Tracking the Implementation of National Food Security Act 2013 and Status of State Rules

Focus on Southern States

Centre for Child and the Law
National Law School of India University
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Prepared by

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Acknowledgements

The exercise of mapping the implementation of National Food Security Act 2013 in Southern states has been quite exhaustive and was spread over many months. The quantum and range of information to be collected from various departments in many states, entailed participation of a number of people from within the team working on Right to Food at the Centre for Child and the Law (CCL NLSIU) as well as others – students, activists, government functionaries and many more who were concerned about the growing hunger and malnutrition in the country and non implementation of NFSA. Researchers from the team travelled to all the southern states and union territories to collect and update information on various orders and rules under NFSA.

Research and analysis done by Ms. Neenu Suresh is a crucial part of this report of this report. Ms. Zara Fathima Kaiser’s contribution to state reports also deserves a mention here. The team is grateful to the government functionaries in states Andhra Pradesh, Karnataka, Kerala, Tamilnadu, Goa, Maharashtra and Telangana. We at CCL NLSIU owe a special word of thanks to Dr Shanmugam Velayutham for sharing insights regarding developments in Tamilnadu and also contributing to a chapter in this report.

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Finally, the research conducted by CCL NLSIU on implementation of NFSA and its implications for the status of right to food, would not have come out in this shape without funding support from Child Rights and You (CRY). We are thankful to CRY for supporting the research that has gone into preparing this report as well as the publication of this report.

We take the responsibility of any gap or omission in data and analysis.

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## Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AAH</td>
<td>Anna Amrutha Hastham</td>
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<td>AAY</td>
<td>Antyodaya Anna Yojana</td>
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<tr>
<td>APCSCL</td>
<td>Andhra Pradesh Civil Supplies Corporation Limited</td>
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<td>APMC</td>
<td>Agricultural Produce Market Committee</td>
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<td>APL</td>
<td>Above Poverty Line</td>
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<td>AWC</td>
<td>Anganwadi Centres</td>
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<td>BPL</td>
<td>Below Poverty Line</td>
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<td>BRP</td>
<td>Block Resource Person</td>
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<td>CRP</td>
<td>Cluster Resource Person</td>
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<td>CPCR</td>
<td>Commission for Protection of Child Rights</td>
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<td>DC</td>
<td>District Commissioner</td>
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<td>DEO</td>
<td>District Educational Officer</td>
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<tr>
<td>DICCI</td>
<td>Dalit Indian Chamber of Commerce and Industry</td>
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<tr>
<td>DGRO</td>
<td>District Grievance Redressal Officer</td>
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<td>DSO</td>
<td>District Supply Officer</td>
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<td>EPS</td>
<td>Fair Price Shops</td>
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<td>FCI</td>
<td>Food Corporation of India</td>
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<td>GO</td>
<td>Government Order</td>
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<tr>
<td>GOI</td>
<td>Government of India</td>
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<td>ICDS</td>
<td>Integrated Child Development Scheme</td>
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<td>IGRM</td>
<td>Internal Grievance Redressal Mechanism</td>
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<td>IRDP</td>
<td>Integrated Rural Development Programme</td>
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<td>LSG</td>
<td>Local Self Government</td>
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<td>MDMS</td>
<td>Mid day meal scheme</td>
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<td>MEO</td>
<td>Mandal Educational Officer</td>
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<td>MGLC</td>
<td>Multi-grade Learning Centres</td>
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<tr>
<td>MLA</td>
<td>Member of Legislative Assembly</td>
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<td>MLC</td>
<td>Member of Legislative Council</td>
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<td>MGNREGS</td>
<td>Mahatma Gandhi National Rural Employment Guarantee Scheme</td>
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<td>MBS</td>
<td>Maternity Benefit Scheme</td>
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<td>NCLP</td>
<td>National Child Labour Project</td>
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<td>NIC</td>
<td>National Informatics centre</td>
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<td>NGO</td>
<td>Non-governmental Organization</td>
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<td>NFSA</td>
<td>National Food Security Act</td>
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<td>PDS</td>
<td>Public Distribution System</td>
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<td>PHH</td>
<td>Priority Households</td>
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<tr>
<td>PTA</td>
<td>Parent Teacher Association</td>
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<td>PVTG</td>
<td>Particularly Vulnerable Tribal Groups</td>
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<td>RDO</td>
<td>Revenue Divisional Officer</td>
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<tr>
<td>RMSA</td>
<td>Rashtriya Madhyamik Shiksha Abhiyan</td>
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<tr>
<td>SARDEM</td>
<td>Software for Assessment of Disabled for Access, rehabilitation and Empowerment</td>
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<td>SC</td>
<td>Scheduled Caste</td>
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<tr>
<td>SHG</td>
<td>Self Help Group</td>
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<tr>
<td>SSAAT</td>
<td>Society for Social Audit, Accountability and Transparency</td>
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<td>SFC</td>
<td>State Food Commission</td>
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<td>SMC</td>
<td>School Management Committee</td>
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<td>SNP</td>
<td>Supplementary Nutrition Programme</td>
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<td>ST</td>
<td>Scheduled Tribe</td>
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<tr>
<td>THRD</td>
<td>Targeted Home Ration</td>
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<td>TPDS</td>
<td>Targeted Public Distribution System</td>
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<td>VC</td>
<td>Vigilance Committees</td>
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<tr>
<td>VHNSC</td>
<td>Village Health Nutrition and Sanitation Committee</td>
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<tr>
<td>VSA</td>
<td>Village Social Auditors</td>
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<td>ZP</td>
<td>Zilla Parishad</td>
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Foreword

The Right to Food team under the able leadership and vision of Dr. Neetu Sharma, in the Centre for Child and the Law, has been conscientiously pursuing the study of the implementation of the National Food Security Act since it was passed in 2013, undertaking research in this area tirelessly with the sole intention of ensuring that children in particular are able to access their nutrition requirements. This work supported by Child Rights and You has finally been completed and this report is being published with the intention of making the findings available to a wide variety of stakeholders, but particularly the officers of the governments in the seven states where the studies have been undertaken and also the others so as to learn and improve the implementation and thus safeguard the interests of the citizens of India, particularly children.

This report is the fruit of the work of the entire team and the cooperation extended to the researchers by the government officials and various ngos. We hope through this report to contribute our mite to reduce poverty and malnutrition in our country. As a country we boast of our technological advancements and yet in the same country close to one-third, if not more, are below the poverty line and do not know where their next meal will come from. Without proper nutrition and timely meals no child’s mental and physical development can take place in a timely manner. All of us are aware of the consequences of malnutrition on the capacity of a child. It is hoped that all of us will do the needful to ensure and guarantee that every child, particularly children from the most marginalised communities will have access to their entitlements under the NFSA.

With all the knowledge and mechanisms available all we need is the will to implement the Act. It is not enough that children have the right to food, it is more important to enable their access to nutritious meals and create the conditions that will guarantee regular, hot, nutritious meals. The children are the future of our country. If children of marginalised communities receive adequate nutrition and healthy meals it will mean a step towards eliminating the discrimination and lop sided development that we continue to see in our country. This report is just a little contribution towards eliminating discrimination, ensuring equality through eliminating hunger and malnutrition of children.

I congratulate Dr.Neetu Sharma, Ms Neenu Suresh, Ms Jyotsna Sripada and Ms Meenu Maria Joseph on the successful completion of the research and the publication of this report. I wish them all the best in the work they have undertaken to reduce poverty and malnutrition in our country.

With regards

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Tracking the Implementation of
National Food Security Act 2013 and Status of State Rules

Focus on Southern States
An Insight into the State Rules under National Food Security Act 2013

India joined the club of countries having a dedicated legislation aimed at ensuring food security for all, in the year 2013 when the National Food Security Act (NFSA) was enacted. In a country with the largest number of hungry people in the world a legal right to food security is of paramount importance. The Act assures ‘…to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity…’.

While it was a watershed development as far as the recognition of food security as a legal right was concerned, there has been a rich history of the interface between the status of food insecurity and the role of law that needs to be acknowledged in order to understand and appreciate the substance and implications of NFSA. The fact that all the schemes as mentioned in the NFSA were already in existence and were upheld as legal rights by the apex court too, was a bit disheartening one as it implied that NFSA did not have anything new to offer as entitlements. It was even more worrying that not all the components of the said schemes were recognized as legal entitlements by NFSA. At this point, legal experts turned to the possibilities that the Act presented through delegated legislation or framing of rules for the implementation.

Delegated legislation is undoubtedly an opportunity to improvise upon the parent legislation in as much as it is done within the larger framework of the law and does not contradict with the provisions in the parent law. While at one hand it can conveniently tap on the enabling provisions of the parent law, convenient plummeting of some regressive aspects is also possible. In case of National Food Security Act, rulemaking, provided an opportunity to operationalise the intent of the parent law, plug at least some of lacunae in the parent law as well as amplifying the potential impact of the law.

In order to operationalize the legislative intent of the Act, while tasks like determining state wise coverage, sharing of costs of various schemes, procurement of food grains to central pool and its allocation etc. to be performed by the central government1, it leaves the vital responsibility of implementation of a major portion of the Act to the state governments. While was challenging, for states upon whom the major responsibility of implementation rests, it also opened up opportunities to further food security.

The rule making powers of the central and state governments are mentioned in Section 39 and 40 of NFSA. By virtue of Section 40 of the Act, state governments have the power to frame rules on pertinent aspects such as formulation of guidelines for identification of priority households, grievance redressal mechanism, State Food Commission, conducting of social audits, composition of vigilance

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committees and other matters necessary for implementation and monitoring of the Act. Apart from these expressly mentioned aspects, there are certain other issues on which states have the power to frame rules under the Act. These can be traced in Sections 24, 12, 10(1), 25(2), 26, 31 and 32 of the Act, which pertain to several critical issues including, the obligation of state government for food security, reforms that can be introduced to the TPDS, enlisting duties and responsibilities of local authorities under the Act, provisions for advancing food security etc.

Framing of progressive rules in all these areas would have gone a long way in securing food and nutrition security for people. Section 32 of the Act also expressly provides that the provisions of NFSA shall not preclude central or state governments from continuing or formulating other food based schemes. It also provides that state governments may continue with or formulate food or nutrition based schemes providing for higher benefits than NFSA, from their own resources.

It is going to be almost four years soon since the National Food Security Act 2013 (NFSA) came into being and as expected the implementation of this law has primarily depended on the willingness of the state government as well as resources available to them. An attempt is being made now to capture the overall trends in various states with specific focus on the process of identification of beneficiaries, status of entitlements post NFSA, and the setting up of monitoring and grievance redressal mechanisms, as well as the issues confronted by the state governments.

Overlaps in legal framework: Both, the state government and the prospective beneficiaries have been grappling with a number of issues as regards its implementation. Preliminary observations had pointed towards ambiguity as regards the State Rules under NFSA 2013 and the Targeted Public Distribution System (TPDS) Control Order issued under Essential Commodities Act. Many aspects of targeted public distribution system, such as the vigilance committees is to be set up at various levels, social audits and even the penalties with respect to the violations pertaining to TPDS were already being dealt with by the respective TPDS Control Orders. Chhattisgarh faced another issue of synergising the Chhattisgarh Food Security Act that existed before NFSA, with the new Act.

Identifying beneficiaries under TPDS: NFSA seeks to cover 75% of rural and 50% of urban population, but the percentage and the proportion of population vary across states as per the poverty estimates. All the state governments were supposed to cover the population under NFSA as per the Targeted Public Distribution Control Order 2015. A relatively complex process for most of the state governments has been the constantly evolving criteria for identification of the eligible households as per section 10 of NFSA. The process of coming up with the criteria to reach the prescribed number of people as eligible households has been quite a perplexing one. Although a rational method of selection of beneficiaries would have been deciding upon the criteria first and then identifying the people as per that criteria. However, given the need to arrive at the ‘magic figure of 75% rural and 50% urban population’, most of the state governments had to revisit the identification criteria several times. For example, Rajasthan state government had to change the criteria several times following the objections raised, wrongful exclusions and problem with arriving at the exact number. In many states, especially in southern India, state governments had to make sure that the people covered for the purposes of benefits under targeted public distribution system prior to NFSA are continued to cover.

Ambiguity regarding categories of beneficiaries: With the passage of NFSA, one more differentiated category has been created under NFSA, apart from the existing categories of BPL, APL, and AAY. This has
also caused confusion as regards to the quantum of various benefits available to these categories. In some cases, NFSA has turned out to be regressive for certain groups/households, because of inter category movement or exclusion from the category of eligible household owing to the revised criteria. The fact that only a few benefits have been converted into legal entitlements has turned out to be, as expected, detrimental to the range of benefits that people received. There have been reports from several states of non provision of pulses, and sugar, among others, through fair price shops post NFSA. However, Maharashtra has been an exception, post amendment of National Food Security Act, 2013 in its application to the Scheduled Areas of the state, to improve the nutrition status of children below six years, pregnant women and lactating mothers. Maharashtra is an example to prove that, if the state governments want they can expand the scope of entitlements, both in term of quantum and coverage.

**Monitoring Mechanism**

Setting up of vigilance committees (Section 29) at fair price shop level, block, district and state levels, and conducting social audits (section 28) are the key monitoring mechanisms prescribed in NFSA. While vigilance committees are being formed in many states for monitoring the functioning of targeted public distribution system, other departments have not made similar progress for their respective schemes. While the option of notifying the existing committees at the service delivery level, for instance school management committee (SMCs) under MDMS, and Village Health Nutrition and Sanitation Committee (VHNSC) under ICDS, can be explored there has been lack of information about any such development. Also, these committees for various schemes do not seem to converge at higher levels, not even at district and state levels. In some states relevant provisions regarding social audit have been included. However, mechanisms to strengthen these provisions and empower the community to enable them to conduct social audits in its true spirit is still illusive.

**Grievance Redressal Mechanism**

A robust grievance redressal mechanism lends enforceability to the provisions in the law. Section 14, 15 and 16 of NFSA require the state governments to set up grievance redressal mechanisms at various levels – Internal Grievance Redressal Mechanism (IGRM) – Sec 14, District Grievance Redressal Officer (DGRO) – Section 15, and the State Food Commission. In most of the states and for nearly all the schemes under NFSA, except the Maternity Benefit Scheme, each concerned department already had such mechanisms in place. NFSA suggest setting up toll free numbers, helplines, and designating nodal officers among others for the same. However, for effective implementation of the Act, it is also important to make sure that awareness is generated about these mechanisms that can be accessed by the people, and these mechanisms are made functional and efficient by adhering to the procedures and timelines for settling the complaints. It has been noticed that most of the states have fallen short of exploring IGRM to its fullest potential.

As regards the District Grievance Redressal Officer, there has been a trend to designate the district commissioner for the same. It is despite the fact that the Act does provide for appointing an independent DGRO as well, none of the state government have done so. This has raised serious concerns regarding the efficacy of the redressal of grievances at district level. DCs are normally part of most of the district level committees and are already burdened with too many things. Additional
burden of looking after the complaints regarding TPDS and other schemes is likely to add to the delays in redressal of grievances.

Section 16 of NFSA requires setting up of State Food Commissions (SFCs) and the delays in establishing the same has been criticized by many quarters. Also, initially many states invoking section 18 of the Act designated other commissions such in the grievance redressal commissions, or commissions for the protection of child rights (CPCRs) as SFCs. However, these had to be reconstituted afresh after the objections raised by the central government and after such designation was challenged in courts on the grounds of non compliance with the composition as mentioned in the Act. It required an order of the supreme court of India to establish the State Food Commissions in atleast 10 states. In the case of Swaraj Abhiyan V/s. Union of India, the apex court had on March 22, summoned the chief secretaries of ten such states, for failing to implement the NFSA. It had said that with regard to the statute, the state governments have to appoint the food commission and cannot order a “go by to the statute enacted by the Parliament”. The court has also directed the state governments to ensure the representation of various groups – women, scheduled castes and scheduled tribes as mentioned in the Act.

While most of the states have constituted food commission now, judiciary’s intervention was required to make sure that the manner in which these commissions are appointed and the composition of the commission are in tune with the spirit of the parent law. Despite this political preferences cannot be ruled out in the process, and members may be appointed even if they do not have any expertise or experience in the area of food security and nutrition. It will also be required by the state governments to provide for adequate staff and administrative support to these commissions, and ensure that they have sufficient financial resources. It is also equally important that the DGROs as well as SFCs are capacitated to hear the complaints pertaining to all the schemes including the Mid Day meal Scheme (MDMS), Integrated Child development Scheme (ICDS), and Maternity Benefit Scheme (MBS), along with the Targeted Public Distribution System (TPDS).

NFSA had converted some of the benefits available through schemes such as TPDS, MDMS and ICDS as legal entitlements. While the Act does not provide for any new benefits, it is important to make sure that the implementation of the provision is facilitated in a manner that the issues pertaining to food and nutritional insecurities are addressed effectively. The impact of NFSA is yet to be seen in most of the states. However, it will also depend on how the state rules are framed, whether adequate resources have been allocated, level of awareness among people regarding entitlements and grievance redressal, and the investment done by states in building the capacity of functionaries. While need to strengthen the internal grievance redressal mechanism is important, DGROs and State Food Commissions are supposed to be leading the way towards effective redressal of grievances. There are a lot of expectation from SFCs in their role to review and monitor the implementation of the Act and also grievance redressal and their independence and effectiveness depend a lot on how the corresponding rules are framed.

Building Convergence - An opportunity lost: Multisectoral nature of NFSA required all the concerned departments, atleast those involved in the implementation of schemes as referred to in the Act, to come together not only for the operationalization of the monitoring and grievance redressal mechanisms, but also to frame rules for the same. However, with the food and civil supplies department being the nodal department for the implementation of the Act, the participation of
departments such as women and child development, health and education has remained negligible. Also, while some states and UTs such as Odisha and Andaman and Nicobars Islands, suggestions and comments were invited for the draft of rules, peoples’ participation has largely been nonexistent from the process.

Completion of nearly four years of completion of NFSA is a ripe time to take stock of the progress made in its implementation across the states, and the fact that State Rules have a major role in determining the status of implementation, makes it imperative to analyse state rules in great detail. Recognizing the importance of the State Rules, CCL NLSIU closely engaged with the process of drafting of Rules in Karnataka, and in few other states. The recommendations were sent to all the states and union territories regarding the issues that are to be addressed through state rules, while also emphasizing the critical importance and potential of State Rules. However, not all the recommendations made were accepted by the respective state governments and many controversial provisions such as mandatory use of Aadhar for accessing entitlements have sneaked into the state rules.

While the struggle will continue and many more avenues or holding the state accountable to deliver on what is promised in NFSA, the documentation of the existing situation may help us reflect on future course of action. In addition to the reports from most of the southern states, an issue-wise tracking of the status of implementation of NFSA in various states has also been undertaken. This analysis categorizes the major issues into status and quantum of entitlements, criteria for identification of beneficiaries under TPDS, oversight and monitoring mechanisms and grievance redressal, order to trace the impact of the National Food Security Act.

The fact that the team dealt with a dynamic set of information, may have resulted in inclusion of information that may not be up to date.
Identification Criteria

Dr. Neetu Sharma

Public Distribution System of India is the largest food distribution network in the world. Conceived in the year 1939, this system not only aimed at addressing food security concerns but also acted as a price stabiliser. Over the years, PDS has succeeded in expanding its mandate by evolving into an economic policy which combats malnutrition. However, in the year 1997, the system narrowed down its beneficiaries by introducing the concept of Targeted Public Distribution System. Targeting involves the division of entire population into BPL and APL based on income or expenditure criterion. The success of targeting depends upon the selection of eligible households. TPDS can lead to 2 types of errors- errors of exclusion and errors of inclusion. Error of exclusion here implies the households below the poverty line have not been issued BPL or AAY ration cards. Similarly, the inclusion error means the households actually above the poverty line expenditure are given the BPL or AAY ration cards. Accordingly, in the current scenario, only BPL card holders can avail the benefit of highly subsidized food grains while APL receives food grains at open market rates.

For the provision of entitlements through targeted public distribution system (TPDS), National Food Security Act 2013 seeks to cover 75% of rural and 50% of urban population, however, the percentage and proportion of population vary across states. This percentage coverage and the total number of persons to be covered is to be determined by the central government on the basis of the population estimates as per the census of India (2011 since latest figures available are of 2011 census). With this provision, targets in the public distribution system got a legal status and the universalization was dropped from the legal framework pertaining to the public distribution system.

However, past experience has shown that the classification of households as APL or BPL is a very complex issue. There are conceptual problems in the process and owing to the varied ways in which poverty is understood, defined or even standardized. There are also operational issues such as the possibility of surveyors not visiting each and every household or households misreporting the information pertaining to them. Given the unavoidable fact that the entitlements under TPDS are not available to entire population, it is absolutely important that the eligible households are identified based on just, rational and effective targeting criteria. For example, the rural expenditure based poverty headcount ratio in 2009-10 was 33.8%, whereas the rural acute multidimensional poverty headcount ratio in 2005/06 was 66.6%. While Saxena Committee recommended at least 50% of the rural population be identified as BPL, the Sengupta Committee Report argued that nationally 76.6% of the population in 2004-05 was poor; the proportion would have been bigger for rural areas.

In summary, there can be significant disagreements over the identification of poor owing to a number of reasons. In the targeted public distribution system distinct sets of exclusion criteria identify different household as those in need of state support.

Given that the NFSA provided an opportunity to deal with hunger and malnutrition in India, at least, for a proportion of the population, we cannot afford to repeat past mistakes and enter the conundrum of accurately identifying poor people based only on economic criteria. There is a need to understand that the food security and poverty are two related but separate issues. Hence, we need to include food security paradigm in identifying the eligible households along with the economic criteria.

Section 10 of NFSA provides for guidelines to be prepared by State governments for identification of priority households. It provides that within the number of eligible persons determined under section 9 for rural and urban areas, the state government shall identify (i) households to be covered under the Antyodaya Anna Yojana in accordance with the guidelines for this scheme, and (ii) remaining households as priority households to be covered under the TPDS in accordance with the guidelines specified by the state government. It further provides that the state government shall identify the eligible households as soon as possible. However, it has taken more than three years for the states to evolve the identification criteria and select the beneficiaries under TPDS.

The process of coming with the criteria to reach the prescribed number of people has been a perplexing one for the states. While a rational method of selection of beneficiaries would have been deciding upon the criteria first and then identifying the people accordingly, in the process of ensuring the prescribed coverage many state governments had to revisit the criteria several times. For instance, Rajasthan state government had to change the criteria owing to a number of complaints received on wrongful exclusions by the task force established to implement NFSA in the state. The task force also had to relook at the criteria when it led exceeding the number of total beneficiaries.

It is to be noted that the criticality of the identification of beneficiaries is not limited to whether and when the criteria was notified. It is equally important to understand if the criteria was publicised and public consultations were held before finalizing the same, is there different criteria for urban and rural population, whether it is automatic exclusion or automatic inclusion, or both and what was the basic source of data for classifying the household. Section 11 of NFSA also requires the list of priority and AAY households to be placed in public domain and display it prominently.

The experiences of various states have been different from each other on many counts. For instance, some states have notified elaborate criteria for inclusion and exclusion of beneficiaries that is different for rural and urban population, while some others have not differentiated between rural and urban areas. There are few such as Karnataka that have retained only a list of automatic exclusion criteria. Andhra Pradesh and Rajasthan on the other hand have notified exclusion and inclusion criteria that are different for rural and urban population. Maharashtra, Kerala and Goa, have notified exclusion as well as inclusion criteria that is same for the urban and rural population. Andhra Pradesh Food Security Rules 2017 also provided that identification is to be completed within three months of the publication of notification of Rules. The Rules also provided that the state government, if it deems fit, may re-identify, or amend the criteria. It was also mentioned that fresh survey will be conducted to identify the eligible households, although whether or not such surveys were conducted could not be ascertained.
Section 3 of the AP Food Security Rules, 2017 requires the state government to identify the eligible households within a period not exceeding three months from the publication of notification of rules. In Rural areas households that are excluded are those having land more than 10 acres and in Ananthapur district, this limit is 20 acres, those having any member as govt employee, not being a contract employee of the government, households having any member as Income Tax Assesse, having own motorized four wheeler, but not used as a taxi, those, Households having own or rented house with monthly electricity consumption of more than 200 units of residential category. In Urban areas, households having own house of more than 750 sq. ft. in urban areas (other than got housing scheme), having any member as Income Tax Assesse, having own motorized four wheeler, but not used as a taxi, having own or rented house with monthly electricity consumption of more than 200 units of residential category and the households having any member as government employee, not being a contract employee of the government are excluded.

After excluding the category of households mentioned above, the Government (Collector and DSO as mentioned in the GO) is required to ensure that the following categories of households in each village or ward are not left out from the list of priority households under TPDS, lending overriding effect to the automatic inclusion criteria. Those who fall under automatic inclusion category in rural areas are: PVTG households, nomadic and denotified tribes, destitute women/Widows/ Women headed households/Women subjected to trafficking and Joginis, households with persons with disability possessing certificates through Software for Assessment of Disabled for Access, rehabilitation and Empowerment (SARDEM), households with sweeper/sanitation worker/ rehabilitated safai karamchari, households of active job card holders under MGNREGS, households of landless agriculture workers and other unorganized workers as identified under Unorganized Workers Social Security Act, 2008, households of beneficiaries of social security pension, homeless persons, particularly women and old age persons, transgender persons, persons suffering from T.B. and other chronic diseases, homeless persons, particularly destitute women, old age persons and children. For urban areas this list is a bit different and includes nomadic and denotified tribes, beggars/Rag Pickers, families residing in notified slums, and households of beneficiaries of social security pension. In Goa, same inclusion and exclusion criteria were adopted for both rural and urban areas. The families included were: AAY families, BPL families, Households below Rs 50,000 income and 1.2 lakhs for SC/ST, temporary shelter families, slum dwellers, Kuccha house dwellers, resettled or rehabilitated families, Dayanand Social Security scheme beneficiaries, Griha Aadhar families, transgender/ HIV/AIDS patients households, households with physically or mentally challenged persons, single women with dependents, orphans and minors, occupationally vulnerable groups, and destitute. Families, that were excluded were: those having annual income of above Rs. 50,000/-, vehicle owners if vehicle is used for commercial purpose, if any member of the household is an employee in government or government aided corporations excepting daily wagers or casual/contract employees, having electricity connection above 4KW. It is also to be noted that the government of Goa decided to increase the income ceiling for APL cards to an annual family income of Rs. 5 lakhs per annum. Post-NFSA, it was seen that the number of beneficiaries under BPL and AAY have increased whereas there was a fall in number of APL beneficiaries post the income limit. In 2016, state government announced that it would extend the benefits of NFSA on its own cost to 1Lakh beneficiaries beyond the capped NFSA beneficiary figure of 5.32 lakhs. The provision was also made to contact people through NGOs

and public representatives and through various other communication means. Vulnerable households in existing survey data like socio economic and caste census, homeless people in the State were also to be contacted and encouraged to avail benefit. Field verification and opportunity to aggrieved persons to be heard before removal from list, were also provided.

Draft Maharashtra Food Security Rules shared by the Food and Civil Supplies Department say that in addition to the AAY families identified as per central government's guidelines, all household of agricultural/unskilled daily wage earners from unorganized sector whose main occupation is daily wage labour, those having annual family Income ceiling for Priority Household in 44,000/- and below in Rural Areas and Rs.59,000/- and below in Urban Areas, and households having less than two hectares of Jirayat land or one hectare seasonal irrigated and or half hectare of irrigated (double in drought affected areas) land, will be identified as priority households. Families having a motorised vehicle Or total income of family is more than Rs.5000/- per month Or having refrigerator or having two or more rooms house, are automatically excluded. Any family having more than 2.5 hectares of seasonal irrigated land / 5 hectares of Jirayat land is also not eligible for NFSA benefits.

Maharashtra draft rules also explicitly recognise the state government's right to amend the prescribed guidelines from time to time, conduct fresh survey for the identification of eligible household, and re-identify the eligible households. In addition to this, Aadhar seeding of Ration Card holders has been made mandatory for taking benefit of TPDS. Interestingly, the Maharashtra draft food security rules also provide an option of opt out of the scheme and give up the benefits to those who don’t want to accept the foodgrains on concessional rate and those benefits will be made available to needy persons. However, it is not clear as to how these needy people will be identified.

Before the implementation of NFSA the state of Karnataka essentially divided its PDS beneficiaries into three categories: Above poverty Line (APL), Below Poverty Line (BPL) and Antyodaya Anna Yojana (AAY) beneficiaries. After the NFSA coming into force it divided the beneficiaries into: AAY, Non-Priority household (NPHH) and Priority households (PHH). In lieu of the above requirement the State government did not come out with a fresh identification process rather it forwarded all persons under AAY and transferred all persons who came under the previous BPL criteria to PHH under the NFSA. Karnataka dropped its 14 point exclusion criteria and after few revisions finally adopted a 4 point simple exclusion criteria, that means apart from the following list of households all other households are eligible for the benefits under NFSA.

All salaried permanent government/government-granted organization employees or government-owned organizations, boards, nigams, autonomous bodies etc. including all families those paying Income tax, service tax, VAT, professional tax.

All rural families and urban families with land holdings of upto 3 hectares of dry land or equivalent irrigated landholders in rural areas. All families holding 1000 sqft residential pukka houses in urban areas.

Persons owning and using commercial vehicles such as tractor, maxi cabs, taxi etc. for self-employment; all four-wheeler owners.

Every family utilizing more than 150 units of electricity per month.

The fundamental difference between the Tamil Nadu government and the Centre is that the former

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5. Government Order No: anasa 80 DRA 2012 dated 24th August 2012; Page 20 CAG report
favours the universal PDS, whereas the latter, targeted PDS. However, in 2011, the Chief Minister of Tamil Nadu transformed the Universal PDS into a 'poor friendly' mechanism by ordering rice at free of cost under public distribution system to all eligible card holders. Under its original scheme, the State government provided rice (free of cost) virtually to all family card holders, irrespective of economic background. As a result, around 1.92 crore card holders were being provided with free rice with the maximum quantity being twenty kilos/card/month. However, if Tamil Nadu was to strictly follow the stipulations of the NFSA, only 50.55 per cent of the State’s population would have been eligible to be given rice at a subsidised price. For these reasons, Tamil Nadu was holding out against pressure from the centre to implement the National Food Security Act (NFSA). But the centre threatened that it would increase the price of allocations if Tamil Nadu did not implement the law. Consequently, the state agreed to the implement the Act from November 1, 2016. If they had not done so, they would have had to pay Rs.22.54 a kg for rice for their monthly allocations under the ‘above poverty line’ (APL) category, as against the Rs.8.30 a kg they are paying now. For Tamil Nadu, it would have meant an additional expenditure of Rs.2,730 crore, over and above the Rs.2,393 crore it is spending on its universal public distribution system (PDS).6

As per the new rules, those families having at least one member as income taxpayer, having an air-conditioner, owning a car or having an annual income of 1 lakh have been excluded, while preparing lists of PHH. Also, the rule of exclusion applies to those households paying professional tax or owning over five acres of land. If any family has a retired or serving government official, it is also considered non-priority.7 Hereafter, types of cards such as Antyodaya Anna Yojana (representing the poorest of the poor) and Below Poverty Line (BPL) have been clubbed and brought under the category of PHH. Likewise, those families headed by widows, single women or differently-abled have come under this category. In rural areas, households consisting of agricultural workers have been brought under PHHI.

Final Guidelines for Identification of Priority Households have been mentioned in a schedule8 to the Tamilnadu Food Security Rules. For Urban Areas, families that are included are: (a) All Antyodaya Anna Yojana families (b) Households with a beneficiary under Annapurna Anna Yojana (c) All the Below Poverty Line (BPL) families, as available with urban local bodies (d) Beneficiaries under other welfare schemes such as Old Age Pensions, etc., (e) All households headed by a widow or single women (f) Households headed by differently-abled persons (more than 40% handicapped) (g) Other vulnerable households such as slum dwellers, resettlement colonies, shelterless, occupationally vulnerable groups like rag-pickers, unskilled workers, etc., poor beneficiaries under other welfare schemes of the Government. In rural areas in addition to the AAY families and the households having beneficiaries under AAY, all the Below Poverty Line (BPL) families, as available with rural local, beneficiaries under other welfare schemes such as Old Age Pensions, etc., all households headed by a widow or single women, those headed by differently-abled persons (more than 40% handicapped), and households of agricultural labourers. The TN Rules also mention that the data available with Rural Development Department pertaining to Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) may be used to identify vulnerable families and other vulnerable families as identified using Participatory Identification of Poor Survey are also included.

7. Id.
8. Part III—Sec. 1(a) SCHEDULE (see rule 3)
While the inclusion list seems exhaustive, it gets overridden by the exclusion list that keep the following households out of the purview of entitlements through TPDS: households with at least one member as income taxpayer, households paying professional tax, households classified as large farmers (i.e.) more than five acres of land, households with any member, who is working or retired employee of Central/State Government, local bodies, Corporations/autonomous bodies of Central/State/Local Government, those owning a motorized four wheeler (except one commercial vehicle in household for earning livelihood), or an Air Conditioner, or three or more rooms with pucca walls and pucca roof, household which owns/operates an enterprise(s) registered under any law and those having annual family income of more than Rs. 1.00 lakh from all sources.

State Government of Telangana notified Telangana Food Security Rules on 25th February 2016. The identification criteria for both AAY and priority households is provided in the Rules. To be eligible as priority household, an income ceiling of Rs.1.50 lakhs and below per annum is fixed for households in the rural area. An enhanced income of Rs. 2.00 lakh and below per annum is the annual income limit for households in urban areas. Apart from this income ceiling, there is a land ceiling limit of 3.50 acres and below and 7.5 acres and below fixed for wet land and dry land respectively. However, the mere possession of land shall not alone be the criteria for deciding the eligibility and the income from the land prescribed above shall also be taken into consideration. The family shall be an eligible household if the income from the land is less than the income ceiling prescribed above.

For the NFSA, Kerala gets 1.45 million tonnes of subsidized food grains per year, which, according to the state government, is not sufficient enough to meet the needs of everyone on the list. The state claims it needs about 1.025 million tonnes of food grains to supply about half of the 33.4 million ration cardholders who fall in the ‘priority’ list itself. That means, it will have just 425,000 tonnes to supply the rest on that list and those in the non-priority camp.

Like in the case of Tamilnadu, Kerala also resisted the targeted system, however, had to give in to the pressure from central government. Kerala has also adopted both the exclusion and inclusion criteria. Excluded are those households with members who are government employees, teachers or public sector employees, income tax payees, those earning more than 25,000 per month, owning more than 1 acre of land or house/flat of size more than 1000 sq.ft or a four wheeler. Later, it was clarified that the size of land will not be applicable for households belonging to Scheduled Tribes and further these households are to be included in priority list despite having members who are Class IV (Office Assistant) or lower employees. After the application of exclusion criteria, remaining households are to be ranked on the basis of the marks they score. Inclusion criteria includes various parameters like belonging to Scheduled Caste, Scheduled Tribe, condition of house, households having no ownership of land, toilets, occupationally vulnerable groups, and other vulnerabilities such as age above 65 years, widow, suffering from serious diseases, facing mental or physical disabilities, Those belonging to Ashraya scheme, suffering from mental or physical disabilities, autism and serious diseases, widows, those unable to live without support from others, and bed ridden are to be given preference. The identification criteria is majorly based on the State BPL criteria of 2011, although subsequently modified a couple of times.

In Kerala, about 14 lakh complaints were filed on the draft list of beneficiaries most of which pertained...
to the exclusion errors. Verification Committee at the local authority level is constituted by the District Collector. Depending on the magnitude of claims/objection petitions filed before it, the Chairman of the Verification Committee was given the power to constitute separate benches from among the members therein, for the disposal of petitions within the time limit prescribed. The Verification Committee, after hearing the claim/objection recorded its decision and the orders issued thereupon was served on the petitioner on acknowledgment, within prescribed duration. Any change proposed in the provisional list by the Verification Committee, based on its decision on the claims/objections petition was updated immediately in the digitized data of provisional list. An appellate committee consisting of District Collector (Chairman) District Supply Officer (Convenor), District Social Welfare Officer, Assistant Development Commissioner, Deputy Director Panchayat was constituted at the district level. Any person aggrieved by the decision of Verification Committee could within prescribed duration, appeal before the Appellate Committee. The Appellate Committee after hearing the aggrieved person was to dispose of the appeal within mandated time period and the decision of the Appellate Committee was considered final. Any change proposed in the provisional list by the Appellate Committee, based on its decision on the claims/objections petition, was immediately updated in the digitized data of provisional list.

Appropriate identification of target households under TPDS remains a serious concern. The successful implementation of the system depends on appropriate targeting of beneficiaries. An evaluation study conducted by National Council of Applied Economic Research concludes that the identification of poor households for the TDPS was a challenging task for the states. The report found out that the targeting errors arise due to misclassification or non-classification of poor households. The study conducted in six states pointed towards high exclusion errors. The exclusion error in the three states—Assam, Uttar Pradesh and West Bengal—is 70.84%, 63.12% and 29.77%.

The criteria for identification of the targeted beneficiaries seem to be a very complicated one in most states. Many states have taken years to finalise the criteria to make sure that they cover prescribed number of people in rural and urban areas while also making sure that no wrongful exclusions take place. However, the possibility of wrongful exclusions and inclusions cannot be ruled out at all. Most of the states have not conducted any fresh surveys to identify beneficiaries. Although states like Telangana and Kerala have put systems in place to carry out surveys, the identification of beneficiaries was not carried out in a methodical or scientific manner in most states. Karnataka merely re-stamped its old ration cards as NFSA compliant and that too without providing for women empowerment as laid down in NFSA. Kerela simply regenerated its outmoded database to identification of beneficiaries was a decisive objective to be realised in order to omit the “errors of inclusion and exclusion”. However, all these exercises have added chaos to the state TPDS systems and they in some cases they had to re-christen the same for projecting themselves as NFSA compliant.

There have been suggestions to adopt only the income criteria for exclusion, there issues with the pure economic criteria cannot be overlooked, as there are other factors too that make people vulnerable to food insecurity. Also the fact that some states have fixed the income limit for exclusion very low, for instance less Rs. 59,000 in Maharashtra, the income criteria becomes too conservative. As an alternative, however, only those liable to pay income tax should be excluded from the benefits available under TPDS.

It is important to note that the states that had a much wider coverage and those having close to universal coverage such as Tamil Nadu and Kerala kept postponing the implementation of the NFSA to avoid the targeting of beneficiaries in the public distribution system. Many states, except few, have although for the purpose of complying with NFSA have evolved criteria for identification of priority households but in effect have expanded the scope by retaining the coverage. However, the matter of grave concern remains that many state governments such as Karnataka and Maharashtra have used this as an opportunity to reduce the number of households, weeding out cards and have in the process, deprived those deserving state support. There are a number of criteria that are not objectively verifiable and hence add more complexity to the whole process. There are also a very few states where the criteria was publicized enough to allow people to register themselves and/or raise objections. Use of Aadhar that has been mandatory and included in some of the State Rules, and system for online registration and renewing has virtually excluded many of the rural poor from the public distribution system. Experience in most of the states so far points towards a number of fallacies in the targeted systems and provide ample evidence to move towards a universal system of public distribution of food grains.
The crux of NFSA is the Chapter on Entitlements. Formulated after years of extensive debates among legislators, political parties, scholars and civil society organizations, these provisions illustrates the give and takes that often characterize the making of welfare legislations. Discussions and dialogues centered on the sufficiency of the constituent entitlements and the ensuing public spending for its provisioning. Finally, some of the already existing forms of food provisioning in the country that were being administered through the established schemes and programmes like Targeted Public Distribution System (TPDS), Integrated Child Development Scheme (ICDS), Mid-Day Meal (MDM) and Maternity Benefit Schemes attained a statutory recognition with its inclusion in the Act.

Arguably, the most distinguishing feature of this Chapter and the Act in general, is its recognition of the human life-cycle approach in tackling food insecurity. The Act, when it upholds pregnant women and lactating mothers, children up to the age of fourteen years or Class VIII and identified eligible households as the right holders, affirms the indisputable significance of a healthy mother in bearing and nurturing a healthy child, and also the need to address food insecurity at the level of household itself. Despite being a compilation of the existing benefits, these provisions therefore carry much relevance in the food security discourse. Table below describes the entitlements provided under the Act (as provided in Chapter II of the Act).

<table>
<thead>
<tr>
<th>Right holder</th>
<th>Entitlement under NFSA</th>
<th>Calorie (Kcal)</th>
<th>Protein (g)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pregnant woman and lactating mother</td>
<td>Take home ration, free of charge, during pregnancy and six months after child birth</td>
<td>600</td>
<td>18-20</td>
</tr>
<tr>
<td>Children(six months to three years)</td>
<td>Morning Snack and Hot cooked meal, free of charge, through the local anganwadi</td>
<td>500</td>
<td>12-15</td>
</tr>
<tr>
<td>Children(six months to six years who are malnourished)</td>
<td>Take home ration, free of charge, through the local anganwadi</td>
<td>800</td>
<td>20-25</td>
</tr>
<tr>
<td>Lower Primary Classes everyday except on school holidays, in all schools run by local bodies, Government and Government aided schools.</td>
<td>Hot cooked meals, free of charge</td>
<td>450</td>
<td>12</td>
</tr>
<tr>
<td>Upper Primary Classes, every day except on school holidays, in all schools run by local bodies, Government and Government aided school</td>
<td>Hot cooked meals, free of charge2</td>
<td>700</td>
<td>20</td>
</tr>
</tbody>
</table>
*except those in regular employment with the Central Government or State Governments or Public Sector Undertakings or those in receipt of similar benefits under any law for the time being in force.

**According to Section 5(b) in the case of children, up to class VIII or within the age group of six to fourteen years, whichever is applicable, one mid-day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies, Government and Government aided schools, shall be given so as to meet the nutritional standards specified in Schedule II. The nutritional specification is provided above.

**Where the Act fails**
Despite the recognition of cumulative significance of PDS, ICDS, MDM and Maternity Benefit in addressing the perennial issue of food insecurity, a major criticism of the Act is its confinement to food distribution alone. Aspects of food production which lie at the core of food security is relegated into Schedule III meant for progressive realization. Without doubt, the Act fails to justify even its title ‘Food Security’ and as many opined, it would have been better named a ‘Food Entitlements’ Act.

In addition to this shortcoming, is the dilution of existing entitlements by the Act. Over the years, the flagship food-based schemes have been substantially expanded and strengthened through both the efforts of executive- Central and State and by judicial intervention, notably the interim Orders of the Supreme Court in the Right to Food case. Various State Governments were already providing higher benefits and covering more beneficiaries than those prescribed under the Act. While the Act does not restrict the State Governments from continuing or formulating food- based schemes or plans providing higher benefits than those under the Act, these are to be resourced by the State governments themselves, thereby adding pressure on their already strained State coffers.

A major restriction in this regard has been by virtue of the legislation’s recognition of ‘targeted’ PDS. Even when the Act promises subsidized grains to seventy-five percent of the rural population and fifty percent of the urban population, the affirmation of the approach of targeting beneficiaries raises concerns in the larger framework of social protection. Scholars, lawmakers and civil society have long debated the merits and demerits of targeting social security benefits. In a diverse country like India where deep social, political and economic cleavages define everyday life and survival, proponents of Universal PDS, citing the illustrious examples of Tamil Nadu, Kerala and Chhattisgarh, emphatically establish that a Universal PDS records lower exclusion rates and is more effective in curbing leakages. However, considerations of subsidy implications weighed heavier in the minds of lawmakers and despite protests, they accorded statutory affirmation to TPDS. This is set to have major implications in the food security discourse in the coming days.

Another limitation pertains to the inadequacy of the legislation in guaranteeing nutritional security. PDS, although widely associated with provision of rice and wheat, has been substantially expanded in many States to include pulses, oil and sugar. However, under NFSA it is merely food grains- rice, wheat and coarse grains that have been guaranteed to the eligible households at subsidized prices.

**Decisive State Governments show the path**
Interestingly, our study found that most of the State governments are safeguarding the existing benefits and beneficiaries, notwithstanding the mounting costs on their exchequer.
While the Central Issue Prices of food grains for eligible TPDS households in NFSA are Rs.3/- per kg for rice, Rs.2/- per kg for wheat and Rs. 1/- per kg for coarse grain, we found many State governments further subsidizing these prices in order to continue the existing rates. In Telangana and Andhra Pradesh, rice is still being provided at subsidized price of Rs. 1/- per kg and Kerala and Karnataka continue to give food grains free of cost to TPDS households. Amongst the sample States, it is only Maharashtra and Goa that provides food grains at NFSA prices.

With regards to quantity of food grains, a major concern pertains to the shift to ‘person’ unit for priority households from the earlier ‘household’ unit under NFSA. Whereas a large household stands to gain with this shift, it will affect the entitlements of smaller households. For instance, it is likely that there would be a reduction in the entitlement of those Priority households in Kerala, who were previously BPL households getting upto 35 kg per month. Normal household size in Kerala being 4.2 (according to the 2011 Census), there would be reduction of around 12-15 kgs of food grains that they receive post-NFSA.

Apart from this general feature, in many States, there is change in the quantity of food grains provided to beneficiaries. In Andhra Pradesh, pre-NFSA, white card holders got 4 kg per person per month up to a maximum of 20 kg per family. As there are no such upper limits under the Act, entitlement for these white card holders, most of whom have become eligible households, has increased post-NFSA. Interestingly, Telangana gives 6 kg of food grains for every beneficiary under Priority Household category, instead of the NFSA mandate of 5 kg.

State governments also acknowledged the importance of not confining the food-based benefits to cereals alone, a major shortcoming of NFSA. Essential commodities such as pulses, sugar, oil etc. are still being provided at subsidized prices in some of the sample States. We found most of the states providing sugar 0.5 kg sugar at Rs. 13.5 per kg to TPDS households. Kerosene is also provided at subsidized prices in most of the States. In Andhra Pradesh, through TPDS, the following commodities are given- 1kg of wheat per card at Rs. 7/- per kg, 1 kg of wheat atta per card at Rs. 16.50/- per kg, 1 kg red gram dal at Rs. 120 per kg. In Telangana, every month, TPDS households get wheat at Rs. 7/- per kg, atta at Rs. 16.50/- per kg, Iodized salt at Rs. 5/- per kg, 250g of chilli powder at Rs. 20/-, 100g of turmeric powder at Rs. 10/-, 500g of tamarind at Rs. 30/- and 500g sugar at Rs. 6.75/-. In addition to food grains, 0.5g of sugar per unit with a maximum of 2.5 kg/Card is provided at Rs. 13.50 per kg to AAY and BPL cardholders in Puducherry. State government of Kerala makes an effective market intervention with the Kerala State Civil Supplies Corporation Ltd. supplying a basket of essential commodities at subsidized prices through its retail outlets like Maveli Stores, People’s Bazar, supermarkets and hypermarkets.

It is not just the subsidized prices and the higher benefits that are remarkable, but also the determination of some States to protect their existing beneficiaries. Not just Tamil Nadu and Kerala, who resisted the implementation of NFSA until being threatened by the Central Government with withdrawal of PDS subsidies for APL population, even other State governments that we studied were grappling to safeguard the existing beneficiaries.

Notwithstanding the spiraling State subsidies, many State governments we studied have stood firm to their commitment to protect the people. Akin to the former Above Poverty Line (State Subsidy) beneficiaries, Kerala continues to provide subsidized 2 kg rice at Rs. 2/- per kg every month to beneficiaries falling under the Non Priority (Subsidy) category, which is roughly 1.2 crore population
(For more details see Kerala- A Case Study in Box 1). In Puducherry, under the State scheme, 20 kg of single boiled rice is given to every household (See Box 2). Government documents (GO.Ms. No. 4 dated 31.3.2015) reveal that the additional number of beneficiaries not covered by NFSA but being covered under Targeted Public Distribution System (TPDS) in Andhra Pradesh is 1.13 crores. If all the persons are to be covered under the National Food Security Act, 2013 at Re.1/- per kg., Government estimates that the subsidy requirement per annum is likely to be Rs.2170 crores. Rice additionally required for the non-NFSA population is being purchased from the open market at the market rates, estimated to be Rs. 25/- per kg by the government. Government estimates show an enhancement of at least Rs. 1000 crore in subsidy costs for the State government with the implementation of NFSA.

## BOX 1

**Kerala- Carrying forward the Legacy of Social Protection**

Kerala has until now secured a near universal coverage of PDS, along with ensuring a superior physical and economic access to PDS. This is despite the restriction of the BPL coverage under TPDS in the State, in 1997, to 25 percent of the total population. Around 66 percent of the APL households were recognized as State Subsidy households-APL (SS), entitling them to food subsidies from the State government. On an average, these households received around 10 kg of food grains every month. While APL (SS) households got subsidized rice at Rs. 2/- per kg, remaining APL households were also provided with subsidized food grains. Only those households having more than 2.5 acres of landed property or a house of more than 2500 sq. ft area or, earning monthly income of more than Rs. 25,000 per month were left out from the State Subsidy category. Considering the State government’s 2011 BPL Survey finding that 42.41 per cent of the total households were below poverty line, this expansion in the PDS coverage holds much significance for the people in the State.

With this remarkable record of a near universal coverage and high offtake, marked reduction in allocation of food grains post-NFSA is a cause of worry for the State. While the average annual Targeted PDS allotment for Kerala in 2010-13 was around 16.01 laksh MT, under NFSA the state is entitled to an annual food grain allocation of 14.25 laksh MT only. Again, this is inclusive of the tide over allocation of around 3.99 laksh MT of food grains per year that the State gets on account of its annual NFSA allocation being less than its average annual offtake for the preceding three years under normal TPDS. Key officials with the State Civil Supplies Department allude to the fact that around 10.13 laksh MT will be required for consumption by the NFSA households alone, leaving a mere 4.12 laksh MT for distribution amongst the remaining households. In contrast, an average of 7.74 laksh MT of food grains was allocated for the APL households in 2010-13.

Statutory recognition accorded to ‘targeted’ PDS under NFSA has resulted in a large chunk of its existing PDS beneficiaries being left out from the purview of the Act.

Although the Central government determined NFSA coverage for Kerala- 1, 54, 80, 040 persons- is much more than the total number of Below Poverty Line (BPL) and Antyodaya Anna Yojana (AAY) beneficiaries in the State- 96, 03, 601 persons (in June 2016), implementing NFSA would have implications for those left out from the targeted coverage.

However, left with the option of either giving in to the constraints set by the legislation or choosing to stand with its people, the State government boldly chose the latter. On November 02, 2016, the very next day of officially implementing NFSA, the State Cabinet decided to provide free food grains under PDS to AAY and priority households, even when the Central Issue Prices under NFSA remains at Rs. 3/- and Rs. 2/- for 1
kg of rice and wheat respectively. It is laudable that despite having an option to reduce the benefits, the State decided to extend them to a larger population. Thus, an additional 58 lakh persons now covered under NFSA can take home free ration every month.

