Registration No. NE/RN-646

No. 38 Kohima Monday, April 15, 2019 Chaitra 25, 1941 (Saka)

NOTIFICATION

Dated Kohima, the 15thApril, 2019

NO.UDD/8-NULM/09-SUSV/2016 ::In exercise of the power conferred by Section 36 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014(Central Act 7 of 2014), the Government of Nagaland hereby makes the following **Rules** to provide for regulating street vending activities, namely:-

CHAPTER – I

PRELIMINARY

1. Short title and commencement:-

i. These **Rules** may be called the **"Nagaland Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2019"**.

ii. It shall extend to the whole of the State of Nagaland.

2. Definitions:-In these Rules, unless the context otherwise requires:-

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

(b) "Bye-laws" means the bye-laws made under Section 37 of the Act;

(c)

"Form" means a form appended into these Rules; (d) "Rules" means rule made under Section 36;

(e) "State Government" means the Government of Nagaland;

(f) "Local Authority" means a Municipal Council or a Town Council;

(g)

"Chief Executive Officer/Executive Officer/Administrator/Chairman" means officer in charge of Municipal Council/Town Council as the case may be; (h)

"Grievance Redressal Committee" means a committee constituted by the Government of Nagaland under sub-section (1) of section 20 of the Act; (i) "Public purpose" includes in the context of the Act;

i. widening of roads, street, lanes,
ii. shifting the alignment of roads, streets, lanes,
iii. erecting of flyovers with or without clover leaves and slip down roads,
iv. erection underpasses,
v. development of land for the purpose for which it has been reserved or acquired for any public projects,
vi. implementation of town planning schemes,
vii. laying of water, storm water or sewer lines,
viii. erecting of intermediate pumping stations for the services,
ix. public conveniences,
x. any projects related with public
xi. erection of Economically Weaker Section (EWS) Housing,

xii. creation of Parks, Gardens and Recreational Area,
xiii. conservation of any eco system resource in that area, and
xiv. any other developmental work taken by the local authority, the beneficiary of which will be the community at large.

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

AGE OF STREET VENDOR

3. Minimum age of Street Vendor:-The minimum age of a street vendor for street vending shall be 14 (Fourteen) years.

CHAPTER – III

TOWN VENDING COMMITTEE

4. Constitution of Town Vending Committee:-

1. The State Government shall constitute the Town Vending Committee for each local authority in the following manner, namely:-

A. In the case of a Municipality, the Committee shall consist of the following members, namely:-

Official members-

i. The Chief Executing Officer/Executive Officer/Administrator/Chairman, who shall be the Chairperson of the Town Vending Committee,
ii. Medical Officer of the local authority or any officer in charge of the management of preventive health measures.
iii. Sub-Divisional Officer (Civil),
iv. SDPO/ Police Inspector, and
v. SDPO/ O.C. Traffic,
vi. An official or his representative of the Urban Development Department of the State, stationed locally or in any nearby city or town.

One of the official members as decided by the Chairperson shall act as the Secretary of the Committee.

Non-official Members-

i. One member of the Local Authority
ii. Five representatives of street vendors who are carrying on street vending activity,

(a) While holding selection/nomination of the street vendors to the Town Vending Committee, the Town Vending Committee, if it deems fit, shall decide the number of seats to be represented by Naga tribes & General category and persons with disabilities on a rotation basis.

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

iii. One member of the Market and Trade associations,
iv. One member of the Non-Government Organization, and
v. One representative of Nationalized Lead Bank of the City or as the case may be, town.

B. In case of Town Council/ Local Station Committee, the Committee shall consist of the following members, namely:-

Official Members-

i. The Chief Executing Officer/Executive Officer/Administrator/Chairman, who shall be the Chairperson of the Town Vending Committee,
ii. Sub-Divisional Officer (Civil),
iii. SDPO/ Police Inspector.
iv. An official or his representative of the Urban Development Department of the State, stationed locally or in any nearby city or town.

One of the official members as decided by the Chairperson shall act as the Secretary of the Committee.

Non-official Members-

i. One member of the Local Authority,
ii. Four representatives of street vendors, who are carrying on street vending activity,
(a) While holding selection/nomination of the street vendors to the Town Vending Committee, the Town Vending Committee, if it deems fit, shall decide the number of seats to be represented by Naga tribes & General category 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 seats of reserved and open category before each selection which shall be represented be a women candidate only.
iii. One member of the Market and trade associations,
iv. One member of the Non-Government Organization (NGO), and
v. One representatives of the Nationalised Lead Bank of the City or , as the case may be, town
vi. The Non-official members shall be nominated or selected as per the procedure laid in Rule 6.
vii. The percentage of reservation shall be followed as per the prevalent guidelines of the State Government.

