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Separate paging is given to this part in order that it may be filed as a separate compilation

PART III

Laws Rgulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIAT—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notification

Jammu, the 29th January, 2021.

SO-29.—In exercise of the powers conferred by Section 36 of the Street Verdors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014), the Lieutenant Governor of Union Territory of Jammu and Kashmir hereby makes the following rules for regulating street vending activities, namely :—

CHAPTER 1

PRELIMINARY

1. **Short title, application and commencement**.—These rules may be called "The Jammu and Kashmir Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2021".

(ii) They shall be applicable to all the Municipal Bodies/Municipalities in the Union Territory of the Jammu and Kashmir.

(iii) They shall come into force with effect from the date as may be notified by the Government in the Official Gazette.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires,—

(a) **"Act"** means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014) of Government of India ;

(b) **"Chief Executive Officer"** means an officer incharge of the Municipal Corporation, Municipal Council, Municipal Committee, as the case may be ;

(c) **"Form"** means form appended to these rules ;

(d) **"Grievance Redressal Committee"** means the committee constituted under sub-section (1) of section 20 of the Act ;

(e) **"Government"** means the Government of Jammu and Kashmir ;

(f) **"Local authority**" means the local authority as defined under clause (c) of sub-section (1) of section 2 of the Act

(g) **"License**" means the permission letter for vending issued under these rules ;

(h) **"Scheme**" means a scheme framed by the Government under section 38 of the Act ;

(i) **"Section**" means the section of the Act ;

(j) "**Street Vendor**" means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane, side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words **"**street vending" with their grammatical variations and cognate expressions, shall be construed accordingly, as referred to in clause (c) of sub-section (1) of section 2 of the Act ;

(k) **"Town Vending Committee (TVC)**" means a committee constituted under Rule 4.

2. Words and expressions which are used in these rules and not defined but defined in the Act shall have the same meaning assigned to them in the Act.

CHAPTER 2

REGULATION OF STREET VENDING

3. **Prescription of the age for issue of the certificate of vending**.—A street vendor who has completed the age of eighteen years shall alone be issue a certificate of vending under section 4 of the Act.

CHAPTER 3

TOWN VENDING COMMITTEE

4.**Constitution of Town Vending Committee**. —(1) There shall be constituted a Town Vending Committee in each Municipality by the Government.

(2) The Town Vending Committee shall have its permanent office at the space allotted by the local authority.

5. **Composition of Town Vending Committee**.—(1) Each Town Vending Committee shall consist of following official and non-official members :—

S. No.	Title	Status
1	2	3
A		
	Municipal Corporation	
	Official Members :	
i.	Municipal Commissioner	Chairperson
ii.	Medical Officer of the Municipal or any officer incharge of the management of the preventive health measures	Member
iii.	Collector or his representative	Member
iv .	Chief Planning Officer of the District	Member
v.	One Police official nominated by the Director General of Police not below the rank Deputy Superintendent of Police	Member
vi.	Officer of the Municipal Corporation, next rank to the Municipal Commissioner (as decided by the Chairperson)	Member-Secretary
	Non-Official Members :	
i.	One representative of Municipal Corporation	Member
ii.	Eight representatives of the street vendors who are carrying on street vending activity	Member
iii.	One representative of Market and Trade Associations	Member

1	2	3

iv.	One representative of Non-Government Organizations	Member
v.	One representative of Community Based Organizations	Member
vi	One representative of the Lead Bank	Member
B	**Municipal Council**	
	Official Members :	
i.	Chief Executive Officer	Chairperson
ii.	Sub-Divisional Magistrate	Member
iii.	Police Inspector	Member
iv.	An official or his representative of the Town and Country Planning Organization of the Union Territory, stationed locally or in any nearby city or town	Member
v.	Officer of the Municipal Council, next in to the Chief Executive Officer (as decided by the Chairperson)	Member-Secretary
	Non-Official Members :	
i.	One representative of the Municipal Council	Member
ii.	Five representatives of street vendors who are carrying on street vending activity	Member
iii.	One representative of Market and Trade Associations	Member

1	2	3
iv.	One representative of Non-Government Organizations	Member
v.	One representative of the Lead Bank	Member
C	**Municipal Committee**	
	Official Members :	
i.	Executive Officer	Chairperson
ii.	Tehsildar	Member
iii.	Police Sub-Inspector	Member
iv.	Officer of the Municipal Committee, next in	Member-

	rank tothe Executive Officer (as decided the Chairperson)	Secretary
	Non-Official Members	
i.	One representative of Municipal Committee	Member
ii.	Four representatives of street vendors who are carrying on street vending activity	Member
iii.	One representative of Market and Trade Associations	Member
iv.	One representative of Non-Government Organizations	Member
v.	One representative of the Lead Bank	Member

(2) The Non-official members shall be elected or selected as per the procedure laid down in rule 7 ;

(a) While holding election of the street vendors to the Town Vending Committee, the Town Vending Committee, if deems fit, shall decide the number of seats to be represented by scheduled caste, scheduled tribe, other backward classes, minorities and persons with disabilities on a rotation basis.

(b) For ensuring one-third representation for women, the Town Vending Committee shall decide the number of reserved and open category before each election which shall be represented by a woman candidate only.

(3)The percentage of reservation shall be followed as per the prevalent guidelines of the Government.

(4) If need be, Zonal Town Vending Committee may be constituted by the Government for the Municipal Corporation, on the recommendation of the Municipality. The Government shall decide the rank of the official not below the rank of Deputy Commissioner, who shall preside over the Zonal Committee and the powers of the Municipal Commissioner to be exercised by such official.

(5) The member nominated by the Government shall, unless his nomination is terminated earlier by the Government, hold office for three years from the date of his nomination.

