

**Government of Bihar**  
**Food and Consumer Protection Department**

**Notification**

**PUBLIC DISTRIBUTION SYSTEM (CONTROL) AMENDMENT ORDER, 2011**

G.S.R. .... Patna, Dated .....

In exercise of power conferred by section-3 of the Essential Commodities Act, 1955 (Central Act – 10 of 1955), the Government of Bihar, Food and Consumer Protection Department, Bihar, Patna hereby makes the following amendments in Part of clause 2, 2.1(iv), 2.2, 2.3, 2.4, 2.5, 2.7, 6, 7 (ii), (iii), (iv), (v), (vi), (vii), 8, 15 and 16(iv) respectively of the "Public Distribution System (Control) Order, 2001 as issued vide GSR No. 1, dated 20<sup>th</sup> February, 2007 and GSR-3, dated 21<sup>st</sup> February, 2007.

**AMENDMENT**

1. It shall be added to the **last clause (iii) of Para -2 :-**  
**"The decision on received application for new licence of fair price shop shall be taken finally within 90 (Ninty) days from the date of receipt of application" .**
2. **Para 2.1(iv), 2.2, 2.3 - Omitted.**
3. **Para 2.4 shall be substituted by the following :-**  
**New license shall be issued to following institutions only :-**
  - (a) **Primary Agriculture Credit Society (PACS).**
  - (b) **Self Help Group.**
  - (c) **Ex-Army Co-operative Society.**
  - (d) **Consumer Society Store.**
  - (e) **Women Co-operative Society.****License for Self Help Group and Co-operative Society shall be admissible for their nutritive areas only.**
4. The following shall be added to the **Para -2.5 :-**  
**"In case demise of licensee within Fifty Five of their age then only license on compassionate ground shall be admissible to their dependent".**
5. The words **"And Reservation"** are hereby **omitted** in the **Para-2.7 .**
6. **The First part of Para-6** shall be substituted by the following :-  
**"The PDS shop shall be opened on everyday in the week from 7:00 AM to 1:00 PM during month of March to August and from 8:00 AM to 2:00 PM during month of September to February".**
7. **Clause (ii) of Para –7** shall be substituted by the following:-  
**"(ii) If any licensee contravenes any provision or any terms and conditions of license or any of his duties and responsibilities or any order of State Government then without prejudice to any other action that may be taken against him under the Essential Commodities Act, 1955 (Central Act 10 of 1955), his license may be cancelled by the Licensing Authority by written order.**  
**No order of cancellation shall be made under this clause unless the licensee has been given a reasonable opportunity stating its case against the proposed cancellation". The similar matter shall be disposed by the Licensing Authority within a month.**
8. **Clause (iii), (iv), (v) of Para -7 - Omitted.**

9. The words "Suspension Or" in Clause (vi) of Para -7 are hereby **Omitted.**
10. The word "Suspension " is substituted by the word "Cancellation" in Clause (vii) of Para -7.
11. The word "Suspension " is hereby **Omitted** in Para-8.
12. **Para-15** shall be substituted by the following :-.

(a) Any person aggrieved by an order of the Licensing Authority denying the issuance or renewal of the license to the PDS shop owner or cancellation of the license may appeal to the District Magistrate within thirty days of the date of the received of the order.

The similar appeal shall be disposed off by the District Magistrate within a period of three month.

(b) The revision petition may be filed before the Divisional Commissioner against the appeal order passed by the District Magistrate.

The revision petition shall be disposed off within a period of three month.

(c) No such order in this clause which adversely affects any person shall be passed without giving him reasonable opportunity of being heard.

(d) Till the disposal of a pending appeal the Appellate Authority may direct that the order under appeal shall not take effect until the appeal is disposed off.

(e) Principal Secretary/Secretary, Food and Consumer Protection Department, Suo-Moto or on an application, may call for the records of the case in which order is made by the Divisional Commissioner/District Magistrate or Licensing Authority under the provisions of the said order and if he is satisfied that the Divisional Commissioner/District Magistrate or Licensing Authority has :-

- (i) Exercised the powers which are not conferred on him.
- (ii) Illegally exercised the powers conferred on him without considering the facts.
- (iii) Failed to exercise the powers conferred on him, then he may pass an order which he considers appropriate.

13. The following shall be added to clause-(iv) of Para 16 :-  
"Except the P.D.S. shops."

14. This order shall come into force at once.

(Pra.04/Vi.-02-04/2001)

By the order of Governor of Bihar

  
(Krishna Chandra Jha)

Additional Secretary to the Govt.