

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN SRINAGAR

State: Jammu and Kashmir

Details of licensing are as follows:

Srinagar Municipal Corporation (SMC) governs the regulation of dhaba within the premises of Srinagar city. The enactments, which lay down the provisions regarding the concerned trades, are as follows:

1. Srinagar Municipal Corporation Act, 2000.
2. Prevention of Food Adulteration Act, 1954.

The Health officer, Srinagar Municipal Corporation, issues license. The Health Officer, SMC (Srinagar Municipal Corporation) issues the PFA (Prevention of Food Adulteration) licence under section 24 of the Prevention of Food Adulteration Act, 1954 to the vendors for storage/sale/distribution or exhibition of any article of food.

Additional Provisions as per the Municipal Corporation act which are applicable to dhabas:

As per the section 327 of the Act, No person shall without or otherwise than in conformity with the terms of a license granted by the commissioner can hawk or expose for the sale in any place any article whatsoever whether it be for human consumption .As per section 328, No person shall without or otherwise than in conformity with the terms of a license granted by the commissioner in this behalf, keep any eating houses, lodging house, hotel, boarding house, tea shop, coffee house, café, restaurant, refreshment room or any place where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale. The commissioner may at any time cancel or suspend any license granted by sub-section (1) if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such license or with the provisions of any by-laws.

Dhabas have the same procedures of Vegetable sellers.

Eligibility Criteria:

The eligibility criteria for those who are 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 non-state subject as labours.
2. The applicant shall not be less than 18 years of age.

Licensing Procedure:

In order to start a trade of vegetable/fruit selling, one has to take PFA license from the Health Officer, SMC. He has to apply through a form, which can be collected from the Srinagar Municipality office, SMC, Karan- Nagar, and SRINAGAR.

In the form the applicant specifies his name, address and the area of trade. This application form is then referred to Food Inspector who after checking the trade place etc. marks the application.

Then the application is finally passed to the Health Officer who issues the license to the applicant and also the Medical Fitness Certificate.

Documents Along With the Application:

1. Three 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 also is needed.
2. Licensing fees as mentioned above.
3. A copy of the Permanent Resident certificate of Jammu & Kashmir State.

License duration and Renewal:

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. The license will remain valid for one year with effect from 1st April to 31st of March. After that the license should be renewed in the same manner as in the case of applying for fresh license. License fee remains the same. Last date of validity of license is 31st March of every year. Thus the trader has to get his license renewed by 31st of March. After 31st of the March, a late fee is also charged along with the licence fees.

Licence processing time:

It takes around one week in the processing of licence.

License FEES:

For Dhabas, annual fees of Rs.520/ per shop shall be charged annually as PFS License Fees
(Prevention of Food Adulteration license).

Fees remittance:

Fees remittance is done in the Office of Health Officer, SMC through direct payment of cash by the applicant.

REGULATORY AUTHORITY:

Health officer of the Srinagar Municipality Corporation.

Prohibition:

No person shall himself or by any person on his behalf sell / store /distribute:

1. Any adulterated food
2. Any misbranded food.
3. Any article of food for the sale of which a license is not prescribed.
4. Any article of food which is prohibited for sale for the time being.

TERMS AND CONDITIONS:

1. The licence issued will be non-transferable.
2. The vegetable/fruit shops shall be annually charged a sum of licence fee of Rs.520/annum per shop. The fees shall be paid either in cash or through the D.D payable to the CAO (Chief Accounts Officer) Srinagar Municipal Corporation.
3. In case of mobile vegetable/fruit vendors, the annual licensing fees shall be Rs.120/annum. No sanitation fee whatsoever shall be charged from these vendors. (It is mentioned that annual licensing fees is Rs.120/annum, and regarding sanitation there is no fees at all).
4. The licence shall remain valid for one year with effect from 1st April to 31st March.
5. A period of one month shall be given to all the mobile vegetable/fruit vendors to get their licences made before, after which a monthly penalty shall be charged in addition to licence fees. It will be 10 % of the annual fees which is charged as penalty amount).
6. The mobile vegetable/fruit vendors shall abide by the terms and conditions governing their licences. (The terms and conditions in this context are mentioned below in point number 7, 8, 9, and 10).
7. The mobile vegetable/fruit vendors shall carry a garbage bin along for collection of waste generated and dispose off the same at the Municipal collection point. Any breach/ violation shall call for a penalty.
8. The mobile vegetable/fruit vendors shall not in any case create any nuisance to the common public.
9. The mobile vegetable/fruit vendors should conform to the standard size and design.
10. No mobile vegetable/fruit vendor will be allowed to ply in corporation limit without a proper licence.
11. The Srinagar Municipal Corporation reserves the right to impose penalty, cancel the licence in case of breach of terms and conditions.

Penalty:

The vendors shall furnish an undertaking to abide by the terms and conditions governing the license. Any breach/ violation shall call for a penalty. Srinagar Municipal Corporation reserves the right to impose penalty, cancel the license in case of breach of terms and conditions.

If the person is involved in breach/violation of concerned 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, 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.