(6) The Town Vending Committee may associate with any expert having expertise and special knowledge in urban governance to give advice or assist it in carrying out the provisions of the Act :

Provided that such associated members shall have right to attend the meetings and participate in the discussions but have no voting right. Such person shall be paid an honorarium as may be decided by the Chairperson.

Note :—The Member-Secretary shall be responsible for convening the meeting and ensuring compliance of the decisions taken by the Town Vending Committee.

6. **Provisional Town Vending Committee**.—(l) Notwithstanding anything contained in rule 5, the Government shall constitute the provisional Town Vending Committee for each Municipality, till such time, as the survey of street vendors is completed and election of the representatives of street vendors is held on the basis of such survey. The Government shall nominate all the members of the Town Vending Committee of various categories mentioned in the Act for this purpose.

(2) The nomination of the street vendors to the Town Vending Committee, under sub-rule (l), shall be based on some document more than six months old establishing the status of a person as a street vendor in the city or town, for which the Town Vending Committees to be constituted.

(3) The duration of the Town Vending Committee constituted under sub-rule (1) shall not be more than one year or till such time as the election of the street vendors to the Town VendingCommittee could be held on the basis of the survey undertaken, whichever is earlier.

7.**Mode of election or selection of Non-official members**. —(l) The general board of the Municipality shall decide one of the members of the Municipality to be nominated for Town Vending Committee.

(2) The Municipality by resolution may decide for the mode of nominating the members from the Street Vendor Associations, Market and Trade Associations, etc. by anyone of the following procedures :—

(a) Where it has been decided to go for a ballot based election for tle non-official members of the Town Vending Committee, the institution-wise election shall be conducted by the Collector or his representative following the procedure usually adopted for the election of the representatives of the Municipality.

(b) Where it has been decided to select by lot, the following prodedure shall be followed, namely :—

i. the Municipality shall publish a notice calling for applictions for the membership of Town Vending Committee, on its website and in any two prominent local newspapers published in the local language of the area. A copy of the notice shall also be displayed in any conspicuous place in the local market or markets within the jurisdiction of the Municipality ;

ii. the publication of such notice shall contain, amongst other things, the date of publication, the form for the application, qualification of the candidate, the last date

for submission and the manner of submission of the aplication ;

iii. the notice shall be published thirty days prior to the last date for the submission of applications for membership of the committee ;

iv. any person, being a member of any association of street vendors, the market association, the traders association, etc. is eligible to apply for membership of committee. Provided that such person must have completed the age of eighteen years and had not been convicted by any court of law for any criminal offence declaring incompetent to take part in the general election ;

v. the Municipality may seek information, with respect to, particulars of the applicant and details of work experience, particularly in the field of informal market or markets and street vending within the jurisdiction of the Municipality, and such other information as it may deem fit ;

vi. the Municipality, on receipt of such applications shall allot a unique number to each application and communicate the same to every applicant ; and

vii. if the applications received for a particular category are more than the required numbers, the Municipality shall select the member on the basis of lottery. Such lottery shall be held in the presence of the interested parties.

(3) The election for the members of the Town Vending Committee from amongst the street vendors shall be conducted in the manner provided in the Schedule appended to these rules.

(4) The National Lead Bank shall nominate one of its officials as a member for the committee.

(5) The Municipality shall publish the aforesaid information and the list of nominated members of Town Vending Committee on its website, within thirty days from the last date for submission of application for the membership of the committee.

(6) The formation of the Town Vending Committee (both official and non-official members) shall be published by the Government in the

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8.**Functions of Town Vending Committee.**—The Town Vending Commitee shall perform following functions and duties, namely :—

(1) To ensure that the identity cards shall be issued to the street vendors after its preparation by the Municipality ;

(2) To collect the fee for registration or renewal of registration of

street vendors as determined by the Municipality ;

(3) To collect fees and other charges for registration and its renewal, usage of parking space for mobile stalls and availing of civic services and other charges/fee made through banks ;

(4) To grant, renew, suspend or cancel registration certificates to street vendors ;

(5) To identify and designate vending zones and to set the terms and conditions for hawking/vending ;

(6) To specify timings for vending in vending zones ;

(7) To maintain the records of land, street, footpath, embankment, waiting area, parks and other public places designated for vending ;

(8) To conduct or cause undertake periodic surveys of vending zones ;

(9) To collect, maintain and update data regarding street vendors ;

(10) To determine quantitative norms for different categories of stationary and mobile stalls in the vending zones ;

(11) To assess and determine maximum holding capacity of each vending zone ;

(12) To identify and declare area as restriction free vending zones, restricted free vending zones with regard to days and time, and no vending zones ;

(13) To ensure fixation of signboard at each vending zone to indicate kind of vending zone, its boundaries and vending times ;

(14)To declare place and timing of vendors' markets for weekly haats, night bazaars, holiday bazaars, hawker's plaza, theme-based markets and festival bazaars and ensure their continuation and upgradation ;

(15)To ensure adequacy of and monitor the civic amenities including water, sanitation, waste management, electricity and other facilities provided by the Municipality in the vending zones ;

(16)To monitor activities of street vendors and the implementation and execution of the scheme ;

(17)To ensure that the quality of products and services provide to the public and public health, hygiene and safety standards as specified by the Municipality are maintained ;

(18)To ensure that allotted stalls are utilized by the vendors in accordance with the terms and conditions specified ;

(19)To specify the terms and conditions for issue, renewal, suspension or cancellation of registration ;

(20)To determine actions including imposition of fine for violating the terms and conditions for registration ;

(21)To promote awareness regarding credit through institution mechanisms ;

(22)To determine norms for regulating the activities of street vendors ;

(23)To determine terms and conditions for providing benefit of insurance, maternity benefits, old age pension and other social security schemes to the street vendors in case of death, illness or disability ;

(24)To lay down guidelines for organizing associations and self-help groups of street vendors ;

(25) To conduct or make arrangement for organizing training programmes for street vendors with a view to equip them with entrepreneurship and technical and business skills ;

(26)To redress grievances of and resolve disputes amongst the street vendors and take corrective actions against defaulters ;

(27)To allocate any duties and responsibilities to the Ward Vending Committee for effective implementation of the scheme ;

(28)To discharge any other functions as assigned by the Government or Municipality in regard to regulating street vending and rehabilitation street vendors in urban areas.