5. Provisional Town Vending Committee:-

i. Notwithstanding anything contained in Rule 4, the State Government shall constitute the Provisional Town Vending Committee for each local authority, till such time, as the survey of street vendors is completed and selection of the representatives of street vendors is held on the basis of such survey. The State Government shall nominate all the members of the Town Vending Committee of various categories mentioned in the Act for this purpose.

ii. The Nomination of the street vendors to the Town Vending Committee, under sub-rule (i), shall be based on some document more than 6 (Six) months old establishing the status of a person as a street vendor in the City or town, for which the Town Vending Committee is to be constituted.

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

6. Mode of selecting or nominating Non-Official members:-

i. The general board of the local authority shall decide one of the members of the local authority to be nominated for Town Vending Committee.

ii. The local authority by resolution may decide for the mode of nominating the members from the Street Vender Associations, Market and Trade Associations, Non-Government Organisation, Community Based Organization, Resident Welfare Association etc. by any one of the following procedures:

(A) Where it has been decided to go for a selection/nomination for the non-official members of the Town Vending Committee, the selection/nomination shall be conducted by official members or his representative following the procedure usually adopted for the selection/nomination of the representatives of the local authority.

(B) Where it has been decided to select by lot, the following procedure shall be followed, namely:

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

b. 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 application.

c. The notice shall be published 30 (Thirty) days prior to the last date for the submission of applications for membership of the Committee.

d. Any person, being a member of any association of street vendors, the market association, the traders association, Non-governmental

Organization and community based organization and resident welfare association is eligible to apply for membership of Committee. Provided that such person must have completed the age of 18 (Eighteen) years and had not been convicted by any court of law for any criminal offence declaring incompetent to take part in the selection,

e. The local authority 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 local authority, and such other information as it may deem fit, f. The local authority, on receipt of such applications shall allot a unique number to each application and communicate the same to every applicant, and

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

iii. The selection/nomination 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.

iv. The National Lead Bank shall nominate one of its officials as a member for the Committee.

v. The local authority shall published the aforesaid information and the list of nominated members of Town Vending Committee on its website, within 30 (Thirty) days from the last date for submission of application for the membership of the Committee.

vi. The formation of the Town Vending Committee (both Official and Non-official members) shall be published by the State Government in the Official Gazette.

7. Duration of the Town Vending Committee:-

i. The term of the Town Vending Committee shall be for a period of 5 (Five) years from the date of its constitution.

ii. The process of constituting new Town Vending Committee shall be completed before the expiry of the term of the existing Committee.

8. Removal of Member of Town Vending Committee:-

i. If in the opinion of the State Government, any members of the Town Vending Committee persistently 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 State Government may, by order remove such member from the Town Vending Committee.

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

9. Method of filling vacant post:-

Where any vacancy occurs in the existing Town Vending Committee due to resignation, death, and removal of any members or for any other reason, the same procedure as laid down in the Rule 6 shall be followed to fill up such vacancy.

10. Procedure for meeting of Town Vending Committee:-

i. The Town Vending Committee shall decide in its first meeting, the various procedural 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. The agenda papers including the notes shall be in English and the local language.

v. The quorum of the meeting shall be of two-third members of 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 it 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 shall be placed 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 every 2 (Two) months.

xi. The first meeting of the newly constituted Committee shall be fixed within 15 (Fifteen) days from the date of its constitution.

11. 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:-

i. A member, in case of urgency, may remain absent in the meeting with the prior approval of the Chairperson of the Committee.

ii. (a) When a member remains absent for 3 (Three) consecutive meetings without permission, the Chairperson shall issue a show cause notice to such member asking him to explain within 2 (Two) weeks, the reasons for his absence in the meetings. If such member submits satisfactory explanation or reasons for his absence, he may be continued as a member with the warning.

(b) Where such member fails to give any satisfactory reason for 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.

iii. Any member convicted in any criminal shall loose his membership of the Committee.

iv. Any member who has lost his membership of the Committee may prefer an appeal to the State Government within 1 (One) month from the date of receipt of the termination order. The State Government, after giving opportunity of hearing to both the parties shall decide the appeal and the decision of the Government there on shall be final.

