

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF CIVIL SUPPLIES
ITANAGAR

No. DCS/MON/92(A)98 (Vol.I)

Dated Itanagar, the 1st April, 2005

NOTIFICATION

In exercise of the powers conferred by clause (2), (3), (6), (8), (10), (11) & (12) of sub-section (1) (2) (3) & (4) of section (3) of the Essential Commodities Act, 1995 (10 of 1955) read with the notification of the Govt. of India in the Ministry of Consumer Affairs, Food & Public Distribution, No. GSR. 630 (E) dated 31/08/2001 with the prior concurrence of the Central Government, the Governor of Arunachal Pradesh hereby makes the following order namely :-

1. Short title, extent and commencement :-

1. This order may be called the Arunachal Pradesh Public Distribution of Articles Order, 2005.
2. It shall apply to the whole state of Arunachal Pradesh.
3. It shall come into force from the date of its publication in the Gazette;

2. Definition :-

In this order, unless the context otherwise, requires;

- a) 'Act' means the Essential Commodities Act, 1955 (10 of 1955).
- b) 'Govt.' means the Government of Arunachal Pradesh.
- c) 'Appointed dealer' means a person, a firm, an association of person or a Cooperative Society engaged in the business of purchase. Sale or storage for sale of any notified article, whether or not in conjunction with any other business and includes his representative or agent appointed as such by the Licensing Authority with such terms and conditions as may be specified in the appointment letter to be issued as a license in form – I.
- d) 'A Fair Price Shop dealer' means a retail dealer appointed or deemed to be appointed under the provisions of clause 7 in respect of any articles under Public Distribution System.
- e) 'Notified Articles' means any article that may be notified as such by the State Government from time to time in the Official Gazette.

The following articles are notified by the government under the sub clause

(a) Notified articles.

- (i) Rice
 - (ii) Levy sugar
 - (iii) Iodised salt
 - (iv) Imported edible oil (RRSO/RBD palm oil)
 - (v) SKO
 - (vi) Controlled cloth
 - (vii) Wheat/atta.
- f) 'Director' means the Director of Civil Supplies, Govt. of Arunachal Pradesh and include (any other officer), not below the rank of Superintendent of Supply authorized by the Govt. to perform all or any of the function of the Director.
- g) 'Deputy Commissioner' means the Deputy Commissioner, within their respective jurisdiction.
- h) 'Above Poverty Line' means those families who have been issued Above Poverty Line (APL) ration cards by the State Govt. for issue of food grains under the Public Distribution System.
- i) 'Below Poverty Line' means those families identified by the State Govt. for issue of food grains at specially subsidized rates, adopting the estimates of poverty level given by the Central Govt.
- j) 'Antyodaya family' means those poorest families from amongst Below Poverty Line (BPL) families identified by the State Govt. and entitled to receive food grains under the Antyodaya Anna Yojana or any other scheme of the GOI or State Govt.
- k) 'Eligible applicant' means an individual who is resident of the State of Arunachal Pradesh and fulfills the conditions for getting a ration card as prescribed by the Govt.
- l) 'Fair Price Shop' means a shop, which has been licensed to distribute essential commodities by an order issued under Section – 7 of the Act, to the ration card holder under the Public Distribution System.
- m) 'Fair Price Shop Owner' means a person includes a cooperative society or a Corporation or Gram Panchayat or any other body in whose name a shop has been licensed to distribute essential commodities under the Public Distribution System.
- n) 'Public Distribution System' means the system for distribution of essential commodities to ration card holders through the FPS, for distribution of essential commodities through the Fair Price Shop, such as rice, levy sugar, wheat, edible oil, kerosene oil and such other commodities as are notified by the State Govt. time to time in the Official Gazette.

- o) 'Ration Cards' means a document issued under an order of the Govt. of purchase of essential commodities under Public Distribution System from the Fair Price Shop.

