्या फायदा?/वह यह की घोड़े को कोई मतभेद हो/ तो पीछे मुंह मोड़ कर पूछना मत  
पड़े.<sup>32</sup>

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*Moving and carrying in temporal terms/ Eyes were stuck at the sight of ‘those feet’, unforgettable/ became deep-seated in blurry eyes and sunk in flower-like tender mind.*

<sup>31</sup> ‘Vaman’ is reincarnation of ‘Vishnu’ as a dwarf Brahmin who seeks three feet land from king Bahubali. Bahubali agrees since dwarf’s three feet were not to claim much. Right following the king’s consent, dwarf morphs into gigantic figure and covers the entire universe in mere two steps. The King is left with no space of his own to offer for remaining third step, offers his head. (Bhagavat Purana).

<sup>32</sup>Raghuvir Sahay *Rachnawali 2*, Kavita-Cycle Rickshaw, P.301. (Translation: “It may sound like socialism to say we should treat horses like human beings,/especially when one of them happens to be a human being.

*When we jump guiltily off a rickshaw, /and then feel sorry we’ve deprived the poor man of his livelihood and finally tip him out of pity— in all three cases we’re a trial to him, and he has to endure us.*

*It is only when we haggle over the fare that we approach equality. /Come, you engineers of the twenty-first century, let’s invent a cycle-rickshaw in which the passenger and horse can sit side by side/ and just go for a spin.*

*And what good will this do, you may ask? /Well, if there’s a disagreement between you and the horse, at least he won’t have to turn round and get a crick in his neck”.(in Raghuvir Sahay ‘Cycle-Rickshaw’, in *Indian Literature*, Vol. 36, No. 1 (153), Accent on Hindi Poetry (Jan.-Feb, 1993), p.17.*

In the above-cited poem, the poet problematises the socialism which calls for egalitarianism. Through the poem, Raghuvir Sahay (poet) develops sarcasm towards the kind of socialism which prevail on the ground. This socialism has brought human (labourer like rickshaw puller) to the level of animal (those horses used for carriage). The rickshaw puller (human being) has become synonymous with horse. Calling upon people to treat 'human body equated with horse' as human proper seems mere travesty. Raghuvir challenges science which is said to have solutions to problems. He challenges the so-called advanced engineers to evolve a rickshaw in which passenger and horse (rickshaw puller) can sit beside. This arrangement would save rickshaw puller from having to turn his head to make his voice heard to passenger seated behind him. This is a different kind of socialism which he imagines. People are stranded in the logic of morality and guilt towards rickshaw puller. Similarly, rickshaw puller is victim of society's morality and guilt. The tipping of rickshaw puller out of guilt is result of middle class dilemma. There seems thin-line difference between accepting tip and alms.

**'पसीने का गुण-धर्म'**

छार अम्ल विगलनकारी, दाहक/रेचक उर्वरक...  
रिक्शावाले के पीठ पर तार तार बनियान  
पसीने के अधिकांश गुण-धर्म को /कर रही है प्रमाणित  
मेरा मन करता है विज्ञान के किसी छात्र से जाकर पूछूँ  
अधिक से अधिक से क्या सब होता है पसीने का गुण-धर्म  
रिक्शेवाले की पीठ की चमड़ी और कितनी शुष्क-श्याम होगी?  
स्नायुतंतु की ऊर्जा और कितनी पिघलेगी?  
इस नरवाहन की प्राण शक्ति और कितने पकेगी?  
और कितना...छार अम्ल दाहक विगलनगरी<sup>33</sup>

In the poem, Nagarjun expresses his concern over the sweating body of rickshaw puller. The excessive sweat is evidence of intensity of labour in case of rickshaw pulling. The consequent image is unsettling for poet so much so that he lays stress on incisive inquiry

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<sup>33</sup> *Nagarjun Rachanawali*. Vol.iii (New Delhi: Rajkumar Prakashan, 2003) p.143. (Translation: Saline, acidic, melting, fiery, fluid and fertile, / the perforated vest on the back of the puller./ evidence of properties of sweat/ I wish to get student of science to explain more about 'sweat'./ How far the back of the puller will dry further?/ How far the energy flow from ligament will thaw?/ How far the life of rickshaw will endure, how much more saline, acidic, fiery and )The original is in Maithili. The term 'nar waahan' fits in the definition of 'jinrikisha'. The poet gives vivid description of hard labour which reflects is the excess sweat, dry and dark skin of puller.



to get science to explain what is more left about sweat beyond the fact that it shows the labour intensity. The properties of labour's sweat are acidic, saline. And that it is evidence of productive labouring body. The poet, however, want to know the extent to which the puller's skin will sweat out to become extremely dry and his energy will exhaust. He wants to know till when the puller has to go on experiencing the harsh reality.

'The Rickshaw Puller'

*The Yellow signal pole/ abhorred him With his mono red demon eye  
Killing his precious earning time/ He sighted at the long/ queues of the cars  
Jerking his head forehead off/ sweat  
His thirst dry mouth longed for water  
Amidst the dripping pots/ of smoke  
The demon red eye pitied/ him  
Turning herself green  
He pulled the rickshaw and pulled his lungs too  
On the trafficked road of/ Capital Delhi  
And some smoke/ which the passerby BMW emitted  
Proclaiming the GDP of the country.<sup>34</sup>*

In aforementioned poem, difficult relation of rickshaw pullers' labour with traffic signal which upsets their hard earned momentum with display of red light. The sweaty labour also struggles with the presence of cars on the road. These rickshaw pullers are immediate victim of motor-emitted pollution. Traffic signal constitutes a very typical space of urban which is generally of intersectional dimension. The signal occupies the place right at the dot of place where lines meet and crisscross. The presence of signal is part of spatial practices. The state penetrates deep in everyday life experience of people by means of traffic signal. The poor felt the penetrative intrusion of the state more than other class of city especially people employed in slow moving carriages. The idea of traffic signal governed the people in temporal context by division of time into amber, red and green hues. It means different experience to tonga drivers, cart pullers and rickshaw pullers. Since its impact varies, it perpetuates inequality on road space. It is so rooted in order of traffic space that its absence implies chaos and disorder. The motor makes for the loss of time and energy by dint of fossil fuel and engine driven speed but discontinuity in momentum of labour driven momentum takes toll on stamina of people like rickshaw pullers.

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<sup>34</sup>. By Mukesh Kumar Mafatlal Raval. [www.voicesnet.com/displayonepoem.aspx?poemid=217277](http://www.voicesnet.com/displayonepoem.aspx?poemid=217277).

‘The Rickshaw Puller’

*Somehow he pulls along/ he breathes  
In his little width of life,/ he gasps  
In making that width, when moves flash  
That far outweighs what he gets at the ride’s end,  
Sweats it out in the sun/ splashes in the rain  
A peddling run/ joyless but gritty  
That is can be made/ would fetch him his bread  
From the rider in the comfort/ to the puller who transports mountains of loads  
Knowing not to pause/ till drawn by fate  
For a rest in the sunset!<sup>35</sup>*

Through this poem, the difficulty which lies in pulling and earning in this manner for food has been depicted well. The fate is also said to be determining the movement of rickshaw and puller in this poem.

‘The sad Ancient Rickshaw Puller’

*So aged he is, but still so zealous for his job.  
It feels like he has only known his rickshaw.  
The ancient bard in him tells Punjabi poems.  
He belies his wrinkles as he pedals his ride.  
Just putting to shame his fellow rickshaw pullers.  
Now remembers or even cares to know name.  
He just pedals and remembers his deceased wife.<sup>36</sup>*

The depiction of pitiable condition especially during old age. The death of near and dear especially wife agonises his feeling.

डरी सहमी पत्नी और तीन बच्चों के साथ /किराए के माकन में रहता है रिक्शावाला.  
बच्चे रोज़ शाम खेलते हैं एक खेल/जिसमें सिटी नहीं बजाती है रेल  
नहीं होती उसमे पकडम पकडाई की भागदौड़/ न किसी से आगे निकलने की होड़  
न उंच नीच का भेद-भाव और न ही छुपम छुपाई का राज.../उसमे होती है "फतेहपुरी-एक  
सवारी"- आवाज़.

छोटा सा बच्चा , पुरानी पेंट के पोंचे ऊपर चढ़ा रिक्शा का हैंडल पकड़  
ज़ोर ज़ोर से आवाज़ लगाता है, और छोटी बहिन को सवारी बना  
पिछली सीट पर बैठाता है...थोड़ी ही देर तक उलटे सीधे पैडल मारने के बाद  
अपने छोटे काले हाथ, सवारी के आगे फिला देता है/ नकली रिक्शावाला पूर्व-निर्धारित  
कार्यक्रम के अनुसार  
उतर जाती है सवारी, अपनी भूमिका के साथ में और मुट्ठी में बंधा पांच रुपये का नकली  
नोट (...जो निकलता है एक रुपये के सौंफ के पैकेट में) थमा देती है, नकली रिक्शावाले  
के हाथ में

<sup>35</sup> Pradip Chattopadhyay. [www.hellopoetry/poem/437888/the-rickshaw-puller/](http://www.hellopoetry/poem/437888/the-rickshaw-puller/)

<sup>36</sup> Atul Kaushal. [www.hellopoetry.com/poem/1122419/the-sad-ancient-rickshaw-puller/](http://www.hellopoetry.com/poem/1122419/the-sad-ancient-rickshaw-puller/)

तभी खेल में प्रवेश करता है, तीसरा बच्चा; पकड़ रखी है जिसने, एक गन्दी सुखी लकड़ी ,ठीक उसी तरह...

ज्यो एक पुलिसवाला डंडा पकड़ता है, अपने निर्मम हाथ में.

मरता है रिक्शे के टायर पर /फिर धमकाता है उसे, पुलिसवाले की तरह

और छीन लेता है, नकली बोहनी के नकली पैसे, नकली रिक्शेवाले से, नकली पुलिसवाला बनकर

असली पुलिसवाले की तरह.<sup>37</sup>

In the above poem, by means of enactment, it is beautiful portrayal of rickshaw pullers' everyday life. It brings out his unpleasant encounter with police. The fear of the state and the city is so much that the family of rickshaw puller in the city remains anxious. The 'fearful, timid wife' refers to this anxious state of mind.

### **Rickshaw in Stories and Novels**

It is thus evident that rickshaws figure quite a lot in many travelogues, poems, films, novels. They are viewed with surprise in travelogues. The human bodies employed are also described in great details. The title 'Fiction as History'<sup>38</sup> gives immense hopes to historians especially those whose subject is lost, unrecorded and overlooked. This title

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<sup>37</sup> Chirag Jain. [www.kavyanchal.com/poetry/?P=52](http://www.kavyanchal.com/poetry/?P=52). (Tanslation by Amrita Bera:

*Along with the fearful, timid wife/ and three children in a rented house,  
Lives the rickshaw puller.  
The children every evening play a game/ in which the train does not whistle,  
There is no hustle-bustle,/ no run and catch,  
There is no competition to beat others,/ there is no distinction of high and low,/ There is no secret to hide  
There is only one voice/ "Fatehpuri-single passenger."  
A small child folding the bottoms/ of the old pants,  
Holding the handle of the rickshaw./ shrieks in a loud voice  
And his young sister/ becomes the passenger  
And sits on the rear seat.  
For some time,/ kicking the pedals  
Here and there/ he spreads his small, black hands  
In front of his passenger,/ the false rickshaw puller.  
According to the pre-planned programme,/ the passenger steps down and  
According to her role,/givers the rickshaw puller from her clenched fist,  
A fake five rupees note (which you get in one rupee anise seeds)  
Then enters in the game a third child.  
Holding a dry, dirty wooden stick just the way a policeman holds his stuff  
In his ruthless hands.  
He hits the tyres of the rickshaw/ and scolds the rickshaw puller  
Like a policeman.  
He snatches the very first income of the day,/the fake money,  
From the fake rickshaw-puller, a fake policeman,  
Just like the real policeman.)*

<sup>38</sup> Vasudha Dalmia, *Fiction as History: The Novel and the City in Modern North India* (New Delhi: Permanent Black, 2017)

serves the purpose of writing history of the poor whose remains in the archives fly off like dust cleared in the process of dusting and clearance. There have been some novels, short stories and travelogues which speak about rickshaw pullers in interesting manners. Such writings shed light on the subjects which have been lying in the dark where probe becomes very difficult. Such writings which deal with poor like rickshaw pullers are part of particular genre, that is, progressive and Marxist writings. These writers draw on real experience. The following description of stories will enlighten us to understand certain experience at different level, perhaps at the level where writers' imagination traverses. Limitation is to be acknowledged that fiction as history may be an alternative which calls for transgression of disciplinarian boundaries. I have proceeded with the acceptance of this limitation.

