

Bihar Targeted Public Distribution System (Control) Order, 2016

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Rule

BIHAR-TARGETED-PUBLIC-DISTRIBUTION-SYSTEM-CONTROL-ORDER of 2016

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Bihar Targeted Public Distribution System (Control) Order, 2016Published vide Notification No. G.S.R. 03, dated 14.3.2016Last Updated 8th February, 2020G.S.R. 03, dated 14th March 2016. - In exercise of power conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) the Government of India, Ministry of Consumer Affairs, Food and Public Distribution (Department of Food and Public Distribution) has issued "Targeted Public Distribution System (Control) Order, 2015" by GSR 213 (E) dated 20th March, 2015. In reference to the clauses 04,09,10,11,12,13,14 and 15 of the "Targeted Public Distribution System (Control) Order, 2015" read with Central Notification SO 681 (E) dated 30 November, 1974 and the order published under GSR 800 dated 9th June, 1978 and exercising the powers conferred by Section 3 read with section 5 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), the Governor of Bihar is hereby pleased to make the following orders for regulating the ration cards, licensing and regulation of fair price shops, operation of fair price shops, monitoring, transparency and accountability, penalty, powers of search and seizure and appeal, other related provisions.Part - 1 Preliminary

1. Short title, extent and commencement.

- (i) This Order may be called the Bihar Targeted Public Distribution System (Control) Order, 2016.(ii)It shall extend to the whole of the State of Bihar.(iii)It shall come into force on the date of its notification.

2. Definitions.

(a)'Act' means the Essential Commodities Act,1955 (the Central Act 10 of 1955);(b)'Annex' means an Annex appended to this Order;(c)'Fair Price Shop Owner' means a person and it includes a

cooperative societies of women/cooperative societies of ex-servicemen, educated unemployed whose name a shop has been licensed to distribute essential commodities under the Targeted Public Distribution System;(d)'Food Security Act' means the National Food Security Act, 2013 (20 of 2013);(e)'Local Authority' means a panchayat, municipality, district board, cantonment board, town planning authority, the village committee or any other body, whatever name called, which is authorized under the Constitution or any other law for the time being in force for self-governance or any other authority or body vested with the control and management of civic services, within a specified area;(f)Words and expressions not defined in this Order but defined in the Act or the Food Security Act or the Central Targeted Public Distribution System (Control) Order, 2015 shall have the meaning respectively assigned to them in those Acts or Order;(g)'Fair Price Shop' means a place licensed by an order under section 3 of the Act to store and distributes essential commodities for and to the ration card holders of public distribution system and to keep related account books;

3.

All works under the targeted public distribution system licensing of fair price shops and everything related to it, and identification of eligible households, ration cards, and everything as regard to ensuring supply and availability of food grains and other commodities shall now be regulated by the provisions contained in this Order from the date of its commencement.

Part - 2 Licensing of Fair Price Shops

4. Licensing Authority.

- The Sub Divisional Officer under his territorial jurisdiction shall be the licensing authority who shall issue, regulate and control license to fair price shops under the provisions of this Order. The licensing powers of the licensing authority shall not be delegatable.

5. District Level Selection Committee and Issue of License.

- The applicants, for a fair price shop license, shall submit their applications to the concerned licensing authority. The individual, in schedule 01, Self Help Groups and Cooperative Societies of Women/Ex- Serviceman in schedule 02 shall submit their applications. The licensing authority shall get the applications examined and inquired into by the Block Supply Officer/Supply Inspector, and with his recommendation shall submit it to the District Level Selection Committee for consideration. The Selection Committee shall consist of the following officers :-

Chairman - The District Magistrate

Secretary - Additional District Magistrate (Supply) for the Patna district, and for the other districts District Supply Officer.

Members - (a) The Sub Divisional Officer of the concerned Subdivision.

(b) A scheduled caste/scheduled tribe officer posted in the district.

(c) The District Co-operative Officer of the district.

The license of a fair price shop shall be issued by the licensing authority to the candidate selected by the committee after realizing the license fee through treasury challan from him. The license shall be issued in schedule 03. An application for a fair price shop shall be disposed off within a month from its receipt.

6. Reservation.

- (i) The reservation in vacancies of the fair price shops on the date of commencement of this Order shall be as follows:-

Scheduled Caste	16 (sixteen) percent
Scheduled Tribe Caste	01 (one) percent
Extremely Backward Classes	18 (eighteen) percent
Backward Classes	12 (twelve) percent
Women belonging to Backward Classes -	03 (three) percent

(ii) If there is no suitable scheduled tribe applicant for the fair price shop reserved for scheduled tribe candidate, it shall be filled up by a scheduled castes applicant and if there is no suitable applicant for the fair price shop reserved for extremely Backward Classes candidate, it shall be filled up by a backward class candidate or vice versa. (iii) The handicapped persons shall be given reservation in accordance with the General Administration Department's provisions related to the reservation for the handicapped persons in appointments. (iv) Women belonging to backward classes, extremely backward classes, scheduled tribes and scheduled castes shall be treated to be included in Women of Backward Classes.

7.

The reservation criteria shall be enforced at Subdivision level, and the ideal reservation roster point issued by the General Administration Department shall be applicable.

8. Priorities in allotment of fair price shop.

- Except the compassionate ground cases, the priorities in allotment of fair price shops shall be as follows:- (i) Self Help Groups; (ii) Cooperative Societies of Women; (iii) Cooperative Societies of Ex-Servicemen; (iv) Educated Unemployed persons; (v) The resident of a panchayat or ward shall be given priority.

