

**OFFICE OF RETURNING OFFICER
TOWN VENDING COMMITTEE
NEW DELHI MUNICIPAL COUNCIL**

Procedure for the conduct of elections of members of a Town Vending Committees representing the street vendors in the area of the jurisdiction thereof,-

1. The Chairperson, NDMC shall supervise, direct and control the conduct of elections in a free and fair manner of the members of a Town Vending Committee representing the street vendors in the area of its jurisdiction.
2. Notification expressing the intention of the NDMC to conduct elections for members of a Town Vending Committee representing the street vendors has been issued under sub-rule (2) of rule 13, and a Returning Officer has been appointed for conducting the elections under sub-rule (3) of that rule.
3. The election will be held for election of 12 members from the Street Vendors. The reservation in TVC shall be in accordance with Street Vendor Act-2014 and as per the notified the street vendors Rules of 2017, details of which are as under:

Sl. No.	Category	Number of members to be elected
1	General - Woman	Two (2)
2	General - Physically Handicapped	One (1)
3	General (Unreserved)	Two (2)
4	General - Minority	One (1)
5	Scheduled Tribes	One (1)
6	Scheduled Castes	Two (2)
7	Other Backward Classes	One (1)
8	Other Backward Classes - Woman	Two (2)
Total		Twelve (12)

For participating in the election process as per schedule, the voter shall possess/carry any one of the following original documents:

- (i) Tehbazari licence issued by New Delhi Municipal Council
- (ii) Voter I-Card
- (iii) Aadhar Card
- (iv) Driving license
- (v) Passport
- (vi) Passbooks with photograph issued by Bank / Post Office

- (vii) PAN Card
- (viii) Smart Card issued by RGI under NPR
- (ix) Health Insurance Smart Card issued under the scheme of Ministry of Labour and Employment, Government of India.

Any person who does not carry any one of the above mentioned original documents, such person will not be allowed to cast the vote/participate in the election process.

The Schedule for Election of 12 members for First Town Vending Committee, New Delhi Municipal Council is as under:-

Date of Publication of list of street vendors as per Rule 13 of Delhi Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017.	The list was published on NDMC's Website on 27 th March, 2018 (Tuesday).
Date, place and time of filing Nomination.	From 10 th August, 2018 (Friday) onwards till last date and time of filing Nomination. Place: Office of Returning Officer* Office Hours (09:00 am to 05:00pm, except lunch hours from 01:00pm to 01:30 pm) during official working days (Monday to Friday, except public holidays)
Last Date and time of filing Nomination.	20 th August, 2018 (Monday) till 05:00pm
Date of scrutiny of Nominations and publication of final list of eligible candidates.	21 st August, 2018 (Tuesday) starting at 11:00 am Place: Office of Returning Officer*
Last Date of withdrawal.	23 rd August, 2018 (Thursday) on or before 05:00pm
Closure of Canvassing	29 th August, 2018 (Wednesday) on or before 05:00pm
Date of Polling.	31 st August, 2018 (Friday)
Place of Polling.	Navyug School, Sarojini Nagar, New Delhi-110023
Time period of polling.	09:00 AM to 05:00 PM
Date of counting of votes.	31 st August, 2018 (Friday) at Navyug School, Sarojini Nagar, New Delhi-110023 after one hour from the casting of last vote.
Date on which election results will be announced.	31 st August, 2018 (Friday)

3. A public notice is published in two prominent daily newspapers in Hindi (Navbharat Times) and English (Times of India). The notice is also placed on the Website of NDMC and Notice Board of the Returning Officer, TVC.

3(a). 12 number of members will be elected including seats reserved for representatives of Scheduled Castes/Scheduled Tribes, Other Backward classes, women, persons with disabilities, minorities.

3 (b). Section 22 of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and para 3 of Schedule --- Delhi Vendors(Protection of Livelihood and Regulation of Street Vending) Rules, 2017 prescribe reservation of seats to be occupied by SC/ST/OBC/women/minority and persons with disability. It is also prescribed that 1/3rd of 12 members should be women.

