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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-700087

NOTIFICATION

No. 1505-FS./Sectt/Food/4P-09/2012 – Kolkata, the 11th April, 2022. – **WHEREAS** sub-section (1) of section 12 of the National Food Security Act, 2013 (NFSA ACT) provides that the Central and State Governments shall endeavour to progressively undertake necessary reforms in the Targeted Public Distribution System in consonance with the role envisaged for them in this Act;

AND WHEREAS clause (e) of sub-section (2) of said section 12 of the NFSA Act *inter alia* also provides that such reforms shall, *inter alia*, include preference to public institutions or public bodies such as Panchayats, self help groups, co-operatives, in licensing of fair price shops and management of fair price shops by women or their collectives;

AND WHEREAS sub-clause (j) of clause 2 of the Targeted Public Distribution System (Control) Order, 2015 has included a company of a State Government within the meaning of “fair price shop owner” in whose name a shop has been licensed to distribute essential commodities under the Targeted Public Distribution System;

AND WHEREAS the West Bengal Essential Commodities Supply Corporation Ltd. (hereinafter referred to as the said Corporation) is a company of the State Government constituted under the aegis of the Department of Food & Supplies, Government of West Bengal, and discharging the various functions on behalf of the State related to public distribution system envisaged under the Essential Commodities Act, 1955;

AND WHEREAS the State Government in the Department of Food & Supplies considers it necessary to engage the said Corporation as Fair Price shop Owner to distribute the food grains to the targeted beneficiaries in the manner and on such conditions, as specified by the State Government by order, to enable it to ensure the food security of the targeted beneficiary so that the public duties entrusted upon the State Government under the NFSA Act is complied with;

AND WHEREAS for the purpose of institutionalizing the licensing of Fair Price Shop as per sub-clause (j) of clause 2 of the Targeted Public Distribution System (Control) Order, 2015, the State Government has contemplated to make provisions for grant of Fair Price Shop licenses to the said Corporation also;

AND WHEREAS to give effect to the purpose mentioned above, 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) for sub-clause (h) of clause 2, *substitute* the following sub-clause:–

“(h) “Dealer” or “Fair Price Shop Owner” means a person and includes the Company or Corporation of the Government, 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;”;

- (2) in sub-clause (iii) of clause 20, for the provisos, *substitute* the following proviso:–

“Provided that if the State Government so desire, it may, by an order, offer license of Fair Price Shops to the West Bengal Essential Commodities Supply Corporation, a company of the Government, for such areas, in such manner and on such conditions, as it may specify in the order:

Provided further that the Government may also give such opportunities only to company or corporation of the Government, sangha or mahasangha of Self Help Groups or a registered co-operative Societies, by separate order.”;

- (3) for sub-clause (i) of clause 21, *substitute* the following sub-clause: –

“(i) The Sub-divisional Controller, Food & Supplies shall grant a license to the West Bengal Essential Commodities Supply Corporation Limited on the recommendation of the State Government or, as the case may be, grant provisional licence to the approved candidate/ organization who has complied with the terms and conditions as laid down in the offer letter with validity for a maximum period of one year. The licence shall be issued in Form-‘E’ authorizing such dealer or the said Corporation to carry on trade in public distribution commodities under Public Distribution System and shall be subject to such conditions as are specified therein and such other conditions as the Director or Licensing Authority may prescribe from time to time in the interest of Public Distribution System.”.

By Order of the Governor,

PARWEZ AHMAD SIDDIQUI, IAS
Secretary to the Government of West Bengal