9. The following facts shall be considered in allotting a fair price shop by the Selection Committee.

- (i) There shall be one fair price shop for the population of 1350 in urban areas and for the population of 1900 in rural areas on the basis of the census data prevailing at the time. (ii) It shall be ensured that a consumer should not cover a maximum distance of more than two kilometer in

reaching his fair price shop both in rural and urban areas.(iii)In distant and difficult communication areas, especially in the areas of the scheduled castes/tribes, a fair price shop may be allotted for a population of 1000.(iv)The self help groups or cooperative societies of women/ex-servicemen shall be deemed to belong to in that class (such as scheduled caste, scheduled tribe, extremely backward class, backward class, backward class women and general) in which more than 50 percent of the members of the managing committee of such self help groups or cooperative societies of women/ex-servicemen, belong to, for the purpose of determination of their reservation status.(v)The applicant of a fair price shop's license must be matric pass and an adult;Provided that the applicant having computer knowledge shall be given priority. In case of equality in computer knowledge, the applicant having highest qualification and in case of equality in highest qualification also the applicant of older age shall be given priority.(vi)In case, a cancelled license is in appeal or in revision, and the lower court's order is stayed, such cancelled license shall not be enumerated in the list of vacant fair price shops.(vii)The process of filling up vacant fair price shops shall be a continuous process, and a vacant fair price shop shall be filled up within a month from its vacancy.(viii)After approval of the District Officer on the reservation roster point prepared in accordance with the reservation roster point determined by the General Administration Department applications shall be invited for filing up the vacant fair price shops by advertisement at least in two daily news papers.(ix)Against unreserved vacancies, persons of all classes may submit application, and the selection shall be made purely on merit, and their status shall be unreserved.(x)The license for a fair price shop shall be issued in the name of self help groups and cooperative societies of women/ex-servicemen and its operation shall be made by their managing committee.(xi)A fair price shop owner shall have the fair price shop in its catering locality, and as an exception in special circumstances in view of convenience of the beneficiaries a fair price shop may be allowed outside of the catering area by the prior approval of the District Officer.

10. A fair price shop license on Compassionate Ground.

- In case of death of a fair price shop's licensee under the age of 58 (fifty eight) years, his shop may be allotted in order of priority to his/her wife/husband, son, unmarried daughter, daughter-in-law, and widow of his son. If there are out of these more than one dependent, all the other are required to forsake their claim in favour of one through an affidavit. The application in this regard shall be entertained, if submitted within two years from the date of death of the licensee by his dependent. If granted, such a fair price shop license shall be a new license, and it shall be permissible for further compassionate ground license, but if any member of the family of the deceased licensee is a government servant or holds a post of profit in the government, such a family shall not get benefit of compassionate ground.

11. Disqualifications of getting a fair price shop license.

- (i) No fair price shop license shall be granted to more than one member in a joint family. Father, mother, brother, brother's wife, husband, wife, son, son's wife and step brother shall come in the definition of the family(ii)A mukhia, a sarpanch, a panch, a ward member, a member of a panchayat samiti, a member of a district board, an MLA, a Member of Legislative Council, a member of Parliament, and an elected member of municipal bodies shall not be eligible for allotment of a fair

price shop during his tenure as such capacity.(iii)An owner of a flour mill and his near relatives shall not be allotted a fair price shop.(iv)A minor or a lunatic or an insolvent shall not be allotted a fair price shop.(v)A person finally convicted by the court under the Essential Commodities Act,1955 or in any other criminal case shall not be allotted a fair price shop.(vi)A person holding a post of profit in the Government shall not be allotted a fair price shop.

12.

To follow the criteria of population and reservation is necessary in awarding fair price shop licenses.

13. Fees.

- (i) License Fee - (a) The applicant selected by the District Selection Committee shall be noticed by the licensing authority to deposit Rs 1000 (one thousand) as license fee through treasury challan. After deposit of the license fee the licensing authority shall issue license in schedule 03.(b)The licenses issued under the provisions of the previous Order, 2001 shall be deemed valid under this Order, and the licensee having such kind of licenses shall have to get their licenses be converted under the provisions of this Order within six months from the date of its commencement by paying Rs 1000 (one thousand) as license fee through treasury challan.(ii)License Renewal Fees :- (a) The license shall be renewed for five years. On presentation of application in schedule 04 with renewal fee of Rs.500 (five hundred) deposited through treasury challan, the license shall be renewed by the licensing authority. The licensee shall get his license renewed within a month after the date of its expiry. Thereafter with the license fee a delay fee of Rs 100 (one hundred) at rate of per month shall be payable, and with delay fee the license shall be renewed in maximum eight months.(b)If the license is not renewed in a month from the date of its expiry, the supply of the essential commodities to the licensee shall be stopped by the licensing authority.(iii)Fee for issuing a duplicate copy of a license : - If a license is distorted, lost, or destroyed, this shall be informed by the licensee to the licensing authority immediately. On presentation of application by the licensee with fee of Rs. 200 (two hundred) deposited through treasury challan a "duplicate copy of the license" shall be issued by the licensing authority.

