

[Extract from the Chandigarh Administration, Gazette. dated the 29th August, 2002]

CHANDIGARH ADMINISTRATION
FOOD AND SUPPLIES DEPARTMENT

Order

The 29th August, 2002.

No. DFSO-CH-IN-2002/2910.— Whereas the Administrator, Union Territory, Chandigarh, is of the opinion that it is necessary and expedient so to do for maintaining the supplies and securing availability and distribution of essential commodities under the Public Distribution System;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the Government of India, Ministry of Consumer Affairs, Food & Public Distribution, Order GSR No. 630 (E), dated the 31st August, 2001 read with para 5 of the Annexe to the Public Distribution System Order, 2001 and all other powers enabling him in this behalf, with the prior concurrence of the Central Government, the Administrator, Union Territory, Chandigarh, hereby makes the following Order regulating the sale and distribution of the essential commodities, namely:--

1. **Short title, extent and commencement.** – (1) This order may be called the Chandigarh Public Distribution System (Licensing and Control) Order, 2002;

2. It extends to the whole of the Union Territory of Chandigarh.

3. It shall come into force from the date of its publication in the official Gazette.

2. **Definitions.—**

(a) “Above Poverty Line Families” means those families who have been issued Above Poverty Line (APL) ration cards by the State Government for the issuance of foodgrains under the Public Distribution System.

(b) “Act” means the Essential Commodities Act, 1955 (10 of 1955).

(c) “Antyodaya Families” means those poorest families from amongst Below Poverty Line (BPL) families identified by the Councilors, Municipal Corporation of their respective jurisdiction in the urban areas and by the Sarpanch, Gram Panchayat in the rural areas of the Union Territory of Chandigarh, entitled to receive foodgrains under the Antyodaya Anna Yojna.

(d) “Appellate Authority” means the Additional Director, Food and Supplies, Union Territory, Chandigarh.

(e) “Authority” means any officer not below the rank of Inspector Food and Supplies Grade II and for the purpose of issuance of licence means any officer not below the rank of the District Food and Supplies Officer.

(f) “Authorised Nominee” means the Food and Supplies Department, Union Territory, Chandigarh.

- (g) "Below Poverty Line Families" means those families who have been identified by the Councilors, Municipal Corporation of their respective jurisdiction in the urban areas and by the Sarpanch, Gram Panchayat in the rural areas for the issuance of food grains at specially subsidized rates adopting the estimates of poverty given by the Central Government.
- (h) "Eligible Applicant" means an individual who is resident of Union Territory of Chandigarh and fulfills the conditions for getting a ration card as may be prescribed by the State Government from time to time.
- (i) "Essential Commodities" means essential commodities as defined in 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 by the State Government.
- (k) "Fair Price Shop Owner" means a person and including a co-operative Society or Corporation or a Company or a Gram Panchayat or any other body in whose name a fair price 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 oils, 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 namely White, Yellow, Green or any other card issued by the Food and Supplies Department, Chandigarh Administration, for the purchase of essential commodities under the Public Distribution System from the fair price shop.
- (n) "State" means the Union Territory, Chandigarh.
- (o) "State Government" means the Administrator, Union Territory, Chandigarh appointed under Article 239 of the Constitution.

3. **Identification of the families living below poverty line.** – Families living below poverty lines in the Urban and the Rural areas shall be surveyed and identified by the Councilors, Municipal Corporation of their respective jurisdiction in the Urban areas and by the Sarpanch, Gram Panchayat in the rural areas as per Government of India guidelines in this regard and verified for correctness by the Inspector Food and Supplies/Inspector Food and Supplies Grade II, U.T., Chandigarh.

4. **Ration Cards** .- The Food and Supplies Department shall issue distinctive ration cards to Above Poverty Line, Below Poverty Line and Antyodaya families for specific purpose and shall conduct periodical review and checking of the ration cards.

5. **Licensing.**- The District Food and Supplies Officer, Union Territory, Chandigarh, shall issue a licence for regulating the sale and distribution of the essential commodities and shall lay down the duties and responsibilities of the fair price shop owners as per paragraph 5 of the Annexe; of the Public Distribution System (Control) Order, 2001 of the Central Government, which, inter alia, should cover the following :-

- (i) sale of essential commodities shall be as per the entitlement of the ration card holders at the retail issue prices fixed by the State Government under the Public Distribution System, from time to time.
- (ii) display of information on a notice board 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 price; (e) timings of opening and closing of the fair price shop; (f) stock of essential commodities received during the month; (g) opening and closing stock of the essential commodities and; (h) the authority for the redressal of grievances/lodging complaints with respect to quality and quantity of the essential commodities under the Public Distribution System.
- (iii) maintenance of records of ration card holders (APL, BPL and Antyodaya), stock register, issue of sale register;
- (iv) furnishing of copies of specific documents, namely ration card register, stock register, sale register to the office of Gram Panchayat or Vigilance Committee or any other body authorised by the State Government for the 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 such information as may be called for by the authority;
- (vii) account of the actual distribution of essential commodities and balance stock at the end of the month to the authority of the Chandigarh Administration, 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.
- (ix) ration card holder shall not be denied supply as per the entitlement of the essential commodities, lying in stock with fair price shop owner under the Public Distribution System.
- (x) fair price shop owner shall provide relevant extract of the records maintained by him to the beneficiary on payment of Rs. 100 if, so required;
- (xi) fair price shop owner shall not retain ration card after the supply of essential commodities to the ration card holders ' ;
- (xii) fair price shop owner shall only issue/distribute essential commodities to the ration card holder or his/her family members as mentioned in the ration card and not to any other person whose name is not included in the said ration card.

