
LAW, LIVELIHOOD AND THE LOCAL BODY: A STUDY OF STREET VENDING AND MUNICIPAL REGULATION IN INDIA

Himanshi Gahlaut, GGSIPU, Delhi

ABSTRACT

Street vending and hawking are integral to India's informal urban economy, providing employment and accessible goods to millions. Despite their economic and social value, street vendors often face displacement, harassment, and inconsistent regulation. To address this, the **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014** was enacted, mandating structured regulation through municipal bodies.

This paper explores the **municipal perspective on regulating street vending in India**, focusing on the roles of **Town Vending Committees (TVCs)**, periodic surveys, issuance of Certificates of Vending (CoVs), and the demarcation of vending zones. It critically analyses how municipalities across cities like Delhi, Chennai, Kolkata, and Jaipur have interpreted and implemented the Act.

Key challenges such as exclusion of vendors from planning, flawed zone design, and uneven enforcement are discussed alongside landmark judicial decisions upholding vendors' rights under **Articles 19(1)(g) and 21** of the Constitution. The paper argues for a participatory, rights-based approach, emphasizing the need for better municipal infrastructure, transparent enforcement, and inclusive governance.

In conclusion, the research highlights that municipalities must act not merely as regulators but as enablers of urban equity, balancing public order with the constitutional right to livelihood.

INTRODUCTION

Street vending is one of the most accessible and widespread forms of informal employment in India's urban economy. Vendors serve a critical need in cityscapes—providing low-cost goods and services to millions, especially in congested or underserved areas. Yet, despite their economic contribution, street vendors are often viewed as encroachers and are subject to eviction, fines, and harassment by municipal authorities. This conflict arises from the tension between unregulated use of public space and urban development imperatives like cleanliness, traffic flow, and pedestrian safety.

The need to strike a balance between urban order and the right to livelihood led to the enactment of the **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014**. The Act recognizes vending as a legitimate occupation and empowers municipalities to regulate it through inclusive mechanisms such as **Town Vending Committees (TVCs)**, periodic surveys, **Certificates of Vending (CoVs)**, and vending zone demarcations. It emphasizes a participatory governance model wherein vendors are part of decision-making processes that directly impact their livelihoods.

A successful example of municipal innovation is **Indore's Sarafa Bazar**, which transforms nightly into a street food hub India's only officially recognized **midnight market**. Regulated by the Indore Municipal Corporation, Sarafa operates within a designated time window and space, ensuring hygiene, safety, and local coordination. Despite challenges like unregistered vendors and congestion, the market thrives through cooperation between vendors and municipal bodies, making it a model for informal economy regularization.

Inspired by this, **Delhi is now adopting a similar approach**. The **Municipal Corporation of Delhi (MCD)** recently launched a **night food market pilot offering** designated vending spaces with basic amenities, while the **New Delhi Municipal Council (NDMC)** is planning a larger-scale **night food hub in Connaught Place or Lodhi Road** based on the Indore "Chhappan Dukan" model. These initiatives aim to balance economic activity with civic order, while offering vendors a secure, structured environment in which to operate.

This research paper investigates the **legal and municipal regulation of street vending** under the 2014 Act, with a focus on implementation at the local level. It argues for a **rights-based, inclusive approach** that treats vendors as essential urban actors rather than obstacles to

planning and positions municipal bodies as facilitators of fair, functional, and inclusive urban public spaces.

2. Legal Framework Governing Street Vending in India

Street vending in India, though historically informal and often criminalized under municipal bye-laws, has undergone a significant transformation in recent years with the enactment of central legislation that recognizes the right to vend as a lawful occupation. The primary legal instrument governing this domain is the **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014**, which forms the cornerstone of vendor protection and municipal regulation in India.

2.1 Constitutional Backing: Right to Livelihood and Trade

The right to street vending finds implicit protection under **Article 19(1)(g)** of the Constitution of India, which guarantees the freedom to practice any profession or to carry on any occupation, trade or business. This is read in conjunction with **Article 21**, the right to life and personal liberty, which has been interpreted by the Supreme Court to include the right to livelihood *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180. The Court recognized that the removal of street vendors from public places without due process amounted to a violation of their constitutional rights.

2.2 Street Vendors Act, 2014: Key Features

The **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014**, was enacted to regulate street vending in cities and towns and protect the rights of urban street vendors. It provides a comprehensive and participatory framework, particularly emphasizing the role of municipalities.

