(Authoritative English text of this Department Notification No-UD-A(3)-13/2015-loose dated.....as required under Clause(3) of article 348 of the Constitution of India)

GOVERNMENT OF HIMACHAL PRADESH
URBAN DEVELOPMENTDEPARTMENT

NOTIFICATION

UD-A(3)-13/2015-loose Shimla-171002, the 05/12/2016

In exercise of the powers conferred by section 36 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act No. 7 of 2014), the Governor, Himachal Pradesh, is pleased to make the following rules, namely:-

CHAPTER-I

PRELIMINARY

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1. **Short title and commencement.-**(1) These rules may be called the Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016.

(2) They shall come into force from 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 (Central Act No 7 of 2014) **;**

(b) "Commissioner" means an Officer-In-charge of the Municipal Corporation;

(c) "Executive Officer" means an Officer-In-charge of the Municipal Council;

(d) "form" means the form appended to these rules ;

(e) "public purpose" includes in the context of the Act,-

(i) widening of roads, street, lanes;

(ii) shifting the alignment of roads, street, lanes;

(iii) construction of flyovers with or without clover leaves and slip down roads;

(iv) construction of 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) construction of intermediate pumping stations for the services;

(ix) public conveniences;

(x) any project related with public transport like Bus Rapid Transit System (BRTS), Metro, etc;
(xi) construction of Economically Weaker Section (EWS) Housing;
(xii) construction of Parks, Gardens and recreational area;
(xiii) conservation of any eco system resource in that area; and
(xiv) any other development work taken by the local authority, the beneficiary of which will be the community at large.

(f) 'rule' means rules made under section 36 of the Act.
(g) 'SCHEDULE' means SCHEDULE appended to these rules ;
(h) "Secretary" means an officer-in-charge of a Nagar Panchayat ; and
(i) section means the section of the Act.

(2) All other word and expressions used in these rules but not defined herein shall have the same meanings respectively as assigned to them in the Act.

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CHAPTER-II

AGE OF STREET VENDOR

3. Minimum age of street vendor. – The minimum age of a street vendor for street vending shall be fourteen years.

CHAPTER-III

TOWN VENDING COMMITTEE

4. Constitution of Town Vending Committee. – (1) Every Municipality shall constitute the Town Vending Committee in the following manner, namely:-

A. In the case of a Municipal Corporation, the committee shall consist of the following members, namely;-

Official members –

(i) The Municipal Commissioner 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) representative of Collector ;
(iv) representative of planning authority ;

(iii) one Police official nominated by the Director General of Police not below the rank of Assistant Superintendent of Police; and

(vi) one representative of Traffic Police:

Provided that one of the official members as decided by the Chairperson shall act as the Secretary of the Committee.

Non-official members-

(i) one Councillor to be nominated by Local Authority ;

(ii) representatives of the street vendors shall not be less than forty percent of total members in the committee;

(a) while holding election 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 for Scheduled Castes, Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities on a rotation basis; and

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

(iii) members of the community based organizations and the Non-Government Organizations shall not be less than ten percent of total members in the committee ;

(iv) one member of the Market and Trade Associations ;

(v) one member of Resident Welfare Associations ; and

(vi) one representative of the Nationalized Lead Bank of the city or town, as the case may be.

B. In the case of a Municipal Council , the committee shall consist of the following members, namely :-

Official members –

(i) The Executive Officer shall be the Chairperson of the Town Vending Committee;

(ii) representative of Sub Divisional Magistrate ;

(iii) Medical Officer or his representative ;

(iv) Police Inspector ;

(v) Traffic Police representative; and

(vi) An official or representative of the Town and Country Planning Department of the State, stationed locally or in any nearby city or town:

Provided that 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) representatives of the street vendors shall not be less than forty percent of total members in the committee ;

(a) while holding election 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 Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and persons with disabilities on a rotation basis; and

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

(iii) one member of the Market and Trade Associations;

(iv) members of the Non-Government Organizations and community based organizations shall not be less than ten percent of total members in the committee ;

(vi) one member of Resident Welfare Associations; and

(vii) one representative of the Nationalized Lead Bank of the city or town , as the case may be.

