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POLICE HARASSMENT AND LEGAL REMEDIES AVAILABLE TO STREET VENDORS

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ABSTRACT

Vendors form a vital part of the informal economy, especially among marginalized and low-income communities, yet they continue to face persistent police harassment, criminalization, and arbitrary confiscation of goods. Historically, regulatory frameworks in many jurisdictions treated street vending as a punishable offence, creating conditions of structural vulnerability. Although modern legal reforms—such as California Safe Sidewalk Vending Act (SB 946)—have moved towards decriminalizing street vending, the lived realities of vendors reveal continuing patterns of over-policing and exclusion through complex licensing systems.

Police harassment typically manifests in the form of unlawful seizure of goods, intimidation, issuance of fines, and discriminatory enforcement practices, disproportionately affecting immigrant and minority vendors. Such actions raise serious constitutional concerns, particularly in relation to protections against unreasonable searches and seizures under the Fourth Amendment to the United States Constitution and the guarantee of due process and equal protection under the Fourteenth Amendment to the United States Constitution. These practices often amount to what scholars describe as “legal violence,” where enforcement mechanisms themselves become instruments of inequality.

In response, street vendors have access to a range of legal remedies, including administrative claims against unlawful confiscation, civil actions for damages, and constitutional litigation challenging arbitrary state action. Additionally, collective advocacy by organizations such as Public Counsel and the Street Vendor Project has played a significant role in promoting policy reforms and protecting vendors’ rights. These efforts emphasize the need for simplified licensing systems, accountability in enforcement, and rights-based governance.

This study argues that while legal frameworks increasingly recognize the legitimacy of street vending, enforcement practices continue to undermine these protections. Therefore, meaningful reform requires not only legislative change but also institutional accountability, legal awareness among vendors, and sustained advocacy to ensure equitable treatment and protection of livelihood rights.

INTRODUCTION

Street vendors are self-employed individuals who engage in the sale of goods or provision of services in public spaces such as streets, pavements, and local markets. They constitute a significant component of the informal economy and play a vital role in providing

livelihood opportunities to economically weaker sections of society, particularly those who lack access to formal employment. For many households, street vending serves as the primary source of income and survival. In the broader socio-economic context, street vendors contribute substantially to urban life by ensuring the availability of affordable goods

and services. They support local economies, meet daily consumer demands, and enhance the accessibility and convenience of urban spaces. Despite their contributions, street vendors are often perceived as unauthorized occupants of public spaces and are subjected to restrictive regulations and exclusionary practices.

One of the most critical challenges faced by street vendors is persistent police harassment. Such harassment commonly takes the form of forced eviction, arbitrary confiscation of goods, imposition of fines, and, in certain cases, verbal or physical abuse. These actions not only disrupt the economic stability of vendors but also undermine their dignity and fundamental rights. The situation is further aggravated by a lack of awareness among vendors regarding their legal rights, coupled with inadequate implementation of protective legal frameworks.

In response to these concerns, the Government of India enacted the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, which provides a comprehensive legal framework for the protection and regulation of street vending activities. The Act recognizes street vending as a legitimate economic activity and seeks to prevent arbitrary eviction and harassment. Key provisions include Section 3, which mandates the survey and registration of vendors and the issuance of a Certificate of Vending, thereby granting legal recognition; Section 18, which establishes a grievance redressal mechanism; and Section 27, which ensures protection against harassment by authorities.

Against this backdrop, the present study aims to critically examine the issue of police harassment faced by street vendors and to analyse the legal remedies available under the existing statutory and constitutional framework. The study further seeks to evaluate the effectiveness of these legal protections in practice and to identify the gaps between legislative intent and ground-level realities.

RESEARCH METHODOLOGY

The research methodology for the topic “Police Harassment and Legal Remedies Available to Street Vendors” adopts a doctrinal as well as empirical approach to ensure a comprehensive legal and practical analysis of the issue. The doctrinal method involves an in-depth examination of primary legal sources such as the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, relevant provisions of the Constitution of India (Articles 14, 19(1)(g), and 21), and judicial decisions including *Olga Tellis v. Bombay Municipal Corporation* and other landmark cases that recognize the right to livelihood and regulate state action against street vendors. Secondary sources such as books, journal articles, government reports, Law Commission reports, and publications by non-governmental organizations are also analysed to understand the evolution of legal protections and policy frameworks.

