

RULES AND REGULATIONS GOVERNING THE LICENSING OF DHABA IN JAIPUR

State: Rajasthan

Details of licensing are as follows

In jaipur, dhaba's are the place where we can eat breakfast, lunch and dinner. Here owner of dhada provide cold drinks, Lassi, sweets, Namkin etc. Food Vendors are those selling eatables and selling it by the use of hand pulling Rickshaw and other type of Thela's. These type of vendors sells *samosa, kachori pakoda, omlette, groundnut, garamchat and dosa* etc. The place is not fixed.

As defined in RTI Reply, dhaba or a food court is a premise where people are provided with meals, snacks, cold drinks, lassi, sweets, etc. Food vendor is a person who sells food products like samosas, kachodis, pokodas etc and does not have a fixed place. They keep moving from place to place with either a pushcart or a basket on the head. Any establishment where people are served food (meals, snacks, tandoori rotis, tea etc.) are usually known as dhaba. They come under the category of restaurant in the Municipal Corporation.

Hotel means and includes any serial musafir khana, lodging house, dharamshala, rest house or any other building or part of a building where lodgers are received and provided with sleeping accommodation with or without food drink and refreshment.

As per the byelaws, Restaurant means and includes or part of a building where food, drink, refreshment, ice creams and ice candles are prepared or kept for sale and shall include dhabas, tandoorwalas, tea and aerated water shops and all other eating houses.

Two kinds of licenses are required for running a dhaba /food court-R.M Act and P.F.A Act 1954. Licenses are also required from the sales department, labour department etc the information regarding which has to be obtained by the applicant.

Licensing Procedures:

As per the Byelaw, No place shall be used as a hotel, restaurant, sweat meat shop or bakery, meat stall or for manufacturing ice or aerated waters without previously obtaining a license from the municipal commissioner on payment of the fees prescribed.

Except in the case of a temporary license, every application for the license must be made to the Municipal commissioner not less than 30 days before the date from which the license applied for is to commence.

The application forms for both the licenses are available at the corporation office and can be obtained on the payment of Rs.5/- The filled up application form has to be submitted along with the required documents to the health departments of related zones. The list of required documents is printed on the application form. After the clearance by the inspection committee, and an assent from the license committee, the adequate fees have to be submitted by the applicant. After all these formalities are completed, the license is issued for the period of a financial year.

Any person using or desiring to use any place for any of these purposes shall apply in writing to the municipal commissioner for a license. The municipal commissioner may in his discretion grant or refuse such license. Where the Municipal commissioner refuse to grant license, he shall give reasons therefore and an appeal shall lie to the Municipal council from such order or refusal.

Departments:

To obtain both the licenses the two offices in concern are the license committee and the specific zone office. In jaipur there are 6 zones.

Documents Needed:

1. Consent sent from both the license authority and health officer is mandatory for the granting of the license.
2. House tax,
3. Proof of ownership/tenancy of the plot or building
4. Specified fees.
5. A letter of declaration of Rs.10
6. Report of a sewer connection,
7. Report of the inspection of health officer
8. House tax, Land owner proof

Validity of License:

No license can be granted for a period exceeding one year and every such license shall be granted so as to expire with an official year (31st of August) provided that a temporary license for a period not exceeding one months may be granted for any special occasion and such license shall expire with the period for which it is granted.

Issue of License and License Fees:

The time limit to issue the license is not prescribed in the act. The time taken depends on the time taken by the committee meetings and the time taken by the applicant to submit fees. After the satisfactory validation of the documents, license is provided without any delay.

Time period is not fixed but after site inspection by the inspector department issue the licence in 15 to 30 days. PFA (Prevention of Food Adulteration Act) license is given within the duration of 1st January and 30th December and the fee has been fixed at Rs.12 for every license year. Under the Rajasthan Municipalities Act, license is given within the period of a financial year. The fees are as follows-

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| Category A | Rs.2000, |
| Category B | Rs.1500, |
| Category C | Rs.750, |
| Category D | Rs.500. |

Renewal of License:

For renewal of P.F.A (Prevention of Food Adulteration Act) license, application has to be made before 1st January and before 1st April for R.M act. As per rules the validity of P.F.A license lasts from 1st January to 31st December and R.M license lasts from 1st April to 31st march.

The application for renewal must be given within 15-30 days before the expiry of the license. Usually renewal doesn't take much time but in case there is a delay due to an unavoidable reason, there is no provision of any action against the authority. Many a times the licensees do not come on time to collect their licenses and it is not possible to send them the licenses by post. Candidate has to apply for renewal in same format of new license before 15 to 30 days of expiry of the last license. Department will be taking no action for the late renewal.

Suspension and Revocation:

The Municipal Commissioner may suspend or revoke any license in respect of any place on grounds of public health or safety or where any of the conditions specified in the license are not being observed. Provided that such suspension or revocation of the license shall not be deemed to exempt the license or any other person from liability to prosecution under these Bye-laws, and provided further that such suspension or revocation shall be made only after an opportunity to given to the license to show cause why the license be not suspended or revoked.

Exemptions:

If the applicant satisfies the Municipal Commissioner that a hotel or restaurant or bakery or sweetmeat shop, or meat stall is opened for a special occasion for a period not exceeding one month, the Municipal Commissioner shall have power to exempt the applicant wholly or partially from the payment of the fee.

Refund:

No refund shall be made of the amount already paid on account of a license except under the Municipal Commissioner's order recorded in writing.

