

Negotiating urban space: The intersection of the judiciary, governance, and citizenship

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Abstract: Urban space is shaped by the interplay of law, governance, and citizenship practices, an interplay through which friction over access, use, and ownership is often negotiated and resolved. Existing theories of spatial justice highlight how rights to space are constructed, contested, and mediated through laws, policies, and citizenship practices. These frameworks, treat spatial justice as either a philosophical ideal or a planning principle, without adequately engaging with it as the sum of these three parts. Bridging the gap, this paper proposes a cyclical model of *spatial balance*, whereby the judiciary, governance, and citizenship interact continuously to navigate and restore justice in urban space. By juxtaposing a context-based spatial inquiry with legal developments, the paper attempts to arrive at the lived experience of justice. *Spatial balance*, in this inquiry, is not a static notion, but a performative and negotiated outcome emerging from the intersection of the three actors. Using a qualitative, case-study-based approach, the paper analyses legal rulings, urban policies, and citizenship practices, focusing on street vending in India and the right to livelihood of street vendors in urban space. The study demonstrates how the three actors collectively mediate conflicts, illustrating the temporal and interdependent nature of urban rights.

1. Introduction

Spatial balance (see Figure 1) in urban environments is not a static condition but a dynamic outcome of continuous interventions by three key actors: the judiciary, governance, and citizenship. These actors actively mediate between legal frameworks, urban policy, and citizen practices, ensuring that urban space remains functional, equitable, and just, preventing extreme imbalances. Rather than being fixed, this balance emerges and evolves over time, responding to conflicts, competing claims, and unforeseen pressures that characterize urban space.

Here, the meaning of the term space “lies somewhere in between strictly realist–materialistic approaches to space (which reduce space entirely to its materiality), and radical constructivist approaches to space (which reduce it entirely to a social construction).” (Moroni & De Franco, 2024, p. 3). Urban space is a site of overlapping rights and interests. It is shaped by formal instruments such as planning codes, municipal policies, and property laws on the one hand, and moulded by informal practices, social norms, and everyday interactions on the other. Conflicts arise when the intended design or legal framework of a space collides with its actual use or the aspirations of its users. For instance, while street vendors assert their right to livelihood, municipal authorities enforce urban regulations and courts adjudicate disputes. In such cases, balance is achieved not through unilateral control but through continuous negotiations between the judiciary, governance, and citizenship practices.

Existing theories of spatial justice highlight how rights to space are constructed, contested, and mediated through law, policy, and citizenship practices. These frameworks, while conceptually robust, often remain disconnected, treating spatial justice either as a philosophical ideal or a planning principle and not adequately engaging with these three actors that shape it. Developing this further, this paper proposes a cyclical model of *spatial balance*, whereby the judiciary, governance, and citizenship interact continuously to navigate and restore balance in urban space. By juxtaposing a context-based inquiry with legal developments, the paper attempts to bridge a gap and arrive at the lived experience of justice by embedding spatiality in the urban context. *Spatial balance*, within this inquiry, is not a static notion, but a performative and negotiated outcome emerging from the intersections of judiciary, governance, and citizenship. For analytical clarity, the interactions among these actors may be understood as a processual balance, while the resulting material and socio-spatial conditions may be understood as spatial outputs of that process. Extending from Rocco’s understanding of spatial justice “not as an abstract ideal but as an actionable evaluative framework” (Rocco, 2025, p. 9) and based on the recognition “that space is both a medium and outcome of power relations” (Massey, 2005, as cited in Rocco, 2025, p. 9), *spatial balance* reflects how spatial justice

is achieved both as a process within an urban space and as the outcome produced. It is a continuous condition in which the act of balancing and the state of being balanced occur simultaneously. The concept of *spatial balance* attempts to locate spatial justice amid spatial simultaneity as propounded by Philippopoulos-Mihalopoulos (2010a, p. 209).

The study uses the case of street vending in India to demonstrate this dynamic. Legal rulings, policy measures, and citizen actions collectively illustrate how balance is disrupted and restored. By situating these interventions within a cyclical framework, the paper offers a novel conceptual lens for understanding urban spatial justice, emphasizing the feedback-driven, interdependent, and evolving nature of urban rights. This approach emphasizes that urban space depends on continuous negotiations between three main actors rather than linear interventions.

