

## **Illicit Monetary Transactions uplift the Encroachment of the Footpaths: A Case Study of Dhaka City**

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### **Abstract:**

**Background:** Footpaths are expected to be used by the pedestrians to move from one place to another without vehicles. When these footpaths are encroached illegally by varieties of people for various reasons, people have to use the roads to walk. This happens due to lack of space remaining after the illegal encroachment of the pavements. The situation endangers the total traffic system. The city, Dhaka, has a well-connected footpaths throughout for the pedestrians although almost 108 kilometers out of 163 kilometers of footpaths have been heavily and illegally occupied by the hawkers to earn their livelihood. All of us know that occupying these footpaths for other uses than walking is illegal. Yet the hawkers are running their businesses very easily and sometimes they are found to be furious whenever any withdrawal operation comes. This is due to the illegal money transaction among the hawkers and the responsible authorities who are given the responsibilities to maintain the footpaths free.

**Materials and Methods:** This study has been conducted based on both qualitative and quantitative method. Both primary and secondary data has been collected through various sources while the respondents are selected for collecting primary data through Systematic Sampling Procedure. The total number of the respondents is 238 and the data was collected through interviewer assisted survey method. The respondents have been classified into three categories. There are 141 respondents from the pedestrians, 76 respondents from the hawkers and remaining 21 are from the government officials.

**Results:** Almost all of the respondents know that using the footpaths for business purpose is illegal and yet they have been doing this. They have been doing this with the close assistance of some of the corrupted officials who are responsible to keep the footpaths free. Almost each of the hawkers must pay to establish a business on the footpath. The hawkers have to pay on daily, weekly and seasonal basis to keep the business on footpaths. The lineman, local political leaders and police are closely associated with the hawkers to provide safeguard for the business on footpaths in exchange of money. The total encroachment process on the footpaths is heavily linked with the illegal transactions.

**Conclusion:** The government must be more careful to keep the footpaths free from the encroachment of the hawkers. The hawkers should be rehabilitated to a place sorted out by the government. If this can be done, the hawkers will be discouraged to encroach footpaths. Moreover, severe punishment should be introduced to those who are related to the encroachment of the footpaths. The illegal transaction of money should be checked out properly, if this transactions can be traced out and brought under punishment, no one will be involved in this total process and the footpaths can be solely used for walking only.

**Keywords:** Footpath, Illegal transaction, Pedestrian, Hawkets, Encroachment, Local Politicians, Corrupted officials

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### **I. INTRODUCTION**

The urban street serves as both a vehicle and pedestrian thoroughfare. A footpath is a separated footway that generally extends between the boundary of private property and the border of barrage and channel on a road reserve, particularly in urban areas. These footpaths are the ways for mass people to walk freely and fairly, and they are built so that pedestrians can have a safe and hassle-free experience<sup>1</sup>. Pedestrians of all ages wander aimlessly, choosing to walk on footpaths that they find appealing or comfortable. When they are not at ease, they take a diversion from the current path to a more pleasant one<sup>2,3</sup>. A filthy, disturbed, or overly narrow pathway, for example, encourages pedestrians to jaywalk or simply travel directly on the carriageway.

Dhaka, the capital of Bangladesh, has now been turned into the 6th mega city of the world in terms of population<sup>4</sup>. For pedestrians, there is almost 163 kilometer of footpaths in Dhaka city. In the National Integrated Multimodal Transport Policy (NIMTP) of 2013, the government gave "priority to pedestrians"<sup>5</sup>. There are