C. In case of a Nagar Panchayat, the committee shall consist of the following members, namely :-

Official Members-

(i) the Secretary shall be the Chairperson of the Town Vending Committee ;

(ii) one representative of the Tehsildar ;

(iii) Medical Officer or his representative ;

(iii) Police Sub-Inspector ; and

(iv) Traffic Police representative.

Non official members-

(i) one member of the local authority ;

(ii) representatives of the street vendors shall not be less than forty percent of total members in the committee ;

(a) while holding election 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 for Scheduled Castes, Scheduled Tribes, Other Backward

Classes, Minorities and persons with disabilities on a rotation basis; and

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

(iii) one member of the Market and Trade Associations,

(iv) members of the Non-Government Organizations and community based organizations shall not be less than ten percent of total members in the committee;

(v) one member of the Resident Welfare Associations ; and

(vi) one representative of the Nationalized Lead Bank of the city or town , as the case may be.

(2) The Non official members shall be elected or selected as per the procedure laid down in the rule 6.

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

5. Provisional Town Vending Committee.-(1) Notwithstanding anything contained in rule 4, the local authority/ municipality shall constitute the provisional Town Vending Committee, 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 local authority shall nominate all the members of the provisional Town Vending Committee of various categories as required under the Act for this purpose.

(2) The nomination of street vendors to the Provisional Town Vending Committee, under sub-rule (1), shall be based on the document which establishes the status of the person as a street vendor in the city or town for the last more than six months, for which the Provisional Town Vending Committee is 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 Vending Committee could be held on the basis of the survey undertaken, whichever is earlier.

6. Mode of election or selection of Non-Official members.-(1) The General Board of the local authority shall decide one of the members of the local authority, to be nominated for Town Vending Committee.

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(2) The local authority , by resolution , may decide for the mode of nomination of the members from the Street Vendor Associations, Market and Trade Associations, Non-Government Organization, etc. by any one of the following procedures:-

(a) where it has been decided to go for a ballot based election for the 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 local authority ; and

(b) where it has been decided to select by lot, the following procedure shall be followed, namely:-

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

(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 application ;

(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 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 eighteen years and had not been convicted by any court of law for any criminal offence declaring him incompetent to take part in the general election ;

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

(vi) The local authority, 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 category are more than the required numbers, the local authority shall select the member on the basis of lot to be drawn in the presence of 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 local authority shall put 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 local authority in the Official Gazette.

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7. **Duration of Town Vending Committee.-**(1) The term of Town Vending Committee shall be five 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.

8. **Removal of member of Town Vending Committee.-**If in the opinion of the local authority, any member of the Town Vending Committee persistently makes default in the performance of his duties conferred on him under the Act or the rules made thereunder or exceeds or abuse its power, the Chairperson may, by order, remove such member from Town Vending Committee:

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

9. **Method of filling of vacant post.-** Where any vacancy occurs in the existing Town Vending Committee due to resignation, death, removal of any member or for any other reason, the same procedure as laid down in rule 6 of these rules shall be followed for filling up such vacancy.

10. **Procedure for meeting of Town Vending Committee.-**(1) The Town Vending Committee shall decide in its first meeting, the various procedural aspects relating to conduct of its business.

(2) The time and venue of the meeting shall be decided by the Chairperson.

(3) The Member-Secretary shall issue a notice before seven days of a scheduled meeting.

(4) The agenda of the items to be discussed in the meeting shall be circulated to the members and uploaded 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.

(5) The quorum of the meeting shall be of two-third members of total strength of the committee.

(6) The decision shall be taken on the basis of the majority of members present at meeting.

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

(8) The minutes of the meeting shall be signed by the Chairperson and shall be placed in the subsequent meeting of the committee for confirmation.

(9) The minutes of the meeting shall be uploaded on the website of local body.

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

(11) The first meeting of the newly constituted Town Vending Committee shall be fixed within fifteen days from the date of its constitution.