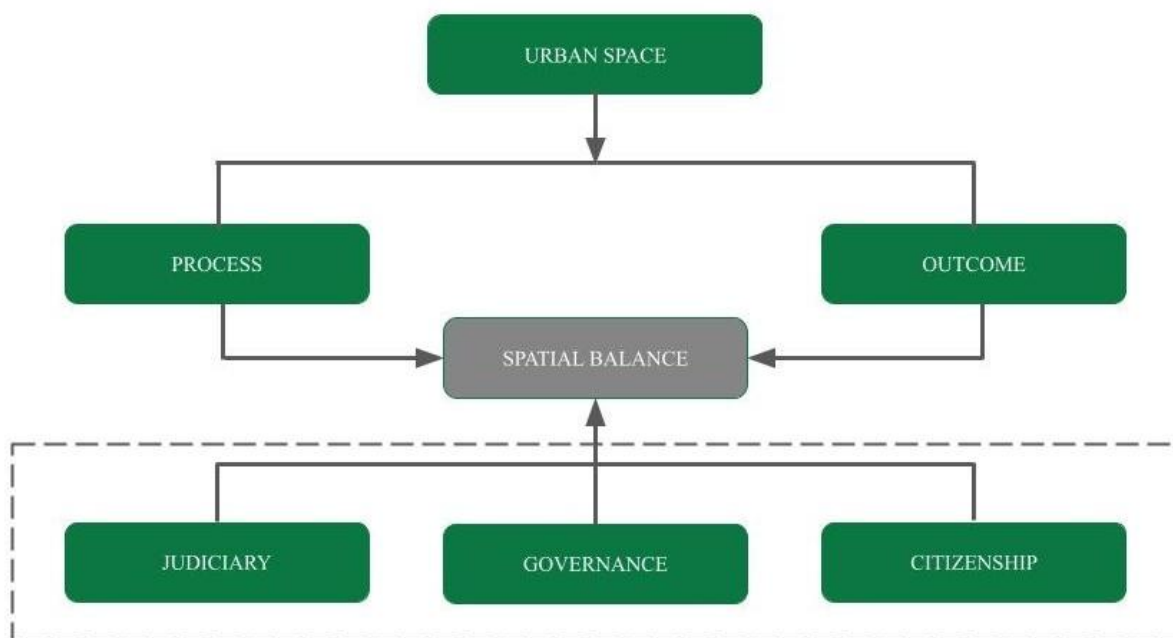


Figure 1: Concept of Spatial Balance

2. Theoretical Background

The discourse on spatial justice repositions space from being an entity that holds social life to one in which power, access, and rights are materially inscribed and contested by notions of justice. According to David Harvey, “Spatial forms are there seen not as inanimate objects within which social process unfolds, but as things which ‘contain’ social processes in the same manner that social processes are spatial” (Harvey, 1973/1988, p. 10-11). Edward W. Soja has elucidated that, when

understood in this manner, spatial justice “is not a substitute or alternative to social, economic, or other forms of justice but rather a way of looking at justice from a critical spatial perspective. From this viewpoint, there is always a relevant spatial dimension to justice while at the same time all geographies have expressions of justice and injustice built into them” (Soja, 2009, p. 2).

More recently, Stefano Moroni and Anita De Franco have argued that “space in itself cannot be the subject of justice or injustice. Space is not just or unjust; the subject of (social) justice is always the way in which institutions treat persons” (Moroni & De Franco, 2024, p. 5).

These frameworks highlight that space is never neutral but produced through social, political, and economic forces that privilege some groups while marginalizing others. Spatial justice thus demands not only equitable access to urban resources but also participatory rights to shape the spaces of everyday life. Within this discourse, different actors play varying roles in shaping outcomes. Judicial activism in India, for instance, has redefined the contours of urban rights – from environmental protection to livelihood security – often stepping in when governance has been passive. Governance interventions – manifested in policies, zoning regulations, infrastructure provision, and implementation – constitute the institutional mechanisms that either enforce or inhibit justice. Citizens, through protest, litigation, and everyday negotiations, act as both subjects and agents of spatial transformation. Existing scholarship, however, often focuses on one domain in isolation, without fully considering the dynamic interplay amongst all three.

The proposed concept of *spatial balance* seeks to address this gap by dissolving the binary between the social and physical dimensions of space. It proposes to understand space through the simultaneity of both processes and outcomes, drawing from the theoretical contribution of Philippopoulos-Mihalopoulos (Philippopoulos-Mihalopoulos, 2010a, p. 206). Philippopoulos-Mihalopoulos points out that “space is always ‘spacing’, namely a process rather than a fact, becoming rather than being” and that “spatial justice has to be thought in terms of embodiment and spatiality.... In this sense, spatial justice belongs to neither law nor space, but between them” (Philippopoulos-Mihalopoulos, 2011, p. 13-14). *Spatial balance* derives itself through this in-betweenness of law and space, in a continuous state of being, an embodiment of a particular spatiality, whereby space “is the repeated taking-place, again and again, simultaneously rather than additively, horizontally rather than vertically, repeatedly yet with every time as the first time” (Philippopoulos-Mihalopoulos, 2010a, p. 207). While spatial justice addresses the normative goals of fairness and access, this paper introduces the concept of *spatial balance* as a cyclical and dynamic process of negotiation, disruption, and restoration unfolding among three agents – the judiciary, governance, and citizenship. This process is traced through events and indicators for a focused subject (street vendors in India) within a given timeframe. When these events and indicators are looked at through the lens of justice, the concept of *spatial balance* functions

as a bridge linking both processes and outcomes of urban space. In doing so, it serves as an apparatus by which to test “law’s internal conflict between the universal (or, across geographical boundaries) and the particular (or, the material emplacement)” (Philippopoulos-Mihalopoulos, 2010a, p. 209).

Stemming from the “peculiar characteristics of spatial justice” and an understanding of “space as a process of immanent and perpetually deferred difference”, the concept of *spatial balance* tries to address the “circularity between law and justice” (Philippopoulos-Mihalopoulos, 2010a, p. 209) as an ongoing negotiation wherein is space itself is “fluid, dynamic, ever-changing, a veritable *accueil* of difference” (Philippopoulos-Mihalopoulos, 2011, p. 5). Although several studies (Donovan, 2008; Hunt, 2009; Nogueira & Shin, 2019; Piazzoni, 2024) foreground the judiciary, governance, and citizenship in the context of street vending, they often overlook *spatial balance* as an outcome of these intersecting forces. The recurrence of comparable trajectories suggests that this framework may hold a wider theoretical validity within discourses of spatial justice. The study therefore, in extending this theoretical inquiry, posits *spatial balance* as a universally resonant framework for understanding urban space.

3. Methodology

This paper employs a qualitative and interpretive methodology, firmly rooted in a socio-legal inquiry. The theoretical premise extends the framework of spatial justice, positioning the concept of *spatial balance* as an extension of ongoing debates within that framework. The sources include judgments that carefully articulate and actively interpret urban rights; planning and policy frameworks; and citizenship narratives of the street vending movement. The approach is therefore interdisciplinary, weaving together jurisprudential analysis; an examination of planning principles, urban codes, and governance practices that regulate access and use of urban space; and narrative analysis to situate citizenship claims within their broader social context. A critical-interpretive synthesis is applied to achieve a convergence of judicial activism, planning principles, and citizen actions. This methodology is intentionally historical, interpretive, and conceptual, resulting in an abstraction of a temporal, cyclical model of *spatial balance*, one that captures how the judiciary, governance, and citizenship alternate between active and passive roles to continuously shape, contest, and stabilize urban space. The proposed theory of *spatial balance* is intended as a contribution to existing scholarship by filling a conceptual gap between spatiality and justice.

The study is limited to the case of street vending in India, a paradigmatic example of how rights to urban space are continuously negotiated. Street vending in India is directly tied to the use of public space, exists in a condition that is simultaneously temporary and permanent, belongs to the unorganized sector, and remains inherently fragile and vulnerable to pressures of urbanity. These characteristics make it a critical site for theorizing balance in urban space and an instructive model for examining how urban spatial rights are asserted, regulated, and adjudicated.

