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# **STREET VENDORS, URBAN GOVERNANCE AND RIGHT TO LIVELIHOOD: COMPARATIVE LESSONS FOR INDIA FROM INTERNATIONAL LEGAL FRAMEWORKS**

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## **ABSTRACT**

Street Vending is the most vital component of informal economies worldwide whereas India's accelerated urbanization has aggravated conflicts over the places like markets, transport hubs and sidewalks where these street vendors were dependent to secure their livelihood, along with that it has boosted intensified contentions between urban development policies and livelihood rights of street vendors.

Despite article 19(1)(g), Article 21, article 39(a), Article 39(b), and street vendors act 2014, most street vendors continue to face contemporary challenges like uncertain legal status, awful evictions, nonfunctional TV committees, harassment by authorities, demand for bribes, extortion and lack of integration of street vending within sustainable urban development models. Furthermore, exclusionary urban planning practices reveal a gap between statutory promises and ground realities. Walkable urbanization must not come at the cost of eliminating street vendors or putting their livelihood at stake. Livelihood can include basic shelter, food, education and OCCUPATION as well. Article 21 of Constitution states Right to livelihood is borne out of the Right to Life as no one can live without the means of living, that is, means of livelihood but it is mostly demolished in case of street vendors by evicting them for the sake of urbanization.

This paper highlights a comparative perspective, evolving legal and policy framework presents alternative models of inclusive governance. Key global agencies dealing with issue of street vendors and urban governance are ILO, UN Habitat, UN Human Rights System, WIGO- a global network that supports research, advocacy and city practice on inclusive public spaces for informal workers. This research paper has thus tried to understand the gray areas of existing Indian laws and policies dealing with the issue of street vendors along with a comparative analysis of other countries where such issues have been dealt upon with more precision with the help of doctrinal method of research.

Keywords: - accelerated urbanization, uncertain legal status, awful evictions, nonfunctional TVCs, extortion, Right to Livelihood, inclusive governance.

## **INTRODUCTION**

Urbanization is not just about skyscrapers, highways and technology, it is about the people who live and serve in it as well and one of its significant components includes street vendors as well. Street Vending is not merely an informal trade it is a social safety net. However, urban growth has remained unkind to those who live and work in public spaces. The constant clash between the right to livelihood and the drive for urban order has raised certain intensified issues such as constant threat of eviction, infringement of their right to livelihood as well as they undergo various other economic hardships. As cities pursue modern projects of beautification, smart city missions and gentrification of public areas, the street vendors are usually treated as obstructions in this case rather than partners in building vibrant cities. The sole objective of the study further is to argue for a right based approach to urban governance where progress and dignity move simultaneously hand in hand by making cities more humane than just being modern.

## **MEANING**

Street Vending refers to the act of selling goods and services in public spaces such as street, footpaths, public parks etc. A person who is engaged in vending of articles and sell goods, food or services to general public are known as Street Vendors.

Street Vendors (Protection of Livelihood and Regulations of Street Vending) Act, 2014 defines as “A person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, sidewalk, footpath, pavement, public park or any other public or private area, from a temporary built-up structure or by moving from place to place.”<sup>1</sup>

## **RESEARCH PROBLEM**

Each day several number of street vendors all across the nation step out with the hope of earning that enough so that they can sustain the basic essential needs of their families. But on contrary they have to address various challenges like arbitrary evictions, poor integration of vending

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<sup>1</sup> Section 2(1)(1), Street Vendors Act, 2014

zones into urban development plans and most significant- The Non-Functional Committees. These issues are often exacerbated by modern urban policies, specifically the “Smart Cities” projects which mainly aim to displace these street vendors for the sake of advancement of infrastructure and beautification without even providing effective rehabilitation mechanisms. This study further investigates whether municipal regulations of street vending comply with global standards on right to work and fair treatment. In simple terms, it asks, whether street vendors are treated as workers, can they access basic protection and are the rules enforced in helpful. This research paper thus emerges a comparative legal gap- India’s approach remains largely procedural and enforcement driven, whereas global systems rapidly favor participatory, inclusive and right based models.

