

**THE BANGLADESH HOTELS AND RESTAURANTS
ORDINANCE, 1982**

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***THE BANGLADESH HOTELS AND RESTAURANTS
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ORDINANCE NO. LII OF 1982

[12th December, 1982]

An Ordinance to provide measures for controlling and regulating the standards of service and amenities in hotels and restaurants.

WHEREAS it is expedient to provide measures for controlling and regulating the standards of service and amenities in hotels and restaurants and for matters ancillary thereto or connected therewith;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Bangladesh Hotels and Restaurants Ordinance, 1982. Short title and commencement

(2) It shall come into force on such date as the Government may, by notification in the *official Gazette*, appoint.

2. In this Ordinance, unless there is anything repugnant in the subject or context,- Definitions

- (a) “apprentice” means any person who has contracted with a hotel or restaurant to perform the stipulated apprenticeship in such hotel or restaurant;
- (b) “Committee” means the Hotels and Restaurants Advisory Committee constituted under section 4;
- (c) “Controller” means a Controller appointed under section 3 and includes a Deputy Controller and Assistant Controller and such other person as may be authorised by the Government, by notification in the *official Gazette*, to exercise and perform all or any of the powers and functions of the Controller;
- (d) “customer” means a person availing facilities offered in a hotel or restaurant on monetary consideration;

* The Ordinance was declared void by the Appellate Division of the Supreme Court of Bangladesh in Civil Appeal No. 48 of 2011 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৮২ সনের ২৪ মার্চ হইতে ১৯৮৬ সালের ১১ নভেম্বর তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৭ নং আইন)।

- (e) “fair rates” means the rates fixed under section 10;
- (f) “guest” means a person who is in possession or enjoyment of accommodation provided to him in a hotel on monetary consideration and includes a tourist;

Explanation.- In this clause, the word “tourist” means a person travelling for more than twenty-four hours but less than six months in a country other than that of his normal residence but shall not include a person arriving to take up an office, occupation or engagement for gain;

- (g) “hotel” means a lodging, or boarding and lodging, establishment with a minimum of ten lettable bed rooms, provided for guests on monetary consideration, which conforms to any of the prescribed minimum criteria, but does not include-
 - (i) a home or hostel which is exclusively or mainly used for the aged or invalid persons or students and is run by, or under the control of, a charitable or educational institution; or
 - (ii) any rest house, hostel or circuit house exclusively meant for visiting Government officials or officials of other organisations, though run on a commercial basis;
- (h) “manager” means the person in-charge of the management of a hotel or restaurant;
- (i) “owner” means the person who holds title to a hotel or restaurant and is entitled to receive the whole or any part of the earnings received from a guest or customer on account of accommodation or services provided in the hotel or restaurant, and includes a keeper or assignee for the time being discharging the responsibility of the owner in respect of such hotel or restaurant;
- (j) “prescribed” means prescribed by rules made under this Ordinance;
- (k) “public rooms” means rooms in a hotel which are meant for the common use of all guests and customers;

- (l) “restaurant” means a public eating house providing standard and variety of cuisines on monetary consideration to customers which conforms to the minimum prescribed criteria having seating arrangements for thirty persons and above;
- (m) “service” means any service provided in a hotel or restaurant.

3. (1) The Government may, by notification in the *official Gazette*, appoint a person to be the Controller for the purpose of this Ordinance and such number of Deputy Controllers and Assistant Controllers as may be necessary for the performance and discharge of such functions and duties as may be assigned to them by or under this Ordinance and may, by general or special order, provide for the distribution or allocation of work to be performed by them.

Appointment of
Controller,
Deputy
Controllers and
Assistant
Controllers

(2) Subject to the provisions of this Ordinance, the Controller shall perform his functions and discharge his duties under the general supervision and control of the Government.

(3) Subject to the provisions of this Ordinance and of such orders as may, from time to time, be made by the Government in this behalf, the Deputy Controllers and Assistant Controllers shall perform their functions and discharge their duties under the general supervision and control of the Controller.

