

58

**RAJASTHAN FOODGRAINS & OTHER
ESSENTIAL ARTICLES (REGULATION OF
DISTRIBUTION) ORDER, 1976**

(Pub. in Raj. Gaz. Extra. Pt. IV(C) Dt. 23-11-76)

AMENDMENTS MADE TO THE ORDER:-

1. S.O. 77	Dated	04-08-79
2. S.O. 163	Dated	28-02-81
3. S.O. 10	Dated	01-05-82
4. S.O. 155	Dated	31-12-82
5. G.S.R. 35	Dated	27-11-92
6. G.S.R. 74	Dated	19-08-94
7. S.O. 350	Dated	21-02-98
8. S.O. 51	Dated	26-04-00
9. S.O. 209	Dated	29-09-01
10. S.O. 363	Dated	14-03-05
11. S.O. 70	Dated	27-05-05
12. S.O. 143	Dated	29-08-05

FOOD AND CIVIL SUPPLIES DEPARTMENT

NOTIFICATION

Jaipur, November 23, 1976

G.S.R. 129.- Whereas the State Government is of the opinion that it is necessary so to do for maintaining supplies of foodgrains and essential commodities and securing its equitable distribution and availability at fair prices.

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the Orders of the Government of India, Ministry of Agriculture and Irrigation (Department of Food) G.S.R. No. 316 (E) dated 20th June, 1972, 452(E) dated 25th October, 1972 and 168(E) dated 13th March, 1973 and Ministry of Industry & Civil Supplies (Department of Civil Supplies & Co-operation) S.O. No. 681(E) dated 30-11-74 and with the prior concurrence of the Central Government the State Government hereby makes the following Order, namely :-

**RAJASTHAN FOOD GRAINS AND OTHER ESSENTIAL
ARTICLES (REGULATION OF DISTRIBUTION) ORDER,
1976**

PART I

(Preliminary)

1. Short title, extent and commencement.- (1) This Order may be called the Rajasthan Foodgrains and Other Essential Articles (Regulation of Distribution)

Order, 1976.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. Definitions.- In this Order, unless the context otherwise requires :-

(a) "Adult" means any person who has completed the age of *⁶[12] years and "Child" means any person who has not completed that age;

(b) "Authorisation" means an authorisation issued under clause 3 of this Order;

(c) "Authorised Fair Price Shop keeper" means a retail dealer incharge of a shop authorised under clause 3 and shall include a person incharge of a shop where foodgrains and other essential articles are sold and is under the control of the State Government;

(d) "Authorisation Holder" means an authorised wholesaler or an authorised Fair Price Shopkeeper;

(e) "Authorised Officer" means District Supply Officer for the District Headquarter Municipal area, Executive Officer of Municipal Board for rest municipal area and Vikas Adhikari for rural area and any other officer authorised as such by the State Government ⁴[x x x x]

COMMENTS

Tehsildar, Marwar Junction, Additional Tehsildar, Nasirabad and Administrator, Khetri Town have been authorised under this sub-clause for their respective areas. Additional District Supply Officers and Assistant District Supply Officers have been authorised for District Headquarters Municipal areas. Enforcement Officers posted in Area Offices of Jaipur, Ajmer, Bikaner, Kota, Jodhpur and Udaipur cities have been authorised for the concerned municipal areas. Enforcement Officers/Inspectors have also been authorised to add and delete names in the Ration Cards in the District Headquarters Municipal areas. Powers to issue Ration Cards have also been given to Head Masters etc. (Please see notifications at the end of the Order.)

(f) "Authorised Wholesaler" means a person, a firm, an association of persons or a co-operative society or any other institution authorised appointed as an agent under clause 3 of this Order by the State Government or the Collector;

(g) *³["Collector" means Collector of the Revenue District and includes Additional Collector].

(h) "Commissioner" means the Food Commissioner and includes Additional Food Commissioner, Deputy Food Commissioner of the Food & Civil Supplies Department;

(i) "Foodgrains" means any one or more of the foodgrains specified in Schedule I including any products thereof other than bran and husk;

(j) "Form" means a form appended to this Order;

(k) "Holder" in relation to a ration card, means the person whose name or designation appears as such on that ration card;

(l) "Household" means *²[individual or group of individuals] who normally eat food prepared in the same kitchen;

(m) "Other Essential Articles" means a commodity ²[x x x x] specified in

Schedule II which is supplied or allotted by the State Government for distribution to ration card holder, at a price fixed from time to time by the Central or the State Government or any authority or officer of such Government or the manufacturer as the case may be, in respect of such commodity;

(n) "Qualified Resident" means a person resident of the State of Rajasthan or authorised under general or special orders of the State Government or the Collector for the time being in force, to receive a ration card on behalf of himself or a household;

(o) "Ration Card" means a household card, permit or other document issued or made available under the provisions of this Order, for obtaining supplies of Foodgrains and other Essential Articles. Any card or permit or other document issued before the commencement of this Order and on which foodgrains and other essential articles were obtainable immediately before such commencement shall be deemed to be a ration card made available for obtaining foodgrains and essential articles under the provisions of this Order;

(p) "State Government" means the Government of the State of Rajasthan;

(q) "Schedule" means the schedule appended to this Order;

*⁶[(द) 'यूनिट' से वह वयस्क अभिप्रेत है जो राशन कार्ड 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।]

COMMENTS

As English translation is not available this definition as substituted vide Amending Order dt.19-08-94 has been produced in Hindi. The substituted clause read as under :-

(r) "Unit" means an adult or a child who is entitled to receive foodgrains or any other essential articles on a ration card.

PART II

(Authorisation)

3. Issue of Authorisation.- (1) *³[The Collector or any other officer authorised by the State Government may issue an authorisation to any person being an authorised wholesaler/fair price shopkeeper to obtain and supply foodgrains and other Essential Articles in the area specified therein.]

⁷[Provided that no member of Rajasthan Panchayat Raj Institution or Local Body or any Public Servant shall be granted or entitled to hold or continue to hold any authorisation as an authorised wholesaler/ authorised Fair Price Shop Keeper under this Order.]

(2) No person other than an authorisation holder shall sell any of the foodgrains or any other essential articles supplied by the Government for distribution under this Order or any other Order.

(3) Every application for the authorisation shall be submitted to the Collector in Form 'A'.

(4) Every authorisation issued under this Order shall be in Form 'B'.

Explanation.- On the commencement of this Order, every person, who was appointed or approved by the Government, or Collector or any other officer

authorised in this behalf as authorised wholesaler or authorised fair price shopkeeper or any other similar designation and whose appointment or approval was in force immediately before such commencement shall be deemed to be an authorised wholesaler/Fair Price Shopkeeper for the purpose of this Order upto a period of 3 months from the date of commencement of this Order, or earlier, in case authorisation is obtained under this clause.

