

HARYANA GOVERNMENT
FOOD AND SUPPLIES DEPARTMENT
ORDER

The 13th July 2009

No. S.O.59/C.A.10/1955/S.3/2009 : - In exercise of the powers conferred by the 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 with the prior concurrence of the Central Government conveyed vide letter No.F9(20)2008-PD-II dated 1st January, 2009 the Governor of Haryana hereby makes the following order regulating the sale and distribution of essential commodities, namely:-

Short title, extent and commencement

1. (1) This order may be called the Haryana Public Distribution System (Licensing and Control) Order, 2009.
- (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.

Definitions

2. In this Order, unless the context otherwise requires;
 - (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 Family”** means the family which has been issued Above Poverty Line (APL) ration card by the Food and Supplies Department for issue of listed essential commodities under the Public Distribution System;
 - (d) **“Antyodaya Families”** means those poorest families from amongst the Below Poverty Line (BPL) families as identified by the Rural Development and the Urban Development Department and entitled to receive listed essential commodities under the Antyodaya Anna Yojana;
 - (e) **“appellate authority”** means any authority appointed by the State Government to exercise the powers of the appellate authority under this order;
 - (f) **“Below Poverty Line Families”** means those families who have been so identified by the Rural Development and Urban Development Departments or any other department authorized to do so by the State Government for issue of listed essential commodities at specially subsidized rates.
 - (g) **“dealer”** means a legal person or a body who procures, stores

- and supplies any Public Distribution System item to fair price shop owners, for example The Haryana State Federation of Consumer's Coop Wholesale Stores Limited. (CONFED), Cooperative Stores, Kerosene wholesale dealer etc;
- (h) **“eligible applicant”** means a person having 10+2 or its equivalent qualification, not less than 21 years of age and is a resident of the locality for which the fair price shop license is applied for. However, in case of a Group like Self Help Group and Sakshar Mahila Smooh, the condition of 10+2 pass and age will not apply.
 - (i) **“Fair Price Shop”** means a shop which has been identified in the license to distribute essential commodities to the ration card holders under the Public Distribution System under this order. The license of a fair price shop shall be granted for a minimum number of 600 ration cards not exceeding 1200 ration cards, but in rural areas a village shall be treated as one unit for this purpose and as such the license for the fair price shop may be issued even for less than 600 ration cards of the village.
 - (j) **“Fair Price Shop Owner”** means a person and includes a Sakshar Mahila Smooh or a Self Help Group or 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,
 - (k) **“State Government”** means the State Government of Haryana;
 - (l) **“licensing authority”** means the District Food & Supplies Controller of the concerned district.
 - (m) **“Public Distribution System Commodities”** means commodities allocated by the State Government or the Central Government for distribution amongst ration card holders through the Public Distribution System;
 - (n) **“place of business”** means the place where a dealer or a fair price owner stores, sells or distributes any of the essential commodities;
 - (o) **“Public Distribution System (PDS)”** means the system for distribution to the ration card holders of essential commodities such as rice, wheat, sugar, kerosene and such other commodities as may be made available by the Central or the State Government for distribution through such system.
 - (p) **“ration card”** means a paper or electronic document or smart card issued under an order or authority of the state Government for the purchase of essential commodities under the Public Distribution System for the families of Above Poverty Line, Below Poverty Line, and Antyodaya Anna Yojana or for any other specific objective under any Central or State Government scheme as specified by State Government; but Ration card shall not be used as documents of identity.
 - (q) **“working hour”** means the hours or period specified by the Director Food and Supplies Department from time to time for opening of the Fair Price Shop.

Grant of license to dealers.

3. (1) Except Kerosene Oil, the license shall be granted to the dealers by the licensing authority. Kerosene Oil License conditions shall be governed by the Haryana Kerosene Oil Dealers Licensing Order, 1976
- (2) No dealer shall be granted a license under this order unless he has first been appointed as such by the competent authority.
- (3) No dealer shall hold a license to deal in a commodity under the Public Distribution System under this Order if he or any of his family members have a commercial interest in a business or commercial users of the said commodity or a commodity closely related to the said commodity entrusted with supervision of the Public Distribution System.

