

# FINAL REPORT

## VOLUME- II- ANNEXURES

### STUDY ON IMPLEMENTATION OF ESSENTIAL COMMODITIES ACT, 1955 AND THE PREVENTION OF BLACK MARKETING & MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES ACT, 1980



SUBMITTED

TO

DEPARTMENT OF CONSUMER AFFAIRS  
MINISTRY OF CONSUMER AFFAIRS, FOOD & PUBLIC DISTRIBUTION,  
GOVERNMENT OF INDIA

BY

SANTEK CONSULTANTS PRIVATE LIMITED  
DELHI-110091

(santek@ndf.vsnl.net.in)

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# **ANNEXURE – I**

## **ESSENTIAL COMMODITIES ACT, 1955**

## ANNEXURE – I

### ESSENTIAL COMMODITIES ACT, 1955

The EC Act, 1955 gives powers to control production, supply, distribution etc. of essential commodities for maintaining or increasing supplies and for securing their equitable distribution and availability at fair prices. Using the powers under the Act, various Ministries/Departments of the Central Government have issued Control Orders for regulating production/distribution/quality aspects/movement etc. pertaining to the commodities which are essential and administered by them.

The Essential Commodities Act is being implemented by the State Governments/ UT Administrations by availing of the delegated powers under the Act. The State Governments/ UT Administrations have issued various Control Orders to regulate various aspects trading in Essential Commodities such as foodgrains, edible oils, pulses, sugar etc. The Central Government regularly monitors the action taken by State Governments/ UT Administrations to implement the provisions of the Essential Commodities Act, 1955.

The items declared as essential commodities under the Essential Commodities Act, 1955 are reviewed from time to time in the light of liberalized economic policies in consultation with the Ministries / Departments administering the essential commodities. At present the list of essential commodities contains 7 items. .

#### PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES ACT, 1980

In order to prevent unethical trade practices like hoarding and black-marketing etc., the Prevention of Black-marketing of Supplies of Essential Commodities, Act, 1980 is being implemented by the State Governments to detain persons whose activities are found to be prejudicial to the maintenance of supplies of commodities essential to the community.

### The Essential Commodities Act, 1955

(10of1955) [1st April, 1955]

*'An Act to provide, in the interest of the general public, for the control of the production, supply and distribution of, and trade and commerce, in certain commodities.*

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows :

1. Short title and extent-(I ) This Act may be called the Essential Commodities Act, 1955.

(2) It extends to the whole of India.

**2. Definitions-**In this Act, unless the context otherwise requires,

(a) "Collector" includes an Additional Collector and such other officer, not below the rank of Sub-Divisional Officer, as may be authorised by the Collector to perform the functions and exercise the powers of the Collector under this Act;]

(b) "food-crops" include crops of sugarcane;

(c) "notified order" means an order notified in the Official Gazette;

(cc) "order" includes a direction issued there under;

(d) "State Government," in relation to a Union territory, means the administrator thereof;



(e) "sugar" means

(i) any form of sugar containing more than ninety per cent of sucrose, including sugar candy;

(ii) khandsari sugar or bura sugar or crushed sugar or any sugar in crystalline or powdered form, or

(iii) sugar in process in vacuum pan sugar factory or raw sugar produced therein.

**2A.** Essential Commodities declaration, etc.-(1) For the purposes of this Act, "essential commodity" means a commodity specified in the Schedule (2) Subject to the provisions of sub-section(4), the Central Government may, if it is satisfied that it is necessary so to do in the public interest and for reasons to be specified in the notification published in the Official Gazette, amend the Schedule so as to

(a) add a commodity to the said Schedule;

(b) remove any commodity from the said Schedule, In consultation with the State Governments.

(3) Any notification issued under sub-section (2) may also direct that any entry shall be made against such commodity in the said Schedule declaring that such commodity shall be deemed to be an essential commodity for such period not exceeding six months to be specified in the notification:

Provided that the Central Government may, in the public interest and for reasons to be specified, by notification in the Official Gazette, extend such period beyond the said six months.

(4) The Central Government may exercise its powers under sub-section (2) in respect of the commodity to which Parliament has power to make laws by virtue of Entry in List III in the Seventh Schedule to the Constitution.

(5) Every notification issued under sub-section (2) shall be laid, as soon as may be after it is issued, before both Houses of Parliament.

**3. Powers to control production, supply, distribution, etc., of essential commodities-**(1) If the Central Government is of opinion that it is necessary or expedient so to do for maintaining or increasing supplies of any essential commodity or for securing their equitable distribution and availability at fair prices, or for securing any essential commodity for the defense of India or the efficient conduct of military operations, it may, by order, provide for regulating, or prohibiting the production supply and distribution thereof and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made there under may provide-

(a) for regulating by licenses, permits or otherwise the production or manufacture of any essential commodity;

(b) for. bringing under cultivation any waste or arable land, whether appurtenant to a building or not, for the growing thereon of food-crops generally or of specified food-crops, and for otherwise maintaining or increasing the cultivation of food-crops generally, or of specified food-crops;

(c) for controlling the price at which essential commodity may be bought or sold;

(d) for regulating by licences, permits or otherwise -the storage, transport, distribution, disposal, acquisition, use or consumption of, any essential commodity;

- (e) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale;
  - (f) for requiring any person holding in stock, or engaged in the production, or in the business of buying or selling, of any essential commodity,
  - (a) to sell the whole or a specified part of the quantity held in stock or produced or received by him or,
  - (b) in the case of any such commodity which is likely to be produced or received by him, to sell the whole or a specified part of such commodity when produced or received by him,
- to the Central Government or a State Government or to an officer or agent of such Government or to a Corporation owned or controlled by such Government or to such other person or class of persons and in such circumstances as may be specified in the order.

*Explanation 1*-An order made under this clause in relation to food-grains, edible oilseeds or edible oils, may, having regard to the estimated production, in the concerned area, of such food grains, edible oilseeds and edible oils, fix the quantity to be sold by the producers in such area and may also fix, or provide for the fixation of, such quantity on a graded basis, having regard to the aggregate of the area held by, or under the cultivation of, the producers.

*Explanation 2*-For the purposes of this clause, "production" with its grammatical variations and cognate expressions includes manufacture of edible oils and sugar;

- (g) for regulating or prohibiting any class of commercial or financial transactions relating to foodstuffs or cotton textiles which, in the opinion of the authority making the order, are, or, if unregulated, are likely to be, detrimental to the public interest;
  - (h) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;
  - (i) for requiring persons engaged in the production, supply or distribution of or trade and commerce in, any essential commodity to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order;
  - (ii) for the grant or issue of licenses, permits or other documents, the charging of fees therefor, the deposit of such sum, if any, as may be specified in the order as security for the due performance of the conditions of any such license, permit or other document, the forfeiture of the sum so deposited or any part thereof for contravention of any such conditions, and the adjudication of such forfeiture by such authority as may be specified in the order;
- G) for any incidental and supplementary matters, including, in particular, the entry, search or examination of premises, aircraft, vessels, vehicles or other conveyances and animals, and the seizure by a person authorised to make such entry, search or examination.
- (i) of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being, or is about to be, committed and any packages, coverings or receptacles in which such articles are found;
  - (ii) of any aircraft, vessel, vehicle or other conveyance or animal used in carrying such article, if such person has reason to believe that such aircraft, vessel, vehicle or other conveyance or animal is liable to be forfeited under the provisions of this Act;
  - (iii) of any books of accounts and documents which in the opinion of such person, may be useful for, or relevant to, any proceeding under this Act and the person from whose custody such books of accounts or documents are seized shall be entitled to make copies thereof or to take extracts there from in the presence

of an officer having the custody of such books of accounts or documents.

(3) Where any person sells any essential commodity in compliance with an order made with reference to clause (f) of sub-section (2), there shall be paid to him the price therefor as hereinafter provided:

(a) where the price can, consistently with the controlled price, if any, fixed under this section, be agreed upon, the agreed price;

(b) where no such agreement can be reached, the price calculated with reference to the controlled price, if any;

(c) where neither clause (a) nor clause (b) applies, the price calculated at the market rate prevailing in the locality at the date of sale.

(3A) (i) If the Central Government is of opinion that it is necessary so to do for controlling the rise in prices or preventing the hoarding, of any food-stuff in any locality, it may, by notification in the Official Gazette, direct that notwithstanding anything contained in sub-section (3), the price at which the food-stuff shall be sold in the locality in compliance with an order made with reference to clause (f) of sub-section (2) shall be regulated in accordance with the provisions of this sub-section.

(ii) Any notification issued under this sub-section shall remain in force for such period not exceeding three months as may be specified in the notification.

(iii) Where, after the issue of a notification under this sub-section, any person sells foodstuff of the kind specified therein and in the locality so specified, in compliance with an order made with reference to clause (f) of sub-section (2), there shall be paid to the seller as the price therefor

(a) where the price can, consistently with the controlled price of the foodstuff, if any, fixed under this section, be agreed upon, the agreed price:

(b) where no such agreement can be reached, the price calculated with reference to the controlled price, if any;

(c) where neither clause (a) nor clause (b) applies, the price calculated with reference to average market rate prevailing in the locality during the period of three months immediately preceding the date of the notification.

(iv) For the purposes of sub-clause (c) of clause (iii), the average market rate prevailing in the locality shall be determined by an officer authorised by the Central Government in this behalf, with reference to the prevailing market rates for which published figures are available in respect of that locality or of a neighbouring locality; and the average market rate so determined shall be final and shall not be called in question in any court.

(3B) Where any person is required, by an order made with reference to clause (l) of sub-section (2), to sell to the Central Government or a State Government or to an officer or agent of such Government or to a Corporation owned or controlled by such Government, any grade or variety of food grains, edible oilseeds or edible oils in relation to which no notification has been issued under sub-section (3A), or such notification having been issued, has ceased to be-in force, there shall be paid to the person concerned, notwithstanding anything to the contrary contained in subsection (3), an amount equal to the procurement price of such foodgrains, edible oilseeds or edible oils, as the case may be, specified by the State Government, with the previous approval of the Central Government having regard to

(a) the controlled price, if any, fixed under this section or by or under any other law for the time being in force for such grade or variety of food grains, edible oilseeds or edible oils;

(b) the general crop prospects;

(c) the need for making such grade or variety of food grains, edible oilseeds or edible oils available at reasonable prices to the consumers, particularly the vulnerable sections of the consumers; and

(d) the recommendations, if any, of the Agricultural Prices Commission with regard to the price of the concerned grade or variety of food grains, edible oilseeds or edible oils.

(3C) Where any producer is required by an order made with reference to clause

(l) of sub section (2) to sell any kind of sugar (whether to the Central Government or a State Government or to an officer or agent of such Government or to any other person or class of persons) and either no notification in respect of such sugar has been issued under sub-section (3A) or any such notification, having been issued, has ceased to remain in force by efflux of time, then, notwithstanding anything contained in sub-section (3), there shall be paid to that producer an amount therefore which shall be calculated with reference to such price of sugar as the Central Government may, by order, determine, having regard to

(a) the fair and remunerative price, if any, fixed for sugarcane by Central Government under this section;

(b) the manufacturing cost of sugar;

(c) the duty or tax, if any, paid or payable thereon; and

(d) the securing of a reasonable return on the capital employed in the business of manufacturing sugar,

and different prices may be determined from time to time for different areas or for different factories or for different kinds of sugar.

Provided that where only provisional determination of price of levy sugar has been done in respect of sugar produced upto the sugar-season 2008-2009, the final determination may be done under this sub-section as it stood immediately before the 1<sup>st</sup> day of October, 2009.

*Explanation--*For the purposes of this sub-section,

(a) "fair and remunerative price" means the price of sugarcane fixed by the Central Government under this section;

(b) "manufacturing cost of sugar" means the net cost incurred on conversion of sugarcane into sugar including net cost of transportation of sugarcane from the purchase centre to factory gate, to the extent it is borne by the producer;

(c) "producer" means a person carrying on the business of manufacturing sugar;

(d) "reasonable return on the capital employed" means the return on net fixed assets plus working capital of a producer in relation to manufacture of sugar including procurement of sugarcane on fair and remunerative price fixed under this section.

(3D) The Central Government may direct that no producer, importer or exporter shall sell or otherwise dispose of or deliver any kind of sugar or remove any kind of sugar from the bonded godowns of the factory in which it is produced, whether such godowns are situated within the premises of the factory or outside or from the warehouses of the importers or exporters, as the case may be, except under and in accordance with the direction issued by the Government:

Provided that this sub-section shall not affect the pledging of such sugar by any producer or importer in favour of any scheduled bank as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934) or any corresponding new bank constitute under section 3 of the Banking Companies

(Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), so, however, that no such bank shall sell the sugar pledged to it except under and in accordance with a direction issued by the Central Government.

(3E) The Central Government may, from time to time, by general or special order, direct any producer or importer or exporter or recognized dealer or any class of producers or recognised dealers, to take action regarding production, maintenance of stocks, sale, grading, packing, marking, weighment, disposal, delivery and distribution of any kind of sugar in the manner specified in the direction.

Explanation-For the purposes of sub-section (3D) and this sub-section,

- (a) "producer" means a person carrying on the business of manufacturing sugar;
- (b) "recognised dealer" means a person carrying on the business of purchasing, selling or distributing sugar;
- (c) "sugar" includes plantation while sugar, raw sugar and refined sugar, whether indigenously produced or imported.

(4) If the Central Government is of opinion that it is necessary so to do for maintaining or increasing the production and supply of an essential commodity, may, by order, authorize any person (hereinafter referred to as an authorized controller) to exercise with respect to the whole or any part of any such undertaking engaged in the production and supply of the commodity as may be specified in the order such functions of control as may be provided therein and so long as such order is in force with respect to any undertaking or part thereof,-

(a) Othe authorized controller shall exercise his functions in accordance with any instructions given to him by the Central Government, so, however, that he shall not have any power to give any direction inconsistent with the provisions of any enactment or any instrument determining the functions of the persons in-charge of the management of the undertaking, except in so far as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on in accordance with any directions given by the authorised controller under the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions .

(5) An order made under this section shall,-

(a) in the case of an order of a general nature or affecting a class of persons, be notified in the Official Gazette; and

(b) in the case of an order directed to a specified individual be served on such individual

(i) by delivering or tendering it to that individual, or

(ii) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives, and a written report there of shall be prepared and witnessed by two persons living in the neighbourhood.

(6) Every order made under this section by the Central Government or by any officer or authority of the Central Government shall be laid before both Houses of Parliament, as soon as may be, after it is made.

1 Imposition of duties on State Government, etc.-An order made under section 3 may confer powers and impose duties upon the Central Government or the State Government or officers and authorities of Central Government or State Government, and may contain directions to any State Government or to officers and authorities thereof as to the exercise of any such powers or the discharge of any such duties.

2 Delegation of powers-The Central Government may, by notified order, direct that the power to make orders or issue notifications under section shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by

(a) such officer or authority subordinate to the Central Government; or

(b) such State Government or such officer or such authority subordinate to a State Government, as may be specified in the direction.

6. Effect of orders inconsistent with other enactments-Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

6A. Confiscation of essential commodity-(1) Where any essential commodity is seized in pursuance of an order made under section 3 in relation thereto, a report of such seizure shall, without unreasonable delay, be made to the Collector of the district or the Presidency town in which such essential commodity is seized and whether or not a prosecution is instituted for the contravention of such order, the Collector may, if he thinks it expedient so to do, direct the essential commodity so seized to be produced for inspection before him, and if he is satisfied that there has been a contravention of the order may order confiscation of

(a) the essential commodity so seized;

(b) any package, covering or receptacle in which such essential commodity is found; and

(c) any animal, vehicle, vessel or other conveyance used in carrying such essential commodity :

Provided that without prejudice to any action which may be taken under any other provision of this Act, no foodgrains or edible oilseeds in pursuance of an order made under section 3 in relation thereto from a producer shall, if the seized foodgrains or edible oilseeds have been produced by him, be confiscated under this section:

Provided further that in the case of any animal, vehicle, vessel or other conveyance used for the carriage of goods or passengers for hire, the owner of such animal, vehicle, vessel or other conveyance shall be given an option to pay, in lieu of its confiscation, a fine not exceeding the market price at the date of seizure of the essential commodity sought to be carried by such animal, vehicle, vessel or other conveyance.

(2) Where the Collector, on receiving a report of seizure or on inspection of any essential commodity under sub-section (1), is of the opinion that the essential commodity is subject to speedy and natural decay or it is otherwise expedient in the public interest so to do, he may

(i) order the same to be sold at the controlled price, if any, fixed for essential commodity under this Act or under any other law for the time being in force; or

(ii) where no such price is fixed, order the same to be sold by public auction :

Provided that in case of foodgrains, the collector may, for its equitable distribution and availability at fair prices, order the same to be sold through fair price shops at the price fixed by the Central Government or by the State Government, as the case may be, for the retail sale of such foodgrains to the public.

(3) Where any essential commodity is sold, as aforesaid, the sale proceeds thereof, after deduction of the expenses of any such sale or auction or other incidental expenses relating thereto, shall

(a) where no order or confiscation is ultimately passed by the Collector,

(b) where an order passed on appeal under sub-section (1) of section 6C so requires, or

(c) where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under this section, the person concerned is acquitted be paid to the owner or the



person from whom it is seized.

6B. Issue of show cause notice before confiscation of essential commodity-(I) No order confiscating any essential commodity shall be made under section 6A unless the owner of such essential commodity package, covering, receptacle, animal, vehicle, vessel or other conveyance or the person from whom it is seized,

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate the essential commodity package, covering, receptacle, animal, vehicle, vessel or other conveyance;

(b) is given an opportunity of making a presentation in writing within such reasonable time as may be specified in the notice against the ground of confiscation; and

(c) is given a reasonable opportunity of being heard in the matter.

(2) Without prejudice to the provisions of sub-section (I), no order confiscating any animal, vehicle vessel or other conveyance shall be made under section 6A if the owner of the animal, vehicle vessel or other conveyance proves to the satisfaction of the Collector that it was used in carrying the essential commodity without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the animal, vehicle, vessel or other conveyance and that each of them had taken all reasonable and necessary precautions against such use.

(3) No order confiscating any essential commodity package, covering, receptacle, animal, vehicle, vessel or other conveyance shall be invalid merely by reason of any defect or irregularity in the notice, given under clause (a) of sub-section (I), if, in giving such notice, the provisions of that clause have been substantially complied with.

6C. Appeal-(I) Any person aggrieved by an order of confiscation under section 6A may, within one month from the date of the communication to him of such order, appeal to any judicial authority by the State Government concerned and the judicial authority shall, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under section 6A is modified or annulled by such judicial authority, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under section 6A, the person concerned is acquitted, and in either case it is not possible for any reason to return the essential commodity seized, such persons shall, except as provided by sub-section (3) of section 6A, be paid the price therefor as if the essential commodity, had been sold to the Government with reasonable interest calculated from the day of the seizure of the essential commodity and such price shall be determined

(i) in the case of foodgrains, edible oilseeds or edible oils, in accordance with the provisions of sub-section (3B) of section 3;

(ii) in the case of sugar, in accordance with the provisions of sub-section (3C) of section 3; and

(iii) in the case of any other essential commodity, in accordance with the provisions of sub-section (3) of section 3.

6D. Award of confiscation not to interfere with other punishments-The award of any confiscation under this Act by the Collector shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

6E. Bar of jurisdiction in certain cases-Whenever any essential commodity is seized in pursuance of an order made under section 3 in relation thereto, or any package, covering or receptacle in which such

essential commodity is found, or any animal, vehicle, vessel or other conveyance used in carrying such essential commodity is seized pending confiscation under section 6A, the Collector, or as the case may be, the State Government concerned under section 6C shall have, and, notwithstanding any thing to the contrary contained in any other law for the time being in force, any court, tribunal or other authority shall not have, jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance.

7. Penalties-(I) If any person contravenes any order made under section 3,

(a) he shall be punishable,

(i) in the case of an order made with reference to clause (h) or clause

(i) of sub-section (2) of that section, with imprisonment for a term which may extend to one year and shall also be liable to fine, and

(ii) in the case of any other order, with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months;

(b) any property in respect of which the order has been contravened shall be forfeited to the Government;

(c) any package, covering or receptacle in which the property is found and any animal, vehicle, vessel or other conveyance used in carrying the commodity shall, if the court so orders, be forfeited to the Government.

(2) If any person to whom a direction is given under clause (b) of sub-section (4) of section 3 fails to comply with the direction, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months.

(2A) If any person convicted of an offence under sub-clause (ii) of clause (a) of sub-section (1) or under sub-section (2) is again convicted of an offence under the same provision, he shall be punishable with imprisonment for the second and for every subsequent offence for a term which shall not be less than six months but which may extend to seven years and shall also be liable to fine:

Provided that the court may for any adequate and special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than six months.

(2B) For the purposes of sub-sections (1), (2) and (2A), the fact that an offence under sub-clause (ii) of clause (a) of sub-section (1) or under sub-section (2) has caused no substantial harm to the general public or to any individual, shall be an adequate and special reason for awarding a sentence of imprisonment for a term of less than three months, or six months, as the case may be.

(3) Where a person having been convicted of an offence under sub-section (1) is again convicted of an offence under that sub-section for contravention of an order in respect of an essential commodity, the Court by which such person is convicted shall, in addition to any penalty which may be imposed on him under that subsection, by order, direct that that person shall not carry on any business in that essential commodity for such period, not being less than six months, as may be specified by the Court in the order.

7A. Power of Central Government to recover certain amounts as arrears of land revenue--(I) Where any person, liable to

(a) pay any amount in pursuance of any order made under section 3, or

(b) deposit any amount to the credit of any Account or Fund constituted by or in pursuance of any order made under that section,

makes any default in paying or depositing the whole or any part of such amount, the amount in respect of which such default has been made shall whether such order was made before or after the commencement of the Essential Commodities (Amendment) Act, 1984, and whether the liability of such person to pay or deposit such amount arose before or after such commencement be recoverable by Government together with simple interest due thereon computed at the rate of fifteen per cent per annum from the date of such default to the date of recovery of such amount, as an arrears of land revenue or as a public demand.

(2) The amount recovered under sub-section (1) shall be dealt with in accordance with the order under which the liability to pay or deposit such amount arose.

(3) Notwithstanding anything contained in any other law for the time being in force or any contract to the contrary, no court, tribunal or other authority shall grant any injunction or make any order prohibiting or restraining any Government from recovering ie, any amount as an arrears of land revenue or as a public demand in pursuance of the provisions of sub-section (1).

(4) If any order, in pursuance of which any amount has been recovered by Government as an arrears of land revenue or as a public demand under subsection (1) is declared by a competent court, after giving to the Government a reasonable opportunity of being heard, to be invalid, the Government shall refund the amount so recovered by it to the person from whom it was recovered, together with simple interest due thereon, computed at the rate of fifteen per cent per annum, from the date of recovery of such amount to the date on which such refund is made.

*Explanation.-*For the purposes of this section, "Government" means the Government by which the concerned order under section 3 was made or where such order was made by an officer or authority subordinate to any Government, that Government.

1 Attempts and abetment-Any person who attempts to contravene, or abets a contravention of any order made under section 3 shall be deemed to have contravened that order.

2 False statement-If any person,

(i) when required by any order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

(ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish,

he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

10. Offences by companies-{1) If the person contravening an order made under section 3 is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or

connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.-For the purposes of this section,*

- (a) "company" means any body corporate, and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

IOA. Offences to be cognizable-Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) every offence punishable under this Act shall be cognizable.

IOB. Power of court to publish name, place of business, etc., of companies convicted under the Act-(1) Where any company is convicted under this Act, it shall be competent for the court convicting the company to cause the name and place of business of the company, nature of the contravention, the fact that the company has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of the company in such newspapers or in such other manner as the court may direct.

(2) No publication under sub-section (1) shall be made until the period for preferring an appeal against the order of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.

(3) The expenses of any publication under sub-section (1) shall be recoverable from the company as if it were a fine imposed by the court.

*Explanation.-For the purposes of this section, "company" has the meaning assigned to it in clause (a) of the explanation of section 10.*

Presumption of culpable mental state--(1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state but it shall be a defense for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

*Explanation.-In this section, "culpable mental state" includes intention, motive, knowledge of an act and the belief in, or reason to believe, a fact.*

(2) For the purposes of this section, a fact is said to be proved only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

11. Cognizance of offences-No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code (45 of 1860) or any person aggrieved or any recognised consumer association, whether such person is a member of that association or not.

*Explanation.-For the purposes of this section and section 12AA, "recognised consumer association" means a voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force.*

12. Special provision regarding fine-Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the First Class specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding five thousand rupees on any person convicted of contravening any order made under section 3.

12A. Power to try summarily-(1) If the Central Government is of opinion that a situation has arisen where, in the interests of production, supply or distribution of any essential commodity not being an essential

commodity referred to in clause (a) of subsection (2) or trade or commerce therein and other relevant considerations, it is necessary that the contravention of any order made under section 3 in relation to such essential commodity should be tried summarily, the Central Government may, by notification in the Official Gazette, specify such order to be a special order for purposes of summary trial under this section, and every such notification shall be laid, as soon as may be after it is issued, before both Houses of Parliament.

Provided that

(a) every such notification issued after the commencement of the Essential Commodities (Amendment) Act, 1971, shall, unless sooner rescinded, cease to operate at the expiration of two years after the publication of such notification in the Official Gazette;

(b) every such notification in force immediately before such commencement shall, unless sooner rescinded, cease to operate at the expiration of two years after such commencement:

Provided further that nothing in the foregoing proviso shall affect any case relating to the contravention of a special order specified in any such notification if proceedings by way of summary trial have commenced before that notification is rescinded or ceases to operate and the provisions of this section shall continue to apply to that case as if that notification had not been rescinded or had not ceased to operate.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974) all, offences relating to

(a) the contravention of an order made under section 3 with respect to

(ii) foodstuffs, including edible oilseeds and oil; or

(iii) drugs; and

(b) where any notification issued under sub-section (1) in relation to a special order is in force, the contravention of such special order,

shall be tried in a summary way by a Judicial Magistrate of the First Class specially empowered in this behalf by the State Government or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall, after hearing the parties, record an order to that effect and thereafter recall any witnesses who may have been examined and proceed to hear or re-hear the case in the manner provided by the said Code.

(3) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure 1973 (2 of 1974), there shall be no appeal by a convicted person in any case tried summarily under this section in which the Magistrate passes a sentence of imprisonment not exceeding one month, and of fine not exceeding two thousand rupees whether or not any order of forfeiture of property or an order under section 452 of the said Code is made in addition to such sentences, but an appeal shall lie where any sentence in excess of the aforesaid limits is passed by the Magistrate.

(4) All cases relating to the contravention of an order referred to in clause (a) of sub-section (2), not being a special order, and pending before a Magistrate immediately before the commencement of the Essential Commodities (Amendment) Act, 1974, and, where any notification is issued under sub-section (1) in

relation to a special order, all cases relating to the contravention of such special order and pending before a Magistrate immediately before the date of the issue of such notification, shall, if no witnesses have been examined before such commencement or the said date, as the case may be, be tried in a summary way under this section, and if any such case is pending before a Magistrate who is not competent to try the same in a summary way under this' section, it shall be forwarded to a Magistrate so competent.

12B. Grant of injunction, etc., by civil courts-No civil court shall grant injunction or make any order for any other relief, against the Central Government or any State Government or a Public officer in respect of any act done or purporting to be done by such Government, or such officer in his official capacity, under this Act or any order made there under, until after notice of the application for such injunction or other relief has been given to such Government or officer.

13. Presumption as to order-Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a Court shall presume that such order was so made by that authority within the meaning of the Indian Evidence Act, 1872 (1 of 1872).

14. Burden of proof in certain cases-Where a person is prosecuted for contravening any order made under section 3 which prohibits him from doing any act or being in possession of a thing without lawful authority or without a permit, license or other document, the burden of proving that he has such authority, permit, license or other document shall be on him.

15. Protection of action taken under Act-(1) 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 any order made under section 3.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

15A. Prosecution of public servants-where any person who is a public servant is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his duty in pursuance of an order made under section 3, no court shall take cognizance of such offence except with the previous sanction

(a) of the Central Government, in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the Union;

(b) of the State Government, in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the State.

16. Repeals and savings--(1) The following laws are hereby repealed

(a) the Essential Commodities Ordinance, 1955 (1 of 1955);

(b) any other law in force in any State immediately before the commencement of this Act in so far as such law controls or authorizes the control of the production, supply and distribution of, and trade and commerce in, any essential commodity.

(2). Notwithstanding such repeal, any order made or deemed to be made by any authority whatsoever, under any law repealed hereby and in force immediately before the commencement of this Act shall, in so far as such order may be made under this Act, be deemed to be made under this Act and continue in force, and accordingly any appointment made, licence or permit granted or direction issued under any such order and in force immediately before such commencement shall continue in force until and unless it is superseded by any appointment made, licence or permit granted or direction issued under this. Act.

(3) The provisions of sub-section (2) shall be without prejudice to the provision contained in section 6 of



the General Clauses Act, 1897 (10 of 1897), which shall also apply to the repeal of the Ordinance or other law referred to in sub-section (1) as if such Ordinance or other law had been an enactment.

**THE SCHEDULE (See section 2A)  
ESSENTIAL COMMODITIES**

(1) drugs. *Explanation*-For the purposes of this Schedule, " drugs" has the meaning assigned to it in clause (b) of section 3 of the Drugs and Cosmetics Act, 1940 (23 of 1940)

(2) fertilizer, whether inorganic, organic or mixed;

(3) foodstuffs, including edible oilseeds and oils;

(4) hank yarn madewholly from cotton;

(5) petroleum and petroleum products;

(6) raw jute and jute textiles;

(7) (i) seeds of food-crops and seeds of fruits and vegetables; (ii)seeds of cattle fodder; and (iii)jute seeds;

\*(iv)cotton seed

\* Added vide Notification No.S.O.3267(E) dated 22<sup>nd</sup> December, 2009.

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# **ANNEXURE – II**

## **PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES ACT, 1980**

## **ANNEXURE – II**

# **PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES ACT, 1980**

In order to prevent unethical trade practices like hoarding and blackmarketing etc., the Prevention of Blackmarketing of Supplies of Essential Commodities, Act, 1980 is being implemented by the State Governments to detain persons whose activities are found to be prejudicial to the maintenance of supplies of commodities essential to the community.

### **THE PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIALCOMMODITIES ACT, 1980**

(7 of 1980)

[12th February, 1980]

An Act to provide for detention in certain cases for the purpose of prevention of blackmarketing and maintenance of supplies of commodities essential to the community and for matters connected therewith.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

(1)Short title, extent and commencement. -

(1) This Act may be called the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 5th day of October, 1979.

(2)Definitions. - In this Act, unless the context otherwise requires,

(a)'appropriate Government' means, as respects a detention order made by the Central Government or by an officer of the Central Government or person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer of a State Government or as respects a person detained under such order, the State Government;

(b)'detention order' means an order made under section 3;

(c)'State Government', in relation to a Union Territory, means the administrator thereof.

3. Power to make orders detaining certain persons. -

(1) The Central Government or a State Government or any officer of the Central Government, not below the rank of a Joint Secretary to that Government specially empowered for the purposes of this section by that Government, or any officer of a State Government, not below the rank of a Secretary to that Government specially empowered for the purposes of this section by that Government, may, if satisfied, with respect to any person that with a view to preventing him from acting in any manner prejudicial to the maintenance of supplies of the commodities essential to the community it is necessary so to do, make an order directing that such person be detained .

Explanation. - For the purposes of this sub-section, the expression 'acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community' means -

(a) committing or instigating any person to commit any offence punishable under the Essential Commodities Act, 1955 (10 of 1955) or under any other law for the time being in force relating to the

control of the production, supply or distribution of, or trade and commerce in, any commodity essential to the community; or

(b) dealing in any commodity –

(i) which is an essential commodity as defined in the Essential Commodities Act, 1955 (10 of 1955), or

(ii) with respect to which provisions have been made in any such other law as is referred to in clause (a),

with a view to making gain in any manner which may directly or indirectly defeat or tend to defeat the provisions of that Act or other law aforesaid.

3. (2) Any of the following officers, namely –

(a) District Magistrates;

(b) Commissioners of Police, wherever they have been appointed, may also, if satisfied as provided in sub-section (1), exercise the powers conferred by the said sub-section.

(3) When any order is made under this section by an officer mentioned in subsection (2), he shall forthwith report the fact to the State Government to which he is subordinate together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof unless in the meantime it has been approved by the State Government:

Provided that where under section 8 the grounds of detention are communicated by the authority making the order after five days but not later than ten days from the date of detention, this sub-section shall apply subject to the modification that for the words 'twelve days', the words 'fifteen days' shall be substituted.

(4) When any order is made or approved by the State Government under this section or when any order is made under this section by an officer of the State Government not below the rank of Secretary to that Government specially empowered under sub-section (1), the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order.

4. Execution of detention orders. - A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973 (2 of 1974).

5. Power to regulate place and conditions of detention. - Every person in respect of whom a detention order has been made shall be liable—

(a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify; and

(b) to be removed from one place of detention to another place of detention, whether within the same State or in another State, by order of the appropriate Government:

Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government of that other State.

6. Detention orders not to be invalid or inoperative on certain grounds-- No detention order shall be invalid or inoperative merely by reason –

(a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or officer making the order, or

(b) that the place of detention of such person is outside the said limits.

**7. Powers in relation to absconding persons. -**

(1) If the appropriate Government or an officer mentioned in sub-section (2) of section 3, as the case may be has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government or officer may—

(a) make a report in writing of the fact to a Metropolitan Magistrate or a Judicial Magistrate of the First Class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of section 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973 (2 of 1974), shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate;

(b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order, of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under clause (b) of sub-section (1) shall be cognizable.

**8. Grounds of order of detention to be disclosed to person affected by the order. -**

(1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the appropriate Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

**9. Constitution of Advisory Boards. -**

(1) The Central Government and each State Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Act.

(2) Every such Board shall consist of three persons who are, or have been or are qualified to be appointed as, Judges of a High Court, and such persons shall be appointed by the appropriate Government.

(3) The appropriate Government shall appoint one of the members of the Advisory Board who is, or has been, a Judge of a High Court to be its Chairman, and in the case of a Union Territory, the appointment to the Advisory Board of any person who is a Judge of the High Court of a State shall be with the previous approval of the State Government concerned.

**10. Reference to Advisory Boards. -** Save as otherwise expressly provided in this Act, in every case where a detention order has been made under this Act, the appropriate Government shall, within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by it under section 9, the grounds on which the order has been made and the representation, if any, made by the person affected by the order and in case where the order has been made by an officer referred to in sub-section (2) of section 3, also the report by such officer under sub-section (3), of that section.

**11. Procedure of Advisory Boards. -**

(1) The Advisory Board shall, after considering the materials placed before it and, after calling for such further information as it may deem necessary from the appropriate Government or from any person called for the purpose through the appropriate Government or from the person concerned, and if, in any

particular case, it considers it essential so to do or if the person concerned desires to be heard, after hearing him in person, submit its report to the appropriate Government within seven weeks from the date of detention of the person concerned.

(2) The report of Advisory Board shall specify in separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned.

(3) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board, and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

#### 12. Action upon the report of Advisory Board. -

(1) In any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

(2) In any case where the Advisory Board has reported that there is, in its opinion, no sufficient cause for the detention of the person concerned, the appropriate Government shall revoke the detention order and cause the person to be released forthwith.

#### 13. Maximum period of detention. -

(1) The maximum period for which any person may be detained in pursuance of any detention order which has been confirmed under section 12, shall be six months from the date of detention:

Provided that nothing contained in this section shall affect the power of the appropriate Government to revoke or modify the detention order at any earlier time.

#### 14. Revocation of detention orders. -

(1) Without prejudice to the provisions of section 21 of the General Clauses Act, 1897 (10 of 1897), a detention order may, at any time, be revoked or modified

(a) notwithstanding that the order has been made by an officer of the State Government, by that State Government or by the Central Government;

(b) notwithstanding that the order has been made by an officer of the Central Government or by a State Government, by the Central Government.

(2) The revocation or expiry of a detention order shall not bar the making of a fresh detention order under section 3 against the same person in any case where fresh facts have arisen after the date of revocation or expiry on which the Central Government or a State Government or an officer, as the case may be, is satisfied that such an order should be made.

#### 15. Temporary release of persons detained. -

(1) The appropriate Government may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as the person accepts, and may, at any time, cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.



(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

16. Protection of action taken in good faith. - No suit or other legal proceeding shall lie against the Central Government or a State Government, and no suit, prosecution or other legal proceeding shall lie against any person, for any thing in good faith done or intended to be done in pursuance of this Act.

17. Repeal and saving. -

(1) The Prevention of Black marketing and Maintenance of Supplies of Essential Commodities Ordinance, 1979 (10 of 1979), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

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# **ANNEXURE – 3.1** **(Uttar Pradesh)**

ANNEXURE-3.1(UP)

CONTROL ORDER- UP Scheduled Commodities Distribution Order 2004

<sup>3</sup>[The Uttar Pradesh Scheduled Commodities  
Distribution Order, 2004

Whereas the State Government is of the opinion that it is necessary and expedient so to do for maintaining the supplies of foodgrains and other Essential Commodities and for securing their equitable distribution and availability at fair prices.

Now, therefore, in exercise of the powers conferred under Section 3 of the **Essential Commodities Act, 1955** (Act No. 10 of 1955) read with the order of the Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Department of Food and Public Distribution,

1. Subs. by A.O. 1950 for (Prov'l Govt).
2. Ins. by Section 9(n) of U.P. Act No. 12 of 1973
3. Vide Notification No. 4398/XXIX-Food-6-18-Sa-01, dated 20 December, 2004, published in U.P. Gazette Extra Part 4, Section (Kha) dated 20th December, 2004

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U.P. COMMODITY CONTROL ORDERS

published under GSR 630(E), dated August 31, 2001 and all other powers enabling him in this behalf, the Governor is pleased to make the following order, namely—

**1. Short title, extent and commencement.**—(1) This order may be called the **Uttar Pradesh Scheduled Commodities Distribution Order, 2004.**

(2) It extends to (sic the) whole of Uttar Pradesh.

(3) It shall come into force at once.

**2. Definitions.**—In this order, unless the context otherwise requires—

- (a) 'Act' means the Essential Commodities Act, 1955;
- (b) 'Adult' or a Ration Unit means any person who has completed the age of five years and 'Child' or a Half Ration Unit means any person who has not attained the age of five years;
- (c) 'Agent' means a person or a cooperative society or a Corporation of the State Government authorised to run a fair price shop under the provisions of this order;
- (d) 'Antyodaya families' means those poor families from amongst Below the Poverty Line (BPL) families identified by a 'Food Officer' and entitled to receive food grains under the Antyodaya Anna Yojana;
- (e) 'APL' means those families who have been issued Above Poverty Line ration cards under this order;
- (f) 'Appellate Authority' means any authority appointed by the State Government to exercise the powers of the appellate authority under this order;
- (g) 'BPL' means those families who have, under the guidelines issued by the State Government been identified by a food officer for issue of food grains at specially subsidized rates;
- (h) 'Collector' includes District Magistrate and an officer authorised in writing by him to perform all or any of his functions under this order;
- (i) 'Competent Authority' means Collector and includes Additional District Magistrate, District Supply Officer, Deputy Town and Rationing Officer and Sub-Divisional Magistrate or Area Rationing Officer;
- (j) 'Central Order' means the Public Distribution System (Control) Order, 2001 issued by the Central Government;
- (k) 'Designated Authority' means Supply Inspector, a Senior Supply Inspector but for rural areas it also includes Gram Panchayat and Gram Vikas Adhikari at Gram Panchayat level;
- (l) 'Fair Price Shop' means a shop set up under these orders of the State Government for the distribution of Scheduled Commodities;
- (m) 'Food Officer' means the Food Commissioner, Additional Food Commissioner, Deputy Food Commissioner, Assistant Food Commissioner, Regional Food Controller, District Magistrate,

Additional District Magistrate (Civil Supplies), District Supply Officer, District Food Marketing Officer and Deputy Town and Rationing Officer, Area Rationing Officer or any other officer authorised by the State Government in this behalf;

- (n) "Holder" in relation to ration card, means the person whose name or designation appears as such on that ration card;
- (o) "Household" means the collection of individuals who normally eat food prepared in the same kitchen;
- (p) "Ration card" means a card issued under Clause 5 of this order;
- (q) "Person" means an individual, a partnership firm, a Co-operative Society or Company incorporated under the Companies Act, 1956;
- (r) "Qualified Resident" means a person resident of any part of the State of Uttar Pradesh and authorised under general or special order of the State Government for the time being in force, to receive ration card on behalf of himself or a household or an establishment;
- (s) "Regional Food Controller" includes an officer authorised in writing by the Regional Food Controller to perform all or any of the functions under this order;
- (t) "Scheduled Commodity" means a commodity specified in the Schedule appended to this order products thereof and includes such other commodities which the State Government direct to be sold through a fair price shop.

**3. Setting up of fair price shop.**—With a view to effecting fair distribution of Scheduled Commodities the State Government may issue directions under Section 3 of the Act to set such number of fair price shops in an area and in the manner as it deems fit.

**4. Running of fair price.**—(1) A fair price shop shall be run through such person and in such manner as the Collector, subject to the directions of the State Government may decide,

(2) A person appointed to run a fair price shop under sub-clause (1) shall act as the agent of the State Government.

(3) A person appointed to run a fair price shop under sub-clause (1) shall sign an agreement, as directed by the State Government regarding running of the fair price shop as per the draft appended to this order before the competent authority prior to the coming with effect of the said appointment.

**5. Identification of families living below the poverty line.**—(1) Under order of the State Government a Food Officer shall undertake identification of families living Below the Poverty Line (BPL) including the Antyodaya families, as per the estimates adopted by the State 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 earlier shall be completed within three months from issue of this order.

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(2) A Food Officer 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, 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 designated authority. The said authority shall also certify the correctness of the information contained in the pro forma and report to concerning Food Officer for his approval.

(5) Gram Sabhas shall finalize 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 Food Officer shall finalize the list of beneficiaries belonging to BPL and Antyodaya categories within their respective jurisdiction.

**6. Ration card.**—(1) Food Officer shall ensure that no qualified resident is denied a ration card under this order.

(2) Food Officer shall ensure issuance of distinctive ration cards to APL, BPL and Antyodaya families in accordance with the orders issued by the State Government from time to time in this regard.

(3)(i) This designated authority on being directed by the Food Officer shall issue a ration card of appropriate category within one month of the date of receipt of the application after necessary checks and verification but only after the approval of the Food Officer.

(ii) The said application shall be in the pro forma prescribed by the State Government under this order.

(4)(i) *Contents of ration card*—Designated authority shall ensure that each ration card issued under Clause 6 have clearly marked on it the name, sex, age, address, occupation of the holders, the number of persons residing with holder including their name, age, sex, occupation and relationship with the holder along with the name and other essential details of the agent from whom the holder is entitled to purchase Scheduled Commodities.

(ii) Ration card shall be issued only in the pro forma prescribed by the State Government under this order.

(iii) Ration card shall have photograph of the holder affixed on it and shall be valid only if signed by the designated authority.

**7. Amendment etc, of ration card.**—(1) The Food Officer and on his approval designated authority may at any time add to, amend, vary (sic vary) or rescind any ration card:

Provided that in case of rescission of a ration card the Food Officer shall satisfy himself that there are sufficient reasons for him to do so and shall record such reasons in writing.



(2) Where any ration card is rescinded any person in possession of it shall forth with surrender it to the Food Officer.

**8. Quantity per unit to be prescribed.**—The State Government may prescribe the quantity of a Scheduled Commodity which a unit shall represent generally or for any particular class of persons.

**9. Quantities that may be purchased on ration card.**—Unless otherwise directed by the Competent Officer, the entire quota of the month may be lifted by the ration card holder on monthly basis.

**10. False presentation and keeping in possession of invalid ration card.**—(1) No ration card holder shall intentionally present ration card whether by himself or through any other person, which he knows or has reason to believe, includes units for which he is not lawfully entitled to obtain Scheduled Commodities under this order. Such card as hereinafter in this order be called an invalid ration card.

(2) No ration card holder shall keep in his possession any invalid ration card.

**11. Dishonest application for ration card.**—(a) The ration card holder shall not dishonestly apply for receive or use ration card when provision has been made for him or any other member of his household or establishment in any other ration card.

(b) Give incorrect details while applying for the ration card.

(c) Wilfully alter or destroy ration card issued to him.

**12. Duty to deliver up invalid card.**—When any person is in possession of an invalid ration card prior to the commencement of this order, he shall deliver it up to the Food Officer at once.

**13. Report about change in number or unit.**—Ration card holder shall report to the Food Officer within a fortnight of any decreased (sic decrease) in the number of units in his ration card whether decreased be on a permanent basis or for a period exceeding three months.

**14. Increase in number of units etc.**—A ration card holder may apply to the Food Officer for an increase in the number of units furnishing such proof, if any of the facts necessitating such increase, as the Food Officer may require subject to any directions as may be issued by the State Government in this behalf.

**15. Issue of duplicate ration card in case of loss etc.**—Any person to whom ration card has been issued may on proof of its loss, destruction or defacement be issued a duplicate ration card on his application to the Food Officer concerned.

**16. Entry on the ration card and keeping registers etc.**—The agent shall record on the ration card in the space provided therefore the quantity of scheduled commodities purchased by the ration card holder together with the date of such purchase.

**17. Prohibition on keeping of ration card by distributor and use of bogus ration card.**—(a) The agent shall not keep in his possession

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ration card or any person other than himself, except by way of bona fide collection of ration cards from persons actually present at the shop at a given time, offer facilitating the distribution of scheduled commodities of them.

(b) Assist anyone in preparation or in obtaining any bogus or invalid rations card; or

(c) Obtain or use any bogus or invalid ration card; or

(d) Draw or receive any Scheduled Commodities by making false entries in the record.

**18. Validity of ration card.**—A ration card shall be valid for a specific period prescribed by the State Government. A 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.

**19. Elimination of bogus ration cards and units.**—Food Officer shall conduct periodical checking of ration cards weed out in eligible and bogus ration cards and bogus units in the ration cards to check diversion of scheduled commodities.

**20. Prohibition for use of the card in relation to nationality.**—Ration card shall not be used as document of identity in any form specially in relation to nationality.

**21. Monitoring in accordance with the order issued by the State Government.**—(1) A Food Officer shall ensure proper monitoring of fair price shops and prescribe model sale register, stocks register and ration card register in accordance with the order issued by the State Government.

