

**DEPARTMENT OF URBAN AFFAIRS
GOVERNMENT OF MEGHALAYA**

No UAU/1/2011/Pt/301

Dated Shillong the 9th December 2016

OFFICE MEMORANDUM

Sub: -Guidelines for the protection of livelihood and regulation of Street Vending in the urban areas of the State.

Objectives: - To provide for protection of livelihoods of Urban Street Vendors and to regulate Street Vending and for matters connected therewith or incidental thereto.

Whereas the Government of Meghalaya has enacted “The Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 Whereas there is a need to formulate provisions of the Act as may be prescribed as the Rules and to implement the provisions of the Act and Rules as a scheme to be specified under the said Act in order to regulate and safeguard the activities of the street vendors in the urban areas of the State and Whereas formulation of the Rules and the Scheme under the Act may take time and as the requirement is urgent in nature.

Now therefore, for implementation the following guidelines are hereby outlined for the purpose of implementation of the provisions of the under The Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 in the Urban Areas of the State of Meghalaya.

These guidelines will come into force with immediate effect.

1. Guidelines for implementation of the Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014

- i. Words and expressions defined in the Act and used in these Guidelines shall have the same meanings as respectively assigned to them in the Act.
- ii. Notification issued by the Govt. in respect of The Town Vending Committee, Local Authority and Planning Authority and State Nodal Officer and as may be modified from time to time shall be applicable.

TOWN VENDING COMMITTEE

1. Constitution of town vending committee:

(1) The State Government shall constitute the town vending committee for each local authority which shall consist of a Chairman and the members as follows, namely:

Official Members-

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| 1. Chief Executive Officer (Municipal Areas)/Additional Deputy Commissioner (in Non-Municipal areas) | Chairman |
| 2. Representative of the Planning Authority | Member |
| 3. Representative of the Local Authority | Member |
| 4. Superintendent of Police of concerned Districts | Member |
| 5. Superintendent of Police/ Additional S.P Traffic (if applicable) of concerned Districts | Member |
| 6. Additional Chief Engineer/SE, PWD Roads of concerned Districts | Member |
| 7. Superintending Engineer/EE, PWD (Buildings) in concerned Districts | Member |
| 8. Chief Executive Officer, MePDCL i/c of the Districts | Member |
| 9. Chief Executive Officer, Cantonment Board (applicable in | Member |

Shillong only)

10. Secretary of Town Committees wherever applicable Member

11.2 (two) Representatives of nationalized banks to be Member
nominated by the Local Authority

12. District Urban Planner Member Secretary

Non Official Members-

1. Representatives from Street Vendors Association (3 (three) Member
person from amongst the Vendors' Association provided one-
third should be women to be nominated by Town Vending
Committee Chairman

2. 2 (two) representatives of Local Markets Association Member

3. 2 (two) representatives of Trader Association (to be nominated Member
by Local Authority)

4. Representative from the Local Dorbar wherever applicable Member

The Chairperson can co-opt any other members as it deems fit.

(2) The Local Authority/TVC Chairperson shall provide a space in the office building of its premises or wherever appropriate and feasible to the Town Vending Committee where they shall meet at least once in a month in discharge of its functions.

The Town Vending Committee shall meet as frequently as the situation demand and if possible at least once in a month.

2. Mode of Nominating Non-Official members:-

The Chairperson of the TVC shall decide to nominate the members of the vendors association to begin with till the rules are framed.

3. Duration of Town vending committee- the duration of the TVC shall be prescribed under the rules as and when notified.

4. Removal of Nominated and Non-official member of Town Vending

Committee If in the opinion of the State Government, any nominated and non-official members of the town vending committee persistently makes default in the participating in the meeting or exceeds or abuse its powerthe State Government / Nominating Authority may remove such member from the town vending committee and issue vacancy notice.

5. Procedure for meeting of town vending committee –

- a. The town vending committee shall decide in its first meeting, the various procedure aspects relating to conduct of its business.
- b. The time and venue of the meeting shall be decided by the Chairperson.
- c. The member secretary shall issue a notice before seven days of a scheduled meeting.
- d. The agenda of items to be discussed in the meeting shall be circulated to the members and put up on official designated website. Each agenda item shall be accompanied by a detailed note bringing out the issues involved with the clear recommendation, if any, made by the administration.
- e. The quorum for conduct of the meeting shall be one third of the total strength of the committee.
- f. The decision shall be taken on the basis of the majority of members present at the meeting.
- g. No meeting shall be carried on in the absence of the quorum and where there is no quorum, the meeting shall be adjourned.
- h. The minutes of the meeting shall be signed by the Chairperson and shall be placed in the subsequent meeting of the committee for confirmation.
- i. The minutes of the meeting, orders and decisions of the TVC shall be notified and placed on the notice board of the TVC and on the local body website or the town vending committee may decide to have its own website.

- j. The meeting of the committee shall be held at least once in a month.
- k. The first meeting of the newly constituted committee shall be fixed within fifteen days from the date of its constitution.

6. Status paper and street vending scenario shall be put by local authority –

After the procedure details are finalised by the town vending committee, and before it takes up the regular business, the local authority shall circulate a status paper of the street vending scenario in the City or town amongst the members of the committee containing the following details, namely:-

- a) The areas of street vending in the City or town indicated in the maps,
- b) The number of street vendors in the City or town where a survey has already been conducted, otherwise indication can be given about the approximate numbers,
- c) Information about the high footfall areas, lean footfall areas and mid-range areas from the street vending angle,
- d) The areas of vending, areas declared as no vending zones, etc., the likely high footfall places in the areas under development,
- e) A broad category of goods allowed to be sold and as per restriction imposed by the Hon'ble Supreme Court (2014) read with Hon'ble High Court order dated 10/11/2016
- f) The problem areas from the traffic angle,
- g) Enumeration of the relevant provisions of the Prevention of Food Adulteration Act, 1954, and cleanliness and enforcement drive.
- h) Enumeration of health and hygiene aspect needs to be taken care of by the street vendors.

Explanation: Caution should be taken to ensure that the data presented are authentic to the extent possible and up-to-date. This will virtually form the baseline data to facilitate the committee to take decision. If there is no database then a separate survey may be conducted during the first year with variable season etc., to assess the

situation. These databases can be presented in the digital form if so desired by the committee.