3. IDENTIFICATION OF FAMILIES LIVING BELOW THE POVERTY LINE (BPL) :-

- (i) The Deputy Commissioner shall formulate suitable guidelines as per the procedures adopted by Central Govt. for the purpose of Identification of families living below the poverty line (BPL), including the Antyodaya families, and to ensure that the families so identified are really the poorest.
- (ii) 'Dealer' means any person carrying on the business of selling of any essential commodity and includes a producer, and any importer or wholesales or a retailer and also a broker, or commissioned agent, distributor or any other agent of a producer or wholesaler having authority to sell any essential commodity belonging to the principle.
- (iii) The Deputy Commissioner shall make comprehensive review exercise every year for the purpose of deletion of ineligible families and inclusion of eligible families.
- (iv) The Deputy Commissioner shall issue prescribed proforma to be filled up by or on behalf of the head of a family, while undertaking the exercise of identification or review of BPL and Antyodaya families.
- (v) The Deputy Commissioner shall verify the data in prescribed proforma and also certify the correctness of the information contained in the proforma.
- (vi) The Deputy Commissioner/Additional Deputy Commissioner shall ensure that the Gram Sabhas are involved to finalize the list of beneficiaries belonging to BPL and Antyodaya families selected by the designated authority in respect of the area under their jurisdiction.
- (vii) The Deputy Commissioner/Additional Deputy Commissioner shall ensure that the Gram designated authority or the local representative bodies including Gram Panchayat who are entrusted with the task of identification of beneficiaries, shall verify and certify the information in prescribed proforma for BPL and Antyodaya families.

4. POWER TO ISSUE RATION CARD :-

- (i) The licensing authority shall ensure that no eligible applicant is denied a ration card under PDS.
- (ii) Licensing authority shall issue distinctive ration card to APL and special coloured ration cards to BPL and Antyodaya families.
- (iii) The licensing authority shall issue a ration card within one month of the date of receipt of the application after necessary check and verification.

- (iv) The licensing authority shall specify a time frame for making addition or alteration in the ration card. In case this time limit is not adhered to the reasons thereof shall be intimated to the application in writing.
- (v) The licensing authority shall conduct periodical checking of ration cards to weed out ineligible bogus ration cards and bogus units in ration cards.
- (vi) The Deputy Commissioner shall ensure a ration card shall be valid for a period of one year period, a ration card shall be issued afresh or renewed after fresh verification of antecedents.
- (vii) The licensing authority, with a view to regularizing supply of notified articles to such class of consumers as would, in the opinion of the licensing authority require regular supply under the Govt. scheme, may issue or cause to be issued to every head of a family or such class in any area of a family ration card for the purpose of this order.

5. RESTRICTIONS ON POSSESSION OF RATION CARD :-

- (i) No person shall possess or retain any ration card without the order of the officer authorized under this order.
 - (ii) No person shall transfer to any other person any ration card issued to him by the officer authorized under this order.
 - (iii) No person shall accept or retain any ration card not issued in his name by the officers authorized under this order.
 - (iv) No person shall possess bogus or ghost ration card containing inflated members.
 - (v) Every ration card under this order shall be the property of the Govt. but the person to whom it is issued or surrendered or with it is retained under the provisions of this order shall be entitled to its custody and shall be responsible for its safe custody. Under no circumstances, the ration card should be kept with the Fair Price Shop dealer to avoid possible misuse of the same. On detection, such cards are liable to cancellation.
 - (vi) Ration cards shall not be used as document of identity.
- 6.**
- (i) If any ration card is defaced, lost or destroyed, an officer authorized by the licensing authority may, after making such enquiry as he may deem fit, issue a new ration card in place thereof on payment of fee prescribed by the issuing authority.
 - (ii) When a new ration card is issued under clause 3 in place of lost ration card, it shall be the duty of the person to whom the new ration card issued, if he subsequently find the lost ration card to return the ration card forthwith to the officer by whom it was issued.

- (iii) When any person is in possession of a ration card and is not authorized by or under this order, he shall forthwith deliver such ration card to the officer incharge of the local supply office.

7. The holder of a APL/ BPL/ ANTYODAYA ration card shall get the same registered with a Fair Price Shop in the manner prescribed by the issuing authority for the purpose of obtaining supplies of notified articles for its family.

