

REGULATIONS GOVERNING THE LICENSING OF DHABA IN JAMMU

State: Jammu and Kashmir

Details of licensing are as follows:

License is issued by the Chief Enforcement Officers and Enforcement Officers in the respective areas. But the Health Officer, Jammu Municipal Corporation issues the Prevention of Food Adulteration licence, which is inevitable for dhaba's. The Health Officer, Jammu Municipal Corporation will issue PFA licence to the reharie walla's after verifying the reharie licence. No other department or authority is involved in it.

Regulatory Authority:-

Local Health Authority of Municipality Jammu i.e .Health officer of the Municipality of Jammu. License is issued by the Chief Enforcement Officers and Enforcement Officers in the respective areas.

Eligibility Criteria:

The eligibility criteria for the reharie walla's (vegetable vendors, street food vendors, meat shops etc.) for applying for licence is given under:-

1. The applicant should be a permanent resident of the state of Jammu & Kashmir. However, he can employ a labour to push the reharies
2. The applicant shall not less than 18 years of age
3. The applicant should bear good moral character duly certified by the concerned Police Station

Licensing Procedure:

Anybody who wants to start a dhaba has to take the Prevention of Food Adulteration license from the Health Officer, Municipality Jammu. For that he has to apply through a form of Rs 15/- which can be taken from the Municipality. In the form the applicant must specify his name, address and the area of trade. This application form is then referred to Food Inspector who inspects the application. Then the application is finally passed through the Health Officer who issue the license to the applicant.

Any person who is eligible as per the prescribed criteria can apply for the issuance of License in the prescribed office / following sub offices of the JMC from 1st December to 31st December 2005.

Sub Offices:

- a. Single Window Office of the Corporation, Town Hall, Jammu
- b. Sub - Office near Cattle Pound at Gandhi Nagar, Jammu
- c. Sub - Office MVO Reharie, Dogra Hall, Jammu
- d. Municipal Health Center, Bakshi Nagar, Jammu

Documents Along With The Application:

1. Three Attested photographs of the applicant duly attested by the Gazetted Officer, In case the applicant wishes to employ labourers 3 photographs of the labourers attested by the Gazetted Officer
2. Character certificate of the applicant issued by concerned Police Station
3. A demand draft or GR against the license fee of Rs. 2500/-
4. A copy of the Permanent Resident certificate of Jammu & Kashmir State

License Fees:

The reharies shall be licensed annually for a lump sum licence fee of Rs.2500/per reharie. (The fees shall be paid either in cash against the G.R. or through the D.D payable to the CAO Jammu Municipal Corporation.) For Dhabas, PFA license fee is Rs 800/- (Rs 500/- (license fee+ Rs 300/- sanitary charges).

License Renewal:

The license will remain valid for one year with effect from January to December of every calendar year. After that the license should be renewed in the month of the December of every Calendar year in the manner as in the case of applying for fresh license. License fee is also the same. Last date of validity of license is 31st March of every year. Thus the trader has to get his license renew by 31st of March. After 31st of March, the late fee is also charged along with the license fee. A discount of 10% be given to the applicants in the month of December and 10% penalty will be imposed after 31st January every year. A period of one month shall be given to all the reharie wallas to get their licenses made before after which a monthly penalty shall be charged in addition to license fees.

Fees remittance:

Fees remittance can be done in the Office of Health Officer, Municipality Jammu through direct payment of cash by the applicant.

LICENSE DURATION:

It takes 3 to 6 days for processing a license, whereas A license shall, unless sooner suspended or cancelled, will be in force for such period as the State Govt. may prescribe. Every licensee who sells any food shall display a notice board containing the nature of the articles, which he is exposing or offering for sale.

PROHIBITION:

No person shall himself or by any person on his behalf manufacture for sale, or store, sell or distribute:

1. Any adulterated food
2. Any misbranded food
3. Any article of food for the sale of which a license is prescribed
4. Any article of food, which is prohibited for sale for the time being

TERMS AND CONDITIONS

The terms and conditions includes the conditions for reharie license as well as the PFA license which can be summarised as follows:

Terms and Conditions for Reharie license:

1. The only one- reharie licence shall be given to each applicant
2. The reharies shall be licensed annually for a lump sum licence fee of Rs.2500/per reharie. (The fees shall be paid either in cash against the G.R. or through the D.D payable to the CAO (Chief Accounts Officer) Jammu Municipal Corporation.)
3. No sanitation fee whatsoever shall be charged from these reharies
4. The licence shall remain valid for one year with effect from 1st January to 31st December of calendar year. A discount of 10% will be given to those who apply for licence in the month of December and 10% penalty will be imposed after 31st January every year
5. A period of one month shall be given to all the reharies to get their licences made before after which a monthly penalty shall be charged in addition to licence fees
6. The reharies shall furnish an undertaking to abide by the terms and conditions governing to reharie licence. The Jammu Municipal reserves the right to limit the number of reharie or modify or alternate "no reharie zones" in public interest
7. The reharie operator shall be responsible for carrying a garbage bin with the reharie for collection of waste generated from the reharies and dispose off the same at the Municipal collection point. Any breach/ violation shall call for a penalty
8. The reharies shall not block either the pedestrian path or cause any traffic hazard by the reharie. He shall not convert the reharie into stationary kiosk etc
9. The reharie should conform to the standard size and design
10. The Corporation reserves the right to impose penalty, cancel the licence in case of breach of terms and conditions
11. No reharie will be allowed to ply in corporation limit without licence after the expiry of the period mentioned in the notice
12. No reharie licence will be issued in reharie free zones
13. Chief Enforcement Officers and Enforcement Officers are authorised to issue the reharie/ reharie licence in their respective areas
14. The Health Officer Jammu Municipal will issue PFA Licence to the reharies

Conditions for Prevention of Food Adulteration License:

For Food related trades, one need a PFA license in addition to reharie license. The health officer will issue PFA license after verifying the reharie license. The additional Conditions for PFA (Prevention of Food Adulteration) License are as follows:

1. No person shall manufacture, sell, stock, distribute or exhibit for sale any article of food, including prepared food or ready to serve food, except under a license, Provided that the fruit products covered under the Fruit Product Order, 1955, solvent extracted oil, recoiled meal and edible flour covered under the Solvent Extracted Oil, De-oiled Meal and Edible Flour (control) Order, 1967, Vanaspati covered under the Vegetable Oil Products Control Order, 1947 and meat and poultry products covered under the Meat Food Products Order, 1973, shall be exempted from the above rule
2. The State Govt. or the local authority shall appoint licensing authorities
3. A Licensing authority may with the approval of the State Govt. or the local authority

by an order in writing delegates the power to sign licenses and such other powers as may be specified in the order to any other person under his control (In J&K, Health Officer, Jammu Municipality Corporation deals Dhabas)

4. No license shall employ in his work any person who is suffering from infectious, contagious or loathsome disease
5. Dhabas should be separated from any privy, urinal, sullage, waste matter etc
6. The nature of articles of food for the sale of which a license is required under these rules shall be mentioned in the application for license
7. This license shall be displayed in a prominent place in part of the premises opened to the inspection to the inspecting authorities
8. The licensee shall allow any Food Inspector appointed under the Act to enter into any premises where manufacture and/ sale is carried on and to inspect the premises, machinery equipments, records at any time. The licensee shall supply such information to such Food Inspector as he may require for ascertaining whether the provisions of the Act and the rules made there under including the license are being complied with
9. The licensee shall maintain such records, as may be required by the Govt. and shall submit such periodical returns to the Local (Health) Authority concerned as may be directed by issuing authority
10. The Licensee shall comply with the provisions of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954) and the rules made there under
11. The licensee shall not carry on or permit to be carried on any other trade in the licensed premises except the trade mentioned in the license
12. The licensee shall keep the licensed premises structurally fit for the purpose for which a license is granted and shall comply with all reasonable requirements which the Medical Officer of Health may make to endure the sanitary and hygienic fitness of the licensed premises
13. Every utensil or container used for manufacture and for other processes involved in the manufacture of any food or ingredient of food intended for sale shall be kept at all times in good order in a clean sanitary conditions
14. No licensee shall use for manufacturing and for other processes involved in the manufacture of any food or ingredient of food intended for sale, any utensils or container which is made of such material or in such state of the material which is likely to injure such food or render it obnoxious
15. The licensee shall not use or permit to be used in the manufacture of any article of food any water except obtained from the water supply from such source as may be approved by the licensing authority
16. The licensee is liable to be suspended or cancelled for breach of any of the conditions and no one can use sub-standard poly bags for carrying milk/liquid or semi liquid food etc

PENALTY:

The reharie Walla shall furnish an undertaking to abide by the terms and Conditions governing to reharie license. Any breach/ violation shall call for a penalty. The corporation reserves the right to impose penalty, cancel the license in case of breach of terms and conditions. If the person breach the aforementioned provisions, he shall, in addition to the penalty to which he may be liable under the provisions of section 6 of Food Adulteration Act 1954, he may be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years, and with fine which shall not be less than Rs.1000.