In addition to doctrinal analysis, the study incorporates an empirical (non-doctrinal) methodology to capture the ground realities faced by street vendors. This includes qualitative methods such as interviews and field surveys conducted with street vendors, local authorities, and, where possible, police officials to understand the nature and frequency of harassment, awareness of legal rights, and accessibility of remedies. Case studies of specific cities or market areas may also be undertaken to examine implementation gaps and variations in enforcement practices.

The research further uses a comparative and analytical approach to evaluate the effectiveness of existing legal remedies and institutional mechanisms such as Town Vending Committees. Data collected from both primary and secondary sources is critically analysed to identify inconsistencies between law and practice. The methodology also emphasizes a socio-legal perspective, integrating legal analysis with social realities, thereby enabling the formulation of practical recommendations

aimed at strengthening legal protections and ensuring accountability of enforcement authorities.

LITERATURE REVIEW

The existing literature on “Police Harassment and Legal Remedies Available to Street Vendors” reflects a multidisciplinary understanding of street vending as a socio-economic, legal, and governance issue. Scholars have consistently highlighted that street vendors form an integral part of the informal economy, contributing significantly to urban livelihoods while simultaneously facing systemic marginalization. For instance, P. K. Misra emphasizes that street vendors are a persistent and indispensable component of Indian society, yet remain socially and administratively alienated, often treated as “outsiders” in urban governance frameworks ([Sage Journals](#)). This foundational perspective establishes the structural vulnerability of street vendors.

A substantial body of literature focuses on the everyday challenges faced by street vendors, particularly harassment by police and municipal authorities. Studies have shown that vendors frequently encounter eviction drives, confiscation of goods, and coercive practices. Research on informal street vending indicates that vendors often adopt survival strategies such as mobility, reduced visibility, and adjusting their working hours to avoid police intervention, demonstrating the normalized nature of enforcement-related harassment ([ScienceDirect](#)). Similarly, empirical studies highlight that harassment is not limited to legal enforcement but extends to exploitation by multiple actors, including police, local authorities, and political intermediaries ([researchgate.net](#)).

Recent academic work also introduces the concept of “legal violence,” where law itself becomes a tool of oppression against marginalized groups like street vendors. This perspective explains how legal frameworks, when poorly implemented or selectively

enforced, contribute to systematic dispossession, economic insecurity, and social exclusion of vendors ([PMC](#)). Complementing this, comparative and global studies reveal that such patterns are not unique to India but are prevalent across developing and developed countries, where street vendors are often stigmatized as illegal or undesirable despite their economic contributions ([MDPI](#)).

Further, literature examining the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 acknowledges it as a progressive legal framework aimed at protecting vendors’ rights and regulating street vending. However, several scholars critique its implementation gaps. For example, recent studies point out that the Act fails to adequately address issues such as gender-specific challenges, lack of awareness among vendors, and weak enforcement mechanisms, thereby limiting its effectiveness in preventing harassment ([Asian Journal of Education](#)).

Overall, the literature reveals a clear gap between legal protections and ground realities. While laws and judicial pronouncements aim to safeguard the right to livelihood, the persistence of police harassment and administrative arbitrariness indicates poor implementation and lack of accountability. Thus, existing research underscores the need for stronger institutional mechanisms, better awareness of legal rights among vendors, and reforms to ensure effective enforcement of protective legislation.

OBJECTIVES OF THE STUDY

The present study aims to critically examine the issue of police harassment faced by street vendors and to evaluate the effectiveness of the existing legal framework in protecting their rights and livelihood. The study is guided by the following specific objectives:

- ❖ To examine the nature and various forms of police harassment experienced by street vendors, including forced eviction, confiscation of goods, imposition of fines,

and other coercive practices that adversely affect their livelihood.

- ❖ To analyse the legal protections available to street vendors under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, along with relevant constitutional provisions, particularly focusing on the right to carry on trade with dignity.
- ❖ To evaluate the implementation of the existing legal framework in practice by identifying the gap between statutory provisions and ground realities, especially in relation to enforcement by police and local authorities.
- ❖ To assess the level of awareness among street vendors regarding their legal rights and the remedies available to them against harassment and exploitation.
- ❖ To examine the role and effectiveness of institutional mechanisms, such as Town Vending Committees and grievance redressal systems, in protecting vendors from arbitrary actions.
- ❖ To suggest appropriate measures and reforms aimed at improving the implementation of legal protections and ensuring that street vendors can operate without fear of harassment.

Thus, the study seeks to provide a comprehensive understanding of both the legal and practical dimensions of police harassment, while assessing whether the current legal system adequately safeguards the rights and livelihood of street vendors.

