

## Rail Roding the rules

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THIS paper explores the extant relationships within the institutions of governance, various sections of the population and their sectoral interests, and the transport policies that flow from such social interactions. It is based on a reading of the situation in the national capital of Delhi, although many similar trends are visible in other cities and towns of India. The discussion is necessarily limited by our activities and experiences with concerned and vulnerable social groups who have little access to information and research inputs.

The national capital, Delhi, represents a complex system of governance since many different 'stakeholders' each with its own internal conflicts as also facing issues arising out of overlapping areas of governance find a foothold in the decision-making process. In Delhi there are, first, the *elected* institutions, which are supposed to represent the people of the capital, as well as the nation. Chief amongst them is the Government of India (GoI) presided over by the legislatures of Parliament. It is also the largest owner of land in the country with the power of 'eminent domain' over all resources. The Government of the National Capital Territory of State (GNCTD) represents the citizens of the capital through the Delhi Assembly, but its powers are restricted to the provision of civic and welfare services. Furthermore, it has to share power and responsibility with another body of elected representatives in the Municipal Corporation of Delhi (MCD) that is responsible for the actual provision of amenities.

There are four other *nominated* bodies, which often exercise more powers than the elected ones. The Lieutenant Governor of Delhi, for instance, is the nominated representative of the GoI, who has to approve of the decisions of the GNCTD. He also presides over the Delhi Development Authority (DDA), which is the planning body for the city. Sharing the burden of providing urban services with the MCD are the New Delhi Municipal Council (NDMC) and the Cantonment Board (CB).

**E**ffective executive power resides with the *bureaucracies* within the ministries. Thus, the Ministry of Urban Development is the parent body of the DDA, while the Ministry of Defence supervises the work of the CB. Other ministries, such as the Railway Ministry, the Ministry of Human Resource Development, the Information and Broadcasting Ministry, the Ministry for Water Resources, the Ministry of Forest and Environment, and the Ministry of Road Transport also own significant areas of land in the city and can exercise considerable clout in decision-making when it affects their respective constituencies. Mediating between them all and the citizens are the courts.

There has been a sharing and shifting of power bases within these various institutions of governance in the past, which has also been reflected in planning for road space and urban transport. For instance, a decade back, in 1996, a consultancy group under the Railway Ministry (RITES) prepared the first plans for the modified Metro rail, while the GNCTD took over the bus-operating Delhi Transport Corporation (DTC). Two years later, a public interest litigation (PIL) was filed in the Supreme Court against growing air pollution in the city, targeting diesel buses as the main culprit.

The Metro construction began in 2001 and, by 2002, it was made mandatory that all buses be converted to use compressed natural gas (CNG). The same year the Delhi High Court pronounced a ban on begging. In 2003, the Supreme Court gave a verdict for removing hawkers and vendors from the roads and confining them to certain zones. Three years later it

also ordered the removal of cycle rickshaws from Chandni Chowk on grounds of ‘congestion’.

Though the elected and executive institutions have tried to counter these moves of the judiciary by issuing notifications and passing legislation, such as the Delhi Laws (Special Provisions) Bill and the 2021 Master Plan, they have been forced into a corner by foregrounding the forthcoming Commonwealth Games in 2010. In addition, the rising political power of affluent (and aggressive) stakeholders such as manufacturers and traders Associations, Resident Welfare Associations, and NGOs under government sponsored programmes such as *Bhagidari*, have left little manoeuvring space for governing institutions.

**I**t is, therefore, only within this context that one can situate the issues of transportation in the city. The official Statistical Handbook of the Delhi Government<sup>1</sup> documents a significant presence of non-motorised transport within the city. However, this does not come to the attention of transport planners, except for the purposes of licensing and regulation. It is worth noting that this cognition of transport modes does not include walking and cycling either. A survey done by the Sajha Manch (with assistance from the Hazards Centre) in resettlement colonies, slums and unauthorised colonies in 1998 revealed that 61 per cent of people from these sub-standard settlements were still walking and cycling to work. For this class of road users the fear of accidents and injuries on the road is very real and pressing. But this concern finds no place in the lexicon of decision-makers and policy planners. Thus, it is evident that one entire class of stakeholders in transportation is missing in the perspective of the governing authorities.

