

Balancing Rights and Regulation: An Analysis of India's Street Vendors Act and its Implementation

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This article critically examines India's Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, highlighting its implementation challenges and broader implications for urban governance. It analyses how this Act attempts to balance vendors' livelihood rights with public space management, revealing tensions between formalisation benefits and informal economy flexibility. The article identifies key issues including delays in forming Town Vending Committees, inconsistent application across jurisdictions, and conflicts with existing laws. These challenges underscore larger questions about inclusive urban development and informal sector regulation in rapidly urbanising contexts. By examining judicial interpretations and on-ground realities, the article offers insights into the complexities of translating progressive legislation into effective practice. It proposes reforms aimed at strengthening implementation mechanisms, enhancing stakeholder participation, and promoting economic empowerment, contributing to ongoing debates on informal economy management in the Global South.

Street vending is one of the most visible forms of informality in Indian cities. Vendors occupy footpaths, intersections, transit hubs, and public squares, offering a wide range of affordable goods and services, vegetables, cooked food, electronics, garments, mobile accessories, and more (Alva, 2014: 181-82). Despite operating at the economic and legal margins, nearly 10 million people in India depend on street vending for their livelihood (Jha, 2018: 4-5). For urban residents, particularly the working poor, these vendors are not an inconvenience but an indispensable part of daily life. Street vending offers flexible employment for those excluded from the formal sector and provides essential goods at prices affordable to the urban majority (Anjaria, 2006: 2140; Bhowmik, 2010: 2256). Yet, these same vendors are often treated as encroachers on public space, obstacles to urban order, or threats to real estate value. Bandyopadhyay (2016: 676-78) argues that the street in postcolonial India should be understood as contested commons, where vendors assert claims through everyday acts of occupation, while the state frames these same actions as obstruction to circulation. This friction between the normative ideal of the street as free-flowing space and its lived reality as shared infrastructure lies at the heart of the regulatory conflicts that shape street vending (Bandyopadhyay, 2016: 680).

This article critically examines the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (SVA), which seeks to balance two competing imperatives: protecting the right to livelihood and ensuring regulated use of public spaces. While the Act offers formal recognition and procedural safeguards to street vendors, it also embeds mechanisms of surveillance, zoning, and control. The result is a legal architecture marked by internal contradictions, shaped as much by political economy and spatial governance as by normative commitments to rights. This article contends that the SVA exemplifies what critical legal scholarship terms regulatory dualism, a framework that simultaneously affirms and undermines the rights it claims to protect (Rao Cavale, 2023: 34-36).

The need for legal recognition of street vending in India arose from decades of institutional hostility, criminalisation, and eviction. For much of post-independence India's urban history, vendors operated in a legal vacuum, subject to police harassment, arbitrary municipal action, and extortion by local authorities. Anjaria (2006: 2140-41) documents how in Mumbai, where fewer than 10 per cent of vendors hold licenses, vending spaces are informally allocated through a mix of political patronage, union negotiation, and rent-seeking. In Kolkata, Bandyopadhyay (2016: 685-88) shows how political parties simultaneously mobilised and marginalised vendors, treating them as both

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electoral constituencies and urban nuisances. The most infamous example of state violence remains Operation Sunshine in 1996, which saw mass eviction of hawkers from central Kolkata under the banner of urban beautification (Roy, 2011: 103-04). Ghosh (2021: 146) argues that Operation Sunshine marked a shift in the state's perception of hawkers, from tolerated informal workers to 'unhygienic filth' to be removed for urban hygiene. This ideological recoding of informality framed the hawker not as a citizen but as a contaminant of modern urban life (Ghosh, 2021: 146). Such episodes underscore the modernist vision of the city as a space of order, mobility, and consumption, incompatible with the messiness of informality (Turner and Schoenberger, 2012: 1033).

Legal reform efforts began with the 2004 National Policy on Urban Street Vendors, later revised in 2009. These policy documents proposed vending zones, registration systems, and participatory governance, and introduced the concept of natural markets. However, their non-binding status limited their impact (Government of India, 2006). Parallel to policy reform, courts increasingly intervened. In *Sodan Singh v NDMC*,¹ the Supreme Court in paragraph 16 of its judgment affirmed vendors' right to trade under art 19(1)(g), subject to reasonable restrictions. In *Maharashtra Ekta Hawkers Union*,² in paragraph 8 of its Order dated 9 September 2013, the Court reiterated the procedural safeguards and spatial norms it had pronounced in its judgment of 9 December 2003 (*Maharashtra Ekta Hawkers Union*: 625). In *Gainda Ram v Municipal Corporation of Delhi*,³ the Court went further, directing the Parliament in paragraph 68 of its judgment to enact comprehensive legislation. This judicial mandate, along with civil society advocacy and the involvement of the National Advisory Council (National Advisory Council, 2011), culminated in the SVA of 2014.

The SVA is distinctive among Indian socio-economic legislation. It frames street vending not merely as an object of regulation, but as a rights-bearing economic activity. It mandates surveys, prohibits eviction without due process, and creates participatory institutions like Town Vending Committees (TVCs). It seeks to integrate vendors into urban planning by delineating vending and non-vending zones, recognising natural markets, and reserving space for vulnerable groups. Yet, as several High Court decisions and field studies have shown, the Act's implementation remains deeply flawed. Municipal authorities delay or circumvent surveys, fail to constitute TVCs, and persist in illegal evictions (Bose, 2024; Centre for Civil Society, 2019: 10-13; Gokhale, 2024). Local political economies, dominated by para clubs (socio-cultural neighbourhood organisations) in Kolkata (Chatterji et al, 2023: 108) or bureaucratic capture in Delhi (Schindler, 2014: 2610), undermine the SVA's procedural guarantees.

This implementation failure is not simply administrative. It reveals a deeper contradiction in how the law conceptualises urban informality. The SVA promises legal recognition but relies on tools such as enumeration, licensing, zoning and so on that replicate the very structures that historically excluded vendors. Rights are granted conditionally, contingent on registration and spatial compliance. As Rao Cavale (2023: 31) argues, this produces paper rights, that is, entitlements that exist on record but remain unenforceable without political or bureaucratic negotiation. For mobile, seasonal, or politically unconnected vendors, exclusion persists even after formal recognition.

