

HARYANA GOVERNMENT
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
Order

The 1st August, 2022

No. FG-1-2022/13137.— 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 Consumer Affairs, Food and Public Distribution, Order GSR No. 630(E), dated the 31st August, 2001 read with para 5 of annex to the Public Distribution System Control Order, 2001 and keeping in view the Targeted Public Distribution System(Control) Order,2015, the Governor of Haryana hereby makes the following Order regulating the sale and distribution of essential commodities, namely:-

1. (1) This Order may be called the Haryana Targeted Public Distribution System (Licensing and Control) Order, 2022.

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

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

2. (1) In this Order, unless the context otherwise requires,-

- (a) “Aadhar Card” means the unique ID number issued by the Unique Identification Authority of India;
- (b) “Above Poverty Line Family” means the family which is Above Poverty Line and not included in any beneficiary list issued by Food, Civil Supplies and Consumer Affairs Department, Central or State Government from time to time;
- (c) “Act” means the Essential Commodities Act, 1955 (Central Act 10 of 1955);
- (d) “Additional Chief Secretary” means Additional Chief Secretary to Government, Haryana, Food, Civil Supplies & Consumer Affairs Department;
- (e) “allocation month” means the month for which foodgrains are allocated by the Central Government and the State Government for distribution under the Targeted Public Distribution System;
- (f) “Antyodaya Anna Yojna” means the scheme by the said name launched by the Central Government on the 25th day of December, 2000 and as modified from time to time;
- (g) “Antyodaya Households” means those poorest families amongst the Below Poverty Line Families as identified by the Citizen resource Information Department (CRID) or any other Department authorized by the State Government and entitled to receive listed commodities under the Antyodaya Anna Yojana;
- (h) “appellate authority” means any authority appointed by the State Government to exercise the powers of the appellate authority under this Order;
- (i) “authority” means an officer not below the rank of Sub Inspector, Food, Civil Supplies and Consumer Affairs Department, Haryana;
- (j) “Below Poverty Line Families” means those families who have been so identified by the Rural Development or Urban Development Departments or any other department authorized specifically in this regard by the State Government;
- (k) “biometric authentication” means establishing an individual’s identity by means of his biometric feature as recorded by the Unique Identification Authority of India;
- (l) “commodity” means commodity allocated by the State Government or the Central Government for distribution amongst beneficiaries (ration card holders/Parivar Pehchan Patra holders-PPP) through the Targeted Public Distribution System under National Food Security Act, 2013 (central Act 20 of 2013);

Short title, extent and commencement.

Definitions.

- (m) “contractor” means any person or legal person or firm or company appointed by the wholesale nominee or department or dealer for lifting and supplying items under the Targeted Public Distribution System to door step of Fair Price Shop;
- (n) “dealer” means any person or legal person or firm or company or a body who procures, stores and supplies any Targeted Public Distribution System item to Fair Price Shop Owners, authorized by the State Government or any authority on its behalf;
- (o) “department” means the Food, Civil Supplies and Consumer Affairs Department Haryana;
- (p) “Director” means the Director, Food Civil Supplies and Consumer Affairs Department Haryana;
- (q) “District Grievance Redressal Officer” means an officer appointed or designated by the State Government under sub-section(1) of section 15 of the National Food Security Act, 2013 (Central Act 20 of 2013);
- (r) “eligible applicant for Fair Price Shop” means a person with a satisfactory economic background having minimum qualification 10+2 or its equivalent qualification, having Parivar Pehchan Patra and having basic knowledge of computer, who is not less than twenty-one years and not more than forty-five years of age and is a resident of the locality for which the Fair Price Shop license is applied for. The applicant shall not be a close family member of a candidate i.e. spouse, son, daughter or close relative (Parents, Brother/Sister/their children and Brothers-in-law/Sisters-in-law) of a sitting Sarpanch or Panch of the Gram Panchayat and Municipal Committee, Municipal Council or Municipal Corporation. Any Sarpanch or Panch of a village, a member of Municipal Committee, Municipal Council or Municipal Corporation shall not be eligible for license of Fair Price Shop. Any Fair Price Shop Owner if subsequently, elected as Sarpanch or Panch of a village, a member of Municipal Committee, Municipal Council or Municipal Corporation, his/her license shall also be deemed cancelled. The applicant shall not be a permanent or contractual employee of the State or the Central Government. Any Fair Price Shop Owner if subsequently becomes permanent or contractual employee of the State or the Central Government, his license shall be deemed cancelled.
- (s) “e-PDS” means electronic public distribution system;
- (t) “Fair Price Shop” means a shop which has been granted a license to distribute commodities to the beneficiary or ration card/Parivar Pehchan Patra holders under the Targeted Public Distribution System under this Order. The license of a Fair Price Shop shall be granted for a minimum of 300 beneficiaries ration cards/Parivar Pehchan Patra, but in rural areas a village shall be treated as one unit for this purpose and as such the license for the fair price shop may be issued even for less than 300 ration cards/Parivar Pehchan Patra of the village;
- (u) “Fair Price Shop Owner” means a person and includes a cooperative society or any other body not owned, managed or controlled by the Central or State Government in whose name a shop has been licensed to distribute commodities under the Targeted Public Distribution System;
- (v) “FEAST” means Food and Essential commodities Assurance and Security Targeted for Targeted Public Distribution System which is an online application for completing supply chain cycle for Targeted Public Distribution System;
- (w) “Food Security Act” means the National Food Security Act, 2013 (Central Act 20 of 2013);
- (x) “Inter State Portability” means facility provided to beneficiaries enabling to draw their ration from any Fair Price Shop among the States under the Targeted Public Distribution System;