4. (1) The Government may constitute an Advisory Committee to be called the Hotels and Restaurants Advisory Committee, consisting of as many members as the Government may determine, to aid and advise the Government in relation to such matters relating to the administration of this Ordinance as may be prescribed.

Constitution of
Advisory
Committee

(2) The members of the Committee shall be appointed for such period and on such terms and conditions as the Government may determine.

(3) The Government shall appoint a Chairman of the Committee from among its members.

5. (1) The owner of every hotel and restaurant shall, within a period of two months from the commencement of this Ordinance, or from the date of opening of the hotel or restaurant, whichever is later, apply to the Controller for registration of his hotel or restaurant and, in the case of a hotel, also for its classification, on payment of such fees as may be prescribed.

Registration of
hotels and
restaurants

(2) No hotel or restaurant shall be registered unless-

- (a) it conforms to the prescribed standard of health, hygiene and comfort:

Provided that the Controller may allow provisional registration subject to such conditions as he may deem fit and, for good and sufficient reasons, modify, alter or withdraw any such condition at any time;

- (b) it furnishes at its expense certificates of medical fitness from a Civil Surgeon in respect of its staff in such form as may be prescribed;
- (c) the building is structurally safe and adequately protected against fire or an accident arising out of electricity or gas and safety of the guests or customers is ensured.

(3) The Controller, or an officer authorised by him in this behalf, or a member of the Committee, may, at any time, inspect the premises of a hotel or restaurant, call for any information, plan or data in respect of any matter concerning such hotel or restaurant or, at the cost of the owner, carry out, or require the owner to carry out, test of any articles or appliances or foodstuff.

Classification of hotels

6. Subject to such general or particular direction as the Government may issue, the Controller shall, according to the prescribed minimum criteria, by notification in the *official Gazette*, classify hotels according to the star classification system, as-

- (a) one star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class but do not conform to the prescribed minimum criteria of a higher star class hotel;
- (b) two star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel;
- (c) three star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel;

- (d) four star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class but do not conform to the prescribed minimum criteria of a higher star class hotel; and
- (e) five star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class.

7. (1) Every owner shall, after registration of his hotel or restaurant under section 5, obtain a licence from the Controller on payment of such fee as may be prescribed.

Issue of licence

(2) No owner shall carry on his business and in the case of a hotel, use the classification star sign, without first getting the hotel or restaurant registered and obtaining a licence under this Ordinance.

(3) Licence granted under this section shall, unless sooner suspended or cancelled, remain in force for a period of one year from the date of issue and may be renewed for a period of one year at a time on payment of such fee as may be prescribed:

Provided that if an application for renewal of a licence is made before the expiry of the period of its validity, the licence shall continue in force until orders are passed on such application.

8. (1) The Controller may refuse to register a hotel or restaurant if it does not conform to the minimum prescribed criteria.

Refusal and cancellation of registration or licence

(2) The registration and licence of a hotel or restaurant may be cancelled or suspended, or the star classification of a hotel may be lowered, if-

- (a) its business is wholly or partly discontinued or suspended without the approval of the Controller, except where such suspension or discontinuance is for the purposes of making repairs, improvements, renovations or expansion or, in the case of seasonal business, for the period of the slack season and the fact of such suspension or discontinuance in each case has been duly reported to the Controller in advance;

- (b) its owner or any person acting on his behalf contravenes any of the provisions of this Ordinance or the rules or orders made thereunder;
- (c) its owner fails to ensure proper arrangement for the security of person and property of customers or guests;
- (d) it ceases to conform to the requirements of registration under section 5 and, in the case of a hotel, to the prescribed minimum criteria for the class assigned to it; or
- (e) in the case of hotel, its owner fails to enter the names and other particulars of guests in the register in such form and manner as may be prescribed.

Obligation of the transferee, etc., of a hotel and restaurant

9. Where a hotel or restaurant registered and licensed under this Ordinance is transferred or assigned to any person, it shall be incumbent upon that person to report, within one month of its taking effect, to the Controller the fact of such transfer or assignment and obtain a fresh licence under this Ordinance.