The analysis proceeds at the level of broad strokes, allowing for the development of a conceptual abstraction, leaving aside micro-level variations in everyday practices. The limitations of this method are acknowledged, as the aim of this study is not to provide an exhaustive empirical account but to propose a conceptual framework that can guide further, more detailed inquiries.

4. Case Study: Street vendors and their right to urban space in India

4.1. Street vending in India and the contestation of urban space

Urban planners, policymakers, government bodies, and authorities have been taking a keen interest in developing *world-class cities*, conceived of as centres of neoliberal market-driven development. Although in theory these cities are *inclusive* in nature, on-ground observations suggest that they have been responsible for deepening socio-spatial gaps, especially in the Global South. The social reproduction of the city, based on the aspirations and needs of the elite who are dependent on the poor for labour, but are not willing to *share* the rights to urban space, played a major role in mounting these inequalities. This deepening gap produces conflict interests among different classes of urban citizens, and this exerts pressure on urban space.

Streets form the fundamental spatial unit of Indian urbanism. Many urban theorists have highlighted the significance of streets as public areas where a city's cultural and social values are combined, where there are "chance contacts" (Gehl, 2011, p. 15), and where people can engage in various ways. The urban space is therefore imagined as "a shared place where relationships of equality are constructed and where belonging to the city is created" by Alcaldía Mayor de Bogotá (as mentioned in Hunt, 2009)¹. Streets become vital to cities where a wide range of activities occur, including but not limited to religious processions, public demonstrations, marches, rallies, awareness campaigns,

¹ Alcaldía Mayor de Bogotá. (2003, December 23). Decreto 469 de 2003: Por el cual se revisa el Plan de Ordenamiento Territorial de Bogotá, D.C. [Decree No. 469 of 2003: By which the Territorial Ordering Plan of Bogotá, D.C., is revised].

etc. To support this ecosystem, various actors are at play creating opportunities for income generation, which attracts informal actors to leftover spaces. One such “popular informal activity” is that of street vending or hawking, which is a “notable source of income for the urban poor” (Adama, 2020, p. 14). Informal street vending is defined by Cross as “the production and selling of legal goods and services in urban public spaces” (Cross, 2000; see also Recchi, 2021) with temporary built form. Kamalipour and Peimani note that a “key feature of this type is its capacity to work as a temporary intervention at the micro-scale to transform and revitalise those inactive edges of public space which have been produced through formal processes of urban development” (2019, p. 8). Mathew Idicula views the “use of pavements by street vendors who are ubiquitous across Indian cities” as “an example of how disadvantaged sections of the urban population negotiate and access public space for pursuing their right to livelihood” (2020, p. 20).

Neoliberal ideals of city planning, which prioritize “private capital and the modernist vision of clean, functional, and ordered cities” argues Devlin (2015), restrict the access of street vendors to public spaces. This has often been executed at the systemic, policy-making level through master plans, zoning, and land use segregation, thereby affecting the livelihood of these marginalized groups of people. Street vendors have usually been considered enablers of “environmental degradation and traffic congestion” (Adama, 2020, p. 18), which does not sit well with the aesthetics of the *ordered city*. The regulatory procedures designed to limit the access of street vendors to public spaces have caused those spaces to become extremely contested ones and turned vending into a precarious source of livelihood for the urban poor.

There are various tactics that vendors have adopted to function in precarious conditions. Adama describes one “popular spatial tactic” as “the Ready-to-Run (*RtR*)” tactic, noting that “vendors are always on the alert” (2020, p. 17) for law enforcement agents from the municipality or the police. The challenges faced by them are not limited to the actions of agents of the state. Due to the geographic and economic potential of public spaces, demands have arisen for spatial functions, such as parking spaces, above and beyond those articulated in master plans. This has provided opportunities to private agencies that not only demand informal payments (*hafta*) from vendors in return for allowing them to operate in public spaces but also threaten to illegally take over entire chunks of land for parking. These constant contestations raise a serious question: to whom does such land belong?

Additionally, infrastructural deficiencies, such as the absence of public facilities like water dispensers, toilets, a drainage system for food kiosks, adequate street lighting, waste disposal mechanisms, and street furniture, make it even more challenging to engage in street vending operations. If something goes wrong, the blame is assigned to street vendors, who are then held accountable for the disorder.

4.2. *Shifting urban principles and legal recognition*

The urban planning discourse has seen a shift in emphasis from neoliberal to *just city* paradigms. As Youness Achmani points out, “commons planning and social innovation” can be seen as “a new paradigm [and] as a response to neoliberal planning” (2025, p. 10). This paradigm shift, which seeks to address the gaps created by *neoliberalism* and move towards a more *just* approach to urban planning, has gradually begun to penetrate Indian jurisprudence. When considered from a jurisprudential standpoint, as per Salmond, “the interests of men conflict with each other, and it is impossible for all to receive rightful recognition. The rule of justice selects some for protection, and the others are rejected” (Williams, 1957, p. 261). As a result, the *right to the city* received recognition and this protected the spatial interests of street vendors by instituting the rule of right through precedent. As Salmond says, “The interests which thus receive recognition and protection from the rules of right are called rights....” Rights’ says Ihering “are legally protected interests” (Williams, 1957, p. 262).

Consequently, the legal recognition of street vending as a right has evolved significantly, marking a progressive shift in Indian jurisprudence over time. The initial position is best conveyed by the Supreme Court’s declaration in 1967 that every person has a right to pass and re-pass along a public street. He cannot be heard to say that he has a fundamental right to carry on street trading and particularly in a manner which is bound to create insanitary and unhygienic conditions in the neighbourhood.²

A different jurisprudential standpoint was presented in 1985.³ In this case, the Supreme Court held that: “the right to livelihood is an important facet of the right to life.... [People] live in slums and on pavements because they have small jobs to burse in the city and there is nowhere else to live.... [T]o lose the pavement or the slum is to lose the job.... [E]viction of the petitioners will lead to deprivation of their livelihood and consequently to the deprivation of life”.

