

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA'S IN AHMEDABAD

State: Gujarat

Details of licensing are as follows:

Dhaba's are regulated as per the direction of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948. Provisions of Prevention of Food Adulteration Act are also applicable to food related items.

Bombay Shops and Establishment Act defines eating house as any premises in which is carried on wholly or principally the business of the supply meals or refreshments to the public or a class of the public for consumption on the premises.

As per the Section 376 of the Bombay Provincial Municipal Corporation Act 1949, No person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance. Part 1V of the chapter XVII says that keeping eating-houses needs license. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates. Section 376 gives power to the commissioner to stop the use of any premises if it is a nuisance or dangerous to life health etc in his opinion.

Section 318 says that the commissioner on the satisfaction in the public interest by a written order directs that any place where food or drinks are sold or prepared, stored or exposed for sale which a case of dangerous disease exists or has recently occurred shall be closed for such period as may be specified in the order. Provided that the place will be declared as open if medical officer of health certifies that it has been disinfected or is free from infection.

Section 337 says commissioner have to make provisions for constant and vigilant inspection of animals, vegetables, fruit and any other article exposed or hawked for sale. The act also gives power to the commissioner to inspect and examine any animal or article used for preparing or manufacturing or containing the same. The commissioner can seize the animal or article which has appeared as unfit for human consumption.

Section 377 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner can summarily remove any person contravening the section. Section 384 clearly says that no person can use any public place or any public street for hawking or sale any article without a license and the conditions specified in it. Therefore, it is clear that a dhaba needs license.

In Ahmedabad dhabas are regulated by Ahmedabad Municipal Corporation. Here dhaba's are licensed under hawker's license.

Regulatory Body Issuing the License:

License is issued by the Estate Department of the Ahmedabad Municipal Corporation as per the provisions of Bombay Provincial Municipal Act, 1949.

Licensing Procedure:

The applicant has to file an application in the prescribed form issued by the estate department along with the required documents. The required documents have to be submitted to the estate department. One more licence from health department is also needed if the trade is food related business. It has the same procedure.

As per the Bombay Provincial Municipal Corporation Act 1949 the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

After submitting the application with the supportive documents, the concerned officer will verify the shop premises and if satisfied, the department will give permit for doing business. For the inspection, there are no specific guidelines but inspector's duty is the verification of shop in regard to premises, employers and working hours. The inspection will be on the following grounds:

1. If shop or land is expanded or not?
2. How many workers are working? If it increased or not?
3. Time duration of opening and closing of shop?)

Documents Required:

1. Ration Card / any Address Proof
2. Voter Identity Card. (Identity Proof)

License Fees:

The license fees for the shop license and food license is Rs. 60. Rs. 500 is charged for getting the entertainment license. Dhabas includes in the edible category. So the fees are as follows:

The fees for 2 year is Rs.450/- which includes the license fees of Rs.400/- and Rs.50 /- as the License Card Fees. License Fee for 3 year is Rs.650/- which includes the license fees of Rs.600/- and Rs.50 /-

Terms for the License:

1. Applicant can sell the articles in the entire zone/area/election ward except those mentioned in the restricted area list
2. Applicant has to apply at the city civic center along with the proof of address (Ration Card) and identity (election card),
3. The area where the trader is intending to do his business has to clearly mentioned in the application
4. Hawkers can sell their articles in the allowed area but cannot get still at any particular place for more than 30 minutes
5. All the Hawkers of a particular area should stand at a single place in a single row only. Making more than 1 row is not allowed

6. When the hawkers are standing at that time they have to be near the curb of the road. The vehicle must be placed at least 30 meter away from the bus stops and the road corners and 50 feet away from the corners of the small streets
7. The vehicle should be placed at least 50 meters away from the junction of the main road
8. The licensee is allowed to sell the articles from 7 am to 11 pm
9. The hawkers have to use the "lorry" designed by the AMC in advance. According to which, it should not be long than 1.5 meter, broad than 1.10 meter, and high (along with the goods) than 1.40 meter from the ground. The roofs are not included in the height; also nothing could be included viz. stands or supports outside the permitted width
10. The licensee should not get indulged in any act that causes any problem to the citizen of the respective area also he will not disturb the streets and the footpaths by restricting the pathways
11. The licensee cannot take his "lorry" in the NO HOCKING ZONE
12. If the licensee has to pass from the NO HOCKING ZONE than he has to cover the goods on the "lorry" so that they cannot be seen by others
13. He should stay away at least by 30 meters from any municipal or private market
14. The license will not use any sirens, horns or bells to grab the attention of the passer by
15. Licensee will keep the "lorry" neat and clean
16. For the sale of DRINKS and EDIBLES, the licensee also has to follow the PREVENTION AND FOOD ADULTERATION ACT 1954, and have to take separate license coming under the act. If the licensee or the partners indulged in the selling activity is suffering from any disease than they cannot go for the business unless and until they get completely cured
17. The licensee cannot change the license in any condition
18. The licensee has to keep the license with him during the working hours and has to show it to the authorized person whenever asked for
19. License fee is not refundable
20. The licensee has to paste the license number and license card on the front of the vehicle
21. The licensee can select any three of the total election ward for hocking. If he wants more two places than he has to pay 50% extra fees

