

**MATTERS RELATED TO CIVIL SUPPLIES -----
CONCERNED TO
REVENUE DIVISIONAL OFFICERS /
SUBCOLLECTORS**

■

ISSUES/ ITEMS TO BE COVERED

SALIENT FEATURES OF

- “THE ESSENTIAL COMMODITIES ACT, 1955”
- “ THE A.P.S PUBLIC DISTRIBUTION SYSTEM (CONTROL) ORDER, 2008
- “THE ANDHRA PRADESH SCHEDULED COMMODITIES DEALERS’ (LICENSING, STORAGE AND REGULATION) ORDER, 2008 ”.
- GUIDELINES FOR APPOINTMENT OF DEALERS – G.O. Ms. No52 CONSUMER AFFAIRS, FOOD AND CIVIL SUPPLIES (CS.I) DEPARTMENT dated 18.12.2008
- Violations under other important control orders -“THE ANDHRA PRADESH PETROLEUM PRODUCTS (LICENSING AND REGULATION OF SUPPLIES) ORDER, 1980 ”---“THE LIQUIFIED PETROLEUM GAS(REGULATION OF SUPPLY AND DISTRIBUTION) ORDER 2000 ”

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THE ESSENTIAL COMMODITIES ACT, 1955

“**essential commodity**” means any of the following classes of commodities:- **Sec 2A**

- cattle fodder, including oilcakes and other concentrates;
- coal including coke and other derivatives;
- component parts and accessories of automobiles;
- cotton and woolen textiles;
- drugs;
- foodstuffs, including edible oil seeds and oils;
- iron and steel, including manufactured products of iron and steel;

- paper, including newsprint, paperboard and strawboard;
- petroleum and petroleum products;
 - raw cotton, whether ginned or un-ginned, and cotton seed;
 - raw jute;
 - any other class of commodity which the Central Government may, by notified order, declare to be an essential commodity for the purposes of this Act, being a commodity with respect to which Parliament has power to make laws by virtue of entry 33 in List III in the Seventy Schedule to the Constitution;

POWERS TO CONTROL PRODUCTION, SUPPLY, DISTRIBUTION, ETC., OF ESSENTIAL COMMODITIES

- Central Government , as per Section 3 ,can issue orders (CONTROL ORDERS)
 - ❖ for regulating or prohibiting the production, supply and distribution of E Cs.
 - ❖ for maintaining or increasing supplies of E Cs.
 - ❖ for securing their equitable distribution
 - ❖ for availability at fair prices,
 - ❖ for securing E Cs for the defense of India
- The Control Orders may provide for issue of licenses, permits or otherwise
 - for increase the production or manufacture of E Cs.
 - for bringing any waste or arable land under cultivation for increasing food-crops in general or specified food-crops.

- for **controlling the price** at which essential commodity be bought or sold;
- for **regulating the storage, transport, distribution, disposal, acquisition and consumption** of any essential commodity;
- for **prohibiting the withholding from sale** of any essential commodity ordinarily kept for sale;
- for requiring any person holding in stock / produced / likely to produce **to sell** to the Central Government of a State Government or to an officer or agent of such Government or to a Corporation owned or controlled by Government

- for regulating or prohibiting any class of commercial or financial **transactions** relating to food stuffs etc.
- for **collecting any information** or statistics with a view to regulating or prohibiting any of the aforesaid matters.
- for requiring persons to maintain and produce for inspection **such books**, accounts and records relating to their business in ECs
- for the **entry, search** or examination of premises, aircraft, vessels, vehicles or other conveyances where in ECs are expected to have been stored and for the seizure by a person authorized to make such entry, search or examination.

DELEGATION OF POWERS

Sec 5

- The Central Government may, by notified order, direct that 1[the power to make orders or issue notifications under section 3 shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by-
 - such officer or authority subordinate to the Central Government; or
 - such State Government or such officer or such authority subordinate to a State Government; as may be specified in the direction.

SOME OF THE IMPORTANT CONTROL ORDERS ISSUED UNDER SECTION 3 OF E C ACT

- “ THE A.P.S PUBLIC DISTRIBUTION SYSTEM (CONTROL) ORDER, 2008 .
- “THE ANDHRA PRADESH SCHEDULED COMMODITIES DEALERS’ (LICENSING, STORAGE AND REGULATION) ORDER, 2008
- -“THE ANDHRA PRADESH PETROLEUM PRODUCTS (LICENSING AND REGULATION OF SUPPLIES) ORDER, 1980
- THE LIQUIFIED PETROLEUM GAS(REGULATION OF SUPPLY AND DISTRIBUTION) ORDER 2000
- The Fertilizer Control Order ,1985

VIOLATION OF PROVISIONS OF CONTROL ORDERS ISSUED UNDER SECTION 3 OF E C ACT - ACTION THAT CAN BE TAKEN

- **When any provision of any control order issued under section 3 of E C Act is violated ,**
 - Action can be taken under Section 6 and section 7, 8 and 9 of E C Act**
 - besides, action can also be taken under penal provisions incorporated in the Specific Control Order .**