Fixation of fair rates

10. (1) Every owner shall fix fair rates to be charged for board, lodging and other services provided in the hotel or restaurant.

(2) Every owner may either fix a consolidated rate of lodging, board and service, or for lodging and service only or fair rates separately for-

- (a) lodging with reference to the nature of the accommodation and the number of guests to be accommodated;
- (b) board, partial or full; and
- (c) other service.

(3) Fair rates may be fixed separately for daily and monthly guests.

Explanation.- A guest who agrees to reserve accommodation, or for whom accommodation is reserved, for a period of one month or more, shall be deemed to be a monthly guest provided he actually stays for one month or more or has actually paid in advance for one month, and where the reservation is not for any specified period, or is for a period less than a month, the guest shall be deemed to be a daily guest.

11. (1) The Controller may fix the maximum number of guests to be accommodated in each room or other unit of accommodation in a hotel.

Controller to fix limit of persons to be accommodated in any room

(2) No room for which an order has been made under sub-section (1) shall be used to accommodate any number of guests in excess of the number specified in the order except with the previous permission in writing of the Controller.

(3) The Controller may, from time to time, revise any order made by him under sub-section (1) so as to increase or reduce the number of guests specified in such order.

12. Every owner shall prepare the regulations in respect of his hotel or restaurant conforming with the provisions of this Ordinance and the rules made thereunder and get them approved by the Controller.

Regulations of hotel and restaurant

13. (1) The fair rates, the maximum number of guests that may be accommodated in a room or unit of accommodation in a hotel and the regulations of the hotel shall be displayed in a conspicuous manner in the office and in the public rooms, if any, of every hotel.

Fair rates, etc., to be displayed

(2) The fair rates and the regulations of the restaurant shall be displayed in a conspicuous manner in the office and the hall and rooms of every restaurant.

14. (1) Subject to such directions as may be given in this behalf by the Government, the Controller may by order direct the owner or the manager of a hotel to reserve in the hotel such accommodation as may be specified in the order.

Reservation of accommodation at the instance of the Controller

(2) Subject to any direction by the Government in this behalf, the Controller may allot the accommodation reserved under sub-section (1) to any person and such person shall thereupon be deemed to be a guest at the hotel in relation to the accommodation allotted to him.

(3) Where any accommodation is reserved under sub-section (1), the owner or the manager of the hotel shall make the accommodation so reserved, or such portion of it as the Controller may direct, available to the Controller for occupation by the person to whom it has been allotted at the expiry of forty-eight hours from the service upon him of a notice in writing in this behalf by the Controller.

(4) Nothing in this section shall prevent the owner or the manager of the hotel from letting any accommodation reserved under sub-section (1) to a guest, other than the person to whom such accommodation is allotted by the Controller, upon the condition that if and when a notice is received from the Controller under sub-section (3), such guest will vacate the accommodation within forty-eight hours of the receipt of such notice.

Controller's
power to
prohibit certain
trades and
occupations

15. The Controller may, by order in writing prohibit, within one hundred yards of a three star or above hotel, the carrying on of any trade, profession, occupation or industry which in his opinion is likely to be-

- (a) injurious to the health and well-being of guests or customers or a hazard to their safety;
- (b) a nuisance as defined in the Penal Code (Act XLV of 1860); or
- (c) offensive to good taste.

Eviction of
guests

16. (1) Except as hereinafter provided, no guest at a hotel shall be evicted or refused board or other service so long as he pays, or is ready and willing to pay, the fair rates and observes the displayed regulations of the hotel and conforms with the provisions of this Ordinance and the conditions prescribed thereunder.

(2) A guest or a customer who has been guilty of conduct which amounts to nuisance, or is a source of annoyance to other guests or customers, or threatens or intimidates any other guest or customers, or is likely to endanger the person or life of any individual in the hotel or restaurant, may be evicted by the owner or manager:

Provided that, if the owner or manager has good reason to apprehend an immediate breach of peace or commission of an offence by the guest or customer, he may use such force as may be necessary to restrain the guest or customer from so doing and shall immediately intimate the fact to the local police.