SCOPE OF THIS RESEARCH

The scope of the research topic “Police Harassment and Legal Remedies Available to Street Vendors” is broad and socio-legally significant, as it examines the intersection between informal livelihoods, urban governance, and fundamental rights. The study primarily focuses on the vulnerabilities faced by street vendors in India, who constitute a large segment of the informal economy but often operate without adequate legal protection in practice. It explores the nature and forms of

police harassment, including eviction drives, confiscation of goods, extortion, and abuse of authority, despite the existence of protective legislation like the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. The research further evaluates how far statutory safeguards, such as the requirement of Town Vending Committees and due process before eviction, are implemented at the ground level.

Additionally, the scope extends to analyzing constitutional protections available to street vendors under Articles 14, 19(1)(g), and 21 of the Constitution of India, particularly in light of judicial pronouncements such as *Olga Tellis v. Bombay Municipal Corporation*, which recognized the right to livelihood as part of the right to life. It also includes an examination of judicial responses to police excesses and the role of the judiciary in safeguarding vendor rights. The study further encompasses the effectiveness of grievance redressal mechanisms, availability of legal aid, and the role of civil society organizations in protecting vendors from harassment.

Moreover, the research investigates the gap between law and implementation, identifying systemic issues such as lack of awareness among vendors, administrative apathy, and misuse of discretionary police powers. It also considers comparative perspectives and policy recommendations aimed at strengthening enforcement, ensuring accountability of authorities, and promoting a rights-based approach to urban street vending. Overall, the scope is interdisciplinary, combining legal analysis, policy evaluation, and socio-economic considerations to provide a comprehensive understanding of the issue.

CONCEPT OF STREET VENDING

Street vending refers to the sale of goods or the provision of services in public spaces such as streets, pavements, and marketplaces without the establishment of permanent structures. It represents a significant form of self-employment within the informal economy and

serves as a vital source of livelihood for economically weaker sections of society.

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 provides statutory recognition to street vendors and seeks to regulate their activities in a fair, transparent, and inclusive manner. Under Section 2(l) of the Act, a “street vendor” is defined as a person engaged in vending articles, goods, wares, food items, or services in public places such as streets, lanes, sidewalks, or other public areas. This definition clearly establishes that street vending is a lawful economic activity rather than an illegal occupation.

TYPES OF STREET VENDORS

Street vendors can be broadly categorized into the following types:

- **Mobile Vendors:**
Vendors who move from place to place, such as fruit sellers or pushcart vendors.
- **Stationary Vendors:**
Vendors who operate from a fixed location, such as roadside stalls.
- **Seasonal Vendors:**
Vendors who sell goods during specific seasons or festivals.
- **Service Vendors:**
Individuals who provide services such as shoe repair, tailoring, or food preparation.

Street vending plays a crucial role in the functioning of urban economies. It ensures the availability of affordable goods and services, meets the daily needs of consumers, and generates employment opportunities for a large section of the population. The 2014 Act further strengthens the position of street vendors through Section 3, which mandates the survey and registration of vendors and provides for the issuance of a Certificate of Vending, thereby granting them legal status and protection against arbitrary actions.

NATURE OF POLICE HARASSMENT

Despite the existence of statutory protections under the Street Vendors (Protection of

Livelihood and Regulation of Street Vending) Act, 2014, street vendors continue to experience various forms of police harassment in their day-to-day operations. Field-based observations and interviews reveal that such practices persist primarily due to weak enforcement of legal safeguards, lack of accountability, and limited awareness among vendors regarding their rights.

1. Confiscation of Goods

One of the most reported forms of harassment is the arbitrary confiscation of goods by police officials without following due legal procedure. Vendors indicated that their goods are often seized without issuing any receipt or providing an opportunity for recovery. Such actions directly violate Section 27 of the Act, which guarantees protection against harassment and arbitrary interference by authorities. The absence of procedural compliance reflects a significant gap between legal provisions and their practical enforcement.

2. Bribery and Extortion

Another serious concern is the prevalence of bribery and extortion. Many vendors reported being compelled to pay small amounts on a daily or weekly basis in order to continue their business operations without interference. This practice not only indicates misuse of authority but also undermines the rule of law and the protective intent of the legislation. It perpetuates a cycle of informal payments, placing an additional financial burden on already vulnerable vendors.

3. Forced Eviction

Forced eviction without prior notice is another recurring issue. Vendors are often removed from their vending locations during enforcement drives, irrespective of their duration of occupation or dependency on the location for livelihood. Such actions violate the procedural safeguards envisioned under the Act, particularly the requirement of due process and access to grievance redressal mechanisms under Section 18. Arbitrary eviction not only

disrupts economic stability but also infringes upon the right to livelihood.