SEIZURE AND CONFISCATION OF ESSENTIAL COMMODITY

- **WHEN ANY PROVISIONS OF THE CONTROL ORDER, ISSUED UNDER SECTION 3 OF THE E. C. ACT, IS CONTRAVEENED, The Authorities are Competent to make seizure of**
 - the essential commodity**
 - any package, covering or receptacle in which such essential commodity is found;**
 - any animal, vehicle, vessel or other conveyance used in carrying such essential commodity**

Sec 6A OF EC ACT

(SEIZURE IS MADE WHEN THE VARIATION OF STOCK AS PER GROUND BALANCE AVILABLE AND STOCK TO BE AVAILABLE AS PER RECORDS IS MORE THAN THE PERMISSIBLE LIMITS)

PREPARATION OF PANCHANAMA AND FILING COMPLAINT

- Every **seizure** must be done in the presence of mediators (responsible Witnesses)
- The **mediators** of good reputation be selected.
- They must be **easily identifiable**.
- As soon as the Inspecting Officer has entered in to the business premises, he has to verify whether, the dealer is having the required **licences** under various Control Orders and their validity.
- **Physical verification** of ground balance by weighment of all bags or measurement in respect of kerosene must be done.

- **Must write remarks- indicate details regarding the transactions such as the serial number of the last entry, details of last item of receipt.**
- **The totals of receipts, sales and closing balances till the last entry at the time of inspection must be clearly struck and got signed by the dealer for each commodity.**
- **The marginal variations permissible are allowed.**
- **As far as possible, seizure of stocks must be made as and when the offence is detected.**
- **In no case sealing of go-downs / business premises should be restored to, unless it is impossible to complete the inspection at a stretch----, men should be posted to keep watch for that night at the premises**

- **All relevant records must be seized** The dealer /businessman may however be permitted to take extract of the entries or make copies, if he desires.
- **The seized stock shall not be handed over to the same person.**
- **Handed over to another licensed dealer or a person of good repute in the village / locality .**
- **proper stamped receipt is obtained.**
- **The person to whom the stocks are handed over for safe custody shall give in writing that, he will preserve the stocks properly and will hand over them back in good condition as per the order of the Collector.**
- **The statement of the dealer or person in-charge of the business must be recorded by the inspecting officer.**

- **Statements of witnesses** must be recorded and enclosed to the case record.
- The **panchanama / mediators' report** is prepared.
- The **result of physical verification** must be incorporated in the statement of the dealer concerned and also in the mediator's report.
- The **details of stocks seized** -the reasons for seizure - the name of the person to whom the seized stocks were handed over for safe custody, be mentioned in the mediators' report.
- In the mediators report, it must be clearly mentioned that, the inspection was done **on receipt of credible information** and that, the stocks were seized as the inspecting official had reason to believe that, there was contravention of the provisions of an Order or violation of conditions of license/authorization.

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- In the mediators report, it may be indicated that, the person from whom stocks are seized **may appear before the Joint Collector / District Collector** and represent his case within 3 days from the date of seizure and the fact of having thus informed must be incorporated in the mediators report. It is advisable to ask one of the mediators to write the mediator's report in triplicate.
- The names of the mediators, with their parentage and addresses, are noted below the signatures of the mediators in the mediators' report.
- In cases involving **other parties/persons** such as card holders, other dealers etc., the statements of all such relevant persons should be recorded and enclosed to the case record.
- A copy of the mediator's report is **given to the dealer / businessman** and acknowledgement is obtained.

- The mediators' report must be submitted along with case record.
- The 6-A report be in the prescribed proforma -the sections and clauses of the Acts Controlling orders, etc. which are contravened or violated be specified.
- reported to the Collector/Joint Collector within 24 hours from the time of seizure (to J C when the value of seized stock and other materials is less than Rs 10 Lakhs and otherwise to the Collector) .
- Copy of report is marked to the Licensing Authority concerned for taking action under the provisions of the Control Order .
- On receipt of interim Orders the seized stocks should be disposed of as per the orders of the Joint Collector within (7) days from the date of receipt of the orders.

Contd....

- If the stocks are sold in **public auction** the sale lists should be submitted in duplicate immediately to the Collector for confirmation. PDS COMMODITIES be disposed by issuing to the card holders
- After receipt of the **sale confirmation** order from the Collector, the sale proceeds should be collected from the highest bidder and remitted in Revenue Deposits and report the credit particulars immediately to the Collector.
- On receipt of final orders and after expiry of one month time allowed for appeal, if no appeal is filed, action must be taken to adjust the amount deposited in Revenue Deposits to regular Civil Supplies Head of Account.
- The original challans and the receipt of the respondents in token of receipt of refunded value of ceased stocks are the equivalent money, if any, should be sent to the Collector immediately.