(y) “licensing authority” means the District Food and Supplies Controller of the concerned district and for CONFED or any other agency for operation of Targeted Public Distribution System at State level shall be Director, Food Civil Supplies and Consumer Affairs Department;

(z) “point of sale device” means an electronic device used for transaction during distribution of Targeted Public Distribution System commodities in a Fair Price Shop;

(za) “place of business” means the place where a dealer or a Fair Price Shop Owner stores, sells or distributes any of commodities under the Targeted Public Distribution System and the National Food Security Act, 2013 (Central Act 20 of 2013);

(zb) “portability” means a facility provided to the beneficiaries enabling to draw their entitled ration from any Fair Price Shop at their convenience across the nation;

(zc) “ration card” means a paper or electronic document or smart card issued under an Order or authority of the State Government or the Central Government to the beneficiaries for the purchase of commodities under the Targeted Public Distribution System or National Food Security Act, 2013 (Central Act 20 of 2013) or any other specific objective under any Central or State Government Order;

(zd) “Parivar Pehchan Patra” means a family having 08 digits unique family-ID number under Haryana Parivar Pehchan Act, 2021 (20 of 2021);

(ze) “recovery” means recovery of commodity or its economic cost as fixed by the Government of India or the State Government crop wise;

(zf) “State Government” means the Government of State of Haryana in the administrative department;

(zg) “social audit” means the process in which people collectively monitor and evaluate the Targeted Public Distribution System;

(zh) “supply chain management” means the process evolved under the Targeted Public Distribution System for movement of stocks from depots designated by the Central Government or agencies appointed by the State Government to Fair Price Shop point through an electronic mode of operation;

(zi) “Targeted Public Distribution System” means the system for distribution of commodities such as wheat, sugar, coarsegrain, mustard oil, rice and such other commodities, as may be made available by the Central or the State Government for distribution to beneficiary from time to time;

(zj) “vigilance committee” means a committee constituted under the National Food Security Act, 2013 (Central Act 20 of 2013);

(zk) “village” means a group of population residing in a particular geographical area and is recorded in revenue record;

(zl) “ward” means the area of a Municipal Committee or Council or Corporation notified by the State Government;

(zm) “working hour” means the hours or period specified by the State Government or Director for opening and closing of Fair Price Shop;

(2) Words and expressions used but not defined in this Order but defined in Targeted Public Distribution System (Control) Order, 2015 of Government of India, the National Food Security Act, 2013 (Central Act 20 of 2013) and the Essential Commodities Act, 1955 (Central Act 10 of 1955) shall have the meaning respectively assigned to them;

3. (1) No dealer shall operate without a valid license.

(2) The license shall be granted to the dealer by the State Government as per Form ‘A’.

Grant of license to
dealer:

Licensing authority of Fair Price Shop Owner.

4. (1) No person shall operate a Fair Price Shop with any commodities under the Targeted Public Distribution System except under and in accordance with a license issued in this behalf by the licensing authority:

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

(2) A separate license shall be required for each place of business dealing with commodity under the Targeted Public Distribution System;

(3) No family member of a Fair Price Shop Owner shall be eligible to get another license for another Fair Price Shop and no person shall operate a business license in another name (Benami).

Explanation:- "family" includes all those persons whose names have been entered in the ration card of a Fair Price Shop Owner;

(4) No person shall be eligible to apply for a license of Fair Price Shop if, his license has been cancelled previously under the Public Distribution System Control Order or any other Act or Order of the State Government;

(5) The licensee shall use Point of Sale device and any other device as directed by the State Government and execute all the sale transactions under Targeted Public Distribution System through devices as a precondition to get the license to run the Fair Price Shop from the date, as notified by the State Government;

Provided that failure to use Point of Sale device or such device at any time without any valid reason shall lead to cancellation of the license.

Issue of Fair Price Shop license.

5. (1) The Licensing authority shall call for applications through local publicity and munadi in the local area of the Fair Price Shop. For all categories the applicant shall be unemployed. Minimum qualification shall all categories as prescribed in section 2(r) for eligible applicant for Fair Price Shop;

(2) minimum 33% Fair Price Shop shall be reserved for women. The category of preference within 33% women reservation of all eligible women applicants shall be as under:-

- (i) Female Victim of acid attack
- (ii) Widow
- (iii) Female applicant except (i) & (ii) above

Provided that applicant possessing higher qualification shall be preferred in case more than one applications are received in same category.

(3) The category of preference of all eligible male applicants shall be as under:-

- (i) Scheduled caste male
- (ii) Backward caste male
- (iii) Male applicant except (i) & (ii) above

Provided that applicant possessing higher qualification shall be preferred if, more than one applications are received in same category.

(4) The 33% women reservation shall be implemented in a manner that every 3rd Fair Price Shop PDS License shall be allotted to the women candidate and the record in this regard shall be maintained in the every concerned District Food and Supplies Controller office.