⁹[(5) Every authorisation issued under this Order shall also be deemed to be an authorisation for the purpose of Public Distribution System (Control) Order, 2001 and every authorisation holder to whom an authorisation has been issued under this Order shall comply with all the provisions of Public Distribution System (Control) Order, 2001]

COMMENTS

(1) The Fair Price Shop-keepers are required to obtain an authorisation under this Order. No agreement is needed in addition to the authorisation.

(2) The Co-operative Society, who has been allotted more than one fair price shops in rural or urban area, in the same name, has been permitted to obtain only one authorisation in place of separate authorisations for separate shops. (Please see Deptt. letters No. 17(8) F.S. Legal 1/77 dt. 16-05-77 & 26-10-77).

(3) In exercise of the powers conferred under clause 25 the State Government has exempted few persons from the provisions contained in the proviso to sub clause (1). Almost all these exemptions have been rescinded vide Noti. dt. 28.2.2012. Please see Notifications at the end of this Order.

(4) Please see also Comments No.(5), (6) & (7) below Clause 8 of this Order.

(5) Agreement between retailer and Government for distribution of wheat through fair price shop - Government retaining control - Retailer was not an agent of Government - property in the stock of wheat passed to retailer under the agreement - He was not guilty of offence or attempt to commit criminal breach of trust, if he removed some bags of wheat by night. (Ghasi Ram vs. State A.I.R. 1967 Cal. 568).

(6) M.P. Foodstuffs (Distribution) Control Order, 1960." The M.P. Foodstuffs Civil Supplies Public Distribution Scheme, 1981 formulated under clause 12(d) of the Order of 1960, introducing a new scheme for running Government Fair Price Shops by agents to be appointed under a Government scheme giving preference to Co-operative Societies, in replacement of earlier scheme of running such fair price shops through retail dealers under clause 3 of the Order, is not violative of Article 14 & 19 (1)(g) of the Constitution. The scheme in no way infringes the petitioner's right to carry on their trade in foodgrains. They are free to carry on business as wholesale or retail dealers in foodgrains by taking out licences under the M.P. Foodgrains (Licensing) Order, 1964. (M.P. Ration Vikreta Sangh Society and others Vs. State of M.P. and others - A.I.R. 1981 S.C. 2001).

(7) A.P. Scheduled Commodities (Regulation of Distribution by Card System) Order, 1973 - Govt. policy to give preference to less educated person is arbitrary & discriminatory - The decision to prefer an uneducated person over an educated person amounts to allowing premium on ignorance, incompetence and consequently inefficiency - Appeal, allowed (Y.Shrinivas Rao vs. Veeraiah and others - A.I.R. 1993 SC 929).

4. Issue of Duplicate Authorisation.- If the authorisation is lost, defaced or destroyed, the Collector may after making such enquiry as he thinks fit, issue a

duplicate copy of such authorisation on payment of fee of Rs. 2/-

*¹²[5. **Deposit of Security.**- Every authorisation holder shall deposit such amount as specified below, in cash, as security with the Collector for the due performance of the provisions of this Order:

(a) Authorised Wholesaler :-

(i) At District Level Rs. 25000/-

(ii) At Tehsil Level Rs. 10000/- for first Tehsil & Rs. 2500/- for each other Tehsil subject to a maximum of Rs. 25000/-.

(b) Authorised Fair Price Shopkeeper Rs. 1000/-.

Provided that if the authorization holder is a Co-operative Society registered under the Rajasthan Co-operative Societies Act, 2001, the amount of Security to be deposited by it shall be equal to one-fourth of the amounts mentioned in paragraphs (a) and (b) above respectively.

Explanation :- Any sum deposited as security under any agreement executed by an authorisation holder with the Collector which was in force immediately before such commencement, shall be deemed to be a part of security now required to be deposited under this clause.]

COMMENTS

(1) Prior to amending Order dated 4-8-79, no concession regarding deposition of securities was given to Co-operative societies. The societies were required to deposit 1/4 of the prescribed amount as per proviso added vide the amending order dt.4-8-79. But no such provision has been made by amending order dt. 14-3-05. Later this provision was made vide amending order dated 27.05.05. However this clause No. 5 has been substituted by amending order dated 27.08.05 enhancing the securities to be deposited by authorized whole wholesaler/ fair price shopkeeper.

(2) When the amount of security is enhanced, the amount already deposited is to be adjusted against it and the authorization holder is required to deposit the difference amount. Similarly in case of decrease in the amount of security, the authorization holder can claim refund of the difference amount.

6. Compliance of terms and conditions of Authorisation.- Every person to whom an authorisation has been issued under this Order shall comply with the terms and conditions of such authorisation.

7. Ban on transfer of Agency.- No. authorisation holder shall sublet or transfer his agency as such to any other person by any means whatsoever, and no person shall carry on business as a transferee or otherwise on behalf of such authorisation holder.

*³[8. **Powers to suspend and cancel the authorisation.**- (1) If an authorisation holder or his agent or servant or any other person acting on his behalf contravenes any provision of this Order and condition of authorisation, then without prejudice to any other action that may be taken against him under the Essential

Commodities Act, 1955 (Central Act 10 of 1955) his authorisation may be suspended or cancelled by an order in writing of the Collector or any other officer authorised by the State Government and an entry shall be made in his authorisation relating to such suspension or cancellation.

(2) No order of cancellation shall be made under this order unless the authorisation holder has been given a reasonable opportunity of stating his case against the proposed cancellation but during the pendency or in contemplation of proceedings of cancellation of authorisation, the authorisation can be suspended for a period not exceeding 90 days without giving any opportunity to the authorisation holder of stating his case.]

COMMENTS

(1) Vide Noti. dt. 17.01.12, the D.S.Os. have been authorised to exercise these powers within the Districts of their posting, D.S.O. posted at Food Deptt.(Hqr.) Jaipur has been authorised to exercise these powers throughout all the Districts of the State and the Sub-divisional Officers, except posted at District Head quarters Sub-Division, have also been authorised to exercise these powers within their respective jurisdiction. The Addl. D.S.Os. were also authorised to exercise these powers within the district of their posting vide Noti. S.O. 72 dt. 13-7-93.

(2) Order of suspension or cancellation of the authorization is to be passed after giving an opportunity of being heard to the authorization holder. However during pending or in contemplation of proceedings of cancellation interim suspension without giving such opportunity can be made. But the period of this interim suspension is not to exceed 90 days and the authorization holder is free to carry on his business after expiration of this period. Efforts need to be made to finalize the action against the authorization holder within this period.

