

Government of Jammu and Kashmir
Department of Food, Civil Supplies and Consumer Affairs
Civil Secretariat: Jammu/Srinagar

Notification

19th
Jammu, the January, 2023.

S.O. 41 .—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with Clause 9 of the Targeted Public Distribution System (Control) Order, 2015 issued by the Government of India in the Ministry of Consumer Affairs, Food and Public Distribution published as G.S.R. 213 (E) dated 20th March, 2015 and in supersession of all previous Orders issued in this behalf, the Government of Jammu and Kashmir hereby make the following Order, namely:

CHAPTER 1
PRELIMINARY

1. Short title, and commencement.— (1) This Order may be called the “Jammu and Kashmir Targeted Public Distribution System (Control) Order, 2023”.

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

(3) It shall come into force at once.

2. Definitions.— In this Order:-

(a) ‘**Act**’ means Essential Commodities Act, 1955 or Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980.

(b) ‘**Destitute widow/woman**’ is a woman, who does not have adequate means of support or any person to depend on.

(c) ‘**Department**’ means the Department of Food, Civil Supplies and Consumer Affairs of the J&K Government.

(d) ‘**Director**’ means Director, Department of Food, Civil Supplies and Consumer Affairs, Jammu/Kashmir.

(e) ‘**Employee**’ means a person employed in Government Department, Public Sector

Undertakings, Autonomous bodies and banks, etc.

- (f) **'Existing dealer'** means a person and includes a cooperative society, who is running a Fair Price Shop before this Order comes into force.
- (g) **'Fair Price Shop'** means a shop which has been licensed to distribute essential commodities under Targetted Public Distribution System.
- (h) **'Family'** means parents, brother, sister, wife, husband, son, adopted son, daughter, adopted daughter, dependent on the licensee.
- (i) **'Fair Price Shop Dealer'** means a person and includes a cooperative society in whose name a shop has been licensed to distribute essential commodities under the Targetted Public Distribution System.
- (j) **'Food Security Act'** means the National Food Security Act,2013 (20 of 2013).
- (k) **'Government'** means the Government of Jammu and Kashmir.
- (l) **'Licensee'** means a person who has been issued a license to run Fair Price Shop under the provisions of this Order
- (m) **'Licensing Authority'** means Assistant Director, FCS&CA Department in their respective district/area or any other officer so designated and empowered for the purpose of signing, issuing & renewing the FPS License under this order to the FPS owner in the prescribed format.
- (n) **'Local Authority'** includes a panchayat, municipality, district board, cantonment board, town planning authority or any other body, by whatever name called, which is authorized under the Constitution or any other law for the time being in force for self governance or any other authority or body vested with the control and management of civic services, within a specified local area.
- (o) **'Public Distribution System'** means the system for distribution of essential commodities to ration cardholders through the fair price shops or through Government Sale Centers, such as rice, wheat, sugar, kerosene and such other commodities as are notified by the Government

- of J&K or the Central Government;
- (p) **'Ration card'** means a document issued under an order or authority of the Government for availing of essential commodities under the Public Distribution System from the fair price shop;
- (q) A **'ULB'** means either Municipal Council or Municipal Committee or Municipal Corporation.

CHAPTER II **RATION CARDS**

3. Issuance of ration cards.—(1) The Government shall issue ration card to the following households; i) who fulfills the conditions for getting a ration card as per the policy & instructions issued by the Government from time to time. ii) who falls within the criteria prescribed in rule 3 of the J&K Food Security rules,2021.

(2) Ration cards shall contain its number, the address of the household, name, age, monthly income of the head of the household and the members included therein and their relation with the head of household and name and number of the Fair Price Shop in which the ration card holder is registered, the particulars of the issuing authority and such other details as may be decided by the Government from time to time. The ration card shall be in the card format or book format or electronic format as may be decided by the Government from time to time.

(3) Notwithstanding anything contained in any of the provisions of this Order, specific card or permit may be issued to the inmates of destitute homes, convents, ashrams, yatheemkhanas or like establishments for availing food grains, if any, decided to be distributed to them under the National Food Security Act or any specific scheme by the Central/State Government without reference to the term "household" as defined in the Rules. The entitlement, eligibility and other particulars of the card may be decided by the Government from time to time.

4. Tehsil Supply Officer/Area Inspector to be the designated authority.—(1) The Tehsil Supply Officer/Area Inspector shall be

authorized to receive, register, acknowledge and process the application for issuance of ration card or modification in the ration card within his rationing area.

(2) The Tehsil Supply Officer/Area Inspector may, on receipt of such application and after such enquiry as he considers necessary shall issue or modify the ration card.

5. Application for ration card and other ration card related services.—

(1) An application by the domicile of Jammu & Kashmir for a new ration card or modification in the existing ration card or various ration card related services may be presented directly by the head of the household with photograph to the Tehsil Supply Officer of the rationing area concerned or through online as may be prescribed, on payment of the fees as fixed by the Government from time to time.

(2) Modification in the existing ration card may be made on account of shifting of residence, birth or death, change in category of beneficiary, corrections in the details mentioned in the card or any other such reasons.

(3) In the case of shifting of household from one rationing area to another rationing area, the head of the household shall file an application to the Tehsil Supply Officer of the new area for getting ration card for the new area and the Tehsil Supply Officer shall issue the ration card for the new area after due verification & following proper procedure.

(4) Where there is an addition to the members of the household the head of the household may apply to the Tehsil Supply Officer concerned.

(5) If any adult member wants to delete his name from the card, the consent of the other members is not necessary.

(6) If any ration card, wherever issued, is defaced, lost or destroyed, the head of the household concerned shall file an application before the Tehsil Supply Officer of the rationing area supported by a self declaration. The Tehsil Supply Officer, after making such enquiry as he may think fit, shall issue a duplicate ration card in place thereof, on payment of the value of the duplicate ration card as fixed by the Government from time to time:

Provided that if a lost ration card is subsequently found, the applicant who received a duplicate ration card on this account shall return the ration card thus

retrieved forthwith to the Officer by whom it was issued.