(5) Applications for Fair Price Shop shall be recommended by concerned Panch or Sarpanch in rural area, Mayor/Deputy-Mayor/Municipal Councilor for Municipal Corporation and likewise in Municipal Council in urban area, Member of Legislative Assembly of the concerned constituency. Applications for Fair Price Shop shall be verified by concerned Inspector Food and Supplies or Sub-inspector Food and Supplies and forwarded by Assistant Food and Supplies Officer. The applicant should have Pariwar Pehchan Patra ID.

(6) Every license issued, reissued or renewed under this Order shall be in Form B and shall specify the commodity (commodities) scheme wise, which the Fair Price Shop owner shall deal in and the place of business and jurisdiction where the Fair Price Shop owner shall operate.

(7) Every application for renewal shall be made along with the original copy of license at least forty-five days before the date of expiry of such license;

(8) Application for renewal of license shall be disposed of before the date of expiry of the license:

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

(9) Where a license issued under this Order has been lost or destroyed or defaced, the Fair Price Shop owner shall immediately obtain a duplicate copy thereof from the licensing authority on application by depositing the fee.

(10) Grant of license shall not confer a right on the licensee for allotment of Targeted Public Distribution System items. The authority competent to allocate Targeted Public Distribution System items shall decide on the quota to be allocated to each Fair Price Shop Owner with due consideration to factors like choice of beneficiaries, utilization of the quota allocated earlier, distance from the area proposed to be serviced, compliance of the provisions made under this Order.

(11) The license shall not be transferred to any person or family member or any other relative or any other person in any case.

(12) All the above Fair Price Shop Services shall only be delivered through online or other mechanism as specified by State Government.

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

Period of license and fee chargeable.

Provided that no license shall be renewed in case the Fair Price Shop Owner attains the age of sixty years.

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

(2) The fees chargeable in respect of each license shall be as under:-

- (a) for issue of license of Fair Price Shop: ₹ 5000/- (Five thousand rupees only);
- (b) for issue of license of dealer: ₹ 20,000/- (Twenty thousand rupees only);
- (c) for renewal of license of Fair Price Shop: ₹ 1000/- (One thousand rupees only);
- (d) for renewal of license of dealer : ₹ 5000/- (Five thousand rupees only);
- (e) for issue of duplicate license: ₹ 500/- (Five hundred rupees only);

Provided that if a licensee fails to renew his license before 31st March, he may get it renewed within three months from the expiry date but for his failure to renew the license within the stipulated period, he shall show sufficient reasons justifying the delay:

- (i) If a Fair Price Shop owner fails to apply for renewal before the expiry of the validity period, but if he/she applies within one month after the expiry of the validity period, he shall in addition to the renewal fee, pay a penalty of ₹ 500/- (Five hundred rupees only).
- (ii) If a Fair Price Shop owner fails to apply for renewal within two months of the expiry of the validity period, he shall, in addition to the renewal fee, pay ₹ 1000/- (One thousand rupees only)
- (iii) If a Fair Price Shop owner fails to apply for renewal within three months of the expiry of the validity period, he shall in addition to the renewal fee pay a penalty of ₹ 2000 (Two thousand rupees only)
- (iv) Every application for grant of license of a Fair Price Shop or for renewal thereof or for duplicate copy thereof shall be made to the licensing authority in Form A and shall be completed within one month.
- (v) If the Fair Price Shop owner fails to renew his license after the lapse of three months, his license shall be deemed to be cancelled, unless he shows sufficient reasons justifying the delay. If the licensing authority is satisfied with the reason for delay, the license shall be renewed after depositing ₹ 20,000/- (Twenty thousand rupees only) in addition to renewal fee.

(3) The fees specified above shall be deposited in the Government Treasury by a challan to the credit of the State Government under the Major Head “0435-Other Agricultural Programme 0435-51-800-99-96 for license/renewal/security fee and 0435-51-800-99-97 for ration card fee or through online mode as specified by the State Government from time to time”.

(4) The application shall be accompanied by a receipt treasury challan as a token of payment of fees.

Security deposit

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

- (i) for Fair Price Shop : ₹ 20,000/- (twenty thousand rupees only)
- (ii) for dealer : ₹ 50,000/- (fifty thousand rupees only)

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

(3) The amount of security deposit as specified above may be increased if, any additional device is given or as directed by the State Government.

Power to refuse, renewal of license of dealer and Fair Price Shop Owner.

8. (1) The licensing authority shall give a reasonable opportunity of being heard to the applicant and after hearing may refuse to renew license, if it is of the opinion that the performance of the Fair Price Shop owner was not satisfactory or that the Fair Price Shop owner has contravened any provisions of the Act or any Order issued there under or terms and conditions of license, or that the Fair Price Shop owner has other commercial interests, which may be detrimental to the smooth functioning of Targeted Public Distribution System or that the expected size of operations of the dealer is not economically viable or that the renewal of license may otherwise be not in the interest of efficient functioning of the Targeted Public Distribution System. The licensing authority shall pass a speaking order in this regard.

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

Responsibilities and duties of Fair Price Shop Owners.

