

# **National Food Security Act and Rules**

## *1. Introduction*

As per the powers conferred by sub-sections (1) and (2) of Section 40 of the National Food Security Act, 2013 (20 of 2013) the State Government drafted a notification regarding the rules of NFSA at state level.

The rules starts with explanation of short titles and commencements and the definition of terms used lone appellant authority, district grievance redressal officer, corpus fund, entitled person, nodal officer etc.

## *2. The eligibility and selection process*

The important part of the act is Chapter-II where the identification of eligible households is mentioned. It is in two parts. One is for automatic eligible person or priority households and another is for automatically excluded person. The people who are eligible under Antyodaya Anna Yojana are already included in it. Following are the automatically included categories-

- (a) Households without shelter
- (b) Households with Destitute who is living on alms
- (c) Households belonging to Primitive Vulnerable Tribal Groups
- (d) Households having a Widow pension holder under the Central or the State Government or under any other scheme under the said Governments if not otherwise ineligible as per the exclusion criteria as provided in sub-rule (3).
- (e) Individuals having disability of 40% or more.
- (f) Transgender applicant

All other households shall be priority households to be covered under the Targeted Public Distribution System except having any one of the following criteria, namely:-

- (i) Households having a member who owns a Four Wheeler vehicle or a Heavy Vehicle or two or more motorized three wheelers or two or more Motor Boats or a Trawler.
- (ii) Households having a member who owns mechanized agricultural equipment such as Tractors and Harvesters.
- (iii) Households having a member working as a regular employee of the Central or the State Government, Public Sector Undertaking, Government aided Autonomous bodies and Local bodies (Incentive and honorarium based workers would not be considered under this criterion). Household having a member working in private sector with monthly salary of more than rupees ten thousand in rural areas and rupees fifteen thousand in urban areas.
- (iv) Households having a member who owns an Enterprise (other than micro-enterprises) registered with the Government for manufacturing and services.
- (v) Households having a member earning more than rupees ten thousand per month in the rural and rupees fifteen thousand per month in urban areas.
- (vi) Households having a member paying Income Tax or Professional Tax.
- (vii) Households having domestic electric connection with a load of 2 KW or more and or consuming an average of 300 units of energy (KWH) per month.
- (viii) Households having a member drawing a monthly pension of more than rupees ten thousand per month in rural areas and rupees fifteen thousand per month in urban areas.

- (ix) Households who own three or more rooms with Pucca walls and Pucca roof not constructed under the Indira Awas Yojana or Pradhan Mantri Awas Yojana or Biju Pucca Ghar Yojana. Provided that the rooms constructed under the Indira Awas Yojana or PradhanMantri Awas Yojana or Biju Pucca GharYojana shall not be covered under this exclusion criteria.

The Government shall finalize the process and procedure for seeking application from eligible households for ration cards. Make wide publicity and make helps desks at block, municipality and Municipal corporation level. In a time bound manner authorities will issue ration cards after checks and verification of claims. The process of inclusion and exclusion of Household will be a continuous process. Any person or organization can submit application for inclusion or exclusion of particular household before competent authority.

### *2.1 Displays in Public Domain*

On completion of each round of process for identification of eligible households, the Government shall display prominently and place in public the list of names of persons or households identified for inclusion in 'priority' or 'Antyodaya' category:

- The list of names of eligible households shall be displayed at the Gram Panchayat Office and Fair Price Shops prominently.
- The Government shall also display the list of eligible households on its official websites and the official websites of the central Government.

### *3. Grievance Redressal Mechanism*

As per the provisions in Act the rules prescribes robust grievance redressal mechanism at various levels.

#### *3.1. Internal System of Grievance Redressal*

The Government shall set up an internal grievance redressal mechanism for disposal of the complaints, resolution of queries and providing information relating to the provisions of the Act to the public. The Food Supplies and Consumer Welfare Department shall put in place call centers, toll-free helpline numbers and websites through the Departmental website and other media, as may be specified by notification by the Government. The call centers shall provide support in Odiya language or local dialect to the extent possible

#### *3.2. Nodal Officer*

The Nodal Officers are designated at Block, Municipality or Municipal corporation level for the purpose of Internal Grievance and redressal of public complaints. The Civil Supply Officer of the District shall be designated as District Level Nodal Officer with respect to Targeted Public Distribution System Scheme. Similarly, Inspector of Supply or Marketing Inspector or Assistant Civil Supply Officer, shall be Block Level Nodal Officers for Targeted Public Distribution System Scheme. They would be responsible for following jobs:-

- S/he will be the first level of interface for redressal of grievances and queries of the beneficiaries.
- S/he shall be responsible for proper management and control of the call centers and helplines;
- Register complains, get it verified, take remedial actions and inform the complainant
- Responsible for verify of fair price shops, status of supply of food grains and record in writing the non-supply of food grains if any.
- Registers the issues related to non-supply of food grains, lapse of fair price shops to district grievance redressal officer

#### *3.3. District Grievance Redressal Officers*

The government shall appoint a district redressal officer of the rank of senior class who is directly not related to delivery of entitlements of act. In case of Odisha Project Directors, DRDA are designated as District Grievances Redressal Officers (DGRO). The appointment of DGRO and his contact details will be widely published in the media, newspapers and offices of civil supply departments and fair price shops. Followings are the responsibilities of DGRO.