The Department has calculated the reservation as per the national policy. Accordingly, out of 12 members. 06 will be from General category, 2 from SC, 1 from ST and 3 will be from OBC category. After applying this formula, still minority, physically handicapped and women are left out and suitable reservations as per the provisions of Act has to be made. Accordingly, it was felt that lottery is the appropriate method to identify the seats for minority, physically handicapped and women. Accordingly, a lottery was conducted in the presence of Council Members and after the lottery, following seats were earmarked for minority, physically handicapped and for women candidates:

Sl. No.	Category
1	General woman
2	General physically handicapped
3	General
4	General
5	General woman
6	General Minority
7	ST
8	SC
9	SC
10	OBC
11	OBC woman
12	OBC woman

4. The eligible street vendors for participating in the election process will be as per Rules notified and will be in terms of decision of Hon'ble High Court in the matter of Janodaya Ekta Samiti (Regd.), WPC NO. -6622/2015 vide court order dated 05.09.2017 of the Hon'ble High Court of Delhi which is as under:-

“During the Course of hearing, the representatives of the street vendors submit that even for the first TVC, an election should be conducted by Corporations/NDMC out of 1,32,000 applicants who applied in 2007 Scheme in MCD plus the street vendors whose names find mentioned in the list prepared by the Chopra Committee, and also 4400 applicants who applied in 2007 Scheme in NDMC plus approx. 950 persons (725 persons approved by Thareja Committee + 228 street vendors having old Tehbazari Licence) whose names fund mentioned in the list prepared by Thareja Committee. This demand, learned counsels submit, would be in sync with

the aims and objectives of the Act and further, with the Schedule to Rule 14 with minor amendments.”

4 (a). The list of above voters was already uploaded on NDMC's website and is in public domain from 27th March, 2018.

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. Reference is invited to the following rule position in this regard:-

Explanation: The prescribed Form -1 as per Rule 14 shall not be applicable to the elections being conducted for the first town Vending Committee to be constituted under Rule -13(1). The Form for the first election will be prepared by the Commissioner/Chairperson/CEO of the concerned local authority.

6. 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 Local Authority.

7. Every nomination paper shall be presented in person by the candidate himself or by his proposer or secondary 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 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 date and time fixed following the date fixed for filing 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 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/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 date of scrutiny of nomination and publication of final list of eligible candidates. 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 para 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 names of the contesting candidates (arranged in English Alphabetical order) and the corresponding serial numbers assigned to them that shall be released by the Returning Officer. The Returning Officer may appoint one or more Polling Officers/Presiding Officers as may be necessary for conducting the poll. Ballot paper to be used shall be prescribed by the Chairperson, NDMC.

12. 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. Such letter shall contain the consent in writing of the agent concerned in Form-2 annexed to this Schedule.

13. Canvassing for votes be prohibited 48 hours before the date and time scheduled for end of poll.

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/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, in Hindi and English along with the serial numbers assigned to them. The ballot paper shall also bear the seal and 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/voters can record their votes in secrecy.

17. No ballot paper shall be issued to a street vendor/voter unless the polling officer is satisfied that the street vendor/voter concerned is the same person as noted in the list furnished to him. On receipt of such ballot paper the street vendor/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/voter is unable to inscribe the mark on the ballot paper, the polling officer and where no such polling officer is appointed, the Assistant 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 polling, recording his reasons for such action in the minute book of the Town Vending Committee.

19. No street vendor/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 after one hour from the casting of last vote. 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 in a strong room and kept in safe custody of the Returning Officer, 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 the counting process 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.

The Returning Officer shall give the certificate of election in the format prescribed by the Chairperson, NDMC to the winning candidates immediately after counting is over and result is declared. Returning Officer will also inform Chairperson, NDMC as well as GNCTD of the result of Election.

21. The result of the elections shall be attested by Returning Officer and shall also be notified immediately on the notice board of the New Delhi Municipal Council.

22. In case of equality of votes, the Returning Officer shall declare the election result by toss coin in presence of both such candidates.

23. The ballot paper shall be rejected by the Returning Officer if —

(i) it bears any mark by which the voter can be identified

(ii) it does not bear the seal as well as 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 shall be communicated to the NDMC 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 First Town Vending Committee to the

NDMC in a sealed cover. These shall safely be preserved by the NDMC for the 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 NDMC and a copy of the handing over and taking over record of elections shall be sent to the GNCTD as well as NDMC by the Returning Officer alongwith his report.