6. **Monitoring.-** (1) Procedure for monitoring of the Public Distribution System including the functioning of the fair price shops by the Chandigarh Administration shall be as per sub-para (4) of paragraph 6 of the Annexe to the Public Distribution System (Control) Order, 2001, of the Government of India.

- (2) The authority for sub-paras (2) and (9) of para 6 of the Annexe to the Public Distribution System (Control) Order, 2001 of the Government of India, shall be the Additional Director, Food and Supplies and the District Food and Supplies Officer, Union Territory, Chandigarh.

7. **Powers of Search and Seizure .-** (1) The officer above the rank of Inspector, Food and Supplies, Grade II shall be competent to inspect or summon such record or documents as may be considered by him necessary for examination and take extracts or copies of any record or documents produced before him.

- (2) If the said authorities have reason to believe that there has been any contravention of the provisions of this Order or with a view to securing compliance with this order, he may, enter, inspect or search the fair price shop or any other premises relevant to transaction of business of the fair price shop.
- (3) The said authorities may also search, seize or remove such books of accounts of stocks of essential commodities where such authority has reason to believe that these have been used or will be used in contravention of the provisions of this Order.
- (4) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall, so far as may be, apply to search and seizure under this order.

8. **Appeal.-** (1) Any person aggrieved by an order of the Licensing Authority may so within thirty days of the date of communication to him of such order prefer an appeal to the Additional Director, Food and Supplies, Union Territory, Chandigarh.

Provided that the Additional Director, Food and Supplies, Union Territory, Chandigarh, may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

9. **Fee.-** (1) A licence under this Order may be granted or renewed for a period of one year at the request of fair price shop owner and shall unless previously suspended or revoked expire on the 31st March of the year upto which it is granted or renewed following the date of its issue or last renewal.

- (2) The fee payable for the grant of licence shall be as under :--
- | | | | |
|------|-------------|---|----------------------------|
| (i) | Licence Fee | : | One hundred rupees only. |
| (ii) | Security | : | Five Thousand rupees only. |
- (3) The fee payable for the renewal of a licence shall be one hundred rupees per annum.
- (4) An application for the renewal of a licence shall be made so as to reach the Licensing Authority not less than thirty days before the date on which the licence expires :

Provided that the Licensing Authority may entertain such an application made after the date of expiry of licence, if, it is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

- (5) The fee payable for the issue duplicate copy of licence shall be one hundred rupees.

- (6) The Licensing Authority may after giving the fair price shop owner concerned an opportunity of stating his case and for reason to be recorded in writing refuse to grant or renew a licence.
- (7) All fair price shop owners shall be required to obtain a licence under this order within 60 (sixty) days from the date of issue of this Order, in the format appended hereto.

Chandigarh
The 29th August, 2002

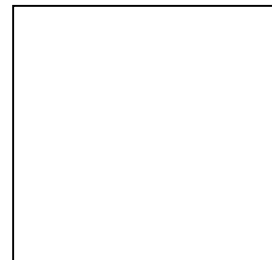
R.S. Gujral,
Home Secretary-cum-Secretary,
Food and Supplies,
Chandigarh Administration

**THE CHANDIGARH PUBLIC DISTRIBUTION SYSTEM
(LICENSING AND CONTROL) ORDER 2002**

Application for Grant/Renewal of Licence for Storage, Purchase/Sale and Distribution of
Essential Commodities Under the Public Distribution System.

To

The District Food and Supplies Officer,
Union Territory, Chandigarh



I/We hereby apply for the grant/renewal of licence for storage/purchase, sale and
distribution of essential commodities under the Public Distribution System :-

1. Name, Parentage and Postal
Address of the applicant
2. Address and detail of the
location of the applicant's business
premises

I/We declare that I/We have never been convicted for an offence under the
Essential Commodities Act, 1955 (10 of 1955) or an offence issued thereunder or any
other Central/State Control Order.

I/We hereby declare that all the particulars given in this form are correct.

Signature of the Applicant

Place :

Dated :

**THE CHANDIGARH PUBLIC DISTRIBUTION SYSTEM
(LICENSING AND CONTROL) ORDER 2002**

LICENCE FOR REGULATING THE PURCHASE/STORAGE,
SALE AND DISTRIBUTION OF ESSENTIAL COMMODITIES.