The contradiction becomes clearer when one examines the legal form of the SVA. As critical legal theorists have argued, law's structure, its procedures, classifications, and institutional arrangements, embeds particular political and distributive choices. The SVA, while normatively rights-based, operationalises its goals through managerial and exclusionary tools. Zoning decisions are left to local authorities with little oversight. TVCs, though participatory in theory, are often dominated by bureaucrats or sidelined altogether. Provisions meant to protect natural markets lack definitional clarity, allowing municipalities to ignore them. As a result, the SVA facilitates the containment of vendors, rather than their empowerment.

This article builds on this critical insight to examine whether the SVA is capable of fulfilling its protective mandate. It makes three main contributions. First, it traces the genealogy of the SVA, showing how judicial, policy, and political developments coalesced into the current legislative form.

¹ *Sodan Singh vs New Delhi Municipal Committee* (1989) SCC (4) 155

² *Maharashtra Ekta Hawkers Union vs Municipal Corp'n Greater Mumbai* (2014) 1 SCC 490

³ *Gainda Ram vs Municipal Corporation of Delhi* (2010) 10 SCC 715

Second, it analyses the implementation of the Act across jurisdictions, highlighting patterns of delay, circumvention, and contestation. Third, it interrogates the conceptual tension at the heart of the law: can a regulatory framework premised on spatial ordering and enumeration truly safeguard informal livelihoods that are dynamic, mobile, and structurally precarious?

In doing so, the article draws on a growing body of interdisciplinary literature on informality, urban governance, and legal form. It combines doctrinal analysis with empirical studies of implementation and comparative insights from other developing countries. South Africa's post-apartheid legal framework offers lessons on judicial enforcement of trader rights (Bénit-Gbaffou, 2016: 1113). Colombia's use of 'transitory zones' and progressive court jurisprudence provides an alternative model of gradual formalisation (Donovan, 2008: 36-38; Linares, 2018: 663-64). Thailand's evolving policies on 'irremovable street food' highlight the role of cultural framing in regulation (Magluntong and Fukushima, 2020: 8-9). These examples demonstrate that regulatory outcomes depend not only on statutory design but on institutional incentives, political will, and social mobilisation. In order to do this, the article engages directly with three strands of critical scholarship: first, the literature on 'informal-formalisation,' which questions the easy equivalence between legal recognition and formal sector inclusion (Roy, 2011: 106-08; Bénit-Gbaffou, 2016: 1121-24); second, accounts of delay as a structural temporality of law, rather than a mere bureaucratic lapse (Ghosh, 2021: 177; Bandyopadhyay, 2022: 236); and third, critiques of social legislation that view law not only as a site of protection but also as a vector of control (Rao Cavale, 2023: 25). Drawing on these frameworks, the article treats the SVA as a legal form that simultaneously enables and disciplines informal livelihoods. This duality, affirmation and containment, is central to understanding both the appeal and the limits of legislative reform in India's urban informal economy.

Methodology and Scope

This article adopts a doctrinal and interpretive method informed by critical legal scholarship on informality and urban governance. The analysis focuses primarily on two urban centres - Delhi and Kolkata, which have been selected as contrasting case studies that illustrate different implementation modalities. Delhi represents a case of judicially-driven implementation with relatively centralised administrative structures, while Kolkata exemplifies a model of negotiated informality mediated through political and para-statal institutions. Together, they demonstrate how similar legal provisions produce divergent outcomes depending on local political economies.

The legal cases selected for analysis represent significant judicial interpretations that have shaped the SVA's implementation. The article focuses on High Court decisions that address three critical aspects of the Act: (1) the protection of existing vendors (*Vile Parle Kelvani Mandal*,⁴ *Azad Hawkers Union*);⁵ (2) the formation and functioning of TVCs (*Bhola Ram Patel*,⁶ *Rajnesh*);⁷ and (3) spatial regulation and zoning (*Federation of Nehru Place*,⁸ *TP Cherian Philip*).⁹ These cases have been selected because they establish precedents that significantly expand or restrict the Act's scope beyond its literal text.

The empirical material is drawn from published court judgments, government reports, academic studies, and journalistic accounts of implementation. While not conducting primary fieldwork, the analysis synthesises existing empirical research, particularly studies by Bandyopadhyay (2022), Ghosh (2021), and Rao Cavale (2023) that document on-the-ground implementation realities through ethnographic engagement with vendors and regulatory authorities.

The article proceeds as follows. After this introduction, the article details the historical and legal context leading to the SVA's enactment, including judicial precedents, policy developments, and

⁴ *Shri Vile Parle Kelvani Mandal and Ors vs Municipal Corporation of Greater Mumbai and Ors* 2015 (6) ABR 609

⁵ *Azad Hawkers Union and Ors vs Union of India and Ors* 2017(6) BomCR 481

⁶ *Bhola Ram Patel and Ors vs New Delhi Municipal Council and Ors* 2016 (157) DRJ 584

⁷ *Rajnesh v South Delhi Municipal Corporation* 2015. WP(C) 6694/2015 (Delhi High Court) <<https://indiankanoon.org/doc/52626476/>>

⁸ *Federation of Nehru Place Association (Regd) v South Delhi Municipal Corporation* 2018. LPA 623/2016 (Delhi High Court) <<https://indiankanoon.org/doc/120361874/>>

⁹ *TP Cherian Philip vs The National Highways Authority of India* AIR 2015 Ker 279

debates over legislative competence. Thereafter the article offers an examination of the Act's key provisions: registration systems, the role of TVCs, spatial zoning, and protections against eviction. Subsequently, we assess the major implementation challenges, delays in surveys, inconsistent state schemes, conflicts with municipal laws, and regressive judicial interpretations. Then we engage with the core tensions in the SVA's regulatory logic: between livelihood and urban order, permanence and mobility, rights and discretion. Thereafter we provide suggestions for reforms to better align the SVA's implementation with its stated objectives. Finally, we detail the conclusions.