**A** quick glance at the master plans of Delhi illustrates the perspective of the planners with respect to transportation. In the first master plan of 1962, there was a specific mention of bicycles and provision made for the construction of cycle paths. All mention of cycles disappeared in the second master plan (MPD-2001) although there was still provision for cycle paths. Not only have the cycle paths totally disappeared from the latest plan (DMP-2021), the modal share of public transport has arbitrarily been shown to be 80%, despite strong evidence of a contrary trend. In fact, the plan explicitly states that the ‘use of rickshaws has a direct relationship to migration’ and, hence, cycle rickshaws are to be discouraged in order to prevent undesirable migrants from entering the city. The Metro is regarded as being the factor that will bring about this miraculous shift to public transport, although the data shows that the Metro caters to only four lakh trips per day as compared to about 60-70 lakh trips carried by buses.

As for the transport infrastructure, the DMP-2021 prescribes the construction of seven urban relief roads, several bridges on the river Yamuna, four inter state bus terminals, and five freight complexes by 2021. These are somewhat unreal prescriptions because there is no data or analysis to show where and how these will be required, or how they will cater to the needs of the city. The same holds true for the ‘relief’ roads, bus terminals and freight complexes because the plan document provides no information of any studies having been done to identify areas of greatest need and how they may be fulfilled at optimum cost.

The underlying premise seems to be one of commercialisation and sale of land for making high profits, and has nothing to do with either transportation or of catering to the needs of the citizens of Delhi. In fact, it appears that it is the forthcoming Commonwealth Games that will determine all transport requirements. DDA planners have said that ‘Special

care will have to be taken to ensure a smooth ride from the airport to the stadiums and Games village venues so that minimum time is spent on commuting.’

**T**here is sufficient evidence to show that government agencies fall prey to pressure from lobbies despite advice from expert bodies to take more appropriate policy measures. Thus, on 28 July 1998, the Supreme Court of India passed a series of orders in response to a PIL filed by the lawyer M.C. Mehta, on air pollution in Delhi, based on the expert recommendations of the Bhure Lal Committee (BLC), for full conversion of the entire bus fleet in Delhi to CNG by 31 March 2001. Subsequently, the date was extended to 2002. But, two years later, data from the Central Pollution Control Board (CPCB) indicated that pollution levels for two parameters, nitrogen oxides and respirable particulate matter, had increased after 2002.

Before getting into a discussion on whether CNG is a cleaner fuel, one has to examine whether the diesel buses were in fact the real culprits. In 2001, only 6.7% of the total vehicles in Delhi were diesel-driven; the rest all ran on petrol. Buses constituted a mere 1.1%, although they carried over 60% of all motorised passengers. So it is no surprise that even if all buses were converted into CNG, there would hardly be any dent in pollution levels. While these vehicles may be far more ‘polluting’, their numbers do not add up to much for defining ambient pollution levels. In addition, for each bus removed (with five round trips), 200 private petrol-driven vehicles would be required to carry the same number of commuters. Thus, the debate on diesel versus CNG appears to have been somewhat misplaced and designed to camouflage the massive impact of petrol.

**I**s all this wisdom in hindsight? Not surprisingly, the answer is no. For instance, just before the Bhure Lal Committee made its recommendations, the papers of a World Bank workshop on vehicular pollution control were published. These papers not only analysed a range of options in fuels, lubricants, engine design and technological upgradations, they also looked into traffic patterns, transport modes, enhancing public transport and, most importantly, petrol engine emissions. Several of the authors also presented evidence before the BLC. Thus, the real question should be, ‘What were the cogent reasons that the BLC gave for rejecting the recommendations of all these experts?’ Since the proceedings of the BLC have never been made public, nor has there been any transparency in its deliberations, we shall never know what these reasons were (even for future decisions).