#### 'Rickshaw Boy'

To begin with, I have chosen the story of a migrant to Beijing from countryside of the China. This migrant comes from utter poverty in the hope of livelihood . An orphan boy eventually arrives in the capital city, Beijing with the hope that he will rise and progress in the city which is considered a site of hopes, glamour and progress. All his hopes and dreams are belied. Whenever he reaches a point where he can benchmark and move further for new benchmark, he meets one or other adverse circumstance which shatters all his accumulation and dreams. He still carries on working harder till his body is young, strong and healthy. Sometimes it is the state and sometime the fellow human being and sometime vagaries of nature which keep the poor glued to the realm of inadequacies. Rickshaw boy, as Xiangzi is commonly addressed in the plot, is witness to this realm of inadequacies. The following lines from this novel speak a lot about the misfortunes which the poor are more prone to experience:

'For the poor, when the storm is over and the worker is ill, the whole family starves. Each storm adds to the number of girls turned prostitutes and boys turned thieves, and there are many more men to fill the jails. The rain falls on the rich and the poor alike, and on the just and the unjust. But the bitter truth is that there is no equity even in the fall of rain, because the world on which it falls is so unjustly ruled. Happy boy was sick. Nor was he the only one... The road of the rickshaw man was dead-end road... Whatever you did, good or bad, ended the same. The road he was on could lead only to death, death that would meet him he knew not how soon or in what fashion'<sup>39</sup>

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<sup>39</sup>Lau Shaw, *Rickshaw Boy* (Translated by Evan King), Reynal & Hitchcock, New York, 1945

He lost his hard earned saving and his wife. The only last hope which he had, was in his beloved whom he had met and befriended in brothel. He hopes to pull her out of brothel and begin a new life but she also ends her life. He now turns to ruin himself. He immerses in over-drinking, cheating and visiting brothels. The story is set in 1920s China.

‘Rickshawala’

In the story by Sachchidanand, classification along class line is based on values, language, behavior, family life, relation with society, body type, source of subsistence and economic conditions. The writer draws distinction between the poor and the other along these lines. The poor like rickshaw puller, in general, possess bad behavior and language. Their body is weak in general. Their possession is also of poor quality. In case of Rahim, who pulls rickshaw, it is his unfit and rickety rickshaw which is not satisfactory enough to appeal to people. They often tend to fight. Their manipulative nature leads to skeptical perception of general public towards them. The influence of liquor accounts for the loss on sense in their execution of work which often results in accidents. -Their language is laced with foul terms. Liquor, rent and illness mop up a considerable size of their earning. They resort to borrowing which gives rise to vicious noose of indebtedness. They go to the extent of pawing precious household articles. This indebtedness and influence of liquor remain source of conflict with family which gradually alienates them from their family. The manner in which the rickshaw puller, Rahim, has been characterized makes a case to contrast with the other class. Thus the notion of other is premised upon such characterisation which strengthens the notion of otherness.<sup>40</sup>

‘Raag Darbari’

In the popular Hindi novel, *Raag Darbari*<sup>41</sup>, by noted writer Srilal Sukla, an episode about a rickshaw puller and passenger on his rickshaw draws our attention to persistent rural-urban dichotomy when the puller feels exalted after coming to city. The puller, in loud and clear tone, dismisses those pullers who claim to have come from villages. Thus there is also a possibility of spatial identity which becomes evident in the course of the

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<sup>40</sup> . Sachchidanand Routray, ‘Rickshawala’ in *Masaan ka Phool* (Trans.) Shankar Lal Purohit (New Delhi: National Book Trust, 1995), pp.28-33. Sachchidanand Routray is an Odia poet, novelist and writer. He worked as labour officer in one of cotton mills in Calcutta.

<sup>41</sup> Shri Lal Shukla, *Raag Durbaari* (New Delhi: Rajkamal Prakashan, 2009). Pp.40-48.

story. In this case, he lacks class and occupational solidarity. He rather has solidarity based on space. Although the puller is, by virtue of being puller, is not on equal footing with passengers, he finds one or other way to articulate his assertion. The puller lays special emphasis on an evolved potential to avoid conceding to the fare deal which the passenger tries to determine. He does not subscribe to the argument that pulling is inhuman and those who take ride and take such view face his critical remarks. This dealing with passenger is about implicit process of negotiation and contestation with passengers who generally hail from higher classes.

‘The Rickshaw-wallah’<sup>42</sup>

I begin with a few lines of the story:

“The rickshaw puller is not an individual; he represents a tribe. One who tills the land or builds home for others is called a daily labourer, while someone who digs minerals out of the earth or uses his hands to produce things for a factory owner is known as an industrial worker. But the rickshaw puller is neither labourer nor worker; he belongs to a unique species. Some employers provide housing for their workers and a bell or siren announces the start as well as the end of their working day. Eight hours to a day. The labourer comes to work at appointed time and goes home when he has done his double-shift; but the rickshaw-puller’s day has no hours. You can hear his bell tinkling on the open road at any time- night or day, summer or winter. The rickshaw-puller is the most insecure of working men. If any feet can be found pounding through monsoon rain and slush, they are his.’

Through this story, the appeal is to exercise due caution before displaying cruel attitude towards the poor. The sense of regret which middle class passenger develops after he missed to pay the fare owed to puller since the bus moved on and he had no change. The puller, despite being told off and pushed to pace up in the course of pulling, takes all scolding and eventually lets go his fare as well. This characterisation is in contrast with what Sachchidanand’s story of puller had to tell. The passenger, owing to heavy sense of regret, comes back to the same market place and tries to rediscover him to make up for the ill-treatment which the passenger had carried on unleashing and settle the sum of fare he owed him but does not find him. The passenger thus has no choice but to live with the sense of indebtedness towards the poor rickshaw puller. The rickshaw puller’s generosity surpasses the middle-class’s habit of reluctance and tight-fistedness.

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<sup>42</sup> Dash Benhur, *Kaanduri and Other Stories* (trans. From the original Odia) Bikram Das (New Delhi: Orient BlackSwan, 2015) pp.90-94. The story on rickshaw puller here is from Odia story ‘Chhatire Chandan Katha’, published in *Taraluthiba Samaya*, Bharata Bharati, Cuttack, 2010. Jitendra Narayan Dash, writes under the pseudonym of Dash Benhur. He is Odia writer.

### **Rickshaw pullers' Perception of Films, Poems and Stories**

The films, novels and poems have evolved their contents around rickshaw pullers. What the pullers think of these media needs to be underlined. Some rickshaw pullers have defied the adversity of time. they went on to become artist, writer and singer. In the regard, the name of Manoranjan Byapari is known. Manoranjan Byapari could never go to school. His only hope was to get rice. Tattered and shattered, Byapari was walking along the railway track when one boy older than him asked, what is your vice? (pointing to whether he drinks or smokes weed). The young Byapari replies, "My vice is rice."<sup>43</sup> He was exposed to the dangers, poverty, abuse, exploitation. Byapari, instead of becoming subject of film or stories for others, wrote his own story although he never went to school. He began learning to read and write when he was imprisoned on charge of being naxalite. While pulling rickshaw, he happened to meet popular write Mahasweta Devi. He began to write for her journal. Later on, he wrote many stories.

'Paal'<sup>44</sup> one of respondent is just literate that he manages to read but cannot write. He is very imaginative. I asked all respondents about their liking for films and songs. All of them replied that they like films and songs. They all told about their favourite actors and actresses. They all showed interest in films which had fighting scenes. They also liked romantic and patriotic films. 'Paal' told me that he used to read '*Mayapuri*'.<sup>45</sup> He would find addresses of film stars and writers from this magazine and send stories to film producers and directors. He claims to have received Rs.5000 for one of his stories. He claims written the story of '*Kabhi Kushu kabhi gam*'. He told me that he is now writing a story for film '*Gehra Zakham*'. He believes that plot of his upcoming story would make people cry. One more thing which I found in the fieldwork was that the term '*Kalakaar*' is meant for artist but in the world of rickshaw puller, it means the one who is adept at deceiving and making money. 'Rajinder Kumar'<sup>46</sup> This rickshaw puller has to his credit three audio cassettes of Bhojpuri songs. He hopes that Darshan Kumar of T-series would one day release his voice. There are so many scattered artists in the world of rickshaw pullers.

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<sup>43</sup> Manoranjan Byapari, *Interrogating My Chandal Life: An Autobiography of a Dalit*, Sipra Mukherjee (Trans.) (Delhi: Sage, 2018) p.59. His original writing is in Bangla, '*Itte Britte Chandal Jibon*'.

<sup>44</sup> Interview with the respondent. Name changed to maintain the anonymity.

<sup>45</sup> Weekly Hindi Film Magazine.

<sup>46</sup> <https://indianexpress.com/article/cities/ludhiana/a-rickshawpuller-who-peddled-his-way-into-the-world-of-music/>



The art does not need to be defined. The artist defines it. The art of living which these people show in the face of adversity merits acknowledgement. One documentary of Pondicherry rickshaw pullers'<sup>47</sup> show that how caring they are. They often become victim of larger change which they cannot control. The transition from hand-pulled to cycle-rickshaw and then to auto-rickshaw speaks of this uncontrollable pattern which these people have to experience.

### Conclusion

After going through eight films, three songs, nine poems, five stories and details of interviews with some rickshaw pullers, I have come to an understanding that films have pointed to certain patterns. Most of the patterns are realist except for one where harmonious inter-class union is shown through inter-class matrimonial alliance. The patterns are show of strength which is evident from race competition among rickshaw pullers, the audience of race is mostly working class, the worshipping of the winner, winner rickshaw puller shows ideal behaviour. He shows enormous strength to fight injustice. In case he fails, he sets up his own method to bring about justice. The films inculcate a sense of respect in rickshaw pulling. The stories of these films attach great importance to work per se irrespective of what the model vision asks for. There is great merit of these films because it defies the pressure of modernity which cannot stand the sight of labouring body. For modern urban, rickshaw pulling represents ugly side of the city life. The films show how poor rickshaw pullers also aspire and dream. The manner in which the poor tries to maintain the fabric of his family is worth appreciation. The films, writing and poems draw our attention to the fact that these pullers are workers, not criminals. They deserve respect, not mercy. The rickshaw has thus made its presence felt across regions and times. The image of rickshaw pulling which these writings, films, and poems have depicted has made it strong metaphor for 'labouring body'. I sum up the discussion of this chapter with a few more lines- for the study of the poor, all sources are worth consultation-resources lying in the archives and outside archives. The poor's sources are mostly to be found outside traditional historical paradigm. The new paradigm calls for the widening of boundary.

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<sup>47</sup> Jeganathan, Kousalya & Jeganathan, Ragu. *Men Of Burden: Pedalling Towards a Horizon* . MPEG-AVC 4, Directed by Raghu Jeganathan, 2006 (<http://www.archive.org/details/MenOfBurden>)



## Chapter 5

### World and World-views of Rickshaw Pullers

While looking at historical documents and tracing the history of transport labour in Delhi, one was also interested in knowing cycle rickshaw pullers of Delhi. In everyday life, how do rickshaw pullers interpret their life and its experience, how they construct their worlds and what meaning they attribute to their experiences was of interest to me. I have managed to unearth information which I could not find in archival records. This chapter is based on my fieldwork at various places of Delhi where cycle rickshaws ply. I undertook this fieldwork during the period from 2011 to 2018. My fieldwork consisted of in-depth interviews with cycle rickshaw pullers, rickshaw owners, rickshaw repairers, tonga drivers, roadside vendors, auto drivers, roadside barbers and e-rickshaw drivers. The total number of respondents were 80. Besides in-depth interviews, I engaged in observation and taking photographs.<sup>1</sup> The world of rickshaw pullers as the very title of this chapter is, lies beyond the domain of ‘factory’ but not unconnected from it. They all share their views of time, labour, overall experience and aspirations.

