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AN ANALYSIS OF GUARDIAN OF FUNDAMENTAL RIGHTS FOR STREET VENDORS OF DELHI

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I. ABSTRACT

In India's urban economy, street vendors play a crucial role by providing reasonably priced items and services that sustain millions of people's livelihoods. Despite the Supreme Court's and Parliament's recognition of the constitutional value of the right to livelihood and the subsequent enactment of a statutory system (the Street Vendors Act, 2014), it is still difficult to put protections into practice, particularly in crowded cities like Delhi. This study looks at how Delhi's street vendors' fundamental rights are "guarded" by law and jurisprudence, evaluates the institutional arrangements made (Town Vending Committees, vending surveys, vending certificates, hawking zones), finds policy and enforcement gaps, and makes comparative and useful suggestions to improve vendors' protection and dignity. Statutes, Supreme Court precedent, Delhi regulations and plans, empirical research, official policy documents, and secondary literature are all used in the analysis. In addition to the statutory framework, various judicial precedents, particularly the Olga Tellis v. Bombay Municipal Corporation case, have further entrenched the recognition of the right to livelihood under Article 21 of the Indian Constitution. This case highlighted the importance of ensuring that no individual is deprived of their livelihood without following a fair and just process, a principle that laid the groundwork for the legislative measures that followed. These legal foundations form the basis for the Street Vendors Act, which sought to regulate street vending and provide street vendors with legal recognition and protection. Despite these advancements, challenges remain in their application, especially in cities like Delhi, where urban congestion, competing interests, and bureaucratic inefficiencies complicate the enforcement of these protections. The presence of informal sectors, which often operate outside the bounds of formal city planning, further exacerbates the struggle for vendors to claim their legal entitlements. This paper seeks to explore how these gaps in legal implementation manifest on the ground and assesses the extent to which Delhi's governance structures are aligned with the legislative intent behind

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the Street Vendors Act. Moreover, it aims to offer actionable recommendations to bridge these gaps by leveraging comparative insights from other Indian cities and international examples. Through this, the study aims to provide a holistic view of the regulatory framework and the real-world hurdles faced by street vendors.

II. KEYWORDS

Street Vendors Act 2014, Right to Livelihood, Article 21, Town Vending Committees, Urban Governance, Legal-AI integration, computational legal analysis, machine-learning for law

III. INTRODUCTION

In India, street sellers are an obvious and essential component of urban life. They frequently operate in places where conventional shopping is either nonexistent or too expensive, and they offer inexpensive items and services. Street vendors have historically been vulnerable to eviction, harassment, confiscation of goods, and unstable livelihoods despite their contributions. These issues raise fundamental concerns about the protection of constitutional rights, particularly the right to life under Article 21 (which Indian courts have interpreted to include the right to livelihood).

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (henceforth referred to as the "Street Vendors Act") was passed by Parliament in response to court rulings and policy requirements. It established democratic institutional procedures and statutory protection for vending regulation. This essay poses the following question: To what extent does Delhi's legal and legislative framework protect the basic rights of street vendors? In order to find gaps and recommend changes, it examines statutory provisions, jurisprudence, institutional architecture, ground-level execution, and the actual experiences of vendors.

The Street Vendors Act, 2014 and its implementing rules/schemes for Delhi, the Supreme Court's recognition of the right to livelihood in Olga Tellis v. Bombay Municipal Corporation and related case law, government policy documents, and

scholarly commentary on implementation challenges are some of the important statutory and judicial sources used in this paper.

A. RESEARCH OBJECTIVES

- To map the institutional and legal structure (statutes, guidelines, Town Vending Committees (TVCs), vending certificates) that protects street vendors in Delhi and India.
- To evaluate the significance of important court rulings establishing the right to livelihood for street sellers.
- To assess the Street Vendors Act's implementation in Delhi, including surveys, vending zone allocation, grievance redressal, and welfare measures, and to pinpoint any practical flaws.
- To compile research and data on the difficulties sellers encounter (such as harassment, evictions, and poor infrastructure), as well as the socio-legal ramifications for fundamental rights.
- To make evidence-based suggestions to improve Delhi's street vendors' safety and dignity.

B. RESEARCH QUESTIONS

- What legal safeguards both judicial and statutory are available to street vendors in India, and how do they apply in Delhi?
- Do the institutional safeguards for vendors' rights established by the Street Vendors Act TVCs, vending surveys, certifications, and vending zones work well in Delhi?
- What are the primary obstacles to the Act's protection in Delhi?
- How may court supervision, administrative procedures, and policy be strengthened to better "guard" street sellers' fundamental rights?

C. HYPOTHESIS

Inadequate implementation, insufficient institutional capacity, and conflicting urban interests in Delhi have resulted in a large protection gap, despite the fact that the

statutory and judicial framework acknowledges and aims to defend the right to livelihood of street sellers. The protection of vendors' fundamental rights will be greatly enhanced by strengthening democratic participation (TVCs), guaranteeing procedural fairness in surveys and allocation, investing in supportive infrastructure, and establishing clearer enforcement standards.