4. Physical and Verbal Abuse

Instances of physical intimidation and verbal abuse were also reported during the field study. Vendors described being subjected to disrespectful treatment, threats, and coercive behavior by enforcement authorities. Such conduct undermines the dignity of individuals and contradicts the fundamental objective of the law, which seeks to protect vendors and ensure their right to carry out trade with dignity.

FIELD-BASED EMPIRICAL FINDINGS

As part of the empirical component of this study, informal field interviews were conducted with street vendors operating in local market areas. The objective was to understand the lived experiences of vendors and to assess the practical implementation of the legal framework.

❖ Profile of Respondents

The study included interactions with approximately 8–10 street vendors, including vegetable sellers, fruit vendors, and small food stall operators. Most respondents belonged to economically weaker sections and relied entirely on street vending as their primary source of income.

❖ Awareness of Legal Rights

A significant finding was the low level of legal awareness among vendors. The majority of respondents were unaware of key provisions of the Act, including the requirement of a Certificate of Vending under Section 3 and the protection against harassment under Section 27. This lack of awareness increases their vulnerability to exploitation and limits their ability to seek legal remedies.

❖ Experience of Police Harassment

Almost all respondents reported experiencing some form of police interference. The most common issues identified include:

- Regular demands for unofficial payments ranging from ₹50 to ₹200
- Confiscation of goods without issuing receipts
- Threats of eviction, even in long-established vending areas
- Frequent displacement during enforcement drives
- These findings highlight the routine nature of harassment faced by vendors.
- ❖ Confiscation and Financial Loss
Vendors dealing in perishable goods, such as fruits and vegetables, reported severe financial losses due to sudden confiscation. In many cases, the loss of goods directly translated into the loss of an entire day's income, with no provision for compensation or recovery.
- ❖ Issues with Licensing and Registration
Several respondents reported difficulties in obtaining a Certificate of Vending under Section 3 of the Act. The process was described as complex, time-consuming, and sometimes influenced by intermediaries. As a result, many vendors continue to operate without formal recognition, increasing their exposure to harassment.
- ❖ Lack of Utilization of Grievance Mechanisms
Although the Act provides for grievance redressal under Section 18, none of the respondents had approached any authority to file complaints. The reasons cited include fear of retaliation, lack of trust in the system, and absence of awareness or guidance.
- ❖ Social and Psychological Impact
Continuous harassment has a significant impact on the mental and emotional well-being of vendors. Respondents expressed feelings of fear, insecurity, and lack of protection. This persistent stress not only affects their economic stability but also undermines their dignity and confidence.

FIELD OBSERVATION

Direct observation during the study revealed that vendors often vacate their vending spaces immediately upon noticing police presence, indicating a constant state of fear. In one instance, a vendor was seen making an informal payment to an official to avoid confiscation of goods. Such practices reflect the normalization of unofficial transactions and highlight the failure of formal legal protections at the ground level.

ANALYTICAL NOTE

The findings clearly demonstrate a disconnect between the legal framework and its implementation. While the law provides comprehensive protection, its effectiveness is limited by lack of awareness, administrative inefficiency, and misuse of authority. This highlights the urgent need for stronger enforcement mechanisms, accountability measures, and legal literacy among street vendors.

CONSTITUTIONAL PROTECTION OF STREET VENDORS

The rights of street vendors in India are not only safeguarded by statutory provisions but also derive strong protection from the Constitution of India. In particular, Article 19(1)(g) and Article 21 play a central role in securing the livelihood, dignity, and economic freedom of street vendors. Judicial interpretation of these provisions has further strengthened their position by recognizing street vending as a legitimate and protected activity.

- ARTICLE 19(1)(G): FREEDOM TO PRACTICE ANY PROFESSION

Article 19(1)(g) guarantees every citizen the fundamental right to practice any profession or to carry on any occupation, trade, or business. Street vending, being a lawful and self-employed economic activity, falls within the scope of this constitutional protection. Therefore, street vendors possess the fundamental right to engage in vending as a means of livelihood.

However, this right is subject to reasonable restrictions under Article 19(6), which allows the State to regulate trade in the interest of public order, health, and general welfare. Such restrictions may include licensing requirements, zoning regulations, and safety measures. Nevertheless, these restrictions must be reasonable, non-arbitrary, and proportionate, ensuring that they do not completely deprive vendors of their right to carry on their occupation.

