



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

बुधवार, सप्टेंबर १९, २००९ / भाद्र २८, शके १९२३

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग चार-क

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले (भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांमधील इतर) वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, संचालक (दारुबंदी व उत्पादन शुल्क), जिल्हा दंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

अन्न, नागरी पुरवठा व ग्राहक संरक्षण विभाग

मंत्रालय विस्तार, मुंबई ४०० ०३२, दिनांक १९ सप्टेंबर २००९

क्रमांक साविद्य. १००१/१/प्र.क्र. ४६३/नापु-२८.-भारत सरकार, ग्राहक व्यवहार, अन्न व सार्वजनिक वितरण मंत्रालय, नवी दिल्ली यांजकडून भारत सरकारचे असाधारण राजपत्र, भाग २, कलम ३, उपकलम १ मध्ये दिनांक ३१ ऑगस्ट २००९ रोजी प्रसिद्ध झालेली खालील अधिसूचना पुनर्प्रकाशित करण्यात येत आहे :—

GOVERNMENT OF INDIA

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC
DISTRIBUTION

DEPARTMENT OF FOOD AND PUBLIC DISTRIBUTION

New Delhi, dated 31st August 2001

Order

GSR. No. 630 (E).—Whereas the Central Government is of the opinion that it is necessary and expedient so to do for maintaining supplies and for securing availability and distribution of essential commodities under the Public Distribution System.

Now, therefore, in exercise of the powers conferred under section 3, of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order, namely :—

1. *Short title, extent and commencement.*—(1) This order may be called the Public Distribution System (Control) Order, 2001.

(2) It extends to the whole of India.

(3) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Definitions.*—(a) “ Act ” means the Essential Commodities Act, 1955 (10 of 1955) ;

(b) “ Appellate Authority ” means any authority appointed by the State Government to exercise the powers of the appellate authority under this Order ;

(c) “ authority ” means any officer not below the rank of Inspector in the State Government dealing with Food and Civil Supplies ;

(d) “ Above Poverty Line Families ” means those families who have been issued Above Poverty Line (APL) ration cards by the State Governments for issue of foodgrains under the Public Distribution System ;

(e) “ Antyodaya families ” means those poorest families from amongst Below Poverty Line (BPL) families identified by the State Governments and entitled to receive foodgrains under the Antyodaya Anna Yojana ;

(f) “ authorised nominee ” means the concerned Department of State Government or a Corporation or a company owned by it or a co-operative ;

(g) “ Below Poverty Line Families ” means those families who have been identified by the State Government for issue of foodgrains at specially subsidized rates adopting the estimates of poverty given by the Central Government ;

(h) “ eligible applicant ” means an individual who is resident of a State and fulfils the conditions for getting a ration card as may be prescribed by the State Government ;

(i) "essential commodities" means essential commodities as defined under the Act ;

(j) "fair price shop" means a shop, which has been licensed to distribute essential commodities by an order issued under section 3 of the Act to the ration card holders under the Public Distribution System ;

(k) "fair price shop owner" means a person and includes a co-operative society or a corporation of a company of a State Government 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 ;

(l) "Public Distribution System" means the system for distribution of essential commodities to the ration card holders through the fair price shops, such as rice, wheat, sugar, edible oil, kerosene and such other commodities as are notified by the Central Government under clause (a) of section 2 of the Act ;

(m) "ration card" means a document issued under an order or authority of the State Government for the purchase of essential commodities under the Public Distribution System from the fair price shop ;

(n) "State" includes a Union Territory ;

(o) "State Government" includes Administration of a Union Territory.

3. *Identification of families living below poverty line.*—The State Governments shall identify families living Below Poverty Line (BPL) as per the paragraph 1 of the Annexe to this Order.

4. *Ration Card.*—The State Governments shall issue distinctive ration cards to Above Poverty Line, Below Poverty Line and Antyodaya families and shall conduct periodical review and checking of the ration cards as per paragraph 2 of the Annexe to this Order.

5. *Scale of Issue and Issue prices.*—The Central Government shall make available to the State Governments Foodgrains for distribution under the Public Distribution System at such scales and prices as provided in paragraph 3 of the Annexe to this Order.