ACTION OF THE JC / COLLECTOR

- When the seized stock is of the nature of perishable , order for interim disposal is issued **Sec 6 (2)**
- If Application is made stock **may be released** on payment of Market Value , pending the disposal of the Case
- The case must be disposed of as quickly as possible
- **Notice** to be issued to the Respondents / the persons from whom the seizure was made framing charges specifying the violations **Sec 6B**
- **Order** is passed after hearing the case and perusal of the Documents and records - may be ordered for dropping of the charges – for confiscation of the seized stock to the extent of 100% or less . The Vehicles etc seized may also be confiscated **Sec 6A**

- **In lieu of confiscation of vehicles – a penalty not more than the value of the seized Essential Commodity is imposed.**
- **Appeal lies to the Sessions Judge** **Sec 6C (1)**
- **Amount realised on interim disposal of the commodity is placed initially under Revenue Deposits**
- **It is adjusted to the extent of the value of the commodity confiscated to Civil Supplies Head and the balance is returned to the Respondent (s), after the period of 30 days to prefer the Appeal is over**
- **If the appeal is allowed fully or partly , action is accordingly taken as regards to the amount realised on interim disposal of the commodity**

PENALTIES

Sec 7 of E C Act

If any person contravenes any provisions of the Control order made under section 3,—

he shall be punishable with the imprisonment for a term which may extend from 3 months to one year and shall also be liable to fine as per the violations

Sec8

Any one who abets contravention of provisions of any control order --- deemed to have contravened.

Sec 9

Any one when required by any order ,if furnishes false information makes false statement, liable for punishment which may extend to five years or with fine or both

**THE A.P.STATE PUBLIC DISTRIBUTION SYSTEM
(CONTROL), ORDER, 2008**

SALIENT FEATURES OF THE PDS CONTROL ORDER

- **It deals with**
 - **Appointing and Disciplinary Authorities of F P Shop dealers . Nominated Retailer/Hawkers in connection with supply of Scheduled commodities (specified in the shedule to the Control order) under PDS sytem .**
 - **Issue and Renewal of Authorisation to the dealers**
 - **Conditions imposed (in the Authorisation) to the dealers**
 - **Authorities competent to inspect the F P Shops**
 - **Issue of Household Supply Cards (Ration Cards)**
 - **Irregularities / violations of the provisions**
 - **Penal Provisions**
 - **Appellate and Revision Authorities**

ISSUE OF AUTHORIZATION

- “Appointing Authority” issues authorization to the dealer appointed. **Clause-5(1)**
- R.D.O./DSO (Hyderabad & Visakhapatnam) is appointing authority in case of Fair Price Shop dealers.
- Tahsildar/ASO (Hyderabad, Visakhapatnam and Vijayawada) is Appointing Authority of Nominated Retailer/Hawkers – **No fresh appointments**
- F P Shop dealers deal with all scheduled commodities covered by PDS
- Nominated Retailer/Hawkers deal with only Kerosene
- Authorisation in Form-II (Fair Price Shop)
-Form-III (NominatedRetailers/Hawkers). **clause 5(8)**

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- **Trade deposit Rs 7500/5000 in urban/ rural areas- FP
Shop Dealer CI 5(2)**
- **Trade deposit Rs 1500/1000 in urban/ rural areas-
Nominated Retailer/Hawkers CI 5(3)**
- **Authorisation is Issued for 2 years – ending 31st March –
application to be filed one month before for Renewl – one
month grace period (by 30th April) – application in form-I –
challan to be enclosed for prescribed fee paid CI 5 (14)(i)**

RESPONSIBILITIES OF DEALERS AND CONDITIONS OF AUTHORIZATION

--CI 22 and conditions of Authorisation

- Not to do other business in scheduled commodities supplied under P.D.S.,-
- shall not retain House Supply Cards of the consumer.
- The card holder shall not be denied of scheduled commodities
- Prices more than the prescribed shall not be charged.

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RESPONSIBILITIES OF DEALERS AND CONDITIONS OF AUTHORIZATION

- **Scale of issue of commodities as prescribed to be followed.**
- **The Fair Price Shop to be opened on all working days.**
- **Proper accounts shall be maintained**
- **authorization is not transferable**
- **shall / abide by the directions issued from time to time by the Commissioner, Collector, D.S.O., Appointing Authority.**

HOUSE HOLD SUPPLY CARDS

- **White cards are issued to BPL families. CI 4**
- **Antyodaya cards are issued to tribals, poorest of the poor and other as per directions.**
- **Annapurna cards are issued to poor destitute – single member.**
- **Tahsildar/ ASO is the competent authority.**
- **Declaration to be filed in prescribed form.**
- **Defaced, destroyed, house hold supply cards are replaced on payment of fee CI 11**