(2) Food Officer shall ensure regular inspection of fair price shop in his area not less than once in a month in urban area and not less than once in a month in rural area by the supply inspector. The State Government may issue order specifying the inspection schedule, list of checkpoints and authority responsible for ensuring compliance of the said order.

(3)(i) Competent authority shall ensure constitution of Vigilance Committees, Administrative Committee (Gram Sabha Level) at fair price shop which shall monitor the functioning of the fair price shop.

(ii) Meeting of such Committees shall be held on regular basis and in a manner as directed by the State Government.

(4) Competent Authority 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.

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(5) Competent authority shall ensure that Scheduled Commodities are made available to agents in accordance with the roster prescribed by the State Government in this regard.

(6) Monthly allocation of food, grains, sugar, kerosene and other Scheduled commodities shall be supplied to the agent only and that only on receipt of a certificate, issued by the concerning Vigilance Committee, Administrative Committee duly countersigned by the supply or Senior Supply Inspector or Village Development Officer of the area clearly mentioning that prior month's allocations have been distributed by the agent in accordance with the rules.

(7) Competent authority shall ensure delivery of one copy of allocation order made to fair price shop simultaneously to Gram Panchayat or Nagar Palika or Nagar Nigam as the case may be and Vigilance Committees or any other body nominated for monitoring the functioning of the fair price shops by the State Government.

(8) Competent authority and Food Officer shall check the diversion, substitution or adulteration of Scheduled Commodities.

**22. Power of entry, search, seizure, etc.—**(1) The Food Officer, the Competent Authority, the Senior Supply Inspector or Supply Inspector may within his jurisdiction with such assistance if any, as he thinks fit—

(a) Require the owner, occupier or any other person in charge of any place, premises, vehicles or vessels in which he has reason to believe that any contravention of the provisions of this order has been or is being, or is about to be made, to produce any book, account or other documents showing transaction relating to such contravention;

(b) Enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order has been or is being or is about to be made;

(c) Examine and seize any books of accounts and documents which in the opinion of such officer may be useful for or relevant to any proceeding under this order and return such books of accounts and documents to the person from whom they were seized after copies thereof or extracts therefrom as may be considered necessary and certified by the person to be correct have been taken;

(d) Seize any Scheduled Commodities, if he is satisfied that there has been contravention of this order;

(e) Send a report as provided in Section 6(a) of the Act to the Collector of the District in which such seizure is made and the Collector may thereafter proceed to confiscate the Scheduled Commodities, animal, vehicles vessel or other conveyance so seized in accordance with the provisions of the Act.

(2) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) relating to search shall as far as may apply to search under this clause.

**23. Power of State of Government to authorise any person to inspect etc.**—The State Government may authorise any person other than those referred to in Clause 22 to perform all (sic or) any of the functions detailed below—

- (a) to inspect any stocks of Scheduled Commodities, books or accounts or other documents pertaining to any Scheduled Commodities with a view to ensure that no contravention of this order is being made and for the purposes of such inspection enter any premises used or believed to be used for the sale or distribution or storage of Scheduled Commodities;
- (b) to require any person to make any statement or furnish any information or produce any document or furnish any information or produce any document or article in his possession or under his control relating to the purchase, sale, distribution or storage of any Scheduled Commodities and any person so required shall comply with such requisition;
- (c) to inspect any ration card or require any person to give any information in regard to such member of his household as are included in the ration card.

**24. Unlawful ration card.**—(1) No person shall manufacture, prepare, print or keep in his possession any blank ration card or any seal or stamp which is used or is likely to be used for preparation of unlawful ration cards or use such ration cards for receiving any Scheduled Commodities.

(2) No person shall knowingly receive or use, or assist anyone in receiving or using any unlawful ration card or receive or assist in receiving any Scheduled Commodities except on a valid ration card.

(3) No public servant shall wilfully or knowingly issue or help in issuing and (sic) lawful ration card to any person.

**25. Conditions to be observed by the agent.**—The agent shall observe such conditions as the State Government or the Collector may by an order in writing direct from time to time, in respect of opening of shop maintenance of stocks, supply and distribution of Scheduled Commodities, maintenance of accounts, keeping of the registers filing returns and issue of receipt of Identity Card holder and other matters.

**26. Ban on Transfer of Agency.**—No person authorized as agent by the competent officer shall appoint as sub-agent or transfer his agency to any other person by any means whatsoever and no person other than the person authorised as agent shall carry on business either as a sub-agent or as a transferee from the agent or otherwise on behalf of such agent.

**27. Penalty.**—Contravention of provisions of this order shall be liable to punishment in accordance with the orders issued by the State Government from time to time.

**28. Appeal.**—[(1) All appeals shall lie before the concerned Divisional Commissioner who shall hear and dispose of the same or may by order

Sub-Class (1) Subs. by Notification No. 1523/XXIX-6-10-18 SA-01, dated 02 July 2010. Published in U.P. Gazette, Extra, Part 4 of Section (Kha), dated 2nd July 2010.

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delegate his/her powers to the Deputy Commissioner, food, or Additional Commissioner for hearing and disposing of the appeal.

(2) Any person aggrieved by an order of the Food Officer or the designated authority refusing the issue or renewal of a ration card or cancellation of the ration card may appeal to the Appellate Authority within thirty days from the date of receipt of the order.

(3) Any agent aggrieved by an order of the competent authority suspending or cancelling agreement of the fair price shop may appeal to the Appellate Authority within thirty days from the date of receipt of the order.

(4) No such appeal shall be disposed of unless the aggrieved person or agent 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.

**29. 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.

**30. Savings.**—Any act performed under the provisions of the Uttar Pradesh Scheduled Commodities Order, 1990, which is hereby repealed prior to commencement of this order shall be deemed to have been validly performed under the provisions of this order.

**31. 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 the State Government before the commencement of this order except as respects anything done, or omitted to be done thereunder before such commencement.

SCHEDULE

[See Clause 22(T)]

- |           |                      |
|-----------|----------------------|
| 1. Wheat  | 5. Edible oil        |
| 2. Rice   | 6. Kerosine oil      |
| 3. Pulses | 7. Soft coke         |
| 4. Sugar  | 8. Controlled cloths |

SCHEDULE

[See Clause 22(4)]

Form A

As prescribed in Central Order, 2001

Form B

SCHEDULE

[See Clause 4(3)]

Draft agreement to be proposed after DFA Control Order is finalized.

## ANNEXURE – 3.2(UP)

### The Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hording) Order, 1989

	उत्तर प्रदेश प्रसाधन गजट, 31 अगस्त, 1989
	all other powers enabling him in this behalf and with prior concurrence of the Central Government, the Governor is pleased to make the following order, namely:—
	ORDER
	THE UTTAR PRADESH SCHEDULED COMMODITIES DEALERS (LICENSING AND RESTRICTION ON HOARDING) ORDER, 1989
Short title extent and commencement	<p>1. (1) This order may be called the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989.</p> <p>(2) It extends to the whole of Uttar Pradesh.</p> <p>(3) It shall come into force at once.</p> <p>(4) Nothing in this Order shall apply to—</p> <p style="padding-left: 40px;">(a) The Food Corporation of India;</p> <p style="padding-left: 40px;">(b) The Uttar Pradesh State Food and Essential Commodities Corporation;</p> <p style="padding-left: 40px;">(c) Any Corporation established by the central or the State Government for the development of seeds</p> <p style="padding-left: 40px;">(d) Any person—</p> <p style="padding-left: 80px;">(i) Who stores foodgrains, pulses or oilseeds produced by him by personal cultivation, and</p> <p style="padding-left: 80px;">(ii) Who is not engaged in the business of purchase and sale of foodgrains, pulses or oilseeds;</p> <p style="padding-left: 40px;">(e) Any industrial undertaking which is engaged in the manufacture or production of vacuum pan factory sugar or open pan Khandasari Sugar, or gur which is registered or licensed under the Industries (Development and Regulation) Act, 1951.</p> <p style="padding-left: 40px;">(f) The Central or the State Government, departments;</p> <p style="padding-left: 40px;">(g) Any Authorised Retail Distributor appointed under the Uttar Pradesh Scheduled Commodities (Regulation of Distribution) Order, 1989.</p>
Definition	<p>2. In this order, unless the context otherwise requires—</p> <p style="padding-left: 40px;">(a) "Category A City" means a city, Specified as such in column one of Schedule-III;</p> <p style="padding-left: 40px;">(b) "Category B City" means a city, Specified as such in column two of Schedule-III</p> <p style="padding-left: 40px;">(c) "Commission agent" means a person who carries on the business of purchase, sale and storage for sale on behalf of any other person for commission;</p> <p style="padding-left: 40px;">(d) "dealer" means a person who carries on the business of purchase or sale on storage for sale on any day of scheduled commodities in quantities specified below:—</p> <p style="padding-left: 80px;">✓(1) (i) Food grains of any one kind—10 quintals or more; and</p> <p style="padding-left: 80px;">(ii) Food grains of all kinds taken together—59 quintals or more;</p> <p style="padding-left: 80px;">✓(2) Pulses of all kinds taken together—10 quintals, or more;</p>

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(o) "Retailer" means a dealer who sells to any one customer at one time, not more than—

- (i) One quintal of any one kind of food grains or pulses; or
- (ii) 75 Kilograms of any one kind of Oil seeds or 15 Kilograms of any one kind of edible Oil; or
- (iii) One quintal of any one kind of Sugar or Gur;

(p) "Schedule" means a Schedule appended to this Order.

(q) "Scheduled Commodity" means any of the commodities specified in Schedule-1;

(r) "State Government" means the Government of Uttar Pradesh;

(s) "Wholesaler" means a dealer who at any one time sells to any one person:—

- (i) One quintal or more of any kind of food-grains and when sold in packages of wheat products, pulses and Basmati rice, in any quantity, or
- (ii) 75 Kilograms or more of any one kind of Oil seeds or 15 Kilograms or more of one kind of edible Oil; or
- (iii) One quintal or more of any one kind of Sugar or Gur.

Licensing of dealers and Commission Agent. 3. (1) No person shall carry on business as a dealer or a Commission Agent or a manufacturer or a producer without obtaining a licence under this Order:

Provided that an existing licence shall be valid during the period of 90 days from the commencement of this order, or the period of validity of such licence whichever expires earlier.

(2) No person holding a licence for wholesaler in (Form 'B'), or Commission agent (in Form 'E'), or both issued in his own name or in the name of the firm in which he is a partner may simultaneously hold a licence for retailer (in Form 'D').

Issue of Licence

4. (1) Every application for a licence or renewal thereof shall be made to the licensing authority in Form 'A'.

(2) Every licence under this Order shall be in Form 'B' in the case of a wholesaler manufacturer or producer, in Form 'D' in the case of a retailer and in Form 'E' in the case of a Commission agent.

period of Licence and Fees

5. (1) A licence granted or renewed under this order shall be valid for a period ending on the 31st day of December of the 5th year of its grant or renewal, as the case may be.

(2) A licensee desiring to get his licence renewed shall apply for renewal before the date of expiry of the licence.

(3) No application for renewal made after the date of the expiry of the licence shall be entertained by the licensing authority:

Provided that if such application is made before the 31st day of January of the year next following the date of expiry of the licence and the licensing authority is satisfied that the applicant could not apply for renewal of the licence before the date of expiry thereof for sufficient cause, it may on payment of a late fee of Rs. 150/- entertain the application and renew the licence.

(4) The fees specified below shall be payable along with the application in form 'A'.

	for issuing a licence	for renewal of licence
	Rs.	Rs.
(i) in Form 'B' (wholesaler, producer or manufacturer)	500	250
(ii) in Form 'E' (Commission agent)	500	250
(iii) in Form 'D' (Retailer)	250	125



(5) A separate licence shall be obtained by a dealer or Commission agent as the case may be for each place or business.

(6) A duplicate licence may be issued on payment of Rs. 150/- on proof of its loss, destruction and defacement on application by the licensee.

6. Every person applying for a licence shall before the licence is issued to him deposit with the licensing authority, security of the value specified below for the due performance of the conditions subject to which the licence is granted to him.

	Rs.
(i) Licence in Form 'B'	5000
(ii) Licence in Form 'E'	2000
(iii) Licence in Form 'D'	1000

Provided that the State Government may if it considers expedient in public interest so to do, grant exemption from depositing security or reduce the amount of security in the case of—

(i) a Consumers Co-operative Society which deals in food grains.

7. The licensing authority may after affording the person concerned an opportunity of stating his case and for reasons to be recorded in writing refuse to grant or renew a licence.

Power to refuse the licence

8. (1) No licensee or his agent or servant or any other person acting on his behalf shall contravene any provision of this order or any of the terms or conditions of the licence.

Contravention of conditions of licence

(2) If the licensing authority is satisfied that any such licensee or his agent or servant or any other person acting on his behalf has contravened any provision of this order or the terms and conditions of the licence, it may without prejudice to any other action that may be taken against him, by order in writing cancel or suspend his licence either in respect of all scheduled commodities covered by it or in respect of such of these commodities as it may think fit:

Provided that no order shall be made under this sub-clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension as the case may be.

(3) Subject to the control of the State Government the licensing authority may during the pendency or in contemplation of proceeding under sub-clause (2) suspend such licence.

(4) It shall be lawful for licensing authority to cancel a licence if the licensee has been convicted for contravention of any order made under section 5 of the Essential Commodities Act, 1955 relating to food stuffs.

(5) The proviso to sub-clause (2) shall apply where a licence is cancelled under clause (4).

(6) The licence cancelled under clause (4) shall be restored, where such conviction is set aside by any course of competent jurisdiction or as the case may be.

9. (1) Without prejudice to the provisions of clause 8, if the licensing authority is satisfied that the Licensee has contravened any of the conditions of the licence and that a forfeiture of the security deposit is called for, it may after affording the licensee a reasonable opportunity of stating his case against the forfeiture, by order forfeit the whole or any part of the security deposited by him and send a copy of the order to the licensee:

Forfeiture of Security deposit

Provided that where the security has been forfeited the licensee may carry on his business only after depositing fresh security in such sum not exceeding double the amount of the security forfeited, as may be determined by the licensing authority.

(2) Upon due compliance by the Licensee with all obligations under the licence, the amount of security or such part thereof, which is not forfeited shall be returned to the licensee after the termination of the licence.



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10. (1) Any person aggrieved by an order of the licensing authority, refusing to grant, renew or restore a licence, or cancelling or suspending a licence, or forfeiting the whole or any part of the security deposited by the licensee under the provisions of this order, may prefer an appeal to the Food Commissioner, Uttar Pradesh within 30 days from the date of communication of such order.

(2) No order prejudicial to the appellant shall be made in the appeal unless the appellant has been given a reasonable opportunity of stating his case.

11. (1) No dealer either by himself or any person on his behalf store or have in his possession at any time any Scheduled commodity in excess of the quantity specified below:-

Ris'truction on  
possession of  
Scheduled com-  
modities.

Serial No.	Name of the Scheduled Commodities	Category of city	Whole-saler Quintals	Commis-sion Agent Quintals	Retailer Quintals	Producer or Manufacturer as the case may be
1	2	3	4	5	6	7
1	Wheat		Stock limit according to provisions of clause 4(1) (i) of the Uttar Pradesh Foodgrains (Procurement and Regulation of Trade) Order, 1982, as amended from time to time.			
2	Paddy and Rice		Stock limit according to provisions of clause 19 of the Uttar Pradesh Rice and Paddy (Levy and Regulation of Trade) Order, 1985, as amended from time to time.			
3	Coarse grains	..	500	500	100	No limit
4	Pulses	..	1000	1000	50	Unmilled stocks
		Category A City	750	750	40	1/12th of the quantity equal to the annual installed capacity, and
		Category B City	500	500	30	milled stock 1/24th of the quantity equal to the annual installed capacity.
		Other places				
5	Edible oilseeds including groundnut in shell.	Category A City	500	1500	100	1/12th of the quantity equal to the annual installed capacity.
		Category B City	1000	1000	75	
		Other places	500	500	50	
6	Edible oils including hydrogenated vegetable oils.	Category A City	800	800	25	1/24th of the quantity equal to the annual installed capacity.
		Category B City	600	600	15	
		Other places	350	350	10	
7	Vacuum pan Sugar	(a) In cities and towns with a population of one lakh and more.	250	250	25	No limit
		(b) In other towns and areas with a population of less than one lakh.	125	125	15	No limit

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1	2	3	4	5	6	7
8	Khandsari	(a) In cities and towns with a population of one lakh and more.	250	250	25	No limit
		(b) In other towns and areas with a population of less than one lakh	125	125	15	No limit
9	Gur	(a) In cities and towns with a population of one lakh and more	250	250	25	No limit
		(b) In other towns and areas with a population of less than one lakh	125	125	15	No limit

Provided that the stock limits in relation to pulses, oilseeds and edible oils specified for a whole saler in category 'A' cities shall apply to a whole-saler in such Mandis situated in other places as the Mandi Parishad may, having regard to the location of such Mandis and other relevant factors, from time to time specify :

Provided further that where any quantity of pulses or oilseeds or edible oils is in transit, then for the purposes of this sub-clause such quantity shall be deemed to be included in the stocks of the person in whom the property in such commodity is retained during such transit in accordance with the terms of any contract in pursuance of which the quantity is put in such transit.

(2) Nothing contained in sub-clause (1) shall apply to—

(a) any stock of scheduled commodities purchased or stored on behalf of the Government of India, the State Government or the Food Corporation of India ;

(b) Any stock of scheduled commodities of any Central level or State level Co-operative Society engaged in the procurement, sale, purchase or distribution of scheduled commodities.

(3) Notwithstanding anything contained in sub-clauses (1) and (2), the Regional Food Controller may, on being satisfied that the special circumstances of the case so warrant, allow a licensee to hold for a specified period scheduled commodities exceeding the limits allowed under sub-clause (1) and make a report of the order to the State Government who may vary, amend or reverse such order and such variance, amendment or reversal shall be effective after notice of the same to the licensee.

(4) No person shall have in his possession or custody, whether by way of bailment or otherwise any quantity of scheduled commodities on behalf of or on account of any licence :

Provided that nothing in this sub-clause shall apply to—

- (a) the Central Warehousing Corporation or the State Warehousing Corporation or a Cooprative Warehousing Society;
- (b) a Scheduled Bank or a Co-operative Bank with which a Scheduled Commodity has been pledged;
- (c) a Commission agent;
- (d) a licensed Rice Mill or Floor Mill to whom a Scheduled Commodity has been delivered by a licensee for purposes of milling;
- (e) a carrier to whom a Scheduled Commodity has been delivered by a licensee for the purposes of transport.

*Explanation*—The stock of any Scheduled Commodity pledged with a bank, or kept in a warehouse or stored with any other person by way of pledge or any other bailment shall for purposes of sub-clause (1) be deemed to be in possession of the pledger or as the case may be, the bailor.

Power to  
exempt,

12. (1) The State Government may, in the public interest, exempt wholly or partly any scheduled commodity from the provisions of this order.

(2) The State Government may, in the public interest exempt any person or class of persons, dealers or class of dealers either wholly or partly from the operation of any of the conditions of a licence or provisions of clause 3 of this Order.

Power remove  
difficulties

13. The State Government may, by general, or special order, published in the *Gazette*, make supplementary provisions in respect of matters for which no provision exists or insufficient provisions exist in this order as it thinks fit for the purposes of removing any difficulty.

Power of entry,  
search, seizure  
etc.

14. (1) Any Enforcement Officer or the Licensing authority or any other officer authorised in writing by the State Government in this behalf may, with such assistance, if any, as he thinks fit with a view to securing compliance with this order or to satisfying himself that the order has been complied with :—

(a) enter, inspect or break open and search any place or premises, vehicle or vessel used or believed to be used for the purchase, sale or storage for sale of any of the Scheduled Commodities or in which he has reason to believe that any contravention of the provisions of this order or the conditions of any licence issued thereunder, has been or is being or is about to be committed;

(b) require the owner, occupier or any other person in charge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Order, or of the conditions of any licence issued there under has been or is being, or is about to be committed to produce any book, accounts or other documents showing transactions relating to such contraventions;

(c) take or cause to be taken, extracts from, or copies of any documents showing transactions relating to such contraventions which are produced before him;

(d) Search, seize and remove stocks of Scheduled commodities and the animals, vehicles, vessels or other conveyances used in the said Scheduled Commodities in contravention of the provisions of this Order, or of the conditions of the licence issued there under and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of Scheduled Commodities and the animals, vehicles, vessels or other conveyance so seized in a court and for their a court and for their safe custody pending such production.

(2) The provisions of the Code of Criminal Procedure 1973 (Act no. 2 of 1974) relating to search and seizure shall, so far as may be, apply to the searches and seizures made under this clause.

Rescission and  
Saving

15. (1) The Uttar Pradesh Food grains Dealers' (Licensing and Restriction on Hoarding) Order, 1976, The Uttar Pradesh Oil-seeds and Oil-seed Products Control Order, 1966. The Uttar Pradesh Pulses (Licensing and Storage Control) Order, 1979 and the Uttar Pradesh Sugar and Gur Dealers Licensing Order, 1962, are hereby rescinded and the provisions of

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sections 6, 8 and 24 of the General Clauses Act, 1897 (Act no. 10 of 1897) shall apply as they apply in relation to the repeal and re-enactment of a Central Act.

(2) Notwithstanding such rescission any appointment made, licence or permit granted, or direction issued under the provisions of any of the Orders so rescinded as amended from time to time and in force immediately before the commencement of this Order shall be deemed to have been made, granted or issued under this order so far as they are consistent with the provision of this Order.

#### SCHEDULE-I

(Scheduled Commodities)

(See Clause 2)

I—*Foodgrains*—Which means wheat, paddy (rice in husk), rice (husked), coarse grains (that is to say Bajra, Barly, Jowar, Maize) including products of such foodgrains other than husk, bran, laiya, Chura and Kheci.

II—*Pulses*—Which means Urd, Moong, Arhar, Masur, Peas, Lobia, Razmah and gram whole or split or without husk.

III—*Edible Oils*—Which means Oil used for cooking for human consumption including hydrogenated vegetable oils.

IV—*Oil Seeds*—Which means the seeds from which edible oil is prepared.

V—*Sugar*—Which means any form of sugar containing more than 90 per cent of sucrose.

VI—*Gur*—Which means articles commonly known as gur, gul, jaggery Shakkar or rab and includes raw sugar and uncrystalised sugar in any other form comprising original and convertible molasses and other impurities inherent or foreign, prepared by boiling cane or palmyra juice.



## ANNEXURE – 3.3 (UP)

### **U. P. KEROSENE CONTROL ORDER, 1962**

**1. Short title extent and commencement.**—(i) This Order may be called the Uttar Pradesh Kerosene Control Order, 1962.

(ii) It shall extend to the whole of Uttar Pradesh.

(iii) It shall come into force at once.

**2. Definitions.**—In this order unless there is anything repugnant in the subject of context—

(a) 'agent' means an agent appointed by an Oil Company for distribution of <sup>1</sup>[kerosene to distributor or to retail dealers] and holding licence in Form III;

<sup>2</sup>[(aa) 'Distributor' means a person holding a licence in Form III-A to take kerosene delivery from an agent for distribution thereof to retail dealers, and to such other persons as directed by the Licensing Authority,]

(b) 'Form' means a form given in the Schedule hereto;

(c) 'kerosene' means mineral oil prepared for illuminating purposes distilled from petroleum;

(d) 'licensee' means an agent or <sup>3</sup>[a distributor or a retail dealer];

(e) 'licensing authority' means the District magistrate of the district or any other officer authorized by him to perform any of the functions of Licensing Authority under this Order and includes the District Supply Officer, if any, of the district;

(f) 'retail Dealer' means a person holding a licence in Form IV;

(g) 'retail sale' means sale in quantities not exceeding 18.5 litres;

(h) 'Oil Company' means any of the following companies namely—  
Messrs. Burmah shell Oil Storage and Distributing Co. of India Ltd.,  
Messrs. Esso, Standard Eastern Inc., Messrs. Caltex (India) Ltd., Messrs.  
Indo-Burmah Petroleum Co., Messrs. Western India Oil Distributing Co. Ltd.,  
and Messrs. Indian Oil Co. Ltd.; and

(i) 'State Government' means the Government of Uttar Pradesh;

<sup>4</sup>[(j) 'Divisional Commissioner' means the Commissioner of a Division of the State of Uttar Pradesh having jurisdiction within the limits of division].

**3. Registration on sale and storage.**—(i) No person shall sell, offer for sale or storage for sale, kerosene except under a licence granted by the Licensing Authority of the district in which he carries on business.

<sup>5</sup>[(i-a) A separate licence shall be obtained in respect of every place of business.

1. Published in U.P. Gazette, Extraordinary, dated December 27, 1962.
2. Subs. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955, dated 10-5-90 (w.e.f. 10-5-90)
3. Ins. by Subs. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955, dated 10-5-90 (w.e.f. 10-5-90).
4. Ins. by Notification No. 5298/XXXIX-7-33 (KO)/78-CA-10-1995-O-1962-AM (10)-1980, dated May 12, 1980.
5. Added by Notification No. 1908/XXIX BD (2)-1-K-62, dated March 19, 1963.



(ii) Nothing contained in Sub-clause (i) shall apply to an Oil Company supplying kerosene to agent for the purpose of distribution <sup>1</sup>[to the distributor or the retail dealers].

<sup>2</sup>[(iii) Nothing contained in Sub-clause (i) or (i-a) of this clause shall apply to a person appointed to run a Government fair price shop during the subsistence of such appointment.]

**4. Price control.**—No agent shall sell or offer for sale Kerosene at price exceeding the wholesale price and no retail dealer shall sell or offer for sale, kerosene at a price exceeding the retail price.

*Explanation I.*—‘Wholesale price’ means the price fixed by the Government of India from time to time plus such incidental charges and margin of profit as may be determined for the area by the District Magistrate of the district.

*Explanation II.*—‘Retail price’ means the wholesale price plus such incidental charges and margin of profit as may be determined for the area by the District Magistrate of the district.

**5. Application for licence.**—An application for licence shall be in Form I <sup>3</sup>[or Form I or Form II], as the case may be.

**6. Number of criteria for licences.**—<sup>4</sup>[(i) The Licensing Authority shall, subject to the orders of the State Government issued in the behalf, grant such number of licences of each category as he may consider necessary for securing equitable distribution and availability at fair prices of kerosene.

(ii) A licence in Form III shall be granted only to a person who is appointed as agent by an Oil Company.

<sup>5</sup>[(ii-a) A licence in Form III-A shall be granted to a person holding a licence in Form III, a co-operative society a company or corporation or any other body owned or controlled by the State Government, or to any person having experience of kerosene business at places at which no agent has been appointed.]

(iii) A licence in Form IV shall be granted keeping in view the experience and extent of kerosene business carried on by the applicant, and also his previous conduct.

<sup>6</sup>[(iv) A licence in Form IV shall not be granted or renewed to a licensee holding licence in Form III or III-A or to a member of his family or benami or to

1. Subs. By Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955, dated 15-5-90 (w.e.f. 10-5-90).
2. Ins. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10-5-90).
3. Sub. by Notification No. 1367/XXIX-7-88 (KO) 89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10-5-90).
4. Sub. by Notification No. 1367/XXIX-7-88 (KO) 89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10-5-90).
5. Ins. by Notification No. 1367/XXIX-7-88 (KO) 89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10-5-90).
6. Ins. by Notification No. 1367/XXIX-7-88 (KO) 89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10-5-90).



any other applicant for the same premises in which a licence in Form III or III-A has already been granted.]

**7. Form of conditions of licence.**—A licence granted under this Order shall be in Form III <sup>1</sup>[in the case of an agent in Form III-A in the case of a distributor] in Form IV in the case of retail dealer and in each case shall be subjected to the conditions stated therein.

<sup>2</sup>[Provided that for a person is appointed to run a fair price shop in accordance with the orders inforce no licence in Form IV shall be necessary, but he shall during the subsistence of such appointment be deemed to be a licensee in Form IV and bound by all the terms and conditions applicable to a licensee holding licence in Form IV under this order.]

**8. Period of Licence and renewal.**—(i) Every licence shall be valid from the date of issue to the 31st of December of that year and may be renewed for a further period of one year at a time.;

(ii) An application for renewal of licence shall be <sup>3</sup>[in Form I or Form I-A or] Form II, as the case may be, and shall be moved at least thirty days before the date of expiry of the licence.

**9. Duplicate licence.**—When a licence is lost, destroyed or mutilated, duplicate licence may, on the application of the licensee, be issued by the Licensing Authority for remaining period of the licence.

<sup>4</sup>[**10. Licence fee.**—(i) The fee prescribed below shall be chargeable in respect of :

<sup>5</sup> [(A) Licence in Form III.—	One time as per notification of 194/94
(a) for issue of licence	Rs. 5000/- one time
(b) for issue of duplicate licence	Rs. 500/-
(B) Licence in Form III-A.—	
(a) for issue of licence	Rs. 1050/-
(b) for issue of duplicate licence	Rs. 200/-
(C) Licence in Form IV,—	
(a) for issue a licence	Rs. 250/-
(b) for issue of duplicate licence	Rs. 100/-

(ii) The licence fee for the issue of licence shall be paid before the licence is issued and the licence fee renewal of a licence or for issue of duplicate licence shall be paid along with the application for the renewal or issue, as the case may be.

1. Ins. by Notification No. 1367/XXIX-7-88 (KO) 89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10-5-90).
2. Ins. by Notification No. 1367/XXIX-7-88 (KO) 89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10-5-90).
3. Sub. by Notification No. 1367/XXIX-7-88 (KO) 89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10-5-90).
4. Subs. by U.P. Kerosene Control (First Amendment) Order, 1975, dated 25-11-1975.
5. Subs. by Notification No. 1367/XXIX-7-88 (KO) 89-CA-10/1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10-5-90)



(iii) <sup>1</sup>[(a) Each applicant for grant of a licence under this Order shall within a week of the demand and before issue of the licence, furnish a security of <sup>2</sup>[Rs. 1,000 in the case of an agent and Rs. 500 in the case of a distributor] and Rs. 100 in the case of a retail dealer in the form of fixed deposit in a post office duly pledged to the Licensing Authority, for the compliance of the provisions of the said Order and performance of the terms and conditions of the licence :

Provided that a person holding licence under this Order at commencement of the Uttar Pradesh Kerosene Control Eleventh (Amendment) Order, 1980, shall furnish the aforesaid amount of security in the said manner, within amount of the demand made after such commencement.

(b) The licensee shall, if the amount of security at any time falls short of the amount specified under (a) of this sub-clause, forthwith deposit the amount to make up the deficiency in the amount of security on being required to do so by the Licensing Authority.

(c) The whole or any part of the amount of the security which is not forfeited under the provisions of this Order, shall, on application being made for that purpose be refunded to the licensee on the termination of his licence.

<sup>3</sup>[**11. Forfeiture of security, suspension and cancellation of and refusal to renew licence.**—The Licensing Authority may, for reasons to be recorded in writing, forfeit the security either in whole or in part, suspend or cancel any licence or refuse to renew a licence if it is satisfied that the licensee has contravened any provisions of this Order of the conditions of the licence or any direction issued thereunder :

Provided that the licensee shall be given a reasonable opportunity of submitting his explanation before forfeiture of security either in whole or in part or before a licence is cancelled or its renewal is refused or its suspended otherwise than by way of suspension pending inquiry :

Provided further that no order of suspension pending inquiry shall extend beyond a period of two weeks :

Provided also that it shall not be necessary to give an opportunity in respect of an alleged contravention which has led to the conviction of the licensee.]

### Comments

The Government or its Officers cannot interfere with rights of others unless they can point out some specific rule or law which authorised their acts—No such rule in the control order which empowers respondents to suspend kerosene's retailed dealers licences during pendency of some criminal case in a criminal Court. In absence of any such power action of respondent in

1. Ins. by Notification No. 231/XXIX-7-32 (KO) 89-CA-10/1955-O-1962-AM 1101980, dated 15-9-1980.
2. Subs. by Notification No. 1367/XXXIX-7-88 (KO) 89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90. (w.e.f. 10-5-90)
3. Subs. by Notification No. 231/XXIX-7-32 (KO-77-CA-10/1955-O-1962-AM-11-1980, dated 15-9-1980.



suspending licences of petitioners is absolutely without jurisdiction. *Suresh Chandra Gupta vs District Supply Officer, Etawah*.<sup>1</sup>

<sup>2</sup>[**12. Appeal.**—(i) Any person, aggrieved by the cancellation of his licence or by the refusal to renew the same, may within 30 days of the order of cancellation or refusal being communicated to him refer an appeal to the Divisional Commissioner concerned or to such other officer as nominated by the State Government in this behalf.

(ii) The State Government may, as a special case, transfer to itself appeal filed under sub-clause (i) above and dispose it of.

(iii) Appeal preferred before the State Government prior to the commencement of this Order, may be transferred by the State Government for disposal to the Divisional Commissioner concerned.]

**13. Restriction on utilisation of kerosene.**—A licensee shall not utilise or allow to be utilised, his stock of kerosene except for sale in accordance with the provisions of this Order and the conditions of his licence.

**14. Powers of Licensing Authority, etc.**—The Licensing Authority or any <sup>3</sup>Officer authorised by it in this behalf, may—

(i) by order, require any licensee to maintain such records and furnish such returns, reports, statements or information in regard to his business, as may be specified in the Order;

(ii) inspect any books or documents relating to kerosene business belonging to or under the control of a licensee;

(iii) enter upon, inspect or search any premises used or believed to be used for the purchase, sale or storage of kerosene; and

(iv) seize any kerosene in respect of which he has reason to believe that a contravention of this Order has been, is being or is about to be made and also seize any record relating to such kerosene.

**15. Repeal.**—Subject to the provisions of Clause 16 of the Uttar Pradesh Kerosene (Price) Control Order, 1962 is hereby repealed <sup>4</sup>[except in relation to cases of contravention of the Order before the commencement of this Order.]

**16. Savings.**—Any order or termination made by action taken under the Uttar Pradesh Kerosene (Price) Control Order, 1962 and in force immediately and be deemed to have been made or taken under the corresponding of this order.

## SCHEDULE

### FORM I

*Form of application for licence as an agent or for renewal of such licence :*

1. Applicant's name, parentage and address .....

1. 1990 R.J. 25.

2. Subs. by Notification No. 5298/XXIX-7-33 (KO)-78-CA-10/1955-O-1962-AM (10)-1980, dated May 12, 1980.

3. Vide Notification No. 580/XXIX BD-(2)-IK-62, July 31, 1963.

4. Vide Notification No. 580/XXIX BD-(2)-IK-62, July 31, 1963.

### **ANNEXURE – 3.4 (UP)**

## **UP High Speed Diesel oil Light Diesel Oil (Maintenance of Supply and Distribution order 1981**

Or. 2] U. P. H. S. D. OIL & L. D. OIL (MAIN. OF SUPP. & DIS.) ORDER, 1981 231

### **The Uttar Pradesh High Speed Diesel Oil and Light Diesel Oil (Maintenance of Supplies and Distribution) Order, 1981<sup>1</sup>**

#### **ORDER**

1. Short title, extent and commencement.—(i) This Order may be called the Uttar Pradesh High Speed Diesel Oil and Light Diesel Oil (Maintenance of Supplies and Distribution) Order, 1981.

(ii) It shall extend to the whole of Uttar Pradesh.

(iii) It shall come into force at once except that clause 3 shall come into force on a date to be notified separately by the State Government in the Gazette.

#### **2. Definition.—In this Order—**

(a) 'Act' means the Essential Commodities Act, 1955 (Act No. X of 1955);

(b) 'authorised officer' means the Commissioner, Food and Civil Supplies, Uttar Pradesh and includes Additional Commissioner, Food and Civil Supplies, Deputy Commissioner, Food and Civil Supplies, Assistant Commissioner, Food and Civil Supplies, Regional Food Controller, Deputy Regional Food Controller, Deputy Regional Marketing Officer, Collector, Additional Collector, Sub-divisional Officer, District Supply Officer and Tahsildar, authorised in writing by the Commissioner, Food and Civil Supplies, Uttar Pradesh to exercise all or any of his powers under this Order;

(c) 'consumer trade' means the sale of High Speed Diesel Oil and Light Diesel Oil made by an oil company direct to a consumer for the purposes of being used by such consumer in the activities in which he is engaged or in the vehicles or machinery operated by him either personally or on contract basis and not for purpose of re-sale;

(d) 'dealer' means a person engaged in the business of purchase, sale or storage for sale of High Speed Diesel Oil or Light Diesel Oil or both but does not include an oil company;

(e) 'diesel ration card' means a ration card issued under clause 11 by the Collector or an officer not below the rank of Area Rationing Officer authorised in writing in this behalf by the Collector, entitling a person to purchase High Speed Diesel Oil or both;

(f) 'divisional commissioner' means the Commissioner of a division in Uttar Pradesh;

(g) 'high speed diesel oil' and 'light diesel oil' shall have the meanings respectively assigned them in items 8 and 9 of the First Schedule to the Central Excise and Salt Act, 1944 (1 of 1944);

(h) 'licensee' means a dealer holding a licence granted under the provisions of this Order and includes—

(i) his representative or agent; and

1. Published in U. P. Gazette Vide Noti. No. 773/XXIX-7—87 (P.P.)-80 Order X, 1955, dated Lucknow, February 21, 1981.

- (ii) a transporter or truck or tank lorry owner engaged by the dealer or an Oil Company on his behalf for transporting High Speed Diesel Oil or Light Diesel Oil from storage or selling point of an Oil Company to his place of business ;
- (i) 'licensing authority' means the Collector of the district and includes the Additional District Magistrate (Civil Supplies) and the District Supply Officer ;
- (j) 'oil company' means any of the Oil Companies specified below namely :
  - (1) Indian Oil Corporation Ltd.
  - (2) Hindustan Petroleum Corporation Ltd.
  - (3) Bharat Petroleum Corporation Ltd.
  - (4) The Indo-Burmah Petroleum Company Ltd.
- (k) 'permit' means a permit issued under clause 12 by the authorised officer entitling a person to purchase High Speed Diesel Oil or Light Diesel Oil ;
- (l) 'retailer' means a dealer who is not a wholesaler ;
- (m) 'State Government' means the Government of Uttar Pradesh ;
- (n) 'wholesaler' in the case of Light Diesel Oil means a dealer who deals in light diesel oil exceeding 100 litres in a single transaction and in the case of High Speed Diesel Oil a dealer who sells High Speed Diesel Oil by means of dispensing pumps.

8. Licensing of dealership.—(a) No person shall carry on business as a dealer except under and in accordance with the terms and conditions of a licence granted under this Order.

(b) Licence.—Every licence granted or renewed under this Order shall be in Form 'C' and shall be subject to the conditions specified therein.

(c) An application for the renewal of licence shall be made as to reach the Licensing Authority before the date of expiry of the licence :

Provided that the Licensing Authority may entertain an application within 30 days without any later fee and within further 30 days on payment of a late fee of Rs. 10 after the date on which the licence expires, if the authority is satisfied that the applicant was prevented by sufficient cause from making the application in time. No application for renewal of a licence shall be entertained after sixty days of the date of expiry of a licence under any circumstances.

(d) If a licence granted under this Order is lost, defaced mutilated or destroyed, the fact shall be intimated in writing to the Licensing Authority and the Licensing Authority may, on application in this behalf and after such enquiry as it may deem fit, issue a duplicate licence.

(e) The Licensing Authority may, for reasons to be recorded in writing, refuse to grant or renew a licence. A copy of the Order refusing to grant or renew the licence shall be furnished to the applicant.



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(f) A separate licence shall be obtained by a dealer for each separate line of business.

**Comment**

The Clause 3 has come into force w. e. f. 1-6-1981, Vide Noti. No. 166/XXIX-7-87 (P. P.) 80 dated 4-5-1981.

**5. Period of licence and fee chargeable.**—Every licence granted under this Order shall be valid up to March 31, next following the date on which it is issued and may be renewed for one, two or three years at a time on payment of the fee mentioned below :

- |  |                                   |
|--|-----------------------------------|
| (a) For grant of a new licence....         | Rs. 25 per annum or part thereof. |
| (b) For renewal of licence ....            | Rs. 10 per annum or part thereof. |
| (c) For issue of a duplicate licence. .... | Rs. 20.                           |

**6. Deposit of security.**—For the due performance of the conditions of the licence, every person who applies for a licence under this Order, shall, before a licence is issued to him deposit with the Collector a security of the value of five hundred rupees, if he is a wholesaler and one hundred rupees, if he is a retailer, in such form as the Collector may direct.

**7. Forfeiture of security deposit.**—(1) If the Collector 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 him and communicate the order to the licensee.

(2) The licensee shall, if the amount of security at any time falls short of the amount specified in clause 6 forthwith deposit further security to make up that amount on being required by the Collector to do so.

(3) Subject to the provisions of this Order, the amount of security or such part thereof as is not forfeited as aforesaid shall be returned to the licensee after the termination of the licence.

**8. Suspension or cancellation and refusal to renew licence.**—The Licensing Authority may, for reasons to be recorded in writing, suspend or cancel any licence if it is satisfied that the licensee has contravened any provisions of this Order or the conditions of the licence or any direction issued thereunder :

Provided that the licensee shall be given reasonable opportunity of submitting his explanation before his licence is cancelled or its renewal refused or suspended otherwise than by way of suspension pending inquiry :

Provided further that no order of suspension pending inquiry shall extend beyond a period of three weeks.

**9. Appeal.**—(1) Any person, aggrieved by an order of the Licensing Authority refusing to grant or renew a licence, cancelling or suspending a

licence or forfeiting the security deposited by the dealer under the provisions of this Order may, within a period of 30 days from the date of receipt of order by him, appeal to the concerned Divisional Commissioner :

Provided that the Divisional Commissioner may entertain an appeal after the expiry of the said period of thirty days but within a period of sixty days of the receipt of the order by such person if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No such appeal shall be disposed of unless the aggrieved person has been given a reasonable opportunity of stating his case.

(3) Pending the disposal of the appeal, the Divisional Commissioner may stay the operation of the order appealed against.

(4) Subject to decision in the appeal, the order of the Licensing Authority or the Collector, as the case may be, shall be final.

**10. Sale of high speed oil and light diesel oil on ration card.**—Except as provided in this Order—

(a) no dealer shall sell or cause to be sold High Speed Diesel Oil or Light Diesel Oil to any person :

(b) no person shall obtain or otherwise have in his possession High Speed Diesel Oil or Light Diesel Oil :

Provided that this clause shall not apply in case of sales under 'Consumer Trade'.

**11. Issue of diesel ration card.**—(1) A Diesel ration card shall be issued in Form 'A' on application in writing made in this behalf.

(2) The State Government may from time to time fix the quantity of High Speed Diesel Oil or Light Diesel Oil that may be supplied to a person on a diesel ration card and different quantities may be fixed for different categories of persons.

(3) In fixing the categories of persons and the quantity of High Speed Diesel Oil or Light Diesel Oil to them under this clause the State Government shall have due regard to the following matters, namely—

(a) the availability of High Speed Diesel Oil and Light Diesel Oil and the demand for the same ;

(b) the requirement of the consumer, having regard to the industry, business, profession, trade or calling in which he is engaged and the purpose for which High Speed Diesel Oil or Light Diesel Oil is required by him ;

(c) the fixation of priorities to ensure fair and equitable distribution and transport of essential commodities and smooth running of agriculture, industry in public and private sector and public transport.

**12. Issue of permit.**—On an application made in writing in this behalf by any person, the authorised officer, on being satisfied that for the purposes connected with any of the matters specified in items (b) and (c) of sub-clause (3) of clause 11, it is necessary so to do, may grant a permit for the

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issue of such quantity of High Speed Diesel Oil or Light Diesel Oil to such person as may be considered reasonable whether or not such person holds a diesel ration card.

**13. Savings, as respect inter-state transport of goods through State of Uttar Pradesh—**(1) A person operating a vehicle in connection with inter-state transport of goods through the State of Uttar Pradesh may obtain High Speed Diesel Oil not exceeding twenty-five litres from a dealer on the production of documents authorising the plying of such vehicle, in or through Uttar Pradesh for the aforesaid purpose.

(2) Every dealer supplying High Speed Diesel Oil under sub-clause (1) shall maintain a separate account showing—

(a) the name and address of the person to whom High Speed Diesel Oil has been issued under this clause ;

(b) the nature and particulars of the documents, referred to in clause (1) in the possession of such person ;

(c) the registration number of vehicle for which High Speed Diesel Oil has been supplied under this clause ;

(d) the quantity of High Speed Diesel Oil supplied.

(3) Every dealer shall obtain the signature of the person to whom High Speed Diesel Oil has been supplied under sub-clause (1) and shall also make an entry in the log book, if any, maintained by such person.

(4) No person obtaining High Speed Diesel Oil under this clause shall be supplied High Speed Diesel Oil in excess of twenty-five litres by any dealer otherwise than in accordance with a permit issued to him under clause 12.

**14. Sale of High Speed Diesel Oil on price fixed by Oil Company.—**No dealer shall sell or cause to be sold High Speed Diesel Oil at a price exceeding the price fixed by an Oil Company.

**15. Sale of light diesel oil on price fixed by Collector.—**No dealer shall sell or offer for sale Light Diesel Oil at a price exceeding the price determined for the area by the Collector of the district.

**16. Regulation of sale and supplies of high speed diesel oil and light diesel oil.—**(1) Every dealer shall display at a conspicuous place at his business premises his working hours and a stock-cum-price board showing the opening balance of High Speed Diesel Oil or Light Diesel Oil of the day and the rate per litre.

(2) No dealer having requisite stock shall refuse to sell High Speed Diesel Oil or Light Diesel Oil on any day during working hours to a person entitled to High Speed Diesel Oil or Light Diesel Oil in accordance with the provisions of this Order.

(3) Every dealer shall maintain a true and correct account of all transaction of supply of High Speed Diesel Oil or Light Diesel Oil to any person and submit statement thereof every week to the District Supply Officer of concerned district.

(4) No dealer shall act in a manner prejudicial to the maintenance of supplies of High Speed Diesel Oil or Light Diesel Oil in Uttar Pradesh.

(5) Every dealer shall maintain a daily sale register showing the name of the purchaser, number of diesel ration card or permit and the quantity sold.

(6) Every dealer shall comply with the general or special directions not inconsistent with this order, that may be given to him in writing by the State Government, the Commissioner, Food and Civil Supplies or the Collector for the purpose of giving effect to the provisions of this Order and any contravention of such directions shall be deemed to a contravention of this Order.

