

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN BHOPAL

State: Madhya Pradesh

Details of licensing are as follows:

The licensing of eating houses are regulated as per the regulations directed by the Madhya Pradesh Municipal Corporation Act 1956. The timings for operation is fixed as per the directions of Madhya Pradesh shops and establishments Act 1958. They have to follow the provisions of Prevention of food adulteration act also.

As per the Section 366, licenses are necessary for all trades, which is prescribed under the Act. The date of the grant, purpose and the period, restrictions and conditions, fees and the date for the renewal etc must be specified in the license. The fees may be charged as fixed by the commissioner and the licensee is supposed to charge that prescribed fees. The details of licensing are as follows:

License Procedure:

As per section 366 of the corporation Act, every application for license shall be addressed to the commissioner. The acceptance on or behalf of the license fees shall not entitle the person paying the fees to the license or permission.

The applicant can act as if the license or permit had been granted for the year or such shorter period as mentioned in the application if the orders of the commissioner on an application for the license which complies with the provisions of the foregoing subsections are not communicated to the applicant within six months from the date of the receipt of the application by the commissioner. Section 246 and 248 is excepted from this.

The responsibility of the procurement of the license lies with the zone office as well as the ward office. Prevention of Food Adulteration license can be obtained with the approval of the health department, signed by the health officer. After the approval from the health department, the zone office will issue the license. The zonal officer will issue the rest of the licenses

License fees:

As per the Section 366, the fees for licenses may be charged as fixed by the commissioner and the licensee is supposed to pay that prescribed fees. The rate of the license fees shall be revised in every three years.

License Renewal:

The application for renewal shall be made in the prescribed form before the date of expiry. The fees and procedures for renewal are same as that of new license. Pending the receipt of orders on his application made on before the prescribed date for the application for renewal, an applicant shall be entitled to act as if has been renewed.

Prohibition of hawking:

As per the section 10 of the M.P shops and establishments Act 1958, 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 section 9 for the shops dealing in the same class of goods in locality in which such street or public place is situated. 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.50 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

Suspension and Revocation:

As per the Municipal Corporation act, the licensee is supposed to produce it at all reasonable times as required by the commissioner or any authorized officer. The license can be suspended or revoked at any time by the commissioner if any of the restrictions or conditions is being infringed or evaded by the grantee or if the grantee is convicted of a breach of any of the provisions of the Act or of any rule or byelaws under made there under in any matter to which such license or permission relates.

When any such license or written permission is suspended or revoked or when the period for which the same was granted has expired, the grantee shall for all purposes deemed to be without a license or a written permission until whether within the said period or otherwise, as the authority granting the same may see fit to cancel the order suspending or revoking the license until it is renewed, as the case may be.

Opening and closing hours:

As per the section 14 of M.P shops and establishments Act 1958, no eating-house shall be open earlier than 5a.m and close later than 1.30 am for service. Provided an employee in eating house may be required to commence the work not earlier than 4.30 a.m and shall not required to work later than 2 a.m. provided also that any customer who was being served or waiting to be served at the closing hour or eating house may be served in such restaurant or eating house during the half hour immediately following such hour. The government cal also fix later opening and earlier closing hours for

different areas or for different periods of the year. Notwithstanding anything contained in the Act, Government can fix specific timings for special occasions by notification. The act also says that no goods of the kind sold in such shops shall be sold in any eating house except for the consumption on premises before and after the hours fixed for opening and closing.

Penalty:

As per section 434, penalties will be charged for the contravention of the provisions of the Act. As per section 248, licenses are needed for storing dangerous or offensive articles or carrying on dangerous or offensive trade. Violation will be charged a fine of Rs.5000/- If the person continues to commit an offence, it shall be punished for each day after the first during which he commit an offence with fine which may extend to Rs.500/-

As per section 259, sale of diseased articles or animals intended for human food will be charged a fine of Rs.1000/- for the sale and Rs.1000/- for the first offence and Rs.5000 for any subsequent offence.