Oscar Lewis’s anthropological work deals with aspirations of the poor in great detail.<sup>2</sup> Lewis’s idea of ‘poverty of culture’ even though attracted a great deal of criticism,<sup>3</sup> is of great help since it gives perspectives about methods and the thick anthropological narratives. Based on extensive and intensive fieldwork, Lewis draws a major conclusion which can be summed up in the following manner—the cause of the poverty lies in the

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<sup>1</sup> ‘Qualitative research is an effort to understand situations in their uniqueness as part of a particular context and the interactions there. This understanding is an end in itself, so that it is not attempting to predict what may happen in the future necessarily, but to understand the nature of that setting—what it means for participants to be in that setting, what their lives are like, what’s going on for them, what their meanings are, what the world looks like in that particular setting—and in the analysis to be able to communicate that faithfully to others who are interested in that setting’. Cited in Sharan B. Merriam, *Qualitative Research: A Guide to Design and Implementation*, (San Francisco: John Wiley & Sons, 2009)p.14

<sup>2</sup> See *Current Anthropology*, Vol.10 No.2/3 (April-June 1969) pp.181-201. In this the critique and counter-critique of Oscar Lewis’s idea of ‘Culture of Poverty’. Oscar Lewis has also figured in it in defense and critique of his idea. Among his critics, the name of Charles A. Valentine is known. Charles engaged in thorough critique of Lewis’s idea of culture of poverty in his work “The ‘Culture of poverty’, its scientific significance and its implications for action,” in *The Culture of Poverty: A Critique*. (eds.) Eleanor Leacock. (New York: Simon and Schuster, 1969)

<sup>3</sup> Oscar Lewis, *Five Families* (New York: Basic Books,1959), *The Children of Sanchez* (New York: Random House,1961), *Pedro Martinez: A Mexican peasant and His Family* (New York: Random House, 1964), ‘The Culture of Poverty’, *Scientific American*, 1966, 215(4),pp.19-25.

very culture of the poor. This culture is a subculture, unlike the dominant culture. The poor are said to adapt to the oppressive circumstances instead of overcoming them. Another aspect is low level of participation than the rest of the population. I wish to underline the fact that this particular chapter draws on Oscar Lewis's works. Some of my findings differ from what Lewis claims through his idea of the culture of poverty. One such finding is that of political participation. Most of the pullers, whom I interacted with, said that they cast their vote during general, state and local-body elections. They celebrate festivals and festive occasions like Independence Day, Republic day albeit some remain indifferent to such occasions. There is marked evidence of socio-cultural and political participation despite their poverty.

There exist multiple views regarding the life of the poor. One realm consists of view that is based on 'social constructions of the poor'.<sup>4</sup> The other area pertains to the views of the poor and the last one is the objective view. Claiming to know the objective truth is a matter of contestation. I also acknowledge that my own understanding may reflect in this discussion and formulation of arguments and that I leave for criticism and contestation. I attempt to juxtapose all sides at one place with particular emphasis on the poor's own views. I have also engaged in challenging unfounded stereotyping of the poor. I have laid key emphasis on descriptive anecdotal details rather than a mere questionnaire based survey. In this regard, I draw on T. Scarlett,<sup>5</sup> who states that adequate understanding of the poor's own perception of poverty and the way they cope with it cannot emerge from mere brief visits and questionnaire. She also attaches great importance to participatory observations among groups of the poor and listening to what the poor say intently. Such an approach takes one closer to the realities on the ground. I have also turned to Shail Mayaram<sup>6</sup> for she brings out the valuable contribution of the anecdotal method for studying the poor. She refers to two kinds of studies on poverty- one is where economists employ massive official data like National Sample Survey's data to support their arguments and definitions whereas the other employs material drawn from the detailed

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<sup>4</sup> Nandini Guptoo, *The Politics of the Urban Poor in Early Twentieth Century*, (Cambridge: Cambridge University Press (Virtual Publishing, 2003)page 420.

<sup>5</sup> T. Scarlett Epstein. "Poverty, Caste, and Migration in South India". In *Moving out of Poverty: Cross-Disciplinary perspective on Mobility*. Ed. By Deepa Narayan and Petesch.

<sup>6</sup> Shail Mayaram. "Of Marginality: Poverty, Migration and Memory in the Megacity", *Social Legal Review*, 2005

experience of the poor. This second kind of study is termed “anecdotal”. It consists of ‘collective and individual biographies that reveal the nature of being and (un)belonging in the megacities.’<sup>7</sup>

### **Longing for Autonomy: Factory or Non-Factory**

The lack of stability characterises the life of rickshaw pullers. Irregular work opportunities, fluctuating income and unstable conditions render them nomadic, a lifestyle that begins as early as they leave their villages for the city in search of work. Due to illiteracy and inadequate education, they often land in unskilled work. Many of them, before taking up rickshaw pulling occupation, were found to have in other works especially under factory setting. Having worked in factory spaces, they found that factory work permits them little autonomy. Given this constrained experience, they choose to take up works that stand in contrast with the factory. I have, for the purpose of understanding and useful categorisation, termed it as non-factory work. Such classification and nomenclature may nonetheless be problematic. Such work transgresses the boundary of the factory. Workers under this category are highly scattered and dispersed across roads and streets of the city. Labouring populace under this category could often be found around roundabouts, intersections and on the roadsides of the cities. Rickshaw pullers, roadside vendors, tonga drivers, e-rickshaw drivers, hand-pulled carts, loaders and other workers are part of such category. However, factory and non-factory need not be treated in terms of binary opposite since both engage labouring bodies. Furthermore, both also show interdependence between themselves. These transport labourers cater to the needs of the factories and the factories also need them. For instance, in Kamala market, many shops engage labourers in manufacturing and assemblage activities. Push-carts, bullock-carts, cycle-rickshaws, pull-carts and e-rickshaws from non-factory sector are often engaged by factory to carry goods. It is just that working conditions vary.

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<sup>7</sup> Ibid.,p.4

Picture 5.1: Inter-section of factory and non-factory. Rickshaw being used for the carriage of goods.



Picture 5.2: Kamla Market, motorised as well as non-motorised forms of transport are used here.



The workers under the factory setting, according to most of the respondents, are over-regulated concerning time and production. Since they attributed the lack of autonomy in a factory, the present chapter enquires whether there is autonomy in works which take place in and through the roads and streets. Rickshaw puller's answers prove that larger autonomy is there in the kind of work they do. However, the close investigation tells that seemingly autonomous is not autonomous in the presence of traffic signals, traffic police,



Municipal agents and agencies. This points to the fact that they are very much under the regulatory gaze. I wish to dwell upon my observation of a popular roundabout and intersection which is in the vicinity of *Himmatgarh*. Here, one cannot escape the view of the large and overarching figure of civic centre building which houses Municipal Corporation and tax department. Likewise, the police agency is often at labyrinth.

Picture 5.3: Police Bhavan ‘State Agency’ as landmark on blue signpost



At this point one, wants to bring about an experience of bewilderment which I encountered during the fieldwork. Throughout the day, several eagles hovered around over roundabout with a clear intent to capture rodents who try to pop out of burrows to devour the scattered and dumped feed. The eagles swoop down to clutch rodents as soon as they are out. Pigeons also overcrowd the roundabout to pick on dumped feed scattered over the ground. Owing to the large presence of pigeons, the roundabout is called *kabootar chowk*.<sup>8</sup> My imagination draws an analogy between eagle and MCD, rodents and labourers. Rodents have to come out of their burrow to get food whereas the eagle's eyes are hovering to catch hold of them. This is a spectacle one routinely comes across. This image affirms the fact that labourers working in open space are very likely to be the victim of eagle-like state machinery.

<sup>8</sup> Kabootar is Hindi word for pigeon. And chowk is Hindi term for roundabout and platform.



Picture 5.4: Eagles, pigeons and crows in horizon. Space under the gaze of Municipal Corporation of Delhi, Civic Centre Building.



This space constitutes a complex interplay of various workers from both non-factory and factory. Roadside food, tea vendors, barbers and mobile vendors (it is not uncommon to see vendor selling tobacco, bidi, cigarette, and matchboxes in small baskets on their head) depend on people like rickshaw pullers for business. Rickshaw pullers also depend on informal roadside vendors as they sell things at concessional rate which puller can afford. It is for this reason that if one is affected in this web of poor, the others are also bound to suffer. For instance, if the government, under demolition drive, demolishes the roadside food vendors, the rickshaw pullers will be helpless. An eighteen year old boy from Bihar starts his food stall on push cart from around half past twelve in the morning till he sleeps. Pullers and labour who work during night time come to his cart for food. At the time of the interview, he had passed his twelfth standard exam, and had joined the Bachelor of Arts programme through distance learning from Delhi University.<sup>9</sup> One of the respondent (rickshaw pullers) had also set up roadside food shops, but they had to look for other option when their stalls on the roadside were demolished.<sup>10</sup> One also

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<sup>9</sup> Respondent is from Shivan District of Bihar.

<sup>10</sup> Interview with rickshaw puller, Delhi. One rickshaw puller had set up a small food stall on the pavement. The Municipal Corporation demolished his stall and he took to rickshaw pulling.

came across a tea shop owner who was earlier a rickshaw puller. Most of his clients are rickshaw pullers.<sup>11</sup>

### **Pullers and Their Time**

How cycle rickshaw pullers experience time outside the traditional workplace is worth considering since it is part of everyday life especially in the city's limited space. A labourer realises his time in multiple modes. The effort to survive and register progress makes one think of time in concrete terms. That is why any discontinuity in work is perceived as the loss of time. This chapter tries to understand how time and its consciousness concerning gain or loss constantly determine the life of a labourer. The most evident and common way is to realise time in concrete form is 'wages'. Even more important than wage per se is the size of wage which must agree with the needs of the time.<sup>12</sup>

Labour has its limitation. A labourer cannot carry on working round the clock. In order to regain energy to resume work, it has to have the interval for leisure, rest and sleep for the labouring body. Leisure time matters in considerable measure. Harold Gould in his study of Lucknow rickshaw pullers had found that

rickshaw pulling remained attractive despite being tiring because there was a great deal of time available for interaction with peer groups within the framework of this occupation. Moreover, frequent gambling, gossiping, smoking, drinking and other forms of 'idle-time' activity appealed to restless young men. Rickshaw driving, despite the physical exertion involved, has a certain quality of excitement and irresponsibility connected with it that must be regarded as one of its major latent sources of appeal and gratification.<sup>13</sup>

It is for this reason that judicious division of time between work and other important aspects of daily life becomes very crucial. There is the history of the struggle for reasonable apportionment of labour time and time for other necessary activities. Before eight hours shift of work, labourers were made to work for longer than ten hours a day. Although concession of shortening the daily work time was made as a result of long

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<sup>11</sup> Interview with tea shop owner, Delhi. His father was rickshaw puller who later on managed to set up one tea shop nearby Mata Sundari College. The owner of this tea shop expressed anxiety about the possibility of demolition drive by the Municipality which may take away his shop too.

<sup>12</sup> Interview with respondents. Most of them agreed that there is increase in fare. They, however, maintained that this increase in rickshaw fare does not match with increase in price of food articles. That is why they long for the past when prices of food articles were cheap.

<sup>13</sup> Gould, pp.302-304

drawn struggle all over the world especially at industrial centres and eight hours work was incorporated into labour law. People working in industry and factory have very little control over their body and time during these eight hours. Time-wise they do not have flexibility albeit they get compensation for overtime work. Cycle rickshaw pullers have greater control over their body and time though there is no compensation for loss of time that is provided in case of factory workers. Very often, even workers are denied the compensation in the event of an accident at workplace or sickness. One respondent narrates an accident which affected his life. He narrates in terms of time, and he also talks of loss which could be understood in terms of time.<sup>14</sup> The income of rickshaw pullers depends on the number of trips they undertake to carry people and goods. Although 'leisure time'<sup>15</sup> is in their control, longer leisure time also means loss of income. They are, therefore, not absolutely independent. The sense of recurring loss of earning consequent upon loss of time is deep-seated in their mind. Rickshaw pullers often lose a considerable amount of time in negotiation with passengers. It is part of everyday life. While interviewing my respondents, I was faced with the ethical dilemma of compensating for the loss of time due to long conversation.<sup>16</sup>

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<sup>14</sup> One respondent from Pagahia village of Bihar, age 50 years at the time of interview (16 March 2017, New Delhi) used to work in a rubber factory in Calcutta. It was about 1983 when he met with an accident in which front end of hand was seriously injured. Eventually his hand became permanently deformed. He recalls this incident in terms of time and says that this might have happened about one or two years before Prime Minister Indira Gandhi died. He was about sixteen years old at the time of accident. The treatment of injury took about a year in a private hospital. He was entitled compensation claim for incident provided that he would furnish hospital papers but company deceived him and got all his papers destroyed by one of colleagues who used to work with him. That colleague took him into confidence and got all his papers and destroyed them in return for money from factory owner. He, being poor, could not fight the case. He married in 1989 about five years after the accident. He has now special rickshaw allotted under the scheme for physically impaired people. He runs phone booth from this special rickshaw. Since many rickshaw pullers do not possess mobile phones owing to fear of theft, they use his phone booth and pay for the service at the rate of one rupees per minute. Before this phone booth, he was fruit vendor for about four to five years during his initial years in Delhi. He used to live in Jhhuggi at Rajghat power house till it was demolished. He was brought to Delhi by his uncle. He possesses very interesting and important information about the MCD and Delhi which he has been witness to and experienced overtime. He had fled to his village during Babri Masjid incident.