- monitor the regularity of distribution of food grains
- look into violations of entitlements passed on to the beneficiaries under the Targeted Public Distribution System scheme — either suo-motu or on receipt of grievances from any source including news items;
- recommend relief to be provided to the aggrieved persons by the public servant associated with the complaint: Provided that the public servant shall be given reasonable opportunity of being heard before any penalty is imposed.
- monitor timely payment of Food Security Allowance, if applicable;
- update the District Level Vigilance Committee about status of the grievance redressal related to Targeted Public Distribution System in the district;
- receive summary report from Nodal Officers as per the provisions of rule 10 of the Food Security Allowance Rules, 2015
- carry out other functions as may be directed by the Government from time to time

### *3.4. Lodging of Grievances*

Any aggrieved person may file and submit his grievance to the District Grievance Redressal Officer in Form A in writing or dropping their written grievance in grievance boxes, installed at the office of the District Grievance Redressal Officer or by e-mail or by post, or in the Department portal or in any other manner as may be specified by the Government or convenient to the aggrieved person on any working day; every single details of the complaint will be recorded with details. No anonymous grievance shall be entertained. The complaints will be received in Form A and detailed of disposal will be recorded in complaints register in Form B. The rule also prescribes in details the process of grievance redressal after receiving complaints. The DGRO is authorized with the power of civil court as per Code of Civil Procedure, 1908 (5 of 1908) in the following matters-

- summoning and enforcing the attendance of any person and examining him on oath;
- discovery and production of any document;
- receiving evidence on affidavits;
- requisitioning any public record or copy thereof from any court or office; and
- issuing commissions for the examination of witnesses or documents.

### *3.5. Timely disposal of the complaints.*

- An inquiry under this rule shall be finalized as soon as possible, but in no case later than 90 calendar days of its being received by the District Grievance Redressal Officer.
- The complainants must be informed of the action taken, in writing through posts and acknowledgement receipts obtained.

### *3.6. Appeal against the orders of the District Grievance Redressal Officer.*

- Any complainant or the officer or authority against whom the order has been passed by the District Grievance Redressal Officer and who is not satisfied with the order may, within thirty days of receipt of the intimation under sub-rule (3)prefer an appeal against such order before the State Food Commission.
- The decision of the State Food Commission shall be final in respect of appeals in all matters related to non-distribution of food grains and matters relating thereto.
- The decision of the State Food Commission thereon shall be communicated to the appellants in writing through posts and acknowledgement receipt obtained.

### *3.7. Report.*

A monthly report on complaints received and disposed off shall be sent by the District Grievance Redressal Officer to the Government

#### *4. Transparency and Accountability*

##### *4.1. Disclosure of records of Targeted Public Distribution System: (1) All Targeted Public*

Distribution System related records, such as, -

- Guidelines notified by the Government in rules for identification of eligible Priority households.
- List of beneficiaries under Antyodaya Anna Yojana households or eligible priority households for distribution under Public Distribution System under section 3 of the Act.
- The entitlement of food grains, including quantity and price for different category of beneficiaries under clause (b).
- Details of Fair Price Shops in the State, Districts, Blocks, etc.
- Policy Directives issued by the Government, Secretary, Food Supplies and Consumer Welfare Department to Collectors and other officers of the Government for effective and efficient implementation of the Act.
- Any other record which is considered by the Secretary, Food Supplies and Consumer Welfare Department of the Government shall be placed in the public domain on the web-portal [www.foododisha.in](http://www.foododisha.in)

##### *4.2. Social Audit*

The local authority or any other authority authorized by the Government shall conduct or cause to be conducted periodic social audit on the functioning of Fair Price Shops after giving seven days' notice to the said Fair Price Shops and concerned authorities in accordance with such guidelines issued by the Government from time to time. The objective of social audit shall be to evaluate the effective functioning of the Targeted Public Distribution System and to associate Civil Society Organizations with the supervision of Targeted Public Distribution System for better quality of service, better adherence with the defined goals and efficient utilization of resources.

##### *4.3. Manner of Conduct of Social Audit*

The services of Voluntary Consumer Organizations actively working for consumer protection and local NGOs with good track record shall be utilized to conduct social audit either on voluntary basis without payment of any honorarium from the Government or on payment of a fixed remuneration per social audit meeting as may be decided by the Government.