(3) Fair Price Shop - Cancellation of - Appeal also dismissed - Challenged under - Legality of - Admittedly petitioner had not produced required register of past six months as demanded by authorities while himself produced register of only one month which appeared to have been prepared and manipulated - No interference warranted - Petition dismissed.

Having considered the rival submissions, the finding recorded is that in relation to the plea of the petitioner of non-supply of essential commodities, the petitioner himself produced the register of only one month, which appeared to have been prepared and manipulated.

The petitioner, admittedly, did not produce the register of the past six months, as was demanded by the authorities. In such a situation the conclusion drawn by the appellate court, on the basis of material on record, cannot be said to be perverse.

Apart from this, the findings recorded are of non-distribution of essential commodities in accordance with the prescribed norms - Findings not perverse.

There is no merit in the writ petition, accordingly, the same is rejected. [Daya Shankar Vs. State of U.P. & others = 2012 (2) EFR 81]

(4) Fair Price Shop Agency terminated by District Supply officer on basis of serious complaint in distribution of essential commodities - Appeal also Dismissed - Challenged in writ jurisdiction - Held that authorities below rightly concluded that petitioner deliberately wanted to suppress records of previous three years which were asked for only in order to avoid examination of same - No interference warranted - Petition dismissed.

The grounds stated in the memo of appeal for establishing that the petitioner became ill in April, 2009 and therefore, he did not distribute the essential commodities in the months of April, May, and June, 2009, for justifying the non-production of stocks and distribution register. The

65.

explanation so furnished is too flimsy to be accepted by this Court. Even if the essential commodities had not been distributed, the stock and distribution register should have been produced, so that the authorities could have examined as to whether the stocks received by the petitioner were lying in his shop or not, even otherwise, the registers asked for by the authorities could have demonstrated as to whether during the month of April, 2009 or for period subsequent thereto, he had distributed the essential commodities or not. In such circumstances, this Court finds that the authorities have rightly come to the conclusion that the petitioner deliberately wanted to suppress the records, which were asked for, only in order to avoid examination of the same - Petition dismissed. [Bhurey Lal Vs. State of U.P. & others = 2011 (1) EFR 155]

(5) Fair price shop-Cancellation of licence by respondent No. 3 Up-Zila Adhikari on the ground that petitioner's wife had been elected as Pradhan in view of Government order dated 3.7.1990 read with Government order dated 18.7.2002 - Appeal also dismissed by Commissioner - Challenged in writ jurisdiction-Sustainability - Since, licence of petitioner granted in the year 1991 while petitioner's wife elected as Pradhan of village on 21.7.2000 and such provision of cancellation introduced in clause 4.7 of Government order of 1990 in year 2002 by Government order dated 18.7.2002 would not effect right of petitioner sustained - No provision in Government order of 2002 whereby it have retrospective effect - Impugned orders quashed - Direction issued.

In the present case admittedly the fair price shop licence was given to the petitioner on 1.1.1991 and it was renewed from time to time till it was cancelled by the impugned orders. The wife of the petitioner was elected as Pradhan of the village on 21.7.2000. In the Government Order of 1990 there was no such provision that the fair price shop license will be cancelled in case a member of the family is elected as Pradhan or Up-Pradhan. This provision was introduced by the Government Order dated 18.7.2002. Clearly there is nothing in the Govt. order dt. 18.07.2002 to indicate that it will have retrospective effect and since the license of the petitioner was given prior to such Government Order and the petitioner's wife was elected as Pradhan much prior to the Government Order dated 18.7.2002 it will not govern the field, in so far as the petitioner is concerned for the purpose of his fair price shop license on that ground. - Orders of Up-Zila Adhikari & Commissioner set aside. Petition allowed. [Ram Nath Yadav Vs. State of U.P. & others = 2011 (2) EFR 490]

(6) Fair Price Shop-Cancelled on two grounds (1) irregularities in distribution of scheduled commodities and (2) petitioner's son being elected as Pradhan of Gram Sabha where fair price shop in question situated - thus stood disqualified to run fair price shop in view of disqualification contained in government order dated 18.2.2002 established - No interference warranted-Petition dismissed.

The second ground for cancellation is that upon the petitioner's son being elected as Pradhan of the Gram Sabha where the fair price shop in question is situate he stood disqualified to run the fair price shop in view of the disqualification contained in the Government order dated 18.2.2002. The submission made by learned Counsel for the petitioner that the disqualification allegedly incurred by the petitioner under the Government order issued in the year 2002 could not have been made a ground in cancelling the petitioner's fair price shop licence which had been granted to him much before the issuance of the government order of the year 2002 as the same is prospective in nature is concerned, the same has no force.

The licensing Authority was fully justified in cancelling the petitioner's fair price shop licence on the ground that the he had become disqualified to run the fair price shop for the reason of election of his son as Pradhan of the Gram Sabha where his fair price shop is situate. The appellate authority also did not commit any error or illegality in rejecting the petitioner's appeal-Petition dismissed. [Nihar Ahmad Vs. State of U.P. & others = 2010 (1) EFR 275]

(7) Fair Price Shop-Petitioner running F.P.S. since 1982 - Wife elected as Pradhan of the village - SDM cancelled the petitioner's licence on 7.1.2006 being against the Rules - Appeal also dismissed - Writ filed - Due to election of Pradhan, relations between husband and wife

became strained - So he got the decree of divorce on 23.05.08. - It is of no help to the petitioner - The divorce decree will not affect the order which had been passed earlier at the relevant point of time cancelling his licence. The licence of the petitioner was cancelled in accordance with law. Petition dismissed. [Rohtas Vs. State of U.P. & others = 2009 (1) EFR 197]

(8) Cancellation of F.P.S. licence - Petitioner submitted that his agreement/dealership had been cancelled on direction of concerned Minister on basis of said letter of Minister order passed under extraneous consideration - Impugned order set aside - Deputy Collector to decide the matter afresh without being influenced in the least by direction of concerned Minister - Direction issued - Petition allowed.

The impugned orders are liable to be set aside on the ground that they have been passed on the extraneous consideration, i.e. direction of the Minister concerned. In view of the above, I do not consider it necessary to enter into the merit of the case. Even a hundred percent correct judgment or order is no judgment or order in the eye of law if it has been passed on the direction of the higher authority.

Impugned orders are set aside only on the ground that they have been passed on the direction of the Minister concerned.

Deputy Collector is directed to decide the matter afresh without being influenced in the least by the direction of the Minister concerned - Writ petition allowed. [Mukesh Kumar Vs. State of U.P. & others = 2011 (1) EFR 148]

(9) Fair Price Shop - Cancellation of - Appeal against - Interim stay order granted by Appellate Court/Commissioner but ultimately dismissed - Challenged under writ jurisdiction - Submission of appellant/petitioner that local M.L.A. written letter against stay order granted by Commissioner who ultimately without application of mind dismissed said appeal - Cognizance took by the Court that said M.L.A. had interfered with due course of judicial proceedings - Accordingly notices issued to concerned M.L.A. as also to concerned Commissioner in the matter.