List of NO HOCKING ZONES:

1. Gandhi Road (from Teen Darwaja to Railway station including footpath)
2. Tilak Road, Relief Road (from Sardar Baug to Ahmedabad railway Station including footpath.)
3. Ashram Road (from Vasna Octroi Naka to Sabarmati Municipal Limit)
4. The Ring Road starting from Delhi Darwaja, Dariapur Darwaja, Kalupur Darwaja, Ahmedabad Railway station, Sarangpur Darwaja, Raipur darwaja up to Astodia Darwaja
5. The Area besides Astodia GSRTC Bus Terminal
6. Sardar Baug, Sidi Saiyad's Jaali, Jilla Panchayat Bhavan, Apna Bazaar, Lal Darwaja AMTS Bus stop, SBI House, Congress House, Bhadra Temple, Bank of India Building, UCO Bank Building, Kaaranj Police Station, Advance Cinema, Ahmedabad Electricity Building, BOB Building, Road nearby Polyclinic Building, and foot path.

7. Jamalpur Darwaja to Chandola Talav
8. The road from Shahi Baug Sardar Patel Smarak Bhavan and Circuit House, Delhi Darwaja and Ghee Kaanta to Paankor Naka
9. Victoria Garden to Astodia Darwaja
10. Parimal Garden, Panchvati, Navrangpura Market, Swastik Char Rasta, Sardar Patel Stadium Circle, Old High Court, Railway Under Bridge and Income tax Circle.
11. From Sardar Patel Stadium Circle to Sardar Patel Colony
12. Ashram Road
13. Kankaria Talav
14. Public Gardens
15. Historical Areas of Central Government
16. Maninagar Railway Crossing to Daaxini Railway Crossing

License Renewal:

The department gives license for two years and three years. The person should renew his license after the expiry period mentioned in the license. The renewal procedure is filling up of the application form and no other documents are required. The renewal fees for the trades are same as the first hand licence fee as paid for the issue of license.

Inspection:

As per the section 337 of the act, it shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat flesh, fish, fruit, vegetables etc and any other articles exposed or hawked about for sale or deposited in or brought to in any place for the purpose of sale and intended for human consumption, the proof that the article was not intended for human food with the party charged.

The commissioner can seize and carry away any article if any animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human consumption or is not up to the quality represented.

Prohibition of Hawking:

As per the Section 12 of Bombay Shops and Establishments Act 1948, no person shall Hawk or sell any goods in or adjacent to a street or a public place before the opening and after the closing hours fixed under sections 10 & 11. Any person contravening the provisions shall be liable to have his goods seized by an Inspector. The goods seized shall be returned to the person from whom they were seized when he deposit Rs.25 as security for his appearance in the Court. If a person fails to make the deposits, the goods seized shall be produced without delay before Magistrate who gives such directions as to their temporary custody as he thinks fit where no prosecution is instituted for the contravention of the provisions of sub-section (1) (which prohibits the hawking) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized. Subject to the provisions of the preceding sub-section, the provisions of the Code of Criminal

Procedure, 1898, (V of 1898) shall so far as they may be applicable, apply to the disposal of the goods seized under this section.

Suspension and Revocation:

As per the act, any license may at any time can be suspended or revoked by the commissioner if the commissioner is satisfied that the license is secured by the holder through misrepresentation or fraud or if any restriction or condition is infringed or evaded by the person to whom the license has been granted. When any license is suspended or revoked or the period for which the license granted is expired the licensee will be deemed to be without a license until the canceling of the suspension or revoking order or the renewal as the case may be. If the licensee is applying for renewal on the specified date then the applicant shall be entitled to act as if it is renewed.

Timings:

As per the Bombay shops and Establishment Act 1948, no eating-house shall be opened earlier than 5a.m and closed later than 12 at midnight for service. An employee can start his work from 4.30 a.m. However, cannot work after 00.30 a.m. No sale is allowed before and after the opening and closing hours. An employee in an eating-house cannot be required or allowed to work more than nine hours in a day and 48 hours in a week.

Violations and Penalties:

If the licensee is found working against any of the related law the license can be cancelled or revoked by the authorized personnel on the spot. If the licensee gives the license to some other person to carry on the trade than also the license is cancelled. The penalty is decided by the magistrate as per the norms and the related official decisions.

As per the act any contravention of any provision of the act or rule or bye-law or standing order notice etc will liable to a fine of Rs.100 and a further fine which can extend to Rs.20/- for every day if no penalty is provided for the offence in any other section of the Act. (Act can be referred in the annexure)