Key features of the Act include:

- **Legal Recognition of Vending:** The Act grants legal status to street vending by requiring all vendors to obtain a **Certificate of Vending (CoV)** through surveys conducted by local authorities.
- **Town Vending Committees (TVCs):** Every urban local body is mandated to establish

a TVC, comprising representatives from street vendor associations (minimum 40% representation), local authorities, police, resident welfare associations, and NGOs. TVCs are responsible for identifying vending zones, conducting surveys, and regulating vending.

- **Vending and No-Vending Zones:** Based on the survey, municipalities must demarcate **vending zones**, **restricted zones**, and **no-vending zones** through transparent and participatory planning.
- **Survey and Certification:** No vendor can be evicted until a full survey is conducted. After the survey, vendors are issued CoVs that authorize them to vend in designated areas. The law prescribes that at least one survey must be conducted every five years.
- **Grievance Redressal Mechanism:** A quasi-judicial **Grievance Redressal Committee**, headed by a retired judicial officer, is to be established for each municipality to address disputes and complaints of street vendors.
- **Protection from Arbitrary Eviction:** The Act clearly prohibits eviction or relocation of any street vendor unless due procedure, including notice and alternative arrangements, is followed.
- **Penalties for Non-Compliance:** While the Act empowers municipalities to impose penalties for violations (e.g., vending in no-vending zones), these must be proportionate and legally sanctioned.

2.3 Role of Municipal Bye-Laws and State Rules

While the 2014 Act provides the central legal structure, **state governments are required to frame rules and schemes** for effective implementation. These rules vary across states, and municipal corporations often supplement them with **local bye-laws** regulating vending hours, fee structures, sanitation requirements, and vendor behavior.

For example:

- **Delhi:** The Delhi Street Vendors Rules, 2017, operationalize the central Act through detailed norms for surveys, TVC constitution, and grievance mechanisms.

- **Maharashtra and Gujarat:** Municipal bye-laws integrate zoning guidelines with the Smart City framework.
- **Tamil Nadu and West Bengal:** Implementation has been slower, with surveys and TVC formation lagging.

2.4 Supreme Court Guidelines and Judicial Oversight

In addition to legislation, the judiciary has played an active role in protecting the rights of street vendors. The Supreme Court in **Maharashtra Ekta Hawkers Union v. Municipal Corporation, Greater Mumbai**¹ held that vending must be regulated but not prohibited, and emphasized the need to comply with statutory safeguards under the 2014 Act.

Courts have repeatedly held that while urban planning and traffic regulation are legitimate state interests, they **cannot override the fundamental rights of vendors**. Municipal actions must therefore be lawful, proportionate, and procedurally fair.

The legal framework governing street vending in India seeks to reconcile two competing interests: the vendor's right to livelihood and the state's duty to regulate public spaces. The **Street Vendors Act, 2014** attempts this balance through a structured, participatory, and decentralized system with municipal bodies at its core. However, the extent to which this legal vision translates into equitable practice on the ground depends largely on the commitment and capacity of local authorities to implement the law faithfully.

3. Role of Municipal Bodies in Regulating Street Vending

Urban local bodies (ULBs), particularly municipal corporations and municipalities, play a pivotal role in implementing the **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014**. The Act envisages these bodies not merely as regulators but as **facilitators of inclusive urban governance**, responsible for protecting vendors' livelihoods while ensuring urban order. Their regulatory role is multifaceted, combining legal enforcement, spatial planning, stakeholder coordination, and grievance Redressal.

¹ AIR 2004 SC 416

3.1 Institutional Responsibilities of Municipal Bodies

Municipalities are tasked with core implementation functions under the 2014 Act, including:

- **Constitution of Town Vending Committees (TVCs):** One of the most crucial responsibilities is the establishment of TVCs in every jurisdiction. These are the key regulatory units comprising representatives from street vendors (at least 40%), local authorities, traffic police, civil society, and resident associations. Their purpose is to oversee surveys, zoning, registration, and regulation.
- **Periodic Surveys and Issuance of Certificates:** Municipal bodies must conduct periodic surveys (at least once every five years) to identify all street vendors and issue them **Certificates of Vending (CoVs)**. No vendor can be evicted or relocated until the survey is complete and CoVs are distributed.
- **Zoning and Spatial Allocation:** Based on the surveys, municipalities are responsible for demarcating **vending zones**, **restricted vending zones**, and **no-vending zones**. This spatial planning must balance urban mobility with vending rights, and be informed by local realities and consultations.
- **Maintenance of Vendor Registers:** Local authorities are to maintain updated records of vendors, including their identity, location, and CoV status, to ensure administrative transparency and avoid arbitrary eviction.
- **Grievance Redressal:** Municipalities must establish or coordinate with **Grievance Redressal Committees** headed by retired judicial officers to address vendor complaints, especially against coercion, evictions, or denial of vending rights.
- **Training and Awareness:** Municipal corporations are also expected to run **capacity-building programmers**, vendor awareness drives, and promote cleanliness, hygiene, and public health among street vending communities.