Possibly the lack of transparency may have had more to do with the constitution of the BLC itself and the stakeholders it represented. It had as its members the Delhi Transport Secretary, an Environment Ministry official, a Petroleum Ministry official, the founder-Director of the Centre for Science and Environment (CSE), the Central Pollution Control Board Chairman and, later, the Managing Director of Maruti Udyog. Just how many of them were ‘technically competent’ to decide on pollution is debatable. The CSE founder publicly wrote he had a ‘vested interest’ in the issue because of his struggle with asthma and cancer – which he somehow related to ‘protecting the interests of the poor’. Logically then, other affected parties (such as the real poor, the commuters, and the employees) should also have been allowed space on the BLC, but were not.

**F**or instance, one of the clearly identifiable ‘stakeholders’ could have been the bus drivers of the DTC itself, to elicit their concerns with diesel and CNG. A limited survey of 158 drivers by the Hazards Centre in 2006 provides some pointers. The sample is a little skewed because 130 of the respondents were temporary drivers while only 28 were permanent employees. Very few of the temporary drivers had work experience in DTC for more than three years, whereas all the permanent drivers had been in their posts for over 20 years. The reason is that DTC stopped recruitment of permanent staff 18 years back as part of the process of restructuring and cutting down on wage costs.

The implication of this on the wages of the drivers is revealed by the data that shows that the temporary drivers generally earn less than Rs 4,000 per month, while the permanent drivers have an average pay of Rs 12,000 per month. This clearly benefits DTC, but it also places undue pressure on the drivers who have been recruited on a temporary basis. This pressure has apparently been further compounded by the change to CNG, as indicated by the drivers.

Even though the temporary drivers have been working for far fewer years than the permanent ones, they are already victims of musculoskeletal and neurological disorders. The symptoms of respiratory problems are far more marked in the permanent drivers who have been exposed to diesel fumes for over twenty years, but they have already become apparent in the temporary drivers. The drivers report that the new CNG engine is hotter, but not more powerful than the old diesel one and consequently their working conditions have worsened. This provides an insight into the kind of pressure these drivers operate under, and this obviously affects DTC’s performance as a whole as well as its reputation.

**T**hese trends of contractual employment, privatisation and inappropriate investment of public funds are also clearly evident within the other arena of public transport, the Metro. A study of the Metro by the Hazards Centre reveals that the Environment Impact Assessment (EIA) done by RITES in 1995<sup>2</sup> is not applicable to the present Metro corridors because they comprise only half of the planned sections for which the EIA was done, while the distance is greater. The EIA report was never placed in the public domain and there has been no public participation in the plan. In fact, there has been no public or expert review to look into the several methodological flaws contained in the EIA. Thus, various important decisions were taken but not exposed to public gaze.

The majority of the amount invested in the Metro has been generated through loans. In the present scenario the Metro is not in a position to cover its operation costs, leave alone pay back loans. It is currently running at a loss and the trends are that it will continue doing so in the future (Table 1). Eventually, other heads of government funds (public money) would be exploited for the repayment of the existing loans. On the other hand, the Metro is meeting only one-fifth of its claimed ridership of 1995 (21.8 lakh) and one-third of its revised expected ridership of 2005 (15 lakh). Because of the inequitable fare structure, no concession scheme, and the distances from the Metro station, this is unlikely to change. This means that the Metro as a mode of public transport is only catering to the needs of a more affluent section of the public, which is ready to pay more for its travel.

**H**ence, in order to make up for losses, the Metro has had to go in for extensive property development for commercial purposes. The DDA had to declare a 500m belt next to the Metro routes as a 'development corridor' permitting high-rise constructions, further adding to congestion on the routes and thereby defeating the very purpose for which the Metro was set up. In addition, buses along the routes have to be diverted or curtailed or even cancelled so that they do not compete for passengers with their lower fares, greater flexibility, and commuter convenience.