9. The responsibilities and duties of the Fair Price Shop owners shall include inter alia--

- (i) deposit the cost of Targeted Public Distribution System commodities with the wholesale nominee or dealer or any other agency authorized by the State Government within the time stipulated by the State Government. Sale of commodities as per the entitlement of beneficiaries ration card/Parivar Pehchan Patra holders at the retail issue price fixed by the State Government under the Targeted Public Distribution System;
- (ii) receive the commodities of monthly allocation in Point of Sale device immediately after taking the delivery in Fair Price Shop.
- (iii) display up to date information on a notice board at a prominent place in the shop on a daily basis regarding—
 - (a) helpline numbers;
 - (b) Fair Price Shop Owner mobile number;
 - (c) Fair Price Shop ID number (12 digits);
 - (d) Office telephone number of Inspector or Assistant Food Civil Supplies & Consumer Affairs Officer or District Food, Civil Supplies & Consumer Affairs Controller;
 - (e) list of beneficiaries of all categories;
 - (f) entitlement of commodities;
 - (g) scale of issue;
 - (h) retail issue price;
 - (i) timings of opening and closing of the Fair Price Shop;
 - (j) stocks of commodities received during the month;
 - (k) Opening and closing stock of commodities;
 - (l) authority for redressal of grievances or lodging complaints with respect to quality and quantity of commodities under the Targeted Public Distribution System.

- (iv) maintenance of record of beneficiaries ration card holders;
- (v) furnishing of copies of specified documents either manually or electronically as directed by the State Government to the office of District Food & Supplies Controller or District Food & Supplies Officer or Assistant Food & Supplies Officer or Inspector Food & Supplies or Sub Inspector Food & Supplies demanded for office purpose or Right to Information Act, 2005 (Central Act 22 of 2005) or Gram Panchayat or Nagar Palikas or Nagar Parishad or Nagar Nigam or Vigilance Committee or any other body authorized for this purpose;
- (vi) display of samples of food grains in a transparent container being supplied through the Fair Price Shop;
- (vii) production of books and records manually or electronically generated relating to the allotment and distribution of commodities to the inspecting agency and furnishing of such information, as may be called for by the authority;
- (viii) opening and closing of the Fair Price Shop as per the prescribed timings displayed on the notice board;
- (ix) the beneficiaries/ration card/parivar pehchan patra holders shall not be denied the supply as per entitlement of commodities lying in stock with Fair Price Shop Owner under the Targeted Public Distribution System;
- (x) the Fair Price Shop Owner shall provide the relevant extract of the record maintained by him to the beneficiary on payment of Fifty Rupee only or any fee as may be specified by the State Government from time to time;
- (xi) the Fair Price Shop Owner shall not retain ration card after the distribution of commodities;
- (xii) the Fair Price Shop Owner shall use only electronic weighing machine for weight and measures which are duly verified by the Legal Metrology Department, Haryana;
- (xiii) the Fair Price Shop Owner shall keep the complete records of the Targeted PDS items for at least two years in his safe custody or as directed by the State Government;
- (xiv) the Fair Price Shop Owner shall give information every month about the allocated Targeted Public Distribution System item, the quantity distributed by him to the eligible consumers and the balance stock etc. to any two members of the vigilance committee otherwise no supply of Targeted Public Distribution System item shall be given to the Fair Price Shop Owner for the next month. He shall also obtain "Satisfaction certificate" from the vigilance committee regarding satisfactory distribution of all allotted items in the previous month;
- (xv) the Fair Price Shop Owner shall store and sell commodities only at the place specified in the license; or the place approved by licensing authority;
- (xvi) The Fair Price Shop Owner shall deal with the beneficiaries with due respect. Senior Citizens and female beneficiaries shall be given due respect and regard;
- (xvii) keep the Point of Sale device in safe custody and handle the Point of Sale device with due diligence;
- (xviii) Fair Price Shop Owner shall be solely responsible for full or partial damage or tampering to Point of Sale device up to the extent of cost of the device alongwith penalty upto the amount of security deposited by him;
- (xix) give printed receipt of distributed commodities generated from Point of Sale device to the beneficiary;
- (xx) no authorized Fair Price Shop owner shall allow the person other than the family members for distribution of scheduled commodities in his shop. If any person found distributing the scheduled commodities as benami, the authorization of such shop shall liable for cancellation and seizure of available commodities in the shop under section 6A of the Essential Commodities Act, 1955 (Central Act 10 of 1955) shall be liable for penalties under section 7 of the said Act;

Responsibilities and duties of dealers. **10.** (1) The dealers shall be responsible for,-