Not just that, the State also decided to expand PDS benefits to those outside the targeted NFSA population. Subject to the final list, around 1.2 crore people belonging to non-priority households will get 2 kg rice every month at Rs. 2/- per kg from the tide over allocation of the State, currently issued to the states at existing APL Central Issue Prices. The remaining non-priority households are to be given 2 kg atta and rice subject to availability.

Despite these measures, a considerable number of old APL households, who were receiving around 8-10 kg or rice and 2 kg of wheat every month is still expected to bear the brunt of NFSA implementation. It is also likely that there would be a reduction in the entitlement of those priority households, who were previously BPL households. Normal household size in Kerala being 4.2 (according to the 2011 Census), there would be reduction of around 10-12 kg in the food grains that they receive post-NFSA.

Such decisive move of the State government to continue its supply of free ration, that too for a larger section of population, and also extend the PDS coverage beyond the NFSA mandate is expected to escalate Kerala’s food subsidy costs. According to the information provided by the State Food and Civil Supplies Minister, Mr. P. Thilothaman in the State Legislative Assembly, Kerala will have to bear an additional expenditure of Rs. 306.64 crore, thereby escalating its annual expenditure on ration distribution to Rs. 1126.39 crore from the current expenditure of Rs. 819.75 crore.

*This is extracted from the co-author’s article ‘How a Flawed National Food Security Act is Undermining Kerala’s PDS Lifeline’ that appeared on The Wire on 18/02/2017.

BOX 2

Puducherry: The Curious Experiments with Cash Transfer

For a while now, Puducherry has been experimenting with its PDS. At present, in lieu of food grains under NFSA, cash transfer is being made to the eligible households. Additionally, all existing ration card holders in the State are provided with 20 kg of rice free of cost. Owing to the variations in preference for rice variety, it is single boiled rice that is being provided in Puducherry and Karaikkal, and Yanam and Mahe get locally preferred rice. According to senior officials, it is the preference for single boiled rice that has led the Administration to introduce cash transfer. Notably, it is not merely the cash transfer system that exists in the UT, but the additional food grain allocation under State scheme too. This becomes important as cash transfer is widely being projected as the best alternative to PDS, with its significance being magnified, despite the lack of credible studies to substantiate the same.

In fact, cash transfer has received a major impetus from the Central government and it has been piloted in UTs. Significantly, in a letter sent by Ministry of Consumer Affairs, Food and Public Distribution, GoI to States and UTs on 10.02.2015, the Central government nudged the States and UTs to move towards cash transfer, giving them three options. They could either opt -1. Unconditional Direct Benefit Transfer (where cash transfer of food subsidy is made to beneficiary account every month and this can then be used for purchase from open market) or, 2. Conditional Direct Benefit Transfer (where FPS dealers to be supplied food grains at MSP or near market prices. Beneficiaries could purchase this at designated prices and the difference between this MSP/designated price and CIP will be credited to their account in advance against actual purchase from FPS) or, 3. Continue with existing manual process of issuance of food grains.
Notably, at an earlier instance in 2013, when the Puducherry administration, facing difficulties in procurement of food grains, provided cash instead of rice, this was vehemently opposed by the people resulting in its withdrawal. Post implementation of NFSA, as old APL cardholders were expected to be excluded from the purview of NFSA and the lifting under NFSA was poor, Administration decided to distribute 10 kg of single boiled rice to Non-Priority and Priority group of ration cardholders of Puducherry and Karaikal region free of cost. This allocation from November 2013 was to be sourced from State’s own resources. It was to be procured at open market through tender procedure. In Mahe and Yanam, the existing system was to be continued. (See G.O Ms No 5 dated 23.10.2013).

However, a GO dated 02.03.2015 carried the decision of the Administration to distribute Rs. 300 per ration card per month in Puducherry and Karaikal in lieu of 10 kg free rice. Cash provided was not sufficient to get good quality of single boiled rice from the market and facing opposition from the public, this was withdrawn a few months later.

On 27.05.2015 “Puducherry free supply of 10 kilogram of rice and 5 kg of wheat at free of cost every month to all ration card holders Rules, 2015” was issued and this extended benefits to all cardholders in all the regions of the Union Territory. Although, it did not specify if the rice is single boiled or double boiled, Puducherry and Karaikkal got single boiled rice.

On 04.07.2016, these rules were amended as “the Puducherry free supply of Rice, Edible Oil and other Essential food grains every month to all Ration Card holders Rules” and currently, every household gets 20 kg of rice free of cost. Additionally, both Priority and AAY cardholders are transferred Rs. 24.05/- per kg for their entitlements under NFSA. Every month, an AAY card holder therefore gets Rs. 841.75/- per card and Priority household gets Rs. 120.25/- per person.

Interviews with senior officials in the Department of Food and Civil Supplies reveal that the primary reason for opting cash transfer is the preference for single boiled rice amongst the people in Puducherry and Karaikal. “FCI refused distributing single boiled rice as it is more prone to insect infestation and has a lower shelf life. The dislike for double boiled rice distributed through PDS led to less lifting, more corruption and a loss of 4000 MT of food grains per month. People brought this rice only to sell it in the market for their preferred variety. When preferred quality of rice is given, lifting is found to be around 95 percent. Administrative reasons and ground realities have forced continuous experimentation with PDS. The U.T wouldn’t have opted cash transfer if the preferred quality of rice is provided to them. Preference for rice from PDS is still strong among the population as it provides them a sense of security and people feel PDS is their right. But quality is important and ensuring that makes significant contribution towards ensuring sustainability of PDS”, remarked the Director of Food and Civil Supplies.

Significantly, this manifestation of political will is not restricted to PDS alone. None of the State governments we studied were found to have withdrawn any existing benefits under ICDS and MDM post-NFSA. It was heartening to meet officials explaining with pride how their State government has been innovating with ICDS and MDM to help empower their women and children. Extension of MDM beyond the NFSA cap of Class VIII, inclusion of eggs in the menu, replacing take-home ration with hot cooked meal for pregnant women and lactating mothers, provision of three meals through Anganwadis etc. are some of the key innovations worth mentioning. Except in Goa, we found most of the States providing higher benefits than those under NFSA.
In Andhra Pradesh, Telangana Kerala and Puducherry, spot feeding of one full meal for pregnant and lactating mothers is done in the Anganwadi Centre instead of THR mentioned under the Act. In Andhra Pradesh, meal under Anna Amrutha Hastham includes one egg and 200 ml milk daily along with rice, dal and vegetables (with green leafy vegetables at least thrice a week). Similarly, in Telangana, Arogya Lakshmi programme involves spot feeding of “one full meal” for Pregnant and Lactating women at the Anganwadi centre wherein rice, dal with leafy vegetables/sambhar, vegetables are given for a minimum of 25 days and boiled egg and 200 ml milk for 30 days in a month. While 25 eggs shall be served during spot feeding, rest shall be given as per the model menu to the beneficiary. Also, on twenty five days, milk shall be served and another 5 days it shall be served as curd along with rice and dal. In Kerala, too spot feeding is done.

In Andhra Pradesh, Balamrutham- packets of 2.5 kg of weaning food for every child per month- is being distributed on first day of every month on Nutrition Health Day to children of age 7 months - 3 years as Take Home Ration. These children are also given 2 eggs a week at the AWC under ICDS. Balamrutham is implemented in Telangana too. Along with Balamrutham packet, children belonging to 7 months to 3 years also receive 16 eggs a month at the AWC under ICDS Food Model for under ICDS. Children of 3-6 age group are given mini hot cooked meals and 30 eggs every month.

In Puducherry, despite the GoI requirement for provision of ICDS is 300 days in a year, SNP is provided all 365 days of a year. Children between the age of 6 months and 6 years and pregnant and lactating mothers receive the following:

- Boiled Bengal gram as morning snack for 300 days.
- Rice kitchdi (with rice, green gram dal and vegetables) for 150 days a year
- Ragi puttu (with ragi flour, green gram dal, jaggery and coconut) for 150 days in a year.
- Boiled egg-once in a week
- Holiday feeding (65 days in a year) for all beneficiaries -Take home ration as rice, green gram dal and Bengal gram given raw.

It was in 2015 that the UT owing to request from beneficiaries began giving hot cooked meals to beneficiaries of 6 months to 3 years and pregnant and lactating mothers. Before that, take home ration in the form of Ready to Eat Weaning Food flour was given.

In Kerala, as part of decentralized planning, responsibility of implementing Supplementary Nutrition Programme (SNP) is transferred to Local Self Government (LSG). With effect from 1.04.2008 all feeding programmes have been transferred to LSGs. LSGs are empowered to plan and implement their own menus for SNP based on local needs without affecting the nutrition requirements. They are required to satisfy the minimum prescribed calorific value and protein content. Funds are provided by the Gram Panchayats/Municipalities from their Plan outlay. The allocation for SNP is a mandatory one, enjoying top priority in scheme of fund allocation in plans and budgets of LSGs. Government’s APIP of 2016-17 notes that LSGs contribution to be multiple times of that from State and Centre. From 2006 onwards, Kudumbasree Mission has been collaborating with Social Justice Department for supply Take Home Ration (THR) in all AWCS on a fortnightly basis for children of 6 months to 6 years. Significantly, SNP is provided to children of 3-6 years in Anganwadis three times a day. In recent years, a programme called Anna Pradayini community kitchen was launched in 187 hamlets coming under 175 AWC of ICDS project in Attappadi. Hot cooked meals are provided to aged,
differentially abled adolescent girls in addition to ICDS beneficiaries. By providing hot cooked meals it aims to reduce IMR and malnutrition among tribal population in Attappadi.

In Karnataka, one free meal is provided for pregnant or lactating (up to 6 months after childbirth) women and children from 6 months to 6 years at the local Anganwadi. Matru poorna scheme of take home ration for pregnant and lactating mothers was launched in 2017 in all 30 districts of Karnataka. Additionally, it was announced in the budget of 2017 that Anganwadi going children will be given eggs two times a week and milk three times a week.

Similarly, many States are providing higher benefits under MDM. While under NFSA one mid-day meal, free of charge, is given to children until Class VIII or within the age group of six to fourteen years, whichever is applicable, everyday, except on school holidays, in all schools run by local bodies, Government and Government aided schools, some States were already covering more children.

Enhanced entitlements are provided under MDM in Andhra Pradesh. In 2008, MDMS was extended to children of Class IX and X and from 2010 and 2013-14, special training centres (NCLP) and model schools are respectively being covered under MDM. Government documents reveal that menu is flexible, with cooked rice, dal and vegetables, sambhar, pulihora being generally the main menu, with egg twice a week and bananas for those students who do not consume egg. In pursuance of the Orders of the Supreme Court dated 13/05/2016 in Swaraj Abhiyan case, GoAP accorded permission to supply one more egg in addition to the two eggs per week and necessary orders were issued. Orders were also issued to provide MDM for students studying in Class 1-9 in drought affected Mandals.

In Telangana too, MDM is provided to children studying in Class IX and X in government schools. Children are also provided eggs/bananas thrice a week in all government/local body schools from 1.09.2016. An indicative menu is provided by the State Government and schools are allowed to devise variations. It was informed that the Chief Minister has expressed interest in extending MDM to government run colleges too. MDM was provided during summer vacation from Classes 1 to X in all government and local body schools. The State using it’s own resources had in fact covered all the 443 Mandals in 9 districts in the State and not restricted to 231 Mandal affected districts.

MDM beneficiaries in Kerala include: Children in Class I-VIII in government/aided schools, pre-primary schools run in government/aided schools (only those which were given MDM until academic year 2011-12; those opened after that year and not recognized shall not receive MDM), Multi-grade learning centres (MGLC)/Alternative schools, schools recognized by the government for mentally retarded children, and up to class VIII in technical high school. Menu is decided by the Noon Feeding Committee every month. The menu decided by the Noon Feeding Committee is to be entered in the Menu register every month and submitted to the Department. While fixing menu, they are required to ensure that the MDM guidelines of Central and State Governments are followed. The nutritional requirements prescribed are to be satisfied and the menu should be diverse. The
Circular mandates that pulses, meat, eggs, milk, fruits and vegetables are to be included in the menu. On special occasions like Onam, food grains are also distributed to every child free of cost.

In Puducherry, children from pre-primary to XII Std. receive mid-day meal at school. According to government records, around 70,000 students are covered. Daily menu is diversified and includes 100-150 gms of cooked rice, sambar, variety rice and vegetable poriyal. 75 gms of mixed vegetables are provided to every child per day and they also get boiled egg thrice a week. 12 grams of Bengal gram/beans included in the diet scale on non-egg days inclusive/exclusive of 75 gms vegetables. 100 ml hot milk is provided to each child under breakfast scheme. Menu was prepared by nutritionist and approved by State level Steering Committee. And meals are prepared in 13 centralized kitchens, 12 school based cluster kitchens and 11 school canteen centres.

These higher benefits enhance the costs for the States. For instance, in Andhra Pradesh, under Anna Amrutha Hastham, the average unit cost of the One Full Meal is Rs.15/- per women per day, much more than the ICDS norm of Rs.9/-. In addition Rs.5/- per women per day is provided as flexible amount to be used as per requirement and local variation in prices and as per decision of Project Director (ICDS). For providing MDM to Class IX and X students, government enhanced cooking cost from Rs. 6.68/- to Rs. 7.18/- from 1.07.2016. This entire amount is borne by State government. For other children too, the State’s share for cooking cost has increased in 2016 and there is an additional commitment of Re. 1/- by the State government.(Similar is the case with all States providing higher benefits- For more details see Annexure II)

As mentioned earlier, we were not able to look in detail into existing maternity benefit schemes. However, the findings from Goa and Puducherry are worth mentioning.

MAMTA scheme: Government of Goa has instituted a financial incentive scheme, MAMTA, to mothers who deliver a girl child. An amount of Rs. 25,000/- is paid to the mothers who deliver a girl child with disbursal linked to 5 stages of Rs. 5,000/-.

By virtue of “Grant of Financial Assistance to the Pregnant Women and Lactating Mothers (Kulavilakku- Aravanaippu) in the Union territory of Puducherry Rules, 2015” an assistance of Rs1000 is provided every month to pregnant and lactating mothers three months prior to and after delivery. However, there are conditionalities attached to the scheme, as follows:

Either the pregnant woman or spouse should belong to UT by virtue of birth or should be a resident for a period not less than five years preceding the date of application.

Household income should not exceed Rs. 75000/- p.m.

Family should have only two children and assistance will be available only for one child birth.

Age of the pregnant woman should be above 18 years.

Application should be made only at the fifth month of pregnancy. However, this is subject to relaxation by competent authority. In case of death of mother, father/guardian will receive the assistance incase child is alive.

Unlike NFSA, we find both these schemes come with conditionalities attached.

On a whole, the decisive move of the State Governments to secure the existing benefits of their people, notwithstanding the additional costs incurred is a reflection of the significance these programmes
or schemes hold for the people. Failure to incorporate these enhanced benefits in the State Rules, wherever they have been framed, is however a shortcoming. It is especially worrisome to find certain States tweaking the identification criteria numerous times to attune it with the NFSA limits, as in the case with Maharashtra. One will have to wait and watch how far States would be able to provide such enhanced benefits, given the escalating costs and the pressures on their already strained State coffers.

Much more disturbing is the fact that food security legislation, enacted after a decade long struggle, potentially holds an imminent threat of diminishing those meager benefits which people were receiving from the State. With the fanatic push by the Central Government for certain ‘reforms’ under the Act, such as Cash transfer and Aadhaar, future looks all the more gloomy.
Monitoring and Transparency Mechanisms

Ms Neenu Suresh

Social welfare legislations in the country are often plagued by poor institutional mechanisms to implement and monitor the entitlements and protections advanced by them. Without an emphasis on monitoring mechanisms, these legislations fail to achieve their set objectives. Conducting namesake meetings is often what the monitoring committees under most legislations end up doing. Devoid of any representation from the community, such committees are usually filled up ex-officio members, with a token representation from the NGOs. They end up being too bulky, often crowded with ex-officio representation from elected representatives and implementing officials. These members are loaded with various other duties and responsibilities, making it difficult for them to discharge the tasks set for such committees. Not surprisingly, many a time, implementing agencies themselves become monitoring bodies, forcing one to ponder about the conflict of interests such a mechanism embodies.

It is noteworthy that NFSA has placed emphasis on the monitoring and transparency mechanism, albeit much is left to the States to actually infuse life into them. There are two specific mechanisms mandated under the Act to ensure transparency and accountability. Firstly, every State government is required to set up Vigilance Committees as specified under PDS (Control) Order, 2001, amended from time to time, at the State, District, Block and fair price shop level. Composition is to be determined by the State governments and due representation is to be ensured to local authorities, Scheduled Castes, Scheduled Tribes, women and destitute persons. These committees are required to regularly supervise implementation of all the schemes under the Act and inform DGRO, in writing, of any violations of the provisions of the Act or any malpractice or misappropriation of funds found by it. Secondly, social audits are to be conducted. According to Section 28 of the Act, every local authority, or any authority or body, authorized by the State government should conduct or cause to conduct periodic social audits on the functioning of fair price shops, TPDS and other welfare schemes. They are also required to publicize the findings and take necessary actions, in such manner as may be prescribed by the State Government.

One would find the lopsided attention towards PDS amply getting reflected in these provisions. Section 29, which calls for setting up vigilance committees, begins with ‘For ensuring transparency and proper functioning of Targeted Public Distribution System and accountability of functionaries in such system, every State government shall set up Vigilance Committees….’ and then, goes on to mandate the lowest level of committees at fair price shop level. It is only in the functions of these Committees in Section 29(2), that one gets a clue that these Committees are required to supervise implementation of all schemes under the Act. With such an oversight and the mention of PDS

(Control) Order, it is likely that the Vigilance Committees will end up focusing on PDS more than the other entitlements. Similar is the case with Social Audits, where fair price shops have been specifically mentioned but not the delivery points for ICDS, MDMS and Maternity Benefits.

Rules need to be cautiously drafted so that this lack of clarity does not percolate down. Wherever State Food Security Rules have been formulated, transparency and accountability mechanism have been mentioned. In other States, these exist through executive orders.

**Vigilance Committees**

Our study found that most of the States are yet to set up robust Vigilance Committees. In the following note, a detailed analysis of the vigilance committees in each State is provided.

In Andhra Pradesh, according to Rule 9 of Andhra Pradesh Food Security Rules, 2017 “the state government shall reconstitute the presently functioning Food Advisory Committees at ration shop, ward/village, municipality/Corporation/mandal, district and state levels into Vigilance committees”…

“giving due representation to the Scheduled Castes, the Scheduled Tribes, Women and destitute persons or persons with disability among non-official members as per the provisions of section 29(1) of the Act”. The nomenclature of the Food Advisory Committees shall be changed as “Vigilance Committees”. In addition to the functions assigned to them in accordance with the Public Distribution Systems (Control) Order 2001, made under the Essential Commodities Act, 1955, and as amended from time to time, they are also required to perform the functions mentioned under Section 29 of the Act, which includes supervising regularly implementation of all schemes under this Act.

An earlier G.O. Ms. No 16 dated 06.07.2015 also required the nomenclature of Food Advisory Committees to be changed to Vigilance Committees. Food Advisory Committees does not seem to have been reconstituted after the bifurcation of the State. The latest Orders on composition of committees available from the website of the Department and official visits dates back to 2012. According to GO Ms. No. 56 dated 23.11.2010, while the minister of Consumer Affairs, Food and Civil Supplies is the Chairman of the State level Committee, Commissioner of the Department is its Vice Chairman. Non- official members include representatives from all the recognized political parties in the State and one representative of consumer voluntary organization from each district who are recommended by the respective district collectors. Apart from this, there are 20 official members including Principal Secretary of Panchayati Raj & Rural Development Department, Municipal Administration & Urban Development Department, Commissioners of Commercial Taxes, Marketing, Vigilance and Enforcement, Agriculture, Horticulture, Legal Meteorology, School Education, I&PR, Director of BIS, Institute of Preventive Medicine, Hyderabad, Regional Director Quality Control Cell, Ministry of Consumer Affairs and Public Distribution, GM FCI, Vice Chairman and MD, AP State Civil Supplies Corporation etc.

According to GO. Ms. No. 47 dated 26.08.2009 and GO Ms. No. 8 dated 24.01.2012, the District level Food Advisory Committee is to have Collector as its Chairman, Chairperson, Zilla Parishad as its Co-chairman and Joint Collector as Vice Chairman. All MLA, MLCs and MPs of the district, Joint/Deputy Directors of Agriculture and Horticulture, Joint/Deputy Director, Marketing, Commercial Taxes Officer of the District are members. Also six members of the Zilla Parishad (out of whom three shall be women) shall be nominated by ZP. One representative each from DICCI (sponsored by the Association), FP shop dealers Association and Kerosene Retail Dealers Association.
are to be included. Apart from this, members include district level coordinator for oil industry, District Supply Officer, CEO Zilla Parishad, Director of Board of AP State Civil Supplies Corporation belonging to that district, and District manager, APCSCL. One representative from each recognized political party is also included. Two members each from farmers and print media, three representatives of (to be nominated by Collector), five representatives of Consumer Organization including one woman (to be nominated by Collector), three social activists of local area with appropriate stature including woman to be nominated by Collector and non-official members of State Consumer Protection Council are the other non-ex-officio members.

Committees have been set up at the Mandal, Village, Municipal Corporation, Circle, Divisional, Ward, Municipality and FP Shop levels. All these committees are quite bulky with representation from both community and ex-officio members. The State Food Advisory Committee seems to be closely attached with Food and Civil Supplies Department alone, especially with the Minister and Commissioner of Food and Civil Supplies being the Chairman and Convener of the Committee. Apart from the inclusion of Director, School Education, there is no representation from other key departments involved in NFSA. We also found that in the District and Mandal level Committees, although there is reasonable non-ex-officio representation, no representation for SC and ST as mandated by the Act is provided. Women’s representation needs to be increased as well. Notably, one also finds representation from certain groups who are closely engaged in the implementation of the Act, like the FP Shop dealers’ Association. It is suggested that these committees should be reconstituted immediately giving representation to the groups/people mandated under the Act and representation from stakeholders involved with other schemes under the Act.

Interestingly, the Rule 9 also provide for regular meeting of the Committees. While Vigilance Committees up to the District level should meet at least once in every month on a fixed day notified by the District Collector, State Vigilance Committee should meet at least once in a quarter or as often as necessary. Significantly, proceedings of the meetings are to be recorded and made available in the public domain. In case of vigilance committees up to district level, these reports are required to be submitted regularly to the DGRO and should also be sent to the Tahsildar, RDO/ Sub Collectors, Joint Collector, Collector, Commissioner of Civil Supplies and also to the Child Development Project Officer, Project Director and Commissioner of Women Development & Child Welfare, as the case may be. Similarly, State Vigilance Committee should submit the proceedings of meetings to State Food Commission for necessary action by the appropriate committee.

A unique feature of these Rules is that it realizes the importance of keeping in check the vigilance committees too. It mandates the local bodies at appropriate level, i.e. Panchayat, Mandal Parishad and ZillaParishad, Municipal Council, Corporation etc., to review the functioning of Vigilance committees and provide necessary directions for their effective functioning. It goes one step ahead and institutes awards for best performing Vigilance Committees. According to Rule 9 (8), the Government shall institute yearly awards for the best functioning Vigilance committees at each level in each district up to mandal and municipality/Corporation level and for the best functioning district level Vigilance committee at state level. These awards are to be given away yearly on account of Consumer Rights day.

In Telangana, Rule 20 of Telangana Food Security Rules, 2017 requires vigilance committees to be

12. Rule 9(7)
constituted/ revamped at various levels- State, District, Mandal, Village, Municipal Corporation circle and Municipality level.

According to Rule 20, vigilance committees are to be constituted/revamped at various levels. Apart from inclusion of members as per the National Food Security Act, keeping in view the preference and reservations provided in the Act, the Vigilance Committees at various levels should consist of other members. Vigilance Committee at State level is to consist of the Minister of Food & Civil Supplies, who shall be the Chairman of the committee; Commissioner of Civil Supplies & Ex Officio Secretary to Government as the Vice Chairman and the Deputy Commissioner (CS), Office of the Commissioner of Civil Supplies as the Convener. In the District level Vigilance Committee, District Collector is the Chairman and it shall also constitute Chairperson, Zilla Parishad as the Co-Chairman and Joint Collector as the Vice Chairman. District Civil Supply Officer is the convener. The composition of Committees at Mandal level is- Chairman: Revenue Divisional Officer, Co-Chairman: Chairperson of Mandal Praja Parishad and Member convener: Tahsildar. At the village level Vigilance Committee; Sarpanch is the Chairman and Convener. Chief Rationing Officer in respect of twin cities of Hyderabad and Secunderabad and Joint Collectors for other Corporations would be the Chairmen for Vigilance Committee at Municipal Corporation level. Mayor of the Corporation is the Co-chairperson and District Civil Supply Officer would be the convener. At Circle level Vigilance Committee District Civil Supply Officer would be the Chairman and Assistant Supply Officer / Tahsildar the convener and at Municipality level Vigilance Committee, Revenue Divisional Officer/ Sub- Collector would be the Chairperson and Tahsildar, the Convener.

Notably, apart from the designated members clearly provided in the Rules, it does not say how the other members are to be selected. Committees have tenure of two years from the date of constitution. While the Rules mentions that Vigilance Committees are to perform all the functions mandated under the Act, which requires monitoring other schemes as well, it can be seen that this comprehensive approach does not get amply reflected in the composition of the Committee. Except at certain levels, it is the officials from Civil Supplies Department who are mostly occupying the key positions in the Committees.

They are to perform such function and will have such powers as provided under Section 29 of the Act. In addition to sending reports to the District Grievance Redressal Officer as per section 29 of the Act, the vigilance committees at various levels should send monthly reports to the Tahsildar, Revenue Divisional Officer (RDO)/ Sub Collectors, Joint Collector, Collector, and Commissioner of Civil Supplies. Vigilance Committee may also, in cases where it finds a matter to be of utmost importance, send special report to the authority above and such authority may take such report as it may deem fit [Rule 21].

In Karnataka, in lieu of S.29 of the NFSA, the Government of Karnataka came out with “Karnataka Vigilance Committee (Targeted Public Distribution System) Rules, 2016”. These rules establish vigilance committees at a various level whose functions are same as those mentioned under the Act.

The Karnataka Vigilance Committee Rules establishes vigilance committees at four levels: State, District, Taluk and Fair Price Shop level. The members of District and Taluk- level Vigilance Committees are appointed on the recommendations of the Deputy Commissioner of the particular district.
State Level Vigilance Committee is to consist of 28 members of which Minister of Food, Civil Supplies Consumer Affairs and Legal Metrology is the Chairman and Additional Chief Secretary or Principal Secretary or Secretary of government, Food Civil Supplies Consumer Affairs and Legal Metrology is the Member Secretary. One Member each of Parliament, Legislative Assembly and Legislative Council (representing the most backward regions of the State) are the elected representatives included as members. Apart from this, Chief Secretary or Principal Secretary or Secretary to Government, Rural Development and Panchayati Raj, Chief Secretary or Principal Secretary or Secretary to Government, Cooperation Department, Chairman of SFC, Managing Director of Karnataka Food and Civil Supplies Corporation, 4 DGROs (each from one revenue division), one NGO representative running a District Consumer Information Centre, four FPS VC members (one from each revenue division), four District level VC members (each revenue division), one nominee from APMC and five Non-government members (Two women, One OBC, One SC/ST) are to be members.

The District level Vigilance Committee has District In-charge Minister as Chairman and President Zilla Panchayat and Mayor or President of District Headquarter, City Corporation or City Municipal Council as Vice Chairmen. Deputy Director/Joint Director of Food Civil Supplies and Consumer Affairs department is the Member Secretary. Other members include two Members of Legislative Assembly, Deputy Commissioner, Chief Executive Officer Zilla Panchayat, three women representatives of Taluk level vigilance Committee (one SC/ST), three Fair Price Shop Level Vigilance Committee members and five Social Workers active in the field of food security (At least 2 women, One SC/ST and one OBC).

In the Taluk level Vigilance Committee, President, Taluk Panchayat is the Chairman and members include President Town Municipal Council (TMC) or City Municipal Corporation of the Taluk, Woman Member from Town Municipal Corporation (TMC) or City Municipal Corporation (CMC), six Fair price Shop Level Vigilance Committee members from all hobli/towns in the Taluk (3 must be SC, ST and OBC), five Social Workers active in the field of food security (2 women, one SC, one ST and one OBC) and Executive Officer of Taluk Panchayat. Tahsildar of the Taluk is the Member-Secretary.

At the Fair Price Shop level Vigilance Committee, Gram Panchayat Secretary or Panchayat Development Officer as nominated by Panchayat is the Member Secretary for rural areas. In urban FPS, Member-secretary is to be designated by Urban Local Body and should be above the level of Bill Collector. Three members are to be randomly selected through computer database from Ration cardholders (Only those Ration Cards where women are head of household; households where there is no woman above 18 years do not qualify to be part of the Committee). Notably, this random selection seriously violates the intent of having such Committees, as it miserably fails to look into the basic requirements such as capability of member to discharge the functions or at the least even their interest to be part of such Committees.

The Vigilance Committee at State, District and Taluk level shall have a term of two years, whereas 1/3rd members of the FPS Vigilance Committee shall be replaced every six months. The district, taluk and state level Vigilance Committee should meet once in three months whereas FPS level Vigilance Committee are conducted on the 7th working day of every month along with the day of
Aahaar Adaalat. The state government is to send an Annual Report to the central government, as prescribed by the TPDS (Control) Order.

On a whole, while there is attempt to include ex-officio and non-ex officio members, composition reflects stakeholders associated with PDS. There is absolutely nil representation from Women and Child Department and Education and this would perhaps seriously affect the comprehensive monitoring envisaged for such Committees. It is laudable that there is representation from lower level Vigilance Committees; however, there is should have been clear specification as to whether these have to be non-ex-officio members or others.

At the time of our study, Goa was yet to set up vigilance committee under NFSA. More importantly, there were no vigilance committees under TPDS in Goa. A 2008 Government notification required each Taluka officer to inspect all local FPS at least one in 3 months and the officer had to meet with the monthly quota of inspections. However, this is merely an internal supervisory mechanism and confined to PDS alone. School Management Committees as per the MDM Rules monitor the scheme, assess the quality/taste of food and keep a record of all their assessments. Furthermore, all Block Resource Person (BRP) / Cluster Resource Person (CRP) of the blocks are required to inspect food and kitchen of SHG/Mahila Mandal/Parent Teacher Association (PTA) and submit report to taluka A.D.E.I and this report is required to be forwarded to the Directorate. Under MDM, all officers/officials under the control of Directorate of Education are required to make surprise visits to the various schools of the talukas to assess the quality of meal served under MDM scheme and submit a report with their recommendations.

Similarly, in Puducherry, there were no new vigilance committees constituted under NFSA, neither are there committees existing for monitoring TPDS. For ICDS, village level committees consisting of village panchayat members and mothers are set up for monitoring Anganwadi. Mothers groups are also formed under the initiative of AWW. For monitoring MDM, a Union Territory Review Mission was constituted by the Lt. Governor in January 2015. It is a body consisting of both department officials and academicians, with more focus on the latter. They were required to monitor the performance of Mid-Day Meals, assess its impact and suggesting corrective steps and facilitate and coordinate convergence among line departments/agencies. Members have a tenure of two years and on expiry of their tenure, new members are to be nominated by the competent authority. Apart from this there exists a State level Steering- cum- Monitoring Committee consisting of senior officials from Education and other relevant departments, elected representative and academics. They are required to monitor programme implementation, assess its impacts and suggest corrective steps; consider the action taken reports on findings of independent monitoring/evaluative agencies; facilitate coordination and convergence among departments, agencies such as FCI and schemes and mobilize community support for implementation of the scheme. They have to meet at least once in 6 months. Tenure of the nominated members is 2 years and on expiry of the tenure, new members are to be nominated by competent authority. There are also district level committees to monitor SSA programmes, MDM scheme, RMSA and Sakshar Bharat Programme. This is composed mostly of ex-officio members- officials & elected representatives with nominal representation to NGOs. They are required to appraise the progress of mandated programmes and their suggestions may be taken.

14. Clause 6
15. Clause 9
into consideration within the parameters of scheme guidelines. They may also examine synergy and convergence of other government departments in improving the school infrastructure and support services. They are required to meet once in a quarter and minutes of the meeting are to be placed on district website, as determined by the Member Secretary. At the school level, School Management Committees monitor MDMS regularly. Members are given regular trainings.

However, such Monitoring Committees for MDM can hardly be called as vigilance committees. With token representation from community, they remain merely official bodies. As noted above, there is total lack of vigilance committees for TPDS. It is to be assessed whether the non-existence of such committees have in any manner allowed the rampant experimentation in PDS in the State. Having adopted DBT, most of the senior officials we interviewed felt that such committees may not be required in Puducherry.

No Vigilance Committees have been set up under NFSA in Kerala. From early 1990s, Food Advisory cum Vigilance Committees has been set up at State, District, Taluk, Municipal/Corporation and Panchayat levels in the State for ensuring smooth implementation of TPDS and also ensuring transparency. A criticism of the Committees has been the absence of adequate representation from community and primary stakeholders. They are found to be largely composed of ex-officio representation, with little representation from beneficiaries. This deficiency has been highlighted in the Justice Wadhwa Committee,\(^\text{16}\) which signified that “Vigilance Committee at various levels be strengthened by including the NGOs, Self Help Groups, Consumer Organisations and Educated Youth in the Vigilance Committee at various levels”. Again, despite the need to convene regular meetings have been noted in the Executive Orders, its compliance remains doubtful, as convening regular meetings was a specific suggestion given by the Justice Wadhwa Committee. These Committees need to be revamped in order to discharge the overarching responsibilities under NFSA. It is also desirable to avoid representation from certain interest groups such as ration dealers, as their inclusion might impede the impartial functioning of the Committees. Further, roles, responsibilities and powers of the Committees should be clearly detailed to avoid any kind of ambiguity.

For ICDS in Kerala, AWC level Welfare Committees are constituted in every AWC. These consist of AWW as Convener and Ward Member as Chairman. Members include social workers, members of local clubs and local library, school head master, parents of the beneficiaries, ex- councilors. They are supposed to meet every month and review the progress achieved in functioning of AWC. Recommendations and proposals are to be submitted to the panchayats level coordination committee. Apart from this, five-tier monitoring committees have been set up in 2013. These are at national, state, district, block and Anganwadi Level. These consist of elected representatives and officials from various departments and LSGs involved in ICDS implementation. Anganwadi Level Monitoring and Supervisory Committee consist of AWW as Convener and members include ICDS supervisor, 2 members of mahila samajan of locality, 2 members of SHG, ASHA, JPHN, Community (teachers/retired Government officials/parents of children attending AWC). During our field visits we were informed that in most places these are known as welfare committees with the new addition being of ASHA and JPHN alone. Mothers’ meetings of all anganwadis in a panchayats/municipality are to be conducted and Supervisors are required to attend at least 3 mothers’ meetings in a month. CDPOs

\(^{16}\) Justice Wadhwa Committee was constituted on 01/12/2006 following an Order passed by the Supreme Court of India, in the Writ Petition No. (C). 196 of 2001. Its mandate was to look into the maladies affecting the proper functioning of the public distribution system and to suggest remedial measures.
should attend 2 mothers’ meetings a month. The participation of health staff are to be ensured in these meetings.

Noon feeding committees are given the entire responsibility for administering MDM. They are constituted annually in the General Body Meeting of PTA before 15th July of every year and consists of PTA President as Chairman and Head master as Convener. Other members include Ward member, two teachers (one female), one mother who is a PTA member and two SC/ST parents. Those schools having strength more than 500 children, the teacher representation should be at least 4 persons.

Functions of the Noon feeding committees include preparation of list of beneficiaries, preparation of menu subject to protein calorific guidelines prescribed by Central and State government), maintaining funds, taking decisions on procurement based on availability of funds and local situation and monitoring the implementation of MDM. They are required to conduct a meeting at least once every month to assess the implementation of MDM.

According to a circular dated 17.12.2015, SMCs are also given charge of implementation of MDM and checking quality of food and cleanliness. Apart from this Steering and Monitoring Committees are to be constituted at various levels. Every Block/Sub- District level Committee consists of Block Panchayat President as Chairman, Sub District Education Officer as Member Secretary; Members include Medical Officer(PHC), Block level Officer, Food, Subdivision level officer- FCI, Block Panchayat Secretary, Nutrition and Child Development Expert, 4 Nutrition and Child Welfare representatives (including one woman), 3-5 Panchayat representatives, and representative from Teachers.

Steering Cum Monitoring Committees to be constituted in the District Level consists of District Collector as the Chairman and Deputy Director, Education is the Member Secretary. Members include District Medical Officer, Food & Civil Supplies Officer, District level Officer, FCI, 3 Municipal Ward Members, Nutrition and Child Development Expert, 4 Nutrition and Child Welfare representatives (including 1 woman), 3-5 Panchayat representatives, Representative from Teachers. They have to meet 4 times a year and the minutes of the meeting are to be submitted to the Director, Public Education.

The Circular also mandates constituting LSG level Samitis for monitoring the implementation of MDM. The respective LSG head is the Chairman and a Headmaster nominated by the LSG is to be the Convener of the Samiti. Members include Standing Committee Chairman of Education, Health and PWD, Ward member/Councillor, Nutrition and Child Development Expert (if available), 4 representatives from Nutrition and Child Welfare sector (one woman), PTA/MPTA president, and Teacher representative. They are required to meet at least 4 times a year and the minutes of the meeting are to be submitted to the Director of Public Education. They have to ensure that the food provided is nutritious and fund allocation is smooth and adequate.

Noon Meal Supervisors are also appointed. They have to visit schools in the district and check the implementation of Noon Meal Programme regularly. They have to meet every month and the minutes of the meeting is to be submitted to the Department.

At present, there are Steering cum Monitoring Committees at various levels and School Management Committees for monitoring MDMS and multi-tiered monitoring mechanism including Anganwadi Level Monitoring and Supervision Committees at Anganwadi level monitoring the ICDS. Although
we have specifically mentioned the monitoring mechanisms under ICDS and MDMS only for Goa, Puducherry and Kerala here, they are part of the Central schemes and required to be formed in all states. In the remaining three States, Rules have been formulated under NFSA, however, a comprehensive monitoring mechanism is found to be lacking. While the vigilance committees set up under NFSA are to look into implementation of entitlements other than PDS in the Act, most of these Committees fail to give representation from those related to the functioning of these entitlements. It is suggested that the Rules should mention the base monitoring committees at the lowest delivery points- schools and anganwadis as the Committees equivalent to FC shop committees and the higher level committees include representation from senior officials of nodal departments responsible for these entitlements, in addition to social workers or experts in nutrition and persons with experience in nutrition/child welfare etc. It is important to ensure that this statutory requirement does not remain merely a tokenism. Apart from this, providing for capacity building of non-ex officio members, allocating sufficient amounts for discharging functions of the Committees and detailing its functions and powers in the rules are some of the measures that can ensure effective functioning of the vigilance committees.

Social Audit: National Food Security Act 2013 defines social audit as a process in which people collectively monitor and evaluate the planning and implementation of a programme or scheme. Social audit is a democratic process where the concerned community demands information and verification from the responsible agencies in a systematic manner and this helps in ensuring public accountability. Going beyond the realm of financial auditing, the process of social audit is used to establish whether or not the benefits meant for an individual or community has reached them. It also provides platform for individuals and community members to engage with the state and those officials implementing programmes or projects meant for them. Hence, it is an empowering process for the beneficiaries of the scheme who through their participation in the social audit process, jointly monitor the implementation of the monitoring of the government schemes. It is commendable that social audit is mentioned in the Act as a mechanism to ensure transparency and accountability.

A set of principles are to be followed for social audits to effectively achieve its objectives. It is often found that the implementing agency itself is given the mandate to conduct social audits. Conflict of interest is bound to happen in these instances and therefore an agency, independent of the implementing agencies, should be identified/established by the state government for conducting social audits. Implementing agencies should furnish the social audit agency with information required to facilitate conducting of social audits and take prompt action whenever lapses and violations of the law are brought out. It is not prudent to rely on civil society organizations alone for conducting social audits, given that they have a limited reach they may not have bandwidth to carry out social audits in a sustained manner.

It is important that the process of social audit is institutionalized so that it is sustainable and transparent. Both functional and financial independence and stability of such institution needs to be secured. Social audits are already being conducted under Mahatma Gandhi National Rural Employment Guarantee Act and the rules prepared by Andhra Pradesh, one of the pioneers in social audit process, can be a useful guide to States while setting up the requisite social audit machineries under the NFSA 2013.

17. http://socialaudit.ap.gov.in/SocialAudit/wages/WSA.jsp
The note below captures the existing social audit mechanisms in the States.

In Andhra Pradesh, a Social Audit Unit was set up by Government of Andhra Pradesh in 2006, even before the issuance of Mahatma Gandhi National Rural Employment Guarantee Scheme Audit Rules, 2011. Following this, an independent and autonomous body called Society for Social Audit, Accountability and Transparency (SSAAT) was established in 2009. AP was also the first state to frame Social Audit Rules in 2008, even before Ministry of Rural Development Scheme Rules for Audit of 2011.

Rule 10 explains in detail how social audits are to be conducted on entitlements under NFSA. The Department of Food and Civil Supplies is required to enter into a MoU with the Society for Social Audit, Accountability and Transparency – Andhra Pradesh or any other agency and it shall also be responsible for coordinating the social audit process in the State. The agency identified should develop Guidelines, Rules and Manuals for Social Audits, bring on board all stakeholders, develop resource material and take up training of resource persons and village social auditors.

Significantly, the independent functioning of this agency is stressed upon by the Rules. Rules clearly require this agency to function independently and not be involved in the implementation of NFSA or any other Government scheme. The budget for conducting social audit will be met from the administrative expenses of the NFSA. The implementing agency will not participate in the actual social audit process. However, it shall be the responsibility of the Nodal Officer to ensure that all the required information in the requisite formats are provided, to the Social Audit Facilitators and Social Audit Gram Sabha at least 7 days in advance of the scheduled date of meeting of the Social Audit Gram Sabha.

DGRO of each district, in consultation with the Social Audit agency is responsible for framing an annual calendar for social auditing and should announce the dates of social audit at least thirty days in advance. Social audit facilitators may be identified and drawn from the community. They are required to facilitate Social Audit. Village Social Auditors (VSA) should be identified from among the entitled persons under NFSA and trained. They will be allotted villages, which are not their native villages. VSAs will be equipped with the records to take up the necessary verification.

Social audit process at village level should be conducted in the following manner:

Beneficiaries who have received an entitlement in cash or kind (food grains and other commodities, meals, cash entitlement, food security allowance) as provided in sections 3, 4, 5 and 6 of National Food Security Act will be contacted / verified to check:

If he/she has received the entitlement in full or not.
Whether they have any grievances related to the delivery of the entitlement in cash or kind and the quality of the grains or meals received.
In case of any grievance or deviation, the statement of such entitled person shall be recorded in public and signed in their presence.

An investigation/enquiry shall be done to establish the persons responsible for the grievance/deviation and the beneficiaries of such grievance/deviation along with due quantification.

Recording of the written statements of the beneficiaries on any issue as well as filling of the Social Audit formats and writing reports will be done during social audit.
Once the social audit is completed, the findings of the social audit will be shared in a consultative process with the beneficiaries in a specially convened Gram Sabha. This Sabha will provide a platform to all villagers to seek and obtain further information and responses from the Social Audit Facilitators, public representatives and officials regarding the implementation of the NFSA and to make appropriate recommendations for action on the identified issues. Social Audit Gram Sabha will serve as an institutional mechanism at panchayat level for conduct of a detailed public audit of all schemes and programmes that fall under the purview of the NFSA. It will provide an opportunity to review compliance with ongoing requirements of transparency and accountability. The DGRO shall nominate a mandal level official to attend the Social Audit Gram Sabha meeting. This officer shall be responsible for deciding the action to be taken on the issues identified through the social audit process. He/she shall also make sure immediate redress of grievances during the course of meeting and ensure that the Gram Sabha takes place in true democratic spirit in an atmosphere where everyone can speak and testify without fear. This officer will be responsible for filing a report with the District Collector as per a prescribed format.

In addition to the Social Audit Gram Sabha, a Social Audit Public Hearing at the Mandal level will be conducted where all the Gram Sabha Reports and Action Taken Reports of all villages in a mandal shall be read out before the officials and the beneficiaries and unresolved Gram Sabha matters, if any, would be taken up for disposal. This will also create a sense of transparency and accountability amongst the implementation machinery at various levels. A district level official nominated by DGRO should attend the hearing. This officer shall be responsible for deciding the action to be taken on the issues identified through the social audit process. He/she should also make sure immediate redress of grievances during the course of meeting and ensure that the public hearing takes place in true democratic spirit in an atmosphere where everyone can speak and testify without fear. This officer will be responsible for filing a report with the DGRO as per a prescribed format.

The Social Audit Report consisting of the minutes of the Social Audit Gram Sabha, the resolution(s) passed, written and oral remarks, observations of the Social Audit Facilitators, and any other submissions made, shall be forwarded to the DGRO, concerned implementing Department(s)/Agencies and SSAAT–AP by the Social Audit Facilitators within one week of the Gram Sabha and 3 days from the Mandal Hearing for necessary action. The concerned Department/Authority shall take appropriate follow-up action by proceeding against the persons found guilty in the Gram Sabhas and shall complete disciplinary action, if any, in the prescribed manner. Apart from this, other complaints, if any, shall be resolved within 7 days of receiving the Social Audit Report. In case of major instances of defalcation/misappropriation of grains or funds and sub-standard services, the concerned controlling authority shall initiate requisite and recovery proceedings against the concerned person/authority, apart from taking disciplinary action.

Rules also detail the post-social audit process. The social audit agency will periodically submit the findings of the social audit in prescribed formats to the State Food Commission, which are also hosted in the public domain through the official website developed specifically for the purpose of the Act. State Food Commission will monitor and follow up on the action taken by the concerned officials on issues identified in the Social Audit. The action taken report relating to the previous Social Audit shall be read out at the beginning of the meeting of each Social Audit Gram Sabha. All Action
Taken Reports shall be filed by the concerned authority within a month of convening of the Social Audit to the agency.

Rules are very explicit and respect the spirit of conducting social audit. It specifies role of Administration for Independent Social Audit Process as follows:

The Social Audit will be a process independent of the implementing agency and the administrative machinery shall provide requisite information.

DGRO shall notify nodal officers in every mandal who shall ensure that records are provided to the social audit facilitators before starting the social audit process.

On completion of the social audit process at the village level, effective follow up action is to be taken consisting of:

- Ensuring that responsible officers attend the Social Audit Public Meetings
- Ensuring corrective action is taken on the Social Audit findings.
- Ensuring that appropriate action is taken against any individual or group who has tried to deviate or misuse the commodities and sabotage the Scheme.

In the affidavit submitted to the Supreme Court in Swaraj Abhiyan v. Union of India & Ors. [Writ Petition (C) No. 857 of 2015], the Chief Secretary had submitted that Director, SSAAT, Department of Rural Development has been appointed to conduct social audit under Section 28 of Act to ascertain whether all the eligible card holders are covered under NFSA. The social audit report was submitted and action has been taken on it, submitted the Chief Secretary. The Director was again requested to conduct social audit on the distribution of commodities and submit periodical reports.

As mentioned above Social Audit Rules are comprehensive and if followed properly, can undoubtedly, impart transparency and accountability in the implementation of NFSA in the State. Significantly, these Rules do not confine itself to PDS alone and also, assigns responsibilities for DGRO and SFC for the smooth conducting of social audit and ensuring follow up measures are taken. It would have better if MoU is entered between the SSAAT and nodal departments for ICDS and MDM, instead of merely Food and Civil Supplies department.

Between March 28 and April 8, 2016, pilot Social Audit of MDM was conducted in 12 schools of 4 districts of Andhra Pradesh by the Society for Social Audit, Accountability and Transparency, Department of Rural development. Government of Andhra Pradesh. Rc. No. 18/MDM/2016 shows that a report of the social audit was communicated to the District Educational Officers of these 4 districts and during the mid-day meal review by the Commissioner of School Education it was decided to take immediate appropriate disciplinary action on findings of misappropriation of funds/ rice done at various levels. The DEOs were requested to take immediate action and also forward suggestions and recommendations furnished by the SSAAT to Mandal educational officers in their jurisdiction without fail. Later, social audit was conducted in 8 other districts and report was submitted to the government.

In Telangana, Section 22 of Telangana Food Security Rules mandate the State government to issue detailed guidelines, as soon as possible, for conduct of social audits as per Section 28 of the Act. These Guidelines, the Rules mandate, should provide for constitution of social audit committees at
various levels. Social Audit Committees are to conduct a social audit of the implementation of schemes under Act, at such intervals and in accordance with such guidelines, as may be notified by the State government. It further says that no social audit is to be conducted in a manner obstructing the conduct of normal work of any state authority and no social audit is to be conducted unless a notice of 15 days has been given to the concerned public authorities.

According to the Affidavit submitted by the Chief Secretary to the Supreme Court in Swaraj Abhiyan v. Union of India & Ors. [Writ Petition (C) No. 857 of 2015], Social Audit of FPS and targeted PDS has been entrusted to the Society for Social Audit, Accountability & Transparency, Telangana State (SSAAT-TS) by using the MNREGA platform for Social Audit. The Affidavit submits that SSAAT has given willingness to do so.

On 31.08.2016, a set of guidelines were issued by the Department of Food and Civil Supplies, according to which, social audits were to be conducted by the Social Audit Committee that consists of 10 percent of all cardholders in the Fair Price Shop. These members were to be selected by lot and the composition would change every month. All card holders were to be given opportunity to participate in the Committee in rotation by drawing lots. However this Order has been superseded and fresh guidelines were issued on 12.04.2017, which requires Department of Consumer Affairs, Food and Civil Supplies to enter into a MoU with SSAAT and the cost of the social audit is to be borne by the Department. It further provides the details on how social audit is to be conducted:

Social Audits will be conducted by the Village Social Auditors identified from amongst the card holders of Fair Price Shop and they must comprise of at least 1% of total card holders in Fair Price Shop.

VSAs will be identified and trained by the SSAAT facilitators. The team of VSA’s along with SSAAT facilitator will conduct the social audit in the village by enquiring with other card holders about the programme. To ensure the process is fair and impartial, VSAs will not audit their own FPS but will be allowed to audit other Fair Price Shop. Composition of VSAs will change with every cycle of social audit.

All Fair Price Shop in a Mandal will be covered by the social audit process at least once in a year and where grave issues are identified, a follow up social audit may be undertaken twice a year.