6. *Distribution.*—(1) The procedure for distribution of foodgrains by the Food Corporation of India to the State Government, or their nominated agencies, shall be as per paragraph 4 of the Annexe to this Order.

(2) Fair price shop owners shall take delivery of stocks from authorised nominees of the State Governments to ensure that essential commodities are available at the fair price shop within first week of the month for which the allotment is made.

(3) The district authority entrusted with the responsibility of implementing the Public Distribution System shall ensure that the stocks allocated to the fair price shops are physically delivered to them by the authorized nominee within the stipulated time.

(4) The authority or person, who is engaged in the distribution and handling of essential commodities under the Public Distribution System, shall not willfully indulge in substitution or adulteration or diversion or theft or stocks from central godowns to fair price shop premises or at the premises of the fair price shop.

Explanation.—For the purpose of this clause—

(i) “diversion” means unauthorised movement or delivery of essential commodities released from central godowns but not reaching the intended beneficiaries under the Public Distribution System.

(ii) “substitution” means replacement of essential commodities released from central godowns with the same article of inferior quality for distribution to the intended beneficiaries under the Public Distribution System.

7. *Licensing.*—(1) The procedure for issue of licenses or authorization to the fair price shops for the distribution of essential commodities under Public Distribution System and duties and responsibilities of the fair price shop owners shall be as per paragraph 5 of the Annexe to this Order.

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

(3) The fair price shop owner shall not retain ration cards after the supply of the essential commodities.

(4) A fair price shop owner shall provide the relevant extracts of the records maintained by him to the beneficiary on payment of the prescribed fee.

8. Monitoring.—The procedure for monitoring of the Public Distributing System including the functioning of the fair price shops by the State Governments shall be as per paragraph 6 of the Annexe to this Order.

9. Penalty.—If any person contravenes any provisions of this Order under clauses 3, 4, 6 and 7, he shall be liable to punishment under section 7 of the Act.

10. Power of search and seizure.—(1) An authority authorised by State Government, shall be competent to inspect or summon such records or documents as may be considered by him necessary for examination and take extracts or copies of any records or documents produced before him.

(2) If the said authority has reason to believe that there has been any contravention of the provisions of this Order or with a view to securing compliance with this Order, he may enter, inspect or search the fair price shop or any premises relevant to transactions of business of the fair price shop.

(3) The said authority may also search, seize or remove such books of accounts or stocks of essential commodities where such authority has reason to believe that these have been used or will be used in contravention of the provisions of this Order.

(4) The provisions of Section 100 of the Code of Criminal procedure 1973, relating to search and seizure shall so far as may be, apply to search and seizure under this Order.

11. Appeal.—(1) All appeals shall lie before the Appellate Authority appointed under paragraph 7 of the Annexe to this Order.

(2) 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 Appellate Authority within thirty days of the date of receipt of the Order.

(3) Any person aggrieved by an Order of the designated authority denying the issue or renewal of the licence to the fair price shop owner, or cancellation of the licence may appeal to the Appellate Authority within thirty days of the date of receipt of the Order.

(4) No such appeal shall be disposed of unless the aggrieved person has been given a reasonable opportunity of being heard.

(5) Pending the disposal of an appeal, the Appellate Authority may direct that the Order under appeal shall not take effect until the appeal is disposed of.

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

13. Power of Central Government to give directions.—The Central Government may give such directions as it may deem necessary for execution of all or any of the provisions of this Order and the State Government shall comply with such directions.

14. Provisions of the Order to prevail over previous Orders of State Government.—The provisions of this Order shall have effect notwithstanding anything to the contrary contained in any Order made by a State Government or by an officer of such State Government before the commencement of this Order except as respects anything done, or omitted to be done thereunder before such commencement.

S. C. BRAHMA,
Joint Secretary to the
Government of India.

ANNEXURE TO THE PUBLIC DISTRIBUTION SYSTEM
(CONTROL) ORDER, 2001

(See clauses 3, 4, 5, 6, 7, 8, 10 and 12)

1. *Identification of families living below poverty line.*—(1) State Government shall formulate suitable guidelines for the purpose of identification of families living Below the Poverty Line (BPL), including the Antyodaya families, as per the estimates adopted by the Central Government. Care will be taken to ensure that the families so identified are really the poorest. The exercise of identification of BPL and Antyodaya families, wherever it has not been done already, shall be completed within three months of the issue of this order.