12. Status paper and street vending scenario shall be put up by local authority:-

After the procedural 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 angles,

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. This will virtually form the baseline data to facilitate the Committee to take decision. These databases can be presented in the digital*

form if so desired by the Committee.

13. Function of Town Vending Committee:-

Without prejudice to any other provisions of the Act, a Town Vending Committee shall perform following functions and duties, namely:

i. To conduct surveys for street vending and to take final decision about vending zones along with their holding capacity as worked out by the local authority under the scheme,

Explanation: -*for deciding the vending zones, the Committee shall have the base materials or data from the local authority. The bye-laws and the planning will identify the vending zones,*

ii. Where the Committee considers it necessary to change zoning or the area to be allotted to individual vendor, it may draw the attention of the local authority to suitably modify the plan. After obtaining the opinion of the local authority, the Committee shall take final decision there on,

iii. While making recommendations and suggesting any changes in the vending zones, the Committee shall take into consideration the road width, traffic flow and the pedestrian movement in the area concerned,

iv. To issue, withhold, renew, suspend or cancel the certificate of vending, v. To carry out social audit as specified in the Scheme,

vi. To declare, on the recommendation of the local authority, the natural market, weekly market, heritage market, festive market, seasonal market, night bazaar and niche market with their exact location and the specific period in case of seasonal market or festive market. Where such markets are evolving a new, the Committee shall get the necessary and declare the place a market of any of the aforesaid mentioned categories, depending on the situation,

vii. To furnish, from time to time, to the State Government such returns prescribed in the Act and the Rules,

viii. To provide comments to the State Government for undertaking promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors,

ix. To raise awareness among the people, the role of street vendors in the economy, and

x. To perform such other functions as assigned by the local authority or the State Government for effective implementation of the Act and these Rules.

14. Sub-Committee for specific issue:-The Town Vending Committee may decide and form a sub-committee consisting of its members, to examine and come up with the suggestion on any specific issue which may crop up from time to time.

15. Allowances to non-official members:-The non-official members shall be entitled to a seating fee as may be decided by the local authority. In case of non-quorum meeting, fifty per cent of sitting fee shall be paid to such members who have attended such non-quorum meeting.

16. Person to be associated in the meeting:-The Town Vending Committee may associate any known expert in the field of informal economy including street vending or spatial planning issues, for taking a view on matters relating to the street vending. Such an

expert shall have the right to take part in the discussion in the meeting but has no right to vote in the meeting. Such person shall be paid an honorarium as may be decided by the Chairperson.

17. Employees of Committee:-

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

2) The local authority shall provide adequate staff at their cost as requested by the Committee but no permanent burden shall be created by the Committee on account of the establishment cost.

CHAPTER-IV

DISPUTE REDRESSAL SYSTEM

18. Constitution of Grievances Redressal Committee:-

i) The State Government shall constitute one or more Grievance Redressal Committees for redressal of grievances or resolution of the dispute of the street vendors.

ii) The State Government shall decide the area of jurisdiction and the headquarters of Grievance Redressal Committee.

iii) a) The State Government shall appoint a retired Civil Judge or a Judicial Magistrate as a Chairperson and two other persons as members of Grievance Redressal Committee.

b) Out of two other members of the Committee, one shall be retired Chief Executive Officer/Chairperson of a Municipality in the region/prominent citizen and the second member of the Committee shall be a social worker, preferably having experience in the field of informal economy including street vending in the same region.

iv) The tenure of Grievance Redressal Committee shall be a period of 5 (Five) years.

v) The Chairperson and the members of the Grievance Redressal Committee shall be paid such remuneration as may be decided by the State Government from time to time.

19. Form and manner of making application to Grievance Redressal Committee:-

i) Any street vendor who has grievance or dispute in respect of anything done or any action taken under the provision of the Act or the Rules (except specified in Section 11 of the Act) may make an application in writing in

Form-II, either himself or through his representative, to the Grievance Redressal Committee.

ii) Such application shall be filed by the street vendor within a period of 30 (Thirty) days from the date of occurrence of any incident causing the grievance or dispute.

iii) The Grievance Redressal Committee 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,

c) the matter is beyond the purview of the Act, and

d) the application has no locus standi to file an application.