It is clear that the Metro is a part of a larger agenda driven by a group of select 'stakeholders' to transform Delhi into a 'world class city' for facilitating and encouraging inflow of global capital. The large scale development of property on both sides of the Metro lines is an indicator that it has not really been brought into the city to provide better transport options to the commuter. Eventually in the name of fast, efficient and 'pollution free "public" transport', the Metro benefits only a small section of the 'private'. This transfer of public money into private pockets and distribution of social and environmental costs over a much larger population that will not even travel by Metro, has been systematically camouflaged under a huge propaganda barrage by the government and the media and reveals the true nature of 'stakeholder' participation in governance.

**I**t would also be useful to look at some of the other stakeholders who are on the roads for the purpose of their livelihoods, and to what extent their concerns are incorporated into transportation planning. One of these road user groups is the three-wheeled scooter rickshaw (TSR). A survey by the Hazards Centre in 2002, showed that 57% of the respondents had bought new CNG powered vehicles, 14% had had CNG kits retrofitted into their old engines, while 29% continued to use petrol vehicles. It was revealed that most TSR drivers are also the owners, while there are a few who take the vehicle on rent. Most of them drove between 100 to 150 km in a day and their daily income averaged Rs 150-200. Thus, the TSR represents an important source of self-employment as well as a convenient mode of para-transit for a large number of commuters within the city. They should, therefore, be encouraged through policy measures.

A TSR is preferable as a taxi to a car since on average it carries the same number of people, takes one-third the parking area and one half the space while moving. Weighing one-third of a car, it wears out the road much less, has less tyre/rubber use, and requires one third of national resources to produce it. All this reduces indirect pollution. As TSRs have a small engine they pollute much less per passenger than a car if the engine is as specified. Because of the small size of the engine, they can't go faster than 50 km/h, thus keeping to urban speed limits, controlling others' speeds, and reducing the number of fatal accidents among pedestrians and bicyclists as compared to cars.

**T**here are several issues that affect TSR drivers, all influenced by the policies adopted by the government towards this class of road users. Some of these issues relate to the issuance of permits and clearances, the corruption prevalent in the Department of Transport, the low fares prescribed by the authorities, the absence of proper facilities for parking and rest, the non-availability of repair workshops and skilled mechanics, harassment by the traffic police, non-functioning of (tamper proof) electronic meters, and the high costs of operation and

maintenance. Interestingly, over 40% of the drivers think that low fares are at the root of the conflict between customer and TSR driver, followed by 36% who are concerned about corruption in the Transport Department.

Another class of vulnerable stakeholders is the cycle rickshaw puller. A series of interviews with 50 of them by Hazards Centre in 2006 revealed that three-fourths were between the prime working ages of 20 to 40 years, while over half were illiterate. But, unlike TSR drivers, the vast majority (over 90%) took the rickshaw on rent for Rs 25-30 per day, travelled on random routes as per customer requirements, ferried an average of two passengers per trip, mainly families, and covered over 30 km in a day. Two-thirds earned more than Rs 2,000 per month, which was reasonably more than the rent they had to pay the owner, and were not in favour of restrictive licensing of cycle rickshaws.

As there was no demarcated parking more than half the rickshaw pullers felt that they had to park wherever they could find space, and complained of routine harassment by the police and municipal authorities on this account. These authorities would either puncture the tyre or confiscate the rickshaw itself, thus making earning a livelihood all the more difficult. Facing the charges of being responsible for congestion on the roads, 90% favoured a separate lane, though more than half argued that traffic jams occurred primarily because of wrong parking by cars. Yet this class of road users, like the TSR drivers, has no voice in governance nor any opportunity to present their case when transport policy is being formulated.

**F**inally, we present the case of the waste pickers who form an important link in the informal chain of recovery and recycling that is part of the economy of the city. Not only do these waste pickers forage on the side of the roads and occasionally live there too, but the entire transportation of waste is a matter of grave concern because it also constitutes a part of their overall illegality in the eyes of the ruling establishment. Not only does the waste legally belong to the municipality (and, therefore, the waste pickers cannot officially pick it up), but their source of livelihood also gives them a 'dirty' appearance, which is easily prosecutable under the laws governing begging.