9.**Duration of Town Vending Committee**. —(1) The term of the Town Vending Committee shall be for a period of three years from the date of its constitution.

(2) The process of constituting new Town Vending Committee shall be completed before the expiry of the term of the existing committee.

10.**Removal of Member of Town Vending Committee**. —If in the opinion of the Government any members of the Town Vending Committee pesistently makes default in the performance of his duties impose on him by or under the Act or the rules or exceeds or abuse its power, the Government may, by order remove such member from the Town Vending Committee :

Provided that such member shall be given a reasonable opportunity of being heard before passing an order of removal.

11.**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 as laid down in the Rule 7 shall be folIowed to fill up such vacancy.

12.**Allowances to non-official members**.—The non-official members shall be entitled to a seating fee as may be decided by the Municipality. 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.

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13.**Collection of revenue**.—(l) There shall be linkage between the Municipality and street vendors through Town Vending Committee for collection of,—

(a) fee for registration, fee for renewal and license fee ;

(b) monthly maintenance charge ;

(c) levy on space allotted ;

(d) Fines and other charges, if any.

(2)Municipality and Town Vending Committee (s) shall make adequate and proper arrangement for collection of fee, levy charge etc. from the vendors.

(3)Prescribed receipt for the realized amount shall be issued to the vendors.

(4)Municipality may enter into arrangement/agreement with any nationalized bank(s) having sufficient number of branches accross the town for collection of fee, levy, charges etc.

14.**Conduct of business by Town Vending Committee (TVC)**.— (1) The Town Vending Committee shall decide in its first meeting, the various procedural aspects relating to conduct of its business.

(2)The meeting of the Town Vending Committee shall be held at least once in every two months.

(3) The meeting shall be convened by the Member-Secretary.

(4)The place, date and time of the meeting shall be fixed by the Member-Secretary in consultation with the Chairperson.

(5)Every meeting of the Town Vending Committee shall be presided over by its Chairperson.

(6)In the meeting decisions shall be taken by majority of the members present and voting.

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(7)In case of equality of votes, the Chairperson shall have the right of casting vote.

(8)The first meeting of the newly constituted committee shall be fixedwithin fifteen days from the date of its constitution.

15.**Agenda for meeting and notice of meeting and business**. — (1) The agenda for the meeting shall be prepared by the Member-Secretary in consultation with the Chairperson.

(2)A notice of the meeting shall be sent by via e-mail/register post, given by himself, to each member of the Committee, and also put on the designated official website (of TVC and Municipality) at least seven days before the time fixed for such meeting.

(3)The notice of meeting shall contain place, date and time of the meeting and a list of business to be transacted at the meeting.

(4)A notice indicating place, date and time of the meeting shall also be pasted on the notice board in the office of the Town Vending Committee as well as in the Municipality.

(5)If possible, telephonic communication may also be made by the staff of the Town Vending Committee.

(6)No business, except as provided in sub-rule (2), shall be transacted at any meeting other than a business of which notice has been given.

16.**Right of members to move proposa**l.—(1) Any member of the Committee may send or deliver to the Chairperson notice of any resolution with a copy thereof proposed to be moved by him at any meeting of which notice has been sent.

(2)Such a notice shall be sent or delivered at least forty-eight hours before the date fixed for the meeting.

(3)The Member-Secretary thereupon shall with all possible dipatch cause to be circulated such resolution to every member in such manner as he thinks fit.

(4)Any resolution so circulated may, unless the meeting othewise decides, be considered and disposed of thereat.

17.**Quorum**.— (l) The quorum for the general meeting shall be at least two-third of the total members of the Committee.

(2)No meeting shall be carried on in the absence of the quorum and where there is no quorum, the meeting shall be adjourned.

(3)The quorum for the urgent or special meeting shall be three-fourths of the total members of the Committee.

18. **Adjournment of meeting.**—(l) Where any meeting fails or is unable to transact its business for want of quorum as referred to in Rule 17, the Chairperson shall adjourn the meeting and direct that a meeting be held at such time and place as he thinks fit; and the business which had been listed for transaction at the original meeting shall be brought forward and transacted in the usual manner at such meeting but no quorum shall be necessary thereat.

(2)The Chairperson of any meeting at which a quorum of the members is present may, with the consent of the majority of the members present, adjourn the meeting from time to time.

19.**Postponement of meeting**.— The Chairperson may, for reason to be recorded, postpone a meeting, other than a meeting convened on requisition of members as referred to in Rule 23, by giving notice of twenty-four hours.

20. **Minutes.**— (l) The Member-Secretary shall maintain a minute book for recording the proceedings of every meeting and shall keep it in his safe custody.

(2)The minute book shall record the signature of the members attending the meeting before its commencement.

(3)Proper recording of proceedings and resolutions adopted at every meeting shall be maintained in the minute book by the Member-Secretary.

(4)After the meeting is over, all members attending the meeting shall put their signature on the proceedings recorded.

(5)At the next meeting, the proceedings of the last meeting and the resolutions adopted shall be read and confirmed by the members attending the meeting.

