SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok Tuesday 27th June, 2017 No. 255

GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GANGTOK

No:GOS/UD&HD/6(168)/13/14 Dated:21/6/2017

NOTIFICATION

In exercise of the powers conferred by section 36 read with sub-clause (iii) of clause (a) of sub-section (1) of Section 2 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014), the State Government, hereby makes the following rules, namely:-

CHAPTER I

PRELIMINARY

1. **Short title and commencement** - (1) These rules may be called the Sikkim Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017.

   (2) They shall come into force on the date of their publication 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);
   (b) "Bye-laws" mean the bye-laws made under section 37 of the Act;
   (c) "Form" means a form appended to these rules;
   (d) "Government" means the State Government of Sikkim;
   (e) "Grievance redressal and dispute resolution committee" means a committee constituted by the Government under sub-section (1) of Section 20 of the Act for the redressal of grievances or resolution of disputes;
   (f) "local authority" means the local authority as defined under clause (c) of sub-section (1) of Section 2 of the Act;
   (g) "Municipal Commissioner" means the Commissioner of a Municipal Corporation or Municipal Executive Officer of a Municipal Council or a Nagar Panchayat ;
   (h) "rule" means rules made under section 36 of the Act;
   (i) "Schedule" means the Schedule appended to these rules or the Act, as the case may be;
   (j) "scheme" means a scheme framed by the Central /State Government as the case may be under section 38;
   (k) "section" means a section of the Act;

   (2) Words and expressions used herein and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

CHAPTER II

REGULATION OF STREET VENDING

3. **Prescription of age for issue of certificate of vending-** A street vendor who has completed the age of 18(eighteen) years shall be issued a certificate of vending in the manner provided under section 4.

CHAPTER III

DISPUTE REDRESSAL MECHANISM

4. **Constitution of Grievance redressal and dispute resolution committees.-** (1) There shall be a Grievance redressal and dispute resolution committee for each local authority, constituted by the Government under sub-section (1) of Section 20 of the Act, comprising of a Chairperson, who has been a civil judge or a judicial magistrate and two other professionals as members.

(2) The Chairperson and members of a Grievance redressal and dispute resolution committee shall be appointed by the Government, for a period of 5(five) years:

Provided that no Chairperson shall hold office as such after he has attained the age of 67 (sixty-seven) years.

5. **Qualifications and experience for appointment as member in a Grievance redressal and dispute resolution committee.-** A person shall be qualified to be appointed as a professional member in a Grievance redressal and dispute resolution committee, if he,-

(i) is above 35(thirty five) years and is not more than 65(sixty five) years of age; and

(ii) possesses a Bachelor's degree from a recognised University; and

(iii) is a person of ability, integrity and standing and has adequate knowledge or experience of, at least, 3(three years) in social work or in dealing with the problems relating to street vendors or of public affairs or of municipal or public administration;

6. **Salaries and other allowances and terms and conditions of Chairperson and member of Grievance redressal and dispute resolution committee.-** (1) The Chairperson and members of the Grievance redressal and dispute resolution committee shall receive salary, allowances and other perquisites as may be notified by the Government from time to time.

(2) The Government may remove from the office, the Chairperson and members of a Grievance redressal and dispute resolution 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 action as such Chairperson or member, as the case may be; or

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

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that the Chairperson or member shall not be removed from his office on the grounds specified in clauses (d) and (e) of sub-rule (2) except on an inquiry held by the Government in accordance with such procedure as it may specify in this behalf.

(3) The terms and conditions of the service of the Chairperson and members of the Grievance redressal and dispute resolution committee shall not be varied to their disadvantage during their tenure of office.

7. **Form and manner of making application to Grievance redressal and dispute resolution committee-**

(1) Every application for redressal of a grievance or resolution of a dispute under sub-section (2) of Section 20 of the Act shall be in Form 'A'.

(2) The application shall be signed by the applicant and presented by him in person or through his authorised representative to the Grievance redressal and dispute resolution committee or such other person as may be authorised by the committee in this behalf.

(3) The application shall be filed in 3(three) sets and shall be accompanied by a fee of Rs.100/- (rupees one hundred).