**17. Storage limit for consumer of high speed diesel oil or light diesel oil.**—(1) A person who is entitled to possess High Speed Diesel Oil or Light Diesel Oil in pursuance of a Diesel ration card or permit issued so him shall not store or have in possession at a time High Speed Diesel Oil or Light Diesel Oil in excess of the limits specified in sub-clauses (2), (3) and (4).

(2) The owner of a pumping set or tube-well operated by diesel store or have in possession one hundred and fifty litres of High Speed Diesel Oil for each of such pumping set or tube-well :

Provided that the said quantity shall not include the High Speed Diesel Oil introduced in generating set of the pump or tube-well.

(3) No owner or person for the time being incharge of a vehicle run on High Speed Diesel Oil including a tractor, bus and truck shall store High Speed Diesel Oil in excess of two hundred litres for every vehicle owned or possessed by him. This shall not include the Diesel in the tank of the vehicle. The capacity of such tank shall not be more than that originally fixed by the manufacturer of the vehicle.

(4) Consumers other than those mentioned in sub-clauses (2) and (3) of High Speed Diesel Oil and/or Light Diesel Oil shall not store or cause to be stored at a time High Speed Diesel Oil or Light Diesel Oil in excess of quantity fixed by the Commissioner, Food and Civil Supplies, from time to time for various such categories of consumers and the quantities so fixed shall be notified in the *Gazette* ;

Provided that nothing in sub-clauses (2), (3) and (4) shall apply to the movement of stocks by a company or on Government account.

(5) No dealer who has purchased High Speed Diesel Oil or Light Diesel Oil from an Oil Company shall use it in any manner or for any purpose otherwise than by selling it in accordance with this Order.

**18. Power of entry search and seizure.**—(1) The authorised officer, an executive Magistrate, a Police Officer not below the rank of Sub-inspector, a Block Development Officer, a Naib-Tahsildar and any officer of the Food and Civil Supplies Department not below the rank of Supply Inspector authorised by the authorised officer in this behalf may with such assistance, if any, as he thinks fit—

(a) require the owner, occupier or any other person incharge of any place, premises, vehicles or vessels in which High Speed Diesel Oil or Light Diesel Oil is stored, kept or being carried, where he has reason to believe that any contravention of the provisions of this Order has been, is being or is about to be committed to produce any books of account or other documents, furnish such



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information relating to High Speed Diesel Oil or Light Diesel Oil or transactions relating thereto, as may be required.

- (b) enter, inspect or break open and search any place, premises vehicles or vessels in which he has reason to believe that may contravention of the provisions of this Order has been, is being or is about to be committed.
- (c) examine or seize any books of accounts or documents which in his opinion shall be useful for, or relevant to, any proceedings in respect of any contravention of this Order and allow the person from whose custody such books of accounts or documents are seized to make copies thereof or take extracts therefrom in his presence.
- (d) search, seize or remove stocks of High Speed Diesel Oil or Light Diesel Oil together with the vehicles, vessels or other container in which the same are found stored or seized in underground tanks in which the same are stored where he has reason to believe that a contravention of this Order has been committed and thereafter take or authorise the taking of all measures necessary for securing the production of such stocks and articles before the Collector or the Judicial authority appointed under Section 6-C of the Act, if required to do so and for their safe custody pending such production.

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

**19. Representation.**—(1) Any person aggrieved by any action taken or order, passed under clause 18, may within fifteen days from the date on which such action is taken or such order is communicated to him, make a representation to—

(i) the Collector, in case the action is taken or order is passed by a Sub-divisional Officer, District Supply Officer, executive magistrate Police Officer, Block Development Officer or Naib-Tahsildar as the case may be.

(ii) the Judicial Authority appointed under Section 6-C of the Act in any other case.

(2) The Collector or the Judicial Authority, as the case may be, may pass such orders on the representation made under sub-clause (1), as may be deemed just and proper.

**20. Repeal.**—Subject to the provisions of clause 21 of the Uttar Pradesh High Speed Diesel Oil (Maintenance of Supplies and Distribution) Order, 1980 is hereby repealed except in relation to cases of contravention of that Order.

**21. Savings.**—Any order or determination made or action taken under the Uttar Pradesh High Speed Diesel Oil (Maintenance of Supplies and Distribution) Order, 1980 and in force shall be deemed to have been made or taken under the corresponding provisions of this Order.



### ANNEXURE – 3.5 (UP)

#### High Speed Diesel Oil and Light Diesel Oil (Restriction on use) Order, 1974<sup>1</sup>

G.S.R. 263 (E), New Delhi, dated June 6, 1974.—In exercise of the powers conferred by Section 4 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 High Speed Diesel Oil and Light Diesel Oil (Restriction on Use) Order, 1974.

(2) It extends to the whole of India.

(3) It shall come into force on the 10th day of June, 1971.

2. Definitions.—In this Order, High Speed Diesel Oil and Light Diesel Oil shall have the meanings respectively assigned to them in Item No. 8 and Item No. 9 of the First Schedule to the Central Excises and Salt Act, 1944 (1 of 1944).

3. Restriction on use of High Speed Diesel Oil and Light Diesel Oil.—No person shall, without the previous permission in writing of the State Government or any officer authorised by it in this behalf use or permit use of High Speed Diesel Oil or Light Diesel Oil in generating electricity for the purpose of providing electric lighting on any festive occasion.

*Explanation.*—In this clause, “festive-occasion” means any marriage, religious or funeral ceremony and includes any other occasion of a ceremonial nature.

4. Power of entry, search and seizure.—Any Police Officer not below the rank of a Head Constable or any other officer of Government or of above an equivalent rank authorised in this behalf by the State Government may with a view to securing compliance with this Order or to satisfying himself that this Order or any order made thereunder has been complied with—

(a) enter and search any place, premises, or vessel, which, the officer has reason to believe, has been, or is being, or is about to be, used for the contravention of this Order or any order made thereunder;

(b) seize stocks of High Speed Diesel or Light Diesel Oil in respect of which he has reason to believe that a contravention of the provisions of this Order or of any order made thereunder has been or is being or is about to be made.

1. Published in Gazette of India, Extraordinary, Part II, Section 3 (i) dated 10-6-1974.

### **ANNEXURE – 3.6 (UP)**

#### **G.O. FOR PREVENTION OF USE OF DOMESTIC GAS CYLINDER / LPG FOR COMMERCIAL PURPOSES AND OR BLACKMARKETING**

उत्तर प्रदेश

लखनऊ : दिनांक : 1 सितम्बर 2010

**विषय :- घरेलू गैस सिलेण्डर/एलपीजी का व्यावसायिक उपयोग एवं कालाबाजारी को रोके जाने के सम्बन्ध में।**

महोदय,

कृपया उपर्युक्त विषयक शासन के पत्र संख्या-1429/29-7-10-58 गैस/86टीसी0 दिनांक 04 सितम्बर 2010 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसमें यह अपेक्षा की गयी है कि घरेलू गैस सिलेण्डर/एलपीजी का व्यावसायिक उपयोग एवं कालाबाजारी को रोके जाने के सम्बन्ध में सघन अभियान चलाकर एलपीजी का दुरुपयोग रोका जाय।

प्रायः यह देखने में आ रहा है कि प्रदेश के विभिन्न शहरों में घरेलू गैस सिलेण्डर/एलपीजी का उपयोग वाहनों में तथा अन्य व्यावसायिक प्रतिष्ठानों जैसे-होटल, रेस्टोरेन्ट, मिठाई की दुकान, गैस कटिंग बैल्डिंग, आभूषण निर्माण इत्यादि में किया जा रहा है। घरेलू गैस सिलेण्डर/एलपीजी के गोदामों एवं अन्य स्तरों से गैस सिलेण्डरों में घटतौली एवं रिफिलिंग की भी शिकायतें प्राप्त हो रही हैं। एलपीजी को दुरुपयोग से जहां एक ओर घरेलू सिलेण्डर पर देय सब्सिडी का क्षरण हो रहा है वहीं इसके वाहनों आदि में उपयोग से अनेक दुर्घटनायें घटित हो रही हैं।

उपरोक्त सम्बन्ध में आप अपने जनपद में ए0आर0टी0ओ0, मजिस्ट्रेट, पुलिस अधिकारी, आयल कम्पनी के प्रतिनिधि, निरीक्षक विधिक माप विज्ञान एवं जिला पूर्ति अधिकारी का जाँच दल गठित कर सघन अभियान चलाकर एलपीजी का दुरुपयोग रोके जाने हेतु प्रभावी कार्यवाही करने का कष्ट करें और एलपीजी का दुरुपयोग करने वाले व्यक्तियों के विरुद्ध सुसंगत अधिनियम की सम्बन्धित धाराओं के अन्तर्गत आवश्यक कार्यवाही भी करने का कष्ट करें।

कृपया उक्त विशेष अभियान दिनांक 08 सितम्बर 2010 से 15 सितम्बर 2010 तक सघन रूप से चलाया जाय और अभियान के परिणाम से सम्बन्धित रिपोर्ट संलग्न प्रारूप पर अनिवार्य रूप से दिनांक 16 सितम्बर 2010 को इस कार्यालय को प्रेषित की जाय।

### **ANNEXURE – 3.7 (UP)**

#### **G.O. FOR INSPECTION / RAIDS AND SAMPLE TESTING AT PETROL AND DIESEL PUMPS**

संख्या 1703 / 29-7-2008-1 –पी0पी0 / 2000

**विषय:-** पेट्रोल एवं डीजल पम्पों के निरीक्षण/छापे की कार्यवाही एवं नमूने के परीक्षण। (Marketing discipline Guide Lines, 2005 के अनुसार)

1. पम्पों का निरीक्षण एक टीम द्वारा किया जाना चाहिए जिसका प्रधान एक एक्जीक्यूटिव मजिस्ट्रेट अथवा जिलापूर्ति अधिकारी से निम्न श्रेणी का अधिकारी न हो और सदस्य इंस्पेक्टर श्रेणी से नीचे का न हो। उक्त टीम में तेल उद्योग के जिला समन्वयक या तेल कम्पनियों के अधिकारी भी शामिल रहे। आयल कम्पनी के अधिकारी केवल अधिकृत पेट्रोल/डीजल पम्प की जांच में ही सदस्य होंगे। यथा सम्भव त्रैमास में एक बार टीम द्वारा आकस्मिक निरीक्षण अवश्य किया जाय।

## **ANNEXURE – 3.8 (UP)**

### **G.O. FOR MARKET DISCIPLINE GUIDELINES 2013 – DUTIES OF SKO DEALERS : KEROSENE SUPPLIES UNDER PUBLIC DISTRIBUTION SYSTEM**

Oil Industry provides SKO under the Public Distribution System. SKO dealers also known as the wholesale dealers are appointed by the Oil Companies after following the due Dealer Selection Process. The Retailers (Ration shops) are appointed by the respective State Govts. The Oil Company provides PDS Kerosene ex-their Depots / Installations and the dealers uplift the product. In other words, the responsibility of transporting the product from the Oil Company Depot onwards lies with the dealers under the guidance / supervision of the respective State Govts. In few cases like Hilly areas etc. the system of delivered supply of SKO also exist.

1. SKO dealers shall sell, distribute or supply blue dyed Kerosene to persons for whom the supplies are meant for.
2. SKO dealers having stocks of Kerosene, shall not, unless otherwise directed by the Govt. or Oil Company, refuse to sell, distribute or supply Kerosene to any consumer on any working day during working hours.
3. SKO dealers shall not keep their business premises, including the place of storage, closed during working hours on any working day without the prior written permission of the Oil Company.
4. SKO dealer shall not sell, distribute or supply Kerosene at a higher price than that fixed by the Govt. or the Oil Company.
5. Every dealer shall take all reasonable steps to ensure that adequate stocks of Kerosene are available at the business premises including the place of storage at all times.
6. Every dealer shall prominently display at the place of business, including the place of storage, at a conspicuous place, a stock-cum-price board.
7. Every dealer shall maintain a proper account of daily purchase, sale and stock of Kerosene at the business premises/Tank Lorry every day.

Oil Company officials shall inspect these dealerships and if any irregularity is noticed, action is taken against the erring dealers.

## **ANNEXURE – 3.9 (UP)**

### **G.O. PERTAINING TO ROLES AND RESPONSIBILITIES OF THE FPS DEALER/ OWNER**

राज्य सरकार उचित दर दुकान मालिकों के उत्तरदायित्व तथा ड्यूटियाँ भी निर्दिष्ट करेगी जिसमें अन्य बातों के साथ-साथ

(1) लक्षित सार्वजनिक वितरण प्रणाली के अधीन राज्य सरकार द्वारा निर्धारित किए गए खुदरा निर्गम मूल्य पर राशन कार्डधारी की पात्रता के अनुसार अनिवार्य जिन्सों की बिक्री और

(2) (क) गरीबी रेखा से नीचे तथा अन्त्योदय अन्न योजना लाभभोगियों की संख्या

(ख) अनिवार्य जिन्सों के लिए उनकी पात्रता

(ग) निर्गम का मानदण्ड (घ) खुदरा निर्गम मूल्य

(ङ) उचित दर दुकान खुलने तथा बन्द होने का समय

(च) माह के दौरान प्राप्त अनिवार्य जिन्सों का स्टॉक

(छ) प्रत्येक दिन अनिवार्य जिन्सों का अवशेष तथा इतिशेष

(ज) लक्षित सार्वजनिक वितरण प्रणाली के अधीन अनिवार्य जिन्सों की गुणवत्ता तथा मात्रा के सम्बन्ध में दर्ज शिकायतों/उन्हें दूर करने के लिए प्राधिकारी, और

(झ) सप्ताह का समय/दिन जब नागरिक, बहियों/स्टॉकों की जाँच कर सकता हो, के सम्बन्ध में दुकान में प्रमुख स्थान पर सूचना पट्ट (नोटिस बोर्ड) पर सभी सूचना प्रदर्शित करना शामिल है, गरीबी रेखा से ऊपर, गरीबी रेखा से नीचे तथा अन्त्योदय अन्न योजना कार्डधारकों की सूची जाँच के लिए उपलब्ध कराई जानी चाहिए।

(न) गरीबी रेखा से नीचे/अन्त्योदय अन्न योजना और गरीबी रेखा से ऊपर की सूचियां सभी उचित दर दुकानों पर प्रदर्शित की जाएं।

उचित दर दुकान मालिक को राज्य सरकार द्वारा यथानिर्धारित राशन कार्ड धारकों के रिकार्ड, स्टॉक रजिस्टर निर्गम अथवा बिक्री रजिस्टर आदि रखने होंगे। उचित दर दुकान मालिक के लिए यह बाध्यता होगी कि वह इस प्रयोजनार्थ अधिसूचित सप्ताह में एक बार, एक दिन/समय (दो घंटे), जैसा भी मामला हो, ग्राम पंचायतों, नगर पालिकाओं, सतर्कता समितियों अथवा स्थानीय नागरिक द्वारा उन दस्तावेजों की जाँच करने की अनुमति दे।

उचित दर दुकान मालिक दुकान द्वारा मुहैया कराए जा रहे खाद्यान्नों के नमूने प्रदर्शित करेगा। उचित दर दुकान मालिक अनिवार्य जिन्सों की आपूर्ति के बाद राशन कार्डों को अपने पास रखेगा और सूचना का अधिकार अधिनियम, 2005 के अधीन यथा अपेक्षित विहित शुल्क के भुगतान पर उसके द्वारा रखे जा रहे रिकार्डों के संगत उद्धरण उपलब्ध कराएगा। प्रतियां आदि देने में किसी प्रकार की व्यावहारिक कठिनाइयों की स्थिति में रिकार्डों/नमूनों/दस्तावेजों आदि की जाँच के लिए सुविधाएं सप्ताह में कम से कम एक बार नियत दिन/समय पर उपलब्ध करवाई जाएंगी।



## ANNEXURE – 3.10 (UP)

### G.O. PERTAINING TO RECOVERY OF BOGUS RATION CARDS (AS PER THE DIRECTIVES OF THE HON'BLE SUPREME COURT)

समयबद्ध / मा० उच्चतम न्यायालय के सम्बन्ध में।  
पत्रांक- / आ०पू०रा० विविध-58 / 2002  
5057

प्रेषक,

आयुक्त,  
खाद्य तथा रसद विभाग,  
उत्तर प्रदेश, जवाहर भवन,  
लखनऊ।

सेवा में,

1. समस्त जिलाधिकारी, उत्तर प्रदेश।
2. समस्त जिला पूर्ति अधिकारी, उत्तर प्रदेश।

लखनऊ : दिनांक 14 सितम्बर, 2010

विषय :- बोगस राशन कार्डधारकों द्वारा तत्काल बोगस राशनकार्ड समर्पित करने हेतु रिट याचिका संख्या-196/2001 पिपुल्स यूनियन फार सिविल लिबर्टीज बनाम यूनियन ऑफ इण्डिया में माननीय उच्चतम न्यायालय द्वारा पारित आदेश दिनांक 31.08.2010 के अनुपालन के सम्बन्ध में है।

महोदय,

कृपया उक्त विषयक अवगत कराना है कि उपर्युक्त रिट याचिका संख्या-196/2001 पिपुल्स यूनियन फार सिविल लिबर्टीज बनाम यूनियन ऑफ इण्डिया में माननीय उच्चतम न्यायालय द्वारा दिनांक 31.08.2010 को निम्नवत् आदेश पारित किया गया है :-

While hearing Writ Petition (Civil) No. 196 of 2001, People's Union for Civil Liberties V/S Union of India & Ors. on 31.08.2010, the Hon'ble Supreme Court has directed that "By a newspaper advertisement, a warning be issued asking all the bogus card holders to surrender the bogus card forthwith, in any event, within two weeks of the date of advertisement, otherwise criminal prosecution may be initiated against the bogus card holders".

मा० उच्चतम न्यायालय द्वारा पारित उक्त उल्लिखित आदेश दिनांक 31.08.2010 के समादर में आपसे यह अपेक्षा है कि तत्काल आप अपने जनपद के सम्बन्ध में प्रमुख समाचार पत्रों में माननीय उच्चतम न्यायालय के आदेश के अनुपालन में प्रेस विज्ञप्ति जारी कर बोगस राशनकार्ड धारकों को यह चेतावनी निर्गत करें कि वे तत्काल बोगस राशनकार्डों को सम्बन्धित जिला पूर्ति अधिकारी/क्षेत्रीय खाद्य अधिकारी कार्यालय में समर्पित कर दें। प्रेस विज्ञप्ति में यह भी स्पष्ट कर दिया जाये कि प्रेस विज्ञप्ति प्रकाशन के दो सप्ताह के अन्दर बोगस राशन कार्ड धारकों द्वारा प्रत्येक दशा में बोगस राशनकार्ड समर्पित कर दिये जायें अन्यथा ऐसे बोगस राशनकार्ड धारकों के विरुद्ध Criminal prosecution की कार्यवाही संस्थित की जायेगी।

कृपया मा० उच्चतम न्यायालय द्वारा दिये गये उक्त आदेश का तत्काल अनुपालन / कार्यान्वयन सुनिश्चित करने का कष्ट करें एवं कृत अनुपालन की सूचना शासन एवं इस कार्यालय को भी अविलम्ब प्रेषित करने का कष्ट करें।

भवदीया,

(वीना)  
आयुक्त।

प्रतिलिपि :- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. संयुक्त सचिव, भारत सरकार, उपभोक्ता मामले खाद्य एवं सार्वजनिक वितरण मंत्रालय, खाद्य एवं सार्वजनिक वितरण विभाग, नई दिल्ली।
2. विशेष सचिव, खाद्य तथा रसद अनुभाग-6, उत्तर प्रदेश शासन, लखनऊ।
3. समस्त मण्डलायुक्त, उत्तर प्रदेश।
4. समस्त उपायुक्त (खाद्य), उ०प्र०।

( अनिल कुमार दमेले )  
संयुक्त आयुक्त।

**ANNEXURE – 3.11 (UP)**

**G.O. PERTAINING TO ITEMS TO BE DISPLAYED ON THE DISPLAY BOARD IN THE FPS**

संख्या-2325 / 29-6-11-349सा / 11

प्रेषक,  
बी०एस० भुल्लर,  
प्रमुख सचिव,  
उत्तर प्रदेश शासन,  
सेवा में,  
समस्त जिलाधिकारी,  
उत्तर प्रदेश।

लखनऊ: दिनांक 19 सितम्बर, 2011

खाद्य एवं रसद अनुभाग-6  
विषय:-लक्षित सार्वजनिक वितरण प्रणाली के अन्तर्गत नियुक्त उचित दर दुकानों पर निर्दिष्ट सूचनाओं को प्रदर्शित किया जाना।

महोदय,  
उपर्युक्त विषय में पूर्व में दिये गये निर्देशों का संदर्भ ग्रहण करने का कष्ट करें, जिनके द्वारा सार्वजनिक वितरण प्रणाली को पारदर्शी बनाने एवं लाभार्थियों के हित में उचित दर दुकानों पर निम्नलिखित सूचनाएँ प्रदर्शित करने के निर्देश दिये गये हैं:-

1. दुकान से सम्बद्ध बी०पी०एल०/अन्त्योदय कार्ड धारकों की सूची।
  2. माह में आवंटित गेहूँ/चावल/चीनी/मिट्टी का तेल की मात्रा।
  3. गेहूँ/चावल/चीनी/मिट्टी का तेल का ए०पी०एल०/बी०पी०एल०/अन्त्योदय उपभोक्ताओं हेतु निर्धारित वितरण स्केल एवं मूल्य दर।
  4. विभागीय टोल फ्री नम्बर।
  5. खाद्यान्न/चीनी/मिट्टी का तेल के उठान/वितरण हेतु निर्धारित तिथि।
  6. दुकान के खुलने व बन्द होने का समय।
2. वरिष्ठ अधिकारियों द्वारा उचित दर दुकानों के निरीक्षणों में यह तथ्य प्रकाश में आया है कि उक्त निर्देशों का कड़ाई से अनुपालन सुनिश्चित नहीं कराया जा रहा है, जिसके कारण उपभोक्ताओं को आवश्यक वस्तुओं के वितरण की समुचित जानकारी नहीं प्राप्त हो पा रही है। अतः कृपया उक्त सूचनाओं का सभी उचित दर दुकानों पर स्पष्ट प्रदर्शन की व्यवस्था सुनिश्चित कराते हुये 15 दिन में अनुपालन से आयुक्त, खाद्य एवं रसद विभाग को अवगत कराने का कष्ट करें।

भवदीय,

(बी०एस० भुल्लर)  
प्रमुख सचिव।

संख्या-2325(1)/29-6-2011तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- (1) आयुक्त, खाद्य एवं रसद विभाग, जवाहर भवन, लखनऊ को इस निर्देश के साथ कि उक्त के संबंध में संबंधित विभागीय अधिकारियों को निर्देश जारी करने व निर्देशों का अनुपालन सुनिश्चित कराने का कष्ट करें।
- (2) समस्त उपायुक्त, (खाद्य) उत्तर प्रदेश।
- (3) समस्त जिला पूर्ति अधिकारी, उत्तर प्रदेश।

आज्ञा से,

( सुभाष चन्द्र त्रिवेदी )  
विशेष सचिव।

# **ANNEXURE – 3.1** **(Delhi)**



## **ANNEXURE – 3.1(Delhi)**

### **DELHI SPECIFIED ARTICLES (REGULATION OF DISTRIBUTION) ORDER, 1981**

#### **2. Definition**

**1) Administrator**

means the Administrator of the Union Territory of Delhi.

**2) Authorized wholesaler**

means a wholesale dealer authorized under the provisions of clause 3 in respect of any specified articles

**Explanation**

On the commencement of this order every authorized wholesale distributor who was appointed or authorized or deemed to have been appointed or authorized under the Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 and whose appointment or authorization was in force immediately before such commencement, shall be deemed to have been an authorized wholesaler for the purpose of this order until and unless, such appointment or authorization is or is deemed to be rescinded under this order.

**3) Authorized Document**

means a consumer card or an authorization for issued or deemed to have been made or issued under this order for purchase, sale of distribution of any Specified Articles.

**4) Circle**

means a circle referred to in clause 17.

**5) Commissioner**

means the Commissioner of Food Supplies and Consumer Affairs, Delhi

**6) Consumer Card**

means a household consumer card, establishment permit or any other document issued or made under or in pursuance of the provisions of this order for obtaining supplies of any specified article.

Any food card issued or made under or in pursuance of the provisions of Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 immediately before the commencement of order shall be deemed to be a “Consumer Card” issued or made under this order.

**7) Deputy Commissioner**

means the Deputy Commissioner Food and Supplies, Delhi and Assistant Commissioner Food and Supplies and includes any other officer authorized by the Administrator to exercise all or any of the powers of the Deputy Commissioner under this order.

**8) Establishment**

means an institution and also includes any other establishment that may be treated as such for purpose of this order by an order issued by the Commissioner.

**9) Fair price show holders**

means a retail dealer authorized under the provision of clause 3 in respect of any specified articles.

**Explanation**

On the commencement of this order every fair price shop holder who was appointed or authorized or deemed to have been appointed or authorized under the Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 and whose appointment or authorization was in force immediately before such commencement, shall be deemed to have been authorized fair price shop holder for the purpose of this order until and unless, such appointment or authorization is or is deemed to be rescinded under this order.

**10) Food and Supplies Officer**

means Food and Supplies Officer appointed as such by the Administrator and includes the Commissioner, the Deputy Commissioner, the Civil Supplies Officer and any other officer specially authorized by the Commissioner to exercise all or any of the powers of the Food and Supplies Officer under this Order.

**11) Forms**

means a form appended to this order.

**12) Household**

means a family unit living together in one building or portion of the building held in possession by any member of the family as common residence and maintaining a common kitchen and includes persons so living together whether or not dependent on the holder of the consumer card or the person in whose name the application for the issue of consumer card is made.

**13) Institution**

means a hospital, sanatorium, a convalescent home, an asylum, a school or a college and includes all other institutions of a like nature.

**14) Specified articles**

means an essential commodity which the Administrator by notification in the official Gazette declare to be a "specified article"

**15) Financial Commissioner**

means the Financial Commissioner appointed for the Union Territory of Delhi.

**3. Issue of Authorization to a wholesalers and fair price shop holders**

(1) With a view of controlling the distribution of any specified article, the Administrator or any officer authorized by him in writing in this behalf, may by order, authorize any person or a body of persons to be an authorized wholesaler or fair price shop holder in respect of such specified articles for the purposes of this order, and thereupon such wholesaler or fair price shop holder as the case may be, shall obtain and supply specified articles in accordance with the provisions of this order or any directions issued thereunder.

Provided that the authorization issued to the authorized wholesaler and fair price shop holder under the provisions of the Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 and in force immediately before the commencement of this order shall be deemed to be an authorization issued under this clause.

(2) The Administrator of the Union Territory of Delhi has authorized the following officers for the purposes of this clause:-

- (1) Commissioner Food and Supplies and Consumer Affairs
- (2) Deputy Commissioner Food and Supplies and Consumer Affairs
- (3) Asstt. Commissioner Food and Supplies and Consumer Affairs.

**Explanation**

On the commencement of this order, in the case of a dealer who is deemed to be an authorized wholesaler or fair price shop holder under explanation to sub clause (2) and explanation to sub clause (9) of clause 2 respectively, any sum which stands deposited by him as security immediately before such commencement shall be by him deemed to have been deposited as security under this sub-clause

(3) In every authorization issued under sub clause (1) the specified articles shall be mentioned and the limits of the circle or part thereof and in case of industrial; or other establishments the class or classes of persons to whom such supplies shall be made.

(4) Every application for an authorization shall be made in Form A giving correctly the information asked for therein along with such other information or document as may be required and shall be accompanied by postal order of the value specified below as application fee which shall not be refundable.

- (1) For fair price shop or establishment .... Rs.5/-
- (2) For authorized wholesaler .... Rs.10/-

(5) Every authorization issued under this clause shall be in the Form B in the case of an authorized wholesaler and in Form C in case of a fair price holder.

(6) Every application for the issue of an authorization shall be considered having due regard to:-

- (1) the need for authorized wholesalers or fair price shops in the area or locality of in which the business premises of the applicant/applicants are situated.
- (2) The suitability of the premises for proper storage and sale of specified articles.
- (3) The suitability of the applicant in view of his past record of dealings in essential commodities and other business. If any, being carried on by him or his near relations in the same premises or the same area or locality or elsewhere in the Union Territory of Delhi.
- (4) The financial position and capacity of the applicant in performing the functions of an authorized wholesaler or a fair price shop holder as the case may be.
- (5) Any other factor considered relevant to the grant of an authorization under this order.

#### **4. Suspension/cancellation of authorization:**

- (1) The Administrator or the Deputy Commissioner may at any time, whether at the request of the person to whom an authorization has been issued or on his contravention or attempt to contravene any of the provisions of the said order or directions issued thereunder from time to time in this behalf or any term or condition of the authorization or any directions issued thereunder after making such enquiry as may be deemed necessary without prejudice to any other action that may be taken against him to amend, suspend or rescind the authorization issued under this Order.
- (2) Without prejudice to any action that may be taken under sub-clause (1) in respect if any contravention of any of the provisions made by or under this order, the Deputy Commissioner may forfeit the whole or a part of the security deposited under sub clause (2) thereupon the authorized wholesaler or fair price shop holder whose security has been forfeited shall forthwith deposit an amount equivalent to the forfeited so as to make the efficiency in the amount of prescribed amount of security.

Provided that before passing any order under sub-clause (1) or sub clause (2), the Deputy Commissioner shall give a reasonable opportunity of being heard to the party concerned.

Provided further that if the authorization is under consideration for action and it is necessary to suspend it pending enquiry the provisions contained in the foregoing proviso shall not apply subject to the condition that the period of such suspension shall not exceed three months.

Provided further that a copy of every order made under sub clause (1) or sub clause (2) shall be supplied to the person concerned free of charge.

#### **5. Termination of authorization**

(1) Notwithstanding anything contained in this clause the Deputy Commissioner may at any time terminate the authorization by giving two months notice in writing to the person(s) to whom the authorization is being issued under this order and the authorization will cease to be effective upon the expiry of the period of such notice.

(2) It shall also be open to the person holding the authorization issued under this order to relinquish his authorization by giving three months notice in writing to the Deputy Commissioner and then the authorization shall cease to be effective upon receipt of intimation by him from the authorized officer of the termination of the authorization.

Provided that the liability of the person holding the Authorization shall not cease until the stocks of specified articles and records of consumer cards, etc. have been taken over by him.

(3) Notwithstanding anything contained in this order, the Deputy Commissioner, may, if he is satisfied that it is necessary and expedient to do so, cancel an authorization suo-moto in the circumstances specified.

- a. If the number of fair price shops in a particular area or locality is more than the number of fair price shops required to ensure proper distribution of specified articles in that area or locality or
- b. If the person holding an authorization found to be functioning in unbusiness like manner or indulging in activities prejudicial to the maintenance of supplies and services essential to the community.
- c. If the person authorized to be a fair price shop holder is found to be running a chakki in which specified articles are consumed or processed or dealing in articles of the open market which are specified articles under this ordering the same premises or elsewhere, or

d. If the person holding the authorization is found to have given false information knowing that the same was false in the application or any documents tendered for grant of authorization under this order.

## **6. Appeal**

(1) Any person aggrieved by the order of the Deputy Commissioner made under sub clause (1) or sub clause(2) of clause 4 may prefer an appeal in writing before the Commissioner within a period of thirty days from the date of receipt of the order of such person

Provided that the Commissioner may entertain the appeal after the said period of thirty days, if he is satisfied that the appellant has sufficient cause from filing the appeal in time

Provided further that the person was aggrieved by the order of the Deputy Commissioner made under sub clause(2) of clause 4 shall deposit the forfeited amount of security before filing the appeal in time.

(2) Every appeal filed under sub clause (1) shall be in the form of a memorandum signed by the appellant and shall be accompanied by an attested copy of the order appealed against. It shall be presented in person or sent by registered post to the Commissioner.

(3) The appeal shall be liable to be summarily rejected if the appellant fails to furnish an attested copy of the order appealed against or in case of an order under sub clause (2) of clause 4 if he fails to deposit the amount equivalent to the forfeited amount of security before filing the appeals.

(4) If the Commissioner admits the appeal, he shall fix a date for hearing of which notice shall be sent to the appellant as also to the Deputy Commissioner. Pending disposal of the appeal, the Commissioner may stay the operation of the order appealed from

**Provided** that no stay shall be granted in case of an order passed under sub clause (2) of clause 4.

(5) The Commissioner, may after giving the parties some opportunity if being heard as aforesaid, confirm, vary or set aside the order appealed from or pass such other order as he may deem fit.

(6) The Commissioner may, upon application either on behalf of the Food and Supplies Department or the aggrieved or on his own motion revise any order passed by the Deputy Commissioner or review an order of his predecessor.

**Provided** that the provision relating to appeals contained in sub clauses (1),(2),(3) and (4) shall mutates-mutandis apply to the applications for revision of review.

**Provided** further that no order, which is likely to affect any person adversely, shall be passed unless such a person has been given an opportunity to be heard.

(7) A person aggrieved by the order of the Commissioner passed by him suo-moto revising the order of the Dy. Commissioner under sub clause(6) may prefer an appeal in writing before the Financial Commissioner, Delhi Administration, Delhi. The procedure laid down in regard to submission of appeal before the Commissioner under sub clauses (1) to (5) shall mutates-mutandis apply to the appeals before the Financial Commissioner, Delhi Administration, under this sub clause.

(8) Notwithstanding anything contained in this order, the Administrator may call for and examine suo-moto the record of any proceedings before the Financial Commissioner or the Commissioner or any other officer subordinate to him and to pass thereon such order as he may think fit.

## **7. Cancellation of authorization upon conviction**

Notwithstanding anything contained in this clause where an authorized wholesaler or a fair price shop holder has been convicted by a Court of law in respect of contravention of any of the provisions of this order or any other order made under S.3 of the Essential Commodities Act (10 of 1955) the Deputy Commissioner may order, in writing cancel his authorization forthwith.

**Provided** that where such conviction is set aside in appeal or revision the Deputy Commissioner may on application by the person whose authorization has been cancelled re-issue the authorization to such person.

## **8. Supply by wholesaler**

No authorized wholesaler shall supply or offer or attempt to supply or cause to be supplied any specified any specified articles to any person other than a person who is a fair price shop holder or against a permit issued under clause 10 and except at such price as may from time to time to be specified by the Central Government or by Administrator in this behalf and except under and in accordance with the provisions of this order.

**Provided** that restrictions contained herein shall not apply to the distribution of specified articles by or on behalf of the Food Corporation of India or any other body corporate owned by Government.

## **9. Supply by Fair Price Shop Holders**

No fair price shop holder shall sell or agree to sell or supply or agree to supply or cause to sell or supply specified articles to any person except against the Consumer Cards registered with him or against special

Consumer Cards issued by the Food and Supplies Officer and except at such prices as may be specified by the Central Government or by the Administrator in his behalf and except under and in accordance with the provisions made by or under this Order.

#### **10. Power to issue authorized documents**

- (1) With a view to regulating the distribution of any specified articles the Administrator may issue or cause to be issued authorized documents to any person or class of persons or to the public generally.

**Provided** that no such document shall be delivered to any person or any adult member of his family whom the documents are tendered on his behalf signs or affixes his mark or thumb impression in token of receipt of such document as required by the officer delivering such documents.

- (2) A Consumer Card shall have as many coupons as may be specified by the Commission from time to time by issuing directions in this behalf.
- (3) The Administrator may, at any time whether at the request of the person to whom any authorized documents has been issued or suo-moto, make such enquiry as may be deemed necessary add to amend, vary, suspend or rescind the authorized document. Where any such document so suspended or rescinded, any person in possession of it shall forthwith declare the same to the Administrator or an officer Authorized by him on this behalf.
- (4) Notwithstanding anything contained in sub-clause (3) the Administrator may at any time, when he considers necessary so to do for reasons to be recorded in writing by a general or special order to amend, vary, suspend or rescind the authorized document or any class of authorized documents. Where any such document so suspended or rescinded, any person in possession of it shall forthwith declare the same to the Administrator or an officer Authorized by him on this behalf.

The Administrator of U.T of Delhi has directed that the powers conferred on him under sub-clause (1),(3) & (4) of this shall be exercisable by each of the officers specified below:-

1. Commissioner Food and Supplies and Consumer Affairs, Delhi
2. Deputy Commissioner Food and Supplies and Consumer Affairs
3. Asstt. Commissioner Food and Supplies and Consumer Affairs
4. F.S.O.

#### **11. Procedure for obtaining consumer cards**

(1) Any person who is permanent by residing or intending to do so in the U.T. of Delhi and who desires to have a household consumers card issued shall apply to the Food and Supplies Officer of the Circle concerned in which he resides or intends to reside, as the case may be, furnishing true and correct information in such form as the Commissioner may prescribe. The Food and Supplies Officer may before issuing a household consumer card make or cause to be made such enquiry as he deem fit for verification of information furnished by the applicant.

**Provided** that before a household consumers card is issued, coupons denoting the period or periods which has or have elapsed the date of its issued shall be cancelled.

**Provided** further that the Food Cards issue under the Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 and in force immediately before the commencement of this order shall be deemed to be consumer cards for the purpose of this Order.

(2) A homeless person who has no fixed or identifiable place of dwelling shall be issued a household consumer card, which shall be stamped with the word "Homeless".

**Provided** that notwithstanding anything contained in sub-clause (1) the FSO shall issue household to a homeless person for a period not exceeding six months at a time and may increase the period of validity up to one year in the cases where there is a record of continuous issue/renewal of the card for the previous three years.

**Provided** further that in respect of persons who are new squatters and have encroached upon public lands the validity periods of their cards shall not, notwithstanding anything to the contrary mentioned in this order, be extended for a period exceeding three months at a time.

(3) No person shall obtain or attempt to obtain a household consumers card by furnishing information which he knows or has reasons to believe to be false or if he is already in possession of other person is in possession of a household consumer card on his behalf or if name of any member of his family is included in another consumer card.

**Provided** that where a household consumer card already obtained has been lost, defaced or damaged, the holder thereof may apply to the Food and Supplies Officer of the circle from which such card was issued for a duplicate consumer card and on application which shall be accompanied by a fee of rupees two, the Food and Supplies Officer may after making such enquiry as he deems fit, issue a duplicate household consumer card.

**12. Power to issue special permits**

- (1) Notwithstanding anything contained in this Order, the Food and Supplies Officer may issue special permits for articles specified under this Order to any person or class of persons, who do not reside or intend to reside permanently in the Union territory of Delhi for obtaining supply of any such article for such period and such quantity and from such source as may be specified therein.
- (2) Where a special permit issued under this clause has been lost, defaced or damaged, the holder thereof may apply to the officer by whom such permit was issued for a duplicate permit and such application which shall be accompanied by a fee of rupee one and the officer concerned may after making such enquiry as he deems fit issue a duplicate permit.

**13. Prohibition to obtain consumers card by the Armed services**

No person shall obtain a household consumers card for himself or any member of his household if he is receiving specified articles for himself or such members as the case may be, from any Naval, military or Air Force Authority.

Note: Such service personnel on leave and residing in the U.T. of Delhi as are not drawing specified articles from such authority during the leave period shall be entitled to obtain household consumer card for the specified period of leave on application to the Food and Supplies Officer concerned.

**14. Power to issue Establishment permit to Establishment:**

- (1) Notwithstanding anything contained in this Order the Commissioner or the Officer authorized by him in this behalf, in writing may issue establishment permits to the establishment referred to in clause 2(8) of this Order.

**Provided** that the establishment permits issued under this clause shall be valid for the article and the units sanctioned thereon, the quantity and the period specified therein.

- (2) Where an establishment permit already obtained has been lost, defaced or damaged the holder thereof may apply to the Food and Supplies Office of the Circle from which such permit was issued and on such application shall be accompanied by a fee of Five rupees, the Food and Supplies Officer may, after making such enquiry as he deems fit issue a duplicate establishment permit.
- (3) The Commissioner or the Deputy Commissioner may issue directions in writing to the holder of such establishment permits concerning the manner in which and the conditions subject to which any specified article may be supplied or obtained or in connection with maintenance of account etc. in respect thereof.
- (4) It shall be the condition of every establishment permit issued under this clause that the person to whom the permit is to be issued under this clause shall furnish such security not exceeding one thousand rupees and in such form as may be specified by the Commissioner in this behalf for the performance of the conditions subject to which permit is to be issued.

**Provided** that the Commissioner may exempt any person or class of persons from the deposit of security in whole or in part.

- (5) If any person holding establishment permit contravenes or attempts to contravene any of the provisions of this Order or the Directions issued thereunder from time to time or the conditions subject to which the permit was issued, the Deputy Commissioner may, after making such enquiry as may be deemed necessary and after giving an opportunity of a personal hearing against the action proposed without prejudice in any other action they may have taken against such persons, suspend or cancel his establishment permit and in this behalf or forfeit in whole or in part the security deposited by him in this behalf.

**Provided** that if it is considered necessary to suspend the establishment permit pending enquiry, it shall not be necessary to give an opportunity of hearing to the permit holder before such interim suspension subject to the condition that the period of suspension shall not exceed three months.

- (6) Any person aggrieved by the order of the Deputy Commissioner made under sub-clause(5) may prefer an appeal before the Commissioner. Where any such order is made suo-moto by the Commissioner the aggrieved person may prefer an appeal before the Financial Commissioner, Delhi. An appeal arising from an order made under sub-clause(5) shall be preferred before the prescribed authority within a period of thirty days from the date of the receipt of the order by the person so aggrieved.
- (7) The provisions of clause 6 of this order so far as may be, shall mutates-mutandis apply to the appeals preferred under sub-clause (6) of this order.

**15. Availability of Authorized Document:**

- (1) A household consumer card shall be available for lawful use only for the person or persons included therein who is or are residing at the address for which it is issued.

**Provided** that no person shall obtain or cause to be obtained any specified articles in respect of a person who is absent from the U.T. of Delhi during a period of more than a calendar month at the time supplies are obtained.

**Provided** further in the case of death or absence from the household for a period exceeding one month of any person included in a household consumer card, the holder of the consumer card shall give prompt intimation to the Food and Supplies Officer of the Circle in which he is residing and shall present the Consumer Card before him for detection of the name of such person from his Consumer card. No consumer card holder shall draw any specified articles in respect of such a person irrespective of whether or not the name of such person has been deleted from his Consumer Card.

(2) An Establishment permit shall be available for lawful use only:-

- a. While the person in charge of the establishment is ordinarily living in the U.T. of Delhi
- b. While the business of the establishment is carried on at the address specified on the establishment permit.

### **Explanation**

- i) The person in charge of an establishment shall be deemed to be ordinarily living in the U.T. of Delhi if he is not absent there from a period exceeding one month at a time.
- ii) The business of the establishment shall be deemed to be carried on if the establishment is not closed or suspended for a continuous period exceeding two weeks.

**Provided** that no person holding an establishment permit shall obtain or cause to obtain specified articles against an establishment permit during the period of suspension or closure of its business if its suspension or closure exceeds two weeks and shall give prompt intimation of such suspension or closure to the Food and Supplies Officer and present the establishment permit to him for necessary correction.

**Provided** further that notwithstanding any quantity of any specified articles sanctioned on any establishment permit issued to any institution the holder of such permit shall draw such lesser quantities as are permissible for the actual number of inmates of the institution for the period for which supplies are drawn.

- (3) No person shall transfer to any other person any authorized document issued in respect of him under the provisions of this order or any specified article obtained against any authorized document without prior permission in writing of the Deputy Commissioner.
- (4) Every authorized document issued under this order shall be the property of Administrator but the person to whom it is issued or surrendered or with whom it is retained under the provisions of this order shall be responsible for its safe custody.
- 5) When any person is in possession of an authorized document and such possession is not authorized by or under this order he shall forthwith deliver the same to the officer in charge of the nearest Food and Supplies Office.
- (6) No person shall without lawful authority alter any entry in an authorized document. If the holder of authorized document finds that some other person has without lawful authority to do so made an alteration in the authorized document affecting its validity or quantity or the kind of specified articles obtainable on it, the holder of such document shall forthwith report the fact to the Food and Supplies Officer concerned in writing.
- (7) Where any authorized document is required to be cancelled under or for the purpose of this order, it shall be cancelled forthwith by the competent Authority in ink and upon such cancellation cease to be available for lawful use.

### **16. Procedure for obtaining supplies against Consumer Cards**

- (1) The head of the family or to whom a household consumer card has been issued shall be termed as a holder in respect of that card. Each household consumer card shall show the number of units allotted to the holder at the rate of two units for each person of the age of 12 years and above and one unit for each person of the age of less than 12 years in respect of all specified articles other than sugar and at the rate of one unit per person irrespective of the age of the person in respect of sugar if sugar is also declared specified article.
- (2) Each coupon on a household consumer card shall be valid for the number of units allotted to the holder in respect of various specified articles.
- (3) The value of units in terms of quantity of specified articles for various categories of authorized documents shall be as notified by the Commissioner in the Official Gazette from time to time.
- (4) The Commissioner may by notification in the Official Gazette authorize the issue of such additional quantity of specified articles, as may be specified in the notification, to any person or class of persons whom he may consider eligible.

(5) The holder of household consumer card may register himself with any fair price shop holder functioning within the Circle of his residence.

Provided that the Food and Supplies Officer may by order attach a person or class of persons to any fair price shop out of the circle.

Provided further that the holder of a household consumer card shall be entitled to obtain his supply of specified articles against the said card only from the fair price shop holder with whom he is registered.

**17. Formation of the Circle**

The commission shall divide the entire area of the Union Territory of Delhi into two or more circles by an order in writing specifying the boundaries of each circle for the purpose of administering this order.

Provided that the boundaries of the circles specified under the Delhi Specified Food Articles (Regulation of Distribution) Order 1968 and in force immediately on the commencement of this Order shall be deemed to be specified under this order until modified or revised under this clause.

**18. Power to call for information and records**

Every authorized wholesaler or fair price shop holder as the case may be, when so required by general or special directions by the Food and Supplies Officer in this behalf shall:-

(1) Deliver to him all authorized documents and other records surrendered or given to him under or for the purpose of this order; and

(2) Furnish such particulars, accounts and information relating to his dealings and in stocks of specified articles may be required.

Explanation

For the purposes of this clause an authorized wholesaler or fair price shop holder includes a dealer whose authorization has been suspended or cancelled.