Ultimately, this article asks whether the SVA, in its current form, can meaningfully address the structural precarity of India's street vendors. It argues that without rethinking the law's conceptual architecture and implementation ecology, formalisation may serve less as protection than as containment, granting recognition without redistribution, and legal status without substantive security.

Genealogy of Regulation: The Path to the Street Vendors Act

The regulation of street vendors is often driven by modernist visions of urban space that view vendors as incompatible with orderly cities. As Turner and Schoenberger observe in the case of Hanoi, 'street vendors disrupt this picture and since 2008 have been negotiating a ban in many preferred locales' (Turner and Schoenberger, 2012: 1027). In India, street vending has been a prominent feature of urban life for decades, with regulations evolving over time in response to the growth of the informal economy. In Mumbai, for example, less than 10 per cent of hawkers have a valid license, with the majority operating illegally as no new licenses have been issued since 1978 (Anjaria, 2006: 2140).

In many places around the world, street vendors have been known to have faced harassment from local authorities and insecurity of workspace similar to the situation in India. One such example was noted by Smart in her study of Hong Kong, where 'the combined effect of limited supply of stall spaces in the hawker permitted place and the inadequacy of the screening process created a situation where many regular street hawkers were excluded from the re-ordering programme' (Smart, 1986: 266).

The history of the formalisation of street vending in India dates to the early post-independence period. By late 1950s, various political parties started forming hawkers' associations and unions as street vending became an increasingly prominent political issue (Bandyopadhyay, 2016: 688-96). In post-Partition Calcutta, the rise of hawker politics was inseparable from the political economy of migration and urban precarity. As Bandyopadhyay (2016: 687) shows, left-affiliated unions strategically mobilised street vendors as a political constituency, securing localised access in return for allegiance. This mode of negotiated informality enabled survival but also entrenched a clientelist structure of regulation (Bandyopadhyay, 2016: 695). Early attempts at regulating vendors often took the form of informal systems. In Mumbai, for instance, a *pauti* system operated from 1988-1997, where vendors paid daily charges for 'unauthorised occupation' of public spaces (Anjaria, 2006: 2142). At the same time, some cities undertook more aggressive approaches to removing vendors. In 1996, the Kolkata Municipal Corporation conducted Operation Sunshine to forcibly evict hawkers from certain areas (Roy, 2011: 95). Such eviction drives became increasingly common in major cities as street vending was seen as incompatible with aspirations of becoming 'world-class' urban centres.

The central government formulated the first National Policy on Urban Street Vendors in 2004. This policy aimed to provide a framework for legalising street vending and protecting vendors' livelihoods. Key features included the promotion of designated vending zones, registration of vendors, and the formation of Town Vending Committees (TVC) (Government of India, 2006). The policy was later revised in 2009, and was accompanied by a Model Street Vendors Bill, which State governments could adopt with modifications suited to local conditions. However, the policies were simply guidelines, with no state legally bound to implement them (Harinath, 2022: 34).

Several landmark Supreme Court judgments played a crucial role in shaping vendors' rights. In *Sodan Singh*, the court in paragraph 16 of its judgment established that street vendors have a fundamental right to carry on their trade under art 19(1)(g) of the Constitution, subject to reasonable restrictions. In *Maharashtra Ekta Hawkers Union*: 625, the Court further elaborated on balancing

vendors' rights with public interest concerns. In paragraph 14 of its judgment, the court laid out conditions for street vending, such as restrictions near certain institutions and guidelines on hygiene and food safety. Finally, in paragraph 68 of the judgment delivered in *Gainda Ram*, the court directed the government to enact legislation on street vending by June 2011.

The development of central legislation on street vending raised questions about legislative competence. Traditionally, street vending was considered a State subject under Item 5 of the State List (local government and municipal corporations).¹⁰ In 2006 and 2009, the central government stated in Parliament that street vending was a State subject, beyond its legislative purview.¹¹ However, in 2011, the National Advisory Council justified central legislation by framing street vending as an issue of livelihood and employment, rather than merely municipal regulation (National Advisory Council, 2011). This interpretation allowed the subject to be considered under Entries 20, 23, and 24 of the Concurrent List which covers economic and social planning, social security, and labour welfare (National Advisory Council, 2011), allowing both the centre and States to legislate.

This shift in legal interpretation, coupled with the Supreme Court's directive in *Gainda Ram*, paved the way for the introduction of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill in 2012, which was eventually enacted as the SVA in 2014.

Key Provisions and Objectives of the Street Vendors Act 2014

The SVA represents a significant attempt to create a uniform national framework for protecting street vendors' rights, while regulating their activities. This section examines the key provisions and objectives of the SVA, highlighting its innovative features and potential implications for urban governance.

Registration and Licensing System

Central to the SVA is the establishment of a comprehensive registration and licensing system for street vendors. Section 4 of the SVA mandates that any person intending to undertake street vending must register with the TVC.¹² Upon registration, vendors may apply for a vending certificate, which serves as a license to operate in designated areas.¹³ The SVA introduces several innovative features within its structure:

1. It sets a minimum age of 14 years for registration, addressing concerns about child labour while recognising the economic realities of many urban poor families.
2. It provides for preferential treatment in issuing certificates to certain groups, including Scheduled Castes, Scheduled Tribes, Other Backward Classes, women, and persons with disabilities.¹⁴
3. It mandates that the TVC specify time limits for issuing and renewing vending certificates, aiming to reduce bureaucratic delays.¹⁵

The SVA's protection of existing vendors was affirmed in *Shri Vile Parle Kelvani Mandal*, where the Bombay High Court, in paragraph 56 of its judgment, held that 'all existing street vendors as on 1st May, 2014 who are covered by the definition of clause (l) of s 2 of the Street Vendors Act are entitled to protection against eviction and relocation as provided under ss (3) of s 3 thereof'.

¹⁰ List II, Schedule VII, Constitution of India, 1950.