This judgment, as Idiculla rightly points out, “drew a clear connection between the right to shelter and the right to livelihood with the right to life” (Idiculla, 2020, p.19) and therefore marked a turning point, when street vending as a right received legal recognition. Subsequent judgments in various Indian courts were aligned with this recognition and contributed incrementally to the creation of a secure environment for street vendors, protecting them from bureaucratic and state measures that restricted their use and occupation of space. As Kunal Joshi (2018) has noted: “[O]ver the years, the

² Pyare Lal etc. v. New Delhi Municipal Committee and another, AIR 1968 SC 133, Supreme Court of India 1967.

³ Olga Tellis and others vs Bombay Municipal Corporation and Others, AIR 1986 SC 180, Supreme Court of India 1985.

court has delineated different guidelines for stationery and mobile hawkers (Maharashtra Ekta Hawkers Unions, 2003, para. 18)⁴, made provisions for reservations for handicapped hawkers (Maharashtra Ekta Hawkers Unions, 2003, para. 12), recognized the idea of ‘natural markets’ and made special provisions in this regard (Sudhir Madan, 2007, p. 30)⁵, and also, recognizing that hawkers were not necessarily aware of municipal and judicial proceedings, made it mandatory for municipalities to extensively publish and distribute multilingual advertisements and handbills with these details (Saudan Singh, 1992, para. 10)⁶.” (Joshi, 2018, para. 15).

4.3. *The Street Vending Act, 2014*

Although these judicial pronouncements were limited in scope, they provided small steps towards protecting the rights of the street vendors and eventually paved the way for a centralized legislation. This was accompanied by a nationwide movement to protect the rights of street vendors, which began with the efforts of a small organization in 1998, “under the aegis of the NGO named Self-Employed Women’s Association”. In 2003, these efforts were formalized through the establishment of the “National Association of Street Vendors of India (NASVI)” (Joshi, 2018, p. 20). Until then, vendors had been accustomed to mobilizing only in small numbers, largely to demand the basic privilege of survival. By 2004, collective organization had begun to play a crucial role in consolidating these fragmented struggles, contributing to the drafting of a central legislation and accelerating the legislative process through demonstrations outside Parliament. This resulted in a national policy – the National Policy on Urban Street Vendors – being adopted in 2004 with the aim of ensuring “that Urban Street Vendors, an important segment of the urban population, find recognition for their contribution to society”. The policy was “conceived of as a major initiative for urban poverty alleviation by provision of and support to dignified livelihood” (Government of India, 2004, p. 15). With the continued efforts of collective organization and sustained vigilance in safeguarding vendors’ rights, the policy underwent a revision in 2009. This time, “[n]ot only did hawkers seek aid from national political leaders, which in itself was unprecedented, they also did not hesitate to agitate directly against national political parties when they felt that the bill was being held up in parliament” (Joshi, 2018, p. 21). After a long struggle, the *Street Vendors Act* came into being on 5 March 2014 to “protect the rights of urban street vendors and to regulate street vending activities and for matters connected therewith and incidental thereto” and came into effect on 1 May 2014. Lola Salès describes

⁴ Maharashtra Ekta Hawkers Union vs. Municipal Corporation, Greater Mumbai (2003) MANU/SC/1008/2003.

⁵ Sudhir Madan vs. Municipal Corporation of Delhi (2007) MANU/SC/7678/2007.

⁶ Saudan Singh vs. New Delhi Municipal Committee (1992) MANU/SC/0489/1992.

the Act as “the culmination of collective mobilization and ‘bottom-up’ legal activism on the part of the vendors’ unions and associations” (Salès, 2018, para. 2). This not only accorded legal recognition to street vending across the whole country but also established statutory provisions for setting up procedures of dispute redressal, establishing town vending committees, preventing harassment, creating plans for street vending, relocation, and eviction, and protecting the rights and obligations of street vendors. As a result, a legal premise has been created on the basis of which the street vendor can negotiate the conflicting interests of other users of the city and even those of the state vis-à-vis public spaces. As Kunal Joshi has pointed out, “That this law was passed amid increasingly strong aspirations for (hawker-free) ‘world-class’ cities on the part of the middle class is in itself significant, but shows, more importantly, how the Indian street vendor, far from seeking exceptions to the law, is increasingly demanding to be let in to the governmental gaze of the state” (Joshi, 2018, p. 1).

4.4. Subsequent role of the Indian judiciary

With the establishment of the Act, the legal status of street vendors has seen a fundamental shift that has also informed the streetscape of Indian cities. The effects of this Act can clearly be seen in subsequent judicial pronouncements in cases dealing with conflicts over the use of urban space.

In *National Association of Street Vendors vs Municipal Corporation of Delhi & Ors.*,⁷ the court played an important role in the implementation of the Act and its rules – a clear instance of judicial activism. In this case, the petitioners, whose wares had been confiscated by officials of the Municipal Corporation of Delhi (MCD), prayed that the MCD and other respondents be directed to issue them with Vending Certificates and to conduct a survey, as required by the Act. They also prayed to be permitted to vend at the sites mentioned in their Letter of Recommendation. The respondents argued that action had been taken against the petitioners because they were performing vending activities in a no-vending zone and that the petitioners were unauthorized vendors who could not be permitted to engage in street vending activities. The court considered “it apposite to direct that the petitioner may be permitted on the basis of parity [...] with other street vendors to carry on their street vending activities, ... in area[s] which do not fall within the No Vending and No Hawking Zone”.

In *Kerala State Street Vendors vs Government of India*,⁸ a more detailed and interventionist approach is discernible in the actions of the court, aimed at ensuring the effective implementation of the legislative framework. This case was related to a batch of writ petitions concerning the regulation of

⁷ *National Association of Street Vendors v. Municipal Corporation of Delhi & Ors.*, W.P.(C) 15643/2023. Delhi High Court, Feb. 11, 2025. Available at: <https://indiankanoon.org/doc/146797692/>.