(7) The ration card shall not be considered as a document of identity or proof of residence.

6. Time limit for issuing ration cards.—The Tehsil Supply Officer shall, after necessary checks and verification and after inclusion of data in the Ration Card Management System, issue a ration card in a time limit not exceeding 30 days.

7. Receipt of entitled food grains by ration card holders.—The ration card holder or any member of the household included in the ration card shall draw his entitled quantity of food grains from a fair price shop in which his name is registered or any fair price shop under portability service available, on payment of the price, if any, fixed by the Government and after verifying his identity through the electronic point of sale device or such other instruments installed in the fair price shop:

Provided that in the case of a card holder who is bedridden or who is above sixty five years of age, or who is differently-abled or who is not in a position to visit the fair price shop for himself and have no other adult member between the age of sixteen and sixty five years listed in such ration card, such person can nominate any other person to draw the food grains as per procedure provided by the nominee policy, already notified by the J&K Government.

8. Portability.—(1) Any ration card holder shall draw food grains from any fair price shop.

(2) The beneficiaries can avail portability, which enables those ration card holders whose names are included in the Ration Card Management System and identified with the Aadhaar Data, to draw the food grains from a fair price shop of their choice, through Aadhaar authentication.

(3) Whenever the inter-state/Union Territory portability is available, Priority House Holds (National Food Security Act ration card holder) may buy food grains from any fair price shop in any State/UT and vice versa through Aadhaar authentication, under One Nation One Ration Card (ONORC). However, any beneficiary of

J&K under any category can avail his entitlement of ration under portability in any district of the J&K.

9. Duties and responsibilities of ration card holders.— Following shall be the duties and responsibilities of the ration card holders namely:—

- (i) No person shall obtain or attempt to obtain a ration card by furnishing false information.
- (ii) No person shall willfully alter or destroy, deface any of the entries on the ration card. If the holder of a ration card finds that some other person has, without lawful authority to do so, made an alteration on the ration card affecting its validity or the quantity or the kind of food grains obtainable on it, the holder of such ration card shall forthwith report the fact to the Tehsil Supply Officer concerned.

Explanation:—For the purpose of this clause any alteration by electronic means shall also amount to alteration.

- (iii) No person, not being a member of the household for which the card has been issued shall hold or use the ration card of another person.
- (iv) No person shall forge or alter ration card to illegally obtain any food grains.
- (v) Every ration card issued under this Order shall be the property of the Government but the person to whom it is issued under the provisions of this Order shall be responsible for its safe custody.
- (vi) Every holder of a ration card, or in the event of his or her death, the senior member of the household, not being a minor and in the absence of any such member, other member of his household shall inform in writing to the Tehsil Supply Officer in charge of the rationing area, the death of a member of the household. Such notice shall be given within 30 days from the date of death of the member of the household. On receipt of such notice

the Tehsil Supply Officer may, after making such enquiries shall revise and reissue the ration card.

- (vii) Every holder of a ration card shall notify in writing any change in his/her address to the Tehsil Supply Officer having jurisdiction over the area in which he intends to reside. Such notice may be given by any member of the household on behalf of the head of the household within 30 days from the date on which the change of address takes place.
- (viii) Every holder of a ration card who permanently leaves his /her rationed area with all the members of his household, shall surrender his/her card to the Tehsil Supply Officer before he leaves such area:

Provided that where the portability of ration card is permitted, the surrender of the ration card shall not be required.

- (ix) Ration card holder if denied of his entitlement by the fair price shop owner shall forthwith report the matter to the Area Inspector/Tehsil Supply Officer, concerned Directorate or the District Grievance Redressal Officer concerned, as the case may be, who in turn shall take action as provided in the Rules or this Order.
- (x) The diversion or substitution or the violation of any of the provisions of this Order by the fair price shop owner, or any other person, if any, noticed by the ration card holder may be reported to any of the officers of the Department not below the rank of Area Inspector/TSO who in turn shall take action as provided in the Rules or this Order.
- (xi) Every ration card holder shall comply with directions issued by the Government with regard to a ration card from time to time.

10. Action against fraud by ineligible beneficiaries.— If any person obtains a ration card by providing false information, the following actions shall be initiated against such person, namely:—

- (a) Criminal proceedings under relevant provisions of law;
- (b) In case of employees of Central or State Government, Public Sector Under Takings, Cooperative sector, Government aided autonomous bodies and local bodies, departmental disciplinary proceedings against such employees, shall also be instituted;
- (c) Suspension or cancellation of ration card;
- (d) Recovery of the loss sustained by Government, at the rate decided by the Government from time to time.

11. Display of list of ration card holders.—The list of ration card holders shall be displayed on the web portal of the Department and fair price shops on all occasions:

Provided that the list of the ration card holders kept at the office of the Tehsil Supply Officer shall be open for public inspection free of charge.

12. Elimination of bogus ration cards and bogus members in the ration card.—The Department shall conduct regular checking of ration cards to weed out ineligible and bogus ration cards and bogus members in ration cards. This shall be a continuous exercise and the department shall organize special drives every year to eliminate bogus and ineligible ration cards as well as bogus members in the ration cards. The Assistant Director, Tehsil Supply Officer and Area Inspector shall be the responsible officers under this clause in the district, Tehsil and Circle respectively.

13. Power to add to, amend, vary, suspend or revoke the ration card.—(1) The Director or any officer of the Department not below the rank of the Tehsil Supply Officer may at any time whether at the request of the person to whom any ration card has been issued or suo motu, after making such enquiry as may be deemed necessary and after giving the person an opportunity of being heard and for reasons to be recorded in writing, add to, amend, vary, suspend, cancel or revoke the ration card. Where any ration card is revoked, any person in possession of it shall forthwith surrender the same to the concerned office.