¹¹ Lok Sabha, Unstarred Question No 2498, Ministry of Housing and Urban Poverty Alleviation, 12 December 2006; Lok Sabha, Unstarred Question No 226, Ministry of Housing and Urban Poverty Alleviation, 3 September 2009.

¹² Section 4(1), SVA

¹³ Section 5, SVA

¹⁴ Section 7, SVA

¹⁵ Section 26(2)(a), SVA

Town Vending Committees

The SVA mandates the creation of TVCs as the primary regulatory bodies for street vending at the local level.¹⁶ The composition and functions of TVCs are detailed in ss 22 and 26 of the SVA, respectively. Key features of the TVC system include:

1. mandatory representation of street vendors, constituting at least 40 per cent of the TVC membership, with one-third of these seats reserved for women vendors;¹⁷
2. inclusion of representatives from local authorities, planning agencies, police, resident welfare associations, and other stakeholders;¹⁸ and
3. responsibility for conducting surveys of street vendors, issuing and revoking vending certificates, and maintaining records of registered vendors.¹⁹

The importance of TVCs in implementing the SVA was emphasised in *Bhola Ram Patel*, where the Delhi High Court, in paragraph 26 of its judgment, said, 'the concerned TVC exercising jurisdiction over NDMC areas shall proceed to conduct the survey in accordance with the Scheme, that is, with respect to identification of specific sites/spaces and complete it within two months from today'.

Spatial planning and zoning

The SVA introduced a spatial planning approach to street vending, requiring local authorities to develop street vending plans in consultation with planning authorities.²⁰ Section 21 mandates that these plans be prepared every five years and delineate vending zones as restriction-free, restricted, or no-vending zones. Key aspects of the spatial planning provisions include:

1. recognition of natural markets, defined as areas where buyers and sellers have traditionally congregated;²¹
2. requirement to ensure that the area available for street vending is reasonable and consistent with existing natural markets;²² and
3. prohibition on declaring existing markets or natural vending areas as no-vending zones.²³

The implementation of vending zones has been subject to judicial interpretation. In *Azad Hawkers Union* the Bombay High Court, in paragraph 77 of its decision, held that:

till new vending and non-vending zones are earmarked and notified by local authorities, in consultation with the duly constituted TVCs, the hawking activity can be continued, only in areas which are identified as hawking zones, as approved by the Apex Court and, in no case, such activity can be permitted in non-hawking zone.

Protection of existing vendors

A key objective of the SVA is to protect the rights of existing street vendors. This is reflected in s 3(3), which prohibits the eviction or relocation of street vendors until the survey mandated by the SVA is completed and certificates of vending are issued.

This provision builds on earlier judicial precedents, such as the Supreme Court's direction in *Maharashtra Ekta Hawkers Union*: 490 which, in paragraph 21, said, 'all the existing street vendors/hawkers operating across the country shall be allowed to operate till the exercise of registration and creation of vending/hawking zones is completed in terms of the 2009 Policy.'

In view of the above, it is clear that the SVA introduces a comprehensive framework for regulating street vending while protecting vendors' rights. Its provisions on registration, participatory governance through TVCs, spatial planning, and protection of existing vendors

¹⁶ Section 22, SVA

¹⁷ Section 22(2)(c), SVA

¹⁸ Section 22(2), SVA

¹⁹ Section 22(2)(b), SVA

²⁰ Section 21, SVA

²¹ Section 2(1)(e), SVA

²² Section 21 read with First Schedule, SVA

²³ Section 3(3), SVA

represent significant innovations in urban governance. However, as subsequent sections will highlight, the implementation of these provisions has faced significant challenges, often requiring judicial intervention to clarify and enforce objectives of the SVA.

Implementation Challenges and Contradictions

Despite its ambitious objectives, the implementation of the SVA has encountered significant challenges and has revealed some inherent contradictions. This section examines the key issues that have emerged in the SVA's implementation across various states and municipalities in India.

Delays in forming TVCs and conducting surveys

A primary challenge in implementing the SVA has been the significant delays in constituting TVCs and conducting vendor surveys. Section 3(1) of the SVA mandates that the TVC conduct a survey of all existing street vendors in the area under its jurisdiction. However, studies have shown widespread non-compliance with this provision. For instance, a 2019 study by the Centre for Civil Society found that, of 28 states and union territories, four states were yet to even notify rules under the SVA, a prerequisite for forming TVCs (Centre for Civil Society, 2019: 17). Even among states that had notified rules and scheme under the SVA, of 7,263 towns from 30 Indian States, only a third of them had formed TVCs. This delay in identifying and registering street vendors has left many vulnerable to eviction and harassment, contrary to the SVA's protective intent.

The reasons for these delays are multifaceted. They include the temporary nature of TVCs (Bhandari, 2021: 8), inadequate resources for conducting comprehensive surveys, resistance from local authorities accustomed to more restrictive regulatory regimes, and lack of political will (Schindler, 2014: 2602, 2603, 2609). The absence of a statutory timeline for survey completion in the SVA has further exacerbated this issue. Recent work suggests these delays may be structurally embedded in local political arrangements. In Kolkata, para clubs embedded in ruling party networks, have functioned as intermediary actors between vendors and the state. These clubs discipline vending activities and shape TVC outcomes, contributing to what has been described as a politics of delay by design rather than dysfunction (Chatterji et al, 2023: 108).

Unions have also played an ambivalent role in shaping the SVA's implementation. While they have often mobilised for recognition and legal reform, they may also resist full formalisation when it threatens their gatekeeping function. In Kolkata, for example, hawker unions have been known to mediate access to vending sites and selectively engage with state actors, reinforcing existing hierarchies (Ghosh, 2021: 120, 213).

The participatory governance model embodied in TVCs contrasts with approaches in other jurisdictions. In South Africa, for instance, Johannesburg's experience with trader-managed market committees shows both the potential and limitations of vendor self-governance. While giving traders formal representation, Bénit-Gbaffou (2016: 1120-23) found these structures often reproduced existing power hierarchies and struggled with accountability: . This suggests that representation without resources or decision-making authority (a challenge that many Indian TVCs also face) may provide symbolic rather than substantive inclusion. The example illustrates that vendor unions are not always democratising forces, as their role in implementation is shaped by local political economies and internal power dynamics.