(2) State Government shall get the lists of BPL and Antyodaya families reviewed every year for the purpose of deletion of ineligible families and inclusion of eligible families.

(3) While undertaking the exercise of identification or review of BPL and Antyodaya families, each State Government shall prescribe a suitable *pro forma* to be filled up by or on behalf of the head of a family.

(4) The data provided in the prescribed *pro forma* shall be verified by the authority designated by the State Government for the purpose. The said authority shall also certify the correctness of the information contained in the *pro forma*.

(5) Gram Sabhas shall finalise the list of beneficiaries belonging to BPL and Antyodaya categories drawn up by the designated authority in respect of the area under their respective jurisdiction.

(6) Where there are no Gram Sabhas, the local representative bodies shall finalise the list of beneficiaries belonging to BPL and Antyodaya categories within their respective jurisdiction.

(7) The designated authority of the State Government or the local representative bodies including Gam Sabhas and Gram Panchayats which have been entrusted with the task of identification of beneficiaries, shall verify and certify the information in the prescribed *pro forma* for BPL and Antyodaya families.

2. *Ration Card*—(1) State Government shall ensure that no eligible applicant is denied a ration card under the Public Distribution System.

(2) The ration card holder shall be entitled to draw essential commodities from a fair price shop on weekly basis.

(3) State Government shall issue distinctive ration cards to APL and BPL and Antyodaya families.

(4) The designated authority shall issue a ration card within one month of the date of the receipt of the application after necessary checks and verification.

(5) State Government shall also specify a time frame for making addition or alterations in the ration card. In case this time limit is not adhered to, the reasons therefor shall be intimated to the applicant in writing.

(6) State Government shall conduct periodical checking of ration cards to weed out ineligible and bogus ration cards and bogus units in ration cards.

(7) The ration card shall be valid for a specified period. The ration card shall be issued afresh or renewed after fresh verification of antecedents and such other checks as may be prescribed by the State Government in this regard.

(8) Elimination of bogus ration cards as well as bogus units in the ration cards shall be a continuous exercise by the State Government to check the diversions of essential commodities.

(9) Ration cards shall not be used as documents of identity.

3. *Scale of issue and issue prices*—(1) The Central Government shall make available to the State Governments foodgrains for distribution under the Public Distribution System to various categories of beneficiaries at such scales and prices, as may be specified from time to time.

(2) The State Government shall not divert the allocations made by the Central Government for distribution under the Public Distribution System.

4. *Distribution*.—(1) The Food Corporation of India (FCI) or any other agency designated for the purpose by the Central Government shall ensure physical delivery of foodgrains of fair average quality to

State Governments for distribution under the Public Distribution System, as per the allocations made by the Central Government, within two weeks of the receipt of payment from the State Governments and issue of release orders.

(2) State Governments shall, on getting allocation of foodgrains from the Central Government, issue district-wise allocation orders authorising their agencies or nominees to draw foodgrains from the FCI within ten days of the receipt of allocation orders made by the Government of India.

(3) The designated authority of the State Governments shall ensure delivery of one copy of allocation order made to the fair price shop simultaneously to Gram Panchayats or Nagar Palikas or Vigilance Committees or any other body nominated for monitoring the functioning of the fair price shops by the concerned State Government.

(4) Gram Panchayats or Nagar Palikas or Vigilance Committees or any other body nominated for monitoring the functioning of the fair price shop by State Government shall display the stocks of essential commodities allotted during the month to the fair price shops on a notice board outside their office.

(5) While making monthly allocations to the fair price shops the designated authority of State Government shall take into account the balance stock, if any, lying un-distributed with the fair price shop owners for the subsequent allocations.

(6) State Government shall make arrangement for taking delivery of essential commodities issued by the Central Government by their designated agencies or nominees from the FCI depots/godowns and ensure further delivery to the fair price shop within the first week of the month for which allocation is made.