(2) Contravention of clause 9 would entail cancellation of ration card and recovery of loss sustained by Government at the rate decided by Government from time to time.

CHAPTER III
RATION PERMITS

14. Ration permits.—(1) For the purpose of obtaining any food grains, the Assistant Director concerned may issue ration permit to establishments such as welfare institutions, hostels and other institutions recognized by the Government, for the purpose, if any.

Explanation:—For the purpose of this para,—

- (i) “Welfare Institutions” means residential establishments intended for orphans, destitute or such other persons recognized by Social Justice Department or Women and Child Development Department of GoI or Social Welfare Department of J&K, etc.
- (ii) “Hostels” means hostels or boarding institutions coming under the ‘Welfare Institutions and Hostels Schemes’ of the Centre/State Government;
- (iii) “Institutions” means institutions as decided by the Government from time to time, on the basis of the recommendation of Deputy Commissioner and that are not covered under Targeted Public Distribution System or under any other Welfare Scheme of Central/State Government.

(2) The quantity and price of food grains obtainable by an authorized Establishment/Institution shall be as per guidelines notified by GoI from time to time or in consultation with the Finance Department in respect of schemes notified by the Government of Jammu and Kashmir.

15. Application for ration permit.—Any person requiring ration permit under sub-clause (1) of clause 14 may apply to the Assistant Director of the District concerned. The Assistant Director may make or cause to be made, such enquiry as he deems fit, for verification of the information furnished by the applicant and with the recommendation of the concerned Dy. Commissioner issue ration permit in the name of the authorized establishment proprietor, on payment of fee & on such terms and conditions as may be specified by the Government in consultation with the Finance Department.

CHAPTER IV
ISSUANCE & LICENSING OF FAIR PRICE SHOPS

16. Opening of New Fair Price Shops.—(1) New Fair Price Shops shall be opened in each Panchayat/Municipal Ward/ULB as far as possible. The area of operation of such Fair Price Shop shall be the Panchayat/Municipal Ward/ULB as the case may be.

(2) The number of Fair Price Shops to be opened shall be based on the population of the Panchayat/Municipal Ward/ULB.

(3) The location of the Fair Price Shop shall be decided by the Committee constituted for the purpose.

(4) The licensing authority shall consider the opening of new FPS within a radius of 1.5 to 2 Km, as far as possible, to cater the need of the rationees in an area, satisfying the general norms under the order.

17. Selection of Dealer for running Fair Price Shops.—

(i) Eligibility Criteria:-

- (1) A local unemployed educated individual will be eligible to apply for a Fair Price Shop license;
- (2) The Applicant should have good character and antecedents to be certified by an officer not below the rank of Station House Officer of concerned Police Station;
- (3) The Applicant should be medically fit, to be certified by a medical officer, under his seal and stamp after proper medical examination, for discharging his duties as a FPS dealer;
- (4) He/she should be a domicile of J&K and voter of the respective Panchayat/Municipal Ward/ULB as the case may be, where FPS is to be opened.

(ii) Age:-The applicant should not be less than 18 years of age and more than 45 years of age. However, relaxation of 2 years in the upper age limit shall be provided to the candidate who falls under any of the notified reserved category.

(iii) Educational Qualification:-An individual should have minimum qualification of matriculation from any recognized Board.

(iv) Disqualifications:-

- (a) A minor or a person of unsound mind or an insolvent shall not be allotted a fair price shop.
- (b) Only one person in the family would be considered for grant of Fair Price Shop license.
- (c) A person who is holding the position of Sarpanch, a Panch, a ward member, a member of a District Development Council/Block Development Council, a Member of Legislative Assembly, a Member of Legislative Council, a member of Parliament, and an elected member of municipal bodies shall not be eligible for allotment of a fair price shop.
- (d) A person holding a post of profit in the Government shall not be eligible for a fair price shop.
- (e) A person who is a Government Employee or an employee of Public Sector Undertaking/ Autonomous bodies/Banks shall not be eligible.
- (f) A person already holding a fair price shop license shall not be eligible.
- (g) A person who has already availed loan from the Government or any Financial Institution under any self employment scheme, individually or in partnership, shall not be granted FPS license unless he/she furnish an undertaking that no outstanding liability/dues towards the Government/ Financial institution on account of such loan is pending against him. Applicant should not have been convicted of any cognizable offence or any offence under Essential Commodities Act, 1955 and Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act,1980.

18. Procedure for grant of Fair Price License.—(1) The Licensing Authority shall advertise the location and the number of FPS through wide publicity.

(2) An interested candidate may apply in the prescribed application form to be devised by the respective Director, FCS&CA, along with self-attested copies of following documents:

- (a) Proof of Date of Birth

- (b) Proof of Residence
- (c) Domicile Certificate
- (d) Voter ID card
- (e) Proof of educational qualification
- (f) Copy of Aadhaar Card
- (g) Family Income Certificate issued by Tehsildar (if applicable).
- (h) Certificate from Tehsildar certifying therein that the applicant is a destitute widow/woman (if applicable)

- (3) All the applications received within the prescribed time limit shall be scrutinized to ascertain the eligibility of the candidate as per the eligibility criteria and other guidelines.
- (4) After scrutiny of the application forms, a list of eligible candidates per Panchayat/Municipal Ward shall be prepared and displayed in public domain.
- (5) The Licensing Authority shall provide the details about the procedure of selection in the advertisement. The candidates shall be selected as per the criteria laid down in Clause 19. A license in the prescribed format shall be issued to the selected candidate.
- (6) In case no eligible person applies or is selected for the FPS, the location shall be re-notified within three months period and till such time the Assistant Director concerned shall make alternate arrangements for supply of monthly ration to the rationees. In case no eligible person has applied or is selected for the FPS after second advertisement also, the Licensing Authority may if it considers necessary invite the applicants from the adjoining Panchayat/Ward for filling such locations as per prescribed procedure.
- (7) Wherever, no application is received for any advertised location or wherever because of peculiar circumstances profitability of FPS emerges as an issue, the respective Director shall take suitable action to ensure that the beneficiaries are provided ration conveniently, as far as possible. Further, the manpower or other resources available in the department shall be utilized for augmenting the delivery of foodgrains to beneficiaries in such or other difficult areas.