several footpath-related directions in the policy. Clearing of footpaths; development of large footpaths and pedestrian-friendly roads; maintenance and cleaning; slopes on footpaths for people with special needs; protection for pedestrians to safely cross the streets; and giving pedestrians priority in traffic signal light changes are just a few of the directions<sup>5</sup>. Many of these, however, remain pious wishes to this day as the consequences in case of breaching the laws are not described here<sup>6</sup>. The government will though implement a "Pedestrian First Policy" in the Strategic Transport Plan (STP) to ensure the development of properly built and continuous footpaths with well-defined and maintained pedestrian routes throughout the region, the provision of pedestrian crossing facilities that gives pedestrians priority over all other traffic, and the prohibition of unauthorized encroachment on the footpath by hawkers and others<sup>7</sup>. The Dhaka City Manual 1982 and the Dhaka Metropolitan Police Ordinance 1976, on the other hand, provide the requisite oversight for keeping the city's footpaths clear of illegal occupation. Section 15 of the Dhaka Metropolitan Police Ordinance (DMPO)<sup>8</sup> states that it is the duty of police to resolve any issue that causes commuters to be inconvenienced or harmed<sup>8</sup>. Along with the police, the two city corporations, Dhaka South City Corporation (DSCC) and Dhaka North City Corporation (DNCC), are responsible for maintaining proper footpaths<sup>9</sup>. Here, proper maintenance refers to keep the appropriate environment to walk free over the footpaths. As a result, whether the footpaths are used by unauthorized businesses or illegal installations, the police and other responsible authorities bear responsibility<sup>10</sup>.

The everyday and real situation, however, differs dramatically from expectations. Despite the fact that there is a legislation and a High Court ruling requiring hawkers and sellers to clear walkways of unauthorized occupiers, they continue to hinder pedestrian flow. A total of 108 kilometers of footpaths are widely used by hawkers and others in this area<sup>9</sup>. The encroachment of hawkers and street vendors into Dhaka's streets is a common phenomenon nowadays. For the longest time, unauthorized, small-time businesses — such as hawkers and street vendors — have invaded Dhaka's footpaths, completely blocking the way for people to navigate the capital on foot<sup>1</sup>. Recently, hawkers who occupy footpaths have been noted to be in an aggressive mood while being instructed to leave and withdraw their informal business from pavements<sup>1</sup>. Because hawkers are illegally blocking public footpaths, pedestrians are now compelled to stroll on the roadways, increasing the danger of accidents and contributing to the already unbearable traffic congestion in certain regions<sup>11</sup>. On the footpaths, informal networks are employed to conduct business, and hawkers enjoy the support of local power actors in their unlawful occupation<sup>10</sup>. Although there is no written contract, advance protection money is paid to establish lease-outs. Instead of advance payment, the prospective lessee's familiarity with the primary occupier or unwritten certification by a third party serves as a guarantee<sup>12</sup>.

Local politicians and some accountable authorities are continuing the nexus of illegally occupying footpaths, rescuing hawkers from eviction drives and arranging illicit money transactions<sup>1</sup>. In order to continue operating, hawkers must pay a significant portion of their earnings in bribes<sup>13</sup>. If a business owner fails to pay his bills, his business is turned over to a seasonal worker for a higher fee. Extortionists such as police, local goons, ruling party employees, city corporation officials, hawkers association, and musclemen prey on people selling goods on footpaths for a living<sup>1</sup>. A group of 'linemen' are making millions from the selling of 'possession,' maintenance, and protection of hawker spots on the city's sidewalks<sup>14</sup>. Toll-takers have set their own laws to regulate and protect their respective areas, with the help of police officers who collect commission from this illegal business, while the authorities also make a show of evicting hawkers from the footpaths<sup>14</sup>. In certain cases, dummy hawkers' committees exist, and are made up of toll-takers rather than hawkers. The toll is collected on a regular or seasonal basis by the committees, who then allocate the money to the police and local hoodlums. The rates of occupying space on footpaths differ depending on the size of the space and the number of people who use it on a regular basis. A regular toll is also received from footpath hawkers in addition to the seasonal charge. Extortion is carried out in this field by law enforcement officers as well as activists, local representatives of political parties, and musclemen<sup>13</sup>. In exchange, they shield the hawkers. On the other hand, if money is not charged, the hawkers would be unable to sell anything from their stalls.

The whole problem is not an auto-born problem rather a lot of sources proved that local political leaders along with responsible officials have been handling these footpath dealings. A large amount of money transaction has been influencing the matter badly while all of the above mentioned parties are in this process.

**Objective of the Study:** The study will identify some sorts of economic value of the transactions immense for establishing, maintaining and securing illegal installations at footpaths in Dhaka City. Some suggestive measures will also be given to solve this burning problem in a megacity like Dhaka. Thus the objectives of this study are:

- i. To examine the impact of the money transactions in uplifting the encroachment of the footpaths.
- ii. To provide some suggestive measures to reduce the encroachment of the footpaths.