**19. Instructions to a Fair Price Shop Holder**

(1) A Fair Price shop holder shall not register consumer cards if the total number of units registered with him exceed the maximum units specified by the Commissioner in this behalf;

Provided that the Commissioner may by order exempt any fair price shop from the restrictions imposed under this clause.

**Provided** further that on the commencement of this order the relaxation in registration limit granted under the Delhi Specified Food Articles (Regulation of Distribution ) Order 1968 to a dealer who is deemed to be fair price shop holder under this order, shall be deemed to have been granted under this Order.

(2) A fair price shop holder shall register consumer cards only after the holder of consumer card has signed or put his / her thumb impression in the space provided for the purpose on it and its counterfoil while registering the card the fair price shop holder shall put his number and serial number of registration on the consumer cards.

(3) A fair price shop holder shall keep and maintain the counter foils and such other records relating to authorize documents as may be specified and in the manner prescribed by the Commissioner or the Deputy Commissioner from time to time.

(4) A fair price shop holder shall register consumer cards issued from the circle office in the jurisdiction of which shop is located. He may however, register consumer cards of other circles if specifically permitted to do so

(5)(a) A fair price shop holder shall supply specified articles only against the consumer cards registered with him or against any special consumer card issued by the Food and Supplies Officer.

(b) On demand and offer of price by or on behalf of the holder of consumer cards registered with a fair price shop holder and against cancellation of the appropriate coupons the fair price shop holder shall supply to the holder specified article not exceeding the quantity obtainable on the consumer card.

(6) Every fair price shop holder shall maintain proper record of purchase, distribution and sale of specified article and registration of consumer card and other documents in such form as may be specified by the Commissioner or the Deputy Commissioner from time to time.

**Provided** that until such time new forms are prescribed under this order, the form for maintenance of record of registration of each forms prescribed under the Delhi Ration-in Regulation, 1966 and / or the Delhi Specified Food Articles (Regulation of Distribution ) Order, 1968 shall be deemed to have been specified under this order.

(7) Every fair price shop holder shall submit indent for supply of specified articles in the Circle office concerned in the manner to be specified by the Deputy Commissioner from time to time.

(8) Every Fair price shop holder shall send a statement of registered units every month to the Circle Office along with indent in such form as may be specified by the Deputy Commissioner.



**Provided** that new forms of the indents and registered units are specified under this order, the forms prescribed under the Delhi Ration-in Regulation, 1966 and/or the Delhi Specified food articles (Regulation of Distribution) Order, 1968 shall be deemed to have been specified under this Order.

9.(i) A fair price shop holder shall purchase specified food articles only on the basis of authority issued by the Food and Supplies Officer and from the authorized wholesaler mentioned in the authority and by such date as may be specified therein.

(ii) Every fair price shop holder shall keep every such authority in safe custody and in case such authority is lost, defaced or damaged, the fair price shop holder shall give prompt intimation thereof in writing to the Food and Supplies Officer of the Circle concerned and shall apply for the issue of a duplicate authority. Every such application shall be accompanied by a fee in the form of a crossed postal order of the value of Rs.5/- and upon the receipt of such application and after making such enquiry as may be considered necessary, the Food and Supplies Officer of the Circle concerned may issue a duplicate authority.

**Provided** that in case of loss of an authority, the fair price shop holder shall also lodge a report with the police and inform the authorized wholesaler in writing on the same day on which such loss comes to his office.

(10) Every fair price shop holder shall comply with all general or special directions given in writing from time to time by the Commissioner, the Deputy Commissioner and the Food & Supplies Officer concerning the manner in which the conditions subject to which any specified article may be obtained / supplied or kept for household consumption or for establishment consumption or in connection therewith as also with connection to the maintenance of accounts, submission of reports etc.

## **20. Instruction to the Authorized Wholesalers**

- (1) An authorized wholesaler can issue specified articles only on an authority issued by the Food & Supplies Officer and against the establishment permits registered with him and against cancellation of the coupon for the relevant periods in respect of the supplies made against the establishment permit.
- (2) An authorized wholesaler shall issue only such quantity as is specified in the authority or as the case may be in the establishment permit registered with him. The supply shall be made on demand and offer of price by or on behalf of the authority or establishment permit.
- (3) An authorized wholesaler may obtain such quantities of specified articles as are necessary to enable him to comply with the requirements of the establishment permit registered with him.
- (4) An authorized wholesaler shall maintain such forms and register and submit such returns and statements as may be prescribed and comply with such general or special directions as may be given in writing from time to time by the Commissioner or the Deputy Commissioner or by any other officer authorized on this behalf by the Administrative concerning the manner in which the condition subject to which any specified article may be obtained or supplied or kept.

**Provided** that until such time procedure for maintenance of record etc., is prescribed under this order the procedure regarding maintenance of record and submission of returns by such dealers under the Delhi Rationing Order, 1966 and or Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 shall continue to be followed under this Order.

## **21. Power to authorized supply and distribution of Specified Articles otherwise than by means of authorized documents**

Notwithstanding any other provision of this Order, the Commissioner may authorize the supply or disposal of any specified articles otherwise than an authorized document.

### **21 A. Movement of Specified Articles**

The Owner or a person in charge of a goods vehicle shall carry with him a trip sheet in the prescribed Form-D and cash memo / bill of sale in respect of such specified articles carried in the goods vehicle and produce the same for inspection on demand before the person (s) authorized under clause 25 of the Order.

### **Explanation**

For the purpose of his clause “vehicle” shall include any mode of conveyance being used for such transportation.

## **22. Exemption**

The Administrator may by general or special order exempt any person or class of persons from the operation of all or any of the provisions of this Order and may at any time in like manner suspend or rescind such exemption.

## **23. Delegation of Powers by the Administrator**

The Administrator may by general or special order delegate the powers conferred on him under this order to any officer subordinate to him; except in this Office

**24. Powers to issue directions**

- (1) The Administrator or the Commissioner in respect of this clause may be notification in the official gazette issue general directions of the purpose of giving effect to the provisions of this Order.
- (2) Any contravention of any direction given by or under the provisions of this Order shall be deemed to be in contravention of this Order.

**25. Powers to enter, inspect premises, require information, check accounts, seize articles etc.**

(1) The Commissioner or the Deputy Commissioner or any Magistrate or any Officer of the Food & Supplies Department not below the rank of Sub Inspector or person or body of persons authorized by the Commissioner on this behalf may:

- a. Inspect any stocks of specified articles, books accounts or other documents pertaining to dealing in specified articles and for the purpose of such inspection enter and if necessary break-open or seal any premises used or believed to be used for the sale or distribution or storage of any specified articles on the premises of any establishment.
- b. Require to make any statement or furnish any information or produce any document or article in his possession or under his control relating to the purchase, sale or distribution or storage of any specified article and any person so required shall comply with such requisitions.
- c. Require any person to render an account or to produce books, accounts or other documents relating to or believed to be relating to the purchase, sale, distribution or storage of any specified article and any person so required shall comply with such requisitions.
- d. Take or cause to be taken from or copies of any document relating to the purchase, sale distribution or storage of any specified articles which is produced under sub-clause (b) or sub-clause (a) or otherwise found in any such premises.
- e. Test or cause to be tested the correctness of any weight or measure used or believe to be used in any transaction relating to the sale or distribution of any specified article .
- f. Take or cause to betaken the weight of all or any of the specified articles found in any such premises.
- g. Take or cause to betaken samples or specified articles kept for sale for comparing with the approved samples of such specified articles authorized for sale or for analysis.
- h. Search any such premises and seize any article and document in respect of which he has reason to believe that any provisions made by or in pursuance of this Order has been or is being contravened.

(2) The provisions of Section100 of the Code of Criminal Procedure 1973 (II of 1974) shall, so far as may be, apply to searches and seizures under clause.

(3) The powers exercisable under this clause shall not be exercised except for the purpose of securing compliance with provisions of this Order.

(4) The non-official persons or body of persons to be authorized under sub-section(1) shall not be authorized for any purpose other than the purpose of inspection of consumer food cards and fair price shops authorized under this Order, for the distribution of specified articles.

**26.Repeals and Savings:**

The Delhi Specified Food Articles (Regulations and Distribution) order 1968 is hereby rescinded.

**Provided** that notwithstanding anything to the contrary contained in this Order, such rescission shall not affect the previous operation of the Delhi Specified Food Articles (Regulation of Distribution) Order, 1968, or anything done or suffered thereunder of any right, privilege. Obligation or liability acquired /accrued or incurred under the said Order or any penalty, forfeiture or punishment incurred or imposed in respect of any offence committed under the said Order or any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture of 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 the said Order has not been rescinded.

## **ANNEXURE – 3.2(Delhi)**

### **Public Distribution System Control order 2001**

#### **Notification on PDS Control Order**

**2001- GSR 630 (E)**

**Dated 31.8.2001**

In order to strengthen the Public Distribution System, the Government of India has notified the Public Distribution System (Control) Order 2001 - GSR 630(E) dated 31.8.2001 which is applicable to all State /UTs.

#### **MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION ORDER**

**New Delhi, the 31st August, 2001**

**G.S.R. 630 (E).** - Whereas the Central Government is of the opinion that it is necessary and expedient so to do for maintaining 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 (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 Inspection 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 Government 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 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 fulfills 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 cooperative society or a corporation or 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 cardholders 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 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. 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 of 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 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 to State Government 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.

**[No. 9(10)/2000/PD.II]  
S.C. BRAHMA. JT. Secy.**

**Annexe to the Public Distribution System  
Control Order. 2001**

**[See clauses 3, 4, 5, 6, 7, 8, 10 & 12]**

**1. Identification of families living below the poverty line:**

(1) State Government shall formulate suitable guidelines for the purpose of identification of families living Below the Poverty Line (BPL), including the Antyodya 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 Antyodya 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 Antyodava families reviewed every year of 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 proforma to be filled up by or on behalf of the head of a family.

(4) The data provided in the prescribed proforma 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 proforma.

(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 areas 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 Anthodaya categories within their respective jurisdiction.

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

**2. Ration Cards:**

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

(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, BPL and Antyodaya families.

(4) The designated authority shall issue a ration card within one month of the date of receipt of the

application after necessary checks and verification.

(5) State Governments shall specify a timeframe for making additions or alternations in the ration card. In case this time limit is not adhered to the reasons therefore 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) A ration card shall be valid for a specified period. A ration card shall be issued afresh or renewed after fresh verification of antecedents and such other checks as may be prescribed by the State Governments 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 check diversion of essential commodities.

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

**3. Scale of issue and issue price: -**

(1) The Central Government shall make available to the State Government 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 Governments 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 Government shall, on getting allocation of foodgrains from the Central Government issue districtwise 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 Government shall ensure delivery of one copy of allocation order made to the fair price shop simultaneously to Gram Pachayats or Nagar Palikas or Vigilance Committees or any other body nominated from 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 Governments 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 Governments shall take into account the balance stock, if any, lying un-distributed with the fair price shop owners for the subsequent allocations.

(6) State Governments shall make arrangements 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 Governments or their nominees and the FCI shall conduct point 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 stackwise scaled 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 that full quantity lifted by them reaches their godowns and in the turn the fair price shops.

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

**5. Licensing**

State Governments 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 prices fixed by the concerned State Government under 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 Antodaya 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) stock of essential commodities received during the

months, (g) the authority for redressal of grievances/lodging complaints with respect to quality and quantity of essential commodities under the Public Distribution System.

(iii) maintains 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 authorized by State Government for the purpose.

(v) display of samples of foodgrains through the fair price shop.

(vi) production of books and records allotment and distribution commodities to the inspecting furnishing of such information as for by the designated authority. being supplied relating to the of essential agency and may be called

(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.

#### **9. 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 once 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, Block and FPS level shall be held on a regular basis. The date and periodicity shall be notified by State Governments. However, the periodicity shall not 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 months 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 utilization 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 the Public Distribution System at the fair price shop level through the computer network of the NIC installed in the District NIC centers. For this purpose computerized codes shall be issued to each FPS in the district.

(7) State Government 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 Citizen Charter issued by the Central Government.

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

#### **7. Appellate Authority: -**

The State Governments shall appoint the Appellate Authority for the purpose s of this order.



## **ANNEXURE – 3.3(Delhi)**

### **Liquefied Petroleum Gas(Regulation of Supply & Distribution) 2000**

THE GAZETTE OF INDIA: EXTRAORDINARY  
MINISTRY OF PETROLEUM AND NATURAL GAS  
ORDER  
Notification

New Delhi, the 26<sup>th</sup> April, 2000

**G.S. R. 487 (E).**— In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely: -

1. **Short title and commencement.** – (1) This order may be called the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000.

2. It extends to the whole of India.

3. It shall come into force, on the date of its publication in Office Gazette.

2. **Definitions.**— In this order, unless the context otherwise requires :--

(a) “Chief Controller of Explosives” shall have the same meaning assigned to it in the Explosive Act, 1884 (4 of 1884);

(b) “Consumer” means a registered person, firm, company, institute, association of persons, co-operative society or organisation, who has been granted liquefied petroleum gas connection or supply, either bulk or in cylinder, by a distributor or a Government Oil company or parallel marketer;

(c) “Cylinder” means a metal container utilized for storing liquid petroleum gas conforming to the specifications laid down in Schedule II and III;

(d) “delivery person” means a person engaged by a distributor Government Oil Company or a parallel marketer to deliver liquid petroleum gas in cylinder to consumers;

(e) “distributor” means a person, firm, association of persons, cons institution, Organisation or a co-operative society appointed Government Oil Company or parallel marketer and engaged business of purchase, sale, or storage for sale of liquefied petroleum gas in cylinders to consumers on the basis of an agreement with a Government Oil Company or a parallel marketer; as the case may be;

(f) “gas cylinder valve” means a valve which is fitted to a cylinder.

(g) “Government Oil Company” means, -

(1) Bharat Petroleum Corporation Limited.

(2) Bongaigaon Refinery and Petrochemicals Limited

(3) Cochin Refineries Limited.

(4) Gas Authority of India Limited.

(5) Hindustan Petroleum Corporation Limited.

(6) Indian Oil Corporation Limited.

(7) Indo-Burma Petroleum Company Limited.

(8) Chennai Petroleum Company Limited.

(9) Numaligarh Refinery Limited.

(10) Oil India Limited.

(11) Oil and Natural Gas Corporation Limited, or

(12) any other Government Company or a statutory body or a company or a firm, declared as such by notification in the Official Gazette, to be a “Government Oil Company by the Central Government, for the purposes of this Order;

(h) “Indian Standard” shall have the same meaning as assigned to it in clause (g) of section 2 of the Bureau of Indian Standards Act, 1986 (63 of 1986);

(i) “liquefied petroleum gas (or LPG)” means a mixture of light hydrocarbons which may include propane, isobutene, normal butane, butylenes etc., which are gaseous at normal ambient temperature and atmospheric pressure but may be condensed to liquid state at normal ambient temperature by the application of pressure and which conforms to Indian Standard specification number Is 4576;

(j) “parallel marketer” means any person, firm, company, institution, association of persons, co-operative society or organisation carrying on any or all of the business of importing, storing, bottling, marketing, distributing and/or selling liquefied petroleum gas under the parallel marketing system;

(k) “parallel marketing system” means the system other than the public distribution system, under which a parallel marketer carries on any or all of the business of importing, storing, bottling, distribution or selling in bulk or in retail, packed or filled in cylinder, liquefied petroleum gas under his own arrangement.

(l) “public distribution system” means the system of distribution, marketing or selling of liquefied petroleum gas by a Government Oil Company at the Government controlled or declared price through a distribution system approved by the Central or a State Government;

(m) “pressure regulator” means the equipment used for regulating the flow and pressure of liquefied petroleum gas from a cylinder to a gas stove;

(n) “Schedule” means a Schedule appended to this order;

(o) “seal” means seal put on the cap of the valve of the cylinder for the purpose of sealing a cylinder after it has been filled with liquefied petroleum gas;

(p) “Storage point” means the premises licensed by the Chief Controller of Explosives;

(q) “transporter” means a person authorized by a Government Oil Company, parallel marketer or a distributor for transportation of LPG in bulk or in cylinders and also of empty or defective cylinders.

### 3. Restriction on unauthorized possession, supply and consumption of liquefied petroleum gas-

(1) A person having a connection for liquefied petroleum gas under the public distribution system, shall not –

(a) possess more than one connection of liquefied petroleum gas granted under the public distribution system-

Provided that the Central Government or the Chief Executive Officer of a Government Oil Company, may sanction more than one connection of liquefied petroleum gas under the public distribution system in favour of any person, keeping in view the difficulty and hardship experienced by such person in obtaining supplies of the LPG;

(b) possess or use liquefied petroleum gas filled in cylinder or in bulk, unless he has received the supply from a Government Oil Company or a distributor authorized by such Company;

(c) use liquefied petroleum gas for any purpose other than for which the consumer is registered with the distributor of a Government Oil Company;

Provided that the Central Government may by a general or special order permit the use of liquefied petroleum gas for such other purposes as, it may, by order, specify.

(2) The supply of liquefied petroleum gas to domestic category consumers shall be made in 14.2 Kg capacity cylinder and to those falling under non domestic category shall be made in 19 Kg/47.5 Kg capacity cylinder, or in such capacity cylinders as may be notified, by the Central Government from time to time.

(3) No distributor of a Government Oil Company shall supply liquefied petroleum gas filled in cylinder to any person unless he – (a) has been registered and granted a connection for liquefied petroleum gas under the public distribution system, or (b) holds a valid authorization from the Government Oil Company.

(4) No distributor of a Government Oil Company or a parallel marketer, as the case may be, shall commit or cause to commit any of the activities prohibited herein including those specified in Schedule-1

### 4. Restriction on storage and transport of liquefied petroleum gas –

(1) No person shall

(a) fill any cylinder with liquefied petroleum gas or transfer liquefied petroleum gas from one cylinder to another cylinder or from one container to another container unless authorized by the Chief Controller of Explosives;

(b) transport or store a cylinder filled with liquefied petroleum gas except in an upright position’

(c) store or use or cause to be stored or used a cylinder filled with the liquefied petroleum gas except in a cool, dry, well-ventilated and accessible place under cover, away from boilers, open flames, steam pipes or any potential source of heat;

(d) remove the seal prior to use of the cylinder: Provided that the distributor or his authorized representative or the delivery person may remove such seal in the presence of the consumer either for testing, checking or installation of the cylinder;

(e) use cylinder, pressure regulator and gas cylinder valve other than those specified in Schedules II and III.

(2) No transporter or delivery person shall deliver or cause to deliver liquefied petroleum gas either in cylinder or in bulk to any person other than the consumer or distributor.

5. Restriction on sale or distribution of liquefied petroleum gas below or in excess of the standard weight. – No Government Oil Company, distributor or parallel marketer shall supply, sell or distribute to a consumer liquefied petroleum gas in cylinders which contains less than or in excess of the weight of liquefied petroleum gas specified in the Schedules II and III or as indicated on the cylinder.

6. Prohibition on carrying unauthorized business of selling LPG –

No person other than a Government Oil Company, a parallel marketer or a distributor shall be engaged in the business of selling liquefied petroleum gas to the consumer.

7. Possession, supply or sale of liquefied petroleum gas equipments.-

(1) No person shall-

(a) supply or sell filled or empty cylinder, gas cylinder valve and pressure regulator to any person other than a Government Oil Company or a parallel marketer;

(b) unless authorized by a Government Oil Company or a parallel marketer, supply or sell filled or empty cylinder, gas cylinder valve and pressure regulator to any person other than a consumer;

(c) possess filled or empty cylinder, gas cylinder valve or pressure regulator, unless he is a distributor or a consumer.

(2) Every manufacturer of cylinder, gas cylinder valve and pressure regulator shall destroy by crushing those cylinders, cylinder valves and pressure regulators which do not conform to the Indian Standards.

8. Display of stock and price of liquefied petroleum gas. – Every distributor shall prominently display the stock and price of the liquefied petroleum gas at a conspicuous place of the business premises including the storage point, showing –

(i) the opening balance of filled, empty and defective cylinders and regulators;

(ii) the backlog of preceding working day of the filled cylinders to be supplied;

9. Procurement, storage and sale of liquefied petroleum gas by a distributor:-

(a) No distributor having stock of liquefied petroleum gas at the business premises, including storage point, shall, unless otherwise directed by a Government Oil Company or a parallel marketer, refuse to sell LPG on any working day during working hours, to the consumer registered with that distributor.

(b) No distributor shall keep his business premises including the storage point closed during working hours on any working day without the prior written permission of the Government Oil Company or the parallel marketer.

Explanation. – For the purposes of sub-clauses (a) and (b) the-expression ‘working hours’ means the working hours fixed by the concerned Government Oil Company or, the parallel marketer in accordance with the provisions of the Shops and Establishments Act and the rules made thereunder, as in force in the respective States or the Union Territories, as the case may be.

(c) Every distributor shall take steps to ensure the stocks of liquefied petroleum gas are available at the business premises, including the storage point, at all times.

(d) No distributor shall sell liquefied petroleum gas at a higher price than that fixed by the Government Oil Company or the parallel marketer.

(e) No distributor shall, without prior written permission of the concerned Government Oil Company, refuse to make home delivery at the address of the consumer, as registered with the distributor;

Provided that the State Government may, fix additional charges for home delivery of LPG cylinders to the consumers, as it may deem necessary in view of the geographical terrain and/or the distance in the area of distribution.

(f) Every distributor shall display the working hours prominently at the place of business including the place of storage on a conspicuous place.

10. Maintenance of register, account books by a distributor.-

(a) Every distributor shall maintain proper accounts of daily purchase sale and storage of liquefied petroleum gas at the business premises indicating therein.-

(i) the opening stock of the filled, empty and defective cylinders.

(ii) the number of filled, empty and defective cylinders received during the day:

(iii) the number of filled, empty and defective cylinders sold, delivered or otherwise disposed of during the day;

(iv) the closing stock of the filled, empty and defective cylinders;

(v) such other relevant particulars as the concerned Government Oil Company or the parallel marketer may by order in writing, specify.

(b) The distributor shall maintain a register giving the details of names and addresses of persons registered for obtaining liquefied petroleum gas connection.

11. Assessment and Certification Rating of parallel marketers.-

(1)(a) No parallel marketer shall commence any activity, such as, importing, storing, transporting, bottling, marketing, distribution, sale or any activity incidental thereto, relating to the business of liquefied petroleum gas without obtaining a rating certificate, for his capability, infrastructure network and readiness to carry out professed business and deliver goods and services promised, provision for adequate safety backup for transportation, accident relief during transportation, and attending to emergency complaints of consumers by an agency given in Schedule-IV, on the basis of its evaluation and rating.

(b) The rating certificate shall be issued in the format as specified in Schedule-V, and as per the forwarding letter given in Schedule-VI.

(c) The rating certificate shall –

(i) be valid for a period of two years in case of ‘good’ and ‘satisfactory’ rating and one year in case of other ratings from the date of its issue, and

(ii) require renewal by the rating agency.

(2) Every parallel marketer announcing details of his activity or inviting offers of any kind in the field of import, transport, marketing, bottling, distribution or sale, of liquefied petroleum gas, either in a newspaper, handout, pamphlet, leaflet or by any other means of communication or advertising shall indicate the rating awarded to him in words i.e. Good, Satisfactory, Low-risk, High risk, whichever is applicable, and prominently publish the rating certificate, as given by the rating agency.

(3) There shall be paid in respect of every application to a rating agency-

(i) for the rating certificate awarded to the parallel marketer, a fee at the rate of 0.05% of the project cost, subject to a minimum of rupees fifty thousand and maximum of rupees ten lakhs; and

(ii) for the renewal of the rating certificate by the parallel marketer, a fee of one-tenth of that required to be paid for such a certificate.

(iii) The renewal of rating certificate by the parallel marketer shall be as per the following periodicity, namely :-

(a) once in two years, for those having ‘good’ and ‘satisfactory’ rating certificate in the previous year.

(b) once in a year for those having rating certificate other than ‘good’ and ‘satisfactory’ in the previous year.

(4) The agencies given in Schedule-IV for the purpose of evaluation shall, on payment of fee by the parallel marketer, evaluate the parallel marketer whose case is either referred to it or who approaches it, on the basis of the parameters indicated and the information provided by such parallel marketer in the format as specified in Schedule-VII or such other information as may be required by the rating agency.

(5) Every parallel marketer shall file a certified true copy of the certificate of rating with the Ministry of Petroleum and natural Gas, Oil Co-ordination Committee, Ministry of Food and Civil Supplies of the Central and the State Government and Collector of the District in which he imports, transports, bottles, markets, distributes or sells liquefied petroleum gas.

(6) All letter-heads or communications of a parallel marketer shall have the following description of rating :-

- (i) Name of the rating agency,
- (ii) Rating awarded to him, and
- (iii) Date of issue.

(7) No parallel marketer shall either give incomplete, incorrect, misleading, vague information in the newspaper, handout, pamphlet, leaflet or advertisement or submit such information to the rating agency.

Provided that a parallel marketer carrying on the business of transportation, marketing, distribution or selling of liquefied petroleum gas as an agent of another parallel marketer, who has obtained a rating certificate, shall not be required to obtain a rating certificate.

Explanation : For the purpose of this clause, a parallel marketer shall be regarded as an agent of another parallel marketer if the former is appointed an agent for the above purposes by the latter through a legal instrument.

12. Maintenance of records and furnishing of information by parallel marketer,-

(a) Every parallel marketer before commencing the import, transportation, bottling, marketing, distribution or sale of liquefied petroleum gas shall intimate to the Ministry of Petroleum and Natural Gas all or any of the above activities which he intends to undertake, specifying therein capability to do so, and any other relevant particulars.

(b) The parallel marketer shall ensure that the quality checks are carried out and the liquefied petroleum gas meets the BIS specification number IS 4576; in all respects before the imported liquefied petroleum gas is discharged into the storage infrastructure at the port.

(c) The parallel marketer shall ensure that the liquefied petroleum gas meets the BIS specification number IS 4576 before it is sold to any consumer.

(d) The parallel marketer of liquefied petroleum gas shall submit a monthly return before the 15<sup>th</sup> day of the following month giving details of liquefied petroleum gas produced and or imported port-wise, to the Ministry of Petroleum and Natural Gas.

(e) The parallel marketer shall furnish to the Ministry of Petroleum and Natural Gas, or to such authority as may be specified by the Central Government, such information as may be required.

13. Power of entry, search and seizure.-

(1) Any Officer of the Central or the State Government not below the rank of Inspector duly authorized by a general or a special order, by the Central Government or the State Government, as the case may be or any officer of a Government Oil Company not below the rank of Sales Officer, authorized by the Central Government, may, with a view to securing due compliance of this Order or any other order made thereunder;

(a) stop and search any vessel or vehicle used or capable of being used for the transport or storage of any petroleum product,

(b) enter and search any place.

(c) seizes stocks of liquefied petroleum gas alongwith container and/or equipments, such as cylinders, gas cylinder valves, pressure regulators and seals in respect of which he has reason to believe that a contravention of this Order has been, or is being, or is about to be made.

(2) The sales officer of a Government Oil Company shall be authorized to secure compliance of this Order by the distributors appointed under the public distribution system and or by the consumer registered by them.

14. Overriding effect of the Order. – The provisions of this Order shall have overriding effect notwithstanding anything contained in any Order made by a State Government or a Union Territory Administration.

15. Power to exempt.- The Central Government may, if it considers necessary, for avoiding any hardship or in consideration of the public interest, by a notification in the Official Gazette, exempt any person or class of persons from all or any of the provisions of this Order, either generally or for any specific purpose, and subject to such conditions as may be specified in the notification.

16. Repeal and savings :-

The Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 1993 is hereby repealed :  
Provided that such repeal shall not effect :

- (a) the previous operation of the said Order or anything duly done or suffered therein; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said, Order; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said 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 the said Order had not been repealed.



**ANNEXURE – 3.4(Delhi)**  
**ELIGIBILITY CRETERIA FOR PDS OUTLETS**

**1. Preliminary Requirements**

- a. The application should have valid possession over the premises in the area for which vacancy has been notified. The shop should
- b. The premises (proposed) should be located at a central point which is accessible to traffic and the size of the premises should be;
  1. 5(L)X 3(B)X(3H) Meters: For Fair price Shop
  2. 5 (L)X 3(B)X(3H) Meters: For K.oil Depot.
- c. The premises should be on a minimum 15 Ft. road.
- d. The land title of the premises whether owned or rented should be clear.
- e. The applicant should not be below 18 years and above 60 year of age on the date of submitting application. In case of an Ex-serviceman the upper age limit shall be 65 years. The applicant should also attach a copy of authentic document issued by the Govt./ Govt. agency.
- f. The applicant should have a minimum bank balance of Rs.50,000/- which must be retained till finalization of allotment.
- g. The applicant should be financially sound.
- h. The applicant should be educated (having minimum education qualification 10<sup>th</sup> pass) enough to maintain books of accounts.
- i. The applicant should not be proprietor or partner of a cancelled FPS/K.Oil Depot cancelled prior to the date of application. The applicant should also not be proprietor/partner of FPS/K.Oil Depot being run at present.
- j. The family members (as defined by the Deptt. of Food & Supplies from time to time), should not have any license under Essential Commodities Act 1955.
- k. The applicant should not have been convicted under the Essential Commodities Act 1955.
- l. In case of FPS, no Atta Chakki should be in the adjoining premises and the applicant should not have any license of Food grains, Wheat, Edible Oils or Sugar, issued by the department.
- m. In case of KOD there should not be any Halwai Shop, Dhaba or any such fire hazard establishment in the immediate proximity. The KOD should have adequate number of fire extinguishers functional.
- n. The applicant should be a resident within the circle area for the last one year where the vacancy is notified.

It is also notified for the information that other things being equal preference will be given to the applicant belonging to:-

- a. Physically handicapped (Not totally incapable in running the PDS outlet).
- b. Ex-serviceman.
- c. Co-operative Society/Nominated agency of the Govt. like Kendriya Bhandar, DSCSC, DCCWS etc.
- d. Unemployed Graduate.
- e. Women's self Help Group.
- f. Cooperative Societies.
- g. Village Panchayat.
- h. Urban Local Bodies and other self Help Groups.

# **ANNEXURE – 3.1** **(Haryana)**

## **ANNEXURE – 3.1 (HARYANA)**

### **THE HARYANA KEROSENE DEALERS LICENSING ORDER**

#### **PART III**

#### **HARYANA GOVERNMENT**

#### **FOOD AND SUPPLIES DEPARTMENT**

#### **ORDER**

**THE 12TH MARCH, 1976**

No. G.S.R. 27/C.A.10/55/S.3/76-Whereas the Governor of Haryana is of the opinion that it is necessary and expedient so to do for maintaining supplies, securing equitable distribution and availability at fair price of Kerosene in the State of Haryana;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) Order No. S.O.681 (E), dated the 30th November, 1974, and all other powers enabling him in this behalf, the Governor of Haryana, with the prior concurrence of the Central Government hereby makes the following Order, namely: -

1. Short title, extent and commencement.-

(1) This Order may be called the Haryana Kerosene Dealers Licensing Order, 1976.

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force at once.

2. Definitions.-

In the order, unless the context otherwise requires.-

(a) 'dealer' means a person engaged in the business of purchase, sale or storage for sale of kerosene, whether wholesale or retail and whether in conjunction with any other business or not, and includes,-

(i) his representative or agent; and

(ii) an oil company, making wholesale supply from its storage or selling point;

(b) 'Director' means the Director of Food and Supplies, Haryana and includes the Joint Director, Food and Supplies, Haryana and Deputy Director, Food and Supplies, Haryana and any other Officer authorised by the State Government to perform all or any of the functions of the Director under this Order;

(c) 'District Magistrate' means the District Magistrate of the District and includes the District Food and Supplies Controller or any other officer authorised by the State Government to perform all or any of the functions of the District Magistrate under this order;

(d) 'Government' means the Government of the State of Haryana;

(e) 'retailer' means a dealer who is not a wholesaler;

(f) 'wholesaler' means a dealer who sells kerosene in quantities in excess of twenty litres in a single transaction; and

(g) 'oil company' means an oil distributing company specified in Schedule 'A' appended to this Order.

3. Licensing of dealers.-

(1) No person shall carry on business as a dealer except under and in accordance with the terms and conditions of a license issued in this behalf by the District Magistrate.

(2) Every person who is engaged in the business as a dealer at the commencement of this Order shall obtain a license within a period of thirty days of such commencement:

Provided that a license granted under the Punjab Kerosene Dealers Licensing Order, 1966 shall be valid and continue in force for the un-expired portion of period of the license without payment of additional fee.

**4. Issue of license.-**

(1) An application for a license shall be made to the District Magistrate in form A appended to this Order.

(2) Every license shall be in form B appended to this Order and shall be subject to the conditions mentioned therein and such other conditions as are laid down under this Order as the District Magistrate may specify from time to time.

**5. Period of license and fee chargeable.-**

(1) A fee of twenty rupees shall be payable for a license granted under this Order.

(2) A license granted under this Order shall, unless previously suspended or revoked, continue to be in force upto and including the 31st day of March, following the date of its issued or last renewal.

(3) The license shall, subject to the provision of sub-clause (4) be renewable on payment of fee of ten rupees every year if the licensee applied for the same within a period of one month from the date of expiry of the license.

(4) If a licensee fails to apply for renewal before the expiry of his license but do so within a period of one month there from, he shall in addition to renewal fee, pay a penalty equal to the amount of renewal fee provided that if licensee fails to apply for renewal even after one month of the expiry of grace period of one month, he shall be liable to pay a penalty of fifty rupees or each month of delay.

(5) If a license granted under this Order is defaced, lost or destroyed, the licensee shall forthwith inform the District Magistrate who may on application by the licensee, issue a duplicate license. Every such application shall be accompanied by a treasury receipt for ten rupees.

**6. Deposit of security.-**

Every person, who applies for a license under this Order, shall, before a license is issued to him, deposit with the District Magistrate a security of the value of-

(a) five hundred rupees in the case of wholesaler, and

(b) one hundred rupees in the case of retailer, for the due performance of the conditions subject to which the license is granted to him.

**7. Power to refuse license.-**

The District Magistrate may, after giving the dealer concerned an opportunity of stating his case and for reasons to be recorded in writing refuse to grant or renew a license.

**8. Contravention of conditions of license.-**

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

Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

**9. Forfeiture of security deposit.-**

(1) Without prejudice to the provisions of clause 8, if the District Magistrate is satisfied that the licensee has contravened any of the conditions of the license and that a forfeiture of the security deposit is called for, he may, after giving the licensee a reasonable opportunity of stating his case against the forfeiture and for reasons to be recorded in writing by order forfeit

the whole or any part of the security deposited by the licensee and communicate a copy of the order to the licensee.

(2) The licensee shall, if the amount of security, at any time, falls short of the amount specified in clause 6, forthwith deposit further security to make up that amount on being required by the District Magistrate to do so.

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

**10. Appeal.-**

(1) Any person aggrieved by an order of the District Magistrate, refusing to grant or renew a license or canceling or suspending a license or forfeiting the security deposited by the licensee under the provisions of this Order, may appeal to the Director within a period of thirty days of the date of receipt by him of such order:

Provided that the Director 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.

(2) The decision of the Director and subject only to that decision the order of the District Magistrate shall be final.

(3) No order shall be made under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.

(4) Pending the disposal of an appeal, the Director may direct that the order refusing to renew a license, or the order canceling or suspending a license shall not take effect until the appeal is disposed of.

**11. Power of entry, search and seizure.-**

(1) The Director, the District Magistrate, the district Food and supplies Officer, the Assistant Food and Supplies Officer, the Inspector, Food and Supplies or any other officer authorised in this behalf by the State Government, may with a view to securing compliance with this order or to satisfy himself that this Order has been complied with:-

(a) enter and inspect any depot or any other business premises of kerosene dealer or any premises on which he has reasons to believe that kerosene has been, is being or is likely to be kept, stored, distributed, disposed of or from which kerosene has been, is being or is likely to be removed or transported;

(b) stop and inspect any vehicle or animal on which kerosene is being carried for sale, supply or storage;

(c) search and as far as may be necessary for that purpose detain any person or vehicle or animal of the dealer;

(d) seize any kerosene found in the possession of such license-holder or such person or in such vehicle or on such animal in respect of which he has reason to believe that a contravention of this Order has been, is being or is about to be committed; and

(e) every person (including his agents and servants) in-charge of a vehicle or animal or premises which is searched or is sought to be searched under the provisions of sub-clause (a) shall allow the authority making the demand, access to such premises, vehicle or animal and shall also answer all questions put to him truthfully and to the best of his knowledge and belief.

(2) The provisions of section 100 of the code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures, under this Order.

**12. Power to call for information.-**

Any dealer shall, if so required by the conditions of his license or by general or special directions issued by the officer issuing a license keep such books, accounts and records

relating to his business and furnish to him or to any person specified in this behalf such returns and information relating to his business including returns or information relating to kerosene before or after the commencement of this Order as may be mentioned in the requisition.

**13. Power to require stock to be sold.-**

The Director may, by general or special order in writing require any person or dealer other than an oil company holding stocks of kerosene to sell such stocks to such person and in such manner as may be specified in the order.

**14. Exemptions.-**

The Government may exempt any person or class of persons from the operation of all or any of the provisions of the Order and may at any time suspend or rescind such exemption.

**15. Repeal and savings.-**

The Punjab Kerosene Dealers Licensing Order, 1966, as in force in the State of Haryana, is hereby repealed:

Provided that the repeal shall not affect the previous operation of the said Order or anything duly done or suffered there under and shall not.-

(a) affect any right, privilege, obligation or liability acquired, accrued or incurred under the said Order; or

(b) affect any penalty, forfeiture or punishment imposed or incurred in respect of any offence committed against the said Order; or

(c) affect any legal proceeding 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 the Order hereby repealed continue to be in force.

(Extract from the Haryana Government Gazette, (Extra.), dated the 16th April, 1976)

**Part-III**  
**HARYANA GOVERNMENT**  
**FOOD AND SUPPLIES DEPARTMENT**  
**NOTIFICATION**  
**THE 16TH APRIL, 1976**

NO.S.O.64/K.D.L.Q./76/CI.14/76- In pursuance of the powers conferred by clause 14 of the Haryana Kerosene Dealers Licensing order, 1976 and in supersession of Haryana Government Food and Supplies Department Notification No.S.O.72/C.A./10/55/S.3/ P.K.D.L.O./C.L./11/69, dated the 10th September, 1969, the Governor of Haryana hereby exempts the following from the provisions of clauses 3,4,5 and 6 of the said Order, namely:-

(1) all persons engaged in the business or sale or storage for sale of Kerosene at Government Fair Price Shops who are authorised to do so by the Government or on its behalf by some officer subordinate thereto, and

(2) all persons engaged in the business of sale or storage for sale of Kerosene on behalf of----

i) Co-operative Agriculture Service Societies, and

ii) Co-operative thrift and credit societies.

sd/-

V.P.Johar  
Secretary



**PART III**

**HARYANA GOVERNMENT  
FOOD AND SUPPLIES DEPARTMENT**

**Order**

**The 17th December, 1976**

No. G.S.R. 270/C.A. 10/55/S. 3/AMD (1)/76.- In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and co-operation), Order No. S.O.681(E), dated the 30th November, 1974 and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following order to amend the Haryana Kerosene Dealers Licensing Order, 1976, namely :-

1. This order may be called the Haryana Kerosene Dealers Licensing (First Amendment) Order, 1976.

2. In the Haryana Kerosene Dealers Licensing Order, 1976 (hereinafter referred to as the said Order), for clause 5, the following clause shall be substituted, namely :

"5. Period of License and fees chargeable.-(1) A license under this order may be granted or renewed for a maximum period not exceeding three years, at the request of the dealer, and shall, unless previously suspended or revoked, shall expire on the 31st March of the year up to which it is granted or renewed following the date of its issue or last renewal.

(2) The fee payable for the grant of a license shall be as under :-

i) for one year....twenty rupees ;

ii) for two years....thirty rupees ;

iii) for three years....Forty rupees ;

(3) The fee payable for the renewal of a license shall be ten rupees per annum. An application for renewal of a license shall be made before the expiry of the license :

Provided that if a licensee fails to apply for renewal before the expiry of the license but does so within a period of one month there from, he shall, in addition to renewal fee, pay a penalty equal to the amount of renewal fee and if the licensee fails to apply for renewal even after one month of the expiry of the license, he shall be liable to pay a penalty of fifty rupees for each month of delay.

(4) If a license issued under this order is defaced, lost or destroyed, the licensee shall forthwith inform the District Magistrate, who may, on an application by the licensee issue a duplicate license. Every such application shall be accompanied by a treasury receipt for ten rupees."

3. In the said order, in clause 13, after the words " to such person", the words " or dealer" shall be inserted.

**V.P.JOHAR,**  
**Financial Commissioner and Secretary to Government, Haryana,**  
**Food and Supplies Department.**

(Authorised English Translation)

**HARYANA GOVERNMENT  
FOOD AND SUPPLIES DEPARTMENT  
ORDER  
THE 2ND, MAY 1984**

No.S.O.62/C.A. 10/55/S.3/84.- In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies & Co-operation) Order No. S.O. 681 (E) dated the 30th November 1974, and other powers enabling him in this behalf, the Governor of Haryana hereby makes the following order further to amend the Haryana Kerosene Dealers Licensing Order, 1976, namely: -

1. This order may be called the Haryana Kerosene Dealers Licensing (First amendment) Order, 1984.
2. In the Haryana Kerosene Dealers Licensing Order, 1976, in clause 6:-
  - a) in sub-clause 9a), for the words "five hundred rupees" the words "five thousand rupees" shall be substituted; and
  - b) in sub-clause (b), for the words "One hundred rupees" the words " One thousand rupees " shall be substituted.

**A.K.SINHA  
SECRETARY TO GOVERNMENT, HARYANA  
FOOD AND SUPPLIES DEPARTMENT.**

(Authorised English Translation)

**HARYANA GOVERNMENT  
FOOD AND SUPPLIES DEPARTMENT  
ORDER  
THE 25TH JANUARY, 1986**

NO. S.O. 10/CA 10/55/S.3/86.- In exercise of the power conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Government of India, Ministry of Industry and Civil Supplies (Department of civil supplies and Co-operation), Order No.S.O.681 (E), dated the 30th November, 1974 and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following order further to amend the Haryana Kerosene Dealers Licensing Order, 1976, namely: -

1. This order may be called the Haryana Kerosene Dealers Licensing (First Amendment) Order, 1986.
2. In the Haryana Kerosene Dealers Licensing Order, 1976 (hereinafter called the said Order) in clause 2, for sub-clause (b), the following sub-clause shall be substituted, namely: -

"(b) "Director" means Director Food and Supplies, Haryana or any other officer not below the rank of Joint Director as authorised by the Director,"
3. In the said order, in clause 11, in sub-clause (1), for the words "The District Food and Supplies Officer, the Assistant Food and Supplies Officer, the Inspector, Food and Supplies or any other officer authorised in this behalf by the State Government not below the rank of the Assistant Food and Supplies Officer within the area of his jurisdiction" shall be substituted.

**M.KUTTAPPAN,  
COMMISSIONER AND SECRETARY TO GOVERNMENT OF HARYANA  
FOOD AND SUPPLIES DEPARTMENT**

**HARYANA GOVERNMENT  
FOOD AND SUPPLIES DEPARTMENT  
NOTIFICATION  
THE 23RD JANUARY, 1986**

NO.SO/CA-10/55/CI.14/86.- In pursuance of the powers conferred by clause 14 of the Haryana Kerosene Dealers Licensing Order, 1976, the Governor of Haryana hereby makes the following amendment in the Haryana Government Notification No.S.O. 64/HKDLO/76/CI.14/76, dated 16th April, 1976, name :-

**AMENDMENT**

In the said notification, in clause (2), after sub-clause (ii), the following sub-clause be added namely: -

"(iii) Fair Price Shops or Depot Holders sponsored or allotted by the Competent Authority of the State".

**M.KUTTAPPAN,  
COMMISSIONER AND SECRETARY TO GOVERNMENT OF HARYANA  
FOOD AND SUPPLIES DEPARTMENT**

(Authorised English Translation)

**HARYANA GOVERNMENT  
FOOD AND SUPPLIES DEPARTMENT  
ORDER  
THE 30TH DECEMBER, 1994**

NO.G.S.R. 86/C.A. 10/55/s.3/Amd. (1)94.- In exercise of the the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) Order No. S.O.681 (E), dated the 30th November, 1974, and all other powers enabling him in this behalf, the Governor of Haryana with prior concurrence of Headquarter Central Government, hereby makes the following order further to amend the Haryana Kerosene Dealers Licensing Order, 1976. namely :-

1. This order may be called the Haryana Kerosene Dealers Licensing (First Amendment) Order, 1994.

2. In the Haryana Kerosene Dealers Licensing Order, 1976 (hereinafter referred to as the said order), in clause 2, for sub-clause (a), following sub-clause shall be substituted, namely: -

(a) "dealer" means a person, firm, association of persons, company, institution, organisation or co-operative society approved by Government Oil Company, Central Government, or State Government or a parallel marketeer engaged in the business of buying and selling Kerosene Oil: whether wholesale or retail and whether in conjunction with any other business or not and includes: -

(i) his representative or agent ; and

(ii) an oil company making wholesale supply from its storage or selling point; "

3. In the said order in clause 2, after sub-clause (g), the following sub-clauses shall be added, namely: -

"(h) Parallel marketeer" means any person, firm, company institution, association of persons, co-operative society or organisation carrying on the business of importing, refining producing, packing, marketing, distribution and selling kerosene under the parallel marketing system;

(i) "Parallel marketing system" means the system other than the public distribution system under which a person imports, transport, pack, distributes or sells kerosene under his own arrangements;

(j) "public distribution system" means the system of distribution marketing or selling of kerosene, at declared price through a distribution system approved by the Central or State Government."

4. In the said order, in clause 3, after sub-clause (2), the following sub-clause shall be added namely: -

(3) No dealer shall at any time deal with supply of kerosene oil superior kerosene oil both under public distribution system and parallel marketing system.

Explanation: -

For the purpose of this clause, a wholesale dealer desiring to become a parallel marketer of public distributor will have to forego this license for supply of superior kerosene oil under public distribution system or parallel marketing system as the case may be."

5. In the said order, for clause 4, the following clause shall be substituted, namely: -

4. Issue of license.-

(1) An application for a license under public distribution system and parallel marketing system shall be made to the District Magistrate, in Form A appended to this order.