19. Process of Selection/Criteria.—The criteria defined in Clause 17 of this Order shall be the qualifying criteria for the purpose of selection of the



Fair Price Shop Dealer. The applicants shall be assessed in the following manner:-

S.No.	Criteria	Marks
01	Basic Qualification	70 (pro rata basis- on the basis of the merit secured in Minimum qualification prescribed)
02	Family Income per annum From Rs.1,00,000/-upto Rs 10,00,000/-	On a scale of 10(for upto 1 lac) to 0(for above 10 lacs)with each additional lac of income.
03	Women	5
04	Destitute widow/ divorced or judicially separated woman/orphan girls (certified by concerned Tehsildar)	5
05	No Government employee in the family.	5
06	Computer knowledge duly certified	5
	Total Marks	100

However, in case where the applicants get equal number of total marks, applicant higher in age shall be preferred for the FPS Licence.

20. Fixing and deciding the location of new Fair Price Shops by the Selection Committee.—(1)The location of the new Fair Price Shop shall be decided in consultation with the concerned Gram Sabha/Ward Committee/Municipal Committee, by a Committee which shall consist the

following members:

Rural Area:

- | | | |
|-----|--|---------------------|
| i | Block Development Council
Chairperson | Chairperson |
| ii | Block Development Officer | Member |
| iii | Sarpanch | Member |
| iv | Tehsil Supply Officer/Area
Inspector | Member
Secretary |

Urban Area:

- | | | |
|-----|--|---------------------|
| i | Councillor/ Corporator of
respective Municipal
Council/ Committee/
Corporation | Chairperson |
| ii | Executive Officer or
equivalent of Municipal
Council/ Committee or
of Municipal Corporation
nominated by the Mayor | Member |
| iii | Tehsil Supply Officer/
Area Inspector | Member
Secretary |

- (2) No Fair Price Shop shall have more than 1500 souls & less than 200 ration cards in Rural Areas and not more than 2000 souls & less than 300 ration cards in Urban Areas. Upper limit of number of Ration Cards and Souls in a Fair Price Shop and their distance limits shall be indicative and same will be appropriately considered during the process of rationalization:

Provided that the Director FCS&CA concerned shall have powers to adjust minimum upto 50 RCs or 200 souls on either side if situation so warrants or he may rationalize the number of Ration Cards equally between two Panchayat/ Municipal Ward/ULBs, if needed, purely on the recommendation of concerned Assistant Director.

- (3) In case of Panchayat/Municipal Ward/ULB requiring more than one Fair Price Shop, the distribution of souls among the Fair Price Shops shall be based on the distance to be covered and accessibility of Fair Price

Shop to the consumers subject to the ceiling indicated in (2) above:

Provided that where the rationees experience physical barrier like river, mountains etc, which are difficult to travel for getting their entitled foodgrains, the Director, Department of FCS&CA concerned taking into account such barrier and a recommendation to that effect by Assistant Director concerned may allow opening of new FPS for such rationees.

- 21. Maintenance of Fair Price Shops/Records.**—(1) The licensee shall maintain & display a notice board at conspicuous place outside the shop, and a price and stock display board inside the shop, which shall contain information on daily basis regarding category wise number of Ration Cards, entitlement of food grains and other commodities, scale of issue, retail issue prices, timings of opening and closing of the fair price shop, stock of food grains and other commodities received during the month, opening and closing stock of food grains and other commodities, the designation of the authority with telephone no. and address appointed for redressal of grievances with respect to quality and quantity of food grains and other commodities under the Targeted Public Distribution System, and toll-free helpline number, One Nation One Ration Card Plan etc.
- (2) The licensee should install electronic weighing scale at the Fair Price Shop.
 - (3) The licensee will maintain records of all the ration card holders eg. Stock register, issue or sale register in the format to be prescribed by the respective Director, Department of FCS&CA.
 - (4) The foodgrains to the licensee shall be released only on pre-payment basis after submission of utilization certificates as prescribed to avoid shortages and embezzlements.
 - (5) Fair Price Shop will have only one entry/shutter.
 - (6) Every Fair Price Shop dealer shall comply with every direction that may be issued by the Government from time to time in this regard.
 - (7) The licensee should have his/her own or rented shop/store. The shop should have minimum area of 150 sq feet and height of 9 feet. The shop should be well-ventilated, rodent proof and made of concrete or of dependable construction quality in far flung areas.

22. Period of Licenses and Fee Chargeable.—(1) The license shall be issued for a period of 5 years and shall be renewed as given in Sub-clause (5).

(2) The selected applicant shall deposit Rs 2000/- (Rupees Two thousand only) as license fee through treasury challan and only after depositing the license fee, the licensing authority shall issue license in the prescribed form.

(3) The selected applicant shall furnish a bank guarantee of Rupees One Lakh (Rs.1,00,000/-) in favour of the Licensing Authority in such a manner as specified by the concerned Director, Department of FCS&CA.

(4) The licenses issued under the provisions of previous Orders shall have to be converted under the provisions of this order within four(4) months from the date of the commencement of this order, subject to fulfillment of conditions specified under clause 25 (4), by depositing Rs 1000/- (Rupees one thousand only) as license fee through treasury challan.

(5) The license shall be renewed after every five years or till the licensee reaches the age of 65 years whichever is earlier, on presentation of application in the prescribed format with a renewal fee of Rs 1000/- (Rupees one thousand only) subject to satisfactory performance of the licensee to be certified by Tehsil Supply Officer/Area Inspector concerned as the case may be. The licensee shall get his license renewed within three months before the date of its expiry. Thereafter, Rs. 10/- (Rupees ten) shall be charged everyday as late fees upto next two months beyond which no application for renewal shall be entertained and the license shall be deemed to be cancelled forever.

