

POLICE COMMISSIONERATE
BHUBANESWAR-CUTTACK
BHUBANESWAR

COMMISSIONER'S ORDER NO. 08 /2016.

Sub: Guideline for granting license u/s 29 of the Urban Police Act 2003 to the owners of licensed IMFL Restaurant/ Hotel 'ON' Shops where women are to be engaged for musical programme/orchestra.

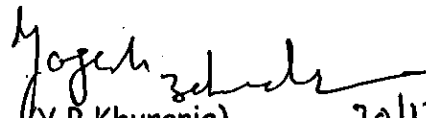
In pursuance to the recommendation of Committee constituted to frame additional guidelines, Government of Odisha in Excise Department after careful consideration, have been pleased to order vide L.No.6301/Ex. Dated 18.10.2016 that permission be granted to bars located within the territorial jurisdiction of Commissionerate of Police, Bhubaneswar and Cuttack to engage women in the licensed premises of IMFL Restaurants/ Hotel 'ON' Shops functioning in the State to perform in musical programme/orchestra party, if they apply for the same under section 25 of the Bihar & Orissa Excise Act 1915 with terms and condition as laid down by the Hon'ble Supreme Court of India in their orders in WP(C) No.793/2014 (Indian Hotel & Restaurant Association and Another vrs. State of Maharashtra and Another) and Hon'ble Orissa High Court order dated 03.12.2015 passed in WP(C) 20571 of 2015.

On the basis of the aforesaid decisions of the Government in obedience to the aforesaid judgment of Hon'ble Supreme Court of India and Hon'ble Orissa High Court, and in consideration of earlier CO No.05 of 2015 dtd.31.12.2015 containing first step guidelines incorporating the conditions to safeguard the dignity of women and improve working conditions of women engaged in IMFL Restaurants/ Hotel 'ON' Shops, the undersigned considers it expedient to issue additional guidelines after consolidating the conditions contained earlier in CO No.05 of 2015 dtd.31.12.2015 for the sake of easy reference and ensuring strict compliance:-.

1. The DCsP of Cuttack and Bhubaneswar before granting license under section 29 of the Urban Police Act 2003 for music programme in bars (IMFL ON-Shops) should ensure compliance by such owners from Excise Deptt. as per provision of section 25(2) of Bihar and Odisha Excise Act 1915.
2. The DCsP of Cuttack and Bhubaneswar shall grant license with condition that girls dancing in the dance bars should not wear tight and provocative clothes exposing their body.
3. There should be binding on the licensee (Bar owner) that the height of the railing adjacent to the dance stage should be 3 ft and distance between the railing and the seats for the customers should be 5 ft. The area of dance floor should be minimum 10 ft x 12 ft i.e 120 sq.ft and the area to be provided for such dancer should be minimum 15 sq. ft so that more than 8 dancer can't dance simultaneously on the stage of 120 sq.ft.
4. The bar owner should give undertaking to the Licensing Authority that if the dancers are to be awarded, there should be a ban on going near the dancers or on showering money on them. The bar owner should make alternative arrangement to collect the same money in the name of the manager of the dancer concerned.
5. Before obtaining license, the bar owner should ensure the submission of the copy of a Register before the Licensing Authority where he made the entry of the name of the girls dancing in the bar every day. Similarly, the holder of the establishment should furnish the address, photograph, citizenship and other information of the dance girls.
6. The musical systems installed in such location must have sound limiters to ensure the maximum volume as prescribed under Noise Pollution (Regulation & Control) Rule 2000 cannot be violated.

7. The bar owners (IMFL ON Shop) should be called upon to locate a Closed Circuit Television Camera at appropriate places with appropriate mechanism to ensure that the said facilities cannot be tampered with and such recorded evidence can be verified by the Police as well as the Excise authority from time to time as they prescribe.
8. Before granting license u/s 29 of the Urban Police Act 2003 it shall be ensured that the bar owners (IMFL Restaurants/ Hotel and 'ON' Shops) should have fulfilled the compliance on the terms and conditions of the license granted by Excise deptt. to ensure improved working condition of the women engaged in such licensed premises.
9. The Licensee shall display the license prominently on the wall of the premises.
10. The Licensee should ensure that separate hygienic and adequate toilet along with locker facilities are provided to female employee(s).
11. The licensee shall issue a photo ID card to each female employee which shall be carried by that employee at all times during the period of duty.
12. As the guidelines contained in earlier C.O No.05 of 2015 dtd.31.12.2015 are incorporated in this consolidated order, the previous C.O No.05 of 2015 dtd.31.12.2015 is hereby revoked to avoid repetition.

It is directed to all concerned to implement the guidelines in its letter and spirit. Any deviation in the matter shall be seriously viewed.


(Y.B.Khurania). 30/12/2016

Commissioner of Police,
Bhubaneswar-Cuttack.