(2) Every license shall be in Form B to the dealers appointed under public distribution system and Form B(I) to the dealers appointed under the parallel marketing system appended to this order and shall be subject to the conditions mentioned therein and such other conditions as are laid down under this order, as the District Magistrate may specify from time to time.

6. In the said order, in Form A.-

(i) a para 1, after the words "for the grant of wholesale/retail license to sell or supply kerosene", the words "under public distribution system or parallel marketing system shall be inserted; and

(ii) at the end, the following note shall be inserted, namely: -

"Note: - Strike out whichever is not applicable".

7. In the said order, in Form B, in item (iii), after the words "licensed to sell or supply kerosene", the words "under public distribution system" shall be inserted.

8. In the said order, after Form B, the following Form shall be inserted, namely: -

(Authorised English Translation)

**HARYANA GOVERNMENT  
FOOD AND SUPPLIES DEPARTMENT  
ORDER**

**THE 12TH MAY, 1995**

NO. SO46/CA-10/55/S.3/95.- In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Industry and Civil Supplies, (Department of Civil Supplies and Cooperation) Order No.S.O.681(E), dated the 30th November, 1974, and all powers enabling him in this behalf, the Governor of Haryana hereby makes the following order further to amend the Haryana Kerosene Dealers Licensing Order, 1976, namely: -

1. This order may be called the Haryana Kerosene Dealers Licensing (Amendment) Order, 1995.

2. In the Haryana Kerosene Dealers Licensing Order, 1976 (hereinafter called the said order) in clause 8, after the existing proviso, the following proviso shall be added namely: -

"Provided further that the District Magistrate may suspend a license without giving a reasonable opportunity of stating his case to the licensee, for a period not exceeding ninety days, during the pendency or in contemplation of the proceedings for cancellation of his license."

3. In the said Order, in clause II, in sub-clause (1), for the words " any officer of the Food and Supplies Department not below the rank of Assistant Food and Supplies Officer within the area of his jurisdiction", the words "any other officer of the Food and Supplies Department not below the rank of the Inspector Food and Supplies within the area of his jurisdiction" shall be substituted.

**K.G.VERMA  
FINANCIAL COMMISSIONER AND SECRETARY  
TO GOVERNMENT, HARYANA,  
FOOD AND SUPPLIES DEPARTMENT**

**HARYANA GOVERNMENT  
FOOD AND SUPPLIES DEPARTMENT  
ORDER**

**THE 10TH OCTOBER, 1996**

NO. S.O. 130.- In exercise of the powers conferred by section 3 of the Essential commodities Act, 1955 (10 of 1955), read with Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation), order No. S.O. 681 (E), dated the 30th November, 1974, and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following order further to amend the Haryana Kerosene Dealers Licensing Order, 1976, namely: -

(1) This Order may be called the Haryana Kerosene Dealers Licensing (Amendment) Order, 1996.

(2) In the Haryana Kerosene Dealers Licensing Order, 1976 in clause 5 of sub-clauses (2), (3) and (4) the following sub-clauses shall be substituted, namely: -

"(2) The fee payable for the grant of a license shall be as under: -

**Wholesaler Retailer**

<b>Sr.No</b>		<b>Wholesaler</b>	<b>Retailer</b>
i)	For one year	Rs. 4,000.00	Rs. 2,000.00
ii)	For two years	Rs. 6,000.00	Rs. 3,000.00
iii)	For three years	Rs. 8,000.00	Rs. 4,000.00

(3) The fee payable for the renewal of a wholesaler's license shall be two thousand rupees and the retailer's license it shall be one thousand rupees per annum. An application for renewal of a license shall be made before the expiry of the license:

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DELHI**

Provided that if a licensee fails to apply for renewal before the expiry of the license but does so within a period of one month there from, he shall, in addition to renewal fee, pay a penalty equal to the amount of renewal fee and if the licensee fails to apply for renewal even after one month of the expiry of the license, he shall be liable to pay a penalty of ten thousand rupees in case of wholesaler and five thousand in case of retailer for each month of delay.

(4) If a licence issued under this Order is defaced, lost or destroyed the licensee shall forthwith inform the District Magistrate who may, on an application by the licensee, issue a duplicate licence. Every such application shall be accompanied by a treasury receipt of two thousand rupees in case of Wholesaler and one thousand rupees in case of Retailer."

**H.C.DISODIA,  
COMMISSIONER AND SECRETARY TO GOVERNMENT,  
HARYANA, FOOD AND SUPPLIES DEPARTMENT**



## **ANNEXURE – 3.2 (HARYANA)**

[Extract from the Haryana Government Gazette (Extra.), dated the 19<sup>th</sup> November, 1979]  
Part III

### **HARYANA GOVERNMENT FOOD AND SUPPLIES DEPARTMENT Order**

The 19<sup>th</sup> November, 1979

No. G.S.R.118/C.A.10/55/S.3/79. – Whereas the Governor of Haryana is of the opinion that for maintaining supplies and securing equitable distribution and availability at fair prices of Motor Spirit and High Speed Diesel Oil in the State of Haryana, it is necessary and expedient so to do ;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with Government of India, Ministry of Commerce Order No. SO 681 (E), dated the 30th November, 1974 and all other powers enabling him in this behalf the Governor of Haryana hereby makes the following Order namely:

#### **1.Short title extent and commencement –**

(1) This Order may be called the Haryana Motor Spirit and High Speed Diesel Oil (Maintenance of Supplies) Order, 1979 :

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force at once.

#### **2. Definitions -** In this Order, unless the context otherwise requires :-

(a) "dealer" means a person engaged in the business of purchase sale or storage for sale of Motor Spirit or High Speed Diesel Oil or both but does not include an oil company ;

(b) "oil company" means any of the oil companies specified below :-

- 1) Indian Oil Corporation Ltd.
- 2) Hindustan Petroleum Corporation Ltd.
- 3) Bharat Petroleum Corporation Ltd.
- 4) The Indo-Burma Petroleum Company Limited.
- 5) Hindustan Petroleum Corporation Limited (V.M.U)

(c) "Director" means the Director Food and Supplies, Haryana and includes Joint Director Food and Supplies, Haryana Deputy Director, Food and Supplies, Haryana or any other officer authorized by the state Government to perform all or any of the functions of Director under this order ;

(d) "District Magistrate" means the District Magistrate of the District and includes District, Food and Supplies Controller or any other officer authorized by the State Government perform all or any of the functions of the District Magistrate under this order.

#### **3. Regulation of sale and supply of Motor Spirit and High Speed Diesel Oil. –**

(1) Every dealer shall , within 24 hours from the date of commencement of this Order -

i. Display the working hours at conspicuous place at his business premises ; and

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ii. Display stock-cum-price board at a prominent place at his business premises, showing the opening balance of Motor Spirit and High Speed Diesel Oil separately every day and rate per litre.

(2) No dealer shall refuse to sell Motor Spirit or high Speed Diesel Oil to any customer while having stocks of the same with him on any day during working hours except in compliance with any restrictions or directions issued by the competent authority mentioned in sub-clause 6.

(3) Notwithstanding anything contained in any other provision of law for the time being in force in the State of Haryana , *no dealer shall keep his premises closed during working hours on any day without prior permission in writing of the District Magistrate.*

Explanation - For purposes of this clause. " working hours" shall be the working hours which the dealer has been observing immediately prior to the date of commencement of this Order.

(4) Every dealer shall take all reasonable steps to ensure that he has adequate stocks of Motor Spirit and High Speed Diesel Oil at his business premises at all times.

(5) Every dealer shall maintain true and correct accounts of all purchases and sales of Motor Spirit and High Speed Diesel Oil.

(6) Every dealer and Oil Company shall comply with the directions that may be given to him in writing by the Director and the District Magistrate in regard to the purchase, sale or storage for sale of Motor Spirit and High Speed Diesel Oil and in regard to the manner in which accounts thereof shall be maintained and further in regard to the submission of the stock returns.

(7) No dealer shall act in a manner prejudicial to the maintenance of supplies of Motor Spirit and High Speed Diesel Oil in the State of Haryana.

**4. Power of entry, search, seizure, etc.-** The Director or District Magistrate or any police Officer, not below the rank of Sub-Inspector or any Officer of the Food and Supplies Department, Haryana, not below the rank of Sub-Inspector authorized by the Director or District Magistrate may with such assistance, if any, as he thinks fit-

(a) require the owner, occupier or any other person incharge of any place , premises, vehicle or vessels in which Motor Spirit and or , High Speed Diesel Oil is stored, kept or is being carried, where he has reason to believe that any contravention of the provisions of this Order has been, is being or is about to be committed to produce any books of accounts or other documents or furnish such information relating to motor Spirit and High Speed Diesel Oil or transaction relating thereto as may be required ;

(b) enter, inspect break open and search or seal any place, premises vehicle or vessels in which he has reason to believe that any contravention of the provisions of this Order has been is – being or is about to be committed ;

(c) inspect or seize any document or account books or take or cause to be taken extracts from or copies thereof showing transactions relating to Motor Spirit and High Speed Diesel Oil; and

(d) search, seize and remove stocks of Motor Spirit and the High Speed Diesel Oil together with the vehicles, vessels or other containers in which the same are found stored or seal the underground tanks in which the same are stored where he has reason to believe that a contravention of this Order has been committed and thereafter take or authorize the taking of all measures necessary for securing the production of such stocks and articles in a court of law and for the safe custody by way of pending such production.

**5. The provisions of section 100 of the Code of Criminal Procedure, 1973** (Central 2 Act of 1974) relating to search and seizure shall so far as may be, apply to searches and seizures under clause 4.

**G.V.GUPTA,**  
Commissioner and Secretary to Government, Haryana,  
Food and Supplies Department

## **ANNEXURE – 3.3 (HARYANA)**

Endst. No. 7865 / 3S-79 / 50738, dated Chandigarh the 19<sup>th</sup> November , 1979.

### **HARYANA PREVENTION OF HOARDING AND MAINTENANCE OF QUALITY ORDER, 1977**

#### **PART-III**

#### **HARYANA GOVERNMENT FOOD AND SUPPLIES DEPARTMENT ORDER THE 27TH OCTOBER, 1977**

NO. G.S.R. 183/C.A. 10/55/S.3/77.- Whereas it appears to the Government that it is necessary so to do for securing equitable distribution and availability of essential articles at fair prices:

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955) read with the Government of India, Ministry of Agriculture and Irrigation (Department of Food) order No. G.S.R. 316(E), dated the 20th June, 1972, G.S.R. No. 452(E), dated 25th October, 1972, and G.S.R. No. 168(E), dated the 13th March, 1973, and Ministry of Industry and Civil supplies, Government of India order Nos. S.O. 681(E) and No. 682(E), dated the 30th November, 1974, and all other powers enabling him in this behalf and with the prior concurrence of the Central Government, the Governor of Haryana hereby makes the following order, namely: -

1. This Order may be called the Haryana Prevention of Hoarding and Maintenance of Quality Order, 1977.

2. In this Order, unless the context otherwise required: -

(a) "article" means an article specified in the Schedule to this order and it shall be deemed to be in the possession of a person, when it is held on behalf of that person by another person notwithstanding that it is mortgaged to another person;

(b) "Dealer" means a person engaged in the business of sale or storage for sale of any article, whether such business is carried on in retail or in wholesale, and includes the distributing agent or the selling agent or such person;

(c) "District Magistrate" means the District Magistrate of the District and includes a Sub-Divisional Magistrate, Deputy Director, Food and Supplies, District Food and Supplies Controllers, and District Food and Supplies Officer, within the area of their respective jurisdiction;

(d) "Director" means the Director, Food and Supplies, Haryana and includes the Joint Director, Food and supplies and the Deputy Director, Food and supplies or any other person appointed as such by the Government.

(e) "Government" means the Government of the State of Haryana;

(f) "Inspector" means Assistant Food and Supplies Officers and Inspector Food and Supplies or any other officer appointed by the Government for carrying out the purposes of this order;

(g) "Producer" includes a manufacturer.

3. The Government may, by notification, in the official Gazette, fix in respect of any article;

(a) the maximum quantity which may, at any one time, be possessed by a dealer or a producer;

(b) the maximum quantity which may, at any one time, be possessed by any consumer;

(c) the maximum quantity which may, in any one transaction be sold to any person by a dealer or a producer;

(d) the quantities fixed in respect of any article under this clause may be different in different localities;

Provided that no stock limit shall be fixed in respect of producers regarding sugar, khandsari, gur and shakkar.

Any dealer or a producer or a consumer having in his possession a quantity of any article exceeding that permitted by a notification issued under clause 3 shall forthwith report the fact to the Director or the District Magistrate and shall take, such action as to the storage, distribution or disposal of the excess quantity as the Government may direct.

4. (1) No dealer or producer shall unless previously authorised to do so by the Government:-

(i) without sufficient cause, refuse to sell to any person any article within the limits as to quantity imposed by or under this order; or

(ii) require the purchaser of any article to purchase at the same time any other article as a condition for the purchase of that article.

(2) No wholesale or retail dealer shall, without sufficient cause, refuse to sell to retail dealer or consumer as the case may be, any article which is in stock with him, even if the maximum quantitative limits have not been fixed for the said dealer or consumer.

(3) No producer shall, unless otherwise provided in any other law for the time being in force, and without sufficient cause refuse to sell his products to any person, who is entitled to purchase the same.

Explanation.- The possibility of expectation of obtaining a higher price for any article at a later date shall not be deemed to a sufficient cause for the purposes of this clause.

5. (1) The Government may, by notification, published in the officer Gazette, prohibit the sale of such article as may be specified in the notification except on the production of a distribution card issued by the Director or the District Magistrate or any other person authorised in writing by any these officers. Such notification may provide for the maximum quantity of any article that may be sold to any consumer or group of consumers.

(2) After a notification is issued under sub-clause (1), no consumer shall secure a distribution card for more than the actual number of members of his family or obtain or attempt to obtain any manner what so ever supplies of any article in excess of the maximum quantity to which he is entitled under the said notification.

(3) After a notification is issued under sub-clause(1), no dealer shall:-

(a) issue any article on a distribution card which does not entitle the holder thereof to draw the same;

(b) make entries regarding drawls of articles either in the sales register or on distribution card without actually issuing the same; or

(c) show on the distribution card more quantity than that actually delivered to the consumer.

6. No dealer or producer shall deliver any article which is less in weight.

7. No owner or person in-charge of a roller mill licensed under the wheat Roller Flour Mills (Licensing and Control) Order, 1957 and no person who is engaged in the business of transformation or production of hydrogenated Vegetable ghee, shall produce, manufacture, supply or sell wheat products or hydrogenated vegetable ghee as the case may be below the standards and specifications provided under the prevention of Food Adulteration Rules, 1955.

8. (1) The physical stock balances of various articles in a fair price shop, authorised and approved by the Government or by any officer authorised by it in this behalf, shall conform to the book balances as per accounts books maintained by him.

(2) All purchases, sales and Production made will be correctly accounted for in the account books maintained and shall conform to the actual transactions made.

9. The Director or the District magistrate or any person authorised in writing in this behalf by the Director/District Magistrate may, with a view to securing compliance with the provisions of this order or of any notification issued there under or to satisfy himself that any such provision has been complied with;

(a) require by any order in writing any producer or dealer to furnish within such period and at such intervals as may be specified in such order, such information, returns or reports and in such forms as may be required, and

(b) prescribe the manner in which true accounts of stocks, purchases, sales or other transactions of articles should be kept.

10. (1) The Director, the district Magistrate or the Inspector or any police officer not below the rank of Sub-Inspector of Police may:-

(a) require the owner, occupier or any other person in-charge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order or the conditions of any license issued there under has been, is being or is about to be committed, to produce any book accounts or other documents showing transactions relating to such contravention;

(b) enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any license issued there under has been, or is being or is about to be committed;

(c) search, seize and remove stocks of articles and the animals, vehicles, vessels or other conveyances used in carrying the said articles in contravention of the provisions of this order, or of the conditions of the license issued there under and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of articles and the animals, vehicles, vessels or other conveyances so seized, in a court and for their safe custody pending such production;

(d) seize any books of accounts and documents which in the opinion of such person, may be useful for or relevant to any proceedings under this order and the person from whose custody such books or accounts or documents are seized shall be entitled to take copies thereof or to take extracts therefrom in the presence of an officer having the custody of such books of accounts or documents.

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

Provided that in exercising the power of entry and search under this clause, due regard shall be paid by the authorized officer to the social and religious customs of the occupants of premises so entered and searched.

11. The powers exercisable by the Director and the District Magistrate under this order shall also be exercisable by the Government.

## **SCHEDULE**

[See clause 2(a)]

1. Foodgrains including their products.
2. Baby food.
3. Condensed Milk.
4. Sugar
5. Gur and shakar.
6. Khandsari.
7. Pulses.
8. Tea.
9. Match-box.
10. Salt.
11. Hydrogenated vegetable ghee.
12. Razor Blades.
13. Battery/Transistor cells.
14. paper.
15. Tyres and Tubes for Cycles, Motor Cycles, Scooters, Trucks and Buses.

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16. Rickshaw cycle tyres and Tubes.
17. Woolen Textile.
18. Woolen Hosiery.
19. Knitting wool.
20. Hard Coke.
21. Electric Bulbs.
22. Steam Coal.
23. Slack Coal.
24. Cement.
25. Kerosene Oil.
26. Diesel Oil
27. Edible Oils.
29. Fertilizer, as defined in the fertilizer (Control) Order, 1957.
30. Light Diesel Oil.
31. Edible Oil Seeds.
32. Controlled Cotton Cloth.

**V.P. JOHAR,**

Financial commissioner and Secretary to Government, Haryana,  
Food and supplies Department

**HARYANA GOVERNMENT  
FOOD AND SUPPLIES DEPARTMENT  
ORDER**

**THE 23RD JANUARY, 1978**

No. G.S.R. 2/C.A.10/55/s-3/Amd.(1)/78.- Whereas it appears to the Government that it is necessary to do so for securing equitable distribution and availability of essential articles at fair prices;

No, therefore in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955(10 of 1955), read with the Government of India, Ministry of Agriculture and Irrigation, (Deptt. Of Food) Order No. G.S.T. 316(E), dated the 20th June, 1972, G.S.R. No. 452(E), dated 25th October, 1972, and G.S.R. No. 168(E), dated the 13th March, 1973 and Government of India, Ministry of Industry and Civil Supplies Order No. S.O.681(E) and No. 682(E), dated the 30th November, 1974 and all other powers enabling him in this behalf and with the prior concurrence of the Central Government, the Governor of Haryana hereby makes the following order to amend the Haryana Prevention of Hoarding and Maintenance of Quality Order, 1977, namely: -

1. This Order may be called the Haryana Prevention of Hoarding and Maintenance of quality (First Amendment) Order, 1978.
2. In the Haryana Prevention of Hoarding and Maintenance of Quality Order, 1977, in the Schedule-
  - (a) in item No. 10 for the word "salt", the words "Common Salt" shall be substituted.
  - (b) Item No. 29 shall be omitted.

**G.V.Gupta**

Secretary to Government , Haryana  
Food and Supplies Department

**HARYANA GOVERNMENT  
FOOD AND SUPPLIES DEPARTMENT  
NOTIFICATION  
THE 8TH SEPTEMBER, 1992**

No. S.O.117/H.O.77/C.76/92.- In exercise of the powers conferred by sub-clause (1) of clause of 6 of the Haryana Prevention of Hoarding and Maintenance of Quality Order, 1977, the Governor of Haryana hereby makes the following amendment in the Haryana Government, Food and Supplies Department notification No. S.O. 112/H.O. 77/C, 2/89, dated the 8th August, 1989, namely: -

**AMENDMENT**

In Haryana Government, Food and Supplies Department, notification No. S.O. 112/H.O. 77/C.2/89, dated the 8th August, 1989,-

"(1) in line 18, against clause (ii), for the existing entry, the following entry shall be substituted namely: -

"(ii) Rice:: One Kilogram per head per months and subject to a maximum of 5 Kilograms per card.";

(2) in lines 20 and 21, for the existing entries, the following entries shall be substituted, namely: -

"(iv)Wheat/Atta:: 5 Kilograms per head per month subject to a maximum of 20 kilograms per card per month and

(v) Kerosene Oil:: 10 Liters per card per month for non-LPG holder and 5 liters per card for LPG holder."

**R.N.PRASHAR,**

Secretary to Government, Haryana  
Food and Supplies Department



## **ANNEXURE – 3.4 (HARYANA)**

### **HARYANA COMMODITIES PRICE MARKING AND DISPLAY ORDER, 1975**

2ND JUNE, 1975

PART-III

HARYANA GOVERNMENT

FOOD AND SUPPLIES DEPARTMENT

ORDER

THE 2ND JULY, 1975.

NO. G.S.R. 71/G.A 10/55/S.3/H.C.P.M. AND D.O./75-. Whereas for maintaining supplies, securing equitable distribution and availability at fair prices of certain essential commodities in the State of Haryana, the governor of Haryana is of the opinion that it is necessary and expedient so to do;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with Government of India, Ministry of Food, Agriculture, Community Development and Co-operation Order No. G.S.R. 1111, dated the 24th July, 1967, and Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) S.O.No.681(E) dated the 30th November, 1974 the Governor of Haryana hereby makes the following order, namely: -

1. Short title and extent: -

(1) This order may be called the Haryana Commodities Price Marking and Display Order, 1975.

(2) It extends to all the urban and rural areas in the State of Haryana having a population of 5,000 or above.

(3) It shall come into force at once.

2. Definitions: - In this order, unless the context otherwise requires.--

(a) "Commodity" means any article or thing specified in column 3 of the Schedule.

(b) "Dealer" means a person who carries on the wholesale or retail business of selling or storing for sale any commodity, whether or not such business is carried on in addition to any other business;

(c) "Director" means the Director Food and Supplies, Haryana, and includes the Joint Director, Under Secretary (Administration), Deputy Director and Assistant Director, Department of Food and Supplies, Haryana and within the area of his jurisdiction the District Magistrate, the Executive Magistrate of the 1st class, Sub Divisional Magistrate, district Food and supplies controller, District Food and Supplies Officer, Assistant Food and Supplies Officer and the Inspector Food and supplies;

(d) "Government" means the Government of the state of Haryana;

(e) "List of Prices" means the list maintained from time to time by a dealer in the form prescribed in the Schedule indicating the prices of the commodities specified in column 3 of that schedule in which the dealer carries on his business;

(f) "Price" in relation to a commodity, means the amount of money for which the dealer sells or parts with or agrees to sell or part with, or offers to sell or part with that commodity or any variety or quality thereof, but does not include any tax payable under any law for the time being in force in respect of such commodity; and

(g) ""Schedule" means a schedule appended to this order.

3. Display of list of commodities, their quality, unit of price, price and opening balance- Every dealer shall, in respect of the commodities specified in column 3 of the Schedule, display conspicuously in the form prescribed in the schedule during the hours of business at a place as near to the entrance of his business premises as possible, the class of commodities, their quality, if any, unit of price and price in column 2,4,5 and 6 respectively of the schedule in Devnagri script in Hindi. He shall also display the daily opening balance of the controlled cloth, kerosene oil, diesel, oil, torch, cells, transistor cells, papers including exercise books, matches, baby foods, Razer blades and electric bulbs:

Provided that--

(i) the form of numerals to be used shall be the international form of Indian numerals;

(ii) the price, in the case of commodity which is added to the Schedule at any time after the Commencement of this order, shall be displayed not later than fifteen days, from the date on which such commodity is added to the Schedule;

(iii) in the case of any essential commodity which is out of stock, instead of writing the price thereof in the list, the words "OUT OF STOCK" shall be written in bold letters against that commodity.

(iv) the retail price of essential commodities so displayed shall not exceed the retail price, if any, fixed or recommended by the manufacturers or producers in respect of that category of essential article.

#### 4. Signing of lists:

The list of prices mentioned in clause 3 shall be signed and dated by the dealer stating thereunder the capacity in which he has signed the list that is whether he is a proprietor, partner or manager of the firm. The name of the firm shall also be shown on the list.

#### 5. Power to issue directions. -

(i) The Director if so authorised in writing by the Government may, in respect of any commodity, issue directions to any dealer or class of dealers that such commodity shall be sold by him in such quantity or number, subject to such conditions, after such intervals, and in such manner, as may be specified in such directions.

(ii) On and from the receipts of such directions, the dealer shall be bound to comply with such directions.

6. Prohibition of sale of commodities at prices higher than those specified in the list \_\_\_\_\_. No dealer shall \_\_\_\_\_.

(a) sell to any person any commodity at a price higher than the price specified in respect of such commodity in the list of prices; or

(b) refuse to sell such commodity to any person at the price so specified;

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Provided that nothing in Sub-clause (b) shall apply to a dealer who has acted in compliance with any directions issued under clause 5.

**7. Powers of entry, search and seizure**

(1) For ensuring that the provisions of this order are being complied with by the dealer, the director shall have the power to \_\_\_\_\_

(i) enter the business premises of any dealer during business hours to inspect the list of prices and other information contained in the Schedule;

(ii) require any dealer or any person carrying on business on his behalf to give a copy of the list of prices or any other information in his possession in respect of the business and the dealer or such person, as the case may be shall give the copy of the list of prices or other information required of him;

(iii) inspect or cause to be inspected any book, document or any stock of articles belonging to or under the control or, any dealer or any person acting on his behalf and take such book, document or stock in his possession, and

(iv) search any premises or place and seize any article in respect of which he suspects that any provisions of this order has been, is being, or is about to be contravened.

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973(parliament Act 2 of 1974), relating to search and seized shall, so far as may be, apply to searches and seizures, under this order.

**8. Repeal and Saving**

The Punjab Commodities Price Marking and Display Order, 1966 is hereby repealed

Provided that repeal shall not affect the provisions operation of the said order anything duly donor suffered there under and shall not\_\_\_\_\_

(a) affect any right, privilege, obligation or liability acquired, accrued, or incurred under the said order, or

(b) affect any penalty, forfeiture or punishment imposed or incurred in respect of any offence committed against the said order; or

(c) affect any 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 the order hereby repealed continued to be in force.

**SCHEDULE**

(See clauses 2(a) and 3)

Commodities in respect of which list of prices to be displayed

Sr.	Class of Commodities	Name of Commodity	Qty (if Any)	Unit of Price	Price	Opening balance of Stock for the day
1.	Food Stuffs including edible oil seeds and oils	Wheat Chakki Wheat flour Mill wheat flour Maize Maize flour Rice Basmati				

1.	Food Stuffs including edible oil seeds and oils	Rice Begmi Pulses Gram Desi Gram Kabli sugar Sugar Desi (Bura) Gur Shakkar Desi Ghee Vegetable ghee Mustard Oil (Sarson oil) Common salt Haldi Chillies Spices Bread Butter Eggs Misri Patesha Khandsari Sugar Bura Sugar Balls sugar Cubes Baby Foods Condensed Milk Tea (Leaves) Maida Suji (Rawa) Til Oil Ground Nut Oil Cotton seed Oil				
2	Petroleum and petroleum products	i. Kerosene Oil ii. Diesel Oil iii. Lubricating Oils iv. Petrol				
3	Soap	i. Washing soap ii. Toilet soap iii. Soap Flakes				
4.	Inorganic heavy Chemicals	i. Washing Soda ii. Caustic Soda				
5.	Iron and steel including manufactured products of iron and steel	i. Razor Blades ii. Utensils sold by weight or otherwise				

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6.	Non ferrous Metals	i) Utensils of brass, copper and aluminum sold by weight or otherwise				
7.	Cattle Fodder including oil cakes and other concentrates	i. Wheat straw (Bhoosa) ii. Wheat bran				
8.	Component parts and accessories of automobiles	i) Spare parts of tractors				
9.	Coal including coke and other derivatives	i. Soft Coke ii. Hard Coke iii. Steam Coal				
10	General	i Cement ii. Matches iii. Tyres and Tubes for cycles and rickshaws iv. Electric Bulbs v. Fluorescent tubes. vi. Battery cells. vii. Transistor cells viii. Paper including exercise books ix. Controlled cloths				

Note.1. Price shall be specified separately in respect of different kinds, qualities, varieties or types of commodities.

Note II Where any commodity of any kind, quality, variety or type thereof is sold in tons, bottles, packages or in loose form, prices shall be specified separately per tin, bottle, package or weight, as the case may be.

Note III In column 5, the unit of price in respect of different kind, qualities, varieties or types of each commodity shall be specified in terms of weight, quantity, number, packet, package, bottle, tin, drum or of any other unit in which prices are generally quoted.

Illustration--The price of sugar may be specified per kilogram of eggs per dozen and of kerosene oil per liter measured in terms of milliliters or liters.

Note: -IV List of prices shall be printed, typed or written in ink.

**V.P.Johar**  
**Secretary to Government Haryana,**  
**Food and Supplies Department**

## **ANNEXURE – 3.5 (HARYANA)**

### **MINISTRY OF PETROLEUM AND NATURAL GAS ORDER**

New Delhi, the 26<sup>th</sup> April, 2000

G.S.R. 487(E) - In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely: -

#### **1. Short title and commencement-**

- 1) This Order may be called the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000.
- 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- In this Order, unless the context otherwise requires-**

- a) Chief Controller of Explosives' shall have the same meaning assigned to it in the Explosives Act, 1884(4 of 1884).
- b) "Consumer" means a registered person, firm, company Institution, association of persons, co-operative society or organization, who has been granted liquefied petroleum gas connection or supply, either in bulk or in cylinder, by a distributor or a Government oil company or a parallel marketer;
- c) "cylinder" means a metal container utilized for storing liquefied petroleum gas conforming to the specifications laid down in Schedules II and III;
- d) "delivery person" means a person engaged by a distributor of a Government Oil Company or a parallel marketer to deliver liquefied petroleum gas in cylinder to consumers;
- e) "distributor" means a person, firm, association of persons, company, institution, organization or a co-operative society appointed by a Government Oil Company or parallel marketer and engaged in the business of purchase, sale or storage for sale of liquefied petroleum gas in cylinders to consumers on the basis of an agreement with a Government Oil Company or parallel marketer and engaged in the business of purchase , sale or storage for sale of liquefied petroleum gas in cylinders to consumers on the basis of an agreement with the Government Oil Company or a parallel marketer as the case may be;
- f) "gas cylinder value" means a value which is fitted to a cylinder;
- g) "Government Oil Company" means: -
  - (a) Bharat Petroleum Corporation Limited
  - (b) Bongagaingaoon Refinery and Petrochemicals Limited
  - (c) Cochin Refineries Limited
  - (d) Gas Authority of India Limited
  - (e) Hindustan Petroleum Corporation Limited.
  - (f) Indian Oil Corporation Limited.
  - (g) Indo Burma Petroleum Company Limited.
  - (h) Chennai Petroleum Company Limited
  - (i) Numaligarh Refinery Limited.
  - (j) Oil India Limited.
  - (k) Oil and Natural Gas Corporation Limited, or

- (l) any other Government Company or a statutory body or a company or a firm, declared as such by notification in the Official Gazette, to be a "Government Oil Company by the Central Government, for the purposes of this Order.
- h) "Indian Standard" shall have the same meaning as assigned to it in clause (g) of section 2 of the Bureau of Indian Standards Act, 1986 (63 of 1986).
- i) "Liquefied petroleum gas (or LPG) " means a mixture of light hydrocarbons which may include propane, isobutene, normal butane, butylenes etc. which are gaseous at normal ambient temperature and atmospheric pressure but may be condensed to liquid state at normal ambient temperature by the application of pressure and which conforms to Indian Standard Specification number IS 4576;
- j) "parallel marketeer" means any person, firm, company, institution association of persons, co-operative society or organization carrying on any or all of the business of importing, storing, bottling, marketing, distributing and/or selling liquefied petroleum gas under the parallel marketing system;
- k) "parallel marketing system" means the system other than the public distribution system, under which a parallel marketeer carries on any or all of the business of importing storing, bottling, distribution or selling in bulk or in retail, packed or filled in cylinder, liquefied petroleum gas under his own arrangement.
- l) "public distribution system" means the system of distribution, marketing or selling of liquefied petroleum gas by a Government Oil Company at the Government controlled or declared price through a distribution system approved by the Central or a State Government;
- m) "pressure regulator" means the equipment used for regulating the flow and pressure of liquefied petroleum gas from a cylinder to a gas stove;
- n) "Schedule" means a Schedule appended to this Order;
- o) "seal" means seal put on the cap of the valve of the cylinder for the purpose of sealing a cylinder after it has been filled with liquefied petroleum gas;
- p) "storage point" means the premises licensed by the Chief Controller of Explosives;
- q) "transporter" means a person authorized by a Government Oil Company, parallel marketeer or a distributor for transportation of LPG in bulk or in cylinders and also of empty or defective cylinders.

### **3. Restriction on unauthorized possession, supply and consumption of liquefied petroleum gas.-**

**1.)** A person having a connection for liquefied petroleum gas under the public distribution system, shall not-

**a.** possess more than one connection of liquefied petroleum gas granted under the public distribution system;

Provided that the Central Government or the Chief Executive Officer of a Government Oil Company, may sanction more than one connection of liquefied petroleum gas under the public distribution system in favour of any person, keeping in view the difficulty and hardship experienced by such person in obtaining supplies of the LPG.

**b.** possess or use liquefied petroleum gas filled in cylinder or in bulk, unless he has received the supply from a Government Oil Company or a distributor authorized by such Company;

**c.** use liquefied petroleum gas for any purpose other than for which the consumer is registered with the distributor of a Government Oil Company;



Provided that the Central Government may by a general or special order permit the use of liquefied petroleum gas for such other purposes as, it may, or order, specify.

**2.)** The supply of liquefied petroleum gas to domestic category consumers shall be made in 14.2 kg. Capacity cylinder and to those falling under non-domestic category shall be made in 19 kg. /47.5 kg. Capacity cylinder, or in such capacity cylinder as may be notified, by the Central Government from time to time.

**3.)** No distributor of a Government Oil Company shall supply liquefied petroleum gas filled in cylinder to any person unless he

- a. has been registered and granted a connection for liquefied petroleum gas under the public distribution system, or
- b. holds a valid authorization from the Government Oil Company.

**4.)** No distributor of a Government Oil Company or a parallel marketeer, as the case may be, shall commit or cause to commit any of the activities prohibited herein including those specified in Schedule-1.

**4. Restriction on storage and transport of liquefied petroleum gas-**

1. No person shall-

- a. fill any cylinder with liquefied petroleum gas or transfer liquefied petroleum gas from one cylinder to another cylinder or from one container to another container unless authorized by the Chief Controller of Explosives;
- b. transport or store a cylinder filled with liquefied petroleum gas except in an upright position;
- c. store or use or cause to be stored or used a cylinder filled with the liquefied petroleum gas except in a cool, dry, well-ventilated and accessible place under cover, away from boilers, open flames, steam pipes or any potential source of heat;
- d. remove the seal prior to use of the cylinder;  
Provided that the distributor or his authorized representative or the delivery person may remove such seal in the presence of the consumer either for testing, checking or installation of the cylinder;
- e. use cylinder, pressure regular and gas cylinder valve other than those specified in Schedule II and III.

2. No. transporter or delivery person shall deliver or cause to deliver liquefied petroleum gas either in cylinder or in bulk to any person other than the consumer or distributor.

**5. Restriction on sale or distribution of liquefied petroleum gas below or in excess of the standard weight-** No Government Oil Company distributor or parallel marketeer shall supply, sell or distribute to a consumer liquefied petroleum gas in cylinders which contains less than or in excess of the weight of liquefied petroleum gas specified in the Schedules II and III or as indicated on the cylinder.

**6. Prohibition on carrying unauthorized business of selling LPG:-** No person other than a Govt. Oil Company, a parallel marketeer or a distributor shall be engaged in the business of selling LPG to the consumer.

**7. Possession, supply or sale of liquefied petroleum gas equipments**

1. No person shall—

- a. supply or sell filled or empty cylinder, gas cylinder valve and pressure regulator to any person other than a Government Oil Company or a parallel marketer.
- b. unless authorized by a Government Oil Company or a parallel marketer, supply or sell filled or empty cylinder gas cylinder valve and pressure regulator to any person other than a consumer.
- c. possess filled or empty cylinder, gas cylinder valve or pressure regulator, unless he is a distributor or a consumer.

2. Every manufacturer of cylinder, gas cylinder valve and pressure regulator shall destroy by crushing these cylinders, cylinder valves and pressure regulators, which do not conform to the Indian Standards.

**8. Display of stock and price of liquefied petroleum gas –**

Every distributor- shall prominently display the stock and price of the liquefied petroleum gas at a conspicuous place of the business premises including the storage point, showing-

- (i) the opening balance of filled, empty and defective cylinders and regulators;
- (ii) the backing of preceding working day of the filled cylinders to be supplied;

**9. Procurement storage and sale of liquefied petroleum gas by a distributor.-**

- a) No distributor having stock of liquefied petroleum gas at the business premises, including storage point, shall unless otherwise directed by a Government Oil Company or a parallel marketer, refuse to sell LPG on any working day during working hours, to the consumer registered with that distributor.
- b) No distributor shall keep his business premises including the storage point closed during working hours on any working day without the prior written permission of the Government Oil Company or the parallel marketeers;

**Explanation-** For the purposes of sub-clauses (a) and (b) the expression working hours' means the working hours fixed by the concerned Government Oil Company or the parallel marketer in accordance with the provisions of the shops and Establishments Act and the rules made there under, as in force in the respective States or the Union territories, as the case may be.

- c) Every distributor shall take steps to ensure that stocks of liquefied petroleum gas are available at the business premises, including the storage point at all times.
- d) No distributor shall sell liquefied petroleum gas at a higher price than that fixed by the Government Oil Company or the parallel marketer.
- e) No distributor shall, without prior written permission of the concerned Government Oil Company, refuse to make home delivery at the address of the consumer, as registered with the distributor.

Provided that the State Government may, fix additional charges for home delivery of LPG cylinders to the consumers, as it may deem necessary in view of the geographical terrain and / or the distance in the area of distribution.

- f) Every distributor shall display the working hours prominently at the place of business including the place of storage on a conspicuous place.

**10. Maintenance of register, account books by a distributor.-**

a) Every distributor shall maintain proper accounts of daily purchase , sale and storage of liquefied petroleum gas at the business premises indicating therein.-

- i.) the opening stock of the filled, empty and defective cylinders;
- ii.) the number of filled, empty and defective cylinders received during the day.
- iii.) the number of filled, empty and defective cylinders sold, delivered or otherwise disposed of during the day.
- iv.) the closing stock of the filled, empty and defective cylinder;
- v.) such other relevant particulars as the concerned Government Oil Company or the parallel marketer may by order in writing, specify.

b) The distributor shall maintain register giving the details of names and addresses of persons registered for obtaining liquefied petroleum gas connection.

**11. Assessment and Certification Rating of parallel marketers.-**

(1)a) No parallel marketer shall commence any activity such as, importing, storing, transporting, bottling, marketing, distribution, sale or any activity incidental thereto relating to the business of liquefied petroleum gas without obtaining a rating certificate, for his capability, infrastructure

network and readiness to carry out professed business and deliver goods and services promised provision for adequate safety backup for transportation, accident relief during transportation, and attending to emergency complaints of consumers by an agency given in Schedule-IV, on the basis of its evaluation and rating.

b) The rating certificate shall be issued in the format as specified in Schedule-V and as per the forwarding letter given in Schedule-IV.

c) The rating certificate shall-

i.) be valid for a period of two years in case of 'good' and 'satisfactory' rating and one year in case of her ratings from the date of its issue and

ii.) require renewal by the rating agency

(2) Every parallel marketer announcing details of his activity or inviting offers of any kind in the field of import transport, marketing, bottling, distribution or sale of liquefied petroleum gas, either in a newspaper, handout, pamphlet, leaflet or by any other means of communication or advertising shall indicate the rating awarded to him in words i.e. Good, Satisfactory, Low-risk, High risk, whichever is applicable, and prominently publish the rating certificate, as given by the rating agency.

(3) There shall be paid in respect of every application to a rating agency.

i.) for the rating certificate awarded to the parallel marketer, a fee at the rate of 0.05% of the project cost subject to a minimum of rupees fifty thousand and maximum of rupees ten lakhs, and

ii.) for the renewal of the rating certificate by the parallel marketer, a fee of one tenth of that required to be paid for such a certificate..

iii.) The renewal of rating certificate by the parallel marketer shall be as per the following periodicity, namely; -

a. once in two years, for those having "good" and 'satisfactory' rating certificate in the previous year.

b. once in a year for those having rating certificate other than 'good' and 'satisfactory' in the previous year.

(4) The agencies given in Schedule-IV for the purpose of evaluation shall on payment of fee by the parallel marketer, evaluate the parallel marketer whose case is either referred to it or who approaches it, on the basis of the parameters indicated and the information provided by such parallel marketer in the format as specified in Schedule -VII or such other information as may be required by the rating agency.

(5) Every parallel marketer shall file a certified true copy of the certificate of rating with the Ministry of Petroleum and Natural Gas, Oil Co-ordination Committee, Ministry of Food and Civil Supplies of the Central and the State Government and Collector of the District in which he imports, transports, bottles, markets, distributes or sells liquefied petroleum gas.

(6) All letter-heads or communications of a parallel marketer shall have the following description of rating:

i.) Name of the rating agency,

ii.) Rating awarded to him, and

iii.) Date of Issue.

(7) No parallel marketer shall either give incomplete, incorrect, misleading, vague information in the newspaper, handout, pamphlet, leaflet or advertisement or submit such information to the rating agency;

Provided that a parallel marketer carrying on the business of transportation, marketing, distribution or selling of liquefied petroleum gas as an agent of another parallel marketer, who has obtained a rating certificate, shall not be required to obtain a rating certificate.

**Explanation:** For the purpose of this clause, a parallel marketer shall be regarded as an agent of another parallel marketer if the former is appointed an agent for the above purposes by the latter through a legal instrument.

## **12. Maintenance of records and furnishing of information by parallel marketer. –**

- a. Every parallel marketer before commencing the import, transportation, bottling, marketing, distribution or sale of liquefied petroleum gas shall intimate to the Ministry of Petroleum and Natural

Gas all or any of the above activities which he intends to undertake, specifying therein capability to do so, and any other relevant particulars.

- b. The parallel marketer shall ensure that the quality checks are carried out and the liquefied petroleum gas meets the BIS specification number IS 4576, in all respects before the imported liquefied petroleum gas is discharged into the storage infrastructure at the port.
- c. The parallel marketer shall ensure that the liquefied petroleum gas meets the BIS specification number IS 4576 before it is sold to any consumer.
- d. The parallel marketer of liquefied petroleum gas shall submit a monthly return before the 15th day of the following month giving details of liquefied petroleum gas produced and or imported port-wise , to the Ministry of Petroleum and Natural Gas.
- e. The parallel marketer shall furnish to the Ministry of Petroleum and Natural Gas, or to such authority as may be specified by the Central Government, such information as may be required.

**13. Power of entry, search and seizure.-**

1. Any Officer of the Central or the State Government not below the rank of Inspector duly authorized by a general or a special order, by the Central Government or the State Government, as the case may be or any officer of a Government Oil Company not below the rank of Sales Officer, authorized by the Central Government, may, with a view to securing due compliance of this Order or any other order made there under;
  - a. stop and search any vessel or vehicle used or capable of being used for the transport or storage of any petroleum product.
  - b. Enter and search any place.
  - c. Seize stocks of liquefied petroleum gas alongwith container and/or equipments, such as cylinders, gas, cylinder valves, pressure regulators and seals in respect of which he has reason to believe that a contravention of this Order has been, or is being or is about to be made.
2. The sales officer of a Government Oil Company shall be authorized to secure compliance of this Order by the distributors appointed under the public distribution system and or by the consumer registered by them.

**14. Overriding effect of the Order-** The provisions of this Order shall have overriding effect notwithstanding anything contained in any Order made by a State Government or a Union Territory Administration.

**15. Power to exempt-** The Central Government may, if it considers necessary, for avoiding any hardship or in consideration of the public interest, by a notification in the Official Gazette, exempt any person of class of persons from all or any of the provisions of this Order, either generally or for any specific purpose, and subject to such conditions as may be specified in the notification.

**16. Repeal and savings-** The Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 1993 is hereby repealed; Provided that such repeal shall not effect.

- a) the previous operation of the said Order or anything duly done or suffered therein;  
or
- b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Order; or
- c) any penalty, forfeiture or punishment incurred in respect of any offence committed against he said 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 the said Order had not been repealed.