14. Operation of fair price shop and Duties and Responsibilities of a Licensee.

- (i) The licensee shall distribute food grains and other commodities to the ration card holder as per his entitlement under the Targeted Public Distribution System at the prescribed retail price, and shall not deny to deliver the essential commodities lying in the shop as per his entitlement.(ii)The licensee shall allow the ration card holder to draw food grains and other commodities in more than one installment.(iii)The licensee shall not retain the ration card after the supply of the food grains and other commodities.(iv)The licensee shall sell food grains and other commodities to the ration card holder as per his entitlement under the Targeted Public Distribution System at the prescribed retail issue price.The licensee shall simultaneously issue cash memo (as per schedule- 05) to every consumer after sale of the essential commodities, on which he shall note down the name and

address of the consumer and shall take thereon the consumer's signature or thumb impression. The carbon copy (the duplicate copy) of the cash memo shall also be printed as of the original one, and on it also the name, license no. and address of the licensee shall be printed.(v)The licensee shall display a notice board at conspicuous place outside the shop, and a price and stock display board inside the shop, which shall contain information on daily basis regarding entitlement of food grains and other commodities, scale of issue, retail issue prices, timings of opening and closing of the fair price shop, stock of food grains and other commodities received during the month, opening and closing stock of food grains and other commodities, the designation of the authority with telephone no. and address appointed for redressal of grievances with respect to quality and quantity of food grains and other commodities under the Targeted Public Distribution System, and toll-free helpline number etc. and the notice board in accordance with the schedule 06 and the price and stock display board in accordance with the schedule 07 shall be displayed either by painting on the wall or by making a board.(vi)The licensee shall maintain records of the ration card holders, e.g. stock register, issue or sale register in the format prescribed, from time to time by the administrative department, and it shall also include electronic format in a progressive manner.(vii)The licensee shall display the sealed samples of food grains and other commodities made available to him by the authorities at the time of their lifting at the conspicuous place in his shop.(viii)The licensee shall produce books and records relating to the allotment and distribution of food grains and other commodities as directed by the inspecting officers, and shall furnish of such information as may be called for by the inspecting officers.(ix)The licensee shall submit the report certified by the local mukhiya or local head of the municipal body, as the case may be, and by one of the member of the local vigilance committee, of the accounts of actual distribution of food grains and the balance stock at the end of every month at the fair price shop to the licensing authority or to the officer authorized by him, and shall send a copy of the report to the panchayat or the municipal body.(x)The licensee shall open and close the fair price shop as per the specified time displayed on the notice board.(xi)The licensee shall follow the duties and responsibilities as described in the license.(xii)The licensee in schedule 08 and his representative in schedule 09 shall have identity card issued by the licensing authority. The licensing authority may allow the licensee to have a representative to help him in carrying out the fair price shop business.(xiii)(a)Any concerned ration card holder desirous of obtaining extracts from the records of a fair price shop shall make a written request to the licensee along with the deposit of prescribed fee Rs 10 (ten) and Rs. 2 (two) per copy as additional fee. The licensee shall provide such extracts of records to the ration card holder within fourteen days from the date of receipt of the request and the required fee.(b)The licensee shall keep all the records related to the fair price shop safe at least for five years, and these records may be destroyed with permission of the competent authority.(c)The Block Supply Officer /In Charge Block Supply Officer shall ensure that all the records related to the shop are being kept safe by the licensee in accordance with sub- clause (b), and the extracts of the records are being supplied by the licensee to the ration card holder within 14 days of receipt of the written request and the prescribed fee. In case of non-compliance of these provisions by the licensee, the Block Supply Officer / In Charge Block Supply Officer shall report it to the licensing authority, and the legal action shall be taken by the licensing authority regarding it.(xiv)The licensee shall provide necessary cooperation in inspection and supervision system based on information technology system developed by the Department.(xv)The licensee shall implement PDS modernization and reform programmes (as ration coupon, cash transfer etc.) fully.(xvi)Under PDS reforms and modernization programmes the licensee shall be responsible to establish and

implement Information technology system.

15. Working Period and Leave.

- (i) A shop of public distribution system shall be kept open every day in a week from 7.00 am to 1.00 pm from March to August and from 8.00 am to 2.00 pm from September to February. (ii) If a fair price shop owner is unable to operate the shop due to unavoidable reasons for a limited period, he shall submit an application to the licensing authority. The licensing authority may give him permission to go in leave after making optional arrangement for supply of essential commodities to the consumers related to his shop. The maximum period of leave shall be of 90 days at a time.

16. Transfer of license.

- A fair price shop license shall not be transferred in the name of any member of a family or of any other person. No partnership shall be allowed in a fair price shop or in its license.

17. Change in a fair price shop's business place.

- (i) If the licensee wants change in storage place of essential commodities or business place as described in the license, the licensee shall submit to the licensing authority an written application for this purpose stating reasons and identification details of the proposed place of change. (ii) The licensing authority shall take a decision of accepting or rejecting the application within a fortnight from the date of its receipt. If the petition is accepted, the licensing authority shall order for necessary changes in the license and in the office's license register. (iii) If no decision is taken within a fortnight by the licensing authority, the licensee may store or begin business of the essential commodities at the proposed place for change with the prior permission of the District Officer. (iv) The licensee may shift the storage or business place of the essential commodities without permission of the licensing authority at a place not described in the license in emergency situations (such as earthquake, flood, or other reasons like sudden damage in the building, etc), and shall give its written information to the licensing authority within 72 hours, and in accordance with sub clauses 1, 2, and 3 the proposed change will be effected.

18. Payment of Commission or Margin Money Payable to the Licensee.

- It shall be the responsibility of the licensing authority to get the commission or margin money payable to the licensee under the schemes conducted by the department paid to the licensee within two months after lifting/disbursing of the essential commodities.

19. Tagging of a fair price shop.

- (i) In case of death of a licensee, or cancellation of license or stopping of allotment of essential commodities due to other reasons, the Block Supply Officer/ In Charge Block Supply Officer shall tag the consumers of such a fair price shop to the nearest fair price shop keeping in view of equality,

with approval of the licensing authority, so that the consumers of such a shop can get uninterrupted supply of food grains and other commodities.(ii)No change shall be made in tagging of the consumers in normal circumstances.(iii)All kinds of the consumers such as antoyodaya, PHH, kerosene, etc related to the catering area of the fair price shop shall be tagged with the same fair price shop.