(6)The proceedings and minutes shall be finally signed by the Chairperson.

21. **Modification in resolution**.—In case of any discrepancy found by the members while confirming the resolutions adopted as referred to under sub-rule (5) of Rule 20, the Committee shall discuss the concerned item and shall make necessary modification in the resolution, including its annulment.

22. **Communicating the resolutions**.—The resolutions confirmed under sub-rule (5) and finally signed by the Chairperson under sub-rule (6) of Rule 20 shall be communicated to the Municipality within seven days; and the same shall also be forwarded to the Government and the District Nodal Officer.

23. **Urgent meeting of Town Vending Committee**.—(1) The Municipal Commissioner or the Executive Officer, as the case may be, may convene an urgent meeting of the Town Vending Committee to discuss and discharge any matter of immediate importance.

(2)Such an urgent meeting may be convened on the notice of twenty-four hours to the members.

(3)The notice of an urgent meeting may be communicated on telephone and through e-mail, if available, but proper record of such communication shall be maintained.

24.**Disqualification of members**.— The leave of absence and the disqualification of the member of the Town Vending Committee shall be decided in the following manner, namely :—

(1) A member, in case of urgency, may remain absent in the meetingwith the prior approval of the Chairperson of the committee.

(2) When a member remains absent for three consecutive meetings without permission, the Chairperson shall issue a show cause notice to such member asking him to explain within two weeks, the reasons for his absence in the meetings. If such member submits satisfactory explanation on reasons for his absence, he may be continued as a member with the warning.

(3) Where such member fails to give any satisfactory reason of his absence in the meetings or does not reply to the show cause notice within time, his membership from the committee shall be terminated and such termination order shall be communicated to the member by the Town Vending Committee.

(4) Any member convicted in any criminal case shall loose his membership of the committee.

(5) Any member who has lost his membership of the committe may prefer an appeal to the Government within one month from the date of receipt of the termination order. The Government, after giving opportunity of hearing to both the parties shall decide the appeal and the decision of the Government thereon shall be final.

25.**Status paper and street vending scenario shall be put up by Municipality**.— After the procedural details are finalized by the Town Vending Committee, and before it takes up the regular business, the Municipality 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 map ;

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 seasonal vending, areas of niche market, areas of night bazaars, the likely high footfall places in the areas under development ;

v. a broad category of articles sold ;

vi. the problem areas from the traffic angle ;

vii. enumeration of the relevant provisions of the Prevention of Food Adulteration Act, 1954 ; and

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. These will vertually form the baseline data to facilitate the committee to take decision.

form if so desired by the committee.

CHAPTER 4
DISPUTE REDRESSAL MECHANISM

26.**Constitution of Grievance Redressal Committee**.—(l) There shall be a Grievance Redressal Committee for one or more Municipalities as decided by the Government from time to time for redressal of grievances or resolution of the disputes of the street vendors. It is to be constituted by the Government under sub-section (1) of section 20 of the Act.

(2) The Government shall appoint—

(a) a civil judge or a Judicial Magistrate as a Chairperson ;

and (b) Two other persons as members of the Grievance Redressal Committee :

Provided that out of two other members of the committee, one shall not be below the rank of a retired Joint Municipal Commissioner of a Corporation or retired Chief Executive Officer of a Municipality in the region and the second member of thecommittee shall be a prominent social

worker, preferably having experience in the field of informal economy including street vending in th same region.

(3)The Chairperson and the Members of the Grievance Redressal Committee shall have tenure of three years or up to the age of sixty-five years whichever is earlier.

(4)The Government shall decide the area of jurisdiction and the headquarters of Grievance Redressal Committee.

27.**Qualifications and experience for appointment as member in Grievance Redressal Committee.**—(l) A person shall be qualified to be appointed as a member in a Grievance Redressal Committee, if he—

(a) is above thirty-five years but is not more than sixty-five years of age ;

(b) Members—

i. First member being a person who has worked in Local Self-Government or as an officer not below the rank of Under Secretary to the Government or equivalent, having experience in the Municipality ;

ii. Second member being a person of ability, integrity, and standing and has adequate knowledge or experience of, at least, ten years in social work or in dealing with the problems relating to street vendors or of public affairs or

urban planning or economic development or public administration.

28.**Allowances and terms and conditions of Chairperson and member of Grievance Redressal Committee**.—(l) The Chairperson and members of the Grievance Redressal Committee shall be paid such remuneration as may be decided by the Government from time to time.

(2)The Government may remove from the office, the Chairperson and members of Grievance Redressal Committee, if he—

(a) has been adjudged an insolvent ; or

(b) has been convicted of an offence which, in the opinion of the Government, involves moral turpitude ; or

(c) has become physically or mentally incapable of

(d) action as such Chairperson or member, as the case may be ; or

(e) has acquired such financial other interests as is likely to affect prejudicially his functions as such Chairperson or member, as the case may be ; or

has, in the opinion of the Government such financial or other interest as is likely to affect prejudicially the discharge by him of his functions

29.**Form and manner of making an application to Grievance Redressal Committee.**—(1) Every application for redressal of grievance or resolution of a dispute under sub-section (2) of section 20 of the Act shall be in

Form I.

(2) The application shall be signed by the applicant and presented by him in person or through its representative to the Grievance Redressal Committee.

(3) The application shall be accompanied by a copy of the order or notice, if any, against which the application is made and other relevant documents.

(4) Such application shall be filed by the street vendor within thirty days from the date of occurrence of any incidence or order, causing the grievance or dispute.

(5) The Grievance Redressal and Dispute Resolution Committee shall entertain an application where—

(a) the application is anonymous or it contains general and vague allegations ;

(b) the matter is sub-judice in any court of law, tribunal or a quasi-judicial authority ;

(c) the matter is beyond the purview of the Act ;

(d) the applicant has no locus standi to file the application.