Social Audit Action Plan will be drawn up at the beginning of each financial year and communicated to all the stakeholders and implementing authorities. Department of Civil Supplies will ensure that the Fair Price Shop dealer is informed of the dates of the social audit at least 15 days in advance of the process being initiated.

Department of Civil Supplies will hold periodic review meetings with SSAAT to get feedback on issues identified in the social audit process, to ensure more efficient implementation of National Food Security Scheme.

While it is commendable that the Guidelines require SSAAT to be involved in the social audit, the requirement of public hearing at higher level for instance, block and follow up measures are not clearly mentioned. Further, these Guidelines mention about PDS alone, despite it pertaining to social audit of all welfare schemes under the Act.
In Karnataka, GO dated 18.6.2016\(^\text{18}\) nominates Directorate of Social Audit established under the MGNREGA scheme for implementation of Social Audit Rules under NFSA. It calls for capacity building of vigilance committee members, monitoring their work and conducting a social audit. Fair Price Shop level vigilance committee members would be used to conduct social audit on the functioning of the Fair Price Shop and PDS within the area of the shop. Specifically, they are required to look into issues of provision of food grains as per entitlements, opening of FPS at working hours, issue of bills, overcharging, short payment, existence of bogus cards, display of information etc. The Directorate shall then prepare a gist of the findings along with suitable policy level recommendations and actionable points of implementation for deliberation at the levels of gram sabhas, taluk, district and state. The gist of the findings are to be submitted to concerned gram sabhas or ward sabhas, vigilance committees at taluk, district and state-level; and to the DGRO, SFC and the Commissioner of Food and Civil Supplies & Consumer Affairs department. In March 2017, the state government in its budget announced that it would strengthen the fair-price shop level awareness committees to undertake social auditing.

Prior to this, under the Essential Commodities (Targeted Public Distribution System) Control Order, 2014, Clause 17(C) provided an elaborate procedure for conducting social audit of FPS and the TPDS merely to ascertain inclusion and exclusion of households and their eligibility. According to this, Social Audit was done under the supervision of Director of Social Audit or Commissioner of Food and Civil Supplies. The Director assisted by Deputy Commissioner was to ensure social audit was conducted at least once a year. District Social Audit Coordinator and the Taluk Social Audit Coordinator appointed by government order were to supervise the audit in his district and Taluk respectively. The Taluk Social Audit Coordinator submits the report collected by him before an open sabha which consists of: fair price shop level vigilance committee members, representatives of local authority, nodal officer of Aahara Adalat, fair price shop level officer, ration card holders of the fair price shops, concerned designated authority and executive of the local authority. The taluk officer after taking appropriate action would forward the report to Deputy Commissioner who would then send it to the Director of Social Audit and place it before the State Level Vigilance Committee. The State Food Commission may also take the report into consideration to examine the implementation of NFSA.

It is to be noted that the new mechanisms for social audit are merely mentioned for PDS, reflective of the lack of convergence between key departments involved in its implementation. For ICDS, no specific social auditing bodies were found, however interactions with officials indicated that Social Audit of MDMS is undertaken by the Rural Development and Panchayati Raj Department. Each year, auditing is done in two or three districts and a report is submitted annually. According to the information provided on the website, social audit has been completed in Bellari and Vijapura district by Rural Development and Panchayati Raj Department in 2015-16 and Bangalore urban and Belgaum were shortlisted as districts for auditing in FY 2016-17.

In Kerala, no Rules on Social Audit have been formulated yet. We were informed that the then Chief Secretary, with decades-long experience in local administration has initiated deliberations on Social Audit with key departments.

Social Audit of ICDS was conducted in 2014-15 for Tirunelli Panchayat in Wayanad district by TISS in collaboration with the Department. Following this a manual was prepared on how a social audit is to be conducted. The provisions therein are however merely guidelines and as mentioned in the manual itself, needs to be adapted in accordance with the local needs of each Panchayat. A second stage social audit was conducted in Thiruvananthapuram in 2015-16.

According to the Guidelines, the Social Audit Team is to consist of Social Auditors, Village Social Auditor and Process Documentation in charge. The Social Auditors have to coordinate the Audit functions and should be persons with experience in ICDS functioning. Village Social Auditors would be women belonging to SC/ST category who have completed High School Education, but are unemployed and residing in the locality of Anganwadi. They should coordinate the Audit. The Guidelines also state that the team should preferably consist of 2 females and 1 male member, as the beneficiaries of ICDS are women. Apart from this, the Guidelines also specify a Social Audit Support team to be constituted for every Anganwadi to ensure proper coordination and follow up on audit. The Support team is to consist of AWW, AWH, Gram Panchayat Member, Anganwadi Welfare Committee Members, ICDS Supervisor, Tribal Promoters, ASHAs.

The Guidelines provide that Social Audit of an Anganwadi is to be completed in a month and the Audit of 3 Anganwadis can be done simultaneously. The process of Social Audit mentioned therein is as follows:

- Study and Preparation of Audit report
- Public Hearing
- Policy Dialogue
- Policy Changes (Implementation of report systems)
- Further study
- Second stage Public Hearing (Evaluation)

Social Justice Department identified officials in the Department to be trained as Master Trainers so that they can train the Social Audit Teams. Training was conducted for them in November 2016. Much need to be done to formalize social audit in Kerala and Rules should provide in detail the process of conducting social audit, keeping in mind the functional and financial independence of the agency conducting social audit.

In Puducherry, there were no social audits conducted. During our visits, Department of Education expressed keen interest in conducting Social Audit. The officials informed that they have a tie-up with DRDA, have looked into Social Audit in Telangana and the process is undergoing.

**Other Transparency Measures**

Section 27 of the Act requires all Targeted Public Distribution System related records to be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government. Pertaining to TPDS alone, this again reflects the skewed focus of the Act.

State rules, wherever framed, mention this requirement. For instance, Section 7 of AP Food security Rules provides for placing records in the public domain for inspection and greater transparency. It is noteworthy, however, that the AP Food Security Rules have extended it to other entitlements too. It
also gives the list of documents to be placed in public domain, including guidelines notified by the State Government for identification of eligible Priority households as well as eligibility criteria for Antyodaya Anna Yojana) habitation wise, fair price shop/dealer wise, list of beneficiaries under TPDS, School wise details of number of students availing mid-day meals, quantity of food grains and items being provided under mid-day meals, inspection reports), Social Audit Calendar, findings of the Social Audit along with action taken reports, contact details of all DGROs, Vigilance Committees, department officials and Food Commission members, Anganwadi center-wise food grains allocation etc. Similarly, Telangana Food Security Rules, in Rule 23 provide public disclosure of documents, however, these are confined to TPDS alone.

Significantly, transparency measures emphasized by the States are not limited to Vigilance Committees and Social Audits alone or TPDS alone. Both under ICDS and MDMS, there have been such public disclosure requirements mandated even before the enactment of the Act. Again, most of the States, following the Central government directives, stress on digitization of ration cards, computerization of supply chain management. In some states, novel supervisory mechanisms have been evolved. For instance, in Karnataka, Aahaar Adalats are conducted by officers under the aegis of the Deputy Commissioner of each district as a measure to monitor the functioning of the PDS, to understand the problems faced by public and address the lacunae in the system. The mandate of these Adalats include:

- Verifying quality, rate and scale of issue of PDS commodities issued to cardholders as per their entitlements. This is to be done by filling the sample questionnaire, which consists of details of the beneficiaries, type of card, entitlements and the price of these entitlements. At least 50 cardholders were to be verified by physically checking their address and at least 10 cardholders were to be contacted through their mobiles.
- Hearing complaints regarding ration card or FPS.
- Checking correctness of weighing scale/measuring equipment for Kerosene.
- Checking Functioning of the FPS as per schedule: Ensuring that shops function from 8 AM to 8PM from 1st to 10th of the month (except lunch break) and from 11th to end of the month from 8 AM- 12PM and 4-8PM.
- Monitoring functioning of the vigilance committee.
- Monitoring diversion of PDS commodities to black market by the shop owner or possession of bogus ration card with the shop owner or some other person. This is to be done by randomly verifying 50 ration card holders addresses and details physically.

In Kerala, decentralization has helped in better convergence of various departments involved in implementation of welfare schemes and this has ensured better transparency and accountability. Panchayats are involved in the monitoring of AWCs, Schools and Fair Price Shops.

It is important that the Rules ensure that skewed focus on TPDS in the Act does not get reflected in the Rules and they provide for comprehensive measures institutionalizing and strengthening existing mechanisms.
**Grievance Redressal under National Food Security Act 2013**

Dr. Neetu Sharma

A robust grievance redressal mechanism lends enforceability to the provisions in the law. The basic principle of a Grievance Redressal System is that if the promised level of service delivery is not achieved or if a right of a citizen is not honored then the citizen should be able to take recourse to a mechanism to have the grievance redressed. This mechanism should be well publicized, easy to use, prompt and above all, citizens must have faith that they will get justice from it. Grievance Redressal Mechanism is part and parcel of the machinery of any administration. No administration can claim to be accountable, responsive and user-friendly unless it has established an efficient and effective grievance redress mechanism.

Section 14, 15 and 16 of NFSA require the state governments to set up grievance redressal mechanisms at various levels – Internal Grievance Redressal Mechanism (IGRM) – Sec 14, District Grievance Redressal Officer (DGRO) – Section 15, and the State Food Commission (SFC) – Section 16. Section 14 of the National Food Security Act, 2013 provides for the establishment of IGRM that may include call centres, helplines and designating a nodal officer by the State Government. Section 15 of the Act provides for the State Government to appoint or designate an officer at district level as the District Grievance Redressal Officer (DGRO) for effective and expeditious redressal of complaints in matters relating to violation of entitlements provided through the Act. The State governments were also supposed to prescribe the method, term and conditions of his/her appointment, its powers and functions. State governments were also supposed to specify the time limit within which time the DGROs were supposed to hear complains nd take actions on the same.

Section 16 provides for the constitution of State Food Commission in each state for the purpose of monitoring and review of the implementation of National Food Security Act 2013. The Act also prescribes that the Commission shall have seven members including a Chairperson and a Member Secretary and the members are be selected from who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; or of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or who have a proven record of work relating to the improvement of the food and nutrition rights of the poor.

The Act also prescribes the tenure of the Commission and specifies its functions as well, that include monitoring the implementation of the Act, advising the state governments in this regard, hear appeals against the decisions of the DGROs and also prepare and submit the Annual reports.
The Act also gives suo moto powers to the Commission to enquire into violations of entitlements provided in the Chapter II of the Act.

Given the importance of the grievance redressal mechanism, there are a number of issues to be looked at before setting these mechanisms. While there are detailed guidelines relating to the internal grievance redressal mechanism, there were a lot of matters that were to be determined by the states. First and foremost been – whether the DGROs and the State Food Commissions be newly appointed or existing bodies to be designated. This issue is also related to the issue of selection process for DGROs and the Chairperson and members of the State Food Commissions.

Other such issues and questions that were confronted with in the process of setting up/revamping the internal grievance redressal mechanism and DGROs included: should the complaints relating to ICDS, MDMS and PDS be converged into a single Grievance Redressal Mechanism or should they be segregated? Should the nature of complaints be segregated between Internal Grievance Redressal Mechanism and DGRO? (For instance, the individual complaints relating to ration cards or fair price shop level complaints can be dealt by IGRM and macro level issues can be dealt by DGRO). And what should be the powers entrusted to DGRO for effective redressal of complaints? Further, The possibility of empowering DGRO to summoning the attendance of any person for the purpose of investigation or should it be limited to producing any document relevant to the subject matter, could also have been looked at. The issue arises as it has been clearly mentioned in Section 20 and Section 34 (2) of the Act that the State Commission and an adjudicating officer authorized by the commission shall have the power to summon the attendance of any person.

As regards the overarching nature of the grievance redressal mechanism, it made sense to instate the internal grievance redressal mechanisms (IGRMs) in the respective departments, while making sure that the DGROs and the SFCs are empowered and equipped to look at and redress the complaints pertaining to all the violations under the Act including those relating to ICDS, MDMS, TPDS and Maternity benefits. All of these issues were to be sorted at the time of framing of Rules to ensure the effective implementation of the NFSA.

There have been a number of concerns and issues that thwarted the process of setting up of the State Food Commissions (SFCs). Such as, is there a need to set up a new commission or the existing commissions should be designated as State Food Commissions as well. This was enabled and allowed by Section 18 of NFSA. However, the most important issues was to make sure that these commissions are established in accordance with the Paris Principles19 pertaining to the national human rights institutions so that these commissions could function in independently. It was also important to make sure that these commissions got required support systems such as staff and infrastructure, from the state governments to function effectively.

Interaction with all the transparency and accountability and oversight and monitoring also was to be built in while framing of the Rules for SFCs in respective states. Monitoring and ensuring that all those entitled to receive benefits as prescribed in the Act, was also to be looked at specifically since the Act itself has been a bit lopsided in favour of TPDS in its approach. Further, it is also needed to ensure that the SFCs are able to interact with people, hold public consultations and represent peoples’ perspectives and aspirations.

Internal Grievance Redressal Mechanism (IGRM)

In most of the states and for nearly all the schemes under NFSA, except the Maternity Benefit Scheme, each concerned department already had such mechanisms in place. However, for effective implementation of the Act, it is also important to make sure that awareness is generated about these mechanisms that can be accessed by the people, and these mechanisms are made functional and efficient by adhering to the procedures and timelines for settling the complaints. It has been noticed that most of the states have fallen short of exploring IGRM to its fullest potential.

Although the Act suggests establishing toll free numbers, help lines, designating nodal officers and having complaint boxes fixed to receive complaints, not all the departments have uniformly adopted these systems in any of the states. Out of all the states closely studied in South India, Andhra Pradesh seems to have the most comprehensive set of Rules governing IGRM too. Section 5 of the AP Food Security Rules specifies the officers designates for TPDS, ICDS, MDMS scheme related violations. The nodal officers are empowered to hear complaints relating to entitlements as prescribed in the Act as well as those further substantiate and included by the state in comprehensive Rules. Section 4 of the Rules also specifies the manner and time limit within which the appeals are to be redressed by the respective departments. In Puducherry, there are provisions for toll free numbers, nodal officers and web based platforms for all the schemes. Citizens’ charter, although not available in vernacular, is a helpful tool for grievance redressal. In Telangana there is provision for toll free numbers available but not for all the schemes, and nodal officers are also, however the timeframe for disposing complaints is not specified for any of the schemes.

In other states too IGRM related provisions were not found to be as comprehensive as in the case of Andhra Pradesh. For instance, in Goa, the order designating nodal officer under NFSA gives the officer a restricted mandate of redressal regarding non discrimination of food grains and it does not mentions any redressal mechanism pertaining to other schemes. The order does not prescribe procedure and time limit for disposing complaints. Also, except TPDS, there is no provision for the toll free numbers for grievances related to ICDS, MDMS and maternity benefits. In Karnataka, on the other hand, while there are toll free numbers for TPDS and MDMS, similar provision has not been made for ICDS and maternity benefit schemes. MDMS and TPDS related grievance redressal mechanisms are digitized and are available online but their outreach to rural population is an issue of concern. It was noted that during 2013-15 107 complaints were received through online platforms, out of which actions were taken only in 32 cases.

In Kerala, toll free number and contact details of all the key officials including Taluk Supply Officers (TSOs) and City Supply Officers (CROs) are publicized on the website of the department. Information on the services provided through the department, the officials in charge, time limit within which each of these services are to be provided and appeal mechanism is published in the official gazette and the same is provided in the Citizen’s charter available on the department website. While the toll free numbers and contact details of officials are well publicized, there is no time limit publicized as to when the complaints shall be redressed. Also, the e-services portal available on the website is dysfunctional. Ration controller can be contacted for any grievance pertaining to ration. district level and state level redressal committees are to be formed for grievance redressal of ICDS. As regards the benefits made available through Anaganwadi, the State level redressal committee consists of Secretary, Social Justice as Chairman and Director of Social Justice as Convener. Members include Joint director and CEO, Addl. Director of Health Services or a nominee of Director of
Health Services, Programme Officer of District Level ICDS Cell, CDPO, Supervisor and State level Representative of AWHs - all nominated by Director of Social Justice.

District Level Redressal Committee consists of District Panchayat President as Chairperson and District Collector as Secretary. Members include District Social Justice Officer, A social worker nominated by State government/ district authority, District Immunization Officer/ a nominee of District Medical Officer, Programme Officer of District Level ICDS Cell, CDPO, Supervisor and State level Representative of AWHs, AWWs- all nominated by Director of Social Justice. As regards the Mid Day Meals, government guidelines require that a complaint box should be placed in every school.

Tamilnadu Food Security Rules 2017 specify that a complaint may be lodged with the Nodal Officer concerned at his office in writing or through the State level toll free help line numbers namely. A complaint may also be made through the portal of the State Government. The Rules also mention that ‘every complaint so received shall be assigned a Unique Complaint number with date, which shall be informed to the Complainant’. The District Supply Officer of the district and the Taluk Supply Officer of the taluk are designated as the Nodal Officers to ensure smooth implementation of Public Distribution System. The functions of nodal officers include: verifying, at the end of every month, the status of supply of food grains to the entitled persons as per the entitlement under the Act; on receipt of a complaint or otherwise, recording in writing the reasons for non supply of entitled quantity of food grains, to any entitled person and also redressing such grievances: In case a complaint pertains to non supply of food grains due to willful lapse of any Fair Price Shop, the same is required to be forwarded to the District Grievance Redressal Officer for necessary action, ensuring that a complaint alleging deficiency / short comings in the implementation of the Act is redressed within thirty days from the date of receipt of the complaint.

Similar provisions are not made in case of ICDS and MDMS. In case of ICDS complaint boxes are installed in every AWC. DPO is the nodal officer for the districts. Most of the complaints are redressed at the level of Supervisor and only the remaining go to CDPOs. As regards MDMS toll free numbers are operational in 28 districts for redressing grievances. Complaint/suggestion boxes have been kept in the schools for improvement in the scheme. Personal Assistant, Noon Meal Programme (NMP) of the Districts and Block Development Officers at the Blocks have been designated as Grievance Redressal Officers.

Maharashtra Draft Rules mention that a robust and efficient internal system of grievance redressal for disposal of the complaints relating to the Act, including a call centre based help line with toll free numbers duly established for registering complaints and providing information to the public. A Web based grievance redressal portal to be started for effective implementation of the Act in the State. Maharashtra Rules also mention about designation of a Deputy secretary/Joint Secretary as a Nodal officer, who is not directly holding the charge of National Food Security Act or holding the charge of Consumer protection activities. Maharashtra Rules also specify the role of nodal officer that include- verification at the end of every month and at each fair price (FP) shop the status of supply of food grains to the entitled persons covered under each FP shop as per the entitlement under the Act, recording in writing, the reasons for non-supply of entitled quantity of food grains to any entitled person, ensuring payment of food security allowance to the entitled persons in every

20. As provided in Policy Note 2016-17, Social Welfare and NMP Department.
case where entitled quantity of food grains has not been supplied due to non-availability of food grains at the FP shop or for any unforeseen reason, by the end of the 3rd week of the month in which the non-supply occurred, ensuring that a bank account is opened by such person within one month from the date of initial payment of the food security allowance, and registering a complaint with the DGRO where food grains have not been supplied due to any willful lapse of any FP shop dealer. IGRM related Rules in Maharashtra deal with internal grievance redressal only in case of PDS.

**District Grievance Redressal Officer (DGRO)**

None of the states have appointed new officers as DGROs and have designated existing officers only. As regards the District Grievance Redressal Officer, there has been a trend to designate the district level officers for the same. It is despite the fact that the Act does provide for appointing an independent DGRO as well, none of the state government have done so.

In Andhra Pradesh Joint Collector II and Additional District Magistrate (ADM) have been designated as DGROs and have also been given explicit mandate to look at all the entitlements in the Act. The DGROs has also been given the mandate to administer the cases related to food security allowance and is expected to dispose of complaints within 15 days in normal circumstances and in 30 days in special cases. AP Rules also provide for necessary support to be provided to DGROs and maintenance of database of complaints in retrievable form. AP Rules include the provisions that define the procedure relating to appeals to SFCs.

<table>
<thead>
<tr>
<th>Sl</th>
<th>State</th>
<th>DGRO Designate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Andhra Pradesh</td>
<td>Joint Collector II and Additional District Magistrate (ADM)</td>
</tr>
<tr>
<td>2</td>
<td>Karnataka</td>
<td>District Commissioner</td>
</tr>
<tr>
<td>3</td>
<td>Goa</td>
<td>Deputy Collector and Sud Divisional magistrates for North and South Goa</td>
</tr>
<tr>
<td>4</td>
<td>Maharashtra</td>
<td>Additional Collector and Deputy Controller in Rationing Offices for Mumbai-Thane</td>
</tr>
<tr>
<td>5</td>
<td>Kerala</td>
<td>Additional District Magistrate (ADM)/ Deputy Collectors - General</td>
</tr>
<tr>
<td>6</td>
<td>Telangana</td>
<td>District Rural Development Officer</td>
</tr>
<tr>
<td>7</td>
<td>Puducherry</td>
<td>District Collectors in Puducherry and Karaikal and Regional Administrators in Mahe and Yaman</td>
</tr>
</tbody>
</table>

Designation of the existing officers as DGROs has raised serious concerns regarding the efficacy of the redressal of grievances at district level. These officers are normally part of most of the district level committees and are already burdened with too many things. Additional burden of looking after the complaints regarding TPDS and other schemes is likely to add to the delays in redressal of grievances.

Another issue is that in most of the states, except for instance Telagana, Andhra Pradesh and Puducherry the functioning and roles of DGROs have not been elaborated and they have not been given the
explicit mandate to redress grievances for all the schemes. For instance in Karnataka, Maharashtra and even in Kerala, the provisions do not mention redressal of grievances under ICDS, MDM and maternity entitlements by DGROs, although in Maharashtra the time limit for the redressing complaint shave been mentioned, Karnataka order fails to do even that.

A study of the state rules of few states points towards the fact that the states have failed in exploring the potential of the district level grievance redressal mechanism and have designation of DGROs with no specified powers and absence of procedures reflect the tokenism in the state rule making.

**State Food Commissions**

There have been considerable delays in establishing the SFCs and petitions were filed in high courts to draw the attention of the court about non-implementation of NFSA even after three years.

Also, initially many states such as Delhi, Maharashtra, Haryana and few others, invoking section 18 of the Act, designated other commissions such in the grievance redressal commissions, or commissions for the protection of child rights (CPCRs) or Women’s Commission as in the case of Goa, as SFCs. There were a number of issues encountered in such cases. In most states these other commissions were either defunct or already overburdened with a lot of cases. Most of them also lacked requisite specialized skills in dealing with the violations of NFSA. In such cases the efficacy of these commissions was a great matter of concern. As Per G.O (MS)No.16/2016/F & CSD dated 13/10/2016 Kerala State Consumer Dispute Redressal Commission discharges the duties of ‘State Food Commission’ until a full- fledged commission comes into force, however, the order does not clarify how this commission is going to discharge its functions.

The fact that most of these commissions also did not have the same composition as mandated in NFSA also resulted in the designation getting challenged in the courts. Such commissions had to be reconstituted afresh after the objections raised by the central government and after such designation was challenged in courts on the grounds of non compliance with the composition as mentioned in the Act. It required an order of the supreme court of India to establish the State Food Commissions in atleast 10 states. In the case of Swaraj Abhiyan Vs. Union of India, the apex court had on March 22, summoned the chief secretaries of ten such states, for failing to implement the NFSA. It had said that with regard to the statute, the state governments have to appoint the food commission and cannot order a “go by to the statute enacted by the Parliament”. The court has also directed the state governments to ensure the representation of various groups – women, scheduled castes and scheduled tribes as mentioned in the Act.

Maharashtra and Karnataka and few others states have reconstituted the State Food Commission in order to comply with the requirements under NFSA and the orders of the Supreme Court. The composition and the qualifications of the members remain same as mentioned in the Act. The appointment of members would be based on recommendations by a Selection committee consisting of the Chief Minister, Members of the Legislative assembly and Legislative Council; and Minister of Food, Civil Supplies and Consumer Affairs. The secretary of the SFC would be from the KAS or IAS officers on deputation or of the state cadre. Apart from that the higher officials the commission would be maintained by support staff and members of suitable cadre and qualification. This would be based on Cadre & Recruitment Rules that are to be formulated. Till such formulation the SFC is to be assisted by the Office of Commissioner of Food, Civil Supplies & Consumer Affairs. But the
order formulating the SFC is pithy and does not lay down details regarding the procedure for appointment of members, the procedure for conduct of business of the SFC, the required qualifications of members of the SFC etc.

The order also informs of the salaries and allowances of the Chairman would be on par with that of Secretary of the Government of Karnataka and members would be on par with that of the Joint Secretary of the Government of Karnataka. The salaries of support staff and officers would be decided accordingly during the formulation of the Cadre and recruitment Rules. Moreover till the Finance department can allocate separate source for the functioning of the SFC, the charges of the establishment are to be met out of the budget of the Commissioner of Food Civil Supplies and Consumer Affairs. 21

The SFC under the notification does not make it a financially independent body rather subjects the finances of the commission under the budget of the Department of FCS&CA. The objective of an independent SFC comes under attack due to its financial dependency on the Department of FCS&CA. Financial independence is one of the core foundations of a truly independent and unbiased grievance redressal agency. The SFC envisaged under the NFSA is an umbrella redressal body working with all the welfare schemes under Chapter II and not just TPDS. Under the present rules only functionaries of TPDS are involved whereas those of MDMS, ICDS and MBS are isolated. It would be contrary to the principles of justice to subjugate a grievance-redressal mechanism to the very authorities it is to redress against.

In case of Maharashtra, the draft Food Security Rules also include provision of ex-officio members to be appointed from the government departments that could in fact lead to conflict of interest. The draft rules also do not make any mention of the level or quantum to be paid to the members, although it is mentioned that their salaries and other expenses shall be borne by the state department.

Maharashtra and Telangana food security rules are comprehensive enough to include detailed functions of the State Food Commission clearly. Draft Maharashtra Food Security Rules and Telangana Food Security Rules, apart from incorporating the functions as mentioned in the Act, also explicitly mention the Commissions mandate as regards all the redressal of grievances pertaining to all the entitlements. In Telangana Rules the has been given the following powers, in addition to the powers provided in section 20 of the Act, for performing its functions. While making a decision on the appeal or the complaint, the State Food Commission has the power to require the DGRO or any officer responsible for providing any entitlement under the Act to comply with the Provisions of the Food Security Act including:

- Issue of ration cards or eligibility cards upon satisfying the eligibility criteria.
- Right to receive food grains at subsidized prices by persons belonging to eligible households under TPDS or Antyodaya Anna Yojana.
- Nutritional support to pregnant women and lactating mothers.
- Nutritional support to Children of six months to 14 years of age, by providing appropriate meal free of charge, through local anganwadi and schools.
- In the case to Children, up to class VIII or within the age group of six to fourteen years, one

mid-day meal shall be provided, free of charge, every day, except on school holidays in all schools run by local bodies /govt / govt aided schools.

Prevention and management of Child malnutrition by providing meals, free of charge, to children who suffer from malnutrition, through local anganwadi.

Implementation of various schemes for realization of entitlements under the Act.

Payment of Food Security Allowance.

In addition, the Commission is also empowered to summon DGRO or any other official involved in the implementation of the Act, against which a grievance/complaint is received or whose presence is felt necessary for disposal of any matter before the commission, to necessitate the presence of the Department officials and implementation staff for any review meeting or training or any other related event, to direct any official to act in pursuance of objectives of the Act or to perform any functions necessitated to implement the provisions of the Act. Telanagana State Rules also mention visiting and inspecting any stock and delivery point, fair price shop, School, Anganwadi, local authority, office of DGRO or any other office performing designated functions related to the implementation of the Act and to commission any studies or enquiries in pursuit of better understanding of the implementation, impacts of the Act and for necessary improvements in the implementation processes. For reviewing and monitoring implementation of the Act, Commission should hold regular meetings with officers of Civil Supplies Department, other concerned agencies, reputed NGOs and members of civil society. State Rules of Telangana also provide that when the Chairperson of the Commission is unable to discharge the functions owing to absence, illness or any other cause, the next senior member of the Commission shall discharge the functions of the Chairperson, until the day on which the Chairperson assumes the charge of his functions.

However, Telagona State Rules seem to be an exception and most of the states studied as part of the study conducted by CCL NLSIU have made any efforts to elaborate on the functions of the SFCs and have stuck to the provisions in the Act in this regard. The mechanism to work with other systems such DGROs and vigilance committees, etc, have not been dealt with in most of the states.

While most of the states have constituted food commission now, judiciary’s intervention was required to make sure that the manner in which these commissions are appointed and the composition of the commission are in tune with the spirit of the parent law. Despite this political preferences cannot be ruled out in the process, and members may be appointed even if they do not have any expertise or experience in the area of food security and nutrition. It will also be required by the state governments to provide for adequate staff and administrative support to these commissions, and ensure that they have sufficient financial resources.

It is also equally important that the DGROs as well as SFCs are capacitated to hear the complaints pertaining to all the schemes including the Mid Day meal Scheme (MDMS), Integrated Child development Scheme (ICDS), and Maternity Benefit Scheme (MBS), along with the Targeted Public distribution System (TPDS).

NFSA had converted some of the benefits available through schemes such as TPDS, MDMS and ICDS as legal entitlements. While the Act does not provide for any new benefits, it is important to make sure that the implementation of the provision is facilitated in a manner that the issues pertaining to food and nutritional insecurities are addressed effectively. The impact of NFSA is yet to be seen in most of the states. However, it will also depend on how the state rules are framed, whether adequate resources have been allocated, level of awareness among people regarding entitlements and grievance redressal, and the investment done by states in building the capacity of functionaries.
STATUS OF IMPLEMENTATION OF NFSA 2013

STATE REPORTS
Maharashtra

Dr. Neetu Sharma

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<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Area</td>
<td>3,07,713 sq km</td>
</tr>
<tr>
<td>2</td>
<td>Population</td>
<td>119.6 million</td>
</tr>
<tr>
<td>3</td>
<td>Gross State Domestic Product (GSDP) FOR 2015-16 (At constant prices 2011-12 estimates)</td>
<td>Rs. 15,30,211 Cr</td>
</tr>
<tr>
<td>4</td>
<td>Date of implementation of NFSA**</td>
<td>Feb-14</td>
</tr>
<tr>
<td>5</td>
<td>% of population to be covered under TPDS</td>
<td>R-76.32% U-46.34%</td>
</tr>
<tr>
<td>6</td>
<td>Total population to be covered under TPDS*</td>
<td>700.17 lakhs</td>
</tr>
<tr>
<td>7</td>
<td>HDI (2015)</td>
<td>0.66</td>
</tr>
<tr>
<td>8</td>
<td>Sex ratio</td>
<td>929</td>
</tr>
<tr>
<td>9</td>
<td>Infant Mortality Rate (IMR) in % (2015-16)</td>
<td>24</td>
</tr>
<tr>
<td>10</td>
<td>Under Five mortality (U5MR) in % (2015-16)</td>
<td>29</td>
</tr>
<tr>
<td>11</td>
<td>Maternal Mortality Rate (MMR) (per 1,00,000 live births) (2011-13)</td>
<td>68</td>
</tr>
<tr>
<td>12</td>
<td>% of Children aged 6-23 months receiving adequate diet (2015-16)</td>
<td>6.5</td>
</tr>
<tr>
<td>13</td>
<td>% of Children below five who are stunted (2015-16)</td>
<td>34.4</td>
</tr>
<tr>
<td>14</td>
<td>% of Children below five who are wasted (2015-16)</td>
<td>25.6</td>
</tr>
<tr>
<td>15</td>
<td>% of Children below five who are severely wasted (2015-16)</td>
<td>9.4</td>
</tr>
<tr>
<td>16</td>
<td>% of Children below five who are underweight (2015-16)</td>
<td>36</td>
</tr>
<tr>
<td>17</td>
<td>% of women whose BMI is below normal (2015-16)</td>
<td>23.5</td>
</tr>
<tr>
<td>18</td>
<td>% of men whose BMI is below normal (2015-16)</td>
<td>19.1</td>
</tr>
<tr>
<td>19</td>
<td>% of Children aged 6-59 months who are anaemic (2015-16)</td>
<td>53.8</td>
</tr>
<tr>
<td>20</td>
<td>% of Women aged 15-49 who are anaemic (2015-16)</td>
<td>48</td>
</tr>
<tr>
<td>21</td>
<td>% of Men aged 15-49 who are anaemic (2015-16)</td>
<td>17.6</td>
</tr>
</tbody>
</table>

*Data compiled by Ms Jyotsna Sripada

29. Report is based on the draft Maharashtra Food Security Rules 2017 shared by the Department of Food and Civil Supplies, Government of Maharashtra, interactions with the key government officials and the information available in public domain.
On February 1st 2014, Maharashtra became the eighth state to implement the National Food Security Act 2013 through a formal launch held in Navi Mumbai. As in the case of other states, the state government of Maharashtra also had to relook and revisit its existing systems to comply with various provisions of the Act including adherence to entitlements mentioned in section 3, 4, 5 and 6. As regards the Targeted Public Distribution System (TPDS), prior to NFSA, State government of Maharashtra had a tricolor ration card system in place, according to which, 3 kinds of ration cards were used to be issued. The yellow ration card was issued to families having an annual income of up to Rs. 15,000/- having been included (Integrated Rural Development Programme) list of 1997-98, so as to include them under the TPDS. This was being adhered to along with the following exclusion criteria that overrode inclusion:

None of the members in the family should be doctors or lawyers or architects or chartered accountants.

None of the members in the family should be a professional tax payer, a sales taxpayer or an income tax payer or eligible to pay such tax.

The family should not possess a residential telephone.

The family should not possess a four wheeler vehicle,

None of the family members should hold total of two hectare rain fed or one hectare semi-irrigated or 1/2 hectare irrigated (double in drought prone talukas) land

Saffron Ration Cards are issued to families having total annual income of more than Rs. 15,000 and less than 1 lakh. This is provided if none of the members in the family have four wheeler mechanical vehicle (excluding taxi- driver), and the family in all does not possess four hectare or more irrigated land. White Ration Cards are issued to the families having annual income of Rs. 1 Lakh or above, any member of the family possessing a four wheeler or the family aggregately holding more than 4 hectare irrigated land is issued white ration cards. The TPDS entitles BPL Yellow ration card holders to 35 Kg foodgrains (Wheat + Rice) per month and APL Saffron ration card holders to 15 Kg food grains (Wheat + Rice) per month. NFSA coverage under TPDS in Maharashtra is mentioned below:

<table>
<thead>
<tr>
<th>Percentage coverage under NFSA</th>
<th>Number of people covered lakhs</th>
<th>Households in following categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Urban</td>
<td>Rural Urban Total</td>
<td>AAY Priority</td>
</tr>
<tr>
<td>76.3% 45.34%</td>
<td>469.71 230.45 700.17</td>
<td>25.05 123.23</td>
</tr>
</tbody>
</table>

Following benefits are available to various categories through TPDS:

<table>
<thead>
<tr>
<th>Item</th>
<th>AAY retail price per kg for various categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rice</td>
<td>3.00 3.00 9.60</td>
</tr>
<tr>
<td>Wheat</td>
<td>2.00 2.00 7.20</td>
</tr>
<tr>
<td>Coarse Grain</td>
<td>1.00 1.00</td>
</tr>
<tr>
<td>Sugar</td>
<td>13.50</td>
</tr>
</tbody>
</table>
On an average, every month, 375,000 tonnes of grains, 85,569 tonnes of sugar and 61,000 kilolitres of kerosene are distributed in Maharashtra through TPDS.

According to the draft Maharashtra Food Security Rules prepared by the Department of Food and Civil Supplies, the priority households are to be selected based on a combination of exclusion and inclusion criteria. Those who will be automatically included as beneficiaries under NFSA will be: all households of agricultural/ unskilled daily wage earners from unorganized sector whose main occupation is daily wage labour; households in which any of the persons in the family do not hold total two hectares of Jirayat land or one hectare seasonal irrigated and/or half hectare of irrigated (double in drought affected areas) land, and the households having annual family income of Rs 44,000/- and below in Rural Areas and Rs. 59, 000/- and below in Urban Areas. However, automatic exclusion criteria override these inclusions. Households having a motorized Vehicle, total income of family is more than Rs. 5000/- per month, having a refrigerator, having two or more room house and those having more than 2.5 hectares of seasonal irrigated land / 5 hectares of Jirayat land, are automatically excluded.

As regards the basic source of data used for the purpose of identification, the audit report released by the Comptroller and Auditor General of India, says, ration cards were issued on the basis of self declaration and affidavits without cross-checking the information from the related Departments. ‘The Maharashtra State Government did not carry out fresh identification exercise and carried forward existing AAY, BPL and APL card holders to identify AAY and priority households.’

When it comes to transparency and accountability, the website of the Food and Civil Supplies Department does have a provision for viewing ration card details although at the time of writing the report ‘data was under validation’. Thus, the list of beneficiaries is not accessible, and neither does it seem like objections had been invited to a draft list of households identified as being eligible. One could not therefore, cross-check the validity of those being benefitted by the TPDS, via the public domain. However, according to the same report by the CAG, ‘old ration cards were stamped as priority household and AAY households and re-issued as NFSA compliant under different categories.’

According to the draft rules, seeding of Aadhar Card is to be mandatory for the issuing of ration cards, and thus, leveraging of Aadhar card, for unique identification in the process of identification of beneficiaries, is one of the reforms in the TPDS under NFSA that has been included in the draft rules framed by the State Government. Also, 87% of the cardholders under the Food Security Act have got Aadhaar cards seeded to the public distribution network. Yet, many feel the Government's focus is on addressing technicalities and not on improving the availability and quality of grain on the public distribution system. The State Government has argued in the past that use of technology can help to improve citizen outreach, inventory management and data collection, leading to transparency and more effective distribution. In this way, technology can help to weed out duplication, and once successful on a pilot stage, it can be scaled up for increased implementation, ensuring benefits to the right people. But it must also be noted that many eligible deserving beneficiaries lose out on the receipt of benefits because of the absence of such documents, due to illiteracy or lack of awareness. And similar efforts have failed to reform the system in other states – such as Rajasthan and Madhya Pradesh.

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The CAG report also observed that in Maharashtra, the provision of NFSA aimed at empowerment of women were not complied with, as fresh ration cards were not issued and existing cards were revalidated.

**Mid-Day Meal Scheme:** The provisions related to Mid-day Meals to be given to children in government and government aided schools have already been in place, as in the case of other states. It is important to note that the draft rules also refer to MDMS, unlike many other states wherein no scheme except TPDS has found any mention in the state rules. MDMS is one among the areas that falls under the jurisdiction of both DGRO and the State Food Commission to intervene in case of violations and this has been explicitly mentioned in the draft rules. Before NFSA came into being, the State Department of School Education and Sports in Maharashtra had also issued several orders regarding implementation of the MDMS. The government had also conducted evaluation of the schemes and had taken note of a number of problems. Various issues such as students getting lesser than prescribed allocation, cooked meals not being served, and incidents of poisoning were acknowledged.

Since shortage of space was a problem being faced in serving cooked meals, provisions have been made for giving this task to Mahila Mandals provided there is an expression of interest on their part. In appointing the heads of the Mahila mandals for the purpose of this task, widow representatives, or needy women are to be given preference, according to the State Government’s orders available on the website of the department. To improve this situation, an Education Group Committee was established with a view to watch over the execution of the MDMS in various schools of Maharashtra and make recommendations regarding its governance for improving the state of affairs. Information regarding whether or not such committee was indeed established is not available, however, in the public domain.

An order of the department stated that the self help groups can be engaged in the cooking of food and if no complaint is received regarding the working of the self-help group, they shall work for a period of at least 3 years, and if required, the responsibility of the said group can be revoked and given to another. Supplies for the meals, which are to be prepared according to the given recipes, are to be provided to these groups. Delivery of the rice, after transportation from the godowns of Food Corporation of India (FCI) to those of the talukas, and then to the Fair Price Shops, must be made to the Principal of the school or any other person in-charge of the cooking process in school. In order to monitor the costs, the guidelines require the State Government’s approval to finalize the prices mentioned in the tender given to contractors selected by the government.

While the provisions in the scheme in the state are compliant with the proper implementation of NFSA with respect to providing nutrition to school-going children, the benefits have not been explicitly recognised by the draft food security rules of the State. However, since the grievance redressal mechanism is available, the enforceability of provisions may still be ensured.

**Entitlements under MBS**

Entitlements under Indira Gandhi Matritva Sahyog Yojna, not under the name of Maternity Benefit Scheme per se and the benefits of this scheme are available to women in Amravati and Buldhana Districts only. After enrolment, pregnant women can avail the financial benefits provided by the Government. Government provides a total of Rs.6,000 in two installments. One at the time of
childbirth (Rs.3,000) and after child completes 6 months (Rs.3,000). A sum of Rs. 4000 is to be given via the Anganwadi to the bank or post office account of the pregnant woman. This responsibility would be with the Director of the Child Development Project. Rs. 1500 is to be given within 3 months of pregnancy, Rs. 1500 at 3 months of the birth of the child on terms of regular breastfeeding and vaccination and Rs. 1000 after 3 months of the birth of the child on terms of regular breastfeeding and vaccination. Although a recent order of the Central Government mentions the provision of an amount of Rs. 6,000 pregnancy, it also imposes a set of conditionalities for release of each instalment that is a violation of the central Act.

Monitoring Mechanism
As far as the monitoring mechanism for the MDMS is concerned, departmental inspection is done by the field officials, which includes a) District Education Officer b) Block Education Officers/Superintendent c) Extension Officer d) Kendra pramukh and e) SMC/Ward Committee. Superintendent (Mid-day Meal Scheme) is appointed at Block level and municipal corporation level to supervise the MDM Programme. Regular weekly menu is displayed on notice board, regular meeting of Mid – Day Meal is taken by the SMC at school level; woman parents are involved for supervision of cooked meal, they also supervise whether pulses & vegetables are adequate; stock and expenditure register is maintained by school and open for inspection; taste register is provided to every school and regularly entries are taken by SMC members; parents and teachers and a flex having MDM logo and information about weekly menu is maintained; per day per child entitlement are distributed to all schools.

The State has developed daily monitoring system by which every MDM school submit their daily attendance and the number of meals served on MDM Portal through SMS, web portal and Mobile app. Using this portal, the officials from block level to state level can monitor the daily data submitted by schools. MIS data is used for ascertaining the performance of districts, and various educational institutes use this data for social audit purpose etc. In addition to social audit, flying squads of state and district officials conduct surprise visits to school for checking the implementation of MDM. MDM web portal is available to all people to view the daily status as well as progress of this scheme and they can lodge their complaints through this portal. Also SMC chairman can use MDM mobile app for the betterment of implementation of the scheme.

Indian Institute of Education, Pune found through a study that - funds were not released regularly, schools had not received cooking cost regularly or not in advance, remuneration was not being paid to cook cum helper regularly, some schools did not have a kitchen shed, some schools had kitchen shed but were not in use, and in some schools, the students were not satisfied about quantity of food and quality of food provided through MDM.

Social Audits
There are no reports of any social audit having been conducted by the state on the website dedicated to MDMS, via the website of the state’s School Education and Sports department. ‘Annual Work Plan and Budget 2017-18’ recognized many challenges in implementation of MDMS in Maharashtra:

construction of 15,447 (20%) kitchen-cum-stores yet to be started, Mumbai has been performing poor continuously for 3 years, during 2015-16, 34% in Primary and 38% in Upper Primary children were not covered against enrolment, and only 21479 (25%) schools were using LPG rest schools using firewood. However, the same documents also reflected on certain good practices such as - construction of Modular Pre-Fabricated Kitchen-cum-stores (Fire-proof), centralized procurement and supply of pulses and condiments with AGMARK quality upto schools, e-transfer of honorarium to cooks in 15 districts, and provision of storage bins for pulses and condiments in all the schools. For the monitoring purposes, sealed cooked food samples kept in all schools on daily basis. Social Audit conducted in two districts Latur and Pune.

There are no reports of the State Government having conducted any social audit by engaging an external body for checking the working of these schemes and estimating the extent of implementation of the act. References to data from social audit reports are to those, which are conducted by other bodies, not having being instructed by the State Government. In general, there is a lack of information available in public domain and most of the important orders are inaccessible by general public.

**Vigilance Committees**

Maharashtra Government, with an aim to monitor the distribution of the essential commodities through the Public Distribution System (PDS) and to ensure the participation of the public in monitoring of PDS, has constituted vigilance committees at various levels viz. village, taluka, municipal council, municipal corporation and district level. The State level Advisory Committee has also been constituted under the chairmanship of Hon'ble Minister for Food, Civil supplies and Consumer Protection. The Sarpanch of the village is the President of the Village Level Vigilance Committee. Village Level Vigilance Committee consists of total 13 members including the official and non-official members. The Member of the Legislative Assembly representing the maximum area of the Taluka is the President of the Taluka Level Vigilance Committee. It consists of a total of 17 members including the official and non-official members. The Member of the Legislative Assembly representing the maximum wards of the Municipal Council area is the President of the Municipal Council Level Vigilance Committee. It consists of total 15 members including the official and non-official members. The Guardian Minister of the district is the President of the District Level Vigilance Committee. It consists of a total of 21 members including the official and non-official members. The Member of the Legislative Assembly representing the Rationing Area of the Municipal Corporation is the President of the Municipal Corporation Level Vigilance Committee. Out of the total non-official members in each of the above mentioned Vigilance Committees, 50 % non-official members are supposed to be women.

However, as per section 29(2) vigilance committees are required to regularly supervise the implementation of all these schemes in the Act and the committees as mentioned on the website of the department of food and civil supplies monitor only the functioning of TPDS. The Draft rules mentioned that these vigilance committees will be revamped and reconstituted as per section 29 of NFSA.

**Internal Grievance Redressal Mechanism**

Prior to NFSA, there were helplines/ toll free numbers for lodging any complaints pertaining to
TPDS (1967/1800224950) and MDMS (18002330800, 18002330700, 18002339988). There was no mention of such mechanisms as regards ICDS. According to the draft rules developed by the Maharashtra State Government, a robust and efficient internal system of grievance redressal will be set up for disposal of the complaints relating to the Act. The internal system for grievance redressal is to consist of a call centre based help line with toll free No 1967/1800224950 established for registering complaints and providing information to the public. A Web based grievance redressal portal is also supposed to be started for effective implementation of the Act in the State. There is also supposed to be an Internal Grievance Redressal Mechanism in the Office of the Tahasildar to be notified by the State Government for redressal of the grievances of the TPDS beneficiaries. The Tahasildar of the respective sub-division would act as the Nodal officer for the redressal of grievances of the card-holders. Any person or institution can lodge complaints with Inspector (Food)/Sub Division Controller (Food)/Assistant Director (Food)/ Tahasildar in respect of any deficiency/shortcoming/corruption or mismanagement regarding distribution of entitled foodgrains or meals, distribution of the ration commodities not specified in the Act and ration card related matter. On receipt of the complaint, it is supposed to be entered into the complaint Register in Form-B and printed acknowledgement slip bearing date and number in Form-C is supposed to be issued to the complainant or his authorized representative forthwith. Complaints received by post, e-mail, or by any mode are also to be entertained and acknowledged at the earliest possible. The State Government would also designate a Deputy Secretary/Joint Secretary as a Nodal officer, who would not be directly holding the charge of National Food Security Act or holding the charge of Consumer protection activities. No mention of grievance redressal is found on the websites of the Women and Child Department and the School Education and Sports Department of the Maharashtra state government.

These Nodal Officers are required to verify at the end of every month and at each Fair Price (FP) shop the status of supply of food grains to the entitled persons covered under each FP shop as per the entitlement under the Act, record in writing, the reasons for non-supply of entitled quantity of food grains to any entitled person, ensure payment of food security allowance to the entitled persons in every case where entitled quantity of food grains has not been supplied due to non-availability of food grains at the FP shop or for any unforeseen reason, by the end of the 3rd week of the month in which the non-supply occurred, ensure that a bank account is opened by such person within one month from the date of initial payment of the food security allowance and even register a complaint with the DGRO forthwith where food grains have not been supplied due to any wilful lapse of any FP shop dealer.

**District Grievance Redressal Officer (DGRO)**

The Additional Collector of the District (Including Mumbai and Mumbai sub-urban) and Deputy Controller in the office of Controller of Rationing for Mumbai-Thane rationing area have been designated as the District Grievance Redressal Officers (DGROs). The DGRO can receive a complaint either in writing or personally or through Helpline Call Centre Toll Free No. 1967 or 1800224950 and cause verification of the complaint received and address the concerned to rectify the instance. The DGRO can also hear complaints referred to him by the Nodal officer or directly lodged with him or lodged against any order of Nodal Officer or taken suo moto by him, for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of
entitled foodgrains or meals under Chapter II of the Act, and to enforce the entitlements under this Act. DGRO is required to take necessary action for their redressal within 60 (Sixty) working days from the date of receipt of the grievance. The draft rule empower the DGRO to require any person to produce before, and allow to be examined such books, accounts, documents or commodities in the custody or under the control of the person so required as may be specified or described in the requisition, if the examination of such books, accounts, documents or commodities are required for the purpose of the Act, to furnish such information as may be required for the purpose of this Act. The DGRO has been made the final authority in any dispute so far as matters relate to his territorial jurisdiction, the respective districts, are concerned.

The DGRO may refer the complaint to any related authorities of causing inquiry and report to him or may call for explanation any authority under his jurisdiction including the Nodal Officer or may issue summon to any such authority or the complainant to appear before him/her for a personal hearing. The DGRO will resort to summary procedure and will dispose of the complaint by giving all the concerned an opportunity of hearing. The DGRO shall, after causing enquiry and hearing both the parties in person or on records, pass a speaking order, against which an appeal may be preferred by the aggrieved party in State Commission within 30 (thirty) days from the date of receipt of the order. While disposing of such complaints, DGRO may take all necessary administrative assistance from the office of respective District Supply officer /Deputy Controller of Rationing in the District.

Draft Rules in Maharashtra also give all the powers of a Civil court to DGRO while trying a suit under the code of Civil Procedure, 1908 and in particular, in respect of the following matters; namely - summoning and enforcing the attendance of any person and examining him on oath; discovery and production of any document; evidence on affidavits; and requisitioning any public record or copy thereof from any court or office.

**State Food Commission**

Maharashtra established the State Food Commission in April 2017 after a directive by the Supreme Court of India. Two more members were added to the commission to comply with the requirements of NFSA. While there is no mention of the selection committee and the procedure of selection and nomination of the members is also not mentioned in the draft Rules, the Rules have also made way for having ex-officio members such as Additional Chief Secretary, the Principal Secretaries, Secretaries of the Women and Child Development Department, Additional Chief Secretary, the Principal Secretaries, Secretaries Agriculture and Additional Chief Secretary, the Principal Secretaries, Secretaries of the School Education Department. While there is no such provision in the Act to substantiate this provision in the draft, State Rules completely defy the purpose of having an independent body for the purpose of checking the implementation of NFSA, since these members would be the ones responsible and/or involved in the process of implementation.

