

Haryana Public Distribution System (Licensing and Control) Order, 2002

HARYANA

India

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Rule

HARYANA-PUBLIC-DISTRIBUTION-SYSTEM-LICENSING-AND-CONTROL of 2002

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Haryana Public Distribution System (Licensing and Control) Order, 2002 Haryana Government Food and Supplies Department Order, Dated 18.4.2002 No. S.O. 41/C.A.10/1955/Section 3/2002. - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Order GSR No. 630 (E), dated the 31st August, 2001, read with para 5 of annexe to the Public Distribution System Control Order, 2001, and all other powers enabling him in this behalf, and with the prior concurrence of the Central Government, the Governor of Haryana hereby makes the following order regulating the sale and distribution of essential commodities, namely :-

1. Short title, extent and commencement.

(1) This order may be called the Haryana Public Distribution System (Licensing and Control) Order, 2002. (2) It extends to the whole of the State of Haryana. (3) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions.

(a) "Act" means the Essential Commodities Act, 1955 (10 of 1955); (b) "authority" means any officer not below the rank of Sub-Inspector, Food and Supplies Department, Haryana; (c) "Above Poverty Line Families" means those families who have been issued Above Poverty Line (APL) ration cards by the Food and Supplies Department for issue of Foodgrains under the Public Distribution System; (d) "Antyodaya Families" means those poorest families from amongst Below Poverty Line

(BPL) families identified by Rural Development and Swaran Jayanti Sehari Rozgar Yojna Department and entitled to receive foodgrains under Antyodaya Anna Yojana;(e)"Below Poverty Line Families" means those families who have been identified by the Rural Development and Swaran Jayanti Sehari Rozgar Yojna Department for issue of foodgrains at specially subsidized rates adopting the estimates of poverty given by the Central Government;(f)"authorised nominee" means the Food and Supplies Department, Haryana or a Corporation or a Cooperative;(g)"eligible applicant" means an individual who is resident of Haryana and fulfils the conditions for getting a ration card;(h)"fair price shop" means a shop, which has been licensed to distribute essential commodities to the ration card holders under Public Distribution System under this order;(i)"fair price shop owner" means a person and includes a cooperative society or a corporation or a Gram Panchayat or any other body in whose name a shop has been licensed to distribute essential commodities under the Public Distribution System;[(i.a) "licensing authority" means the District Food and Supplies Controller within his jurisdiction;] [Inserted by Haryana Notification No. S.O.26/C.A.10/1955/Section 3/2003. dated 11.3.2003.](j)"Public Distribution System" means the system for distribution of essential commodities to the ration card holders through the fair price shops, such as rice, wheat, sugar, edible oils, kerosene and such other commodities as are notified by the Central Government under clause (a) of section 2 of the Act.(k)"ration card" means a document namely Green, Yellow, Pink issued by the Food and Supplies Department, Haryana for the purchase of essential commodities under the Public Distribution System from the fair price shop;(l)"State" means the whole of the State of Haryana; and(m)"State Government" means the State Government in the Administrative Department.

3. Identification of families living below property line.

- The Rural Development Department and Swaran Jayanti Sehari Rozgar Yojna Department shall identify families living below poverty line in rural and urban areas respectively.

4. Ration Cards.

- The Food and Supplies Department shall issue distinctive ration cards to Above Poverty Line, Below Poverty Line and Antyodaya families, green, yellow and pink, respectively and shall conduct periodical review and checking of the ration cards.