The MLA of the ruling party, made a complaint before the District Magistrate, Gonda at the behest of the Gram Pradhan - opposite party No.4 against the petitioner and on the basis of that complaint, the opposite party No.3 - Sub-Divisional Magistrate, Sadar, Gonda, suspended the petitioner's licence by an order dated 21.11.2007 without issuing any notice to the petitioner. Allegations, on the basis of which licence was suspended, the petitioner submitted his reply, denying the averments made in the complaint. However, the Sub-Divisional Magistrate, vide order dated 21.1.2008, cancelled the licence of the fair price shop without taking into consideration the reply submitted by the petitioner and applying its independent mind. Feeling aggrieved, the petitioner filed an appeal before the Commissioner, Devi Patan Division, Gonda, who being prima-facie satisfied, stayed the order of cancellation dated 21.1.2008.

Learned Counsel for the petitioner submits that on coming to know about the grant of aforesaid stay order, the MLA wrote a letter dated 28.1.2008. Commissioner, Devi Patan Division, Gonda being influenced by the letter dated 28.4.2008 of a political leader, dismissed the appeal by the order dated 7.7.2008, on flimsy grounds without advert to the pleas raised by the petitioner.

Prima facie, the M.L.A. had interfered with the due course of judicial proceedings - Notice be issued to M.L.A. to show cause why contempt proceedings be not initiated - Notice be also issued to Commissioner to show cause as to why damages may not be recovered from him for causing injury to petitioner. [Satya Prakash Mishra Vs. Commissioner Devi Patan Division, Gonda = 2011 (2) EFR 119]

(10) Fair price shop - On complaint against petitioner being licensee dealer of shop in question while concerned Sub-Divisional Magistrate found after enquiry that complaints were not genuine but on finding some mistake in books so forfeited said security amount to extent of Rs. 500/- and allowed petitioner to continue with functioning of shop - However, complainants approached Commissioner/Appellate Authority who in straight away issued order stopping supply of F.P.S. - Held, that when F.P.S. licence is neither under suspension nor terminated

neither Commissioner nor Sub-Divisional Magistrate could issue any direction for restraining petitioner from lifting the quota and distributing said essential commodities, - Impugned orders quashed - Petition allowed.

The petitioner's agreement is neither under suspension nor it has been terminated - Being so, neither the Commissioner nor the Sub Divisional Magistrate can issue any direction for restraining the petitioner from lifting the quota and distributing the essential commodities.

The impugned orders set aside - Direction given that the petitioner shall be allowed to continue with the discharge of functions of fair price shop dealer - Petition allowed. [Ambika Singh Vs. State of U.P. & others = 2011 (2) EFR 258]

(11) Licence was given to respondent No. 6 for running the Fair Price Shop - Licence cancelled - Petitioner was permitted to run the Fair Price Shop as a stop-gap arrangement - Licence of respondent no. 6 restored - Petitioner cannot be permitted to run the Fair Price Shop - Petition dismissed.

The licence was given to the Respondent No. 6 for running the Fair Price Shop in question. On account of cancellation of the licence of the Respondent No. 6, the petitioner was permitted to run the Fair Price Shop as a stop - gap arrangement. As the licence of the Respondent No. 6 has now been restored by the order dated 30.5.2008, the petitioner evidently cannot be permitted to run the Fair Price shop in question any longer, as the same would not be run by the Respondent No. 6 - Petition dismissed. [Shripal Jatav Vs. State of U.P. & others = 2009 (1) EFR 546]

(12) E.C. Act, 1955, Sec. 3 - U.P. High Speed Diesel Oil and Light Diesel Oil (Maintenance, Supply and Distribution) Order, 1981, Cl. 8 - Held that before passing suspension order as an interim measure, it is not necessary to give opportunity of hearing to the petitioner.

The purpose of suspension is that there are certain situations calling for taking immediate action, in view of the gravity of the situation. Hence before passing a suspension order as an interim measure it is not necessary to give opportunity of hearing to the petitioner. The judgement in *M/s Gangal Heri Service Station case* (supra), in our opinion, does not lay down any rule that an opportunity of hearing has to be given even before suspension as an interim measure. In our opinion opportunity of hearing has to be given before passing final order of cancellation, or before suspension as a final punishment. Suspension, as an interim order pending enquiry, however does not amount to a final order. Hence the above decision is distinguishable - Plea not accepted. [Bindki Automobiles Vs. D.M. Fatehpur = 2002 (2) EFR 598]

(13) E.C. Act, Sec.3/7 - U.P. High Speed Diesel and Light Diesel Oil (Supply and Distribution Order, 1981, Cl. 8 - On 22.12.06 licence was suspended by DSO pending enquiry - In terms of Clause 8 of aforesaid Order of 1981 the interim order cannot extend for a period beyond 3 weeks - Therefore the interim suspension of license cannot extend for period of 3 weeks beyond 22.12.2006 - After expiry of this period petitioner is free to operate.

The order dated 22.12.2006 has lost its sanctity - petition disposed off with a direction to the respondents to allow the petitioner in operate. However, it will be open to the respondents to proceed against the petitioner in accordance with law and pass a fresh order of suspension/cancellation of the licence on the basis of the F.I.R. lodged against the petitioner. In case, any order of suspension/cancellation has already been passed after giving opportunity of hearing to he petitioner, this order shall cease to have no effect. [Bilari Filing Station Vs. Union of India & Others = 2007 (1) EFR 401]

(14) E.C. Act, 1955, Sec. 3 - Fair Price Shop - Deputy Collector suspended the license of the shop - Thereafter within five days licence was cancelled - Mere forwarding copy of order of suspension, cannot be said that opportunity was afforded to him - Gross violation of principles of natural justice - Order quashed.