(6) The Licensing Authority shall dispose an application for renewal of licence within 4 months:

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

(7) If a license is distorted, lost, or destroyed; this shall be informed by the licensee to the Licensing Authority immediately. On presentation of application in the

prescribed format by the licensee with a fee of Rs. 200 (two hundred) deposited through treasury challan a "duplicate copy of the license" shall be issued by the Licensing Authority.

23. Transfer of license.—A fair price shop license shall be non-transferrable except, in case of death or incapacitation due to accident or life consuming disease (duly certified by a competent Medical Authority) of a Fair Price Shop's licensee under the age of 65 years, his shop may be allotted to his/her dependent family member in consultation with the concerned Gram Sabha/ Ward Committee/Municipal Committee as the case may be, provided such person should be eligible as per the provisions of this Order. The application in this regard shall be entertained, if submitted within three (3) months from the date of death of the licensee by his dependent in the prescribed form. If granted, such a fair price shop license shall be a new license, but if any member of the family of the deceased licensee is a government servant or holds a post of profit in the Government, such a family shall not get this benefit.

24. Duties and Responsibilities of a Licensee.—(1) The licensee shall distribute food grains and other commodities to the ration card holder as per his entitlement under the Targeted Public Distribution System at the prescribed price, and shall not deny delivering the essential commodities lying in the shop as per his entitlement.

(2) The licensee shall not retain the ration card after the supply of the food grains and other commodities.

(3) The licensee shall produce books and records relating to the lifting and distribution of food grains and other commodities as directed by the inspecting officers, and shall furnish such information as may be called for by the inspecting officers.

(4) The licensee shall provide necessary cooperation in inspection and supervision system developed by the Department.

(5) The licensee shall have to implement PDS modernization programmes and reforms ordered by the Government of J&K and GoI.

(6) The licensee shall always show good conduct and nice behaviour towards the consumers.

(7) The licensee shall issue receipts to the consumers after distributing ration.



- (8)The licensee shall remit the cost of food grains by the date decided by the department of the month.
- (9)The licensee shall distribute rations from his Fair Price Shop only.
- (10)The licensee shall not indulge in substitution, diversion or theft of stock at any stage.
- (11)The licensee shall follow all the orders/ guidelines/ instructions issued by the Department of FCS&CA.
- (12)The licensee shall maintain hygiene and cleanliness at his Fair Price Shop.
- (13)The licensee shall not change the Panchayat/Municipal Ward/ULB as the case may be, of his residence.
- (14)The licensee should not earn disqualification as per Sub Clause –(IV) of Clause 17 of this Order during his tenure of working as a Fair Price Shop Dealer.

25. Applicability of the provisions of the Order to the existing dealers.—(1) An existing dealer shall give his choice of location to run his Fair Price Shop in the prescribed form.

- (2) An existing dealer shall retain the dealership of one Fair Price Shop only.
- (3)In case, the existing dealer has already attained the age of 65 years or is disqualified as per Clause 17(iv)(d), 17(iv)(e) and 17(iv)(f), his license shall be transferred to his dependent family member provided such family member is eligible under the provisions of this Order.
- (4)The existing dealer shall be issued license under the provisions of this Order on presentation of application in the prescribed form within four(4) months from the issuance of this Order failing which a penalty of Rs.200 per month is to be charged upto six months. Thereafter, such licences shall be deemed cancelled forever. However, issuance of fresh licence to them shall further be subject to fulfillment of the following conditions to be certified by the concerned AD:-
 - (a) Distributing Ration regularly without any break for the last three consecutive financial years;
 - (b) Possessing valid ID & PoS machine issued through the Department for the last three consecutive financial years;
 - (c) Receiving commission charges regularly from the Department for the last three consecutive



financial years; and

(d) Certificate issued by concerned TSO/Inspector to the effect that there is no complaint pending against the licensee, in regard to any deficiency or shortages in the supply/distribution of the ration to the rationees of the area.

(5) In case, existing Fair Price Shop is run by a Cooperative Society, then such Cooperative Society shall be allowed to retain one dealership only provided such cooperative society shall submit its registration certificate, details of office bearers and members of the society including the documents as per provisions of this Order.

(6) The existing Fair Price Shops dealers have to confirm to the guidelines & directions of the Government as and when issued on the subject.

26. Licensing & Renewal Authority.— The Assistant Director of the Department of Food, Civil Supplies and Consumer Affairs, in his/ her territorial jurisdiction shall be the Licensing and Renewal authority, who shall issue, regulate, renew and control licenses to Fair Price Shops under the provisions of this Order.

27. Supply of copies of records.—(1) Any ration document holder desirous of obtaining copy of extracts from the records of a fair price shop owner, may make a written request to the FPS owner and the copy of requested records shall be provided to the applicant within fourteen days from the date of receipt of the request by receiving payment of Rs.2 (Rupees Two only) per page or the actual cost of copying whichever is lesser.

(2) Any ration document holder who was not provided with the extracts as requested under sub-clause (1) may file a complaint to the Tehsil Supply Officer. The Tehsil Supply Officer shall ensure that the copy is furnished within two weeks from the date of filing the complaint. He may hear the parties if necessary.

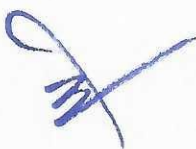
(3) Non-supply of entitled records shall be considered as a contravention of this Order and entail appropriate action for such contravention.

(4) Every fair price shop owner shall keep all the records related to the fair price shop safe at least for five years or for such period as specified by the Licensing Authority, and he may destroy these records with the written permission of the Assistant Director.

28. Electronic Point of Sale (e-PoS) device transactions.—(1) The fair price shop owners shall distribute food grains only through electronic point of sale device registered under his name, after verifying the identity of the ration card holder.