(4) 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.

(5) Such application shall be filed by the street vendor within 30(thirty)days from the date of occurrence of any incident causing the grievance or dispute:

Provided that the Grievance redressal and dispute resolution committee may condone the delay in case it is satisfied that the applicant was prevented by sufficient cause from preferring the application within the prescribed time.

8. **Manner of verification of application and enquiry**.- (1) Every application for grievance redressal, on receipt, shall be entered and numbered in seriatum by the person authorised in this behalf by the Grievance redressal and dispute resolution committee in a register to be kept for this purpose.

(2) The person authorised in this behalf by the Grievance redressal and dispute resolution committee, after making an entry in the register shall put up the application before the committee.

(3) The Grievance redressal and dispute resolution committee shall fix a date for hearing of the application, which shall not be later than 15(fifteen days) from the date of filing of the application, and shall issue notice of the hearing to the parties or shall cause a notice to be issued.

(4) The Grievance redressal and dispute resolution committee while issuing a notice under sub-rule (2) shall call upon the respondent to submit a written statement and the notice shall contain a statement to this effect.

(5) On the date so fixed for the appearance of the parties, the Grievance redressal and dispute resolution committee may call upon the applicant to remedy the defects, if any, or may call upon the parties to furnish relevant records or such other documents or evidence as it may deem fit and proper within such period as may be specified by it.

(6) The Grievance redressal and dispute resolution committee may also order for a field enquiry in connection with the contentions made by the applicant and respondent and also with reference to the records submitted before it.

(7) The Grievance redressal and dispute resolution committee, after hearing both the parties and examining the record of the case shall decide the application and pass such orders as it may deem fit and proper within 60(sixty days) from the date of presentation of the application:

Provided that during the hearing of the case if the Committee is satisfied that a situation exists which warrants that an interim relief should be provided, the Committee may, until the conclusion of such case or until further orders, pass such interim orders as it deems necessary.

(8) The Grievance redressal and dispute resolution committee may also explore the possibility of a settlement between the parties and in case the parties arrive at a settlement, the committee shall record the settlement, which shall be signed by the parties or the authorised representatives or officers and shall dispose of the application in terms of such settlement.

(9) The Grievance redressal and dispute resolution committee shall not 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 judicial or quasi-judicial authority;
(c) the matter is beyond the purview of the Act;
(d) the applicant has no locus standi to file the application.
(e) Contravenes local laws

CHAPTER IV
APPEALS

9. Appeal against order or decision of Grievance redressal and dispute resolution committee.-

(1) An appeal against an order or decision of a Grievance redressal and dispute resolution committee may be preferred by an aggrieved person, in Form 'B', to the appellate authority constituted by the concerned local authority, comprising of the Mayor or Chairman or President as the Chairperson and two other members of the local authority as decided in the General Board meeting, within 30(thirty) days from the date of communication of such order or decision appealed against:

Provided that the appellate authority may condone the delay in case it is satisfied that the applicant was prevented by sufficient cause from preferring the application within the prescribed time.

(2) The appeal shall be in the form of a memorandum and shall be signed by the appellant and presented by him in person or through his authorised representative to the concerned local authority.

(3) The memorandum of appeal shall be accompanied by original order or certified copy of the order, if any, against which appeal is preferred.

(4) The appeal shall be filed in 3(three)sets and accompanied by a fee of Rs. 200/-(rupees two hundred).

(5) No such appeal shall be entertained unless a copy thereof has been served upon the respondent or respondents, as the case may be, and proof of such service has been filed.

(6) No appeal shall be entertained where the order has been passed by the Grievance redressal and dispute resolution Committee in terms of the settlement arrived between the parties.

10. Appeal from decision of Town Vending Committee.- (1) An appeal under section 11 against any decision of a Town Vending Committee with respect to issue of certificate of vending or cancelation or suspension of certificate of vending shall be preferred before the appellate authority constituted by the concerned local authority comprising of the Mayor or President as the Chairperson and two other members of the local authority as decided in the General Board meeting, in Form 'C' within 30(thirty) days from the date of communication of the order appealed against:

Provided that the appellate authority may condone the delay in case it is satisfied that appellant was prevented by sufficient cause from preferring the appeal within the prescribed time:

Provided further that in the absence of Chairperson, any one of the members designated by the Chairperson may chair the meeting of the appellate authority.

