

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN BHUBHENESHWAR

State: Orissa

Details of licensing are as follows:

Dhaba's are regulated by the provisions of the Orissa Municipal Corporation Act 2003 and Prevention of Food Adulteration Act 1954. Orissa Municipal corporation Act defines eating house as any premise to which the public or any section of the public are admitted and where food is prepared , supplied or sold for consumption on or outside the premises for the profit or gain of any person owning or having an interest in or managing such premises.

As per section 554 of the Orissa Municipal Corporation Act 2003, no person is allowed to keep in or upon any premise for any articles as may be specified in the rules framed under the Act except under and in conformity with terms and conditions of license granted by the commissioner. Individuals are directed not to use any premises for sale or for use of any articles specified in the rules other than there domestic use without or except ion conditions of a license. No body can carry out any trades or operation specified in the Act or rule without a license. The act also says that the trades which are in the opinion of commissioner is dangerous or likely to create nuisance shall be prohibited in the city. A notice with the commissioner's signature sent him in person or notice affixed to the premises will be proving that the trade will be dangerous in commissioner's opinion.

Chapter VI (Rule 39) of the Orissa Municipal Corporation Rules 2004 says that no person is allowed to keep in or upon any premise or carry on any trade specified in schedule C. In the case of the illegal encroachments used for carrying the trade, the encroacher shall borne the amount for demolition and for reconstruction in that are, the penalty will be charged in double.

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations, 2006," No person can use any premises for the usage of any purpose mentioned in the schedule attached to the regulation without a license.

Part Iv of the Schedule C of the Orissa Municipal corporation Rules 2004 and the Part IV of Schedule C of the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations , 2006" says that eating houses needs a license.

As per the Act, 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.

Section 561 of the Orissa Municipal Corporation Act 2003 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner with the previous sanction of the corporation, by public notice from time to time to prohibit within hundred yards of any corporation market, the sale or expose for sale of all or any of the commodities ordinarily sold in the market. The notice at any time can

be modified or cancelled by the commissioner. Any person contravening the section can be summarily removed by the commissioner or any authorized authorities

Therefore, it is clear that a dhaba needs license.

Licensing Procedure:

As per "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", any person desiring to obtain a license under the regulations shall apply to the commissioner or any authorised officer in the prescribed form. The commissioner will grant the license after the inquiry to the premises. .

Regulatory Body:

As per the regulations, the commissioner is the regulatory body.

Documents Needed:

As per the regulations, the application shall accompany the fees as provided in the schedule. If the applicant is the owner of premises and any other person allowed using the premise for the storage of the articles, the applicant shall furnish the details of the person using the premises as required by the commissioner.

Fees:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", Rs.300 will be collected for a Non- A/C restaurant. So one who carries the trade of eating houses have to remit Rs.300

Operation Timings:

As per the Orissa shops and establishment Act 1956, no establishment on any day can be opened earlier or closed later than the time fixed by the government. The State Government may, after making an enquiry in the prescribed manner, by general or special order, fix the time at which any establishment or class of such establishments shall be opened or closed in any local area. The act also says that every establishment shall remain closed for one day in a week. The employer shall fix that day at the beginning of the year and notify it to the inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment. This day can not be altered more than once in three months.

License Renewal:

The license will be valid till the 31st march of the year in which it is issued. The license may be renewed within one month of its expiry. Renewal after one month of expiry shall be liable to pay 5% of the license fees for every subsequent month of the delay

Conditions:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the licensee has to follow the conditions mentioned in the regulation. Some important conditions are:

1. Commissioner / any authorized officer must be permitted for inspection at all reasonable times and without a notice
2. License must be kept in the premises and shall produce it at the request of the Authorities
3. The license must provide the adequate fire extinguishing measures as determined by the fire officer in case of a fire related trades
4. The premises must be kept clean and must avoid all source of annoyance and inconvenience for the neighbour hood and public
5. There should be suitable means for ventilation and lighting
6. No acts must be undertaken to cause fire or other means endangering public safety
7. Transferring of license will not be allowed without the prior permission of the commissioner or any authorized officer
8. The licensee shall make separate storage arrangements in a premises where license is issued for the storage of more than article in the same premises of which some are intended for human or animal consumption and while the others are hazardous likely to contaminate the articles for consumption
9. A notice board with the name of the licensee and the fact that he is licensed for storing, packing, pressing, cleaning, preparing or manufacturing hazardous inflammable materials or materials clearly written thereon shall be displayed in a conspicuous place of the licensed premises.

Inspection:

As per the section 576 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 or for preparation for sale and intended for human food or for medicine.

Section 577 says that the commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensils or vessels used for preparing, manufacturing or containing the same. 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.

Section 556 also provides for the inspection of premises used for manufacture where the furnace is used for any trade or manufacture. The inspection can be at reasonable hours without notice. No claim shall lie against any person for the compensation for any damage caused. Provided that the force shall not be used for entry unless there is a reason to believe that an offence is being omitted against the provision of Act or Bye-law.

Suspension_and Revocation:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the license can be suspended or revoked by the commissioner/ authorized officer if the licensee fails to comply with the conditions. The license will be suspended or revoked after giving an opportunity to the licensee of being heard in the matter.

Penalty:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the contravention of any regulation shall be punished with fine which may extend to Rs.200. In the case of continuance of contravention, the fine may extend to Rs.30 for every day and another Rs.20 shall be charged if the contravention continues even after the receipt of the notice from the authorities to discontinue the breach. In addition the penalties can also be charged as per the Orissa Municipal Corporation Act.