# **ANNEXURE – 3.1** **(Rajasthan)**

## ANNEXURE – 3.1(RAJASTHAN)

सार्वजनिक वितरण प्रणाली (नियंत्रण) आदेश, 2001

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### सार्वजनिक वितरण प्रणाली नियंत्रण आदेश, 2001 का उपाबंध

(खंड 3,4,5,6,7,8,10 और 12 देखिए)

#### 1. गरीबी रेखा से नीचे रह रहे कुटुम्बों की पहचान :

1. राज्य सरकारें, केन्द्रीय सरकार द्वारा अंगीकृत किए गए प्राक्कलन के अनुसार गरीबी रेखा से नीचे रह रहे कुटुम्बों की, जिसके अन्तर्गत 'अंत्योदय कुटुम्ब भी है', पहचान करने के प्रयोजन के लिए उपयुक्त मार्गदर्शक सिद्धांत बनाएँगी। यह सुनिश्चित करने के लिए ध्यान दिया जाएगा कि इस प्रकार पहचान किए गए कुटुम्ब वास्तव में सबसे गरीब हैं। गरीबी की रेखा से नीचे और अंत्योदय कुटुम्बों की पहचान की प्रक्रिया जहाँ यह पहले से पूरी नहीं की गई है, इस आदेश के जारी होने के तीन मास के भीतर पूरी की जाएगी।
2. राज्य सरकारें प्रत्येक वर्ष अपात्र (ineligible) कुटुम्बों का लोप करने और पात्र कुटुम्बों को सम्मिलित करने के प्रयोजन के लिए गरीबी रेखा से नीचे और अंत्योदय कुटुम्बों की सूचियों का पुनर्विलोकन (review) करवाएँगी।
3. गरीबी रेखा से नीचे और अंत्योदय कुटुम्बों की पहचान अथवा समीक्षा करने की प्रक्रिया हाथ में लेते समय, प्रत्येक राज्य सरकार उपयुक्त प्रोफार्मा विहित करेगी, जो कुटुम्ब के मुखिया द्वारा अथवा उसकी ओर से भरा जाएगा।
4. विहित प्रोफार्मा में दिए गए आंकड़ों का सत्यापन इस प्रयोजन के लिए राज्य सरकार द्वारा अभिहित प्राधिकारी द्वारा किया जाएगा। उक्त प्राधिकारी प्रोफार्मा में अंतर्विष्ट जानकारी के सही होने के बारे में भी प्रमाणित करेगा।
5. ग्राम सभाएँ अपनी-अपनी अधिकारिता के अधीन क्षेत्र की बाबत अभिहित प्राधिकारी द्वारा तैयार की गई गरीबी रेखा से नीचे और अंत्योदय प्रवर्गों के हिताधिकारियों की सूची, को अंतिम रूप देंगी।
6. जहाँ ग्राम सभाएँ नहीं हैं, वहाँ स्थानीय प्रतिनिधि निकाय अपनी-अपनी अधिकारिता के भीतर गरीबी रेखा से नीचे और अंत्योदय प्रवर्गों के हिताधिकारियों की सूची को अंतिम रूप देंगे।
7. राज्य सरकार का अभिहित प्राधिकारी या स्थानीय प्रतिनिधि निकाय, जिसके अन्तर्गत ग्राम सभा और ग्राम पंचायत भी हैं, जिन्हें हिताधिकारियों की पहचान का कार्य सौंपा गया है, वे गरीबी रेखा से नीचे और अंत्योदय कुटुम्बों के संबंध में विहित प्रोफार्मा में जानकारी को सत्यापित और प्रमाणित करेंगे।

#### टिप्पणी

उपाबंध के पैरा 1(4), 1(5) व 1(7) के अन्तर्गत राज्य सरकार द्वारा विकास अधिकारियों व आयुक्त/अधिवासी अधिकारियों की उनके अपने-अपने अधिकारिता क्षेत्र हेतु अभिहित प्राधिकारी नियुक्त किया है। (अधिसूचना एस.ओ. 212, दिनांक 29.09.2001)

#### 2. राशन कार्ड :

1. राज्य सरकारें यह सुनिश्चित करेंगी कि किसी पात्र आवेदक को सार्वजनिक वितरण प्रणाली के अधीन राशन कार्ड देने से इंकार नहीं किया गया है।
2. राशन कार्ड धारक उचित कीमत की दुकान से साप्ताहिक आधार पर आवश्यक वस्तुएँ लेने का हकदार होगा।
3. राज्य सरकार गरीबी रेखा से ऊपर, गरीबी रेखा से नीचे और अंत्योदय कुटुम्बों को सुभिन्न राशन कार्ड जारी करेगी।
4. अभिहित प्राधिकारी आवेदन प्राप्ति की तारीख से एक मास के भीतर आवश्यक जाँच और सत्यापन करने के पश्चात् राशन कार्ड जारी करेगा।

टिप्पणी

उपाबंध के पैरा 2 (4) के अन्तर्गत जिला रसद अधिकारी को जिला मुख्यालय की नगर पालिका क्षेत्र हेतु, अशुक्त व अधिपासी अधिकारियों को जिला मुख्यालय के अतिरिक्त तथा विकास अधिकारी को अपने-अपने अधिकारिता क्षेत्र हेतु प्राधिकारी नियुक्त किया है। (अधिसूचना एस. ओ. 212 दिनांक 29.09.2001)

5. राज्य सरकारें राशन कार्ड के नाम जोड़े जाने अथवा परिवर्तन करने के लिए समय सीमा विनिर्दिष्ट करेगी। इस समय सीमा का अनुपालन न किए जाने की दशा में, आवेदक को उसके लिए कारण लिखित में सूचित किए जाएंगे।
6. राज्य सरकार अपात्र और जाली राशन कार्डों तथा राशन कार्डों में जाली यूनिटों की छंटनी करने के लिए राशन कार्डों की आवधिक जाँच (periodical checking) कराएगी।
7. राशन कार्ड उसके जारी किए जाने की तारीख से पाँच वर्ष की अवधि के लिए जब तक कि उससे पहले उसे निलंबित या रद्द नहीं किया जाता है, विधिमान्य होगा। पूर्ववृत्तों (antecedents) का नए सिरे से सत्यापन करने और ऐसी अन्य जाँच करने के पश्चात् ही, जो राज्य सरकारों द्वारा इस संबंध में विहित की जाए, कोई नया राशन कार्ड जारी किया जाएगा अथवा उसका नवीकरण किया जाएगा।
8. आवश्यक वस्तुओं के अपयोजन को रोकने के लिए राज्य सरकारों द्वारा जाली (bogus) राशन कार्डों और राशन कार्डों में जाली यूनिटों को समाप्त (elimination) करने के लिए एक अनवरत (continuous) प्रक्रिया चलाई जाएगी।
9. राशन कार्डों का पहचान दस्तावेज (identity document) के रूप में उपयोग नहीं किया जाएगा।

**3. निर्गम मापदंड और निर्गम मूल्य :**

1. केन्द्रीय सरकार, राज्य सरकारों को सार्वजनिक वितरण प्रणाली के अधीन हिताधिकारियों के विभिन्न प्रवर्गों को वितरण के लिए खाद्यान्न ऐसे मापमान और कीमतों पर जो समय-समय पर विहित की जाएँ, उपलब्ध कराएगी।
2. राज्य सरकारें केन्द्रीय सरकार द्वारा सार्वजनिक वितरण प्रणाली के अधीन वितरण के लिए किए गए आवंटन का अपयोजन नहीं करेगी।

**4. वितरण :**

1. भारतीय खाद्य निगम (FCI) या केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए अभिहित कोई अन्य अभिकरण (agency) राज्य सरकारों को, सार्वजनिक वितरण प्रणाली के अधीन वितरण के लिए उचित औसत क्वालिटी के खाद्यान्नों का परिदान केन्द्रीय सरकार द्वारा किए गए आवंटन (allocation) के अनुसार राज्य सरकार से संदाय प्राप्त होने के दो सप्ताह के भीतर वास्तविक परिदान करेंगे और निकासी आदेश (release orders) जारी करेंगे।
2. राज्य सरकारें केन्द्रीय सरकार के खाद्यान्नों का आवंटन प्राप्त करने के पश्चात् भारत सरकार द्वारा किए गए आवंटन आदेश की प्राप्ति से दस दिन के भीतर अपने अधिकरणों या नामनिर्देशितियों को भारतीय खाद्य निगम से खाद्यान्न लेने के लिए प्राधिकृत करते हुए जिलावार आवंटन आदेश जारी करेगी।
3. राज्य सरकारों के अभिहित प्राधिकारी उचित कीमत की दुकान को किए गए आवंटन आदेश की एक प्रति का



परिधान ग्राम पंचायतों या नगरपालिकाओं या सतर्कता समितियों या संबद्ध राज्य सरकारों द्वारा उचित कीमत की दुकानों के कृत्यों को मानीटर करने के लिए नामनिर्देशित (nominated) किसी अन्य निकाय को किया जाना सुनिश्चित करेंगे और ऐसे आदेश में निम्नलिखित विनिर्दिष्ट होगा, अर्थात्-

- (i) कार्ड और यूनिटों की संख्या,
  - (ii) हस्तगत अतिशेष (Balance in hand), और
  - (iii) उचित कीमत की दुकान के संबंध में प्रत्येक मास के लिए किया गया आवंटन।
4. ग्राम पंचायतों या नगरपालिकाओं या सतर्कता समितियों या राज्य सरकार द्वारा उचित कीमत की दुकान के कृत्यों को मानीटर करने के लिए नामनिर्देशित कोई अन्य निकाय, उचित कीमत की दुकानों को मास के दौरान आवंटित आवश्यक वस्तुओं के स्टॉक का संप्रदर्शन अपने कार्यालय के बाहर किसी सूचना पट्ट पर करेंगे।
  5. राज्य सरकारों के अभिहित प्राधिकारी उचित कीमत की दुकानों को मासिक आवंटन करते समय उचित कीमत की दुकान के स्वामियों के पास पड़े हुए असंवितरित (un-distributed) अतिशेष स्टॉक को, यदि कोई हो, पश्चातवर्ती आवंटनों (subsequent allocation) के लिए हिसाब में लेगा।

#### टिप्पणी

उपाबंध के पैरा 4(3) व 4(5) के अन्तर्गत जिला रसद अधिकारी को सम्पूर्ण जिले हेतु व उप खण्ड अधिकारी को जिला मुख्यालय के अतिरिक्त अपने-अपने अधिकारिता क्षेत्र हेतु अभिहित प्राधिकारी नियुक्त किया है। (अधिसूचना एस.ओ. 212 दिनांक 29.09.2001)

6. राज्य सरकारें अपने अभिहित अभिकरणों या नाम निर्देशितियों (designated agencies or nominees) के माध्यम से केन्द्रीय सरकार द्वारा जारी आवश्यक वस्तुओं के परिधान को भारतीय खाद्य निगम को डिपो और गोदामों से लेने की व्यवस्था करेगी और उस मास के प्रथम सप्ताह के भीतर जिसके लिए आवंटन किया गया है उनका उचित कीमत की दुकानों पर परिधान सुनिश्चित करेगी।
7. भारतीय खाद्य निगम को संदाय (payment) करने से पूर्व राज्य सरकारों के प्रतिनिधि या उनके नामनिर्देशित और भारतीय खाद्य निगम, निर्गम के लिए आशयित (intended for issue) खाद्यान्नों के स्टॉक का संयुक्त रूप से निरीक्षण करेंगे जिससे यह सुनिश्चित किया जा सके कि स्टॉक विहित क्वालिटी विनिर्देशों के अनुरूप है।
8. भारतीय खाद्य निगम राज्य सरकारों को उन्हें सार्वजनिक वितरण प्रणाली के अधीन वितरण के लिए प्रदाय किए गए खाद्यान्नों के स्टॉक का एक ढेर-वार (stack-wise) मुहरबंद सेम्पल जारी करेगा।
9. राज्य सरकारें यह सुनिश्चित करने के लिए कि उनके द्वारा उठाई गई पूर्ण मात्रा उनके गोदामों में और तत्पश्चात् उचित कीमत की दुकानों में पहुंचती हैं, आवश्यक जाँच करेगी।
10. राज्य सरकारें यह सुनिश्चित करेंगी कि सार्वजनिक वितरण प्रणाली के अधीन भारतीय खाद्य निगम के गोदामों से निर्गमित आवश्यक वस्तुओं का स्टॉक राशन कार्ड धारकों को परिधान किए जाने के किसी भी प्रक्रम (stage) पर भंडारण, अभिवहन (transit) या किसी अन्य प्रक्रम पर निम्नतर क्वालिटी स्टॉक द्वारा प्रतिस्थापित नहीं (replace) नहीं किया गया है।

## 5. अनुज्ञप्ति प्रदान करना :

राज्य सरकारें अधिनियम की धारा 3 के अधीन आवश्यक वस्तुओं के विक्रय और संवितरण को विनियमित करने के लिए एक आदेश जारी करेंगी। उक्त आदेश के अधीन उचित कीमत की दुकान के स्वामियों को अनुज्ञप्ति राज्य सरकार द्वारा नियुक्त 'अभिहित प्राधिकारी' द्वारा जारी की जाएगी और उक्त प्राधिकारी उचित कीमत की दुकान के स्वामियों के कर्तव्यों और उत्तरदायित्वों को अभिकथित करेगा। उचित कीमत की दुकान के स्वामियों के उत्तरदायित्वों और कर्तव्यों में अन्य बातों के साथ-साथ निम्नलिखित सम्मिलित होगा :

- (i) राशन कार्ड धारकों की हकदारी के अनुसार संबंधित राज्य सरकारों द्वारा सार्वजनिक वितरण प्रणाली के अधीन नियत खुदरा निर्गम मूल्य पर आवश्यक वस्तुओं का विक्रय,
- (ii) दुकान के प्रमुख स्थान पर दैनिक आधार पर निम्नलिखित के संबंध में सूचना पट पर जानकारी का संप्रदर्शन (क) गरीबी रेखा से नीचे और अंत्योदय हिताधिकारियों की सूची, (ख) आवश्यक वस्तुओं की हकदारी, (ग) निर्गम का मानदंड, (घ) खुदरा निर्गम मूल्य (ङ) उचित कीमत की दुकानों के खोलने और बंद करने के समय, (च) मास के दौरान प्राप्त आवश्यक वस्तुओं का स्टॉक (छ) आवश्यक वस्तुओं का आरंभिक और अंतिम स्टॉक, और (ज) सार्वजनिक वितरण प्रणाली के अधीन आवश्यक वस्तुओं की क्वालिटी और मात्रा की बाबत दाखिल की गई शिकायतों और परिवादों के समाधान के लिए प्राधिकारी,
- (iii) राशन कार्ड धारकों (गरीबी रेखा से ऊपर, गरीबी रेखा से नीचे और अंत्योदय) के स्टॉक रजिस्टर निर्गम या विक्रय रजिस्टर के अभिलेखों का रख-रखाव,
- (iv) ग्राम पंचायत या नगरपालिका या सतर्कता समिति या राज्य सरकारें इस प्रयोजन के लिए प्राधिकृत किसी अन्य निकाय के कार्यालय में विनिर्दिष्ट दस्तावेजों अर्थात् राशन कार्ड रजिस्टर, स्टॉक रजिस्टर, विक्रय रजिस्टर का प्रस्तुत किया जाना,
- (v) उचित कीमत की दुकान के माध्यम से प्रदान किए जा रहे खाद्य पदार्थों के सेम्पलों का संप्रदर्शन,
- (vi) निरीक्षण करने वाले अधिकरण को आवश्यक वस्तुओं के आवंटन तथा संवितरण के संबंध में बहियों या अभिलेखों का पेश किया जाना और ऐसी जानकारी प्रस्तुत किया जाना जो अभिहित प्राधिकारी द्वारा मांगी जाए,
- (vii) संबंधित राज्य सरकार के अभिहित प्राधिकारी को मास के अंत में आवश्यक वस्तुओं के वास्तविक वितरण और अतिशेष स्टॉक का हिसाब दिया जाना और उसकी प्रति ग्राम पंचायत को दिया जाना,
- (viii) सूचना पट पर संप्रदर्शित विहित समय के अनुसार उचित कीमत की दुकानों का खोला जाना और बंद किया जाना।

### टिप्पणी

उपबन्ध के पैरा 5 (vi) व 5(vii) के अन्तर्गत जिला रसद अधिकारी को सम्पूर्ण जिले हेतु व उपखण्ड अधिकारी को जिला मुख्यालय के अतिरिक्त अपने-अपने अधिकारिता क्षेत्र हेतु अभिहित प्राधिकारी नियुक्त किया गया है। (अधिसूचना एस.ओ. 212 दिनांक 02.09.09)

## 6. मानीटर करना :

1. राज्य सरकारें उचित कीमत की दुकानों को मानीटर करने के संबंध में एक समुचित प्रणाली सुनिश्चित करेंगी और आदर्श विक्रय रजिस्टर और राशन कार्ड रजिस्टर विहित करेंगी।
2. राज्य सरकारें अभिहित प्राधिकारी द्वारा छह मास में एक से अन्यून बार उचित कीमत की दुकानों का निरीक्षण करेगी। राज्य सरकारें निरीक्षण अनुसूची, जाँच बिन्दुओं की सूची और उक्त आदेशों के अनुपालन को सुनिश्चित करने के लिए उत्तरदायी प्राधिकारी विनिर्दिष्ट करते हुए आदेश जारी कर सकेगी।

3. सार्वजनिक वितरण प्रणाली के संबंध में सतर्कता समितियों की बैठकें राज्य, जिला, खंड और उचित कीमत की दुकानों के स्तर पर नियमित आधार पर आयोजित की जाएंगी। राज्य सरकारों द्वारा तारीख और आवर्तता अधिसूचित की जाएगी तथापि सभी स्तर पर तिमाही में आवर्तता एक बैठक से कम नहीं होगी।
4. राज्य सरकारें रिपोर्ट करने की आवधिक प्रणाली सुनिश्चित करेगी और इस संबंध में संपूर्ण जानकारी विहित प्रारूप में निम्नानुसार भेजी जाएगी :
  - (i) उचित कीमत की दुकान द्वारा जिला प्राधिकारियों को उस मास के जिसके लिए प्रारूप 'क' में आवंटन किया गया है अनुवर्ती मास की 7 तारीख तक;
  - (ii) जिला प्राधिकारियों द्वारा राज्य सरकारों को उस मास के जिसके लिए प्रारूप 'ख' में आवंटन किया गया है, अनुवर्ती मास की 15 तारीख तक;
  - (iii) राज्य सरकारों द्वारा केन्द्रीय सरकार को उस मास के जिसके लिए प्रारूप 'ग' में आवंटन किया गया है अनुवर्ती मास के अंत तक।
5. राज्यों को खाद्य पदार्थों में आवंटन, संबद्ध राज्यों से प्राप्त नियमित रिपोर्टों और उनके द्वारा उस मास से, जिसके लिए आवंटन किया गया है, दो मास की अवधि के भीतर उपयोग प्रमाणपत्र प्रस्तुत किए जाने से संपृक्त होगा।
6. राज्य सरकारें उचित कीमत की दुकान स्तर पर सार्वजनिक वितरण प्रणाली के कार्यकरण की मानीटरी जिला राष्ट्रीय सूचना केन्द्रों पर अधिष्ठापित राष्ट्रीय सूचना केन्द्रों (NIC) के कम्प्यूटर नेटवर्क के माध्यम से सुनिश्चित करेगी।
7. राज्य सरकारें राशन कार्ड धारकों को इलेक्ट्रॉनिक मीडिया और प्रिंट मीडिया का उपयोग करके उचित कीमत की दुकानों के सामने बोर्डों का संप्रदर्शन करके सार्वजनिक वितरण प्रणाली के अधीन उनके अधिकारों और विशेषाधिकारों के बारे में जानकारी देगी।
8. राज्य सरकारें केन्द्रीय सरकार द्वारा जारी माडल के आधार पर नागरिक चार्टर जारी करेंगी और उसे अपनाएंगी।
9. अभिहित प्राधिकारी संबंधित उचित कीमत की दुकानों के स्वामी को निदेश देगा कि हिताधिकारी द्वारा आवेदन किए जाने और विहित फीस का संदाय किए जाने पर उसके द्वारा रखे जाने वाले दस्तावेजों के सुसंगत उद्धरण उपलब्ध कराए।

#### टिप्पणी

उपाबंध के पैरा 6(2) व 6(9) के अन्तर्गत जिला रसद अधिकारी को सम्पूर्ण जिले हेतु व उपखण्ड अधिकारी को जिला मुख्यालय के अतिरिक्त अपने-अपने अधिकारता क्षेत्र हेतु अभिहित प्राधिकारी नियुक्त किया गया है। (अधिसूचना एस.ओ. 212 दिनांक 29.09.2001)

#### **7. अपील प्राधिकारी :**

राज्य सरकारें किसी जिले के अपर जिला मजिस्ट्रेट से अनिम्न पंक्ति के उस सरकार के किसी प्राधिकारी को 'अपील प्राधिकारी' के रूप में, इस आदेश के अधीन उसे प्रदत्त शक्तियों का प्रयोग करने और उसे समनुदेशित कृत्यों का निर्वहन करने के लिए नियुक्त करेगी।

परन्तु सार्वजनिक वितरण प्रणाली (नियंत्रण) (संशोधन) आदेश 2004 के प्रारंभ से ठीक पहले किसी अपील प्राधिकारी के समक्ष लंबित अपील का निपटारा ऐसे प्राधिकारी द्वारा वैसे ही किया जायेगा, मानो यह संशोधन हुआ ही न हो।

#### टिप्पणी

कलेक्टर से निम्न रैंक के अधिकारी के आदेश के विरुद्ध कलेक्टर को एवं कलेक्टर के आदेश के विरुद्ध आयुक्त, खाद्य विभाग को अपील प्राधिकारी नियुक्त किया गया है (अधिसूचना एस.ओ. 210 दिनांक 29.9.2001)

## राजस्थान खाद्यान्न एवं अन्य आवश्यक पदार्थ (वितरण का विनियमन) आदेश, 1976

### [Rajasthan Foodgrains & Other Essential Articles (Regulation of Distribution) Order]

(Pub. in Raj. Gaz. Extra. Pt IV (C) Dt. 23.11.76)

खाद्य एवं नागरिक रसद विभाग

जयपुर, 23 नवम्बर 1976

जी.एस.आर. 129:- यतः राज्य सरकार की राय है कि खाद्यान्नों और आवश्यक वस्तुओं का प्रदाय बनाये रखने और उचित कीमतों पर उनके समान वितरण और उपलब्धता को सुनिश्चित करने के लिए ऐसा किया जाना आवश्यक है।

अतः अब भारत सरकार, कृषि एवं सिंचाई मंत्रालय (खाद्य विभाग) के आदेशों जी.एस.आर. संख्या 316 (ई) दिनांक 20 जून, 1972, 452 (ई) दिनांक 25 अक्टूबर 1972 और 168 (ई) दिनांक 13 मार्च 1973 और उद्योग एवं नागरिक रसद मंत्रालय (नागरिक रसद और सहकारिता विभाग) की एस.ओ. संख्या 681 (ई) दिनांक 30.11.1974 के साथ पठित आवश्यक वस्तु अधिनियम, 1955 (1955 का केन्द्रीय अधिनियम 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और केन्द्र सरकार की पूर्व सहमति से राज्य सरकार, निम्नलिखित आदेश करती है, अर्थात्:-

भाग - I

(प्रारम्भिक)

#### 1. संक्षिप्त नाम, विस्तार एवं प्रारम्भ-

1. इस आदेश का नाम राजस्थान खाद्यान्न एवं अन्य आवश्यक पदार्थ (वितरण का विनियमन) आदेश, 1976 है।
2. इसका विस्तार सम्पूर्ण राजस्थान राज्य में है।
3. यह तुरन्त प्रवृत्त होगा।

#### 2. परिभाषाएं -

जब तक सन्दर्भ द्वारा अन्यथा अपेक्षित न हो, इस आदेश में-

- (क) “वयस्क” से ऐसा व्यक्ति अभिप्रेत है जिसने (12) वर्ष की आयु पूरी कर ली हो और “बालक” से ऐसा व्यक्ति अभिप्रेत है, जिसने उक्त आयु पूरी न की हो;
- (ख) “प्राधिकरण” से इस आदेश के खण्ड 3 के अधीन जारी किया गया प्राधिकरण अभिप्रेत है;
- (ग) “प्राधिकृत उचित कीमत दुकानदार” से खण्ड 3 के अधीन प्राधिकृत किसी दुकान का प्रभारी खुदरा विक्रेता अभिप्रेत है और इसमें किसी ऐसी दुकान का प्रभारी (incharge) व्यक्ति भी सम्मिलित होगा, जिस पर खाद्यान्न एवं अन्य आवश्यक पदार्थ विक्रय किये जाते हैं और जो राज्य सरकार के नियन्त्रण के अधीन है;
- (घ) “प्राधिकार-धारक” से कोई प्राधिकृत थोक विक्रेता या कोई प्राधिकृत उचित कीमत दुकानदार अभिप्रेत है;

- (ङ) “प्राधिकृत अधिकारी” से जिला मुख्यालय नगरपालिका क्षेत्र के लिए जिला रसद अधिकारी, शेष नगरपालिका क्षेत्र के लिए नगरपालिका बोर्ड का अधिशाषी अधिकारी और ग्रामीण क्षेत्र के लिए विकास अधिकारी और राज्य सरकार द्वारा इस प्रकार प्राधिकृत कोई भी अन्य अधिकारी अभिप्रेत है;
- (च) “प्राधिकृत थोक विक्रेता” से कोई व्यक्ति, फर्म, व्यक्तियों का संगम या कोई सहकारी सोसाईटी या राज्य सरकार अथवा कलक्टर द्वारा इस आदेश के खण्ड 3 के अधीन अभिकर्ता के रूप में प्राधिकृत/नियुक्त कोई भी अन्य संस्था अभिप्रेत है;
- (छ) “कलक्टर” से राजस्व जिले का कलक्टर अभिप्रेत है और इसमें अपर (additional) कलक्टर सम्मिलित है;
- (ज) “आयुक्त” से खाद्य आयुक्त अभिप्रेत है और इसमें खाद्य एवं नागरिक रसद विभाग के अपर खाद्य आयुक्त, उप खाद्य आयुक्त सम्मिलित है;
- (झ) “खाद्यान्न” से अनुसूची- I में विनिर्दिष्ट एक अथवा अधिक खाद्यान्न अभिप्रेत है और इसमें चापड और छिलका (bran and husk) छोड़कर उसकी कोई भी उत्पाद शामिल है;
- (ञ) “प्ररूप” से इस आदेश से संलग्न प्ररूप अभिप्रेत है;
- (ट) “धारक” से राशनकार्ड के मामले में, वह व्यक्ति अभिप्रेत है, जिसका नाम अथवा पदनाम इस प्रकार उस राशनकार्ड पर हो,
- (ठ) “गृहस्थी” (household) से कोई ऐसा व्यक्ति या व्यक्तियों का समूह अभिप्रेत है, जो सामान्यतः एक ही रसोई घर में तैयार किया हुआ भोजन करते हैं;
- (ड) “अन्य आवश्यक पदार्थ” से अनुसूची- II में विनिर्दिष्ट कोई वस्तु अभिप्रेत है, जो केन्द्र या राज्य सरकार, यथास्थिति या ऐसी सरकार के किसी प्राधिकारी या अधिकारी द्वारा या निर्माता द्वारा ऐसी वस्तु के संबंध में समय-समय पर नियत कीमत पर राशनकार्ड धारकों को वितरण के लिए राज्य सरकार द्वारा प्रदाय या आवंटित की जाये;
- (ढ) “अर्हित निवासी” (qualified resident) से वह व्यक्ति अभिप्रेत है, जो राजस्थान राज्य का निवासी हो अथवा जिसे स्वयं या गृहस्थी के निमित्त राशनकार्ड प्राप्त करने हेतु राज्य सरकार या कलक्टर के तत्समय प्रवृत्त सामान्य या विशेष आदेशों के अधीन प्राधिकृत किया गया हो;
- (ण) “राशनकार्ड” से खाद्यान्न एवं अन्य आवश्यक वस्तुओं का प्रदाय प्राप्त करने के लिए इस आदेश के उपबन्धों के अधीन जारी किया गया गृहस्थी कार्ड, अनुज्ञा-पत्र या अन्य दस्तावेज अभिप्रेत है। इस आदेश के प्रारम्भ से पूर्व जारी किया गया या कोई भी कार्ड या अनुज्ञा-पत्र या अन्य दस्तावेज, जिस पर ऐसे प्रारम्भ से तत्काल पूर्व खाद्यान्न एवं अन्य आवश्यक पदार्थ प्राप्य थे, इस आदेश के उपबन्धों के अधीन खाद्यान्न एवं आवश्यक पदार्थ प्राप्त करने हेतु उपलब्ध कराया गया राशनकार्ड समझा जाएगा;
- (त) “राज्य सरकार” से राजस्थान राज्य की सरकार अभिप्रेत है;
- (थ) “अनुसूची” से इस आदेश से संलग्न अनुसूची अभिप्रेत है;
- (द) “यूनिट” से वह वयस्क अभिप्रेत है, जो राशनकार्ड पर खाद्यान्न या अन्य आवश्यक पदार्थ पाने का हकदार है एवं आधी यूनिट से वह बालक अभिप्रेत है जो राशनकार्ड पर वयस्क को देय मात्रा की आधी मात्रा में खाद्यान्न या अन्य आवश्यक पदार्थ पाने का हकदार है।



टिप्पणी

पीडीएस (कन्ट्रोल) 2001 आदेश में, ए.पी.एल., बी.पी.एल., अंत्योदय परिवार, राशनकार्ड पात्र आवेदक, आवश्यक वस्तुओं, उचित मूल्य दुकान, सार्वजनिक वितरण प्रणाली, राशनकार्ड, राज्य व राज्य सरकार परिभाषित है।

**भाग - II**

**प्राधिकार**

**3. प्राधिकार जारी करना-**

- (1) कलक्टर या राज्य सरकार द्वारा प्राधिकृत या अन्य कोई अधिकारी किसी भी व्यक्ति को, उसमें विनिर्दिष्ट क्षेत्र में, खाद्यान्नों एवं अन्य आवश्यक वस्तुओं की प्राप्ति और प्रदाय के लिए प्राधिकृत थोक विक्रेता/उचित कीमत दुकानदार होने का प्राधिकार जारी कर सकेगा।

परन्तु राजस्थान पंचायती राज संस्था या स्थानीय निकाय के किसी सदस्य या किसी लोक सेवक को इस आदेश के अधीन प्राधिकृत थोक विक्रेता/उचित कीमत दुकानदार के रूप में कोई प्राधिकार प्रदान नहीं किया जायेगा और न ही वह उसे धारण करने का या धारण करना जारी रखने का हकदार होगा।

टिप्पणी

आरटीएल आदेश 1980 के अन्तर्गत नीले केरोसीन के पीडीएस वितरण हेतु अनुज्ञप्ति धारकों को विभागीय निर्देश दिनांक 28.11.02 से अनुज्ञापत्र समर्पित कर केवल नीले केरोसीन हेतु प्राधिकार पत्र जारी किये जाने के निर्देश दिये गये हैं। किन्तु ऐसे परिवर्तित अनुज्ञप्ति धारकों को खण्ड 25 में प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार द्वारा खण्ड 3 (1) के परन्तुक से छूट प्रदान की है।

- (2) प्राधिकार धारक के अतिरिक्त कोई भी व्यक्ति इस आदेश या किसी भी अन्य आदेश के अधीन वितरण के लिये सरकार द्वारा प्रदाय किये गये खाद्यान्नों या अन्य आवश्यक वस्तुओं का विक्रय नहीं करेगा।
- (3) प्राधिकार के लिये प्रत्येक आवेदन प्ररूप 'क' में कलक्टर को प्रस्तुत किया जायेगा।
- (4) इस आदेश के अधीन जारी किया गया प्रत्येक प्राधिकार प्ररूप 'ख' में होगा।
- (5) इस आदेश के अधीन जारी प्रत्येक प्राधिकार सार्वजनिक वितरण प्रणाली (नियंत्रण) आदेश 2001 के प्रयोजनार्थ एक प्राधिकार भी समझा जायेगा और प्रत्येक ऐसा प्राधिकार धारक, जिसे इस आदेश के अधीन प्राधिकार जारी किया गया है, सार्वजनिक वितरण प्रणाली (नियंत्रण) आदेश, 2001 के समस्त उपबन्धों का अनुपालन करेगा।

**स्पष्टीकरण-**इस आदेश के प्रारम्भ होने पर प्रत्येक व्यक्ति, जो सरकार या कलक्टर या इस निमित्त प्राधिकृत किसी भी अन्य अधिकारी द्वारा प्राधिकृत थोक विक्रेता या प्राधिकृत उचित कीमत दुकानदार या अन्य समरूप पदनाम के रूप में नियुक्त या अनुमोदित किया गया था, इस आदेश के प्रयोजनार्थ इस आदेश के प्रारम्भ की तारीख से 3 माह तक की कालावधि, या पूर्वतर के लिए प्राधिकृत थोक विक्रेता/उचित कीमत दुकानदार समझा जाएगा, यदि इस खण्ड के अधीन प्राधिकार प्राप्त कर लिया गया हो।

टिप्पणी

प्राधिकार जारी करने या नवीनीकरण से इनकार अथवा निरस्तीकरण के आदेश से व्यथित कोई व्यक्ति पीडीएस आदेश 2001 के खण्ड 11 (3) के अन्तर्गत अपील कर सकता है।

#### 4. प्राधिकार की दूसरी प्रति का जारी किया जाना-

यदि प्राधिकार खो गया हो, विरूपित हो गया हो या नष्ट हो गया हो, तो कलेक्टर ऐसी जांच करने के पश्चात्, जो वह उचित समझे, ऐसे प्राधिकार की दूसरी प्रति रुपये 2/- फीस का संदाय करने पर जारी कर सकेगा।

#### 5. प्रतिभूति का निक्षेप-

प्रत्येक प्राधिकार धारक इस आदेश के उपबन्धों के सम्यक् अनुपालन के लिए कलेक्टर को प्रतिभूति के रूप में ऐसी रकम का नकद निक्षेप करेगा जो नीचे विनिर्दिष्ट है:-

(क) प्राधिकृत थोक विक्रेता:-

(i) जिला स्तर पर 25,000/- रुपये

(ii) तहसील स्तर पर प्रथम तहसील के लिए 10,000/- रुपये और 25,000/- रुपये अधिकतम के अध्यक्षीन रहते हुए, प्रत्येक अन्य तहसील के लिए 2,500/- रुपये

(ख) प्राधिकृत उचित मूल्य दुकानदार- 1,000/- रुपये

परन्तु यदि प्राधिकार धारक राजस्थान सहकारी सोसायटी अधिनियम, 2001 के अधीन रजिस्ट्रीकृत कोई सहकारी सोसायटी है तो उसके द्वारा जमा कराये जाने वाली प्रतिभूति की रकम क्रमशः उपर्युक्त पैरा (क) और (ख) में वर्णित रकमों के एक-चौथाई के बराबर होगी।

**स्पष्टीकरण-** कलेक्टर के साथ किसी प्राधिकार धारक द्वारा निष्पादित किसी करार के अधीन प्रतिभूति के रूप में निक्षिप्त कोई राशि, जो ऐसे प्रारम्भ के ठीक पूर्व प्रवृत्त था, इस खण्ड के अधीन अब निक्षिप्त किये जाने के लिए अपेक्षित प्रतिभूति का भाग समझी जायेगी।

#### टिप्पणी

उक्त प्रतिभूति का निक्षेप अधिसूचना एस. ओ. दिनांक 29.08.2005 से निर्धारित किया गया है, इससे पूर्व अधिसूचना एस. ओ. दिनांक 14.08.2005 से 50,000/- रुपये थोक विक्रेता हेतु जिला स्तर पर तथा 20,000/- रुपये प्रथम तहसील हेतु प्रति तहसील 5,000/- रुपये (अधिकतम 50,000/- रुपये) तथा खेखूज विक्रेता हेतु 2,000/- रुपये प्रतिभूति राशि निश्चित की थी। सभी जिला रसद अधिकारियों को अधिक जमा राशि वापिस किये जाने व कम होने पर बकाया जमा कराने के विभागीय निर्देश दिनांक 29.08.05 से दिये गये हैं।

#### 6. प्राधिकार के निबन्धनों और शर्तों का अनुपालन-

प्रत्येक व्यक्ति, जिसे इस आदेश के अधीन प्राधिकार जारी किया गया है, ऐसे प्राधिकार के निबन्धनों और शर्तों का अनुपालन करेगा।

#### 7. अभिकरण के अन्तरण पर निषेध-

कोई भी प्राधिकारधारक इस प्रकार अपने अभिकरण (agency) को किन्हीं भी उपायों से, किसी भी अन्य व्यक्ति को उप-पट्टे (sublet) पर नहीं देगा, न ही अन्तरण (transfer) करेगा और कोई भी व्यक्ति ऐसे प्राधिकार धारक के निमित्त अन्तरिती (transteree) के रूप में अथवा अन्यथा कारबार नहीं करेगा।

#### टिप्पणी

खाद्य विभाग द्वारा ब्योवृद्ध (65 वर्ष से अधिक) एवं विकलांग तथा विधवा प्राधिकारियों को सहायक की व्यवस्था बाबत समस्त जिला कलेक्टरों को निर्देश दिए हैं। (पत्र क्रमांक एफ, 97 (8) खा. वि./सा. वि. प्र./2000, जयपुर 07.05.01)



## 8. प्राधिकार के निलम्बन और रद्दकरण की शक्तियां-

- (1) यदि कोई प्राधिकारधारक या उसके निमित्त कार्य करने वाला कोई व्यक्ति इस आदेश के किसी भी उपबन्ध तथा प्राधिकार की किसी भी शर्त का उल्लंघन करता है, तब आवश्यक वस्तु अधिनियम, 1955 (1955 का केन्द्रीय अधिनियम 10) के अधीन उसके विरुद्ध की जाने वाली किसी भी अन्य कार्यवाही पर प्रतिकूल प्रभाव डाले बिना उसका प्राधिकार कलक्टर या राज्य सरकार द्वारा प्राधिकृत किसी अन्य अधिकारी द्वारा लिखित में दिये गये आदेश से निलम्बित या रद्द (suspension or cancellation) किया जा सकेगा तथा ऐसे निलम्बन या रद्दकरण के संबंध में उसके प्राधिकार में प्रविष्टि की जायेगी।
- (2) इस आदेश के अधीन रद्दकरण का कोई भी आदेश तब तक नहीं किया जायेगा, जब तक कि प्राधिकारधारक को प्रस्तावित रद्दकरण के विरुद्ध अपना पक्ष कथन रखने का एक व्यक्तिगत अवसर प्रदान न कर दिया गया हो, लेकिन प्राधिकारधारक की कार्यवाहियों के लम्बित रहने के दौरान या उनकी प्रत्याशा (in contemplation) में, 90 दिवस से अनधिक कालावधि के लिए प्राधिकार को निलम्बित किया जा सकेगा।

## 9. निक्षेप प्रतिभूति का समपहरण-

- (1) खण्ड 8 के उपबन्धों पर प्रतिकूल प्रभाव डाले बिना, यदि कलक्टर या राज्य सरकार द्वारा प्राधिकृत किसी अन्य अधिकारी को समाधान हो जाये कि प्राधिकारधारक ने इस आदेश के किसी उपबन्ध का उल्लंघन किया है और कि निक्षेप प्रतिभूति (deposit security) के समपहरण को मांगा गया है, वह प्रस्थापित समपहरण (proposed forfeiture) के विरुद्ध उसे सुनवाई का एक अवसर प्रदान करने के पश्चात् लिखित आदेश द्वारा उसके द्वारा निक्षेप प्रतिभूति की सम्पूर्ण रकम या उसके किसी भाग का समपहरण कर सकेगा और समपहरण का आदेश प्राधिकार धारक को संसूचित (communicated) किया जाएगा।
- (2) प्राधिकार धारक, यदि किसी भी समय प्रतिभूति की रकम खण्ड (5) में विनिर्दिष्ट रकम से किसी भी समय कम पड़े, तो उस कमी को पूरा करने के लिए कलक्टर द्वारा अपेक्षा किए जाने पर, तुरन्त प्रतिभूति की और रकम निक्षेप करायेगा।
- (3) इस आदेश के अधीन दायित्वों (obligations) का प्राधिकार धारक द्वारा सम्यक् रूप से पालन किए जाने पर निक्षेप प्रतिभूति की राशि या उसका ऐसा भाग, जिसका यथा पूर्वोक्त समपहरण नहीं किया गया है, ऐसे प्राधिकार की समाप्ति के पश्चात् प्राधिकार धारक को लौटा दी जाएगी।

### टिप्पणी

1. अधि. एस. ओ. 4 दिनांक 24.09.04 में खण्ड 8 व 9 के अन्तर्गत राज्य के सभी जिला रसद अधिकारियों को उनकी अपनी-अपनी अधिकारिता क्षेत्र हेतु तथा खाद्य विभाग (मुख्यालय) पदस्थापित जिला रसद अधिकारी को समस्त राज्य हेतु एवं अधि. एस.ओ. 72 दिनांक 13.07.93 से राज्य के समस्त अतिरिक्त जिला रसद अधिकारियों को शक्तियां दी गई हैं।
2. अधि. एस. ओ. 400 दिनांक 25.02.2004 में खण्ड 8 व 9 के अन्तर्गत जिला रसद अधिकारियों के साथ सभी एस.डी.ओ. (जिला मुख्यालय के अतिरिक्त) शक्तियां प्रदत्त की थी, किन्तु इस अधिसूचना को एस. ओ. 4 दिनांक 24.09.2004 से उक्त अधिसूचना अधिक्रमित किया जाकर उपखण्ड अधिकारियों को खण्ड-8 व 9 में शक्तियां नहीं दी गयी थीं। अतः अधिसूचना दिनांक 17-01-2012 से दिनांक 2-09-2004 की अधिसूचना अधिष्ठित करते हुए उपखण्ड अधिकारियों को जिला मुख्यालय के अतिरिक्त उनकी अधिकारिता क्षेत्र में खण्ड 8 व 9 के तहत शक्तियां दी गयी हैं।
3. खण्ड 8 में प्राधिकार के निलम्बन एवं रद्दकरण की शक्तियां निहित हैं। निलम्बन अथवा रद्दकरण के बिना नियंत्रित मूल्य वस्तुओं का प्रदाय अकारण रोकने के प्रावधान नहीं है।
4. आदेश संख्या एफ 17 (45) खा.वि./सा.वि.प्र. 76 II जयपुर दिनांक 16.06.2000 व 08.05.2001 तथा 15.06.2006 से 90 दिवस की अवधि पूर्ण होने पर निलम्बन काल की अवधि आवश्यक रूप से समाप्त माने जाने के निर्देश जिला रसद अधिकारियों को दिए गए हैं। आदेश दिनांक 08.05.01 में निलम्बन अवधि समाप्त होने के पश्चात् भी डीलर को आवश्यक वस्तुओं का प्रदाय नहीं किया जाना अनुचित माना है।

### भाग- III

#### राशनकार्ड

#### 10. राशनकार्ड तैयार करना-

प्राधिकृत अधिकारी, स्वयं के प्रस्ताव पर या किसी अर्हित (qualified) निवासी द्वारा उसको किए गए किसी आवेदन पर स्वयं ऐसे निवासी को उसके लिए और उसकी गृहस्थी, यदि कोई हो, के लिए ऐसे प्ररूप में और ऐसी फीस का संदाय करने पर, जो राज्य सरकार द्वारा समय-समय पर नियत की जाये, राशनकार्ड जारी करेगा या करायेगा :

परन्तु यह कि ऐसा कोई भी कार्ड किसी भी व्यक्ति को परिदत्त नहीं किया जाएगा, जब तक कि ऐसा व्यक्ति या उसके परिवार का कोई भी वयस्क सदस्य, जिसको वह दस्तावेज उसके निमित्त दिया जाता है, ऐसा दस्तावेज परिदत्त करने वाले अधिकारी द्वारा यथा अपेक्षित ऐसे दस्तावेज की प्राप्ति के प्रमाण स्वरूप रसीद पर हस्ताक्षर न करें।

#### टिप्पणी

पीडीएस आर्डर 2001 के खण्ड 11(2) के अन्तर्गत अभिहित प्राधिकारी के, राशन कार्ड जारी करने या उनको नवीकरण करने से इंकार करने अथवा राशन कार्ड के रद्दकरण के आदेश से व्यथित कोई व्यक्ति अपील प्राधिकारी को उक्त आदेश की प्राप्ति की तारीख से तीस दिन के भीतर अपील कर सकेगा।

#### 11. राशनकार्ड की विषय वस्तु-

अन्य विशिष्टियों के अतिरिक्त, राशनकार्ड में राशनकार्ड धारक का नाम और पता, गृहस्थी के व्यक्तियों की संख्या और उस उचित कीमत दुकानदार का नाम या कोई अन्य निर्देश जिससे राशनकार्ड धारक खाद्यान्न और अन्य आवश्यक पदार्थ खरीदने का हकदार है।

#### 12. राशनकार्डों के संशोधन आदि-

- (i) प्राधिकृत अधिकारी किसी भी समय चाहे उस व्यक्ति के आवेदन पर जिसे राशनकार्ड जारी किया है या स्वप्रेरणा से, ऐसी जांच करने के पश्चात् जो आवश्यक समझी जाये, राशनकार्ड में परिवर्धन, संशोधन, फेरफार कर सकेगा, उसे निलम्बित अथवा रद्द (add, amend, vary, suspend or cancel) कर सकेगा।
- (ii) जहां कोई भी राशनकार्ड, इस प्रकार रद्द कर दिया गया हो, कोई भी व्यक्ति, जिसके कब्जे में वह है, इसे तुरन्त प्राधिकृत अधिकारी को समर्पित कर देगा।

#### टिप्पणी

(1) अधि. एस. ओ. 25 से जिला मुख्यालय, नगरपालिका क्षेत्रों के राशनकार्ड में नाम जोड़ने और या हटाने संबंधी कार्य हेतु प्रवर्तन अधिकारी को प्राधिकृत किया है तथा एस. ओ. दिनांक 31.01.2006 से प्रवर्तन अधिकारी की तरह प्रवर्तन निरीक्षक को भी प्राधिकृत किया है। (2) पीडीएस आर्डर 2001 के उपबन्ध के पैरा 2 में राशनकार्ड से संबंधित प्रावधान है।

#### 13. अधिमान्य राशनकार्डों का प्रस्तुतीकरण और उनका कब्जे में रखा जाना-

- (i) कोई भी राशनकार्ड धारक चाहे स्वयं अथवा किसी व्यक्ति के माध्यम से साशय ऐसा राशनकार्ड प्रस्तुत नहीं करेगा, जिसे वह जानता है या उसके वह विश्वास करने का कारण है कि इसमें ऐसी यूनिटें सम्मिलित है, जिनके लिए वह इस आदेश (जिसे इसमें इसके पश्चात् इस आदेश में अविधिमान्य (invalid) राशनकार्ड कहा गया है) के अधीन खाद्यान्न अथवा अन्य आवश्यक पदार्थ विधिपूर्वक प्राप्त करने का या विधिमान्य राशनकार्ड प्रस्तुत करने पर उस परिणाम से अधिक खाद्यान्न या अन्य आवश्यक पदार्थ प्राप्त करने का हकदार नहीं है, जिसके क्रय के लिए ऐसा राशनकार्ड प्रस्तुतीकरण के समय विधिमान्य है।
- (ii) कोई भी राशनकार्ड धारक अपने कब्जे में कोई भी अविधिमान्य राशनकार्ड नहीं रखेगा।

**14. राशनकार्ड आदि के लिए बेईमानी से आवेदन करने के विरुद्ध निषेध-**

कोई भी व्यक्ति-

- क. राशनकार्ड के लिए बेईमानी से आवेदन नहीं करेगा या प्राप्त करेगा, यदि वह जानता है या उसके यह विश्वास करने का कारण हो कि उसका नाम किसी गृहस्थी को जारी किए गए किसी राशन कार्ड में पहले ही सम्मिलित किया जा चुका है;
- ख. मिथ्या सूचना प्रस्तुत कर राशनकार्ड प्राप्त नहीं करेगा, बिना विधिपूर्ण प्राधिकार के उसको जारी किया गया राशनकार्ड परिवर्तित या नष्ट नहीं करेगा;
- ग. विधिपूर्ण प्राधिकार के बिना उसे जारी किए गए राशनकार्ड में न तो कोई परिवर्तन करेगा, न उसे नष्ट करेगा।