⁸ *Kerala State Street Vendors v. Government of India*, W.P.(C) No. 3617 of 2012 & connected cases, 2025:KER:7948. Kerala High Court, Jan. 31, 2025. Available at: <https://indiankanoon.org/doc/99818794/>.

street vending activities within the limits of Kochi Municipal Corporation. The petitions were filed both by persons who had been prevented by the Kochi Municipal Corporation from engaging in street vending activities and resident associations aggrieved by the proliferation of unlicensed street vendors in their residential areas. The court noted that the legislative regime demanded by the 2014 Act had not been effectively implemented by the state. As a result, a series of significant orders were passed by the court in a span of 5–6 years which included identification of street vendors, consideration of areas as possible vending zones, preparation of a fresh list of division-wise street vendors, identification of non-vending zones, issuing direction for submission of claims to be included in the list of identified street vendors, preparation of a street vending plan, constitution of organization for periodic surveillance of the area and to keep strict vigil and report cases of unauthorized street vending, publish the division wise lists and so on. Such directives and orders issued by the Hon'ble Court clearly reflects the judiciary's active intervention in shaping and enforcing the legislative framework, thereby ensuring the protection of street vendor's rights. Resultantly, the judgment concluded by declaring that the Street Vending Plan had been finalized and directing that all applications seeking issuance of certificates be processed in accordance with the provisions of the Act, that the monitoring committee continue to perform its the functions as directed by the court, and that the Municipal Corporation ensure the shifting of authorized street vendors from non-vending zones to the nearest vending areas. These directives and orders serve as clear evidence of the judiciary's active intervention in shaping and enforcing the legislative framework to ensure the protection of street vendors' rights. Through continuous monitoring, structured directives, and institutional oversight, the court not only addressed the competing concerns of vendors and residents but also ensured that the spirit and provisions of the *Street Vendors Act* were meaningfully implemented. The case, therefore, is a compelling example of judicial activism fostering inclusive urban governance.

In *Arvind Kumar & Ors. v. Municipal Corporation of Delhi Through Commissioner & Ors.*,⁹ while setting aside the impugned order to prohibit the setting up of weekly *bazaar*, the Delhi High Court not only allowed the weekly *bazaar* to be set up by the vendors in accordance with law but also stated, “As per Section 27 of the Act, it shall be the duty of the concerned authorities, including the local police to ensure that no harassment is being caused to the vendors as long as they abide by the terms and conditions of the vending certificates issued upon them.” This was in response to the vendors’

⁹ Arvind Kumar & Ors. v. Municipal Corporation of Delhi Through Commissioner & Ors., W.P.(C) 3177/2025. Delhi High Court Mar. 19, 2025. Available at: <https://indiankanoon.org/docfragment/169164679/?formInput=tehbazari%20%20%20%20sortby%3A%20mostrecent#:~:text=This%20is%20yet%20another%20matter.is%20a%20digitally%20signed%20order.>

complaint that certain persons were extorting money from them. The instant case therefore exemplifies the responsive role of judiciary in protecting the vendors rights.

In *Mahadevi v. Sub Divisional Magistrate/Revenue*¹⁰, a notice of eviction was issued by the respondent state to the appellants. The appellants in the given case were street vendors operating a small street vending business on four-wheeler carts near a district hospital. The state submitted that the appellants were trespassers and were using LPG cylinders to cook near a hospital, thereby posing a safety risk and causing inconvenience. The appellants contended that they could not be treated as trespassers; as per the provisions of the Act of 2014, a Town Vending Committee had to be constituted to determine vending zones, but the municipal corporation – the respondent – had neither constituted such a committee nor designated any vending zones. Since this failure on the part of the corporation affected not only the appellants but also the larger public, the matter was adjourned to enable the corporation to complete the necessary tasks. The court observed that the appellants were included in the list of street vendors maintained by the corporation and that they had been engaged in vending for years. The court further observed that the corporation had proceeded as if the Act of 2014 and the Scheme did not exist. Resultantly, the writ petition was allowed, and the notice of eviction issued to the appellants was quashed and set aside. This case exemplifies how, in situations where the state has failed to implement the provisions of the 2014 Act and, instead, sought to address conflicting urban interests by labelling street vendors trespassers and issuing eviction notices, the judiciary has stepped in to uphold the rights of street vendors and ensure that due process is followed.

4.5. Emerging ground realities

Although considerable advancements have been made, critical gaps persist that require attention. A recent demolition drive in New Delhi's Sarojini Nagar in May 2025 by the New Delhi Municipal Council brought the street vendors back to a standstill. The renewed precarity experienced by street vendors calls into question whether the legally recognized right to engage in street vending is subordinate to the state's prerogative to reclaim public spaces through demolition drives. It has been reported recently that:

[t]hese enforcement methods directly contradict the explicit protections guaranteed under the 2014 act, which prohibits eviction until proper surveys are completed, and town vending committees are functional. The committee is a statutory body responsible for issuing vending certificates, identifying designated vending zones and resolving disputes. It includes representatives from civil society, government officials and street vendors. In

¹⁰ *Mahadevi v. Sub Divisional Magistrate/Revenue Divisional Officer*, W.A. No. 1995 of 2024, 2025:KER:11372. Kerala High Court, Feb. 11, 2025. Available at: <https://indiankanoon.org/doc/169940702/>.

Delhi, though the act was notified in May 2014, the rules and schemes required to implement it were not notified until April 2019. Several vendors have also reported that the regulations are being interpreted erroneously. Among these is the “30-minute rule”, aimed at ensuring that mobile vendors can stay in one location for only half an hour. However, the authorities are reportedly applying the rule to stationary vendors and those who operate at designated weekly markets like Budh Bazaar, for whom it was never intended” (Kumar & Kumar, 2025, paras. 8–10)

The demolition was responded to with a protest by the street vendors and hawkers, who questioned whether the state had the authority to evict them and sweep their wares off the streets. Furthermore, the National Hawkers Federation demanded the “full implementation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, which, they said, stipulates the formation of town vending committees and reserving two per cent of land for hawkers” (Press Trust of India, 2025). The general secretary of the National Hawkers Federation (NHF) was reported declaring the incident an attack “not just ... on hawkers, but on the Constitution of India. The 2014 Act was passed by Parliament to protect street vendors’ right to livelihood, but the implementation of the act is not being done completely” (Press Trust of India, 2025).

In another case from Khyndai Lad in Meghalaya, it has been recently stated that eviction sans list will violate HC order.¹¹ The concerned authorities took note of the High Court’s order and directed that the list of vendors eligible to receive vending certificates be finalised before considering any eviction operations at the site.