20. Manner of hearing by Grievance Redressal Committee:-

i) On receipt of an application under the Rule 19, 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 application. The street vendor may also pray for the interim relief during the pendency of such application.

ii) 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.

iii) Where it has been held by the Committee that there is a prima facie case, a notice shall be issued to the public authority containing the details of the grievance or dispute.

iv) The public authority, 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.

v) The street vendor may file a counter reply within a period of 2 (Two) weeks from the date of receipt of the written reply filled by the State authority.

vi) The Grievance Redressal Committee may order for a field inquiry by deputing one of its members or an official of the local authority in connection with the contentions made by the applicant or respondent and also with reference to the records placed before it.

vii) 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 1 (One) month from the date on which hearing of both the parties concluded.

viii) The decision of the Grievance Redressal Committee shall be binding on the parties unless it is stayed by the Municipal/Town Council to which the appeal lies.

CHAPTER-V

APPEALS

21. Appellate Authority to hear appeal:-

Every local authority shall constitute a Committee consisting of Chairperson and two other members of the local body as decided in the general body meeting to work as Appellate Authority to hear the appeal under Rule 22 and 23.

22. Appeal against decision or order of Town Vending Committee:-

i) Any person, who is 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 Authority contributed under Rule 21 within a period of 30 (Thirty) days from

Form-III, either himself or through his representative.

ii) Any appeal filed after the expiry of the stipulated period specified in sub- rule (i) shall not be entertained by the Appellate Authority: Provided that the Appellate Authority may be condone the delay if it is satisfied that the appellant was prevented by sufficient cause from preferring an appeal within the stipulated period.

iii) The Appellate Authority shall dispose of such appeal within a period of 30 (Thirty) days from the date of filling the appeal.

iv) The Appellate Authority after hearing both parties shall pass an order in writing with reasons for taking such decision.

23. Appeal against decision or order of Grievance Redressal Committee:-

i) Any person who is aggrieved by the decision of the Grievance Redressal Committee may prefer an appeal in writing to the Appellate Authority constituted under Rule 21 within a period of 30 (Thirty) days from the date of order of the Grievance Redressal Committee in

Form-IV either himself or through his representative.

ii) Any appeal filed after the expiry of the stipulated period specified in sub- rule (i) shall not be entertained by the Appellate Authority: Provided that 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.

iii) The Appellate Authority, 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 30 (Thirty) days from the date of filing of an appeal.

iv) The Appellate Authority, after hearing both parties shall pass an order in writing, with the reason for taking the decision, within a period of 30 (Thirty) days from the date on which hearing of both the parties concluded.

CHAPTER-VI

MISCELLANEOUS

24. Manner of maintaining up-to-date record of street vendors:-

i) The paper records of the Town Vending Committee shall be maintained by its Member Secretary in the place allotted by the local authority and soft copy should also be suitably maintained. All decisions taken by the Town Vending Committee shall be placed on a designated website.

ii) The records relating to the allotment of the space to the street vendors shall be kept for 10 (Ten) years or as decided by Vending Committee. Other records may be preserved for a period of 5 (Five) years unless those are needed for any legal proceedings.

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

25. Manner of publishing summary of scheme:-

The summary of the scheme notified by the State Government under Section 38 of the Act shall be published by the local authority in two local newspapers and shall also be uploaded on the website of Town Vending Committee. Such publication of Scheme by the local authority shall be made within 7 (Seven) days from the date the Scheme is notified by the State Government.

26. Furnishing of returns to State Government:-

Every Town Vending Committee shall furnish from time to time, the return as required under Section 30 of the Act along with the details specified in

Form-V, to the State Government through the State Mission Directorate of DAY-NULM, Nagaland, Kohima.

27. 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 to the Government through the State Mission Directorate of DAY-NULM, Nagaland, Kohima.

28. Interpretation and removal of difficulty:-

If any difficulty arises 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.

SCHEDULE

(See Rule 6)

Manner of Selection/Nomination of the members of Town Vending Committee from amongst the street vendors:-

1. The local authority shall by a Notification/Order express its intention to conduct selection/nomination for the members of a Town Vending Committee representing the street vendors of the areas under the jurisdiction of the local authority.

2. The local authority shall appoint the Chief Executive Officer/Executive Officer/Administrator/Chairman of the Municipal Council/Town Council for the purpose of conducting the selection/nomination of members of the Town Vending Committee representing the street vendors of the area under its jurisdiction.

3. The CEO/Executive Officer/Administrator/Chairman of MC/TC shall conduct the selection/nomination for the members of the Town Vending Committee from amongst the street vendors in the manner provided herein under Clause 2.