(3) Any guest or customer aggrieved by eviction or refusal of board or other services under sub-section (1) or sub-section (2) may lodge a complain with the Controller who shall, after holding summary enquiry in the prescribed manner, pass such order as he deems fit.

17. (1) The Controller shall not refuse registration, or cancel or suspend the licence, of a hotel or restaurant, except after holding summary enquiry in the prescribed manner.

Procedure and powers of Controller

(2) For the purpose of holding an enquiry under sub-section (1) or any other enquiry which he may deem necessary for the purposes of this Ordinance, the Controller shall have the same powers as are vested in a civil Court in respect of-

- (a) proof of facts by affidavit;
- (b) summoning and enforcing the attendance of any person and examining him on oath;
- (c) compelling the production of documents and other material evidence; and
- (d) issuing commissions for the examination of witnesses.

18. For the purposes of this Ordinance, the Controller may-

Additional power of Controller

- (a) call for such information or returns from an owner or manager as may be necessary for satisfying himself that the provision of this Ordinance, the rules and orders made thereunder are being duly complied with;
- (b) require an owner or manager to produce before himself or an officer designated by him for the purpose of any book of account, document or other papers in his possession or power which contain or are believed to contain information relating to the hotel or restaurant of which he is the owner or manager;
- (c) require an owner or manager to undertake, through an agency qualified to do so, scientific tests of water, food and other articles of human consumption at the cost of the owner to determine their quality and conformity with the requirements of health and hygiene;

- (d) issue directive to the owner or manager of a restaurant to improve, within a period of six months from the date of such directive, the conditions, services and facilities at the restaurant to conform to the prescribed minimum criteria;
- (e) call for any other information relating to the development of hotel industry.

Apprenticeship
scheme and
training policy
of employees

19. The Controller shall, in consultation with the Hotel Owners' Association,-

- (a) ensure that the number of apprentices in a hotel or restaurant does not exceed ten per cent of the employees in any specified trade;
- (b) fix, with due regard to the salaries paid to the regularly employed staff of the specified trade, the stipend to be paid to an apprentice over and above the cost of his training and determine the duration of his apprenticeship;
- (c) lay down the age limit, educational qualifications, standards of physical fitness and psychological and mental health of apprentices;
- (d) direct the programming for training of various categories of employees of hotels and restaurants at a vocational institution recognised by the Government at the various specialised courses run thereat, so that the percentage of qualified trained staff in a hotel or restaurant attains, within a reasonable time, the minimum standard as may be determined by the Controller; and
- (e) lay down the maximum percentage of untrained staff that may be employed at a hotel or restaurant at any time.

Provision of
medical
facilities

20. (1) The owner of every hotel registered and licensed under this Ordinance and classified according to the star classification system shall provide the following minimum medical facilities for guests, namely:-

- (i) one and two star hotels-
 - (a) a doctor on call available in close proximity of the hotel premises;
 - (b) first aid equipment and a reasonable stock of life saving drugs;
 - (c) two employees trained and qualified in first aid;

- (d) ensure availability of an ambulance, van or car to rush patients to a hospital in emergencies;
- (ii) three star hotels:-
 - (a) as in sub-clauses (a) to (c) in clause (i);
 - (b) a drug store or chemist's shop with twenty-four hours' service, if not existing in close proximity;
 - (c) an ambulance or van;
- (iii) four and five star hotels:-
 - (a) as in sub-clause (a) of clause (i);
 - (b) a separate consulting room with reasonable stock of life saving drugs and first aid equipments;
 - (c) four employees trained and qualified in first aid;
 - (d) an ambulance or a van convertible into an ambulance in emergency;
 - (e) a drug or chemist's shop with twenty-four hours' service, if not existing in close proximity.

(2) The manager of a hotel shall take all possible care and provide all necessary medical aid without any loss of time to a guest or customer suffering from any serious attack, including heart attack and haemorrhage, or an accident.

21. (1) Any owner who fails to apply for registration within the time specified in section 5 shall be liable to pay to the Government a penalty of such sum not exceeding five thousand Taka as the Controller may impose and, in the case of a continuing failure, an additional penalty which may extend to one thousand Taka for every day after the first during which he has persisted in the failure.