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HOUSE HOLD SUPPLY CARDS

- No fee is collected for issue of duplicate card of destroyed in natural calamity.
- If the original document is located after duplicate is issued –to be surrendered immediately. **CI 13**
- House hold supply cards are not transferable. **CI 12**
- It is cancelled after providing opportunity. **CI 14(i)**
- Rejection to issue the card, refused to issue duplicate card, cancellation of the card – R.D.O. is appellate authority–to be filed with in 30 days **CI 14(ii)**

AUTHORITIES COMPETENT TO MAKE INSPECTION-

CI 16

- **Any officer/person authorized by the Collector or by the Appointing Authority.**
- **Any officer of Revenue/Civil Supplies Department not below the rank of Revenue Inspector/checking Inspector.**
- **Gazetted officer of Vigilance and Enforcement Officer.**
- **Not below the rank of Sub-Inspector of Police.**
- **Team not less than (3) members of the mandal / village / level fair price shop Food Advisory Committees.**
- **Inspecting officers, except members of Food Advisory Committees, can seize the stocks. (variation beyond permissible limits)**
- **Members of Food Advisory Committees can file a report before the Appointing Authority.**

VIOLATIONS UNDER-- THE A.P.S PUBLIC DISTRIBUTION SYSTEM (CONTROL) ORDER, 2008 -

Sl. No.	Gist	Clauses contravened
1.	Running the shop without authorization	Cl.6(iii)
2.	Selling or supplying of scheduled commodities for other than household consumption, incorrect wighment, higher rates.	Cl.7(i)
3.	Not surrendering a cancelled supply card.,`	Cl.11(ii)
4.	Keeping HHS cards/coupons in the shop	Cl.12
5.	Un-authorized possession of supply card	Cl.13
6.	Applying duplicate supply card dishonestly	Cl.15 (a)
7.	Drawing scheduled commodities by making false entries/ Possession of HHS cards (Bogus/Ghost cards)	Cl.17(a)
8.	Fictitious entries – diverting stocks	Cl.17(b)
9.	Diversion of stocks	Cl.17(c)
10	Interruption / Interference in the process of distribution	Cl.17(A)

PENALTIES

- Considering the report of Inspecting authority , a show cause is issued framing **discrete charges** specifying the violation
- If **seizure** of commodities is made , Case under section 6A of E C Act before J C by the Inspecting Officer and a copy of the report is filed before the Appointing Authority .
- Action under section 6A of the Act and action by the Disciplinary Authority are **independent** of each other
- Authorisation is Placed under suspension – pending enquiry --by RDO or Tahsildar in case of F P Shop Dealer – when suspended by Tahsildar – in operation for 90 days- for further continuation RDO to issue orders .
CI 5(5)
- Considering the reply filed, if any and hearing in person/through Advocate , final orders are passed- charges may be dropped or Authorisation may be cancelled or the trade deposit is forfeited in full in partly or both – be a **speaking order** - - .
CI 5(5)

Besides penalty under clause 5 , penalty can also be imposed under clause 17

- If House hold **supply cards with the dealer** – **3 times of** difference of market value of commodities from the date of issue of the card or appointment of the dealer (whichever is later) and actual price paid by the dealer is recoverable.

CI 17(a)

- **Less quantities** of commodities are issued and higher quantities are entered in issue register – **3 times of** difference of market value of commodities from the date of issue of the card or appointment of the dealer (whichever is later) and actual price paid by the dealer is recoverable.

CI 17(b)

- **Misused** scheduled commodities – **3 times of** market value and amount paid by the dealer.

CI 17©

- No one shall **interrupt** the process of PDS – movement of commodities – non-lifting etc., - prosecuted u/s 8 of E.C.Act, with prior permission of the District Collector.

CI 17(A)

APPELLATE AND REVISION AUTHORITIES

- Order of cancellation/suspension of Authorisation of F P Shop Dealer, issued by R.D.O./ DSO (under clause 5) is appellable before the Joint Collector/ CRO in 30days.
CI 20(2)(i)
- A revision lies to District Collector against the order of the Joint Collector in 30days.
CI 21(1)
- Only aggrieved party to file appeal/revision.
- Appeal with in 7 days against placing authorization under suspension by Tahsildar /ASO to RDO/DSO. CI 20(1)
- Order of cancellation/suspension of Authorisation of NR/ Hawker ,issued by Tah / ASO. is appellable before the RDO/DSO in 30days.
CI 20(2)(iii)

MONITORING P.D.S. / INSPECTIONS-

CI 23

- Number of fair price shop to be inspected is prescribed.

Officer	No.of Fair Price Shops to be inspected in a month	N.R / Hawkers
Collectors	3	1
Joint Collectors	5	5
District Supply Officer	5	5
Revenue Divisional Officer	8	--
Tahsildar / Asst. Supply Officer	5	5
Dy.Tahsildar (Civil Supplies) Asst. Grain Purchasing Officer	10	5
Revenue Inspector / Checking Inspector	All shops	All

- Regular inspections be carried out.
- J.C. / R.D.O. to ensure regular inspections on there.
- A programme is chalked out to inspect all fair price shops atleast once in two months.
- The M.L.S points shall also be got inspected once in a month.

