

The
Kolkata Gazette
सत्यमेव जयते



Extraordinary
Published by Authority

AGRAHAYANA 25]

WEDNESDAY, DECEMBER 16, 2020

[SAKA 1942

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Department of Food & Supplies
11A, Mirza Galib Street, Kolkata-700 087

NOTIFICATION

No. 3034-FS./Sectt/Food/4P-09/2012 (Pt.II) – Kolkata, the 14th December, 2020. – WHEREAS it has been considered necessary to amend the West Bengal Public Distribution System (Maintenance & Control) Order, 2013 (hereinafter referred to as the said Control Order), in the manner hereinafter appearing;

NOW, THEREFORE, in exercise of the power conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Governor is pleased hereby to make, with an immediate effect, the following amendment in the said Control Order, namely: –

Amendments

In the said Control Order,—

(1) In clause 2,—

(a) for sub-clause (h), *substitute* the following sub-clause:—

(h) "Dealer" or "Fair Price Shop Owner" means a person and includes an individual, registered partnership firm, registered Co-operative society, Sangha or mahasangha of self-help group working within a district, in whose name a shop has been licensed to distribute and sell public distribution commodities to ration card holder under the Public Distribution System by an order issued under Part III;";

(b) for sub-clause (j), *substitute* the following sub-clause:—

"(j) "Distributor" means a person and includes an individual, registered partnership firm, registered Co-operative society, corporation or company, Sangha or mahasangha of self-help group working within a district, in whose name a distributorship has been licensed to distribute and sell public distribution commodities to Fair Price Shops as may be specified by the licensing authority under the provisions of this order;

Explanation.— This is clarified that inclusion of corporation or company in this definition is for the purpose of these order. The eligibility for applicant for filling the vacancy/resultant vacancy shall be governed as per the provisions of sub-clause (iib) of clause 26.";

(c) for sub-clause (m), *substitute* the following sub-clause:—

'(m) "family member (s)" means –

- (i) spouse; or
- (ii) parents; or
- (iii) son (including son legally adopted before death or incapacitation); or
- (iv) widow of pre-deceased son; or
- (v) daughter (including daughter legally adopted before death or incapacitation, divorced daughter and widowed daughter);

who is wholly dependent on the dealer or distributor at the time of death.;

(d) after sub-clause (x), *insert* the following sub-clause:—

'(xa) "relative" includes the family member and the following kin:

- (i) son's spouse, son or daughter;
- (ii) daughter's spouse, son or daughter'
- (iii) brother's spouse, son or daughter;
- (iv) sister' s spouse, son or daughter;
- (v) parents brother or sister;
- (vi) spouse brother or sister."

(2) In clause 18, for the words and numbers "between 7.30 a.m. to 11.30 a.m. in the morning and between 4 p.m. to 6 p.m. in the evening", *substitute* the words and numbers "between 7 a.m. to 11.30 a.m. in the morning session and between 3.30 p.m. to 6 p.m. in the evening session.";

(3) In clause 20, –

(a) in sub-clause (iii), for the words "inviting application from Self Help Groups/Registered Co-operative Societies/ Semi-Government bodies/individuals/group of individuals as an entity thereof", *substitute* the words "inviting application from an individual, registered partnership firm, registered Co-operative society, Sangha or mahasangha of self-help group working within a district";

(b) after sub-clause (iii), *insert* the following sub-clause:—

"(iiia) Following person shall not be eligible to apply for a licence of a dealer, namely-

- (a) a person holding a license of dealer or distributor or wholesaler in his name or a person whose relative already has a dealer or distributor or wholesaler license;
- (b) a member of local bodies, local authority, Panchayati Raj Institutions, board or corporation, or Member of Legislative Assembly or a Member of Parliament during his tenure as such capacity;
- (c) a minor or person of unsound mind or an insolvent;
- (d) a person convicted by the court under the Act or in any other criminal proceedings connected with essential commodities;
- (e) a person holding a post in the establishment of any State Government or Central Government or any authority or body or institution of Local self-government established or constituted by or under the Constitution or by any other law made by the Parliament or a State Legislature or by notification issued or order made by the Central Government or a State Government;
- (f) a limited liability partnership;
- (g) a corporation or company:

Provided that nothing in this clause shall affect the continuance of existing license of dealer. ";

(c) after sub-clause (iv), *insert* the following sub-clause:—

"(iva) Notwithstanding anything contained in this clause, the State Government may, for the reasons to be recorded in writing, cancel the vacancy at any time before the approval is granted.";