Licence No. CH-UT-PDS/_____

Subject to provisions of clause 5 of the Chandigarh Public Distribution System (Licensing and Control) order, 2002 as per responsibilities and duties laid down in the said order, Sh./M/s _____ is/are authorised to purchase/store, sale and distribute the essential commodities under the Public Distribution System at the following business premises :-

The Licensee shall carry on the business at the above mentioned address only.

The licence may be suspended/cancelled by the under signed any time for the contravention of any of the clauses of this order.

This Licence is valid upto _____ and required to be renewed, from time to time, after depositing the requisite fee as laid down in the Control Order.

Dated : _____

Licensing Authority

[Extract from the Chd. Admn. Gaz. (Extra) dated the 29th August, 2004]

CHANDIGARH ADMINISTRATION

DEPARTMENT OF FOOD & SUPPLIES AND CONSUMER AFFAIRS

Order

In exercise of the power conferred by Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Order GSR No. 630(E), dated 21st August, 2001 read with Para 5 of the Annexe to the Public Distribution System Order, 2001 and all other powers enabling him in this behalf, with the prior concurrence of the Central Government, the Administrator, Union Territory, Chandigarh, is pleased to make the following order, further to amend the Chandigarh Public Distribution System (Licensing and Control) Order, 2002, namely :-

1. This order may be called the Chandigarh Public Distribution System (Licensing and Control) (Amendment) Order, 2004.

2. It shall come into force at once.
3. In the Chandigarh Public Distribution System (Licensing and Control) Order, 2002 (hereinafter referred to as the order) for sub-clauses (d), (e), (f), and (m) the following clauses shall be substituted, namely :-
 - (d) "Appellate Authority" means the Joint Director, Food and Supplies and Consumer Affairs, Union Territory, Chandigarh.
 - (e) "Authority" means any officer not below the rank of Inspector Food and Supplies and Consumer Affairs Grade II and for the purpose of issuance of Licence means any officer not below the rank of District Food and Supplies and Consumer Affairs Officer.
 - (f) "Authorised Nominee" means the Department of Food and Supplies and Consumer Affairs, Union Territory, Chandigarh.
 - (m) "Ration Cards" means a document namely :- White, Yellow, Green and any other card issued by the Department of Food and Supplies and Consumer Affairs, Union Territory, Chandigarh, for the purchase of Essential Commodities under the Public Distribution System, from the fair price shops.
4. In the said Order, in clause 3, for the words "Inspector Food and Supplies/Inspector Food and Supplies Grade II, Union Territory, Chandigarh" the words "Inspector Food and Supplies and Consumer Affairs/Inspector Food and Supplies and Consumer Affairs Grade II, Union Territory, Chandigarh" shall be substituted.
5. In the said Order, in clause 6, in sub-clause (2), for the words "Additional Director Food and Supplies", the words "Joint Director, Food and Supplies and Consumer Affairs" shall be substituted.
6. In the said Order, in clause 7, in sub-clause (1), for the words "Inspector Food and Supplies Grade II", the words "Inspector Food and Supplies and Consumer Affairs, Grade II" shall be substituted.
7. In the said Order, in clause 8, for the words "Additional Director Food and Supplies, Union Territory, Chandigarh", wherever occurring the words "Joint Director, Food and Supplies and Consumer Affairs, Union Territory, Chandigarh" shall be substituted.
8. In the said Order, in clause 9, in sub-clause (5), after the word 'issue' and before the word 'duplicate', the word "of" shall be added.
9. In the said Order, after clause 9, the following clause shall be inserted, namely :-
 10. **"Forfeiture of Security Deposit :-** (1) If the Licensing Authority is satisfied that the licensee has contravened any of the conditions of the licence and that a forfeiture of his security deposit is called for, he, may without prejudice to any other action that may be taken against him, after giving the licensee a reasonable opportunity of stating his case against the forfeiture, by order, forfeit the whole or any

part of the security deposited by the licensee and communicate a copy of the order to him.

- (2) The licensee shall, if the amount of security at any time falls short of the amount specified in sub-clause 2 (ii) of Clause 9, forthwith deposit further security or such part thereof, as is not forfeited as aforesaid, to make up that amount on being required by the Licensing Authority to do so.
- (3) On due compliance of all the conditions of the licence by the licensee the amount of security or such part thereof as is not forfeited as aforesaid, shall be returned to the licensee, after the cancellation of the licence.”

10. In the said order, in the format appended thereto:-

- (i) relating to application for licence, in the declaration in the first line for the word “for,” and in second line for the word “offence”, the word “of” and “order” shall, respectively, be substituted.
- (ii) relating to licence for regulating purchase/storage etc., after the word “undersigned” and the word “any” the word “at” shall be added.

Chandigarh
The 2nd August, 2004

R.S. Gujral,
Home Secretary-cum-Secretary,
Food and Supplies,
Chandigarh Administration