20. Inspection.

- (i) The District Officers, Additional District Magistrates (Supply)/Additional Collectors, Special Officer, Patna Rationing, District Supply Officers, Sub Divisional Officers, Licensing Authorities, Assistant District Supply Officers, Deputy Rationing Officers, Patna, Assistant Rationing Officers, Patna, Marketing Officers, Block Supply Officers/In Charge Block Supply Officers (such as Circle Officer, Block Development Officer, etc) and Supply Inspectors shall be authorised to conduct regular inspections of fair price shops, godowns of the State Food Corporation, premises of kerosene wholesalers, and issue and distribution of SIOs, delivery of food grains and other essential commodities under door step delivery scheme, and GPS within their jurisdictions.(ii)The District Officers under their jurisdictions shall prepare a roster for inspection of all fair price shops and the issue centers such as the godowns of the State Food Corporation/premises of kerosene wholesalers of the district in such a way that each shop is inspected at least once in three month and each godowns of the State Food Corporation/premises of kerosene wholesaler at least once every month by the officers mentioned in sub Para (1).(iii)The information technology based inspection and supervision system, as developed by the department, shall also be utilized by the inspecting authorities in maintaining the reports of all kinds of inspections, and in case any irregularity is found, the inspecting authority shall make a copy of the report available to the licensing authority without delay. The licensing authority shall be responsible for taking action within a month after receiving such report.(iv)A report/evidence generated under the system of information technology shall be deemed a legal document, and an employee who distorts anything in the report/evidence generated by this system shall be liable for disciplinary and legal actions.Part - 3 Identification of Eligible Households, Ration Cards, and Lifting and Distribution of Food grains and Other Commodities

21. Identification of Eligible Households and Ration Cards.

- (i) Under this Order the Sub Divisional Officer within his territorial jurisdiction shall draw up the list of the eligible households under the National Food Security Act, 2013 in accordance with the guidelines determined by the state government, and shall be authorized to receive, register, acknowledge and process of applications for issuance of ration card or modification in the ration card in the form prescribed by the state government.(ii)The Sub Divisional Officer, under his territorial jurisdiction, shall issue a ration cards to eligible applicants within a reasonable time not exceeding one month of the date of receipt of the applications after necessary examinations and verification.(iii)The Sub Divisional Officer, under his territorial jurisdiction, shall issue ration cards in replacement of existing ration cards only when the existing ration card is lost or becomes unfit for use on account of being damaged or mutilated or is exhausted fully or where there are requests for modifications in the ration card.

22. Allotment of food grains and other commodities to Fair price shops.

- (i) The Sub Divisional Officer, under his territorial jurisdiction, shall allot food grains and other commodities to fair price shops, and while making allocation, he shall take into account the balance stock, if any, lying undistributed with the fair price shop owner for the subsequent allocations. (ii) The Sub Divisional Officer shall ensure that one copy of the allocation order made to the fair price shop is delivered to the local authority, vigilance committees, and any other body nominated by the state government for monitoring the functioning of the fair price shop. (iii) Before taking delivery of food grains from the Bihar State Food Corporation (BSFC), the Sub Divisional Officer shall appoint an officer not below the rank of a Supply Inspector who shall jointly inspect the stocks of food grains intended for issue to confirm to the prescribed quality specifications with the officer appointed by the BSFC and after the joint inspection and before dispatch of food grains from the godown, the BSFC shall issue to the fair price owner one stock-wise sealed sample jointly drawn for display at the fair price shop and a duplicate sealed sample drawn shall be kept with the BSFC for future reference. (iv) The quantity of the samples to be drawn, retention period of the samples and disposal of the samples shall be as per the instructions issued by the State Government from time to time.

23. Monthly certificate of distribution of food grains and other commodities.

- The Sub Divisional Officer shall ensure to get the monthly certificate of distribution of food grains and other commodities from the fair price shop owner with certification jointly by the local mukhiya or by the head of the local municipal body, as the case may be, and by a member of the local vigilance committee. Part - 4 Penalty

24. Penalty.

- A violator (including a licensee) of any provision of this Order shall be liable to punishment under section 7 of the Act.

25. Action against a licensee.

- (i) In view of the order passed by the Hon'ble Supreme Court in Civil Writ 196/01, action shall be taken against the licensees in the following circumstances :- Licensees who, (a) do not keep their shops open throughout the month during the stipulated period; (b) fail to provide food grains to BPL families strictly at BPL rates and no higher; (c) keep the ration cards of BPL household with them; (d) make false entries in the BPL ration cards; (e) engage in black marketing or siphoning away food grains to the open market and handover such ration shops to such other person/organizations shall make themselves liable for cancellation of their license. The concerned authorities will not show any laxity on the subject. (ii) The above mentioned order of the Hon'ble Supreme Court shall be applicable also to other goods supplied from a fair price shop.

26. Delegation of powers of the licensing authority.

- Along with implementing the provisions of the Public Distribution System (Control) Order, 2016 the powers entrusted to the licensing authority of issuance/renewal of license, issuance of identity cards to fair price shop owner under Public Distribution System, getting the conditions, duties and responsibilities as described in the license implemented, and of annulment of license shall not be delegated to any other authority. The action of asking show cause from the fair price shop owner on the report of an inspecting officer shall be taken only by the licensing authority.

27. Cancellation of License.

- (i) If a licensee violates any provision of this Order or fails to comply duties and responsibilities assigned to the license, his license shall be cancelled by the licensing authority by a written order, and such a cancellation of license shall not affect other actions initiated/initiable under the Essential Commodities Act, 1955 (Central Act 10 of 1955). (ii) No order of cancellation of a license shall be made until the licensee has been given sufficient opportunity to state his case against the proposal of cancellation of his license. (iii) The cases of violation of the provisions of this Order shall be disposed of within two months, as far as possible, after coming in cognizance as for.