7. Powers and Functions of town vending committee – (1) Subject to the provisions of the Act, it shall be the duty of every Town Vending Committee to undertake such measures as it thinks fit to proper operation and management of Street Vending within the Vending Zone and as assigned by the provisions of the act.

8. Sub-Committee for specific issue – The Town Vending Committee may constitute sub-committee as may be required on the recommendation of the Local Authority or the Planning Authority. In case the Planning authority and the Local authority do not agree with the recommendation of the TVC for such constitution, the matter may be referred to the State Nodal Officer, but his role shall be for coordination.

9. Engagement for associating members- The TVC may engage and associate with groups, experts and members as may be required with the approval of the Local and Planning Authority as per job/domain/task falling under the responsibility of the Local and Planning authority. However in doing so they may ensure there is no conflict of interest in the matter.

Such associated members shall be paid an honorarium not exceeds Rs. 500/- per sitting.

10.Allowances to non-official members – The non- official members shall be entitled to a sitting fee as may be decided by the local authority which shall not exceed Rs. 350/-. In case of non-quorum meeting fifty per cent of the sitting fee shall be paid to such members who have attended such non quorum meeting.

11.Employees/Support Staff of Town Vending Committee –

(1) The town vending committee shall have office space as may be decided by the Local Authority

(2) TVC initially shall have its staff pooled from Urban Development Authority/District Urban Planner Office and Municipality. In due course the Local Authority may decide in consultation with TVC to engage minimal number of

critical staff as may be substantial from its own resources. The District Urban Planner and existing staff of National Urban Livelihood Mission (NULM) within municipality would support such secretarial function.

(3) **Local Authority to hear appeal-** Local Authority may decide and designate an officer conversant with urban matter to hear the appeal of an aggrieved person by the decision of the TVC.

12.Appeal against decision or order of Town Vending Committee-

- (1) Any person aggrieved by any decision of the TVC with respect to issue of Certificate of Vending/license under Section 10 (5) or suspension/cancellation of vending certificate, may within a period of three (3) days from the date of communication of the decision prefer an appeal in Form-II to the Local Authority.
- (2) Provided that the appeal may also be summarily rejected on valid grounds in the first instance and to be spelt out in the form of speaking order.
- (3) The Local Authority may before disposing of any appeal; make or cause such further enquiry as may be required.
- (4) The local authority shall not entertain an application where:-
 - a) The application is anonymous or it contain general and vague allegations,
 - b) The matter is sub-judice in any court of law, tribunal or a judicial or a quasi-judicial authority,
- (5) Every decision of the Local Authority shall be final and in writing along with reason and be signed /dated along with seal.

MISCELLANEOUS

For the purpose of planning and or removal or shifting of vendors the “Public Purpose” includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewerlines; (vii)erecting intermediate pumping stations for the services; (viii) any project related withpublic transport and the like; (ix)erection of Economically Weaker Section (EWS) Housing; (x) Creation of Basic Urban Infrastructure, Parks, Gardens, and Recreational Area;(xi) infrastructure required for adherence to Environmental act and rules and for Conservation of any eco system resource in that area and (xii) Any other developmental work taken by the local authority, the beneficiary of which will be the community at large.

13.Manner of maintaining up-to-date record of street vendors –

- (1) The paper and electronic records of the town vending committee shall be maintained by its secretariat in the place allotted by the local authority and the soft copy should also be suitably maintained. All decisions taken by the town vending committee shall be placed on a designated website.
- (2) The records relating to the allotment of the space to the street vendors shall be kept for ten years. Other records may be preserved for a period of five years unless those are needed for any legal proceedings.
- (3) The street or road plan with the existing site of the street vending shall be a permanent record with the town vending committee.

14.Furnishing of returns to State Government – Every town vending committee shall furnish from time to time, the return as required under along with the details specified in Form III, to the State Government.

15.Annual Report– the Annual report shall be prepared by the town vending committee within three months after the completion of the financial year and shall also be uploaded on the designated website.

16. Annual Account- TVC shall prepare and publish its Annual Account statement in such form and manner as may be directed from time to time in consultation with examiner of Local Accounts.

17. Interpretation and removal of difficulty – If any difficulties arise in implementing the provisions of these guidelines or for interpretation of any provision or clarification, the matter shall be referred to the State Government and the decision of the Government thereon shall be final.

2. MODES AND MODALITY FOR IDENTIFICATION OF GENUINE HAWKERS AND STREET VENDORS

The manner of conducting survey for screening and identification of eligible vendors will be as follows

Sl.no.	Process	Time line
1.	Uploading the draft rules and draft schemes for public comments	19 th December, 2016 to 10 th January 2017
2.	Comments from the Local authority and TVC	By 10 th January, 2017
3.	Examination and Consideration of views and comments	11 th Jan 2017 to 30 th January, 2017
4.	Draft Cabinet Memorandum	1 st week of February, 2017
5.	Comments & view from concerned government Departments	By end of February, 2017
6.	Submission to Cabinet Affairs Department	By 15 th March, 2017
7.	Notifying the Rules & Scheme	Within one week of the communication of the approval of the cabinet.

TABLE – 1 SURVEY AND REGISTRATION OF STREET VENDORS

Steps	Activities	Time line	Remark
1.	Advertisement and Wide publicity for application and survey of vendors (present and evicted as well as from other intending/eligible urban poor	Prior to 14 th December.	