(2) The appeal shall be in the form of a memorandum in Form 'C' and shall be signed by the appellant and presented by him in person or through his authorised representative, either in English, Hindi or the local language, as preferred by the appellant .

(3) The memorandum of appeal shall be accompanied by the original or certified copy of the order against which appeal is preferred.

(4) The appeal shall be filed in 3(three) sets and accompanied by a fee of Rs. 200/-(rupees two hundred).

(5) No appeal shall be entertained unless a copy thereof has been served upon the Town Vending Committee which had made the order appealed against, prior to filing of such appeal and proof of such service has been filed along with the appeal.

11. **Procedure for disposal of appeals by the local authority-** (1) The officer or the person authorised in this behalf by the concerned local authority shall make an entry of the appeal in the register kept for the purpose by the concerned local authority with the date on which it was presented.

(2) The appeal shall be put up before the Appellate Authority constituted by the concerned local authority which shall fix a date for hearing of the appeal, which shall not be later than 15(fifteen) days from the date of filing of the application, and shall cause a notice of the hearing to be served upon the parties.

(3) The appellate authority shall on the basis of submissions made before it by the parties and the records of the case and on the basis of field enquiry, if any, ordered to be conducted by the appellate authority, pass such order, as it thinks fit, with reasons to be recorded in writing, confirming, modifying or annulling the order appealed against within 60(sixty days)from the date of receipt of the appeal by the local authority:

Provided that during the hearing of the case, if the appellate authority is satisfied that a situation exists which warrants that an interim relief should be provided, the appellate authority may, until the conclusion of such case or until further orders, pass such interim orders as it deems necessary.

CHAPTER V

TOWN VENDING COMMITTEE

12. **Constitution of Town Vending Committee-** (1) In each local authority one Town Vending Committee shall be constituted by the Government:.

Provided that the Government, if it considers necessary, on the request of the concerned local authority may provide for constitution of more than one Town Vending Committee for each local authority after specifying their jurisdiction.

(2) The constitution of a Town Vending Committee shall be as follows, namely:-

Sl. No.	Government Department and other Bodies	No. of Members
(a)	Government Department –	
	(i) Chairperson (Municipal Commissioner or Municipal Executive Officer)	01
	(ii) Representative of Police (preferably from the Traffic Division)	01
	(iii) Medical Officer of Health,	01
	(iv) Representative of Town Planning Cell, UD&HD	01
	(v) Superintendent of Police/SDPO	01
(b)	Other Bodies –	
	(i) Street vendors (one-third of whom shall be women vendors, with due representation of the Scheduled Castes, Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities)	05
	(ii) Non-government organisations and community based Organisations	01
	(ii) Resident Welfare Associations	01
	Total	**12**

(3) The members of the Town Vending Committee other than the elected members shall be nominated by the Government:

Provided that nomination of Government members shall be preferred from amongst persons who are dealing with street vendors or related activities:

Provided further that nomination of members representing non-governmental organisations or community based organisations or resident welfare associations shall be carried out on the basis of such criteria as may be laid down by the Government, after inviting applications, as such, by publishing the same in at least two local newspapers or publicising in any other manner.

13. **Election of members of Town Vending Committee from amongst street vendors**-(1) The local authority 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 concerned local authority.

(2) The concerned local authority shall appoint a returning officer for conducting the election under its jurisdiction.

14. **Manner of election of members of Town Vending Committee from amongst street vendors.-**

(1) The returning officer appointed under sub-rule (2) of rule 13 shall, conduct the elections in the manner provided under the Schedule appended to these rules.

(2) A street vendor shall be disqualified to be elected to a Town Vending Committee if, he is,-

(i) a convict of an offence involving moral turpitude;

(ii) is physically and, or, mentally incapable of discharging his duties as a member of a Town Vending Committee.

(3) The names of the elected members shall be intimated by each local authority to the Government which shall upon receipt of such names along with other members nominated by it notify the constitution of the Town Vending Committee in each local authority.