(7) Before making the payment to the FCI, the representatives of State Government or their nominees and the FCI shall conduct joint inspection of the stocks of foodgrains intended for issue to ensure that the stocks conform to the prescribed quality specifications.

(8) The FCI shall issue to the State Governments stockwise sealed samples of the stocks of foodgrains supplied to them for distribution under the Public Distribution System at the time of dispatch.

(9) State Governments shall exercise necessary checks to ensure that full quantity lifted by them reaches their godowns and in turn the fair price shops.

(10) State Governments shall ensure that stocks of essential commodities under the Public Distribution System, as issued from the FCI godowns, are not replaced by stocks of inferior quality during storage, transit or any other stage till delivery to the rations card holder.

5. *Licensing*.—State Government shall issue an order under section 3 of the Act for regulating the sale and distribution of the essential commodities. The licenses to the fair price shop owner shall be issued under the said order and shall lay down the duties and responsibilities of the fair price shop owner. The responsibilities and duties of fair price shop owners 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 concerned State Government under the Public Distribution System ;

(ii) display of information on a notice at a prominent place in the shop on daily basis regarding (a) list of BPL and Antyodaya beneficiaries, (b) entitlement of essential commodities, (c) scale of issue, (d) retail issue prices, (e) timings of opening and closing of the fair price shop, (f) stocks of essential commodities received during the month, (g) opening and closing stocks of essential commodities and (h) the authority for redressal of grievances/lodging complaints with respect to quality and quantity of essential commodities under the Public Distribution System ;

(iii) maintenance of records of ration card holders (APL, BPL 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 Palika or Vigilance Committee or any other body authorised by State Governments for the purposes ;

(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 designated authority ;

(vii) accountal of the actual distribution of essential commodities and the balance stock at the end of the month to the designated authority of the concerned State Government with a copy to the Gram Panchayat ;

(viii) opening and closing of the fair price shop as per the prescribed timings displayed on the notice board.

6. *Monitoring.*—(1) State Governments shall ensure a proper system of monitoring of fair price shops and prescribe model sale register, stock register and ration card register.

(2) State Governments shall ensure regular inspections of fair price shops not less than one in six months by the designated authority. State Governments may issue orders specifying the inspection schedule, list of check points and the authority responsible for ensuring compliance with the said orders.

(3) Meetings of the Vigilance Committees on the Public Distribution System at the State, District, Blocks and FPS level shall be held on a regular basis. The date and periodicity shall be notified by the State Governments. However, the periodicity shall not be less than one meeting a quarter at all levels.

(4) State Governments shall ensure a periodic system of reporting and the complete information in this regard shall be sent in the prescribed form as follows :—

(i) By fair price shops to the District Authorities by the 7th of the month following the month for which allocation is made in Form ' A ' ;

(ii) By the District Authorities to State Government by the 15th of the month following the month for which allocation is made in Form ' B ' ;

(iii) By the State Government to the Central Government by the end of the month following the month for which allocation is made in Form ' C ' .

(5) Future allocation of foodgrains to States shall be linked to the receipt of regular reports from the respective States and furnishing of utilisation certificates by them within a period of two months from the month for which allocation is made.

(6) State Governments shall ensure monitoring of the functioning of Public Distribution System at the fair price shop level through the computer network of the NIC installed in the District NIC centres. For this purpose computerized codes shall be issued to each FPS in the district.

(7) State Governments shall educate the ration card holders regarding their rights and privileges under the Public Distribution System by use of electronic and print media as well as display boards outside fair price shops.

(8) State Governments shall issue and adopt the Citizen's charter based on the model Citizens Charter issued by the Central Government.

(9) The designated authority shall direct the concern fair price shop owner to provide relevant extracts of the documents maintained by them on an application made by a beneficiary, on payment of a prescribed fee.

7. *Appellate Authority.*—The State Government shall appoint the Appellate Authority for the purposes of this Order.