2.	Special camp at designated and advertise to be arrange for distribution and filling up of Application Form and survey form as self-declaration by the intending vendor	From 14 th December to 19 th December,2016	
3	Compilation of data and applications and sorting for verification	From 20 th December 2016 to 31 st December 2016	
4	Two Process of verification to be done concurrently 1. Field survey by survey team (trained students and interns). 2. Verification by SP.	2 nd January,2017 to 20 th January,20`7	Apply filter as per restriction mentioned in the Hon'ble Supreme Court order reiterated for compliance by Hon'ble High Court and as per guidelines.
5.	Scrutiny by Town Vending committees	21 st January,2017 to 31 st January,2017	-do -
6.	Draft list of Short-listed vendors	1 st week of February 2017	
7.	Uploading and display for claims and objections	15 th February,2017 to 20 th February,2017	Re-Filtered through Supreme court order/guidelines criteria for compliance.
8.	Disposal of claims and objections and Finalization of eligible Vendors	20 th February,2017 to 1 st March,2017	
9	Plan for vending zone and non-vending zone allocation of time, space and type	From 1 st January 2017 to 15 th February 2017	By TVC, Planning Authority and Local Authority
10.	Registration	1 st March to 15 th March 2017	
11	Issuing of Vendor Certificates	15 th March, 2017 to 31 st March,2017	

12	Briefing, orientation and facilitation for linkages under National Urban Livelihoods Mission, Swachh Bharat Mission, Prime Minister Awas Yojana, etc.	In the period, post issue of vendors certificate	Continuous monitoring and evaluation
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(1) The methods which could be used for survey are:

- i. Field/Spot/Camp based followed by spot/locality survey and can be through mobile based application.
- ii. Digitalized photo census.
- iii. Bio-metric Photo Identity Cards wherever available
- iv. Registration camps would be followed by visits by the constituted team in markets and vending areas should be initiated.

(2) Generally push cart/motorised vehicle shall not be allowed.

(3) Town Vending Committee will have to encourage such mode of planning which results in maximum space economy and does not put pedestrian and market line into inconvenience.

(4) Town Vending Committee will have to prescribe the standard for all the mode of vending. As far as possible and spatial standard should be uniform for the entire mode. It should confirm to the directions of the Hon'ble Supreme Court (1mx1m) order followed by Meghalaya High Court for compliance.

(5) Adequate publicity of the proposed survey shall be given-

- i. On its website.
- ii. By publishing in any two prominent local newspapers published in the regional and local language of the area.
- iii. By placing it on the notices board of the Urban & DC offices.
- iv. By placing a copy in any conspicuous place in the local market within the jurisdiction of the local authority.
- v. Date of surveyed area to be covered, the designated officer/person authorized for the survey, date and time of commencement and completion of survey.

ISSUE OF VENDING CERTIFICATE / REGISTRATION

CERTIFICATE

3. Registration of Street Vendors for Street Vending: shall be issued as per Form IV

4. The terms and conditions subject to which Certificate of Vending may be issued to a street vendor including to those persons who wish to carry on street vending during the intervening period of two surveys;

- (1) The street vendor to whom a certificate of livelihood will be issued:
 - i. Should be a citizen of India.
 - ii. He/She are of a sound mind.
 - iii. Should not have any other means of livelihood except for street vending.
 - iv. Should not have any other vending site/or any avocation in the State/ in any other place.
 - v. Should carry the vending himself or herself or through family members who should not be less than 18 years of age.
 - vi. Not more than one member of a family will be given a vending certificate/license for vending.
 - vii. The street vendor shall not be less than 18 years of age as on the date of survey.
 - viii. The Certificate of Vending cannot be lease/rented or sold to others. An undertaking in this respect along with the above conditions is to be submitted by the street vendors to the Town Vending Committee, in Form Valong with an Affidavit of Rs. 10/-
 - ix. The Certificate of Vending should have a picture of the person vending and in case of spouse being involved in vending at the Vending site. Photographs of such persons should be added in the certificate.
 - x. New Street Vendors, who wish to carry on street vending during the intervening period of two surveys, has to apply through Local Authority for the vending certificate.
 - xi. Identification of new sites, acceptance of application from new vendors as well as allotment to new applicants by Local Authority should be a continuous process rather than one time exercise.
 - xii. In deciding the eligibility if the vendor the directions of Hon'ble Supreme Court and any other information such as SECC data, NULM beneficiaries, etc., shall be banked upon.
- (2) Only such person will be given registration of vendors who are found eligible strictly in compliance of the above criteria.
- (3) The Town Vending Committee (TVC) while issuing the Certificate of Vending to a street vendor should provide for preference to the Local people of the area, Scheduled Castes, the Scheduled Tribes, women, persons with disabilities if found eligible.

5. The form and manner in which the Certificate of Vending shall be issued to a street vendor: (FORM-IV)

- i. Photo of the vendor along with his or her spouse or dependent child if involved in vending with the vendor.
- ii. Name of the vendor.
- iii. Name of the spouse if involved in vending with the vendor.
- iv. Age and Sex of the person/s whose photo appears.
- v. Address of Residence
- vi. Category of Vending (Mobile/Stationary/Natural/Weekly etc.,)
- vii. Name of the Vending Place (whether it is historical place, park, market, in front of school/college/hospital/bus stand or malls etc.,)
- viii. Name of the Municipal Body/ TVC.
- ix. Date of Issuing Vending Certificate
- x. Validity (as per the directions of the Hon'ble Supreme Court order followed by Meghalaya High Court for compliance, the certificate of vending should also be issued for one year).
- xi. Unique Registration Number
- xii. Details of EPIC

6. Identity Card: - An identity card shall be issued by the Town Vending Committee to each street vendor who is holding a Certificate of Vending in Form-IV which may be enabling the biometric particulars of the street vendor.

7. The form and manner of issuing Identity Cards to street vendors: (FORM-VI)

- i. Name of the vendor.
- ii. Aadhar no if any.
- iii. Epic no.
- iv. Age.
- v. Sex.
- vi. Address of residence.
- vii. Address of the vending site.
- viii. Photo
- ix. Phone number.
- x. Category of vending.
- xi. Village Dorbar or Municipal ward.
- xii. Police Station.
- xiii. Validity Period.
- xiv. Signature of the authority with seal

8. The criteria for issuing certificate of vending to street vendors: The Town Vending Committee shall follow the following criteria for issuing certificate of vending, namely:-

- i. Name of the person should appear in the survey/scrutiny carried out by the TVC.
- ii. Should be a street vendor only and should not be engaged in any other occupation.
- iii. No other parallel vending site in any other place by the same person. However no other members of the family can take up the vending business.
- iv. The Certificate of Vending cannot be leased or sold to others and an undertaking for this is to be submitted to the Town Vending Committee on an Affidavit of Rs. 10/-
- v. First time registration fee may be decided by the TVC. The amount should not be more than Rs.500/- or should not be less than Rs.250/- and can be varied for different categories