<sup>15</sup> Time needed for tea, refreshment, gossip, smoking *bidi*, smoking marijuana, chewing, drinking liquor among other activities constitute leisure time. Time needed for sleep is kept aside as time for basic necessity. As regards smoking, it was equated with 'loitering'. There was a case of a worker being beaten up for smoking in mill compound in Kanpur. See Chitra Joshi, *Lost Worlds: Indian Labour and Its Forgotten Histories* (New Delhi: Permanent Black, 2006) p.173.

<sup>16</sup> All respondent agreed for conversation on condition that they would discontinue the conversation in case they are approached by the customers. Talking them also, according to them, disoriented customers

Factory work also differs from non-factory work with regard to stipulated hours of work. Under factory setting, starting late implies deduction from the salary besides disciplinary warning whereas rickshaw pullers take pride in the fact that there is nothing late or timely duty in case of pulling. However, the late start in case of rickshaw pulling means loss of time. All rickshaw pullers told that rickshaw pulling offers freedom from the anxiety of time-bound pattern of factory work. The idea of the holiday in case of the factory is regulated whereas holiday is at the disposal of rickshaw pullers. If a rickshaw puller wants to treat a day as a holiday, he is not bound by contract or law or any rigid framework. In other words, rickshaw pullers enjoy flexible division of time.

Until electricity arrived, work was day time affair but with the arrival of electricity, the boundary was broken and production time was stretched. Night shift became common. With the idea of night shift work, the rhythm of work took over the rhythm of nature. Working beyond natural rhythm is known to have taken a toll on labour's physical as well as mental health. Realisation of this implication has led workers to demand for additional pay for the work during night shift conceded. But informal transport labourers lack such privilege. However, such labourers know the importance of night time which is synonymous with dangerous time because all clandestine activities are said to take place during night time. The ease of doing dreadful activities in the darkness is intrinsic to night time. People who need short distance conveyance during nighttime, rickshaw comes as a great respite because motor drivers back out from going to many places at night. This allows them better bargaining power. The dangerous time and places give them scope to make some extra money. Many rickshaw pullers ply during night time, and they are often found sleeping during day time, a phenomenon not so uncommon.<sup>17</sup>

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because customers would mistake researcher for customer and would therefore think that cycle rickshaw puller is occupied. Owing to this fact, many rickshaw pullers refused to get engaged.

<sup>17</sup> The boatmen are also said to have understood their better bargain position during particular time and course of journey. They were said to be more assertive when the boat would be in the middle of the journey. Desertion at this stage was fraught with dangers for the European travelers. See Nitin Sinha, 'Contract, Work, and Resistance: Boatmen in Early Colonial Eastern India, 1760s-1850s', *IRSH* 59 (2014), Special Issue, pp.11-43. Like wise Chitra Joshi's 'Dak Roads, Dak Runners, and the Reordering of Communication Networks', *IRSH* 57 (2012).PP.169-189. In this article of Chitra Joshi, Runners would also have better bargain position with European employers in the view of the fact that passing through the dense forests was fraught with danger especially the danger of tiger and wild animals.

Picture 5.5: Rickshaw being used for sleeping purpose



The question of temporality arises in the context of animal, human and machine body as far as the realm of transport and speed is concerned since the bodily and manual labour potential cannot keep pace with the demand of fast-moving time. Machine take over space conceded by the manual or animal labour. The use of animal body for conveyance is now seen as the symbol of backwardness. Likewise, the use of the human body is also seen as a symbol of backwardness. The notion of backward is better explained in terms of time. Living bodies are very much in competition with the machine bodies. The competition is in terms of production in a given unit of time. It is increasingly becoming difficult for labour body to keep up with time. Being unskilled renders them lagging behind.

Although the poor are said to become inured to living in hostile conditions, it must be acknowledged that getting accustomed to such hostile living condition is compulsion rather than choice. The homeless condition renders many rickshaw pullers spend their night time at odd places. End of day and approaching night bring difficult time that they go through in the course of finding a place to sleep. And those who opt for rented accommodation, their houses are generally far away from the place where they usually ply and that implies travelling. Travelling takes away their time. Thus, the decision to remain on footpath instead of houses is determined by the calculation of time and money.



Picture 5.6: Rickshaw lagging behind



The concept of monthly pay is fundamentally designed to deprive the worker of being paid daily. The worker has to wait for his accumulated pay. The workers are often kept in fear regarding the settlement of pay towards the end of the month that usually involves discrepancies and conflict.<sup>18</sup> It thus involves long wait of about 30 days. Pulling, on the contrary, ensures an instant return for the labour and time given. It is even better than the daily wage that again involves a daylong wait for payment. The contract often has terms and conditions about nature of work, duration and rest hours. Moreover, contracts lay stress on timely completion of work. Remaining idle for that length of time amounts to loss of time and may be work. The freedom to work, rest, sleep and engage in leisure at one's discretion matter a lot to rickshaw pullers.

### **Food as Fuel: Puller's Body**

As far as their opinion on food is concerned, they pay great attention to timely intake of adequate food. They associate poor body with impaired body. According to most of them, a person with impaired body is poor. They maintained that they are, therefore, different from the poor as long as they possess strong and healthy body. Timely intake of sufficient food ensures the energy and strength of the body that is necessary for

<sup>18</sup> Interview with ninety percent of the respondent rickshaw pullers also pointed to this reason for not working in place where one gets one's pay after thirty day. Many of them had worked and were deceived at one point of time or other. Rickshaw pulling gives them freedom from such anxiety and fear.

laborious work like rickshaw pulling. Contrary to the general perception that they eat less and save their earning, they spend about one fourth (Rs.120) of their daily earning (Rs.500) on food. In case they choose a plate of fish curry and rice, it Costs them Rs. 40. Breakfast costs about between Rs.30 to Rs.40. Breakfast usually consists of *puri* and *subjee*.<sup>19</sup> For Rs.30, they get a plate of vegetable gravy and four *puris*. Additional *puri* costs extra three rupees. A plate of chicken gravy and rice costs Rs.50 that contains one piece of chicken. It is important to note that food eating often becomes a communitarian

Picture 5.7: Community kitchen on pavement.



Given the inadequate earning, they are often affair affair on a daily basis. faced with the dilemma of choosing between food and accommodation; they choose to spend on food instead of accommodation. It must, however, be maintained that homelessness exposes them to several hazards. A large number of poor die due to the homeless condition. The State has been aware of the deplorable conditions of the poor. The state has been taking stock of this fact since the 1960s. The state had also recognised the kind of people who were homeless and were to be found on the pavements, underneath the bridges etc. These were hawkers, rickshaw pullers and casual labourers.<sup>20</sup> In 2001 the Apex court took a

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<sup>19</sup> Deep fried chapatti and Vegetable gravy.

<sup>20</sup> Ministry of Works, Housing & Supply, in Ministry of Urban Affairs (Transfer list). File No.HIII/714/60-HI. Also see Rajya Sabha, Debate, Oral question, 1965. In this the question was regarding the danger of death from houseless condition.



very serious view of the dangers to which the homeless people were exposed.<sup>21</sup> Thus poor often prioritise food over accommodation since prioritising accommodation tightens their saving . This creates financial crisis as remittances due for their home is jeopardized.

### **Health, Habits & Aspirations**

रिक्शा वाले का खून गरम होता है क्योंकि वो गरम सूरज के निचे रिक्शा खर्चीचता है . इसीलिए उसका दिमाग भी गरम रहता है और . वो झगड़ा तो करेगा ही ,<sup>22</sup>

In old records, some studies were conducted regarding pullers conditions which also studied their habits. These records give a fair idea about how the habits and aspirations of the rickshaw pullers may be discerned and analysed.<sup>23</sup>

The rickshaw man is simple and frugal in his habits, and, generally speaking, mentally inert but physically active. Chatting with his friends, smoking the huqqa and playing cards fill his vacant hours. He is hardy and seldom too tired to pick up another fare. His utter disregard for the principles of hygiene is due partly to ignorance and partly to poverty. He has, perhaps, more than the normal credulity of the illiterate and a full share of the cunning that poverty is apt to induce... The danger to the public and to the coolies themselves through infestation of the latter with pediculi<sup>24</sup> is obvious. It cannot be effectively dealt with till pucca, well built quarters and facilities for bathing and delousing, and residence under sanitary conditions are provided for the coolies...99 per cent of the rickshaw men examined were found to be infested with body vermin, and the report hints at the danger in turn to the public.<sup>25</sup>

The present study does not aim to challenge observations made in the old records. Rickshaw pullers living condition is undoubtedly very poor to the present day. This poor condition is attributable to poverty since they cannot afford sanitation and spacious accommodation. The cleanliness and the good accommodation come with a cost. Since

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<sup>21</sup> Tenth Report of the Commissioners of the Supreme Court. Supreme Court Commissioners WR 196/2001.

<sup>22</sup> Interview with a puller respondent at Majnuh ka Tila. He is from Jharkhand. Translation ‘ Since rickshaw pullers pull rickshaw right under the heat of sun, he turns hot-blooded and hot-headed. He is bound to engages in tussle for this reason.

<sup>23</sup> L. R. Dawar, *Economic Conditions of Simla Rickshaw Men* (ed.) J. W. Thomas. (Lahore: The Board of Economic Enquiry, Punjab 1934) (Publication No.37). Ahmad Mukhtar, ‘Report on Rickshaw Pullers’ in *India: Labour Investigation Committee* (Delhi: Manager of Publications, 1946). This enquiry had covered rickshaw pullers of Simla, Calcutta and Madras.

<sup>24</sup> Infestation of body lice. It is known for the transmission of typhus and fever.

<sup>25</sup> L. R. Dawar, *Economic Conditions of Simla Rickshaw Men* (ed.) J.W. Thomas. (Lahore: The Board of Economic Enquiry, Punjab 1934) (Publication No.37). pp.11, .41 & 42.

most of them consume tobacco and smoke, it often leads to dental problems. Some of them tend to postpone treatment with the hope that they may recover with time without medication. This tendency sometimes results in the development of serious illness. Rough cough that points to the persistence of poor health of pulmonary is also very common. I still take the critical view of the findings for the reason that it projects rickshaw pullers' poor health as a hazard to the public health. There might be several things that may be of dangerous nature to the public. Another line of observation in above-stated remarks merits criticism is observation about mental inertness among rickshaw pullers. This creates an unfounded mind-body dichotomy concerning labouring poor that Jacques Ranciere<sup>26</sup> also denies. Living everyday life in the middle of the crisis is not possible without being thoughtful and aware. A good number of respondent rickshaw pullers reported that they follow news, sports and read newspapers. The danger also lies in the fact that such a general finding creates a negative stereotype about poor class people. Oscar Lewis had also attracted broad criticism for such generalisation that was said to be of negative description for he enlisted negative traits<sup>27</sup> of the poor that, Oscar Lewis thinks, perpetuate further poverty.

