

# **THE ASSAM GUEST CONTROL ORDER, 1973**

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

- (1) This order may be called the Assam Guest Control Order, 1973.
- (2) It extends to the whole of Assam.
- (3) It shall come into force with immediate effect

## **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;

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| <ol style="list-style-type: none"><li>1. The Order was made in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955) read with the Notification of the Govt. of India, Ministry of Agriculture (Department of Food) No. G.S.R. 316(E) Dated 20.6.1972. by Govt. of Assam Notification No. SDB. 408/7127 Dated 19.3.73.</li></ol> |
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- (b) **“catering establishment”** means a hotel, restaurant, .. house, cafe, tea shop, coffee house, free feeding center’s club, canteen or railway refreshment room and include 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, orphanage, workhouse, infirmary, asylum or school providing food and includes any other establishment of a like nature.
- (e) **“prohibited foodstuff”** 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 alike nature but does not include a private household;

**2. 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 stuffs 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 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 or such persons' parties, entertainments or functions, shall, or any one day either himself or through any other caterer, serve, distribute or provide for consumption or accept 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 to more than 100 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 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 as the headquarters of diplomatic or consular representatives or Governmental Missions of foreign countries;
- (ii) the proprietor, manager or other person in charge of a residential 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 persons.
- (iii) The distribution of food containing any prohibited food stuffs by way of **"bhog"** or **"Prasad"** or as part of recognized religious ceremony in any temple, mosque, gurdwara church or place of religious worship.

[(iv) Prohibited foodstuffs served at meetings or conferences convened by a public body or Government to the persons attending such conference or meeting]<sup>2</sup>

- 3. 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.

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| 2.Inserted by the Assam Guest Control (First Amendment) Order, 1973 with effect from 26.5.1973. |
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**5. Power of entry, search, seizure, etc.-**

- (1) For the effective enforcement of the provisions of this order, any officer authorized 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 or 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 or is being or is about to be committed.
- (2) The provisions of Sections 102 and 103 of the Code of Criminal Procedure 1898 (5 of 1898) shall, so far as may be to searches and seizures under this clause.