5. Licensing.

(1)The District Food and Supplies Controller of the concerned district shall issue a licence [in Form A] [Inserted by Haryana Notification No. S.O.26/C.A.10/1955/Section 3/2003. dated 11.3.2003.] for regulating the sale and distribution of the essential commodities and shall lay down duties and responsibilities of the fair price shop owner. The responsibilities and duties of the fair price shop owner shall include inter alia -(i)sale of essential commodities as per the entitlement of ration card holders at the retail issue prices fixed by the State Government under the Public Distribution System;(ii)display of information on a notice at a prominent place in the shop on daily basis regarding -(a)list of Below Poverty Line and Antyodaya beneficiaries;(b)entitlement of essential commodities;(c)scale of issue;(d)retail issue prices;(e)timings of opening and closing of the fair

price shop;(f)stocks of essential commodities received during the month;(g)opening and closing stock of essential commodities; and(h)the authority for redressal of grievances/lodging complaints with respect to quality and quantity of essential commodities under the Public Distribution System;(iii)maintenance of record of ration card holders (Above Poverty Line, Below Poverty Line and Antyodaya) stock register, issue or sale register;(iv)furnishing of copies of specified documents, namely, ration card register, stock register, sale register to the office of the Gram Panchayat or Nagar Palikas or Vigilance Committee or any other body authorized for this purpose;(v)display of samples of foodgrains being supplied through the fair price shop;(vi)production of books and records relating to the allotment and distribution of essential commodities to the inspecting agency and furnishing of such information as may be called for by the authority;(vii)accountal of the actual distribution of essential commodities and the balance stock at the end of the month of the District Food and Supplies Controller with a copy to the Gram Panchayat;(viii)opening and closing of the fair price shop as per the prescribed timings displayed on the notice board.(2)The ration card holder shall not be denied the supply as per entitlement of essential commodities, lying in stock with fair price shop owner under the Public Distribution System.(3)A fair price shop owner shall provide the relevant extract of the records maintained by him to the beneficiary on payment of Rs. 10/- only; and(4)The fair price shop owner shall not retain ration card after the supply of essential commodities.

6. Monitoring.

(1)The procedure for monitoring of the Public Distribution System including the functioning of the fair price shops by the State Government shall be as per sub-para (4) of paragraph 6 of the annexe to Public Distribution System (Control) Order, 2001, of the Government of India.(2)The designated authority for sub-paras (2) and (9) of para 6 of the annexe to Public Distribution System (Control) Order, 2001, of the Government of India shall be District Food and Supplies Controller District Food and Supplies Officer of the concerned district.

7. Power of search and seizure.

(1)District Food and Supplies Controller, District Food and Supplies Officer, Assistant Food and Supplies Officer, Inspector Food and Supplies and Sub-inspector Food and Supplies shall be competent to inspect or summon such record or documents as may be considered by him necessary for examination and take extracts or copies of any records or documents produced before him.(2)If the said authorities have reason to believe that there has been any contravention of the provisions of this order or with a view to securing compliance with this order, he may enter, inspect or search the fair price shop or any premises relevant to transactions of business of the fair price shop.(3)The said authorities may also search, seize or remove such books of accounts or stocks of essential commodities where such authority has reason to believe that these have been used or will be used in contravention of the provisions of this order.(4)The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall so far as may be, apply to search and seizure under this order.[8. Appeal. - Any person aggrieved by an order of the licensing authority refusing to grant or renew a licence or forfeiting the security deposit under the provisions of this order, may file an appeal to the Deputy Commissioner of the concerned district within 30

days of the issuance of the order.] [Substituted by Haryana Notification No. S.O.26/C.A.10/1955/S.3/2003. dated 11.3.2003.]