**“THE ANDHRA PRADESH SCHEDULED COMMODITIES
DEALERS’ (LICENSING, STORAGE AND
REGULATION) ORDER, 2008 ”**

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IMPORTANT DEFINITIONS

- **“Collector”** means the Collector of the district and includes Joint Collector in the district and the Chief Rationing Officer in the Twin Cities of Hyderabad and Secunderabad.
- **“Scheduled Commodities”** means any one or more of the commodities mentioned in the Schedule-I to this Order including products thereof, other than husk and bran.
- **“Pulses”** means those indicated in Schedule-I to this Order, including Redgram (Tur), Blackgram (Urad), Greengram (Moong) and Bengalgram (Gram) – wholegram and split (dals) thereof;
- **“Edible Oil”** means any oil used for cooking for human consumption and includes hydrogenated vegetable oils other than coconut oil.
- **“Foodgrains”** means any one or more of the following foodgrains.
 - i. Rice (Husked) including broken rice.
 - ii. (Wheat (Omitted))⁸
 - iii. Paddy
 - iv. Sugar
- **“Rice Mill”** means the plant and machinery with which and the premises including the precincts thereof in which or in any part of which rice milling operation is carried on.

- **“Rice Miller”** means the owner or any other person in charge of a rice mill holding a valid licence issued under this Order and includes a person or authority which has the ultimate control over the affairs of such mill and when the said affairs are entrusted to a Manager, Managing Director or Managing Agent, such Manager, Managing Director or Managing Agent.
- **“Non-Milling Wholesaler”** means a wholesaler possessing licence under this Order and not being a rice mill owner.
- **“Owner”** in relation to a rice mill means the person who or the authority which has ultimate control over the affairs of the rice mill, and where the said affairs are entrusted to A Manager, Managing Director or a Managing Agent, such Manager, Managing Director or Managing Agent, shall be deemed to be the owner of the rice mill concerned.
- **“Trading Mill Wholesaler”** means a rice mill owner engaged in buying or selling paddy or rice and possessing a licence granted under this Order.
- **“Non-Trading Rice Miller”** means a miller who does not purchase paddy and mill into rice but who does milling of paddy of agriculturists, agriculture labourers etc., for personal consumption on custom milling / hire – working basis by taking milling charges

- **“Public “Commission Agent”** means the commission agent having, in the customary course of business as such agent, authority either to sell Scheduled Commodities or to consign Scheduled Commodities for purpose of sale or to buy Scheduled Commodities.
- **“Super Bazaar”** means a commercial establishment where all the Scheduled Commodities required by consumers are sold under one roof and there can be a chain of such outlets either in the same city / town or in different cities / towns.
- **“Bulk Consumer”** means a hotel, a restaurant, halwai, an educational institution with hostel facilities, a hospital or a religious or charitable institution, Bakeries, Biscuit manufacturers, Confectionery manufacturing unit.
- **“Cities”**
 - i. **“Category A City”**; means a city, included as Category A city in the schedule-II to this Order having a population of 10 lakhs and more;
 - ii. **“Category B City”** ; means a city, included as Category B city in the schedule-II to this Order having a population of 3 lakhs and more but less than 10 lakhs;
 - iii. **Category C City:** means other cities or other areas with a population below 3 lakhs.

ISSUE OF LICENCES & RENEWAL

- **D.S.O. is competent Authority, in case of whole salers / composite licenses.**
- **Tah / ASO (Hyderabad, Vijag, Vij) are competent to issue licences in case of Retailors.**
- **Quantities up to which storage can be made with out licence are specified.**
- **Quantities up to which different commodities that can be stored by the Whole sale / Retail dealers are fixed.**
- **Application in Form A**
- **Challan for the prescribed fee to be enclosed**
- **Issued for one year - ending with 31st March.**
- **Application for renewal be made in the along with fee in time – under special conditions one month after expiry.**

ISSUE OF LICENCES & RENEWAL

- The control order is intended to regularise the purchase , storage of Food grains, pulses ,Edible Oils by way issue of Licenses and there by controlling the prices
- License not issued / renewed within one month - deemed to have been issued.
- License is issued in B form
- Separate license for every place of business.
- Duplicate license is issued if regular is last / destroyed.
- License can be refused – speaking order.
- Cancelled by issuing Authority – violation of conditions or provision of control orders – the opportunity to be given

