

EXTRAORDINARY

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separate compilation

**PART III**

**Laws Rgulations and Rules passed thereunder.**

GOVERNMENT OF JAMMU AND KASHMIR

CIVIL SECRETARIAT HOUSING AND URBAN  
DEVELOPMENT DEPARTMENT

Notification

Jammu, the 29th January, 2021.

SO-29. In exercise of the powers conferred by Section 36 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014), the Lieutenant Governor of Union Territory of

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Jammu and Kashmir hereby makes the following rules for regulating street  
vending activities, namely :

## CHAPTER 1

### PRELIMINARY

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

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

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

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

- (a) **"Act"** means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (7 of 2014) of Government of India ;
- (b) **"Chief Executive Officer"** means an officer incharge of the Municipal Corporation, Municipal Council, Municipal Committee, as the case may be ;
- (c) **"Form"** means form appended to these rules ;
- (d) **"Grievance Redressal Committee"** means the committee constituted under sub-section (1) of section 20 of the Act ;
- (e) **"Government"** means the Government of Jammu and Kashmir ;
- (f) **"Local authority"** means the local authority as defined under clause (c) of sub-section (1) of section 2 of the Act ;
- (g) **"License"** means the permission letter for vending issued under these rules ;
- (h) **"Scheme"** means a scheme framed by the Government under section 38 of the Act ;









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decide the number of seats to be represented by scheduled caste, scheduled tribe, other backward classes, minorities and persons with disabilities on a rotation basis.

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

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

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

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

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

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

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

**6. Provisional Town Vending Committee.**ô (1) Notwithstanding anything contained in rule 5, the Government shall constitute the provisional Town Vending Committee for each Municipality, till such time, as the survey of street vendors is completed and election of the representatives of street vendors is held on the basis of such survey. The Government shall nominate all the members of the Town Vending Committee of various categories mentioned in the Act for this purpose.

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(2) The nomination of the street vendors to the Town Vending Committee, under sub-rule (1), shall be based on some document more than six months old establishing the status of a person as a street vendor in the city or town, for which the Town Vending Committees to be constituted.

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

**7. Mode of election or selection of Non-official members.** (1) The general board of the Municipality shall decide one of the members of the Municipality to be nominated for Town Vending Committee.

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

- (a) Where it has been decided to go for a ballot based election for 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 Municipality.
- (b) Where it has been decided to select by lot, the following procedure shall be followed, namely :
  - i. the Municipality shall publish a notice calling for applications for the membership of Town Vending Committee, on its website and in any two prominent local newspapers published in the local language of the area. A copy of the notice shall also be displayed in any conspicuous place in the local market or markets within the jurisdiction of the Municipality ;
  - ii. the publication of such notice shall contain, amongst other things, the date of publication, the form for the application, qualification of the candidate, the last date for submission and the manner of submission of the application ;







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

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

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

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

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

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

**10. Removal of Member of Town Vending Committee.** (1) If in the opinion of the Government any members of the Town Vending Committee persistently makes default in the performance of his duties impose on him by or under the Act or the rules or exceeds or abuse its power, the Government may, by order remove such member from the Town Vending Committee :

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

**11. Method of filling vacant post.** (1) Where any vacancy occurs in the existing Town Vending Committee due to resignation, death and removal of any member or for any other reason, the same procedure as laid down in the Rule 7 shall be followed to fill up such vacancy.

**12. Allowances to non-official members.** (1) The non-official members shall be entitled to a seating fee as may be decided by the Municipality. In case of non-quorum meeting, fifty per cent of the sitting fee shall be paid to such members who have attended such non-quorum meeting.









- (2) When a member remains absent for three consecutive meetings without permission, the Chairperson shall issue a show cause notice to such member asking him to explain within two weeks, the reasons for his absence in the meetings. If such member submits satisfactory explanation on reasons for his absence, he may be continued as a member with the warning.
- (3) Where such member fails to give any satisfactory reason of his absence in the meetings or does not reply to the show cause notice within time, his membership from the committee shall be terminated and such termination order shall be communicated to the member by the Town Vending Committee.
- (4) Any member convicted in any criminal case shall lose his membership of the committee.
- (5) Any member who has lost his membership of the committee may prefer an appeal to the Government within one month from the date of receipt of the termination order. The Government, after giving opportunity of hearing to both the parties shall decide the appeal and the decision of the Government thereon shall be final.

**25. Status paper and street vending scenario shall be put up by Municipality.** After the procedural details are finalized by the Town Vending Committee, and before it takes up the regular business, the Municipality shall circulate a status paper of the street vending scenario in the city or town amongst the members of the committee containing the following details, namely :

- i. the areas of street vending in the city or town indicated in the map ;
- ii. the number of street vendors in the city or town where a survey has already been conducted, otherwise indication can be given about the approximate numbers ;

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- iii. information about the high footfall areas, lean footfall areas and mid-range areas from the street vending angle ;
- iv. the areas of seasonal vending, areas of niche market, areas of night bazaars, the likely high footfall places in the areas under development ;
- v. a broad category of articles sold ;
- vi. the problem areas from the traffic angle ;
- vii. enumeration of the relevant provisions of the Prevention of Food Adulteration Act, 1954 ; and
- viii. enumeration of health and hygiene aspect needs to be taken care of by the street vendors.