By an order dated 23.02.04 the licence of F.P.S. of the petitioner was placed under suspension. Thereafter on 1.3.2004, the licence was cancelled on the basis of a resolution passed by the Village Panhayat on 28.2.2004 Aggrieved by the said orders the petitioner filed an appeal which has also

been dismissed on 6.12.2004

By grant of license to the petitioner, a valuable right had accrued in his favour, which cannot be taken away except in accordance with law, after giving opportunity to the petitioner to show cause why an order of cancellation of his license be not passed against him. By merely forwarding a copy of the order of suspension to the petitioner, it cannot be said that opportunity was afforded to him. The entire proceedings have taken place in a great haste, that is to say, within five days of the passing of the suspension order the meeting of the Village Panchayat was called in which it was resolved that the license of the petitioner should be cancelled and be granted to the respondent No. 4 and immediately on the next date i.e., 1.3.2004, the order canceling the license of the petitioner was passed solely on the basis of the respondent of the Village Panchayat. This itself casts a doubt on the motive of the resolution - authorities in passing the impugned orders. The petitioner ought to have at least been given a copy of the resolution of the Village Panchayat as well as the enquiry report, if any, and it was only after the petitioner was given opportunity of submitting his explanation and hearing that any order could have been passed in the matter. As such, for the foregoing reasons, since the proper procedure has not been followed and there is gross violation of the principles of natural justice, the impugned orders deserve to be set aside - Orders quashed - Petition allowed. [Dorilal Vs. State of U.P. & others = 2006 (2) EFR 751]

(15) E.C. Act, 1955 - Madhya Pradesh Kerosene Dealers Licensing Order, 1979 - Petitioner apprehended while he was illegally transporting 12000 litres of blue kerosene oil in the Tractor trolley. In criminal case Petitioners acquitted - On the same allegation a show cause notice was issued to the petitioners - License of the petitioner cancelled - Appeal, Revision dismissed - Present writ filed - Petitioner having been acquitted of the criminal case, which forms the basis of for issuing show cause notice, respondents are required to reconsider the matter for revocation or renewal of license in view of subsequent acquittal of the petitioner in criminal case. [M/s Karama Primary Consumer Cooperative Store Vs. State of MP & others = 2006 (2) EFR 616]

(16) E.C. Act, 1955, Sec.3 - West Bengal Public Distribution System (Maintenance & Control Order, 2003 - Suspension of F.P.S. Licence - Show cause notice - Challenged as to - conduct of search & seizure without following provisions of Sec.100 (4) & (5) of Cr.P.C. would not make proceedings initiated by authority void or illegal - At best seizure list may not acquire status of dependable piece of evidence. [Laxmi Kanta Rao Vs. State of West Bengal = AIR 2007 (NOC) 1198 (Cal.)]

(17) E.C. Act - Fair Price Shop - Under G.O., power to decide appeal could only be exercised by Commissioner and not by Additional Commissioner - Unless power is delegated specifically by any G.O statute.

Under the Government Order, aforesaid, there is no such delegation of power to Additional Commissioner appointed for adjudicating and deciding revenue matters and as such this Court is of the view that the power to decide Appeal could only be exercised by the Commissioner and not by the Additional Commissioner, unless power is delegated specifically by any Government Order/any statute. Petition allowed - case remanded to commissioner. [Shesh Nalh Vs. State of U.P. & others = 2007 (1) EFR 564]

(18) M.P. Kerosene Dealers Licensing Order, 1979 - Supply of kerosene can not be suspended without canceling or suspending the licence. The competent authority cannot pass any order directing for stoppage of supply of kerosene until and unless the licence is cancelled or suspended. However, before canceling the licence or suspending the licence opportunity of hearing has to be granted and after hearing the licensee separate order has to be passed. - Petition allowed.

[Jai K.P. Upbhokta Sahakari Bhandar vs State of M.P. & other = 2004(2) EFR. 501]

(19) Bihar Trade Articles (Licences Unification) Order, 1984 - cls.11 & 30 - Fair price shop was found dosed - Reason for closure given in reply to show cause notice - Cancellation of licence is too harsh & arbitrary and cannot be sustained.

A.D.S.O. visited F.P.S. on 17-05-95 & found shop closed - keeping the shop closed for a day,

cancellation of licence is too harsh & arbitrary and as such cannot be sustained. Had it been a case that the petitioner was habitually keeping his F.P.S. closed, which, in turn caused sufferings to the consumers, that might have justified the impugned order canceling his licence - Petition allowed [Sanjay Kumar Vs. State of Bihar & Others -1997(1) EFR 160]

(20) (A) A.P. Scheduled Commodities (Distribution by card system) Order 1973 - cl.3(4) - E.C. Act 1955, Sec. 6A-(A) Findings under Sec.-6A & the control order are quite distinct - Order of confiscation passed under Sec.-6A should not be made basis for cancellation of the authorisation and dealership of F.P.S.

The proceedings under Sec.6A of the Act are quite distinct from the proceedings under the Control Order and the mere fact that the action was initiated under Sec.6A of the Act does not automatically result in suspension or cancellation of the authorisation of the Fair Price Shop. The Competent Authority exercising the power under the A.P. Scheduled Commodities (Distribution by Card System) Order or any other Control Order has to independently apply its mind to the charges against the dealer and take its own decision instead of being led away by the initiation of the proceedings under Sec.6-A of the Act.

(B) Order passed under the control order without affording an opportunity of showing cause is violation of principles of natural justice.

It is well settled that even if there is no specific provisions in the Control Orders for issuing show cause notice, the power to cancel) the licence has to be exercised in consonance with the principles of natural justice unless the issuance of notice is specifically excluded by the Control Order itself. It is a firmly settled principle that no order shall be passed by quasi-judicial or even administrative authorities affecting a citizen prejudicially and visiting him with adverse consequence unless an opportunity of showing cause is afforded to him. - Order of Cancellation quashed. [Mohd. Saleem vs. Rev. Div. Officer Bodhan & Others -1994(2) EFR287]

(21) Fair Price Shop - Order Suspending its operation contained vague allegations cannot be sustained - A.D.M. (Civil Supplies) Ghaziabad suspended operations of F.P.S. - the order also contained a direction for production of relevant records relating to shop - Order does not contain any material or reasons which weighed with the issuing authority to suspend the operation of shop. Apart from the delightful vague expression that certain irregularities were found, there is nothing in the impugned order to justify the suspension - Order quashed [Ram Singh Yadav vs. A.D.M. Civil Supplies Ghaziabad 1992 (1)EFR 634]

9. Forfeiture of Security Deposit.- (1) Without prejudice to the provisions of clause 8, if the Collector ⁴[or any other officer authorised by the State Government] is satisfied that the authorisation holder has contravened any provision of this Order and that a forfeiture of the security deposit is called for, it may, after giving him an opportunity of being heard against the proposed forfeiture, forfeit by an order in writing the whole or any part of the security amount deposited by him and the order of forfeiture shall be communicated to the authorisation holder.

(2) The authorisation holder shall, if the amount of security at any time falls short of the amount specified in clause 5 deposit forthwith a further security amount to make up the deficiency, on being required by the Collector.

(3) Upon due compliance by the authorisation holder of the obligations under this Order the amount of security deposited or such part thereof which is not

forfeited as aforesaid, shall be refunded to the authorisation holder after the termination of such authorisation.