28. Actions to be taken against a licensee after a FIR lodged.

- If an FIR is lodged against a licensee under the Essential commodities Act, 1955 or for any other criminal cases, and he is sent to jail or he goes fugitive, his license shall be suspended by the licensing authority with immediate effect, and after serving show cause notice upon him in accordance with Civil Procedure Code and giving him sufficient opportunity to present his case, a lawful action shall be taken within 180 days, as far as possible.

29. Consequence of Conviction.

- The license of a licensee convicted by a competent court for violation of an order made under section 3 of the Essential Commodities Act, 1955 or for any other offence shall be cancelled by the licensing authority by a written order : Provided that if such a conviction is annulled in appeal or revision, the license shall be restored by the licensing authority, if such a licensee within one month from the date on which such an annulment order is passed makes a written representation to the licensing authority with attaching certified copy of such an order and with payment of license fee equal to a new license fee through treasury challan.

30. Distribution of essential commodities after a license is suspended or cancelled.

- The block supply officer/ in charge supply officer / supply inspector shall get the food grains and other essential commodities available to the licensee at time of his license being suspended/ cancelled, disbursed under his care to the concerned consumers at the prevailing rates and

quantities within 30 days from the date of the receipt of such order, and the amount so collected shall be handed over to the licensee/ his representative :Provided that if the commodities could not be disbursed within 30 days due to unavoidable reasons, the time period of disbursement, which shall be maximum of 60 days, shall be extended by the licensing authority upon the report of the block supply officer/ in charge block supply officer /supply inspector.Part - 5 Search and Seizure

31. Power of Search and Seizure.

- (i) The following officers, in their territorial jurisdiction shall be authorized under this Order to enter, inspect, examine, search and seize the premises of a fair price shop or the premises which are related to fair price business :-(i)Principal Secretary, Secretary, Special Secretary, Additional Secretary, Joint Secretary, Deputy Secretary and Under Secretary of the department;(ii)All Divisional Commissioners;(iii)All Deputy Inspector General of Police;(iv)All District Officers;(v)All Superintendent of Police(vi)All Additional District Magistrates;(vii)All Additional Collectors;(viii)All Deputy Directors, Food and Civil Supplies;(ix)All District Supply Officers;(x)All Sub Divisional Officers;(xi)All Deputy Superintendent of Police(xii)All Assistant District Supply Officers;(xiii)Magistrate In Charge, Flying Squad constituted by the department;(xiv)All Executive Magistrates;(xv)Special Rationing Officer, Patna;(xvi)Deputy Rationing Officer, Patna;(xvii)All Assistant Rationing Officers, Patna;(xviii)All Block Development Officers;(xix)All Circle Officers;(xx)All Block Supply Officers/ In Charge Block Supply Officers;(xxi)All Marketing Officers;(xxii)All Supply Inspectors;(ii)The authorized officer may inspect or seek such records or documents as may be considered by him necessary for examination and he may take extracts or copies of any records or documents produced before him.(iii)If the authorized officer has reasons to believe on receipt of a complaint or otherwise that there has been any contravention of the provisions of this Order or the Central Public Distribution System (Control) Order, 2015, or with a view to securing compliance with these Orders, he may enter, inspect or search the fair price shop or any premises related to transactions of business of the fair price shop.(iv)The authorized officer may also search, seize or remove such books of accounts or stocks of food grains and other commodities where such authority has reason to believe that these have been used or will be used in contravention of the provisions of Central "Targeted Public Distribution System (Control) Order, 2015" or this order.(v)The authorized officer conducting search and seizure under sub-clause (4) shall inform the District Magistrate or an officer authorized by him the details of the search conducted and the stocks of food grains or other commodities so seized.(vi)The provisions of section 100 of the Code of Criminal Procedure 1973, relating to search and seizure shall, so far as may be, apply to search and seizure under this Order.Part - 6 Appeal

32. Appeal.

- (i) All District Officers under their territorial jurisdiction are appointed as appellate authority for exercising the powers conferred upon and discharging the functions under this Order.Provided that an appeal pending before an Appellate Authority appointed under the Public Distribution System (Control) Order, 2001 shall be disposed of by such authority as if this Order had not been made.(ii)Any person aggrieved by an order of the designated authority denying the issue or renewal of a ration card or cancellation of the ration card may appeal to the District Officer within thirty days

of the date of receipt of the order.(iii)Any person aggrieved by an order of the licensing authority denying the issue or renewal of the license to the fair price shop owner or cancellation of the license may appeal to the District Officer within thirty days of the date of receipt of the order and the District Magistrate shall, as far as practicable, dispose the appeal within a period of sixty days.Provided that once an appeal has been disposed of by the District Officer, the time for issue or renewal of the license of the fair price shop owner by the licensing authority shall begin from the date of decision of the District Officer on the appeal.(iv)No appeal shall be disposed of unless the aggrieved person has been given a reasonable opportunity of being heard.(v)Till the disposal of appeal pending, the Appellate Authority may direct that the order under appeal shall not take effect for such period as the authority may consider necessary for giving a reasonable opportunity to the other party under sub-clause (4) or until the appeal is disposed of, whichever is earlier.(vi)Due to non disposal of the appeal within sixty days by the District Officer or against the order passed in the appeal, a revision may be filed before the Divisional Commissioner. The revision shall be disposed of within two months.(vii)The Principal Secretary/ Secretary of the department may call for the records related to the order passed under the provisions of this Order by the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer suo motto or upon a representation by someone, and if he is satisfied that the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer(a)has exercised such powers which are not entrusted to him,(b)has exercised his powers illegally without considering the facts of the case,(c)has failed in use of his powers, he may pass an order which he thinks fit.Part - 7 Miscellaneous

33. Exemptions.

- The provisions of the Central Targeted Public Distribution System (Control) Order, 2015 or this Order shall not be applicable to purchase or sale or storage for sale of essential commodities by the followings or in this behalf :-(a)Central Government or godown's of Central Government;(b)The State Government or godown's of the State government;(c)The Officials and departments of the State government, and the Bihar State Food and Civil Supplies Corporation and its godown's (except Fair Price shops godown's);(d)Godown's of a central or state level cooperative society (except Fair Price shops' godown's);(e)Gram Panchayat Bhawan (except Fair Price shops' godown's).