Having taken the critical viewpoint of stereotypical generalisation, the study does not contest the importance of health among rickshaw pullers because pulling work requires good health. As long as their ill-health and method of treatment are concerned, a few of them prefer the traditional way of cure.<sup>28</sup> They also tend to go to unqualified doctors. One respondent, upon falling sick, went to an unqualified doctor for the herbal cure until it took a serious turn. He was diagnosed with yellow fever. He had to seek allopathic course for the treatment of his sickness. For example, Mukhtar Ahmad in his report points to this tendency for country medicines that are advertised as capable of effecting miraculous cures within incredibly short time are the principal reason why these people

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<sup>26</sup> Jacques Ranciere, *The Nights of Labor: The Workers' Dream in Nineteenth-Century France* (Trans.) John Drury (Philadelphia: Temple University Press, 1989). Jacques Ranciere has collected massive materials which indicated that the workers also engage in work which lies beyond

<sup>27</sup> Indre Gajdosikiene, 'Oscar Lewis's Culture of Poverty: Critique and Further Development', *Sociology. Thought and Action* 2004 1(13) P.91

<sup>28</sup> A respondent from Jhansi would urinate over his seriously injured feet. He believed that his urine kills all kind of germs and bacteria for free and that is why urine, according to him, is better solution than popular medicines of the market. He would otherwise uses limestone to treat minor cuts and injuries.

keep away from qualified doctors. Some rickshaw pullers are skeptical about the general health system. For instance, one puller's scrota sac was oversized. Upon enquiry, he admitted to having been diagnosed with hydrocele, but he feared seeking treatment because it involved surgery. Since anaesthesia precedes any surgical treatment, he feared that the doctors might steal his organs like kidney by anaesthetising his body. Therefore, he preferred to live with the complication. His fear was based on the news from different quarters that report about the illegal trading of human organs. However, a good number of rickshaw pullers admitted to going to government or private health centres for the treatment of their illnesses. Those who went to private clinics said that going to government hospitals frightened them. They are scared to approach the doctors in government hospitals because the behaviour of doctors is very hostile to them. One of the rickshaw pullers who had met with a severe accident in the past narrated how injured or ailing body becomes the major cause of concern.<sup>29</sup>

There are studies that have focused on the health of rickshaw pullers. Such studies have engaged in seeing the co-relation between the occupation and health. These studies maintain that occupation of pulling becomes increasingly difficult with advancing age. Sarifa Begum and Binayak Sen whose study is based on rickshaw pullers of Dhaka, Bangladesh have established these findings. 'The study of Nashik's cycle-rickshaw pullers by Sudipto Mitra brings the opinion of rickshaw pullers on health. Sudipto also points to the fact that 'most of them suffer from asthma, tuberculosis and body ache'.<sup>30</sup>

Drinking alcohol is also very common among cycle rickshaw pullers. But there are few rickshaw pullers who do not take any addictive substance. In general, drinking becomes compulsion due to fatigue. Alcohol also helps them overcome discomforts and their poor living conditions. In inebriated condition, they do not pay much heed to poor environ in that they live and work. Consumption of liquor is common among factory workers.

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<sup>29</sup> One respondent who met with severe accident while employed in unloading of goods from big ship to small ship in Gujarat. Lying in bed of hospital, he was worried about cost of treatment and restoration of normal health. He recovered. And came back to Delhi to resume rickshaw pulling. There was another puller whom I interviewed, he was pushed from the running train because he was carrying cash. He was employed in sea water for catching and sorting fishes in Goa. His urinal system has sustained serious injury. He is still going treatment. He pulls rickshaw only to an extent which is just enough for his daily survival. He still does not believe in going to temple or Gurudwara to eat.

<sup>30</sup> Sudipto Mitra. "License and Livelihood: Rickshaw Pullers in Nashik", *License & Livelihood* (Centre for Civil Society 224)p.247

Living away from their family is also one factor that is said to have caused the feeling of agony among them. Drinking liquor seemed to relieve their agonised state of mind.<sup>31</sup> Drinking is usually done in groups. They sometimes share money to buy alcohol.<sup>32</sup> Although drinking in groups is indicative of collective behaviour, it also leads to heated argument and fighting among them. In a documentary film, few rickshaw pullers likened alcohol with fuel albeit they laughed aloud after making this remark.<sup>33</sup> In brief, associating alcohol drinking among working class with vice in a straightforward manner seems inappropriate. It is important to underline that drinking alcohol is not peculiar to poor or working class people. It is common across sections. The people generally consider them drug addicts and peddlers. Such consideration may contain some degree of truth but these are again not peculiar to the poor. Drinking habit is not a subculture. It is rather part of the culture. Observations made from this study are not much different from those of others as far as their tendency to addiction is concerned. However, other studies have hardly looked into the reason for their behaviours like addiction to alcohol, tobacco and marijuana. 'Rickshaw driving, despite the physical exertion involved, has a certain quality of excitement and irresponsibility connected with it that must be regarded as one of its major latent sources of appeal and gratification.'<sup>34</sup>

As far as the consumption of alcohol or smoking is concerned, it is ubiquitous. Such trait is not peculiar to rickshaw pullers. It is just that they come to our notice because they do not have four walls to remain within and consume without being noticeable. Moreover, one cannot be regarded non-alcoholic simply because he or she consumes expensive alcohol. A general perception may show them in bad light when it comes to high incidence of alcoholism and substance abuse among them. In this regard, there is need to

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<sup>31</sup> Shashi Bhushan Upadhyaya, *Existence, Identity and Mobilization: The Cotton Millworkers of Bombay 1890-1919* (New Delhi: Manohar, 2004). In this Shashi discusses the cause of liquor consumption among textile workers who tempted to drink for three very important reasons-hard work, poor housing condition and living away from their spouse and family. See p.63.

<sup>32</sup> One respondent rickshaw puller who also drinks alcohol is in favour of alcohol ban because it harms their health and pocket. However, he was very critical of manner in which Delhi Government implemented this ban on drinking which only banned drinking in public place. Anybody, as per the rule, found drinking in public place was punishable with heavy fine. This respondent said that the homeless poor who cannot but drink in open are going to be victim of such rule.

<sup>33</sup> 'Men of Burden'. Director: Raghu Jeganathan. Production: Accessible Horizon Films. (<http://www.archive.org/details/MenOfBurden>). Date of access: 27January 2013

<sup>34</sup> Gould, Op. Cit., pp.302-304

adopt a lenient attitude. Bill Kirkpatrick's remark about the incidence of drug abuse is noteworthy and it goes like this 'Any understanding of drug abuser must develop from the recognition of the addict within each one of us, as an inner compelling force... That one of us, for instance, is not addicted to tea, coffee, alcohol, cigarette, sex or television?'<sup>35</sup> However, the bad impact, alcohol consumption or addictive substance leaves on the poor, and his family members should not be overlooked. Aneel Karnani underlined the negative consequences of alcohol consumption among the poor as he said that 'the consequences of such behaviour are more severe for the poor.'<sup>36</sup> Aneel gave instances from his field to corroborate this fact. For example, Aneel brought one example of a rickshaw puller, Hasan, who was unable to overcome his temptation for tobacco, spends all his earnings at the cost of food and educational needs of his child. The same behaviour does not impact the rich in the same manner as the poor.<sup>37</sup> Undoubtedly there are many poor people like rickshaw pullers with positive traits. There are also quite a few who under the influence of alcohol or substance of abuse cause trouble in general. Two respondents, referring to such troublesome rickshaw pullers, said that "एक गन्दी मछली पुरे तालाब को गन्दी कर देती है"<sup>38</sup> A respondent said that he takes it in moderate amount. He like many other rickshaw pullers considers drinking helpful in overcoming fatigue. He also ensures to drink moderately because he has to save for the home. Similarly, the habit of smoking bidi and marijuana, consumption of tobacco among rickshaw pullers could be studied. Undoubtedly, all these affect the saving pattern of rickshaw pullers.(give table of average cost that these items on cost them on the basis of daily frequency). As far as tea is considered, it is part of refreshment. Having tea, besides breaking their monotony, gives an opportunity for group conversation. Eighty percent of my respondents were one who take alcohol in

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<sup>35</sup> Kirkpatrick, Bill, Protest and Poverty: "Drug Abuse and Young". In *The New Poor: Anatomy of Underprivilege*. (Ed.) Ian Henderson. (London: Peter Owen, 1973), p.136

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<sup>37</sup> Aneel Karnani. "Romanticizing the Poor Harms the Poor", *The Whitehead Journal and Diplomacy and International Relations*. [www.journalofdiplomacy.org](http://www.journalofdiplomacy.org). Summer/Fall 2008.p.3.

<sup>38</sup> (Translation: A single rotten fish spoils the whole pond)

moderate amount. Sixteen percent were those who indulged in an excessive drink. There were 3 teetotaler whom I interviewed.

Oscar Lewis' concept of culture of poverty gives us some insights into the general aspirations that the rickshaw pullers hold. But overall perception is in contrast with the finding of Oscar Lewis who had said that the poor:

'Their world view is weak, disorganized and restricted. On the individual level, major characteristics are a strong feeling of marginality, of helplessness, of dependency and of inferiority...little ability to defer gratification and to plan for future...resignation and fatalism...provincially and locally oriented...very little sense of history.'<sup>39</sup>

Charles Valentine's critique of Oscar Lewis serves as the platform for the present chapter to critique Oscar Lewis. The body of evidence that I have from my fieldwork with rickshaw pullers and the body of evidence from other studies on the poor and their aspiration for upward mobility do not completely agree with the Oscar Lewis's understanding. I would still like to emphasise that success stories come from very few individual rickshaw pullers. It is for this reason that one cannot be completely dismissive of Oscar Lewis's understanding. I came across instances where rickshaw pullers became auto-rickshaw drivers. One rickshaw puller went on to become the owner of his own rickshaws. One puller managed to buy his own house even though in slum areas. A respondent began rickshaw pulling to resume his broken business of fruit vending that had run into loss. He sounded very optimistic about resuming his lost business. A rickshaw puller in Charles Tilly's article<sup>40</sup>, through hard work and gradual saving over time, manages to register significant progress. Likewise, the story of Bimala<sup>41</sup>, a female rickshaw puller during the 1980s, is the story of determination and tenacity. It is not uncommon to find many individual narratives of success that can be attributed to their determination, confidence and tenacity.

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<sup>39</sup> Charles A. Valentine, *Culture and Poverty: Critique and Counter-proposals*. (Chicago and London: The University of Chicago Press, 1968), 133.

<sup>40</sup> Charles Tilly. "Poverty and the Politics of Exclusion", in ' *Moving out of Poverty: Cross-Disciplinary Perspective on Mobility*. Vol-1. (Ed) Deepa Narayan and Patti Petesch. A Co-publication of Palgrave Macmillan and the World Bank. Vivid vignettes of poor people's lives are recorded in the World Bank's sweeping survey *Voices of the Poor*. pp.45-47.

<sup>41</sup> Poonam Kaul. Bimla-A Profile in Resourcefulness", *Manushi* (Issue No. 46, May-June, 1988) for detailed narrative. pp.25-27.

All respondents, who had children, emphasised sending their children to schools for education. According to them education was very important if they were to avoid similar future for their children. They all believed that education might land their children in better positions. Some of the rickshaw pullers managed to give their children education who had apparently landed in better occupations than rickshaw pulling. One respondent whom I came across around Minto Road in New Delhi showed amazing linguistic skill. He has learnt the making of guitars through assembling. Besides, he learnt to speak good English. Eventually, he managed to own one small house in Bawana. Likewise, a puller respondent bought a small plot of land in Ghaziabad and built a house. A rickshaw puller from Bahraich district of Uttar Pradesh is very particular about the accumulation of money so that he may start a small general store at his native village. According to him having a small business of one's own is far better than doing a big job. Although they all said that rickshaw pulling is better than begging or doing nothing, they still maintained that the occupation of pulling is as good as the beast of burden. There is longing to come out the vicious circle of poverty, but it is also true that overall conditions restrain them from breaking free from this circle. A son of rickshaw puller became a bureaucrat in 2006.<sup>42</sup>

As regards the sense of timing and history, quite a few of them possess understanding of history. Given the acknowledgement of this process, the rickshaw pullers showed some variation. A rickshaw puller from Jharkhand equated Birsa Munda with Jawaharlal Nehru. According to one puller, Nehru was more concerned about the welfare of children<sup>43</sup> whereas Mahatma Gandhi and Ambedkar Rao were more concerned about the nation. Many respondents sounded unaware of why Independence Day and Republic days are celebrated for even though these respondents would go to Red Fort to get the glimpse of the grand celebration. By and large, the trend that arises from this detail is that it is not possible to form the linear and straightforward picture of what and how the poor think.

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<sup>42</sup> <https://yourstory.com/2017/08/ias-officer-govind-jaiswal/>

<sup>43</sup> Interviews with Rickshaw pullers, 2011, New Delhi, *Gunda Nullah* (Unclean Drain), Vijay Nagar. He found Nehru children centric for the reason that Children day is celebrated on Nehru's birthday and Nehru is also regarded as *chacha* (Uncle) of children.