4. A mobile vendor, stationary vendor or street vendor shall be disqualified to be selected/ nominated 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 local authority shall supervise, direct and control the selection/ nomination of the members of a Town Vending Committee representing the street vendors in the area of its jurisdiction.

6. The notice of the resolution or decision of the local authority 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 newspaper 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) The CEO/Executive Officer/Administrator/Chairman of MC/TC shall publish/notify information regarding:-

i) the number of members to be selected/nominated 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 between which selection/ nomination papers shall be filed, such date being not less than 7 (Seven) clear days before the date fixed for selection/ nomination or if that day happens to be public holidays, the next succeeding day which is not a public holiday;

iii) the date and the hour for scrutiny of the nomination papers and iv) the date, place and the hours of the selection.

7. The local authority 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 30 (Thirty) days before the date fixed for inviting the selection/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 10 (Ten) days prior to the date fixed for

inviting selection/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 local authority, as the case may be, to bring up-to-date register of street vendors and such other register as the CEO/Executive Officer/Administrator/Chairman MC/TC may require and hand

over such records or register to the CEO/Executive Officer/Administrator/Chairman MC/TC 30 (Thirty) days prior to the date fixed for the purpose of the selection/nomination. A copy of the list shall be supplied by the Town Vending Committee or the local authority or CEO/Executive Officer/Administrator/Chairman MC/TC, as the case may be, to any street vendor on payment of such fee as specified by the local authority.

8. The nominations/application of the applicant/candidates for selection/ nomination shall be made in

Form-I which shall be supplied by the CEO/Executive Officer/Administrator/Chairman MC/TC to any street vendor free of cost.

9. The candidate/ applicant shall make a security deposit of Rs.2000/- (Rupees Two Thousand) in cash or bank draft or pay order along with the nomination/application papers. If a candidate / applicant fail to get less than one sixth of the votes, the security deposit shall be forfeited to the local authority.

10. Every nomination/application paper shall be presented in person by the candidate/applicant himself or by his proposer or seconder to the CEO/ Executive Officer / Administrator / Chairman MC/TC. The CEO / Executive Officer/ Administrator/ Chairman MC/TC shall enter on the nomination/application paper its serial number and certify of date and hour at which the nomination/ application is received by him and shall immediately give a written acknowledgement for the receipt of the nomination/application paper which shall

bear the seal of the Town Vending Committee or CEO/Executive Officer/Administrator/Chairman MC/TC.

11. (i) On the day following the date fixed for the receipt of nomination/application papers, the CEO/Executive Officer/Administrator/Chairman MC/TC shall take up the scrutiny of the application papers.

(ii) The CEO/Executive Officer/Administrator/Chairman MC/TC shall examine the application 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 CEO/Executive Officer/Administrator/Chairman MC/TC thinks necessary, reject any application:-

Provided that the nomination/ application of a candidate/applicant 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 CEO/Executive Officer/Administrator/Chairman MC/TC shall give all reasonable facilities to the candidates/ applicant or the proposer or seconder as the case may be, to examine all the nominations/application papers and to satisfy themselves that the inclusion of the name of the candidates is valid. (iv) The CEO/Executive Officer/Administrator/Chairman MC/TC shall endorse on each nomination/application paper his decision accepting or rejecting the same and if the nomination/application paper is rejected he shall record in writing a brief statement of his reasons for such rejection.

(v) The CEO/Executive Officer/Administrator/Chairman MC/TC 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.

12. The list of valid application as decided by the CEO/Executive Officer/Administrator/Chairman, MC/TC with names in English alphabetical order and addresses of the candidates as given in the application papers shall be displayed or published on the same day on which the scrutiny of the application papers is completed.

13. Any candidate/applicant may withdraw his candidature/application by notice in writing signed by him and submitted in person, at any time after the presentation of his

nomination/application paper but before 05.00 pm on the day following the day on which the valid application are published, to the CEO/ Executive Officer/ Administrator/ Chairman MC/TC, Town Vending Committee. A notice of withdrawal of candidature/application once given shall be irrevocable.

14. Where the number of candidates/applicant whose nomination papers have been declared valid, does not exceed, the number of candidates/applicant to be nominated/selected, the CEO/Executive Officer/Administrator/Chairman MC/TC shall announce the names of all such candidates/ applicant and declare them to have been duly selected/nominated to the Town Vending Committee after the closing hour of the day of withdrawal of candidatures/application fixed under Clause 13 above. Where the number of candidate/applicant whose applications

    are valid exceeds the number to be selected, the CEO/Executive Officer/Administrator/Chairman MC/TC shall fix a date for the purpose.

