

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN DHANBAD

State: Jharkhand

Details of licensing procedures are as follows:

The trades are regulated by the Municipal Corporation of Dhanbad as per the sections 426(g), 402, 389, 407, 408, 409, 406 & 390 of Patna Municipal Corporation Act 1951. Only one license will be issued for one premise. In addition to the Patna Municipal Corporation Act 1951, the traders running eating houses also have to follow the byelaws for the regulation and control of eating houses which is framed under the Patna municipal corporation act. Generally to open a shop one has to file an application in a given Performa under Section 177. At present street food vendors does not needs any license for pursuing their trade.

As defined in the byelaw bye food means and includes every article used for food or drink by man other than drugs and any article which enters, into or is used in composition or preparation of human food and shall also include condiments and flavouring agents and matters .

As per Bye law no place in the limits of the city can be used as eating houses without a valid license from the Chief Executive officer of the municipal Corporation or any other authorized him.

According to the provisions of section 402 of the Patna Municipal Corporation Act no person shall without a license from the Chief Executive Officer can sell and expose any animal or article in a municipal market without a license. Any person contravening the provisions may be summarily removed by the authorities. Section 416 says that no article for human consumption can be sold or exposed for sale in adulterated manner. The authorities also have he power to seize the diseased articles kept for sale.

Licensing Procedure:

One has to apply to the Chief executive officer in the prescribed form and the licensing authority shall mention clearly in the license the number of rooms, shops or space for which the license is granted.

As per the act every licenses granted by the corporation shall be signed by the Chief Executive Officer and shall specify the date of the grant, the purpose and the period of grant , the restrictions and the conditions for grant the person to be which it is granted and the fees paid.

As per the act any licenses for any purpose mentioned in section 389 cannot be withheld unless the chief executive officer has the reason to believe that the intending business to be established would be offensive or dangerous to the persons residing in neighbour hood.

The licensee is also bound to produce it at all reasonable times for inspection. Any licenses granted can be suspended or revoked on the infringement of any conditions of the Act or Bye law.

Issue of License

If all the documents are found in accordance with rules of the municipal corporation one can get the license within 10 -15 days of filing the application and affidavit.

Documents Required:

No special documents are required for starting up the business of street food vendors. One can start up the business when and where one wants and no NOC is required from the food department.

License Fees:

As per the act the corporation have the power to levy the fees. The fees will be charged as per the rates fixed by the Standing committee. There are no licensing fees required for the street food vendors. License is issued for moving stalls only and fees for licensing is Rs.30 only per year.

License Renewal:

The license is renewed before March 31 of every year. The fees is Rs30/-. There is no separate procedure for renewing the license .A person desirous of renewing the license has to submit Rs.30/- along with an application form stating that the license has to be renewed.

Terms and conditions:

The eating houses have to follow the rules and regulations as per the byelaws and Patna Municipal Corporation Act 1951. As per the regulations, no licenses can be issued to open any eating houses if it is:

1. Within 30 feets of any public latrine or public urinals or pail depots
2. If it does not consists of at least three rooms one which shall be used as cooking room, ding room and store room
3. No person shall be allowed to sleep or keep any bedding or clothing inside the dining room or kitchen
4. All eating houses shall be open to inspection by the health officer of the corporation not below the rank of a sanitary Inspector authorized by the chief Executive Officer and must comply with all directions of the bye laws
5. The licensee is not allowed to transfer the license to any other person or premise for which it is not meant.

Penalty:

On verification by the municipal officers if the street food vendors are found selling stale food or unhygienic food that may cause ill health, they may be fined. The fine depends on the officials. The fine depends on the discretion of the officials. This is the scenario in Jharkhand. The penalty for violation can between Rs.20 and Rs.200. It all depends on the choice of officials. The officials go on visits to the street food vendors and if they find their food stale they fine the vendors.

Any breach of byelaw can result in a penalty of Rs.200 and the continuity of breach can result in Rs.50 per day as per the provisions of bylaw