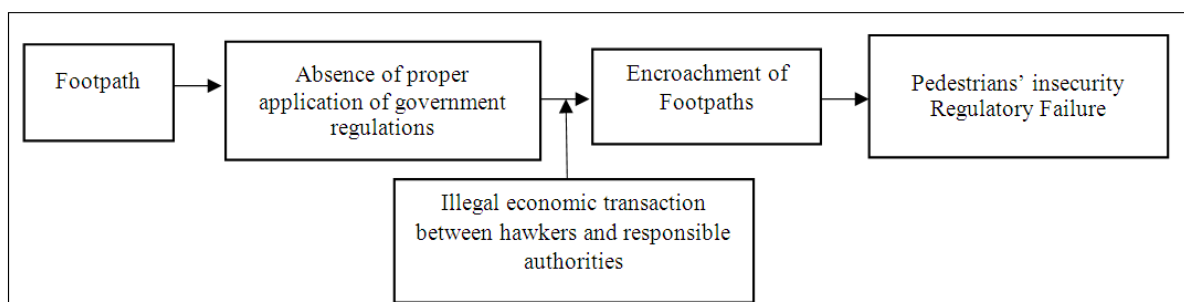
**Theoretical Framework:** The public goods hypothesis is one of the most well-known economic ideas. Pure public goods have two characteristics: they are non-rival and non-excludable<sup>15</sup>. Most of the goods we conceive of as public goods are actually impure public goods that meet these two characteristics to some extent but not

completely, such as strolling on the sidewalk, which is competitive but not exclusive<sup>15</sup>. The provision of public goods is one of the most important functions of the market. When the market fails to supply public goods in an effective and efficient manner, the government should intervene and regulate to safeguard market failure while also ensuring that public goods are provided. Market failure is proof of government failure: the failure to rectify market failure. It can contain outcomes that are directly related to the situation<sup>16</sup>.

Another economic theory is Public Choice uses the methods and tools of economics to explore how politics and government works<sup>17</sup>. Public Choice says, bureaucrats are traditionally recognized for their work of budget maximization and Politicians have always been recognized as Vote Bank maximizers<sup>18</sup>. So when these two classes of people perform their respective work the primary objective of serving the needs and desires of the public are ignored by bureaucrats and politicians. Both of them when formulate their plans, programs and policies they normally take stands which are personally beneficial to them and their families. Populist measure taken by them tend to ignore the society as a whole and the primary objective for which they are elected is ignored<sup>18</sup>. On the other hand, in interest group politics, lobby groups know that their particular interests may have little traction with the general voting public or the politicians who represent them<sup>17</sup>. So they often dress up their demands in 'public interest' language. Special interest organizations have long been visible in their zealous pursuit of their own objectives. Stigler believed that regulation will come to favor special interests rather than public or general interests, based on Mancur Olson's interest group ideas<sup>17</sup>. Not only may the majority abuse the minority through majority voting, but it is also conceivable for small, organized minorities to band together and impose their will on the large, unorganized majority. Because they are organized, they can easily campaign for their interests, and they are involved with substantial rewards, a minority with focused interests' triumphs over a majority with diffused interests<sup>17</sup>. On the other hand, majority bears the diffused costs (low cost per person & low incentive to resist).

Footpaths are considered a public good under public goods theory, according to Samuelson, and the government should be active in fixing the provision of public goods. Because of the problem of free-riding, the private sector normally avoids delivering these commodities and is unwilling to invest large sums of money. Because footpaths are considered a public good, the government is responsible for regulating and providing walkable walkways for city people. Government entities, such as government institutions and law enforcement organizations, are responsible for properly maintaining footpaths in order to ensure maximum social welfare and the success of government laws. According to public choice theory, government officials prefer to serve self-interest over public interests, which is why they can accept bribes from hawkers in exchange for allowing them to occupy footpaths, obstructing the proper implementation of footpath-related legislation.

**Figure 1:** Flow chart of Analytical Framework



Source: Author

On the other hand, encroachment of footpaths can be revealed if government regulations regulating pathways are not properly implemented. This encroachment could be fueled by illegal economic transactions between hawkers and accountable authorities. This will push people to walk on main highways rather than sidewalks, increasing road accidents, pedestrian insecurity, traffic congestion, and creating uneven conditions throughout the transportation system.