**15. व्यक्तियों की संख्या में परिवर्तन के बारे में रिपोर्ट-**

प्रत्येक राशनकार्ड धारक अपने राशनकार्ड में हुई कमी की रिपोर्ट एक पखवाड़े के भीतर प्राधिकृत अधिकारी को देगा, चाहे यह कमी स्थायी आधार पर हो 3 माह से अधिक की कालावधि के लिए।

**16. खो जाने आदि पर राशनकार्ड की दूसरी प्रति जारी करना-**

कोई भी व्यक्ति, जिसे राशनकार्ड जारी किया गया है, उसके खोने, नष्ट होने या विरूपित होने के सबूत पर, प्राधिकृत अधिकारी को, उसके आवेदन पर समय-समय पर राज्य सरकार द्वारा विहित फीस का संदाय करने पर दिया जा सकेगा। प्रत्येक व्यक्ति, जिसे नया राशनकार्ड दिया गया है, यदि बाद में उसे खोया हुआ राशनकार्ड मिल जाये, तो पश्चात्पूर्ति राशनकार्ड को प्राधिकृत अधिकारी को तुरन्त लौटा देगा।

**17. अविधिमान्य राशनकार्ड के उपयोग पर प्रतिबन्ध-**

- (1) कोई भी व्यक्ति, ऐसा कोई निरंक (blank) राशनकार्ड या कोई सील (seal) या मोहर (stamp) का विनिर्माण, तैयारी, मुद्रण नहीं करेगा या अपने कब्जे में नहीं रखेगा, जिसका अविधिपूर्ण (unlawful) राशनकार्डों की तैयारी के लिए उपयोग किया जाता हो या किया जाने की संभावना हो या ऐसे कार्डों का खाद्यान्न और अन्य आवश्यक पदार्थ प्राप्त करने के लिए उपयोग नहीं करेगा।
- (2) कोई भी व्यक्ति जानते हुए अविधिपूर्ण (unlawful) राशनकार्ड की प्राप्ति या उपयोग अथवा उसकी प्राप्ति एवं उपयोग में किसी भी सहायता या विधिमान्य राशनकार्ड के अलावा किन्हीं भी खाद्यान्नों अथवा अन्य आवश्यक पदार्थों की प्राप्ति या प्राप्ति में सहायता नहीं करेगा।
- (3) कोई भी लोकसेवक जानबूझकर (willfully) या जानते हुए किसी भी व्यक्ति को अविधिमान्य राशनकार्ड जारी या जारी करने में सहायता नहीं करेगा।

**18. राशनकार्ड सरकार की सम्पत्ति रहेंगे-**

इस आदेश के अधीन जारी प्रत्येक राशनकार्ड राज्य सरकार की सम्पत्ति होगी परन्तु वह व्यक्ति, जिसे इस आदेश के उपबन्धों के अधीन यह जारी या समर्पित किया गया है या जिसके पास यह रखा गया है, इसकी निरापद अभिरक्षा (safe custody) का हकदार और उत्तरदायी होगा।

**19. राशनकार्ड के अन्तरण पर निषेध-**

कोई भी व्यक्ति उसे जारी किये गये राशनकार्ड का किसी भी अन्य व्यक्ति को अन्तरण नहीं करेगा और कोई भी व्यक्ति, इस आदेश के उपबन्धों के अधीन या अनुसार के सिवाय ऐसे राशनकार्ड को प्राप्त, उसका उपयोग या व्ययन (dispose) नहीं करेगा।



### 19क. राशनकार्ड धारकों द्वारा आदेशों या निदेशों की अनुपालना करने का दायित्व-

प्रत्येक राशनकार्ड धारक उन आदेशों या निदेशों की अनुपालना करेगा, जो जन वितरण प्रणाली के अधीन उचित मूल्य दुकानों से खाद्यान्नों तथा अन्य आवश्यक वस्तुओं को प्राप्त करने के हक के संबंध में समय-समय पर राज्य सरकार या कलक्टर द्वारा जारी किये जायें।

#### टिप्पणी

(1) अधि. एस. ओ. 14 दिनांक 25.04.1992 व एस. ओ. 33 दिनांक 06.05.1993 से आश्रय दाता राशनकार्ड धारक को एफ. पी. एस. से अपने राशनकार्ड पर गेहूँ व चावल तथा लेवी चीनी प्राप्त न करने के निर्देश दिए हैं। (2) एस. ओ. 34 दिनांक 06.05.1993 से एलपीजी गैस के डी. बी. सी. धारकों को एफपीएस से अपने राशनकार्ड पर केरोसीन तेल प्राप्त नहीं करने के निर्देश हैं। (नोट-उक्त अधिसूचनायें खण्ड 20 के तहत जारी हैं।)

### भाग - IV

#### प्रकीर्ण

### 20. खाद्यान्न एवं अन्य आवश्यक पदार्थों के क्रय/विक्रय/वितरण के संबंध में निर्देश जारी करने की शक्ति-

प्रत्येक प्राधिकार धारक, अनुज्ञा-पत्रों, राशनकार्डों अथवा अन्यथा पर खाद्यान्नों और अन्य आवश्यक पदार्थों के क्रय, विक्रय, विक्रय के लिए भण्डारकरण, वितरण और व्यसन तथा उस रीति, जिसमें कि उसके लेखे रखे जाएँ और विवरणियाँ (return) प्रस्तुत की जाएंगी, के संबंध में राज्य सरकार या कलक्टर द्वारा समय-समय पर दिये गये सामान्य या विशेष निर्देशों का पालन करेगा।

#### टिप्पणी

(1) अधि. एस. ओ. 14 दिनांक 25.04.1992 व एस. ओ. 33 दिनांक 06.05.1993 से सभी आश्रय दाता राशनकार्ड धारकों को गेहूँ, चावल तथा लेवी चीनी विक्रय न करने के निर्देश दिए हैं। (2) अधि. एस. ओ. 34 दिनांक 06.05.1993 से सभी एफ. पी. एस. को एलपीजी के डी. बी. सी. धारक उपभोक्ताओं को केरोसीन तेल का विक्रय न करने के निर्देश दिए हैं। (3) विभागीय आदेश दिनांक 20.04.1992 से सभी एफ. पी. एस. को स्थानीय विधायक/सांसद को वितरण व्यवस्था, राशनकार्ड व लेखे आदि की जांच करने हेतु प्राधिकृत किया है व जिला कलक्टर तथा जिला रसद अधिकारी वितरण व्यवस्था की जांच करने में आवश्यक सहयोग प्रदान करने के निर्देश दिए हैं। (4) विभागीय आदेश दिनांक 21.03.2001 से सभी एफ. पी. एस. को वितरित की गई समस्त वस्तुओं के वितरण रजिस्टर सतर्कता समिति सदस्यों से प्रमाणितशुदा व स्वप्रमाणित कर एक वर्ष की अवधि तक दुकान पर सुरक्षित रखने के निर्देश हैं। तीन माह का एक वितरण रजिस्टर बनाने की अनुमति भी दी है।

### 21. अनुसूची में संशोधन-

राज्य सरकार, केन्द्र सरकार की पूर्व सहमति से, राज-पत्र में अधिसूचित आदेश द्वारा अनुसूची। और ॥ में कोई भी खाद्यान्न अथवा अन्य आवश्यक पदार्थ जोड़ सकेगी या लोपित कर सकेगी और तदुपरि अनुसूचियाँ तदनुसार संशोधित समझी जाएगी।

### 22. अपील-

(1) इस आदेश के अधीन किसी भी अधिकारी द्वारा दिये गये किसी आदेश द्वारा व्यथित कोई भी व्यक्ति-

(क) यदि आदेश कलक्टर के रैंक से नीचे के किसी भी अधिकारी द्वारा किया गया है, कलक्टर को अपील कर सकेगा; और

(ख) यदि आदेश कलक्टर द्वारा किया गया है, अपील आयुक्त को कर सकेगा।

- (2) ऐसी कोई अपील ग्रहण नहीं की जा सकेगी, यदि उस आदेश की प्राप्ति की तारीख से तीस दिन के भीतर न की गई हो, जिसके विरुद्ध अपीलार्थी द्वारा अपील की गई है।
- (3) इस खण्ड के अधीन ऐसा कोई आदेश पारित नहीं किया जाएगा, जो किसी भी व्यक्ति पर प्रतिकूल प्रभाव डालता हो, जब कि ऐसे व्यक्ति को सुनवाई के लिए एक युक्तियुक्त अवसर प्रदान न किया गया होगा।
- (4) अपील का निपटारा होने तक वह प्राधिकारी, जिसको अपील की गई है, यह निर्देश दे सकेगा कि वह आदेश, जिसके विरुद्ध अपील की गई है, प्रभावी नहीं होगा, जब तक कि अपील का निपटारा न हो जाये।

## 22क. पुनरीक्षण-

आयुक्त या तो स्वप्रेरणा से या किसी आवेदन पर कलक्टर या इस आदेश के उपबन्धों के अधीन राज्य सरकार द्वारा प्राधिकृत किसी अन्य अधिकारी द्वारा निर्णित किसी मामले का अभिलेख मंगा सकेगा और यदि उसका यह समाधान हो जाये कि कलक्टर या प्राधिकृत अधिकारी ने-

- क. ऐसी अधिकारिता का प्रयोग किया है, जो उसमें निहित नहीं है; या
- ख. उसमें निहित अधिकारिता का तात्त्विक अनियमितता से प्रयोग किया है; या
- ग. उसमें निहित अधिकारिता का प्रयोग करने में अनुचित रूप से चूक की है; तो वह ऐसे आदेश पारित कर सकेगा, जो वह ठीक समझे।

## 23. शक्तियों का प्रत्यायोजन-

इस आदेश के अधीन कलक्टर को प्रदत्त शक्तियां, खण्ड 22 के अधीन के सिवाय, राज्य सरकार द्वारा किसी भी अन्य अधिकारी को प्रत्यायोजित की जा सकेगी।

## 24. परिसर के प्रवेश, निरीक्षण, तलाशी या स्टॉक अभिग्रहण, प्रश्न पूछने, दस्तावेजों के पेश करने आदि की अपेक्षा करने की शक्ति-

- (1) कोई भी कार्यकारी मजिस्ट्रेट या कोई भी राजस्व अधिकारी, जो नायब तहसीलदार के रैंक से नीचे का न हो या खाद्य एवं नागरिक रसद विभाग के प्रवर्तन निरीक्षक के रैंक से नीचे का न हो, समस्त युक्तियुक्त समयों पर किसी भी राशनकार्ड या खाद्यान्नों एवं अन्य आवश्यक पदार्थों का स्टॉक या खाद्यान्नों एवं अन्य आवश्यक पदार्थों के व्यवहार से संबंधित लेखा पुस्तकों अथवा अन्य दस्तावेजों का निरीक्षण कर सकेगा और ऐसे निरीक्षण के प्रयोजनार्थ-

- क. किसी भी परिसर में प्रवेश कर सकेगा:

परन्तु यह कि प्रविष्टि की शक्तियों का प्रयोग करते हुए, ऐसे अधिकारी या व्यक्ति द्वारा परिसर के अधिभोगियों की सामाजिक एवं धार्मिक रूढ़ियों का सम्यक् रूप से ध्यान रखा जाएगा;

- ख. किसी भी व्यक्ति से समस्त आवश्यक प्रश्न पूछ सकेगा;
- ग. किसी भी दस्तावेज को पेश करने की तथा ऐसे दस्तावेजों से उद्धरण या उनको प्रतिलिपियाँ लेने अथवा दिलाने की अपेक्षा कर सकेगा; और
- घ. परिसर में प्राप्त खाद्यान्नों और अन्य आवश्यक पदार्थों का भार या माप ले तथा लिवा सकेगा।

- (2) प्रत्येक व्यक्ति, जब खण्ड (1) के अधीन ऐसे अधिकारी द्वारा इस प्रकार अपेक्षित हो, परिसर में पहुंच को अनुज्ञात (allow) करेगा, अपनी सर्वोत्तम जानकारी और विश्वास के अनुसार समस्त प्रश्नों का उत्तर देगा, अपने कब्जे के दस्तावेजों को पेश करेगा और ऐसे किन्हीं भी दस्तावेजों से उद्धरण या उनकी प्रतिलिपियाँ लेने अथवा परिसर में पाये गये खाद्यान्नों का भार तोलने या माप करने की अनुज्ञा देगा।
- (3) ऐसा अधिकारी ऐसे निरीक्षण के दौरान किसी भी पदार्थ के लिए तलाशी और उसका अभिग्रहण कर सकेगा, जिसके संबंध में उसके यह विश्वास करने का कारण हो कि इस आदेश द्वारा या इसके अनुसरण में किये गये किसी भी उपबन्ध का उल्लंघन किया गया है या किया जा रहा है।
- (4) दण्ड प्रक्रिया संहिता, 1973 (1974 का केन्द्रीय अधिनियम 2) की धारा 100 के तलाशी अभिग्रहण से संबंधित उपबन्ध, जहां तक हो सके, इस खण्ड के अधीन तलाशियों और अभिग्रहणों पर लागू होंगे।

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अधि. एस.ओ. 238 दिनांक 06.01.1997 से खण्ड 23 व 24 के अन्तर्गत खाद्य विभाग मुख्यालय, जयपुर पर पदस्थापित जिला रसद अधिकारी, अतिरिक्त जिला रसद अधिकारी, प्रवर्तन अधिकारी एवं प्रवर्तन निरीक्षक को सम्पूर्ण राज्य हेतु खण्ड 24 की शक्तियाँ का प्रयोग करते हुए अधिकृत किया है।

#### 25. छूट देने की शक्ति-

राज्य सरकार राज-पत्र में अधिसूचित आदेश किसी भी व्यक्ति या व्यक्तियों के वर्ग को ऐसी शर्त, यदि कोई हो, जिसे अधिरोपित करना वह उचित समझे, के अधीन रहते हुए, इस आदेश के समस्त या किन्हीं भी उपबन्धों के प्रवर्तन से छूट दे सकेगी और इस रीति से किसी भी समय ऐसी छूट को निलम्बित या विखण्डित कर सकेगी।

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(1) अधिसूचना एस.ओ. 111 दिनांक 28.09.1989 से जांच के दौरान बतौर सबूत जब्तशुदा राशनकार्ड की एवज में जारी राशनकार्ड को खण्ड 16 के तहत विहित फीस से मुक्त किया गया है। (2) कतिपय मामलों में राज्य सरकार द्वारा उचित मूल्य दुकान के कारबार के लिए खण्ड 3 (1) के परन्तुक से कुछ निर्वाचित प्रतिनिधियों को निर्वाचित काल के लिए प्राधिकार पत्र धारण हेतु छूट प्रदान की है। (3) अधि. एस.ओ. 447 दिनांक 15.02.2003 से आर.टी.ए. अनुज्ञापत्र के तहत 03.08.02 से पूर्व कार्यरत पीडीएस के अन्तर्गत नीले केरोसीन के डीलर्स को प्राधिकार पत्र जारी करने के निर्देश दिए हैं।

#### 26. अनुज्ञप्ति से छूट -

राज्य सरकार द्वारा खाद्यान्नों और अन्य आवश्यक वस्तुओं के सम्बन्ध में जारी किये गये विभिन्न अनुज्ञापन आदेशों के उपबन्ध ऐसे किसी व्यक्ति पर लागू नहीं होंगे, जिसे इस आदेश के अधीन प्राधिकार जारी किया गया है।

#### 27. निरसन एवं व्यावृत्ति -

राजस्थान अनुसूचित खाद्यान्न (वितरण का विनियमन) आदेश, 1966 एतद्वारा निरसित किया जाता है:

परन्तु यह कि ऐसा निरसन इस प्रकार निरसित इस आदेश के अधीन की गई या किए जाने के लिए लोपित किसी भी कार्यवाही को प्रभावित नहीं करेगा।

**अनुसूची- I**

(देखिये खण्ड 2 (i))

- |                           |          |
|---------------------------|----------|
| 1. गेहूं (आयातित और देशी) | 5. बाजरा |
| 2. जौ                     | 6. मक्का |
| 3. चना                    | 7. चावल  |
| 4. ज्वार                  |          |

**अनुसूची- II**

- |                  |                                   |
|------------------|-----------------------------------|
| 1. चीनी          | 8. टायर एवं ट्यूब                 |
| 2. मिट्टी का तेल | 9. ब्लेड                          |
| 3. खाद्य तेल     | 10. साबुन                         |
| 4. दालें         | 11. रोशनी देने वाले सामान्य लैम्प |
| 5. मसाले         | 12. अभ्यास पुस्तिकायें            |
| 6. माचिसें       | 13. सूती कपड़े                    |
| 7. चाय           |                                   |



### ANNEXURE 3.3 (RAJASTHAN)

## राजस्थान पेट्रोलियम उत्पाद (अनुज्ञापन और नियन्त्रण) आदेश, 1990

### [Rajasthan Petroleum Products (Licensing & Control) Order]

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खाद्य एवं नागरिक रसद विभाग

जयपुर, नवम्बर 28, 1990

जी.एस.आर. 47 - यतः राज्य सरकार की राय में उचित मूल्य पर पेट्रोलियम उत्पादों के साम्यापूर्ण वितरण और उपलब्धता को सुनिश्चित करने के लिए ऐसा किया जाना आवश्यक और समीचीन है;

अतः अब उद्योग और नागरिक पूर्ति मंत्रालय (नागरिक पूर्ति और सहकारिता विभाग) भारत सरकार के एस.ओ. 681 (ई) और 682 (ई), दिनांक 30 नवम्बर, 1974 के अधीन प्रकाशित आदेशों के साथ पठित आवश्यक वस्तु अधिनियम, 1955 (1955 का केन्द्रीय अधिनियम 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार इसके द्वारा निम्नलिखित आदेश करती है, अर्थात् :-

#### 1. संक्षिप्त नाम, प्रसार और प्रारम्भ :

- (1) इस आदेश का नाम राजस्थान पेट्रोलियम उत्पाद (अनुज्ञापन और नियंत्रण) आदेश, 1990 है।
- (2) इसका प्रसार सम्पूर्ण राजस्थान राज्य में है।
- (3) यह तुरन्त प्रवृत्त होगा।

#### 2. परिभाषाएं :

जब तक सन्दर्भ से अन्यथा अपेक्षित न हो, इस आदेश में, -

- (क) 'कलक्टर' से किसी जिले का कलक्टर अभिप्रेत है और इसमें अपर कलक्टर सम्मिलित है;
- (ख) 'आयुक्त' से आयुक्त खाद्य और नागरिक रसद विभाग, राजस्थान अभिप्रेत है और इसमें अपर आयुक्त खाद्य और नागरिक रसद विभाग, राजस्थान सम्मिलित है;
- (ग) 'व्यवहारी' से कोई ऐसा व्यक्ति, फर्म व्यक्तियों का संगम (association) या सहकारी सोसाइटी अभिप्रेत है, जो किसी भी पेट्रोलियम उत्पाद के क्रय, विक्रय या विक्रय के लिए भण्डारण के कारबार में लगी हुई है और इसमें-
  - (i) किसी तेल कम्पनी का प्राधिकृत व्यवहारी; और
  - (ii) किसी तेल कम्पनी के प्राधिकृत व्यवहारी से हाई स्पीड डीजल के क्रय तथा विक्रय या विक्रय के लिए भण्डारण के कारबार में लगा हुआ कोई बैरल प्वाइंट व्यवहारी सम्मिलित है; किन्तु इसमें कोई तेल कम्पनी सम्मिलित नहीं है।

- (घ) 'प्ररूप' से इस आदेश से संलग्न कोई प्ररूप अभिप्रेत है;
- (ङ) 'अनुज्ञापन प्राधिकारी' से इस आदेश के उपबन्धों के अधीन जारी की गयी कोई अनुज्ञप्ति अभिप्रेत है;
- (च) 'अनुज्ञप्ति' से इस आदेश के अधीन अनुज्ञापन प्राधिकारी की शक्तियों का प्रयोग और कर्तव्यों का पालन करने के लिए राज्य सरकार द्वारा नियुक्त कोई अधिकारी अभिप्रेत है;
- (छ) 'तेल कम्पनी' से इण्डियन ऑयल कॉर्पोरेशन लिमिटेड, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड, इंडो-बर्मा पेट्रोलियम कॉर्पोरेशन लिमिटेड या केन्द्रीय सरकार द्वारा प्राधिकृत कोई व्यक्ति, फर्म या कम्पनी, जो केन्द्रीय सरकार द्वारा समय-समय विहित किये गये निबन्धनों के अनुसार उपभोक्ताओं या व्यवहारियों को सीधे ही मोटर स्परिट अथवा हाई स्पीड डीजल की मार्केटिंग करने तथा विक्रय करने के कारबार में लगी हुई हो, अभिप्रेत हैं, और

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खाद्य विभाग के पत्रांक एफ 17 (2) खा.वि./विधि/02 दिनांक 11.8.02 व 19.02.05 से स्पष्ट किया है कि न्यूमलीगढ़ रिफाइनरी लिमिटेड, एस्सार ऑयल कम्पनी लिमिटेड व रिलायन्स इण्डस्ट्रीज लिमिटेड का मोटर स्प्रिट और हाई स्पीड डीजल आदेश 1998 के क्लाज D के अन्तर्गत अधिकार पत्र स्वीकृत है तथा निदेशक, पेट्रोलियम व प्राकृतिक गैस मंत्रालय ने इन कम्पनियों को अनुज्ञा पत्र जारी करने में अनापत्ति व्यक्त की है।

- (ज) 'पेट्रोलियम उत्पाद' से हाई स्पीड डीजल तेल, लाईट डीजल तेल, मोटर स्परिट (पेट्रोल), द्रवित पेट्रोलियम गैस और इथानोल ब्लैण्डेड पेट्रोल अभिप्रेत है।

#### टिप्पणी

1. इथानोल (Ethanol) एक पूर्णतः रसायनिक पदार्थ है जो कि हाइड्रोक्सिल इथेन के नाम से भी जाना जाता है। 2. अधिसूचना सा.का.नि. 856 (अ) दिनांक 21.11.01 से हल्का डीजल तेल (एल.डी.ओ.) को केन्द्रीय आदेश सोल्वेंट रेफिनेट व स्लाप 2001 के अन्तर्गत सोल्वेंट को अनुसूची में सम्मिलित किया गया था किन्तु अधिसूचना सा.का.नि. 689 (अ) दिनांक 1.11.07 से अनुसूची से हटा दिया गया है।

### 3. व्यवहारियों का अनुज्ञापन :

- (1) कोई भी व्यक्ति इस आदेश के अधीन अनुज्ञापन प्राधिकारी द्वारा इस निमित्त जारी की गयी किसी अनुज्ञप्ति के निर्बन्धनों और शर्तों के अधीन और उनके अनुसार के सिवाय व्यवहारी के रूप में कारबार नहीं करेगा।
- (2) इस आदेश के प्रारम्भ के समय कारबार कर रहा प्रत्येक व्यवहारी इस आदेश के अधीन अनुज्ञप्ति जारी किये जाने के लिए, ऐसे प्रारम्भ से पन्द्रह दिन के भीतर-भीतर या ऐसे अतिरिक्त समय के, यदि कोई हो, भीतर, जो कि आयुक्त द्वारा इस निमित्त अधिसूचित किया जाये, आवेदन करेगा।
- (3) उन सभी व्यवहारियों को, जो आदेश के प्रारम्भ के समय तेल कम्पनियों के प्राधिकृत अभिकर्ता है, अनुज्ञप्ति जारी की जायेगी, बशर्ते कि वे इस आदेश में अधिकथित शर्तें पूरी करते हों।
- (4) उप-खंड (2) में निर्दिष्ट प्रत्येक व्यवहारी इस आदेश के प्रारम्भ की तारीख से इस आदेश के उपबन्धों के अध्वधीन एक अनुज्ञप्तिधारी हो जायेगा और उस समय तक, जबकि उसे या तो अनुज्ञापन प्राधिकारी द्वारा कोई अनुज्ञप्ति जारी कर दी जाये या अनुज्ञप्ति मंजूर किये जाने से इन्कार कर दिया जाये, वह प्ररूप 'ग' में विनिर्दिष्ट निबन्धनों और शर्तों तथा इस आदेश के उपबन्धों का पालन करेगा।

- (5) ग्रामीण क्षेत्रों में, जहां हाई स्पीड डीजल के लिए कोई प्राधिकृत खुदरा आउटलेट व्यवहारी नहीं हो, तो ऐसे क्षेत्रों में बैरल प्वाइंट व्यवहारी, हाई स्पीड डीजल ऐसे निदेशों के अधीन विक्रय कर सकेंगे, जो सरकार या जिला कलक्टर द्वारा समय-समय जारी किये जायें :

परन्तु यह कि किसी तेल कम्पनी के किसी नियमित डीजल खुदरा आउटलेट की 10 कि.मी. की परिधि के भीतर बैरल प्वाइंट व्यवहारी के रूप में कारबार करने के लिए कोई अनुज्ञप्ति जारी नहीं की जायेगी।

#### टिप्पणी

कोको अथवा ऐसे पम्प जिनका संचालन तेल कम्पनियों के अधीन किया जाता है को अनुज्ञा पत्र जारी नहीं किये जाने का परिपत्र क्रमांक एफ 17(2) खा.वि./विधि/2000 जयपुर दिनांक 29.02.04 खाद्य विभाग द्वारा जारी किया गया था, किन्तु विभागीय समसंख्यक पत्रांक दिनांक 9.12.05 से यह निर्देशित किया गया है कि यदि कोको पम्प वास्तव में डीलर/एडहॉक (तदर्थ) डीलर/आपरेटर्स या इसी प्रकार की अन्य व्यवस्था से संचालित हो अर्थात् स्वयं कम्पनी के कार्मिकों के अधीन संचालित न हो तो अनुज्ञा पत्र आवश्यक रूप से जारी किया जावे। किन्तु लेबर कान्ट्रैक्टर के रूप में किसी आपरेटर के साथ कम्पनी द्वारा अनुबन्ध किये जाने पर अनुज्ञा पत्र जारी नहीं किया जावे।

#### **4. अनुज्ञप्ति का जारी किया जाना :**

- (1) (क) अनुज्ञप्ति की मंजूरी के लिए प्रत्येक आवेदन अनुज्ञापन प्राधिकारी को विहित फीस के साथ प्ररूप 'क' में किया जायेगा।
- (ख) इस आदेश के अधीन जारी की गयी अनुज्ञप्ति प्ररूप 'ग' में और उसमें वर्णित निबन्धनों और शर्तों के अधीन होगी।
- (ग) अनुज्ञप्ति 20 वर्ष के लिए, 20वें वर्ष की 31 मार्च तक विधिमान्य होगी।
- (घ) यदि इस आदेश के अधीन मंजूर की गयी अनुज्ञप्ति विरूपित, गुम या नष्ट हो जाये, तो अनुज्ञप्तिधारी अनुज्ञापन अधिकारी को तत्काल सूचित करेगा, जो अनुज्ञप्तिधारी के आवेदन पर और उसके द्वारा विहित फीस का संदाय किये जाने पर अनुज्ञप्ति की दूसरी प्रति जारी करेगा।
- (2) कारबार के प्रत्येक स्थान के लिए अलग अनुज्ञप्ति आवश्यक होगा।
- (3) किसी अनुज्ञप्ति के परिचालन के दौरान संस्थापन/दुकान के स्वामित्व में परिवर्तन होने की दशा में नई अनुज्ञप्ति जारी की जायेगी। तथापि उत्तराधिकार के मामले में नवीकरण/अन्तरण स्वतः ही हो जायेगा।

#### **5. अनुज्ञप्ति का नवीकरण :**

अनुज्ञप्ति के नवीकरण के लिए आवेदन, खंड 6 में विनिर्दिष्ट देय फीस का संदाय करने के पश्चात् प्ररूप 'ख' में अनुज्ञापन प्राधिकारी को किया जायेगा। अनुज्ञप्ति प्राधिकृत व्यवहारी के मामले में 20 वर्ष तक की कालावधि के लिए तथा बैरल प्वाइंट व्यवहारी के मामले में एक समय में 20 वर्ष तक नवीकृत की जा सकेगी। यदि अनुज्ञप्तिधारी अनुज्ञप्ति की विधिमान्यता की समाप्ति से पूर्व विनिर्दिष्ट फीस के साथ आवेदन प्रस्तुत करने में असफल रहता है, तो अनुज्ञापन प्राधिकारी, 10/- रुपये विलम्ब शुल्क का संदाय किये जाने पर, 30 अप्रैल तक आवेदन को ग्रहण कर सकेगा।

## 6. प्रभार्य फीस -

नीचे विनिर्दिष्ट फीस प्रत्येक अनुज्ञप्ति के सम्बन्ध में प्रभार्य (chargeable) होगी, अर्थात्

(क) पेट्रोलियम नियम, 1976 के अधीन अनुज्ञप्ति रखने वाले व्यवहारियों को अनुज्ञप्ति जारी करने के लिए	रु. 2,000/-
(ख) अन्यो को अनुज्ञप्ति जारी करने के लिए	रु. 1,000/-
(ग) पेट्रोलियम नियम, 1976 के अधीन अनुज्ञप्ति रखने वाले व्यवहारियों को अनुज्ञप्ति के नवीकरण के लिए	रु. 100/- प्रति वर्ष
(घ) अन्यो को अनुज्ञप्ति के नवीकरण के लिए	रु. 50/- प्रति वर्ष
(ङ) अनुज्ञप्ति की दूसरी प्रति जारी करने के लिए	रु. 50/-

## 7. प्रतिभूति का निक्षेप -

प्रत्येक व्यवहारी, इस आदेश के उपबन्धों के सम्यक् अनुपालन करने के लिए, अनुज्ञापन प्राधिकारी को प्रतिभूति (security) के रूप में नीचे विनिर्दिष्ट राशि, नकद/एनएससी/बैंक गारण्टी के रूप में निक्षेप करायेगा -

(क)	पेट्रोल पम्प के लिए	रु. 5,000/-
(ख)	लिक्वीफाइड पेट्रोलियम गैस के लिए	रु. 2,500/-
(ग)	किसी तेल कम्पनी द्वारा प्राधिकृत किसान सेवा केन्द्र तथा अन्य ग्रामीण आउटलेट के लिए	रु. 2,000/-
(घ)	बैरल प्वाइंट के लिए	रु. 2,000/-

परन्तु अनुज्ञप्तिधारक राजस्थान सहकारी सोसायटी अधिनियम, 2001 के अधीन रजिस्ट्रीकृत कोई सहकारी सोसायटी है, तो उसके द्वारा निक्षेप करायी जाने वाली प्रतिभूति की रकम ऊपर वर्णित की एक चौथाई के बराबर होगी।

### टिप्पणी

खाद्य विभाग के पत्र संख्या एफ. 17 (24) खा.वि./विधि/90 जयपुर दिनांक 26.10.2006 से एस.ओ. 162 दिनांक 26.7.2006 से उक्तानुसार प्रतिभूति राशि के प्रावधानों को स्थगित रखते हुए क्रियान्विति पर अग्रिम आदेशों तक प्रशासनिक रोक लगाई गई थी जिससे अग्रिम आदेश तक प्रतिभूति का निक्षेप, पूर्वानुसार, पेट्रोलियम नियम 1996 के अधीन अनुज्ञप्ति रखने वाले व्यवहारी द्वारा रु. 1000/- तथा अन्य व्यवहारी द्वारा रु. 500/- कराया गया था। किन्तु समसंख्यक आदेश दिनांक 12.04.12 से दिनांक 26.10.2006 की प्रशासनिक रोक को हटाया गया तथा समसंख्यक पत्रावली की अधिसूचना दिनांक 18.05.12 से प्रतिभूति राशि का संशोधन किया गया है।

## 8. आवेदन पर आदेशों के लिए समय-सीमा :

यदि आवेदक ने सम्बन्धित तेल कम्पनी तथा भारत सरकार के विस्फोटक विभाग से अनुमति प्राप्त की हुई है, तो अनुज्ञापन प्राधिकारी द्वारा खंड 4 के अधीन आवेदन की विधि के भीतर अनुज्ञप्ति जारी कर दी जायेगी और खंड 5 के अधीन आवेदन की प्राप्ति की तारीख से 15 दिन की कालावधि के भीतर अनुज्ञप्ति नवीकृत कर दी जायेगी। यदि 30 दिन के भीतर कोई अनुज्ञप्ति जारी नहीं की जाती है तथा 15 दिन के भीतर नवीकृत नहीं की जाती है, तो आवेदक



उक्त कालावधि के अवसान के पश्चात् व्यवहारी के रूप में कारबार प्रारम्भ कर सकेगा। अनुज्ञापन प्राधिकारी प्रभावित व्यक्ति को सुनवाई का समुचित अवसर प्रदान करने के पश्चात् और अपने द्वारा लिखित में लेखबद्ध कारणों से अनुज्ञप्ति जारी करने या नवीकृत करने से इंकार कर सकेगा।

### 9. अनुज्ञप्ति में परिवर्धन और परिवर्तन :

अनुज्ञापन प्राधिकारी अनुज्ञप्तिधारी के आवेदन पर अनुज्ञप्ति में गोदामों, कारबार के स्थान, भागीदारों के नामों, कार्य समय आदि से सम्बन्धित प्रविष्टियों में आवश्यक परिवर्धन, लोपन और परिवर्तन (additions, deletions and alternations) कर सकेगा।

#### टिप्पणी

विभाग द्वारा कतिपय मामलों में बैरल पाइंट्स अनुज्ञापन धारियों को 10 किलोमीटर की परिधि के भीतर डीजल रिटेल आऊट लेट स्वीकृत होने पर, स्थान परिवर्तन करने की अनुमति अनुज्ञापन अधिकारियों को दी है।

### 10. अनुज्ञप्ति की शर्तों का उल्लंघन :

इस आदेश के अधीन जारी की गयी अनुज्ञप्ति का कोई भी धारक या उसका अभिकर्ता अथवा सेवक या उसके निमित्त कार्य करने वाला कोई भी अन्य व्यक्ति अनुज्ञप्ति के किन्हीं भी निबन्धनों और शर्तों का उल्लंघन (contravention) नहीं करेगा।

### 11. अनुज्ञप्ति का निलम्बन और रद्दकरण :

यदि कोई अनुज्ञप्तिधारी या उसका अभिकर्ता या सेवक अथवा उसके निमित्त कार्य करने वाला कोई भी अन्य व्यक्ति अनुज्ञप्ति के किन्हीं भी निबन्धनों और शर्तों का उल्लंघन करता है, तो आवश्यक वस्तु अधिनियम, 1955 (1955 का केन्द्रीय अधिनियम 10) के अधीन उसके विरुद्ध की जाने वाली किसी भी अन्य कार्यवाही पर प्रतिकूल प्रभाव डाले बिना, उसकी अनुज्ञप्ति अनुज्ञापन प्राधिकारी के लिखित आदेश द्वारा रद्द या निलम्बित की जा सकेगी :

परन्तु इस खंड के अधीन कोई भी आदेश तब तक नहीं किया जायेगा, जब तक कि अनुज्ञप्तिधारी को प्रस्तावित रद्दकरण या निलम्बन के विरुद्ध सुनवाई का समुचित अवसर प्रदान नहीं कर दिया गया हो :

परन्तु यह और कि अनुज्ञप्ति के रद्दकरण की कार्यवाहियों के लम्बित रहने के दौरान या इसकी सम्भावनाओं को ध्यान में रखते हुए, कलक्टर, उपायुक्त, खाद्य एवं नागरिक आपूर्ति और उपभोक्ता मामले विभाग, राजस्थान और खाद्य एवं नागरिक आपूर्ति और उपभोक्ता मामले विभाग, राजस्थान मुख्यालय पर पदस्थापित जिला रसद अधिकारी 30 दिन की कालावधि के लिए निलम्बित कर सकेगा।

### 12. जब अनुज्ञप्ति निलम्बित या रद्द कर दी जाये, तब पेट्रोलियम उत्पादों का व्ययन :

जब इस आदेश के अधीन जारी की गयी अनुज्ञप्ति रद्द या निलम्बित कर दी जाये, तो ऐसे रद्दकरण या निलम्बन के समय व्यवहारी के पास उपलब्ध पेट्रोलियम उत्पादों के स्टॉक का निस्तारण व्ययन (disposal) उसके द्वारा सात दिन के भीतर अनुज्ञापन अधिकारी के निर्देशानुसार ही किया जायेगा।

### 13. दोषसिद्धियों के परिणाम :

जहाँ कोई अनुज्ञप्तिधारी आवश्यक वस्तु अधिनियम, 1955 (1955 का केन्द्रीय अधिनियम 10) की धारा 3 के अधीन किये गये किसी आदेश के उल्लंघन के लिए न्यायालय द्वारा सिद्धदोष (convict) ठहराया गया हो, वहाँ अनुज्ञापन प्राधिकारी लिखित आदेश द्वारा उसकी अनुज्ञप्ति रद्द कर सकेगा।

परन्तु जहां ऐसी दोष सिद्धि अपील या पुनरीक्षण में अपास्त (set aside) कर दी जाये, वहां अनुज्ञापन प्राधिकारी, उस व्यवहारी के आवेदन पर, जिसकी अनुज्ञप्ति रद्द कर दी गयी थी, ऐसे व्यवहारी को अनुज्ञप्ति प्रत्यावर्तित (restore) कर सकेगा।

#### 14. प्रतिभूति निक्षेप का समपहरण :

- (1) खंड 11 के उपबन्धों पर प्रतिकूल प्रभाव डाले बिना, यदि अनुज्ञापन प्राधिकारी का यह समाधान हो जाये कि अनुज्ञप्तिधारी ने अनुज्ञप्ति के किन्हीं भी निबन्धनों और शर्तों का उल्लंघन किया है तथा कि प्रतिभूति निक्षेप का समपहरण किया जाना आवश्यक हो गया है, तो वह आदेश द्वारा, अनुज्ञप्तिधारी को समपहरण के विरुद्ध सुनवाई का समुचित अवसर प्रदान करने के पश्चात् उसके द्वारा निक्षेप सम्पूर्ण प्रतिभूति या उसके किसी भाग का समपहरण कर सकेगा और उस आदेश की एक प्रति अनुज्ञप्तिधारी को भेजेगा।
- (2) अनुज्ञप्तिधारी, यदि किसी भी समय प्रतिभूति की रकम खंड 7 में विनिर्दिष्ट रकम से कम पड़ जाये, तो अनुज्ञापन प्राधिकारी द्वारा ऐसी अपेक्षा किये जाने पर, कमी को पूरा करने के लिए रकम तुरन्त निक्षेप करायेगा।
- (3) अनुज्ञप्तिधारी द्वारा अनुज्ञप्ति के अधीन की समस्त बाध्यताओं का सम्यक् रूप से पालन किये जाने पर प्रतिभूति की रकम या उसका कोई भाग, जिसका पूर्वोक्तानुसार समपहरण नहीं किया गया है, अनुज्ञप्ति की समाप्ति के पश्चात् अनुज्ञप्तिधारी को लौटा दिया जायेगा।

#### 15. पेट्रोलियम उत्पादों के भण्डारण पर निर्बन्धन :

कोई भी व्यक्ति, समय-समय पर राज्य सरकार अथवा राज्य सरकार द्वारा प्राधिकृत किसी अन्य अधिकारी द्वारा विहित और राज-पत्र अधिसूचित सीमा से अधिक मात्रा में किसी पेट्रोलियम उत्पाद का न तो स्वयं, न अपने निमित्त किसी भी व्यक्ति की मारफत किसी भी समय भण्डारण करेगा और न ही उसे अपने कब्जे में रखेगा।

परन्तु जहां कि व्यक्ति के पास उसके कब्जे में इस खंड के अधीन विहित मात्रा से अधिक पेट्रोलियम उत्पाद है, तो वह इस अधिसूचना के जारी होने की तारीख से 3 दिन के भीतर अनुज्ञापन प्राधिकारी के समक्ष ऐसे स्टॉक की घोषणा करेगा:

परन्तु यह और कि उसके स्वयं के यान के सर्विस टैंक में उपलब्ध स्टॉक को उसके पास के कुल स्टॉक की गणना करते समय जोड़ा जायेगा।

#### टिप्पणी

1. अधिसूचना एस.ओ. 83 दिनांक 2.07.1992 द्वारा कलेक्टर को, खंड 15 के उपबन्धों के अन्तर्गत उद्योगों के लिए डीजल की अधिकतम स्टॉक सीमा निर्धारण करने हेतु अधिकृत किया है। 2. अधिसूचना एस.ओ. 280 दिनांक 24.11.1994 द्वारा खुदरा (Petty) डीलर/बैरल प्वाइंट पर डीजल की अधिकतम स्टॉक सीमा 4000 लीटर है। 3. अधिसूचना एस.ओ. दिनांक 1.4.2005 द्वारा किसी व्यक्ति के द्वारा बिना अनुज्ञप्ति के एक समय पर उसके वाहन के टैंक में मात्रा को सम्मिलित करते हुए अधिकतम स्टॉक सीमा 1000 लीटर है। इससे पूर्व अधि. दिनांक 20.02.91 से अधिकतम भण्डारण मात्रा 200 लीटर थी जिसे अधिसूचना दिनांक 11.03.93 से 400 लीटर किया गया (वाहन टैंक के 200 लीटर के अतिरिक्त) फिर बाद में, अधिसूचना दिनांक 2.11.94 से 400 लीटर से बढ़ाकर 2500 लीटर किया गया तथा अधिसूचना दिनांक 16.10.04 से 500 लीटर किया गया था।

## 16. परमिटों पर विक्रय :

अनुज्ञापन प्राधिकारी लिखित सामान्य या विशेष आदेश द्वारा उस किसी भी व्यवहारी से जिसके पास पेट्रोलियम उत्पादों का स्टॉक है, यह अपेक्षा कर सकेगा कि वह ऐसे स्टॉक का विक्रय अनुज्ञापन प्राधिकारी या ऐसे अन्य अधिकारी द्वारा जिसे राज्य सरकार द्वारा इस निमित्त प्राधिकृत किया गया हो, जारी किये गये परमिटों पर करे।

## 17. परमिट का अहस्तांतरणीय होना :

परमिट का धारक कोई भी व्यक्ति का अथवा परमिट के आधार पर प्राप्त पेट्रोलियम उत्पादों का हस्तांतरण (transfer) उस प्राधिकारी की, जिसके द्वारा परमिट जारी किया गया है, पूर्व अनुज्ञा के बिना किसी अन्य व्यक्ति को नहीं करेगा।

## 18. परमिट का प्रतिसंहरण :

परमिट जारी करने वाला अधिकारी, परमिट धारक को सुनवाई का अवसर देने के पश्चात् किसी भी समय खंड 16 के अधीन जारी किये गये परमिट का निम्नलिखित कारणों में से किसी भी कारण से प्रतिसंहरण (revocation) कर सकेगा:

- (क) कि परमिट धारक ने तात्त्विक विशिष्टियों के दुर्यपदेशन (misrepresentation of material particulars) द्वारा परमिट प्राप्त किया है, या
- (ख) कि परमिट धारक द्वारा इस आदेश के उपबन्धों का उल्लंघन किया गया है, या
- (ग) कि परमिट का जारी किया जाना, परमिट जारी करने वाले अधिकारी की राय में, उसके द्वारा अभिलिखित किये जाने वाले कारणों के आधार पर अन्यथा न्यायोचित नहीं है।

## 19. व्यवहारियों को निदेश जारी करने की शक्ति :

राज्य सरकार या कलक्टर अथवा अनुज्ञापन प्राधिकारी इस आदेश के उपबन्धों के अनुसार पेट्रोलियम उत्पादों के क्रय, विक्रय, व्ययन और भण्डारण (purchase, sale, disposal and storage) के सम्बन्ध में किसी भी व्यवहारी को निर्देश जारी कर सकेगा।

## 20. अपील :

- (1) किसी भी प्राधिकारी द्वारा इस आदेश के अधीन किये गये किसी आदेश से व्यथित (aggrieved) कोई भी व्यक्ति—
  - (क) यदि आदेश कलक्टर से निम्नतर पंक्ति के किसी प्राधिकारी द्वारा किया गया है, तो कलक्टर को अपील कर सकेगा, और
  - (ख) यदि आदेश कलक्टर द्वारा किया गया है, तो आयुक्त को अपील कर सकेगा।
  - (ग) यदि आदेश खाद्य एवं नागरिक रसद विभाग के उपायुक्त द्वारा किया गया है, तो आयुक्त को अपील कर सकेगा।
- (2) ऐसी किसी अपील को ग्रहण नहीं किया जायेगा, यदि अपीलार्थी द्वारा अपील, उस आदेश की, जिसके विरुद्ध अपील की गयी है, प्राप्ति के 30 दिन के भीतर नहीं की जाती।



- (3) इस खंड के अधीन ऐसा कोई आदेश, जो किसी व्यक्ति पर विपरीत प्रभाव डालता हो, उस समय तक पारित नहीं किया जायेगा, जब तक कि उस व्यक्ति को सुनवाई का समुचित अवसर न दे दिया गया हो।
- (4) जब अपील लम्बित हो, तो अपील प्राधिकारी यह निदेश दे सकेगा कि वह आदेश, जिसके विरुद्ध अपील की गयी है, तब तक अप्रवृत्त रहेगा, जब तक कि अपील का निपटारा नहीं हो जाता।

## 21. पुनरीक्षण :

आयुक्त स्वप्रेरणा से या आवेदन प्राप्त होने पर उस किसी भी मामले का, जो कलक्टर या अनुज्ञापन प्राधिकारी द्वारा इस आदेश के उपबन्धों के अधीन विनिश्चित किया गया है, अभिलेख मंगा सकेगा और यदि उसका यह समाधान हो जाता है कि कलक्टर या अनुज्ञापन प्राधिकारी -

- (क) ने ऐसी अधिकारिता का प्रयोग किया है, जो उसमें निहित (vested in) नहीं है, या
- (ख) ने उसमें निहित अधिकारिता का प्रयोग तात्त्विक अनियमितताओं के साथ किया है, या
- (ग) उसमें निहित अधिकारिता का प्रयोग करने में अनुचित रूप से असफल रहा है, तो वह ऐसा आदेश पारित कर सकेगा, जिसे वह ठीक समझे।

