

RULES AND REGULATIONS GOVERNING THE LICNSING OF DHABA IN KANPUR

State: Uttar pradesh

Details of licensing are as follows:

In Uttar Pradesh, dhaba is known as bhojanalaya. Kanpur Nagar Nigam as per the regulations of Prevention of Food Adulteration act 1954 and regulations provided by the U.P Nagar Mahapalika Adhiniyam 1959 provides the license.

As defined in U. P Nagar Mahapalika Adhiniyam, 1959, eating house is a premise to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain of any person owning or having an interest in or managing such premises

As per the section 438, it is clear that any trade carrying within the city which is specified in corporation rules and byelaws and the one which is likely to create nuisance or dangerous to health requires a license from the mukhya Nagar Adhikari / the Corporation Commissioner. Dhaba also requires license from the corporation.

Procedure:

The process is submitting a filled application form in the prescribed form to Nagar Nigam. There are two forms (Prevention of food adulteration Act license form for food license and the license form for all trades (by U.P Nagar Mahapalika Adhiniyam) can be obtained from Nagar Nigam and the health department with the prescribed fees.

Authority:

Nagar nigam, Health department is the regulatory body. Health officer is the authority for issuing a license in behalf of Health department of nagar nigam.

Documents Required:

As per the Act, the licensee is supposed to produce the necessary documents required by the Nagar palika Officers.

License Fees:

As per the act, the fees for licenses are prescribed by the Nagar Nigam Officers. Rs.100/- The fees prescribed by the Nagar Nigam Officers have to be paid in the Treasury .

License Renewal:

The license must be renewed after 1 year by applying to the inspector concerned along with the same fees for a new license and if delays then surcharge will be taken from the owner. It must be renewed in the mentioned financial year itself (April to March). In case of delay, penalties will be charged.

Inspection:

As per the section 434 and 435 of U. P Nagar Mahapalika Adhiniyam, 1959, the mukhya Nagar Adhikari/ corporation commissioner have the power to inspect any food particles, which is exposed or hawked for sale or about for sale and also the containers used for preparing the same. If it is found unfit for human consumption, he can seize the article and can arrest the person by taking him to the nearest police station.

Timings:

As per the U.P Dookan Aur Vanijya Adhistan Adhiniyam 1962,section (5), no shops or commercial establishments, not mentioned in Schedule II (annexed to U.P Dookan Aur Vanijya Adhistan Adhiniyam 1962), shall on any day opened earlier or close later than such hour prescribed by the government. It also says that the different areas have different times in the year of working hours. However dhabas/ cooked food fall under Schedule II and so section 5 does not apply to it. Section 5 talks about working hours. Hence a dhaba can open and close a shop at any convenient time as no special mention about regulations for these trades is provided in the act. As per Schedule II, dhaba does not fall under the purview of Section 8 that talks about observing a holiday once a week. Hence, dhaba can keep it open all seven days in a week.

Penalty:

Violation of norms amounts to a fine, which is generally Rs.100 and for every subsequent offence it is Rs.500. However in addition, the health officer will immediately close dhabha. Without license, no any dhabha will be continued or in process. Prevention of Food Adulteration Act also has provisions to penalize eating-house owners having no license.