## II. METHODOLOGY

The study has been conducted based on both qualitative and quantitative method. Both primary and secondary sources of data have been used for the research purpose. The secondary sources of data are various law commissions of different foreign countries, city corporations (DSCC & DNCC), DMP, BRTA, the policy regarding the topic. Data has been collected from various researches and publications, journals, articles, internet, newspapers, books and so on.

Primary data is collected through interviewer assisted survey method. In the primary data individual respondent has been considered as prospective respondent in the study. The questionnaires that are of various

types are the main source of primary data. Both open and close ended questionnaire have been used. There are three categories of questionnaires to collect primary data. There are 141 questionnaires for the pedestrians, 76 questionnaires for the hawkers, and 21 questionnaires for the government officials. Almost all of the respondents are directly related to footpath. The sampling procedure that we followed is Systematic Sampling procedure. The study area is within Dhaka city and has been selected purposively for this research. The collected data has been analyzed accordingly using necessary tools like SPSS, Microsoft Excel and so on.

### III. DATA ANALYSIS AND OBSERVATIONS

There is a close association between the walking environment and pedestrian safety. Thus, safe and secured footpaths are essential for ensuring a healthy pedestrian environment. But the current walking environment is not pedestrians' friendly due to hawkers' encroachment in the footpath<sup>1</sup>. In this part, we asked the Pedestrians, Hawkiers and Government Officials to find out the reasons behind the illegal occupation on the footpaths in Dhaka city. We also intended to know the nature, amount and reasons of illegal economic transactions for encroachment of footpaths.

#### Legality of footpath business:

**Table 1:** Do you have any legality of your business in footpaths?

	Frequency	Percent
Yes	11	13.16
No	65	86.84
Total	76	100

Source: Survey Data

When the hawkers were asked regarding their legality of footpath business, 86.84% hawkers said there is no legality of their footpaths business, and 13.16% of the hawkers said they have legality. So, it can be admittedly said that, most of the hawkers conceded they are occupying business on the footpaths illegally. Another significant fact is some of the hawkers believe that having the support from police, local politicians and linemen for running businesses on the footpaths make them legal.

Now it is a big question, how and why they conduct their business though there is no legality of footpath business. And who are responsible to maintain and coordinate these business. When something illegal is happening within the jurisdiction of government, it seems to be understood that the concerned authorities are not working properly; either getting corrupted or paying no attention.

#### Conduction of the Footpath Business

**Table 2:** Percentage of hawkers who thinks there is no legality of their footpath business

Cases					
Valid		Missing		Total	
N	Percent	N	Percent	N	Percent
65	85.5%	11	14.5%	76	100.0%

Source: Survey Data

**Table 3:** How do they conduct their footpaths business where there is no legality?

	Responses		Percent of Cases
	N	Percent	
By giving money to the local leaders	18	22.5%	27.7%
In exchange of subscription & bribe	15	18.8%	23.1%
By concerning with lineman	12	15.0%	18.5%
By concerning with market syndicates	11	13.8%	16.9%
By concerning with traffic police	7	8.8%	10.8%
Own desire	17	21.3%	26.2%
<b>Total</b>	80	100.0%	123.1%

Source: Survey Data

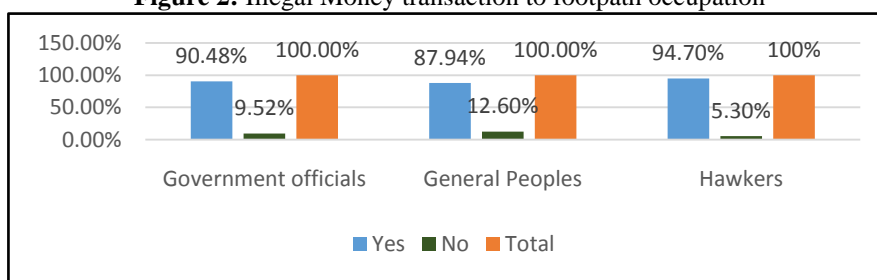
The table 2 presents the surveyed number of hawkers who think there is no legality of their footpath business and conducting business is N=65. Now, table 3 was created based on responses to the 7 variables by which hawkers conducted their business despite not having the legality. The N column indicates how many responses mentioned by 65 respondents. The Percent of Responses column indicates what percentage of the

total number respondent is contained in each category. The Percent of Cases indicates what percentage of respondents' responses of each given type. There are total 7 types of factors are categorized and 80 total responses generated. Of the 80 total responses, 'By giving money to the local leaders' is selected by 18 respondents which represents 22.5% of the total responses. That means, among 65 respondents, about 13 of hawkers said that they conduct their businesses in the footpaths by dint of giving money to the local political leaders. The lowest response is 'By concerning with traffic police, which is provided by 7 respondents which represents 8.8% of the total responses.