### **SCOPE OF RESEARCH**

1. To critically analyze the effectiveness and weakness of the statutory act of India solely dealing with the rights of street vendors, that is the Street Vendors Act, 2014.
2. To study the consequences of urbanizing and examining impact of smart city initiatives on street vendor livelihoods.
3. To conduct a comparative study of international legal frameworks protecting informal workers.
4. To propose reforms to enhance and strengthen India’s legal approach by consequently aligning with global norms of right based models.

### **RESEARCH QUESTIONS**

1. How does the existing Indian legal provisions currently regulate street vending?
2. How can urban planning balance “world class city” aesthetics with informal livelihood protections?
3. How can international due process safeguards (notice, consultations and relocation) be embedded more efficiently in municipal law?
4. How can international participatory governance models (e.g.: - Brazil’s participatory zoning, South Africa’s trader forums) strengthen TVCs in India?
5. Can India adapt ILO recommendations 204 to give vendors social protection while staying in the informal sector?
6. Where does India’s legal framework comply with and where does it fall short of international standards on livelihood and urban inclusivity?

## **RESEARCH METHODOLOGY**

The methodology adopted for the successful completion of this research paper is Doctrinal in nature. It shall further incorporate both primary as well as the secondary sources. Constitutional provisions, statutory frameworks and judicial decisions have been taken up for research as primary source of data whereas articles from various existing research papers and reputed law journals available on this topic is taken into account being a secondary source.

## **LITERATURE REVIEW**

Analysis of the existing policies and laws relating to street vendors in India.

ARTICLE 39(a)<sup>2</sup>: - It directs the state to frame policies for securing the Right to Adequate means of livelihood to every citizen of India. It forms a broader constitutional goal of promoting economic welfare and ensuring that no citizen is left without the basic means to subsist.<sup>3</sup> When cities push vendors out in the name of “development” but fail to provide relocation markets or rehabilitation, they violate not just the law but the spirit of economic justice enshrined in Article 39.

ARTICLE 19(1)(g): - Fundamental Right to practice any profession, occupation, trade or business ensuring the Freedom to choose one’ livelihood. The constitution recognizes this human reality in Article 19(1)(g), which guarantees every citizen the freedom to choose their occupation or trade. For a street vendor, this is not an abstract legal right – it is the difference between earning enough for dinner or going to bed hungry.

In a judgement Supreme Court held that vendors have a right to carry on trade on street subject to reasonable restrictions for public convenience.<sup>4</sup>

ARTICLE 21: - The right to livelihood is an integral part of the right to life under Article 21 of Indian Constitution.<sup>5</sup> The right to life includes protection of means of livelihood<sup>6</sup>. Forcible eviction of vendors from their work places without following any adequate procedure also amounts to infringement of this aforesaid Article.<sup>7</sup>

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<sup>2</sup> Article 39(1)(g) Constitution of India

<sup>3</sup> <https://unacademy.com/lesson/street-vendor-act-2014/5R8JAD1Z>

<sup>4</sup> Article 19(1)(g) of The Constitution of India

<sup>5</sup> Right to Life and Personal Liberty

<sup>6</sup> [Extended Jurisprudence of Article 21 w.r.t Right to Livelihood](#)

## **STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT 2014<sup>7</sup>**

This act States that no street vendors shall be evicted in case he is left from the survey done by the town vending committee and is not certified as provided under the act.

- **RIGHTS OF STREET VENDORS** within act were provided to regulate the protection of street vendors by an authorized regulatory body. It envisaged a responsibility on the state to recognize the rights of vendors and provide them social security from any kind of unjustifiable infringement.

Before this act vendors were considered as encroachers within the society but later through this act now their rights are recognized and has thus made their work legal.

- ***TOWN VENDING COMMITTEE***

Under section 22 of the act the term town vending committee has been described as a regulatory body constituted by the appropriate government of the state. This statutory body plays a crucial role in recognizing the rights of street vendors. Along with that it works indirectly over the local Authority by performing various tasks such as making surveys, Issuing vending Licenses to the vendors.