Explanation.- For the purpose of this clause,

- (i) “commercial interest’ shall include business partnership and relationship of tenant/landlord of a commercial building;
- (ii) diesel and petrol shall be deemed to be commodities closely related to Kerosene;
- (iii) owner of a commercial vehicle including boat shall be deemed to be commercial user of diesel/petrol;
- (iv) family shall mean a family unit consisting of the individual concerned, his spouse, their unmarried sons and daughters and married sons and dependent parents.

Provided that prohibition under this clause shall not apply in relation to the vehicles meant for and primarily used for transportation of Kerosene from oil depots of the oil marketing companies to the business premises of wholesaler agent of an oil marketing company;

Provided further that the license shall not be cancelled for violation of provisions of this clause if the dealer or his family member, as the case may be, relinquishes his interest in such other businesses within a period of three months from the date of coming into force of this order.

Licensing authority of Fair Price Shop Owner

4. (1) No body shall operate a fair price shop in any essential commodities under the Public Distribution System except under and in accordance with a license issued in that behalf by the licensing authority;

Provided that such a license obtained under any of the relevant licensing order in force on the date of coming into force of this order shall be deemed to be a license issued under this order from the date of coming into force of this order.

- (2) A separate license shall be required for each place of business dealing with essential commodity under the Public Distribution System.
- (3) No family member of a fair price shop owner shall be eligible to get another license for another fair price shop and no one can operate a business license in another name (Benami).

Explanation:- 'family' includes all those persons whose names have been entered in the ration card of a fair price shop owner or who are dependent upon him.

Issue of Fair Price Shop license

5. (1) Licensing authority shall call for applications through local publicity and munadi in the local area of the Fair Price Shop. If any applicant is a graduate he shall be preferred. The order of preference of all eligible applicants shall be as under:-

1. Self Help Group or Sakshar Mahila Group;
2. Unemployed female/male graduate;
3. Schedule caste female/male
4. Backward Class (A) female/male;
5. Ex-serviceman

A committee comprising District Food and Supplies Controller, Inspector Food and Supplies concerned and the Sarpanch of village in rural area and District Food and Supplies Controller, Inspector Food and Supplies concerned and Municipal Councilor in urban area shall recommend to the licensing authority the name of the eligible applicant as per these priorities/preference. The licensing authority shall appoint such recommended applicant as Fair Price Shop Owner within the next 7 days. Appeal against the decision of the licensing authority shall lie before the Deputy Commissioner within a period of fifteen days of issue of the orders of the licensing authority. The Deputy Commissioner shall decide the appeal within a period of thirty days. The orders of the appellate authority shall be final.

- (2) Every application for a license of a Fair Price Shop or for renewal thereof or for duplicate copy thereof shall be made to the licensing authority in Form A
- (3) Every license issued, reissued or renewed under this order shall be in Form B and shall specify the commodity/commodities scheme wise, which the licensee shall deal in, and the place of business and jurisdiction where the licensee shall operate.
- (4) Every application for renewal shall be made along with the original copy of license at least forty-five days before the date of expiry of such license;
- (5) Application for renewal of license shall be disposed off before the date of expiry of the license.

Provided that where an application for renewal of license has been received by the licensing authority within the specified period and not rejected or returned to the applicant, the validity of license shall not be deemed to have expired until disposal of the application.

- (6) Where a license issued under this order has been lost or destroyed or defaced, the licensee shall immediately obtain a duplicate copy thereof from the licensing authority on application by depositing the fee as per rule 6(2) (iii) .
- (7) Grant of a license shall not confer a right on the licensee for allotment of Public Distribution System items. The authority competent to allocate Public Distribution System items shall decide on the quota to be allocated to each Fair Price Shop Owner with due consideration to factors like utilization of the quota allocated earlier, distance from the area proposed to be serviced, compliance of the provisions of this

order by the Fair Price Shop Owner and requirements of overall efficiency of the Public Distribution System.

- (8) No family member of a Fair Price Shop Owner shall be eligible to get a new license for another Fair Price Shop.
- (9) The license shall not be transferred to any person or family member or any other relative or any other person in any case.

Period of license and fee chargeable

6. (1) Every license granted under this order shall, unless revoked or expired earlier be valid for a period of two years or part of a year and may be renewed for a period of two years or part of a year at a time on Form A.