So, according to aforementioned table, it can be hypothesized that the underlying factors that may help hawkers for conducting these illegal occupations on the footpaths are: they build or rebuild their business by giving money to the local politicians and activists; establish their business and exist on footpaths in exchange of bribes, tolls and subscriptions among authorities and powerful gangs; conduct their business with the concerning line men and market syndicates by dint of giving them a fixed amount of fees or tolls; occupy footpaths by creating favorable relations with law enforcing agency (Police) and police give them authorization to conduct their business in exchange for illegal economic transactions or bribes; and the more floating hawkers become active on footpaths due to having support from hawker's associations or federations and musclemen.

**Illegal Economic Transactions:** Illegal monetary transactions (bribes) is the most powerful factor which influences occupying footpath by hawkers, as a result government initiatives for footpath maintenance may fail to produce the desired outcomes.

**Figure 2: Illegal Money transaction to footpath occupation**



Source: Survey Data

This bar chart illustrates that most of the Government officials (90.48%), General people (87.94%) and hawkers (94.70) said that, there is a huge illegal monetary (or bribes) transaction regarding establishing, monitoring and securing illegal business on the footpaths respectively. So, it can be clearly said that there are illegal monetary transactions among hawkers, authorities and others which influences the establishment and secure encroachment of the footpaths.

**Different payment process to conduct footpath business:**

**Table 4: Percentage of hawkers' responses regarding different payments**

Payment Style	Responses	Frequency	Percent
Establishment Payment	Yes	43	56.6
	No	33	43.4
	Total	76	100.0
Daily Payment	Yes	72	94.7
	No	4	5.3
	Total	76	100.0

Source: Survey Data

This frequency table reveals that, among 76 hawkers, 56.6 % of them had to pay a fixed amount of money to establish or install their business while 43.4% didn't pay any money to start their business at footpaths. On the other hand, almost all hawkers have to pay money or toll regularly to conduct their business. As data shows that, among 76 Hawkets, 94.7% have to pay an amount of money to conduct their daily business, and rest 5.3% of hawkers do not pay any money on daily basis.

Beside the establishment and daily payments, some hawkers have to pay toll on a weekly, a monthly and seasonal basis at a fixed rate. They have been paying other payments with weekly, monthly or seasonal manner to local politicians and market syndicates.

**Amount of Different payment to conduct footpath business:**

**Table 5: Average payments by hawkers**

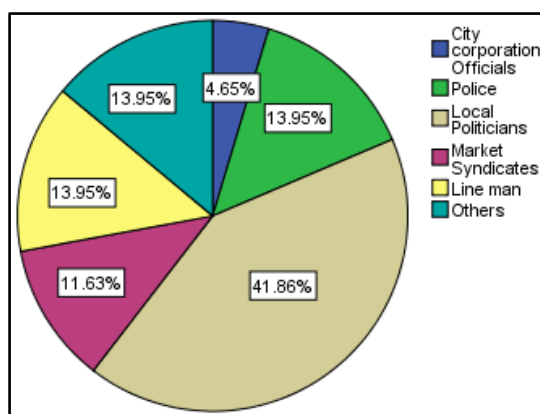
	Mean	Median	Mode	Std. Deviation	Minimum	Maximum
Establishment Payment (EP)	2.8140	2.0000	2.00	1.33195	1.00	5.00
Daily Payment (DP)	2.6806	2.0000	2.00	1.39240	1.00	6.00
Seasonal/ Others Payment (SP)	2.00	2.00	1.00	.92582	1.00	3.00

