

## **ASSAM SECOND GUEST CONTROL ORDER, 1966\***

### **1. Short title, extent and commencement.**

- (1) This Order may be called the Assam Second Guest Control Order, 1966—
- (2) It extends to whole of Assam.
- (3) It shall come into force at once

### **COMMENTS**

#### *Section I.*

This Order was made by the Governor of Assam in exercise of the powers conferred by S. 3 of the Essential Commodities Act, 1955, read with the Notification of the Government of India in the Ministry of Food and Agriculture (Department of Food) No. G.S.R. 888, dated the 28<sup>th</sup> June, 1961. This order has been superseded the Assam Guest Control Order, 1966 published *vide* Notification No. SDB 530/65, dated the 10<sup>th</sup> March, 1966.

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\* Published in the Assam Gazette, Extraordinary, dated 19<sup>th</sup> March, 1966.

This Second Order was published *vide* Notification No. SDB 530/65, dated the 19<sup>th</sup> March, 1966 in the Assam Gazette dated 19<sup>th</sup> March, 1966.

## 2. Definitions.

In this Order, unless the context otherwise requires, -

- (a) **“caterer”** means the proprietor or other person in charge of a catering establishment and includes an agent or servant who acts on behalf of such caterer;
- (b) **“catering establishment”** means a hotel, restaurant, eating house, café, tea shop, coffee house, free feeding center, club, canteen, or railway refreshment room and includes any other place of a like nature, open to the public, where food is prepared, supplied or consumed;
- (c) **“host”** means a person who either himself or through any other person undertakes to distribute or provide for consumption food in a party, entertainment or social or other function;
- (d) **“institutional establishment”** means a hospital, sanatorium, convalescent home, nursing home, orphanage, workhouse, infirmary, asylum or school providing food and includes any other establishment of a like nature;

- (e) **“cereal”** means rice, wheat, maize, bajra and products thereof;
- (f) **“prohibited foodstuffs”** means all foodstuffs prepared of or containing cereal;
- (g) **“residential establishment”** means a boarding house, apartment house, residential hotel, or nurses’ home and includes any other establishment of a like nature but does not include a private household.

**3. Restriction on preparation, consumption and distribution of prohibited foodstuffs.**

- (1) No person, or body of persons acting in concert either jointly or severally, other than a caterer at or in connection with one or more parties, entertainments or functions, shall, on any one day, either himself or themselves, prepare, serve, distribute or provide for consumption, or accept or contribute for service or distribution for consumption, any prohibited foodstuffs to more than twenty five persons (including the host or hosts) at ordinary parties or entertainments or social or other functions or to more than one hundred persons (including the host or hosts) in connection with marriages or funerals.

(2) No caterer at the instance or for the benefit of himself or any person in connection with one or more of his own of such person's parties, entertainments or functions, shall, on any one day either himself or thorough any other caterer, serve, distribute or provide for consumption, or accept for service or distribution for consumption, any prohibited foodstuff to more than twenty five persons (including the host or hosts) at ordinary parties or entertainments or social or other functions or to more than one hundred persons (including the host or hosts) in connection with marriages or funerals.

(3) No person shall accept or consume any prohibited foodstuff at or in connection with any party, entertainment, social or other function, marriage or funeral where the number of participants (including the host or hosts) exceeds twenty-five in the case of ordinary parties, entertainments or social or other functions, or where such number exceeds one hundred (including the host or hosts) in the case of marriages or funerals:

Provided that nothing in this clause shall apply to –

(i) parties, entertainments or social or other functions in the premises serving as the headquarters of diplomatic or consular

representatives, or Government Missions of foreign countries;

- (ii) the proprietor, manager or other person-in-charge of a residential establishment, institutional establishment or catering establishment serving food to consumers or residents in the course of regular business and not in connection with any party, entertainment or social or other function given at the instance of himself or of any other person;
- (iii) the distribution of food containing any prohibited foodstuff by way of “bhog” or “prasad” or as part of a recognised religious ceremony, in any temple, mosque, gurdwara, church or other place of religious worship.

#### **4. Power of entry, search, seizure, etc.**

- (1) For the effective enforcement of the provisions of this Order, all Supply Officers not below the rank of the Sub-Inspector or a police officer of or above the rank of Sub-Inspector may, when he has reason to believe that a contravention of this Order has been, is being or is about to be committed, enter and search any premises, interrogate any person and seize any articles including their coverings in containers in respect of which he has

reason to believe that the contravention has been, is being or is about to be committed.

- (2) The provisions of Ss. 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1998) shall, so far as may be, apply to searches and seizures under this clause.