Explanation- 'year' means the financial year commencing on the 1st day of April and ending on the 31st day of March of the succeeding year.

- (2) The fees chargeable in respect of each license for a period of two years or part thereof shall be as under:-
 - (i) for issue of license two thousand rupees only.
 - (ii) for renewal of license five hundred rupees only.

Provided that if a licensee fails to renew his license before 31st March he can get it renewed within three months from the expiry date. But for his failure to renew the license within the stipulated period, he shall produce sufficient reasons justifying the delay. If the Fair Price Shop Owner applies for renewal of the license in 1st month after the expiry period, he shall pay Rs. 250/- in addition to the renewal fee. If he applied in 2nd month of its expiry he shall pay Rs. 500/- in addition to renewal fees and in 3rd month of its expiry he shall pay Rs. 1000/- in addition to the renewal fees.

- (iii) for issue of duplicate license five hundred rupees only.

- (3) The fees specified above shall be deposited in the Government Treasury by a challan to the credit of the State Government under the Head "0435-Other Agricultural Programme, 800-other Receipt-(96)- L/ fee for the storage of foodgrain"
- (4) The application shall be accompanied by a receipt treasury challan in token of payment of prescribed fees.

Security Deposit

7. (1) Every Fair Price Shop owner or dealer shall, before a license is issued to them, deposit an amount mentioned below by way of security in favour of the licensing authority in the manner hereinafter as specified below:-

for Fair Price Shop Rs. 5,000/- (five thousand rupees only)
for dealer Rs. 20,000/-(twenty thousand rupees only)

- (2) The security deposit referred to in sub-clause (1) shall be in form of "Deposit at Call-Receipt" of the State Bank of India/any Nationalized Bank endorsed in favour of the licensing authority

Power to refuse, renewal of license of dealer and Fair

8. (1) The licensing authority may refuse to renew any license if it is of the opinion that the performance of the licensee was not satisfactory or that the licensee has contravened any provisions of the Act or any

Price Shop Owner

order issued there under or terms and conditions of license, or that the licensee has other commercial interests, which may be detrimental to the smooth functioning of Public Distribution System or that the expected size of operations of the dealer is not economically viable and/ or that the renewal of license would otherwise be not in the interest of efficient functioning of the Public Distribution System.

- (2) Where the application for grant of license is not refused, the licensing authority shall grant the applicant a license in Form B subject to the conditions mentioned therein and such other conditions as the licensing authority may specify or instructions as the licensing authority may issue from time to time.

Responsibilities and duties of Fair Price Shop Licensees

9. the responsibilities and duties of the Fair Price Shop Licensees shall include inter alia---
 - (i) sale of essential commodities as per the entitlement of ration card holders at the retail issue price fixed by the State Government under the Public Distribution System
 - (ii) display of upto date information on a notice board at a prominent place in the shop on a 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. 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) account of the actual distribution of essential commodities and the balance stock at the end of the month to the concerned Sub Inspector Food and Supplies/ Inspector Food and Supplies/ Assistant Food and Supplies Officer and District Food and Supplies Controller with a copy to the Gram Panchayat/ local municipal body;
 - (viii) opening and closing of the Fair Price Shop as per the prescribed timings displayed on the notice board;
 - (ix) 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;
- (x) the Fair Price Shop owner shall provide the relevant extract of the record maintained by him to the beneficiary on payment of Rs. 10/- only;
 - (xi) the Fair Price Shop Owner shall not retain ration card after the supply of essential commodities;
 - (xii) the Fair Price Shop Owner shall use only such weights and measures which are duly verified by the Legal Metrology Department, Haryana;
 - (xiii) the Fair Price Shop Owner shall keep the complete records of the PDS items for at least two years in his/her safe custody;
 - (xiv) the Fair Price Shop Owner shall give information every month about the allocated PDS item, the quantity distributed by him to the eligible consumers and the balance stock etc. to any two members of the Vigilance Committee otherwise no supply of PDS item shall be given to the Fair Price Shop owner for the next month. He shall also obtain "satisfaction certificate" from the Vigilance Committee regarding satisfactory distribution of all allotted items in the previous month;
 - (xv) the Fair Price Shop Owner shall be responsible for making all essential entries in the ration cards;
 - (xvi) the Fair Price Shop Owner shall store and sell essential commodities only at the place specified in the license;
 - (xvii) behave with the consumers cordially and with due courtesy.