- (2) The fair price shop owners shall maintain electronic point of sale device in accordance with the direction of the Government issued from time to time and report the errors at the earliest for rectification.
- (3) The fair price shop owners shall not cause deliberate degradation or disruption or damage etc. to the electronic point of sale device installed at their shop.
- (4) The fair price shop owner shall keep the electronic point of sale device in the fair price shop.
- (5) Where transactions may fail due to system errors, the fair price shop owner shall contact the technical helpline at the earliest, not exceeding one hour and inform the matter to the Area Inspector/TSO concerned, within the above mentioned time frame.
- (6) The unauthenticated transactions made through electronic point of sale machines in any circumstances shall be entered in a separate register kept for the purpose.
- (7) The fair price shop owners shall provide necessary co-operation in maintenance, inspection and supervision of the automated system installed by the Department.
- (8) If it is proved that deliberate attempt has been made to cause physical damage to the device or to manipulate reports generated out of it, strict action shall be initiated against such fair price shop owner which shall lead to cancellation of dealership and recovery of loss thus caused to the Government. This shall be in addition to and not in derogation of the penal provisions under the Information Technology Act, 2000 (Central Act 21 of 2000) and Prevention of Damage to Public Property Act, 1984 (Central Act 3 of 1984) and Indian Penal Code (45 of 1860).

29. Viability.—Subject to the conditions to be fixed, the Government may permit diversification of commodities and services other than those



distributed under Targeted Public Distribution system at the fair price shops to improve the viability of the fair price shop operations.

30. Payment of Commission or Margin Money payable to the licensee.—

The FPS Dealer shall be paid fixed commission every month at a rate decided by the Government.

31. Working timings.—(1) The concerned Licensing Authority may notify the time of opening and closing of Fair Price Shop by way of Order which shall be binding on all the Fair Price Shop Dealers.

(2) A Fair Price Shop shall be kept open for a minimum of four hours during the day. The time of opening and closing shall be displayed on the Notice Board by the Fair Price Shop dealer. No licensee shall be allowed to open his Fair Price Shop for distribution after 08:00 PM in summer and 05:00 PM in winter.

(3) The licensee shall provide the details of his nominees to the Tehsil Supply Officer/Area Inspector in the format prescribed by the respective Director, FCS&CA.

(4) If a fair price shop dealer is unable to operate the shop due to unavoidable reasons for a limited period not exceeding a month of distribution, he shall submit an application to the Tehsil Supply Officer/Area Inspector. Such an application may be accepted by the concerned Tehsil Supply Officer/Area Inspector after making an alternate arrangement for distribution of ration through his nominee.

32. Change in a fair price shop's business place.—(1) No fair price shop owner shall change his business place without the prior sanction of the Licensing Authority. If a fair price shop owner wants to change his business place specified in his licence, he shall submit to the Licensing Authority a written application for this purpose stating reasons along with recommendation of PRI members/Municipal Ward/ULB Member and identification details of the proposed place of change:

Provided that the proposed business place shall be within the limit of area specified in his licence.

(2) The Licensing Authority shall take a decision accepting or rejecting the application within one month from the date of its receipt. If the request is

accepted, the Licensing Authority shall order for necessary changes in the licence and in the licence record of the office.

33. Prohibition of Strike.—(1) No licensee shall go or remain on strike at any point of time.

(2) Any strike declared or commenced whether before or after the issuance of this Order shall be deemed illegal and shall invite action under clause 36 and 39 of this Order besides action to be initiated under Essential Services Maintenance Act.

34. Alternate arrangement for distribution of Ration.—In case, the licensee has resigned, or his license is cancelled or suspended, the Licensing Authority or any other persons to whom powers have been delegated in this behalf by the Director, Department of FCS&CA may ensure ration distribution through adjoining Fair Price Shop Dealer of the same Panchayat/Municipal Ward/ULB, as far as possible.

35. Penalty.— (1) In case a licensee is found indulging in any of the following:

- (a) black marketing;
- (b) overcharging;
- (c) under scaling;
- (d) diversion;
- (e) adulteration or
- (f) some case is established against him/her after proper enquiry or disposal of the case registered under the Act or other relevant act,

-then besides the punishment as per the Act, a penalty to the tune of Rs 3000/- (Rupees three thousand) per quintal will be recovered from him/her for the first such offence.

For second such offence, besides the penalty of Rupees Three thousand per quintal, his license shall be cancelled. Such a penalty or cancellation of license shall not affect other actions to be initiated under the Act or any other provisions of any law.

(2) In case a licensee contravenes any provision

mentioned in Clause 21, 24, 28 and 31 of this Order, a sum of Rs 2000/-(Rupees two thousand) shall be imposed as fine for first offence. For repeat offence, a sum of Rs 5000/-(Rupees Five thousand) shall be imposed as fine.

- (3) In case licensee fails to deposit the amount decided as penalty or fine, the same will be recovered as per the provisions of J & K Land Revenue Act and his license shall be cancelled.
- (4) In case an FPS dealer changes his/her Panchayat/Municipal Ward/ULB as the case may be, of residence, then his/her license shall be cancelled.

36. Suspension of License.—(1) FPS License shall be suspended or cancelled and action will be taken against the Licensee in the following cases, if:-

- (a) FPS dealer fails to do transaction through Electronic Point of Sale machine;
 - (b) FPS dealer fails to provide commodities to the beneficiaries (AAY, PHH, NPHH) at the rate so fixed and charges the beneficiaries a higher rate;
 - (c) FPS dealer makes false entries in register regarding AAY, PHH and NPHH cards;
 - (d) FPS dealer does not keep his shops open throughout the month during stipulated days and time;
 - (e) FPS dealer engages in black marketing or siphoning away food grains to any other person or persons;
 - (f) FPS dealer contravenes duties and responsibilities prescribed under this order; and
 - (g) The Licensing Authority is of the considered view that the licensee has committed a violation;
- (2) Suspension of license shall be for a maximum period of 90 (ninety) days.
 - (3) It shall be necessary to issue a show cause notice to the Fair Price Shop dealer before suspending/cancelling the license.
 - (4) The Licensing Authority after due enquiry and hearing



in respect of the show cause notice and connected matter may cancel or suspend the license, if the Licensing Authority feels that the FPS license should be cancelled or suspended:

Provided that the dealer concerned should be given a reasonable opportunity of being heard.