9. Further to the conditions mention above:

- (a) The vendor shall not construct any permanent structure on allotted space.
- (b) The vendor shall not put up stalls or place any tables, stand or such other thing or erect any type of structure.
- (c) The vendor should also not use handcarts. However, they can protect their goods from the sun, rain or wind.
- (d) The vendor in any way shall not obstruct the free movement of pedestrians and traffic;
- (e) The vendor shall not allow any other person to carry on Street Vending on his/her behalf.
- (f) He/She shall keep the site allotted to him clean and dispose-off their waste materials in a properly covered dustbin;
- (g) He/She shall carry on his vending activities on such date and time as specified in the certificate
- (h) The vendor will not indulge in any illegal/ unlawful activities should take intoxicants while vending in the Vending Zone.
- (i) The vendor shall not sit in any place other than the place mentioned in his Certificate of Vending.

Provided that the Street Vendor may change his place of business only with prior approval of the Town Vending Committee;

(h) the Vendor shall not lease out or put the shop/stall on rent or otherwise transfer the shop/stall without prior approval of the Town Vending Committee; and

(i) The vendor shall pay rent for the allotted site on first week of every month to the concerned Municipality/ concerned TVCs at the rate as specified in the Certificate of Vending.

10.The period of validity of Certificate of Vending;

The vending certificate shall be renewed after every one (1) year through simple process of paying fees. The deposit of fees and issue of receipt shall be considered to be adequate proof of the renewal of vending certificate.

11.Street Vending not to be carried on without certificate of Vending:

No person shall carry on his business of Street Vending activities except in accordance with the terms and conditions mentioned in the certificate of Vending and without obtaining a certificate of vending.

12.New Sites and Street Vendors:

(1) New street vendors who wish to carry on street vending during the intervening period of two surveys, shall apply through the local authority for the certificate of vending, and

(2) Identification of new sites, acceptance of application from new vendors and the allotment of certificate of vending to new applicants by the local authority shall be a continuous process.

13.The Local Authority reserves the right to shift the street vendor to other location under exceptional circumstances in the greater interest of public for public purpose.

14.The Town Vending Committee may impose such other conditions while granting certificate of Vending having regard of category of Street Vending and the nature of vending activities to be carried on by the Street Vendor.

**RENEWAL, SUSPENSION AND CANCELLATION OF VENDING/
REGISTRATION CERTIFICATE**

15.The period for which and the manner in which a certificate of vending may be renewed and the fees for such renewal;

1. The vending certificate may be renewed after every one (1) year. It shall be a simple process of paying the fees for renewing the vending certificate. It is desirable that the local authority may put up the list of the vendors whose due

dates for renewal falls within a period of two months. It shall be indicated in the list, the amount and the place where such fees can be paid.

2. The Town Vending Committee shall publish the list of defaulter street vendors who failed to pay the renewal fees of certificate of vending on a monthly basis.
3. The renewal fees of the vending certificate should not be less than Rs. 500/-.
4. One month grace period may be granted for the payment of renewal fees without any penalty.
5. After the expiry of the one month period, the certificate of vending may be renewed on payment of renewal fees and the penalty of Rs.25 per day for the delayed period will be granted.
6. If the vendor fails to renew his/her certificate of vending in the aforesaid period, the TVC shall serve a notice to the vendor asking him/her to submit reasons within seven days from the date of issuance of the notice as to why his/her certificate of vending should not be cancelled. If he/she fails to give any reason to the satisfaction of the TVC, his/her certificate of vending shall be cancelled.

Provided that the Town Vending Committee shall have the power to refuse to renew the certificate, if it has come to notice that the Street Vendor has violated the provision of the Act or the Guidelines or any of the condition of the Certificate of Vending.

16.The manner in which the certificate/ registration of vending may be suspended or cancelled:

1. The Town Vending Committee shall impose fine and give warning to the street vendor if he/she is found guilty of breach of conditions laid down in the vending certificate. This will include:-
 - i. If he/she is carrying out vending/squatting/hawking in the area/market other than mentioned in the vending certificate.
 - ii. Breach of any of the conditions of Certificate of Vending mention in the Act or in this Guidelines.
 - iii. Misrepresented the age (minimum age of 18 years) for eligibility to get vending certificate or has engage minors for vending.
 - iv. If the area allotted has been increased unauthorized occupying additional area.
 - v. If no registration has been done under FSSAI in case of food vendors.
 - vi. If the vendor does not comply with the Prevention of Food Adulteration Act and the food is adulterated or unhygienic in case of food vendor.
 - vii. If any permanent structure has been constructed on the allotted place.

- viii. If certificate of vending is sold or lease out to any.
- ix. If the vending certificate has not been renewed after the prescribed period is over.
2. Any street vendor who has employed any child below 18 (eighteen) years of age shall be given a warning by the TVC. If he/she fails to carry out the directions in the warning their vending certificate will be cancelled.
 3. Any street vendor who is guilty of misbehaviour with women vendor will be given a warning based on the written complaint filed by the aggrieved person. However, on the repetition of such misbehaviour will amount to the cancellation of the vending certificate. The TVC will constitute a committee Headed by a woman official.
 4. No certificate of vending shall be cancelled unless the holder thereof has been given a notice within a given period of 7 days to submit his/her reply to the allegation based on which the certificate is proposed to be cancelled. The period of 7 days shall be counted from the date on which the notice is served on the vendor or delivered to his last known address.
 5. A Certificate of vending may be suspended for a fixed period of time for any violation of conditions of the certificate which is rectifiable during such period of suspension.
 6. In case action has been initiated against a vendor for violation of law for causing public hazard or failure to pay tax etc., the TVC may suspend his certificate of vending after duly following the procedure specified in sub-para- (4).
 7. Where the Town Vending Committee has made an order cancelling the Certificate of Vending of a street vendor , such vendor shall surrender his/her certificate and identity card to the TVC within the period as specified in such order of cancellation and his name shall be struck off from the register maintain

FEES

17.The vending fees to be paid on the basis of category of street vending/commercial potential of the site of vending, which may be different for different cities;

The Town Vending Committee shall fix vending fees/levies depending on the foot fall of the area but such fees shall not be less than Rs. 300/- per month. Differential rate can be used for the duration of vending and type of activity

engaged. Every year a minimum 10% increase of fees shall be imposed. The Local Authority may collect vending fee annually if it deems fit.