- ***REGULATION FOR STREET VENDORS WITHIN THE ACT***

Section 3: This section states that the town vending committee shall conduct a survey in the area where street vendors are supposed to exist and such shall be done after every five years of duration.

- Section 4: States that town vending committee shall issue the vending certificate to the vendors as prescribed by the appropriate government<sup>8</sup>.

- ***RIGHTS OF STREET VENDORS WITHIN THE ACT***

Section 12 to 17 of the Act recognizes the rights of street vendors<sup>9</sup>. It provides that every individual has the right to carry his business as per the conditions mentioned in the certificate of vending by abiding the rules and regulations as provided by town

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<sup>7</sup> [https://www.legalserviceindia.com/articles/Legal\\_Rights\\_Street\\_Traders\\_India.htm](https://www.legalserviceindia.com/articles/Legal_Rights_Street_Traders_India.htm)

<sup>8</sup> [street\\_vendors\\_\(protection\\_of\\_livelihood\\_and\\_regulation\\_of\\_street\\_vending\)\\_act,2014.pdf](#)

<sup>9</sup> [street\\_vendors\\_\(protection\\_of\\_livelihood\\_and\\_regulation\\_of\\_street\\_vending\)\\_act,2014.pdf](#)

vending authority. Every vendor has a right to relocate to a new area for the practice of street vending after the consultation with TV Committee

➤ **DRAWBACKS OF THE ACT:**

Initially, Government launched this statute to protect the rights of street vendors. But later it had to undergo a lot of criticism due to several inconsistencies in its implementation across the country.

### **JUDICIAL INTERPRETATION OF RIGHT TO LIVELIHOOD**

The Preamble of Indian Constitution assures to protect the Dignity of the individuals. Dignity of an individual in the society is a clear reflection of the livelihood and standard of living in the society. However, street vendors in India are mostly found living under the constant fear of losing their livelihood and there are even instances of them being constantly harassed by the municipal bodies and police.<sup>10</sup> As such can it be implied that street hawkers are outside the scope of such legal rights in India? In order to understand the rights of street hawkers we need to establish, who Street Vendor or hawkers are?

- **Ekta Hawkers Union v. Municipal Corporation**, Hon'ble Supreme Court in Maharashtra, Greater Mumbai<sup>11</sup> clarified the concept of Street Hawkers or Vendors. The court said that a street hawker is a person who without any permanent place or structure, offers goods for sale to the public. Some hawkers are mobile as they tend to move from one place to another while others are stationary as they occupy a particular space on the pavements or any other public or private places.
- **Olga Tellis v. Bombay Municipal Corporation**<sup>12</sup> has said that right to livelihood is a part and parcel of Right to Life; hence it is a fundamental right. The contention which was raised was whether this right of livelihood is absolute or not? If at all a person is deprived of right to life and personal liberty let alone right to livelihood then it should be according to just, fair and reasonable procedure established by law. Such procedure will be declared void if it has not followed the fair and just procedure. It becomes clear from the above case that right to livelihood is not absolute, it is under certain reasonable restrictions. The Olga Tellis judgment caused a great deal of confusion and there was a

<sup>10</sup> <https://thewire.in/society/street-vendors-urban-public-spaces>

<sup>11</sup> (2004) 1 SCC 625

<sup>12</sup> 1985 SCC 545

need to distinguish Right to trade and business under Article 19 (1) (g) from the right to life and personal liberty under Article 21 as it was contented that if street hawkers or vendors are not allowed to carry out its trade and business by the Municipal authorities then it amounted to the violation of rights conferred under Article 21. The Supreme Court took up this question in later judgement.

- **Sodan Singh v. New Delhi Municipal Committee.**<sup>13</sup> The court said that the vendors have fundamental right under Article 19 (1) (g) to carry out trade but this right to carry out trade is not attracted in Article 21, the two rights are remote to each other and cannot be connected together. The court also said that the streets are meant for pedestrians exclusively and if it is not properly regulated rather is used for any other purpose then it would defeat the very purpose of roads.
- **Gainda Ram vs MCD 2010:** The court highlighted the lack of statutory framework regarding the protection of informal workers and directed the government to enact a comprehensive law to regulate and protect vendors right.