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11. Disqualification of members.- The leave of absence and the disqualification of 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. when a member, in case of urgency 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 reason for his absence in the meetings. If such member submits satisfactory explanation or reasons for his absence, he may be allowed to continue as a member ;

iii. 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 stipulated time, his membership from the Town Vending Committee shall be terminated and such termination order shall be communicated to the member by the Town Vending Committee ;

iv. any member convicted in any criminal case shall cease to be a member of the Town Vending Committee from the date of conviction ; and

v. any member who has lost membership of the Town Vending Committee may prefer appeal to the State Government within one month from the date of receipt of termination order. The State Government after giving opportunity of being heard to both the parties shall decide the appeal and the decision of the Government thereon shall be final.

12. **Status paper and street vending scenario shall be put up by the 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 angle,

(iv) the areas of seasonal vending, areas of niche market, areas of night bazars, 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 Food Safety and Standards Act, 2006, 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 be from 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. **Functions 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 alongwith their holding capacity as worked out by the local authority under the scheme ;

Explanation .- For deciding the vending zones, the Town Vending 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 attention of the local authority to suitably modify the plan. After obtaining opinion of the local authority, the committee shall take final decision thereon,

(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, cancel or suspend the certificate of vending;

(v) to carry out the social audit as specified in the scheme;

(vi) to declare, on the recommendations of the local authority, the natural market, weekly market, heritage market, festive market, seasonal market, night bazar 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 survey carried on of the area and such other aspects as it deems 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 as required under the Act and the rules,

(viii) to provide informations 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 provisions of the Act and rules made thereunder.

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 suggestions 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 such seating fee as may be decided by the local authority with the prior approval of the State Government. In case of non-quorum meeting, fifty percent of the seating fee shall be paid to such members who have attended such non-quorum meetings.

16. **Persons to be associated in the meeting.-**The Town Vending Committee may associate any professional who is an expert in the field of informal economy

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including street vending or spatial planning issues, for taking a view on matters relating to street vending. Such an expert shall have the right to take part in the discussion in the meeting but shall have no right to vote in the meeting. Such person shall be paid such honorarium as may be decided by the Chairperson with the prior approval of the State Government.

17. **Employees of Committee.-** (1) The Town Vending Committee shall have its permanent office at such place as may be decided by the local authority.

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

CHAPTER-IV

DISPUTE REDRESSAL SYSTEM

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18. **Constitution of Grievance Redressal Committee.-**(1) The State Government shall constitute one or more Grievance Redressal Committees for redressal of grievances or resolution of the disputes of the street vendors**.**

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

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

(b) Out of two other members of the Grievance Redressal Committee, one shall be a retired Municipal Commissioner of a Municipal Corporation or a retired executive officer of a Municipality or a retired Secretary of Nagar Panchayat, as the case may be , in the region and the second member of the committee shall be a prominent social worker, preferably a person having experience in the field of informal economy including street vending.

(4) The tenure of the Grievance Redressal Committee shall be three years.

(5) 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.-**(1) Any street vendor who has any grievance or dispute in respect of anything done or any action taken under the provisions of the Act (except section 11) or the rules made thereunder may make an application in writing in

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

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

(3) The Grievance Redressal Committee shall not entertain any 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 applicant has no locus standi to file an application.

20. Manner of hearing by Grievance Redressal Committee.-(1) On receipt of an application under 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 applicant. The street vendor may also pray for the interim relief during the pendency of such application.

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(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 Grievance Redressal 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 Grievance Redressal 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.

(4) The public authority, on receipt of such notice, will file a reply within a period stipulated in the notice, 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 written reply filed by the public authority.

(6) The Grievance Redressal Committee may order for a field enquiry 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.

(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 Municipal Committee to which the appeal lies.

CHAPTER - V

APPEALS

21. Appeal against decision or order of Town Vending Committee.-(1) 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 local authority within a period of thirty days from the date of decision of the Town Vending Committee, in the Form V, 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 local authority:

Provided that the local 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 local authority shall dispose of such appeal within a period of thirty days from the date of filing of the appeal.