COMMENTS

(1) Vide Noti. dt. 17.01.12, the D.S.Os. have been authorised to exercise these powers within the Districts of their posting, D.S.O. posted at Food Deptt.(Hqr.) Jaipur has been authorised to exercise these powers throughout all the Districts of the State and the Sub-divisional Officers, except posted at District Head quarters Sub-Division, have also been authorised to exercise these powers within their respective jurisdiction. The Addl. D.S.Os. were also authorised to exercise these powers within the district of their posting vide Noti. S.O. 72 dt. 13-7-93.

(2) U.P. Scheduled Commodities (Regulation of Distribution) Order, 1990, clauses 4, 5 - Allotment of fair price shop - Forfeiture of security deposit - Validity - Security can be forfeited only in case where licensee commits some crime or violation of terms of agreement - Election of petitioner or any member of his family as Pradhan or Up-Pradhan does not amount to any crime nor it amounts to violation of any terms and conditions of agreement - It is only a disqualification for holding fair price shop license - Consequently order forfeiting security amount on ground of election is improper. [Ram Murat Vs. Commissioner Azamgarh of others = AIR 2006 (NOC) 1261 (All.)]

PART-III (Ration Card)

10. Preparation of Ration Card.- The authorised Officer may, either on his own motion or on an application made to him by a qualified resident issue or cause to be issued to such resident for himself and his household, if any, a ration card, in such form and upon payment of such fee as may be prescribed by the State Government from time to time :

Provided that no such card shall be delivered to any person unless such person or any adult member of his family to whom the document is tendered on his behalf signs on receipt in token of receipt of such document as required by the officer delivering such document.

11. Contents of Ration Card.- In addition to other particulars, a ration card shall contain the name and address of the ration card holder, the number of persons of the household and the name or some other indications of the authorised Fair price Shopkeeper from whom the ration card holder is entitled to purchase foodgrains and other essential articles.

12. Amendment etc. of Ration Card.- (i) The authorised Officer may at any time whether at the request of the person to whom the ration card has been issued or *suo moto*, after making such enquiry as may be deemed necessary, add to, amend, vary, suspend or cancel a ration card.

(ii) Where any ration card is so cancelled any person in possession of it shall forthwith surrender it to the authorised Officer.

13. False presentation and keeping in possession of invalid Ration Cards.-

(1) No ration card holder shall intentionally present a ration card whether by himself or through any other person, which he knows or has reason to believe include units for which he is not lawfully entitled to obtain foodgrains or other essential articles under this Order (hereinafter in this Order called an invalid ration card) or obtain on presentation of the valid ration card foodgrains or other essential articles in excess of the quantity for the purchase of which such card is valid at the time of presentation.

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

14. Prohibition against applying dishonestly for a Ration Card etc.- No person shall :-

(a) dishonestly apply for or receive a ration card if he knows or has reason to believe that his name is already included in any other ration card issued to any household;

(b) "obtain a ration card by furnishing false information;

(c) without lawful authority, alter or destroy a ration card issued to him.

15. Report about change in number of individuals.- Every ration card holder shall report to the authorised Officer within a fortnight any decrease in the number of units in his ration card whether such decrease be on a permanent basis or for a period exceeding three months.

16. Issue of Duplicate Ration Card in case of loss etc.- Any person to whom a ration card has been issued may, on proof of its loss, destruction or defacement, be given, on his application to the authorised Officer, a duplicate ration card on payment of a fee as may be prescribed by the State Government from time to time. Every person to whom a new ration card has been issued shall, if he subsequently finds the lost ration card, forthwith return the latter to the authorised Officer.

COMMENTS

No fee is to be charged in case of duplicate Ration Cards issued to those persons, whose Ration cards have been seized during an enquiry against fair-price shopkeeper. (Please see Notification S.O. 111 dt. 28-9-89).

17. Restriction on use of invalid 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 cards for receiving any foodgrains and other essential articles.

(2) No person shall knowingly receive or use, or assist any one in receiving or using any invalid ration card or receive or assist in receiving any foodgrains or other essential articles except on a valid ration card.

(3) No public servant shall willfully or knowingly issue or help in issuing an invalid ration card to any person.

18. Ration Card to remain property of the Government.- Every ration card issued under this Order shall be the property of the State Government but the person to whom it is issued or surrendered or with whom it is retained under the provisions of this Order shall be entitled to and responsible for its safe custody.

19. Prohibition against transfer of Ration Card.- No person shall transfer to any other person a ration card issued to him and no person shall obtain, use or dispose of such ration card, except under and in accordance with the provisions of this Order.

⁵[19-A. Obligation to comply orders or direction by the ration card holders.- Every ration card holder shall comply with the orders or directions which may be issued by the State Government or Collector from time to time with regard to entitlement to receive Foodgrains and other essential articles from Fair Price Shops under public distribution system.]

COMMENTS

To exclude higher income section of society from Public Distribution System, a direction was issued on 25-04-92 to all the fair price shopkeepers not to sell wheat & rice to such ration card holders who pay income-tax. Such ration card holders were also directed not to take wheat & rice against their Ration Cards. But there was no such enabling provision in the Order. Hence, this new clause has been added vide amending order dt. 27-11-92.

PART IV

(Miscellaneous)

20. Power to issue directions regarding purchase/sale/distribution of foodgrains and other essential articles.- Every authorisation holder shall comply with all general or special directions given in writing, from time to time by the State Government or the Collector in regard to purchase, sale, storage for sale, distribution and disposal of foodgrains and other essential articles on permits or ration cards or otherwise and the manner in which the accounts thereof shall be maintained and returns submitted.

COMMENTS

The State Government has given directions to fair price shop keepers from time to time. The fair price shopkeepers have been directed vide Noti. dt. 25-04-92 & 06-05-93 not to sell wheat, rice & sugar to such Ration-card holders who pay income-tax and vide Noti. dt 06-05-93, not to sell kerosene to such Ration-card holders who possess L.P.G. (D.B.) connections. The fair price shopkeepers have also been directed vide Noti. dt 20-04-92 to allow perusal of accounts etc. to local M.L.A./M.P. Vide Noti. dt. 21.5.01, directions have been given for verification of Sales Register etc.

21. Amendment in the Schedule.- The State Government with ²[prior] concurrence of the Central Government may, by an Order notify in the Official Gazette, add to or omit any foodgrains and other essential articles in Schedule I

and II and thereupon ³[the schedules] shall be deemed to be amended accordingly.

22. Appeal.- (1) any person aggrieved by an order made by any officer under this order may :-

(a) if the order is made by any officer lower in rank than the Collector, appeal to the Collector; and

(b) if the order is made by the Collector, appeal to the Commissioner.