There is no denying the fact that clean and adequate cloth is necessary for good health as Report on Rickshaw puller by Ahmed Mukhtar mentions ‘The clothing of pullers is neither clean nor adequate and this may in itself be responsible for cases of cough and cold due to exposure.’<sup>44</sup> But knowing their perception on this would add a new dimension. A respondent made very incisive remark by saying that officers must worry about daily bathing and clothing. Rickshaw pullers are free from such daily worries. Other rickshaw puller gave the appropriate reason for wearing simple and shabby attire to appear humble because shabby appearance brings passengers whereas well dressed rickshaw pullers may give the egoistic impression and thereby putting off the passengers. There were also rickshaw pullers who, without being concerned about the repercussions, attach importance to good cloth and appealing appearance.

Having dwelt on the living conditions and aspirations of pullers one may see the connection between occupational strain and the daily habits of rickshaw pullers. Inadequate toilets and bathing facilities also add to their wretched appearance and health conditions. In many cases, they avoid bathing on a daily basis. Washing clothes also remains one of the problem. The urgency to attend nature’s call during morning becomes a difficult task due to long queue in front of toilet complex. In certain cases, they end up soiling their pants and many choose to relieve in open spaces.<sup>45</sup> One can assess the tremendous amount of psychological pressure that rickshaw pullers face in everyday life. The presence of a large number of flies and the open drains and putrefying garbage in the vicinity is the common sight. Such conditions have worse impact on their health. They have become inured to their unhygienic surroundings.

### **Pullers: Their Rickshaw and Labour**

इस रिक्शा खींचने के धंदे में हम अपने मालिक होते हैं, हम पर कोई होकुम नहीं चला सकता . हम जब चाहे आराम कर सकते हैं जबकि बाकि काम में यह आज़ादी नहीं है . इसीलिए हमने मज़दूरी का काम नहीं किया . यहाँ तक की हमें मेट्रो में मज़दूरी का काम करने का मौका मिला था लेकिन हमने नहीं किया . इसके अलावा , मज़दूरी में फिक्स्ड पैसा दिन के या महीने के अंत

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<sup>44</sup> Mukhtar, p.25.

<sup>45</sup> .Interview with a cycle rickshaw puller at a grage near by Matasundari College.

में मिलता है ;हु भी आराम से नहीं मिलता . पर इस रिक्शा में तो पैसा तुरंत मिलता है और हम डेली अपने हिसाब से खर्चा कर पाते हैं.<sup>46</sup>

The respondent rickshaw pullers did not deny that rickshaw pulling was tough work. However, they maintained that any work that labourers do is hard work. Some of them felt ashamed of pulling. That is why they chose Delhi instead of their own town so that they may remain unseen by their familiar people. The far-off city like Delhi gave them sufficient anonymity. Quite a few of them were very bold in accepting pulling as a respectable job. They distinguished it from crime, beggary and idleness. Most of them showed respect and confidence in their possession, that is, labour. 'मेहनत करने वाले को क्या फर्क पड़ता है ? हम मेहनती है और हमें अपने मेहनत पर भरोसा है'.<sup>47</sup> Hakim Serajul also talked about the poor's self-belief in their human capital, that is, ability to work.<sup>48</sup> Those who showed respect in their labour were so confident that they did not pay attention to the arrival of battery rickshaws. However, many said that battery rickshaw lessened the scope of cycle rickshaw pullers. One responded took me by surprise when he said that fuel crisis might occur, but labour will always be there. In other words, fuel crisis may bring battery rickshaw or fuel driven motors to a standstill, but their rickshaw will continue to ply due to the abundance of labour. Given the arrival of metro and battery rickshaw, some expressed apprehension but majority stated that change keeps happening and they need not be afraid of recurrent change. As regards e-rickshaws, they say that since it is costly, its safety and maintenance is a matter of great concern. This concern will remain intact, and cycle rickshaw will continue to be preferred. One respondent says:

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<sup>46</sup> Interview with respondents. Location: Shivaji Park, Minto Road, Nearby New Delhi Railway Station. Date/Time: 5<sup>th</sup> April/12.00 noon. Translation: We are our own boss in this occupation of rickshaw pulling since no one monitors and supervises us. We live according to our schedule and convenience. We do not require permission to take break for rest. We can choose not to work if we do not wish to work whereas the same is not true in case of labourers. That is why we did not work as wage labourers even though we had opportunity to work for Delhi Metro. Besides, as a labourer, one gets fixed wage either at the end of day or towards the end of month and labourers have to struggle to get their own wages whereas rickshaw pulling fetches immediate cash which allows us to meet daily our expenditure according to our plan.

<sup>47</sup> Based on interview with a respondent from Bihar. (Translation: *Any kind of change hardly makes any difference to hardworking people like him. We have strong belief in our hard work.*)

<sup>48</sup> Hakim, p.50.

रिक्शा चलाते हैं, भीख तो नहीं मांगते और न ही डकैती या चोरी करते हैं। इसमें शर्म की बात बिलकुल नहीं है। हमें तो फक्र है क्योंकि हम रिक्शा खींचते हैं तभी तो हमारा परिवार चलता। नहीं करेंगे तो कौन करेगा मेरे परिवार का ख्याल。<sup>49</sup> Even the study by Harold A. Gould<sup>50</sup> found that rickshaw pulling, despite being strenuous, appeals to restless young men because it allows a great time for interaction with peer groups. It also remains an exciting occupation. There were also some who found rickshaw pulling as bad as hell. A group of respondents said:

‘यह रिक्शा खींचने का काम नरक है, इसमें जो घुसा वह निकल नहीं पाया और बर्बाद हो गया। इस से काफी बेहतर तो उस चाय देने वाले लड़के की है जो इज़्ज़त और पैसे के साथ अपने घर तो जा सकता है जबकि रिक्शा वाले का पैसा कभी भी नहीं बचता’。<sup>51</sup>

It is important to note that the very rickshaw becomes site of their accommodation which merits elaborate description.

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<sup>49</sup> Translation ‘we pull rickshaw rather than begging, robbery or stealing. There is nothing to be ashamed about it. We are rather proud of it because it is through rickshaw pulling that we are able to keep our family afloat. If we do not take care of our family, who will?’

<sup>50</sup> Harold A Gould, ‘ Lucknow Rickshawallas: The Social Organization of an Occupational Category’, *International Journal of Comparative Sociology*. p. Vol. 1, Issue 6, 1965, p.34 .

<sup>51</sup> Translation ‘ The occupation of pulling as good as hell. One who enters this can never come out of it. The life of that (pointing to a one boy who was working at a tea shop in Chandni Chowk) child labor is better than our life because he can at least go back to his home with some sense of pride and some amount of money.’

Picture 5.8: Rickshaw abode



Picture 5.9: Roadside accommodation of rickshaw pullers



The issue of homelessness has already been dealt with in great detail in previous chapters. However, rickshaw as a site of labour is important theme. There have also been other sites of labour and rickshaw pullers. This needs to be seen in critical light since

there is a historical background to dwell upon in brief. The details are as old as 1960. It is worth examining changes in sites of the urban poor after 50 years. The pullers were seen at various sites of city. Their presence across railway stations, metro stations, busy thoroughfares, streets, liquor shops, bus stops, roadside food and tea stalls, roadside barbers, pavements, under-bridges, slums, night shelters and rickshaws and other informal places speak of their ubiquity. The focus needs to be sharpened on the issue of accommodation because it, besides fulfilling their need of sleep, provides security to their belongings. Here particular focus is on their housing issue.

‘Of workers as employed in mines, etc., the latter is intended to clear, or improve wherever possible, particular slum areas in a town or city and the persons displaced from there are provided accommodation either in open developed plots or regular pucca tenements. It has been found in practice that persons who generally sleep on the pavements, corridors and underneath bridges, etc., are not much benefitted by these schemes either because they do not come within the scope of these schemes or they cannot afford to pay even the subsidized rent of one-roomed tenement built under the scheme. The persons sleeping on the pavements generally are labourers, rickshaw pullers, unlicensed train porters, hawkers, cart-drivers, shoe-shine boys, casual workers employed in small establishments and factories and men who seem to follow no trade at all. There are, of course, quite a large number of beggars and destitutes but this scheme will not be applicable to them as the proper place to house them will be a Poor House or a Beggars’ Home, etc. No precise data is available about the number of the pavement dwellers in different towns and cities. In the Census Reports (Primary Census Abstracts), there is a column for ‘Houseless persons and inmates of institutions’. Although figures given under this head include such persons as beggars, vagrants and inmates of institutions, a rough idea can be had of the population living on pavements and streets etc. the data collected about the towns having a population of more than 3 lakhs is given in Annexure I. These unfortunate people present a very pathetic sight. They are subjected not only to the rigour and vagaries of weather but are also exposed to social and moral dangers. The gullible rustic may be victimised by the unscrupulous, the young and innocent may get into bad company, the unsuspecting may get involved in petty crimes, and so on. It is, therefore, essential that night shelters should be provided for such persons. These shelters will, besides providing a roof for the homeless to sleep under, also give them protection from the undesirable social elements and discourage the spread of anti-social activities.’<sup>52</sup>

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<sup>52</sup> Housing Policy: Proposal for provision of night shelter for pavement dwellers. In Work, Housing & Work (Ministry of Urban Development –Transfer list) Branch: Housing III, Year: 1960. File no. H III-7(1)/60

## Annexure-I

Table: 5.1 Cities with the population of over three lakhs each

| S. No | City                         | Population | Inmates of institutions and homeless persons. |
|-------|------------------------------|------------|---|
| 1     | Greater Calcutta (W. Bengal) | 45,78,071  | Not available                                 |
| 2     | Greater Bombay (Bombay)      | 28,39,270  | 48,378  |
| 3     | Madras (Madras)              | 14,16,057  | 42,415  |
| 4     | Delhi (Delhi)                | 9,14,790   | Not available                                 |
| 5     | Hyderabad (A.P)              | 10,85,722  | 15,270  |
| 6     | Ahmedabad (Bombay)           | 7,88,333   | Not available                                 |
| 7     | Bangalore (Mysore)           | 7,78,977   | 13,628  |
| 8     | Kanpur (U.P)                 | 7,05,383   | 8,823   |
| 9     | Lucknow (U.P)                | 4,96,861   | Nil   |
| 10    | Poona (Bombay)               | 4,80,982   | 21,488  |
| 11    | Nagpur (Bombay)              | 4,49,099   | Not available                                 |
| 12    | Howrah (W. Bengal)           | 4,33,630   | -do-  |
| 13    | Agra (U.P)                   | 3,75,665   | 9,893   |
| 14    | Madurai (Madras)             | 3,61,781   | 8,513   |
| 15    | Benaras (U.P)                | 3,55,777   | 9,270   |
| 16    | Allahabad (U.P)              | 3,32,295   | Not available                                 |
| 17    | Amritsar (Punjab)            | 3,25,745   | Not available                                 |
| 18    | Indore (M.P)                 | 3,10,859   | 2,820   |

The non-availability of data in case of Delhi that is apparent from annexure one placed above points at least towards two possibilities, that is, either it was the case of laxity or the situation in case of Delhi might be worrisome that, Delhi being capital of the country, might have been the cause of embarrassment. As far as the second Annexure is concerned, it is helpful to understand the requirements of men and material to run shelters. One more thing that becomes clear that staying in night shelter was not free albeit the charge was very nominal.