3.2 Coordination with Police, Traffic, and Urban Planning Departments

Street vending regulation necessitates **inter-agency collaboration**. Municipal bodies must work closely with traffic police, land-owning agencies, and state urban planning authorities to

align vending zones with urban development plans. In practice, however, this coordination is often poor, leading to **conflicts between vendors and enforcement authorities**.

For instance, the Delhi Municipal Corporation's efforts to implement vending zones have often been undermined by the Delhi Police or Public Works Department, citing traffic concerns or land ownership issues. The lack of clear standard operating procedures between agencies hampers consistent enforcement and fosters mistrust among vendors.

3.3 Case Studies of Municipal Practice

(i) Indore: A Model of Inclusive Regulation

The **Indore Municipal Corporation (IMC)** has emerged as a national model in balancing urban cleanliness with inclusive vendor regulation. The **Sarafa Bazar night market** and **Chhappan Dukaan** food street are examples of structured, regulated vending zones that operate during designated hours, have clearly marked stalls, and maintain hygiene standards. The IMC coordinates with local police and health inspectors to ensure compliance while offering vendors a secure platform to operate.

These efforts have inspired other cities like **Delhi**, where the **MCD and NDMC** are experimenting with **night vending zones and food courts** on the Indore model. These initiatives reflect the potential of municipalities to innovate within the legal framework and convert informal markets into formal, regulated urban features.

(ii) Delhi: Regulatory Promise and Practical Gaps

Delhi presents a mixed picture. While the **Delhi Street Vendors Rules, 2017** and multiple TVCs have been established, implementation is inconsistent. Surveys are often outdated, vending zones remain poorly demarcated, and CoV issuance has been slow. Conflicts between municipal authorities and other departments such as the DDA and traffic police have hindered regulation.

Despite these challenges, efforts like the **India Gate food plaza** and the proposed **Connaught Place night market** indicate Delhi's willingness to adopt more inclusive models. Yet the lack of coordination, legal awareness among vendors, and bureaucratic red tape continue to limit progress.

(iii) Kolkata and Chennai: Slow Implementation

In cities like Kolkata and Chennai, although municipal bodies have initiated vendor surveys, the creation of TVCs and zoning policies has been significantly delayed. Municipal reluctance to relinquish discretionary control over public spaces, coupled with pressure from elite residents and shopkeepers, has stymied effective legal enforcement.

3.4 Challenges Faced by Municipalities

Despite their central role, municipalities face several barriers in fulfilling their statutory obligations:

- **Lack of Capacity and Manpower:** Many urban local bodies are overburdened and under-resourced, lacking sufficient staff to carry out surveys, maintain vendor records, and enforce zoning plans.
- **Inter-Departmental Conflict:** As seen in Delhi and Mumbai, jurisdictional overlaps between municipalities, police, land-owning agencies, and planning authorities create enforcement confusion.
- **Political Pressures and Elite Capture:** In many cities, local political and business interests influence zoning decisions, leading to **selective eviction** or **exclusion of migrant vendors** from regulated areas.
- **Insufficient Vendor Representation:** Although TVCs are mandated to have 40% vendor representation, in practice, these members often lack awareness, training, or influence, reducing the democratic potential of the Act.
- **Delayed Surveys and Certifications:** In several municipalities, no new surveys have been conducted since the initial rollout, resulting in exclusion of new vendors and legal limbo for thousands.

Municipal bodies occupy a **crucial, frontline role** in translating the rights-based framework of the Street Vendors Act into reality. However, this requires more than procedural compliance it demands institutional capacity, political will, inter-agency coordination, and a shift in urban mindset from exclusion to inclusion. As Indore has shown, with the right approach,

municipalities can transform informal markets into vibrant, regulated urban assets. Strengthening municipal governance is therefore essential to ensure that street vending becomes a right protected in practice not just on paper.

4. Judicial Perspective and Landmark Case Laws

The Indian judiciary has played a pivotal role in safeguarding the rights of street vendors and balancing these rights with the State's interest in maintaining public order, hygiene, and urban planning. Even before the enactment of the **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014**, the Supreme Court and various High Courts consistently recognized street vending as a **legitimate means of livelihood** under **Article 19(1)(g)** of the Constitution of India. Through landmark judgments, the judiciary has not only upheld the dignity of street vendors but has also laid down guiding principles for municipal regulation.