Explanation- The vending fees shall be according to the category of the street vendors and the status of the market. The rationale is obvious. Income potential differs from area to area. High footfall areas offer high vending opportunity compared to lean foot fall areas. Therefore, it is only correct to fix the fees at different rates for different categories of vending zones. Similar position may be for varied rates for cities and towns of different categories.

18.The manner of collecting vending fees, maintenance charges and penalties for registration, use of parking space for mobile stalls and availing of civic services;

- (i) For the purpose of depositing money, whether as a fee, rent or fine penalty, payable by the street vendor under the Act, Guidelines and the Guidelines, every TVC shall open a bank account in any scheduled Bank and operated by such officer of the TVC as the Local Authority may direct.
- (ii) The street vendors may deposit the fees including monthly rent and such other fee into that account per month or year with his name and Registration Number allotted to him / her along with such details as prescribed by the TVC. An annual audit of the account will be assigned to agencies of government by the Local Authority. The local authority concerned is free to make its own alternative arrangement for collection of fees or charges for the TVC.

CATEGORIES OF STREET VENDING

19.The categories of street vendors other than stationery vendors and mobile vendors:-

The local authority shall report to the State Government in case there is any category of street vendors other than stationary and mobile vendors are operating from its area and action taken in this matter.

20.The vendors can also be categorized with reference to the places from where they are operating e.g.:

- i. Natural markets.
- ii. Weekly markets.
- iii. Heritage markets
- iv. Festive markets
- v. Night bazaar
- vi. Seasonal markets

However, such categorization would be for convenience of easing the congestion and allocating/assigning the vendors.

21.The other categories of persons for preference for issue of certificate of vending;

The Town Vending Committee in issuing the Certificate of vending shall accord priority to the senior citizens, persons with disabilities, single mothers, widows as well as Scheduled Castes, Scheduled Tribes, Other Backward Classes and State minorities as per eligibility prescribed. The TVC shall follow this in conformity with the provisions of the Act.

RELOCATION AND EVICTION OF STREET VENDORS

22.The public purpose for which a street vendor may be relocated and the manner of relocating street vendor:

- (1) A street vendor who has been issued a Certificate of Vending may be relocated as per requirement or planning and upon declaration of a vending zone or part of it to be a non-vending zone for public purpose like development project in public interest, security concerns, traffic congestion, spread of epidemic and natural calamity/other health reasons, cleanliness of area, interest of the public or any other valid reason.

For any development projects of public purpose requiring temporary or permanent shifting of the street vendors in the project related area, the concern authorities shall consider following two points for relocation:

- i. During the time of construction/development the affected street vendors may be adjusted in a nearby or any such vending zone temporarily or permanently and also under the same type of vending as specified in the Certificate of Vending subject to availability of vending space at the alternate site.
 - ii. After completion of the project, the street vendors may be adjusted in the same place of public purpose area for vending to the extent possible but it is not compulsory/mandatory.
- (2) For relocation from the place specified in the certificate of vending, the affected street vendor will be given a seven (7) days' notice by serving it in person / pasting at designated place or through registered post at communication address of the street vendor. The street vendor is liable to pay the default amount or a fine which may extend up to Rs 250 per day for over-stay and failure to vacate the site in time, if any.

23. Rehabilitation of street vendors under any public purpose would require taking of the steps that relocation is not possible, the vendors shall be put in waiting list in priority by draw of lots and would be rehabilitate or allotted new sites on priority and before any other new application is considered

24. The manner of evicting a street vendor:

- i. TVC should bring in its agenda and discuss the issue of eviction of street vendors 2 month prior to the issuance of seven(7) days' notice of eviction, so that a survey can be conducted to identify adequate vending site for the street vendors.
- ii. A street vendor whose certificate of vending has been cancelled, or whose notice period in case of relocation has expired or who does not have a certificate of vending and vends without such certificate may be given forty eight (48)hours' notice to vacate the site and not to vend. No such notice is required to be given where such a street vendor is found to be causing traffic congestion, law and order problem and creating nuisance and unhygienic conditions and health hazard etc.
- iii. Reply of the vendor- his/her oral submissions may be considered / on spot decision should be taken whether or not a street vendor is required to be evicted.

In case is it is decided to evict, the vendor shall be asked to leave the place taking away the goods within two (2) days. In case he/she does not leave the place, goods shall be seized and a list will be prepared in presence of witness, the copy of which shall be delivered to the vendor on the spot failing which to his/her registered address through speed post. Police assistance to be taken if required. Seized goods will be deposited in the store of the Local Body/TVC and will be released on request of the concerned person by charging prescribed charges. In case of perishable item the cost of sale is kept as deposit and release to the person after deducting service charges.

25. The manner of giving notice for eviction of a street vendor: a

- i. The written notice should be served on spot/in person
- ii. The said notice should be pasted on the area where from he/she is carrying his/her vending. That should be considered as the service of the notice.
- iii. Notice for eviction may be given preferably in local language which can be easily comprehended by the vendor and in case street vendor is

uneducated/illiterate, violations detected and mentioned in the notice can be informed verbally.

26.The manner of evicting a street vendor physically on failure to evict:

- i. In the case the vendor fails to vacate the site after the expiry of the prescribed number of days' notice period, if any the goods, wares and articles shall be confiscated and removed, including the cart, containers and stands and the structures made by the vendor on the public place shall be demolished.
- ii. Photographs of the site/spot before and after the removal action shall also be taken and a report to be submitted to the Town Vending Committee.

SEIZURE OF GOODS

27.The manner of seizure of goods by the local authority, including preparation and issue of list of goods seized:

- i. Only the authorized person/designated official of the local authority / TVC should conduct the seizure of goods. The list of seizure list and an inventory of will be prepared and disposed off in the manner mentioned above
- i. In case of perishable goods, the vendor should be given option to take the goods back immediately by paying necessary penalty or within the working period in the next 24 hours.