34. Repeal and Savings.

- (i) Departmental Notification No. G.S.R. - 01 dated 20th February, 2007, G.S.R. - 03 dated 21st February, 2007, Notification Memo No. 5738 dated 23rd June, 2011, Notification Memo No. 61 dated 5th January, 2015 and Notification Memo No. 5819 dated 23rd July, 2015 issued under Central Public Distribution System (Control) Order, 2001 is hereby repealed.(ii)Notwithstanding such repeal, any thing done or any action taken under the said notifications shall be deemed to be done or taken under this order as if it was come in to force for the time being.(iii)All the cases against fair price shop's licensees pending at the commencement of this Order shall be dealt with in accordance with the provisions of the orders under whom these cases were initiated.(iv)Before the commencement of this Order all letters, circulars, orders and directions issued under public distribution system in regard to the fair price shop's license, licensing process, license fee, license

renewal fee, fee for the duplicate copy of license, work operation by the licensee, licensee's working period and holidays, license' suspension and cancellation, search and seizure, penalty, disbursement of essential commodities after cancellation or suspension of a license, transfer of license, agreement, identity card of the licensee or his representative, change in business place of fair price shop, and consequences of conviction under the Essential Commodities Act, 1955 and appeal/revision shall deemed to be repeal, but notwithstanding such repeal, any such investigation, legal proceedings or remedy may be instituted, continued or enforced, any such penalty, forfeiture or punishment may be imposed as if the said orders have not been repealed.(v)The circulars issued time to time earlier regarding monitoring of the fair price shops shall remain in force and shall be deemed to be notified under this Order, if they are not inconsistent with the provisions of this Order or with the provisions of the Central Targeted Public Distribution System (Control) Order, 2015.(vi)The notifications, orders and directions issued or to be issued under the provision of National Food Security Act, 2013, in regard to identification of eligible households, ration cards, delivery of food grains, lifting and distribution of food grains by the State, monitoring, transparency and accountability, and end to end operations which includes digitization of beneficiary, ration cards, and other databases, computerization of supply chain management, setting up transparency portal, grievance redressal mechanism and fair price shop automation shall be deemed to be issued under this Order too.

35. Protection of action taken under this Order in good faith.

- No suit, prosecution, other legal proceeding shall lie against any person for anything which is done or intended to be done in good faith in pursuance of this Order.

36. Power of the State Government to give directions.

- The State Government may give such directions as it deem necessary for execution of all or any of the provisions of this Order or of the Central Public Distribution System (Control) Order, 2015.

Schedule 01

Application for a fair price shop license under Bihar Targeted Public Distribution System (Control) Order, 2016 (for individuals)

The designation and Office Address of the Licensing authority.....1.	Attested Photoof the
Particulars of the applicant(a) Name(b) Father/husband's name(c) Educational Qualification(d) Age	
(e)Permanent and Present Address (with phone no./mobile no./e-Mail address)(f)Computer Knowledge	

2. The details of the fair price shop for which the license is required.

Details of Business Place(a)House/shop no.(b)Holding no.(c)Area(d)Khata no. Khesara no.....(e)Boundary(f)Muhalla/ Ward No.(g)Village/town(h)Police Station(i)District

- 3. If reservation claimed, state reservation class and attach caste certificate**
- 4. The business place whether self owned or rented. If rented, attach certified copy the rent agreement.**
- 5. If the applicant has license of other business, give its details**
- 6. Is applicant ever convicted for violation of any order issued under the EC Act, 1955 during last three years by a court.**
- 7. Has the applicant been convicted or declared insolvent by a court?**
- 8. Is any criminal case pending against the applicant?**
- 9. Is the applicant posted on a post of profit under Govt.? If yes, give details.**
- 10. Is the applicant in a government job? If yes, give details.**
- 11. Does the applicant own a flour mill?**
- 12. Is the applicant a close relative of a flour mill owner?**
- 13. Is the applicant a mukhia, sarpanch, , panch, ward member, member of a panchayat samiti, member of a district board, MLA, Legislative Councilor, M.P., elected member of a municipal body?**

I.....hereby declare that the above mentioned particulars are true to the best of my knowledge and belief, and nothing is undisclosed . I shall be liable to legal action if they are found incorrect in future.I have carefully gone through and understood the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016 and I agree to abide by it.PlaceDateSignature of the applicant

d 2

Application for a fair price shop under Bihar Targeted Public Distribution System (Control) Order, 2016 (for self help groups and co-operative societies of women /ex-servicemen)

The designation and Office Address of the Licensing Officer.....1.

Particulars of the Cooperative Societies of women/ex-servicemen/ Self Help Group(a) Name and type(b) Registration no. and year (In case of Self Help Group Year of Constitution with present grading)(c) Office Address(d) Chief occupation and working area

Attested
Photoof the
aplicant

(e)Details of the chairman/chief and members of the managing committee, (attach copy of the election certificate)(f)If superseded, mention name and designation of the administrator,

2. The details of the fair price shop for which the license is required.

3. Information as to the person authorised by the managing committee of the cooperative Societies of women/ex- servicemen /Self Help Group to make application

(a)Name.(b)Father's /husband's name(c)Permanent address(d)Correspondence address(e)Phone no./ Mobile no./ e-mail address

4. If reservation claimed, state reservation class and attach caste certificate of the members of the managing committee including its chief.