- (5) In case of suspension or cancellation of license, allocation of such Fair Price Shop shall be shifted to the nearest Fair Price Shop by the concerned TSO/AD.
- (6) While exercising any of the above provisions, the Licensing Authority or any other persons to whom powers have been delegated in this behalf by the Director, FCS&CA, shall issue a speaking order.

37. Subletting and Transfer of FPS Licence.—(1) Subletting or Renting of FPS licence is strictly prohibited and strict action will be taken against the particular FPS licence holder. In case of sublet, the FPS license shall be cancelled forthwith without a show cause notice.

(2) The FPS license shall not be transferred to any other person. There cannot be any partner in the license.

38. Consequences of conviction.—Where a licensee has been convicted by a Court of Law for the contravention of any order made under Section 3 of the Essential Commodities Act, 1955, the Licensing Authority shall by order in writing cancel his license. Provided that where such conviction is set aside in any appeal or revision, the Licensing Authority may, on an application by the dealer whose license has been cancelled, restore, the license to such dealer.

39. Cancellation of License.—(1) If a licensee violates any provision of this Order or fails to comply duties and responsibilities assigned to the licensee or acts in contravention of any provisions of the National Food Security Act, 2013 (Central Act 20 of 2013) or any order issued there under or violates terms and conditions of licence or if the fair price shop dealer has shifted his residence from the local authority in which the fair price shop was sanctioned, then his license shall be cancelled by the Licensing Authority by a written speaking order, and such a cancellation of license shall not affect other actions to be initiated against such licensee under relevant law:

Provided that this sub clause shall not be applicable, if his/her residence is being shifted to another local



authority on account of administrative changes made by the Government.

- (2) No order of cancellation of a license shall be made until the licensee has been given sufficient opportunity to present his case against the proposed cancellation of his license by way of a show cause notice of at least 15 days.
- 40. Filling up of unfilled locations for PDS requirement.**— Any location emerging on account of resignation by Fair Price Shop Dealer or by cancellation or expiry of license, shall be filled by the Licensing Authority, preferably, within 3 months of such resignation or cancellation as the case may be, after observing all formalities as required under these rules.
- 41. Resignation/Surrender.**— A Fair Price Shop Dealer may tender his resignation/surrender by giving one-month's notice period to the Licensing Authority. Such resignation/surrender shall be accepted by the Licensing Authority only after production of No Demand Certificate in the prescribed format, issued by Tehsil Supply Officer/Area Inspector concerned in favour of the licensee. However, the distribution of ration should not be hampered by presentation of such resignation/surrender and the onus of making the rations available to the affected beneficiaries shall be on the Licensing Authority.

CHAPTER-V COMPUTERISATION

- 42. End to end computerization.**—To modernize and to bring about transparency in the Targeted Public Distribution System, the Government shall implement end-to-end computerization, which interalia include,—
- (a) Ration Card Management System (RCMS) for digitization of ration cards & beneficiary records and to enable ration document related services and updations through online platform;
 - (b) Supply Chain Management System (SCMS) which includes computerization of supply chain management, integration with the software of Food Corporation of India, integration with the software of Authorised Agency, online allocation of food grains;

- (c) Setting up of transparency portals and grievance redressal mechanisms which includes Toll Free number, Exclusive Call Centre for National Food Security Act, 2013 related subjects, Grievance Redressal software application, etc; and
- (d) Fair Price Shop Automation consisting of installation of electronic Point of Sale (e-PoS) devices at fair price shops for distribution of food grains through Aadhaar based authentication and electronic record-keeping of the sale transactions.

CHAPTER VI
ENTRY, SEARCH AND SEIZURE

43. Power of entry, search and seizure.—(1) The Deputy Commissioner or any officer of the Department not below the rank of an Area Inspector, within his jurisdiction or any officer duly authorized on this behalf by the Government/Director/Deputy Commissioner or an officer of and above the rank of Assistant Director, with a view to securing compliance with the provisions of this Order or has reasons to believe on receipt of a complaint or otherwise that there has been any contravention of the provisions of this Order or to satisfy himself that this Order or any order relating to Targeted Public Distribution System issued by Central Government or J&K Government has been complied with, may:—

- (a) Enter, inspect, break open or search any place or premises being made use of or suspected to be made use of by the Authorised Agency, fair price shop owner, transporter, or any other person;
- (b) Stop and search any person or animal, vessel or vehicle or any other conveyance or receptacle engaged or used or intended to be engaged or used for the movement of food grains;
- (c) Inspect any books of account or other documents or any stock of the food grains used or suspected to be used in the course of business by the Authorised Agency, fair price shop owner, transporter, or any other person;
- (d) Seize or remove any such books of accounts or other documents, which in his opinion would be useful for or relevant to any proceedings under the Act or this Order;
- (e) Take samples of the food grains and seize or remove any of the stocks of the food grains along with packages, coverings, or receptacles in which

food grains are found on the animals, vessels, boats or other conveyances used in carrying such food grains for which he has reason to believe that it has been or is being or is about to be used in contravention of this Order and thereafter to take or authorize the taking of all measures necessary for securing the production of items so seized before the appropriate Court having jurisdiction under the provisions of the Act, and for their safe custody pending such production.

Explanation:—“Appropriate Court” in this sub clause shall mean such court as is specified in or under the Act in which proceedings would lie for contravention of the provisions of this Order.