- (a) keeping safe the essential commodities meant for the Targeted Public Distribution System after obtaining the same from the authorized or nominated agency in the month preceding to the month to which the allotment relates;
- (b) supplying the Targeted Public Distribution System commodities to the Fair Price Shop Owner immediately on demand and subject to prepayment of cost of commodities as may be prescribed;
- (c) maintaining register or records, manually or electronically generated, as may be prescribed by the State Government or licensing authority from time to time;
- (d) producing such records and information as called for by the authorized inspecting officers;
- (e) keeping certified electronic weighing machine, weights and measures, as may be prescribed by the State Government;
- (f) displaying the following information on a notice board at prominent place outside the business premises near the entrance of the premises, namely:-
 - (i) help line numbers;
 - (ii) timing of the shop;
 - (iii) opening stock, quantity received, sold, closing stock, on a daily basis;
 - (iv) issue price of each (commodity);
 - (v) license number/name of owners and mobile number;
- (g) providing correct cash memo in sequential Order, gate passes and in case of listed commodities, printed copy of weighment slip to the Fair Price Shop Owner;
- (h) displaying samples of food grains in stocks kept for sale in transparent container;
- (i) providing relevant extracts of records to any person on payment of rupees fifty or any fee prescribed by the State Government from time to time;
- (j) arranging for scientific storage of the Targeted Public Distribution System commodities;
- (k) ensuring that his agents and employees comply with all terms and conditions of the license and provisions of this Order;
- (l) Lift and deliver the commodities timely for allocation month to Fair Price Shops as directed by the State Government;
- (m) The fee and timelines for obtaining the extracts of record shall be as per the provisions of Right to Information Act, 2005 (central Act 22 of 2005).

(2) The dealer shall not,-

- (a) close the business premises during the business hours on working days without obtaining prior written permission of the licensing authority or an officer authorized by the licensing authority or by the State Government;
- (b) deliver the Targeted Public Distribution System commodities to any person other than that a licensee for whom the commodities are meant to be supplied;
- (c) stock or store the Targeted Public Distribution System commodities at any place other than the place allowed in the license;
- (d) retain the record or register of other licensees with him;
- (e) keep the records relating to the business at any place other than the licensed business premises.

11. The dealers and Fair Price Shop Owners shall arrange for providing following infrastructure and facilities at their business premises, namely: -

- (a) adequate size of building in which at least quantities of two month's normal allotment of listed commodities may be stored and its distribution may be done without any inconvenience to the beneficiaries;
- (b) minimum area for Fair Price Shop shall be 150 square feet. There shall be enough space in front of the Fair Price Shop for separate queues for women and men;
- (c) ensure to install a point of sale device or any other device as per the instructions of the State Government, from time to time.

Period	Timing
Summer season	8:00 AM to 12:00 Noon
1st April to 30th September	5:00 PM to 8:00 PM
Winter season	9:00 AM to 1:00 PM
1st October to 31st March	3:00 PM to 6:00 PM

12. (1) A Dealer and Fair Price Shop Owner shall maintain separate registers of accounts, sale or stock manually or electronically generated for each commodity supplied. He shall also maintain the record of the receipts or invoices of commodities received and disposed under the Targeted Public Distribution System and such other particulars, as the State Government or licensing authority may, by order, specify, in this regard;

(2) It shall be mandatory for the dealer or Fair Price Shop Owner to preserve the books of accounts or online sale receipt generated through Point of Sale device for inspection by competent authority for a period as per instructions issued by the State Government from time to time.

13. (1) No holder of a license issued under this Order shall contravene any of the terms or conditions of the license or of any control Order issued under the Act. If he contravenes any of the said terms or conditions, without prejudice to any other action that may be taken against him, supply shall be suspended immediately without giving any notice. If the licensing authority is satisfied that the Fair Price Shop Owner has contravened any of the conditions of the license or is not performing his duties properly such as:-

- (a) not displaying upto date information on a notice board at a prominent place in the Shop on daily basis as defined in section 9 of the order;
- (b) not providing printed receipt of distributed commodities generated from POS device to the beneficiary,

Then the licensing authority may take one or more actions against the licensee as mentioned below, namely-

- (i) forfeiture of security deposit in full amount or any part thereof, not less than two thousand rupees depending upon the gravity of contravention;
- (ii) cancellation of license and forfeiture of security amount deposited by him;
- (iii) registration of criminal case for diversion or embezzlement of Targeted Public Distribution System items and damaging of record maintained as per provisions of the Act or this Order;

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

Maintenance of accounts.

Contravention of conditions of license or control order.

(iv) the licensing authority shall pass a speaking order:

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

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

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

(4) If any misappropriation or diversion or substitution or perishment of Targeted Public Distribution System commodities is caused by licensee, transporter or contractor or dealer or any other person or agency authorized by the State Government for lifting or unloading or transporting or distributing the Targeted Public Distribution System commodities by the State Government, the amount of commodities so misappropriated or diverted or substituted or perished shall be calculated as per the prevailing rate of commodity realized from Food Corporation of India or market rate or rate prescribed by the State Government, whichever is higher. The amount so calculated for commodity shall be recoverable in the form of penalty from security or receipt in government account as mentioned in sub-clause (3) of clause 6 of this order or as arrears of land revenue from licensee, transporter or contractor or dealer or any other person or agency authorized for lifting or unloading or transporting or distributing the Targeted Public Distribution System commodities by the State Government.

(5) The licensing authority may by a written order, suspend the license of a Fair Price Shop Owner or Dealer, if a proceeding under any provision of this order has been initiated against the Fair Price Shop Owner or Dealer and the said licensing authority is satisfied that it is not in the interest of the smooth operation of the Targeted Public Distribution System to allow the dealer or the Fair Price Shop Owner to handle the Targeted Public Distribution System stocks. Prior notice shall be necessary before passing any order under this sub-clause.

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

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

(7) The authority or any person authorized by it in this behalf or any other person who is engaged in the distribution and handling of commodities under the Targeted Public Distribution System, shall not indulge in substitution or adulteration or theft of stocks from authorized godowns or in transit or from the Fair Price Shop premises.