(EP: 1=0-20000, 2= 20000-40000, 3=40000-60000, 4= 60000-80000, 5= 80000- 100000; DP: 1= 0-100, 2= 101-200, 3= 201-300, 4=301-400, 5= 401-500, 6- above 500; SP: 1=0-2000, 2= 2001- 4000, 3= 4001-6000)  
 Source: Survey Data

The mean of the establishment payment of footpath business is 2.81. That means the average payment to establish a new business on the footpath is 20,000-40,000 Tk. The average of this range is above 35,000 Tk. The maximum amount of establishment payment is 80000-100000 tk. The above table also reveals that on an average, hawkers have to pay 100-200 taka every day to conduct their footpath business. The maximum amount of daily payment of hawkers is above 500 taka while minimum is below 100 taka. So, it is assumed that hawkers occupy footpaths by their business in exchange for their daily payments. On the other hand, the average of other payments by hawkers for hawking on the footpaths is 2000-4000 tk. The maximum amount of other payment is 4000-6000 taka while minimum amount is below 2000 taka. The other payment is actually the seasonal payment paid by the hawkers.

**Different Payments takers from Hawker:**

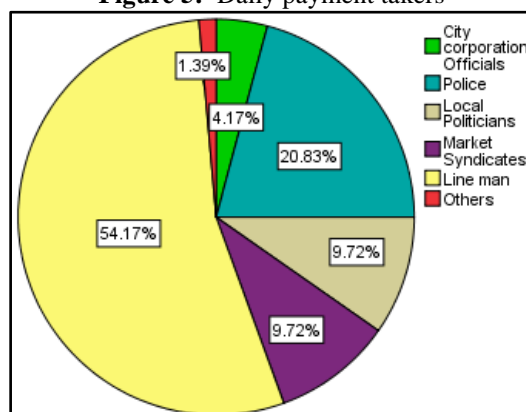
**Figure 4: Establishment payment takers**



Source: Survey Data

Now it is a significant to know that who takes these establishment payments by dint of giving opportunity to hawkers to establish footpath business. This pie chart discloses that about 41.86% of the hawkers have to pay their establishment payment to the 'local politicians', 13.95% have to pay money to 'Police' and 13.95% to 'Lineman'. It can also be seen that 13.95% of the hawkers have to pay to 'others' which include some hawkers' samiti, associations and dummy hawkers' committees, 13.95% of the hawkers paid to 'market syndicates' and 4.65% hawkers said they paid a fixed amount of money to establish their business to 'City corporation officials'. According to Alam<sup>11</sup>, an individual must pay a Tk 100,000 non-refundable advance to a 'dalal' (broker) working for the police, the local ruling party or a political leader or activist to lease a space on the footpath in Dhaka city. This is how footpaths in a congested city like Dhaka are rented out for a set period of time to hawkers who do illegal business for a living, but mostly to line the pockets of unemployed people.

**Figure 5: Daily payment takers**



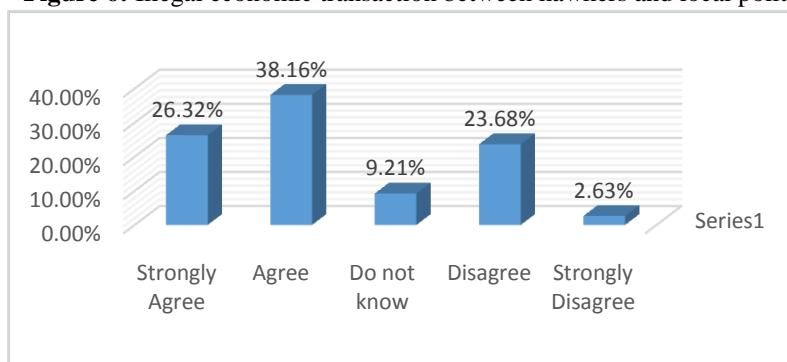
Source: Survey Data

The above chart reveals that maximum (54.17%) hawkers paid Daily Taka or toll to lineman. Almost 20.83% of the hawkers have been paying to police while 9.72% of the hawkers paid money to the local politicians. Others authorities to take daily toll from hawkers are market syndicates, city corporation officials and others which contribute 9.72%, 4.17% and 1.39% respectively. Thus we can hypothesize that, in most of the areas the daily toll collection responsibility belongs to lineman who is an agent of police, local politicians and so on.