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30.**Manner of hearing by Grievance Redressal Committee.**—(l) On receipt of an application under rule 29, the Grievance Redressal Committee shall hold a preliminary hearing with the applicant to determine as to whether there is a *prima facie* case and whether the balance of convenience is in favour of applicant. The street vendor may also pray for the interim relief during the pendency of such application.

(2) The result of the preliminary hearing shall be pronounced at the conclusion of the hearing and shall be recorded in writing and communicated to the applicant. The committee may grant or refuse the interim relief, if any, prayed by the street vendor, with the reasons recorded in writing.

(3) Where it has been held by the committee that there is a *prima facie* case, a notice shall be issued to the Municipality containing the details of the grievance or dispute.

(4) The Municipality, on receipt of such a notice, will file a reply within a period to be decided by the committee. A copy of the reply shall also be furnished to the street vendor, free of cost.

(5) The street vendor may file a counter reply within a period of two weeks from the date of receipt of the written reply filed by the Municipality.

(6) The Grievance Redressal Committee may order for a field inquiry by deputing one of its members or an official of the

Municipality in connection with the contentions made by the applicant or respondent and also with reference to the records placed before it.

(7) The Grievance Redressal Committee, after hearing both the parties shall pass an order in writing, with the reasons for taking the decision, within a period of one month from the date on which hearing of both the parties concluded.

(8) The decision of the Grievance Redressal Committee shall be binding on the parties unless it is stayed by the Municipality to which the appeal lies.

CHAPTER 5

APPEALS

31.**Appellate Committee to hear appeal.**—Every Municipality shall constitute a committee consisting of Mayor or President as a Chairperson and two other members of the Municipality as decided in the general body meeting to work as appellate authority to hear the appeal under rules 32 and 33.

32. **Appeal against the decision or order of Town Vending Committee**.—(l) Any person, aggrieved by the decision or order of the Town Vending Committee with respect to issue of certificate of vending or cancellation or suspension of certificate of vending, may prefer an appeal to the appellate committee constituted under rule 31within a period of thirty days from the date of the decision of the Town Vending Cclnmittee, in the

Form II, either himself or through his representative.

(2) Any appeal filed after the expiry of the stipulated period specified in sub-rule (1) shall not be entertained by the appellate committee :

Provided that the appellate authority may condone the delay if it is satisfied that the appellant was prevented by sufficient cause from preferring an appeal within the stipulated period.

(3) The appellate committee shall dispose of such appeal within a period of thirty days from the date of filing the appeal.

(4) The appellate committee, after hearing both parties shall pass an order in writing, with reasons for taking such decision.

33. **Appeal against decision or order of Grievance Redressal Committee**.—(1) Any person who is aggrieved by the decision of the Grievance Redressal Committee may prefer an appeal in writing to the Appellate Committee constituted under rule 31 within a period of thirty days from the date of order of the Grievance Redressal Committee in

Form III either himself or through his representative.

(2) Any appeal filed after the expiry of the stipulated period sbecified in sub-rule (l) shall not be entertained by the appellate committee :

Provided that the appellate authority may condone the delay if it is satisfied that the appellant was prevented by sufficient cause from preferring

an appeal within the stipulated period.

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(3) The Appellate Committee, on receipt of the appeal, shall issue a notice to the parties concerned intimating the date and time of hearing. The hearing date shall be fixed within thirty days from the date of filing of an appeal.

(4) The Appellate Committee, after hearing both parties shall pass an order in writing, with the reasons for taking the decision, within a period of thirty days from the date on which hearing of both the parties concluded.

CHAPTER 6

MUSCELLANEOUS

34. **Maintenance of records.**— (1) Every Town Vending Committee shall maintain a register and soft copy which shall contain registration number assigned to street vendor to whom Certificate of Vending has been issued, name, address, mobile number, nature of business, category of street vending, allotment of space, along with such other details of the street vendors as may be considered necessary.

(2) In order to ensure safety of register every Town Vending Committee shall keep the register in the office of the Chairperson of the Town Vending Committee and remain under his control or an officer duly authorized by him after order is being passed for issue of Certificate of Vending.

(3) The register shall be maintained as a permanent record with the Town Vending Committee.

(4) The paper records of the Town Vending Committee shall be maintained by its secretariat in the place allotted by the Municipality and the soft copy should also be suitably maintained. All decisions taken by the Town Vending Committee shall be placed on a designated website.

(5) 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.

(6) The street or road plan with the existing site of the street vending shall be a permanent record with the Town Vending Committee.

(7) The State Nodal Officer shall maintain the complete records of vendors in the State.

35. **Summary and publication of the scheme**.— (1) A summary of the scheme notified by the Government under sub-section (1) of Secion 38 of the Act incorporating brief details of the scheme shall be prepared by the Municipality in simple words, so that the intended vendors may not feel any difficulty in understanding the scheme.

(2) The summary of the scheme as prepared under sub-section (2) of section 38 of the Act shall be published in at least two local daily newspapers having wide circulation in the city, at least twice.

(3) The summary of the scheme shall also be prominently displayed in the office of the Municipality.

(4) Every Municipality shall make public the salient features of the scheme by wall writing, billboards or any other means at appropriate places in the city area.

36. **Submission of reports and returns**.—(1) The Town Vending Committee shall prepare every year an annual statementof its accounts within three months after the completion of the financialyear and shall also be uploaded on the designated website and also submit it to the Municipality.

(2) Every Town Vending Committee shall furnish from time to time, the return as required under section 30 along with the details specified in

Form IV to the Government.

37. **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 Government and the decision of the Government thereon shall be final.