Responsibilities and duties of dealers

10. (1) The dealers shall be responsible for.-
- (a) keeping the essential commodities meant for Public Distribution System after obtaining the same from the authorized/nominated agency in the month preceding to the month to which the allotment relates;
 - (b) supplying the Public Distribution System commodities to the Fair Price Shop Owner immediately on demand and subject to prepayment of cost of commodities and production of tally register etc. as prescribed;
 - (c) maintaining register/records as prescribed by the Government or licensing authority from time to time;
 - (d) producing such records, and information as called for by the authorized inspecting officers;
 - (e) keeping certified weights and measures as may be prescribed by Government;
 - (f) displaying the following information on a notice board at prominent place outside the business premises near the entrance of the premises namely:-
 - (i) timing of the shop;
 - (ii) opening stock, quantity received, sold, closing stock, on a daily basis;
 - (iii) issue price of each (commodity); and
 - (iv) license number/name of owner.
 - (g) maintaining books of accounts in the manner prescribed by the State Government/licensing authority and provide these to authorized officers for inspection and verification on demand;

- (h) providing correct cash memo in sequential order and, in case of listed essential commodities, printed copy of weighment slip to the Fair Price Shop owner;
 - (i) displaying samples of foodgrains in stocks kept for sale;
 - (j) providing relevant extracts of records to any person on payment of prescribed fees;
 - (k) arranging for scientific storage of Public Distribution System commodities; and
 - (l) ensuring that the agents and employees comply with all terms and conditions of the license and provisions of this order.
- (2) The Dealer, shall not-
- (a) close the business premises during the business hours on working days without obtaining prior written permission of the licensing authority or an officer authorized by the Licensing Authority or by State Government;
 - (b) deliver Public Distribution System commodities to any person other than that a licensee for whom the commodities are meant to be supplied;
 - (c) stock/store the Public Distribution System commodities at any place other than the place allowed in the license;
 - (d) retain the tally register of other licensees with him and
 - (e) keep the records relating to the business at any place other than the licensed business premises.

Facilities at wholesale/retail points of dealers and Fair Price Shops and their working hours.

11. (1) The dealers and Fair Price Shop Owners shall arrange for providing following infrastructure and facilities at their business premises:-
- (a) adequate size of building in which at least quantities of one month's normal allotment of listed essential commodities can be stored and its distribution can be done without any inconvenience to the consumers; and
 - (b) there shall be enough space in front of the Fair Price Shop for separate queues for women and men.
- (2) Dealers and Fair Price Shop Owners holding license to deal in kerosene oil shall keep sufficient number of barrels. These barrels shall be adequate to store at least 75% of the normal monthly quota. Each barrel shall be painted in blue colour and bear the name and license number of the dealer or the Fair Price Shop Owner. The serial number of the barrels will be in consecutive order starting from 1 onwards. Each barrel shall have capacity of at least 215 liters and be filled up uniformly to the level of 200 liters in each barrel, except for one barrel in which quantity could be less than 200 liters. The barrels shall be stored in a 'pucca' building with RCC/Asbestos roofing with adequate fire safety equipments.

Maintenance of Accounts

12. The dealer and the Fair Price Shop Owner shall maintain separate registers of daily accounts for each of the Public Distribution System commodities, scheme wise, as follows:-
- (a) stock Register:-
 - I. opening stock of each day;
 - II. the quantities received on each day;

- III. the quantities delivered or otherwise disposed of on each day; and
 - IV. the closing stock of the day.
 - (b) sale/Issue register;
 - (c) cash memos ;
 - (d) tally register.; and
 - (e) such other particulars as the State Government/licensing authority may by order in writing specify in this regard.
- (2) It shall be mandatory for the dealer to preserve the books of accounts for inspection of competent authority for a period of at least two complete financial years.