RESTRICTIONS ON MAXIMUM QUANTITY OF SCHEDULED COMMODITIES

			Quantities in Quintals					
			Rice	Paddy	Pulses	Edible Oil seeds	Edible Oil	Sugar
1		Whole Saleres						
	a	Cat A Cities	1000	750	2000	2250	900	2000
	b	Cat B Cities		750	1000	1500	600	1000
	c	Cat C Cities		750	1000	1200	375	1000
	d	Dist. Head Quarters	500					
	e	Other Places	250					
2		Retailer						
	a	Urban areas	100	150				
	b	Rural areas	50	150				
	c	Cat A Cities			50	150	100	50
	d	Cat B Cities			40	113	50	40
	e	Cat C Cities			40	75	30	40

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					Quantities in Quintals			
			Rice	Paddy	Pulses	Edible Oil seeds	Edible Oil	Sugar
3		Trading Mills (All Places)	4000	as per tonnage				
4		Non trading Mills						
	a	Cat A Cities	2000					
	b	Other Districts Head Quarters	1500					
	c	Other Places	1000					

- **No limits in case of wheat.**
- **In case of SUGAR no limits \are there from 30.11.2011**
- **In case of mills wherein pulses are produced – specific limits are there as regards to maximum in case of oils / oil seeds.**

MARGINAL VARIATIONS

	Rice	Edible Oils	Edible Oil Seeds	Pulses
Retailer	If annual turn over is less than 2 lakh – No. inspection to be done - But source can be referred – if more than 2 lakh - 0.5% variation is allowed			
Whole Salers	5 quintals or 10% whichever is less	2%	2%	5 quintals or 10% (less)
Millers	6%	4%	4%	Do

POWERS OF ENTRY SEARCH, SEIZURE ETC.

- **Authorities competent are**
 - ✓ **Licensing Authority**
 - ✓ **Any officer of Revenue / Civil Supplies – not below the rank of S.A. cadre.**
 - ✓ **Inspector of Commercial Tax department**
 - ✓ **Police officer not below the rank of S. I.**
- **Any place where scheduled commodities are believed to be stored can be inspected.**
- **Any place - can be entered, break opened - Accounts / Books can be verified – search is made commodities, vehicles etc., are seized.**

**VIOLATIONS UNDER-- THE ANDHRA PRADESH SCHEDULED
COMMODITIES DEALERS' (LICENSING, STORAGE AND
REGULATION) ORDER, 2008 -**

Sl. No.	Gist	Clauses contravened
1.	Possessing/storing scheduled commodities without licence	Cl.2K (1,2,4,10) & Cl.3
2.	Separate licence is required for each place of business /storage purpose also	Cl.4
3.	Storing / possessing scheduled commodities more than the stock limits.	Cl.10
4.	Not adhering to directions issued by the licensing authorities	Cl.11 & cond.11
5.	Purchasing at lower than MSP	Cl.13
6.	Sale of scheduled commodities at higher rates.	Cl.14 & cond.7 (iii)
7.	Improper maintenance of registers and accounts	Cond.3
8.	Not submitting Form-C returns.	Cond.4
9.	Not exhibiting price list of scheduled commodities	Cond.8 (1) (2) (3)
10.	Not issuing receipts / bills.	Cond.9

PENALTIES

- Considering the report of Inspecting authority , a show cause is issued framing discrete charges specifying the violation by the LICENSING AUTHORITY
- If seizure of commodities is made , Case under section 6A of E C Act before J C by the Inspecting Officer and a copy of the report is filed before the LICENSING AUTHORITY .
- Action under section 6A of the Act and action by the Disciplinary Authority are independent of each other
- Licence is Placed under suspension – pending enquiry --by DSO or Tahsildar / ASO **CI 7**
- Considering the reply filed, if any and hearing in person/through Advocate , final orders are passed- charges may be dropped or Licence may be cancelled or the trade deposit is forfeited in full in partly or both – be a speaking order - - . **CI 7**

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APPELLATE AND REVISION AUTHORITIES

- **J.C. / CRO – appellate Authority.**
- **Any order – issue / refused of licence - suspension / cancellation of license is applicable.**
- **If cancellation is on conviction on violation of any control order issued under section 3 of E.C. act - no appeal.**
- **Appeal to be disposed after giving due opportunity.**
- **Appeal to be filed within 30 days.**
- **State Government is Revision Authority.**
- **Revision - either on application or suo-mote.**

OTHER IMPORTANT ITEMS

- **When license is suspended / cancelled – Stock can be disposed of as per orders of licensing Authority.**
- **Directions can be issued by the Government / Commissioner / Collector to convert edible oil seeds in to oil.**
- **Licensee shall not purchase scheduled commodities at a price less than MSP.**