38. **Disclosure of information**.—(1) The Municipality shall publish the annual statement of accounts, annual report and any other material submitted by the Town Vending Committee on its website.

(2) The details, containing name with photograph, address, nature of vending business, details of license, if issued, of the entire registered street vendors shall be uploaded by the Municipality on its website.

By order of the Lieutenant Governor.

(Sd.) DHEERAJ GUPTA, IAS,
Principal Secretary to the Government,
Housing and Urban Development Department.

SCHEDULE

(*See rule 7*)

Manner of election of the members of Town Vending Committiee from amongst the street vendors :—

(1) The Municipality shall by a notification express its intention to conduct elections for the members of a Town Vending Committee representing the street vendors of the area under the jurisdiction of the Municipality.

(2) The Municipality shall appoint a returning officer for the purpose of conducting the election of members of the Town Vending Committee representing the street vendors of the area under its jurisdiction.

(3) The returning officer appointed under clause 2 shall conduct the election for the members of the Town Vending Committee from amongst the street vendors in the manner provided hereeinafter.

(4) A mobile vendor, stationary vendor or street vendor shall be disqualified to be elected as member of the Town Vending Committee if he is convicted of an offence involving moral turpitude or he is physically or mentally incapable of discharging duties as a member of a Town Vending Committee.

(5) The Municipality shall supervise, direct and control the conduct of elections of the members of a Town Vending

committee representing the street vendors in the area of its jurisdiction.

(6) As soon as the notification expressing the intention of the Municipality to conduct elections for members of a Town Vending Committee representing the street vendors has been issued and a returning officer has been appointed for conducting the election, the Municipality shall by a resolution determine the date, time and place for conduct of the election.

(7) The notice of the resolution or decision of the Municipality shall be circulated among the street vendors engaged in the vocation

of street vending in the area of jurisdiction of the Town Vending Committee, by any of the following modes, namely :—

(a) By public notice to be published in two prominent daily newspapers out of which one shall be in the local language of the area ;

(b) By local delivery ;

(c) By post under certificate of posting ;

(d) By speed post or courier services, duly registered with competent authority as well as on the notice board of the returning officer. The notice shall contain information regarding—

i. the number of members to be elected including seats reserved for representation of scheduled tribes, scheduled castes, other backward classes, women, persons with disabilities, minorities or any other specified categories ;

ii. the date on which, the place at which and the hours which nomination papers shall be filed, such date being not less than seven clear days before the date fixed for election or if that day happens to be public holiday, the next succeeding day which is not a public holiday ;

iii.the date and the hour for scrutinization of the nomination papers ; and

iv.the date, place and the hours of the polling.

(8) The Municipality shall prepare a list of street vendors engaged in the vocation of street vending in the area of jurisdiction of the Town Vending Committee as it stood on thirty days before the date fixed for inviting the nominations and publish copies of the said list by affixing them upon the notice board at

the office of the Town Vending Committee, not less than ten days prior to

the date fixed for inviting nominations. The list shall specify the registration number, certificate of vending and the name of the street vendor, the name of the father or husband, as the case may be, and the address of the street vendor. It shall be the duty of the Town Vending Committee or the Municipality, as the case may be, to bring up-to-date register of street vendors and such other register as the returning officer may require and hand over such records or register to the returning officer thirty days prior to the date fixed for the purpose of the election. A copy of the list shall be supplied by the Town Vending Committe or the Municipality or returning officer, as the case may be, to any street vendor on payment of such fee as specified by the Municipality.

(9) The nominations of the candidates for election shall be made in

Form-V supplied by the returning officer to any street vedor free of cost.

(10) The candidate shall make a security deposit of repees two thousand in cash or bank draft or pay order along with the nomination papers. If a candidate fails to get less than one sixth of the votes polled, the security deposit shall be forfeited to the Municipality.

(11) Every nomination paper shall be presented in person by the candidate himself or by his proposer or seconder to the returning officer. The returning officer shall enter on the nornination paper its serial number and certify the date and hour at which the nomination is received by him and shall immediatey give a written acknowledgement for the receipt of the nomination paper which shall bear the seal of the Town Vending Committee or returning officer. Any nomination paper which is not received on or before the date and time fixed for its receipt shall be rejected.

(12) (i) On the day following the date fixed for the rececpt of nomination papers, the returning officer shall take up the scrutiny of the nomination papers.

(ii)The returning officer shall examine the nomination papers and decide objections, which may be made by any person in respect of any nomination and may, either on such objection or on his own motion and after such summary inquiry, if any, as the returning officer thinks necessary, reject any nomination :

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or the name of his proposer or seconder, or any other particulars relating to the candidate or his proposer or seconder, as entered in the list of street vendors referred to in clause 8 if the identity of the candidate the proposer or seconder, as the case may be, is established beyond reasonable doubt.

(iii)The returning officer shall give all reasonable facilities to the contesting candidates or the proposer or seconder as the case may be, to examine all the nomination paper and to satisfy themselves that the inclusion of the name of the contesting candidate is valid.

(iv)The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, he shall record in

writing a brief statement of his reasons for such rejection.

(v)The returning officer shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riots or affray or by causes beyond his control.

(13)The list of valid nominations as decided by the retuning officer with names in English alphabetical order and addresses of the candidates as given in the nomination papers shall be displayed or published on the same day on which the scrutiny of the nomination papers is completed.

(14)Any candidate may withdraw his candidature by notice it writing signed by him and submitted in person, at any time after the presentation of his nomination paper but before 05.00 p. m. on the day following the day on which the valid nominations are published, to the returning officer of the Town Vending Committee. A notice of withdrawal of candidature once given shall be irrevocable.