Offences and penalties

(2) Any owner or manager who serves any food or beverage which is injurious to health, or who does not take sufficient care to ensure protection of food and beverage against contamination through flies or in any other way, or serves any food or beverage in unclean or contaminated utensils, shall be liable to pay to the Government a penalty of such sum not exceeding one thousand Taka as the Controller may impose.

(3) Any owner or manager who fails to comply with any order made or direction given under the provisions of this Ordinance by the Controller or any other authority authorised by him in that behalf shall be liable to pay to the Government a penalty of such sum not exceeding one thousand Taka as the Controller may impose.

(4) If a restaurant fails to carry out the directive issued under clause (d) of section 18 within the period specified therein, the Controller may suspend the operation of such restaurant and may also impose on the owner of such restaurant a penalty of such sum not exceeding five thousand Taka as he deems fit.

(5) If the owner or manager of a hotel or restaurant not licensed under this Ordinance advertises it as a hotel or restaurant, or in any manner whatsoever uses the star sign, he shall be liable to pay to the Government a penalty of such sum not exceeding one thousand Taka as the Controller may impose and, in the case of his continuing to so advertise or use the star sign, an additional penalty which may extend to two hundred Taka for every day after the first during which he so continues or uses the star sign.

(6) Any owner who fails to comply with the provisions of section 20 shall be liable to one or more of the following penalties, namely:-

- (a) penalty of such sum not exceeding two thousand Taka as the Controller may impose;
- (b) suspension of the licence for a period not exceeding six months;
- (c) cancellation of registration.

Contravention
by companies,
etc.

22. If the person contravening, or failing to comply with, any provision of this Ordinance or any rules, order or direction made or issued thereunder is a company or other body corporate, every director, secretary or other officer or agent thereof, unless he proves that the contravention or failure took place without his knowledge or that he exercised due diligence to prevent its taking place, shall be liable to the penalty provided for such contravention or failure.

Mode of
recovery

23. Any sum imposed as penalty under this Ordinance shall be recoverable as an arrear of land revenue.

24. (1) Any person aggrieved by an order under this Ordinance may, within thirty days of the date of the order, prefer an appeal to-

Appeal and
revision

- (a) the Deputy Controller, where such order has been passed by an Assistant Controller;
- (b) the Controller, where such order, not being an order passed in appeal under clause (a), has been passed by a Deputy Controller;
- (c) the prescribed appellate authority, where such order, not being an order passed in appeal under clause (b), has been passed by the Controller.

(2) The Government may, of its own motion, or on the application of any owner or manager aggrieved by an order passed under sub-section (i), within the prescribed time and in the prescribed manner, pass such order in relation thereto as it thinks fit:

Provided that no order against an owner or a manager shall be made unless he has been given an opportunity of showing cause against it and of being heard.

25. No suit, prosecution or other legal proceeding shall lie against the Government, the Controller, any officer or authority subordinate to the Government or a member of the Committee in respect of anything which is in good faith done or intended to be done under this Ordinance or the rules made thereunder.

Indemnity

26. The Government may, by notification in the *official Gazette*, exempt any hotel or restaurant from the operation of all or any of the provisions of this Ordinance or the rules made thereunder, for such period, and on such conditions, if any, as may be specified in the notification.

Exemption

27. (1) The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Ordinance.

Power to make
rules

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

- (a) fixation and revision of criteria for the registration and classification of hotels and restaurants;

- (b) the grounds on which the classification of a hotel can be altered or lowered;
 - (c) the manner of issuance of “Sign Shields” including star classification of hotels for display in hotels and restaurants at conspicuous places;
 - (d) matters in relation to which the Committee may render aid and advice;
 - (e) meetings of the Committee and the procedure to be followed at such meetings;
 - (f) fixation of fees for registration and licences;
 - (g) form of a certificate of medical fitness referred to in section 5 and the time at which it shall be submitted to the Controller;
 - (h) manner of holding summary enquiry; and
 - (i) any other matter which is to be or may be prescribed.
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