The Supreme Court, in *Sodan Singh v. NDMC*, affirmed that street vending is a legitimate trade protected under Article 19(1)(g), subject to reasonable regulation. The Court emphasized that vendors cannot be arbitrarily prohibited from carrying on their business in public spaces.

- ARTICLE 21: RIGHT TO LIFE AND LIVELIHOOD

Article 21 guarantees that no person shall be deprived of their life or personal liberty except according to procedure established by law. Over time, judicial interpretation has expanded the scope of this Article to include the “right to livelihood” as an integral component of the right to life.

For street vendors, the ability to earn a living through vending is directly linked to their survival and dignity. Any action that deprives them of their livelihood—such as forced eviction or arbitrary confiscation of goods—amounts to a violation of Article 21 unless it follows a fair, just, and reasonable procedure.

In *Olga Tellis v. Bombay Municipal Corporation*, the Supreme Court held that the right to livelihood is an essential part of the right to life under Article 21. The Court recognized that eviction without providing alternative means of livelihood would deprive individuals of their fundamental rights.

- PROTECTION AGAINST ARBITRARY STATE ACTION

The combined reading of Articles 19(1)(g) and 21 establishes that street vendors cannot be subjected to arbitrary actions by authorities.

Any interference—such as eviction, seizure of goods, or harassment—must comply with:

- ✓ Due process of law
- ✓ Principles of natural justice
- ✓ Reasonableness and fairness
- ✓ The judiciary has consistently emphasized that regulation of street vending must strike a balance between public interest and the fundamental rights of vendors.
- CONSTITUTIONAL SAFEGUARDS IN PRACTICE
- ✓ In practical terms, constitutional protections ensure that:
- ✓ Street vendors have the right to carry on trade
- ✓ Authorities cannot evict vendors without due process
- ✓ Police cannot confiscate goods arbitrarily
- ✓ Vendors are entitled to dignity and fair treatment
- ✓ These protections act as a safeguard against misuse of power and reinforce the legitimacy of street vending as an occupation.

1. Introduction to OSH Code, 2020

The Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code) is a comprehensive labour legislation enacted to consolidate and regulate laws relating to occupational safety, health, and working conditions of workers in India. It aims to ensure safe, healthy, and dignified working environments across various sectors.

Although the OSH Code primarily applies to formal establishments, its principles are increasingly relevant in understanding the working conditions of informal sector workers, including street vendors.

2. Relevance of OSH Code to Street Vendors

- Street vendors operate in unregulated and unsafe environments, making the application of OSH principles highly important.

Right to Safe Working Conditions

- The OSH Code emphasizes that every worker has the right to:
- Safe workplace
- Protection from hazards
- Basic health facilities
- Application to Vendors:
- Street vendors often work:
- On busy roads (accident risk)
- Without shelter (heat, rain exposure)
- Without sanitation facilities

Shows need to extend OSH protections to vendors

- Health and Hygiene Standards
- The OSH Code mandates:
- Clean working environment
- Proper sanitation
- Access to drinking water
- Reality for Vendors:
- Lack of toilets and clean water
- Exposure to pollution and unhygienic conditions

Violates basic health rights

- Welfare Measures
- The Code provides for:
- Welfare facilities
- Medical care
- Rest areas

For Street Vendors:

- No rest spaces
- No medical support
- No welfare benefits

Indicates gap between formal law and informal sector:

- Working Hours and Conditions
- The OSH Code regulates:
- Working hours
- Rest intervals
- Overtime

LEGAL PROTECTION OF STREET VENDORS IN INDIA

This legislation was enacted to address the long-standing issues of insecurity, harassment, and lack of formal recognition faced by street vendors. It adopts a rights-based approach by

recognizing street vending as a legitimate economic activity while simultaneously providing a structured regulatory mechanism to maintain public order and urban management. The Act represents a significant shift from earlier approaches that treated street vending as an illegal activity, towards a framework that emphasizes inclusion, protection, and participatory governance.

Objective of the Act

The primary objective of the Act is to protect the livelihood rights of street vendors while ensuring that street vending activities are carried out in an organized and regulated manner. It seeks to strike a balance between:

The right to livelihood of vendors, and

The need for urban planning, public convenience, and safety

By preventing arbitrary eviction and ensuring fair access to public spaces, the Act aims to create an equitable system that accommodates both vendors and the general public.

2. Town Vending Committee (TVC)

A key institutional mechanism under the Act is the establishment of the Town Vending Committee (TVC) under Section 22. The TVC functions as a local regulatory and decision-making authority responsible for managing street vending activities.