MISCELLANEOUS

28.The terms and condition for street vending including norms to be observed for up keeping public health and hygiene:

- i. The vending time and hawking will be only from 7:00 am to 10:00 pm.
- ii. Preference will be given to vendors who sell cooked food, cut fruits juices and the like. However no cooking of any nature will be permitted. After meeting such requirement, any vacant space if available will be permitted for hawkers carrying out other permissible trades as per the provisions of the Act.
- iii. The Local Authority of the concerned area should provide the street vendors, a proper place to dispose-off their waste materials in order to maintain a hygienic environment.
- iv. The street vendors should use proper covered dustbins to dispose of the waste materials. The used water should also be disposed-off in a covered container.
- v. The Local Authority should ensure and provide the street vendors clean and fresh water along with the street light facility wherever possible.

- vi. An attempt should be made to provide clean and properly constructed toilets with water and electricity facility in order to maintain public health and hygiene near the street vending strips.

29. The Town Vending Committee, Local Authority, Planning Authority and State Nodal Officer in respect of street vendors: shall maintain proper records .

30. The manner of carrying out vending Activities on time-sharing basis:

- i. The TVC may determine vending activities on time sharing basis depending on the market needs and to be approved by the Local Authorities.
- ii. Women vendors should not be discriminated while allotting time-sharing vending activities.

31. The Guidelines framed by the Government/Department will have a binding effect on all concerned. Thus, apart from those to whom licenses will now be issued, no other person/body will have any right to squat or carry on any vending/hawking or other business on the roads/streets.

ANNEXURE-I**FORM I
SURVEY QUESTIONNAIRE.**

Sl.No.	Questions.
1	Photograph of Vendors with Location
2	Photograph of Vendors with Vending Place
3	Identity Proof – 1 (Single Photograph)
4	Identity Proof – 2 (Single Photograph)
5	Ward number
6	Street Name
7	Nearby Landmark
8	Type of area <ul style="list-style-type: none">• Residential• Commercial area/Natural Market• School/College Area• Religious site• Garden/Open space• Railway Station• Industrial area• Public place or Government Office• Heritage site• Highway• Bus stand• Hospitals• Other
10	Place of Business <ul style="list-style-type: none">• Main road/Lane/Chowk• Footpath• Service Area/Road• Open Plot within Premises• On Closed Drainage Line• Private Property/Plot

	<ul style="list-style-type: none"> • Other
11	Name of Vending Place
12	Vendor's Name: First Name
13	Vendor's Name: Middle name
14	Vendor's Name: Surname
15	Residential Address
16	Block
17	City/Town
18	District
19	Mobile No.
20	Phone No.
21	Age
22	Gender <ul style="list-style-type: none"> ○ Male ○ Female ○ Trans Gender
23	Nationality <ul style="list-style-type: none"> ○ Indian ○ Other
24	Whether SC/ST Whether PWD (person with disabilities)
25	If you come under SC/ST/OBC Category, Do you Certificate for the same? <ul style="list-style-type: none"> ○ Yes ○ No
26	Marital Status – <ul style="list-style-type: none"> ○ Married ○ Unmarried ○ Widow/Widower ○ Divorced ○ Separated

27	<p>Level of Education Attained</p> <ul style="list-style-type: none"> <input type="radio"/> Illiterate <input type="radio"/> Primary (1 – 5) <input type="radio"/> Middle School (6 – 8) <input type="radio"/> Secondary (9 – 10) <input type="radio"/> Senior Secondary (11 -12) <input type="radio"/> Diploma <input type="radio"/> Graduate <input type="radio"/> Post Graduate <input type="radio"/> Other
28	<p>Details of disability –</p> <ul style="list-style-type: none"> <input type="radio"/> Visually Impaired <input type="radio"/> Deaf <input type="radio"/> Dumb <input type="radio"/> Disabled by hand/leg <input type="radio"/> Mentally Challenged <input type="radio"/> Other
29	<p>In case of disability, do you have a certificate?</p> <ul style="list-style-type: none"> <input type="radio"/> Yes <input type="radio"/> No
30	<p>If yes, list the Certificate No -</p>
31	<p>Do you fall under BPL?</p> <ul style="list-style-type: none"> <input type="radio"/> Yes <input type="radio"/> No
32	<p>If any member of your family is employed? if yes private/government / monthly income</p>
33	<p>Migration</p> <ul style="list-style-type: none"> <input type="radio"/> Belong to this city <input type="radio"/> Have migrated
34	<p>If migrated, Please specify the name of your Native Place's District/ attached EPIC card if available</p>
35	<p>Since how many years have you been living in this city</p>
36	<p>Do you possess any residential proof?</p> <ul style="list-style-type: none"> <input type="radio"/> None <input type="radio"/> Voter Card

	<ul style="list-style-type: none"> ○ Ration Card ○ Aadhar Card ○ APL/BPL Card ○ Electricity Bill ○ Municipal Tax Bill ○ Other
37	Total number of family members – Male Members
38	Total number of family members – Female Members
39	Out of total, number of children (below 14 – Both Male & Female)
40	Total number of earning members – male
41	Total number of earning members – Female
42	Out of total, number of children earning (below 14 – Both Male & Female)
43	<p>Is there any other person who worked as a street vendor except you in your house?</p> <ul style="list-style-type: none"> ○ Yes ○ No
44	<p>Relation with you</p> <ul style="list-style-type: none"> ○ Husband ○ Wife ○ Brother ○ Sister ○ Mother ○ Father ○ Others
45	Full name of member (working/worked as street vendor) -
46	<p>Do you have any other source of income?</p> <ul style="list-style-type: none"> ○ Yes ○ No
47	What work did you do before street vending?
48	In which city did you worked before?
49	For how many years have you been engaged in street vending?
50	For how many years have you been working in this area?
51	Do you possess any license issued by City Civic Body for street vending? Attach copy of the permission/ license

