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Government of Himachal Pradesh
Food, Civil Supplies and Consumer Affairs Department

No. FDS-A(3)-4/2020

Dated: Shimla-2

31st March, 2021

NOTIFICATION

In supersession of all previous orders, instructions and guidelines issued from time to time and in compliance of section 12(1), 12(2)(e) and 24(5)(c) of the National Food Security Act, 2013, and Himachal Pradesh Specified Essential Commodities (Regulation of Distribution) Order, 2019, the Governor, Himachal Pradesh is pleased to notify the following guidelines for opening of new Fair Price Shops in order to provide easy access to the Fair Price Shops to the citizens of the state :-

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1. A Fair Price Shop (FPS) is generally to be opened for a population of 1,000 in the State. However in tribal /remote and inaccessible/sub-cadre areas as defined by the Govt. of Himachal Pradesh, it can be opened for 150 ration cards subject to the condition that the population or card count of existing FPS should not come below the above prescribed limit. The norms should also be such that no consumer shall generally have to travel a distance of more than 3 kilometer in urban areas and 2 Kilometer in Rural areas to access the nearest FPS. The distance will be certified by the Public Distribution Committee (PDC), headed by the Deputy Commissioner of the district concerned. The PDC shall forward only such cases to the Director Food, Civil Supplies and Consumer Affairs, HP Shimla for relaxation from the Govt. of HP that has population coverage of less than 1,000 or 150 ration cards as the case may be. More than one fair price shop may be opened in any place without distance clause if both the existing as well as proposed FPS has population coverage of 1,000 or above.
 2. Independent Kerosene Oil Fair Price Shops shall not be opened and Kerosene Oil may be allotted to regular Fair Price Shops only.
 3. Demand for opening of Fair Price Shop shall have mention of specific place/ward number where Fair Price Shop is demanded to be opened by General Public/ Gram Panchayat/ Urban Local Body etc. If demand /request for opening of Fair Price Shop is received from an individual, it must be accompanied by the resolution of the Gram Panchayat/Urban Local Body clearly mentioning the place/ward number as the case may be. The demand from an individual without the concerned GP/ULB's resolution shall not be considered.

The matter for selection of place where Fair Price Shop is to be opened shall be placed in the meeting of Public Distribution Committee (PDC). Once the PDC finds the proposal in consonance with the parameters fixed above, applications shall be invited for the same by the concerned District Controller

The District Controller shall issue notice for opening the proposed FPS. It shall be ensured that the notice is given wide publicity by way of affixation at the Gram Panchayat Ghar/ULB Office. The notice may also be fixed on the notice board in the offices of the

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SDM, District Controller FCS&CA and Inspector FCS&CA. Further, it is to be advertised in at least one vernacular daily Hindi newspaper having wide circulation in the district concerned. In case, if any existing FPS holder resigns due to some reason, then FPS for that particular place shall be advertised by concerned District Controller at his own level.

4. At least three weeks time will be given for submission of applications for opening of FPS. The applications shall be strictly on "Form-A" of Himachal Pradesh Specified Essential Commodities (Regulation of Distribution) Order, 2019. The applications received within the given time shall be considered and approved by the PDC only after the expiry of the given time. All applications for opening of a FPS received within the time period of the notice shall be considered in principle by the PDC for deciding the priority.

5. The order of preference of allotment of FPS shall be as under:-

1. First Priority: Public institutions or public bodies in following order:-

- i) Gram Panchayat
- ii) Self help groups
- iii) Co-operatives
- iv) Collective of women.

Preference may be given to institution located in the same ward. If more than one institution of same ward applies, preference may be given to the institution with earlier date of registration.

2. Second Priority: among following categories in the order given below:-

- i) Ekal Naris (as defined by the Department of Women and Child Development, Govt of HP)
- ii) Widows raising children on their own
- iii) Physically handicapped person (as defined in the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995) capable of efficiently handling the FPS operations
- iv) Ex-Serviceman/un-employed educated person with no family members in regular employment.

3. Third Priority: HP State Civil Supplies Corporation.

6. The PDC shall maintain the record of allotment of FPS. The individual FPS Holder should have minimum qualification of Matriculation from a recognized Board/University. In case of Individual applicants, the procedure of selection will be as under:-

1. Matriculation 5Marks
2. Higher Education 2 Marks (+2 or above)
3. Same Ward 3 Marks
4. SC/ST/OBC/BPL 3 Marks(if the applicant falls within more than one category only 3 marks will be given)

In case of tie, preference will be given to the applicant having higher percentage in the examination of Matriculation. If there is still a tie, then preference will be given to the applicant having higher age. Persons applying for FPS must be of age of 18-45 years. FPS holders will retire at an age of 65 years.