(2) No such appeal may be entertained if not preferred within thirty days from the date of receipt of the Order appealed against by the appellant.

(3) No order shall be passed under this clause, which adversely affects any person unless such person has been given a reasonable opportunity of being heard.

(4) Pending the disposal of the appeal, the authority, to whom an appeal has been preferred, may direct that the order against which the appeal is made shall not take effect until the appeal is disposed off.

³[22A. Revision.- The Commissioner *suo moto* or on an application, may, call for the record of any case decided by the Collector or any other officer authorised by the State Government in this behalf under the provisions of this Order and if he is satisfied that the Collector or the authorised officer:-

(a) has exercised a jurisdiction not vested in him, or

(b) has exercised the jurisdiction vested in him with material irregularity, or

(c) has improperly failed to exercise the jurisdiction vested in him;

he may pass such orders as he may think fit.]

23. Delegation of Powers.- The powers conferred upon a Collector under this order except under clause 22, may be delegated to any other officer by the State Government ⁴[x x x].

24. Powers to enter premises, inspect, search or seize stocks, ask question, require production of documents etc.- (1) Any Executive Magistrate or any Revenue Officer not below the rank of Naib Tahsildar or any Officer of the Food & Civil Supplies Department not below the rank of Enforcement Inspector or any Officer authorised by the State Government or by the Collector of a rank not below the rank of Enforcement Inspector of Food Department may, at all reasonable times, inspect any ration card, or stocks of foodgrains and essential articles or accounts books or other documents pertaining to dealings in foodgrains and other essential articles, and may for the purpose of inspection-

(a) enter any premises :

Provided that in exercising the powers of entry, due regard shall be paid

by such officer or person to the social and religious customs of the occupants of the premises;

- (b) ask any person all necessary questions;
- (c) require the production of any document and take or cause to be taken extracts from or copies of such documents; and
- (d) take or cause to be taken the weight or measure of the foodgrains and other essential articles found in the premises.

(2) Every person, when so required by such officer under sub-clause (1), shall allow access to premises, answer all questions to the best of his knowledge and belief, produce the documents in his possession and allow extracts from or copies of any such documents or weight or measure of any foodgrains and other essential articles found in the premises.

(3) Such officer may in the course of such inspection, search for and seize any article in respect of which he has reason to believe that any provision made by or in pursuance of this order has been or is being contravened.

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

COMMENTS

(1) Vide Noti. dt. 06-01-97, the D.S.O., Addl. D.S.O., E.O. & E.I. posted at Deptt. Head Qrs. have been authorised to exercise powers under this clause throughout all the districts of the State.

(2) Raj. Foodgrains & Other Essential Articles (Regulation of Distribution) Order, 1976 - cl.24 - EC Act, 1955, Secs. 3,7,10A & 12AA, - Cr.P.C., 1973 - Sec.4(2), 100 & 156 - Non-mention of police officers in clause 24 of the Order does not take away their powers under Code - Special law excluded the operation of the code to the extent of provisions made in the special law to the contrary.

Section 10-A of the Act makes the offence under the Act as cognizable and non-bailable. Therefore, Section 156 of the Code of Criminal Procedure enables the Police Officer to investigate the matter without any order from the Magistrate and Section 41 authorises him to arrest any person without warrant, who has been concerned in any cognizable offence. Though the contravention of the Order, 1976, under the Essential Commodities Act create a new offence and the Act provide for a Forum, before which the accused could be tried, but it cannot be laid down as a general rule of law that where there is a special law making a particular act an offence and providing penalty for such an offence, the General Law must be held to be inapplicable. Existence of a Special Law excludes the operation of the Code only to the extent of provisions made in the Special Law to the contrary. Where a statute creates a new offence and provides for a Forum before which they should be tried then it is to prevail over the Code but where the statute is silent and there is no exclusion then the Code will apply.

Section 10-A of the Act made the offence cognizable and sub-section (1) (e) of Section 12-AA of the Act authorise the Special Court to take cognizance upon a perusal of the police report of a fact constituting an offence under the Act. The jurisdiction of the police to investigate into the matter and to submit the charge - sheet, thus has not been excluded rather the court has been authorised to take cognizance on the police report, also. Clause 24 of the Order, 1976, which vests certain authorities

with the powers of entry, search, seizure.....read together with sub-section (1) (e) of Section 12AA and section 10-A of the Act, makes it clear that this clause enables the official named therein, also, in addition to the police personnel who are authorised under the Code of Criminal Procedure in cognizable cases, with the powers of arrest, investigation including entry, search and seizures etc. The police has, therefore, power to investigate these offences, make search and seizures etc. of the essential commodities in case of any apprehension of breach of the provision of the Order, 1976.

Order discharging the accused set aside - Case remanded - [State of Raj. vs. Prakash Chand & Others -1996(1) EFR 101 (Raj. H.C.)]

25. Power to exempt.- The State Government may, by an order notified in the official Gazette, exempt any person or class of persons from all or any of the provisions of this Order subject to such condition, if any, as it may deem fit to impose, and may at any time in the like manner suspend or rescind such exemption.

COMMENTS

The State Government has issued number of notifications under this clause exempting various persons. Almost all these exemptions have been rescinded vide notification dated 28.02.2012. These notifications may please be seen at the end of the Order.

26. Exemption from Licences.- The provisions of the various licensing orders issued by the State Government relating to foodgrains and other essential articles, shall not apply to a person to whom an authorisation has been issued under this Order.

27. Repeal and Savings.- The Rajasthan Scheduled Foodgrains (Regulation of Distribution) Order, 1966 is hereby repealed :

Provided that such repeal shall not affect anything done or omitted to be done or any action taken under this Order so repealed.

SCHEDULE I

[See Clause 2 (i)]

- | | |
|----------------------------------|----------|
| 1. Wheat (Imported & Indigenous) | 5. Bajra |
| 2. Barley | 6. Maize |
| 3. Gram | 7. Rice |
| 4. Jawar | |

*¹[SCHEDULE II

- | | |
|-----------------|------------------------------------|
| 1. Sugar | 7. Tea |
| 2. Kerosene Oil | 8. Tyres and tubes |
| 3. Edible Oils | 9. Blades |
| 4. Pulses | 10. Soap |
| 5. Spices | 11. General Lighting Service Lamps |
| 6. Matches | 12. Exercise books |
| | 13. Cotton textiles.] |

COMMENTS

Originally this schedule contained only two items i.e., levy sugar and kerosene oil. Eleven more items were added to it vide amending order dt. 04-08-79.