The State Food Commission will resort to summary procedure and the appeal shall be decided, within a reasonable period, by giving all concerned an opportunity of hearing. The order of the State Commission shall be authenticated by the Member Secretary or any other officers of the commission duly authorised by the commission on its se.

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The Commission, in consultation with the State Government, can determine the number, nature and categories of other officers and the employees required to assist the Commission in discharge of its functions. The Commission is supposed to meet formally at least once in a month and the quorum for the meeting of the Commission shall be four members.

All decisions, directions and orders of the Commission are to be in writing and be supported by reasons. The decisions, directions and orders of the Commission have also been made available for inspection by any person, under the draft Rules. Copies of the same are to be made available in the website of the Commission and as in a manner as the Commission may specify. In addition to the powers provided in section 20 of the Act, the commission has been given the following powers under the rules, in addition to, for performing its functions. (i) Subject to the provisions of the Act and the rules thereunder, the Commission shall have the power to lay down its own procedure, (ii) to hear appeal over the decisions of the District Grievance Redressal Officers. The appeal shall lie within 30 days from the date on which the decision was made by or was actually received from the officer of DGRO. While making a decision on the appeal or the complaint, the State Food Commission has the power to require the DGRO or any officer responsible for providing any entitlement under the Act to comply with the Provisions of the Food Security Act, including: issuing of ration cards or eligibility cards upon satisfying the eligibility criteria, right to receive food grains at subsidized prices by persons belonging to eligible households under TPDS or AAY, nutritional support to pregnant women and lactating mothers, nutritional support to children of six months to 14 years of age, by providing appropriate meal free of charge through local Anganwadi and schools. In the case to children up to class VII or within the age group of six to fourteen years, one mid-day meal shall be provided, free of charge, every day, except on school holidays in all schools run by local bodies/govt./govt. aided schools; prevention and management of child malnutrition by providing meals, free of charge, to children who suffer from malnutrition, through local Anganwadi; implementation of various schemes for realization of entitlements under the Act, and payment of Food Security Allowance.

The State Food Commission, while enquiring into complaints, shall have powers to require any person to produce before, and allow to be examined such books, accounts, documents or any other material in custody or under control of the persons so required as may be specified in the requisition and to furnish such information as may be required.

The State Food Commission also has the power to summon DGRO or any other official involved in the implementation of the Act, against which a grievance/complaint is received or whose presence is felt necessary for disposal of any matter before the Commission, to necessitate the presence of the Department officials and implementation staff for any review meeting or training or any other related event, to direct any official to act in pursuance of objectives of the Act or to perform any functions necessitated to implement this provision of the Act, to decide on the appeals and complaints received and direct the appropriate authority to act accordingly, to award penalties as provided in the Rules for default or breach of provisions of the Act as decided by the Commission, to visit and inspect any stock and delivery point, fair price shop, School, Anganwadi, local authority, office of DGRO or any other office performing designated functions related to the implementation of the Act, and to commission any studies or enquiries in pursuit of better understanding of the implementation impacts of the Act and for necessary improvements in the implementation processes.
Any complainant may approach State Food Commission by him/herself directly, in matters relating
to distribution of entitled food grains or meals or other cash entitlements or Food Security Allowance
as per the Act, in case the complaint is not redressed by the orders passed by the District Grievance
Redressal Officer. The draft rules say that the State Government may entrust additional functions
such as framing of food policy and policy for PDS Consumers and general consumers at large etc.
to the food Commission as and when deemed necessary.

Panchayats and Urban Local Bodies may also be assigned with additional duties to ensure that the
existing arrangements of service delivery are conveniently carried out. As regards the payment of
Food Security Allowance, draft rules say that food security allowance shall not be payable to an
entitled person who does not visit the FP shop to claim his entitlement during the month, provided
that the Nodal Officer may exempt a person from visiting the FP shop and claiming his entitlement,
for reasons to be recorded in writing. The provision for food security allowance is further diluted by
the mentioning that ‘food security allowance shall not be payable to an entitled person who refuses
to claim his entitlement on the ground of quality of food grains or such other grounds’.

The draft rules also say that the Food Security Allowance paid by the State Government will be
recovered from the concerned responsible persons including officers of the State Government,
although for the first year of implementation of NFSA, state Government shall bear the cost of the
liability of public servants for Food Security

Surrender of entitlements under the Act is a unique feature of the Maharashtra draft rules. According
to rule 21, a beneficiary may surrender his right-entitlements either temporarily or permanently by
applying to the concerned local authority in writing. The draft rules say that the entitlement shall be
automatically reinstated at the end of the period of such temporary surrender. In case of permanent
surrender by a beneficiary, he may at a subsequent date in writing apply to the concerned local
authority for his entitlements to be reinstated and the same will happen immediately. It is also
mentioned that the State Government will issue detailed guidelines for exercise of right to surrender
under and feedback mechanism.

The draft rules also expressly mention that the State Government shall bear all expenses incurred in
implementation of these Rules and the Act from its exchequer that are beyond the expense by the
Central Government under cost sharing and assistance.
Karnataka

Ms. Zara Fathima Kaiser

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<td>1</td>
<td>Area</td>
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<td>2</td>
<td>Population</td>
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<td>3</td>
<td>Gross State Domestic Product (GSDP) FOR 2015-16 (At constant prices 2011-12 estimates)</td>
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<tr>
<td>4</td>
<td>Date of implementation of NFSA* 27</td>
</tr>
<tr>
<td>5</td>
<td>% of population to be covered under TPDS</td>
</tr>
<tr>
<td>6</td>
<td>Total population to be covered under TPDS** 28</td>
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<td>7</td>
<td>HDI (2015)</td>
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<td>8</td>
<td>Sex ratio</td>
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<td>9</td>
<td>Infant Mortality Rate (IMR) in % (2015-16)</td>
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<tr>
<td>10</td>
<td>Under Five mortality (U5MR) in % (2015-16)</td>
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<td>11</td>
<td>Maternal Mortality Rate (MMR) (per 1,00,000 live births) (2011-13)</td>
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<tr>
<td>12</td>
<td>% of Children aged 6-23 months receiving adequate diet (2015-16)</td>
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<tr>
<td>13</td>
<td>% of Children below five who are stunted (2015-16)</td>
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<tr>
<td>14</td>
<td>% of Children below five who are wasted (2015-16)</td>
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<tr>
<td>15</td>
<td>% of Children below five who are severely wasted (2015-16)</td>
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<tr>
<td>16</td>
<td>% of Children below five who are underweight (2015-16)</td>
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<tr>
<td>17</td>
<td>% of women whose BMI is below normal (2015-16)</td>
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<td>18</td>
<td>% of men whose BMI is below normal (2015-16)</td>
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<tr>
<td>19</td>
<td>% of Children aged 6-59 months who are anaemic (2015-16)</td>
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<tr>
<td>20</td>
<td>% of Women aged 15-49 who are anaemic (2015-16)</td>
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<tr>
<td>21</td>
<td>% of Men aged 15-49 who are anaemic (2015-16)</td>
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* Data compiled by Ms Jyotsna Sripada
The National Food Security Act, 2013 was implemented in Karnataka in January 2014. The state has come out with various notifications and rules in furtherance of its NFSA mandate such as identifying beneficiaries, designating/appointing a State Food Commission, rules on vigilance committees etc. Still the state is yet to formulate its State food security Rules, but it has already initiated its drafting process. Most parts of the Rules are still available in the form of government orders, while some have got notified as Rules.

Before the implementation of NFSA the state of Karnataka divided its PDS beneficiaries into three categories: Above poverty Line (APL), Below Poverty Line (BPL) and Antyodaya Anna Yojana (AAY) beneficiaries. After the NFSA coming into force, it divided the beneficiaries into: AAY, Non-Priority household (NPHH) and Priority households (PHH). Under Section 10, the State government is obligated to prepare guidelines for identification of PHH. In lieu of the above requirement the State government did not come out with a fresh identification process rather it forwarded all persons under AAY and transferred all persons who came under the previous BPL criteria to PHH under the NFSA.

The BPL criterion in 2006 in Karnataka was continued till 2016 (when a new criteria was notified). The BPL was based on 14-point exclusion criteria, which were as follows:

- All families with any member liable to pay Income tax
- All families of government employees at any level
- Persons holding permanent post in government owned business/board/Nigam
- Employees of deemed organizations/boards
- Permanent employees of government associations
- Professionals such as Doctors, hospital employees lawyers, auditors
- All traders/merchants/vendors/ shopkeepers except hawkers, street vendors, vegetable vendors and godown workers
- Land holdings of more than 3 hectares (7 ½ acre) of Dryland or equivalent irrigated landholders
- All families with auto owners except those with only driving as sole source of income; owners of 100 cc motor moppets or two, three or four wheelers.
- All granted or non-granted school employees except Non-Grant Kannada school employees
- Registered Contractors, APMC traders/commission agent, seed/dung/fertilizer dealers
- Home/Shop/ Building owners earning income from rent
- Persons paying electricity bill Rs 450 of more
- Employees at MNCs or industries.

In 2016 Karnataka government came out with a new identification criteria notification according to which, the previous categories of AAY and BPL would now be together called as priority households. With entitlements for AAY households being higher than that of other PHH. Under this new notification the criteria for identification of priority households is a four-point exclusion criterion which is as follows:

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28. ** Source: http://dfpd.nic.in/writereaddata/images/EstdStatewiseNFSA.pdf
All salaried permanent government/government-granted organization employees or government-owned organizations, boards, nigams, autonomous bodies etc. including all families those paying Income tax, service tax, VAT, professional tax.

Excluding all rural families and urban families with land holdings of over 3 hectares of dryland or equivalent irrigated landholders in rural areas. All families holding 1000 sqft residential pukka houses in urban areas.

Excluding persons owning and using commercial vehicles such as tractor, maxi cabs, taxi etc. for self-employment; all four-wheeler owners

Every family utilizing more than 150 units of electricity per month.

All families excluding those coming under these four points mentioned above are identified as PHH beneficiaries under NFSA. While the new criteria is short and succinct, it merely make the previous BPL-14 point exclusion criteria. Essentially all persons who were excluded in the previous criteria have been excluded in the present one too. Further, there has been no indication of fresh ration cards being issued rather only amendment or renewal of old ration cards is seen, this is the case even on the online service of the department. Moreover the crisp identification notification does not elaborate regarding the identification process. There are also no provisions regarding dissemination of the criteria and calling for public objections. It is also unknown if the draft list was circulated and the objections fairly dispensed with before the finalization of the list of beneficiaries.

**Targeted Public Distribution System (TPDS)**

The TPDS coverage in Karnataka is 76.04% in urban areas and 49.36% in rural which is wider than the mandate given to it under the NFSA. Presently there are three kinds of Ration Cards distributed by the government of Karnataka, they are: Antyodaya Anna Yojana cards, Non Priority Household cards and Priority Household cards. These are replacing the old BPL and APL cards. The efforts for reorganizing the card system and seeding out fake or irregular cards are underway and the government suspended incorrect cards up to 837,042 after 2012 that has also meant exclusion of many people who need state support in the form of food grains. Additionally, the Department of Food Civil Supplies and Consumer Affairs has undertaken reforms of ‘door-step delivery’ of ration cards, where the beneficiaries can apply for the same online through SAKALA scheme (online services) and the ration card will be delivered to them in 15 days through speed post.

Upto 2016, a total of 1, 31, 79,911 Ration cards distributed, of which total PHH cards were 96, 01,473 and 7, 83,209 were AAY cards. Thus the total beneficiaries under NFSA i.e. AAY and PHH as of 2016 are 1, 03,84,682. The remaining are NPHH cards. This high number of beneficiaries denotes that a large chunk of the Karnataka population, almost a 6th, is dependent on NFSA.

When we compare these numbers to the number of beneficiaries pre-NFSA i.e. till November 2013, when there were 11, 00,340 AAY cards and 84, 86,938 BPL card holders, the total number of TPDS beneficiaries pre-NFSA being 95, 87,278. We can see that there is an increase of almost 9 lakh beneficiaries from 2013 to 2016. Additionally there is a marked increase in the number of priority households while the number of AAY cards has reduced. This could be chalked up to filtering of cards and inclusion of additional families in the PHH category. It was noted by the CAG report that Karnataka has included up to 403.25 lakhs beneficiaries as against the required target of only 359.81
lakh persons. It was brought to light that Karnataka had included an additional 43.44 lakh persons into the PHH category thereby widening the application of NFSA at a huge state cost.

**Entitlements**

The State of Karnataka launched Anna bhagya scheme in July 2013, until then the following entitlement were given to the beneficiaries:

The Anna bhagya Scheme (ABS) aimed at ensuring food security to BPL families across the State since July 2013. Under the Scheme, a single person family is eligible for 10 kg rice, two person’s family for 20 kg rice and a family with three and more number of persons for 30 kg rice per month. Similarly 30 kgs rice per BPL family was given at Re 1. This scheme continues under the NFSA to date but its entitlements have been revised as of 2016. Additionally while the NFSA talks of providing only foodgrains to beneficiaries the government of Karnataka has been providing fortified salt, sugar, palm oil at subsidized rates for the beneficiaries. The state government further recognized that certain ration card holders were given kerosene cards to enable them to purchase the commodity at subsidized prices. Once NFSA was implemented each BPL family was considered to be part of priority household are entitled to the Anna Bhagya scheme.

The ABS continues to date with a few modifications, under the Revised Anna Bhagya Scheme as announced by the Chief Minister in his independence address of 2016. As per the revised scheme each family under the BPL would be getting 4 kgs Rice and 1 Kg Ragi or Wheat per person per month free of cost. The revised scheme is now in line with the entitlements of 5kgs per person for a PHH mentioned in S. 3 of the NFSA. In the budget session of 2017-18, the Chief Minister of Karnataka further increased per head entitlements of a BPL ration cardholder from 5kgs/per person to 7 kgs/per person. This increased entitlement is to be implemented from June 2017. Under the revised ABS each household gets 30 kgs of grains as opposed to 10 kgs per person (which could mean that if there are 4 persons in the family, they would be entitled to 40 kgs grain). This is in line with NFSA, the only difference being that the ABS is free of cost whereas NFSA entitlements require minimal payment. Thus, the entitlements available to the beneficiaries prior to NFSA (especially in the case of
ABS) were wider, when they were entitled for more quantity of free food grains, as opposed to now when the free food grains are limited. The state has used lower standards set down by the NFSA as an opportunity to dilute the benefits given to beneficiaries.

Mid-Day Meal Scheme (MDMS)

In Karnataka, the state government has extended MDMS scheme to students of Class IX and X as well. The expenditure for this extension is borne by the state government. Every primary school child is given 490 calories of nutrition and 8 to 9 grams of protein and a high school child is given 790 calories of nutrition and 12-16 grams of protein, as per the prescribed set-menu. Special attention has been paid to ensure that food is provided as per the geographical preferences of the student for example Ragi is provided in Kolar. It has also been reported that ultra-rice or fortified rice has been used for the preparation of mid-day meals towards better nourishment of students in four districts as a part of the new reforms under the 2017-18 budget.

Further the state had implemented Ksheera Bhagya Scheme (KBS) on 1st August 2013; under this scheme children up to Class X are given a glass of milk 3 days a week. It was later extended to children in anganwadi too. The scheme has continued since up to 2016-17 with an allotted budget of Rs 39217.08 Lakhs. The Karnataka budget 2017-18 has extended KBS to five days a week from the initial 3 days for both school and anganwadi children. This is a welcome move but disappointingly as a part of a scheme propagated by the state government this scheme like all others is always at the mercy of the state government. The state government can amend, revise or withdraw this scheme as it is not guaranteed under the NFSA and nor has it figured in the state rules in any form. The state government’s ‘Brief Note- Mid-day meals’ shows that the Government has undertaken several measures to ensure that kitchens have proper infrastructure and maintain appropriate hygiene. The expenditure shows that central and state grants have been used to construct thousands of kitchen sheds in the state.

Additionally, the State Government had sanctioned the grant of Rs 5000 per kitchen centre to purchase the stove, vessels and utensils to primary school and high school centres. The state government has, in line with the guidelines, ensured that cooks to students ration is maintained in order to prevent overburdening of cooks. Presently there are 1, 18,886 cooks working in kitchen sheds and where food is received from NGOs helpers are to be appointed. They are given honorarium accordingly. Similarly it states that 97% of schools have been preparing mid-day meals using LPG cylinders and 99.8% schools have installed fire extinguishers.

The Central government sponsors the mid-day meal programme for student from Class I to VIIIth and the state government has extended the scheme to Class IX and X on its own expense. As per the ‘Annual Work Plan & budget for 2016-2017’ indicates that the total expenditure by the central government and state government is Rs. 164182 Lakhs. The expenses of students from class I to VIII is shared on the basis of (Recurring and non-recurring expenses including normal and drought expenses) Central share: State share:: 60:40. Of which the Central expenditure is 51828.60 lakhs and State expenditure: 27832.96 lakhs.

As per the previous budget report the additional schemes such as Ksheera Bhagya providing eggs etc., and extension of mid-day meals for students from 9&10 class falls solely on the State government, the expenditure is to the tune of Rs. 112,353.40 lakhs (2015-2016) (2016 figures not available).
Integrated Child Development Services- Supplementary Nutrition programme (ICDS- SNP)

There are in total 61,187 anganwadis and 3331 mini anganwadis through which ICDS is implemented. The average density of children per anganwadi in Karnataka is 60. The total expenditure under this scheme for 2016-2017 was Rs 139110 lakhs, with the state to centre share being 50:50.

In 2014-15 there were 57.66 lakh beneficiaries under this scheme. Further in March 2017 the government has proposed to implement ‘Matru poorna’ scheme to provide hot-cooked meals for pregnant and lactating mothers in all districts of the state. The proposed expenditure of the scheme is Rs 302 Crores. In addition to the mandated entitlements under the NFSA the state government is at its own expense is taking up the following:

The Ksheera Bhagya Scheme has also been extended to children in anganwadis, upto 39 lakhs children in anganwadis benefits from this scheme. In 2017, it was extended to free one glass milk five times a week to three times for all anganwadi children.

Additionally Rs 47 crores has been allotted to ensure all children at Anganwadis are entitled to eggs two times a week to ensure protein intake.

Bala sanjeevani scheme to cover medical expenses of severely malnourished children

Additional honorarium to anganwadi workers and helpers

Multi-vitamins and deworming tablets are provided to children as a part of the scheme

Anganwadi workers and helpers death relief fund

Construction of anganwadi buildings under the special development program for Hyderabad-Karnataka regions and backward regions.

Anganwadi workers and helpers pension scheme.

A Multi- Sectoral Nutrition programme to address the maternal and child malnutrition in four selected High burden districts in 2016 but fund for the same were not released.

The Karnataka Government has to a large extent supplemented the NFSA on its own for better entitlements and service to the beneficiaries.

Internal Grievance Redressal

As mandated by S. 14 of the NFSA, the State government has set up a multi-level internal grievance redressal mechanism, which consists of the following:

Telephonic grievance redressal system: The Department of Food, Civil supplies and consumer affairs has setup toll free numbers and call centers for addressing public grievances relating to TPDS. The numbers 1967 and 1800-425-9339 have been widely publicized and deal with all issues relating to food security with respect to TPDS. Similarly under the MDMS there is a toll-free number where complaints can be launched. It is 180042520007. While complaints are lodged on this number there have been reports that no follow-up action has been taken to redress them or improve the services. Out of the 107 complaints made between 2013-2015 actions was taken against only 32 cases. There is no specific toll-free numbers for the ICDS.
The only resort would be to contact the offices of authorities of Department of child and women development to resolve one's issues.

Online grievance redressal systems: Karnataka has set up an online GRM under the Department of Food, Civil supplies and Consumer Affairs. It enables one to lodge and track the complaints already lodged through the website. All one requires is the Aadhaar Card number or the Ration card number. The website is functional yet there are issues with ease of use. Complaints are to be lodged under ‘information entry’ and the links are sometimes hard to navigate. The officials have informed that the website is set to undergo a revamping. It is hoped that these concerns are addressed and a simplistic GR mechanism is a setup. Sadly, there is no online grievance redressal system for MDMS or ICDS, while in 2016 SMS mechanism has been instituted for GRM for MDMS.

Nodal Officers: The Karnataka government has appointed Assistant Director of each district under the Department of Food, Civil Supplies and Consumer Affairs as a nodal officer under S.14 of the NFSA. The order does not outline the working and the functions of the nodal officers, but under the NFSA nodal officers act as a link between the public and the DGRO. The executive officer of Taluk Panchayat assisted by a Grade II officer heads the MDMS at taluk level. Similarly Tahsildars with food inspectors and food shirestedasr oversee the TPDS. Lastly at taluk level ICDS is implemented by Child development Project officers (CDPO). These paralleling running redressal lines may cause confusion amongst the public.

The above redressal mechanisms serve a limited mandate of addressing only grievances arising out of TPDS, MDMS or ICDS. The only GRM for complaints under the ICDS is to contact the authorities personally or through written complaints. While S. 14 makes no specific reference only to TPDS, most states have interpreted it as setting up grievance redressal mechanisms in TPDS alone. This is contrary to the interests of food security to leave beneficiaries of other schemes without remedies. It is urged that the state of Karnataka develop a comprehensive internal grievance redressal mechanism that can assist in food security throughout the spectrum of guarantees under Section 3 of the Act and not just one scheme.

District Grievance Redressal Officer (DGRO)

The state of Karnataka has appointed DGROs under the NFSA in 2013, even before the implementation of NFSA within the state. The order did not elaborate on the functioning of the DGRO rather merely designated District Commissioners as DGRO within respective districts. The actual working of the District Commissioner as the DGRO is unclear. The DGRO under the NFSA is seen as a point of convergence for all these schemes, one common point of grievance redressal, but this intention is not seen in the notification constituting DGRO. The NFSA follows the thought that all schemes must be implemented holistically, separate implementation mechanisms with no conjunction are against the spirit of the Act.

Some concerns regarding the functioning of DGRO have been addressed in the recent government order of 2016 whereby the state government as mentioned under section 15(5), prescribed the manner and time within which grievances should be redressed. It allows any person or his representative to submit a complaint before the DGRO in written or electronic form. It further states that the proceedings shall be summary in nature and are to be disposed within 30 days of
receipt of complaints, an appeal on the order of the DGRO lies with the SFC. What remains to be seen is whether the DGRO can act as a point of convergence to holistically redress the grievances pertaining to TPDS entitlements under the NFSA but also pertaining to MDMS, ICDS and MBS.

**State Food Commission (SFC)**

Initially, the State Government had constituted a committee of the officials to function as the state food commission and entrusted the State Redressal Commission to constitute the SFC and function as one until new commission is established. An order was finally issued in 2016 for the constitution of an independent SFC. As per the order, the number of members, their qualification, and term, method of removal; powers and functions of the State Food commission are to be as per Section 16 of the NFSA. The appointment of members would be based on recommendations by a Selection Committee consisting of the Chief Minister, Members of the Legislative assembly and Legislative Council; and Minister of Food, Civil Supplies and Consumer Affairs. The secretary of the SFC would be from the KAS or IAS officers on deputation or of the state cadre. Apart from that the higher officials the commission would be maintained by support staff and members of suitable cadre and qualification. This would be based on Cadre & Recruitment Rules that are to be formulated. Till such formulation the SFC is to be assisted by the Office of Commissioner of Food, Civil Supplies & Consumer Affairs. But the order formulating the SFC is pithy and does not lay down details regarding the procedure for appointment of members, the procedure for conduct of business of the SFC, the required qualifications of members of the SFC etc.

Additionally, the SFC envisaged under the NFSA is an umbrella redressal body working with all the welfare schemes under Chapter II and not just TPDS. Under the present rules only functionaries of TPDS are involved whereas those of MDMS, ICDS and MBS are ignored.

The order also informs of the salaries and allowances of the Chairman would be on par with that of Secretary of the Government of Karnataka and members would be on par with that of the Joint Secretary of the Government of Karnataka. But the salaries of support staff and officers would be decided accordingly during the formulation of the Cadre and recruitment Rules. Moreover till the Finance department can allocate separate source for the functioning of the SFC, the charges of the establishment are to be met out of the budget of the Commissioner of Food Civil Supplies and Consumer Affairs.

The SFC under the notification is not a financially independent body rather the finances of the commission subjected to the budget of the Department of FCS & CA. The objective of an independent SFC comes under attack due to its financial dependency on the Department of FCS & CA. Financial independence is one of the core foundations of a truly independent and unbiased grievance redressal agency. While the SFC can depend on assistance for resources technical or otherwise till it has been finalized (as a strictly interim measure). The words of the State government order indicate that even at the final stage a separate proposal is expected only out of the budget of the Dept. of FCS & CA. For SFC to be truly independent it needs to have independent financial powers. How can it do so when it is under the wing of one of the scheme implementation functionaries? It would be contrary to the principles of justice to subjugate a grievance-redressal mechanism to the very authorities it is to redress against. It was only after the directions of the Supreme Court of India that the State Food Commission was finally established in Karnataka in July 2017.
Vigilance committee (VC)

TPDS: Government of Karnataka has come out with “Karnataka Vigilance Committee (Targeted Public Distribution System) Rules, 2016”. These rules establish vigilance committees at a various level whose functions are to supervise the implementation of all schemes under the NFSA and inform DGRO in writing for any malpractices, misappropriations or violations under the Act. It is one of the few states that have come up with clear rules on vigilance committees. The Karnataka Vigilance committee Rules (KVCR) deal with all aspects of accountability and are detailed. It is an attempt to iron out all ambiguities in the previous rules and the government has been fairly successful.

The KVC Rules established vigilance committees under the authority of the State government at four levels: State, District, Taluk and Fair Price Shop level. The members of District and Taluk-level VCs are appointed on the recommendations of the Deputy Commissioner of the particular district. The VCs at State, District and Taluk level shall have a term of two years, whereas 1/3rd members of the FPS VCs shall be replaced every six months. The district, Taluk and State level VCs shall meet once in three months whereas FPS level VCs are conducted on the 7th working day of every month along with the day of Aahaar Adaalat. In order to ensure that each vigilance committee fulfills its obligations, the Rules make state government answerable to Central Government. The state government is to send an Annual Report to the central government, as prescribed by the TPDS (Control) Order.

Further the KVC Rules laid down the detailed composition of the VCs at all levels:

State Level Vigilance Committee: It consists of 28 members of which one is the Chairman. The composition is as follows:

<table>
<thead>
<tr>
<th>Requirements/ Qualifications as per the Karnataka Vigilance Committee Rules</th>
<th>Number of members</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister of Food, Civil Supplies Consumer Affairs and Legal metrology</td>
<td>1</td>
<td>Chairman</td>
</tr>
<tr>
<td>Additional Chief Secretary or principal secretary or Secretary of government, Food Civil Supplies Consumer Affairs and Legal metrology</td>
<td>1</td>
<td>The Member-Secretary</td>
</tr>
<tr>
<td>Member of Parliament</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Member of Legislative Assembly</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Member of Legislative Council (representing the most backward regions of the State)</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Chief Secretary or Principal Secretary or Secretary to government, Rural development and Panchayati Raj</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Chief Secretary or Principal Secretary or Secretary to government, Cooperation Department</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Chairman of SFC</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Managing Director of Karnataka Food and Civil Supplies Corporation</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>DGROs (each from one revenue division)</td>
<td>4</td>
<td>Member</td>
</tr>
<tr>
<td>NGO representative running a District Consumer Information Centre</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>FPS VC members (one from each revenue division)</td>
<td>4</td>
<td>Member</td>
</tr>
<tr>
<td>District level VC members (each revenue division)</td>
<td>4</td>
<td>Member</td>
</tr>
<tr>
<td>one nominee from APMCS</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Non-government members</td>
<td>5 (Two women, One OBC, One SC/ST)</td>
<td>Member</td>
</tr>
</tbody>
</table>
• **District Level Vigilance Committee:**

<table>
<thead>
<tr>
<th>Requirements / Qualifications as per Karnataka Vigilance Committee Rules</th>
<th>No of Members</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>District In-charge Minister</td>
<td>1</td>
<td>Chairman</td>
</tr>
<tr>
<td>President Zilla Panchayat</td>
<td>1</td>
<td>Vice-Chairman</td>
</tr>
<tr>
<td>Mayor or President of District Headquarter, City Corporation or City Municipal Council</td>
<td>1</td>
<td>Vice-Chairman</td>
</tr>
<tr>
<td>Deputy Director / Joint Director of Food Civil Supplies and Consumer Affairs department</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Member of Legislative Assembly</td>
<td>2</td>
<td>Member</td>
</tr>
<tr>
<td>Deputy Commissioner</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Chief Executive Officer Zilla Panchayat</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Women representatives of Taluk level vigilance Committee</td>
<td>3 (One SC/ST)</td>
<td>Member</td>
</tr>
<tr>
<td>Fair Price Shop Level Vigilance Committee</td>
<td>3</td>
<td>Member</td>
</tr>
<tr>
<td>Social Workers active in the field of food security</td>
<td>5 (At least 2 women, One SC/ST and one OBC)</td>
<td>Member</td>
</tr>
</tbody>
</table>

• **Taluk Level Vigilance Committee:**

<table>
<thead>
<tr>
<th>Qualifications / Requirements</th>
<th>No of Members</th>
<th>Designations</th>
</tr>
</thead>
<tbody>
<tr>
<td>President, Taluk Panchayat</td>
<td>1</td>
<td>Chairman</td>
</tr>
<tr>
<td>President Town Municipal Council (TMC) or City Municipal Corporation of the Taluk</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Woman Member from town Municipal Corporation (TMC) or City Municipal Corporation (CMC)</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Fair price Shop Level Vigilance Committee member from all hobli/towns in the Taluk</td>
<td>6 (3 must be SC, ST and OBC)</td>
<td>Members</td>
</tr>
<tr>
<td>Social Workers Active in the field of food security</td>
<td>5 (2 women, one SC, one ST and one OBC)</td>
<td>Members</td>
</tr>
<tr>
<td>Executive Officer of Taluk Panchayat</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Tahsildar of the Taluk</td>
<td>1</td>
<td>Member-Secretary</td>
</tr>
</tbody>
</table>

• **Fair Price Shop Level Vigilance Committee:**

<table>
<thead>
<tr>
<th>Qualifications / Requirements</th>
<th>No of Members</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural - Gram Panchayat Secretary or Panchayat Development officer as nominated by Panchayat</td>
<td>1</td>
<td>Member-Secretary</td>
</tr>
<tr>
<td>Urban - As designated by Urban Local Body above level of bill collector</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Randomly selected members through computer database from Ration cardholders (Only those RC where women are head of household, households where there is no woman above 18 years do not qualify)</td>
<td>3</td>
<td>Members</td>
</tr>
</tbody>
</table>

The Vigilance committee rules laid out by the Karnataka government are elaborate and precise. The rules are detailed, precise and cover most aspect envisaged under the NFSA. The composition of vigilance committees at various levels shows that the government has made serious efforts to involve all stakeholders in the vigilance process. Diverse representation from civil society, beneficiaries, local authorities and parliamentarians in the committees would invariably boost food security in all its sectors. It is only hoped that the Vigilance committees function as envisaged by the letter of the law and do not fall victim to the systemic fatalities that plague most government endeavors in our country.
**MDMS:** While no specific bodies are set up as vigilance committees for monitoring the Mid-day meals Scheme. The role of monitoring and evaluating falls on the Steering cum Monitoring Committees and Mothers’ committee. SMCs have the basic mandate of overseeing all activities of the schools, especially with regard to the mid-day meals, ensuring timely delivery and dissemination of quality food. Mothers’ committees also assist in monitoring the MDMS, it mainly consists of parents. Through this committee the parents monitor the quality of the meals. It acts a body encouraging parents’ participation in disseminating the meals. Any grievances are voiced through this committee and can be accordingly resolved.

The steering cum monitoring committee is established at National, State, District and Taluk levels. The members of SMCs at state level consist of functionaries like Secretaries of finance department, planning commission, Health and family welfare, Food civil supplies and consumer affairs, Women and child development; and Rural and urban development; experts in nutrition and local representatives including women. At District level they consist of Nodal officers of the MDMS, medical officers, Food civil supplies department, District level officers of Food Corporation of India, Chief executive officer of the Zilla Panchayat, experts in nutrition, local authorities and persons with significant experience in nutrition/child welfare etc. At Taluk level the SMC consists of Nodal officers of the MDMS, PHC in charge, block level officer of food and civil supplies, block level FCI officer, local authorities, expert in nutrition and persons with experience in nutrition/child welfare etc. including women.

**Social Audits**

**TPDS:** Under Section 28 of the NFSA, every local authority or any other authority or body shall conduct periodic social audits on the functioning of FPS, TPDS and other welfare schemes as authorized by the State government, and an independent agency if authorized by the central government.

Under the previous social auditing system under The Essential Commodities (Targeted Public Distribution System) Control Order, 2014 under Provision 17(C) an elaborate procedure for conducting social audit of FPS and the TPDS merely to ascertain inclusion and exclusion of households and their eligibility was laid down. It was done under the supervision Director of Social Audit or Commissioner of Food and Civil Supplies. The Director assisted by deputy commissioner was to ensure social audit was conducted at least once a year. District Social Audit Coordinator and the Taluk Social Audit Coordinator, appointed by government order, were to supervise the audit in his district and Taluk respectively.

The Taluk Social Audit Coordinator submits the report collected by him before an open sabha which consists of: FPS level vigilance committee members, representative of local authority, nodal officer of Aahara Adalat, FPS level officer, ration card holders of the fair price shops, concerned designated authority and executive of the local authority. The taluk office after taking appropriate action would forward the report to Deputy Commissioner who would then send it to the Director of Social Audit and place before the State Level Vigilance Committee. The State Food Commission may also take the report into consideration to examine the implementation of NFSA. This was a long and tedious process as it involved too many functionaries and its actual implementation was rarely seen.
In 2016, the government did away with the previous system and replaced it with an alternative social auditing mechanism. The order nominates Directorate of Social Audit established under the MGNREGA scheme for implementation of Social Audit Rules under NFSA in Karnataka. It calls for capacity building of vigilance committee members, monitoring their work and conducting a social audit.

Under the new system the FPS level vigilance committee members would be used to conduct social audit on the functioning of the FPS and PDS within the area of the shop. Specifically into issues of food grains as per entitlements, opening of FPS at working hours, Issue of bills, overcharging, short payment, existence of bogus cards, display of information etc. Based on these findings the Directorate shall prepare a gist of the findings along with suitable policy level recommendations and actionable points of implementation for deliberation at the levels of gram sabhas, taluk, district and state. The gist of the findings are to be submitted to concerned gram sabhas or ward sabhas, vigilance committees at taluk, district and State-level; and to the DGRO, SFC and the Commissioner of Food and civil supplies & consumer affairs department. In March 2017, the state government in its budget announced that it would strengthen the fair-price shop level awareness committees to undertake social auditing.

The procedure mentioned above details and encourages consonance between the Vigilance Committees and Social Audits. It envisages active involvement of both committees and seamless grievance redressal from fair price shop level to the state level. If implemented successfully it could alleviate problems within the TPDS from the grassroots level.

**MDMS:** Social Audit for MDMS is usually undertaken by the Rural Development and Panchayati Raj department. Each year the auditing is done in two or three districts and a report is submitted annually. The same is presented in the meeting discussing the annual work plan. Social auditing has been completed in Bellari and Vijapura district by Rural Development and Panchayati Raj Department in 2015-16. Bangalore urban and Belgaum are shortlisted as districts for auditing in the coming year.

**ICDS:** For ICDS no specific social auditing bodies were found. But as a means to encourage interaction between the community and the ICDS functionaries, the Bal Vikas Samitis were formed. These Samithis were established in 2006 as a means to encourage community participation. In rural areas, the members of these Samithis are local residents, Panchayat members, senior citizens, headmasters and anganwadi workers. In urban areas the members are usually representatives from their respective wards, ASHA workers, anganwadi workers, senior citizens, mothers and other locals. The objective of the bal vikas Samithis is to monitor the efficiency of anganwadi centres, management, impact and quality of complementary food programme, inspection of quality and quantity in respect of supply of food materials. The Samithis have a mandate of conducting meetings at least 3 times a year.

**Other Monitoring and Transparency measures**

Food adalats or Aahaar Adalats are conducted by officers under the aegis of the Deputy Commissioner of each district as a measure to monitor the functioning of the PDS, to understand the problems faced by public and address the lacunae in the system. Details of Aahara Adalats are laid out in a Government Circular dated 2014; it lays down the mandate of these to Adalats look into:

- Complaints regarding ration card and shop
- Verify regarding quality, rate and scale of issue of PDS commodities issued to cardholders as
per their entitlements. This is to be done by filling the sample questionnaire, which consists of details of the beneficiaries, type of card, entitlements and the price of these entitlements. At least 50 cardholders were to be verified by physically checking their address and at least 10 cardholders were to be contacted through their mobiles.

Correctness of weighing scale/measuring equipment for Kerosene

Functioning of the FPS as per schedule: Ensuring that shops function from 8 AM to 8 PM from 1st to 10th of the month (except lunch break) and from 11th to end of the month from 8 AM-12 PM and 4-8 PM

Functioning of the vigilance committee

Diversion of PDS commodities to black market by the shop owner or possession of bogus ration card with the shop owner or some other person. This is to be done by randomly verifying 50 ration card holders addresses and details physically.

Aahaar Adalats are held on the 7th working day of every month where publicity is given to ensure public participation. The assistance of Gram Panchayat level nodal officers in rural areas can be taken. Additional one member from Town Panchayat, two from Town Municipal councils, three from city municipal councils and four from corporations in Urban Local Bodies can be appointed as nodal officers. The reports from these officers are to be submitted to the District Commissioner who would in turn forward it to the Commissioner, later to other officials with necessary suggestions.

The circular at the end impresses upon the Deputy Commissioners of all districts that, the implementation the NFS-entitlements promised under PDS are legal rights and consequently ensuring their operation through Aahara Adalats a legal duty. It is admirable that the department is taking positive steps to implement the NFSA not only on paper but also impressing upon its officers the duties it entails. The circular is detailed and succinct, but unfortunately in need of updating, as it was circulated in 2014 and the TPDS regime has undergone vast changes since the implementation of the NFSA. New dimensions such as the interaction between Aahar Adalats with the grievance redressal mechanisms such as DGRO and SFC; and conjunction with social audit mechanisms envisaged under the NFSA need to be looked into. Relooking Aahara Adalats in the light of NFSA would reduce overlaps and increase the efficiency of all bodies involved.

Digitization and Aadhaar-seeding of Ration cards - One of the major problems Karnataka has been plagued by is bogus and fake ration cards. There were reports that approximately 80,000 cards were found to be fake. The state has been tackling it through digitization of ration cards and Aadhaar seeding of ration cards. Karnataka is one of the few states to have made a complete move from physical ration cards to digitized ration cards based on biometrics. They are a positive step to prevent leakages and ensure entitlements of the cardholder. As per the central government reports Karnataka has achieved 100% digitization of ration cards and 97% of Aadhaar seeding has been completed. In February 2017, the state government announced that families who had not submitted their Aadhaar cards would not be able to receive ration under PDS from April 1, it is further reported that at least 50 lakhs people are yet to link their Aadhaar cards. The state government has set June 30, as the deadline to complete Aadhaar seeding. This is a huge blow to the poor population with no access to internet.

SMS facility for mid-day meal - In an attempt to ensure quality and effectively monitoring of the distribution of mid-day meals the National Informatics centre (NIC) developed an automated SMS
tracking system. Under this system the phone number of the principals, headmaster and mid-day meal scheme in-charge of every single government school in the state will be added to the scheme database and they will be required to send an SMS when the meals are delivered to them. This is to ensure timely delivery of the meals. Further the teachers of each class are to maintain records of the number of students receiving mid-day meals each day. The information is to be forwarded to the state database through registered phone numbers of the principal every day before 4.00 PM.

Food coupons- one time password SMS and bio and kerosene coupons - The Department of Food, civil supplies and consumer affairs launched Food Coupons to ease access to entitlements for beneficiaries. The coupons can be produced at the local FPS and the beneficiaries can collect their entitlements. Initially food coupons were used only for food grains, since June 2016 they have been extended for the distribution of Kerosene as well. To ensure that there are no fraudulent coupons flooding the market, the authorities have placed checks in the form of one-time passwords and biometrics. These coupons can also be downloaded by sending an SMS from the registered number of the beneficiaries. Additionally an IVRS system has been launched in the state where persons can download the e-coupons to their cellphones. In the month of August 13, 50,153 food coupons were downloaded from the website. In March 2017, many complaints regarding non-availability of coupons were filed, the Ministry later elaborated that food coupons were optional and in cases of non-availability of these coupons ration could be obtained by submitting biometric details to the ration shop.

Online Ration card application process - The Department of Food Civil Supplies and Consumer Affairs has now come up with an elaborate scheme of e-services. These services include, amendment of RCs, online complaint mechanism etc. Of the total PHH cards 9601473 online applications received since 2015, 48, 7027 online applications are processed.

**Obligation of Local Authorities**

**TPDS:** The NFSA envisages active involvement of the local authorities in the implementation and monitoring of the Act. Local authorities have been given a major role in pursuance of this as a part of Aahar Adalats and Food security committees in the state. While Aahar Adalats have been functioning intermittently in various part of Karnataka, food security committees, which were a part of the mandate under the TPDS control order 2014, are not formulated yet. A major step to increase the involvement of local authorities in the implementation of food security is through Vigilance Committees Rules, 2016. These rules envisage local authorities as a part of committees in all four levels i.e. from village level to state level. They also receive the gist of social audit findings once prepared. It is only hoped that these rules are implemented on the ground level and is not marred by unnecessary delay and systemic issues. Additionally under the Karnataka Panchayat Raj (Amendment) Bill 2014 under Schedule for PRI states that the Gram Panchayat should Constitute Gram Panchayat’s food security committee and centre wise vigilance committees and supervision of PDS. It is to oversee the construction regulation of godowns and FPSs. The gram Panchayat also acts as a part the nodal body under the Aadhaar Adalats.

For ICDS, the ‘Operations Manual 2014’ promulgated to strengthen Panchayati raj and Gram Swaraj by the Department of Rural Development and Panchayati Raj. The activity mapping shows the Gram Panchayat has to:
Assist ICDS staff in Taluk Panchayat in conducting surveys
Assist in selection of beneficiaries
Assist in selection of sites for locating Anganwadi centres
Ensure community participation through organizing regular meetings
Involve women Gram Panchayat members in supervising the functioning of Anganwadi centres particularly while ensuring attendance in the centre, maintenance of cleanliness and hygiene, supplementary nutrition in terms of dietary schedule and timings, proper child care and meeting of educational needs, regular health check-up and immunization
Assist in the distribution of nutrition and conduct of regular health check-up
Works with the Village, sanitation and Nutrition Committees to supervise the functioning of anganwadis
To help identify pregnant women eligible for Maternity benefits and help them get those benefits
Receive and maintain information from AWC

As per the ‘Brief note on Mid-day meals’ by the Government of Karnataka, the Panchayat also oversees the overall implementation of Midday meals at village and school level along with the School Development and Management Committees and mothers committees. It helps in selection of cooks and works, Supervision of kitchen, quality of food and distribution, etc. The steering and monitoring committee at taluk level is under the chairmanship of the executive officer of taluk Panchayat / assistant commissioner of sub-division. The executive officer at taluk Panchayat further ensures that food collected from food and civil supplies department reaches the kitchen in time; he supervises the preparation and distribution. The executive officer is further responsible for receiving cooks' remuneration and contingency from the Chief Executive Officer and distributing to joint account of SDMC presidents and head cooks.

Reforms, capacity building and awareness generation

Mid-day meals during summer holidays in drought prone areas: The Supreme Court ordered governments to provide mid-day meals for children in drought prone areas even during their summer holidays. Being a state that is often prone to droughts, in lieu of the order, Karnataka government has identified 137 Taluks in 27 districts as drought-prone areas where MDMS should be extended. Children from these identified areas were given mid-day meals with the costs shared between the central and state government. Around 13,04,576 children benefited off this extension in 2015-2016.

School bio-intensive gardens: In 2016, to ensure quality and encourage self-sufficiency the Karnataka government in association with Horticultural department assisted schools in setting up bio-intensive gardens within their school premises. Over 19,375 schools are being provided with Rs 3,500/- per school along with seeds and saplings. It was hoped that vegetables grown within the premises can be used to prepare mid-day meals. While the intention of raising bio-consciousness within children is admirable, it is highly improbable that schools will be able to indulge in such large scale farming as is required to fulfil the needs of the mid-day meals.

Infrastructural Development : As part of ICDS scheme the state has taken up the initiative of building anganwadis due to the dire need of infrastructural support for the same. The state government took a loan from NABARD and has constructed 733 buildings upto 2015. Similarly under 2014-15
budget, special attention was given to constructing buildings for anganwadis in Hyderabad-Karnataka region. Similarly Anganwadi Workers and Helpers are paid honorarium and pensions by the state government in attempts to improve ICDS.

**MDMS annual plan capacity building programs:** The Department of Public Instruction has been organizing training programs for cooks, assistant directors, field officers and school authorities from time to time. Training regarding safety, hygiene, nutrition and management were imparted. These sessions were conducted from 2009 and were a part of the annual budgets as recently as 2012.

**Anila Bhagya Scheme for free LPG connections:** This scheme was launched in Karnataka Budget 2017-2018 to include those families which are not included in the central government Ujjvala scheme, with a view to provide free LPG connection to poor families. Incentive of Rs.1,600 per beneficiary will be given for free gas connection to about 5 lakh eligible poor families and for ration card holders in rural areas with gas connections option will be given to buy kerosene or free rechargeable LED lamp sets.
## Kerala

### Ms. Neenu Suresh

<table>
<thead>
<tr>
<th></th>
<th><strong>Area</strong></th>
<th><strong>38,863 sq km</strong></th>
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<tbody>
<tr>
<td></td>
<td><strong>Population</strong></td>
<td><strong>33.3 million</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Gross State Domestic Product (GSDP) FOR 2015-16 (At constant prices 2011-12 estimates)</strong></td>
<td><strong>Rs. 4,67,243 Cr</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Date of implementation of NFSA</strong></td>
<td><strong>Nov-16</strong></td>
</tr>
<tr>
<td></td>
<td><strong>% of population to be covered under TPDS</strong></td>
<td><strong>R-52.63%</strong>&lt;br&gt;<strong>U-39.50%</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Total population to be covered under TPDS</strong></td>
<td><strong>154.80 lakhs</strong></td>
</tr>
<tr>
<td></td>
<td><strong>HDI (2015)</strong></td>
<td><strong>0.71</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Sex ratio</strong></td>
<td><strong>1084</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Infant Mortality Rate (IMR) in % (2015-16)</strong></td>
<td><strong>6</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Under Five mortality (U5MR) in % (2015-16)</strong></td>
<td><strong>7</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Maternal Mortality Rate (MMR) (per 1,00,000 live births) (2011-13)</strong></td>
<td><strong>61</strong></td>
</tr>
<tr>
<td></td>
<td><strong>% of Children aged 6-23 months receiving adequate diet (2015-16)</strong></td>
<td><strong>21.4</strong></td>
</tr>
<tr>
<td></td>
<td><strong>% of Children below five who are stunted (2015-16)</strong></td>
<td><strong>19.7</strong></td>
</tr>
<tr>
<td></td>
<td><strong>% of Children below five who are wasted (2015-16)</strong></td>
<td><strong>15.7</strong></td>
</tr>
<tr>
<td></td>
<td><strong>% of Children below five who are severely wasted (2015-16)</strong></td>
<td><strong>6.5</strong></td>
</tr>
<tr>
<td></td>
<td><strong>% of Children below five who are underweight (2015-16)</strong></td>
<td><strong>16.1</strong></td>
</tr>
<tr>
<td></td>
<td><strong>% of women whose BMI is below normal (2015-16)</strong></td>
<td><strong>9.7</strong></td>
</tr>
<tr>
<td></td>
<td><strong>% of men whose BMI is below normal (2015-16)</strong></td>
<td><strong>8.5</strong></td>
</tr>
<tr>
<td></td>
<td><strong>% of Children aged 6-59 months who are anaemic (2015-16)</strong></td>
<td><strong>35.6</strong></td>
</tr>
<tr>
<td></td>
<td><strong>% of Women aged 15-49 who are anaemic (2015-16)</strong></td>
<td><strong>34.2</strong></td>
</tr>
<tr>
<td></td>
<td><strong>% of Men aged 15-49 who are anaemic (2015-16)</strong></td>
<td><strong>11.3</strong></td>
</tr>
</tbody>
</table>

*Data compiled by Ms Jyotsna Sripada*
Kerala officially implemented NFSA on 01 November 2016, following the threat from the Ministry of Consumer Affairs and Public Distribution that monthly allocation of food grains to the Above Poverty Line (APL) beneficiaries in the state would be made at MSP derived rate for wheat and rice respectively, if NFSA is not immediately implemented. This would have required the State to pay Rs. 22.54/- and Rs. 15.25/- for 1 kg of rice and wheat respectively, instead of the existing respective Central Issue Prices of Rs. 8.30/- and Rs. 6.10/-. Further, no additional allocation for the APL and Below Poverty Line (BPL) category were to be provided.

The process of formulation of rules is ongoing on in the State. There is hardly any convergence observed between the concerned Departments in framing of the rules.

Entitlements and the NFSA Conundrum

NFSA coverage of beneficiaries under TPDS in Kerala comes to 1,54,80,040 persons, including 5,95,800 households under Antyodaya Anna Yojana (AAY) and the rest falling under Priority Households Category. This is in fact much more than the total number of BPL and AAY beneficiaries in the state in June 2016 (96,03,601 persons). However, the reluctance expressed by Kerala was owing to the fact that implementing NFSA would affect the benefits for the existing APL households in the State.

Although the introduction of TPDS by Central Government in 1997 restricted the BPL coverage in Kerala to 25 percent of the total population, the coverage of population under PDS in the State was much higher. Apart from the Annapurna beneficiaries, there were four types of ration cards in the State- BPL, AAY, APL (SS) and APL. At the time of our study, there were a total of 5,82,365 AAY households (25,95,790 persons) and 14,78,944 BPL households (70,07,811 persons) in the State. Around 41,36,201 households (1,79,56,771 persons) were covered under APL (SS) category and the remaining 21,25,258 households (90,52,647 persons) belonged to APL category.