9. Fee.

- [(1) A licence in Form A under this order may be granted or renewed by the licensing authority for a period of [five years] [Substituted by Haryana Notification No. S.O.43/C.A.10/1955/S.3/2004. dated 22.6.2004.] on an application in Form B of fair price shop owner and shall, unless previously suspended or revoked, expire on the 31st March of the year upto which it was granted or renewal following the date of its issue or last renewal.](2)The fee payable for the grant of licence shall be as under :-(i)Licence fee : One hundred rupees only.(ii)Security : One thousand rupees only.(3)The fee payable for the renewal of a licence shall be one hundred rupees per annum.(4)An application for the renewal of licence shall be made so as to reach the licensing authority not less than thirty days before the date on which the licence expires :Provided that the licensing authority may entertain such an application made after the date of the expiry of licence, if, it is satisfied that the applicant was prevented by sufficient cause from filing the application in time.(5)The fee payable for the issue of a duplicate copy of licence shall be one hundred rupees.(6)The licensing authority may after giving the fair price shop concerned an opportunity of stating his case and for reason to be recorded in writing refuse to grant or renew a licence.[10. Forfeiture of security deposit. - (1) If the licensing authority is satisfied that a licensee has contravened any of the conditions of the licence or is not performing his responsibility and duties properly and that a forfeiture of the security deposit is called for, it may, after giving the licensee a reasonable opportunity of stating his case against the forfeiture, by order, forfeit the whole or any part of the security deposited by him and shall communicate a copy of the order to the licensee.(2)The licensee shall, if the amount of security at any time falls short of the amount specified in sub-clause (2) of clause 9, forthwith deposit further security to make up that amount on being required by the licensing authority to do so.(3)Upon due compliance by the licensee with all obligations, under the licence, the amount of security or such part thereof, which is not forfeited, as aforesaid shall be returned to the licensee after the termination of the licence.".] [Clause 10 and the following forms inserted by Haryana Notification No. S.O.26/C.A.10/1955/S.3/2003. dated 11.3.2003.]"Form 'A'[See clause 5(1)]The Haryana Public Distribution System (Licensing and Control) Order, 2002.

1. Licence for regulating sale, storage of essential commodities under the Public Distribution system.

Licence No.....

2. Subject to the provisions of the Haryana Public Distribution system (Licensing and Control) Order, 2002, and terms and conditions of this licence to M/s.....is/are hereby authorised to purchase, sale, store of essential commodities under the Public Distribution System.

(a)The licensee/fair price shop owner shall carry on the above said business at place(b)Essential Commodities in which the aforesaid business of fair price shops/godown is to be carried out, shall not be stored at any place other than any of the godown/premises mentioned belowNote. - If the licensee stores his Public Distribution System commodities at any place other than those specified above, he shall give intimation thereof to the licensing authority within 24 hours of such storage.

3. Licensee shall, except when specially exempted by the State Government or by the licensing authority in this behalf, maintain a register of daily accounts for each of the Public Distribution System commodities mentioned in paragraph 1 showing correctly :-

(a)the opening stock on each day.(b)the quantities received on each day showing the place from where and source from which received and issued to the consumers on each day ;(c)the closing stock on each day.The licensee shall complete his accounts for each day on which they relate, unless prevented by reasonable cause the burden of proving which shall lie upon him.

4. The licensee shall not contravene the provisions of the Haryana Public Distribution system (Licensing and Control) Order, 2002.

5. No holder of a licence issued under this order to his agent or servant or any other person acting on his behalf shall contravene any of the terms or conditions of the licence and, if any, such holder or his agent or any other person acting on his behalf contravenes any of the said terms or conditions then without prejudice to any other action that may be taken against him, his licence shall be liable to be cancelled or suspended by an order, in writing, of the licensing authority :

Provided that no order shall be made by the licensing authority unless the licensee has been given reasonable opportunity of stating his case against the proposed cancellation or suspension of his licence. The licensee if convicted by a court of law in respect of contravention of any order made under section 3 of the Essential Commodities Act, 1955 (10 of 1955), relating to essential commodities the licensing authority may by an order in writing cancel his licence :Provided further that where such conviction is set aside in appeal or revision, the licensing authority shall restore the licence to such person or shall decide on merits.

6. The licensee shall have no right to claim any compensation in respect of stocks of essential commodities if the licence is cancelled or suspended. The stocks of essential commodities lying with the licensee shall be transferred by the licensing authority to any near licence holder in the locality keeping in view the difficulties to be faced by the consumers/card holders.

7. The licence shall not be transferred to any person or family member or any other relative in any case.

8. The ration card holder shall not be denied the supply as per entitlement of essential commodities lying in stock with fair price shop owner under the Public Distribution System.

9. A fair price shop owner shall provide the relevant extract of the record maintained by him to the beneficiary on payment of Rs. 10/- only under proper head of account.