Explanation- For the purpose of this clause—

- (i) “diversion” means unauthorized movement of delivery of commodities released from central godowns or authorized godowns but not reached to the eligible beneficiaries under the Targeted Public Distribution System or diversion of route without prior written approval of the competent authority.
- (ii) “substitution” means replacement of commodities released from central godowns or authorized godowns with the same articles of inferior quality for distribution to the eligible beneficiaries under the Targeted Public Distribution System.

Cancellation of license in case of conviction.

14. Notwithstanding anything contained in clause 13, where a licensee has been convicted by a court of law in respect of contravention of any order made under section 3 of the Act relating to any of the commodities or under any of the Act or Order as may be applicable, the licensing authority shall, by order in writing, cancel his license immediately;

Provided that where the licensee is acquitted or such conviction is set aside in any order, appeal or revision and where no appeal has been preferred or time period of appeal has expired, the licensing authority may, on application in Form A by the person whose license has been cancelled, reissue the license, with payment of renewal fee or any other fee due, to such person up to the period mentioned in the license so cancelled.

15. The State Government or the Director or the Deputy Commissioner of the District or the licensing authority, as the case may be, may direct the licensee to submit a return in Form C from time to time.

Submission of returns.

16. 1. All appeals against any Order of District Food and supplies Controller regarding Fair Price Shop Services as a Licensing Authority under this Order shall lie before the Deputy Commissioner of the concerned District. Such appeals shall have to be filed within a period of thirty days from the date of Order of the licensing authority.

Appeal.

2. All appeals against any order of Director as a licensing authority as defined in section 2 (y) shall lie before the Additional Chief Secretary to Government of Haryana, Food Civil Supplies & Consumer Affair Department. Such appeals shall have to be filed within a period of thirty days from the date of order of the licensing authority.

17. Where any person or licensee holding any stock of commodities under the Targeted Public Distribution System does not obtain or retain a license after commencement of this Order or where any licensee holding any stock of commodities does not renew a license or where his application for renewal thereof has been refused or cancelled or suspended as the case may be, the licensing authority may direct such person to dispose of stocks of commodities held by him by sale or transfer to such other person or persons by such date, as may be specified in the direction and the person shall comply with such direction.

Power to direct disposal of stocks.

18. The State Government shall be empowered to issue such guidelines and directions from time to time, as it considers necessary to improve the efficiency and effectiveness of the Targeted Public Distribution System and for carrying out the purposes of this order.

Issue of direction and guidelines.

19. When supply of a Fair Price Shop is suspended or license is cancelled or Fair Price Shop Owner is unable to perform his duties due to death, illness or any other valid reason, the supply of that Fair Price Shop shall be attached to nearest Fair Price Shop keeping in view of the interest and convenience of beneficiaries. The balance stock of commodities shall also be shifted to the Fair Price Shop with whom supply is attached. Record and relevant entries in the documents of the balance stocks shall have to be maintained by the Fair Price Shop Owner with whom supply is attached. The Point of Sale device with related equipments and record shall also be handed over to attached Fair Price Shop in presence of concerned Sub Inspector of Food and Supplies or Inspector of Food and Supplies or Assistant of Food and Supplies Officer.

Attachment of supply of commodities from one Fair Price Shop to another.

20. (1) The State Government shall issue distinctive paper or data based electronic ration cards to beneficiaries under the Targeted Public Distribution System. Ration cards shall be issued following such procedure, as may be prescribed by the State Government from time to time:

Issue of Ration Cards.

Provided that ration cards shall not be issued to those persons who are not citizens of India and who are not residents or domiciles of the area of the State for which they are applying for ration cards. The applicant shall have to submit a valid identity proof with the application for ration card.

(2) No person shall,-

- (i) apply for or receive ration card if, a ration card has already been issued to him or in favour of a member of his family with his name included in the card;
- (ii) give incorrect details or information while applying for a ration card for the family;
- (iii) willfully alter or destroy, deface or permit to deface any of the entries in the ration card.
- (iv) transfer to any other person, a Ration Card issued to him and use or dispose of or obtain such card except under and in accordance with the provisions of this Order.

(3) Ration cards, issued prior to date of coming into force of this Order shall remain valid till such date, as the State Government may decide.

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

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

(6) Every ration card under this Order shall be the property of the State Government but the person to whom it is issued, shall be responsible for its safe custody.

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

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

(9) Ration card of category like Antodya Ann Yojana /Below Poverty Line/Other Priority Household shall not be transferred from original address of survey to any other address.

Prohibition
against misuse
of ration card or
commodities.

21. (1) No person shall

- (i) 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.
- (ii) obtain a ration card by furnishing false information.
- (iii) without lawful authority alter or destroy a ration card issued to him.
- (iv) use commodities supplied under the Targeted Public Distribution System for other than his household consumption.
- (v) resort to resale the commodities drawn under the Targeted Public Distribution System either with collusion of Fair Price Shop Owner or dealer or other person leading to recycling or change of quality, exchange etc.
- (vi) purchase the commodities supplied or intended for supply through the Targeted Public Distribution System either from the card holder or from the Fair Price Shop owner or dealer or any middle man or other source. Otherwise, such Fair Price Shop Owner or dealer or middle man or other person involved shall be liable for criminal action and imposition of such penalty, as may be fixed by the competent authority.