It can be seen that around 66 percent of the APL households were recognized as State Subsidy households. This entitled them to additional subsidies from the State government. They got subsidized rice @ Rs. 2/- per kg from the State government. According to an executive order dated 25.02.2011, only those households having more than 2.5 acres of landed property or a house of more than 2500 sq. ft area or, earning monthly income of more than Rs. 25,000/- per month were to be left out of the state subsidy category. The remaining APL households were also provided with essential commodities at subsidized rates. Indeed, one finds a gradual increase in the benefits for APL households over time. From 2009, SC/ST, fishermen and Ashraya families under APL category were given food grains at Rs. 2 per kg alongside the BPL/AAY families. This scheme was further expanded to cover APL cardholders of 41 special categories and from 2011; all those APL households which do not fall in the excluded categories mentioned above were considered for the State subsidy.

In addition to this near universal coverage of PDS, issue prices of essential commodities were remarkably lower than their respective Central Issue Prices. BPL and AAY households in the State got fully subsidized rice from April 2016. From 2011 onwards, these households had paid only Re.1/- per kg for rice.
Table 1: Average monthly allocation of foodgrains under PDS (January-September 2016)

<table>
<thead>
<tr>
<th>Category</th>
<th>Average monthly allocation (January-September 2016)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAY</td>
<td>35 kg rice</td>
</tr>
<tr>
<td>BPL</td>
<td>25 kg rice</td>
</tr>
<tr>
<td></td>
<td>6.5 kg wheat</td>
</tr>
<tr>
<td>APL(SS)</td>
<td>7.8 kg rice</td>
</tr>
<tr>
<td>APL</td>
<td>8.4 kg rice</td>
</tr>
<tr>
<td></td>
<td>1.6 kg wheat</td>
</tr>
</tbody>
</table>

Source: Civil Supplies Department, Government of Kerala

Table 2: Central Issue Prices of Food Grains and the Subsidies incurred by the State Government (October 2016)

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Category</th>
<th>Rate of Issue (per kg)</th>
<th>Central Issue Price (per kg)</th>
<th>Subsidy incurred by State government (per kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rice</td>
<td>AAY</td>
<td>Free</td>
<td>Rs. 3/-</td>
<td>Rs. 3/-</td>
</tr>
<tr>
<td></td>
<td>BPL</td>
<td>Free</td>
<td>Rs. 5.65/-</td>
<td>Rs. 5.65/-</td>
</tr>
<tr>
<td></td>
<td>APL(SS)</td>
<td>Rs. 2/-</td>
<td>Rs. 8.30/-</td>
<td>Rs. 6.90</td>
</tr>
<tr>
<td></td>
<td>APL</td>
<td>Rs. 8.90/-</td>
<td>Rs. 8.30/-</td>
<td>-</td>
</tr>
<tr>
<td>Wheat</td>
<td>AAY</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>BPL</td>
<td>Rs. 2/-</td>
<td>Rs. 4.15/-</td>
<td>Rs. 2.70/-</td>
</tr>
<tr>
<td></td>
<td>APL(SS)</td>
<td>Rs. 6.70/-</td>
<td>Rs.6.10/-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>APL</td>
<td>Rs. 6.70/-</td>
<td>Rs. 6.10/-</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: Civil Supplies Department, Government of Kerala

Other monthly entitlements under PDS include 2 kg of fortified atta for APL households at Rs. 15/- per kg and 400 gms of sugar per member at Rs. 13.50/-. Additionally, every month 4 litres of kerosene was given to non-electrified households and electrified households get 0.5 litres, both priced at Rs. 18/- per litre. Apart from this, through the effective intervention of Kerala State Civil Supplies Corporation Ltd., a basket of commodities are being made available at subsidized prices in the retail outlets like Maveli stores. All these measures have been quite effective in controlling the market prices in the consumer state of Kerala.

A marked reduction in its allocation of foodgrains post NFSA is the major reason for reluctance of the State. As per the proviso to Section 3(1) of NFSA, Kerala is entitled to an annual food grain allocation of 14.25 lakh MT, inclusive of the tide over allocation of around 3.99 lakh MT of foodgrains per year. The average annual TPDS allotment for Kerala in 2010-13, including both normal and ad hoc allotment, was 16.01 lakh MT. According to key officials in the Civil Supplies Department, around 10.17 lakh MT will be required for consumption by the eligible households alone, leaving a mere 4.08 lakh MT from the Central allocation for the remaining households. In contrast, an average of 7.74 lakh MT of food grains was allocated for the APL households in 2010-13. The State food subsidy would therefore inflate if the existing benefits are to be maintained.

Being a chronically food deficit State, makes it imperative for Kerala to maintain a strong Public Distribution System. Over the years, food production in the State has been on a decline and in 2012,
only 15 percent of the total food grains requirement was produced in the State (State Planning Board Working Group on Food Security, 2012). The importance of PDS for Kerala is well demonstrated from the high rates of PDS purchase of food grains in the State. The National Sample Survey Organization's 68th Round Survey Report on PDS and Other Sources of Household Consumption, 2011-12 found Kerala to be one of the three states with the highest incidence of PDS purchase of rice in the country. Besides, the State's share of PDS purchase of rice in its total consumption of rice was the fourth highest in the country.

Significantly, the State Government decided to safeguard the existing benefits. Food grains will continue to be provided free of cost to the AAY and Priority households. More importantly, 1.2 crore people included in the non-priority list will be recognized as Non Priority (Subsidy) category and shall be provided with 2 kg rice @ Rs. 2/- every month from the tide over allocation of the State. The remaining non-priority households are to be given 1 kg wheat and also rice (subject to availability) at the existing APL rates.

This is expected to spiral the costs. The Kerala Food Minister, P. Thilothaman informed the State Legislative Assembly on 03 November, 2016 that an additional expenditure of Rs. 306.64 crore will have to be borne by the State, escalating the annual expenditure on ration distribution to Rs. 1126.39 crore from the current expenditure of Rs. 819.75 crore.

Identification of beneficiaries

Identification of eligible households has just been completed in Kerala. There was much unrest in the identification process and around 14 lakh complaints were filed. The surge in complaints within few days of publishing of the draft list of eligible households reflects the shortfalls that beset targeting. Mainly, it is the errors of exclusion that were reported from various districts.

Self-declared applications of households have been ranked state-wise using an identification criteria, that is a combination of both inclusion and exclusion criteria. The identification criteria is majorly based on the State BPL criteria of 2011, but has been subsequently modified a couple of times. The revised comprehensive criteria were not published. Excluded were those households with members who are government employees, teachers or public sector employees, income tax payees, those earning more than 25,000 per month, owning more than 1 acre of land or house/flat of size more than 1000 sq.ft or a four wheeler. Later, it was clarified that the size of land will not be applicable for households belonging to Scheduled Tribes and further, these households are to be included in priority list despite having members who are Class IV (Office Assistant) or lower employees. Inclusion criteria includes various parameters like belonging to Scheduled Caste, Scheduled Tribe, condition of house, no ownership of land, occupationally vulnerable groups, and other vulnerabilities such as age above 65 years, widow, suffering from serious diseases, facing mental or physical disabilities etc. Those belonging to Ashraya scheme, suffering from mental or physical disabilities, autism and serious diseases, widows, those unable to live without support from others, and bed ridden were to be given preference. After the application of exclusion and criteria, remaining households were to be ranked on the basis of the marks they score.

Process of Identification

A suitable proforma, in conformity with the criteria/guidelines prescribed by the Central/State
Government was distributed through fair price shops to the existing ration card holders. These were to be filled in by the head of the household declaring that she comes under the criteria prescribed by the Government for inclusion in the eligible household. Photo camps were also organised to take the photographs of the head of the households.

After the submission of filled in proforma, the Director of Civil Supplies on the basis of state-wide ranking, prepared a digitised data of provisional list of eligible households. Such provisional list was widely publicized in the web-portal of Civil Supplies Department and in the Taluk Supply Office, offices of local authorities and fair price shops, with due notice to the public. Any person aggrieved by the provisional list could file claims /objections before the Verification Committee, addressed to the Taluk Supply Officer concerned, within the prescribed time limit. The complaint could be filed in the Taluk Supply Office and Panchayat Office.

The receipt of claims/objections was acknowledged by the TSO and he/she issued notice informing the date, time and venue of hearing the claim/objection petition. The claims/objection petition, local authority-wise or ward-wise was also entered in in the register maintained. These claims/objections were then forwarded to the Convener of the Verification Committee concerned, who conducted a proper enquiry and placed it before the Verification Committee along with the report of enquiry and recommendations, if any, in duplicate copies together with supporting documents, within prescribed time limits. Finally, the list of eligible households was published.

While the State government has built in various levels of grievance redressal mechanism to ensure that the needy do not get excluded, ranking of vulnerabilities is a vexed issue. Let us take a few examples from the draft list of eligible households of a selected constituency ‘X’. Consider ‘A’, a two-member household with an average age of 71 years and having a single female member. The household belongs to occupationally vulnerable category. Another household ‘B’ with four members, including a female member and average age of 31 years is also engaged in vulnerable occupation. Household ‘A’, in spite of scoring more marks and being expressly enlisted for preference in ranking as it is a household which cannot live without support from others, falls in priority category, whereas ‘B’ is enlisted as AAY. Now, consider ‘C’ and ‘D’, again households in the same constituency ‘X’. Belonging to scheduled caste category entitles both of them to 10 marks each. Despite, having no other vulnerabilities reported and scoring the same marks, ‘C’ is enlisted as AAY, whereas ‘D’ is in the non- priority household. Such examples only amply exhibit the fallacy of targeting and the argument that a targeted PDS is more responsive to the needs of the poor.

Other Entitlements

ICDS: As part of decentralized planning, responsibility of implementing SNP is transferred to Local Self Governments w.e.f. 1.04.2008. LSGs are empowered to plan and implement their own menus for Supplementary Nutrition Programme based on local needs without affecting the nutrition requirements. They are required to satisfy the minimum prescribed calorific value and protein content. Funds are provided by the Gram Panchayats/Municipalities from their Plan outlay. The allocation for Supplementary Nutrition Programme is a mandatory one, enjoying top priority in scheme of fund allocation in plans & budgets of LSGs. Government’s APIP of 2016-17 notes that LSG’s contribution is multiple times than that from the State and Centre.
In Kerala spot feeding of one full meal for pregnant women and lactating mothers is done in the Anganwadis instead of THR mentioned under the Act. From 2006 onwards, Kudumbasree Mission has been collaborating with Social Justice Department for supply of THR in all AWCS on a fortnightly basis for children of 6 months to 3 years. Significantly, supplementary nutrition is provided to children of 3-6 years in Anganwadis thrice a day—morning snacks, noon meal and general feeding.

In addition to these, in recent years, a programme called Anna Pradayini—community kitchen was launched in 187 hamlets coming under 175 AWC of ICDS project in Attappadi—a backward area largely populated by persons belonging to Scheduled Tribe category. Hot cooked meals are also provided to aged, differentially abled adolescent girls in addition to ICDS beneficiaries. By providing hot cooked meals it aims to reduce IMR and malnutrition among tribal population in Attappadi.

MDM: MDM beneficiaries in Kerala include children in Class I-VIII in government/aided schools, pre-primary schools run in government/aided schools (only those which were given MDM until academic year 2011-12; those pre-schools which began after that year and not recognized shall not receive MDM), MGLC/Alternative schools, schools recognized by the government for mentally retarded children, and up to class VIII in Technical high school. Menu is decided by the Noon Feeding Committee every month. The menu decided by the Noon Feeding Committee is to be entered in the Menu register every month and submitted to the Department. While fixing menu, they are required to ensure that the MDM guidelines of Central and State Governments are followed while fixing the Menu. The nutritional requirements prescribed are to be satisfied and the menu should be diverse, including pulses, meat, eggs, milk, fruits and vegetables. On special occasions like Onam, food grains are also distributed to every child.

Transparency and Accountability

Vigilance Committees have been constituted in Kerala as per the Essential Commodities Act. However, these have not been reconstituted after the adoption of NFSA. From early 1990s, Food Advisory cum Vigilance Committees has been set up at State, District, Taluk, Municipal/Corporation and Panchayat levels in the State for ensuring smooth implementation of TPDS and also ensuring transparency. They are found to be hugely composed of ex-officio representation, with little representation from beneficiaries. Justice Wadhwa Committee highlighted the “Vigilance Committee at various levels to be strengthened by including the NGOs, Self Help Groups, Consumer Organisations and Educated Youth in the Vigilance Committee at various levels”. Again, certain representations for instance, ration dealers in these Committees, it is feared will hamper the impartial functioning of the Committees. In order to discharge the responsibilities under NFSA, these Committees need to be revamped and their responsibilities and powers need to be clearly outlined.

In ICDS, AWC level Welfare Committees are constituted in every AWC. These consist of AWW as Convener and Ward Member as Chairman. Members include AWW as convener, Ward Councillor/Member as Chairman and community(social workers, members of local clubs and local library, school head master, parents of the beneficiaries, ex- councilors).

Noon feeding committees are given the entire responsibility for administering MDM. According to a circular 17.12.2015, SMCs are also given charge of implementation of MDM and checking quality of food and cleanliness. Apart from this Steering and Monitoring Committees are to be constituted...
at various levels. The Circular also mandates constituting LSG level Samitis for monitoring the implementation of MDM. Noon Meal Supervisors are also appointed.

**Social Audit**

In Kerala, no Rules on Social Audit have been formulated yet.

Social Audit of ICDS was conducted in 2014-15 for Tirunelli Panchayat in Wayanad district by TISS in collaboration with the Department. Following this a manual was prepared on how a social audit is to be conducted. (See the Chapter on Transparency and Accountability for more details)

**Grievance Redressal Mechanism**

**Internal**

Toll free number and contact details of all the key officials including TSOs and CROs are publicized on the website of the department. Information on the services provided through the department, the officials in charge, time limit within which each of these services are to be provided and appeal mechanism is published in the official gazette and the same is provided in the Citizen’s charter available on the department website. Citizen’s charter also provides information on the services provided by CRO, TSO, forms to be submitted and the fee for each service. Ration controller can be contacted for any grievance pertaining to ration.

As per the G.O (Rt) No. 214/2002/SWD dated 17.07.2002, district level and state level redressal committees are to be formed for grievance redressal of ICDS. The State level redressal committee consists of Secretary, Social Justice as Chairman and Director of Social Justice as Convener. Members include Joint director and CEO, Addl. Director of Health Services or a nominee of Director of Health Services, Programme Officer of District Level ICDS Cell, CDPO, Supervisor and State level Representative of AWHs- all nominated by Director of Social Justice. District Level Redressal Committee consist of District Panchayat President as Chairperson and District Collector as Secretary. Members include District Social Justice Officer, a social worker nominated by State government/district authority, District Immunization Officer/ a nominee of District Medical Officer, Programme Officer of District Level ICDS Cell, CDPO, Supervisor and State level Representative of AWHs, AWWs- all nominated by Director of Social Justice

As regards MDM, Government guidelines require that a complaint box should be placed in every school. While the toll free numbers and contact details of officials are well publicized, there is no time limit publicized as to when the complaints shall be redressed. The e- services portal available on the website is dysfunctional.

**District Grievance Redressal Officer**

As Per G.O (MS) No.16/2016/F&CS Dtd.13/10/2016, Additional District Magistrates/Deputy Collectors (General) are designated as District Level Grievance Redressal Officers. Other than providing contact details of the officials on the Department website, the notification does not specify the manner and time limit of hearing complaints. No details on powers or manner of disposal of complaints have been provided and this is feared to impact the effective discharge of functions of DGRO.
State Food Commission

As Per G.O (MS)No.16/2016/F&CSD dtd.13/10/2016 Kerala State Consumer Dispute Redressal Commission discharges the duties of ‘State Food Commission’ until a full-fledged commission comes into force. It is a 5 member Commission headed by a Justice. It has one more judicial member and 2 female members.

It is not clear if the Commission will be paid additional honorarium for discharging additional functions. As per Section 26 of the Kerala Consumer Protection Rules 2005, the President of the State Commission is entitled to salary, allowances as are admissible to a sitting Judge of the High Court, if appointed on whole-time basis or to an honorarium of Rs. 1000/- per day for each sitting if appointed on part-time basis. The other members, if appointed on whole-time basis, shall receive a consolidated honorarium of Rs. 15,000/- per month or if appointed on part-time basis, an honorarium of Rs.700/- per day for each sitting: In the case of members having judicial background, the salary, other allowances and the conditions of service are same as that applicable to the sitting/retired District judges appointed on full-time. They are also given traveling and daily allowance for the official tour undertaken by them. A member of the State Commission other than the President and members having judicial background is eligible for casual leave of twenty days in a calendar year with honorarium. However, leave shall not be claimed as a matter of right.

The Office of the State Commission shall be at Thiruvananthapuram. The working days and office hours of the office of the State Commission is same as that of the offices of the State Government. (Section 21). While the manner of disposal of appeals is provided under Section 25 of the Kerala Consumer Protection Rules, it is not clear whether this will be the manner adopted for discharging functions as Food Commission. There is no provision made for additional staff to be deployed.

One finds that, though the State Consumer Disputes Redressal Commission has been designated as Food Commission, the Order does not prescribe how they are to discharge the functions.
Goa

Ms. Zara Fathima Kaiser with inputs from Ms. Neenu Suresh

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Area</td>
<td>3,702 sq km</td>
</tr>
<tr>
<td>2</td>
<td>Population</td>
<td>2.89 million</td>
</tr>
<tr>
<td>3</td>
<td>Gross State Domestic Product (GSDP) FOR 2015-16 (At constant prices 2011-12 estimates)</td>
<td>Rs. 37,520 Cr</td>
</tr>
<tr>
<td>4</td>
<td>Date of implementation of NFSA**</td>
<td>Dec-15</td>
</tr>
<tr>
<td>5</td>
<td>% of population to be covered under TPDS</td>
<td>R-42.24% U-33.02%</td>
</tr>
<tr>
<td>6</td>
<td>Total population to be covered under TPDS*</td>
<td>5.32 lakhs</td>
</tr>
<tr>
<td>7</td>
<td>HDI (2015)</td>
<td>N/A</td>
</tr>
<tr>
<td>8</td>
<td>Sex ratio</td>
<td>973 (Census 2011)</td>
</tr>
<tr>
<td>9</td>
<td>Infant Mortality Rate (IMR) in % (2015-16)</td>
<td>13</td>
</tr>
<tr>
<td>10</td>
<td>Under Five mortality (U5MR) in % (2015-16)</td>
<td>13</td>
</tr>
<tr>
<td>11</td>
<td>Maternal Mortality Rate (MMR) (per 1,00,000 live births) (2011-13)</td>
<td>N/A</td>
</tr>
<tr>
<td>12</td>
<td>% of Children aged 6-23 months receiving adequate diet (2015-16)</td>
<td>10.40</td>
</tr>
<tr>
<td>13</td>
<td>% of Children below five who are stunted (2015-16)</td>
<td>20.10</td>
</tr>
<tr>
<td>14</td>
<td>% of Children below five who are wasted (2015-16)</td>
<td>21.90</td>
</tr>
<tr>
<td>15</td>
<td>% of Children below five who are severely wasted (2015-16)</td>
<td>9.50</td>
</tr>
<tr>
<td>16</td>
<td>% of Children below five who are underweight (2015-16)</td>
<td>23.80</td>
</tr>
<tr>
<td>17</td>
<td>% of women whose BMI is below normal (2015-16)</td>
<td>14.70</td>
</tr>
<tr>
<td>18</td>
<td>% of men whose BMI is below normal (2015-16)</td>
<td>10.80</td>
</tr>
<tr>
<td>19</td>
<td>% of Children aged 6-59 months who are anaemic (2015-16)</td>
<td>48.30</td>
</tr>
<tr>
<td>20</td>
<td>% of Women aged 15-49 who are anaemic (2015-16)</td>
<td>31.30</td>
</tr>
<tr>
<td>21</td>
<td>% of Men aged 15-49 who are anaemic (2015-16)</td>
<td>11.00</td>
</tr>
</tbody>
</table>

* Data compiled by Ms Jyotsna Sripada
The National Food Security Act 2013 was launched in the state of Goa by its Chief Minister Shri Laxmikanth Parsekar on the 2nd, December 2015. Although the Act was formally launched in 2015 the state had already taken steps towards its implementation in 2014, and it has since been in process of fulfilling all its obligations under the NFSA. Under Section 40 of the NFSA, the state of Goa is empowered to undertake rulemaking to carry out effective implementation of provisions of food security. In pursuance of this, the state has come forward with various notifications identifying beneficiaries, appointing nodal officers, designating District Grievance Redressal Officers, designating a State Food commission etc. Disappointingly Goa is yet to enact comprehensive state rules on Food Security. There is ambiguity and confusion while implementing the NFSA, as most details are left to the discretion of implementing officers and unqualified discretion leads to inconsistencies.

Keeping these concerns in mind, this report shall aim to appraise the existing gazetted notifications and the provisions of law based on the mapping toolkit. This Chapter of the report shall evaluate the progress of Goa in implementing the provisions of the NFSA within the state. A detailed analysis of the rulemaking efforts as per the NFSA is given below under the following headings:

Identification of eligible households

Goa has identified the following beneficiaries within state:

- Antyodaya Anna Yojana (AAY)
- Priority Households (PHH)
- Above Poverty Line (APL)
- Annapurna Scheme (ANP): Introduced by the Central Government to ensure food security for senior citizens.

Antyodaya Anna Yojana beneficiaries under the AAY scheme carrying the AAY card are identified as per central guidelines. The number of AAY households in the state are less than the limit prescribed under NFSA. While NFSA mandated ceiling is for 18,400 AAY households, the number of AAY families as on December 2016 is merely 12,652. Officials remarked that the process of identification mandated by Central government is time consuming and hence they have only renewed the existing cards.

NFSA leaves the identification of Priority households on State governments. The state of Goa uses an inclusion and exclusion criteria for identification vide notification dated 16-04-2015 fifteen categories of persons are entitled to benefits under the NFSA based on their social conditions and annual income.

Subject to the exclusion criteria, BPL card holders and other socially and economically vulnerable sections of society such as slum dwellers, destitute, orphans, minors, beneficiaries of Dayanand Social Security Scheme, Griha Aadhar Scheme and residents of kaccha houses/huts and those living in government notified resettlement and rehabilitation zone and temporary shelters are eligible to be included under PHH. Further single women with dependants, irrespective of marital status, transgender/HIV/AIDS patients, and physically or mentally challenged persons are expressly covered in priority households and this step by the government is laudable. Special attention has been paid by the Goa government to ensure food security in occupationally vulnerable groups such as persons who are employed as unskilled labour in fisheries and scrap yards etc, so long as they are able to
produce proof of residence in Goa. Being a state that undertakes large scale maritime activities employing a large number of unskilled labour from various states, this measure will help in securing nutritional needs of a migratory population which would otherwise be denied NFSA benefits.

However, all these categories of persons are subject to 4-point exclusion criteria. First, there is an income ceiling limit of Rs 1.2 Lakh p.a prescribed for SC/STs and Rs 50,000/- p.a for all others. It is dubious whether the higher income limit specified for SC/ST (the income limit according to the notification of September 2014 was Rs. 50,000 for all households; this was subsequently revised in April 2015) was actually applied. The guidelines for identification available on the website of the department do not mention this. Even during the discussions with the department, officials mentioned merely of the 50,000 income limit and it was only after calling their attention to the Gazette notification of 16th April 2015 that they acknowledged the different income limit.

Additionally, households with any member employed with the Central/State Government, local bodies, Corporation/autonomous bodies of Central/State/ Local Government or government aided institutions (excluding daily wagers or casual/contract employees), owners of light motor vehicle and electricity connection above 4KW are to be excluded. None of these exclusion criteria however applies to a destitute.

In July 2015, State government of Goa decided to increase the income ceiling for APL cards to an annual family income of Rs. 5 lakhs per annum. The State government resorted to such a step in light of the fact that the tide over allocation post NFSA would be insufficient to cover over 10 lakh population that it earlier included under APL. The Circular dated 16th July 2015 states that ‘With about 25000 tonnes of grains per year to cover a large population of over 10 lakhs which may result in lower allocation per head/per family as compared to the present allocation to APL families at the moment. Considering this aspect the government has now decided that henceforth with the implementation of NFSA in the State, the eligibility for APL card to avail the benefits of left out quota at APL rates will be restricted to only those families having annual income from all sources of up to Rs. 5 lakhs’. A drive for renewal of APL ration cards was undertaken in July 2015. Once again there was an insistence on Aadhar cards and all applications to be renewed within one month, an uphill task for officials and citizens.

Emphasis has also been given to digitize records for better service, the notification mandates copies of EPIC and Aadhar cards. Although the previous criteria insisted on a copy of biometrics of all members of the family, this has been done away with. Non submission of copy of Aadhar card (wherever available)/EPIC within the time prescribed by the department, the GO says, was to lead to removal of the family from the list of AAY/Priority category until such requirement is fulfilled. For those who don’t possess EPIC/Aadhar card, applying and receiving them is an additional burden. The Right to food is a fundamental right under Art. 21- Right to live, insisting on secondary identification criteria as a qualifier to a fundamental right is contrary to the objectives of the Act. Goa’s attempts to digitize are praise-worthy but denying ration card to those who do not have an Aadhar card has to be done away with.

**Procedure for Identification of beneficiaries**

As per the information provided by the Department and that available on its website, Goa had issued a public notice inviting people to apply for NFSA and renewal of their ration cards. 4
different kinds of application forms were distributed to the people through the fair price shops. Criteria and the documents required were enlisted in the form itself. For those existing beneficiaries, it was sufficient that they annex their existing ration cards and self-certify that they do not fall under any of the excluded criteria. For others, mandatory documents enlisted in the form were to be submitted.

Filled in applications were received at the office of concerned Taluka Office of Civil Supplies Department and at local bodies at village level. Applications received were then scrutinized and field verifications were conducted, whenever necessary. Field verification was to be carried out on a random basis if required and on receipt of any specific complaints, verification was to be undertaken on a case-to-case basis. The Taluk Officer, according to the Gazette notification dated 16th April 2015, then published a public notice that he intends to include such household as eligible household on the notice board of his office and the department website for seven days. Within 7 days of the publication of the list of eligible households, any objection could be filed. Taluk Officer then heard both sides and disposed of the complaint. The list of NFSA beneficiaries were then sent to the respective local bodies within 30 days by the Taluk Officer. This list was placed in public domain for at least seven days to invite objections and the local body then placed it before its executive body. This list was then returned along with objections, suggestions and recommendations, within 30 days of its receipt, to the Taluk Officer. Failure on the part of local body to return back the list led to a presumption that the local body had no objections or suggestions to be made and the list made by the Taluk Officer was deemed to be recommended by the local body. On receipt of the list, the Taluk Officer heard the parties, in case of any objections and accordingly finalized the list. The decision was intimated to the local body and the beneficiary concerned. Ration cards were then distributed to the eligible households.

It is to be noted that the above mentioned procedure is strictly on the basis of information availed from the website and those shared by the Department. It goes without saying that the verification of ground realities were beyond the scope of the study. The information provided by the Department itself reveals that they have not resorted to fresh identification of existing AAY beneficiaries as the process was a time consuming one. Further, those existing beneficiaries of PDS- AAY and BPL households filling form ‘A’ got automatically qualified for NFSA.

It took the Department eight months from April 2016 to complete the process of identification.

**Coverage under TPDS**

42.24% of rural population and 33.02% of the urban population of Goa are entitled to be covered as eligible households under NFSA. Out of the total population of 14,57,723 (according to 2011 Census), a total of 5,32,181 are eligible for NFSA ration. This includes 18,400 AAY families as well.

As on December 2016, there are 3,20,880 ration cardholders (under NFSA and non-NFSA and inclusive of Annapurna) in Goa. A total of 1,37,961 cards come under the NFSA, of which 12,652 are AAY and 1,25,309 are priority households (PHH). Apart from this there are a total of 1,82,919 cards that come under non-NFSA ration schemes, of which 1,82,786 are APL and only 133 are Annapurna beneficiaries. Post implementation of NFSA in the state there are increase in the coverage of eligible households under NFSA (BPL and AAY households). Prior to NFSA, there were only 14,544 cardholders under AAY and 17,012 under BPL. Most beneficiaries were APL
cardholders whereas BPL and AAY families were few in number. As can be seen in the figures there is approximately a ten-fold increase in number of beneficiaries post NFSA.

Additionally when we look at data on number of ration cards in November 2015, just before implementation of NFSA, there were 4,18,614 cards. But in December 2016, we find the total number of ration cards have reduced. This number came down to 3,20,880 cards in December 2016. These have occurred due to the following reasons:

Before NFSA a large chunk of the population was covered under the APL cards, whereas the number of cardholders under BPL and AAY were low. In 2015, there were 14,280 AAY families and 16976 cards under BPL; as opposed to 12,652 and 1,25309 under AAY and PHH post-NFSA. In 2015, when Goa put an income ceiling limit of 5 lakhs on APL cardholders there was a drastic fall of APL cards from 3,87,029 in Nov. 2015 to 1,82786 in December 2016.

A second reason, as claimed by the officials is the crackdown of many ghost cards. According to the information disclosed, around 9000 cards have been cancelled on this account alone. These were the cards, which were not renewed even after the lapse of a long duration since the call for renewal of cards.

To ensure that states implementing NFSA do not suffer due to the decline in quantity of food grains allocated to them from the central pool. The NFSA under S. 3 allows for a ‘tide over’, which means if a state is allocated less food grains under the NFSA as compared to the previous allocation under TPDS, then the state would be protected by allocating the aggregate food grains over the last three years as under TPDS. From this tide-over quantity of food grains, persons recognized under the Above Poverty Line criterion are allocated food grains at prices higher than AAY and PHH. This step was undertaken to allow those persons who would otherwise be ineligible under the NFSA criteria. As it can be inferred from the figures the number of APL card holders is higher than the total number under the NFSA. Any reduction in tide over allocation is set to severely affect the APL card holders.

The State Government in 2016 announced that it would extend the benefits of NFSA on its own cost to 1 lakh beneficiaries beyond the capped NFSA beneficiary figure of 5.32 lakhs. Key officials in the Department informed that this step was taken by the Government as it felt that some sections of the needy population would be unfairly left out of the targeted coverage.

Entitlements

TPDS

Under NFSA, Goa is entitled to 0.59 lakh MT of food grains every year. This is inclusive of the 25,464 MT of rice they receive as tide over allocation. Food grain allocated under NFSA for Goa is less than the allocation it received pre–NFSA. In 2013-14 and 2014-15, Goa had received 0.63 lakh metric tonnes. Notably, the offtake of food grains in these years were 101.6 % and 90.06 % respectively.

The State of Goa provides entitlements under the TPDS at the following costs

- AAY cardholder: 35kgs of rice per household per month at Rs. 3 per kg. and Sugar 500g/per beneficiary at Rs 13.50/ kg.
PHH cardholder: 5kgs/per person at the rate of Rs 3/kg and Sugar upto 500g/per beneficiary at Rs 13.50/kg

APL cardholder: 10 kgs of rice per household at Rs. 11.60/- per kg and 7 kgs of wheat at Rs. 9.10/- per kg.

Annapurna Scheme cardholders (for senior citizens): 10 kgs rice/per card free of cost and 500g of sugar at Rs 13.50/kg

Welfare Institution Scheme-15 kg of rice per unit at Rs. 6.15/- per kg.

Following were the entitlements pre- NFSA (As on Nov 2015)

<table>
<thead>
<tr>
<th>Category</th>
<th>Type of commodity</th>
<th>Allotted quota in kgs. Per card</th>
<th>Rate in Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAY</td>
<td>Rice</td>
<td>35</td>
<td>3</td>
</tr>
<tr>
<td>BPL</td>
<td>Rice</td>
<td>35</td>
<td>6.15</td>
</tr>
<tr>
<td>APL</td>
<td>Rice</td>
<td>12</td>
<td>8.95</td>
</tr>
<tr>
<td></td>
<td>Wheat</td>
<td>3</td>
<td>6.60</td>
</tr>
<tr>
<td>Annapurna</td>
<td>Rice</td>
<td>10</td>
<td>Free</td>
</tr>
<tr>
<td>Welfare Institution Scheme</td>
<td>Rice</td>
<td>15</td>
<td>6.15</td>
</tr>
</tbody>
</table>

While the allocation for AAY households remains the same prior to and after the enactment of NFSA, there will be a marked reduction in the entitlements of those small PHH households which were previously BPL families. A BPL family used to get 35 kg of rice every month.

Interestingly, after the implementation of NFSA, while the number of APL families has reduced, there has not been much reduction in the entitlements for APL households. In Nov 2015, while the APL households took home a total of 15 kgs of food grains, it is found that in December 2016, their allocation was 17 kgs. In both October and November 2016, APL households received 15 kg of food grains. However, the officials in the Department shared that this is not the case every month and in certain months they are struggling to provide at least 10 kgs of food grains to the beneficiaries.

Financial Implications of NFSA for TPDS

From the official documents shared by the department, it is found that the financial implications for Goa in purchasing food grains have reduced post- NFSA. Besides reducing the coverage of APL beneficiaries, the State is selling food grains to this category at enhanced prices.

Unlike most other states, Goa does not provide any additional subsidies on the food grains they receive under PDS. In fact, every household except AAY and Annapurna paid more than the central issue price. Post NFSA, while the issue price of food grains for an erstwhile BPL family, who has now been included as PHH has reduced, that for APL households have increased. A BPL family spending Rs 6.15/- for 1 kg of rice pre- NFSA has to spend only Rs. 3/- per kg if it is enlisted as a PHH. However, an APL family has to shell out Rs.11.60/- and Rs. 9.10/-for purchasing 1 kg of rice and wheat respectively whereas pre- NFSA the corresponding rates were Rs. 8.95/- and Rs. 6.60.
After Implementation of NFSA (December 2016)

<table>
<thead>
<tr>
<th>Card category</th>
<th>Type of commodity</th>
<th>Allotted quota in kgs. Per card</th>
<th>Rate of issue (in Rs)</th>
<th>Central Issue Price (in Rs)</th>
<th>Allocation from Centre in MTS</th>
<th>Amount spent by State in purchasing Food grain</th>
<th>Number of ration card</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAY</td>
<td>Rice</td>
<td>35</td>
<td>3</td>
<td>3</td>
<td>509</td>
<td>1527000</td>
<td>14280</td>
</tr>
<tr>
<td>BPL</td>
<td>Rice</td>
<td>35</td>
<td>6.15</td>
<td>5.65</td>
<td>461</td>
<td>2604650</td>
<td>16976</td>
</tr>
<tr>
<td>APL</td>
<td>Rice</td>
<td>12</td>
<td>8.95</td>
<td>8.30</td>
<td>3495</td>
<td>29008500</td>
<td>387029</td>
</tr>
<tr>
<td></td>
<td>Wheat</td>
<td>3</td>
<td>6.60</td>
<td>6.10</td>
<td>788</td>
<td>4806800</td>
<td></td>
</tr>
<tr>
<td>Annapurna</td>
<td>Rice</td>
<td>10</td>
<td>Free of cost</td>
<td>5.65</td>
<td>0.00</td>
<td>0.00</td>
<td>329</td>
</tr>
<tr>
<td>Welfare Institution</td>
<td>Rice</td>
<td>15 (per unit)</td>
<td>6.15</td>
<td>5.65</td>
<td>27.60</td>
<td>153456</td>
<td></td>
</tr>
</tbody>
</table>

Given the extension of entitlements under NFSA to 1 lakh population outside the NFSA mandated coverage, the Director remarked that, the State has urged the Centre to provide an additional allocation of 1000 MT of food grains every month. He added that the benefits for APL population have suffered due to crunch in food grain allocation.

Apart from entitlements under TPDS, the Act mandates entitlements under Integrated Child Development Services Scheme (ICDS), Mid-day Meal Scheme (MDMS) and Maternity Benefit Scheme (MBS).

**ICDS**

Under the ICDS scheme, children from the age of 0-6 years and pregnant and lactating mothers are given entitlements guaranteed under S. 3 of the Act. The entitlements provided under ICDS in Goa are as per the NFSA entitlements. As per S.3 the beneficiaries are provided with hot cooked meals and Take-Home Ration accordingly. However, the rates incurred per beneficiary by the State are more than that mandated under ICDS Rules. The State spends a total of Rs. 7, 10 and 12 for providing SNP to children between 6 months and 6 years, pregnant and lactating women and severely malnourished children- an increase of Rs. 1, 3 and 3 respectively for each of these beneficiaries. These benefits are provided through local Anganwadis, which are setup up area wise based on
population to ensure appropriate service to beneficiary ratio. Goa has about 1255 anganwadis across its 12 talukas.

The weekly nutrition chart to be followed by the Anganwadis for children between the age of 2.5 and 6 years are as follows:

<table>
<thead>
<tr>
<th>Day</th>
<th>Name of the recipe</th>
<th>Ingredients</th>
<th>Quantity per child per day (in gram)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mon</td>
<td>Mix Ladoo</td>
<td>Wheat, Moog, Gram Dal, Jaggery, Groundnut, Soyabean, White till, ghee</td>
<td>126</td>
</tr>
<tr>
<td>Tue</td>
<td>Gramdal Sweet</td>
<td>Gramdal, Jaggery, Sabudana, Groundnut, Ghee</td>
<td>107</td>
</tr>
<tr>
<td>Wed</td>
<td>Sweet Idli</td>
<td>Idli Rawa, Udid dal, Jaggery, Till, Groundnut, Soyabean, Ghee</td>
<td>121</td>
</tr>
<tr>
<td>Thurs</td>
<td>Green Peas Usal</td>
<td>Green peas, Jaggery, Groundnut, Soyabean, Ghee</td>
<td>121</td>
</tr>
<tr>
<td>Fri</td>
<td>Groundnut Chikki/Ladoo</td>
<td>Groundnut, Jaggery, Till, Soyabean, ghee</td>
<td>82</td>
</tr>
<tr>
<td>Sat</td>
<td>Moog Khichadi Or Moog sooji</td>
<td>Rice, Moog, Jaggery, Groundnut, Ghee Or Kesari Rawa, Moog, Jaggery, Ground nut, White till, Ghee</td>
<td>118</td>
</tr>
</tbody>
</table>

There is a month-wise variation in the THR distributed to pregnant and lactating women (up to 6 months’ age of child), children below the age of 2.5 and Sabla beneficiaries. For instance, when a pregnant / lactating woman receives 1 kg of jaggery, 2.5 gms of gram dal and 7.5 grams of rice in January, she receives 1 kg of salt, 3.25 kg of nylon watana and 8 kg of rice in February. While the items remain the same for all these beneficiaries in a month, there is variation in the quantity distributed.

SABLA scheme is being implemented in North and South Goa. SABLA is a scheme to empower adolescent girls of 11-18 years by improving their nutritional and health status, upgrading various skills like home skills, life skills and vocational skills. The girls will also be equipped with information on health and family welfare, hygiene and guidance on existing public services. Additionally undernourished adolescent girls are given Weekly Iron and Folic acid Tablets (through WIFS programme) as a part of their supplementary nutrition efforts.

**MDMS:** In Goa, approximately 1, 63,000 students are benefitting from this scheme. On 20.09.2016, Goa revised MDM rates. The revised rates for Primary and Upper Primary are Rs. 6.11 and Rs.7.26/- per student per day. Mostly Self Help Groups/Mahila Mandal and few PTA are engaged in cooking of MDM in the State.

A menu prepared in October 2015 is being followed in the State.

<table>
<thead>
<tr>
<th>Sr. no</th>
<th>Food item to be supplies</th>
<th>Cooked quantity for Primary (in grams)</th>
<th>Cooked quantity for Upper Primary (in grams)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Chole Bhaji &amp; Pav/Poli</td>
<td>200</td>
<td>260</td>
</tr>
<tr>
<td>2</td>
<td>Massor Bhaji &amp; Chapati</td>
<td>200</td>
<td>260</td>
</tr>
<tr>
<td>3</td>
<td>Red Chowli Bhaji &amp; Chapati</td>
<td>200</td>
<td>260</td>
</tr>
<tr>
<td>4</td>
<td>Chana Bhaji &amp; Pav/Poli</td>
<td>200</td>
<td>260</td>
</tr>
<tr>
<td>5</td>
<td>Chana Kuleeth Mix Bhaji &amp; Pav/Poli</td>
<td>200</td>
<td>260</td>
</tr>
<tr>
<td>6</td>
<td>Chowli- Paute Mix Bhaji &amp; chapati</td>
<td>200</td>
<td>260</td>
</tr>
</tbody>
</table>
Each of these items is to be rotated every week. While they are to fulfil the nutritional content mandated under NFSA, it may be noted that this menu does not have much emphasis for provision of vegetables except potato, onion, tomato and carrot. Spinach/green leafy vegetables, the Order says, may be added as per seasonal availability.

**Maternity Benefit Scheme**

Apart from conditional benefits under IGMSY available to pregnant and lactating in North Goa, Government of Goa has instituted a financial incentive scheme to mothers who deliver a Girl Child. This scheme called a `MAMTA` an amount of Rs. 25,000/- is paid to the mothers who deliver a girl child with disbursal linked to 5 stages of Rs. 5,000/-. The stages are as follows:

- First instalment after mother delivers a girl child.
- Second instalment will be released after Completed basic immunization i.e. BCG, Polio, DPT, Hepatitis B1, B2, B3, Vit A, DPT Booster, Polio Booster producing the documents.
- Third instalment after the girl child completed Secondary Education (S.S.C.E.) producing the document
- Fourth instalment after the girl child completed completion of Higher Secondary Education (H. S.S.C.E.) and production of the documents.
- Fifth instalment after completion of Degree Education and producing the document

Applications are to be made within 45 days of completion of each of the stages mentioned above. This incentive is available to all mothers, irrespective of their social / economic status, who deliver a live girl child up to maximum 2 deliveries. The mother should be resident of Goa for at least three years or married to a resident of Goa (document to that effect to be submitted). The eligible mother should apply to the Child Development Project Officer through the local Anganwadi Centre and benefits are directly credited to the declared Bank Account.

Officials in the Women and Child Department highlighted that introducing PFMS has affected the provision of IGMSY. They are not getting the much wanted technical support to ensure smooth transfer of benefit.

**Grievance Redressal Mechanism**

**Internal Grievance Redressal**

As mandated by S. 14 of the Act, the State government has set up a multi-level internal grievance redressal mechanism, which consists of the following:

Telephonic grievance redressal system: The Department of civil supplies and consumer affairs has setup toll free number for addressing public grievances relating to TPDS. The numbers have been widely publicized and deal with all issues relating to food security in terms of TPDS from identification of beneficiaries to complaints against FPS. There are no toll free numbers available for redressing grievances under ICDS and MDMS. However, the contact details are provided on the websites of respective directorates administering the scheme, namely women and child welfare and education respectively.
Online grievance redressal systems: Goa has successfully setup an online GR mechanism under the Department of Civil supplies and Consumer Affairs. Any beneficiary can lodge a complaint online provided he has the details of his ration card or the FPS number he comes under. There is no provision for online grievance Redressal for ICDS and MDMS.

Nodal officers: The state government has vide notification in 2015 designated Joint Mamlatdar I of all Talukas as the nodal officer for the respective talukas. The Assistant Director of Civil supplies has been appointed as State Nodal Officer. These Nodal officers’ mandate is however limited to hearing complaints regarding non-distribution of food grains and matters relating thereto and taking necessary action for their Redressal.

Under ICDS, officials at block level have been designated as nodal officers. Following an Order dated 1.09.2014, Deputy Education Officers, who are officers at zonal level, were designated as Grievance Redressal Officers for a group of talukas. They are required to strictly adhere to the guidelines as follows:

- The complaints received should be registered.
- All complaints received through any mode should be forwarded to the grievance Redressal officer immediately.
- All complaints must be redressed within a period of five days by the concerned authority. A copy of the Redressal report may be sent to the complainant or he/she may be informed on phone about the redressal of grievance. Every grievance Redressal officer at zonal level should monitor the status of grievance on a weekly basis and pursue the Redressal of such complaints which are not redressed within a stipulated time. They should pursue the complaint on phone with the concerned authority for immediate Redressal.
- The progress of every complaint is to be recorded in the register.

The Dy. Education Officer is also instructed to take note of press reports/ grievances appearing in the newspapers which relate to MDM and take remedial action on them in a time bound manner on similar lines.

Further, as per an Order dated 16.05.2012, A.D.E.I of each talukas have been designated as Grievance Redressal officers to solve the grievances at respective talukas. They were to strictly follow the guidelines for solving a grievance/ complaint and if the same was not solved at taluka level the same may be referred to zonal level.

**District Grievance Redressal Officer (DGRO)**

The DGRO is to redress grievances on all matters relating to distribution of food grains and all entitlements under Chapter II of the Act i.e. not restricted to TPDS alone. All appeals from nodal officers lie before the DGRO. There are presently two DGROs in Goa. Appeals from the decision of the DGRO lie with the State Food Commission.

The notification dated 10th September 2015 designates Deputy Collector & SDMs of North and South Goa as the DGROs for both the districts. The notification does not talk about the specific duties of the officers except enlisting the responsibilities mentioned in the Act. Terms and conditions of appointment of the DGRO are not outlined nor are salaries and allowances. No information is
laid down regarding the procedure for disposal of grievances. It is likely that these shortfalls might hamper the effective functioning of DGRO. Simply designating an already present officer with additional duties without laying out proper procedure for the same is a major failing on behalf of the Goa government. Further there is no information regarding the actual functioning of the DGRO in Goa.

**State Food Commission**

The SFC is the supervisory body for all schemes under the NFSA in the state. Its purpose is to monitor and review the implementation of the NFSA. It can review and take-up complaints suo moto to inquire into violations. It holds a key position in advising the government and its ancillary agencies in the implementation of the NFSA within the state. As a body of vital importance within the legal framework of food security, the NFSA has specifically laid down numerous stipulations to ensure its proper functioning of the SFC. Procedure for appointments of SFC members and their removal, term of office, qualifications etc. have been etched out.

By a notification dated 10th September 2015, the Government designated Goa State Commission for Women to exercise the powers and functions of the Goa State Food Commission. However, to our surprise the Commission itself remained oblivious of this designation during our field visit in December 2016. Neither were they aware of the institution of SFC under NFSA. This was when the Director of the Department had already claimed that the Commission is submitting monthly reports on its functioning to the Department.

The Commission members opined that they are already overburdened with work and it may not be able to discharge the additional responsibilities effectively. Notably, none of the members are full time members.

The notification does not specify the minimum required number of meeting to be mandatorily held in a year, the required quorum for such meetings. There is no mention about the salaries and allowances to be provided to members of the commission.

Under the Act it is imperative that members of SFC have a strong background in matters relating to food security, policy making and administration in the fields of agriculture, law, human rights, social service, management, nutrition, health or public administration. The concerns and objectives of the women & child development are different from the intricacies of food security. The members of the State Commission for women might not have the same expertise as is required to deal with food security concerns. As Food security deals with technicalities of the food distribution mechanism, it is a matter of concern if these areas can be adequately handled by the newly designated body.

While it is not unlawful to designate an already existing body as the State food commission but to do so without laying down clear cut guidelines for functioning and assessing the capacity of already existing department in the light of its new role is an oversight on part of the Goa government.

**Vigilance Committees and other Monitoring Mechanisms**

The state of Goa has not made any provisions for a vigilance committee under NFSA. A vigilance committee provides a great window of opportunity for the local authorities and community to
address area-specific issues in the TPDS. Forgoing to appoint vigilance committees is a lapse, which would be detrimental to all efforts by state towards food security.

Although the central government through its TPDS (Control) order 2015, mandates that states shall set up vigilance committees to monitor the function of TPDS at various levels, there are no vigilance committees in Goa. Officials informed that local authorities are involved in the monitoring of PDS. The state government also mandates that each FPS has to be inspected by a Taluk officer at least once in 3 months. It has mandated a minimum target of inspections to be followed by each officer. Additionally the Mamlatdar/Joint Mamlatdar is required to physically verify foodgrains in all FPS and FPS godowns every six months. This action of the Goa government is a step in a positive direction.

Apart for TPDS, MDMS and ICDS form an important component of the NFSA. The state government’s responsibility for monitoring extends to all three schemes. School Management Committees as per the MDM Rules, monitor the scheme, assess the quality/taste of food and keep a record of all their assessments.

Vide Circular dated 17th June 2014, all BRP/CRP of the blocks are required to inspect food and kitchen of SHG/Mahila Mandal/PTA and submit report to taluka A.D.E.I and this report is required to be forwarded to the Directorate.

Additionally as per Rule 7 of Mid-Day Meal Scheme Rules, School Management Committees were mandated the responsibility of monitoring MDM scheme. They were directed to check/taste the quality of food supplied every day on rotation basis before serving to the students. She/he should record his/her assessment about quality, quantity and other aspects of the food items served in a daily register. The School is to maintain a roster of such parent for this purpose. (Circular dated 12.02.2016). Earlier, the headmaster/in charge teacher was required to check/test the quality of food supplies every day before serving it to the students. She/he should record his/her assessment about the quality and quantity. PTA was required to inspect and test the quality of food while distributing it to the students and they were to countersign monthly. In case of deficit in supply, the heads of institution were to bring it to the notice of the concerned taluka A.D.E.I with detailed statement of teacher/members of P.T.A, for taking necessary action against the defaulter SHG/ Mahila Mandal under intimation to Directorate. The meal, which is not suitable to eat, should be rejected for the day and no bill should be certified for that day (Circular dated 14. 10.2015)

All officers/officials under the control of Directorate of Education are required to make surprise visits to the various schools of the talukas to assess the quality of meal served under MDM scheme and submit a report a report with their recommendation in the prescribed format within fortnight of their visit. DDEs of the Zones were instructed to prepare a schedule to ensure that officers visit all the schools- (circular dated 15.07.2015). However, it is not sure if this was regularly undertaken. A similar circular was issued in September 2012 too.

As per the Guidelines on Food Safety and Hygiene to be followed by SHG/Mahila Mandals/ PTA engaged in cooking and serving of MDM, nutrition experts from Directorate of Education are supposed to visit the schools and inspect the meals and kitchen to check the hygiene. Sample of mid-day meal is to be collected for nutrient and sensory evaluation and analysed in Goa College for Home Science, Campal.
Following an alleged case of food poisoning in a school in Goa, the Directorate in January 2016, noted that on most occasions it is the leftover food that is available to test for its quality, which impacts finding the exact cause of adverse food quality. The Government decided to adopt the practice of drawing one sample each in the quantity of 200/260 gms each in a clean aluminium disposal container with a lid, daily in the presence of one member of SHG/MM/PTA and keep the sample with the Headmaster/in charge teacher/PTA till the end of the day.

Apart from this, there are steering cum monitoring committees under MDM, monitor the proper implementation of the MDMS scheme. Except at the school level, these are packed with ex-officio members. The effectiveness of these committees remains uncertain as no recent Orders on monitoring accessed by the Centre speak about their role, the last one dating back to 2013.

According to the Programme Officer, ICDS Mothers’ meetings are held regularly. There are also village level committees. However, they are not required to submit any report on the meetings. The state government is hence urged to strengthen monitoring the ICDS.