Conditions:

As per the Byelaws, every licensed item shall observe the conditions mentioned. Important among them are:

1. The premises in respect of which the license granted shall be sufficiently spacious and suitable for the purpose of the business intended to be carried on therein
2. There should be enough space for ventilation and lighting
3. Suitable smoke outlets shall be provided and maintaining in good order so that the smoke may not pervade the dwelling rooms, the dining hall or the portion of the premises where customers are served with food or drinks

4. The premises may have water connection from the public Main and such connection and all fitting thereof shall be kept in proper order and efficient action so as to provide for use on the premises.
5. Sufficient supply of water for the purpose of business and for thoroughly washing and cleansing such premises. Only water from this source shall be used for all purposes connected with the business. If water has to be stored, it shall be stored only in a metallic tank fitted with a append covered at a top with a tight fitting metallic lid of land Placed 4 feet above the ground level where possible for case there is a well, it should conform to sanitary principles.
6. The walls of the premises shall be rendered impervious to Water by cement plastering or otherwise up to a height of 4 feet from the ground level and rest of the said walls shall be plastered and whitewashed hall

As per the Byelaw, following are the conditions for eating-houses:

1. No one shall be allowed to dine in any place other than the dining hall, provided that it shall be permissible for a boarder to dine in his own room
2. There shall be sufficient number of latrines. Every latrine, privy urnal on the premises shall be kept clean and thoroughly disinfected daily and the night soil shall always be covered with ass or earn and removed daily. Where facilities are available, flush latrine should as a rule, be provided
3. Whenever arrangements are made on the premises for broadcasting or for the playing of gramophones with or without pick up and loud speaker arrangements, care shall be taken to prevent and unreasonable amount of noise being cased in the neighborhood so as to occasion annoyance or discomfort to the owners or occupiers of houses in the vicinity
4. The floor of the dining hall and the kitchen must be made of stone, cement or other impervious material and should be so sloped as to allow all liquid to flow off easily by the rain
5. The dining hall and kitchen must be provided with adequate light and ventilation to the satisfaction of the Health Officer. No lamp or any other light shall be used which is likely by reason of its construction or condition to cause smoke or soot
6. Doors, windows and opening of the kitchen and the dining hall must be made from secure from flies and the dirt and protected with efficient chicks and wire gauze to the satisfaction of the Health Officer
7. All cooked food must be kept in such manner that it does not decompose or deteriorate or get poisoned or contaminated from any source whatsoever
8. In case of hotels only, a register shall be maintained in which name and address of all persons using the hotel, the date and time of their arrival and departure and other such information as the Municipal Council may require from time to time shall be entered

Inspection:

The license shall keep in the premises a book, which shall be open to inspection by the president, any municipality councilor, Municipal Commissioner, the Health Officer, or officer of the municipality authorized in writing to inspect the premises. It shall be competent for the President, any Municipal Councilor, the Municipal Commissioner, the Health Officer, Any Sanitary Officer or other Officer of Municipality authorized in writing in behalf by the Municipal Commissioner to enter any place used for any purpose specified in Bye law No.1 between 6 am and 6 pm or at any other time while such place is kept open, for business to inspect the premises, provisions, articles of food or drink, all utensils and furniture on the premises and to take samples of any articles of food or drink manufactured or kept for sale therein. Samples so seized may be subjected to chemical or other examination.

It shall be competent for the President, any Municipal Councilor, the Municipal Commissioner, the Health Officer, Any Sanitary inspector to removed forthwith from such place any article of food or drink which, in his opinion is stale, unwholesome, offensive or unfit for human consumption besides prospering the license for violating the Bye laws.

Whenever the Municipal Commissioner or the health officer is satisfied on personal inspection or on a report of inspection he may instead of recommending the prosecution of the license issued to him in writing such directions, as he may deem necessary for securing proper compliance with these Byelaws. The license shall forthwith comply with such directions.

Timings:

As per Rajasthan Shops and Establishments Act 1958, no establishment on any day can be opened earlier than and closed later the hours prescribed by Government by general or special order. The government will fix the time after making an enquiry in the prescribe manner on the opening and closure of shops and establishments in local area

Penalty:

If candidate does not have valid license, the food inspector of City Medical Health Office make chalan (Penalty) under PFA Act 1954, and the case will be handing over to Magistrate Court. Penalty is one month imprisonment which will be fixed by the magistrate. If candidate does not have any license but follows all the terms and conditions, the inspector authorized by the Municipal Commissioner inspects the site and then the candidate has to apply for license department and then the department will issue the license.

If a trader does not have a license under Rajasthan Municipal Act, then the area health inspector can send a chalan to the court on the name of the violator. There is a provision of incarceration for a month and fine if found working without the Prevention of Food Adulteration Act.

As per Byelaw, Whoever uses any place for any of the purposes mentioned in bye law No.1 above without obtaining a license as required by the said Bye-law or after the license has been revoked or suspended shall be liable on conviction to a fine not exceeding Rs.50/- for the first day of the offence and not exceeding Rs.5 for every succeeding day of the repetition of the offence.

Whoever having been previously convicted of an offence under clause (a) of this Bye-law uses any place for any of the purposes mentioned in Bye-law No.1 without obtaining a license as required by the said Bye-law shall be liable on conviction to a fine not exceeding Rs.100/-

Any infringement of these Bye-laws not provided for in Bye law No.7 or of any of the conditions attached to a license granted under these Bye- laws shall be punishable with a fine not exceeding Rs.50