“Street vendors”, write Sanjay Kumar and Devesh Kumar, “should not be treated as a problem or an afterthought in urban planning but thoughtfully integrated into the city’s larger structure with proper spatial allocations” (Kumar & Kumar, 2025). Recurring instances of demolition and the misapplication of regulatory frameworks underscore a persistent disjuncture between legislative intent and on-ground enforcement within the domain of urban governance. Although the *Street Vendors Act 2014* was conceived as a progressive legislative intervention aimed at securing livelihoods and embedding vending activities within the urban fabric, its fragmented and inconsistent implementation has rendered vendors increasingly susceptible to arbitrary evictions and administrative excesses. The cases discussed above illustrate that state institutions alternately undermine and reinforce the spirit of the law, an alternation that is contingent upon administrative discretion and judicial engagement. Recognizing street vending not as an impediment but as an integral urban function necessitates that the establishment of Town Vending Committees, equitable spatial allocations, and enforceable legal protections be translated from policy intent into effective

¹¹ See The Shillong Times (2025, July 15). Eviction sans vendor list will violate HC order: SPL officer. <https://theshillongtimes.com/2025/07/15/eviction-sans-vendor-list-will-violate-hc-order-spl-officer/>.

everyday practice. Even after the implementation of the *Street Vendors Act 2014*, there have been multiple instances of demolitions and of natural markets being relocated to areas where the vendors must establish their networks from scratch.

There are certain gaps that have been identified in the *Street Vendors Act 2014*, which give rise to conflict between the vendors and urban local bodies. Since, the Town Vending Committee plays a major role in making important decisions such as those related to the holding capacity of an area, recommending natural markets, identifying and allocating vending zones, and identifying and later issuing vending certificates to identified street vendors, it holds a great deal of power and therefore any ambiguity around the existence of such committees or their functioning places the livelihoods of vendors at risk. The implementation of the Act remains largely deficient, with Town Vending Committees either yet to be constituted or rendered ineffective in practice. Although the Act restricts evictions without due process, it lacks enforceable provisions to impose penalties or ensure accountability for municipal authorities and law enforcement officials who contravene its safeguards. Judicial proceedings, as discussed above, consistently reveal the persistence of unlawful confiscations, harassment, and intimidation, underscoring the gap between the Act's protective intent and its on-ground realization.

The designation of *No-Vending Zones* (see Figure 2) is, in principle, to be determined through surveys and consultations with vendors; however, in practice, numerous local authorities impose blanket vending restrictions across key commercial and transit areas without evidentiary justification. Although Section 20¹² of the Act provides for dispute resolution committees, the process remains cumbersome, resource-deficient, and devoid of specified timelines, often leaving vendors without viable recourse during eviction drives. Despite the Act's stated commitment to protecting *natural markets*, enforcement remains largely absent, resulting in the forced displacement of long-standing markets that have sustained urban life for decades. Moreover, urban renewal and beautification initiatives – particularly those pursued under the Smart Cities scheme and public–private partnership frameworks – tend to privilege spatial aesthetics over social equity, frequently marginalizing vendors through exclusionary spatial design and securitization measures. Such practices, rooted in opacity and institutional inertia, ultimately erode the participatory ethos of the Act and call into question the state's commitment to equitable and inclusive urban governance.

¹² The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, s. 20 (Government of India, Ministry of Law and Justice).



Figure 2: A No-Vending Zone (Gandhi, 2025).

5. Findings: Agents of *spatial balance*

The above discussion establishes that a complex and dynamic engagement between three key agents contributes to the continual maintenance of a *spatial balance* in urban contexts. Identified as the judiciary, governance, and citizenship (see Figure 3), these agents occupy fluid positions – oscillating between active intervention and passive restraint – whose dialectical interplay continuously redraws the contours of *spatial balance*. While active roles refer to moments when an agent intervenes, influences, and shapes the outcome, passive roles denote periods of non-intervention, restraint, and/or limited influence. The alternation of roles among these agents creates a dynamic process through which a systemic balance in urban space is negotiated and sustained over time.

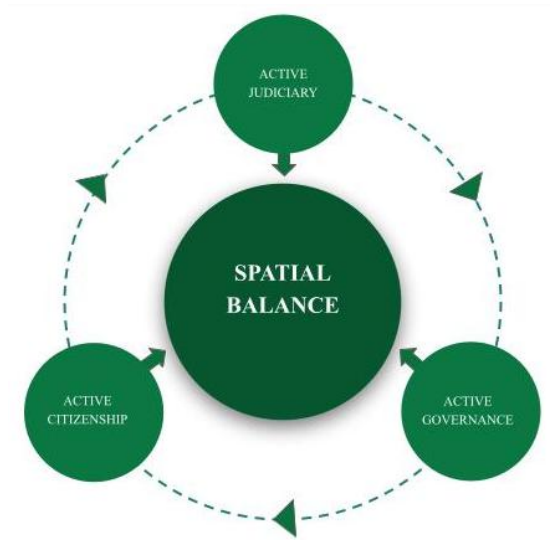


Figure 3: Agents of *spatial balance*

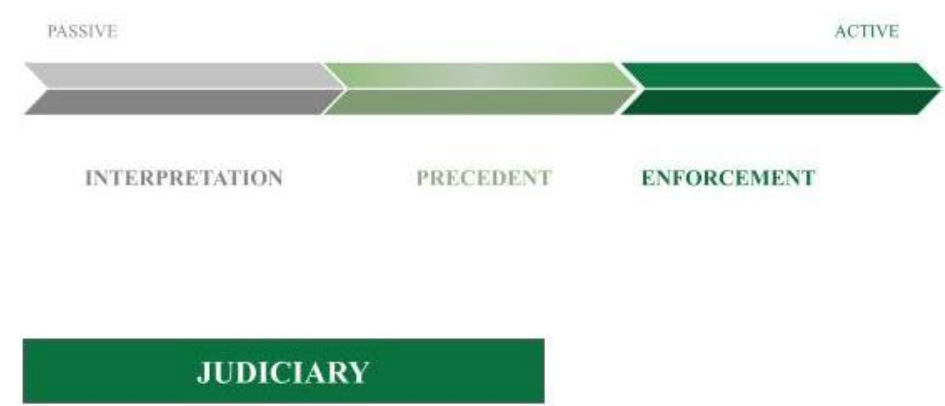


Figure 4: Judiciary – active/passive indicators.



