

## **PDS (Control)(Amendment)order 2004**

Published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (i) vide G.S.R. number 392 (E) dated 29.06.2004]

Government of India  
Ministry of Consumer Affairs, Food and Public Distribution  
Department of Food and Public Distribution  
New Delhi, the 29th June, 2004.

### **ORDER**

G.S.R.392(E). – In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order to amend the Public Distribution System (Control) Order, 2001, namely :

#### **1. Short title and commencement :-**

(1) This Order may be called the Public Distribution System (Control) (Amendment) Order, 2004.

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

**2.** In clause 2 of the Public Distribution System (Control) Order, 2001, (hereinafter referred to as the `said order') for sub-clause (b), the following sub-clause shall be substituted, namely :-

`(b) "Appellate Authority" means an authority appointed as such by the State Government under Paragraph 7 of the Annexe to this Order;

**3.** In clause 6 of the said Order, in sub-clause (4), for the words, "The authority or person", the words "The authority or any person authorised by it in this behalf or any other person" shall be substituted.

**4.** In clause 7 of the said Order, for sub-clause (4), the following sub-clauses shall be substituted, namely :-

"(4) Any ration card holder desirous of obtaining extracts from the records of a fair price shop owner may make a written request to such owner along with deposit of the fee specified by the State Government.

(4A) Within fourteen days from the date of receipt of a request and the specified fee under sub-clause (4), the fair price shop owner shall provide such extracts of records to the ration card holder."

**5.** In clause 10 of the said Order, -

(a) in sub-clause (2), for the words, "reason to believe" the words, "reasons to believe on receipt of a complaint or otherwise", shall be substituted;

(b) after sub-clause (3), the following sub-clause shall be inserted, namely :-

"(3A) The authority conducting search and seizure under sub-clause (3) shall inform the State Government or an officer authorised by it in this behalf, the details of the search conducted and the stocks of essential commodities so seized by them under that clause."

**6.** In clause 11 of the said Order :-

(a) for sub-clause (3), the following sub-clause shall be substituted, namely:-

“(3) Any person aggrieved by an order of the designated authority denying the issue or renewal of the licence to the fair price shop owner, or cancellation of the licence may appeal to the Appellate Authority within thirty days of the date of receipt of the order and the Appellate Authority shall, as far as practicable, dispose the appeal within a period of sixty days”;

(b) for sub-clause (5), the following sub-clause shall be substituted, namely :-

“(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 under sub-clause (4) or until the appeal is disposed off, whichever is earlier.”

**7.** In the Annexe to the said Order -

(a) in paragraph 2, in sub-paragraph (7), for the words, “a specified period”, the words, “a period of five years from the date of its issue unless it is suspended or cancelled earlier”, shall be substituted;

(b) in paragraph 4 for sub-paragraph (3), the following sub-paragraph shall be substituted, namely :-

“(3) The designated authority of the State Government shall ensure delivery of one copy of allocation order made to the fair price shop simultaneously to Gram Panchayats or Nagar Palikas or Vigilance Committees or any other body nominated for monitoring the functioning of the fair price shops by the concerned State Government and such order shall specify:-

- (i) Number of cards and units;
- (ii) Balance in hand; and
- (iii) Allocation made for each month in respect of a fair price shop.”

(c) in paragraph 5, for the opening paragraph the following paragraph shall be substituted, namely :-

**“Licencing:**

State Governments shall issue an order under section 3 of the Act for regulating the sale and distribution of the essential commodities. The licenses to the fair price shop owners shall be issued under the said order by the ‘designated authority’ appointed by the State Government and the authority shall lay down the duties and responsibilities of the fair price shop owner. The responsibilities and duties of fair price shop owners shall include, *inter alia:*”

(d) for paragraph 7, the following paragraph shall be substituted, namely:-

**7. “Appellate Authority:** The State Governments shall appoint an officer of that Government not below the rank of Additional District Magistrate of a District as “Appellate Authority” for exercising the powers conferred upon and discharging the functions assigned to him under this Order.

Provided that an appeal pending before an appellate authority immediately before the

commencement of the Public Distribution System (Control) Amendment Order, 2004 shall be disposed of by such authority as if this amendment had not taken place”.

[No.9(10)/2000-.PD.II (pt)]

Anita Chaudhary, Joint Secretary

**Foot Note** : The Principal Order was published in the Gazette of India

Extraordinary vide G.S.R. number 638 (E) dated 31.08.2001.