These implementation challenges are not unique to the SVA. Schindler notes that in Delhi, there were significant delays in constituting TVCs and conducting vendor surveys even under previous policies (Schindler, 2014: 2602). These implementation issues persist several years after the SVA's enactment. Nine years after its implementation, in 2023, the Calcutta High Court highlighted ongoing challenges, in *Akshya Kumar Sarangi vs The State of West Bengal*.²⁴ The Court noted that despite the SVA being enacted in 2014, and rules framed in 2018, the State had not taken proactive steps to implement the SVA's provisions. Similarly, as of July 2024, the Brihanmumbai Municipal

²⁴ *Akshya Kumar Sarangi v The State of West Bengal and Ors* 2023. WPO(P)/9/2021 (Calcutta High Court) <<https://indiankanoon.org/doc/158239037/>>.

Corporation (BMC) was still conducting eviction drives against unauthorised hawkers, which led to protests demanding the granting of rights for Street Vendors through the enforcement of the SVA (Bose, 2024).

Inconsistent Application across States and Municipalities

The SVA's implementation has been marked by significant inconsistencies across different States and even within municipalities in the same State. This variation stems partly from the SVA's design, which leaves several crucial aspects to be determined by State-level schemes. Implementation varies significantly across States.

In West Bengal, for instance, the Chief Minister gave a month's time for the implementation of street vending rules in June 2024, indicating ongoing delays in fully realising the SVA's provisions within the State. This came six years after the State government had framed its rules in 2018, highlighting the slow pace of implementation even in states that have taken initial steps towards compliance (Mitra, 2024). Similarly, the criteria for issuing vending certificates, the process for their renewal, and the principles for determining vending zones are all left to State discretion.²⁵ This has led to a patchwork of regulations that often diverge from the SVA's spirit.

In Gujarat, the scheme notified under the SVA imposes additional restrictions not prescribed in the SVA, such as requiring vendors age to be a minimum eighteen years old²⁶ rather than the fourteen years prescribed under the SVA.²⁷ Such provisions potentially contravene the SVA's inclusive intent. Of 7,263 TVCs constituted in 30 States, only 20 per cent have a street vending plan that forms the basis for earmarking of vending zones (Centre for Civil Society, 2019: 20). Along with significant variance in the implementation of the SVA within states, there are also notable centre-State conflicts.

Conflicts with Existing State Laws and Local Regulations

The SVA's overriding effect on other laws, as stipulated in s 33, has created conflicts with existing State laws and local regulations. Many states had their own street vending policies prior to the SVA, and reconciling these with the new national framework has proved challenging. For instance, the Rajasthan Urban Street Act, 2011²⁸ empowers the TVC to identify and designate vending zones, a power not explicitly granted to TVCs under the SVA. Such discrepancies can further aggravate confusion and legal disputes. Furthermore, conflicts have arisen between the SVA's provisions and local municipal bylaws. Municipal authorities have continued to evict vendors citing local regulations, despite the protections afforded by the SVA. These legal conflicts are intensified in areas with overlapping legal regimes. In Shillong, vendors navigate Sixth Schedule institutions, state-level legislation, and the SVA. As Ray and Cordeiro (2023: 76) argue, the co-existence of constitutional, customary, and military legal orders fragments authority, making enforcement of the SVA especially complex. This has necessitated judicial intervention, but, in many cases, that has not also yielded results, and, in some instances, even though the SVA explicitly contains an overriding effect clause in the form of s 33, this has been disregarded by the courts in favour of hundred-year-old municipal legislations.²⁹

Recent legal developments have introduced new complexities. In July 2024, one of the first cases under India's new Penal Code (Bharatiya Nyaya Samhita) was filed against a street vendor in Delhi for carrying out street vending. This highlights ongoing tensions between law enforcement and vendors' livelihoods. Another street vendor in North Goa was similarly booked, indicating a potentially broader trend of criminalisation of street vending activities (Bangalore Mirror Bureau, 2024).

²⁵ Section 36, SVA

²⁶ Clause 4, Gujarat Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2018.

²⁷ Section 4, SVA

²⁸ Section 9(e), Rajasthan Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2011.

²⁹ *T Ramalingam v Secretary to Government, Municipal Administration and Water Supply Department, Government of Tamil Nadu*. 2018. WP 16629 of 2017 (Madras High Court) <<https://indiankanoon.org/doc/45735764/>>.

Judicial Interpretations Narrowing the SVA's Scope

While the judiciary has played a crucial role in enforcing the SVA, some judicial interpretations have potentially narrowed its scope. A significant example is the exclusion of highways from the SVA's purview (*TP Cherian Philip*). This interpretation has significant implications, as highways and their vicinity are prime vending locations in many cities. It potentially leaves a large number of vendors outside the SVA's protective ambit, contrary to its inclusive intent.

In the case of *Federation of Nehru Place Association*, the Delhi High Court in paras 21-22 of its judgment upheld the declaration of certain areas as 'no-vending zones', despite the SVA's provision against declaring existing natural markets as such. This decision highlights the tensions between the SVA's protections and urban authorities' desire to regulate public spaces. This case is particularly significant as it demonstrates how judicial interpretations can potentially narrow the SVA's scope. By upholding the declaration of no-vending zones in areas that could be considered natural markets, the court's decision seems to prioritise urban management concerns over the protective intent of the SVA. This ruling could set a precedent for other municipalities to declare no-vending zones more liberally, potentially undermining the SVA's objective of securing vendors' rights to workspace.

This is part of a broader trend where courts, while affirming vendors' rights in principle, often reinforce informal arrangements in practice. Rao-Cavale's study of Mumbai and Chennai shows that vendors turned to courts not to secure structural entitlements, but to survive crises. Legal mobilisation produced temporary protection rather than long-term transformation (Rao Cavale, 2023: 32).