Social Audits

Under the latest notification for identification of beneficiaries under the Act, the government mandates that once the list of beneficiaries finalized by the Taluka officer, it is forwarded to the concerned local body as a part of social auditing. The local body would then display the list publically, look into the objections and forward his report to the Taluk officer along with the list of beneficiaries. This is unfortunately only restricted to identification of beneficiaries and social auditing does not extend to other aspects of the act, such as functioning of fair price shops, TPDS, ICDS or MDMS as mandated under S. 28 of the Act.

Further under the Mid-day Meal Scheme, as per the Annual Work Plan for 2015-2016, the responsibility for conducting social auditing is given to the parents and community members of that locality. There is no mention of further procedure, mandate or guidelines given for the same.

Other transparency measures:

Digitization of ration card through National Food Security Cards

In December 2015, Goa distributed National food security cards to all eligible households whose names appeared in the finalized lists. These cards are digitized and linked with the biometrics data of the beneficiaries. They are a positive step to prevent leakages and ensure entitlements of the cardholder. As per the central government reports, Goa has achieved 100% digitization of ration cards.

Computerization of supply-chain management

The State of Goa has computerized its supply-chain where it can manage stock in godowns and track movement activities. Additionally stock positions can be monitored and SMS alerts are provided to beneficiaries. It has also successfully implemented online allocation of food grains to the beneficiaries. This would help beneficiaries know their ration quota besides ensuring timely allocation of grains to each district. Allocation is based on actual off-take of food grains in the previous months and simplifies the record-maintaining process.
Help desks for identification of beneficiaries

Help desks were established in each taluk office with publication of numbers of respective offices on the website. The help desks assisted applicants in filling and completing their application forms. These were also points of preliminary scrutiny of application forms to expedite identification.

According to the information provided by key officials in the Department, POS machines were installed on a pilot basis in the state. Owing to intermittent power supply and poor network connections, FPS dealers found it difficult to operate it smoothly. Often Aadhar validation failed and beneficiaries suffered. Now they have been replaced, enabling better connectivity and the functioning is being monitored. The officials also informed that Goa is in the process of moving towards cashless transactions with the support of Central Government. They are studying the pilot undertaken in Krishna district of Andhra Pradesh, so that a similar system can be introduced soon in the State.
# Puducherry

Ms. Neenu Suresh

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<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>Area</td>
<td>562 sq km</td>
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<tr>
<td>2</td>
<td>Population</td>
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<td>Gross State Domestic Product (GSDP) FOR 2015-16</td>
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<tr>
<td></td>
<td>(At constant prices 2011-12 estimates)</td>
<td>Rs. 22,007 Cr</td>
</tr>
<tr>
<td>4</td>
<td>Date of implementation of NFSA**</td>
<td>Sep-15</td>
</tr>
<tr>
<td>5</td>
<td>% of population to be covered under TPDS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-59.68%</td>
<td>U-46.94%</td>
</tr>
<tr>
<td>6</td>
<td>Total population to be covered under TPDS*</td>
<td>6.34 lakhs</td>
</tr>
<tr>
<td>7</td>
<td>HDI (2015)</td>
<td>N/A</td>
</tr>
<tr>
<td>8</td>
<td>Sex ratio</td>
<td>1037</td>
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<tr>
<td>9</td>
<td>Infant Mortality Rate (IMR) in % (2015-16)</td>
<td>16</td>
</tr>
<tr>
<td>10</td>
<td>Under Five mortality (U5MR) in % (2015-16)</td>
<td>16</td>
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<tr>
<td>11</td>
<td>Maternal Mortality Rate (MMR) (per 1,00,000 live births) (2011-13)</td>
<td>N/A</td>
</tr>
<tr>
<td>12</td>
<td>% of Children aged 6-23 months receiving adequate diet (2015-16)</td>
<td>31.1</td>
</tr>
<tr>
<td>13</td>
<td>% of Children below five who are stunted (2015-16)</td>
<td>23.7</td>
</tr>
<tr>
<td>14</td>
<td>% of Children below five who are wasted (2015-16)</td>
<td>23.6</td>
</tr>
<tr>
<td>15</td>
<td>% of Children below five who are severely wasted (2015-16)</td>
<td>7.8</td>
</tr>
<tr>
<td>16</td>
<td>% of Children below five who are underweight (2015-16)</td>
<td>22</td>
</tr>
<tr>
<td>17</td>
<td>% of women whose BMI is below normal (2015-16)</td>
<td>11.3</td>
</tr>
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<td>18</td>
<td>% of men whose BMI is below normal (2015-16)</td>
<td>10.2</td>
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<tr>
<td>19</td>
<td>% of Children aged 6-59 months who are anaemic (2015-16)</td>
<td>44.9</td>
</tr>
<tr>
<td>20</td>
<td>% of Women aged 15-49 who are anaemic (2015-16)</td>
<td>5.4</td>
</tr>
<tr>
<td>21</td>
<td>% of Men aged 15-49 who are anaemic (2015-16)</td>
<td>15.9</td>
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* Data compiled by Ms Jyotsna Sripada
The NFSA was implemented in Puducherry in September 2015, however, a comprehensive set of rules are yet to be formulated. According to the information provided by officials in the Civil Supplies and Consumer Affairs Department, the process of rulemaking was ongoing during our visit to the UT. However, no convergence between departments was noted and in fact the researcher had to explain to the other two departments about the grievance redressal mechanisms under NFSA.

Puducherry is one of the Union Territories, which adopted direct benefit transfer in lieu of provisioning of food grains under TPDS. Both Priority and AAY cardholders are transferred Rs. 24.05/- per kg for their entitlements under NFSA. Every month, an AAY card holder, therefore, gets Rs. 841.75/- per card and Priority household gets Rs. 120.25/- per person transferred to their bank accounts. Notably, this direct benefit is substantially supported by free distribution of food grains. As per the “Puducherry free supply of Rice, Edible Oil and other Essential food grains every month to all Ration Card holders Rules” every existing ration cardholder gets 20 kg of rice free of cost. Key officials in the Civil Supplies Department allude to the fact that huge cost is incurred for providing the rice under State scheme. They estimate that around two hundred crores of rupees are required annually and rice is procured using open tender, mainly from outside the U.T.

Those hasty in driving a success story out of DBT implementation in Puducherry should not neglect the importance of this free supply of ration. In fact, on two earlier instances in 2013 and 2015, when cash transfer was introduced in lieu of food benefits, it was vehemently rejected by the people that it had to be withdrawn. The preference for single boiled rice among the people of Puducherry and Karaikal and the inability of its provisioning under Central TPDS are cited as the major reasons for the U.T’s decision to move towards DBT. (For more details look into Box.2: Puducherry: The Curios Experiments with Cash Transfer in Chapter 2)

Identification of beneficiaries under NFSA

According to the coverage provided in the Annexure to Targeted Public Distribution System (Control) Order 2001, around 59.68% of rural households and 46.94% of the urban households are eligible for TPDS under NFSA. A total of 6,34,390 persons are to be covered, out of which 32,200 families would belong to AAY Category. The Director, Civil Supplies informed that post-NFSA, there is an increase in coverage of beneficiaries.

Identification criteria are provided on the website of the Civil Supplies Department. Criteria includes both exclusion and inclusion criteria. Significantly the word ‘shall’ qualifies the application of inclusion criteria, while the exclusion criteria uses ‘may’.

Following is the identification criteria for priority households under NFSA:

The following categories of people/workers shall be considered as priority households for the implementation of National Food Security Act, 2013:

  The homeless households
  Households where Head of the Family is disabled person
  All households of landless agricultural laborers.
  All households of small farmers
All households headed by a widow or single women (unmarried/separated/ deserted)

All households living in katcha houses

Occupationally vulnerable households where the main source of income is from:

- Cultivation
- Manual casual labour
- Part-time or full-time domestic service
- Foraging / rag picking

Begging / Charity / Alms collection

Occupationally vulnerable households like: {except Govt. employees (other than contractual / work charged / daily wager) of Government of India, State Governments and Union Territories or its boards /corporations /enterprises /undertakings, Municipal Corporations, Municipal Councils, Municipal Committees, Improvement Trusts, Universities, Govt. aided Educational institutions etc)

- Street vendors / cobbler / hawkers / other service providers working on streets
- Construction workers / plumber / mason / labour / painter / welder / security guard / coolie / load man / watchman / gatekeeper / washerman / hairstylist
- Sweeper / sanitation worker
- Home-based worker / artisan / handicrafts worker / tailor
- Transport worker / driver / conductor / helpers to drivers and conductors / cart puller / rickshaw puller
- Shop worker / assistant / peon in small establishment / helper / delivery assistant / attendant / waiter
- Electrician / mechanic / assembler / repair worker
- Washer-men

The following affluent class of people may be considered as non-priority households while implementing the National Food Security Act, 2013:

- MP’s and MLA’s
- Group ‘A’ and ‘B’ Government employees
- Income Tax payee of more than ` 25,000/- per annum
- Dealers with a annual turnover of ` 1 crore and above
- Licence holders of FL1/FL2 licences, Arrack licences, toddy licences, etc.
- Owners of four wheelers / Heavy vehicles
- Owners of house with more than 1,000 sq. ft. in urban area and 1500 sq. ft. in rural area

According to the information provided by officials in the Civil Supplies Department applications were invited from the public for identification of priority households, following which inspections were carried out by inspectors. The draft list of priority households was then displayed in FPS inviting objections. AAY cards were taken as such. However, it is not clear how transparent the process of identification was, as according to the officials, Government had already directed all existing BPL and AAY to be considered under NFSA.
After identification, details of all the cards were sent to Government of India for Aadhaar seeding. The final lists of cards were then shared with Puducherry U.T. Cash is credited to beneficiary account on first of every month.

Civil Supplies Department is the nodal department for Aadhar enrolment and from 2011, the process of Aadhar enrolment has been undertaken in the UT. In cases where Aadhar was not submitted, names have been deleted from the list of ration card holders. List of members who did not give Aadhar were put up in FPS and ration shop dealers were instructed to inform the concerned person before the names were deleted. According to the officials, Aadhaar seeding has helped in identifying ghost cards. Those who are genuinely eligible but working outside the country, their cards are suspended and it can be reinstated when they come back.

There were various issues flagged by the officials in implementing DBT. They highlighted that getting response file on time after validation is an issue. Many a time, failure reasons are not clearly given in the response files. Reasons for failure vary from bank to bank and grasping the exact reason for failure becomes a difficult task. At times, even after Aadhar validation, some transactions are noted failure and the exact reason is not known. It has been noted that maximum credit limit for Jan Dhan account being Rs. 50,000/-, transactions fail when DBT is being done when the account already has the ceiling amount. The reason of failure, the officials intimated, was communicated as exceeding the credit limit. The process of validation is unclear and instances were noted where those cards which were successful through Aadhaar Payment Bridge in 2015 got rejected during validation.

People also raised concern that they were unable to know if the amount is credited to account is actually the DBT under NFSA. If money is released at a time when people change their bank accounts, there will be a failure in transactions as Aadhaar can be seeded only in one bank account.

**Other Entitlements**

Apart from food grain allocation at free of cost, TPDS in the State also provides 500 Grams of sugar per unit with a maximum of 2.5 Kgs/Card at Rs. 13.50/- per kg to AAY and BPL cardholders and Kerosene is given at Rs. 14.35/- to Rs. 15.15/- per litre.

Higher benefits are provided through ICDS and MDMS in the UT. Under ICDS, spot feeding of one full meal for pregnant women and lactating mothers is done in the Anganwadis instead of THR mentioned under the Act. It was in 2015 that the UT owing to request from beneficiaries began giving hot cooked meals to children of 3-6 years and pregnant and lactating mothers. Before that, take home ration in the form of Ready to Eat Weaning Food flour was given.

While the GoI requirement for provision of ICDS is only 300 days in a year, SNP is provided all 365 days of a year. Children between the age of 6 months and 6 years and pregnant and lactating mothers receive the following:

- Boiled Bengal gram as morning snack for 300 days for Anganwadi going children.
- Rice kitchdi (with rice, green gram dal and vegetables) for 150 days a year.
- Ragi puttu (with ragi flour, green gram dal, jaggery and coconut) for 150 days in a year.
- Boiled egg—one in a week.
Holiday feeding (65 days in a year) for all beneficiaries - Take home ration as rice, green gram dal and Bengal gram given raw.

Again under MDMS, children from pre-primary to XII Std. receive mid-day meal at school. According to government records, around 70,000 students are covered under MDMS. Daily menu has been prescribed by nutritionist and approved by State level Steering Committee. It is a diversified one consisting of 100-150 gms of cooked rice, sambhar, variety rice and vegetable poriyal. 75 gms of mixed vegetables are provided to every child per day and they also get boiled egg thrice a week. 12 grams of Bengal gram/ beans included in the diet scale on non-egg days inclusive/exclusive of 75 gms vegetables. 100 ml hot milk is also provided to each child under breakfast scheme. Meals are being prepared in 13 centralized kitchens, 12 school based cluster kitchens and 11 school canteen centres.

**Transparency and Accountability Mechanisms**

In Puducherry, no new vigilance committees have been constituted under NFSA, neither are there committees existing for monitoring TPDS. For ICDS, village level committees consisting of village panchayat members and mothers are set up for monitoring Anganwadi. Mothers’ groups are also formed under the initiative of AWW.

For monitoring MDM, a UT Review Mission was constituted by the Lt. Governor in January 2015. It is a body consisting of both department officials and academicians, with more focus on the latter. They were required to monitor the performance of Mid-Day Meals, assess its impact and suggesting corrective steps and facilitate and coordinate convergence among line departments/agencies. Apart from this there exists a State level Steering-cum-Monitoring Committee consisting of senior officials from Education and other relevant departments, elected representatives and academics. They are required to monitor programme implementation, assess its impacts and suggest corrective steps; consider the action taken reports on findings of independent monitoring/evaluative agencies; facilitate coordination and convergence among departments, agencies such as FCI and schemes; and mobilize community support for implementation of the scheme. There are also district level committees to monitor SSA programmes, MDM scheme, RMSA and Sakshar Bharat Programme. This is composed mostly of ex-officio members- officials and elected representatives with nominal representation to NGOs. They are required to appraise the progress of mandated programmes and their suggestions may be taken into consideration, within the parameters of scheme guidelines. They may also examine synergy and convergence of other Government departments in improving the school infrastructure and support services. At the school level, School Management Committees monitor MDMS regularly. Members are given regular training.

However, such Monitoring Committees for MDM can hardly be called as vigilance committees. With token representation from community, they remain merely official bodies. As noted above, there is total lack of vigilance committees for TPDS. It is to be assessed whether the non-existence of such committees have in any manner allowed the rampant experimentation in PDS in the State. Having adopted DBT, most of the senior officials we interviewed felt that such committees may not be required in Puducherry.

Again, there are no social audits conducted under NFSA and no agency has been appointed for conducting social audit. During our visits, Department of Education informed that they have tied-
up with DRDA and have looked into Social Audit in Telangana for initiating the process of social audits in MDM.

The Citizen Charter is comprehensive in mandating public disclosure of information relating to PDS and also provides for other transparency measures.

(See the Chapter on Transparency and Accountability for more details)

**Grievance Redressal Mechanism**

*Internal Grievance Redressal Mechanism*

As regards the internal grievance redressal mechanism for PDS, consumer help line numbers and contact details of concerned officials are publicized on the website of Civil Supplies Department. There is also a provision for filing complaints online. The complainant can view the status of his/her complaint and the website also provides the complainant chance to file reminder/clarification.

Citizen’s Charter provides information on the contact details of officials with whom any complaints regarding malpractices / irregularities about price, quality, weighment of commodities being supplied may be lodged. Complaints regarding distribution of essential commodities can also be informed to the Food Cell Police.

The Deputy Director of Civil Supplies Department has been appointed as the Public Relations Officer and District Consumer Protection Officer. He/She is mandated to attend to the grievances on all Wednesdays/working days during office hours between 11.00 a.m. and 12.00 noon. Besides, the Director of the Department can also be approached for redressal of any grievances.

As per the Citizen Charter, all grievances/complaints and other correspondence relating to issuance of ration cards are to be duly registered and acknowledged on the spot, if given in person, or within 7 days by post.

As per the information provided by Department of Women and Child Development, any aggrieved person can visit the Department and file his/her complaint during open house at the Department head office from 5 p.m. -6 p.m every day. Officials also claimed to be easily accessible. Child helpline and women helpline numbers exist, however officials informed that complaints mostly pertain to child sexual abuse and domestic violence and they have not received any complaints on ICDS. The Programme Officer has been appointed as the nodal officer.

For MDM, there are different toll numbers for different regions and complaints, officials inform, mainly pertain to quality of rice. Deputy Director of the Education Department is the Nodal Officer for grievance redressal.

Following issues need to be tackled for ensuring effective internal grievance redressal:

- Citizen’s Charter given on the Civil Supplies Department website is in English and not local language.
- There is no time limit prescribed for redressing grievances.
- Appeal mechanism is not clearly prescribed.
District Grievance Redressal Officer

According to a G.O dated 07.08.2015, District Collectors of Puducherry and Karaikal and Regional Administrators of Mahe and Yanam have been appointed as DGROs. They are to hold office in addition to the charges already held by him.

The DGRO is to hear complaints relating to non-distribution of entitled food grains or meals under Chapter II of NFSA or of the quality of food grains or matters relating thereof. He has the power to ask for a written explanation from the person, against whom the complaint has been made and if necessary enquiry can be made with that person. On receipt of complaint, details of allocation of food grains or meals and details of food grains or meals are to be verified. If the complaint is proved, the aggrieved shall be given his/her entitlement and necessary action will be initiated against the person found guilty, in addition to imposing a fine of not less than Rs. 500/-. In case the complaint is found to be false, a fine may be imposed on the complainant not more than Rs. 1000/-. The DGRO can issue an order in this respect.

An appeal against an order of DGRO should be filed before SFC within 15 days from the date of receipt of the Order.

Following deficiencies have to be addressed for enabling proper discharge of functions by DGRO.

- Website of the Department does not provide any information on DGRO.
- The powers to ask for a written explanation and call for enquiry will enable effective redressal of complaints. However, the provision of fine against the complainant, on finding the complaint to be false, may lead to reluctance on the part of complainants to file complaint.
- There is no mention of time limit within which the complaint is to be redressed.
- Lack of designation of adequate staff and non-allocation of funds for meeting the expenditures might impede smooth discharge of functions by DGRO.
- More importantly, other concerned departments have to be intimated of the designation, as they were found to be ignorant of this fact during our visit.

State Food Commission

On 27.7.2015, State Consumer Disputes Redressal Commission was designated as SFC. (G.O.Ms. No.06 dated 27.07.2015). It consists of three members- 1 President and 2 other members.

Tenure, terms and conditions are to remain same as the conditions of the Consumer Protection Act, 1986. As noted under the GO, honorarium/salary for the President/members for performing the functions of SFC are to be notified separately. Significantly, other departments were not aware of the designation. Officials in the Women and Child department opined that it would be better to constitute an independent State Food Commission and representatives from all the concerned departments should be included.
## Tamil Nadu

**Dr. K. Shanmugavelayutham**
Managing Trustee,
FORYOUCILD, Chennai

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<td>% of population to be covered under TPDS</td>
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<td>21</td>
<td>% of Men aged 15-49 who are anaemic (2015-16)</td>
<td>20.4</td>
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Data compiled by Ms. Jyotsna Sripada
Tamil Nadu's Public Distribution System is often referred to as a model system across India. The Government of India is advocating a Targeted Public Distribution System (TPDS) throughout the country. The Central Government has also enacted the National Food Security Act (NFSA), 2013 under which only 50.55% of State’s population gets covered under the Public Distribution System. Likewise, there are various other provisions of the Act, which would affect the basic universal character of the Public Distribution System.

**Faced Hobson’s choice**

The Tamil Nadu government had faced Hobson’s choice before it decided to implement the National Food Security Act (NFSA), 2013. In the second week of October, 2016, the government was administered a shock when it got a letter from the Union Ministry of Consumer Affairs, Food and Public Distribution, stating that with effect from November, 2016, the State would no longer get about 1.26 lakh tonnes of rice at Rs. 8.3 per kg. Besides, additional allocation of rice would be stopped. The reason cited was simple: non-implementation of the NFSA. In monetary terms, the decisions meant that the State government would have to bear about Rs.2,730 crore annually. Originally, rice subsidy was estimated to cost around Rs. 2,393 crore for the current year. In Tamil Nadu, where the politics of rice has always dominated the public discourse, the State government had its own reasons for not implementing the law for over three years. Apart from various reasons, the fundamental difference between the Tamil Nadu government and the Centre is that the former favours the universal PDS, whereas the latter, targeted PDS. Neither side has budged from its position.

**Special features of PDS in Tamil Nadu**

The Tamil Nadu Civil Supplies Corporation under the Universal Public Distribution System supplies ration to 1,97,82,593 families. The Public Distribution System is implemented through 33,222 fair price shops functioning under various agencies in the state: out of these, 31,232 are run by Cooperative Societies, 1,394 by the TNCSC and 596 by women’s Self Help Groups (no private Sector). It also helps to control open-market prices for commodities that are distributed through the system. Rice is supplied free of cost since June 1, 2011 while sugar, kerosene and wheat are provided at subsidised rates. This government is also supplying tur dal, urad dal and palm oil at subsidised prices under the special PDS so as to insulate the poor from the increasing prices of essential commodities.

**Fool Proof Mechanism**

The Right to Information Act 2005, makes it the right of every card holder to know the stock status of each PDS commodity at the nearest FPS. TNCSC and the co-operatives send the closing balance of each PDS commodity to a server, which makes the information accessible to the public. The cardholders can access this information through their SMS facility on their mobile phones. Ration card holders can avail taluk-wise and shop-wise information on the status of the stocks of commodities in their rations shops from the Department of Civil Supplies and Consumer Protection through the website http://www.consumer.tn.gov.in/fairprice.htm. Consumers can also register complaints regarding PDS on the online registration form. However, many cardholders who had complained about the malpractices at the FPS, mentioned above, do not have access to online facilities.
Universal Public Distribution System - Retain and Continue

As part of the NFSA, only 50.55 per cent of the State’s population — around 3.6 crore out of 7.2 crore — is eligible to be given rice at a subsidised price. Each person is entitled to five kg per month. So, if a family card has 10 beneficiaries, it will get 50 kg a month. Those who are eligible are called priority households and those who are not, non-priority households. Under its scheme, the State government has, so far, been providing rice free of cost virtually to all family card holders, irrespective of economic background. Till now, around 1.92 crore card holders have been getting rice free and the maximum quantity is 20 kg per card per month. If one were to go by stipulations of the NFSA strictly, the present coverage would undergo drastic changes, a scenario those in power can ill afford.

Three years after its enactment, Tamil Nadu government decided to implement the National Food Security Act, 2013 from November 1, 2016. But the Universal Public Distribution system will "retain and continue", wherein rice is being supplied to all rice cardholders "without any discrimination". State government will combine the Act's essential provisions with some of its traditional practices. Accordingly, all rice cardholders will be eligible for 5 kg rice per person (including a child) per month under NFSA while ensuring that the quantity given under the new system is not less than the present entitlement under Universal PDS, but there shall be no upper ceiling of 20 kg per card per month. For instance, if there was only one adult family member, entitlement will continue to be 12 kg per month, though monthly entitlement as per NFSA norms was only 5 kg (at subsidized rates), it said, adding, rice will be supplied free of cost to all rice card holders. Due to these steps, the state's monthly rice off take was expected to go up and the government shall have to bear the additional cost of about Rs 1193.30 crore per annum.

On the directions of Chief Minister, NFSA has been ordered to be implemented in Tamil Nadu keeping in mind public welfare. Even if this results in additional expenditure, it will be implemented in a way benefiting all rice cardholders. The GO, meanwhile, said supply of food grains for priority and non-priority households under Universal PDS would be uniform.

Government of India Interference

The move comes after the Centre conveyed to Tamil Nadu that monthly food grain allocation to Above Poverty Line (APL) beneficiaries would be at Minimum Support Price (MSP) derived rate, as the state has so far not implemented NFSA. The Tamil Nadu Government order dated October 27, 2016 said the present MSP derived rate for rice was Rs 22.54 per kg even as the state had so far been getting 15.15 lakh tonnes annually from the Centre at Rs 8.30 per kg. While its monthly off take of rice under PDS, including Antyodaya Anna Yojana was about 3.23 lakh tonnes, the Centre's monthly allotment to the state was 2.96 lakh tones. The additional requirement was being met through central allocation of 27,969 tonnes per month at Below Poverty Line Rate of Rs 5.65 per kg by Centre up to June, 2016. But there has been no additional allocation since July, 2016. The annual expenditure on this pattern is Rs 2393.30 crore for supply of 38.93 lakh tonnes of rice, adding due to the Centre revising the rate in APL category, the state will have to incur an additional Rs 2730.95 crore annually over and above the aforesaid expenditure if NFSA was not implemented.

With a view to protect the Universal PDS which the state has been adopting at present, in which rice is supplied to all rice cardholders without any discrimination, it has been decided to retain and continue the Universal PDS in Tamil Nadu while implementing NFSA.
The revised scale of supply would be implemented in the state from November 2016. The G.O. stated that rice has been provided free of cost under Universal PDS since June 2011 under the "directions of Tamil Nadu Chief Minister" who had implemented a then poll-time promise in this regard. The present supply came with a monthly ceiling of 20 kg per card, and 35 kg for AAY families, it added. The NFSA, which aimed at providing food and nutritional security to targeted priority households, had determined a rural coverage of 62.55 per cent and urban coverage of 37.79 per cent in the state.

The Tamil Nadu Food Security Rules, 2017
The Tamil Nadu Government announced the Tamil Nadu Food Security Rules on July 5, 2017 in which The Food Security rules, 2017 Guidelines also is included for identification of Priority households. Further, the government has decided to constitute a State Food Commission and Vigilance Committees to monitor and review implementation of the Act.

Guidelines for Identification of Priority Households
Criteria for Inclusion

For Urban Areas:
All Antyodaya Anna Yojana families
Households with a beneficiary under Annapurana Anna Yojana
All the Below Poverty Line (BPL) families, as available with urban local bodies
Beneficiaries under other welfare schemes such as Old Age Pensions, etc.,
All households headed by a widow or single women
Households headed by differently-abled persons (more than 40% handicapped)
Other vulnerable households such as slum dwellers, resettlement colonies, shelter less, occupationally vulnerable groups like rag-pickers, unskilled workers, etc., poor beneficiaries under other welfare schemes of the Government.

For Rural Areas:
All Antyodaya Anna Yojana families
Households with a beneficiary under Annapurana Anna Yojana
All the Below Poverty Line (BPL) families, as available with rural local bodies
Beneficiaries under other welfare schemes such as Old Age Pensions, etc.,
All households headed by a widow or single women
Households headed by differently-abled persons (more than 40% handicapped)
Households of agricultural labourers
Data available with Rural Development Department pertaining to Mahatma Gandhi National Rural Employment Guarantee Scheme (MNREGS) may be used to identify vulnerable families.
Other vulnerable families as identified using Participatory Identification of Poor Survey
Criteria for Exclusion

Households with at least one member as income tax payer
Households paying professional tax
Households classified as large farmers (i.e.) more than five acres of land
Households with any member, who is working or retired employee of Central/State Government, local bodies, Corporations/autonomous bodies of Central/State/Local Government
Any household owning a motorized four wheeler (except one commercial vehicle in household for earning livelihood)
Any household owning Air Conditioner
Households owning three or more rooms with pucca walls and pucca roof
Any household which owns/operates an enterprise(s) registered under any law
Household having annual family income of more than Rs. 1.00 lakh from all sources

The Tamil Nadu government on July 10, 2017 issued an order stopping supply of essential commodities under the public distribution system (PDS) to a sizeable section of society who are financially well off as per the provisions of the Food Security Act. However, a twist to the tale came within hours of passing the order through a clarification from Food Minister, who said the GO was issued only to comply with the guidelines prescribed by the Centre under the Food Security Act, but the state government would continue with its universal PDS.

The GO, which would remain just as a piece of paper for now, says households with air conditioners or an annual income of 1 lakh and above are not eligible to get any commodity from PDS shops. In effect, whether the state government implements its own order or not, TN would not be able to get Central food subsidy for ineligible families.

Tamil Nadu Government has issued an order as per the Act as it is mandatory to identify the priority households. But as pointed out when the act was adopted by Tamil Nadu, the present universal PDS, which includes 20kg of free rice, will continue to be provided to all households irrespective of the provisions of the Food Security Act.

As per the GO, 9 types of households will fall outside the purview of PDS. "Households with an income taxpayer, having professional tax payers, farmers owning 5 acres, government employees and retired employees, those who own 4 wheelers (except in cases where it is used for livelihood), those owning air conditioner, households owning three or more rooms with pucca walls and pucca roof, owning enterprises registered under any law and families whose annual income is more than Rs 1 lakh from all sources will not be eligible for PDS as per the Act,"

The Rules says only those households which are dependent on Antyodaya Anna Yojana, Annapurana Anna Yojana, families living below poverty line, old age pensioners, households headed by widows or single women and households headed by differently-abled persons are eligible to get commodities under PDS.

Some sections feel the order, though not being implemented now, would come into force at some stage in future.
Suggestions

Grievance Redressal Mechanism

The Tamil Nadu rules do not have a strong grievance redressal mechanism. For the Act to be effective there needs to be in place a strong, decentralized and independent grievance redressal mechanism that includes Panchayat or block level grievance redressal officers with powers to impose penalties on erring officials. This National Act must also have a National commission to ensure accountability at all levels.

Protecting Federalism

The Act lays the responsibility of implementation on the states, without commensurate powers. We demand that the centre takes adequate and clear fiscal responsibility to ensure that all the legal entitlements of this act reach all Indians.
### Telangana

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<th>Area</th>
<th>1,12,077 sq km</th>
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<tr>
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<td>Population</td>
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<td>Date of implementation of NFSA**</td>
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<td>% of population to be covered under TPDS</td>
<td>R-60.96%, U-41.14%</td>
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<td>Total population to be covered under TPDS*</td>
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<td>21</td>
<td>% of Men aged 15-49 who are anaemic (2015-16)</td>
<td>15.4</td>
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* Data compiled by Ms Jyotsna Sripada
Telangana implemented NFSA on 1st October 2015 and the Food Security Rules were notified on 25th February 2016. Previously, the State had published a draft of the Rules in the Official Gazette calling for views and suggestions from the public. It is laudable that the State issued a comprehensive set of Rules, albeit no convergence was observed during the rule-making process. A detailed analysis of the Rules is undertaken below.

**Identification of Eligible Households**

*Criteria for Identification*

The identification criteria for both AAY and priority households is provided in the Rules. To be eligible as priority household, an income ceiling of Rs.1.50 lakhs and below per annum is fixed for households in the rural area. An enhanced income of Rs. 2.00 lakh and below per annum is the annual income limit for households in urban areas. Apart from this income ceiling, there is a land ceiling limit of 3.50 acres and below and 7.5 acres and below fixed for wet land and dry land respectively. However, the mere possession of land shall not alone be the criteria for deciding the eligibility and the income from the land prescribed above shall also be taken into consideration. The family shall be an eligible household if the income from the land is less than the income ceiling prescribed above.  

Rules also provide identification criteria for AAY households. It remains the same as those prescribed by Government of India.

- Landless agricultural labourers, marginal farmers, rural artisans/ craftsmen such as potters, tanners, weavers, blacksmiths, carpenters, slum dwellers and persons earning their livelihood on daily basis in the informal sector like porters, coolies, rickshaw pullers, handcart pullers, fruit and flower sellers, snake charmers, rag pickers, cobblers, destitutes and other similar categories in both rural and urban areas.

- Households headed by widows or terminally ill persons or disabled persons or persons aged 60 years or more with no assured means of subsistence or societal support.

- Widows or terminally ill persons or disabled persons or persons aged 60 years or more or single women or single men with no family or societal support or assured means of subsistence.

- All primitive tribal households

- Leprosy affected persons, HIV positive persons/ families, families of deceased due to starvation and families threatened by starvation deaths, urban and rural homeless people and beggars also in addition to those covered by the AAY eligibility as per the GOI guidelines stated above.

Prior to identification of households, both the above mentioned criteria were not put in the public domain for inviting comments. Officials suggested that this was not considered necessary as there was no dilution in the identification criteria. It was however provided in the Draft Rules.

Notably, the identification criteria mentioned in the Government Memo dated No. 653/Mandala/ A1/2014 issued on 10.10.2014 is different from that provided in the Memo. No. 900/CS.I-CCS/

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34. Section 3(1)(b)
2014 issued on a later date of 28.11.2014. It is this latter criterion that finds place in the Rules. The eligibility criteria in the former memo contains only exclusion criteria. Persons belonging to the households fulfilling one or more of the following conditions below were regarded as ineligible for Food Security Cards:

- Having land more than 2.5 acres wet/ irrigated dry or 5 acres dry or combined (wet and dry) 5 acres.
- Government/ Public Sector/Private sector employment/outsourced employee
- Doctors, Contractors, Professionals and self- employed.
- Having large business (oil mills, rice mills, petrol pumps, rig owners, shop owners etc.)
- Government pensioners and freedom fighter pensioners (it is not clear if this criteria is mentioned for Food Security Cards or Social Security Pensions, as the exclusion criteria is provided generally for both. Wherever specific criteria for pensioners are required, it is clearly mentioned).
- Owners of four wheelers
- Any other criterion, which the verification officer may assess by manner of his lifestyle, occupation, and possession of assets rendering him as ineligible.

The second memo informs that further instructions on the criteria were issued keeping in view that outsourcing employees in the private sector, low stratum of employees in the private sector etc., whose income is very low and who are otherwise deserving, would not come under the ambit of Food Security Cards using the earlier criteria. It is to cover such deserving persons under the scheme that their income limit was increased. However this memo does not mention any income ceiling.

During the visits, officials informed that pre-NFSA, an income criterion alone was used for identifying BPL households. Income ceiling used then was less than half of that specified under the Rules. Households with income limit of Rs. 60,000/- and below in rural areas and Rs. 75,000/- and below in urban areas were identified as belonging to BPL category.

**Process of Identification**

Eligible households are provided with Food Security Cards. During the visit, it was informed that the cards are in the process of being printed, and expected to get over in a month. A Memo dated 10.10.2014 explains the process of identification of eligible households. Highlights from Memo No. 653/Mandals/A1/2014 are given below:

- The objective of providing Food Security Cards is to essentially help the poor with subsidized food grains and shall not be linked to other schemes except food grains.
- These Food Security Cards shall be sanctioned to eligible households as identified in the recently concluded intensive household survey and through a process of verification by the Tahsildars.
- A set of guidelines is issued for identification of eligible households. They are as follows:
  - Any person desirous of a food security card should submit an application written on paper and address it to Tahsildar of the concerned Mandal. The application should contain minimum information like names of the Mandal, Gram Panchayat, Habitation, address, living head of household, family members and Aadhar Card number of all members of household and their mobile numbers. These applications are to be submitted to the Village
Revenue Officer (VRO) / Gram Panchayat who shall in turn submit it to the Mandal Revenue Office (MRO).

The VRO/GP Special Officer should give wide publicity among households through pamphlets, posters on public vehicles, hoardings and Tom-Tom seeking applications for Food security Cards from poor households. The Village Revenue Assistant (VRA) should also visit each of the household under his/her jurisdiction and inform the households to apply for Food Security Cards, if they so desire.

Collection of application is to be done up to 15th of October 2014 by VRO/GP Secretary. All applications submitted should be entered in a register and the applicant is to be acknowledged with the serial number of his application. The applications collected are to be submitted to the Tahsildar of the concerned Mandal.

Tahsildar of the Mandal is designated as the Nodal Officer for identification of eligible households. He/She is to constitute verification officers and they shall be designated the responsibility of Gram Panchayats. Such officer in-charge for each Gram Panchayat should visit each household for verification. He/She is solely responsible for the data collected and verified. The verification was supposed to be over by 30th October 2014.

During verification the concerned officer can also collect fresh applications, if already missed by the VRO or GP Special Officer. After verification of each household, application should be tagged with Samagra Kutumba Survey (SKS) Number. The officer should certify that he/she has personally visited each of the household and eligibility is verified and recorded as eligible or not eligible. The officer shall use the pre-populated data given in the downloaded household verification format for verification. For each of the item in the household verification format, the officer has to check if the data given in the SKS survey tallies and where it does not tally, the officer must write the correct details in the space provided. While undertaking physical verification, the concerned officer should verify the house type (thatched/plastic roof/tiled/RCC), number of family members (if they are living together and were deliberately split), Aadhar card number of all the family members, employment details of all the family members, actual enjoyment/possession of land, type of business, if any, owners of four wheeler, presence of any member with disability, nomadic households/PVTGs, IT assesse.

The Memo dated 28.11.2014 mandates that all applications for Food Security Cards have to be accounted for. In case of rejection of any application, the reasons for rejection have to be mentioned as (i) ineligible (ii) bogus (iii) other reasons (to be mentioned). If there arises any case of non-inclusion of the eligible, a superior authority is required to verify that and take appropriate action.

Strange enough, this Memo requires Verification Officers to be instructed that they inform the eligible AAY families having more than 5 members, that they might be entitled for 35 kg per family while under priority household they would be entitled to 6 kg per person at Re. 1 per kg. The proposed beneficiary can then choose whether to come under the category of either AAY or other priority household as the rate i.e. Re. 1 per kg is uniform to both these categories. It is to be noted that in the garb of choice, the guideline is actually encouraging an illegal act. It is the poorest households which are supposed to be covered under AAY. Though this would at present act to the benefit of such families, it is feared that this might put them at risk later, as the enhanced benefit
provided at cheaper price does not have statutory backing, thereby liable to be withdrawn or prices enhanced by the State government even through an executive order. An act of the Central government reducing the entitlement for priority household in the future might also put them in trouble and create unnecessary chaos.

Coverage under TPDS
As on 4th August 2016, there are a total of 2,78,62,171 (in April 2016- 2,80,31,433) persons belonging to eligible households in the State. This comes to a total of 87,05,549 cards. This includes 15, 23, 677 (in April 2016- 15,19,887) persons belonging to AAY, 2,63,33,277 (in April 2016- 2,65,06,646) persons belonging to Priority Households and 5217 (in April 2016-4,900) persons belonging to AAP. While a total of 1,90,95,282 persons [in April 2016-1,89,89,728 persons(15,01,469-AAY persons +1,74,88,259-PHH] persons) are covered under NFSA, the rest of the beneficiaries are supported from the funds of State Government. A total of 90,41,685 persons are given State Food Security Cards. This includes 18,418 persons belonging to AAY, 90,18,387 persons belonging to PHH and 4,880 persons belonging to AAP.

Entitlements

PDS
While under NFSA, rice, wheat and coarse grains are available to eligible households at Rs. 3, 2 and 1 per kg, Telangana provides rice to both AAY and priority households at Re. 1 per kg. Not just that, the State provides 6 kg of rice per beneficiary under priority household in place of the NFSA mandate of 5 kg. The entitlement for AAY households remains the same as that of NFSA i.e. 35 kg per household. Prior to NFSA, every person under the BPL category was given 4 kg upto the maximum of 20 kg per household.

The State requires a total of 1.83 lakh tonnes of food grains every month. However, under NFSA, the Central government provides only 1.03 lakh tonnes to the State. The remaining is procured from open market. It was informed that rice is procured at the rate of Rs. 24. 50/- per kg.

In addition to this, there are other essential commodities such as kerosene, wheat, red gram dal, iodized salt, chilli powder, turmeric powder, tamarind and sugar are given at subsidized rates through the PDS.

Kerosene- 15 Rs/litre. While in Corporations, 4 litres of kerosene is provided, in other places in the state it is 2 litres.
Wheat at Rs 7 per kg
Atta at 16.50 paise per kg
Iodized salt- Rs 5 per kg
Chilli powder- 250 gms for Rs. 20
Turmeric powder- 100 gms for Rs. 10
Tamarind- 500 gms for Rs. 30
Sugar- 500 gms per family for 6.75 paise
Except kerosene, everything else is provided in packaged form. It was informed by the officials that that there is not much off take for turmeric powder, tamarind and chilli powder.

It can be seen that the State has been providing much more than that provided for under NFSA.

**ICDS:** Realizing that ICDS alone is insufficient to improve the nutritional status of women and children in the State, the Government has introduced various programmes such as:

- **Arogya Lakshmi Programme for Pregnant and Lactating mothers at the Anganwadi Centre**
- **Balamrutham for children between 7 months and 3 years**

**Arogya Lakshmi Programme:** It is the understanding that entitlements provided under ICDS for pregnant and lactating mothers are not only meager but also gets shared by all members of the family that prompted the State Government to introduce the Arogya Lakshmi programme. It involves spot feeding of “one full meal” for Pregnant and Lactating women at the Anganwadi centre along with administration of Iron & Folic Acid (IFA) tablet. Though the programme was started on 01.01.2013 in ICDS Projects with most adverse health and nutrition indicators, after state bifurcation, from 2015 onwards, it has been scaled up to all the ICDS Projects in the State.

The programme includes providing rice, dal with leafy vegetables/sambhar, vegetables for a minimum of 25 days and boiled eggs and 200 ml. milk for 30 days in a month. While 25 eggs shall be served during spot feeding, the rest shall be given as per the model menu to the beneficiary. Also, for twenty five days, milk shall be served and for the remaining 5 days it shall be served as curd along with rice and dal. Significantly, with these enhanced provisions, the nutritional requirements satisfied are higher than those prescribed under NFSA. A nutritional requirement of 600 Kcal and 18-20 g of proteins has to be satisfied through the Take Home Ration (THR) mandated to be provided to pregnant and lactating mothers under NFSA, whereas, through Arogya Lakshmi, 1192.38 Kcal, 37.04 gm of proteins and 578.56 mg of calcium is provided.

The Anganwadi Level Monitoring and Support Committee is given the responsibility of ensuring proper implementation of the programme.

**Balamrutham** is the weaning food introduced under ICDS to provide improved supplementary nutrition to children between 7 months to 3 years. The weaning food is a preparation of wheat, chana dal, milk powder, oil and sugar. It is fortified and thus provides 50% of iron, calcium, vitamins and other RDA that children require per day. It is distributed in packets of 2.5 Kg per child per month. It is distributed on first day of every month on Nutrition Health Day to mothers of 7 months - 3 years children as Take Home Ration. Along with Balamrutham packet, these children also receive 2 eggs a week at the AWC under ICDS Food Model for 7months to 3 years under ICDS. The cost incurred per child per day comes to Rs. 7.12/-. Through Balamrutham, children get 469.36 Kcal of energy, 15.26 gm of protein and 386.2 mg of calcium.

**MDMS:** As regards MDMS, mid day meal is provided to children studying in Class IX and X in Government schools. Children are also provided eggs twice a week. An indicative menu is provided by the State Government and schools are allowed to devise variations. It was informed that the Chief Minister has expressed interest in extending mid day meals to government run colleges too.
Grievance Redressal Mechanism

Internal Grievance Redressal Mechanism

Rule 13 provides for a robust and efficient internal system of grievance redressal to be set up by the State Government for disposal of complaints relating to the Act. This internal system may consist of:

- Call center based help line with toll free number, both for registering complaints and providing information to the public
- A web-based grievance redressal portal for effective implementation of Act in the State

District Supply Officers are to be designated as the Nodal officers for Public Distribution System for each district by the State government. Their responsibilities include:

- verify at the end of every month and at each FP shop, the status of supply of food grains to entitled persons covered under the respective FP, as per the entitlement under the Act
- record in writing, the reasons for non-supply of entitled quantity of food grains to any entitled person
- ensure payment of food security allowance to the entitled person in every case where entitled quantity of food grains has not been supplied due to non-availability of food grains at the FP shop or for any unforeseen reasons, by the end of third week of the month in which the non-supply occurred
- ensure that a bank account is opened by such person within one month from the date of initial payment of food security allowance
- register a complaint with the DGRO forthwith where food grains have not been supplied due to any willful lapse of any FP shop dealer.

Rule 11(2) provides that District Supply Officer from Civil Supplies Department, Project Officer (ICDS) of WD&CW department and DEO from School Education Department should be designated by the State government as Nodal Officers in each district to ensure timely disposal of the complaints. Further, Rule 13(4) states that the State Government may also consider designating one or more of its officers as Nodal Officers for grievance redressal with regard to pregnant women and lactating mothers and children upto the age of 14 years.

Two specific limitations noted are below:

- Rules do not provide time limit of redressing complaints or appeal mechanism
- The District Supply Officer clearly has been given responsibility of PDS alone even when the Department is engaged in supplying food grains for ICDS and MDMS

District Grievance Redressal Officer

As per Rule 4(1) of Telangana Food Security Rules, 2017, District Rural Development Officer is designated as DGRO. Joint Collector of the district was earlier designated in the 2015 Rules.

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35. Section 5(1) and 5(2)
36. Section 5(3)
The Rules also authorize the State Government to appoint a full time Grievance Redressal Officer wherever it considers necessary. The process for appointing this full time person or his/her qualifications has not been provided.

DGRO shall, on receipt of a complaint either in writing or personally or through Helpline Call centre Toll Free No. 1967, cause verification of the complaint received and address the concerned to rectify the instance [Rule 4(2)].

Rule 5 explains the procedure for registering complaints. Any aggrieved person may file and register his complaint with the DGRO in writing or through email or by dropping their written grievance in grievance boxes at the office of DGRO, select FPS and other public places like schools, anganwadis etc. The complaint boxes are to be opened at 4.00 p.m. every day to retrieve the complaints and immediate action shall be taken for their redressal. Complaints are to be filed with specific details and contact information of the complainant and no anonymous complaint shall be entertained. Where a complainant is unable to make a complaint in writing, DGRO shall render all reasonable assistance to the person making the request orally to reduce the same in writing. All complaints should be assigned unique complaint number with date and informed to the complainant. [Rule 5]

Rule 6 provides the procedure for disposal of complaints. DGRO should verify if there is prima facie substance in the complaint to proceed in the matter. If he/she is satisfied that there is a prima facie substance in the complaint, he/she should seek explanation in the matter from the concerned officer or person or agency against whom complaint has been made, along with relevant documents. The requisite explanation and documents should be furnished by such person to the DGRO within 15 days. Based on the explanation given and the available documents, if DGRO is satisfied about the veracity of the grievance, he/she should issue necessary orders for its redressal within 30 days from the date of receipt of complaint. In case no merit is found, the complaint should be dismissed.

If the DGRO feels the matter needs to be further examined, he may get the matter enquired by a suitable officer of the State Government at the District level and decide on the basis of the report received within 45 days from the date of receipt of complaint. Or, he may give an opportunity to the complainant and officer/person/agency concerned with the complaint to present their case on the fixed date and after hearing them and taking into consideration the evidences submitted, decide the matter within 45 days from the date of receipt of complaint.

On such date fixed for hearing, if the complainant is absent, the complaint may be dismissed or the DGRO may proceed to enquire the matter ex-parte. If the officer/person/agency concerned with the complaint is absent, he may proceed to enquire the matter ex parte and decide accordingly. The complainant should be informed of the decision on his complaint in writing or through electronic media, with a system of confirmation of its receipt by the complainant.

If the DGRO is of the opinion that disposal of complaints require more time than prescribed above, complainant should be send an interim reply citing the reasons for delay.

There is a deadline set for timely disposal of the complaints. An inquiry should be finalized as soon as possible, but in any case within 90 calendar days of it being seen by the District Grievance Redressal Officer.
Where the complaint cannot be disposed of within time allowed, in each such case, the District Grievance Redressal Officer shall send a report in writing about the reasons to the Nodal Officer appointed by the end of the calendar month, but in any case not later than within a week of completion of 90 days referred above [Rule 11(1) and (3)].

DGRO is required to send a monthly report on the complaints received and disposed of by him to the State Government by 15th of the succeeding month. State Government should send a consolidated report on a quarterly basis for the State as a whole to DFPD, GoI, within 30 days after the quarter is over. [Rule 10]

Disposal of complaints are to be monitored by the Secretary/Principal Secretary of Civil Supplies Department, Telangana Secretariat, atleast once every quarter [Rule 8]

To discharge his functions effectively, the DGRO shall have all powers of a Civil Court while trying a suit under CPC, 1908 and in particular the powers to summon and enforce attendance of any person and examining him on oath; discovery and production of any document; receiving evidence on oath; requisitioning any public record or copy thereof from any court or office; issuing commissions for the examination of witness or documents.

The directions and relief that can be provided by the DGRO are also mentioned in the Rules. According to Clause 6(4), these are:

- Direction for provision of entitlement not provided within such period not exceeding 30 days; or
- Direction for paying FSA within such period not exceeding thirty days; or
- Direction regarding supervision by an appropriate person/representative of such provision or payment, as the case may be under above clauses;
- Any other appropriate direction

However, a direction for payment of penalty by any public servant cannot be given. Further the direction shall not be inconsistent with the Act.

Any complainant or officer or person or agency against whom any order has been passed by DGRO, who is not satisfied with the redressal of grievance, may prefer an appeal before the SFC within 30 days from the date of issuance of such order by DGRO. (Rule 9)

It is laudable that the rules are comprehensive. Rules clearly specify that DGRO should look into all the complaints arising under NFSA and sets time line for disposal of grievances. However, for effective functioning, it is submitted that, there should be clear provision on staff and from where the expenses can be met.

**State Food Commission**

*Appointment of State Food Commission*

Section 12 of the Telangana Food Security Rules 2017 provides for constitution of SFC.

According to the affidavit submitted by the Chief Secretary of Government of Telangana, State Food Commission has been constituted. Infact, on 17.04.2017, a day before the issuance of revised
Rules, the State Food Commission was constituted. It has a Chairperson and 5 Members including 2 women and 2 persons belonging to SC and ST categories. Commissioner is an Advocate and social activist. All the names selected by the Selection Committee were approved by the State Government. The Selection Committee, according to the affidavit, had met twice on 13.04.2017 and 15.04.2017 and recommended the Chairperson and members for SFC as per guidelines of Section 16 of NFSA 2013. Additional Secretary to Government was appointed as Member Secretary of SFC on 13.4.2017 on deputation basis, initially for a period of 2 years on usual conditions and terms governing the Foreign Service in terms of G.O.Ms.No. 10, Finance and Planning Department, dated 22.1.93.

While the 2017 Rules do not provide expressly as to the procedure for appointment of the Commission, the old Rules had mentioned about the Selection Committee.

According to the 2015 Rules, while the Chairperson and Member Secretary were to be designated, other members were to be appointed by Selection Committee that is appointed by the State Government. Selection Committee was to prepare a list of probable members and submit it to the Government for consideration and recommendation to the Governor for appointment. If the Government is not satisfied by the list of names submitted to it, it may ask the Secretary not more than once to re-examine and come with a revised list. The Government may also add/modify names in the list for recommending to the Governor.