FORM A

[See clause 8]

Proforma for reporting the functioning of fair price shops

Month Year

A. Name of State State Code

B. Name of the District District Code

C. Name of the Block Block Code

D. Number/Name of the FPS FPS Code

E. No. of the Ration Cards attached to FPS—

Antyodaya

Bpl

Apl

Others

Total

F. (In Quintals)

Commodities	Opening stock at the beginning of the month	Allocation for the month	Qty. actually received by FPS	Total Qty. (2 + 4)	Quantity distributed	Closing stock
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Rice Apl Bpl Antyodaya						
Wheat Apl Bpl Antyodaya						
Levy Sugar						
Edible oil						
Kerosene						

FORM B

[See clause 8]

**Proforma for reporting the functioning of fair price shops
at District Level**

Month Year

- A. Name of State State Code
- B. Name of the District District Code
- C. Total number of Fair Price Shops in th District at the end of the month :
- D. Details regarding FPS which received the PDS commodities during the month :

Sr. No.	Commodity	No. of FPS
1	Wheat	
2	Rice	
3	Sugar	
4	Edible oil	
5	Kerosene	

E. No. of Ration Cards—

Antyodaya

Bpl

Apl

Others

Total

- (i) Number of the Ration Cards at beginning of the month.
- (ii) Number of the Ration Cards issued during the month.
- (iii) Number of the Ration Cards cancelled during the month.
- (iv) Number of the Ration Cards at the end of the month.

FORM B—contd.

F. Allocation/Distribution by the District Authorities: (Qty. in Quintals)

Commodity (1)	Opening stock (2)	Total monthly allocation (3)	Total stock (4)	Allocation to FPS		Lifting by FPS		Qty. distributed (9)	Closing stock at the end of month (10)
				No. (5)	Qty. (6)	No. (7)	Qty. (8)		
Rice Apl Bpl Antyodaya									
Wheat Apl Bpl Antyodaya									
Levy Sugar									
Edible oil									
Kerosene									

G. Allocation/Distribution by FPS :

(Qty. in Quintals)

Code (1)	Commodity (2)	Opening stock with FPS (3)	Quantity allocated to FPS (4)	Quantity received by the FPS (5)	Total quantity with FPS (6)	Quantity distributed by the FPS (7)	Closing stock with the FPS (8)
	Rice Apl Bpl Antyodaya						
	Wheat Apl Bpl Antyodaya						
	Levy Sugar						
	Edible oil						
	Kerosene						

FORM C
[See clause 8]

Proforma for reporting the functioning of Fair Price Shops at
State Level

Month Year

A. Name of State State Code

B. No. of ration cards

Antyodaya

Bpl

Apl

Others

Total

(i) Number of the ration cards at the beginning of the month :

(ii) Number of the ration cards issued during the month :

(iii) Number of the ration cards cancelled during the month :

(iv) Number of the ration cards at the end of the month :

C. Total of Fair Price Shops at the end of the month :

D. Details of FPS which received the PDS commodities during
the month :

Sr. No.	Commodity	No. of FPS
1	Wheat	
2	Rice	
3	Sugar	
4	Edible oil	
5	Kerosene	

FORM C—contd.

E. Allocation/Distribution by the State Government: (Qty. in Quintals)

Commodity (1)	Opening stock at the beginning of the month (2)	Total monthly allocation (3)	Qty. procured under decentralised procurement scheme (4)	Total stock (5)	Quantity issued to Districts		Quantity lifted by the Districts		Quantity distributed (10)	Closing stock at the end of month (11)
					No. (6)	Qty. (7)	No. (8)	Qty. (9)		
Rice Apl Bpl Antyodaya										
Wheat Apl Bpl Antyodaya										
Levy Sugar										
Edible oil										
Kerosene										

E. Allocation/Distribution by FPS :

(Qty. in Quintals)

Code (1)	Commodity (2)	Opening stock with FPS (3)	Quantity allocated to FPS (4)	Quantity received by the FPS (5)	Total quantity with FPS (3 + 5) (6)	Quantity distributed by the FPS (7)	Closing stock with the FPS (8)
	Rice (1) Apl (2) Bpl						
	Wheat (1) Apl (2) Bpl						
	Levy Sugar						
	Edible oil						
	Kerosene						

महाराष्ट्राचे राज्याल यांच्या आदेशानुसार व नावाने,

सी. के. जाधव,
शासनाचे उप सचिव.