

# The U.P. Guest Control Order, 1972

UTTAR PRADESH

India

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### Rule THE-U-P-GUEST-CONTROL-ORDER-1972 of 1972

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The U.P. Guest Control Order, 1972Published vide Notification U.P. Gazette, (Extraordinary), dated 16th September, 1972 vide Notification No 3136/29-Rice-5-72Whereas the State Government is of opinion that it is expedient so to do for securing the equitable distribution and availability of food grains at fair prices;Now, therefore, in exercise of the powers under Section 3 of the Essential Commodities Act, 1955 (Act No. 10 of 1955) [read with the Government of India, Ministry of Agriculture (Department of Food) Order No. G.S.R. 316 (E), dated June 20, 1972] [Substituted by U.P. Guest Control (First Amendment) Order, 1972, vide Notification No 3837/Rice-5-139 72, dated November 11, 1972.] and Section 21 of General Clauses Act, 1897 (Act No. 10 of 1897), the Government is pleased to make the following Order, namely;

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

(1)This Order may be called the Uttar Pradesh Guest Control Order, 1972.(2)It extends to the whole of Uttar Pradesh.(3)It shall come into force at once.

#### 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, cafe, tea shop, coffee house, free feeding centre, 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;(bb)[ "cereals" means wheat, rice, maize, juar, barley or bajra and includes their edible products or preparations;] [Inserted by Notification No. 4119/XXIX-Rice-5-139-72, dated 5.12.1972, vide Second Amendment Order, 1972.](c)"host" means a person who whether 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, work-house, infirmary, asylum or school providing food and

includes any other establishment of a like nature;(e)[ "prohibited foodstuffs" means all foodstuffs prepared from or containing cereals or pulses and all sweets but does not include- [Substituted by Notification No. 4119/XXIX-Rice-5-139-72, dated 5.12.1972, vide Second Amendment Order, 1972.](i)all sweetened beverages, syrups, squashes, soft drinks, jams, jellies (marmalades) or morabbas; or(ii)sweetened milk, rabrhee, malai, sweetened curd (lassi or otherwise), sweetened cream, ice-cream or fruit cream/ salad; or(iii)sweetened tea or coffee; or(iv)papads; or ](ee)[ "pulses" means arhar, moong, urad, masoor or moth and includes their edible products or preparations;] [Inserted by Notification No. 4119/XXIX-Rice-5-139-72, dated 5.12.1972, vide Second Amendment Order, 1972.](f)"residential establishment" means a boarding house, apartment house, residential hotel or nursing home, and includes any other establishment of a like nature, but does not include a private household.

### **3. Restriction or 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 foodstuff to more than 50 persons (including the 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 caterer at the instance of or for the benefit of himself or any person 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 for service or distribution for consumption, any prohibited foodstuff to more than 50 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.(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 50 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 marriages or funerals;] [Substituted by Notification No. 301/XXIX-Rice-5-193-72, dated 8.5.1978, vide Fifth Amendment Order, 1978.]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 incharge of a residential establishment, institutional establishment or catering establishment, or serving food to consumers or residents in the course of regular business and not in connection with any party, entertainment or social or. other functions given at the instance of himself or of any other person;(iii)the distribution of food containing any prohibited foodstuffs by way of "bhog" or "prasad" or as part of a recognised religious ceremony in any temple, mosque, gurdwara, church or place of religious worship.(4)[ No person or body of persons acting in concert, either jointly or severally and no caterer at the instance or for the benefit of himself or any person shall serve, distribute or provide for consumption and no person shall accept or consume any food-stuff whether prohibitive or non-prohibitive excepting [potato and its preparations] [Inserted

by Notification No. 2210/XXIX-Rice-5-139-72, dated 4th June, 1974.], beverages and/or liquid, refreshments at or in connection with one or more parties, entertainments and functions where the numbers of guests exceeds one hundred on any one day.]

#### **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 provision 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 covering 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 sections 102 and 103 of the Code of Criminal Procedure, 1898 (V of 1898) shall, so far as may be, apply to searches and seizures under this clause.

#### **6. Repeal of savings.**

- The Uttar Pradesh Foodgrains (Restriction of Consumptions) Order, 1966, is hereby rescinded, so however, that the provisions of Section 6 of the U.P. General Clauses Act, 1904 (U.P. Act No. 1 of 1904) shall apply to such rescission as they apply to the repeal of any enactment by an Uttar Pradesh Act.