D. METHODOLOGY

A doctrinal-empirical mixed-method approach is used in this study:

- **Doctrinal and legal analysis** of laws, regulations, and court rulings (main legal sources: Delhi schemes, the Street Vendors Act, and Supreme Court rulings like Olga Tellis).
- **Policy-document review**: implementing notifications, government programs, MOHUA guidelines, and Delhi's vending plan.
- **Secondary literature review**: scholarly works, legal blogs, and advocacy reports on street vending that shed light on the difficulties in putting the law into practice.
- **Comparative and practical analysis**: draw conclusions and suggest changes by contrasting statutory intent with case studies (from Delhi and other cities) and recorded implementation issues. Practical realities are informed by recent news reports and policy briefings.
- **Limitations:** The study in this paper is based on published studies, government surveys, and secondary sources rather than empirical fieldwork (interviews or surveys with Delhi merchants). The study cautiously consults reliable government and civil society sources when implementation data is hard to come by.

E. LITERATURE REVIEW

1. Recognition of the right to livelihood by the courts

The right to livelihood is included in the right to life under Article 21, according to the Supreme Court's repeated rulings. This is an important doctrinal basis for

safeguarding informal labourers like street sellers. The Court stressed in Olga Tellis v. Bombay Municipal Corporation that Article 21 is violated when someone is evicted or deprived of their livelihood without following a fair process. Based on this theory, scholars have argued that regulatory frameworks need to strike a compromise between urban management and vendors' constitutional rights.

2. Statutory reform and policy development

Municipal responses to vending were dispersed and frequently punishing prior to the 2014 Act. The necessity for democratic, participatory control through Town Vending Committees (TVCs) and enumerations/surveys was highlighted by the National Policy on Urban Street Vendors (mid-2000s) and city-level pilot programs. By requiring surveys, certificates of vending, and protective restraints on removal, the Street Vendors Act codified these concepts into law.

3. Scholarship for implementation

A pattern of positive statutory design but uneven, politicised, or capacity-constrained implementation is highlighted by numerous studies and commentary. Incomplete surveys, sluggish TVC formation, insufficient or badly situated vending zones, ongoing evictions, and intimidation by local authorities are some of the issues. Such gaps are documented by news stories and municipal audits in Delhi and other Indian towns.

IV. LEGAL FRAMEWORK AND INSTITUITIONAL FRAMEWORK

A. THE MAIN SAFEGUARDS PROVIDED BY THE STREET VENDORS ACT OF 2014

Important aspects of the Act consist of:

- Surveys of current vendors are required, and they must be repeated every five years to determine who is eligible for protection.
- To create vending plans and handle grievances, Town Vending Committees (TVCs) at the ward/town level are represented by vendors, local government representatives, law enforcement, resident welfare associations, and other stakeholders.

- Vending certificates are distributed, vending zones are assigned according to a set process, and certified sellers are protected from arbitrary eviction.
- Provisions for social security benefits and fines for suppliers.

By guaranteeing that vendors are not seen as mere trespassers and that any limitations are procedurally fair and non-arbitrary, these legal protections aim to operationalise the constitutional protection of livelihood acknowledged by courts.

B. DELHI-SPECIFIC REGULATIONS AND PLANS

The NCT of Delhi government announced plans and regulations to carry out the Act locally, such as how to create TVCs, carry out surveys, and assign vending zones. Delhi's heavy pedestrian traffic, complicated public space ownership, and urban congestion make it particularly difficult to administer the Act's provisions in a way that balances vending rights and public order.

V. CASE LAWS AND DOCTRINAL ANCHORS

A. OLGA TELLIS V. BOMBAY MUNICIPAL CORPORATION (1985)

In Olga Tellis, the Supreme Court ruled that the right to livelihood is a part of the right to life and that Article 21 is violated by state action that denies someone their livelihood without following a fair process. The legal basis for later administrative and legislative safeguards for vendors and hawkers was established by this decision.

B. POST-OLGA TELLIS EVOLUTION

Municipal authorities were driven away from quick evictions and towards rehabilitation-focused strategies by later legal and administrative developments. In order to prevent arbitrary enforcement, the Street Vendors Act incorporates the constitutional concept within statutory mandatory procedures (such as TVCs and surveys).

VI. CHALLENGES IN DELHI – FROM LAW TO LIVED REALITY

The Act's protective objective is compromised by implementation flaws, despite its robust statutory language.