REPORTING VIOLATIONS-ILLUSTRATIONS



ANDHRA PRADESH SCHEDULED COMMODITIES DEALERS (LICENSING, STORAGE AND REGULATION) ORDER, 2008

1. The Respondent was found doing the business in _____ which is/are scheduled commodities as per clause 2(D) of the Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008 and found in possession of more than 5 quintals of oils,/..... without in possession of valid licence obtained under Clause 3 of Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008. Thus he violated the Clause 3 of Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008.
2. It has been noticed that the accounts are not at all maintained by the Respondent and thus violated Condition 3 of the License issued in Form-B under Clause 3 of Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008.
3. It has been found that there is variation in the stock more than the permissible limits and thus the Respondent failed to maintain proper and correct accounts and violated Condition 3 of the License issued in Form-B under Clause 3 of Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008.
4. The Respondent was found to have stored the scheduled commodities in the place other than the One / ones permitted and entered in B Form Licence and thus it amounts to doing the business without possession of valid licence and thus violated Clause 3 of Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008.
5. The Respondent failed to submit the returns in Form C and thus violated condition 4 of the licence issued in Form B under Clause 3 of Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008.
6. The Respondent has purchased PDS Rice illegally and there by denied the Cardholders to receive the Commodities and thus violated Clause 17(A) of APS PDS (Control) Order 2008.

➤ **ANDHRA PRADESH STATE PUBLIC DISTRIBUTION SYSTEM (CONTROL) ORDER 2008**

1. The Respondent FP Shop Dealer / Kerosene Hawker has not maintained proper accounts and thus violated condition 4(i) and 4(ii) of the Authorization issued in Form-II under Clause 5(8) APS PDS (Control) Order 2008 thus violated Condition 4(i) and 4(ii) of the Authorization Form-III issued under Clause 5(8) of APS PDS (Control) Order 2008 / thus violated Clause 12 of AP PP (Licensing and Regulation of Supplies) Order 1980
2. The Respondent FP Shop Dealer / Kerosene Hawker has misused the Scheduled Commodities for his personal gain and thus contravened Condition 2(f) of further Conditions imposed in the Annexure-I appended to APS PDS (Control) Order 2008 .
3. The Respondent FP Shop Dealer / Kerosene Hawker has collected rates for the Scheduled Commodities more than those prescribed by the Government and thus violated Clause 22(iv) of APS PDS (Control) Order 2008 and Condition 8 of the Authorization issued in Form-II/Form-III under Clause 5(8) of APS PDS (Control) Order 2008 .
4. The Respondent FP Shop Dealer / Kerosene Hawker has retained the supply cards with the Respondent after issue of the Scheduled Commodities to the Cardholders and thus contravened Clause 22(ii) of APS PDS (Control) Order 2008.
5. The Respondent FP Shop Dealer / Kerosene Hawker has retained the supply cards with the Respondent with him and misused Scheduled Commodities and thus contravened Clause 17(a) and Clause 17(b) of APS PDS (Control) Order 2008.
6. The Respondent FP Shop Dealer / Kerosene Hawker has failed to display prominently the details of Commodities available etc., and thus contravened Clause 22(v) of APS PDS (Control) Order 2008.

**VIOLATIONS UNDER ---THE LIQUIFIED PETROLEUM
GAS(REGULATION OF SUPPLY AND
DISTRIBUTION) ORDER 2000 -**

Sl. No.	Gist	Clauses contravened
1.	Possession of more than one LPG connection by a person under PDS.	Cl.3(1)(a)
2.	Possession or use of LPG, which are not supplied by Oil Company or a distributor authorized by the Company.	Cl.3(1)(b)
3.	Use of LPG for purpose other than cooking	Cl.3(1)(c)
4.	Distributor supplying LPG filled in cylinders to persons other than the registered consumers or holds valid authorization from Oil Company	Cl.3(3)
5.	Filling of LPG from one cylinder to another cylinder or from one container to another container without authorization.	Cl. 4(1)(a)
6.	Delivery or cause to deliver of LPG to any person other than the consumer for whom the LPG is meant for	Cl. 4(2)

Sl. No.	Gist	Clauses contravened
7.	Un authorized person engaged in the business of selling LPG	Cl. 6
8.	Non displaying the stock and price of the LPG by the distributor	Cl. 8
9.	Distributor refused to sell LPG on working day during working hours to the register consumer,	Cl.9(a)
10	Keeping the business premises closed during the working hours without prior permission of the Govt. oil company	Cl.9(b)
	Not keeping adequate stocks of LPG	Cl.9(c)
11.	Sale of LPG at a higher price than the fixed	Cl.9(d)
12.	Distributor refusing to make home delivery	Cl.9(e)
	Not displaying the hours of working	Cl.9(f)
13.	Not maintaining registers accounts etc.,	Cl.10

**VIOLATIONS UNDER-- THE ANDHRA PRADESH PETROLEUM
PRODUCTS (LICENSING AND REGULATION OF SUPPLIES)
ORDER, 1980 -**

Sl. No.	Gist	Clauses contravened
1.	Carrying on business without license	Cl.3(1)
2.	Not having separate licence for each place of business	Cl.3(2)
3.	Storing more than 100 litres of Kerosene or more than 2500 litres of HSD or LDO or more than 7 LPG cylinders of 14.2 Kg at any one time without licence.	Cl.3(3)
4.	Not possessing registration certificate in Form-Fin respect of each vehicle owned and intended to be used for transporting petroleum products.	Cl.8(1)
5.	Carrying edible oils in petroleum carrying tanks and lomes	Cl.8(3)
6.	Not keeping adequate stocks of petroleum products	Cl.12(1)(i)
7.	Not submitting monthly return in Form C by 5 th of ensuing month (not applicable to HSD/LDO dealers)	Cl.12(2)

Contd....