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

22. Appeal against decision or order of Grievance Redressal Committee.-(1) Any person , aggrieved by the decision of the Grievance Redressal Committee may prefer an appeal in writing to the local authority within a period of thirty days from the date of order of the Grievance Redressal Committee in Form VI 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 local authority:

Provided that the local 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 local authority, on receipt of 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 appeal.

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(4) The local authority, after hearing both parties , shall pass an order in writing within a period of thirty days from the date on which hearing of both the parties concluded.

CHAPTER - VI

MISCELLANEOUS

23. Manner of maintaining uptodate record of street vendors.-(1) The paper records of the Town Vending Committee shall be maintained by its secretariat in the place allotted by the local authority and the soft copy should also be maintained suitably. All decisions taken by the Town Vending Committee shall be placed on a designated website.

(2) The records relating to the allotment of the space to the street vendors shall be kept for ten years. Other records may be preserved for a period of five years unless those are needed for any legal proceedings.

(3) The street or road plan with the existing site of the street vending shall be a permanent record with the town vending committee.

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24. 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 seven days from the date of scheme notified by the State Government.

25. Furnishing of returns to the State Government.-Every Town Vending Committee shall furnish from time to time, return as required under section 30 alongwith details specified in Form VII , to the State Government.

SCHEDULE

(See rule 6(3))

Manner of election of the members of the Town Vending Committee from amongst the 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 local authority.

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

3. The returning officer appointed under clause 2 shall conduct the elections for the members of the Town Vending Committee from amongst the street vendors in the manner provided here in after.

4. A mobile vendor, stationary vendor or street vendor shall be disqualified to be elected as member of 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 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 local authority to conduct elections of the members of the Town Vending Committee representing the street vendors has been issued and a returning officer has been appointed for conducting the election, the local authority 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 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 out of which one shall be in Hindi;
    (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 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;

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

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

8. 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 it on the notice board 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 of certificate of street vending and name of the street vendor, name of 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 registers as the returning officer may require and handover such records 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 the returning officer, as the case may be, to any street vendor on payment of such fee as specified by the local authority.

9. The nominations of the candidates for election shall be made in Form-I which shall be supplied by the returning officer to any street vendor free of cost.

10. The candidate shall make a security deposit of rupees two thousand in cash or bank draft or pay order alongwith the nomination papers. If a candidate fails to get one sixth of the votes polled, the security deposit shall be forfeited to the local authority.

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

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immediately give a written acknowledgement for the receipt of 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 receipt of nomination papers, the returning officer shall take up the security of the nomination papers;

(ii) the returning officer shall examine the nomination papers and decide objections 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 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 and if the nomination paper is rejected he shall record in writing a brief statement of his reasons for such rejection; and

(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 returning 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 in writing signed by him and submitted in person, at any time after the presentation of his nomination paper but before 5:00 PM 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 closing hour of the day of withdrawal of candidatures fixed under clause 14 above. Where the number of candidates whose nominations are valid exceeds the number to be elected, the returning officer shall arrange for conducting a poll soon the date fixed for the purpose. 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 in Form-II.

16. The local authority 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 consent in writing of the agent concerned in Form-III.

17. The canvassing for votes by any person at any 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 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 the contesting candidates arranged in 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

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inscribe a mark [x] against the names of the 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 the 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 up 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 infirmity 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 desired 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 at such elections and it is not possible to take the poll for any sufficient cause, the returning officer may stop the polling recording his reason 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 local authority 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 present 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 announcements of results by the returning officer. The number of votes secured by each candidate and the result of 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 the candidate vote has been casted ; and
    (iv) is so damaged or mutilated that its identity as a genuine ballot paper cannot be established.

28. After the declaration of the result of election, the same alongwith a report thereon shall be communicated to the local authority as well as to the State Government by the returning officer, within three days from the date of declaration of the election result.