For the FPS allotted to the Public Institutions or Public bodies, the salesperson should possess minimum qualification of matriculation from recognized Board/University).

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Retirement age of salesperson of Public Institutions or Public bodies shall not be more than 65 years.

After retirement of individual FPS holder the District Controller, FCS&CA will invite applications at his own level and will put up the applications received within the time limit before PDC. Process may be started before the retirement of FPS holder as it may take some time for allotment of FPS to new applicant subject to the condition that FPS to new applicant will be allotted only after retirement of the existing FPS holder. In case of retirement of salesman of public institution or public bodies, new salesman shall be appointed by the concerned institution or public body in a transparent manner.

Provided that these qualifications shall be applicable for the new FPS holders only and not for the existing FPS holders.

7. The PDC must, before considering the applications, clearly state whether the norms are met or not. If the norms of population i.e. 1,000 or 150 ration card or distance i.e. 3 kilometers or 2 kilometers as the case may be, are not met and a second shop is sought to be opened, then even before recommending the case for relaxation, the PDC must give specific reasons for recommending relaxation.
8. Whenever any new FPS is proposed to be opened by splitting the consumers of any existing FPS, or any other mechanism affecting the consumer card count of any FPS, opportunity of being heard shall be given to all such affected FPS holders. However, no such opportunity may be given where the population norm of the existing as well as the proposed FPS is independently being fulfilled.
9. A branch may be opened by the existing FPS holder in the area by splitting the existing consumer cards of the existing FPS to provide easier access to the consumers, with the prior permission of the PDC, subject to the condition that the branch shall also function like the general FPS at least on two working days in a week. On these days, the existing main FPS may remain closed.
10. Before opening any FPS, the financial viability of the proposed as well as the existing FPS shall be considered, especially with regard to the profit margins allowed by the Govt. from time to time. It must be kept in mind that operation of the FPS is a legal mandate and a public service, and persons purely driven by the profit motive should not normally apply.
11. Where relaxation is required, the case shall be sent by the PDC with full justification. The case shall be examined at the level of the Director, who shall then send the case to the Govt. with his recommendation. District Controller shall issue notice for opening the proposed FPS only after such relaxation has been received from the State Government.
12. In case the FPS is being proposed to be given to the legal heir of any FPS holder due to the death of the FPS holder, the same may be allotted at the level of PDC, subject to the condition that none of the family member of the legal heir is in regular employment and he has to submit the no objection certificate of other legal heirs for allotment of FPS in his favour.

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13. FPS may temporarily be run by the person nominated by FPS holder amongst his legal heir in case the FPS holder is sick and is admitted in the hospital for treatment. FPS holder shall apply for the same to the concerned District Controller along with the documents showing that he is undergoing the treatment. District Controller may authorize such nominated person for three months. This authorization may further be extended for three months if the FPS holder is still undergoing the treatment. Actual FPS holder shall be liable for any action in case of any diversion/misappropriation of specified essential commodity or violation of any condition of the relevant Acts or orders.
14. Every Gram Panchayat shall have at least one FPS, regardless of the criteria given in these guidelines.

By Order

Manoj Kumar

Addl. Chief Secretary (FCS&CA) to the
Government of Himachal Pradesh.

Dated: Shimla-2, 31st March 2021.

Endst. No. FDS-A(3)-4/2020

Copy forwarded to :-

1. The Secretary to the Governor of Himachal Pradesh, Shimla-2.
2. The Principal Secretary to the Chief Minister, H.P., Shimla-2.
3. All the Administrative Secretaries to the Government of H.P., Shimla-2.
4. The Private Secretary to the Chief Secretary to the Govt. of Himachal Pradesh, Shimla-2.
5. The Under Secretary to the Govt. of India, Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs, Krishi Bhawan, New Delhi-110001.
6. The Registrar General, High Court of H.P., Shimla-1.
7. The Secretary, HP Vidhan Sabha, Shimla-4.
8. The Private Secretary to the Chief Minister, HP, Shimla-2.
9. The Private Secretary to the Food, Civil Supplies and Consumer Affairs Minister, H.P., Shimla-2.
10. All the Heads of Departments in Himachal Pradesh.
11. The Managing Director, HP State Civil Supplies Corporation Ltd., Shimla-9.
12. The Director, Food, Civil Supplies and Consumer Affairs, H.P., Shimla-9.
13. All the Deputy Commissioners in Himachal Pradesh.
14. All the Superintendents of Police in Himachal Pradesh.
15. All the District Controllers, Food, Civil Supplies and Consumer Affairs, H.P.
16. Guard File.


(Suresh Chand Dogra)

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