

The 11th May, 2017.

No.UAU./I/2011/Pt/368.—In exercise of the powers conferred under Section 22 of the Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the Governor of Meghalaya is pleased to notify the following Rules namely:-

CHAPTER-I

PRELIMINARY

1. Short title and commencement—

These Rules may be called The Meghalaya Street Vendors (Protection of livelihood and Regulation of Street Vending) Rules, 2017 for Urban areas of the State.

It shall come into force on such date, as to be notified in the Official Gazette by the Government.

2. Definitions-

- i. In these rules, unless the context otherwise requires:-
 - i. "Act" means the Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014;
 - ii. "Appropriate Government" means the Government of Meghalaya.
 - iii. "Chief Executive Officer" means officer in charge of the Municipal Board/ Cantonment Board as the case may be;
 - iv. "Form" means a form appended to these rules;
 - v. "Local Authority" means the Deputy Commissioner of the District;
 - vi. "Rules" means a rule made under section 22 of the Act;
 - vii. "Section" means section of the Act;
 - viii. "Town Vending Committee" means the body constituted by the appropriate Government under section 4 of the Act;
- ii. Words and expressions defined in the Act and used in these Rules shall have the same meanings as respectively assigned to them in the Act.

CHAPTER-II

TOWN VENDING COMMITTEE

3. Constitution of Town Vending Committee:

- (i) The State Government shall constitute the Town Vending Committee for each Local Authority which shall consist of a Chairman and the members as follows:

Official Members-

1.	Additional Deputy Commissioner	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 (if applicable in Shillong only)	Member
10.	Secretary of Town Committees wherever applicable	Member
11.	2 (two) Representatives of nationalized banks to be nominated by the Local Authority	Member
12.	District Urban Planner	Member Secretary

Non Official Members-

1.	Representatives from Street Vendors Association 3 (three) person from amongst the Vendors' Association provided one-third should be women to be nominated by Town Vending Committee Chairman	Member
2.	2 (two) representatives of Local Markets Association	Member
3.	2 (two) representatives of Trader Association (to be nominated by Local Authority)	Member
4.	Representative from the Local Dorbar wherever applicable	Member

The Chairperson can co-opt any other member as he deems fit.

- (ii) Chairperson of the Local Authority/Town Vending Committee shall provide a space in the office

building in 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.

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

4. Mode of Nominating Non-Official members:-

- i. The Chairperson of the Town Vending Committee shall nominate the members of the Vendors Association.
- ii. The formation of the Town Vending Committee (both official and non-official members) shall be published by the State Government in the Official Gazette and in the website of the District Urban Planner/Municipal Board and Deputy Commissioner.

5. Duration of Town vending committee- The term of such nominated members of the Street Vendors Association of the Town Vending Committee shall be for a period of two years from the date of its nomination.

6. 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 performance of his/her duties impose on him/her by or under the Act or the rules or exceeds or abuse its power for 3 (three) consecutive meetings, memo will be issued and if it crosses 4 (four) meetings, then the State Government may, by order remove such member from the Town Vending Committee and issue vacancy notice.

7. Method of filling vacant post - Where any vacancy occurs in the existing Town Vending Committee due to resignation, death, and removal of any member or for any other reason, the same procedure shall be followed to fill up such vacancy.

8. Procedure for meeting of Town Vending Committee -

- i. The Town Vending Committee shall decide in its first meeting, the various procedure aspects relating to conduct of its business.
- ii. The time and venue of the meeting shall be decided by the Chairperson.
- iii. The Member Secretary shall issue a notice before 7 (seven) days of a scheduled meeting.
- iv. 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.
- v. The quorum for conduct of the meeting shall be one third of the total strength of the Committee.
- vi. The decision shall be taken on the basis of the majority of members present at the meeting.
- vii. No meeting shall be carried on in the absence of the quorum and where there is no quorum, the meeting shall be adjourned.