5. Details of Business Place

(a)House/ Shop no.(b)Holding no.(c)Area .(d)Khata no. Khesara no.....(e)Boundary(f)Mohalla/Ward no.(g)Village/town(h)Police Station(i)District(j)Storage capacity of the godown

6. The shop or godown whether self owned or rented? If it is self owned, attach attested copies of the related papers, and if rented, attach the attested copy of the rent agreement.

7. If the co-operative Societies of women/ex- servicemen /self help group has a license of any other business, give its details.

8. Details of the working capital available with the cooperative Societies of women/ex-servicemen or the self help group.

(give details of the bank accounts with the balance on the date of submitting application)I.....hereby declare on behalf of the as being authorised in the meeting datedof its managing committee by the proposal no..... that the above mentioned particulars are true to the best of my knowledge and belief, and nothing is undisclosed.I further declare that the managing committee of have gone through and understood the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016 and it agrees to abide by it.

Countersignature of the Chief of the Society

Signature of the applicant authorised to apply /Self help group

Name	Name
Designation	Designation
Name of the Society/Self help group	Name of the Society/Self help group

d - 03

License of Fair Price Shop under the Bihar Targeted Public Distribution System (Control),
2016-----

License No.....Challan No.Date.....Name ofThe licensee.....Father's/Husband'sname.....Address.....	Photo of thelicenseeattested by thelicensing officer
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Duties and Responsibilities

1. Shri is hereby authorized to stock essential commodities at the place which details given below with the view of regularization of purchase, sale and distribution of essential commodities of the public distribution system under the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016 and of the duties and responsibilities of the licensee.

Details of Storage place(a)Khata..... Khesar..... Holding no.(b)Area of the shop
.....(c)Details of the shop
.....(d)Address
.....(e)Boundary of the shop
.....(f)If the shop is on rent, the owner's name and
address.....

2. Details of the essential commodities

(a)Food grains(b)Edible oil(c)Kerosene(d)Sugar(e)Pulses(f)Other commodities

3. (a) The licensee shall maintain stock and sale registers and cash memo as prescribed in accordance with directions issued by the Food and Consumer Protection Deptt., Bihar. He shall enter quantities of the essential commodities mentioned in the serial no. 2 in the registers as follows :-

(i)Food grains/pulses in quintal or kilogram(ii)Edible Oil/ Kerosene in liter(b)The licensee shall complete all the entries in the stock and sale registers before the opening of the shop next day.

- 4. The licensee shall keep open the shop every day during the prescribed timings, and shall display at the easily visible place the "notice board" outside the shop and the "price and stock display board" inside the shop. The notice board in accordance with the scheduled 7 and the price and stock board in accordance with the scheduled 8 either by painting the wall or by a board.**
- 5. The licensee shall maintain in the shop the list of the consumers of all kinds (such as PHH, antodaya, kerosene, etc.) related to the shop.**
- 6. The licensee shall distribute the essential commodities to ration card holders as per their entitlement at the prescribed rates.**
- 7. The licensee shall allow the ration card holders to draw the essential commodities to the extent of their entitlement in more than one installment.**
- 8. The licensee shall not sell or offer to sell to the concerned consumers the essential commodities at the rate higher than the prescribed one**
- 9. The licensee shall give cash memo (in accordance with schedule 06) to every consumer after supply of the essential commodities, writing the name, address, and ration card no. of the consumer and taking his signature/ thumb impression therein. The carbon copy (second copy) of the cash memo shall also be printed like the original one, in which the name, license no, and address of the licensee shall also be printed.**
- 10. The licensee shall return the ration card to the concerned consumer after making entries of the supply of the essential commodities therein. In no circumstances the licensee shall retain the consumer's ration card with himself**
- 11. The licensee shall display inside his shop at easily visible place the sealed samples of food grains and other commodities made him available by the authorities at the time of their lifting.**
- 12. The licensee shall produce such information related to the business, when it is demanded, correctly, and shall comply the orders that would be given time to time by the state government, the divisional commissioner, the**

district officer and the licensing authority.

13. The licensee shall provide all proper facilities to the inspecting authorities to inspect the stock of the essential commodities and accounts/registers and to take their samples for examination.

14. The licensee shall maintain a "inspection register" and a "complaint-cum-advice register". The licensee shall provide the complaint-cum-advice register to the consumers on demand to enter their advices/ complaints regarding quality, quantity of food grains and the other problems faced during drawing the ration.

15. The licensee shall comply cent percent the provisions of the "Bihar Coupon Yojana, 2006" and the "Bihar Kerosene Coupon Yojana, 2006". .

16. The licensee shall keep the license and all kinds of registers/books, deeds , list of the consumers etc and cash memo related to the fair price shop in the shop.

17. The licensee shall preserve all the essential commodities in the proper condition, and shall make arrangement to save these commodities from the loss to be caused by moisture, rainfall, insects, birds, fire and other things.

18. The licensee shall not store fertilizers, insecticides and poisonous chemical substances with food grains.

19. The licensee shall keep balance, watts and other instruments in the shop for supply of essential commodities in correct weight and measurement getting them verified annually in time by the weight and measurement department.

20. The licensee shall submit the report certified by the local mukhiya or local head of the municipal body, as the case may be, and by one of the member of the local vigilance committee, of the accounts of actual distribution of food grains and the balance stock at the end of every month at the fair price shop to the licensing authority or to the officer authorized by him, and shall send a copy of the report to the panchayat or the municipal body.