- (2) Where any of the officers specified in sub clause (1) conduct any seizure under the said sub clause, they shall prepare forthwith an inventory of the articles or documents seized and shall also give a receipt for the same.
- (3) Any books of accounts or other documents seized under the provisions of this sub clause shall be returned to the person from whom they were seized within a period not later than sixty days from the date of seizure, after taking copies thereof or extracts therefrom, if necessary, provided that the person from whom they are so seized, certifies as true such copies or extracts before taking back such books of accounts or other documents.
- (4) Every person who is so required by any officer specified in sub-clause (1) shall allow access to the premises, provide facilities to search, hand over such article or articles seized, stop the vehicle, boat or animals, answer truthfully all questions asked of him, give it in writing if so required and produce the documents in his possession or under his control.
- (5) The officer conducting search and seizure under this clause shall inform the Deputy Commissioner concerned or the Government or any other officer authorized by it on this behalf, the details of the search conducted and the stock of food grains or other materials so seized by him.
- (6) The provisions of section 100 of the Code of Criminal



Procedure, 1973(Central Act 2 of 1974) relating to search and seizure shall, as far as may be, apply to search and seizure under this Order.

CHAPTER VII
APPEAL AND REVISION

44. Appeal.—(1) Any person aggrieved by any original order passed under this Order may within thirty days from the date of receipt of such order, prefer appeal.

(2) In the case of an order passed by any of the following officers, the officers specified against them, as per the following schedule:—

<u>Officers issuing Original Orders</u>	<u>Appellate Authority</u>
Tehsil Supply officer/Area Inspector	Assistant Director
Assistant Director	Director

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellants was prevented by sufficient cause from filing the appeal in time.

- (3) The Appellate Authority shall dispose the appeal under sub-para (1) above within forty five days of the receipt of the appeal or within such extended period not exceeding a total of sixty days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.
- (4) No appeal shall be disposed of unless the aggrieved person has been given a reasonable opportunity of being heard.
- (5) Pending the disposal of an appeal, the Appellate Authority may direct that the order under appeal shall not take effect for such period as the authority may consider necessary for giving a reasonable opportunity to the other party or until the appeal is disposed of, whichever is earlier.
- (6) The decision of the Appellate Authority shall be final and no second appeal shall lie from an order

passed in appeal under this Order.

45. Revision by the Government.—The Government may, either suo motto or on application from any person, call for and examine the records of any order passed by the Director or any other subordinate authority under the provisions of this Order for the purpose of satisfying itself as to the legality or to the propriety of such order and may pass such interlocutory orders as are deemed necessary and also pass such final orders in reference to the record as the Government may deem fit:

Provided that no order to the disadvantage of any person or authority shall be passed under this order unless the person concerned is given an opportunity of making any representation which he may wish to make against such order.

CHAPTER VIII **MISCELLANEOUS**

- 46. Monitoring.**—(1) The Officers at the District level & Tehsil level shall monitor the implementation of the Targeted Public Distribution System in their respective level.
- (2) Review of the operations of the Public Distribution System at the State level shall be conducted by the Government once in a quarter.
- (3) The Vigilance Committees set up at various levels under the J&K Food Security Rules, 2021, shall regularly supervise the implementation of all schemes under the National Food Security Act, 2013 (Central Act 20 of 2013) and perform other functions as specified in the said Act.
- 47. Inspections.**— The Assistant Director concerned shall ensure inspection of at least 10% of the Fair Price Shops in his jurisdiction every month either himself or by constituting a team of officials in consultation with the Deputy Commissioner and obtain a report of inspection, accordingly. Concerned TSO/Inspector shall also inspect at least 20% of the FP Shops every month and report such inspection to Assistant Director concerned.
- 48. Protection of action taken under this Order in good faith.**—No suit, prosecution, other legal proceeding shall lie against any person for anything which is done or intended to be done in good faith in pursuance

of this Order.

- 49. Power of the Government to give directions.**—The Government may, from time to time give such directions as it deems necessary for execution of all or any of the provisions of this Order or to further streamline the PDS.
- 50. Power to Remove Difficulties.**—If any reasonable difficulty arises or is experienced in giving effect to the provisions of this order and the Director FCS&CA concerned recommends for addressing of such operational difficulty, the Government may, by order, not inconsistent with the provisions of this order remove such difficulty.
- 51. Power to Relax and Interpret.**—The power to relax & interpret any of the provision laid down in this order shall rest with the Government.
- 52. Repeal and saving.**—(1) The guidelines/policies / orders issued so far in this behalf are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the said guidelines/policies/orders, as the case may be, hereby repealed shall, in so far as it is not inconsistent with the provisions of this order, be deemed to have been done or taken under the corresponding provisions of this order.

Sd/-

(Zubair Ahmad)JKAS

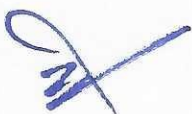
Commissioner/Secretary to the Government

No.76506/FCSCA/FPS/55/21

Dated: 19-01-2023

Copy to the:-

1. Secretary, Department of Food and Public Distribution, Government of India.
2. Joint Secretary (J&K Affairs) MHA, GOI.
3. Divisional Commissioner, Kashmir/Jammu
4. Secretary to Government, General Administration Department.
5. Controller, Legal Metrology Department, J&K.
6. All Deputy Commissioners.
7. Director, Department of Food, Civil Supplies & Consumer Affairs Jammu/Kashmir.
8. Additional Secretary to the Chief Secretary, for the information of the Chief Secretary.



9. Private Secretary to Additional Chief Secretary, Finance Department for information.
10. Private Secretary to Commissioner/ Secretary to the Government, Department of FCS&CA for information of the Secretary.
11. Private Secretary to Secretary to Government, Department of Law Justice & PA for information.
12. Stock file (W2SC).
13. Incharge Website, Deptt. of FCS&CA.



(Rajinder Kumar)
Under Secretary to the Government