The 2017 Rules have no such mention. An executive Order (G.O.Ms. No. 2) dated 12.04.2017, provides that the Chairperson and members other than Member Secretary are to be appointed through a Selection Committee from amongst the persons having qualifications provided in the Act. Through another executive order, G.O Ms.No. 3 issued on the same day, the Government had constituted a Selection Committee comprising of the following members for selection of Chairperson and other members of the Commission:

Chief Secretary to Government- Chairman

Ex-officio Prl. Secretary to Govt (CA,F&CS Department)-Member Convenor and
Secretary, Law: Member

**Qualification**

Qualification mandated under the Act is to be followed. G.O.Ms.No.2 issued two days before the publication of revised Telangana Food Security Rules provided the following qualification:

Chairperson- shall be appointed under Sub Section 3(a)(b) and (c) of Section 16 of the Act.

Member Secretary shall be an officer of the State Government not below the rank of a Joint Secretary.

The five members shall be appointed as specified under subsection 3(a)(b) and (c) of Section 16 of the act. It also says that atleast two members should be women and there should be one person each belonging to SC and ST in the Commission.

This G.O has been submitted along with the affidavit submitted by the Chief Secretary to the Supreme Court.
The Member Secretary shall be the Chief Executive Officer of the Commission and shall exercise such powers and discharge such functions, as delegated by the Commission [Rule 12(5)(h)].

Terms and Conditions of Service
As per GO.Ms.No2 dated 10.04.2017, term of the members and conditions of service on removal and resignation are same as provided under Act. The Chairperson or any Member may, by notice in writing under his/her hand addressed to the Governor of the State, resign from the office [Rule 12(6)].

The salaries and other allowances payable to the members and the administrative expenses, including salaries, allowances and pensions payable to or in respect of the officers and other employees of the Commission, shall be charged to the Consolidated fund of the State [Rule 12(10)]. According to Rule 12(7), the State Government should ensure that all the vacancies are filled and the commission is constituted fully. On account of any vacancy arising out of either resignation or termination or retirement of any member, the Government should fill the vacancy within a period of not more than three months from the date of arising of the vacancy, ensuring due representation of women, SC and ST members not less than stipulated in the Act.

Time, place and procedure of meetings
The Headquarters of the Commission shall be at Hyderabad, as the State Government may, by notification in the Official Gazette, specify and the Commission may, with the previous sanction of the State Government, establish offices at other places in the State. Rule 12(8)(a).

Meetings of the Commission shall be convened by the Member Secretary, on the direction of the Chairperson, as per the requirement of work, but at least once in 6 months. The Commission shall formulate its own procedures for holding meetings [Rule 12(4)].

The Commission shall meet formally at least once in a month in its headquarters or at its offices in other places or at such other places decided as per the need and importance of implementation of the Act in those places. The quorum for the meeting of the Commission shall be four members. (Rule 12(5) and (b))

However, for a meeting of the Commission to review any previous decision taken by the Commission or for consideration of any issue which could not be decided on account of equality of votes in favour of and against the resolution proposed, the quorum for the meeting shall be all members being personally present.

The Chairperson of the Commission may instruct the Member Secretary to call a meeting of the Commission to be held at such time and at such place as the Chairperson may direct. In addition, any member of the Commission may request for a meeting of the Commission at any time by sending a notice in writing to the other members and with a copy to the Member Secretary. The notice of all meetings shall be given to the members in writing [Rule 12(5)(c)]. Further, the Commission shall be entitled to decide urgent matters by circulation of the paper to all the members [Rule 12(5)(d)]. In case of a difference of opinion among the members of the Commission, the opinion of
the majority shall prevail and the opinion of the commission shall be expressed in terms of the views of the majority. Each member of the Commission shall have one vote only. The Chairman shall have no casting or second vote [Rule 12(5)(e)]. All decisions, directions and orders of the Commission shall be in writing and shall be supported by reasons. The decisions, directions and orders of the Commission shall be available for inspection by any person. Copies of the same shall be made available in the website of the Commission and as in a manner as the Commission may specify. [Rule 12(5)(f)].

The Commission should maintain all the records, including the appeals and records related to their disposal [Rule 18]

**Power and Functions**

Any complainant may approach State Food Commission by him/her self directly, in matters relating to distribution of entitled food grains or meals or other cash entitlements or Food Security Allowance as per the Act, in case the complaint is not redressed by the orders passed by the District Grievance Redressal Officer. [Rule 12(13)]

*The procedure for registering complaints and appeals is given in Rule 15.*

Complaints regarding violation of entitlements under the Act and appeal against the order of DGRO are to be presented in person or by registered post or any electronic mode addressed to Member Secretary of the Commission. Any appeal against the order of DGRO should be filed within 30 days of issuance of the Order. Every appeal should be accompanied by certified copy of the order of DGRO and such documents as may be required to support grounds of appeal. Specific details and contact information of the complainant is required and no anonymous complaints are entertained.

Rule 16 explains how the complaints and appeals are to be redressed by the Commission. On receipt of any complaint, the Commission should seek a report on it from the DGRO, along with supporting documents, who is required to furnish it within 15 days. Looking into these the Commission will issue appropriate orders for redressal of complaints within 15 days from the date of receipt of the report of DGRO. In case of appeals against the orders of DGRO, the Commission should give an opportunity to the DGRO and appellant to present their cases in person on a fixed date, time and place. After having heard them and taking into consideration the evidence submitted by them, decision regarding the appeal must be taken within 30 days from the date of receipt of appeal. It shall be obligatory for the DGRO and appellant to appear before the Commission on the date fixed for hearing. In case of failure to do so, the Commission may in its discretion either dismiss the case or proceed to enquire the matter ex-parte and decide the appeal within a period of 30 days from the date of receipt of appeal.

All orders and decisions of the Commission shall be authenticated by the Member Secretary or any other officer of the Commission duly authorized by it on its behalf. The Commission shall also arrange to deliver copies of the decisions to the officer/person/agency concerned within a period of 15 days from the date of such decision. If the Commission is of the opinion that the disposal of the appeal requires more than thirty days the appellant shall be sent an interim reply citing the reasons for delay.
The Commission shall have the following powers, in addition to the powers provided in section 20 of the Act, for performing its functions:

Subject to the provisions of the Act and the rules thereunder, the Commission shall have the power to lay down its own procedure.

To hear appeal over the decisions of the District Grievance Redressal Officers. The appeal shall lie within 30 days from the date on which the decision should have been made by or was actually received from the office of DGRO.

While making a decision on the appeal or the complaint, the State Food Commission has the power to require the DGRO or any officer responsible for providing any entitlement under the Act to comply with the Provisions of the Food Security Act:

- Issue of ration cards or eligibility cards upon satisfying the eligibility criteria.
- Right to receive food grains at subsidized prices by persons belonging to eligible households under TPDS or Antyodaya Anna Yojana.
- Nutritional support to pregnant women and lactating mothers.
- Nutritional support to Children of six months to 14 years of age, by providing appropriate meal free of charge, through local anganwadi and schools.
- In the case to Children, up to class VIII or within the age group of six to fourteen years, one mid-day meal shall be provided, free of charge, every day, except on school holidays in all schools run by local bodies / govt / govt aided schools.
- Prevention and management of Child malnutrition by providing meals, free of charge, to children who suffer from malnutrition, through local anganwadi.
- Implementation of various schemes for realization of entitlements under the Act.
- Payment of Food Security Allowance.
- To summon DGRO or any other official involved in the implementation of the Act, against which a grievance/complaint is received or whose presence is felt necessary for disposal of any matter before the Commission.
- To necessitate the presence of the Department officials and implementation staff for any review meeting or training or any other related event.
- To direct any official to act in pursuance of objectives of the Act or to perform any functions necessitated to implement the provisions of the Act.
- To decide on the appeals and complaints received and direct the appropriate authority to act accordingly.
- To award penalties as provided in the Rules for default or breach of provisions of the Act as decided by the Commission.
- To visit and inspect any stock and delivery point, fair price shop, School, Anganwadi, local
authority, office of DGRO or any other office performing designated functions related to the implementation of the Act.

To commission any studies or enquiries in pursuit of better understanding of the implementation, impacts of the Act and for necessary improvements in the implementation processes. [Rule 12(11)].

Under Section 20(2) of the Act, SFC shall have the power to forward any case to a Magistrate having jurisdiction to try the same and such Magistrate shall then proceed to hear the complaint against the accused if the case has been forwarded under Section 346 of Cr.PC, 1973.[Rule 12(15)]

For reviewing and monitoring the implementation of the Act, the Commission should hold regular meetings with officers of Civil Supplies Department, other concerned agencies, reputed NGOs and members of civil society. [Rule 14]

If the State food commission has passed any strictures against the nodal officer / DGRO, they shall be communicated to their HOD’s on record for necessary action. [Rule 12(14)].

All decisions, directions and orders of the Commission shall be in writing and shall be supported by reasons. The decisions, directions and orders of the Commission shall be available for inspection by any person. Copies of the same shall be made available in the website of the Commission and as in a manner as the Commission may specify.

When the Chairperson of the Commission is unable to discharge the functions owing to absence, illness or any other cause, the next senior member of the Commission shall discharge the functions of the Chairperson, until the day on which the Chairperson assumes the charge of his functions.

The Commission shall be provided, by the State Government, with all the required physical infrastructure and office amenities and equipment for carrying out its functions smoothly, like conduct of meetings and hearing appeals, receiving and processing complaints and reports, preparation of reports, undertaking any research and impact studies etc. [Rule 12(8)(b)]. The State Government shall also make available financial support from the Government of India towards meeting the expenses of the Commission.

Staff

According to the 2017 Rules, State Government is to make available to the Commission adequate staff for proper discharge of its functions under Section 16 of the Act. 2015 Rules had much more elaborate provisions. However these are missing from the 2017 Rules.

2015 Rules

In consultation with the State Government, the Commission is to determine the number, nature and categories of other officers and the employees required to assist the Commission in discharge of its functions. (See Sub rule 5 of Rule 9). Notwithstanding this, the Commission is to be provided with at least one Section Officer, One Assistant Section Officer and One Data Entry Operator. (See Sub Rule 6 of Rule 6)

The State Government can also appoint the persons required for some of the above posts on outsourcing basis. The process of recruitment, terms and conditions of the recruitment, remuneration
etc., for the posts decided to be filled from open market will be as per the orders issued by the Government from time to time.

The Commission shall be entitled to appoint, from time to time consultants required to assist the Commission in the discharge of its functions on terms and conditions to be decided by the Commission in consultation with the Government. It is commendable that SFC is constituted. A selection committee was constituted for this purpose. However, the Selection Committee, it is proposed, could have included representation from other departments involved in the provisioning of entitlements under NFSA.

**Comments:**

It is welcome that the 2015 Rules have been revised to remove the Commissioner of Civil supplies being made the Chairperson of the Commission. However there is no provision on how the selection is to be made in the Rules. The provision on selection Committee given in 2015 rules has been removed from the 2017 Rules.

The salaries and other allowances payable to the members and the administrative expenses, including salaries, allowances and pensions payable to or in respect of the officers and other employees of the Commission, being chargeable from the consolidated fund of the State helps in ensuring financial autonomy of the Commission.

Rules 12(4) and 12(5)(a) are contradictory as to the periodicity of meetings.

Provisions on appointment of staff have been deleted from the revised Rules.

**Vigilance Committees**

According to Section 20 of the Rules, vigilance committees are to be constituted/revamped at various levels. Apart from inclusion of members as per the National Food Security Act, keeping in view the preference and reservations provided in the Act, the Vigilance Committees at various levels mentioned below shall constitute of the following members.

Vigilance Committee at State level shall consist of the Minister of Food and Civil Supplies, who shall be the Chairman of the Committee; Commissioner of Civil Supplies and Ex Officio Secretary to Government as the Vice Chairman and the Deputy Commissioner (CS), Office of the Commissioner of Civil Supplies as the Convener.

District Collector shall be the Chairman of Vigilance Committee at district level. It shall also constitute Chairperson, Zilla Parishad as the Co-Chairman and Joint Collector shall be the Vice Chairman. District Civil Supply Officer shall be the Convenor.

**The composition of Committees at other levels is as follows:**

- At Mandal level Revenue Divisional Officer shall be the Chairman. Chairperson of Mandal Praja Parishad shall be the Co-chairman. Tahsildar shall be Member Covenor.
- At Village level Sarpanch shall be the Chairman and Convener.
- At Municipal Corporation level Chief Rationing Officer in respect of twin cities of Hyderabad
and Secunderabad and Joint Collectors for other Corporations shall be the Chairman. Mayor of the Corporation shall be the Co-chairperson. District Civil Supply Officer shall be the convener.
- At Circle level District Civil Supply Officer shall be the Chairman and Asst. Supply Officer / Tahsildar shall be the convener.
- At Municipality Level Revenue Divisional Officer/ Sub- Collector shall be the Chairperson and Tahsildar shall be the Convener

Apart from the designated members clearly provided in the Rules, it does not say how the other members are to be selected. They have a tenure of two years from the date of constitution. They are to perform such function and shall have such powers as provided under Section 29 of the Act. In addition to sending reports to the District Grievance Redressal Officer as per section 29 of the Act, the vigilance committees at various levels should send monthly reports to the Tahsildar, RDO/ Sub Collectors, Joint Collector, Collector, Commissioner of Civil Supplies.

Vigilance Committee may also, in cases where it finds a matter to be of utmost importance, send special report to the authority above and such authority may take such report as it may deem fit. [Rule 21] While the Rules mention that Vigilance Committees are to perform all the functions mandated under the Act, which requires monitoring other schemes as well, it can be seen that this comprehensive approach doesn't get amply reflected in the composition of the Committee. Except at certain levels, it is the officials from Civil Supplies Department who are mostly occupying the key positions in the Committees.

Social Audits
In Telangana, Section 22 of Telangana Food Security Rules mandates the State government to issue detailed guidelines, as soon as possible, for conduct of social audits as per Section 28 of the Act. These Guidelines, the Rules mandate, should provide for constitution of social audit committees at various levels. Social Audit Committees are to conduct a social audit of the implementation of schemes under Act, at such intervals and in accordance with such guidelines, as may be notified by the State government. It further says that no social audit is to be conducted in a manner obstructing the conduct of normal work of any state authority and no social audit is to be conducted unless a notice of 15 days has been given to the concerned public authorities.

According to the Affidavit submitted by the Chief Secretary to the Supreme Court in Swaraj Abhiyan v. Union of India & Ors. [Writ Petition (C) No. 857 of 2015], Social Audit of FPS and targeted PDS has been entrusted to the Society for Social Audit, Accountability & Transparency, Telangana State (SSAAT-TS) by using the MNREGA platform for Social Audit. The Affidavit submits that SSAAT has given willingness to do so.

On 31.08.2016, a set of guidelines were issued by the Department of Food and Civil Supplies, according to which, social audits were to be conducted by the Social Audit Committee that consists of 10 percent of all cardholders in the Fair Price Shop. These members were to be selected by lot and the composition would change every month. All card holders were to be given an opportunity to participate in the Committee in rotation by drawing lots. However, this Order has been superseded
and fresh guidelines that were issued on 12.04.2017, which requires Department of Consumer Affairs, Food and Civil Supplies to enter into a MoU with SSAAT and the cost of the social audit is to be borne by the Department. It further provides the details on how social audit is to be conducted:

Social Audits will be conducted by the Village Social Auditors identified from amongst the card holders of Fair Price Shop and they must comprise of at least 1% of total card holders in Fair Price Shop.

Village Social Auditors (VSAs) will be identified and trained by the SSAAT facilitators. The team of VSAs along with SSAAT facilitator will conduct the social audit in the village by enquiring with other card holders about the programme. To ensure the process is fair and impartial, VSAs will not audit their own FPS but will be allowed to audit other Fair Price Shop. Composition of VSAs will change with every cycle of social audit.

All Fair Price Shop in a Mandal will be covered by the social audit process at least once in a year and where grave issues are identified, a follow up social audit may be undertaken twice a year.

Social Audit Action Plan will be drawn up at the beginning of each financial year and communicated to all the stakeholders and implementing authorities. Department of Civil Supplies will ensure that the Fair Price Shop dealer is informed of the dates of the social audit at least 15 days in advance of the process being initiated.

Department of Civil Supplies will hold periodic review meetings with SSAAT to get feedback on issues identified in the social audit process, to ensure more efficient implementation of National Food Security Scheme.

While it is commendable that the Guidelines require SSAAT to be involved in the social audit, the requirement of public hearing at higher level for instance, block and follow up measures are not clearly mentioned. Further, these guidelines mention about PDS alone, despite it pertaining to social audit of all welfare schemes under the Act.

**Transparency and Accountability**

Rules explicitly provide a list of all the documents that are to be placed in the public domain, places where these shall be placed open for inspection and who are the officials responsible for discharging various functions. However all these pertain to PDS alone.

**Rule 23 mandates keeping record in public domain.**

(1) Without prejudice to the general provisions of sub-rule (1) the following documents shall be considered related to entitlements under the Act:-

Guidelines notified by the State Government for identification of eligible Priority households. List of beneficiaries under Antyodaya Anna Yojana households or eligible Priority households for distribution under Targeted Public Distribution System under Section 3 of the Act; duly to purifying the data based on Aadhar seeding. The entitlements of food grains, including quantity and price, of beneficiaries under (b) above;

Details of the Fair Price Shops in the State, districts block etc.;
Policy directives issued by the State Government or the Commissioner of Civil Supplies, Telangana to the Collectors, District Grievance Redressal Officers and other officers of the State Government for effective and efficient implementation of the Act;

(2) All documents and records identified under sub-rule (1) and (2) shall be open for public access on the web portal maintained for this purpose.

(3) All documents and records identified under sub-rule (1) and (2) shall be open for public inspection, free of charge, and shall be kept at places mentioned in column (3) of Schedule-A, by the authorities indicated in column (4) of the said schedule.

(4) Any person may, after ensuring receipt of notice of 3 days, to the concerned local authority, inspect such records, free of charge.

(5) Any person may request copies of the records after paying such fee as may be prescribed by the State government.

Copies requested under sub-rule (5) shall be given within 15 days of receipt of application along with such fee.

The FPS owner is required to distribute the food grains to beneficiaries on fixed dates and send report of lifting of food grains by beneficiaries to DSO within 2 days of such distribution day. It is not clear why there are specific dates for distribution, when ration can be collected at any time of the month.

By the end of the month, a list of beneficiaries lifting food, not lifting food and food grains remaining is to be reported to the DSO who shall then send these to DGRO. The DGRO may choose to get it investigated.

**Finances**

The State Government shall bear from its exchequer all expenses incurred in implementation of these Rules and the Act, beyond the expenses borne by the Central Government under cost sharing and assistance, as per Section 7 and Section 22 (4) (d) respectively.
Andhra Pradesh

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<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Area</td>
<td>1,62,205 sq km</td>
</tr>
<tr>
<td>2</td>
<td>Population</td>
<td>49.67 million</td>
</tr>
<tr>
<td>3</td>
<td>Gross State Domestic Product (GSDP) FOR 2015-16</td>
<td>Rs. 4,90,134 Cr</td>
</tr>
<tr>
<td></td>
<td>(At constant prices 2011-12 estimates)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Date of implementation of NFSA</td>
<td>April-15</td>
</tr>
<tr>
<td>5</td>
<td>% of population to be covered under TPDS</td>
<td>R-60.96%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>U-41.14%</td>
</tr>
<tr>
<td>6</td>
<td>Total population to be covered under TPDS</td>
<td>268.23 lakhs</td>
</tr>
<tr>
<td>7</td>
<td>HDI (2015)</td>
<td>0.61</td>
</tr>
<tr>
<td>8</td>
<td>Sex ratio</td>
<td>1020</td>
</tr>
<tr>
<td>9</td>
<td>Infant Mortality Rate (IMR) in % (2015-16)</td>
<td>35</td>
</tr>
<tr>
<td>10</td>
<td>Under Five mortality (U5MR) in % (2015-16)</td>
<td>41</td>
</tr>
<tr>
<td>11</td>
<td>Maternal Mortality Rate (MMR) (per 1,00,000 live births) (2011-13)</td>
<td>92</td>
</tr>
</tbody>
</table>
Government of Andhra Pradesh has officially implemented NFSA from 01.04.2015. According to the Affidavit submitted by the Chief Secretary in Swaraj Abhiyan case, Andhra Pradesh Food Security Rules, 2015 were prepared in 2015 and vetted by Law Department, however due to administrative reasons these were not issued. Later, it has been issued vide G.O Ms.No.8 dated 18.04.2017. During our visits, we were informed by the key officials in the Department of Food and Civil Supplies that the passage of Rules has been delayed as the CM insisted ensuring convergence in the rulemaking process. Hence, as per this information, Rules have been jointly drafted by the three key departments.

Government of India had indicated, when the State of Andhra Pradesh was combined, 459.92 lakh families were eligible under National Food Security Act. Accordingly, 41.14% of the urban population and 60.96% of rural population were covered. According to the ratio between Andhra Pradesh and Telangana, 58.32:41.68, the persons eligible under the National Food Security Act, 2013 for Andhra Pradesh is 268.22 lakhs (Government order dated 07.09.2015, there are a total of 3.87 crores of BPL population- white and AAY card holders in the State.)

Out of the 268.22 lakh eligible persons, Antyodaya Anna Yojana families comprise 34.20 lakh members. The remaining number available for Priority households is 234.02 lakhs. The present number of members covered by the white cards is 347.77 lakhs. According to a Government order dated 31.3.2015, the additional number not covered by the National Food Security Act, 2013 but being covered under Targeted Public Distribution System (TPDS) was 113.75 lakhs. If all the persons are to be covered under the National Food Security Act, 2013 at Re.1 per kg., the subsidy requirement per annum is likely to be Rs.2,170 crores.

After careful consideration in the meeting of council of Ministers held on 20.03.2015, it was decided to implement NFSA in the State from 01.04.2013 and the Government also decided to cover the existing additional members 113.75 lakh who are not covered by the National Food Security Act, 2013 but presently covered under Public Distribution System.

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22. G.O. Ms. No. 16 dated 06.07.2015.
The rice available for release at the scale mentioned under NFSA is 17,18,387 MT at Rs.3.00 per kg and 1,53,460 MT at Rs. 8.30 per kg, totaling 18,71,847 MT per annum. Rice will be allotted by the Government of India to the State Government at the above mentioned rates and the same has to be released to the beneficiaries at Rs.3.00 per Kg. The expenditure on handling, transport and other incidentals and fair price shop dealer’s margin would be shared by the Government of India and that to the State Government is to be decided by the Government of India. The Council of Ministers had estimated that rice additionally required for the uncovered population is to be purchased in the open market is estimated to be Rs.25 per kg (Almost similar to Levy rice price).

Identification of eligible households

Section 3 of the AP Food Security Rules, 2017 provides the criteria for identification of eligible households. It requires the state government to identify the eligible households within a period not exceeding three months from the publication of notification of rules.

Significantly, much before the adoption of Rules, in a G.O dated 07.09.2015, all Collectors and District Supply Officers were instructed to select priority households under NFSA from the White and AAY card holders in their respective districts in the ratio of 60.96% of rural cardholders and 41.14% of urban cardholders and separately households under AAY.

Prior to the implementation of NFSA, income criteria was used for identifying BPL households and those households with income limit of Rs. 60,000 and below in rural areas and Rs. 75,000 and below in Urban areas were identified as belonging to BPL category.

All Collectors and District Supply Officers were instructed by the Government Order dated 07.09.2015 to select priority households under NFSA from out of the White and AAY card holders, in their respective districts, in the ratio mentioned above and households under AAY separately.

The eligibility criteria provided in the Rules and the G.Os issued in 2015 are the same. The following eligibility criteria was provided for identifying and selecting AAY households:

- All particularly vulnerable tribal/ nomadic and de-notified tribal households
- Widows or single women or single men with no family or societal support or assured means of subsistence
- Households of women victims of trafficking, rape and violence against women under Nirbhaya Act
- Households of victims of atrocities under SC.ST Prohibition Act, 1989
- Terminally ill persons or disabled persons or persons aged 60 years or more or
- Urban and rural homeless destitute and beggars
- Leprosy affected persons, HIV +ve patients/families, families of deceased due to starvation and families threatened by starvation deaths
- Persons freed from bonded labour
- Landless agriculture labourers and other unorganized workers as identified under Unorganized Workers Social Security Act, 2008.

There are separate criteria for rural and urban priority households, including both an inclusion and exclusion criteria.
The following exclusion criteria are to be applied for identifying Priority households (White card holders) under the TPDS:

**In Rural areas:**

Households having land more than 10 acres shall be excluded and in Ananthapur district, this limit shall be 20 acres
Households having any member as govt employee, not being a contract employee of the government shall be excluded.
Households having any member as Income Tax Assessee
Households having own motorized four wheeler, but not used as a taxi
Households having own or rented house with monthly electricity consumption of more than 200 units of residential category.

**In Urban areas:**

Households having own house of more than 750 sq. ft. in urban areas (other than got housing scheme)
Households having any member as Income Tax Assesse
Households having own motorized four wheeler, but not used as a taxi
Households having own or rented house with monthly electricity consumption of more than 200 units of residential category
Households having any member as got employee, not being a contract employee of the government shall be excluded.

After excluding the category of households mentioned above, the Collector and DSO shall ensure that the following categories of households in each village or ward are not left out from the list of priority households under TPDS.

**In Rural areas:**

PVTG households
Nomadic and de-notified tribes
Destitute women/Widows/ Women headed households/Women subjected to trafficking and Jognis.
Households with persons with disability possessing SARDEM certificates of disability.
Households with sweeper/sanitation worker/ rehabilitated safai karamchari
Households of active job card holders under MNREGS
Households of landless agriculture workers and other unorganized workers as identified under Unorganized Workers Social Security Act, 2008.
Households of beneficiaries of social security pension
Homeless persons, particularly women and old age persons
Transgender persons
Persons suffering from T.B. and other chronic diseases which are defined under sub-rule 1(h) of rule 2 of these rules
Homeless persons, particularly destitute women, old age persons and children

In Urban Areas:

Nomadic and de-notified tribes
Destitute women/Widows/ Women headed households/Women subjected to trafficking and Joginis.
Households with persons with disability possessing SARDEM certificates of disability.
Beggars/Rag Pickers
Households with sweeper/sanitation worker/ rehabilitated safai karamchari
Families residing in notified slums
Households of all kinds of unorganized workers as identified under Unorganized Workers Social Security Act, 2008.
Households of beneficiaries of social security pension
Homeless persons, particularly destitute women, old age persons and children
Transgender persons
Persons suffering from T.B. and other chronic diseases which are defined under sub-rule 1(h) of rule 2 of these rules

The G.O of 07.09.2015 also instructs the Collector and DSO to put a stamp, namely NFS card on the face of each ration card (i.e. selected priority and AAY cards). The cards left out after the mandated coverage, will be as it is and be continued to be supplied PDS with State support. Thus, the Collector and DSO are required to ensure that the remaining households will also be given essential commodities on par with selected households under NFSA, but there will be no stamping on the cards. They were required to complete the process by 19.09.2015. In accordance with the information shared by the Commissioner, Consumer Affairs, Food and Civil supplies Department, there are around 2.92 cr NFS cards and 92 lakh SFS cards.

Notably, according to Rule 3(6), the State government is required to publish and place the draft list of identified eligible households before the Gram Sabha in case of rural areas and Ward Sabha in case of urban areas calling for objections, which shall be enquired into and disposed within 15 days of publication of the list and before the final list is prepared. Also, as per Rule 3(7), on completion of each identification process, the lists of names of households identified for inclusion in priority or AAY category households and beneficiaries identified for entitlements in cash and supplementary nutrition should be placed in the public domain through a website exclusively designed for the purpose and the list should be displayed in Gram Panchayat/Ward Office, AWC and ration shop prominently. There is no clear information from the interviews if this has taken place. The executive orders do not provide such information either.

Entitlements

While under NFSA, rice, wheat and coarse grains are available to priority and AAY households at Rs. 3, 2 and 1 per kg, White card holders in Andhra Pradesh are being supplied rice at Re.1 per kg.
Earlier, rice at Re.1 per kg was being released at 35 kg per month to the Antyodaya Anna Yojana card holders and at 4 kg per person per month up to a maximum of 20 kg was given to a white card holder per month.

As regards the other entitlements, it can be seen that the State has been providing much more than that provided for under NFSA. Realizing that ICDS alone is insufficient to improve the nutritional status of women and children in the State, the Government has introduced various programmes such as:

- Anna Amrutha Hastham which involves spot feeding of one full meal for Pregnant and Lactating mothers at the Anganwadi Centre
- Balamruthum for children between 7 months and 3 years

**Anna Amrutha Hastham**

To ensure that food supplied is consumed by only the Pregnant and Lactating women rather than the whole family, enhance the quality and acceptability of supplementary nutrition by them, improve enrolment of mothers at AWC, eliminate or decrease number of Pregnant and Lactating women with anaemia/who are undernourished, reduce the incidence of low birth babies and malnutrition among children and the incidence of infant mortality and maternal mortality, ensure that women receive health checkups and immunization and consume 100 IFA tablets, the government began the Anna Amrutha Hastham Programme.

It involves spot feeding of “one full meal” for Pregnant and Lactating women at the Anganwadi centre along with administration of Iron & Folic Acid (IFA) tablet. Though the programme was started on 01.01.2013 in ICDS Projects with most adverse health and nutrition indicators, after during 2013-14 it was extended to some other ICDS Projects and now covers about 40% of the ICDS Projects and 40% of the Pregnant and Lactating women in the State.

The meal under AAH includes one egg and 200 ml milk daily along with rice, dal and vegetables (with green leafy vegetables at least thrice a week). The meal provides more than 40% of the day’s caloric/protein/calcium requirement of the Pregnant and Lactating women. Significantly, with these enhanced provisions, the nutritional requirements satisfied are higher than those prescribed under NFSA. A nutritional requirement of 600 Kcal and 18-20 g of proteins has to be satisfied through the Take Home Ration mandated to be provided to pregnant and lactating mothers under NFSA, whereas, through Arogya Lakshmi, 1052.70 Kcal, 32.80gm of proteins and 501.06 of calcium is provided.

The average unit cost of the One Full Meal is Rs.15/- per women per day. Savings on any one of the items can be utilized for purchase of any other item in the menu. In addition Rs.5/- per women per day is provided as flexible amount to be used as per requirement and local variation in prices and as per decision of Project Director (ICDS). Though a model menu is given, the "Anna Amrutha Hastham Committee" can decide the menu as per local conditions.

Procurement of certain food commodities such as eggs, milk, condiments and vegetables have been entrusted to the federations of SHGs at the village level known as the Village Organization (VO) and the required amount is transferred as an advance into their account. The AAH Committee is given the responsibility of ensuring transparency and effective monitoring. Apart from ICDS, enhanced
entitlements are provided under MDMS too. In 2008, MDMS was extended to children of Class IX and X and in 2010 and 2013-14, special training centres (National Child Labour Project-NCLP) and model schools are also being covered.

It should be noted that the AP Food Security Rules does not mention any of these higher benefits and therefore, they remain as mere schemes.

**Grievance Redressal Mechanism**

Prior to the adoption of AP Food Security Rules, Government provided alternate arrangements for disposal of grievances until the establishment/appointment of grievance redressal mechanism as mentioned under NFSA. The need for such alternate arrangement arose owing to the administrative delays in processing the issues and also under the instructions of Government of India.\(^{23}\)

AP Food Security Rules has detailed provisions on Grievance Redressal Mechanism. Section 5 provides a list of the supervisor/nodal officer with whom the grievance can be filed on failure of delivery of entitlement.

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Entitlement</th>
<th>Department/Authority responsible for providing entitlement</th>
<th>Nodal/Appellate authority for addressing the grievance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Right to get the name of the individual/household included in the eligibility list and getting a ration card on satisfaction of eligibility</td>
<td>Revenue/ Tahsildar</td>
<td>DGRO/State Food Commission as appellate authority</td>
</tr>
<tr>
<td>2</td>
<td>Right of the eldest women in the household to be recognized as head of the household and the card to be issued on her name with names of other family members included</td>
<td>Revenue/ Tahsildar</td>
<td>DGRO/State Food Commission as appellate authority</td>
</tr>
<tr>
<td>3</td>
<td>Right to get monthly ration of food grains as provided as provided by the Govt through the nearest ration shop of place of residence during any of the working hours.</td>
<td>FP shop dealer</td>
<td>Tahsildar/ DGRO as appellate authority</td>
</tr>
<tr>
<td>4</td>
<td>Right of entitled person for payment of food security allowance in case where entitled quantity of food grains have not been supplied due to non-availability of food grains at the fair price shop or for any unforeseen reasons, within the end of the third week of the month following the month in which the non-supply is occurred.</td>
<td>Revenue Department/ Tahsildar</td>
<td>DGRO/ State Food Commission as appellate authority</td>
</tr>
</tbody>
</table>

\(^{23}\) Ibid.
In addition to the redressal of grievances of PDS, the AP Rules incorporates mechanism for redressal of complaints pertaining to ICDS and MDM too.

According to Rule 5, Child Development Project Officer is the nodal officer in cases of grievance redressal on failure of following entitlements:

- **Right to enroll themselves or identified and enrolled by the AWW in nearest Anganwadi centers as children under age group of 6 months to 6years as well as Pregnant and Lactating women**

- **Take Home ration/ mid day meal with a 600 kcal of energy and 18-20grms of proteins per day as per guidelines of ICDS/state government rules as a right for Pregnant women and lactating mother who are enrolled in Anganwadi.**

- **Take Home ration with a 500 kcal of energy and 12-15grms of proteins per day as per guidelines of ICDS/state government rules as a right who are enrolled in Anganwadi.**

- **Morning snack and Hot cooked meal with a 500 kcal of energy and 12-15grms of proteins per day as per guidelines of ICDS/State Government rules as a right who are enrolled in Anganwadi.**

- **the 300 calories of energy and 8-10 grams of protein are provided as a take home ration/ mid day meal as per guidelines of ICDS/state Government rules.**

- **Maternity benefit of not less than rupees six thousand, in such installments as may be prescribed by the Central Government.**

A child helpline number is functional for hearing grievances of beneficiaries.

Further, Mandal Education Officer is the nodal officer in cases of redressal grievances arising on infringement of right to get hot cooked mid-day meals.

Notably, the Rules also provide the manner of disposal of grievances. Following provisions from the AP food Security Rules, 2017 explain the manner and time limit for hearing complaints:

According to Rule 5(1), any person can record/submit his/her grievance regarding any aspect of implementation of the Act or upon violation or denial of his/her right in any of the following manner:

- **Submission of grievance in person or through post in writing and obtaining acknowledgement to that effect.**

- **Submission of grievance through web based format which generates a unique complaint number for each complaint.**

- **Submission of grievance through mobile or landline either by SMS or voice call or voice mail which generates a unique complaint number for each complaint.**

Grievance petition may be filed to the above nodal officers directly or through any Mee-seva centres or exclusive website developed for the purpose of the Act or common Mee-Kosam website or common complaint centre of Mee-Kosam of I.T. & Communications Department or through the toll-free number/call centre specifically designated for the purpose. There are no fees for submission of application for redressal of grievance. At all the above points of receiving grievances, a
register (manual or electronic) should be maintained with the details and the grievance should be forwarded to the appropriate nodal officer/authority.

Any grievance should be disposed of by the concerned authority within 15 days of receipt of the grievance, after providing an opportunity of hearing, if required, to the complainant. The decision on the grievance should be communicated immediately, but not later than 7 days of disposal of grievance. The grievance not disposed within a pre-set time frame will automatically escalate to the next level for appropriate action.

**District Grievance Redressal Officer**

Rule 6 provides in detail the designation and functions of District Grievance Redressal Officer (DGRO). Joint Collector-II and Additional District Magistrate of the District is designated as the DGRO for the purposes of section 15 of the Act. The DGRO is to work under the guidance of the District collector and as an important link between the district administration and State Food Commission. He/ She is the nodal authority to present the case before State Food Commission [Rule 6(12)].

Designation of Joint Collector and ADM as DGRO is a welcome measure, enabling an impartial grievance redressal mechanism, looking into the grievances relating to all the entitlements under the Act. It is also appreciated that the Rules are comprehensive.

The State Government is to utilize the existing infrastructure and human resources from the Civil Supplies / Revenue departments for the efficient performance of the District Grievance Redressal Officer.

The Joint Collector can exercise following powers as DGRO, within the District,

- (a) Receipt of grievances from the card holders, individual entitlement holders as per the provisions of the Act as well as general public and shall take up hearing directly;
- (b) Order preliminary enquiry and hearing by the Tahsildar or RDO as the case may be on the reported grievance and obtain report from them within a specified time frame for further action;
- (c) Conduct of periodic review meetings of all the designated nodal officers in the District to review and strengthen the grievance redressal systems and processes and obtain necessary reports from them;
- (d) Ensure proper conduct of Social audit process in the district and deputing necessary mandal and district officials for the purpose of Social audit meetings at village and mandal level;
- (e) Nominate the nodal officer on his/her behalf in special circumstances to present cases before State Food Commission so as to facilitate the redressal of grievance within the stipulated time;
- (f) District Grievance Redressal Officer shall have all the powers of a Civil court while trying a suit under the code of Civil Procedure, 1908, and in particular, in respect of the following matters; namely, -
(i) Summoning and enforcing the attendance of any person and examining him on oath;
(ii) Discovery and production of any document;
(iii) Receiving evidence on affidavits;
(iv) Requisitioning any public record or copy thereof from any court or office; and
(v) Issuing commissions for the examination of witnesses or documents.

(g) DGRO shall have power to give directions to the appropriate authorities for enforcing the entitlements under the Act.

DGRO will receive the complaints/grievances on all working days from 10:30 a.m to 5:00 p.m. The Collector of the district may nominate an appropriate officer/employee to receive complaints/Grievances on his/her behalf. It is the responsibility of DGRO to dispose of the grievance within 15 days, but in any case within not more than 30 calendar days from the date of receipt of the complaint at the office of DGRO. Manner of disposal of complaints by the DGRO is also provided in the Rules. Relevant Rules are provided below:

District Grievance Redressal officer should conduct enquiry;

(a) if he/she finds complaints to carry substance, may give such directions and relief as enumerated for compliance with the entitlements granted under the Act;
(b) if he finds complaints does not have any substance discharge the notice.

The process to be followed by the DGRO for the enquiry is as follows -

(a) Verify whether there is prima-facie substance in the complaint to proceed in the matter;
(b) If the officer is satisfied, that there is prima-facie ground to proceed in the matter, he/she shall issue a notice to all parties in the case fixing date, time and place for the hearing;
(c) On the date fixed for hearing he/she shall hear the parties and take such evidence as may be given by them; there shall not be adjournment without valid reason;
(d) If, the complainant or his authorized representative is absent on the date fixed for hearing, the complaint may be decided on its merits;
(e) If, the defending party is absent on the date fixed for hearing, the officer may proceed to enquire the matter ex parte and decide accordingly;
(f) He/ She may also, at the request of the parties or suo-moto adjourn the proceedings to some other date with or without cost;
(g) After the enquiry, the District Grievance Redressal Officer shall give his/her judgment, which shall clearly state in writing the reasons for his judgment;

Following directions and relief can be provided by the District Grievance Redressal Officer,

(a) provision of the entitlement, which is either food grains or meals or any other entitlement, with immediate effect, not exceeding seven calendar days;
(b) payment of food security allowance by the end of the third week of the month following the month in which the non-supply occurred;
(c) supervision by an appropriate person / representative, of such provision or payment, as the case may be, under clause (a) and (b) above;

(d) any other appropriate direction.

Ensuring the timely disposal of the complaints is mandatory and the state government is required to make it compulsory for the DGRO to submit monthly reports on the status of redressal of grievance to the District collector as well as to the office of the State Food Commission along with the report of delayed cases with appropriate explanation. He/She should also take steps to maintain the database in an easy to retrieve mode with all the details of the complaints received, hearing dates, attendance and judgements/decisions delivered on them. DGRO should review the status of action taken on the decisions and the nature and spread of grievances being reported within the district periodically with the nodal officers.

The complainant or the officer or authority against whom, any order has been passed by the District Grievance Redressal Officer, if registers their disagreement or decision to appeal on the order before DGRO, their application/complaints will be automatically forwarded to the State Food Commission within a period of 7 days from the date of the order.

**State Food Commission**

Prior to the enactment of the Rules, State Commission constituted under the Consumer Protection Act was designated to perform the duties of State Food Commission under NFSA.

According to Rule 8(13), any complainant, in case the complaint is not redressed by the orders passed by the DGRO, may approach State Food Commission by him/herself directly. As per the AP Food security Rules, within a period of six months from the date of publication of notification of the Rules, the State is required to constitute a State Food Commission in accordance with the provisions of section 16(2) and (3) of the Act [Rule 8(1)]. The commission is to compose of seven members as provided in section 16(2) of the Act, i.e One Chairperson, One member secretary and five other members, ensuring due representation of women, SC and ST members not less than stipulated in the Act and one B.C. member. An Officer working in Civil Supplies department not below the rank of the Joint Secretary is to be appointed by the State Government as Member Secretary as provided in Section 16 of the Act [Rule 8(3)].

Rule 8(4) provides the method of appointment:

The process of selection is to be initiated by the State Government within three months of the coming into force of the rules in the first instance and three months prior to the completion of tenure of the existing Chairperson or Member, as the case may be and should be concluded within three months.

Principal Secretary, Food and Consumer Affairs in consultation with the Secretaries of Women and Child Welfare, Social Welfare and Tribal Welfare departments should prepare a list of probable members and submit it to the government for consideration and appointment. If the Government is not satisfied by the list of names submitted to it, it may ask once the Principle Secretary to reexamine and come up with a revised list. Government may also add/modify names in the list, subject to the qualifications and criteria laid out in the Act.
However, the affidavit submitted by the Chief Secretary mentions about an executive order issued a day before the issuance of the Rules, G.O Ms. No.7 dated 17.04.2017, wherein a Selection Committee is constituted. The Order says the Selection Committee is to compose of,

1. Chief Secretary to Government- Chairman;
2. E.O. Prl. Secretary to Govt (CA,F&CS Dept)-Member-Convenor;
3. Secretary, Law: Member

Such inconsistencies need to be taken care of. Apart from the composition of Committees, powers of the Commission are also provided in the Rules.

According to Rule 8(11), the Commission, for performing its functions, will have the following powers, in addition to the powers provided in section 20 of the Act.

Subject to the provisions of the Act and the rules thereunder, the Commission will have the power to lay down its own procedure. It has the power to hear appeal over the decisions of the DGRO. The appeal shall lie within 30 days from the date on which the decision should have been made by or was actually received from the office of DGRO.

State Food Commission also has the power to summon DGRO or any other official involved in the implementation of the Act, against which a grievance/complaint is received or whose presence is felt necessary for disposal of any matter before the commission. It can direct any official to act in pursuance of objectives of the Act or to perform any functions necessitated to implement the provisions of the Act. It can also decide on the appeals and complaints received and direct the appropriate authority to act accordingly.

While making a decision on the appeal or the complaint, the State Food Commission has the power to require the DGRO or any officer responsible for providing any entitlement under the Act to comply with the following provisions of the Act – (i) Issue of ration cards or eligibility cards upon satisfying the eligibility criteria (ii) Right to receive food grains at subsidised prices by persons belonging to eligible households under TPDS or ANTYODAYA ANNA YOJANA (iii) Nutritional support to pregnant women and lactating mothers (iv) Nutritional support to Children (v) Prevention and management of Child malnutrition (vi) Implementation of various schemes for realisation of entitlements under the Act (vii) Payment of Food Security Allowance. Moreover, it has power to award penalties as provided in the Rules for default or breach of provisions of the Act.

Rules also provide how the meetings are to be conducted. According to Rule 8(6)(a), the Commission should meet formally at least once in a month in its head quarters or at its offices in other places or at such other places decided as per the need and importance of implementation of the Act in those places. The quorum for the meeting of the Commission should be four members. However, for a meeting of the Commission to review any of its previous decision or for consideration of any issue which could not be decided on account of equality of votes in favour of and against the resolution proposed, the quorum for the meeting should be all members being personally present. While the Chairperson of the Commission may instruct the Member-Secretary to call a meeting of the Commission, any member of the Commission may also request for a meeting of the Commission at any time by sending a notice in writing to the other members and with a copy to the Member Secretary. The notice of all meetings is to be given to the members in writing.
The Commission is also entitled to decide urgent matters by circulation of the paper to all the members. In case of a difference of opinion among the members of the Commission, the opinion of the majority shall prevail and the opinion of the commission shall be expressed in terms of the views of the majority. Each member of the Commission shall have one vote only. The Chairman will have no casting or second vote. All decisions, directions and orders of the Commission will be in writing and should be supported by reasons. The decisions, directions and orders of the Commission should be available for inspection by any person. Copies of the same should be made available in the website of the Commission and in a manner the Commission may specify.

Notably, Rule 8(5)(a) requires the Government to provide the Commission with the necessary budget and infrastructure including administrative and technical staff to effectively perform the functions as provided in Section 16(6) of the Act. Rule 8(10) provides that the salaries and other allowances payable to the members and the administrative expenses, including salaries, allowances and pensions payable to or in respect of the officers and other employees of the Commission, shall be charged to the Consolidated fund of the State. The Rules also provides the minimum staff requirement. According to Rule (9) (a), the head quarters of the Commission should be at such place, as the State Government may, by notification in the Official Gazette, specify and the Commission may, with the previous sanction of the State Government, establish offices at other places in the State.

**Vigilance Committees**

According to Rule 9 of Andhra Pradesh Food Security Rules, 2017, state government is to reconstitute the presently functioning Food Advisory Committees at ration shop, ward/village, municipality/corporation/mandal, district and state levels into Vigilance committee. Accordingly, the nomenclature of the Food Advisory Committees is to be changed as “Vigilance Committees”. Due representation is to be given to the Scheduled Castes, the Scheduled Tribes, Women and destitute persons or persons with disability among non-official members as per the provisions of section 29(1) of the Act. They are required to perform the functions mentioned under Section 29 of the Act. Additionally, they are to perform functions assigned in accordance with the Public Distribution Systems (Control) Order 2001, made under the Essential Commodities Act, 1955, which includes supervising regularly implementation of all schemes under this Act.

An earlier G.O. Ms. No 16 dated 06.07.2015 also required the nomenclature of Food Advisory Committees to be changed to Vigilance Committees. Food Advisory Committees does not seem to have been reconstituted after the bifurcation of the State. As mentioned earlier, the latest Orders accessed from the website of the Department and official visits dates back to 2012.

Food Advisory Committees are constituted at district, mandal, village, municipal corporation, circle, division, municipality and FP shop (Urban) levels. These were first constituted in 1995 and later, in 2005 they were revamped. Composition of Food Advisory Committees at various levels is given as follows:

The State level Food Advisory Committee was reconstituted in 2010. While the minister of Consumer Affairs, Food and Civil Supplies is the Chairman of the Committee, Commissioner of the department...
is its Vice chairman. Non-official members include representatives from all the recognized political parties in the State and one representative of consumer voluntary organization from each district who are recommended by the respective district collectors. Apart from this there are 20 official members including Principal Secretary of PR&RD Dept, MA &UD dept, commissioners of Commercial Taxes, Marketing, Vigilance and Enforcement, Agriculture, Horticulture, Legal Meteorology, School Education, I&PR, Director of BIS, Institute of Preventive medicine, Hyderabad, Regional Director Quality Control Cell, Ministry of Consumer affairs and Public Distribution, GM FCI, Vice Chairman and MD, AP State Civil Supplies Corporation etc.

The District level Food Advisory Committee is to have Collector as its Chairman, Chairperson, Zilla Parishad as its Co-chairman and Joint Collector as Vice Chairman. All MLA, MLCs and MPs of the district, Joint/Deputy Directors of Agriculture and Horticulture, Joint/Deputy Director, Marketing, Commercial Taxes Officer of the District are members. Also six members of the Zilla Parishad (out of whom three shall be women) shall be nominated by ZP. One representative each from DICCI(sponsored by the Association), FP shop dealers Association and Kerosene Retail Dealers Association are to be included. Apart from this, members include district level coordinator for oil industry, District Supply Officer, CEO Zilla Parishad, Director of Board of AP State Civil Supplies Corporation belonging to that district, and District manager, APCSCL. One representative from each recognized political party is also included. Two members each from farmers and print media, three representatives of SHG (to be nominated by Collector), five representatives of Consumer Organization including one woman (to be nominated by Collector), three social activists of local area with appropriate stature including woman to be nominated by Collector and non-official members of State Consumer Protection Council are the other non-ex-officio members.

Constitution of Mandal Level Food Advisory Committee is as follows:

a) Revenue Divisional Officer/Sub Collector Chairman

b) Chair Person of the Mandal Praja Parishad Co-Chairman

MEMBERS:

c) One representative from each of the recognised Political parties
d) Chair Person of the Municipality
e) Members of ZPTC belonging to the Mandal
f) Three women members of the Mandal Praja Parishad to be nominated by the Mandal Praja Parishad Members
g) Mandal Development Officer
h) Two members from Farmers
i) One representative of the F.P.Shop dealer’s Association
j) One representative of the Kerosene Retail

Dealers’ Association

k) Four representatives from the Consumer Voluntary, including one woman to be nominated by Collector
Organisations to be nominated by the Collector

l) One representative of Self Help Group to be nominated by the Collector
m) Commercial Tax Officer at Mandal level
n) Agriculture Officer at Mandal level
o) Horticulture Officer at Mandal level
p) Two persons from Print Media
q) 3 Teacher Guides of the local consumer clubs to be nominated by the RDO/Sub-Collector
r) Member, MPP
s) Member, ZPTC
t) Tahsildar Member-Convenor
u) three social activists of local area with appropriate stature including woman to be nominated by Collector

Village level Food Advisory Committee constitutes of

a) Sarpanch- Chairman and Convener
b) Member of MPTC or councilor or corporator
c) Three representatives of CVOs
d) Three representatives of SHGs to be nominated by the M.D.O
e) two social activists of local area with appropriate stature including woman to be nominated by Collector
f) representatives of CVO including one woman

Composition of F.P. Shop (Urban) level committee is as follows:

a) Corporator of Municipal Corportaion/Councilor of Municipality in whose jurisdiction the FPS is situated- Chairman cum Convener
b) Two representatives of CVO including one woman
c) One representative from a recognized political party
d) One representative from local SHG to be nominated by the Municipal Commissioner concerned.
e) Two social activists of local area with appropriate stature including one woman to be nominated by the Municipal Commissioner

Apart from this, there are Committees at Municipal Corporation, Circle, Divisional, Ward and Municipality levels.

The Vigilance Committees up to the District level should meet at least once every month on a fixed day notified by the District Collector and the proceedings of the meetings is to be recorded and be
made available in the public domain as well as submitted to the DGRO regularly. The monthly reports should also be sent to the Tahsildar, RDO/ Sub Collectors, Joint Collector, Collector, Commissioner of Civil Supplies and also to the Child Development Project Officer, Project Director and Commissioner of Women Development & Child Welfare, as the case may be.