29. 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. These shall safely be preserved by the local authority for a period of six months from the date of elections or till such time a dispute regarding elections, if any, filed is disposed of, whichever is later and shall thereafter be destroyed by the local authority. A copy of the handing over and taking over record of election shall be sent to the Government as well as to the local authority by the returning officer along with his report.

FORM 1

[See rule 6]

(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 second the above proposal.

Name and signature of the Seconder……..

Registration/ certificate of Vending No……..

DECLARATION BY THE CANDIDATE

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 agrees to my nomination for the election as member of the ……..Town Vending Committee.

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I further declare that –

(i) I am not 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 No 7 of 2014) and the H.P. Street Vendors(Protection of Livelihood and Regulation of Street Vending) Rules, 2016 made there under.

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……..

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ACKNOWLEDGEMENT

Received the nomination form of……..presented by Shri/ Smt./ Ms……..candidate/ proposer/ seconder for the election at……am/pm. On…….

Signature of the Returning Officer……..

Seal

FORM II

[See rule 6 and 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 H.P. Street Vendors (Protection of Livelihoods and Regulation of Street vending) Rules, 2016.

The……..Street Vending Committee

……

……(address)

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(Counterfoil)

Ballot paper for the post of ……..

Date of election……..

Sr. No……..Registration/ Certificate of vending no……

No**.**……Ballot Paper.

Please mark [x] against one of the candidates

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

FORM III

[See rule 6 clause 16 of schedule]

Letter for Appointment of Election Agent/ Counting Agent

I,…….....wife/son/daughter of Shri .... .Registration /certificate of vending No……of……Town Vending Committee 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 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,

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FORM IV

[See rule 19]

APPLICATION BY THE AGGRIEVED STREET VENDOR TO THE GRIEVANCE REDRESSAL COMMITTEE

Application No. ……..of 20…

……Applicant

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:

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

12. Place:

13. Date: Signature of applicant

Note: Attach all the relevant documents with this application.

If required, give full details of grievance or dispute on separate paper to be attached with this application.

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FORM V

[See rule 22]

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

Application No. ……..of 20…

……Applicant

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. 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 of grounds of Appeal (give full details):

10. Documents supporting Appeal:

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11. Declaration:

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

12. Place:
13. Date: Signature of applicant

Note: Attach all the relevant documents including order of Town Vending Committee with this appeal.

If required, give reasons for filing the appeal on separate paper to be attached with this appeal.

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FORM VI

[See rule 22]

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

Application No. ……..of 20…

……Applicant

Vs

…….Respondent

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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. Decision of Grievance Redressal Committee against which appeal is preferred:

9. Details of grounds of appeal (give full details):

10. Documents supporting appeal:

11. Declaration:

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

12. Place:
13. Date: Signature of applicant

Note: Attach all the relevant documents including order of grievance redressal committee with this appeal.

If required, give reason for filing appeal on separate paper to be attached with this appeal.

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FORM VII

[See rule 25]

DETAILS OF THE PERIODICAL RETURNS TO BE FURNISHED TO THE STATE GOVERNMENT

……Municipal Corporation or Municipal Council or Nagar Panchayat hereby submits the following details of 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						

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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 the 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.

By Order

(Manisha Nanda)
Additional Chief Secretary (UD) to the
Government of Himachal Pradesh.

Endst. No. UD-A(3)-13/2015-loose, dated:Shimla-2, the 05/12/ .2016

Copy forwarded for information and necessary action to :-

1. The DLR-cum-Deputy Secretary Law (Legislation) to the Govt. of H.P.
2. The Director, Urban Development, PalikaBhawan, Talland, Shimla-2.with a request to circulate these rules to all ULBs , other concerned and also upload on the website.
3. The All the Deputy Commissioners (except Kinnaur & Lahaul Spiti), in Himachal Pradesh.
4. The Commissioner, Municipal Corporation, Shimla-1
5. The Commissioner, Dharamshala Municipal Corporation, Distt. Kangra, H.P.

05/12/16

(Virender Sharma)
Joint Secretary (UD) to the
Government of Himachal Pradesh.

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