Contravention of conditions of license or control order

13. (1) No holder of a license issued under this order shall contravene any of the terms or conditions of the license or of any control order issued under the Act. If he contravenes any of the said terms or conditions, without prejudice to any other action that may be taken against him, the supply shall be suspended immediately without giving any notice. If the licensing authority is satisfied that the licensee has contravened any of the conditions of the license or is not performing his/her responsibility and duties properly, the licensing authority shall take one or more actions against the licensee as mentioned below:-
- i) forfeiture of the security deposit in full;
 - ii) cancellation of the license and forfeiture of the security deposit in full ;
 - iii) registration of criminal case as per provisions of the Act.

Provided that no order with regard to above mentioned penal action shall be made under this clause unless the licensee has been given a reasonable opportunity of being heard.

(2) The licensee shall, if the amount of security at any time falls short of the amount specified in sub clause (1) of clause 7, forthwith deposit further security to make up the amount on being required by the licensing authority to do so.

(3) Upon compliance with all obligations under the license by the licensee, the amount of security deposit or such part thereof, which is not forfeited as aforesaid, shall be refunded to the licensee after termination of the license by the licensing authority.

(4) The licensing authority may by a written order, suspend the license of a Fair Price Shop Owner, if a proceeding under sub-clause (1) of this clause has been initiated against the Fair Price Shop Owner, and the said licensing authority is satisfied that it is not in the interest of the smooth operation of the Public Distribution System to allow the dealer or the Fair Price Shop Owner to handle the Public Distribution System stocks. No prior notice shall be necessary before passing any order under this sub-clause.

Explanation.- For the purpose of this sub-clause, the proceedings under sub-clause (1) shall be deemed to have been initiated on the date of issue of the show-cause notice by the licensing authority.

(5) No prior show cause notice shall be required for withholding the allocation of quota to any licensee for a period not exceeding sixty days pending enquiry or investigation against the licensee, if the licensing authority has reasons to believe that the licensee has not maintained proper and correct accounts in respect of the quota allocated to him earlier or has diverted the Public Distribution System stocks or committed any other irregularities.

- Cancellation of license in case of conviction** 14. Notwithstanding anything contained in clause, 13, where a licensee has been convicted by a court of law in respect of contravention of any order made under section 3 of the Act relating to any of the essential commodities, the licensing authority shall by order in writing, cancel his license immediately.
- Provided that where such conviction is set aside in any appeal or revision , the licensing authority may, on application in Form A by the person whose license has been cancelled, reissue the license, without payment of any fee, to such person up to the period mentioned in the license so cancelled.
- Submission of returns** 15. (1) The licensee shall submit to the licensing authority concerned a true return in Form C so as to reach him not later than the fifth day of each month, of stocks, receipts and deliveries of each of the essential commodities pertaining to the preceding month;
- (2) Notwithstanding anything contained in sub-clause (1), the State Government or the Director of Food Supplies or the Collector of the District or the licensing authority may direct the licensee to submit a return in a form prescribed by that authority.
- Appeal** 16. All appeals against the any order of licensing authority under this order shall lie before the Deputy Commissioner/Collector of the concerned Districts. Such appeals shall have to be filed within a period of thirty days of the date of order of the licensing authority.
- Power to direct disposal of stocks** 17. Where any person or licensee holding any stock of essential commodities under the Public Distribution System does not wish to obtain/retain a license after commencement of this Order or where any licensee holding any stock of essential commodities does not wish to renew a license or where his application for renewal thereof has been refused or, as the case may be, his license has been cancelled or suspended, the licensing authority may direct such person to dispose off stocks of essential commodities held by him by sale/transfer to such other person or persons by such date as may be specified in the direction and the person shall comply with such direction.
- Issue of direction and guidelines** 18. The State Government may, from time to time, issue such guidelines and directions as it considers necessary to improve the efficiency and effectiveness of the Public Distribution System and for carrying out the purposes of this Order and the licensing authorities and/or the licensees to whom such directions have been issued shall comply with all such directions.
- Issue of ration cards** 19. (1) The Government shall issue distinctive paper or smart electronic ration cards to beneficiaries under the Public Distribution System. Ration cards shall be issued following such procedure as may be prescribed by the State Government from time to time:
- Provided that ration cards shall not be issued to those persons who are not Indian Citizens and/or who are not normally residents of the State.
- (2) No person shall,
- (i) apply for or receive ration card if a ration card has already been issued to him or in favour of a member of his family with his name included in the card;
- (ii) give incorrect details or information while applying for a ration card for

the family; and

(iii) willfully alter or destroy, deface or permit to be defaced any of the entries on the ration card.