52	<p>How often do you go for street vending?</p> <ul style="list-style-type: none"> ○ Daily ○ Half day/ 3-4 hrs ○ One to two day per week ○ More than two days per week ○ Fort-nightly ○ Monthly ○ Seasonal
53	<p>Type of business –</p> <ul style="list-style-type: none"> ○ Stationary ○ Door to door ○ Mobile ○ Others –specify
54	<p>How much distance do you have to cover to come to this place for vending?</p>
55	<p>How many hours do you work in a day?</p>
56	<p>Exact time of vending</p> <p>_ to _ hrs</p>
57	<p>How much KM distance do you travel for work in a day, when you are doing Mobile Vending?</p>
58	<p>What type of structure is being used for Vending?</p> <p>→Kachcha/ temporary structure</p>
59	<p>How much land space are you using for your vending? (In Sq.m)</p>
60	<p>Are you using any vehicles for vending?</p> <ul style="list-style-type: none"> ○ Yes ○ No
61	<p>If yes, then which of the following vehicles do you use?</p> <p>→ Tempo</p> <p>→ Auto</p> <p>→ Van</p> <p>→ Hand cart</p> <p>→ Bicycle</p> <p>→ cart</p> <p>→ Other</p>
62	<p>Ownership of vehicle</p>

	<ul style="list-style-type: none"> ○ Self ○ Family ○ On rent ○ Partnership ○ Other
63	How much rent do you pay for these vehicles? (If any)
64	How many months do you work in a year?
65	Do you do the same work mostly? <ul style="list-style-type: none"> ○ Yes ○ No
66	Are you satisfied with this location as a place for your business? <ul style="list-style-type: none"> ○ Yes ○ No
67	If yes, then why? <ul style="list-style-type: none"> → The place is nearby your house → Good relations with the people in this area → No local interference → Crowded place → Good locality → Well known market → Convenience for customers → Near office or educational institution → Other
68	If no, then why? <ul style="list-style-type: none"> → Less income → Unsuitable for health and business → Local people object against the business → Interference by employees of Municipal authority → Other illegal businesses around → Problems created by Police Department → Transportation problems → Other
69	Number of people you have employed – <ul style="list-style-type: none"> ○ None ○ 1 ○ 2 ○ Others
70	How do you pay your employees? <ul style="list-style-type: none"> → Daily wages

	→ Weekly → Monthly
71	Average amount paid to employees -
72	Do you pay any rent for your vending place? ○ Yes ○ No
73	To whom do you pay the rent? → Civic Body → Nearby shopkeeper → Owner of the place → Other
74	Type of payment → Daily → Weekly → Monthly → Other → Amount -
75	Amount of payment -
76	From do you purchase goods for carrying out your business? ○ Manufacturer ○ Wholesale market ○ Distributor ○ Other
77	From do you get the initial seed money to purchase goods? ○ Own money ○ From landlord ○ From Banks ○ Credit Society ○ Other Sources
77	How often do you buy raw materials for your business? ○ Not applicable ○ Daily ○ Weekly ○ Monthly ○ Other

79	How much do you spent on the purchase of goods on a daily basis?
80	How much do you earned from your total daily sales?
81	How much profit do you make on a daily basis?
82	Have you taken any loan? <input type="radio"/> Yes <input type="radio"/> No
83	If yes, please specify amount -
84	Do you have any Saving Accounts in any Bank? <input type="radio"/> Yes <input type="radio"/> No
85	If yes, please specify the name of Bank-
86	Do you any Insurance? <input type="radio"/> Yes <input type="radio"/> No
87	If yes, kindly specify -
88	Have you taken any advantage of any other Social Security Schemes? <input type="radio"/> Yes <input type="radio"/> No
89	If yes, kindly specify the scheme -
90	Are you satisfied with the work you have selected? <input type="radio"/> Yes <input type="radio"/> No
91	If the authority provides a vending place elsewhere in the same area or any other area, are you ready to shift your cart/set up to the allocated area for vending goods? <input type="radio"/> Yes <input type="radio"/> No
92	Would you need a covered marker space with the raised platform and storage space? <input type="radio"/> Yes

	<input type="radio"/> No
93	<p>Would you need an uncovered open space at the ground without the raised platform?</p> <input type="radio"/> Yes <input type="radio"/> No
94	<p>Are you a member of any street vendor union or association?</p> <input type="radio"/> Yes <input type="radio"/> No
95	<p>Name of the organisation</p>
96	<p>Are you aware of the “Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014”?</p> <input type="radio"/> Yes <input type="radio"/> No
97	<p>Are you interested in obtaining a license under the Street Vendor Act/</p> <input type="radio"/> Yes <input type="radio"/> No
98	<p>How much Annual fee are you willing to pay for the license?</p> <input type="radio"/> Rs. 100 <input type="radio"/> Rs. 250 <input type="radio"/> Rs. 500 <input type="radio"/> Rs. 1000
99	<p>What is your favourite time for business?</p> <input type="radio"/> Morning <input type="radio"/> Noon time <input type="radio"/> Evening
100	<p>What kind of a market do you vend in?</p> <input type="radio"/> Natural Market (Daily Market) <input type="radio"/> Evening /Night Market <input type="radio"/> Holiday Market <input type="radio"/> Weekly Market <input type="radio"/> Festival Market

	<input type="radio"/> Other
101	Do you have access to free drinking water near your place of work? <input type="radio"/> Yes <input type="radio"/> No
102	Do you have access to toilet facility near your place of work? <input type="radio"/> Yes <input type="radio"/> No
103	How do you dispose of the garbage generated by your vending? <input type="radio"/> Municipal Bins <input type="radio"/> Private Bins <input type="radio"/> On road/street <input type="radio"/> Dump it in a water body <input type="radio"/> Through door to door collection <input type="radio"/> Other
104	Do you have (access to) storage facility at your place of work? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not applicable
105	What type of light source do you used? <input type="radio"/> None <input type="radio"/> Street Light <input type="radio"/> Gas/Oil Lamp <input type="radio"/> Battery Operated <input type="radio"/> Solar Light <input type="radio"/> Generator <input type="radio"/> Paid Electricity Connection <input type="radio"/> Other
106	Are you aware of any Traffic problems caused because of Street Vending? <input type="radio"/> Yes <input type="radio"/> No
107	If yes, what are the solutions to avoid problems?