(Y.V.V.J. Rajasekhar)
Returning Officer,
TVC Elections

TOWN VENDING COMMITTEE
NEW DELHI MUNICIPAL COUNCIL

Form- 1

Nomination form for Election of Members of First Town Vending Committee

Sh. Y.V.V.J. Rajasekhar,
Returning Officer, First Town Vending Committee Election
New Delhi Municipal Council
Palika Kendra
New Delhi

Sir,

I,.....,wife/son/daughter of Shri.....,
.....street vendor vending in the area of jurisdiction of the New
Delhi Municipal Council(NDMC) (Registration/ Certificate of Vending
No..... or Tehbazari License No...../ Application
No.....under 2007 NDMC scheme) hereby propose the name of
Shri/Smt/Ms..... wife/son/daughter
of Shri.....and a street vendor vending in the area of jurisdiction
of NDMC (Registration/Certificate of Vending No..... or Tehbazari
License No...../Application No..... under 2007 NDMC
scheme) as a candidate for the post of Member of the first Town Vending
Committee for NDMC area for the election to be held on 31.08.2018.

Name and signature of the proposer

Registration/Certificate of Vending No..... or Tehbazari
License No...../Application No..... under 2007 NDMC
scheme

I,.....,wife/ son/ daughter of Shri
.....Registration/ Certificate of Vending No..... or
Tehbazari License No...../ Application No..... under
2007 NDMC scheme, Street Vendor Vending in the area of jurisdiction of the
NDMC, hereby second the above proposal.

The nomination is being filed in the category of :-

General Woman	General	General PH	General Minority
ST	SC	OBC	OBC Woman

Please tick the applicable category and enclosed the attested certificate. The candidate has to provide the original certificates for verification at the time scrutiny.

Name and Signature of the Seconder.

Registration/Certificate of Vending No..... or Tehbazari
License No...../Application No..... under 2007 NDMC
scheme

TOWN VENDING COMMITTEE
NEW DELHI MUNICIPAL COUNCIL

DECLARATION BY THE CANDIDATE

I,.....,wife/ son/ daughter of Shri.....
Registration/ Certificate of Vending No..... or Tehbazari License
No...../Application No..... under 2007 NDMC scheme,
Street Vendor vending in the area of jurisdiction of the NDMC, hereby agree
to my nomination for the election as Member of the First
Town Vending Committee.

I further declare that-

- (i) I am not an employee of the said New Delhi Municipal Council-,
- (ii) I am eligible to vote-,
- (iii) I do not incur any disqualification for election as Member of the First
Town Vending Committee for NDMC area under the provisions of the Street
Vendors (Protection of Livelihood and Regulation of Street Vending) Act,
2014 (7 of 2014) and the Delhi Street Vendors (Protection of Livelihood and
Regulation of Street Vending) Rules, 2017 made there under.

The nomination is being filed in the category of :-

General Woman	General	General PH	General Minority
ST	SC	OBC	OBC Woman

Please tick the applicable category and enclosed the attested caste and PH certificate as applicable. The candidate has to provide the original certificates for verification at the time scrutiny.

The receipt of cash deposit of Rs. 2000/- OR (Demand Draft or Pay Order) in favour of "Secretary, New Delhi Municipal Council" of Rs. 2000/- is enclosed.

Name and Signature of the Candidate.

Registration/Certificate of Vending No..... or Tehbazari License
No...../Application No..... under 2007 NDMC scheme.

Signature of the Returning Officer
Seal

ACKNOWLEDGEMENT

Received the nomination form of presented by Shri/Smt./Ms
..... candidate / proposer/secondar for election at a.m./p.m. on
31st August 2018. Signature of the Returning Officer

Seal

TOWN VENDING COMMITTEE
NEW DELHI MUNICIPAL COUNCIL

Form for Appointing Election Agent

Form-2
[Clause 12 of Schedule]

I,.....,son/wife /daughter of Shri....., street vendor vending in the area of jurisdiction of the New Delhi Municipal Council, (Registration/Certificate of Vending No.....or Tehbazari License No...../ Application No..... under 2007 NDMC scheme) contesting for election of Member of the First Town Vending Committee for NDMC area, 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 31st August 2018 (specify the date):-

Name and Signature of the Candidate

Registration/Certificate of Vending No..... or Tehbazari License No...../ Application No..... under 2007 NDMC scheme

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

A certified copy of the identity card of the said election agent/account agent in enclosed.

Name and Signature of the Agent