

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN GUWAHATI

State: Assam

Details of licensing are as follows:

Dhaba's are regulated as per the directions of Guwahati Municipal Corporation Act 1971. In addition they are also supposed to follow the Prevention of Food Adulteration act 1954. Details are as follows:

Under Section 180 of Guwahati Municipal Corporation Act 1971, it is been directed that every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade. Provided the grant of such license shall not be deemed to affect the liability of the licensee to take out a license under any section of the Act. Under IV schedule, Dhabas are entitled to take a license.

Act says that the license has to be affixed in some conspicuous place at or near the entrance of every such market. When a license has been refused or withheld as aforesaid, the Commissioner shall cause a notice of such refusal or withholding, to be affixed in some conspicuous place at or near the entrance of such market. Any shop or stall keeper of the municipal market closing his shop or stall, unless for some unavoidable reasons of a private or domestic nature or refusing to sell goods to any person offering the market price for the same will be liable for cancellation of the competent to eject the shop or the stall keeper from the municipal market.

License Procedure:

Application for a Trade license has to be done within one month from the date of opening the shop. Application should be attached with prescribed documents. Any person carrying on any trade, profession or calling in Guwahati city needs to obtain trade license from Guwahati Municipal Corporation. One may apply for trade license in the prescribed form in respective zonal revenue office of Guwahati Municipal Corporation. For convenience of public Guwahati Municipal Corporation (GMC) issues provisional trade license for ordinary trades and professions immediately. The applications are sent to the deputy commissioner of the respective zones.

The trade license is issued after application in prescribed form with required supporting documents and proper spot verification of the business. In case of delay, additional amount will be realized from the traders.

As per section 180 of the Guwahati Municipal Corporation Act 1971, every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade. Provided the grant of such license shall not be deemed to affect the liability of the licensee to take out a license under any section of the Act.

The act also sets provisions for the commissioner to grant a license for a person even for a previous year in which no license has been taken out on the payment of the fees which

would have been payable thereof in the first instance. But if the police prosecute a person, this provision cannot be used in defense for the prosecution.

As per RTI reply, the traders are supposed to take out a license before first day of April in each year. If delayed the office have the power to impose the penalty of 20 % upon the defaulter traders.

Departments involved:

The Guwahati Municipal Corporation is involved. The Zonal Deputy Commissioner area is empowered to issue such license on behalf of the Commissioner. Deputy Commissioner of the respective zones is the authority in charge

Documents Required:

1. Agreement with the landlord by the tenant in case of rented house.
2. Tax payment receipt. (Tax payment receipt up-to-date.)
3. No-Objection Certificate for building permission.
4. Partnership deed.
5. House rent receipt.

License Fees:

Remission of fees will be done to the Commissioner on the basis of the application submitted by the traders on valid grounds and the fees will adjust in Zonal office if Commissioner satisfied. A fee of Rs.30 is charged for official application form as application fee. The license fee is charged as per the directions in the IV schedule. The fees will be as follows:

Hotel owners falls under II class items (For those whose income out of profession, income tax payable on an income of not less than Rs.10000) is Rs.1250/- The fees for all class III item (not included in class I or Class II) are Rs.1000. The fees for class IV item (not in class I, II, III and fair letting value of place is Rs.250 per mensem or onwards) are Rs.625/- and in class IX includes the shops or other place of business, which does not includes in any other classes. The trades, which are at the entry level of operation, come in this class. The fees for this class trades are Rs.30.So dhaba's has to remit a fee of Rs.30/-

As per section 180 of the Guwahati Municipal Corporation Act, the commissioner may refund the fees if he feels that the trade has not been exercised for more than consecutive six months. He can also exempt a person who is unable to pay the fees according to him . He can declare that particular person to be entitled to take out a license under a lower class.

License processing:

As per section RTI reply, there is no prescribed time limit for processing such license. Undue delay may be found, if anything found unsatisfactory. This may be brought to the notice of the commissioner, Guwahati Municipal Commissioner either by officials or by the applicant for redressal.

Time prescribed:

There is no such prescribed time limit for processing such license. As soon as verification of trades also relevant documents submitted, the license is issued immediately. Undue delay may be happened if anything found not satisfactory. This may be brought to the notice of the commissioner either by the officials or by the applicant for redressal.