## **COMMENTS**

### *Section 4.*

This Code of Criminal Procedure has been amended by the Code of 1973 and the original Ss. 102 and 103 of the old Code have been combined into a single section in the new Code in S. 100 for convenience as they related to the same matter.

# **MIZORAM GUEST CONTROL ORDER, 1972**

## **1. Short title, extent and commencement.**

- (1) This Order may be called “Mizoram Guest Control Order, 1972”.
- (2) It extends to the whole of Mizoram.
- (3) It shall come into force immediately.

## **COMMENTS**

### *Section I.*

This Order was made in exercise of the powers conferred by S. 5 of the Essential Commodities Act, 1955 read with Government of India, Ministry of Agriculture (Department of Food) Order No. GSR 316 (E), dated 20-6-1972 by the Lt. Governor of Mizoram. This Order is similar to the Assam Second Guest Control Act, 1966.

## **2. Definitions.**

In this Order unless the context otherwise requires –

- (a) **“caterer”** means the proprietor or other person in charge of a catering establishment and includes an agent or servant who acts on behalf of such caterer;
- (b) **“catering establishment”** means a hotel, restaurant, eating house, café, tea shop, coffee feeding center, club, canteen, railway refreshment room and includes any other place of a like nature, open to the public, where food is prepared, supplied or consumed;
- (c) **“host”** means a person who either himself or through any other person undertakes to distribute or provide for consumption food in a party, entertainment or social or other functions;
- (d) **“institutional establishment”** means a hospital, sanatorium, convalescent home, nursing home, orphanage, workhouse, infirmary, asylum or school providing food and includes any other establishment of a like nature but does not include a private house-hold;
- (e) **“prohibited foodstuffs”** means all foodstuffs prepared from or containing cereals or pulses and all sweets;
- (f) **“residential establishment”** means a boarding house, apartment house, residential hotel, or nurses’ home, and includes any other establishment of a like nature but does not include a private house-hold;

(g) **“State Government”** means the Government of the Union Territory of Mizoram.

**3. Restriction on preparation, consumption and distribution of prohibited foodstuffs.**

(1) No person, or body of persons acting in concert either jointly or severally other than a caterer at or in connection with one or more parties, entertainments or functions, shall, on any one day, either himself or themselves, prepare, serve, or distribute or provide for consumption, or accept or contribute for service or distribution for consumption, any prohibited foodstuff to more than 25 persons (including the host or hosts) at ordinary parties or entertainments or social or other functions or to more than 100 persons (including the host or hosts) or in connection with one or more of his own or such person’s parties, entertainments or functions, shall, on any one day either himself or through any other caterer serve, distribute, or provide for consumption, or accept or contribute for service or distribution for consumption, any prohibited foodstuff to more than 25 persons (including the host or hosts) at ordinary parties or entertainments or social or other functions or to more than 100 persons (including the host or hosts) in connection with marriages or funerals.

(2) No person shall accept or consume any prohibited foodstuff at or in connection with any party,

entertainments, social or other function, marriage or funereal where the number of participants (including the host or hosts) exceeds 25 in the case of ordinary parties, entertainments or social or other functions or where such number exceeds 100 (including the host or hosts) in the case of marriage or funerals;

Provided that nothing in this clause shall apply to –

- (i) parties, entertainments or social or other functions in the premises serving at the headquarters of diplomatic or consular representatives of Government Missions of foreign countries;
- (ii) the proprietor, manager or other person in charge of a residential establishment, institutional establishment or catering establishment, serving food to consumer or residents in the course of regular business and not in connection with any party, entertainment or social or other function given at the instance of himself or of other person;
- (iii) the distribution of food containing any prohibited foodstuff by way of “bhog” or “prasad” or as part of a recognised religious ceremony in any temple, mosque, gurdwara, church, or other place of religious worship.

**4. Power to exempt.**

The State Government or an officer authorised by the State Government in this behalf may, for reasons to be recorded in writing by order, exempt any person or body of persons from the operation of any of the provisions of this Order.

**5. Power of entry, search, seizure etc.**

(1) For the effective enforcement of the provisions of this Order any officer authorised by the State Government in this behalf or a police officer of or above the rank of Sub-Inspector may, when he has reason to believe that a contravention of this Order has been, is being or is about to be committed, enter and search any premises, interrogate any person and seize any articles including their coverings or containers in respect of which he has reason to believe that the contravention has been, is being or is about to be committed.

(2) The provisions of Ss. 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898) shall, so far as may be, apply to searches and seizures under this clause.

## **COMMENTS**

### *Section 5.*

The Code of Criminal Procedure, 1898 has been repealed by the 1973 Code. Sections 102 and 103 of the old Code are now contained in S. 100 of the new Code.