(3) The holder of a ration card shall get the same registered with the concerned Fair Price Shop. The ration cardholder may obtain Public Distribution System commodities by submitting the ration card before the Fair Price Shop where the ration card is registered.

Provided that ration cards, issued prior to date of coming into force of this order shall remain valid till such date as the State Government may decide.

(4) Ration cards shall have clearly marked on it the name and address of the ration card holder, name, age of family members and their relation with head of family and name and number of the Fair Price Shop along with the address of its location from where the ration card holder is entitled to purchase essential commodities and such other details as may be decided by the State Government.

(5) No person, not being a member of the family for which the card has been issued, shall obtain, hold or use the ration card of another person.

(6) Every ration card under this order shall be the property of the State Government but the person to whom it is issued, or to the authority to whom it has been surrendered by him shall be responsible for its safe custody.

(7) If any ration card is defaced, lost or destroyed, an authorized officer, after making such enquiry as he may think fit, issue a new ration card in place thereof, on payment of such fee as may be specified.

(8) When a new ration card is issued in place of a lost ration card, it shall be the duty of the person to whom the new ration card has been issued, to return the lost ration card forthwith to the officer by whom it was issued if the lost ration card is subsequently found.

(9) The authority competent to issue a ration card shall be competent to withdraw or cancel a ration card if it is found that the holder of the card is not eligible for the card and in every such case, the holder of the ration card shall be bound to surrender the ration card on demand for endorsement or cancellation as the case may be.

Power of entry, search and seizure etc.

20. (1) (a) The licensing authority or any other officer authorized by the licensing authority or State Government in this behalf, may, with such assistance, if any, as he/it thinks fit.-

- (i) require the owner, occupier or any person in charge of the place, premises, vehicles or vessels in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of any license issued thereunder has been, is being or is about to be committed, to produce any books, accounts or other documents showing transactions relating to such contraventions;
- (ii) enter, inspect or break, open any place, premises, vehicles or vessels in which he has reason to believe that any contravention of the provision of this Order or of the conditions of any license issued there under has been, is being or is about to be committed;
- (iii) take or cause to be taken, extracts from or copies of any documents showing transactions relating to such contraventions which are produced before him;
- (iv) test or cause to be tested the weights of all or any of the essential

commodities found in any such premises;

- (v) search, seize and remove the stocks of the essential commodities and the packages, covering, animals, vehicles, vessels or other conveyances used in carrying the said essential commodities in contravention of the provision of the this Order or of the conditions of any license issued there under and thereafter take or authorize the taking of all measures necessary for securing the production of the essential commodities and the packages, coverings, animals, vehicles, vessels or any other conveyances so seized in a court and for their safe custody pending such production.

(2)The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as possible be apply to searches and seizures under this clause.

Prohibition of benami dealership 21. No person who is not holding a license in his name shall operate a shop as “proxy/benami” Fair Price Shop or as a de-facto owner by using a license granted to another person, Self Help Group, Cooperative Society or Gram Panchayat.

Repeal and savings 22. The Haryana Public Distribution System (Licensing and Control) Order, 2002 is hereby repealed.

Provided that such repeal shall not affect-

- (a) the previous operation of any Order repealed under this clause (hereinafter referred to as the “repealed Order” or anything duly done or suffered therein; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Order; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the repealed Order; or
- (d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Order had not been issued.

Provided further that, notwithstanding anything in the first proviso to this clause, all applications for issue of license or renewal of license which have been filed under the provisions of the Haryana Public Distribution System (Control) Order, 2002 and have not been finally disposed off on the date of coming into force of this Order shall be disposed off in accordance with the provisions of this Order.

Exemption. 23. The State Government or any other officer authorized by the State Government in this behalf, by special or general order and subject to such conditions as may be specified in the order, exempt any person or class of persons from the operation of all or any of the provisions of this Order.

