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Clearing Footpaths Lawfully: The Street Vendors Act and Due Process

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Clearing Footpaths Lawfully: The Street Vendors Act and Due Process

 The Hindu

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GS2

GS1

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THE LIFT LINE

Every city periodically decides to reclaim its pavements, and every time the bulldozers and eviction notices arrive first while the law arrives late, if at all. Yet Parliament has already written the rulebook for exactly this conflict. The question is not whether footpaths should be walkable, but whether the State will follow its own statute in getting there.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

Urban India runs on a [paradox](#). Its pavements are simultaneously the workplace of millions of vendors and the walking space of millions of pedestrians, and periodic “encroachment drives” pit the two against each other. But this is not a lawless contest to be settled by whoever wields the municipal hammer. A specific statute, passed after decades of struggle and a landmark judgment, governs how street vending is to be regulated. This editorial trains aspirants to argue the issue through **due process** and **rights**, not through sentiment.

For the examination, the topic is a strong test of whether a candidate can connect a welfare statute, constitutional rights and urban governance rather than treating them separately.

GS Paper 2: Government policies and interventions for development in various sectors, mechanisms and institutions for the protection of vulnerable sections, and issues relating to the fundamental rights and the rule of law.

GS Paper 1: Urbanisation, their problems and their remedies.

For **Prelims**, hold the specifics: the **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014** recognises street vending as a **livelihood** and mandates a **survey of all existing vendors** and issue of **certificates of vending** to those identified. It creates the statutory **Town Vending Committee (TVC)** in each local area, chaired by the municipal commissioner, with the Act requiring that at least **40 per cent of TVC members** be street vendors chosen by election, and that at least one-third of these vendor members be **women**. Crucially, **no eviction** may occur until the survey is complete

and certificates are issued, and vendors cannot be evicted from the vending zones so designated. Recall **Olga Tellis v. Bombay Municipal Corporation (1985)**, which held that the **right to livelihood** is part of the **right to life under Article 21**.

For **Mains**, the argument is that lawful footpath management runs through survey, TVC, vending zones and **rehabilitation**, and that skipping these is not efficiency but illegality.

BACKGROUND AND CONTEXT

Street vending is not a nuisance grafted onto the Indian city; it is central to how the city eats, shops and earns. Tens of millions of workers in the **informal economy** depend on it, and cheap street commerce underwrites the household budgets of the urban poor and lower-middle class alike. For decades these vendors lived in legal limbo, treated as encroachers, subject to eviction, confiscation and rent-seeking by petty officials.

The **Street Vendors Act, 2014** was Parliament's response, building on the constitutional foundation laid by **Olga Tellis**, where the Supreme Court recognised that to deprive a person of livelihood is to deprive them of life itself. The Act sought to convert vendors from encroachers into recognised, regulated participants in urban space, with rights and duties, through a participatory local body. More than a decade on, the recurring problem is that cities invoke the language of "encroachment removal" while ignoring the machinery the Act created to handle precisely that.

THE CORE ARGUMENT / ISSUE

Walkability and livelihood are both rights

The pedestrian's claim to a clear, safe footpath is genuine and often ignored, especially for the elderly, the disabled and children. But the vendor's claim to a livelihood is equally constitutional. The Act's design assumes these are not irreconcilable: it does not guarantee vending everywhere, and it explicitly allows **no-vending zones**. What it forbids is settling the balance arbitrarily, without survey, plan or hearing.

Due process is the statute, not a courtesy

Eviction drives frequently proceed before any survey is complete or any TVC is functional. This inverts the law. Under the Act, the sequence is fixed: survey all vendors, issue certificates, constitute a representative TVC, demarcate vending and no-vending zones through a plan, and only then regulate or relocate. Bypassing this is not zealous governance but a breach of statutory obligation.

The process the Act mandates

STAGE	STATUTORY REQUIREMENT
Survey	Survey of all existing vendors before any eviction
Certificate of vending	Issued to identified vendors, giving legal standing
Town Vending Committee	40 per cent vendor members, one-third of them women
Vending / no-vending zones	Demarcated through a plan, not by discretion
Eviction / relocation	Only after the above, with notice and rehabilitation

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Read the issue through a **rule-of-law** lens: the test of governance is not the goal (clean pavements) but the process (statutory, participatory, fair). Add a **rights-balancing** lens drawn from Article 21, which houses both the right to livelihood and, arguably, the right to safe public mobility, requiring reconciliation rather than sacrifice of one for the other. Finally, apply a **participatory-governance** lens: the TVC embodies the idea that those affected by a regulation, the vendors themselves, must have a seat in framing it, turning subjects of eviction into stakeholders in planning.

THE DIAGRAM IN WORDS

Congested footpath -> lawful goal of walkability -> apply Street Vendors Act 2014 -> survey + certificates -> functioning TVC (40% vendors, one-third women) -> demarcate vending / no-vending zones -> relocation with rehabilitation -> walkable street + protected livelihood

WAY FORWARD

- 1 **Complete surveys and issue certificates.** Cities must finish the mandated vendor survey and issue **certificates of vending** before any drive, so that regulation rests on data and legal standing rather than discretion.
- 2 **Make Town Vending Committees function.** Constitute and **empower TVCs** with genuine, elected vendor representation and the required share of women, and route all vending-zone decisions through them.
- 3 **Plan vending and no-vending zones.** Demarcate space through a transparent plan that protects both pedestrian corridors and designated vending areas, replacing ad hoc clearance with predictable, mapped rules.

- ④ **Rehabilitate, do not merely evict.** Where relocation is unavoidable, provide **alternative vending sites** and due notice, ensuring that the pursuit of walkability does not destroy the livelihoods the Constitution and the Act protect.

PYQ LINKAGE AND PRACTICE

This theme links to GS1 questions on the problems and remedies of urbanisation and to GS2 questions on the protection of vulnerable sections and the rule of law. The examiner rewards candidates who can move from a generic “encroachment” narrative to a precise account of the statutory process, showing that lawful reclamation of public space is possible without trampling livelihood rights.

Practice question: “Clearing footpaths is a legitimate civic aim, but doing so outside the framework of the Street Vendors Act, 2014 is unlawful.” Discuss the due-process safeguards the Act provides and how they balance walkability with livelihood. (15 marks, 250 words)

Sources: The Hindu, editorial on street vendors and footpaths, Street Vendors Act 2014 text, Ministry of Housing and Urban Affairs on street vending

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