Figure 5: Governance – active/passive indicators.



Figure 6: Citizenship – active/passive indicators.

The indicators for each agent can be positioned on an active–passive scale, reflecting the intensity of their influence in maintaining spatial balance. Within the judiciary (see Figure 4), the *interpretation* of law is the least active (1), involving narrow readings with limited transformative effect; *precedent* setting is moderately active (2), since it establishes standards that extend beyond individual cases; and *enforcement* is the most active (3), as it directly compels state actors to uphold rights and resolve conflicts on the ground. For governance (see Figure 5), *infrastructure* is the least active (1), since inadequate provision does little to alter vendors’ rights directly; policy *implementation* is moderately active (2), as its application often determines whether regulations translate into exclusion or inclusion; and establishing of *policy/regulation* is the most active (3), because the framing of policy and rules directly defines vendors’ spatial legitimacy. For citizenship (see Figure 6), the *use of space* is the least active (1), as it represents everyday practice; *collective organization* is more active (2), consolidating individual claims into a structured voice; and *protest* or *petition* is the most active (3), marking overt contestation and negotiation with power.

Table 1 | Timeline of major events, their agents and indicators

<i>Year</i>	<i>Event</i>	<i>Agent</i>	<i>Passive–Active Indicator</i>	<i>Scale</i>
1985	“Eviction of the petitioners will lead to deprivation of their livelihood and consequently to the deprivation of life” (<i>Olga Tellis and Others vs Bombay Municipal Corporation and Others</i>)	Judiciary	Interpretation	1
1992	“Municipalities to extensively publish and distribute multilingual advertisements and handbills with these details” (Saudan Singh 1992, para. 10) (Joshi, 2018, para. 15)	Judiciary	Precedent	2
1998	Formation of Self-Employed Women’s Association (Joshi, 2018, p. 20)	Citizenship	Collective organization	2
2003	Different guidelines for stationary and mobile hawkers, Maharashtra Ekta Hawkers Unions 2003 (Joshi, 2018, p. 15)	Judiciary	Precedent	2
2004	Nationwide efforts by National Association of Street Vendors of India (NASVI) (Joshi, 2018, p. 20)	Citizenship	Protest	3
2004	India’s National Policy on Urban Street Vendors (Government of India, 2004)	Governance	Policy	3
2007	Recognition of the idea of natural markets and special provisions in this regard (Sudhir Madan 2007) (Joshi, 2018, p. 15)	Judiciary	Precedent	2
2009	Revision of India’s National Policy on Urban Street Vendors (Joshi, 2018, p. 18)	Governance	Policy	3
2014	Nationwide agitation by NASVI against political parties (Joshi, 2018, p. 21)	Citizenship	Protest	3
2014	Passage of Street Vending Act, 2014	Governance	Regulation	3
2024	Mahadevi v. Sub Divisional Magistrate/Revenue (2025)	Judiciary	Enforcement	3
2025	National Association of Street Vendors vs Municipal Corporation of Delhi & Ors, 2025	Judiciary	Enforcement	3
2025	Kerala State Street Vendors vs Government of India (2025)	Judiciary	Enforcement	3
2025	Arvind Kumar and Ors vs MCD (2025)	Judiciary	Enforcement	3
2025	Protest against demolition in national capital (Kumar & Kumar, 2025)	Citizenship	Protest	3

Prior to the turn of the twenty-first century, governance and public policy frameworks largely reflected neoliberal principles; regulations often worked against the spatial rights of street vendors, infrastructure remained inadequate, and implementation frequently manifested itself through evictions and exclusionary actions. When considering regulation, infrastructure, and policy implementation as indicators of governance for spatial justice, it is important to recognize that these measures predominantly favoured elite interests and, therefore, did not actively contribute to advancing spatial justice. In this unequal setting, citizenship assumed a more assertive role, manifesting in associations, collective action, protests, petitions, and negotiations with authorities. These indicators of citizenship operated in simultaneity with other indicators, positioning citizens as active agents in sustaining spatial balance. This growing civic agency coincided with a global intellectual and policy shift from neoliberal urbanism to the *just city* paradigm, creating conditions for the judiciary to intervene more decisively. As a result, the judiciary assumed an active role through interpretation and precedent-setting, marking a clear departure from narrow readings of law towards a recognition of vendors' spatial rights. The combination of active citizenship and a gradually responsive judiciary that recognized street vendors' rights eventually led to the formulation of policy in 2004 and the enactment of the law in 2014, reflecting a shift in governance. However, since 2014, the enforcement of the Act has remained weak. Active citizenship has therefore continued to play a critical role, often resorting to judicial recourse to ensure that the rights guaranteed under the Act are upheld. In this phase, the judiciary's function has expanded from interpretation to direct enforcement, counter-balancing the persistent shortcomings in governmental implementation.

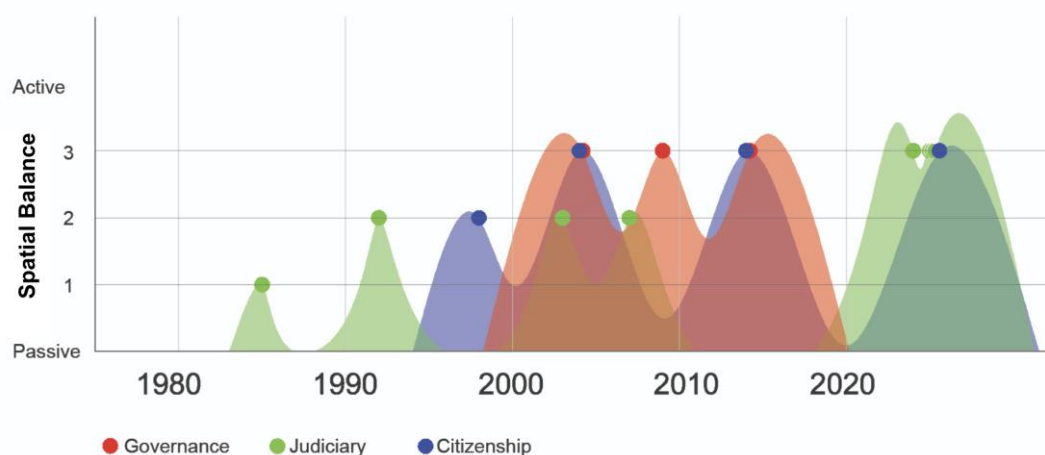


Figure 7: Timeline graph

By situating these indicators on a temporal scale, the analysis highlights the dynamic shifts in the roles of judiciary, governance, and citizenship, oscillating between active and passive positions over