108	Which type of facility do you desire for your business? <input type="radio"/> Different market <input type="radio"/> Water <input type="radio"/> Electricity <input type="radio"/> Common Toilet <input type="radio"/> Common lighting facility <input type="radio"/> Waste disposal facility <input type="radio"/> Security <input type="radio"/> A cleaning person <input type="radio"/> Parking <input type="radio"/> Labour for parking and transport management <input type="radio"/> Other
109	Any Special Remark or Comment of Vendor-
110	Any suggestion
111	Declaration:

Self-Declaration

I, _____, the applicant, do hereby solemnly declare that what is stated above is true to the best of my knowledge and information and files this application within the time limit prescribed in the guidelines.

Place:

Date:

Signature of Appellant

(Name _____)

Verified by the field surveyor

Comments:

Signature of surveyor

(Name _____)

ANNEXURE II

FORM II

Form of appeal against the decision of the Town Vending Committee.

Appeal No..... of 20.....

Date of filing

Or

Date of Receipt

..... Appellant

V/s

..... Respondent

1. Name of applicant:
2. Address for correspondence:
3. ID number given by local authority (if issued):
4. Number and the date of issue of certificate for vending:
5. Place or location of vending:
6. Zone or Ward of vending:
7. Nature of vending:
 - i. Mobile:
 - ii. Stationary:
 - iii. Any other (specify):

8. Order of Town Vending Committee against which this appeal is preferred:

- i. Rejection of Certificate of vending:
- ii. Suspension of Certificate of vending:
- iii. Cancellation of Certificate of vending:

9. Details and grounds of Appeal (give full details) in a separate sheet duly signed:

10. Documents supporting Appeal (with attachment/enclosure/self-certified):

11. Declaration.

I, _____, the applicant, do hereby solemnly declare that what is stated above is true to the best of my knowledge and information and files this application within the time limit prescribed in the guidelines.

Place:

Date:

Signature of Appellant
(Name _____)

Note: Attach all the relevant documents including order of town vending committee with this appeal. If required, to give full reasoning of appeal on the separate pages to be attached with this appeal.

ANNEXURE III

FORM III
DETAILS IN THE PERIODICAL RETURNS TO BE FURNISHED TO THE
STATE GOVERNMENT

_____ (Name of Town) hereby submit the following details in the periodical return for quarter ending _____ (March or June or September or December), 20____.

1. Details of certificates issued, rejected, suspended and cancelled during the quarter.

Details	Applications	Accepted or Issued	Rejected	Renewed	Suspended	Cancelled
Pending at the beginning of the quarter						
Newly received						
Total						
Cleared during the quarter						
Pending at the end of the quarter						

2. Number of newly surveyed street vendors and their complete details including name of street vendor, address, place of vending, type of vending, etc.
3. Number of meetings of the town vending committee held.
4. Details of newly vending area earmarked, if any, with its holding capacity.
5. Details of social audit done, if any.
6. Details of promotional measures taken for availability of credit, insurance and other welfare schemes of social security for street vendors.
7. Any other information, as directed by the State Government from time to time.

FORM IV
FORMAT FOR CERTIFICATE OF VENDING

1. Name of the vendor:
2. Name of the spouse or dependent child if involved in vending with the vendor:
3. Photo of the vendor along with his spouse or dependent child if involved in vending with the vendor:
4. Age and sex of the person whose photo appears:
5. Address of the street vendor where he is residing”
6. Category of vending:
 - i. Mobile:
 - ii. Stationary:
 - iii. Any other (specify):
7. Name of the vending place (whether it is historical place, park, market, in front of school/ college/hospital/bus stand or mall etc.):
8. Name of the local authority:
9. Date of issue of the certificate of vending:
10. Validity of certificate (since the law provides for survey every five year, the certificate of vending should also be issued for a period of five year
12. The signature of the authority with seal:
11. Unique registration number:

Dated:

Place:

N.B. - The Town Vending Committee may impose any other conditions having regard to category of nature of Street Vendor.

ANNEXURE V

FORM V

FORMAT FOR LETTER OF UNDERTAKING BY A STREET VENDOR.

I,, wife /
son / daughter of
Shri.....,
Registration/Certificate of Vending No.....
of Town vending committee, hereby
declare that the certificate of vending granted to me shall not be leased, rented or
sold to any other person.

I, further declare that I am not engaged in any other business/not vending from any
other vending site/ not employed with any organisation.

Name of Signature of the vendor:

Registration / Certificate of Vending Number:

Date:

Signature of Vendor

Place:

(Name_____)

FORM VI
FORMAT FOR IDENTITY CARDS.

1. Name of the vendor:
2. Age and sex of the vendor:
3. Address of the street vendor where he is residing:
4. Address of the vending site:
5. Photograph of the vendor:
6. Phone number of the vendor:
7. Category of the vending:
8. Municipal ward or zone number (with site of vending):
9. Police station of the area, (write in vending site):
10. Date of issue of the identity card:
11. Validity period of identity card:

Date:

The signature of the authority with seal:

Place:

ANNEXURE-VII**Form VII**
Survey verification of Register

1. Name of the Municipality –
2. Name of the Vending Zone –
3. Territorial area covering the Vending Zone –
4. Number of Vending Zone –
5. Number of existing Stationary Street Vendors identified –
6. Number of Mobile Vendors–

Sl No	Name & Address of the Street Vendors	Name of place i.e. Lane/Street/Market	Status of Street Vendors New/existing	Public/ Private area	Nature of Street Vending	Date of Survey
1	2	3	4	5	6	7

Dated :
Place:

Signature
(Name_____)

FORM-VIII

Application for Grant of Certificate of Vending

1. Name of the Applicant-
2. Residential Address-
3. Name of dependant family members-
4. Nature of Vending-
5. Proposed area of Street Vending-
(Vending Zone)
6. Adhar Card No:-
7. Whether belong of BPL category-

I undertake that the in the event of any of the information furnished above being found to be false or incorrect in any respect, the certificate is liable to be cancelled.

Dated :

Place:

Signature

(Name_____)

Memo: Deputy Commissioner being the Head of Urban Governance in the District shall ensure for full implementation as per this guideline and thereafter as per Rules/Scheme to be notified in due course.

Joint Secretary to Govt. of Meghalaya
Urban Affairs Department