8. POWER TO APPOINT FAIR PRICE SHOP DEALER/WHOLE SELLER:-

- (i) With a view to distributing PDS articles under the Government Scheme, the Deputy Commissioner in their respective jurisdiction may, by order, appoint in respect of any area or any person as a Fair Price Shop Dealer/Whole seller in respect of any PDS articles for the purpose of this order and there upon such Fair Price Shop/Whole seller shall be entitled to supply in accordance with the provisions of this such PDS articles within such area.
- (ii) Every appointment made under sub-clause (i) above shall be valid till the 31st day of March next following the date of appointment.
- (iii) The license fee, renewal fee, security money, and Duplicate license fee payable by the Fair Price Shop Dealer/Whole seller under this order are as follows : -

Category of license	License fee	Renewal fee	Security money	Duplicate license fee
(i) Whole seller	25000/-	5000/-	20% of the value of average monthly quota	500/- (in case of Defaced or lost Rs. 1000/-)
(ii) FPS dealer	1000/-	100/-	- do -	50/- (in case of Defaced or lost Rs. 500/-)

In case of non-renewal of license within the grace period of 30 days from the date of expiry, a sum of Rs. 200/- pm for wholesale and Rs. 25/- for FPS will be levied as late fine in addition to normal renewal fee. In case of non-renewal after expiry of grace period of three months, it shall be deemed to have been cancelled.

- (iv) The Deputy Commissioner in respective jurisdiction may, after giving a Fair Price Shop Dealer/ Whole seller an opportunity of stating his case including an opportunity of being heard in person and for reasons to be recorded in writing amend, vary, suspend or revoke the appointment order whenever, in the opinion of the Director or Deputy Commissioner it is, in the interest of the general public necessary or expedient so to do, and in every such case the Fair Price Shop Dealer/ Whole seller shall be bound to surrender, or demand to the

Deputy Commissioner the order appointment for endorsement or cancellation as the case may be.

9. SECURITY DEPOSIT AGREEMENT : -

- (i) The Fair Price Shop dealer and whole sale shall deposit with the licensing authority security of the value of 20% of the average allotted quota in the form of National saving certificate or Kissan Bikash Patra, deposit call receipt and execute agreement for the due performance of the conditions of his appointment.
- (ii) Without prejudice to the provision of clause 7, the Licensing Authority may, by order forfeit the whole or any part of the security deposit and communicate a copy of the order to the FPS dealer/ whole seller.

10. SUPPLY TO FAIR SHOP DEALER/WHOLE SELLER : -

- (i) A PDS Whole seller/FPS dealer shall ensure collecting average quality of food grains from FCI for delivery of food grains to maintain quality distribution of food grains to the consumers under PDS.
- (ii) Deputy Commissioner shall make sub-allocation order on receipt of allocation order to their authorized agencies or nominees to draw food grains from the FCI within ten days of the receipt of allocation order made by the State Govt. after depositing the value of food grains to FCI.
- (iii) A FPS dealer shall obtain his supply of PDS articles on indents placed by him with the officer in-charge of the local supply office.
- (iv) The quantity of PDS articles to be allotted to each FPS dealer against each indent shall be determined by the said officer in-charge of the local supply office from time to time.
- (v) A FPS dealer shall deposit in such a manner as may be prescribed in this behalf by the local supply officer the price of any PDS articles allotted to him.
- (vi) A FPS dealer shall take delivery of PDS articles from Govt. godowns or whole seller godowns or both particularly mentioned in and against delivery permits issued in this behalf.
- (vii) While making monthly sub-allocation to FPS, the DC/ADC shall take into account the balance stock, if any, lying un-distributed with the FPS owners for the subsequent allocations.
- (viii) The Deputy Commissioner shall make arrangements for taking delivery of PDS commodities by their designated agencies or nominees from the FCI depots/godowns and ensure further delivery to the FPS within the first week of the month for which allocation is made.