## **GLOBAL LEGAL AND POLICY FRAMEWORK OF URBANIZATION**

### ➤ **UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) 1948:**

It is a foundational document of modern human rights law. Though it has no legal binding but it has its global influence. UDHR is relevant especially for informal workers, who are often treated as: illegal encroachers”.

Article 23: It recognizes right to work as basic human right. Everyone has right to work, free choice of employment under favorable conditions of work. Arbitrary eviction of vendors violates the principle by suddenly depriving them of their income.

Article 25: It guarantees the right to a standard of living adequate for health and well-being.

### ➤ **INTERNATIONAL CONVENTION ON ECONOMIC SOCIAL AND CULTURAL RIGHTS, (ICESCR)1966:**

It is statutory in nature where UDHR sets the moral vision, ICESCR turns it in law. ICESCR transforms livelihood protections from good intentions into legal duties, giving street vendors strong international claim for justice.<sup>14</sup>

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<sup>13</sup> AIR 1989

<sup>14</sup> [https://cil.nus.edu.sg/database/cil/1966-international-covenant-on-economic-social-and-cultural-rights/?utm\\_source=.com](https://cil.nus.edu.sg/database/cil/1966-international-covenant-on-economic-social-and-cultural-rights/?utm_source=.com)

#### Article 6: The Right to Work

This article states that every person's right to gain his living by work which he freely chooses or accept shall be recognized by the nation.<sup>15</sup>

#### Article 7: Just and Favorable conditions for work

For vendors this condition means freedom from extortion, confiscation of goods, arbitrary crackdowns all of which are daily realities in many cities. ICESCR provides the legal yardstick against which eviction policies can be measured. It is not merely a treaty it is a development compass and a blueprint for inclusive urban growth.

#### ➤ **INTERNATIONAL LABOUR ORGANIZATION (ILO): -**

1. ILO develops legal standards to ensure that the transition to modern, organized cities does not leave informal workers behind. It encourages cities to formalize informal work while protecting the workers for the purpose of displacement. It considers informal workers as stakeholders in urban developments.
2. ILO Recommendation No 204: - This is the single most important international instrument for street vendors which lays down guidelines for the cities to integrate informal workers into formal urban economies by providing right based road maps.

#### Key obligations under R204: -

1. States must provide legal recognition to informal workers which also includes street vendors and considers their work as legitimate economic activity.
2. Government should ensure that these workers should get access of public spaces for vending and provide alternatives rather than evicting them abruptly.
3. It recommended participation policy of decision-making which states that informal workers must be consulted in city planning, they should integrate vendors into urban plannings.

### **COMPARATIVE ANALYSIS**

Comparative constitutional and statutory experiences from other countries show that how various countries have managed to create a legal architecture that protects livelihood while still allowing cities to grow.

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<sup>15</sup> [https://www.refworld.org/legal/general/cescr/2006/en/32433?utm\\_source=.com](https://www.refworld.org/legal/general/cescr/2006/en/32433?utm_source=.com)

- **SOUTH AFRICA:** -

Is often regarded as a constitutional pioneer to protect informal traders and to discuss their socio-economic rights. Courts of this country have consistently refused to allow urban development to bulldoze human dignity. South Africa shows that courts can impose positive obligations on municipalities by requiring them to consult, compensate and rehabilitate the vendors or the informal workers before displacing them. Courts treat eviction not merely as an administrative matter but also as implicating constitutional rights.

Section 10 of South African constitution enshrines the right to human dignity which courts have interpreted to include the ability to sustain one's livelihood.

SA Informal Traders Forum vs City of Johannesburg,<sup>16</sup> under this case the court linked livelihood to dignity thus making it constitutionally enforceable. This case transforms street vendors from being seen as obstacles to rights bearing citizens by restraining the city's mass removal of thousands of traders. The judgement emphasized meaningful consultation, adequate notice and treated trader's stalls as sites of livelihood and dignity.