15. **Term of members of Town Vending Committee**-(1) The term of the members of the Town Vending Committee, other than the Government officials who shall be members in ex-officio capacity, shall be (5)five years from the date of their election or nomination, as the case may be.

(2) The process of electing or nominating, as the case may be, of the members shall be completed before the expiry of their term.

16. **Removal of a member of Town Vending Committee-** Any member of a Town Vending Committee may be removed by the Government from the committee, if he,-

(a) persistently makes defaults in the performance of his duties imposed on him under the Act and these rules or exceeds or abuses its powers;

(b) remains absent for 3(three) consecutive meetings of the Committee without the permission of the Chairperson;

(c) is convicted of any criminal case by any court of law:

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

17. **Method of filling vacant post-** (1) Where any vacancy occurs in a Town Vending Committee due to resignation, death, removal or otherwise of any member, other than a street vendor, the same procedure as specified in rule 12 shall be followed to fill up such vacancy and the member so nominated shall continue to be a member for the remaining period of term of that member in whose place he has been nominated.

(2) Where any vacancy occurs in a Town Vending Committee due to resignation, death, removal or otherwise of any member who is a street vendor, the local authority shall fill up that vacancy based on the election results conducted as per rule 14 and the member so elected shall continue to be a member for the remaining period of term of that member in whose place he has been elected.

18. **Allowances to members of Town Vending Committee-** The allowances payable to the members of a Town Vending Committee, who do not hold any office of profit, shall be at the rate of Rs.1000/-(rupees one thousand) only for attending each meeting of the Town Vending Committee, or as may be fixed by the concerned local authority from time to time.

19. **Meetings of Town Vending Committee.-** (1) A Town Vending Committee shall ordinarily hold at least 1(one) meeting within a period of 3(three) months or at any such intervals as the Chairperson of the Town Vending Committee may decide for the transaction of its business:

Provided that the first meeting of a Town Vending Committee shall be convened by the Chairperson within 45(forty five) days of its constitution:

Provided further that a requisition meeting may be called by the Chairperson on a specific issue on the request of not less than one-third of the members of the Committee, and the meeting shall be convened within 72(seventy-two) hours after receiving the request so made.

(2) The meetings of a Town Vending Committee shall be held at the headquarters of the local authority or at such place within the jurisdiction of the local authority as may be decided by the Chairperson.

(3) A notice shall be issued before (7)seven days of a scheduled meeting to all the members of the Town Vending Committee, along-with the agenda of the meeting.

(4) The quorum for the meeting shall be two-third members of the total strength of the Town Vending Committee.

(5) No meeting shall be held in the absence of the quorum and where there is no quorum, the meeting shall be adjourned. No quorum shall be required for an adjourned meeting.

20. **Procedure for transaction of business of Town Vending Committee.-** (1) The Town Vending Committee may follow such procedure for transaction of its business as may be decided by the Chairperson in consultation with the members.

(2) Subject to the provisions of the Act and these rules and notwithstanding anything contained in the bye-laws, the resolution passed in a meeting of a Town Vending Committee shall be by not less than two-thirds of the members present and voting in the meeting.

(3) The Chairperson shall ensure that the minutes of each meeting are recorded which shall be signed by him, circulated amongst the members and published on its website, if available, within one month of the meeting of the Committee.

IndiaCode

21. Functions of Town Vending Committee.- Without prejudice to any other provisions of the Act, a Town Vending Committee shall perform the following functions, namely:-

(a) to conduct surveys within the area of its jurisdiction to identify street vendors in the area and ensure their accommodation in accordance with the norms, plan and the holding capacity within the area of its jurisdiction;

(b) to issue certificate of vending to an eligible street vendor after obtaining an undertaking from him to comply with the terms and conditions subject to which the certificate of vending is issued for issue of certificate of vending, the Town Vending Committee shall follow the criteria as specified in the scheme framed under sub-section (1) of section 38 of the Act;

(c) to cancel or suspend certificate of vending of street vendors who commit breach of any of the conditions thereof or any other terms and conditions specified for regulating street vending under the Act or these rules or scheme made under the Act or where the Town Vending Committee is satisfied that such certificate of vending has been secured by the street vendor through misrepresentation or fraud:

Provided that any order for cancellation or suspension of a certificate of vending by the Town Vending Committee shall specify the reasons for such cancellation or suspension in the written order communicated to the vendor;

(d) to recommend to the local authority an area in its jurisdiction for declaration of the same to be a non-vending area;

(e) to identify sites and spaces for vending;

(f) to regulate timings for vending to ensure non-congestion of public spaces;

(g) to ensure enforcement of corrective mechanism against defiance by street vendors;

(h) to follow up cases of dispute pending before the dispute redressal committee and the local authority;

(i) to furnish recommendations to the local authority in relation to the preparation of plan to promote the vocation of street vendors;

(j) to hold its meetings and take appropriate decisions to ensure efficient discharge of its functions;

(k) to associate technical and professional persons from the Government or other non-government organisations with itself on temporary basis for obtaining assistance or advice in carrying out any of the provisions of the Act;

(l) to publish the street vendor's charter in at least one local language, Hindi and English newspapers of repute and displayed in the office of Town Vending Committee and other offices of the Urban Local Bodies as required, specifying therein the time within which the certificate of vending shall be issued to the street vendors and time within which such certificate of vending shall be renewed and other activities to be performed within the time limit specified therein;

(m) to maintain up to date records of registered street vendors and street vendors to whom certificate of vending has been issued in accordance with the provisions of the Act and publish on the website, if available;

(n) to carry out social audit of its activities under the Act or these rules or the scheme made thereunder;

(o) to furnish from time to time to the Government and the local authority such returns as prescribed under the Act and these rules;

(p) to furnish comments to the Government for undertaking promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors;

(q) to assist the Government to raise awareness among the public about the role of the street vendors in the economy; and

(r) to perform such other functions for effective implementation of the Act and these rules as may be delegated to the Town Vending Committee by the local authority and by the Government.

22. **Power of Town Vending Committee for temporary association of expert persons.**-(1) Subject to the provisions of the Act, a Town Vending Committee may associate any suitable person of repute having adequate knowledge and experience in the field, as expert to obtain technical or professional advice on matters relating to the street vendors.

(2) The person to be associated as expert under sub-rule (1) shall be selected in a fair and transparent manner and by following the procedure for engagement of consultants and experts as technical or professional experts in Government Departments.

(3) The person associated as expert under sub-rule (1) shall be paid allowances as determined by the local authority.

(4) The person associated as expert under sub-rule (1) may take part in the meetings of the Town Vending Committee, but such persons shall not have a right to vote in the meetings.

23. **Employees of Town Vending Committee -** The local authority concerned shall, when so requested by a Town Vending Committee, make available to that Committee such employees as the local authority considers necessary for discharge of the functions conferred or imposed on the Committee under rule 21 of these rules.

CHAPTER VI
MISCELLANEOUS

24. **Manner of maintenance of records of street vendors by Town Vending Committee-** Every Town Vending Committee shall maintain up to date records as specified in the scheme under sub-section (2) of section 26 of the Act in electronic form or manually or in both forms, as may be decided by the local authority.

25. **Town Vending Committee to furnish returns-** (1) Every Town Vending committee shall prepare and furnish to the Government and local authority periodical returns for each year with details as required in Form 'D'.

(2) The Government or the local authority, as the case may be, may require a Town Vending Committee to furnish such other return or returns in such proforma as demanded from time to time.

26. **Publication of summary of notified scheme in newspapers, etc.-** (1) A summary of the scheme notified by the Government in the second schedule under sub-section (1) of section 38 of the Act shall be published by the local authority by means of a public notice given in two prominent daily newspapers and circulated in the area for being widely known in the area or locality of its jurisdiction which is likely to be affected thereby, within seven days from the date the scheme is notified by the Government.

(2) The notice shall be signed by the Municipal Commissioner or the Chief Executive Officer of the local authority, as the case may be, or by an officer authorised by him in this behalf.

(3) The notice shall be in such language or languages as the Municipal Commissioner or the Chief Executive Officer of the local authority, as the case may be, may specify in this behalf.