(15)Where the number of candidates whose nomination papers have been declared valid, does not exceed, the number of candidates to be elected, the returning officer shall announce the names of all such candidates and declare them to have been duly elected to the Town Vending Committee after the closing hour of the day of withdrawal of candidatures fixed under clause 14 above.

Where the number of candidate whose nominations are valid exeeds the number to be elected, the returning officer shall arrange for conducting a poll soon the date fixed for the purpse.

The returning officer may appoint one or more polling officers as may be necessary for conducting the poll. The ballot paper to be used for the election shall be as prescribed in

(16)The Municipality shall provide the returning officer with ballot boxes, ballot papers, copy of list of street vendors or voters and such other articles as may be necessary for the conduct of elections. The ballot box shall be designed in such a way that ballot papers can be inserted therein but cannot be taken out there from without the boxes being unlocked. A candidate contesting the election may, by a letter to the returning officer, appoint an agent to represent him for both the places where polling is held to identify the voters and to watch the recording of votes. Such letter shall contain the consent in writing of he agent concerned in

Form-VII.

(17)The canvassing for votes by any person at the place where election is to be conducted shall be prohibited.

(18)Immediately before the commencement of the poll, the returning officer shall show the empty ballot box to such persons as may be present at the time and shall then lock it up and fix his own seal. The candidate or his agent may also affix his own seal, if he so desires.

(19)Every street vendor or voter who desires to exercise his right to vote shall be supplied with a ballot paper containing the names of contesting candidates arranged in the English Alphabetical order either printed, type written or cyclostyled, according to convenience, on the ballot paper. The ballot paper

shall also bear the seal of the Town Vending Committee and also the initials of the returning officer, and further contain a column, for the voter to inscribe a mark [x] against the names of persons to whom he wants to vote.

(20)Each polling station and where there is more than one polling booth at a station, each such booth shall contain a separate compartment in which the street vendor or voters can record their votes in secrecy.

(21)No ballot paper shall be issued to a street vendor or voter unless the polling officer is satisfied that the street vendor or voter concerned is the same person as noted in the list furnished to him. On receipt of such ballot paper the street vendor or voter shall proceed to the polling compartment set apart for the purpose and indicate the person or persons in whose favour he exercises his vote by inscribing a mark (x) against the names of the candidate or candidates, as the case may be, and drop the ballot paper in the ballot box kept for the purpose with utmost secrecy. If owing to blindness or other physical informity or illiteracy, the street vendor or voter is unable to inscribe the mark on the ballot paper, the polling officer and where no such polling officer is appointed, the returning officer shall ascertain from him the candidate or candidates in whose favour he desire to vote, inscribe the mark (x) on his behalf and drop the ballot paper in the ballot box.

(22)If at any stage of the polling, the proceedings are interrupted or obstructed by any riot or affray or if at such elections, it is not possible to take the poll for any sufficient cause, the

returning officer may stop the polling, recording his reasons for such action in the minute book of the Town Vending Committee.

(23) No street vendor or voter shall be admitted after the hours fixed for the poll but a voter who enters the premises where ballot papers are being issued before the close of the polling hour shall be issued the ballot paper and allowed him to vote.

(24)The counting of votes shall take place immediately after closure of the poll. If this is not possible, the ballot box shall be sealed

with the seal of the returning officer and the contesting candidates or their agents, if they so desire, and deposit such ballot box, with the Municipality for custody. The returning officer shall then announce the next day of counting. The votes shall be counted by or under the supervision of the returning officer. Each candidate and his authorized agent shall have a right to be presernt at the time of counting. But absence of any candidate or his agent at the time of counting shall not vitiate the counting and the announcement of results by the returning officer. The number of votes secured by each candidate and the result of the election shall be announced by the returning officer as soon as the counting is over.

(25)The result of the elections shall also be recorded in the minute book of the Town Vending Committee and attested by the returning officer and shall also be notified immediately on the notice board of the Town Vending Committee.

(26)In case of equal number of votes, the returning officer shall declare the election result by tossing coin.

(27) The ballot paper shall be rejected by the returning officer If,—

i. It bears any mark by which the street vendor's vote can be identified ;

ii. It does not bear the seal of the Town Vending Committee or the initials of the returning officer ;

iii. The mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been cast ; and

iv. Is so damaged or mutilated that its identity as a genuine ballot paper cannot be established.

(28) After the result of election has been announced, the result of the election and a report thereon shall be communicate to the Municipality as well as to the State Government by the

returning officer, within three days from the date of declaration of the result.

After the declaration of the result of the election, the returning officer shall handover the ballot paper and records relating to the elections of the members of the Town Vending Committee to the Municipality in a sealed cover. These shall safely be preserved by the Municipality for a period of six months from the date of elections or till such time a dispute regarding election, if any, filed is disposed of, whichever is later and shall thereafter be destroyed by the Municipality. A copy of the handing over and taking over record of election shall be sent to the Government as well as to the Municipality by the returning officer along with his report.

– FORM I

(*See Rule 29*)

APPLCATION TO THE GRIEVANCE REDRESSAL COMMTTEE FOR THE REDRESSAL OF GRIEVANCE OR RESOLUTION OF DISPUTE OF STREET VENDORS

1. Name and address of the applicant :

2. Registration number/case number/ID number :

3. Place of vending—
(give full details of location, zone ward, etc.)

4. Nature of vending (Tick the appropriate)—
   (a) stationary :
   (b) mobile
   (c) any other category
   (if other, please specify the category)

5. Date of issue of certificate of vending
(attach a copy of certificate of vending, if issued) :

6. Grievance against which authority :

7. Grounds of redressal of grievance or resolution dispute (give full details and attach more pages, if required) :

8. Documents supporting grievance or dispute :

DECLARATION

I, ..., the applicant, do hereby solemnly declare that what is stated above is true to the best of my information and belief.