The main difficulties are:

- **Unfinished or disputed surveys and registration:** To determine beneficiaries eligible for certificates, the Act relies on reliable, open surveys. Many vendors stay uncertified and are therefore at risk of eviction when surveys are delayed, carried out without vendor participation, or contested. Accurate enumeration is difficult in Delhi due of its size and movement.
- **Tokenistic or inadequate TVC involvement:** TVCs are meant to be inclusive, vendor-represented decision-making organisations. In reality, TVC elections and appointments are frequently postponed, vendor representation is inadequate, or TVCs lack the resources and authority necessary to equitably distribute vending zones and resolve conflicts. Vendor trust and procedural legitimacy are compromised by this.
- **Inadequate infrastructure and poorly designed vending zones:** When vending zones are established, they may be too few in comparison to demand, inadequately situated (away from client flows), or lack basic utilities (water, sanitation, storage), which puts pressure on unofficial spaces and encourages unapproved vending. Similar problems are shown by news stories and municipal audits from several cities, including Delhi.
- **Abrupt eviction drives and ongoing harassment:** Enforcement authorities may carry out summary eviction or impoundment efforts notwithstanding statutory protections, which disproportionately affect vendors and destroy livelihoods. These actions are motivated by traffic control aims or urban beautification imperatives. When procedure and rehabilitation are disregarded, such activities run the risk of violating Article 21 principles.
- **Conflict between traffic management and urban design and regulatory objectives:** Vendors' need to be close to clients may conflict with municipal aims (unobstructed walkways, traffic movement, formalisation of places). Rather than using harsh crackdowns, careful urban design interventions are needed to balance pedestrian circulation and commerce.

VII. COMPARATIVE ANALYSIS: DELHI VS BROADER INDIAN EXPERIENCES

Although the Street Vendors Act is nationwide, its application differs at the state and local levels.

- **Mumbai/Bombay background:** Mumbai's municipal authorities have experimented with vendor zones and rehabilitation, and the jurisprudential anchor (Olga Tellis, which started in Bombay) has historically required extra caution in evictions. However, Mumbai also has issues with exact zoning and allotment.
- **Other cities (Visakhapatnam, Vijayawada, Pune):** Compliance improves and conflict decreases when local authorities engage in well-designed hawking zones, offer services, and pursue participatory TVC processes, according to media reports and municipal studies. On the other hand, persistent vendor-city conflict occurs in cities that ignore infrastructure or postpone TVC establishment.

Delhi should learn that effective protection requires participatory governance (real TVCs), excellent planning and enumeration, supportive infrastructure, and uniform enforcement standards that put participation and rehabilitation first. Statutory protection alone is insufficient.

VIII. SUGGESTIONS AND RECOMMENDATIONS

The following multifaceted actions are recommended to improve the legal system's ability to protect Delhi's sellers' fundamental rights.

- **Boost TVCs' ability to participate in democracy:** Make sure that TVCs are formed on schedule, with transparent vendor representative elections or selection processes and unambiguous decision-making deadlines. Train TVC members in administrative procedures, conflict resolution, and participatory planning to increase their capacity.

- **Make surveys open, accessible via technology, and interactive:** Utilise grievance windows, public results presentation, digital enumeration (with biometric/photographic verification only when authorised), and third-party audits. Make sure that resurvey cycles—every five years—are followed to prevent entitlement from being erased by movement.
- **Invest in infrastructure and urban planning that is vendor-friendly:** Provide water, drainage, trash disposal, and storage facilities; plan vending zones to be close to customer foot traffic while avoiding major pedestrian and traffic problems. Before expanding, test "managed vending corridors" on busy roads and assess the results.
- **Resolve complaints and stop arbitrary evictions:** Prior to any eviction, establish explicit procedures that include notice, a chance to be heard, alternative allocation, and, if necessary, compensation for lost perishable inventory. Olga Tellis's Article 21 protections should be upheld by judicial supervision.
- **Financial inclusion and social security:** Connect vending certificates to informal worker-specific social security, health insurance, and microcredit programs. Funds for the welfare of vendors should be included in municipal and state budgets.
- **Data-driven policy and recurring assessment:** Require local authorities to disclose to the public on survey completion, TVC decisions, the quantity of vending certificates issued or renewed, grievances settled, and eviction proceedings. Accountability will be encouraged by independent assessments and civil community oversight.

IX. HUMANISISNG THE ISSUE : VOICES AND DIGNITY

While required, legal reform is insufficient. Policies must acknowledge vendors as citizens with dignity, including respect, a voice in the legal system, safe working conditions, and dependable market access, in order to genuinely defend fundamental rights. Involving vendors in design choices, taking gender-specific requirements into

consideration (many vendors are women), and making sure that changes (such moving to vending zones) protect earnings and social networks are all examples of humanising reforms. In order to increase resilience and upward mobility, civil-society partnerships can provide training in digital payments, organisation building, and cleanliness.

X. CONCLUSION

A strong legal framework that, in theory, addresses the protection of vendors' livelihoods as a fundamental right issue is created by the Street Vendors Act of 2014 and Supreme Court doctrine on the right to livelihood. However, in reality, the law's ability to protect vendors' fundamental rights has been hampered by Delhi's crowded urban setting, administrative fragmentation, and implementation flaws.

Delhi may transition from punitive regulation to respectable protection of urban livelihoods by investing in participatory institutions (TVCs), transparent surveys, vendor-centered urban design, procedural safeguards against arbitrary eviction, and social-security links. By doing this, the city's most disadvantaged workers are included in its destiny, fulfilling both legal and moral commitments.

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