The challenges in the implementation of the SVA can be attributed to: a) delays in forming TVCs and conducting surveys; b) inconsistent application across jurisdictions; c) conflicts with existing laws; and d) narrowing judicial interpretations. Addressing these issues is crucial for fulfilling the SVA's promise of protecting street vendors' livelihood while ensuring orderly urban development.

The widespread implementation delays observed across states cannot be reduced to mere administrative inefficiency or capacity constraints. As Ghosh (2021: 214) argues in her analysis of Kolkata's street vending governance, delays often function as a deliberate strategy - a delay by design that maintains existing power arrangements while appearing to implement reform. This politics manifests through several mechanisms.

Politics of Delay

First, municipal authorities benefit from maintaining the legal ambiguity that delays create. By postponing surveys and TVC formation, they preserve discretionary enforcement powers and the rent-seeking opportunities these afford. In Delhi, Schindler (2014: 2609) documents how informal payments to police and municipal officials continued well after the SVA's enactment, facilitated by the incomplete transition to the new regulatory regime.

Second, local political intermediaries like para clubs in Kolkata actively shape the pace and extent of implementation. These neighbourhood-based organisations, embedded in party networks, function as gatekeepers to vending spaces (Chatterji et al, 2023: 108-09). They selectively facilitate or obstruct vendors' access to registration and certification, reinforcing patron-client relationships that would be disrupted by full implementation of the SVA's rights-based framework.

Third, vendor unions themselves sometimes contribute to implementation delays. While publicly advocating for the SVA, unions may privately resist aspects that would undermine their mediating role between vendors and authorities. When unions derive legitimacy and power from negotiating informal access to space, formalisation threatens to bypass these established channels (Bandyopadhyay, 2016: 701-07).

These dynamics suggest implementation failure is not simply a matter of bureaucratic inertia but reflects a deeper contestation over who controls urban space and how street vending is governed. The SVA's implementation is delayed precisely because it threatens to rupture existing socio-spatial arrangements that benefit various stakeholders despite, or perhaps because of, their informal nature.

Balancing Competing Rights and Interests

The SVA attempts to strike a delicate balance between various competing rights and interests. This section examines the tensions inherent in the SVA's implementation and the challenges in reconciling divergent stakeholder concerns.

Vendors' Right to Livelihood vs Public Space Management

At the heart of the street vending debate lies the tension between vendors' fundamental right to livelihood and the state's duty to manage public spaces effectively. The SVA recognises street vending as a fundamental right protected under art 19(1)(g) of the Indian Constitution, following the Supreme Court's judgment in *Sodan Singh*. However, the judgment itself, in paragraph 16, states that the right is subject to reasonable restrictions under art 19(6), necessitating a careful balancing act.

A June 2023 Calcutta High Court ruling in *Faizan Md Zafar Vs State of West Bengal and Ors* highlighted the complexities in classifying different types of vendors. The court distinguished between 'hawkers' selling daily necessities and 'vendors' selling other goods, potentially narrowing the SVA's scope by stating in paragraph 3 'the present bazar appears to be dealing in motor parts and they are actually vendors and cannot be caused as hawkers and the right terminology was they are ranked encroachers and trespassers of the government property'.³⁰

The concept of 'public interest' often becomes a contentious point in this balancing act. While the SVA aims to protect vendors' livelihoods, municipal authorities frequently cite public interest to justify vendor evictions or restrictions. This tension is evident in cases like *Gaında Ram*, where the Supreme Court, in paragraph 19 of its decision, acknowledged the need to balance vendors' rights with the larger public interest in smooth pedestrian and vehicular movement.

Colombia's approach to gradual formalisation through 'transitory zones' offers a potential alternative to the current implementation impasse. Rather than attempting comprehensive formalisation immediately, Bogotá created intermediate regulatory categories that acknowledged the economic necessity of vending while creating pathways toward greater formalisation (Linares, 2018: 663-64). This transitional approach stands in contrast to the SVA's binary framework, where vendors are either fully formalised through certification or considered illegal.

Established Vendors vs New Entrants

Another significant tension lies in balancing the interests of established vendors against those of new entrants to street vending. The SVA's provisions for surveying existing vendors and granting them priority in registration aim to protect long-standing vendors.³¹ However, this approach potentially creates barriers for new entrants, particularly younger individuals seeking to enter the informal economy.

The situation is only worsened when established shop owners, who see hawkers as cannibalising their market share, try to challenge the rights of street vendors, leading to a complex negotiation of space and rights.³² Such conflicts underscore the need for a more nuanced approach to balancing the interests of different vendor groups.

The SVA's zoning approach shares commonalities with Thailand's evolving regulation of street food. Bangkok's initial attempt to implement rigid zoning and relocation policies faced significant resistance before evolving toward a more culturally sensitive approach that designated certain areas as irremovable street food zones (Yasmeen and Nirathron, 2014: 13). This recognition of vending as cultural heritage as well as economic activity offers a potential direction for interpreting the SVA's protection of 'natural markets,' which similarly acknowledges historically embedded vending practices.

³⁰ *Faizan Md Zafar v State of West Bengal and Ors* 2023. WPA (P)/264/2023 (Calcutta High Court) <<https://indiankanoon.org/doc/19574388/>>.

³¹ Section 3, SVA

³² *Chandni Chowk Sarv Vyapar Mandal vs Municipal Corporation of Delhi*. 2005. WP(C) 4133/2005 (Delhi High Court) <<https://indiankanoon.org/doc/1616108/>>.

Formalisation Benefits vs Flexibility of Informal Economy

The SVA's push towards formalising street vending through registration and licensing presents another area of tension. While formalisation offers benefits such as legal recognition and potential access to social security, it may also reduce the flexibility that characterises the informal economy (Chen, 2012: 15-16). The registration process, while protective, imposes bureaucratic requirements that may be challenging for some vendors to navigate. Moreover, the spatial planning approach mandated by the SVA may not always align with the dynamic nature of street vending, which often responds rapidly to changing urban patterns and consumer demands.