time. As Figure 7 illustrates the dynamic interaction of three key indicators in maintaining balance in urban space. The chart is plotted on a timeline, showing periods when each indicator plays active and passive roles. Peaks in the graph represent moments of high activity by a particular agent, while troughs indicate periods of relative passivity. The overlapping patterns highlight how these three agents alternate or coincide in their interventions, collectively ensuring that *spatial balance* is achieved and sustained over time. This clearly conveys the cyclical and interdependent nature of governance, civic action, and judicial oversight in shaping balanced urban space.

6. Conclusion

Urban space has always been an arena of contestation, where multiple and often conflicting interests coexist. This condition is not only persistent but intrinsic to urban life. However, what is notable in the case of street vending is that judicial activism, legislative reforms, and citizenship narratives together contribute towards maintaining a balance in the urban space. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 exemplifies this shift. It institutionalized mechanisms such as the identification and registration of street vendors, the formation of Town Vending Committees, and the delineation of vending and non-vending zones. These spatial-legal arrangements have paved the way for a more inclusive urban governance model that seeks to accommodate diverse needs while minimizing conflict. Courts have played a pivotal role in this transformation. Through active judicial intervention, they directed state authorities to form appropriate committees, prepare plans, conduct surveys, and issue licenses to vendors. In cases where there was resistance – from municipal bodies, resident welfare associations, or urban planners – the courts reinforced the rights of vendors, subject to reasonable terms and regulatory frameworks. This not only provided a legal safeguard for informal livelihoods but also brought spatial justice to the forefront of urban policy. Active citizenship in the context of street vending played a crucial role by organizing vendors, asserting their rights, and negotiating with authorities to secure access to public spaces. It also involved monitoring policy implementation, advocating for inclusive regulations, and ensuring that governance and judicial measures align with the principles of spatial justice.

The case of street vending highlights the contested nature of urban space, where spatial justice is negotiated through the interactions of the judiciary, governance, and citizenship. Using the active–passive framework, this study demonstrates how balance emerges through the cyclical interplay of these actors. The model treats the dynamics between these three actors as a novel lens for interpreting

urban space as a negotiated terrain. This approach provides a practical framework for analysing urban interventions and understanding how marginalized groups can assert their rights, contributing to a more inclusive and just urban space. It provides opportunities to anticipate where imbalances may arise, identify which actor can intervene effectively, and design strategies that support more balanced outcomes that are inclusive, responsive, and just. Ultimately, it highlights that sustaining spatial justice requires recognizing and coordinating the contributions of all agents in a fluid, context-sensitive manner.

To test and refine the model, it can be applied across diverse urban contexts - differing in size, governance strength, and the formality of settlements – and adapted to include additional actors. Longitudinal and comparative studies can further explore how agent interactions evolve over time and across different sectors, providing a robust understanding of urban spatial dynamics. However, a note of caution is warranted. This paper does not fully engage with the degree of certainty that the notion of *spatial balance* demands. If every outcome emerges from the negotiation between the three actors, it does not necessarily follow that every such outcome is spatially just. Questions concerning the normative limits of negotiation and the broader implications of uncertainty within this triadic framework require further elaboration and remain avenues for future inquiry.

In conclusion, this paper advances the notion of *spatial balance* as a conceptual bridge between spatiality and justice; as Philippopoulos-Mihalopoulos puts it, “Spatial justice must remain unattainable yet always within reach” (Philippopoulos-Mihalopoulos, 2011, p. 15). In the realm of justice, the term ‘space’ has often been caught in the conflict between the “context” and the “content” (Pirie, 1983; see also Moroni & De Franco, 2024, p. 5) of spatiality. *Spatial balance* serves as a bridge, bringing together “context” and “content”. Accounting for institutional frameworks (*context*) and lived experiences (*content*), this paper addresses the concept of *spatial balance* while analysing the negotiations conducted by street vendors and their rights to urban space. When the rights of street vendors are seen through the ongoing turn of events in an urban space, it demonstrates the lived experience of urban space through citizenship narratives. Here, policy and juridical aspects at times complicate and at times enhance the ‘just’ space in an ongoing *spatial balancing*. By acknowledging and inspecting the dynamic play of all three actors (judiciary, governance and citizenship), we discern spatial justice as a sum of these parts, bringing us closer to understanding the spatiality of justice and the spatiality in justice as extensions of the interpretation of space. By linking the “realist-materialist approach” to a “radical constructivist” (Moroni & De Franco, 2024, p. 3) one, it can be seen that *spatial balance* encapsulates the lived experience of justice in space, making it a performative phenomenon and not a static condition. Justice, as established by this inquiry, is not imposed but performed; it is not institutional but experiential. There is a ceaseless negotiation between rights and

regulation, presence and prohibition, legality and livelihood. Through these lived encounters, space itself is seen as a site of becoming.

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Credit authorship contribution statement

Nimit Gandhi and Khushboo Khanna jointly contributed to the conceptualization and methodology of the study, the analysis of legal and urban contexts, and the development of the case study. Both authors were equally involved in investigation. The authors share equal responsibility for the final version of the paper.

Use of AI tools

The authors acknowledge the use of OpenAI's ChatGPT in the preparation of this manuscript. The tool was employed for language refinement, summarization, and editing support. All outputs generated by the AI were critically reviewed, validated, and edited by the authors to ensure accuracy, originality, and scholarly integrity.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the research reported in this paper. The work is an academic study conducted independently, and neither author has received funding, consultancy, or institutional benefit that may constitute a conflict of interest.

Data availability

All data supporting the findings of this study are available within the article and its referenced sources.

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