### **Happiness and Unhappiness in Rickshawala's World: Pullers' Mind**

‘The deprived people tend to come to terms with their deprivation because of the sheer necessity of survival, and they may, as a result, lack the courage to demand any radical change, and may even adjust their desires and expectations to what they unambitiously see as feasible. The mental metric of pleasure or desire is just too malleable to be a firm guide to deprivation and disadvantage.... Social and economic factors such as basic education, primary health care, and secure employment are important not only in their own right but also for the role they can play in giving people opportunity to approach the world with courage and freedom...’<sup>53</sup>

Under this theme, the idea is to understand the distinction as well as the overlap of mental and physical aspects of the rickshaw puller. The overlap between the physical and mental is necessary because it is not water-tight compartment division. Although the site of pain is the body, it is felt in the mental realm. And whatever is felt in mental realm leaves its impact on the body. It is for this reason that the fatigue that they experience during and after day's hard work pervades physical and mental territories. They, like others, undergo happy and unhappy phases of life. The question arises as to what they do to overcome their unhappiness. The answer to this question involves individual as well as their collective dimensions. The question of caste and community also figures in dealing with their state of body and mind. Similarly, the spiritual aspect (religious and non-religious) also plays an important role in addressing their daily concerns. Hakim Serajul regards stable mental condition as mental capital that is necessary for survival

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<sup>53</sup>Amartya Sen cited in Aneel Karnani.'s "Romanticizing the Poor Harms the Poor", *The Whitehead Journal and Diplomacy and International Relations*. [www.journalofdiplomacy.org](http://www.journalofdiplomacy.org). Summer/Fall 2008.p.3



and growth.<sup>54</sup> The collective behaviours that reflect in collective activities like drinking alcohol, smoking, having tea, food, playing cards, gossiping help towards sustaining this mental capital. Drinking alcohol and smoking marijuana are said to be relieving factors. A group of respondents who smoke marijuana said that the real power lies in ‘*cheelum*’.<sup>55</sup> One dose that is usually shared between two to three people cost Rs.100.<sup>56</sup> Such habits are said to help them overcome the drudgery of everyday life. ‘As regards smoking bidi, chewing tobacco, drinking locally brewed alcohol, they say that they have to have something to overcome sadness.’<sup>57</sup> Charles A. Valentine while critiquing Oscar Lewis’s idea of the culture of poverty, brings out the instance of habits of the poor regarding consumption of alcohol and gambling that Lewis regarded as poor people’s effort for excitement and “thrill”.<sup>58</sup> Being part of the group is an indispensable element that brings a sense of ease and relief as some of the respondents affirmed this and they also said that taking alcohol or cannabis prepares the background for entry into groups. But it is not necessary that those who do not drink are left out. There are quite a few rickshaw pullers who make conscious choice to remain away from those who consume alcohol.

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<sup>54</sup> Sheikh Serajsul Hakim, *Ways through Enmity: Household livelihood strategies of the coastal migrant: The cases of metropolitan Khulna and its hinterlands, Bangladesh.*(Thesis) (Rotterdam, The Netherlands September 2008)

<sup>55</sup> ‘*Cheelum*’ is a clay pipe that is used for smoking marijuana. At one end that is broader than the other end is where the small amount of dried and crushed marijuana or cannabis is placed and burnt. The smoker puffs in and out from another end of the pipe that is narrower.

<sup>56</sup> One respondent gave me ride on his rickshaw. He was taking through streets of the Delhi. He later on halted at a place and walked into a slum area without telling me the purpose. Upon enquiry, she showed me sachet of cannabis which he had gone to buy. He also informed me about the price.

<sup>57</sup> Sudipto Mitra. “License and Livelihood: Rickshaw Pullers in Nashik”, *License & Livelihood* (Centre for Civil Society 224)p.247

<sup>58</sup> Valentine, *Culture and Poverty: Critique and Counter-proposals*. (Chicago and London: The University of Chicago Press, 1968), p. 137.

The psycho-physical dimension also reflects sexual and emotional needs. This aspect is very much connected with the idea of frustration and unhappiness. Many of the respondents hesitated to dwell on this matter since they found it a very intimate aspect of life. However, some of them were straightforward in discussing this aspect. Those pullers who spoke about this aspect explained that visiting brothel is expensive. It cost Rs.500 per visit. Some of them approach street-based sex workers because they do not charge much and the rate is entirely subject to negotiation. Chitra Joshi<sup>59</sup> in her work on the labour of Kanpur has addressed this intimate aspect as well. Similarly, James F. Warren<sup>60</sup> deals with the sexual life of rickshaw pullers in Singapore. James has, however, considered it as one of four evils.<sup>61</sup> Even the folk genre of songs like '*bideshiya*' and '*Biraha*' speak of this aspect at length though songs of this genre represent the psycho-physical pain of wives whose husbands are migrant workers in cities. In such folk songs, the reference to insecurity among wives of migrant males is indicative of concern around this issue.<sup>62</sup>

Some rickshaw pullers defined the idea of what true happiness and where it indeed comes from. So far, the solution lay in the materiality of the world. Answers, that they gave in response to question whether they are happy in their lives, gave a fresh turn to the discussion. A respondent from West Bengal who has been pulling rickshaw since 1965, drew the distinction between *khushi* and *maza* (Happiness and pleasure respectively). According to him, true happiness is not subject to any material things. The idea of *sukun* (peace of mind) has to do with delineation of the boundary of basic needs. Greed, according to him, often transgresses this boundary that implies an insatiable obsession with possession of more and more material things. He said that he adheres to a

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<sup>59</sup>Joshi, Op.Cit.50.

<sup>60</sup>.Warren, Op. Cit.,p.236.

<sup>61</sup>Jim Warren, 'The Singapore Rickshaw Pullers: The Social Organization of a Coolie Occupation, 1880-1940.' *Journal of Southeast Asian Studies*, Vol.16, No.1 (March, 1985). Four evils were -Opium smoking, prostitution, drinking and gambling in which the rickshaw coolies were said to have found solace 'p.12. It is important to note that James Francis Warren and Jim Warren are names of the same person. I have quoted as they appeared in the respective works.

<sup>62</sup>A respondent avoids brothel despite feeling sexual needs. He frankly shared about how he deals with it. He admitted to having masturbated. He also shared that many of them buy condoms which they inflate to an extent that inflated condom may be folded and shaped into vagina. They use condoms in this manner to seek satisfaction. The respondent said that it saves their money, satisfies their need and it is safe too.

delineated boundary and therefore he remains content. He is happy with earning of Rs 200 a day. He has accommodation in the slum where his sons also live. He does not possess television or fridge, nor does he want to own one. He does not see relationship between education and happiness. He gave the example of TATA and Birla who epitomise 'insatiable greed for material possession'. He sums up the idea of true happiness, that he distinguishes from pleasure. True happiness, as per his belief, comes from almighty 'Allah'. Thus faith also plays the great role in dealing with the everyday crisis of their life. In none of the interview with the respondent, I found inter-faith conflict.<sup>63</sup> In fact, I came across the instance where they show inter-faith harmony. Since many of them have become disconnected with their families, in case of death of any rickshaw puller, these rickshaw pullers claim the body of acquainted rickshaw puller and try to raise fund to perform the last rite according to the faith of the puller. Many of them actually said that they take part in inter-faith festivals.

Likewise, the commonplace of origin and caste is considered to be of great help regarding finding a job and help in time of crisis. This was case when I met a group of people who came from same district of Bihar. They all were of same caste, that is, Mahto.<sup>64</sup> Their get-together during lunch and tea refreshment can be seen as part of their collective strategies to feel at ease. Again I would like to emphasise that they nowhere showed inter-faith conflict in city albeit some of them talked about caste atrocities at place of origin. Taking part in celebration of festive occasions boost their mood. Many of them do one thing or other to celebrate Deepawali, Holi, Id-ul-Fitr, Independence Day, Republic Day and so on and so forth. In words of some of respondents, 'अगस्त के दिन हम सब दो या तीन रुपये का तिरंगा झंडा खरीदते हैं और अगस्त चढ़ाते हैं .और

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<sup>63</sup> One muslim had borne tattoo of Sai Baba without realizing that such practice was unIslamic. Other muslim likened his 14 years long stay away from his family with exile of Hindu legend Ram. Two hindu respondents gave metaphor to prove that these faith-related difference are of no importance. One gave metaphor: the manner all river meet and turn into nothing but water only, the human also become human only disregarding how many identities they try to wear. Other metaphor which came was related to the color of blood which remains red across race, gender and caste. Similarly, many example emerged from the field which either showed indifference towards faith or harmonious relation.

<sup>64</sup> The surname reminds one of Shambhu Mahto, protagonist of film 'Do Bigha Zamin' 1953. Herein this film, the story revolves around a life of migrant from Bihar.

छोटा जुलूस भी निकलते हैं.<sup>65</sup> Contrary to the rich who have several resources for their leisure, the poor have limited options. Given the limited options and resources, they draw happiness from what is within their reach.

Continuing the discussion on the idea of happiness and unhappiness, two respondents said that they do not want to become very rich because excessive money disrupts the peace of mind. According to these two respondents, those who have a large sum of cash develop the fear for themselves and the family. They maintained that a person who has the habit of taking tension will always be in an anxious state of mind. As per their belief, even the rich are not immune from such anxiety. According to their understanding, the rich and the powerful remain more anxious and tense than the poor.

‘पैसे वाला नींद के लिए नींद की गोली खाता है फिर भी उसे नींद नहीं आती जबकि हम लोग मेहनत करते हैं और बड़ी अच्छी नींद आती है’<sup>66</sup>

One respondent shared his story to show how money brings threat. Once he earned a lot, but soon after, he was mugged up and injured by a group of looters during nighttime. He went to the extent of saying that “enough money is good but more money is danger”.

Keeping the importance of person’s experience, the present study took note of all details that emerged from interviews with cycle rickshaw pullers of Delhi. The figure of expenditure given by them goes over 300 hundred rupees per day in case they spend on items that have been given in the following table in that the expenditure is divided into typically about ten items. Since not all of them smoke marijuana, drink alcohol, we may recalculate and average the expenditure. Moreover, not all of them have accommodation. The total expenditure remains around 200 rupees per day. On an average, they end up spending about fifty per cent of their earning on items listed in the discussion. (See the following table of areas and expenditure thereon).

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<sup>65</sup> Translation: We buy a Tri-colour Indian Flag for two or three rupees and burn incense stick. We also take out a small procession.

<sup>66</sup> Interview with a respondent at Mithai Pull, Delhi. Afternoon, around 2.p.m. Respondent is from Lucknow, UttarPradesh. Translation ‘The rich takes pill to get sound sleep. They still do not get that whereas the labourers get sound sleep owing to hard work.

Table 5.2: Average daily expenditure of cycle rickshaw pullers of Delhi

| S No. | Area of expenditure | Daily Average Expenditure (in Rupees) |
|-------|---------------------|---------------------------------------|
| 1     | Rent of rickshaw    | 50                                    |
| 2     | Food                | 120                                   |
| 3     | Tea                 | 30                                    |
| 4     | Alcohol             | 50                                    |
| 5     | Tobacco             | 20                                    |
| 6     | Marijuana           | 100                                   |
| 7     | Toilet              | 2                                     |
| 8     | Bathroom            | 10                                    |
| 9     | Accommodation       | 20                                    |
| 10    | Others              |                                       |
| 11    | Total               | 402                                   |

Apart from the amount of expenditure as a criterion for looking at the level of poverty, we also get some other criteria to understand whether rickshaw pullers consider themselves poor or not. For example, one interviewee said--

गरीब होगी दुनिया , हम गरीब नहीं हैं .गरीब वो होता है जिसे डर लगता है और जो किसी के भरोसे रहता है . हम बिंदास हैं . हम भीख नहीं मंगाते , चोरी नहीं करते , हम अपाहिज नहीं . डेली चिकेन खाते हैं और शराब पीते हैं<sup>67</sup>

If we go by this perception of poverty, poverty implies the state of dependency, the state of fear and lack of autonomy. Most of the respondents associated poverty with disability. And they said that they are not poor as long as they possess sound and healthy body. According to them, poverty is a state of utter helplessness. They find themselves above

<sup>67</sup> Interview with a respondent Vijay Nagar drainage( known as *gunda nullah*), Delhi. Date/time: 6<sup>th</sup> March 2012/ 4:30 p.m. Respondent is from from Jhansi.. (Translation: The world may be poor but we are not. A poor is one who is often in state of fear and one who is dependent on others. As regards our life, we are care-free. We are not disabled. Neither do we beg nor do we steal. We eat chicken and booze almost every day.)

this condition because they can work and earn. They lay due emphasis on their ability to work hard with confidence. They, in fact, said that they would not face any problem even in the face of crises like the arrival of battery-run rickshaw and metro train. For example, Pappu Tanti from Bihar said that he is still earning and living with more or less same state of mind despite many changes like the rise in the cost of things, increase in competition etc. According to him, those who show reluctance to work will always have problems even in the best environment. Even though some of the rickshaw pullers said that they are poor, they demanded that they should be not equated with beggars and thieves. They said they work hard.