(2) If any cardholder is found to have misuse commodities issued under the Targeted Public Distribution System, he shall be liable for criminal action besides cancellation of his Ration Card.

(3) In case, any person is found to be involved in purchase, sale, recycling, diversion of foodgrains supplied and intended for supply under the Targeted Public Distribution System, or any other act prohibited in this order, shall be liable for criminal action or imposition of such penalty or both as may be fixed by the competent authority.

Power of entry,
search and
seizure etc.

22. (1) Any officer not below the rank of Sub-Inspector food and supplies as authorized by the licensing authority or the State Government in this behalf with such assistance, if any, as he thinks fit may-

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

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

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

(3) Team or member of social Audit and vigilance committee appointed under Food Security Act, 2013 (Central Act 20 of 2013) shall also empower to inspect the Fair Price Shop and its records.

23. Notwithstanding anything contained in this Order-

(a) If any Fair Price Shop Owner found to be in possession of ration cards or draws scheduled commodities fraudulently, such Fair Price Shop Owner shall be liable to pay the amount of all commodities as mentioned in clause 13(4) of this Order as supposed to have been supplied or drawn on such cards from the date of issue of authorization to the Fair Price Shop Owner concerned or from the date of issue of such ration card, whichever is later.

(b) If any Fair Price Shop Owner distributes scheduled commodities, diverts stocks with a view making fictitious entries subsequently or cover up the excess stocks already available with such Fair Price Shop Owner shall be liable to pay the amount of all commodities as mentioned in clause 13(4) of this order from the date of issue of authorization to the Fair Price Shop Owner concerned or from the date of issue of such Ration Card whichever is later.

(c) If any Fair Price Shop Owner diverts Targeted Public Distribution System PDS stock either wholly or partly the owner shall be liable to pay the amount of all commodities as mentioned in clause 13(4) of this Order

Penalties
for possessing
cards, making
false entries or
diverting stock.

Fair Price Shop Owner shall also be liable for cancellation of license or forfeiture of security or both. In addition to the above he may also be liable for punishment under section 7 of the Essential Commodities Act, 1955 (Central Act 10 of 1955).

24. (1) No Fair Price Shop Owner or card holder on any person shall be allowed to cause interruption or interfere with the process of smooth distribution of scheduled commodities under the Targeted Public Distribution System or any other Government schemes at any level, till the scheduled commodity reached to the intended beneficiary. Any such attempt of interruption or interfering with such process shall be treated as an abetment and be deemed to have contravened this Order, thereby committed an offence under section 8 of the Essential Commodity Act, 1955 (Central Act 10 of 1955).

Interruption in
the process of
distribution.

(2) Any authorized Fair Price Shop Owner or any other person who interfere with the process of distribution or abet the contravention of any of the provisions of this Order or the terms and conditions of authorization or the directions issued by the State Government, shall be prosecuted by the respective Station House Officer on receipt of report from the inspecting authority.

25. Every authorized Fair Price Shop Owner shall when so required by the officer authorized in this behalf -

(a) deliver all ration cards and other documents collected as per the orders of the State Government or for the purpose of this Order.

(b) furnish such particulars relating to their dealings in and stock of scheduled commodities, as may be required.

Delivery of
documents and
obligations to
furnish certain
information.

Social audit.

26. The Rural Development Department, Haryana and Urban Local Bodies Department, Haryana shall collectively monitor and evaluate the Targeted Public Distribution System to ensure accountability and transparency as per guidelines issued by the State Government. Deputy Commissioner or licensing authority shall take action on the suggestions in the social audit report to make the Targeted public distribution system more effective. In case, if any contravention of this order or non- distribution or improper distribution of scheduled commodities by the Fair Price Shop Owners is found in the social audit report, the licensing authority may take action against the Fair Price Shop Owners as per the provisions of this Order.

Prohibition of
benami
dealership.

27. No person who is not holding a license in his name shall operate a shop as proxy or benami Fair Price Shop or as a de-facto owner by using a license granted to another person, group, Cooperative Society or Non Governmental Organization.

Exemption.

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

Repeal and
savings.

29. The Haryana Public Distribution System (Licensing and Control) Order, 2009, is hereby repealed;

Provided that such repeal shall not affect-

- (a) the previous operation of any Order repealed under this clause (here in after referred to as the "repealed Order" or anything duly done or suffered therein; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Order; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed under the repealed Order; or
- (d) any investigation, 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 this Order had not been issued.

Provided further that notwithstanding anything mentioned in this clause, all applications for issue of license or renewal of license which have been filed under the provisions of the Haryana Public Distribution System (Licensing and Control) Order, 2009 and have not been finally disposed of on the date of coming into force of this Order, shall be disposed of in accordance with the provisions of this Order.