10. A fair price shop owner shall not retain ration cards after the supply of essential commodities.

11. The responsibilities and duties of the fair price shop owner shall include inter alia :-

(i)sale of essential commodities as per the entitlement of ration card holder at the retail issue price fixed by the State Government under the Public Distribution system ;(ii)display of information on a notice at a prominent place in the shop on daily basis regarding :-(a)list of Below Poverty Line and Antyodaya beneficiaries ;(b)entitlement of essential commodities ;(c)scale of issue ;(d)retail issue price ;(e)timings of opening and closing of the fair price shop ;(f)stocks of essential commodities received during the month ;(g)opening and closing stock of essential commodities; and(h)the authority for redressal of grievances/lodging complaints with respect to quality and quantity of essential commodities under the Public Distribution System ;(iii)maintenance of records of ration card holder [Above Poverty Line, Below Poverty Line and Antyodaya] stock register, issue or sale register ;(iv)furnishing of copies of specified documents, namely, ration card register, stock register; sale register, to the office of the Gram Panchayat or Nagar Palikas or Vigilance Committee or any other body authorised for this purpose;(v)display of samples of foodgrains being supplied through the fair price shop.(vi)production of books and records relating to the allotment and distribution of essential commodities to the inspecting agency and furnishing such information as may be called for by the authority ;(vii)accountable of the actual distribution of essential commodities and the balance stock at the end of the month, to the concerned authority with a copy to the Gram Panchayat;opening and closing of the fair price shop as per the prescribed timings displayed on the notice board.

12. The licensee shall not contravent the provision of any law relating to Public Distribution system commodities for the time being in force.

13. The licensee shall exhibit at the entrance or some other prominent place of his business premises, the consumer price and the scale of distribution of each Public Distribution System items held by him for distribution. Such price list shall be legibly written in Hindi Language.

14. The licensee shall give all facilities at all reasonable time to the licensing authority or any officer authorised by it or the State Government for the inspection of his stocks and accounts at fair price shop godown or other place used by him for the storage, scale etc. of Public Distribution System and for taking of samples of Public Distribution System items for examination.

15. The licensee shall comply with any directions that may be given to him by the State Government, Director or the licensing authority in regard to purchase, distribution and storage for distribution and disposal of Public Distribution System items stored by him.

16. The licensee shall take adequate measures to ensure that Public Distribution Systems items stored by him are maintained in proper condition and that damages to Public Distribution System items due to ground moisture, rain, insects, birds, fire and any other causes are avoided.

17. This license shall be attached to any application for renewal.

18. This license shall be valid up to

PlaceDated(Licensing Authority).Form 'B'[See clause 9(1)]The Haryana Public Distribution System (Licensing and Control) Order, 2002Application for grant/renewal of licence

1. Applicant's name _____

2. Father's name _____

3. Mother's name _____

4. Applicant's profession _____

5. Applicant's address _____

6. Address of applicant's place of business with particulars as to number of house, mohalla, town or village, police station and district

7. [The Government shall have right to transfer the license to any eligible person from family of the licensee in case of demise of the licensee, or, in case of 100 per cent disability of the licensee.] [Substituted by Haryana Notification No. S.O.43/C.A.10/1955/Section 3/2004. dated 22.6.2004.]

8. Complete address of place where Public Distribution System items are proposed to be stored

I declare that I was never convicted by a court of law in respect of any order made under section 3 of the Essential Commodities Act, 1955 (10 of 1955) I further declare that no licence in respect of Public Distribution System item issued to me under the provisions of the Essential Commodities Act, 1955 (10 of 1955) or any order made thereunder was ever suspended or cancelled. I have carefully read the conditions of the licence given in Form A appended to the Haryana Public Distribution System (Licensing Control) Order, 2002 and I agree to abide by them. *(a) I have not previously applied for such licence in any other district for Public Distribution System items. *(b) I had applied for such licence in other district, namely, _____ for Public Distribution System items on _____ and was/was not granted a licence. *(c) If yes, Licence No. *(d) I, hereby apply for renewal of licence No. ____ dated ____ issued to me on ____ * Strike of clauses which are no applicable. Place _____ Dated _____ Signature of the applicant.".