

**GOVERNMENT OF MEGHALAYA
OFFICE OF THE DEPUTY COMMISSIONER, EAST KHASI HILLS DISTRICT
SHILLONG**

No.GEN(I)/Hawkers/90/2022/19

Dated Shillong, the 23rd August, 2022

ORDER

Whereas it has come to the notice of the undersigned that in several areas in Shillong City, hawkers and street vendors are occupying space on the roadside/ pavement/ public footpath, which is causing obstruction not only to traffic but also to movement of pedestrians;

And whereas the Hon'ble High Court of Meghalaya in its order dated 16/08/2022 in the matter relating to Street Vendors has also stated that *"The Court takes a dim view of hawkers taking over footpaths and pedestrian walkways virtually all over Shillong and Tura, the two main cities in the state and even elsewhere"*;

And whereas order dated 16.12.2021 in PIL No.17 of 2021 passed by the Hon'ble High Court of Meghalaya also mentions that *"no effective traffic management may be possible unless hawkers are regulated and are removed from the carriageways"*;

And whereas the Chief Secretary, Government of Meghalaya in a meeting convened on 22.08.2022 to monitor compliance to the Hon'ble High Court's order has also directed the Deputy Commissioners to take immediate action on the matter;

And whereas complaints have also been received from local authorities and residents that the number of roadside vendors in various locations in the city has rapidly increased, and that the unregulated seating of hawkers has hampered free movement of pedestrians and vehicular traffic;

And that this restriction and obstruction to pedestrian transit poses an inconvenience to all, including to senior citizens and school children;

And whereas a report has also been received of injury caused to a citizen who was hit by a bus after being compelled to walk on the roadside since the pavements are occupied by hawkers, which indicates that there is a clear risk to public safety if spaces meant for pedestrians are encroached upon by hawkers;

And whereas petition has also been received from an association representing Persons with Disability citing that they are entitled to equal rights and free movement on the pedestrian walkways;

And whereas there are also reasonable grounds for apprehension that the conditions of vending at numerous places across Shillong City are not safe and hygienic, and that not only are food items and consumables sold without following stringent norms of food safety, but that the use of open *chulhas*, frying pans, and fires on the roadside, and the seating of hawkers with their backs turned to traffic pose a grave risk both to the hawkers themselves and to the general public;

Whereas, right to free movement of vehicles is mandated under various provisions of the Motor Vehicles Act, 1988 which under Section 179 penalises anyone who obstructs the flow of traffic on public highways;

And whereas encroachment on public roads and spaces which creates nuisance and obstructs vehicular traffic are also in contravention of Meghalaya Police Act and Control of National Highway (Land and Traffic) Act, 2002;

And whereas the right of commuters/ pedestrians to move freely and use the roads without any impediment is also a fundamental right under Article 19 (1) (d);

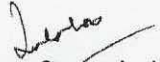
Now, therefore, in public interest, and pursuant to several consultations and meetings on the matter with diverse stakeholders, and in order to: (i) remove obstruction to pedestrians on the footpaths and roads, (ii) remove obstruction to vehicular movement causing traffic snarls and inconvenience (iii) remove obstruction to disembarkation/ embarkation of commuters, (iv) to ensure sale of goods is done in a clean and hygienic manner and to (v) remove fire hazards and other hazards on the streets, the undersigned hereby directs that hawkers and street vendors occupying spaces that are obstructing major carriageways and pedestrian movement in Shillong City as per the locations appended herein at Annexure A are to remove themselves from such areas.

Committees headed by Magistrates and constituting Police, officials of Shillong Municipal Board, PWD (Roads), etc., and involving other stakeholders as deemed fit, will inspect the different areas and ensure execution of this order. They will regulate the seating of the hawkers and relocate any who are causing obstruction to pedestrian or vehicular movement, or selling goods in contravention to established norms of hygiene and safety. The Committees will act with appropriate firmness and ensure that while right to livelihood is respected, it should not in any way infringe on the rights of the citizenry at large.

This order is issued in public interest in view of immediate interventions being called for to ensure order and safety on public roads, and it will not hinder in any way prospective action to be taken upon adoption of the Central Act on hawking and framing of rules thereof.

The Committees will ensure the exercise is completed within 10 (ten) days of this order. The Superintendent of Police will provide personnel as required to assist the magistrates. Any wilful non-compliance will be met with stern action as per relevant provisions of law.

This order is hereby passed in public interest for compliance by all.


Deputy Commissioner,
East Khasi Hills District.
Shillong

GOVERNMENT OF MEGHALAYA ANNEXURE-A
OFFICE OF THE DEPUTY COMMISSIONER :: EAST KHASI HILLS DISTRICT
SHILLONG

List of areas occupied by hawkers/ street vendors where pedestrian movement and vehicular traffic is affected :-

Priority Areas

1. Motphran Area

- i. GS Road to District Council
- ii. Umsohsun to Motphran
- iii. Motphran to Mawlonghat (Anjalee)
- iv. Motphran point
- v. Motpharn to Mission Compound
- vi. YMCA to Motphran point

2. Police Bazaar Area

- i. Thana road
- ii. Jail road
- iii. Police Bazaar Main Road (Kyndailad to Dreamland)
- iv. Kyndailad Point

3. Polo Area

- i. Polo bridge to SRTG
- ii. Polo bridge to Lawmali

4. Civil Hospital Area

- i. NH 44

5. IGP Point Area

6. Barik Point Area

7. Laitumkhrah Area

- i. Laitumkhrah Main Road (Fire Brigade to Beat House)
- ii. Laitumkhrah Main Road (Beat House to Police Point)

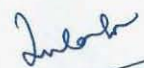
Other Areas

1. Laban Last Stop area

2. Rynjah area

3. Nongmensong point to Wahkdait

4. Madanrtng Taxi Stand


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