**Explanation :** Caution should be taken to ensure that the data presented are authentic to the extent possible and up-to-date. These will virtually form the baseline data to facilitate the committee to take decision. These databases can be presented in the digital form if so desired by the committee.

#### CHAPTER 4

### DISPUTE REDRESSAL MECHANISM

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

(2) The Government shall appoint

- (a) a civil judge or a Judicial Magistrate as a Chairperson ; and
- (b) Two other persons as members of the Grievance Redressal Committee :

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













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

By order of the Lieutenant Governor.

(Sd.) DHEERAJ GUPTA, IAS,

Principal Secretary to the Government,  
Housing and Urban Development Department.

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

- (9) The nominations of the candidates for election shall be made in Form-V supplied by the returning officer to any street vendor free of cost.
- (10) The candidate shall make a security deposit of 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 Municipality.
- (11) Every nomination paper shall be presented in person by the candidate himself or by his proposer or seconder to the returning officer. The returning officer shall enter on the 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.
- (12) (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 clause 8 if the identity of the candidate the proposer or seconder, as the case may be, is established beyond reasonable doubt.

- (iii) The returning officer shall give all reasonable facilities to the contesting candidates or the proposer or seconder as the case may be, to examine all the nomination paper and to satisfy themselves that the inclusion of the name of the contesting candidate is valid.
  - (iv) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection.
  - (v) The returning officer shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riots or affray or by causes beyond his control.
- (13) The list of valid nominations as decided by the 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 05.00 p. m. on the day following the day on which the valid nominations are published, to the returning officer of the Town Vending Committee. A notice of withdrawal of candidature once given shall be irrevocable.



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

- (20) Each polling station and where there is more than one polling booth at a station, each such booth shall contain a separate compartment in which the street vendor or voters can record their votes in secrecy.
- (21) No ballot paper shall be issued to a street vendor or voter unless the polling officer is satisfied that the street vendor or voter concerned is the same person as noted in the list furnished to him. On receipt of such ballot paper the street vendor or voter shall proceed to the polling compartment set apart for the purpose and indicate the person or persons in whose favour he exercises his vote by inscribing a mark (x) against the names of the candidate or candidates, as the case may be, and drop the ballot paper in the ballot box kept for the purpose with utmost secrecy. If owing to blindness or other physical 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 desire to vote, inscribe the mark (x) on his behalf and drop the ballot paper in the ballot box.
- (22) If at any stage of the polling, the proceedings are interrupted or obstructed by any riot or affray or if at such elections, it is not possible to take the poll for any sufficient cause, the returning officer may stop the polling, recording his reasons for such action in the minute book of the Town Vending Committee.
- (23) No street vendor or voter shall be admitted after the hours fixed for the poll but a voter who enters the premises where ballot papers are being issued before the close of the polling hour shall be issued the ballot paper and allowed him to vote.
- (24) The counting of votes shall take place immediately after closure of the poll. If this is not possible, the ballot box shall be sealed

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with the seal of the returning officer and the contesting candidates  
or their agents, if they so desire, and deposit such ballot box,  
with the Municipality for custody. The returning officer shall  
then announce the next day of counting. The votes shall be  
counted by or under the supervision of the returning officer.  
Each candidate and his authorized agent shall have a right to be  
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 announcement of results by the returning officer. The  
number of votes secured by each candidate and the result of  
the election shall be announced by the returning officer as soon  
as the counting is over.

- (25) The result of the elections shall also be recorded in the minute book of the Town Vending Committee and attested by the returning officer and shall also be notified immediately on the notice board of the Town Vending Committee.
- (26) In case of equal number of votes, the returning officer shall declare the election result by tossing coin.
- (27) The ballot paper shall be rejected by the returning officer if,
- i. It bears any mark by which the street vendor's vote can be identified ;
  - ii. It does not bear the seal of the Town Vending Committee or the initials of the returning officer ;
  - iii. The mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been cast ; and
  - iv. Is so damaged or mutilated that its identity as a genuine ballot paper cannot be established.
- (28) After the result of election has been announced, the result of the election and a report thereon shall be communicated to the Municipality as well as to the State Government by the returning officer, within three days from the date of declaration of the result.



















[See rule 7) (Clause 15 of Schedule)

**BALLOT PAPER FOR ELECTION OF MEMBER  
OF A TOWN VENDING COMMITTEE**

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

The.....Street Vending Committee

.....

..... (Address)

(Counterfoil)

Ballot paper for the Post of.....

Date of Election.....

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

Please mark [x] against one of the candidates

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