- **BRAZIL:** - The City Statute and Institutionalized Participation

Brazil offers one of the most comprehensive legal frameworks for balancing urban renewal with rights of street vendors through its City Statue (Estatuto da Cidade, 2001)<sup>17</sup>. The City Statue makes participatory planning a legal duty and direct authorities to prepare Master Plans that include public participation from all social sectors including the informal workers also. It legally enshrines the idea that every urban resident even the street vendors have a right to the city.

This law executes Article 182-183 of the Brazilian Constitution, which define the social function of property- meaning that urban land must be used in a way that benefits the whole community, not just private developers. Brazil focuses on preventing conflict rather than merely compensating after eviction and it also focuses that informal vendors should be viewed as legitimate urban actors and not as obstructors or nuisances. The participatory councils have therefore negotiated vendor zones by even providing sanitation facilities.

- **KENYA:** -

Kenya's Constitution is one of the most progressive statutes in Africa explicitly making socio economic rights justiciable. Its protection for these rights has reshaped the conversation about

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<sup>16</sup> 2014(4) SA 371(CC)

<sup>17</sup> [https://en.m.wikipedia.org/wiki/City\\_Statute](https://en.m.wikipedia.org/wiki/City_Statute)

evictions, livelihood and urban planning. Unlike India, where right to livelihood is a judicially created right under Article 21, Kenya explicitly writes socio economic rights into its Constitution. Kenya has created designated trading areas as alternatives before clearance there by reducing conflict and protecting livelihood. Moreover, courts frequently follow international standards (ICESCR and UN eviction guidelines)<sup>18</sup> while adjudicating eviction disputes.

CASE: *Mitu Bell Welfare Society vs Kenya Airport Authority*<sup>19</sup>: - Supreme court required adherence to international standards for eviction, consultation, notice and provision of alternatives and compensations.

- **COLOMBIA:-**

Colombia stands out for its activist Constitutional Court which has consistently used constitutional law to protect the vulnerable population from eviction and ensures justice through judicial enforcement in case any violation occurs. It has formalized various programs like building designated vendor zones including specific streets and plazas to be converted into regulated vending areas. Furthermore, a due process has been launched where vendors must receive proper notice and opportunity to be heard before removal and declare that eviction should be the last resort after exploring less harmful alternatives. This approach has reduced the conflicts and gradually improved urbanization without mass displacement.

Article 25 :- It recognizes the right to work as a fundamental right that must be protected by the state<sup>20</sup>.

CASE: - Sentencia T-772/03

This is a landmark caselaw which has turned as a milestone for informal workers. The court ruled that the evictions cannot be arbitrary and must respect human dignity and the right to work. The court also cited ICESCR and ILO Conventions to strengthen its reasoning.

- **THAILAND: -**

Initially, Thailand relied on Bangkok Metropolitan Administration Orders to manage street vending, often banning these vendors from sidewalks. However, increasing resistance and economic data highlighting vendor's role in urban food security has led to a policy shift towards the regulated inclusion of street vendors. Under Thailand's policy development certain area were reclassified as green zones where vending is legally allowed, subject to health and

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<sup>18</sup> //journals.openedition.org

<sup>19</sup> SC Petition 3 of 2018

<sup>20</sup> <https://codices.coe.int/codices/documents/constitution/db83a4dc-4f6c-4838-b849-32be635a1e36>

traffic regulations. Country’s zoning approach shows how city governments can protect vending rights while addressing urban management concerns.

**COMPARATIVE STUDY OF DIFFERENT NATIONS**

COUNTRY	KEY STATUTES	LANDMARK CASES	RIGHTS & PROCEDURAL SAFEGUARDS
India	Article 21,19(1) and 39 of Indian Constitution; Street Vendors Act 2014	Olga Tellis vs BMC 1985- Right to livelihood Sodan Singh – recognized vending as fundamental right	I. Fundamental Right of Occupation II. No eviction without prior notice III. Creation of Town Vending committee IV. Issuing Vending certificate
South Africa	Section 10 &22 of Constitution	SAITF vs City of Johannesburg 2014- dignity and freedom of trade.	Meaningful consultations Adequate notice Positive obligations on city to consider alternatives.
Brazil	Article 182-183 of Constitution; City Statute	Participatory Master Plans	Vendors included in urban planning Land used decisions must balance development with social inclusion
Kenya	Article 43 of Constitution 2010	Mitu- Bell Welfare Society vs KAA (2021)	Prior notice Provision of alternatives and compensation Binding International Human Rights
Thailand	Bangkok Metropolitan orders and Municipal regulations	Zoning Policy of creating green zones for vending	Vendor registration Designated Vending Areas Health & Hygiene compliance