The waste picker not only forages in the markets and at the collection points or open sites for the material which has value in recycling, she/he also has to sort the material into different categories before selling to the *kabari* or junk dealer. In a study conducted in 2002-2003 by Chintan with the assistance of the Hazards Centre, 54.4% of the respondents who were making most of their collection in the New Delhi Municipal Council (NDMC) area said they segregated their waste in or in front of the kabari's godown, while 33.1% conducted this activity on the footpath. The mode of transport for collecting the waste was mostly cycles, followed by walking, and cycle rickshaw. This is understandable because NDMC authorities do not permit cycle rickshaws within their area.

**I**n the MCD areas, where rickshaws are permitted on payment of Rs 360 per year, it was discovered that the waste pickers covered a much more ground. Only 152 of their trips were into the NDMC area, while 826 trips were made within MCD territory. Because of their direct association with kabaris, a much higher percentage (90.5%) were segregating their waste inside, near, or outside the godown. Also, there was much greater use of rickshaws than cycles because of the relaxation of permits in the MCD area.

In the context of the wastepickers though, of great significance is the correlation between the mode of transport, the loads that can be transported, and the related earnings. The waste pickers who operate on foot normally carry less than 40 kg of waste on one trip, range

over 6-7 km, and earn Rs 50 daily. Those with cycles mostly transport between 40 to 60 kg over 20-25 km and earn Rs 100 per day. The rickshaw operators load between 40 to 100 kg per trip, but travel between 10-15 km.

Since the distances and territory that rickshaw operators cover is also determined by restrictions placed on rickshaw movement by the municipal and police authorities, this becomes an important issue of transport policy. The ability to enhance earnings is also, therefore, dependent on the mode of transport that the waste picker is able to use. Clearly, this is related to the extent to which the waste picker is able to get formal recognition and space in the design of civic life. However, the waste picker (and the associated kabari) is considered to be at the lowest rung of the social ladder because of the vocation she/he pursues; hence not granted much legitimacy by authorities. On the contrary, judicial orders spurred by mischievous 'public interest' litigation has led to the waste picker being further criminalised and marginalised.

**T**he evidence presented in this paper shows that the procedures of governance in the city are conditioned by the variety of elected, nominated and bureaucratic institutions that contend for supremacy in decision-making. In the current phase it is clearly the judiciary which has taken the lead in steering both policy as well as implementation, based mainly on a debatable interpretation of what constitutes 'public interest'.

Within such a context, there has been increased focus of policy-makers on private motorised modes of transportation that exclude large sections of the people who are dependent on personal non-motorised or public transport vehicles. In particular, walking and cycling, which are the most preferred modes for the weaker sections, are almost completely ignored in transport planning.

Such exclusion is evident in the manner in which the master plans of the city have been formulated over four decades and how the cycle path has disappeared. Equally, the pedestrian too finds little or no mention. In addition, mega events such as the Commonwealth Games have hegemonised the imagination of the city and all transport planning seems to be directed at how to transport the athlete and the tourist across selected parts of the city as rapidly as possible.

**I**n the arena of public transport, policy has been driven by issues of pollution and congestion. No surprise that the conversion of the DTC fleet from diesel to CNG and the construction of the Metro routes have actually ignored the needs of the common commuters who use public transport. Consequently, both interventions have had adverse impacts on the life of the working population and will, in the long run, prove to be counter-productive for the economy of the city.

Other vulnerable road users such as the auto rickshaws, the cycle rickshaws and the waste pickers too have been eased out of the perspective of the planners, although they too contribute in significant ways to the mobility and health of the city. Hence, there appears to be a deepening gap between the institutions of government and the people. Policy is primarily catering to the needs of a select few within the population, both wealthy enough to meet the increased costs as well as powerful enough to influence government.

In conclusion, it is clear that one set of 'stakeholders', among the many, is calling the shots, and is reworking the rules to strengthen its convenience, profits and control.

1. Delhi Statistical Hand Book 1988, Delhi: Government of the National Capital Territory of Delhi.
2. EIA for Integrated Multi, Modal Mass Rapid Transport System for Delhi,  
<http://www.dmrc.delhigov.in>