Sl. No.	Gist	Clauses contravened
8.	Selling petroleum products at prices higher than the prices fixed.	Cl.13
9.	Not displaying board showing working hours stock and prices at a conspicuous place of business premises	Cl.20(1)
10	Keeping business premises closed during working hours on any day	Cl.20(2)
11.	Supplying petroleum products of inferior quality	Cl.25
12.	Carrying petroleum products in cans or barrels or in any container except in accordance with an invoice of sale ³ issued by an oil company or dealer.	Cl.26(2)
13.	Not adhering to the instructions issued by CCS or Collector	Cl.27

GUIDELINES FOR APPOINTMENT OF F.P. SHOP DEALERS

IMPORTANT ITEMS COVERED

- **Guidelines are issued from time to time.**
- **Latest guidelines were issued vide G.O.Ms.No.52, Consumer Affairs, Food Civil Supplies (CS-I) Department dated 18.12.2008.**

IMPORTANT ASPECTS

- **Issue of Notification**
- **Qualifications**
- **Disqualifications**
- **Selection**
- **Tribal areas - Special procedure**
- **Issue of Authorisation**

ISSUE OF NOTIFICATION

- **Notified on 1st of every month**
- **Reservation - S.C./S.T./B.C./Disabled/Women - to be specified**
- **S.C. – 15%. S.T.- 6%, B.C.- 25%, Dis. – 3%, Women – 30% (in all categories) – Roaster to be followed – 1% of Women quota – widowers of Ex-Servicemen.**
- **Last date for receipt of applications to be specified.**
- **Application is in specified from**
- **Affixed on notice board of R.D.O./Tahsildar/C.R.O./D.S.O. A.S.O./Gram Panchayat/ -- as the case may be-**
- **Affixed conspicuous place in the area of F.P. Shop**
- **Copy to be sent to Sarpanch / Councillor / Corporator / Members of Mandal level FAC / Corporating level FAC/Members of F.P. Shop Level FAC/M.L.As./M.L.Cs./M.P.**
- **Publicity be given by Beat of tom tom in the area.**

QUALIFICATIONS

- Resident of Gram Panchat/Municipal area/within the mandal (in case of Disabled)
- must have passed 10th Class
- Persons who passed 10th class or higher qualification shall be treated equally.
- If no candidate passed 10th class – not available -- candidate passed in 7th class may be considered.
- The candidate must have attained 18 years of age and not More than 40 years.
- Financially sound / have source to lift scheduled commodities.
- Legal Heirs shall be appointed as dealers if a dealer expires- otherwise to be qualified- 3 years time is providedc to acquire qualification

DISQUALIFICATIONS

- **Individuals holding the post of Sarpanch,/ MPTC/ President of M.P.,Chairman of Z.P./Municipal Councilors, President of Cooperative Societies, Z.P.T.C. – not eligible**
- **Individuals appointed as Dealer shall have to give undertaking that he will resign as dealer if elected as Sarpanch etc.**
- **Close relatives of those working in Revenue/C.S. Dept., /V.R.Os. of the village are not eligible.**
- **Individuals having adverse antetecedents – not eligible**
- **Those who do not possess good health or suffering from any Contagious or infections disease are not eligible**
- **Those who do business in the Commodities supplied through P.D.S are not eligible.**
- **Those who have already been benefited under other Government schemes are not eligible.**

SELECTION

- **Interview letters, specifying the date and time, to be issued**
- **Selection by the interview**
- **Preference shall be given to the resident of the village/
Habitation**
- **Preference shall be given to women Self Help Groups**
- **Preference shall be given to N..R./Hankers, if otherwise
Eligible**
- **Results shall be announced on the next day of Interviews**
- **No reserve list**

ISSUE OF AUTHORISATION

- **Antecedents to be verified through Tasildar**
- **Application to be made in Form-I appended to APSPDS(Control)Order 2008**
- **Security deposit to be paid**
- **Authorisation be issued in Form-II**
- **Once appointed must serve for a minimum period of 5 years**

IN TRIBAL AREAS

- **Shall be run through D.R. Depots of G.C.C.**
- **If no D.R. depot available, entrusted to temporary Girijana Co-Operatives manned by Tribal candidate**
- **Otherwise only to Tribal candidate**
- **Tribal beneficiaries selected by P.O., I.T.D.A.**
- **Non Tribal Dealers to be replaced**
- **If no Tribal in the village only GCC to run**
- **If Tribal does not come forward, P.O., I.T.D.A., to provide assistance**

Thank You