### Conclusion

Having addressed their worldview, I have come to the conclusion that there is a great deal of heterogeneity in what they think about everyday life. It is for this reason that making a general remark and suggesting a general solution to their problem is inadvisable. As I had established that accessing the core of objective truth lies beyond scope, the only alternation left is to delve deeper and closer to the reality that also keeps changing though. The understanding that emerges from the field is that individual narrative should not be allowed to drown in the broader domain of collective details. My study does not claim to give the best solution. It nonetheless provides an alternative for knowing the truth that is no less important than the existing narrative. I admit that some of the claims may appear magnified, but this is bound to happen in the course of textualisation of the fieldwork data.. I have nowhere aimed to romanticise the deplorable conditions of rickshaw pullers. I have tried to understand that the poor conditions in that they are passing everyday life is indeed not an ideal situation for there must be a line for people to enjoy a healthy and comfortable experience. If a large number of people are found to exist below such line, our description of the poor should not undermine this fact. However, I, like many other, wish to emphasise the point that poor -- be it rickshaw puller or any other form of labouring poor -- one must be careful while making general remarks about them. Stereotyping them is one thing that must be avoided as far as possible because certain stereotypes harm them. For example, peculiarising of habits and activities that are common across class and regions can certainly be avoided. In the same

manner, looking upon them as if they are dangerous class needs thorough criticism. Sudipto has at one place expressed his displeasure for stereotyping them as drug addict, drug peddler and robbers.<sup>68</sup> I would agree with Hakim Serajul who says that adaption and adjustment are strategies of the poor for survival instead of traits that Oscar Lewis had claimed in his study of the urban poor.

Sleeping in open spaces like footpaths and sharing space with stray animals -- from dogs to rats does not pose the threat that the presence of the people around them does.<sup>69</sup> It is the people who have mostly harmed them. In animals, they see friends and both have many things in common regarding issues and living conditions. Their solidarity lies with the animal. There is evident need to keep considering and reconsidering the urban poor and their space together with health condition, water crisis, lack of sufficient light, lack of clean air, poor ventilation, complete lack of security, inadequate toilet facilities, lack of privacy, unhygienic habitat and insufficient scope for entertainment and community life. The pervasiveness of temporariness or in other words the absence of durable stability is the remarkable aspect of the urban poor, their time and space. The same impermanence is noticed in their earning, health, accommodation, food and the like. Their time, space, work and eventually the very existence gets confined in the frameworks of illegality. Paying due regard to Oscar Lewis for recognition of the fact that the poor possess 'fortitude, vitality, resilience and ability to cope'.<sup>70</sup> I would also like to add other traits like kindness and generosity that the poor display.<sup>71</sup> Faced with so many odds, they have their own system to take care of in time of crises like informal credit system and markets which cater to their needs. To bring the discussion to an end, I would like to state that there is further need to re-enter the field and widen the reach so that more and more individual, as well as collective biographies, may emerge.

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<sup>68</sup> Sudipto Mitra. "License and Livelihood: Rickshaw Pullers in Nashik", *License & Livelihood* (Centre for Civil Society 224)

<sup>69</sup> A respondent's remark which really sums up what the approach should be when the human being wants to understand the fellow being who differs only in that he is poor.

<sup>70</sup> Valentine, 69.

<sup>71</sup> Respondents treated me with tea and did not let me pay for it. Izaz invited me for meal in restaurant out of gratitude. Likewise, four respondents invited me for lunch.





## **Conclusion**

Having dwelt upon the subject of cycle rickshaw pullers at length, the findings which I have come close to could be summed up as an effort in direction of tracing genealogy of regulation which ranged from being specific in terms of targeting its subject to general in terms of regulating the entire space wherein the regulated 'subject' was located. It was strategy of colonial power to dwell upon both specific and general in equal measure which resulted in 'loss of liberty' for the regulated, that is, the colonised subjects in general and transport labour in particular. It was through the idea of Municipal bodies that the colonial exercised general control whereas it deployed hackney frameworks for focused control of transport labour like tongas, all forms of carts and rickshaws.

'Imagined fear' was one of factors which the colonial forces brought into play in order to lend credence to principles of regulation. This was not a novel experience. The imperial agency had similar experience at their home, that is, London around mid-nineteenth century. In the first place, they created stereotypes around a class of people or space. They sourced this 'imagined fear' through negative description which consisted of 'dangerous, contagious, sickly, disorderly, inferior and immoral. This is where the idea of 'improvement' and 'conservancy' had also come from.

The idea of urban and modern which was largely of European mould often gave rise to binary relation between manual labour and motor/machine work and, slow and fast, and old and new. Under modern urban aspiration, the motor/machine, fast and new were aligned with civilised, rational and beautiful whereas the manual labour, slow and old were aligned with uncivilised, unaesthetic, chaos and disorder. What I found in the course of studying the treatment which the modern and idea of modern urban accorded to cycle rickshaw and other similar vehicles classified under slow-moving is that modernity has been about production and re-production of "redundancies" in which "useful" soon becomes "useless". The desire for modernity contributes to the growing world of redundants where one can find large mass of informal, unskilled, semi-skilled workers and unemployed people. The question arose whether modernity or the act of rickshaw is pulling. The production of 'redundancies' in which modernity appears to have engaged in is tantamount to destruction because it has been rendering many jobless by virtue of its process. The rickshaw pullers' survival in the face of such treatment is saga of the urban poor whom the urban considers encroachers on the urban spaces. The

preoccupation with 'sanitisation' has been guiding principle of such modern urban which had its genesis in 'notion of improvement'. Anti-encroachment measures are, for the most part, reflection of such preoccupation. The urban poor like rickshaw pullers who are part of the city's margin have been target of such jaundiced view.

An investigation of the poor's struggle against 'socially constructed and state-supported stereotypes' and their fight against the state's repressive action has familiarised us with boundaries of the state, judiciary and the poor respectively. The state has the widest boundary. The boundary of judiciary, though wide, falls within the boundary of the state. Thus it has its limitation but this limitation does not affect judiciary itself as much as it affects the poor whose boundary is limited by their limited voice and resources because the state's machineries like Municipal Corporation and Traffic Police department have often disregarded the instruction of the courts. The state resorts to such audacious measure because it knows the limited boundary of the poor. Although the Judges are equipped with the jurisprudential understanding and they are guided by the philosophy of jurisprudence which draws its logic for 'adherence to truth' through thorough investigation and interpretation of things, time, cost and efforts involved in seeking justice is not an easy course for the poor who often have to depend on one agency or other on whose consideration the poor's petition for their 'Constitutionally guaranteed rights' depends. The main property of the labouring poor is their labour and the means of livelihood. All which the poor wants is safe possession of his main property, that is, labour and his means of livelihood. The judicial intervention has undoubtedly tried to dismiss insensitive stereotypes which are held towards the working people like rickshaw pullers. The role of the Constitution has been remarkable in sustenance of the cycle rickshaw and rickshaw pullers. Given the audacious nature of the state machineries, the questions still remain: how far the poor with limited sources can go on fighting? And how often the poor can go on knocking the door of the judiciary? The fight is not only against the state, it is also against the stereotypes which are largely result of middle class mentality. The most of the works on the urban poor I have consulted in this study have attested to this 'middle class fear towards the poor'. By and large, the judiciary, despite being part of the state machinery' has been ensuring justice for the poor. It has been ensuring that the call for justice does not remain monologue where the party opposed to the presence of poor speaks aloud whereas the poor remain subdued and voiceless.

Hearing all sides is also what is constitutive of judiciary's jurisprudential philosophy and this has been evident in case of the cycle rickshaw pullers' struggle for survival.

The films, fictions, poems and arts have made a significant contribution towards depiction of the poor. These sources have brought vividness in their representation of the poor. These sources have woven stories and rhymes from lives which have remained scattered not only in records but also in real life. Piecing fragments together, making coherent and vivid narratives out of these fragments is evidence of serious engagement. The findings which have emerged through the study of representation of rickshaw pullers in culture do not contradict the findings from other sources. These conform to the larger truth, that is, in words of Manoranjan Byapari: 'That which man desires and aspires for is the truth.'<sup>1</sup> There is not single space where truth is confined. It pervades even in what is not truth. Keeping this in mind, fictions which are not actually fiction in true sense because the very imagination and the ones who imagine come from within the boundary of the physical world. The image of rickshaw pulling which exists in popular imagination is attributable in large measure to these sources. The depiction of rickshaw puller as savior of family and society which these sources have emphasized reform the middle class perception which considers them unfit and dangerous.

'The labour involved in moving people and commodities, in loading and unloading vehicles, and driving or sailing them should be counted as productive labour in the same sense as artisanal or industrial...Labour creates products that realise a surplus value when (profitably) exchanged, irrespective of whether such labour occurs in the "sphere of production" or "in the sphere of circulation", such as transport labour.'<sup>2</sup> In general, people like rickshaw pullers and carters are seen beyond productive forces. However, taking insight from above quotation, it could be seen that they are also part of production albeit working outside factory. Rickshaw pullers are working at places which are intersections of many activities. The world-view they form is attributable, for large part, to working across such intersections. Like others' lives, their lives also experience quotidian monotonousness and mechanicality. However, they experience higher degree of hardship and precariousness since everyday is like a struggle for survival. At one

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<sup>1</sup> Manoranjan Byapari, *Interogating My Chandal Life: An Autobiography of a Dalit* Sipra Mukherjee (Trans.) (Delhi: Sage, 2018) p.53.

<sup>2</sup> Stefano Bellucci, 'Introduction: Labour in Transport: Histories from the Global South (Africa, Asia, and Latin America) c.1750 to 1950', *International Review of Social History*, 59 (2014, Special Issue. pp 1-10.

level, their quotidian experience involves daily transactional interaction with owner, customers, roadside food and tea vendors, and so on and so forth. It also involves frequent friction with the Municipal Corporation and traffic police. They engage in one thing or other in order to overcome uneasiness of everyday life. Taking alcohol, *bidi*, tobacco, cannabis, tea and engaging in group gossip, celebration of festivities become ‘everyday tactics’<sup>3</sup> to overcome psycho-physical anxieties. Their life seems an intersection of paradox where they engage in memorising as well as forgetting. Memorising what is pleasant and forgetting what consists of anxiety. It is for this reason that the alcohol consumption and smoking marijuana among them amounts to a process of anaesthetising the consciousness so far as they can remain neutral towards hostile conditions. They also engage in giving meanings to what they do as a part of tactics for existential necessity. Such engagement is evidence of ‘thinking and philosophising urban poor’ which must be given due place. Maintaining positive mood and having firm belief in their labour sustain their mental and human capital respectively. Nevertheless, there is need to understand their wretched conditions to which they have become inured. Homelessness, uncertainty of earning, fear of theft and loss, fear of Municipal committee, addiction and everyday precariousness consequent upon inadequate toilet and bathing facilities and poor health account for the wretched conditions of rickshaw pullers. Middle-class perception that they are threat to the city order and illegality of their conditions aggravate the wretchedness. Although they register participation in social, cultural and political fields, they are made to feel as though they are citizen and less human.

There have been a few limitations of this study. There are not many archival materials on cycle rickshaw and cycle rickshaw pullers. Such subject-matters are lost in other categories. One may discover them in the course of consultation with archival papers which deal with urban poor, transport, slums, pavement dwellers, night shelter, master plans, municipality and other areas. Even in such documents, the details regarding them are usually fragmented and provide very little information. There is further need to gather more archival materials. There is also need to broaden the area and period of the subject so that a broader understanding may develop. I have also made efforts to go

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<sup>3</sup> Michel De Certeau, *The Practice of Everyday Life*. (Trans.) Steven Rendall (Berkeley: University of California, 1988)

beyond the proposed period and the region. Given the fact that there are very few archival documents, interviewing rickshaw pullers and other workers of roads and streets would enrich our understanding of the urban poor. The issue with in-depth interview with the urban poor like rickshaw pullers implies loss of time for them. They become very conscious of this loss. One must consider compensating for the loss of their time. My sample size consists of eighty respondents. The larger sample size will contribute to the further understanding. Alteration which occurs in the course of transcription and contextualisation of oral recordings is likely to have occurred in my study of their world-view. There is no historical work on cycle rickshaw pullers in India. My effort to engage with the doing history of rickshaw pullers of Delhi is an initiative in this direction. In the beginning, I had mentioned and I again mention that the study of rickshaw pullers provides an analytical tool to understand several inter-connected aspects. Studying them leads one to probe Municipal bodies, urban policy, spatial practices, transport needs etc. Further probe will open up many areas.





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