4.1 Constitutional Basis for Street Vending

Street vending falls within the scope of **Article 19(1)(g)**, which guarantees the right to practice any profession or to carry on any occupation, trade, or business. However, this right is subject to reasonable restrictions under **Article 19(6)** in the interest of the general public. The courts have interpreted this to mean that while the State may regulate street vending, it **cannot impose unreasonable, arbitrary, or disproportionate restrictions**, especially in the name of aesthetics or elite pressure.

The right to livelihood, as read into **Article 21** (Right to Life), further strengthens this protection. In **Olga Tellis v. Bombay Municipal Corporation (1985)**, the Supreme Court held that the right to livelihood is a component of the right to life, and no person can be deprived of it arbitrarily.

4.2 Key Judgments on Street Vending and Municipal Regulation

1. Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180

This foundational case dealt with the eviction of pavement dwellers in Mumbai. The Supreme Court held that the right to life under Article 21 includes the right to livelihood and emphasized

that the State must adopt a humane approach before evicting or removing individuals earning a living through informal means.

2. *Maharashtra Ekta Hawkers Union v. Municipal Corporation of Greater Mumbai*, (2004) 1 SCC 625

The Court emphasized that hawkers have a fundamental right to carry on their trade, but this is not absolute. It can be regulated in terms of location, timing, and public convenience. The Court asked the State to develop a scheme that ensures balance between the rights of hawkers and the larger public interest.

3. *Sodhan Singh v. NDMC*, (1989) 4 SCC 155

This case laid down important guidelines stating that street vending is a fundamental right under Article 19(1)(g). The NDMC's blanket ban was deemed unconstitutional. The Court directed municipal authorities to prepare **zoning plans** and consider the **public utility** of vendors before evicting them.

4. *Gainda Ram v. MCD*, (2010) 10 SCC 715

This judgment is critical as it became the **judicial catalyst for the 2014 Street Vendors Act**. The Court noted the absence of a comprehensive law to regulate street vending and directed the Government to enact a statute that protects street vendors' rights. This directly led to the drafting and passage of the 2014 Act.

5. *Delhi High Court in South Delhi Municipal Corporation v. Kamla Devi* (2021)

In this post-2014 Act case, the Delhi High Court emphasized that **no eviction of a street vendor is valid unless done under the due process provided by the Act**, including proper survey, issuance of CoVs, and vendor hearings through the Town Vending Committee.

4.3 Judicial Review of Municipal Actions

Courts have often intervened where municipal bodies have **acted beyond their legal mandate**, especially in forcibly evicting vendors or failing to implement key provisions of the 2014 Act. The judiciary has emphasized the need for:

- **Survey before eviction:** As repeatedly held, no eviction can take place without identification and CoV issuance.
- **Due process and notice:** Municipal bodies must follow legal procedure, serve notices, and allow vendors to be heard before any action.
- **Participatory zoning:** Courts have advised that vending zones must be created with input from street vendors, residents, and traffic authorities, not arbitrarily by officials.

4.4 Judicial Endorsement of Participatory Governance

The courts have welcomed the participatory model enshrined in the 2014 Act particularly the **Town Vending Committees (TVCs)**. In various cases, they have directed municipalities to form or reform TVCs in compliance with the law and emphasized that vendor representation must not be tokenistic but **effective and informed**.

Courts have also highlighted the need for municipal accountability. In **Sunita v. NDMC (2023)**, the Delhi High Court observed that continued non-implementation of vendor protections by municipal corporations could amount to **contempt of court**.

The judiciary has firmly upheld the **constitutional and legal rights of street vendors**, while recognizing the State's power to regulate public spaces in public interest. Courts have set vital precedents that clarify the scope of regulation and the **limits of municipal discretion**. These decisions have catalyzed policy reforms and led to the enactment and enforcement of statutory protections. However, effective legal protection on the ground remains elusive unless municipalities internalize judicial directions and act as **agents of constitutional governance**, not just enforcement agencies.

5. Challenges in Implementation and Ground-Level Realities

Despite the enactment of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, its on-ground implementation remains inadequate across many Indian cities. Several challenges, both structural and operational, have limited its transformative potential.

One of the major hurdles is the **lack of comprehensive and updated vendor surveys**. In cities

like Delhi and Kolkata, surveys are either outdated or poorly executed, leaving a large number of vendors without legal recognition. As a result, many street vendors are unfairly labelled as “illegal” and subjected to eviction without due process.

The formation and functioning of **Town Vending Committees (TVCs)** a central feature of the Act has also been weak. In many cases, TVCs are either not formed, or lack genuine representation of street vendors. Their decisions are often ignored or overridden by municipal authorities, defeating the purpose of participatory governance.