Place :

Date :

Signature of applicant.. .....

Note :—Attach all the relevant documents along with the application. If required, to give full details of grievance or dispute on the separate pages to be attached with this application.

———

FORM II

(*See Rule 32*)

APPEAL TO THE MUNICIPALITY AGAINST THE DECISION OF THE TOWN VENDING COMMITTEE

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

..... Appellant

Vs

.....Respondent

1. Name and address of the applicant :
2. Registration number/case number/ID :
3. Place of vending—
   (give full details of location, zone ward, :
4. Nature of vending (Tick the appropriate)—
   stationary :
   mobile :
   any other category :
   (if other, please specify the category)
5. Date of issue of certificate of vending :
   (attach a copy of certificate of vending, if issued)
6. Nature of the order appealed against :
   (Tick the appropriate)—
   a. Rejection of certificate of vending ; :
   b. Cancellation of certificate of vending ;
   c. Suspension of certificate of vending :
7. Ground of appeal
   (give full details and attach more pages if required)
8. Documents supporting Appeal :

DECLARATION

I, ..., the appellant, do hereby solemnly declare that what is stated above is true to the best of my information and belief.

Place : Date : Signature of appellant.. .....

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.

FORM III

(*See Rule 33*)

APPEAL TO THE MUNICIPALITY AGAINST THE DECISION OF THE GRIEVANCE REDRESSAL COMMTTEE

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

..... Appellant

V/s

..... Respondent

1. Name and address of the applicant :
2. Registration number/case number/ID :
3. Place of vending— (give full details of location zone or) :
4. Nature of vending (Tick the
   (a) stationary
   (b) mobile
   (c) any other category
   (if other, please specify the category)
5. Decision of the Committee :
   (attach the copy of the decision of the Grievance Redressal Committee, giving—
   (a) the number of decisions ; and
   (b) the date of the decisions) 6. Grounds of appeal (give full details and attach more pages, if required) :
7. Documents supporting Appeal :

DECLARATION

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

Place :

Date:

Signature of appellant.....

Note :—Attach all the relevant documents including order of Grievance Redressal Committee with this appeal.

If required, to give full reasoning of appeal on the separate pages to be attached with this appeal.

FORM IV

[*See rule 36*]

DETAILS IN THE PERIODICAL RETURNS TO BE FURNISHED TO THE GOVERNMENT

[Name of the Municipality] 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						
Pending at the end of the						

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 Government from time to time.

–FORM V

[*See rule*7] (*Clause 9 of Schedule*)

NOMINATION FORM FOR ELECTION OF MEMBERS OF TOWN VENDING COMMITTEE

To,

The Returning Officer,

.....

Town Vending Committee

.....

Sir,

I, ...wife/son/daughter of Shri.....,street vendor vending in the area of jurisdiction of the Town Vending Committee (Registration/Certificate of Vending No.....) hereby propose the name of Shri/Smt/Ms..... wife/son/daughter of Shri..... and a street vendor of the said Town Vending Committee (Registration/Certificate of Vending No.....) as a candidate for the post of Member of the said committee for the election to be held on .....

Name and Signature of the proposer.....
Registration/Certificate of Vending No.....

I, ...wife/son/daughter of Shri.....
Registration/Certificate of Vending No..... of .....
Town Vending Committee, hereby sceond the above proposal.

Name and Signature of the Seconder.....

Registration/Certificate of Vending No .....

No. 44-b] The J&K Official Gazette, 29th Jan., 2021/9th Magha, 1942.41—

DECLARATION BY THE CANDIDATE

I,.....wife/son/daughter of Shri....., Registration/Certificate of Vending No..... of..... Town Vending Committee, hereby I agrees to my nomination for the election as Member of theTown Vending Committee.

I further declare that—

i. I am not an employee of the said Town Vending Committee ;

ii. I am eligible to vote ; and

iii. I do not incur any disqualification for election as Member of the said Town Vending Committee under the

provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014) and the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2020 made thereunder

Name and Signature of the Candidate.....

Registration/Certificate of Vending No.....

(FOR OFFICE USE ONLY)

Received the nomination format.....(time and date)

Signature of the Returning Officer.....

Seal

ACKNOWLEDGEMENT

Received the nomination form of.....presented by Shri/Smt/Ms..... candidate/proposer/seconder for election at..... a. m./p. m. on .....

Signature of the Returning Officer .....

Seal

FORM VI

[*See rule 7*) (*Clause 15 of Schedule*)

BALLOT PAPER FOR ELECTION OF MEMBER
OF A TOWN VENDING COMMITTEE

Ballot paper of election of Members of a Town Vending Committee whose elections are to be conducted under Schedule I appended to the ....Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2020.

The.....Street Vending Committee
.....
..... (Address)

(Counterfoil)

Ballot paper for the Post of.....

Date of Election.....

Sr. No..... Registration/Certificate of Vending No.....Ballot Paper.

Please mark [x] against one of the candidates

Sr. No.	Name of the candidate	Registration/Certificat of Vending No.	Mark for casting vote

FORM VII

[*See rule 7*] (*Clause 16 of Schedule*]

Letter for Appointment of Election Agent/Counting Agent

I, ..., son/wife/daughter of Shri ....., street vendor vending in the area of jurisdiction of the Town Vending Committee (Registration/Certificate of Vending No.....) contesting for election of Member of the said committee, hereby nominate the following person as my election agent/counting agent in the election of Members of the said Town Vending Committee to be held on ..... (Specify the date) :—

Name and Signature of the Candidate.....

Registration/Certificate of Vending No.....

I, ...son/wife/daughter of Shri ..... address.....am willing to be the election agent/counting agent.

Signature of the Agent.