21. The licensee shall present to the inspecting officer the records or registers related to allotment and disbursement of essential commodities, and shall give such information as demanded by the inspecting officer or the licensing officer.

22. (a) Any concerned ration card holder desirous of obtaining extracts from the records of a fair price shop will make a written request to the licensee along with the deposit of fees of minimum Rs 10 (ten) and maximum Rs.2 (two) per copy whichever is more. The licensee shall provide such extracts of records to the ration card holder within fourteen days from the date of receipt of the request and the required fee.

(b)The licensee shall keep all the records related to the fair price shop safe at least for five years, and he may destroy these records with permission of the competent authority.

23. The licensee shall ensure necessary cooperation in inspection and supervision system based on information technology system developed by the Department.

24. The licensee shall implement PDS modernization and reform programmes (as ration coupon, cash transfer etc.) fully.

25. Under PDS reforms and modernization programmes the licensee shall responsible to establish and implement Information technology system.

26. This license shall be valid upto

PlaceDate(Licensing Authority)Name, designation and office seal.

Schedule 04

Application for the Renewal of the Fair Price Shop's Licence No.Issued Under the Bihar Public Distribution System (Control) Order, 2016.ToThe Licensing Authority,.....Sir.,I hereby apply for the renewal of the Fair Price Shop's Licence No.issued under the provisions the Bihar Public Distribution System (Control) Order, 2016. The required particulars are as follows :-

1. Challan No..... date.....

Deposit of renewal fee/Late fee

2. The date of validity of the license

3. The name of the license

4. The details of the action taken against the licensee for violating an order issued under the Essential Commodity Act, 1955, if there is any.

I -----hereby declare that the above mentioned particulars are true to the best of my knowledge and belief and nothing is undisclosed. Place Date Signature of the Licensee

Schedule 05

Sample of Cash memo to be Issued to Consumers

Food and Consumer Protection Department, Bihar
Cash memo
Date -Serial No. Name, Address,
License No. of the Fair Price Shop owner :-Consumer's name and address.....Ration Card
No.....Type of Ration Card (PHH/Antodaya/ Annapurna/Kerosene etc).....Unit
.....The name of the commodity suppliedRate.....Weight/
Measurement.....Amount receivedSignature/ thumb impression of
Consumer
Signature of the FPS Owner

Note. - The cash memo shall be issued for every commodity supplied. Thereon signature / thumb impression of the consumer shall be taken.

Schedule 06

A Fair Price Shop Under the Bihar Public Distribution System (Control) Order, 2016 (Food and Consumer Protection Department, Bihar)
Notice Board
Date

1. Name of the Fair Price Shop Owner :

2. Address :

3. Ward No. :

4. License No. :

5. The opening period of the shop :

Note 1. - With yellow color base the minimum size of the board should be 3'x2' and the entries should be in black color and shall be displayed outside the shop.

2. The Fair Price Shop shall remain open as prescribed by the government.**Schedule 07**

Food and Consumer Protection Department, Bihar Price and Stock Display Board Date.....

Food and Consumer Protection
Department, Bihar Price and stock Display
Board Date.....1. Name of Fair Price
Shop Owner : -2. License No.3.{|

Type of ration card attached to the shop	No./unit of attached ration cards	Allotment (in quintal-kilogramme/liter)	
Wheat	Rice	Kerosene	Others
PHH			
Antoyodaya			
Annpurna			
Kerosene			
Others			

Serial no.	Name of commodity	Today 'stock in quintal kilo/ liter	Today's receipt	Total	Rate per kilo/liter	Allowable Quantity per card/unit	Remarks
1	PHH wheat						
2	PHH rice						
3	Anntoyodaya wheat						
4	Anntoyodaya rice						
5	Annapurna wheat						
6	Annpurna rice						
7	Sugar						
8	Kerosene						
9	Others						

4. Designation, address , phone/ mobile no. of

District Complain Redressal Officer :-

5. Toll Free Helpline no.

6. The complain-cum-advice book is available

with the dealer|}Note. - (1) The minimum size of Price and Stock Display Board shall be of 4'x 3'.(2)The base of the Price and Stock Display Board shall be in black and entries thereon shall be in white color.(3)Price and Stock Display Board may be made on wall by painting or by making a board, and should be inside the shop at a easily visible place.

Schedule 08

Specimen of the Identity Card of the LicenseeFood and Consumer Protection Department,
BiharName of the OfficeIdentity Card No.

1. Name of the Fair Price Shop Owner :-2. License No. :-3. Address :- Photo of theLicensee
(Photo shall be attested by local Mukhia/Ward Commissioner/Ward Counselor)

4. Signature of the Licensee :-

5. Valid Date (Till the next renewal date of the License)

Sig. of the Supply
Inspector

Sig. of the Marketing Officer / Block
SupplyOfficer

Sig. & Seal of the Licensing
Authority

.....

Schedule 09

Specimen of the Identity Card of the Representative of the LicenseeFood and Consumer Protection
Department, BiharName of the OfficeIdentity Card No.

1. Name of the Fair Price Shop Owner :-2. License No. :-3. Address :- Photo of theLicensee {
Photo of the NominatedRepresentative
|}(Photo shall be attested by local Mukhia/Ward Commissioner/Ward Counselor)

4. Name and address of the nominated representative :-

5. Signature of the nominated representative :-

6. Signature of the Licensee :-

7. Valid Date (Till the next renewal date of the License)

Sig. of the Supply
Inspector

Sig. of the Marketing Officer / Block
Supply Officer

Sig. & Seal of the Licensing
Authority