15. The result of the selection shall also be recorded in a minute book of the Town Vending Committee and attested by the CEO/Executive Officer/Administrator/ Chairman MC/TC and shall also be notified immediately on the notice board of the Town Vending Committee.

16. After the result of selection has been announced, the result of the selection and a report thereon shall be communicated to the local authority as well as to the State Government by the CEO/Executive Officer/Administrator/Chairman MC/TC, within 3 (Three) days from the date of declaration of the result.

FORM-I
[See Rule 6]
(Clause 8 of Schedule)

APPLICATION/NOMINATION FORM FOR SELECTION/NOMINATION OF MEMBERS OF TOWN VENDING COMMITTEE

To,

The CEO/Executive Officer/Administrator/Chairman,
MC/TC ……
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. ……) here by purpose 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 said Committee for the Selection to be held on……

Name and Signature of the Proposer……
Registration / Certificate of Vending No. ……..

DECLARATION BY THE APPLICANT/ CANDIDATE

I ……., wife/ son / daughter of Shri.……..…….Registration / Certificate of Vending No.…….of …… Town Vending Committee, hereby agrees to my selection/ nomination as Member of the Town 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 selection/nomination 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 Nagaland Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2019 made there under.

Name and Signature of the Applicant/Candidate…….
Registration / Certificate of Vending No.…….....

(FOR OFFICE USE ONLY)

Received the application …… (time and date)

Signature of the CEO/Executive Officer/Administrator/Chairman,
MC/TC
……..

ACKNOWLEDGEMENT

Received the Application Form of …… presented by Shri/Smt/Ms …… Applicant/Candidate/Proposer/ Seconder for selection at …… a.m. / p.m.

Signature of the CEO/Executive Officer/Administrator/Chairman,
MC/TC
……

Seal

FORM-II

[See Rule 19]

APPLICATION BY THE AGGRIEVED STREET VENDOR TO THE GRIEVANCE REDRESSAL COMMITTEE

Application No. ……..of 20…….

……**Application**

Vs

…….....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. Grievance against which authority :
9. Details of grievance or dispute (Give full details): 10.

Documents supporting grievance or dispute:

11. Declaration :

I,_____, the applicant, do herby 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 rules.

Place:

Date: Signature of applicant

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

FORM-III

[**See Rule 22**]

APPEAL BY THE AGGRIEVED STREET VENDOR TO THE LOCAL AUTHORITY AGAINST DECISION OF THE TOWN VENDING COMMITTEE

Appeal No……. of 20…….

…….. Appellant

Vs

…… Respondent

1. Name of the applicant:
2. Address for correspondence:
3. ID number given by local authority (if issued):
4. Number and the date of issue of certification for vending:
5. Place or location of vending:
6. Zone or Ward of vending:
7. Nature of vending:

1. Mobile: 2. Stationary:
3. 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):
10. Documents supporting Appeal:
11. Declaration:

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

12. Place:
13. 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-IV

[See Rule 23]

APPEAL BY THE AGGRIEVED STREET VENDOR TO THE LOCAL AUTHORITY AGAINST DECISION OF THE GRIEVANCE REDRESSAL COMMITTEE

Appeal No……. of 20……..

…….. Appellant

Vs

…… Respondent

1. Name of the applicant:
2. Address for correspondence:
3. ID number given by local authority (if issued):
4. Number and the date of issue of certification for vending:
5. Place or location of vending:
6. Zone or Ward of vending:
7. Nature of vending:

4.

Mobile: 5. Stationary:

6. Any other (specify):

8. Decision of Grievance Redressal Committee against which appeal is preferred: 9. Details and grounds of Appeal (give full details):

10. Documents supporting Appeal:

11. Declaration:

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

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-V

[See Rule 26]

DETAILS IN THE PERIODICAL RETURNS TO BE FURNISHED TO THE STATE GOVERNEMENT

_____Municipal Council or Town Council 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 vender, 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.

2. This is issued with the approval of State Cabinet in its meeting held on 19.02.2019 Communicated vide O.M. NO.CAB-2/2013(Pt) dated 28.02.2019.

Sd/-
S. NYANBEMO TSANGLAO
Secretary to the Government of Nagaland
Urban Development Department
& Chairman, SUDA (DAY-NULM)

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