- Selection of Voluntary Consumer Organizations and Non-Government Organizations shall be done by the Collectors, after careful verification of their antecedents and track record, for each Block and Urban Local Body.
- Fair Price shop-wise schedule for social audit shall be drawn up in advance jointly by the Voluntary Consumer Organization or Non-Government Organization and the Block Development Officer or Municipal Commissioner or Executive Officer.
- Wide publicity shall be given for social audits by the Block Development Officer of Block or Municipal Commissioner of Municipal Corporation or Executive Officer of Urban Local Body and the Voluntary Consumer Organization or Non-Government Organization to facilitate public participation.
- Social Audit shall be attended by Block and Fair Price Shops level Vigilance Committee members, elected PRI/ULB representatives, general public and members of Voluntary Consumer Organization or Non-Government Organization.
- At least one officer of Civil Supplies and one officer from other Departments deputed by Collector or Block Development Officer or Executive Officer of Municipality or Municipal Commissioner of Municipal Corporation shall remain present during the Social Audit and

authenticate the 'Social Audit Report' along with the Voluntary Consumer Organization or Non-Government Organization representatives.

- The Collector or other senior officer shall, at least, attend a few of such social audit session. Social Audit sessions shall cover the overall functioning of the schemes; and more specifically, the following aspects. -
  - (a) Regular opening of the Fair Price Shops;
  - (b) Timely receipt and distribution of food grain;
  - (c) Quality of food grains and correct weightage;
  - (d) Proper and correct maintenance of records and Point of Sale devices;
  - (e) Display of stock, price, entitlement and other details by Fair Price Dealers;
  - (f) Availability of list of ration card holders;
  - (g) Display of Citizen's Charter and Complaint Book;
  - (h) Verification of list of ration cards and genuineness of list of card holders, People's perception on errors of inclusion and exclusion;
  - (i) Verification of at least 5% of ration cards to verify proper and timely distribution of PDS commodities;
  - (j) The Fair price Shop dealers shall be duty-bound to produce all their records to the Voluntary Consumer Organization or Non-Government Organization during the 'Social Audit' and to cooperate fully with them. Civil Supplies Official concerned deputed to the social audit shall have to ensure this aspect.
  - (k) The check lists and other stationery items for Social Audit shall be supplied by the Government

The social audit shall be conducted any time during the year as per the convenient of general public. The block or municipality wise report shall be given to collector on findings of social audits. Collector may send financial year wise report to Government.

#### *5. Vigilance Committee.*

As per the provisions contained under the Act, the Government shall constitute or revamp the Targeted Public Distribution System of the related District, Block and FPL level Advisory Committees as Vigilance Committees. The Vigilance Committee shall be constituted at State, District, Block and Fair Price Shops Level. The state level vigilance committee shall be headed by Minister, Food, Supplies and Consumer welfare Odisha for the three years. They will be secretaries from related departments.

The District Level Vigilance Committee will have the President, Zilla Parishad as its Chairperson whereas the District Collector will be the member convener. MP, MLAs, two members of zilla parishad. three chairpersons of blocks one chairperson from ULB, PD, DRDA, CSO, representatives from voluntary consumer organizations and two individual with track record of working in the field nominated by revenue divisional commissioner.

Similarly the Block level Vigilance Committee will be headed by Chairperson of the Block and BDO will be the member convener. The MP or his/her representatives, the concerned MLA, sub-collector, one PS member nominated by the Panchayat Samiti, two sarpanchs nominated by the BDO, Marketing Inspector or Inspector of supplies, four consumers (one women, one ST, one SC) nominated by BDO and one representative from voluntary consumer organization nominated by BDO and two SHG representatives. Similarly there is Town Level Vigilance Committee under chairpersonship of head of concerned ULB.

The Gram Panchayat Level Vigilance Committee under chairpersonship of sarpanch and PEO as member convenor is formed. Samiti members, all ward members, four literate consumers (one woman, ST, SC) nominated by GP, one leading SHG nominated by BDO, one SHG other than PDS license holder nominated by BDO, one voluntary consumer organisation nominated by BDO, MLA representative shall be members.

Roles of Responsibilities of Vigilance Committees-

- The Vigilance Committees shall meet at least once in every quarter of a calendar year.
- The Vigilance Committees shall perform such functions and have such powers as are specified under section 29 of the Act.

#### *6. Miscellaneous*

The last chapter of the act explains the miscellaneous related to effective implementation of act these includes payment of food security allowances and corpus fund.

##### *6.1. Payment of Food Security Allowance.*

- The Government shall lay down the principles to fix responsibility for failure to provide the entitlements as required by the Act.
- In case of failure to provide the entitlements as required under the Act, the beneficiary shall be paid by the Government such Food Security Allowance as notified by the Central Government under the provisions of sections 8 and 39 of the Act.
- Any Food Security Allowance paid by the Government shall be recovered from the concerned responsible persons including officers of the Government according to the principles laid down under sub-rule (1).

##### *6.2. Corpus Fund*

A corpus fund shall be constituted by the Government for the payment of Food Security Allowance