Chen and Skinner (2014: 232) highlight that formalisation can sometimes lead to increased costs for vendors without commensurate benefits, potentially pushing some vendors further into informality. Evidence from Mumbai and Chennai shows that legal processes often impose formal compliance burdens without ensuring actual protection. Rao-Cavale (2023: 31) notes that court orders and government schemes tend to generate what vendors describe as paper rights, legally valid on record, but practically unenforceable. This deepens vendors' dependence on local actors and reproduces informality through law itself. Ghosh (2021: 214, 220) similarly argues that the SVA turned legality into a negotiable category, less about universal guarantees and more about securing recognition through political or union mediation.

While the SVA seeks to legalise street vending, this does not necessarily amount to formalisation in an institutional sense. Rather, it produces a form of institutionalised informality, codified through enumeration and certification, yet reliant on ongoing negotiation with state actors. As Roy (2011: 100) and Rao Cavale (2023: 36) argue, formalisation often legalises select forms of informality without extending substantive protections. We look at formalisation not as full integration into the formal economy, but as a regulatory mode that selectively legitimises informality while preserving its structural precarity. This tension reflects a deeper structural feature of the SVA: its regulatory dualism. On the one hand, the Act frames street vending as a rights-bearing activity, affirming constitutional protections and mandating inclusionary procedures like surveys, representation, and non-eviction clauses. On the other hand, it embeds mechanisms of bureaucratic control through licensing, zoning, and enforcement powers that replicate older municipal practices.

The coexistence of these two logics, rights-based and regulatory, produces legal ambiguities and implementation contradictions. Municipal authorities invoke the control logic to limit vending, while vendors mobilise the rights logic to resist exclusion. The result is a legal regime that promises formalisation but often delivers conditional or symbolic recognition. This dualism is not accidental; it reflects the state's attempt to reconcile informal livelihoods with modernist visions of urban order. Bandyopadhyay (2022: 235) suggests that formalisation in this context should be read not merely as legal inclusion, but as a contested redistribution of spatial presence. By legalising some and excluding others, the SVA reproduces urban hierarchies, defining whose presence is legitimate and whose is still obstruction.

The legal form of the SVA exemplifies how state power is exercised through ostensibly neutral statutory structures that encode divergent regulatory logics. As critical legal scholarship has shown, legal form is not merely a vehicle for norm articulation but a mode through which institutional authority and distributive choices are structured. In the case of the SVA, formal guarantees of procedural inclusion and rights-based protections coexist with discretionary mechanisms of licensing, zoning, and enforcement. This dual structure permits the simultaneous affirmation and subversion of rights claims, enabling the reproduction of informality through formally legal means.

This tension between formalisation and flexibility remains a key challenge in implementing the SVA effectively.

Local authority discretion vs uniform national framework

Section 36 of the SVA empowers State Governments to make rules and schemes for implementing various provisions. This discretion has led to significant variations in implementation across states. While some variation is inevitable and even desirable, excessive divergence risks undermining the SVA's goal of creating a uniform national framework for protecting street vendors' rights.

The SVA's reliance on TVCs as the primary implementing bodies introduces a layer of local variation.³³ While TVCs are meant to ensure participatory governance, their effectiveness varies significantly based on local political dynamics and capacity constraints (Centre for Civil Society, 2019: 26). The case of *Rajnesh* highlights the inconsistent implementation of vending regulations across municipalities. In paragraph 5 of its decision, the Delhi High Court observed, that 'these petitions are being filed under a misconception that without filing these petitions, the Town Vending Committee cannot be approached.' This suggests a lack of clarity in the implementation process across different local authorities.

The *Rajnesh* case also highlights the challenges in balancing vendor rights with local authorities' urban management concerns. The court in paragraph 13 observed: 'it cannot also be lost sight of that streets are primarily meant for passage, of pedestrians and vehicles and unregulated street vending invariably is an obstruction to movement on the streets'. This demonstrates the complex considerations local authorities must navigate in implementing the SVA. The court's reluctance to issue blanket restraint orders against municipalities further underscores the tension between local discretion and uniform implementation.

The SVA aims to provide a uniform national framework, and its implementation reveals significant tensions between local authority discretion and the need for consistent application. The *Rajnesh* case illustrates how these tensions manifest in practice, highlighting the ongoing challenge of balancing local needs with national policy objectives in regulating street vending.

A Paradox of Legal Recognition

The SVA presents a fundamental paradox: while seeking to protect vendors through legal recognition, it simultaneously produces new forms of informality through its implementation mechanisms. This contradictory dynamic appears in several aspects of the Act. First, the survey and enumeration process mandated by s 3 privileges visibility, fixity, and documentation. Vendors who are mobile, seasonal, or lack proper identity documents are systematically excluded from the survey's frame, rendering them more vulnerable than before. As Ray and Cordeiro (2023: 80) demonstrate in their study of Shillong, vendors from marginalised communities often lack the documentation or political connections necessary for inclusion in official surveys, creating what they term legalised exclusion.

Second, the spatial zoning approach reinforces existing hierarchies among vendors. By formalising certain vending locations while declaring others as no-vending zones, the SVA effectively legitimises some forms of spatial occupation while criminalising others. *The Federation of Nehru Place* case demonstrates how courts have permitted municipalities to declare areas as no-vending zones despite their historical use as natural markets, illustrating how formalisation can become a tool for displacing rather than protecting vendors.

Third, the certification system, while offering protection to registered vendors, creates a new binary between legal and illegal vending that did not exist in the same form before. Pre-SVA, most vending existed in a grey zone of negotiated informality; post-SVA, uncertified vendors face heightened vulnerability as they are explicitly categorised as illegal. As Rao Cavale (2023: 35) argues:

the (perhaps unintended) consequence of this exclusion is that it normalises the permanent street vendor with a fixed stall (that he or she occupies throughout the day) as the most legitimate claimant of street vending regulation. Though the Act provides for certification of itinerant and temporary street vendors, they are least likely to be enumerated in the first place and will therefore continue to remain outside policy and planning debates that ensue.

This paradox illustrates why formalisation through legal reform often fails to deliver substantive security to informal workers. The SVA's promise of protection remains unrealised not only because of implementation failures, but also because the SVA's form itself reproduces, rather than resolves, the structural precarity of street vending through its classification systems, procedural requirements, and spatial logic.