COMPOSITION:

Representatives of street vendors

Local authority officials

Police representatives

Members from civil society

Importantly, the Act mandates that at least 40% of the members must be street vendors, ensuring their active participation in decision-making processes.

FUNCTIONS:

Conducting surveys of street vendors

Identifying and demarcating vending zones

Issuing Certificates of Vending

Addressing disputes and grievances

The inclusion of vendors in the TVC reflects a participatory governance model, which enhances transparency, reduces conflicts, and ensures that policies are responsive to ground realities.

3. CERTIFICATE OF VENDING (SECTION 3)

The Act provides legal recognition to street vendors through the issuance of a Certificate of Vending under Section 3.

Key Features:

Mandatory survey and registration of all street vendors

Issuance of certificates specifying location and conditions of vending

Legal authorization to carry out vending activities

This provision is crucial as it transforms vendors from being perceived as “unauthorized” to becoming legally recognized participants in the urban economy. It also acts as a safeguard against arbitrary eviction and harassment.

4. EVICTION AND RELOCATION RULES

The Act lays down detailed procedures to prevent arbitrary eviction and ensure due process.

Safeguards:

Under Section 3(3), no vendor can be evicted or relocated until the survey is completed and certificates are issued

Eviction must follow legal procedure and justification

Vendors must be given adequate notice and an opportunity to be heard

These provisions are designed to protect vendors from sudden displacement, ensuring

stability of livelihood and compliance with principles of natural justice.

5. PROTECTION AGAINST HARASSMENT (SECTION 27)

The Act explicitly addresses the issue of harassment through Section 27, which provides protection to street vendors from arbitrary and unnecessary interference by authorities.

Key Aspects:

Prohibits unjustified confiscation of goods

Prevents misuse of power by enforcement authorities

Requires that all actions must follow due legal procedure

This provision reinforces the idea that street vendors are rights-bearing individuals, and not merely subjects of regulatory control.

ANALYTICAL PERSPECTIVE

The Street Vendors Act, 2014 represents a progressive and inclusive legal framework that seeks to integrate informal workers into the formal legal system. Its strengths include:

Recognition of vending as a fundamental livelihood activity

Emphasis on participatory governance through TVCs

Protection against arbitrary eviction and harassment

However, the effectiveness of the Act is significantly limited by:

Weak implementation at the local level

Lack of awareness among vendors

Administrative inefficiencies and corruption

Thus, while the legal framework is robust in theory, its success depends on effective enforcement, accountability mechanisms, and increased legal literacy among vendors.

The legal framework governing street vendors in India marks a transformative step toward protecting the rights and dignity of informal

workers. By combining regulatory measures with rights-based protections, the Act seeks to balance economic livelihood with urban governance. However, bridging the gap between legislative intent and practical implementation remains essential to ensure that street vendors can operate with security, dignity, and freedom from harassment.

LEGAL REMEDIES AVAILABLE TO STREET VENDORS

Street vendors who face harassment, eviction, or unlawful actions by authorities have several legal remedies available under statutory and constitutional frameworks. These remedies are essential to protect their right to livelihood and ensure accountability of enforcement authorities.

❖ COMPLAINT TO AUTHORITIES

Street vendors can file complaints with local municipal authorities or relevant administrative bodies against illegal actions such as confiscation of goods, forced eviction, or demand for bribes. These complaints may be submitted in written form, requesting action against officials who violate legal provisions. This remedy is often the first step in seeking redressal.

❖ Remedy through Town Vending Committee (TVC)

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 provides for the involvement of the Town Vending Committee (TVC) as a key grievance-handling body.

- Vendors can approach the TVC for issues related to denial of vending certificates, unfair eviction, or harassment.
- The TVC acts as a platform where vendors' concerns can be addressed with representation from both authorities and vendors.
- It helps in resolving disputes and ensuring that decisions are taken

in a fair and participatory manner.

❖ **Grievance Redressal Mechanism**

Under Section 18 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, a formal grievance redressal system is established.

- Vendors can file complaints before the designated authority for violations of their rights.
- The authority is required to examine the complaint and provide appropriate relief.
- This mechanism is intended to offer a quick and accessible solution without immediately approaching courts.

❖ **Court Remedy – Writ Petition**

If administrative remedies fail, street vendors can approach the High Court or the Supreme Court by filing a writ petition under constitutional provisions.

- Under Article 226 of the Indian Constitution, High Courts can issue writs such as mandamus, certiorari, or prohibition to prevent illegal actions by authorities.
- Under Article 32 of the Indian Constitution, individuals can directly approach the Supreme Court for enforcement of fundamental rights.