## **RESEARCH GAP**

Although India has a statutory legislation on Street vendors that is the Street Vendor's Act, 2014, still India continues to face several systematic gaps which lack in providing protections to vendors during urbanization. The issue persists due to weak implementation of laws and its failure to translate into lived reality.

### 1. Legal Remedies without real relief

Though Indian courts have recognized right to livelihood which has emerged out of the Article 21 of the Constitution of India through the landmark case of Olga Tellis vs BMC. However, court orders often just instruct that vendors should not be evicted without prior notice but in reality, vendors have to go through the harsh ground realities whereas Kenya's Supreme Court in Mitu bell case didn't just stop evictions but ordered the government to provide alternative land, compensation and rehabilitation there by making livelihood protection a practical reality rather than a paper right.

### 2. Broken Promises of Participation

Under the Street Vendors Act, 2014 TVCs promised that vendors will be given a seat in discussion. But in practice, many TVCs exist only on record and vendors learn about their eviction notices after their carts are thrown out. In contrast, Brazil's city statute forces cities to sit with affected communities before making any redevelopment plan by converting participation into a legal right and not just a gesture.

### 3. Minimal integration of International Human Rights Standards

Being a part of ICESCR, India is bound to uphold the right to work of every individual and provide adequate standard of living and protect informal workers from forced evictions. But these obligations are seldom invoked in policy making.

### 4. Data and Monitoring Gaps

India lacks updated database of street vendors. India still does not know how many vendors exist, where they are and what exactly they need. Therefore, without any accurate data, urban planning becomes guess work only. It further creates difficulty in monitoring evictions or to plan inclusive vending zones whereas Brazil and Mexico have successfully used digital mapping and permitted technology to regulate vending transparently by further reducing extortion and harassment.

## **CONCLUSION AND CLOSING REMARK**

The struggle faced by Street vendors is not just a legal issue but is a story of survival for earning their livelihood. Despite laws like Street Vendor's Act, 2014 which was enacted to protect these vendors often fail to hear the voice describing the plight of these people and lack in organizing meetings to listen and decide the fate of street vendors. This study is guided by the belief that urban development and human dignity can co-exist but by only a single mean of practical implementation of laws rather than limiting their recognition till paper only. It must create statutes and systems that actually work for the vendors. The right to livelihood is therefore not just a legal doctrine, it is a promise that development will not come at the cost of human dignity

## **SUGGESTIONS**

- Recognizing a Right to Urban Space: - Going beyond the existing right to livelihood a new fundamental right- 'Right to equitable access to urban space' should be proposed. This means vendors could not be arbitrarily evicted without being provided an alternative vending location.
- Fast track urban mechanism: - Setting up of "Street livelihood tribunals" under High courts as grievance redressals should be recommended so that the affected persons could get timely relief rather than spending years in formal litigation.
- Better and organized urban designs for inclusion: - Cities part of smart city projects should be encouraged to adopt a new approach of inclusive street designs by widening footpaths, creating vending friendly zones so that vendors could become part of city planning.
- Vendor governed micro councils: - Suggesting Town Vending Committees (TVCs) to evolve into co-governance councils, giving vendors the power to decide vending rules and dispute resolution mechanisms.
- Tech enabled Transparent Vending Zones: - Creation of digital vending maps should be suggested so that vending spaces could be geo tagged on a digital city map and vendors as well as authorities know exactly where vending is allowed. Digital licensing should be followed which should be authenticate and kept in record of government so to prevent duplicate allotments, corruption and favoritism.