FORM A*See Clause 3(2)*

[The Haryana Public Distribution System (Licensing and Control) Order 2022] Application for grant/renewal/reissue of license (fair price shop/dealer)/ issue of duplicate copy of license (fair price shop/dealer)

1. Applicant's name.
 - (a) Father/Husband's name:
 - (b) Whether SC/ST/SCM/PH:
2. Applicant's profession:..
3. Applicant's residence:..
4. Name of the PDS commodity/commodities in which the applicant wants to deal with : ..
5. (a) Details of place where the applicant wants to act as dealer/fair price shop:
 - (b) Place of business:

Plot No.	Street Address-----
Khata No.	-----
Mouza:	Pin Code-----
Description of boundary:
To the East.....	District.....
North.....	
West.....	
South.....	
- (c) Nature of premises
 - (i) Building Pucca/Kacha
 - (ii) Roofing (RCC, Asbestos sheet etc.)
 - (iii) Compound wall. Yes/No
- (d) Ownership of premises Own/rented

If rented, the details of Agreement made with the owner
6. Whether, the applicant wants to act as Fair Price Shop/Dealer
7. Did the applicant hold a license on any- previous occasion?
(If so, give particulars including its suspension or cancellation, if any.)
8. Quantity of each of the PDS commodities handled annually during last three years ...
9. Quantity of each of the PDS commodities likely to be handled during the current year.
10. Income-tax paid in the two years preceding the year of application. ...
(to be indicated separately)
(Income Tax Clearance Certificate to be attached)
11. (a) Quantities of each of the PDS commodities in the possession of the applicant on the date of application:
(b) complete address of places where the essential commodities are proposed to be stored.

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

I have carefully read the conditions of license given in Form B appended to the Haryana Public Distribution System (Licensing Control) Order, 2022 and I agree to abide by it.

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

- (a) I have not previously applied for such license in this district.
- (b) I applied for such license in this district for -----on-----
-----and was/ was not granted a license on-----.
- (c) I hereby apply for renewal of license No.-----Dated-----
- (d) I hereby apply for issue of duplicate copy of license No.-----Dated-----
- (e) I hereby apply for reissue of license No.-----Dated-----

Place:

Date:

Signature of the applicant

FORM B*see Clause 5(5) and 8(2)*

The Haryana Public Distribution System (Licensing and Control) Order, 2022 License for operation as a Fair Price Shop Owner/Dealer

1. Subject to the provisions of the Haryana Public Distribution System (Licensing and Control) Order, 2022 and to the terms and conditions of this license, M/s..... is hereby authorized to operate as a retailer/a wholesaler/ a sub-wholesaler in the PDS commodities mentioned below:-

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

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

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

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

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

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

- (a) The licensee shall have adequate storage space for entire allotment of *two months* and he shall take adequate measures to ensure that the PDS commodities stored by him are maintained in proper condition and that in case of foodgrains and sugar, damages due to ground moisture, rain, insects, rodents, birds, fire, etc. such other causes are avoided. Suitable dunnage shall be used to avoid damage from ground moisture and the foodgrains shall be fumigated with chemical approved for the purpose by person who has undergone practical training in that regard. The licensee shall also ensure that materials likely to contaminate foodgrains and sugar are not stored along with the same in the same godown or in immediate juxtaposition of foodgrains and sugar.
- (b) Declaration of business, stock, price and entitlement are to be displayed near the entrance on the outside of the shop.
- (c) The Fair Price Shop/Dealer should operate the shop himself. Accounts must be authenticated by the licensee himself every day.
- (d) The prior permission from the licensing authority in writing is to be obtained if the place of business is going to be closed for specific day (s).
- (e) The Fair Price Shop Owner /Dealer shall keep certified weights and measures and obtain fire safety clearances and other statutory clearances required for business.
- (f) The licensee shall keep reserve stock in such quantities as may be directed by the licensing authority.
- (g) The licensee shall install *POS* device, electronic weighing equipments *or any other devices as directed by the Government for online distribution and correct weighment of PDS commodities.*
- (h) *"Right to Service" board* shall be displayed prominently in the business premises.
- (i) The licensee shall meticulously comply with their responsibilities enumerated in clause 10, *11and under other provisions of the Order.*

4. The licensee shall complete his accounts as specified in clause 12 of the Haryana Public Distribution System (Licensing and Control) Order, 2022 for each day to which shall be upon him. There shall be no overwriting in the register, in case corrections are necessitated, the old entry will be scored off and new entry be recorded, duly initialed by the licensee.

5. The licensee shall furnish the reports and returns as specified in clause 15 of the Haryana Public Distribution System (Licensing and Control) Order, 2022 He furnish correctly such information relating to his business as may be demanded by the licensing authority or by any officer authorized in this behalf.

6. The Licensee shall not contravene the provision of the Haryana Public Distribution System (Control) Order, 2022 or any other Order relating to the essential commodities, issued under the Essential Commodities Act, 1955 (10 of 1955) or any other law relating to said essential commodities for the time being in force.

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

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

Dealer: 4 feet by 6 feet

Fair Price shop: 3 feet by 4 feet

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

(b) The licensee shall follow the procedure of distribution electronically/manually as directed by the government/licensing authority from time to time.

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

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

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

Place:

Licensing Authority

Dated :

Signature of the licensee

FORM C*[see clause 15]*

[The Haryana Public Distribution System (Licensing and Control) Order, 2022]

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

Place:

Date:

Signature of the Licensee

Chandigarh:
The 1st August, 2022.

ANKUR GUPTA,
Additional Chief Secretary to Government Haryana,
Food, Civil Supplies & Consumer Affairs Department,
Haryana, Chandigarh.