

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN INDORE

State: Madhya Pradesh

Details of licensing are as follows:

The licensing of eating houses is regulated as per the regulations directed by the Madhya Pradesh Municipal Corporation Act 1956. The timings for operation are fixed as per the directions of Madhya Pradesh shops and establishments Act 1958. They have to follow the provisions of Prevention of food adulteration act also.

As per the Section 366, licenses are necessary for all trades, which is prescribed under the Act. The date of the grant, purpose and the period, restrictions and conditions, fees and the date for the renewal etc must be specified in the license. The fees may be charged as fixed by the commissioner and the licensee is supposed to charge that prescribed fees.

License Procedure:

As per section 366 of the corporation Act, every application for license shall be addressed to the commissioner. The acceptance on or behalf of the license fees shall not entitle the person paying the fees to the license or permission. The application for license must be addressed to the commissioner of the Municipal Corporation. The form can be purchased from the municipal corporation office and zonal office on the payment of Rs.2/-which has to be submitted back in the office after being filled along with the specified fees. Information about license fee for different categories can be obtained from the counters of zonal offices.

After the verification of the premises and documents, the licenses will be issued. The computerized license can be received from the counters of the respective zonal offices. License from the corporation is the identity proof of one's trade.

License fees:

As per the Section 366, the fees for licenses may be charged as fixed by the commissioner and the licensee is supposed to pay that prescribed fees. The rate of the license fees shall be revised in every three years. Fees can be paid through the counter of zonal office or municipal corporation counter

Renewal:

The application for renewal shall be made in the prescribed form before the date of expiry. The fees and procedures for renewal are same as that of new license. Pending the receipt of orders on his application made on before the prescribed date for the application for renewal, an applicant shall be entitled to act as if has been renewed.

Prohibition of hawking:

As per the section 10 of the M.P shops and establishments Act 1958, 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 section 9 for the shops dealing in the same class of goods in locality in which such street or public place is situated. Any person contravening the

provisions shall be liable to have his goods seized by an Inspector. The seized goods shall be returned to the person when he pays a deposits of Rs.50 as a security when appears 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

Suspension and Revocation:

As per the Municipal Corporation act, the licensee is supposed to produce it at all reasonable times as required by the commissioner or any authorized officer. The license can be suspended or revoked at any time by the commissioner if any of the restrictions or conditions is being infringed or evaded by the grantee or if the grantee is convicted of a breach of any of the provisions of the Act or of any rule or byelaws under made there under in any matter to which such license or permission relates.

When any such license or written permission is suspended or revoked or when the period for which the same was granted has expired, the grantee shall for all purposes deemed to be without a license or a written permission until whether within the said period or otherwise, as the authority granting the same may see fit to cancel the order suspending or revoking the license until it is renewed, as the case may be.

Opening and closing hours:

As per the section 14 of Madhya Pradesh (M.P) shops and establishments Act 1958, no eating-house shall be open earlier than 5a.m and close later than 1.30 am for service. Provided an employee in the eating house may be required to commence the work not earlier than 4.30 am and later than 2 a.m. provided also that any customer who was being served or waiting to be served at the closing hour or eating house may be served in such restaurant or eating house during the half hour immediately following such hour. The government can also fix later opening and earlier closing hours for different areas or for different periods of the year. Notwithstanding anything contained in the Act, Government can fix specific timings for special occasions by notification.

The act also says that no goods of the kind sold in such shops shall be sold in any eating house except for the consumption on premises before and after the hours fixed for opening and closing.

Penalty:

Ass per section 434, penalties will be charged for the contravention of the provisions of the Act. As per section 248, licenses are needed for storing dangerous or offensive articles or carrying on dangerous or offensive trade. Violation will be charged a fine of Rs.5000/- If the person continues to commit an offence, it shall be punished for each day after the first during which he commit an offence with fine which may extend to Rs.500/-

As per section 259, sale of diseases articles or animals intended for human food will be charged a fine of Rs.1000/- for the sale and Rs.1000/- for the first offence and Rs.5000/- for any subsequent offence.