❖ **This remedy is particularly useful in cases of violation of rights under Article 19(1)(g) and Article 21.**

❖ **Human Rights Commission**

Street vendors can also seek relief by approaching the National Human Rights Commission of India or State Human Rights Commissions.

- Complaints can be filed regarding abuse of power, harassment, or violation of dignity by public officials.
- The Commission has the authority to investigate

complaints and recommend action against responsible authorities.

- It plays an important role in addressing cases where fundamental human rights are violated.

CHALLENGES / PROBLEMS FACED BY STREET VENDORS

While field interviews, street vendors highlighted several practical challenges they face in their day-to-day activities. These problems reveal a significant gap between the legal protections available under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and the realities on the ground.

1. LACK OF AWARENESS

A major issue identified was the lack of awareness among vendors regarding their legal rights. Many vendors were not aware of provisions such as Section 3 (Certificate of Vending) or Section 27 (Protection from Harassment). As a result, they are unable to question or challenge illegal actions by authorities. One vendor mentioned that he did not know that he had a right to obtain a license or protection under the law.

2. CORRUPTION AND BRIBERY

Almost all interviewed vendors reported that they are required to pay small amounts of money regularly to avoid interference from officials. These unofficial payments have become a routine practice. Vendors expressed that refusal to pay often leads to confiscation of goods or eviction. This reflects a systemic issue of corruption at the ground level.

3. WEAK IMPLEMENTATION OF LAW

Although the law provides protection, its implementation remains ineffective. Vendors stated that even after applying for registration, they did not receive proper documentation or support. In some cases, authorities themselves were not following the procedures laid down under the Act. This weak enforcement reduces the effectiveness of the legal framework.

4. DIFFICULTY IN OBTAINING CERTIFICATE OF VENDING

Many vendors reported that the process of obtaining a certificate under Section 3 is complicated and unclear. Some mentioned delays, lack of proper guidance, and the involvement of middlemen. Due to this, a large number of vendors continue to operate without legal recognition, increasing their vulnerability.

5. FEAR AND INSECURITY

Vendors expressed constant fear of eviction and harassment. Even those who have been operating in the same place for years feel insecure about their future. One vendor stated that he never knows when he might be asked to leave or lose his goods.

6. LOSS OF LIVELIHOOD DUE TO CONFISCATION

Frequent seizure of goods, especially perishable items, leads to immediate financial loss. Vendors reported that a single confiscation can affect their entire day's income, making it difficult to support their families.

7. MISUSE OF POLICE POWER (FIELD-BASED ANALYSIS)

The misuse of police power emerges as a significant issue affecting street vendors, as identified during field interviews and observations. Although laws exist to regulate street vending and protect vendors' rights, the exercise of police authority often goes beyond legal limits, resulting in harassment and violation of fundamental rights.

Street vendors reported that police officials frequently misuse their power by acting arbitrarily, without following due legal procedures prescribed under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. Instead of ensuring regulation, enforcement practices often become a source of fear and exploitation.

- Arbitrary Actions without Legal Procedure

- Many vendors stated that police officials seize goods or remove them from vending spaces without issuing prior notice or providing any legal justification. Such actions violate procedural safeguards and reflect an abuse of authority.

- Extortion under the Threat of Enforcement

- Field interviews revealed that vendors are often compelled to pay money to avoid penalties or confiscation. Police power is used as a tool to extract unofficial payments, creating a system of dependency and exploitation.

- Discriminatory Targeting

- Some vendors mentioned that enforcement actions are not uniform and tend to target weaker sections, such as migrant workers and small-scale vendors. This selective enforcement indicates misuse of discretion.

- Ignoring Legal Protections

- Despite protections under Section 27 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, vendors reported that authorities rarely follow these provisions in practice. Even those who have applied for or obtained certificates face interference.

- Violation of Fundamental Rights

- Misuse of police power also raises constitutional concerns. Arbitrary eviction and confiscation directly affect the right to livelihood under Article 21 of the Indian Constitution and the freedom to carry on trade under Article 19(1)(g) of the Indian Constitution.

- Field Interview Insight:

- One vendor stated that police officials often visit the area during peak business hours and demand money, threatening to seize goods if payment is not made. Another vendor reported that his cart was removed without notice, even though he had been operating in the same location for several years.

