

## **RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN RAJKOT**

**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.

Eating Houses are the Place where the foods and drinks are serving to the public. 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. In a dhaba, there is the need of a well-furnished kitchen, proper setting arrangement, refreshment room.

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 may be declared to be 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 Rajkot dhabas are regulated by Rajkot Municipal Corporation. For running a Dhaba, the owner have to take Shop license (Bombay Shops and establishments Act), Food license( prevention of food Adulteration Act 1954) and entertainment license. The Shop license & Food license are issued by Rajkot Municipal Corporation. Entertainment license is issued by police commissioner

### **Licensing Procedure:**

For the issue of shop license and food license, the people have to submit the required statements to the Municipal Corporation for the registration of the establishments. The required statements for the registration of the establishment need to be submitted to the health Department.

The applicant has to fill registration form at first to get licence and then submit form with all the documents attached. The eligibility criterion for the registration is the submission of the filled application form with the required documents

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. Filled application Forms.
2. All document related to premises which includes the documents of Shop premises, land etc.
3. photocopy of purchase or selling bill
4. Two photographs
5. If shop is on rent , then the agreement of rent or NOC of property holder

### **Entertainment license:**

For taking the entertainment license you have to first take a shop license & food license. Then you have to directly go to the office of the police commissioner. The procedure is that you have to submit the filled form and submit the required fees.

**License Fees:**

The license fees for the shop license and food license is Rs.60/- and Rs.500/- is charged for getting the entertainment license.

**License Renewal:**

The validity for Shop license is 3 years. The renewal period is 30 days and the Renewal Fess is Rs.30/- Food license is Valid up to 3years. Entertainment License is Valid up to 10 years. Renewal Period is 30 days and Renewal Fees is Rs.500/ The renewal procedure is filling up of the application form and no other documents are required.

**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 open earlier than 5a.m and close 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 will be encouraged 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.

**Rules and Regulations from Corporation:**

1. Owner has to specify the ingredients using.
2. Every one has to take license.
3. The place where owner wish to start his business must be verified by shop inspector & Food inspector for cleaning, condition of place etc. If the authorities are satisfied with the premise then the owner will get the license.
4. owner have to pay the required fees
5. Owner must use healthy ingredient while preparing food.
6. Utensil which is used in restaurant must be clean.
7. Owner doesn't interferon in inspection while inspection comes.
8. If owner appoint servant in a dhaba then the owner have to take identity card from corporation with paying the fees Rs. 10 to the corporation under the food department.

**Punishment:**

If person doing a business without license he will get one to three months imprisonment. As per the act any contravention of any provision of the act or rule, bye-law, 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 Annexure)