FORM 'A'

[See clause 5(2), 6 (1) and 14]

[The Haryana Public Distribution System (Licensing and Control) Order 2009]
Application for grant/renewal/reissue of license (fair price shop/dealer)/ issue of
duplicate copy of license (fair price shop/dealer)

1. Applicant's name.
 - a) Father/Husband's name:
 - b) Whether SC/ST/SCM/PH:
 2. Applicant's profession:.
 3. Applicant's residence:
 4. Name of the PDS commodity/commodities
in which the applicant wants to deal with :
 5. (a) Details of place where the applicant wants to
act as dealer/fair price shop:
(b) Place of business:
Plot No. Street Address-----
Khata No. -----
Mouza: Pin Code-----
Description of boundary:
To the East..... District.....
North.....
West.....
South.....
 - (c) Nature of premises
 - (i) Building Pucca/Kacha
 - (ii) Roofing (RCC, Asbestos sheet etc.)
 - (iii) Compound wall. Yes/No
 - (d) Ownership of premises
Own/rented
If rented, the details of
Agreement made with the owner
6. Whether, the applicant wants to act as Fair Price Shop/Dealer
 7. Did the applicant hold a license on any-
previous occasion?
(If so, give particulars including its suspension
or cancellation, if any.)
 8. Quantity of each of the PDS commodities
handled annually during last three years
 9. Quantity of each of the PDS commodities
likely to be handled during the current year.
 10. Income-tax paid in the two years preceding
the year of application.
(to be indicated separately)
(Income Tax Clearance Certificate to be attached)
 11. (a) Quantities of each of the PDS commodities
in the possession of the applicant on

the date of application:

- (b) complete address of places where the
essential commodities are proposed to be stored.

I declare that the quantities of each of the essential commodities specified above are in my possession this day and are held at the places noted above.

I have carefully read the conditions of license given in Form B appended to the Haryana Public Distribution System (Licensing Control) Order, 2009 and I agree to abide by it.

I declare that the data's/ information furnished by me in the application are true and correct to the best of my knowledge and belief.

*(a) I have no previously applied for such license in this district.

*(b) I applied for such license in this district for -----on-----
-----and was/ was no granted a
license on-----.

*(c) I hereby apply for renewal of license No.-----Dated.-----

*(d) I hereby apply for issue of duplicate copy of license No.-----Dated-----

*(e) I hereby apply for reissue of license No.-----Dated-----

Place:

Date:

Signature of the applicant

FORM 'B'

[See clause 5(3) and 8(2)]

The Haryana Public Distribution System (Licensing and Control) Order,2009
License for operation as a Fair Price Shop Owner/Dealer

1. Subject to the provisions of the Haryana Public Distribution System (Licensing and Control) Order,2009 and to the terms and conditions of this license..... is hereby authorized to operate as a retailer/a wholesaler/ a sub-wholesaler in the PDS commodities mentioned below:-

- (i)
- (ii)
- (iii)
- (iv)

2. (a) The licensee shall carry on the aforesaid business, i.e. store and sale of essential commodities only at the following place:-

- Premises in details
- Building
- Street Address
- Description of boundaries
 - East
 - West
 - North
 - South
- Owner of land

(b) He may purchase the essential commodities from the authorized persons/depots and store the same for sale at places specified under item (i) above.

NOTE- If the licensee intends to store his stocks of essential commodities in a place other than that specified above, he shall obtain prior permission thereof from the licensing authority in writing.

3. The License is subject to following terms and conditions:-

(A) The licensee shall have adequate storage space for entire allotment of the months and he shall take adequate measures to ensure that the PDS commodities stored by him are maintained in proper condition and that in case of foodgrains and sugar, damages due to ground moisture, rain, insects, rodents, birds, fire, etc. such other causes are avoided. Suitable dunnage shall be used to avoid damage from ground moisture and the foodgrains shall be fumigated with chemical approved for the purpose by person who has undergone practical training in that regard. The licensee shall also ensure that materials likely to contaminate foodgrains and sugar are not stored along with the same in the same godown or in immediate juxtaposition of foodgrains and sugar.

(B) In case of the storage of Superior Kerosene Oil following guidelines are to be followed scrupulously:

- (i) Barrels of least 215 liter capacity are to be used.
- (ii) All barrels shall be filled uniformly to the level of 200 liters.

Only one barrel can be filled to less than 200 liters.

(iii) The name of the licensee, license number and serial number of barrel shall be painted on the barrel, in white letters.

- (iv) All barrels shall be painted in blue colour.