SUGGESTIONS (BASED ON FIELD STUDY AND ANALYSIS)

Based on the field interviews and practical observations, it is clear that the problems faced by street vendors are not due to absence of law, but due to weak implementation, lack of awareness, and misuse of authority. The following suggestions are proposed to improve the existing situation:

➤ Police Training and Sensitization

There is a need to conduct regular training programs for police officials to make them aware of the rights of street vendors under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. Vendors in interviews expressed that authorities often act without understanding the law. Sensitization programs can help reduce unnecessary harassment and promote lawful enforcement.

➤ Strict Action against Misuse of Power

Strong disciplinary measures should be taken against officials who engage in harassment, illegal confiscation, or bribery. Vendors suggested that fear of punishment is necessary to control misuse of power. Proper monitoring systems and complaint mechanisms must be strengthened to ensure accountability.

➤ Vendor Awareness Programs

Many vendors are unaware of their legal rights and protections. Awareness campaigns, legal aid camps, and local workshops should be conducted to educate vendors about provisions such as Section 3 (Certificate of Vending) and Section 27 (Protection from Harassment). Field interviews clearly showed that lack of awareness is a major reason for continued exploitation.

➤ Simplification of Licensing Process

Vendors reported that obtaining a certificate is difficult and time-consuming. The process should be made simple, transparent, and accessible without the involvement of middlemen. This will encourage more vendors to register and operate legally.

➤ Strengthening Implementation of Law

The provisions of the Act must be properly enforced at the ground level. Authorities should ensure that eviction and confiscation are carried out only according to legal procedures. Regular supervision and evaluation of implementation can help bridge the gap between law and practice.

➤ STRENGTHENING ROLE OF TOWN VENDING COMMITTEES (TVCS)

TVCs should function effectively and actively address the grievances of vendors. Vendors in interviews stated that they are not aware of or do not trust these bodies. Ensuring transparency and vendor participation will improve their effectiveness.

Suggestions from Other Countries

United States (Decriminalization)

- Make street vending non-criminal to reduce police harassment

Brazil (Social Welfare)

- Provide insurance, loans, and welfare schemes for vendors

South Africa (Vending Zones)

- Create designated vending areas to avoid eviction

United Kingdom (Transparent Licensing)

- Introduce simple and corruption-free licensing system

Thailand (Regulated Freedom)

- Allow vending in fixed time and areas

CONCLUSION

Street vendors form an essential part of the informal economy, contributing significantly to livelihood generation and urban convenience. While India has established a strong legal framework through the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the persistence of police harassment highlights serious gaps in implementation and enforcement.

Comparative insights from other countries provide valuable guidance. The United States

emphasizes decriminalization to reduce police interference, Brazil focuses on social welfare measures, South Africa promotes designated vending zones, the United Kingdom ensures transparent licensing systems, and Thailand adopts a regulated freedom model. Additionally, countries like the Philippines show the importance of local government support in protecting vendors through inclusive policies.

Further, integrating principles from the Occupational Safety, Health and Working Conditions Code, 2020 is essential to address the neglected aspect of safety and working conditions. Street vendors often operate in unsafe and unhygienic environments, and extending OSH standards—such as access to sanitation, safe workspaces, and health protection—can significantly improve their overall well-being.

In conclusion, an effective system for protecting street vendors must combine legal recognition, social security, safe working conditions, and accountable enforcement mechanisms. Bridging the gap between law and practice is crucial to ensure that street vendors can carry out their occupation with dignity, security, and freedom from harassment.

KEY RECOMMENDATIONS

- Strict implementation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 . Ensure proper enforcement of provisions like Town Vending Committees (TVCs), surveys, and vending certificates, which are often delayed or ignored.
- Formation and strengthening of Town Vending Committees (TVCs) TVCs must function effectively with vendor representation to prevent arbitrary police action and eviction.
- Clear guidelines to regulate police powers Police discretion should be limited through standard operating procedures to prevent misuse such as extortion, eviction, and confiscation.

- Awareness programs for street vendors Many vendors are unaware of their legal rights, which leads to exploitation; awareness campaigns and legal literacy are essential.
- Establishment of grievance redressal mechanisms Dedicated complaint cells or tribunals should be set up to address harassment complaints quickly.
- Legal aid and support systems Free legal aid clinics and NGO support should be strengthened to help vendors access justice.
- Accountability and monitoring of authorities Independent monitoring bodies should be introduced to check police misconduct and ensure transparency.
- Inclusive urban planning Proper demarcation of vending zones should be integrated into city planning to reduce conflicts between vendors and authorities.
- Gender-sensitive policies Special protections should be provided to women vendors who face additional vulnerabilities.
- Use of welfare schemes (e.g., credit and social security) Government schemes should be effectively implemented to reduce economic vulnerability and dependence on informal arrangements.

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