- (ix) The designated agencies/nominees, and FCI shall make joint inspection of the stocks of food grains intended for issue and whether it is prescribed quality specifications, before making the payment to the FCI.
- (x) The designated agencies/nominees shall collect stock wise sealed samples of the stocks of food grains supplied to them for distribution under the PDS at the time of release of food grain from the FCI depot.
- (xi) The Deputy Commissioner shall ensure and exercise necessary checks right from FCI godown to FPS level that full quality lifted by the PDS nominees reaches their godowns and in turn the FPS.
- (xii) The Deputy Commissioner shall ensure that stocks of essential commodities under PDS, as issued from the FCI godowns, are not replaced by stocks of inferior quality during storage, transit or any other stage till delivery to the ration card holder.
- (xiii) The Deputy Commissioner shall issue one copy of sub-allocation order made to the FPS simultaneously to Gram Panchayat or Nagar Palikas or Vigilance Committees or any other body nominated for monitoring the functioning of the FPS.

11. PROHIBITION TO SALE BY FAIR PRICE SHOP/WHOLE SELLER : -

- (i) No Fair Price Shop dealer/whole seller shall supply or offer or attempt to supply or permit to be supplied by any agent or servant of such FPS dealer/whole seller any food stuff in respect of which he holds his appointment except under and in accordance with the provision of this order.
- (ii) The licensing authority may make necessary addition, deletion and alteration in the entries made in the license as may be considered necessary from time to time.

12. FAIR PRICE SHOP DEALER/WHOLE SELLER TO KEEP RECORD OF SUPPLIES RECEIVED : -

- (i) A Fair Price Shop Dealer immediately on receipt of the notified articles lifted by him from the government godowns and or whole seller's godowns, shall enter in appropriate stock registers to be maintained by him in this behalf. Similar accounts shall be maintained by the whole seller on receipt of articles from FCI or any other source as directed by the local supply officer.

13. FAIR PRICE SHOP DEALER TO SELL NOTIFIED ARTICLES TO CONSUMERS IN QUANTITIES AND PRICE FIXED BY THE GOVERNMENT: -

- (i) Every FPS dealer shall not notified articles to consumer in such quantities and at such rate or rates as may be specified in the orders made from time to time by the State Government.

- (ii) Every appointed FPS dealer/whole seller shall furnish monthly to such officers and in such forms as may be specified by the licensing authority.
- (iii) The State Government or the Director or the licensing authority may issue directions to any appointed dealer/whole seller with regard to purchase, sale, disposal storage or exhibition of any of the notified articles which shall be forthwith complied with by the appointed FPS/Whole saler.
- (iv) The State Government may by an order, publish in the official Gazette, increase or decrease the number of categories of notified articles and there under the number of categories shall be deemed to have been amended accordingly.

14. FAIR PRICE SHOP DEALER NOT TO REFUSE NOTIFIED ARTICLES TO RATION CARD HOLDER :-

- (i) On demand and offer of price by or on behalf of holders of Ration Cards, a Fair Price Shop Dealer shall not refuse to supply notified articles of appropriate qualities against such cards until the stock with him is completely exhausted.
- (ii) Where a Ration Card has been issued to the head of a family under sub clause (viii) of sub-section 3, no member of such family shall be entitled to a supply of notified articles under the government scheme otherwise than on production of family ration card to the FPS dealer with whom such card has been registered.

15. FAIR PRICE SHOP DEALER TO ISSUE CASH MEMO AND MAINTAIN DAILY SALE REGISTER :-

- (i) Every FPS dealer shall issue Cash Memos for sale noting in each such memo the name and address of the customer, together with such particulars of Ration Card as are specified by or under the orders, of the licensing authority.
- (ii) Every FPS dealer shall also maintain Daily Sales Registers separately, APL, BPL and Antyodaya in such manner as well be specified by the licensing Authority which shall be made up-to-date at the end of each day.

16. FAIR PRICE SHOP/WHOLE SELLER TO SELL AT FIXED HOURS :-

- (i) A Fair Price Shop Dealer/whole seller shall sell notified articles during working hours only fixed by the licensing authority in such quantities and for such period of consumption as fixed by the said authority.

17. SUPERVISION OF FAIR PRICE SHOP : -

- (i) Every Fair Price Shop Dealer shall comply with such other directions as may be issued from time to time by the licensing authority.
- (ii) Every Fair Price Shop Dealer and Whole seller, when required by an officer authorized by the licensing authority in this behalf shall : -
 - a) Surrender to such officer all authorities and documents delivered to such Fair Price Shop Dealer/Whole seller under or for the purpose of this order, and
 - b) Furnish such particulars, accounts information relating to his dealings in any stocks of any notified articles as may be required.