## 22. प्रवेश, तलाशी और अभिग्रहण आदि की शक्तियां :

- (1) अनुज्ञापन प्राधिकारी या कार्यपालक मजिस्ट्रेट या पुलिस अधिकारी, जो पुलिस उप-अधीक्षक से नीचे की रैंक का न हो या खाद्य और नागरिक रसद विभाग का कोई अधिकारी, जो प्रवर्तन अधिकारी से नीचे की रैंक का न हो, या सरकार का कोई अन्य अधिकारी, जो खाद्य और नागरिक रसद विभाग के अधिकारी से नीचे की रैंक का न हो और जो राज्य सरकार द्वारा इस निमित्त प्राधिकृत हो, अपनी-अपनी अधिकारिता में, इस आदेश का अनुपालन सुनिश्चित करने के लिए या अपना स्वयं का यह समाधान करने के लिए कि इस आदेश का अनुपालन किया गया है, ऐसी सहायता से, यदि कोई हो जिसे वह ठीक समझे,
  - (क) ऐसे स्थान, परिसर, यान या जलयान के स्वामी (owner), अधिभोगी (occupier) या किसी अन्य प्रभारी व्यक्ति (person incharge) से, जिसमें पेट्रोलियम उत्पादों का भण्डारण किया जाता है, उन्हें रखा जाता है या उन्हें ले जाया जाता है, जहां उसके पास यह विश्वास करने के कारण हों कि इस आदेश के उपबन्धों का उल्लंघन किया गया है, किया जा रहा है या किया जाने वाला है, ऐसी कोई भी लेखा पुस्तकों या दस्तावेज प्रस्तुत करने या पेट्रोलियम उत्पादों या उनसे सम्बन्धित संव्यवहार (transaction) के बारे में ऐसी जानकारी देने की, जो आवश्यक हो, अपेक्षा कर सकेगा;
  - (ख) ऐसे किसी स्थान या परिसर, यान या जलयान में, जिसमें उसके पास यह विश्वास करने के कारण हों कि इस आदेश के उपबन्धों का उल्लंघन किया गया है, किया जा रहा है या किया जाने वाला है, प्रवेश कर सकेगा, उसका निरीक्षण कर सकेगा या उसे तोड़कर खोल सकेगा और उसकी तलाशी ले सकेगा, उसको सील या पुनः सील कर सकेगा;

- (ग) किन्हीं ऐसी लेखा पुस्तकों और ऐसे दस्तावेजों का निरीक्षण और अभिग्रहण कर सकेगा, जो उसकी राय में आवश्यक वस्तु अधिनियम, 1955 (1955 का केन्द्रीय अधिनियम 10) के अधीन किन्हीं कार्यवाहियों के लिए उपयोगी या सुसंगत हों और वह व्यक्ति, जिसकी अभिरक्षा में से ऐसी लेखा पुस्तकें या ऐसे दस्तावेज अभिग्रहीत किये जाते हैं, किसी ऐसे अधिकारी की उपस्थिति में, जिसकी अभिरक्षा में ऐसी लेखा पुस्तकें या ऐसे दस्तावेज हैं, उनकी प्रतिलिपी करने या उनके उद्धरण लेने का हकदार होगा। अभिग्रहीत लेखा पुस्तकों तथा दस्तावेजों इत्यादि की रसीद तथा निरीक्षण रिपोर्ट की प्रति, ऐसे व्यक्ति को दी जायेगी;
- (घ) जहाँ उसके पास यह विश्वास करने का कारण हो कि इस आदेश का उल्लंघन हुआ है, वहाँ पेट्रोलियम उत्पादों के स्टॉक के साथ-साथ ऐसे यानों, जलयान, या अन्य आधानों की, जिनमें इनके भण्डारण पाये जायें, तलाशी ले सकेगा, उन्हें अभिग्रहीत कर सकेगा और हटा सकेगा या ऐसी भूमिगत टंकियों को, जिनमें इनका भण्डारण किया जाता है, सील कर सकेगा और तत्पश्चात ऐसे स्टॉक और ऐसी वस्तुओं का कलक्टर के समक्ष पेश किया जाना सुनिश्चित करने और उनके इस प्रकार पेश किये जाने तक सुपुर्दगी के जरिये या अन्यथा, उनकी सुरक्षित अभिरक्षा (safe custody) के लिए समस्त आवश्यक उपाय करेगा या करने के लिए प्राधिकृत करेगा; तथा
- (ङ) ऐसे निरीक्षण इत्यादि के प्रयोजन से किसी भी व्यक्ति से पूछताछ कर सकेगा।
- (2) दण्ड प्रक्रिया संहिता, 1973 (1974 का केन्द्रीय अधिनियम 2) की धारा 100 के तलाशी और अभिग्रहण से सम्बन्धित उपबन्ध जहां तक सम्भव हों, इस खंड के अधीन की तलाशियों और अभिग्रहणों पर लागू होंगे।

### 23. छूट :

- (1) राज्य सरकार या राज्य सरकार द्वारा प्राधिकृत कोई, अन्य अधिकारी सामान्य या विशेष आदेश द्वारा और ऐसी शर्तों या निबन्धनों के अधीन जो ऐसे आदेश में विनिर्दिष्ट किये जायें, किसी भी व्यक्ति या व्यक्तियों के वर्ग, फर्म या व्यक्तियों के संगम या किसी सहकारी सोसायटी को इस आदेश के समस्त या किन्हीं भी उपबन्धों के प्रवर्तन से छूट दे सकेगी और किसी भी समय ऐसी छूट को निलम्बित या विखण्डित (suspend or rescind) कर सकेगी।
- (2) इस आदेश की कोई भी बात निम्नलिखित द्वारा या उनके निमित्त पेट्रोलियम उत्पादों के क्रय, विक्रय या विक्रय के लिए भण्डारण पर लागू नहीं होगी -
- (i) केन्द्रीय सरकार; या
  - (ii) राज्य सरकार; या
  - (iii) राज्य सरकार की संस्थाओं या अन्य संगठनों या ऐसे अभिकरणों (agencies) जो राज्य सरकार द्वारा अनुमोदित किये जायें।

### **ANNEXURE 3.4 (RAJASTHAN)**

#### **Checking of FPS by Public Representative**

GO 15 FPS Inspections in a month by SDOs

राजस्थान खाद्यान्न एवं अन्य आवश्यक पदार्थ (वितरण का विनियमन) आदेश, 1976

उपखण्ड अधिकारियों को खण्ड 8 व 9 के अधीन शक्तियाँ

विभाग द्वारा दिनांक 17.01.2012 को अधिसूचना जारी की जाकर जिला मुख्यालय पर पदस्थापित उपखण्ड अधिकारी के अलावा अन्य समस्त उपखण्ड अधिकारियों को अपने-अपने क्षेत्राधिकार में राजस्थान खाद्यान्न एवं अन्य आवश्यक पदार्थ (वितरण का विनियमन) आदेश, 1976 के खण्ड 8 और 9 के अधीन शक्तियाँ प्रदत्त की गई हैं, जिसके तहत अपने क्षेत्र के अन्तर्गत अनियमितता पाए जाने पर उचित मूल्य दुकान के प्राधिकार पत्र को निलम्बित एवं निरस्त कर सकेंगे एवं विभागीय प्रकरण दर्ज कर सकेंगे। समस्त उपखण्ड अधिकारियों को उनके क्षेत्र में प्रत्येक माह 15 उचित मूल्य की दुकानों के मासिक निरीक्षण हेतु मानदण्ड निर्धारित किये गये हैं। विभागीय परिपत्र दिनांक 23.12.2011 द्वारा उपखण्ड अधिकारियों को यह भी निर्देशित किया गया है कि वे सार्वजनिक वितरण प्रणाली के अन्तर्गत गेहूँ, केरोसीन एवं चीनी के अतिरिक्त गैर पीडीएस सामग्री पर भी निगरानी रखेंगे।

राजस्थान खाद्यान्न एवं अन्य आवश्यक पदार्थ (वितरण का विनियमन) आदेश, 1976 के खण्ड 3(1) के तहत उचित मूल्य दुकानों के प्राधिकार पत्र जारी किए जाने हेतु आवंटन प्रक्रिया के दिशा-निर्देश जारी किये जाते हैं। उचित मूल्य दुकानों के आवंटन हेतु नवीन दिशा निर्देश दिनांक 27.04.2012 को जारी किये हुये हैं।

- (16) प्रतिलिपि आदेश क्रमांक एफ. 17 (16) खा.वि./विधि/2011 जयपुर, दिनांक 23.12.11 द्वारा प्रमुख शासन सचिव, खाद्य विभाग वास्ते जिला कलेक्टर, समस्त, राजस्थान।

सार्वजनिक वितरण प्रणाली के अन्तर्गत राशन सामग्री तथा अन्य वस्तुओं के वितरण में पारदर्शिता एवं जवाबदेही लाने हेतु जिला मुख्यालय को छोड़कर अन्य समस्त उपखण्ड अधिकारियों को अपने-अपने क्षेत्राधिकार में राजस्थान खाद्यान्न एवं अन्य आवश्यक पदार्थ (वितरण का विनियमन) आदेश, 1976 के खण्ड 8 और 9 के अधीन शक्तियाँ प्रदत्त करने का निर्णय लिया गया है। अतः उपखण्ड अधिकारी अपने कार्यक्षेत्र के अन्तर्गत अनियमितता पाये जाने पर उचित मूल्य की दुकान के प्राधिकार पत्र को निलम्बित कर सकेंगे एवं प्रतिभूति राशि को जब्त कर सकेंगे। समस्त उपखण्ड अधिकारी इस कार्य हेतु अपने क्षेत्र के अन्तर्गत 15 उचित मूल्य की दुकानों का मासिक निरीक्षण करेंगे।

## ANNEXURE 3.5 (RAJASTHAN)

Government of Rajasthan Order to distribute 5kgs of Grains to all the Beneficiaries under the NFSA

राजस्थान सरकार  
खाद्य एवं नागरिक आपूर्ति विभाग

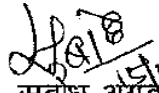
क्रमांक एफ 13(10)(1)खा.वि./आवं./खा.सु./2013

जयपुर, दिनांक : 15.07.2014

### आदेश

विभागीय समसंख्यक आदेश दिनांक 08.10.2013, 11.04.2014 एवं पूर्व के समस्त निर्देशों को अतिक्रमित करते हुए बजट भाषण (वर्ष 2014-15) संख्या-114 के क्रम में राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 के तहत चयनित पात्र व्यक्तियों व अन्त्योदय परिवारों को खाद्यान्न वितरण के संबंध में निम्नलिखित निर्देश प्रदान किए जाते हैं:-

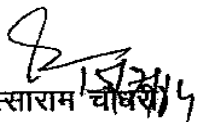
- 1 राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 के तहत चयनित पात्र व्यक्तियों को अधिनियम के प्रावधानानुसार 05 किग्रा. खाद्यान्न (गेहूँ) प्रतिमाह प्रति व्यक्ति 2/- रुपये प्रति किग्रा. की दर से देय होगा।
  - 2 राज्य के अन्त्योदय अन्न योजना में चयनित परिवार को प्रतिमाह प्रति परिवार 35 किग्रा. गेहूँ 2/- रुपये प्रति किग्रा. की दर से देय होगा।
  - 3 राज्य के सभी पात्र व्यक्ति राष्ट्रीय खाद्य सुरक्षा अधिनियम के अनुसार ही खाद्य सुरक्षा से लाभान्वित होंगे।
- यह आदेश तत्काल प्रभाव से लागू होगा।

  
(डॉ. सुबोध अग्रवाल)

प्रमुख शासन सचिव (खाद्य)

प्रतिलिपि निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

- 1 निजी सचिव, सचिव, माननीय मुख्यमंत्री महोदय, राजस्थान सरकार।
- 2 विशिष्ट सहायक, माननीय खाद्य मंत्री महोदय, राजस्थान, जयपुर।
- 3 उप सचिव, मुख्य सचिव, राजस्थान, जयपुर।
- 4 निजी सचिव, प्रमुख शासन सचिव, वित्त विभाग, राजस्थान, जयपुर।
- 5 निजी सचिव, प्रमुख शासन सचिव, खाद्य विभाग, राजस्थान, जयपुर।
- 6 निजी सचिव, अतिरिक्त खाद्य आयुक्त, राजस्थान, जयपुर।
- 7 समस्त जिला कलक्टर, राजस्थान।
- 8 महाप्रबन्धक (क्षेत्र), क्षेत्रीय कार्यालय, भारतीय खाद्य निगम, 4, नेहरू प्लेस, टोंक रोड़, जयपुर।
- 9 प्रबन्ध निदेशक, राजस्थान राज्य खाद्य एवं नागरिक आपूर्ति निगम लि0, जयपुर।
- 10 समस्त जिला रसद अधिकारी, राजस्थान।
- 11 वित्तीय सलाहकार, खाद्य विभाग, राजस्थान, जयपुर।
- 12 सहायक निदेशक (सांख्यिकी), खाद्य विभाग, राजस्थान, जयपुर।
- 13 सूचना एवं जन सम्पर्क अधिकारी, खाद्य विभाग, राजस्थान, जयपुर।
- 14 रक्षा पत्रिका।

  
(जस्सारां चौधरी)  
अतिरिक्त खाद्य आयुक्त

### ANNEXURE 3.6 (RAJASTHAN)

Door step Delivery

राजस्थान सरकार  
खाद्य एवं नागरिक आपूर्ति विभाग

क्रमांक: एफ. 40(1)खा.ले./नीति/92

जयपुर, दिनांक: 18.6.14

समस्त जिला रसद अधिकारी,  
राजस्थान।

विषय:- जिले में डोर-स्टेप डिलीवरी की सुनिश्चितता के क्रम में।

उपरोक्त विषयान्तर्गत लेख है कि राजस्थान में सार्वजनिक वितरण प्रणाली के अन्तर्गत वितरित किये जा रहे खाद्यान्न के लिए डोर-स्टेप डिलीवरी प्रणाली 15.04.1992 से प्रभावी है। इस प्रणाली के क्रियान्वयन हेतु जारी समसंख्यक परिपत्र दिनांक 17.03.1992, 09.04.1992 एवं 04.05.2006 द्वारा समुचित निर्देश जारी किए गए हैं।

दिनांक: 15 व 16 जून, 2014 को विशेष जांच दल द्वारा राज्य के विभिन्न जिलों में उचित मूल्य दुकानों का निरीक्षण किए जाने पर यह पाया गया है कि थोक विक्रेताओं द्वारा उचित मूल्य दुकानों पर खाद्यान्न नहीं पहुँचाया जा रहा है बल्कि उचित मूल्य दुकानदार द्वारा स्वयं अपनी व्यवस्था से खाद्यान्न सामग्री थोक विक्रेता से लेकर जाता है। अतः निर्देशित किया जाता है कि आपके जिले में डोर-स्टेप डिलीवरी के प्रावधानों की कड़ाई से पालना की जाकर डोर-स्टेप डिलीवरी के की क्रियान्विति सुनिश्चित करें।

(जस्साराम चौधरी)  
अतिरिक्त खाद्य आयुक्त

प्रतिलिपि:- समस्त जिला कलक्टर, राजस्थान को भेजकर लेख है कि आप अपने जिले में सार्वजनिक वितरण प्रणाली के तहत खाद्यान्न वितरण की डोर-स्टेप डिलीवरी के प्रावधानों की कड़ाई से पालना कराने का श्रम करावें।

अतिरिक्त खाद्य आयुक्त

### **ANNEXURE 3.7 (RAJASTHAN)**

**Atta Chakki / General Stores Shops Should be at a distance from the FPS**

राजस्थान खाद्यान्न एवं अन्य आवश्यक पदार्थ (वितरण का विनियमन) आदेश 1976 खण्ड 3 (3)

#### **पात्रता की शर्तें**

1. आवेदक दुकान विज्ञप्ति स्थल का निवासी होना चाहिए, शहरी क्षेत्र हेतु नगर पालिका सीमा क्षेत्र में उपलब्ध कुल दुकानों की संख्या को नगर पालिका की सीमा तक एक ईकाई मानकर आरक्षण प्रक्रिया लागू होगी। ग्रामीण क्षेत्र की उचित मूल्य के मामले में आवेदक उसी पंचायत के किसी भी ग्राम का निवासी होना आवश्यक है, जिस पंचायत में उचित मूल्य दुकान स्थित है।
2. आवेदक बालिग, स्वस्थ चित्त हो उसका चाल चलन उत्तम हो एवं वह दिवालिया घोषित नहीं हो।
3. आवेदक की शैक्षणिक योग्यता न्यूनतम आठवी कक्षा उत्तीर्ण होनी चाहिए, लेकिन जनजाति उपयोजना क्षेत्र के लिए अनुसूचित जनजाति के लिए न्यूनतम शैक्षणिक योग्यता पाँचवी कक्षा उत्तीर्ण होना पर्याप्त है।
4. आवेदक पूर्व के दस वर्षों की अवधि में ई सी एक्ट के तहत दण्डित नहीं हुआ हो और ना ही गत दस वर्षों में प्राधिकार पत्र निरस्त किया गया हो।
5. आवेदक के परिवार के किसी सदस्य यथा माता, पिता, अविवाहित पुत्री, आश्रित पुत्र, माता –पिता पर आश्रित बालिग पुत्र के नाम से पूर्व में कोई दुकान नहीं होनी चाहिए और न ही कोई विधिक अयोग्यता होनी चाहिए एवं आवेदक स्वयं दुकान संचालन करने में सक्षम होना चाहिए।
6. आवेदक की दुकान संचालन करने हेतु न्यूनतम 25000/- रु. की हैसियत आवश्यक है।
7. आवेदक दुकान की केन्द्रिय स्थल पर स्थित हो वह दुकान संचालन करने हेतु सक्षम होना चाहिए। जहां उपभोक्ता की पहुंच आसान हो तथा दुकान से आटे की चक्की, परचूनी की दुकान, होटल, रेस्टोरेन्ट, ढाबा एवं किसी प्रकार की अन्य संस्थान सुरक्षित दूरी पर हो।
8. आवेदक के पास कम से कम दो माह के लिए आवंटित किये जाने वाली राशन सामग्री के एक साथ भण्डारण की क्षमता आवश्यक रूप से होनी चाहिए।



## ANNEXURE 3.8 (RAJASTHAN)

Hon'ble Supreme Court Order for opening FPS regularly every month

- (20) प्रतिलिपि क्रमांक एफ. 97 (1) खा.वि./सा.वि.प्र./2004 जयपुर दिनांक सितम्बर 21, 2004 द्वारा शासन सचिव, खाद्य विभाग वास्ते समस्त जिला रसद अधिकारी, राजस्थान

Your attention is invited to this Department's Order No. एफ. 17 (45) खा.वि./सा.वि.प्र./2004 dated 24.02.2004 whereby the daily opening timings for the Fair Price Shops had been prescribed and it had been directed that Fair Price Shops shall remain open on all days, except for the weekly holiday to be declared by the Collector, during the prescribed hours. However, it has been reported that the Fair Price Shops are not being opened regularly in several parts of the State.

In this context I would like to inform you that in Writ Petition (Civil) No.196/2001 People's Union for Civil Liberties Versus Union of India & Others, Hon'ble Supreme Court of India has Vide its order dated May 08, 2002 directed as follows:

*"The respondents shall ensure that the ration shops remain open throughout the month, during fixed hours, the details of which will be displayed in the notice board."*

Subsequently in its order dated May 02, 2003 Hon'ble Supreme Court of India has directed as follows:

*"Licensees, who do not keep their shops open throughout the month during the stipulated period, shall make themselves liable for cancellation of their licences. The concerned authorities/functionaries would not show any laxity on the subject."*

In view of the above-mentioned clear-cut directions of the Hon'ble Supreme Court of India it is mandatory that all the Fair Price Shops remain open during the prescribed hours throughout the month. If any FPS dealer fails to open the FPS shop in accordance with the fixed hours he will make himself liable for cancellation of his license.

- (22) प्रतिलिपि आदेश क्रमांक एफ. 17 (12) खा.वि./विधि/2009 जयपुर, दिनांक 28.03.11 द्वारा प्रमुख शासन सचिव, खाद्य विभाग वास्ते समस्त जिला रसद अधिकारी, राजस्थान।

2. राज्य में उचित मूल्य की दुकाने खुलने का समय इस प्रकार रहेगा—

अवधि	समय
उपभोक्ता सप्ताह 15 से 21 तारीख	प्रातः 9 बजे से सांय 5 बजे तक (अपराह्न 1 से 2 बजे तक भोजन अवकाश)
1 अप्रैल से 30 सितम्बर तक	प्रातः 8 बजे से दोपहर 1 बजे तक
1 अक्टूबर से 31 मार्च तक	प्रातः 9 बजे से दोपहर 2 बजे तक
साप्ताहिक अवकाश का दिन निर्धारित करने के लिये जिला कलेक्टर को अधिकृत किया गया है। उपभोक्ता सप्ताह की अवधि में कोई अवकाश नहीं रहेगा।	



### **ANNEXURE 3.9 (RAJASTHAN)**

**Single LPG Cylinder holder eligible to receive Kerosene @2l/card, as the GO dated 10-12-2010.**

(53) प्रतिलिपि आदेश क्रमांक एफ. 30(1) खा.वि./चीनी/2010 जयपुर, दिनांक 10.12.10 द्वारा उपायुक्त प्रथम, खाद्य विभाग वास्ते समस्त जिला रसद अधिकारी, राजस्थान

माननीय खाद्य मंत्री महोदय की अध्यक्षता में आयोजित विभाग की संभाग स्तरीय बैठक दिनांक 5 एवं 6.12.2010 क्रमशः कोटा एवं जयपुर में जनप्रतिनिधियों द्वारा विचार-विमर्श के दौरान प्रतिमाह प्रति राशनकार्ड 4 लीटर केरोसीन के स्थान पर 3 लीटर केरोसीन वितरण किए जाने हेतु सुझाव दिये गये हैं।

वर्तमान में विभागीय समसंख्यक आदेश दिनांक 01.07.2010 को माह जुलाई से सितम्बर, 2010 तक के लिये जारी नियमित त्रैमासिक केरोसीन आवंटन आदेश में विभिन्न श्रेणी के उपभोक्ताओं को प्रतिमाह राशनकार्ड 4 लीटर केरोसीन वितरण किये जाने के निर्देश जारी किये हुए हैं।

जनप्रतिनिधियों के सुझावों पर निर्णय लिया जाकर विभागीय आदेश दिनांक 01.07.2010 में आंशिक संशोधन करते हुए निर्देशित किया जाता है कि माह दिसम्बर, 2010 में वितरित किये जाने वाले केरोसीन का विभिन्न श्रेणी के उपभोक्ताओं को निम्नानुसार वितरण किया जावेगा:-

- |   |   |                                   |
|---|---|-----------------------------------|
| 1. दो सिलेण्डर वाले राशनकार्डधारी उपभोक्ता  | — | शून्य                             |
| 2. एक सिलेण्डर वाले राशनकार्डधारी उपभोक्ता  | — | दो लीटर प्रतिमाह प्रति राशनकार्ड  |
| 3. अन्य उपभोक्ता-एपीएल/बीपीएल कार्डधारी उपभोक्ता<br>/स्टेट बीपीएल कार्डधारी उपभोक्ता/अन्त्योदय अन्न<br>योजना में चयनित उपभोक्ता एवं अपने निवास से दूर<br>अध्ययनरत छात्र | — | तीन लीटर प्रतिमाह प्रति राशनकार्ड |

वर्तमान में माह अक्टूबर से दिसम्बर 2010 तक के लिये जारी त्रैमासिक आवंटन का कोटा यथावत् रहेगा तथा विभिन्न श्रेणी के उपभोक्ताओं को माह दिसम्बर, 2010 से निरन्तर प्रतिमाह प्रतिराशनकार्ड उपरोक्तानुसार केरोसीन वितरण किया जाना सुनिश्चित करें।

## ANNEXURE 3.10 (RAJASTHAN)

### Criteria for Selection under Food Security

राजस्थान सरकार  
खाद्य एवं नागरिक आपूर्ति विभाग

क्रमांक: एफ. 13(10)(5)खा.वि./खाद्यान्न/2013

जयपुर, दिनांक: 19/8/14

अधिसूचना

खाद्य सुरक्षा प्रदान करने के संबंध में निर्धारित मापदण्ड

#### निष्कासन सूची

शहरी क्षेत्र निष्कासन (exclusion) (पात्र नहीं)	ग्रामीण क्षेत्र निष्कासन (exclusion) (पात्र नहीं)
1. ऐसे परिवार, जिसका कोई भी एक सदस्य आयकरदाता हो। 2. ऐसे परिवार, जिसका कोई भी एक सदस्य सरकारी/ अर्द्धसरकारी/ स्वायत्तशासी संस्थाओं में नियमित कर्मचारी/ अधिकारी हो अथवा 1 लाख रुपये वार्षिक से अधिक पेंशन प्राप्त करता हो। 3. ऐसे परिवार, जिसके किसी भी एक सदस्य के पास चार पहिया वाहन हो (एक वाणिज्यिक वाहन को छोड़कर, जो कि जीविकोपार्जन के उपयोग में आता हो)। 4. नगर निगम/नगर परिषद क्षेत्र में 1000 वर्गफीट से अधिक क्षेत्रफल में निर्मित पक्का आवासीय/व्यावसायिक परिसरधारी परिवार (कच्ची बस्ती छोड़कर) 5. नगर पालिका क्षेत्र में 1500 वर्ग फीट से अधिक क्षेत्रफल में निर्मित पक्का आवासीय/व्यावसायिक परिसरधारी परिवार (कच्ची बस्ती को छोड़कर) 6. एक लाख रुपये वार्षिक से अधिक आय सीमा वाले परिवार। 7. ऐसे परिवार, जिसके सभी सदस्यों के स्वामित्व में कुल कृषि भूमि लघु कृषक हेतु निर्धारित सीमा से अधिक हो।	1. ऐसे परिवार, जिसका कोई भी एक सदस्य आयकरदाता हो। 2. ऐसे परिवार, जिसका कोई भी एक सदस्य सरकारी/ अर्द्धसरकारी/ स्वायत्तशासी संस्थाओं में नियमित कर्मचारी/ अधिकारी हो अथवा 1 लाख रुपये वार्षिक से अधिक पेंशन प्राप्त करता हो। 3. ऐसे परिवार, जिसके किसी भी एक सदस्य के पास चार पहिया वाहन हो (ट्रेक्टर एवं एक वाणिज्यिक वाहन को छोड़कर, जो कि जीविकोपार्जन के उपयोग में आता हो)। 4. ऐसे परिवार, जिसके सभी सदस्यों के स्वामित्व में कुल कृषि भूमि लघु कृषक हेतु निर्धारित सीमा से अधिक हो। 5. ऐसे परिवार, जिसके सभी सदस्यों की कुल आय एक लाख रुपये वार्षिक से अधिक हो। 6. ऐसा परिवार जिसके पास ग्रामीण क्षेत्र में 2000 वर्ग फीट से अधिक स्वयं के रिहायश हेतु निर्मित पक्का मकान हो।

#### समावेशन सूची

शहरी क्षेत्र समावेशन (Inclusion) प्राथमिकता श्रेणी प्रथम	शहरी क्षेत्र समावेशन (Inclusion) प्राथमिकता श्रेणी द्वितीय	ग्रामीण क्षेत्र समावेशन (Inclusion) प्राथमिकता श्रेणी प्रथम	ग्रामीण क्षेत्र समावेशन (Inclusion) प्राथमिकता श्रेणी द्वितीय
1. अन्त्योदय परिवार 2. बीपीएल परिवार 3. स्टेट बीपीएल परिवार 4. अल्पपूर्ण योजना के लाभार्थी 5. ऐसे परिवार जो उपरोक्त योजनाओं में शामिल नहीं हैं तथा निम्न योजनाओं/वर्गों में शामिल हैं, उन्हें खाद्य सुरक्षा का लाभ उपलब्ध कराया जायेगा, बशर्त परिवार का कोई अन्य सदस्य निष्कासन की श्रेणी में नही आता हो:- A. मुख्यमंत्री वृद्धजन सम्मान योजना B. इंदिरा गांधी राष्ट्रीय वृद्धावस्था	A. मुख्यमंत्री जीवन रक्षा कोष B. समस्त सरकारी हॉस्टल में अन्तःवासी (समाज कल्याण, जनजाति विभाग, शिक्षा विभाग, अल्पसंख्यक मामलात विभाग एवं सरकारी कॉलेज एवं स्कूलों के हॉस्टल) C. एकल महिलाएँ D. श्रम विभाग में पंजीकृत निर्माण श्रमिक E. पंजीकृत अनाथालय एवं वृद्धाश्रम एवं कुष्ठ आश्रम F. कच्ची बस्ती में निवास करने वाले	1. अन्त्योदय परिवार 2. बीपीएल परिवार 3. स्टेट बीपीएल परिवार 4. अल्पपूर्ण योजना के लाभार्थी 5. ऐसे परिवार जो उपरोक्त योजनाओं में शामिल नहीं हैं तथा निम्न योजनाओं/वर्गों में शामिल हैं, उन्हें खाद्य सुरक्षा का लाभ उपलब्ध कराया जायेगा, बशर्त परिवार का कोई अन्य सदस्य निष्कासन की श्रेणी में नही आता हो:- A. मुख्यमंत्री वृद्धजन सम्मान योजना	A. मुख्यमंत्री जीवन रक्षा कोष B. समस्त सरकारी हॉस्टल में अन्तःवासी (समाज कल्याण, जनजाति विभाग, शिक्षा विभाग, अल्पसंख्यक मामलात विभाग एवं सरकारी कॉलेज एवं स्कूलों के हॉस्टल) C. एकल महिलाएँ D. श्रम विभाग में पंजीकृत निर्माण श्रमिक E. पंजीकृत अनाथालय एवं वृद्धाश्रम एवं कुष्ठ आश्रम F. कचरा बीनने वाले परिवार

पेंशन योजना C. मुख्यमंत्री एकल नारी योजना D. इंदिरा गांधी राष्ट्रीय विधवा पेंशन योजना E. मुख्यमंत्री विशेष योग्यजन पेंशन योजना F. इंदिरा गांधी राष्ट्रीय विकलांग पेंशन योजना G. मुख्यमंत्री निराश्रित पुनर्वास योजना H. सहरिया एवं कथौडी जनजाति परिवार I. कानूनी रूप से निर्मुक्त बंधुआ मजदूर परिवार J. वरिष्ठ नागरिक जिनका स्वतंत्र राशन कार्ड हो तथा आयु सामाजिक न्याय एवं अधिकारिता विभाग द्वारा पेंशन योजना के निर्धारित आयु सीमा में हो बशर्त exclusion (पात्र नहीं) शर्तों में न आते हो।	सर्वोक्षित परिवार G. कचरा बीनने वाले परिवार H. घरेलू श्रमिक I. गैर सरकारी सफाई कर्मी J. स्ट्रीट वेण्डर K. उत्तराखण्ड त्रासदी वाले परिवार L. साईकिल रिक्शा चालक M. पोर्टर (कुली) N. नवीन श्रेणियाँ जो शामिल की जानी है:- 1. कुष्ठ रोगी एवं कुष्ठ रोग मुक्त व्यक्ति 2. घुमन्तु व अर्द्धघुमन्तु जातियाँ जैसे वन वागरिया, गाडियालुहार, भेड पालक 3. वनाधिकार पत्रधारी परम्परागत वनवासी	B. इंदिरा गांधी राष्ट्रीय वृद्धावस्था पेंशन योजना C. मुख्यमंत्री एकल नारी योजना D. इंदिरा गांधी राष्ट्रीय विधवा पेंशन योजना E. मुख्यमंत्री विशेष योग्यजन पेंशन योजना F. इंदिरा गांधी राष्ट्रीय विकलांग पेंशन योजना G. महानरेगा में 2009-10 से किसी भी वर्ष में 100 दिन मजदूरी करने वाला परिवार H. मुख्यमंत्री निराश्रित पुनर्वास परिवार योजना I. सहरिया एवं कथौडी जनजाति परिवार J. कानूनी रूप से निर्मुक्त बंधुआ मजदूर परिवार K. भूमिहीन कृषक L. सीमान्त कृषक M. वरिष्ठ नागरिक जिनका स्वतंत्र राशन कार्ड हो तथा आयु सामाजिक न्याय एवं अधिकारिता विभाग द्वारा पेंशन योजना के निर्धारित आयु सीमा में हो बशर्त exclusion (पात्र नहीं) शर्तों में न आते हो।	G. उत्तराखण्ड त्रासदी वाले परिवार H. साईकिल रिक्शा चालक I. पोर्टर (कुली) J. लघु कृषक K. नवीन श्रेणियाँ जो शामिल की जानी है:- 1. कुष्ठ रोगी एवं कुष्ठ रोग मुक्त व्यक्ति 2. घुमन्तु व अर्द्धघुमन्तु जातियाँ जैसे वन वागरिया, गाडियालुहार, भेडपालक 3. वनाधिकार पत्रधारी परम्परागत वनवासी
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### **ANNEXURE 3.11 (RAJASTHAN)**

Quantity of Sugar to be distributed under PDS 2014

राजस्थान सरकार  
खाद्य एवं नागरिक आपूर्ति विभाग

क्रमांक: एफ. 12(1)खा.वि./चीनी/2012-13

जयपुर, दिनांक: 26/8/2014

समस्त जिला रसद अधिकारी,  
राजस्थान।

**विषय:-** सार्वजनिक वितरण प्रणाली के तहत उपभोक्ताओं को उपलब्ध कराये जाने वाली चीनी की मात्रा के संबंध में।

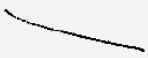
उपर्युक्त विषयान्तर्गत लेख है कि सार्वजनिक वितरण प्रणाली के तहत भारत सरकार द्वारा राजस्थान राज्य के लिए 7342 मै.टन चीनी प्रतिमाह का कोटा निर्धारित कर रखा है। उपरोक्त चीनी राज्य के बीपीएल एवं अन्त्योदय परिवारों को उपलब्ध करायी जाती है। वर्तमान में वर्ष 2013-14 व 2014-15 के लिए भारत सरकार द्वारा निर्धारित नई चीनी नीति के तहत सार्वजनिक वितरण प्रणाली के अन्तर्गत वितरित की जाने वाली चीनी खुले बाजार से निविदाओं की माफत क्रय कर उचित मूल्य की दुकानों के माध्यम से लक्षित समूह को उपलब्ध करायी जा रही है।

अतः इस संबंध में आपको निर्देशित किया जाता है कि सार्वजनिक वितरण प्रणाली के अन्तर्गत बीपीएल एवं अन्त्योदय परिवारों को चीनी का वितरण 500 ग्राम प्रति यूनिट प्रतिमाह की मात्रानुसार ही कराया जाना सुनिश्चित करें।

  
(जस्साराम चौधरी)

अतिरिक्त खाद्य आयुक्त

**प्रतिलिपि:-** प्रबन्ध निदेशक, राजस्थान राज्य खाद्य एवं नागरिक आपूर्ति निगम लि०, जयपुर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

  
(एम.के. खीची)  
उपायुक्त (द्वितीय)

## **ANNEXURE 3.12 (RAJASTHAN)**

### **Distribution of Ration during Consumer Fortnight**

**राजस्थान सरकार  
खाद्य एवं नागरिक आपूर्ति विभाग**

क्रमांक एफ 17(12)खा.वि./विधि/2009

जयपुर, दिनांक 08.09.2014

जिला कलक्टर/जिला रसद अधिकारी,  
समस्त, राजस्थान।

**विषय:--**राष्ट्रीय खाद्य सुरक्षा अधिनियम 2013 के तहत उचित मूल्य की दुकानों पर प्रत्येक माह दिनांक 16 से माह के अन्त तक उपभोक्ता पखवाडा के दौरान खाद्य सामग्री का वितरण करने बाबत।

विभागीय समसंख्यक पत्र क्रमांक एफ 17(12)खा.वि./विधि/09 जयपुर, दिनांक 03.01.2014 से सम्पूर्ण राज्य में उपभोक्ता पखवाडा माह जनवरी, 2014 से प्रत्येक माह की दिनांक 16 से माह की अन्तिम तारीख तक की अवधि में लागू किया गया है, परन्तु माननीय सर्वोच्च न्यायालय के आदेशों की पालना में उचित मूल्य दुकाने पूरे माह खुली रहेगी तथा राशन सामग्री का वितरण किया जावेगा।

माह सितम्बर, 2014 में सितम्बर के साथ-साथ अक्टूबर माह के गेहूँ का भी उठाव कर उचित मूल्य की दुकानों पर वितरण हेतु भिजवाया जावेगा। इस कारण उचित मूल्य की दुकानों के पास गेहूँ के भण्डारण की समस्या उत्पन्न हो सकती है। अतः माह सितम्बर 2014 के लिये उपभोक्ता पखवाडा को 10 सितम्बर, 2014 से प्रारंभ करने के निर्देश दिये जाते हैं ताकि गेहूँ एवं अन्य नियंत्रित सामग्री के भण्डारण की समस्या नहीं हों। शेष दिशा-निर्देश समसंख्यक पत्र दिनांक 03.01.2014 के अनुसार लागू रहेंगे।

हस्ता-

(जस्साराज चौधरी)

अतिरिक्त खाद्य आयुक्त

क्रमांक एफ 17(12)खा.वि./विधि/2009

जयपुर, दिनांक 08.09.2014

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. प्रमुख सचिव, माननीय मुख्यमंत्री महोदय, राजस्थान सरकार।
2. विशिष्ट सहायक, माननीय खाद्य मंत्री महोदय, राजस्थान सरकार।
3. उप सचिव, मुख्य सचिव, राजस्थान सरकार।
4. निजी सचिव, प्रमुख शासन सचिव, खाद्य विभाग, राजस्थान, जयपुर।
5. समस्त अधिकारीगण, खाद्य विभाग (मुख्यालय), राजस्थान, जयपुर।
6. समस्त अधिकारीगण, राजस्थान राज्य खाद्य एवं नागरिक आपूर्ति निगम लि०, जयपुर।
7. महाप्रबंधक, भारतीय खाद्य निगम, राजस्थान, जयपुर।
8. महाप्रबंधक (राज्य स्तरीय समन्वय), तेल उद्योग, राजस्थान, जयपुर।
9. वरिष्ठ प्रबंधक, आई.ओ.सी.एल., बीपीसीएल., एचपीसीएल, जयपुर।
10. जनसम्पर्क अधिकारी, खाद्य विभाग (मुख्यालय) को प्रेषित कर लेख है कि सम्पूर्ण राज्य में समाचार पत्र एवं अन्य मीडिया के माध्यम से प्रचार-प्रसार कराना सुनिश्चित करें।
11. रक्षा पत्रिका।

अतिरिक्त खाद्य आयुक्त

## **निबन्धन एवं शर्तें सामान्य**

1. कोई भी प्राधिकार धारक कलेक्टर को लिखित पूर्व अनुज्ञा के बिना इस प्राधिकार में विनिर्दिष्ट स्थानों के अतिरिक्त किसी भी अन्य स्थानों पर खाद्यान्नों एवं अन्य आवश्यक वस्तुओं का भण्डारकरण नहीं करेगा।
2. कोई भी प्राधिकारी धारण कारोबार के समय के दौरान उसे विधि मान्य अनुज्ञा पत्र, मांग पत्र, राशन कार्ड प्रस्तुत करने अनुज्ञा पत्र राशन कार्ड खाद्यान्नों या अन्य आवश्यक पदार्थों पर की बकाया सीमा तक खाद्यान्न एवं आवश्यक पदार्थों का विक्रय करने से इन्कार नहीं करेगा।
3. कोई भी अधिकार धारक खाद्यान्नों का विक्रय उस कीमत से अधिक कीमत पर नहीं करेगा। जो राज्य सरकार या कलेक्टर द्वारा नियत की गई है या किन्ही भी अन्य आवश्यक पदार्थों का विक्रय उस कीमत से अधिक कीमत पर नहीं करेगा। जो केन्द्र सरकार या राज्य सरकार या ऐसी राज्य सरकार के किसी भी प्राधिकारी या अधिकारी या विनिर्माता, यथास्थिति द्वारा इसी निमित्त नियत की जावे।
4. कोई भी प्राधिकारी धारक खाद्यान्नों एवं अन्य आवश्यक वस्तुओं के समरूप किन्ही भी वस्तुओं का विक्रय या विक्रय के लिए स्टॉक का धारण राज्य सरकार या कलेक्टर अनुज्ञा के सिवाय नहीं करेगा।
5. प्राधिकार धारक प्रारूप 'ग' में स्टॉक रजिस्टर रखेगा जिसमें प्रत्येक खाद्यान्न और अन्य आवश्यक वस्तुओं की प्रतिदिन होने वाली प्राप्ति और विक्रय की सही रूप से दिखाया जायेगा। अधिकृत थोक विक्रेता द्वारा प्रारूप 'ध' में और प्राधिकृत उचित कीमत दुकानदार द्वारा प्रारूप 'ड' में भी एक दैनिक विक्रय रजिस्टर रखा जावेगा। अनुज्ञप्तियां वाउचर आदि लेखे सम्बन्धी सभी पुस्तकें प्राधिकार में विनिर्दिष्ट कारोबार स्थान पर रखी जायेगी और आवश्यकता पड़ने पर उन्हें निरीक्षण के लिए उपलब्ध करना होगा।
6. प्रत्येक प्राधिकार धारक प्रारूप 'च' में स्टॉक और विक्रय की सही मासिक विवरणी कलेक्टर को भेजेगा जो जिस माह से वह सम्बन्धित है उसके समाप्त होने के पश्चात् पांच दिन के भीतर उसके पास पहुंच जाये।
7. प्रत्येक प्राधिकार धारक अपने कारोबार सम्बन्धी ऐसी कोई सूचना जो कलेक्टर उसे मांगे सही रूप में प्रस्तुत करेगा।
8. प्राधिकार धारक खाद्यान्नों की प्रत्येक किस्म और अन्य आवश्यक वस्तुओं का प्रारम्भिक अतिशेष और कीमत अपने कारोबार परिसर के किसी सहज द्रश्य स्थान पर मोटे अक्षरों में प्रदर्शित करेगा।
9. प्रत्येक प्राधिकार धारक कलेक्टर द्वारा नियत कारोबार के घंटों का कडाई से पालन करेगा और अपनी दुकान स्थान का कारोबार की ऐसे घंटों के दौरान ठीक समय पर और नियमित रूप से खोलेगा।
10. प्रत्येक प्राधिकार खाद्यान्नों अन्य आवश्यक वस्तुओं के विक्रय भण्डारकरण के लिए जाने वाले किसी स्थान या परिसर पर अपने स्टॉक लेखों के निरीक्षणार्थ युक्ति युक्त समय समस्त सुविधायें मुहैया करेगा।
11. प्राधिकार धारक राज्य सरकार या कलेक्टर द्वारा उसे प्रदान के स्रोत, कमीशन, भण्डारकरण संकलन मूल्य निक्षेप खाली बोरियों तोल जोख तथा खाद्यान्नों और अन्य आवश्यक वस्तुओं प्राप्ति विक्रय भण्डारकरण आदि से सम्बन्धित मामलों के सम्बन्ध में दिये जाने वाले निर्देशों या अनुदेशों का पालन करेगा।
12. प्राधिकार धारक खाद्यान्नों और अन्य आवश्यक वस्तुओं को अच्छी हालत में रखने का जिम्मेदार होगा और किसी अन्य घटित किस्म के साथ अपमिश्रित नहीं करेगा।
13. प्राधिकार धारक को किसी वस्तु आदेश पर कतिपय परिणाम तक खाद्यान्नों और अन्य आवश्यक वस्तुओं का किया गया कोई आवंटन उसे यह अधिकार प्रदान नहीं करेगा कि वह ऐसी मात्रा में ऐसे आवंटन की चालू रखने का दावा कर सके और कलेक्टर को यह अधिकार होगा कि वह स्वविवेक से बिना कोई कारण बताये कोई आवंटन रद्द कर सके या उसमें फेरबदल कर सके तथा प्राधिकार धारक आवंटन के ऐसे रद्दकरण या उसमें फेरफार के लिए किसी नुकासानी या प्रतिकार का दावा सरकार से करने का हकदार नहीं होगा।

**प्राधिकृत उचित कीमत दुकानदार के लिये विशेष शर्तें :-**

14. प्राधिकृत उचित कीमत दुकानदार सरकार द्वारा समय – समय पर प्रदाय किये गये खाद्यान्नों और अन्य आवश्यक वस्तुओं की विक्रय सीधे ही कलेक्टर द्वारा जारी विशेष अनुज्ञप्ति धारक व्यक्तियों को तथा केवल उन उपभोक्ताओं को करेगा जिनके राशन कार्ड उसकी दुकान पर यूनिट रजिस्टर (प्रारूप 6) में दर्ज कर लिये गये हो।
15. प्राधिकृत उचित कीमत दुकानदार राशन कार्ड धारक द्वारा खरीदे गये खाद्यान्नों और अन्य आवश्यक वस्तुओं की मात्रा ऐसी खरीद की तारीख के साथ राशन कार्ड में निर्धारित स्थान पर अभिलिखित करेगा।
16. कोई भी प्राधिकृत उचित कीमत दुकानदार स्वयं के कार्ड के अलावा अन्य किसी व्यक्ति का राशन कार्ड अपने कब्जे में नहीं रखेगा उस समय के सिवाय जब कि राशन कार्ड खाद्यान्नों और अन्य आवश्यक वस्तुओं के सुविधापूर्ण वितरण के लिए किसी दिये गये समय पर दुकान पर स्वयं में उपस्थित व्यक्तियों से सम्यकरूप से एकत्रित किये जाये।
17. कोई भी प्राधिकृत उचित कीमत दुकानदार :-
  - (क) किसी भी जाली या अप्राधिकृत राशनकार्ड तैयार करने प्राप्त करने में सहायक नहीं होगा, या
  - (ख) किसी भी जाली या अप्राधिकृत राशनकार्ड का उपयोग नहीं करेगा या उसे प्राप्त नहीं करेगा, या
  - (ग) अभिलेखों में झूठी प्रविष्टियां करके कोई खाद्यान्न या आवश्यक वस्तुएँ नहीं उठायेगा या प्राप्त नहीं करेगा।
18. सार्वजनिक वितरण प्रणाली आदेश 2001
19. महा प्रबंधक (प्रशासन) राजस्थान स्टेट फूड एण्ड सिविल सप्लाइज कॉर्पोरेशन निगम, जयपुर के पत्र क्रमांक एफ (66)रा.रा.खा.ना.आ.नि./आटा/2011/3441 दिनांक 14.06.2011 में दर्शित निविदा एवं अनुबन्ध की शर्तें लागू रहेंगी।