Renewal of license:

Validity of the trade license is only for one year (i.e. 1st April to 31 March). If license is not renewed in due time then 20% penalty will be realized with the license fees. Annually take out a trade license before the 1st day of April in each year. If delayed the office have empowered to impose the penalty of 20% upon the defaulter traders.

Some Directions:

1. No person shall store, sell or sale animal, fish, vegetable or any article on approaches, foot-paths within the municipal market and shall in no way obstruct, put hurdles on free movement of people visiting the market. Any person contravening this provision and animal, fish, vegetable or any article so exposed for sale by person may be summarily removed from the market by or under the orders of the Commissioner or any employee of the Corporation authorized by the Commissioner in this behalf
2. No person shall hold any sale of article by auction in any municipal limit without the written permission of the Commissioner
3. No person shall hawk any article in such market without permission from the Commissioner
4. No person shall use any weights, scales or measures except such standard weights, scales and measures as prescribed from time to time by the Government
5. No trader or person shall throw or deposit any article on the road or path or on the drain or in any way obstruct free flow of drain and/ or surrounding the municipal market
6. No person shall obstruct or hinder or put hurdles to any staff engaged in clearance of drain, interior path and *open spaces in between the room, stall* or shed in a municipal market
7. No person shall exhibit or display advertisement of any nature in a municipal market without specific permission from the Commissioner
8. No person shall keep or allow to keep any basket bags, bags or other such articles on the roof of room, stall or shed or make provision for improvised shed for any purpose by spreading over the, sky/ hessian, cotton or any other substance and take or allow to take *any* action, which indirectly contributes to creation of nuisance and breaking the orderly states of affairs in the municipal market
9. No trader shall keep or expose for sale fish or meat on raised paved platforms and at places set apart from the municipal market
10. No person shall carry any meat in a market unless it properly covered
11. No person shall sell or expose for sale any stale fish, meat or decayed vegetables in municipal market and the Municipal Officer or the Sanitary Inspectors of the Corporation shall be competent for destroying such fish, meat and vegetables in any manner as he deems fit and proper
12. Every tenant in occupation of room, stall or shed in a municipal market shall keep and maintain every such room, stall or shed in his occupation in proper sanitary condition
13. No trader shall keep inflammable articles in a room, stall or shed or use any part thereof for storage of such article without proper care and the Commissioner or the Medical Officer or any officer authorized for the purpose shall be competent to order removal or cause removal of such article from the said room, stall or shed

14. No person suffering from leprosy, an open sore or any loathsome, infectious or contagious disease may enter any market place and the Commissioner or any officer-in-charge of market shall be competent to remove such persons from such market place
15. No person shall sell or expose for sale in any market or by the side of any road any prepared or manufactured article intended for human food or drink unless such article is protected from flies, dust and other sources of contamination by means of sufficient covering or such other ways as may be prescribed from time to time. For breach of this bye law the Medical Officer, Sanitary Inspector or any officer authorized for the purpose shall be competent to seize and dispose of such article in any manner as he deems fit and proper
16. No person shall satisfy a call of nature within any market area except at a urinal/latrine provide for the purpose
17. No person shall carry on wholesale trade in fish and vegetable within or without the municipal market before making payment of prescribed toll fees to the authorized municipal market is farmed out
18. No vehicle or animal other than those intended for shall be permitted to remain in any part of a market except in such places provided for the purpose⁴⁸. No person shall spit in any avenue or passage in such market except in such places as may be provided for the purpose
19. The Commissioner or any other officer-in-charge of the markets may expel any such person who is found drunk or begging or loitering or making noise or fighting or quarrelling or using insulting, abusive or obscene language or misconduct or creating disturbance in any manner in such market
20. The flooring and the drainage shall be kept at all times in good order and repair and there shall be provision for suitable means of ventilation and lighting along with sufficient supply of wholesome water
21. The sale of animal, fish and vegetable in the same stall shall be prohibited
22. The licensee shall ensure the absence of rats and other rodents in the premises
23. No person suffering from leprosy, open sore or any loathsome, infectious or contagious disease shall be allowed to enter the market

Procedure for regularizing the trades without license:

On the basis of supporting document submitted by the applicant if found proper and valid trade licenses are regularized

Penalty:

As per the Municipal Corporation act of Guwahati, there are provisions for the imposition of fine and closure of trades etc operating without the trade license. If license is not renewed in due time then 20% penalty will be realized with the license fees. If delayed the office is empowered to impose the penalty of 20% upon the defaulter traders.