18. POWERS OF ENTRY, SEARCH, SEIZURE ETC : -

- (i) The Director, the Deputy Commissioner or any officer of the Supply deptt. not below the rank of Sub-Inspector of Supply or Police Officer not below the rank of Sub-Inspector are authorized in this behalf by the Government and also any officer of the Controller of Legal Metrology not below the rank of Inspector of Legal Metrology with respect to paragraph (e) below, may with a view to securing compliance with this order or to satisfy himself that this order has been complied with : -
 - (a) Enter and search any premises used or believed to be used for the sale, distribution or storage for sale or distribution of any notified articles and in respect of any such premises and any aforesaid articles therein on thereon,
 - (b) Require any person to make any statement or furnish any information or to produce any document or articles in his possession or to under this Control order relating to the purchase, sale, distribution or storage of any notified articles and every person so required shall comply with such requisition,
 - (c) Require any person to render any account or to produce books of account or other documents relating to or believed to be relating to, the purchases, sale, distribution or storage of any notified articles, every person so required shall comply with such requisitions,
 - (d) Take or cause to be taken extract from or copies of any document relating to the purchase, sale distribution or storage of any notified articles which is produced under paragraph (b) or paragraph (c) or otherwise found in any such premises,

- (e) Test or cause to be tested the correctness of any weight measures or used or believed to be used in any transaction relating to the sale or distribution to any notified articles,
 - (f) Take or cause to be taken the weight of all or any of the notified articles found in any such premises,
 - (g) Seize or authorize the seizure of any Ration Card in respect of which she/he suspects that any provision of this order has been or is being violated.
- (ii) All searches and seizures under this order shall be conducted as far as may be practicable in accordance with the provisions of the code of Criminal Procedure, 1973 (Section 100):

Provided that in entering upon inspecting and searching any premises, the Officer so authorized shall have due regard to the social and religious customs of the persons occupying the premises.

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

19. The provisions herein before contained in this order relating to the appointment of Fair Price Shop Dealer, Whole seller and the distribution of notified articles through them and other obligations imposed on them shall have affect notwithstanding anything inconsistent therewith contained in any prior agreement or instrument appointing them for the same purpose.

20. Appeals:-

Appeals against the order of the Licensing Authority shall lie to the Director within 30 days of the order appealed against.

21. Sanction of prosecution: -

No prosecution in respect of an alleged contravention of any provision of this order shall be instituted without the sanction in writing of the Director.

22. Nothing in this order shall apply to the purchase, sale, or storage for sale of notified articles by or on behalf of: -

(1) Central Government.

(2) State Government.

23. Repeal and saving: - From the date of commencement of this order the Arunachal Pradesh Public Distribution of Articles order, 1992 shall stand repealed.

Sd/- J. P. Rai
Secretary (CS)
Govt. of Arunachal Pradesh,
Itanagar.

Memo No. DCS/MON/92(A)98(Vol.I)

Dated Itanagar, the 1st April 2005.

Copy to : -

1. The Under Secretary to Government of India, Ministry of Consumer Affairs, and Food and Public Distribution, Krishi Bhawan, New Delhi with reference to his letter No. 1-1/2001-BP-III dated 7/1/2001.
2. The Secretary to the Governor of Arunachal Pradesh, Itanagar for information of the Governor.
3. The private Secretary to the Chief Secretary, Arunachal Pradesh, Itanagar for information of the Chief Secretary.
4. The Director of Information and Public Relation & Printing, Naharlagun with a request to get the notification published in the next Arunachal Pradesh gazette (2 copies).
5. The Inspector general of Police, Arunachal Pradesh, Itanagar.
6. The Director of Civil Supplies, Arunachal Pradesh Naharlagun.
7. All Deputy Commissioner, Arunachal Pradesh.
8. The Director of Supply & Transport, Arunachal Pradesh, Naharlagun.
9. The Register of Cooperative Society, Arunachal Pradesh, Naharlagun.
10. The Controller Legal Metrology, Arunachal Pradesh, Naharlagun.