(C) Declaration of business, stock, price and entitlement are to be displayed near the entrance on the outside of the shop.

(D) The Fair Price Shop/Dealer should operate the shop himself. Accounts must be authenticated by the licensee himself every day.

(E) The prior permission from the licensing authority in writing is to be obtained if the place of business is going to be closed for specific day (s)

(F) The Fair Price ShopOwner /Dealer shall keep certified weights and measures and obtain fire safety clearances and other statutory clearances required for business.

(G) The licensee shall keep reserve stock in such quantities as may be directed by the licensing authority.

(H) The licensee shall install electronic weighing equipments for correct weighment of PDS commodities.

(I) citizen's charter shall be displayed prominently in the business premises.

(J) The licensee shall meticulously comply with their responsibilities enumerated in clause 10 and 11 of the Order.

4. The licensee shall complete his accounts as specified in clause 12 of the Haryana Public Distribution System (Licensing and Control) Order, 2009 for each day to which shall be upon him. There shall be no overwriting in the register, in case corrections are necessitated, the old entry will be scored off and new entry be recorded, duly initialed by the licensee.

5. The licensee shall furnish the reports and returns as specified in clause 15 of the Haryana Public Distribution System (Licensing and Control) Order, 2009 He furnish correctly such information relating to his business as may be demanded by the licensing authority or by any officer authorized in this behalf.

6. The Licensee shall not contravene the provision of the Haryana Public Distribution System (Control) Oder,2009 or any other Order relating to the essential commodities, issued under the Essential Commodities Act, 1955 (10 of 1955) or any other law relating to said essential commodities for the time being in force.

7. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by it or state Government for the inspection of his/her stocks accounts at any shop, godown or other place used by him/her for storage, sale or purchase of essential commodities and for taking samples of such commodities for examination.

8. The licensee shall exhibit at the entrance or some other prominent place of his/her business premises, the price list and stock position of essential commodities held by him/her for sale. Such list shall be legibly written in the principal language of locality concerned. The board shall be painted on the wall or affixed securely thereon in such a manner that the same can not be removed without breaking/damaging the wall. The minimum dimensions of the board shall be as follows:

Dealer:	4 feet by 6 feet
Fair Price shop:	3 feet by 4 feet

9. (A) Fair Price Shop/Dealer licensee shall, except when specially exempted in this behalf, issue to every person from to whom essential commodities are purchased/sold, a correct receipt, invoice or memo, as the case may be, giving therein his own name, address and license No and name, address of the person from to whom purchased/sold with his/her signature, as also the date of transaction, the name or the essential commodities, the quantities purchased/sold, the rate per quintal/kilo liter or kilogram/liter as the case may be, the total price paid/received for each item as also the grand total of the amount paid/received and shall keep a duplicate of the same in his record to make available for inspection no demand by the licensing authority or

any officer authorized in this behalf. The cash memos shall be serially numbered and issued sequentially.

(b) The licensee shall make necessary entries in the ration cards correctly of the name (s) of essential commodities, date (s) of transaction, the rate, etc. under the appropriate columns there- in and obtain signature or the thumb impression of the ration cardholders in the sale register about receipt of the commodity by the ration card holder(s).

10. The licensee shall comply with any direction that may be given to him by the State Government or the Licensing Authority in regard to purchase, sale and storage of essential commodities

11. The license shall be attached to any application for renewal.

12. The license shall be valid up to the 31st March.....

Licensing
Authority

Place:

Date:

Signature of the
licensees

FORM 'C'

[See clause 15(1)]

[The Haryana Public Distribution System (Licensing and Control) Order, 2009]

1. Return for the month ending.
2. Name :
3. Address:
4. License No:
5. Registration No and description of vehicle by which stock received:
6. Particulars of Godown where stock stored:
7. Stock at the beginning of the month (figure for each of the PDS commodities shall be indicated separately):
8. Quantity purchased during the month (figure for each of the PDS commodities shall be indicated separately):
9. Quantity sold during the month (figure for each of the PDS commodities shall be indicated separately):
10. Stock at the end of the month (figure for each of the PDS commodities shall be indicated separately):

Place:

Date:

Signature of the Licensee

L.S.M. SALINS

Financial Commissioner & Principal Secretary
to Government. Haryana, Food and Supplies Department.