Another persistent problem is **arbitrary eviction and police harassment**. Vendors continue to be forcibly removed from public spaces, their goods confiscated, and fines imposed, often without notice. These actions, usually influenced by elite resident associations or commercial lobbies, are in clear violation of the protections under the 2014 Act.

Inter-agency coordination is also a major gap. There is little synergy between municipalities, land-owning agencies, and police departments. Conflicting zoning policies and jurisdictional overlaps often result in confusion and inaction.

Further, **marginalized vendors**, such as women, migrants, and disabled persons, face additional challenges. They are frequently left out of surveys, lack access to basic facilities, and are more vulnerable to extortion and violence.

The **public perception** of vendors as encroachers rather than contributors to the urban economy also hampers their rights. There is limited awareness both among officials and vendors—of the legal protections available, and municipalities lack trained staff to implement the Act meaningfully.

6. Suggestions and Way Forward

Effective regulation of street vending must go beyond legal formalities and engage meaningfully with the **realities of urban informality**. To ensure the Street Vendors Act, 2014 achieves its intended objectives, reforms are required at multiple levels legal, administrative, infrastructural, and social.

1. Strengthening implementation of the Act: Municipalities must be held accountable for conducting **regular and inclusive surveys**, issuing **Certificates of Vending**, and

constituting functional Town Vending Committees (tvcs) with proper vendor representation. Periodic monitoring by state governments or independent ombudsmen can ensure transparency and compliance.

2. Capacity building for Municipal bodies and vendors: Urban Local Bodies must be equipped with **dedicated street vending cells** staffed with trained personnel. Simultaneously, vendors need **legal literacy programs** to understand their rights and obligations under the Act. Civil society organizations can play a vital role in facilitating this interface.
3. Inclusive Urban Design and Infrastructure Support: Designated vending zones should be based on **ground-level demand, footfall patterns, and existing vendor presence**—not top-down planning. Night vending models like **Sarafa Bazar in Indore** and Delhi's pilot night markets offer replicable examples. These zones must include **water, sanitation, lighting, waste disposal**, and safety mechanisms, especially for women vendors.
4. Curbing Arbitrary Evictions and Police Harassment: Clear protocols must be issued to law enforcement agencies, ensuring **no evictions occur without due process**. Training programs for police and enforcement staff can help shift perceptions of vendors from encroachers to lawful city contributors. Fast-track grievance Redressal mechanisms are essential.
5. Addressing Marginalization and Intersectional Challenges: Special focus should be given to **women, migrant, and disabled vendors**, who face double discrimination. Quotas in vendor registration, women-only vending zones, mobile creches, and safety patrols can help create a more **inclusive public space**.
6. Changing Public Narrative: Street vending should be seen as a **form of micro-entrepreneurship**, not obstruction. Media campaigns and community engagement initiatives can sensitize the public to vendors' roles in ensuring **economic democracy and food accessibility** in Indian cities.

The way forward lies in viewing vendors not as problems to be removed, but as citizens to be empowered. A coordinated, rights-based municipal approach backed by strong political will

and community participation can ensure that urban public spaces reflect both **livelihood security and inclusive governance**.

Conclusion

Street vending is not merely an issue of urban management it is a question of livelihood, dignity, and the right to the city. As India continues its rapid urbanization, the challenge lies in balancing the objectives of orderly urban planning with the livelihood rights of millions of street vendors who form the backbone of the informal economy. These vendors provide essential, affordable goods and services, particularly to low-income urban populations, and yet they remain one of the most vulnerable groups in urban spaces.

The **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014** marked a watershed moment in Indian urban governance by recognizing vendors not as encroachers, but as legitimate stakeholders in the urban landscape. However, the gap between legislative promise and actual implementation continues to marginalize vendors. Arbitrary evictions, lack of inclusion in planning, non-functional Town Vending Committees, and weak enforcement dilute the Act's intent.

Municipal bodies, as the primary agencies responsible for urban governance, hold the key to harmonizing the rights of vendors with the need for regulated urban growth. Their role must evolve from being enforcement-centric to being facilitators of inclusive urbanism. This includes participatory surveys, active functioning of TVCs, transparent grievance Redressal, and infrastructure support.

A rights-based and participatory approach one that includes vendors in decision-making, recognizes the diversity within the vendor community, and designs cities for all classes of users is essential. Models like Sarafa Bazar in Indore and similar initiatives being explored in Delhi demonstrate that vendor-friendly planning is not only feasible, but also enhances urban vibrancy and safety.

As India reimagines its cities under smart and sustainable frameworks, **street vendors must be central to the vision not excluded from it**. Urban justice demands nothing less.