

## Livelihood and urban public space- The Hindu, Nov 22, 2005

If denial of opportunity has been perfected into an art, arguably the most talented practitioners must be those wielding the plethora of vintage regulatory laws that govern the use of urban public spaces in the country. The enforcers of these laws have ensured that the image of the street is epitomised by the greased palm, heavy boot, swinging lathi and 'raid raj', through successive generations.

The concerns of those who must make a living on the street drive Parth J. Shah and Naveen Mandava to explore the baffling contradictions of urban India; they study the phenomenon of thousands of street hawkers and traders providing a range of goods and services to the community and yet being treated as a negative offshoot of urbanisation.

The book that has resulted from their effort presents interesting vignettes of street life. It is a documentation of all too familiar petty corruption, excessive and archaic laws, indifference of governments to livelihood issues and the collective failure of class interests to bring about change.

The categories of the self-employed covered in the book range from hawkers and traders to cyclo-rickshaw and autorickshaw drivers, porters and others. It is no secret that all these activities involve the payment of bribes to authority. The book documents the bribe amounts paid to different wings of the government such as the police and the municipal authorities, the periodicity of payments and the underlying factors that promote 'speed money', not the least of which is the maze of documentation required for all licenses and permits. The regulations and document forms are reproduced liberally in the book to drive home the point.

### Approach to livelihood

It is in the discussion and interpretation of the data recorded in different cities, notably Delhi, that the authors move into contentious ground. Regulation, in their perception, is at the root of all that has gone wrong and there should be a paradigm shift in the approach to livelihood options pursued in the public space.

The market approach is arguably the best to untangle the mess, the book contends, since it dynamically responds to demand by increasing or reducing supply; by removing the caps on rickshaw permits (which are not enforced even now in any case) there would be greater opportunity for all and only so many rickshaws would exist as the market can support them.

Similarly, placing the street space under the control of ward committees formed by local traders and elected representatives of residents' associations with powers to lease public space would lead to equitable apportioning of the hawking area. Lastly, the book says, the concept of centralised planning of urban development should yield place to a different vision, one that gives greater opportunity for local factors — and private capital — to set priorities.

### Shift in governance

The call for a shift in governance models is largely based on the venality of officialdom and its failure to recognise that restrictive legislation is shackling enterprise and opportunity. These are no doubt major challenges that are universally acknowledged. What the authors seem to miss in their anxiety to see change is the protective function of regulation, where it is adopted through democratic and transparent processes.

Enabling laws, consistent with globally acknowledged rights-based governance approaches, aid rather than retard growth since they make it possible for the weakest individual participant to approach legal and other forums and obtain redress regardless of his position within a particular group or class; such rights are not in conflict with the rights of others and can be asserted by all members of the class, such as hawkers, collectively.

The authors are on solid ground when they discuss the travails of the weaker sections that must contend with the unsympathetic attitude of authority. Their logic falters when they advocate an extraordinarily high dependence on market-based solutions for fundamental problems that concern the economically weaker sections and legitimately lie in the overall context of citizen welfare issues.