- viii. The minutes of the meeting shall be signed by the Chairperson and shall be placed in the subsequent meeting of the Committee for confirmation.
 - ix. The minutes of the meeting, orders and decisions of the Town Vending Committee shall be notified and placed on the notice board of the Town Vending Committee and on the local body website or the Town Vending Committee may decide to have its own website.
 - x. The meeting of the Committee shall be held at least once in a month.
 - xi. The first meeting of the newly constituted Committee shall be fixed within 15 (fifteen) days from the date of its constitution.
9. Status paper and street vending scenario shall be placed by Local Authority -After the procedure details are finalized 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:-
- i. The areas of street vending in the City or Town indicated in the maps,
 - ii. 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,
 - iii. Information about the high footfall areas, lean footfall areas and mid-range areas from the street vending angle,
 - iv. The areas of vending, areas declared as no vending zones, etc., the likely high football places in the areas under development,
 - v. A broad category of goods allowed to be sold and as per restriction imposed by the Hon'ble Supreme Court as well as Hon'ble High Court,
 - vi. The problem areas from the traffic angle,
 - vii. Enumeration of the relevant provisions of the Prevention of Food Adulteration Act, 1954, and cleanliness and enforcement drive,
 - viii. 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 reason etc., to assess the situation. These databases can be presented in the digital form if so desired by the Committee.

10. **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.

11. **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 Local Authority and the Planning Authority do not agree with the recommendation of the Town Vending Committee for such constitution, the matter may be referred to the State Nodal Officer, but his role shall be for coordination.
12. **Engagement for associating members-** The Town Vending Committee may engage and associate with groups, experts and members as may be required with the approval of the Local Authority and Planning Authority as per job/domain/task falling under the responsibility of the Local Authority 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.
13. **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.
14. **Employees/Support Staff of Town Vending Committee -**
 - i. The Town Vending Committee shall have office space as may be decided by the Local Authority
 - ii. Town Vending Committee 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 Town Vending Committee 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 Livelihoods Mission (NULM) within municipality would support such secretarial function.
 - iii. 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 Town Vending Committee.
15. **Appeal against decision or order of Town Vending Committee-**
 - (i) Any person aggrieved by any decision of the Town Vending Committee with respect to issue of Certificate of Vending/license under Section 10 (5) or suspension/cancellation of Vending Certificate, may within a period of 3 (three) days from the date of communication of the decision prefer an appeal in Form-II to the Local Authority.
 - (ii) 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.
 - (iii) The Local Authority may before disposing of any appeal; make or cause such further enquiry as may be required.
 - (iv) The Local Authority shall not entertain an application where:-
 - i. The application is anonymous or it contain general and vague allegations,
 - ii. The matter is sub-judice in any court of law, tribunal or a judicial or a *quasi*-judicial authority,
 - (v) Every decision of the Local Authority shall be final and in writing along with reason and be signed /dated along with seal.

CHAPTER-III**MISCELLANEOUS**

16. **Manner of publishing summary of scheme** - The summary of the Scheme notified by the State Government under Section 2 of Chapter II of the Act shall be published by the Local Authority in two local newspapers of which should be reproduced in the local language of the area and shall also be uploaded on the website of the Local Authority and Town Vending Committee. Such publication of Scheme by the Local Authority shall be made within 7 (seven days) from the date the Scheme notified by the State Government.
17. **Furnishing of returns to State Government** - Every Town Vending Committee shall furnish from time to time, the return as required under the Act along with the details specified in Form I, to the State Government.
18. **Annual Report**- The Annual report shall be prepared by the Town Vending Committee within 3 (three) months after the completion of the financial year and shall also be uploaded on the designated website.
19. **Annual Account**-Town Vending Committee 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.
20. **Interpretation and removal of difficulty** - If any difficulties arise in implementing the provisions of these Rules or for interpretation of any Rule, the matter shall be referred to the State Government and the decision of the Government thereon shall be final.

SHREERANJAN,

Additional Chief Secretary to the Govt. of Meghalaya
Urban Affairs Department, Meghalaya.