³³ Section 22, SVA

Suggestions for Reform

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (SVA) marked a shift in India's approach to urban informality. However, its promise remains unfulfilled, due largely to implementation failures and conceptual ambiguities. The preceding analysis has identified three central contradictions in the SVA: the gap between legal recognition and substantive formalisation; the politics of delay that structures implementation; and the paradox of law as both solution and problem. Addressing these contradictions requires reforms that go beyond technical fixes to engage with the structural and conceptual limitations of the current approach.

Strengthening Implementation Mechanisms

A central problem has been the weak implementation of the SVA. Although it mandates the formation of Town Vending Committees (TVCs) and vendor surveys, these have been delayed across states. The Act should be amended to prescribe firm timelines, for instance, six months for forming TVCs following the notification of state rules, and six additional months to complete the initial vendor survey. The absence of such statutory timelines enables indefinite delays, leaving vendors vulnerable.

Once constituted, TVCs must be empowered to function effectively. Many lack knowledge of urban planning, participatory governance, or dispute resolution. Structured training programmes could be developed, drawing on international practices such as South Africa's informal trader forums, which integrate participatory regulation with conflict mediation (Bénit-Gbaffou, 2016: 1118-20). Further, a robust monitoring and evaluation framework is necessary. States and municipalities should submit regular reports tracking vendor registration rates, zoning compliance, and grievance redress mechanisms (Chen, 2012: 19-20).

Clarifying Statutory Ambiguities

Clarifying statutory ambiguities is also critical. The SVA protects natural markets but does not define them. Without guidance, municipal authorities can arbitrarily disregard such markets. : The Act's silence on criteria for vending zone classification has enabled municipalities to convert entire areas into no-vending zones, even when it serves a large number of the public. Bangkok's zoning policy, which accommodates vendor activity in high-traffic areas with cultural sensitivity, offers a relevant model (Yasmeen and Nirathron, 2014: 16).

Leveraging Technology for Transparent Governance

Technological tools can further regulatory transparency. A centralised registration system would streamline certification and limit discretion. Bogotá's planned central vendor database is one such model (Linares, 2018: 664). Additionally, Geographic Information System-based spatial planning can support evidence-based decisions on vending zones, replacing the current ad hoc practices (Zhang and Shao, 2024: 3). A mobile platform for vendors to submit complaints or feedback could facilitate real-time oversight.

Enhancing Participatory Decision-Making

A fourth area requiring reform is participatory decision-making. Although TVCs were intended to ensure stakeholder engagement, in practice, vendor voices are often marginalised. Formal public consultations should be mandatory before major decisions such as zoning or relocation. This would reduce litigation and enhance legitimacy. Brazil's participatory budgeting model demonstrates how inclusive governance can be institutionalised in urban policy (Cabannes, 2004: 2).

Promoting Economic Empowerment with Formalisation

Another area that could be reformed is economic empowerment with formalisation. Introducing a tiered licensing system, ranging from temporary to permanent licenses, could provide a more flexible framework for vendor formalisation. This approach, similar to Thailand's graduated regulatory

system, could accommodate diverse vendor needs and capacities (Yasmeen and Nirathron, 2014: 16). In addition, partnering with financial institutions to develop financial products for street vendors, including microinsurance and low-interest loans, could support economic stability and growth. Successful models from countries like Kenya could be adapted to the Indian context (Rewilak, 2017: 175).

Addressing Structural Limitations

While these proposals would strengthen the SVA, they must also be seen in the context of its conceptual contradictions. As noted, formalisation through legal reform does not always lead to substantive recognition. The SVA relies heavily on bureaucratic enumeration and certification, which tends to favour stationary, long-established vendors. By contrast, temporary or mobile vendors, typically poorer and less politically connected, remain excluded from surveys and thus from legal protections. The legal framework inadvertently privileges permanence, exacerbating inequalities within the informal sector.

Moreover, street vending regulation has been marked by what some scholars call delay by design. Implementation lags are not always accidental but can serve political purposes. Delays can help municipal authorities maintain informal control over vending spaces without ceding formal rights. This enables rent-seeking and preserves the discretionary power of enforcement agencies. Local unions too may support delay if they benefit from existing informal arrangements. As seen in Kolkata (Chatterji et al, 2023: 108-09), local political intermediaries often act as gatekeepers, managing access to vending sites outside the formal legal framework.

Conclusions

Implementation failures may stem less from weak state capacity and more from institutional resistance to redistribution of urban space. The persistent invisibility of mobile vendors in surveys, and the continued use of pre-SVA laws to justify evictions, reinforce this conclusion. Judicial reluctance to enforce the SVA over municipal bylaws further weakens the Act's overriding clause (s 33). Recent instances of criminal prosecution under new penal laws against vendors suggest that enforcement remains inconsistent, if not hostile (The Wire Staff, 2024).

In sum, the SVA's potential will remain unrealised unless these structural and political dynamics are addressed. Legal and technological reforms can help, but they must be paired with a shift in regulatory philosophy, from containment to recognition. This would require valuing the vendor not merely as a unit of economic productivity but as a rights-bearing citizen entitled to negotiate urban space.

To move in this direction, the state must invest in inclusive processes that protect mobility and informality rather than eliminate them. Enumerating mobile vendors, recognising seasonal variation in vending patterns, and allowing dynamic allocation of vending zones are necessary steps. So too is the creation of grievance redressal mechanisms that vendors can access without legal or financial barriers. More importantly, implementation should not be left solely to local authorities. Without adequate incentives and oversight, local political economies will continue to subvert the SVA's redistributive aims.

The reforms proposed here - statutory timelines, capacity-building, technology-enabled oversight, clearer legal standards, and participatory processes, - are not exhaustive. But they can make the SVA more implementable and accountable. Ultimately, protecting vendor livelihoods is not a matter of bureaucratic enumeration or zoning alone. It requires a fundamental rethinking of how urban public space is imagined and governed. Without that shift, the SVA may continue to institutionalise exclusion under the guise of formalisation.

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