SCHEDULE
[See rule 14]

PROCEDURE FOR THE CONDUCT OF ELECTIONS OF MEMBERS OF A TOWN VENDING COMMITTEE REPRESENTING THE STREET VENDORS IN THE AREA OF THE JURISDICTION THEREOF

1. The local authority concerned 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.

2. As soon as the notification expressing the intention of the local authority to conduct elections for members of a Town Vending Committee representing the street vendors has been issued under sub-rule (1) of rule 13 and a returning officer has been appointed for conducting the elections under sub-rule (2) of that rule, the local authority shall by a resolution determine the date, time and place for conduct of elections.

3. 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 newspapers in Hindi, English or such other language as the local authority thinks fit;

   (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 and such notice shall contain information regarding-

      (i) the number of members to be elected including seats reserved for representatives of the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities, women, persons with disabilities or any other specified categories;

      (ii) the date on which, the place at which and the hours between 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;

Explanation.- the term "public holiday" means any day which is a public holiday under section 25 of the Negotiable Instruments Act, 1881 [Central Act XXVI of 1881] or any day which has been notified by the Government to be a public holiday for offices under the Government;

      (iii) the date and the hour for scrutinisation of the nomination papers;

      (iv) the date, place, hours of polling

4. 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 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 or number of 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 local authority, 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, register or registers to

the returning officer thirty days prior to the date fixed for the purpose of election. A copy of the list shall be supplied by the Town Vending Committee or the local authority, or returning officer, as the case may be, to any street vendor on payment of such fee as specified by the local authority.

5. The nominations of the candidates for election shall be made in Form-1 annexed to this Schedule which shall be supplied by the returning officer to any street vendor, free of cost.

6. The candidate shall make a security deposit of Rs.2000/-(rupees 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 local authority.

7. 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 nomination paper its serial number and certify the date and hour at which the nomination is received by him and shall immediately 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.

8. (i) On the day following the date fixed for the receipt 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 paragraph 4 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 papers 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 as the case may be, 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;

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

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

11. If 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 paragraph 10 above. If the

number of candidates whose nominations are valid exceeds the number to be elected, the returning officer shall arrange for conducting a poll on the date fixed for the purpose. The returning officer may appoint one or more polling officers as may be necessary for conducting the poll. Ballot paper to be used shall be as prescribed in Form-2 annexed to this Schedule.

12. The local authority shall provide the returning office 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 so constructed 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 both where polling is held to identify the voters and to watch the recording of votes and such letter shall contain the consent in writing of the agent concerned in Form-3 annexed to this Schedule.

13. Canvassing for votes by any person at the place where elections are to be conducted shall be prohibited.

14. 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 seal. The candidate or his agent may also affix his own seal, if he so desires.

15. 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.

16. 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 vendors or voters can record their votes in secrecy.

17. 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 put the ballot paper in the ballot box kept for the purpose with utmost secrecy.
If owing to blindness or other physical infirmity or illiteracy, the street vendor or voter is unable toinscribe 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 desired to vote, inscribe the mark [x] on his behalf and put the ballot paper in the ballot box.

18. 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 shall have the power to stop the poling, recording his reasons for such action in the minute book of the Town Vending Committee.

19. 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 to vote.

20. The counting of votes shall take place immediately after close 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 with the local authority for safe 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 authorised agent shall have a right to be present at the time of counting. But absence of any candidate or his agent at the time of counting shall not vitiate counting and announcement of results by returning officer. The number of votes secured by each candidate and the result of the elections shall be announced by the returning officer as soon as the counting is over.

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

22. In case of equality of votes, the returning officer shall declare the election result by tossing coin.

23. 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;

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

24. After the result of election has been announced, the result of the election and a report thereon shall be communicated to the local authority as well as to the Government by the returning officer within three days after the declaration of result.

25. 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 local authority in a sealed cover and the same shall safely be preserved by the local authority till the next election results are available and shall thereafter be destroyed by the local authority and a copy of the handing over and taking over record of elections shall be sent to the Government as well as local authority by the returning officer along with his report.

IndiaCode