FORM 'A'

[See Clause 3 (3)]

**Application for an Authorisation For Authorised Wholesaler
or Authorised Fair Price Shopkeeper**

1. Name (with father's name) of the Applicant.
2. Address of the Applicant.
3. Name of the firm/company/co-operative store ² [any other institution].
4. Name & address of the Proprietor / Partner / Managing Director / President.
 - 1.
 - 2.
 - 3.
 - 4.
5. Full particulars of the :
 1. Head Office
 2. Business premises
 3. Godowns.
6. Is the applicant already dealing in foodgrains & other essential articles ? If so, in what capacity ?
7. Present sources of supply of foodgrains and other essential articles.
8. Stock of foodgrains and other essential articles held on the date of application and the places where it is stored.
9. Other business being carried on by the applicant in the premises / godowns mentioned at 5 above.
10. Does the applicant hold any other licence issued by the Food & Civil Supplies Department, Rajasthan in above mentioned premises? If so, give full particulars thereof.
11. Has the applicant been convicted in the past for any offence under the Essential Commodities Act, 1955 ? If so, give details thereof.
12. Is the applicant in possession of sufficient financial resources with particular to carry on the business in Foodgrains and other essential articles.

I/We declare that the above particulars are correct to the best of my/our knowledge and belief and nothing has been concealed therein.

I/We have carefully read the provisions of the Rajasthan Foodgrains and other Essential Articles (Regulation of Distribution) Order, 1976 and shall comply with

77

the provisions of that Order and directions issued thereunder from time to time.

Signature of the Applicant.

Date

To,

.....

.....

FORM 'B'

[See Clause 3(4)]

**The Rajasthan Foodgrains and Other Essential Articles
(Regulation of Distribution) Order, 1976**

Authorisation for purchase, sale, storage for sale of Foodgrains and other essential articles as Authorised Wholesaler/Authorised Fair Price Shopkeeper.

Authorisation No.

Subject to the provisions of the Rajasthan Foodgrains and other Essential Articles (Regulation of Distribution) Order, 1976 and terms and conditions herein belowis/are hereby authorised to be an authorised wholesaler/authorised fair price shopkeeper at the place, premises, godowns specified below :

- (i) Business premises;
- (ii) Area allotted for distribution purpose;
- (iii) Particulars of godowns :-
 - 1.
 - 2.

TERMS & CONDITIONS

GENERAL

(1) No authorisation holder shall store Foodgrains & other essential articles at any place other than those specified in this authorisation without prior permission in writing of the Collector.

(2) No authorisation holder shall refuse to sell Foodgrains and other essential articles during business hours on the presentation to him of a valid permit/indent/ration card to the extent of the amount of Foodgrains or other essential articles due on the permit/indent/ration card.

(3) No authorisation holder shall sell Foodgrains at a price in excess of that fixed by the State Government or the Collector or shall sell any other essential articles at a price in excess of that fixed by the Central Government or the State Government or any authority or Officer of such Government or the manufacturer,

as the case may be, in that behalf.

(4) No authorisation holder shall sell or hold in stock for sale any commodities similar to Foodgrains and other essential articles except with the permission of the State Government or the Collector.

(5) The authorisation holder shall maintain a stock register in Form 'C' showing correctly, the daily receipt and sale of the each Foodgrains and other essential articles. A daily sale register shall also be maintained in Form 'D' by the authorised wholesaler and in Form 'E' by the authorised fair price shopkeeper. All books of accounts, permits, voucher etc. shall be kept at the business premises specified in the authorisation and shall be made available for inspection whenever required.

(6) Every authorisation holder shall submit a true monthly stock and sale return in Form 'F' to the Collector so as to reach him within five days after the close of the month to which it relates.

(7) Every authorisation holder shall furnish correctly such information relating to his business, as may be demanded from him by the Collector.

*⁸[(8) The authorisation holder shall display conspicuously in form 'H' legibly written in Hindi, a list of prices and stocks of Foodgrains and other essential articles to be distributed through the fair price shop at a place easily seen to card holders.]

(9) Every authorisation holder shall strictly observe such business hours as may be fixed by the Collector and shall punctually and regularly open his shop or place of business during such hours.

(10) The authorisation holder shall give all facilities at all reasonable times for inspection of his stocks and accounts at any place of premises used by him for sale/storage of Foodgrains and other essential articles.

(11) The authorisation holder shall comply with any direction or instruction that may be given to him by the State Government or Collector, relating to source of supply, commission, storage, movement, deposit of cost, empty gunny bags, weightment and other matters connected with the receipt, sale, storage, etc., of Foodgrains and other essential articles.

(12) The authorisation holder shall be responsible for keeping the Foodgrains and other essential articles in good conditions and shall not adulterate with any other inferior quality.

(13) The allotment of Foodgrains and other essential articles upto a certain quantity to the authorisation holder against an indent will not confer any right on him to claim continuance of such allotment and of such quantity and the Collector will have the right to cancel or vary an allotment at his discretion without assigning any reason and the authorisation holder shall not be entitled to claim any damages or compensation from Government for such cancellation or variation of allotment.

79

SPECIAL CONDITIONS FOR AUTHORISED FAIR PRICE SHOPKEEPER

(14) The authorised fair price shopkeeper shall sell Foodgrains and other essential articles supplied by the Government from time to time, directly to those consumers only whose ration cards are registered at his shop in Unit Register (Form 'G') and to the persons holding special permits issued by the Collector.

(15) The authorised fair price shopkeeper shall record on the ration card in the space provided therein the quantity of Foodgrains and other essential articles purchased by the ration card holder together with the date of such purchase.

(16) No authorised fair price shopkeeper shall keep in his possession the ration card of any person other than himself, except by way of bonafide collection of ration cards from persons actually present at the shop at a given time, for facility of distribution of Foodgrains and other essential articles to them at that time.

(17) No authorised fair price shopkeeper shall :-

- (a) assist any one in preparation or in obtaining any bogus, or unauthorised ration card; or
- (b) obtain or use any bogus or unauthorised ration card; or
- (c) draw or receive any Foodgrains or other essential articles by making false entries in the record.

⁹[(18) No Authorisation Holder shall contravene the provisions regarding duties and responsibilities of the fair price shop owner provided in Public Distribution System (Control) Order, 2001

It shall include the duty to submit in Form 'A' annexed to the said order, about functioning of the Fair Price Shop, so as to reach the District Supply Officer concerned , by the 7th of each month]

Date :
Place:

Signature of the Issuing
Authority with designation.

FORM 'C'
(See Condition No. 5)

Stock Register

Variety of Foodgrains/other essential articles

Date	Opening Balance	Quantity received	Source of supply	Reference of Permit (No. & Date)
1	2	3	4	5
Total (2+3)	Sales	Shortages	Closing Balance	Remarks
6	7	8	9	10