(K. P. Balachandran)
Under Secretary (CS)
Govt. of Arunachal Pradesh,
Itanagar.

FORM-I

(See Clause – 1 Sub clause - ii)

(L I C E N C E)

- (i) License No.
- (ii) Name of appointed dealer alongwith partners, if any :
 - 1.
 - 2.
 - 3.

Terms and Conditions

- 1. Subject to the provisions of the Arunachal Pradesh Public Distribution of Articles Orders, 2005 and the terms and conditions of the license Shri/Smti M/s is/are hereby authorized to operate as a whole seller/retailer for the area. The purchase and sale shall be carried on only as per directions to be given in writing by the Licensing Authority from time to time.

- 2. (a) The license shall carry on wholesale/retail business of notified articles at the following place : -
.....
.....

- (b) The notified articles in which the aforesaid business is to be carried on shall not be stored at any place other than the godowns mentioned below : -

1
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Note: - If the licensee intends to store the notified articles in place other than those specified above, he shall give intimation in writing to the Licensing Authority within a period of seventy-two hours of actual storing of these articles therein. He shall also produce the license before the licensing Authority within a fortnight of his giving intimation mentioned above, for the purpose of making requisite changes.

- 3. (a) The license shall maintain daily stock register separately for APL, BPL and Antyodaya and other notified articles showing correctly: -
 - (i). The opening stock on each day;

- (ii). The quantities received on each day showing the place from where and the source from which received;
- (iii). The quantities delivered or otherwise removed on each day showing the places of destination; and
- (iv). The closing stock on each day.

EXPLANATION:

- (a) The Licensee may maintain separate stock register for APL, BPL and Antyodaya and other notified articles. In case the purchased notified articles are not received physically by the licensee on the date of entering into any transaction or sold notified articles are not removed physically by the purchaser on the date of entering into any transaction, a note should be recorded in this behalf-in Stock Register.
 - (b) The licensee should complete the entries in the Stock Register for each day latest by the beginning of the transaction on the following day unless prevented by reasonable cause, the burden of providing which shall be upon him.
4. The licensee shall not contravene the provisions of the Arunachal Pradesh Public Distribution of Articles Order, 2005 or any law relating to essential commodities for the time being in force.
 5. The licensee shall issue to every customer of such notified articles a cash memo giving his own name, license number, name and address and license number (if any) of the customer, the date of transaction, the quantity sold and the price charged. He shall keep a duplicate copy of the same to be available for inspection on demand by the licensing Authority or any other officer authorized in this behalf.
 6. The licensee shall furnish correctly such information relating to the business as may be required from him and shall carry out such instructions as may, from time to time, be given by the licensing Authority.
 7. The licensee shall give all facilities at all reasonable time to the inspecting authority for the inspection of his stocks and accounts at any shop, godown or other places used by him for the storage, sale or purchase and for the tacking of samples of the notified articles for examination.

8. (i) The licensee shall comply with any direction that may be given to him by the State Government or by the Deputy Commissioner or by the Licensing Authority with regard to the purchase sale and storage for sale of the notified articles and in regard to the language in which the registers, returns, receipt or invoice shall be written and in regard to the authentication and maintenance of the registers, etc.

(ii) The licensee shall keep open his shop premises on all days except the day which has been declared weekly holiday by the Licensing Authority:

Provided that the licensee may keep his premises closed on public holiday.

Provided further that the Licensing Authority may by an order in writing permit any licensee to keep his shop premises closed on any day other than any of the above-mentioned holidays.

9. Every licensee shall take adequate measures to ensure that the notified articles stored by him are maintained in proper condition and that damages to these articles due to ground moisture, rain, insects, rodents, birds, fire and other causes are avoided. The license shall also ensure that fertilizers, insecticides and poisonous chemicals likely to contaminate such articles are not stored alongwith these notified articles in the same godowns or in immediate adjacent position to the stocks of the notified articles.

10. The licensee shall be attached to an application for renewal.

11. This licensee shall be valid up to

Place : -

Date :-

Licensing Authority.