Chowdhury reported, the hawkers must pay a set rate of toll to the linemen on a regular basis. The police will remove all of them from the footpath if they fail to pay. The hawkers are often detained or threatened before they consent to pay the toll. In certain cases, dummy hawkers' committees exist, and are made up of toll-takers rather than hawkers<sup>14</sup>.

**Illegal economic transaction between local politicians and hawkers:** Interference of local politicians and activists (including city corporations elected representatives, ruling party's leaders etc.) to establish, monitor and secure illegal occupations on the footpaths is another robust factor regarding failure of the government regulations of footpaths. There are widespread allegations against the local political activists and ruling party's leaders as they are involved directly and indirectly to the illegal occupations on the footpaths and are provided security of these businesses by dint of illegal monetary transactions.

**Figure 6: Illegal economic transaction between hawkers and local politicians**



Source: Survey Data

Survey data discloses that about 38.16% of the hawkers agree with this statement while 23.68% of hawkers disagree. About 26.32% of hawkers strongly agree that local political leaders are extremely involved to establish, monitor and secure illegal business in exchange of bribes while only 2.63% strongly disagree with them. On the other hand, 9.21% of the hawkers do not know anything regarding economic transaction with local politicians for establishing footpath business.

#### IV. DISCUSSION AND FINDINGS

Following aforementioned analysis it is remarkably highlighted that, hawkers think hawking is the only means of their living. Besides, no experience to do otherwise for livelihood, relatively high income and low cost, family inheritance and easy and less pressure are also major driving forces behind inspiring to their

business. On the other hand opportunities entrusted with their business are: transaction of subscription & bribe, concerning with traffic police, giving money to the local leaders, concerning with lineman, concerning with market syndicates etc. This is a small business requiring not a big investment and marketing acumen. Their asset is their smartness and capacity for persuasion.

The average payment to establish a new business on the footpath is 20,000-40,000 Tk. The average of this range is above 35,000 and on an average every hawker usually pays on an average 100-200 taka in every day to conduct their footpath business. The maximum amount of daily payment of hawkers is above 500 taka while minimum is below 100 taka. Local politicians, police, city corporation officials, market syndicates and others extort these money in exchange of creating opportunities of illegal business.

Besides, many hawkers have to pay others payment in weekly, monthly or seasonal basis. One understands that this is the cost of doing illegal business on footpaths. What however does not so prominently come to the light is the beneficiaries behind the scene. The BRAC report has only made a mention of political leaders, law enforcement agencies among other unnamed quarters who share the ill-gotten dividend<sup>19</sup>. Sure enough, they would have avoided the daily struggle and hassle of displaying their articles mostly under the open sky and securing the unsold items for the next day's transaction had they found a better option. If the illegal money transactions can be removed and the government develops a mechanism to legalize hawkers' trade at some suitable places, instead of footpaths, the city corporations will have a far larger amount each at their disposal to construct infrastructure for development and entertainment. Along with it, the city dwellers of Dhaka will find out free and hassle free footpaths to walk.

## V. RECOMMENDATIONS AND CONCLUSIONS

Although footpath business is illegal according to the high court direction but most of the footpaths are illegally occupied. They build or rebuild their business their business and exist on footpaths in exchange of bribes, tolls and subscriptions among authorities and powerful gangs including line men and market syndicates, law enforcing agency (police) and hawkers associations. Following suggestive measures can be helped to the government or concern authority to be kept footpath free from illegal encroachment.

- The government must be more careful in case of introducing a detailed and specific policy regarding footpath management. The existing rules and regulations should be upgraded to adapt the current situation.
- The government must rehabilitate the hawkers in any market place instead of footpaths so that they can earn better than the previous business in the footpaths, the city corporations will have a far larger amount each at their disposal to construct infrastructure for development and entertainment.
- Punishment must be given to those who will occupy the footpaths for business purpose.
- Strict prohibition and punishment enactment through fines & punishments should be introduced by the government for whom, who are responsible with illegal monetary transaction directly or indirectly regarding footpath encroachment.
- Elected city corporations' representatives and government officials should be more responsible to maintain and coordinate footpaths properly while law enforcing agency should play strict and fair role to keep the footpaths free from any illegal installation.

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