The State Vigilance Committee should meet at least once in a quarter or as often as necessary. Proceedings of the meetings of the State Vigilance Committee should be made available in the public domain as well as to the State Food Commission for necessary action by the appropriate authority. In any case where it finds a matter to be of utmost importance, the Vigilance Committees may also send special report to the appropriate authorities.

The local bodies at appropriate level, i.e Panchayat, Mandal Parishad and Zilla Parishad, Municipal council, Corporation etc., shall review the functioning of Vigilance committees and provide necessary directions for their effective functioning The Government should institute yearly awards for the best functioning Vigilance Committees at each level.

Implementation of MDM programme is monitored at State, District, Mandal, village and School level. At state level, CM, Minister for School Education, Chief Secy to GoAP, Principal Secretary, School Education, Commissioner, School Education and Additional Director (MDM) review the programme with officials of School Education Department at state level from time to time.

District Collector reviews the implementation at district level. DEO conduct meetings with MEO and review the implementation. Deputy Educational Officers conduct review meetings with all the Head Masters of High Schools and MEO on implementation of scheme at divisional level. MEO conducts meetings with HM/implementing agencies and review the implementation once a month at mandal level. SMC of school manages and monitors serving of MDM at school level. The Joint Director (ICDS) informed that every GP has an agenda to review the health and nutrition issues.
General Recommendations

Recommendations submitted to all the State Governments for the State Rules under the National Food Security Act 2013

The National Food Security Act 2013 aims to “provide for food and nutritional security in human life cycle approach”. Thus in contrast to the general misconception that NFSA is only or mainly concerned with the distribution of subsidized food grains, the entitlements for children below the age of 6 years, pregnant women and lactating mothers, school going children and malnourished children forms part of the Act.

Notably, the mechanisms provided under the Act to ensure its proper implementation, transparency and accountability such as the offices of District Grievance Redressal Officer, State Food Commission and Vigilance Committees are mandated to function for the entire Act and not merely public distribution system.

To be stressed, therefore, is the fact that the implementation of the Act lies not merely with the Food and Civil Supplies department but also with the departments of Women and Child Development, Health, Primary Education, Social Welfare etc. This holistic approach and the need for convergence which the Act emphasizes upon should not be lost sight of at any stage beginning from the process of rulemaking. It is vital that these departments come together from the stage of framing rules itself.

Apart from this cardinal principle guiding the drafting of rules, there are certain specific points which have to be stressed upon. Based on the extensive research undertaken by the CCL NLSIU in drafting the Karnataka Food Security Rules, following are the recommendations we provide:

Provisions on which State Government has to draft Rules

Section 40 of the Act that provides the power to State Government for making rules, details the aspects on which they are required to frame Rules. Apart from this, there are also certain other matters on which the State government has to make provisions for the implementation of the Act. These are provided under Sections 24, 10(1), 12, 25(2), 26, 31 and 32

Entitlements

As mentioned earlier, the entitlements under the Act pertains not merely to TPDS, but also other entitlements mentioned under Sections 4, 5 and 6 of the Act.

To ensure that the Act does not slash the already existing entitlements, Section 32, which provides an opportunity to State governments to continue the already existing food and nutrition related

37. Submitted by Centre for Child and the Law (CCL), National Law School of India University (NLSIU) in 2014 to all the state governments.
schemes or programmes or formulate new such schemes/ programmes using their own resources, should be made use of.

Again, the Act also under Section 30 mandates the State governments to give special focus to the needs of vulnerable groups, while implementing the provisions of the Act and schemes for meeting specified entitlements. The Rules should mention all the existing nutritional support programmes for adolescent girls, forest dwelling and dependant communities, senior citizens, destitute persons and other vulnerable groups. It is important to note that many of the provisions which are meant for progressive realization are pertinent to food security and thus they should be provided through the Rules.

**Grievance Redressal Mechanism**

It is important that each of the concerned departments concerned with the implementation of the Act set up their own internal grievance redressal mechanism, with toll free numbers and designate an officer to ensure its effective functioning and supervise its development, improvement and modernization. Rules should detail the complaint mechanism including registration of complaints and providing of acknowledgement receipt on filing complaints.

District Grievance Redressal Officer (DGRO): To discharge his/her duties effectively, it is necessary to make a fresh appointment rather than designate an officer as DGRO. The office of DGRO should never appear to be connected to one department alone, as this may impede its functioning as a body hearing grievances in all matters relating to the Act.

Hence, the draft Rules should provide a Selection committee consisting of ministers of Department of Food, Civil supplies and Consumer Affairs, Department of Women and Child Development and Department of Primary education, Chief Secretary, Chairperson of State Food Commission and one representative each from NGOs and research organizations working on food and nutrition rights of the poor, nominated by the Chairperson of the State Food Commission to prepare a panel of suitable persons, from which the DGRO should be finally appointed.

Further, in order to effectively discharge his responsibilities, the DGRO requires to be given some powers to inspect, search and seizure, receive evidence on Oath etc. It is also important that the proceedings before him to be summary proceedings. It is to be noted that, under the Act, the State Government can prescribe the powers which have to be given to DGRO. Thus Rules should thus clearly state the powers which will ensure effective functioning of the officer. Rules should also ensure that the office of DGRO is provided with required staff for its effective functioning.

It is also essential to mention measures, which will ensure accountability of the grievance redressal mechanism. The draft Rules, should mandate that the status of complaints have to be regularly updated on the websites and monthly and annual reports have to be submitted.

**State Food Commission**

In spirit of the Paris Principles pertaining to the establishment of independent human rights commission, state Rules must provide for an independent commission for effective monitoring of the implementation of the Act. Selection of members of the commission should be done through an open process with no political interference. The mandate of the commission must include monitoring the violation of entitlements under TPDS, MDMS and ICDS.
**Vigilance Committees**

The Act under Section 29, requires the state government to set up vigilance committees at the state, district, block and fair price shop level, for ensuring transparency and proper functioning of TPDS, accountability of functionaries in such system, regularly supervising the implementation of all schemes under the Act and informing DGRO of any violations of the provisions of the Act and any malpractice or misappropriation of funds found by it. Keeping the requirements mandated by the Act in mind, the Rules should provide on composition of vigilance committees at four levels, manner of their selection, term of office, frequency of meetings, quorum, powers, functions and other responsibilities, honorarium to be paid to members and finances of committees.

To be borne in mind, is the important fact that the Act by its very wording does not contemplate vigilance committees to function for merely TPDS. It has express mandate to supervise the implementation of all the schemes under the Act.

**Social Audits**

Social audit, which is based on the spirit of community monitoring, must be independent of the government control. State Rules must provide for an agency, independent of the implementing agencies, which could either be identified/ established by the State Government for conducting social audits. This could also be done alongwith the MGNREGA social audit.

Also, in view of the holistic conception of food and nutritional security under the Act, it is necessary to have a social audit agency, well equipped to conduct social audits, to look into all the aspects covered under the Act and Rules.

Rules should provide for proper budgetary allocation to the Social Audit Unit so as to ensure that the process is not constrained or limited by unwarranted interference of implementing agency.

**Other transparency measures**

Though the Act mentions specifically that TPDS related documents should be put in public domain, this should apply for all the schemes, programmes as well as institutions established under the Act including:

**Obligation of local authorities**

In order to have functional clarity, it is necessary that the broad obligations of local authorities at various levels should be clearly provided in the Rules.

**Capacity Building, Awareness generation and Allocation of Resources**

The State Rules should include requisite measures for training and refreshers for the functionaries to build their capacities for the implementation of the Act. Rules must also mention about adequate measures to be taken to create awareness among the public about their entitlements and various services provided under the Act. Most importantly, there has to be adequate allocation of resources, which should also be revised regularly, for proper implementation of the Act.

**Reforms**

In addition to the TPDS, State Rule must also include reforms measures to be adopted for other schemes such as MDMS and ICDS.
Annex – Draft Karnataka Food Security Rules  (CCL NLSIU Submission)

DRAFT KARNATKA STATE FOOD SECURITY RULES, 2014

UNDER

NATIONAL FOOD SECURITY ACT, 2013

Submitted by

Centre for Child and the Law (CCL)
National Law School of India University
(NLSIU)
Bangalore
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In exercise of the power conferred by Section 40 of the National Food Security Act 2013 (Central Act No. 20 of 2013), the Government of Karnataka hereby makes the following Rules namely:-

CHAPTER I
PRELIMINARY

1. Title, Commencement and Application-
   (1) These Rules may be called the Karnataka State Food Security Rules, 2014.
   (2) These shall extend to the whole of State of Karnataka.
   (3) These shall come into force on the date of their publication in the Official Gazette.

2. Definitions: In these Rules unless the context otherwise requires,-
   (1) “Aahara Adalat” means the public meeting conducted periodically by the officials of Department of Food, Civil Supplies and Consumer Affairs implementing the National Food Security Act, 2013 and these Rules, to hear the grievances of entitled persons regarding their entitlements, means of accessing them, grievance redressal mechanisms, vigilance committees and any other matter related to the implementation of the Act and these Rules and for carrying out detailed inspections of fair price shops.
   (2) “Act” means the National Food Security Act, 2013.
   (3) “Action Taken Reports” means the reports to be submitted by the State Food Commission and the Social Audit Unit and District Grievance Redressal Officer as required under social audit process.
   (4) “ASHA” means the Accredited Social Health Activist appointed under National Rural Health Mission.
   (5) “Chairperson” means the chairperson of the Karnataka State Food Commission.
   (6) “Civil Society” means aggregate of individuals, organisations, institutions or their combination with or without a formal structure who are part of public vigilance process in general and Social Audit in particular.
   (7) “Commission” means the Karnataka State Food Commission as constituted under section 16 of the Act.
   (8) “Community Growth Chart” means a growth chart maintained at every anganwadi for monitoring the growth and development of children under six years of age in the community.
   (9) “Hot Cooked Meal” includes the meals provided to children between 3 years to 6 years, school going children, pregnant women and lactating mothers, destitute persons and senior citizens as mentioned in Chapter II of these Rules.
“Designated officer” means an officer designated by each concerned government department related to implementation of the Act and these Rules, to ensure the functioning of internal grievance redressal mechanism.

“Destitute Feeding Centre” means the temporary centres established by the State government for providing cooked meals to destitute people.

“Destitute Persons” means persons who chronically lack the resources, means and support required for food and nutrition that enable survival with dignity, to an extent that makes the person vulnerable to living with or dying of starvation.

“District Grievance Redressal Officer” means an officer appointed under Section 15 of the Act for effective redressal of grievances in matters relating to enforcement the Act and these Rules.

“Education Guarantee Scheme (EGS)” and “Alternative and Innovative Education (AIE)” means the alternative schooling facilities provided under SarvaShikshaAbhiyan.

“Enquiry and Facilitation Desk” means counters set up by the State Government at panchayat offices at village/ward and block level and the office of District Grievance Redressal Officer to guide the complainants with the procedures involved in lodging a complaint and provide them information regarding the status of their complaints. These shall also provide information relating to various schemes and services under the Act, these Rules and other food or nutrition based welfare schemes or plans formulated or continued by the Central and State Governments from time to time under Section 32 of the Act.

“Entitlements” includes the entitlements as detailed in the Act and these Rules and as notified by the Central and State Government from time to time.

“Functionaries” means all persons who are involved in the implementing, redressing grievances and ensuring transparency and accountability under the Act and these Rules.

“Gram Sabhas” means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level as defined in the Constitution of India or the Karnataka Panchayat Raj Act, 1994 and rules made thereunder.

“Health, Sanitation and Nutrition Committee” means the committee consisting of representatives of elected gram panchayat members, ASHAs, frontline staff of the government health related services, community based organisations, local community, beneficiaries of the services, and members of other committees established earlier on health, nutrition or sanitation; set up at the village/panchayat level under the National Rural Health Mission.

“Homeless Persons” shall mean persons who live in structures without a roof, such as on the roadside, pavements, drainage pipes, under staircases, outside shops, or in the open, courtyards of religious structures, railway tracks, drains and the like and
includes persons who reside in homeless shelters, beggars’ homes, destitute shelters etc.

(21) “Household” shall mean a nuclear family comprising mother, father, and their children, and may include any person wholly or substantially dependent on the head of the family.

Provided that a single-member shall also constitute a household where such a person is not dependent on any other person and has no dependent persons.

(22) “Implementing Agency” means any department of the Central Government, and State Government, and local authorities involved in the implementation of the Act and these Rules and includes any Government undertaking, self help groups and cooperative societies authorized by the Central Government or the State Government to undertake the implementation of the Act, and these Rules.

(23) “Job Chart” means a note describing the roles and responsibilities of a functionary under these Rules.

(24) “Malnutrition” means the condition which develops when the body, over a prolonged period of time, does not receive or absorb adequate and appropriate calories, proteins and other nutrients required for good health, growth and maintenance of the human body and mind.

(25) “Maternity benefits” means the cash payment made to pregnant women and lactating mothers under the Act and these Rules.


(27) “Mothers’ Committee” means a committee set up at anganwadi, school and centre level, consisting of mothers whose children are enrolled in those anganwadis, schools and centres specified, for monitoring the implementation of nutritional support programmes for children and pregnant women and lactating mothers.

(28) “Mother and Child Protection Card” means a multipurpose card issued to children under six years of age and pregnant women and lactating mothers, used for monitoring growth and development of children and mothers, providing information about the health and nutrition services provided by the Government and educating the family on best practices for achieving good health.

(29) “Municipal Wards” means wards as notified by the State Government under the Karnataka Municipal Corporations Act, 1976.

(30) “Notification” means a notification issued under the Act, these Rules and published in the official Gazette, and the word “notified” shall be construed accordingly.

(31) “Nutrition standards” means scientifically determined quantity of nutrients including proteins and calories required to be consumed for good health, growth and maintenance of the human body and mind including those specified in Schedule II of the Act.
(32) “Nutrition Rehabilitation Centre” means a centre in or attached to a hospital, Primary Health Centre or similar health facility set up or approved by the appropriate government that provides nutrition, treatment and rehabilitation of malnourished children;

(33) “Primary stakeholders” includes all the beneficiaries who are entitled to benefits under the Act and these Rules.

(34) “Programme Officer” means a designated officer in the concerned state departments for coordinating with the Social Audit Unit.

(35) “Resource Persons” means the persons who shall carry out the training and capacity building process for the Social Audit process.


(37) “Sarva Shiksha Abhiyan” means the programme undertaken by the Central Government in partnership with the State Governments for achievement of Universalization of Elementary Education.

(38) “Section” means a section of the Act.

(39) “Self Help Groups” means a self governed, voluntary association of individuals with shared interests and having a desire to collectively achieve common purpose, in general, and involved in the implementation of Act and these Rules, in specific.

(40) “Social Auditors” means the persons drawn from the local community for conducting social audit at Gram Panchayat and Municipal Ward level.

(41) “Social Audit Gram Sabha” means the special Gram Sabha to be held at gram panchayat level, at least once a year for the purpose of conducting social audit.

(42) “Social Audit Municipal Ward Sabha” means the special Municipal Ward level meeting to be held at least once every year for the purpose of conducting social audit.

(43) “Social Audit on Government Orders/Memos/Executive Instructions” means the orders passed by the Government of Karnataka to indicate the process to be followed during a Social Audit.


(45) “Take Home Ration” means food that can be taken and prepared or eaten at home, and stored in room temperature for at least two weeks, provided through the local anganwadi, to pregnant women and lactating mothers, children between the age of six to thirty-six months, malnourished children within the age group of six to thirty-six months, adolescent girls and any other beneficiaries as specified under the Act and these Rules.

(46) “Therapeutic food” is energy dense, micronutrient enhanced food given to malnourished children as additional/supplementary nutrition for a period of time till they cease to remain malnourished.
The words and expressions not defined here but defined in National Food Security Act, 2013 or any other relevant Act shall have the meaning respectively assigned to them in those Acts.

CHAPTER II
PROVISIONS FOR FOOD SECURITY

3. Nutrition support for children below six years of age and pregnant women and lactating mothers.- From the day of notification -

(1) Every pregnant woman and lactating mother shall be entitled to-

(a) take home ration or hot cooked meal, free of charge, and consisting of 600 Kcal and 18-20 grams of proteins, during pregnancy and six months after child birth, through the local anganwadi; and

(b) maternity benefit of not less than rupees six thousand, in such instalments as specified by the Central Government.

Provided that the choice of availing the take home ration or hot cooked meal shall lie with the pregnant woman and lactating mother and the same shall be specified at the time of registration.

(2) In case of children below the age of six months,

(a) support shall be provided free of cost for practicing exclusive breastfeeding for six months through assistance at birth, skilled breastfeeding counselling, imparting antenatal and postnatal education for pregnant women and lactating mothers about advantages of colostrum feeding and any other related assistance consistent with the provisions of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992);

(b) State Government shall take proactive measures to ensure that the provisions relating to promotion of breast feeding as specified under the Maternity Benefit Act, 1961 is implemented.

(3) In case of children within the age group of six to thirty-six months,

(a) take home ration shall be provided free of charge, consisting of not less than 500 Kcal and 12-15 grams of protein through the local anganwadi;

(b) Counselling on optimal Infant and Young Child Feeding to promote appropriate complementary feeding shall be provided to the mothers.

(4) Every child within the age group of three years to six years shall be entitled, free of charge, to-

(a) a morning snack and hot cooked meal, consisting of not less than 500 Kcal and 12-15 grams of protein through the local anganwadi; and
(b) 150 ml of milk, at least thrice a week, through the local anganwadi.

(5) Every child within the age group of six to thirty-six months, who are found to be malnourished, as per Rule 6 shall be provided with take home rations, free of charge, consisting of not less than 800 Kcal and 20-25 grams of protein through the local anganwadi. In addition to the meal or food provided to children in the age group of three to six years, every child within this age group who are found to be malnourished shall be provided with additional 300 calories of energy and 8-10 grams of protein, free of charge, through the local anganwadi.

(6) In order to ensure the adequate nutrition levels, micro-nutrients such as Vitamin A, Iron and Folic acid, Zinc and de-worming medicines shall also be provided to children.

(7) Services including but not limited to supplementary nutrition, immunization, health check-ups, referral services, growth monitoring and promotion shall be provided to all children upto six years. Pre-school education shall also be provided to children within the age group of three to six years.

4. Setting up Anganwadis.-

(1) The State Government shall, after obtaining the approval from Central Government, establish an anganwadi—

(a) in every community, in rural or in urban areas, where there are more than forty children under the age of six;
(b) at a dalit or tribal hamlet, in case of a village having mixed population;
(c) for migrant population and during instances of flood, riots, or any other natural calamities or crisis.

(2) Notwithstanding anything contained in the above Sub-Rule (1), where some children do not have a convenient access to local anganwadi due to distance, difficult terrain or any other reasons, additional anganwadis shall be established by the State Government after obtaining approval from the Central Government.

(3) Anganwadis shall be provided with—

(a) classrooms, rest rooms, kitchens and store rooms;
(b) an electricity and gas connection and fire extinguishers;
(c) safe drinking water and child friendly toilet facilities.

(4) All forms of health and nutrition services, ante-natal care, post natal care, growth monitoring, distribution of micronutrients, counselling on nutrition and health and service monitoring shall be conducted on Health and Nutrition Day held on a fixed day of every month, as notified on the walls of the anganwadis.
5. **Registration of children under the age of six years and pregnant women and lactating mothers.-**
   
   (1) There shall be provision of self-registration for any pregnant woman and lactating mother at the local anganwadi of her choice.
   
   (2) A survey shall be conducted by an Anganwadi Worker along with the ASHA, every six months, to identify and register pregnant women and lactating mothers and children under the age of six years, who have not been registered with the anganwadi.
   
   (3) Anganwadi Worker shall be responsible for ensuring registration of pregnant women, lactating mothers and children in the local anganwadis.
   
   (4) A Mother and Child Protection Card shall be issued to every woman and child at the time of registration.
   
   (5) There shall be no denial of entitlements due to any technical reasons and registration with the local anganwadi shall be sufficient for availing the entitlements.

6. **Distribution of take home rations, hot cooked meals and maternity benefits.-**
   
   (1) The morning snacks and hot cooked meals shall be prepared and distributed at the anganwadis regularly.
   
   (2) Hot Cooked Meals shall be prepared and distributed by the Anganwadi Helper.
   
   (3) Take Home Rations shall be prepared following a common production protocol determined by the Nutrition Counsellor along with Department of Women and Child Development.
   
   (4) Take home rations shall be packaged in packets and the packaging shall outline the ingredients and nutritional components of the take home ration.
   
   (5) Training shall be given on regular basis to those engaged in preparation and distribution of hot cooked meals and take home rations, including the women Self Help Groups if any.
   
   (6) Private contractors shall be banned from preparing and distributing food to anganwadis.
   
   (7) The days on which take home ration is being made available shall be intimated in advance.
   
   (8) In case, a child or woman is unable to come to the anganwadi, a family member specified by the woman at the time of registration or the guardian of the child may collect the take home rations.

7. **Growth monitoring.- For the purpose of the growth monitoring of children in the anganwadis following measures shall be taken by the State Government.-**
   
   (1) The list of children below the age of six years shall be maintained by the local Anganwadi Worker and shall be revised every month.
   
   (2) It shall be the duty of the Anganwadi Worker to monitor the growth of every child in the presence of the mother/guardian, on a monthly basis, by measuring and recording the heights and weights.
Every anganwadi shall be provided with weighing machines and measuring scales to ensure growth monitoring of children and pregnant women and lactating mothers.

Community growth chart shall be updated every month and displayed at the anganwadis.

This chart shall be updated every month on the basis of Mother and Child Protection Cards.

8. **Provisions for malnourished children.-**

(1) Anganwadi Worker with the help of ASHA shall, identify children who suffer from malnutrition as well as those experiencing growth faltering or nutritional deterioration.

(2) Standards prescribed by the World Health Organization shall be used to identify malnourished children by the Anganwadi Worker.

(3) Any child found to be malnourished, shall be referred by the anganwadi to the Nutrition Rehabilitation Centres, who shall prescribe the necessary steps.

(4) The State Government shall set up Nutrition Rehabilitation Centres in every Community Health Centre/block in rural areas and in every ward in urban areas in a phased manner:

Provided that until such Nutrition Rehabilitation Centres are set up, all existing Nutrition Rehabilitation Centres under the National Rural Health Mission of the Ministry of Health shall be treated as Nutrition Rehabilitation Centres under these Rules.

(5) All severely underweight and severely malnourished children shall be entitled, free of charge, to appropriate therapeutic foods, and special care at a Nutrition Rehabilitation Centre or in the community in which they are normally resident, as may be specified by the Nutrition Rehabilitation Centre.

(6) Parents or guardians of every malnourished child shall be provided support through nutrition counselling for appropriate therapeutic foods, health check-ups and referral services, free of charge.

(7) The weight of the child shall be weighed every fortnight until the Nutrition Rehabilitation Centre certifies that the child does not require extra nutrition.

9. **Monitoring and Supervision.-** Anganwadis and the services provided through them shall be monitored through following means,-

(1) The Mother and Child Protection Card and Community growth chart shall be used as monitoring tools to ensure optimal delivery of services and shall be reviewed by the concerned committee under the Integrated Child Development Services.

(2) The Anganwadi Worker shall update and verify the records and this shall be fed into a centralised internet portal at the Block level.

(3) Mothers’ meeting shall be conducted every month in every anganwadi to monitor the services provided to mothers and children through anganwadis.

(4) Bala Vikasa Samithi, constituted by the Department of Women and Child Development shall be responsible for management and supervision of anganwadis.
(5) Health, Sanitation and Nutrition Committee shall monitor the health and sanitation conditions in the community.

(6) A route chart for the supervisors shall be made and publicly pasted on the walls of the office of Child Development Project Officer and the anganwadis to ensure that they supervise all the anganwadis.

10. **Nutrition support for school going children**.-

(1) Every child up to the age of sixteen years or up to class ten, whichever is later, studying in the following schools and centres, shall be entitled to a hot cooked meal, free of charge, during all school days and 150 ml of milk, free of charge, at least thrice a week,-

(a) government and government aided schools;

(b) schools run by local bodies;

(c) centres run under the Education Guarantee Scheme and Alternative and Innovative Education centres supported by Sarva Shiksha Abhiyan;

(d) madrasa/maktabas which may/may not be registered or recognised, but supported by Sarva Shiksha Abhiyan as Education Guarantee Scheme/ Alternative and Innovative Education interventions.

Provided that such nutritional support shall be extended to areas declared as drought hit by the State government, during summer and winter vacations as well.

(2) The food served in these schools and centres shall at minimum meet the nutrition standards as prescribed in Schedule II of the Act.

(3) In order to ensure the adequate nutrition levels, micro-nutrients such as Vitamin-A, Iron and Folic acid, Zinc and de-worming medicines shall also be provided to children.

11. **Facilities in Schools**.-

(1) The State Government shall ensure the provision of proper cooking and other facilities in every school. These shall include,-

(a) Adequate well ventilated kitchens with utensils and separate space for cooking, storage and cleaning of utensils;

(b) electricity and gas connection, gas cylinders, stoves and fire extinguishers;

(c) safe drinking water, toilets and facilities for washing hands and plates.

(2) Cooking outdoors shall not be allowed.

(3) There shall be adequate arrangements made for seating and placing plates and tumblers for children to eat.

(4) Cooks and Helpers shall be appointed in every such school.

(a) The number of cooks shall be in proportion with the number of children in the school and centres. There shall be an assistant cook for every 100 children.
(b) Only women shall be appointed as cooks.

(c) Preference shall be given to Scheduled Castes and Scheduled Tribes in appointing of cooks and helpers.

(5) The State Government shall encourage schools to develop kitchen gardens wherever adequate infrastructure and resources are made available.

(6) Mothers’ committees shall be constituted in each school and centre to monitor the services provided to the children.

12. Nutritional support for adolescent girls.- Every adolescent girl shall get take-home ration consisting of not less than 500 Kcal and 20-25 grams of protein through the local anganwadi.

13. No denial of entitlement to any child.- Any child, including those out-of-school, may approach any feeding facility under the Act and these Rules, including anganwadis, schools, centres and centralized kitchens for a freshly cooked nutritious meal; no such institution shall deny a freshly cooked nutritious meal to such a child on any grounds.

14. **Filling up of vacancies, wages etc.**-

(1) The concerned state departments shall ensure that posts of Anganwadi Worker, Anganwadi Helper, mid-day meal cook and helper do not remain vacant for more than two months.

(2) The Anganwadi Worker, Anganwadi Helper, mid-day meal cooks and helpers shall not be paid less than the minimum wage as notified by the State Government.

15. Nutritional support for destitute persons at emergency situations.- The State Government shall provide two meals a day, free of charge, through the destitute feeding centres to all destitute persons at the time of riots, civil unrest and disasters that are mentioned in the Disaster Management Act 2005.

16. **Ensuring nutritional standards.**-

(1) In order to ensure adequate nutritional standards as prescribed under Schedule II of the Act and the Revised Nutritional and Feeding norms issued by the Ministry of Women and Child Development, the State Government shall with the help of paediatric nutrition experts, formulate age-wise guidelines of all essential nutrients that shall be included in the daily menu in schools, centres and anganwadi.

(2) In order to ensure availability and better absorption of nutrients the State Government shall,-

(a) provide seasonal fruits, green leafy vegetables and different colour vegetables to children to help them obtain adequate sources of vitamins, minerals and fibre;

(b) give priority to locally produced food grains and vegetables;

(c) incorporate millets at least once a week, to help combat Vitamin A and Iron deficiency;

(d) provide eggs thrice a week to children in anganwadis, schools and centres. Children who do not consume egg shall be provided with food of the same nutrient value, as prescribed the State Government with the help of paediatric nutrition experts;
(e) take special measures to promote and implement nutrition education.

17. Revision of menu of meals provided in schools, centres and anganwadis.- State Government shall ensure the following as regards the preparation and revision of the menu-

(1) The meals and take home rations shall also be rich in vitamins, minerals and iodine and it shall be the duty of the District Monitoring Committees for ICDS to ensure that an age appropriate specific menu is prepared and reviewed by a nutrition council, at the block level, keeping in view the local cuisines available, once in every six months.

(2) The menu prepared shall be revised only for upward improvement in the nutritional content.

(3) The weekly menu shall not be monotonous and shall be prepared in such a way as to ensure that proper nutritional standards are maintained.

18. Provision of maternity benefits.- Following arrangements shall be made by the State Government for the provisions of maternity benefits.-

(1) All women at the time of registration shall be assisted by the Anganwadi Worker to open an account in their names, with a bank, and the sum will be directly transferred to the bank account.

(2) There shall be provision for keeping a zero balance account as well, as per the guidelines of the Reserve Bank of India.

(3) In case, a bank account has not been opened and the instalment becomes due, it shall be disbursed through postal money order.

(4) Subject to the provision in the Act, the maternity entitlements shall be applicable to all women, and each woman, pregnant or lactating shall be entitled for the same during all pregnancies, without prejudice to her age, number of pregnancies or children, miscarriage, still born child, availability of any medical benefits etc.

(5) In the case of multiparous pregnancies (twins or triplets), instalments payable after delivery shall be multiplied by the number of children.

(6) Mother and Child Protection Card shall be used as a means of verification of payment.

19. Entitlements through Targeted Public Distribution System.- Without prejudice to the other commodities made available through the targeted public distribution system in the State, the State Government shall provide the following entitlements to ensure food security:

(1) Priority households with a single member shall be entitled to 10 kg food grains per month, with two members 20 kg and with three or more members 30 kg at Re. 1 per kg delivered each month within the date as specified by the State Government.

Provided that the households covered under Antyodaya Anna Yojana, to such extent as may be prescribed by the Central Government in the said scheme, be entitled to thirty-five kilograms of food grains per month at prices specified in Schedule I of the Act.
(2) The eligible households shall also be issued sugar and such other commodities at such scale and rate as specified by the State Government through an order, from time to time.

(3) The food grains may consist of rice, wheat and any other coarse grains in a ratio as determined by the State government through an order, from time to time depending on the choice of ration cardholders and availability of food grains.

(4) The State Government shall ensure availability of food grains, sugar and such other commodities notified by the government through an order from time to time from the beginning of the month.

(5) The State Government shall make arrangements for taking delivery of food grains issued by the Government of India under the Act.

(6) The State Government shall also procure additional food grains required by it from market purchase through tenders or purchase through other states under negotiated rates or through procurement from farmers under price support mechanism or through levy or a combination of all or some of these mechanisms, as specified by the Government through an Order.

(7) The State Government shall promote procurement from farmers under price support mechanisms through various initiatives like: (a) by scientific determination of Minimum Support Price, (b) by improving the procurement administration through ensuring speedy payments, (c) by opening procurement centres as near to farmers as possible by preferably involving village level farmers’ cooperatives or similar other reliable institutional structures, (d) by promoting farmers in similar other ways.

(8) The State being a decentralized Procurement State, shall maintain separate accounts for central and state operations.

(9) The State Government shall formulate policies for motivating farmers in fulfilling requirements of not only the state pool but also the central pool so as to save on unnecessary expenditure in transportation of food grains incurred by the Food Corporation of India for meeting obligation under the Act.

20. Identification of eligible households.—(1) The State Government shall include the following households as eligible households,—

(a) households residing in notified or un-notified slums;

(b) households residing in huts / kutch houses or houses with less than 400 sqft of built up area;

(c) homeless households;

(d) households headed by widows;

(e) households headed by terminally ill or bed ridden persons;

(f) households headed by person affected by HIV/AIDS, leprosy or endosulfan;

(g) SC/ST households;
(h) households covered under social security pension schemes such as: Widows Pension Schemes, Manaswini Scheme, Mythri Scheme, Old Age Pension Scheme and Physically Handicapped Pension Scheme;

(i) households where the members cumulatively have drawn wages for at least ten days in last six months or twenty days in last year from MGNREGA;

(j) households having less than fifty units of electricity consumption per month on an average for the past six months or the date of connection whichever is earlier;

(k) households where any member is eligible for registration under Unorganised Workers Social Security Act 2008, based on his occupation;

(l) households where any member is or has engaged in vulnerable professions and practices like sanitation workers, manual scavengers, bonded labourers, devadasis.

(m) households owning less than 2.5 acres of irrigated land or less than five acres of dry land;

(n) households that have lost a child upto six years due to malnutrition in the last five years.

(o) households consisting of transgenders and other sexual minorities.

Provided that households satisfying the Central / State government guidelines for identification of Antyodaya Anna Yojana households shall be included in the Antyodaya Anna Yojana category.

(2) The following households shall be excluded from the category of eligible households,-

(a) households consisting of members paying income tax;

(b) households owning more than 7.5 acres of irrigated land or more than ten acres of dry land;

(c) households where any member is a registered contractor or Agricultural Produce Market Committee (APMC) trader or commission agent or seeds and fertilizers dealer;

(d) households where any member owns a business / firm / enterprise, partly or fully, that pays VAT or Service tax;

(e) households consisting of members paying professional tax;

(f) households owning Air Conditioner;

(g) households owning or residing in a pucca house having carpet area of more than 800 sqft in BBMP area; of more than 1000 sqft in other municipal corporations or councils or more than 1500 sqft in town panchayats or rural areas.

(3) The exclusion criteria shall have an overriding effect over the inclusion criteria.
21. **Free nutritious food supply for forest dwelling and dependent communities.**

(1) Forest Dwelling and Dependent Communities mentioned in GO # SWD 47 SLP 2012 dated 25th February 2012 shall continue to be entitled to receive the nutritious food supplies, of the nature and quantity stipulated by the Social Welfare Department, for at least six months in a year.

(2) Any other forest dwelling and dependent communities included in the scheme by the Social Welfare Department at a later date shall also be entitled for the same.

22. **Meals for senior citizens.** Destitutes above sixty five years of age who are not covered but are eligible, for State or Central social security pension scheme, shall be entitled to 10 kg food grain per month, free of cost, as per Annapoorna Yojana Scheme.

Provided that the existing schemes for providing hot cooked meals to senior citizens shall continue.

23. **Diversification of food grains and other food items.** In order to ensure diversification of food grains and food items,

(1) State Government shall take proactive measures to diversify the food grains and other food items being provided as part of the Targeted Public Distribution System, anganwadis, schools and centres, centralized kitchens and other points of delivery.

(2) State Government shall diversify its operations such that due weightage to local preference in terms of food grains and cereals is given, in the benefits being made available through targeted public distribution system, anganwadis, schools and centres, centralized kitchens and other points of delivery. Ragi, Jowar and other local grains and millets shall be introduced.

(3) State government shall initiate local procurement of coarse grains and millets and introduce the same in the food grains distributed through the targeted public distribution system, anganwadis, schools and centres, centralized kitchens and other points of delivery.

24. **Promotion and advancement of food security.** The State Government shall take following measures for promotion and advancement of food security of people,

(1) The food grains, hot cooked meals and take home rations provided shall be nutritious and shall consist of a nutritional content of not less than the nutrition requirement as specified in Schedule II of the Act.

(2) The quality of the food grains and meals being provided through the fair price shops, schools, centres, anganwadis, centralized kitchens and other points of delivery shall comply with the standards as mentioned in the Food Safety and Standards Act, 2006.

(3) Locally produced food grains and vegetables by the farmers shall be given high priority.

(4) The State Government shall ensure that no beneficiary is denied such person's entitlement due to lack of documentation and supply constraints. It shall further ensure that the most vulnerable sections are prioritised.
In case of non-supply of entitled quantities of food grains or meals to entitled persons under Chapter II of the Act, such persons shall be eligible to receive food security allowance from the concerned State Government to be paid in a manner prescribed by the Central Government.

Any person, whose food and nutritional security is threatened by state and non-state actors through actions contradictory to the objectives specified in Section (1) of Schedule III of the Act, can approach the Commission for redressal.

Any person, whose food and nutritional security is threatened by state and non-state actors through the denial of access to the provisions specified in Section (3) of Schedule III of the Act, can approach the District Grievance Redressal Officer for redressal.

25. **Special steps against discrimination.**- Following steps shall be taken in order to ensure that no discrimination takes place while provision and distribution of entitlements,-

(1) The functionaries involved in the implementation of the Act and Rules shall ensure that entitlements shall accrue to all beneficiaries without discrimination on the grounds of disability, disease, occupation, occupation of parents, caste, sex, religion, race, descent, language, place of birth or residence, or any other ground.

(2) Local authorities shall take special measures to protect the beneficiaries from being discriminated against.

(3) Local authorities shall report instances of discrimination which come to their notice to the concerned District Grievance Redressal Officer.

26. **Annual report.**-

(1) The State Government shall prepare an annual report which shall include, amongst other things the following,-

(a) identification of the beneficiaries;

(b) extent of beneficiaries covered under each entitlement;

(c) number of maternity benefits and food security allowances provided;

(d) infrastructural support provided for enabling the efficient provisioning of entitlements.

(e) details on the grievances heard and redressed through Internal Grievance Redressal Mechanisms, District Grievance Redressal Officers and Commission;

(f) measures incorporated to ensure transparency and accountability in the entire mechanism and reforms introduced by the state Government.

(2) This annual report shall be placed before the State legislature and shall be made available for public.
CHAPTER III

INTERNAL GRIEVANCE REDRESSAL MECHANISM

27. Setting up of Internal Grievance Redressal Mechanism.- Department of Food, Civil Supplies and Consumer Affairs, Department of Women and Child Development, Department of Public Instructions and all other state departments related to the implementation of the Act and Rules in the State shall set up an internal grievance redressal mechanism which shall include call centres, toll free numbers and designated officers, for receiving and redressing the grievances.

28. Toll-free number, call centres, etc.-

(1) Toll-free numbers shall be provided and centralised call centres with necessary infrastructure shall be established to enable filing of complaints.

(2) The concerned state departments shall ensure that toll-free numbers are publicized using effective means including displaying at delivery points and concerned state departments, publicizing through newspapers, radio, local news, television channels and internet.

(3) The State Government shall ensure the facility of operational phone lines, training and detailed guidelines to personnel in call centres.

(4) All the complaints filed through toll free numbers shall be analysed to enable segregation of the complaints and identification of the problem prone areas.

29. Aahara Adalat.- The Department of Food, Civil Supplies and Consumer Affairs shall conduct Aahara Adalats on a periodic basis.

30. Designated Officer.-

(1) For ensuring effective functioning of the Internal Grievance Redressal Mechanism, every concerned state department shall designate an officer, hereinafter called the designated officer.

(2) The designated officer shall,-

   (a) be responsible for the development, improvement and modernization of internal grievance redressal mechanism;

   (b) ensure that the complaints received orally through toll-free numbers, or in a written format, are redressed in a timely, systematic and effective manner.

(3) The ultimate responsibility for development, improvement and modernization of internal grievance redressal mechanisms, shall lie with the head of concerned state departments related with implementation of the Act and these Rules.

31. Complaint mechanism for the internal grievance redressal mechanism.-

(1) Complaints may be made orally by using the facility of toll free number or by lodging a complaint online in the website of concerned state departments.
(2) A written complaint can also be made on a plain white sheet by writing the name and address of the complainant, facts giving rise to the complaint and signature or thumb impression of the complainant.

(3) All complaints shall be entered into a web based portals.

(4) All complaints shall be duly registered and the unique complaint number along with the stipulated time frame within which the complaint shall be redressed, shall be communicated to the complainant at the time of registration.

This unique complaint number may be used to track the status of the complaint online or by approaching the enquiry desks in the offices of concerned state departments at the block and district level.

(5) A general chart describing different categories of public grievances arising under the Act and these Rules and maximum time limit for redressal of each shall be displayed at all the offices of concerned state departments and panchayat offices at village, block and district level:

Provided that any complaint received shall be acted upon within fourteen days from the date of its registration with information to the complainant.

(6) Feedback of the complainant shall be collected to determine if the complainant was satisfied with the service rendered to him.

32. Appeals from internal grievance redressal mechanism.- If the complainant is not satisfied with the action taken or if no action has been taken within the stipulated time, such person may file an appeal before the District Grievance Redressal Officer or before the Commission.

33. Reporting by internal grievance redressal mechanism.-

(1) The designated officer shall update and publish on the concerned state department website by 15th of the every month, a monthly report mentioning the following:

(a) number of complaints received;
(b) number of complaints pending;
(c) number of complaints disposed of;
(d) details of ahara adalats conducted in every district; and
(e) such other particulars, as may be prescribed, for discharge of its functions under the Act and these Rules.

(2) The designated officers shall submit a monthly report on the complaints received along with details of the complainant and status of every complaint to the District Grievance Redressal Officer.

(3) If the District Grievance Redressal Officer has reasons to believe that the grievances are grave and/or affecting the public at large and have not been addressed adequately, he/she shall take immediate measures for its redressal, even in cases where the complainant has not approached him.
The Designated Officers shall submit an annual report based on the analysis of complaints received to the District Grievance Redressal Officer.

This annual report shall-

(a) highlight the responsiveness and accountability achieved by the internal grievance redressal mechanism;

(b) enable to determine the nature of complaints, measures undertaken to address the complaint along with appropriateness of the measures;

(c) enable to identify the problem prone areas in the State, suggest recommendations and determine the success of measures taken for improvisation.

CHAPTER IV

DISTRICT GRIEVANCE REDRESSAL OFFICER

34. District Grievance Redressal Officer.-In exercise of the powers conferred in Section 15 of the Act,-

(1) The State Government shall appoint a District Grievance Redressal Officer, for each district for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains and commodities, meals and enforcement of other entitlements under the Act and these Rules.

(2) The State Government shall provide such staff to the Distance Grievance Redressal Officer, as may be required for the efficient functioning of the same.

(3) The administrative expenses of the District Grievance Redressal Officer and staff including the salaries and allowances payable shall be provided by the State Government.

35. Qualification and appointment of the District Grievance Redressal Officer.-

(1) The District Grievance Redressal Officer shall be a person of eminent standing and impeccable integrity with experience in the field of social service, food security, nutrition, health or any allied field and a proven track record of work relating to the improvement of food and nutrition rights of the poor.

(2) A Selection Committee shall prepare a panel of suitable persons for consideration of appointment as District Grievance Redressal Officer. This panel shall be published on the official website of the concerned state departments to invite comments and objections from the public.

(3) The Selection Committee shall consist nominees of the Minister of Food, Civil Supplies and Consumer Affairs, Government of Karnataka, Minister for Women and Child Development, Government of Karnataka, Minister for Primary Education, Government of Karnataka, Chief Secretary of the State Government, Chairperson of the Commission, and one representative each from NGOs and research organizations working on food and nutrition rights of the poor, nominated by the Chairperson of the Commission.
On the expiry of fourteen days of publication of the panel of suitable person, the comments shall be examined by the Selection Committee. All the comments and objections shall be looked into within fourteen days of the date of expiry of the period for inviting comments, by the Selection Committee and if it is found valid, the said applicant shall not be considered for the post.

The process for appointment of District Grievance Redressal Officer shall start well in advance, before the term of incumbent District Grievance Redressal Officer comes to an end.

The incumbent District Grievance Redressal Officer, except in cases of removal, shall continue in office till the new appointment takes place.

In any case, the post should not remain vacant for a period of more than sixty days.

After the appointment of District Grievance Redressal Officer, a public notice shall be issued in at least one English and one Kannada newspaper in circulation in the area of jurisdiction of District Grievance Redressal Officer.

Such public notice mentioned in the Sub Rule (8) shall indicate,-

(a) name of the District Grievance Redressal Officer;

(b) address, telephone number, e-mail address, facsimile number and other means of contacting District Grievance Redressal Officer.

Thereafter such public notice shall be issued at least once a year in the same manner and in case of change of the name of the District Grievance Redressal Officer, address and telephone number, e-mail address, facsimile number and other means of contacting such officer, shall be intimated immediately by public notice.

The public notice shall also be displayed at the offices of respective District Grievance Redressal Officer, call centres, enquiry and facilitation desks, websites of concerned state departments, fair price shops, anganwadis, schools etc.

36. Term and Removal of District Grievance Redressal Officer.-

The District Grievance Redressal Officer shall hold office for a term not exceeding three years from the date on which such person enters the office.

The incumbent District Grievance Redressal Officer may be considered for re-appointment for second term, if included in the panel prepared by the Selection Committee by following the process laid down in Rule 35 for appointment:

Provided that no person shall hold office as the District Grievance Redressal Officer after such person attains the age of sixty-five years.

A maximum of two terms shall only be allowed.

The State Government may remove from office the District Grievance Redressal Officer who-
(a) is adjudged an insolvent; or
(b) becomes physically or mentally incapable of acting as District Grievance Redressal Officer; or
(c) is convicted for an offence, which, in the opinion of the State Government, involves moral turpitude; or
(d) acquires such financial or other interest as is likely to affect prejudicially such person’s functions as a District Grievance Redressal Officer; or
(e) has abused the position as to render such person’s continuation in office detrimental to public interest.

(5) However, such removal shall take place only on the recommendation of the Selection Committee and the Selection Committee shall not make recommendation without providing such person an opportunity to be heard.

37. Complaint mechanism.-

(1) The District Grievance Redressal Officer shall conduct an inquiry into-
(a) complaints filed before him by persons or group of persons;
(b) complaints forwarded to him by the designated officers;
(c) violations of the Act and these Rules reported by Vigilance Committees;
(d) complaints arising during Social Audit;
(e) any act of violation of the Act and these Rules which comes to such officer’s notice.

(2) The State Government shall set up an enquiry and facilitation desk in the office of the District Grievance Redressal Officer and panchayat offices at village/ward and block level.

(3) The complainant can give the complaint to the District Grievance Redressal Officer in writing or orally. The enquiry cum facilitation desk shall render all reasonable assistance to persons making complaint orally to reduce the same into writing. The complainant shall provide the name, address, mobile number (optional), state the facts giving rise to the complaint supported by documents, if any, and the relief sought from the District Grievance Redressal Officer. The complaint shall contain his/her signature or thumb impression.

(4) A complaint filed through electronic means shall also be accepted by the District Grievance Redressal Officer and a print of such complaint shall be taken on the record of District Grievance Redressal Officer. The print-out of such complaint shall be signed by the complainant at the earliest possible opportunity, before District Grievance Redressal Officer takes steps for its disposal.

(5) The complaint shall be registered and the unique complaint number along with the stipulated time frame within which the complaint shall be redressed, shall be communicated to the complainant at the time of registration.
The unique complaint number may be used to track the status of the complaint online or by approaching the enquiry and facilitation desk.

All the complaints registered shall be duly entered on the website of the Department of Food, Civil Supplies and Consumer Affairs, Government of Karnataka. Every action taken by the District Grievance Redressal Officer till the disposal of the complaint and the final decision shall also be uploaded on the website.

The decision taken by District Grievance Redressal Officer regarding the complaints shall be communicated to the complainant and the same must be uploaded on the website of Department of Food, Civil Supplies and Consumer Affairs, Government of Karnataka.

38. **Nature of complaints to be heard by District Grievance Redressal Officer.**

The District Grievance Redressal Officer shall hear complaints arising out of the non implementation of the Act and these Rules. The District Grievance Redressal Officer shall hear complaints relating to the following:

(a) non-enforcement of schemes covering entitlements under Section 4, 5, 6 of the Act, entitlements covered under Chapter II of these Rules and other food or nutrition based welfare schemes or plans continued or formulated by the Central or State Government under Section 32 of the Act;

(b) delays and discrepancies in procurement of food grains from farmers;

(c) delays and discrepancies in the allotment of food grains to designated depots;

(d) delays and discrepancies in delivery of allotted food grains to fair price shops, schools, centres anganwadis, centralized kitchens, and other points of delivery;

(e) delays and discrepancies in allotment and delivery of maternity benefits;

(f) variations in the quantity of food grains reaching the fair price shop, schools, centres, centralized kitchens and anganwadis and other points of delivery with the allocated numbers;

(g) quantity and quality of food grains and meals distributed;

(h) lack of compliance with minimum nutritional and quality of food standards mentioned in other legislations like Food Safety and Standards Act, 2006;

(i) issue and procedure for the application of ration cards;

(j) fair price shop dealers, timings or any other problem linked to the fair price shops;

(k) failure to provide hygienic, modern and scientific storage facilities and warehouses;

(l) lack of proper kitchen sheds, cooking utensils and other cooking facilities, drinking water and sanitation facilities in schools, centres, anganwadis, centralized kitchens and other points of delivery;

(m) complaints regarding correctness of weighing scales and measuring equipments in godowns and fair price shops;

(n) discrepancies in identifying beneficiaries, inclusion exclusion errors;
(o) delays and discrepancies in distributing Food Security Allowances;
(p) diversion of food grains and other entitlements, possession of bogus ration cards with fair price shop dealer or some other person;
(q) delays and discrepancies in payment of salaries to cooks, helpers, Anganwadi Workers and Anganwadi Helpers and margins to fair price shop dealers;
(r) discriminations on the grounds of disability, disease, occupation, occupation of parents, caste, sex, religion, race, descent, language, place of birth or residence, or any other ground of beneficiaries in any matters pertaining to food security covered by the Act and these Rules;
(s) maintenance of records;
(t) social audit;
(u) functioning of Vigilance Committees;
(v) registration and disposal of complaints;
(w) food and nutritional security being threatened through the denial of access to the provisions specified in Section (3) of Schedule III of the Act;
(x) any other complaints pertaining to the implementation of the Act and these Rules.

(2) No complaint shall be made to the District Grievance Redressal Officer on an issue which has been or is the subject matter of any proceeding in an appeal, revision, reference or writ before any tribunal or court.

39. **Powers and functions of the District Grievance Redressal Officer.**

(1) The District Grievance Redressal Officer, for effective discharge of the functions shall have the following powers,-

(a) to inspect, search, seize or take copies of any document which might be considered relevant for effective redressal of the complaint;

(b) to direct the concerned authorities including implementation agencies and functionaries to provide any information or furnish certified copies of any document relating to the subject matter of the complaint which is alleged to be in such authority’s possession:

Provided that in the event of failure of such authority to comply with the requisition without any sufficient cause, the District Grievance Redressal Officer may, if he/she deems fit, draw the inference that the information, if provided or copies if furnished, would be unfavourable to the concerned authority;

(c) to summon and enforce attendance of any person and examine him on oath;

(d) to receive evidence on affidavits;

(e) to issue directions for conducting spot investigations;

(f) to lodge FIR against erring parties;

(g) to engage experts for facilitating disposal of the complaint.
If a complaint concerns corruption, forgery, defalcation, violations of the provisions of Indian Penal Code, 1860 (such as any form of intimidation, violence or discrimination) or Prevention of Corruption Act, 1988 or any other law for the time being in force, the District Grievance Redressal Officer shall complete a preliminary enquiry within seven working days, initiate proceedings for recoveries if there is prima facie evidence of such irregularities, ensure that an FIR is filed and that the matter is promptly dealt with by the appropriate authorities.

The time limit set for disposal of the complaint by the District Grievance Redressal Officer shall be thirty days from the day the complaint was registered.

Summary proceedings.-

The proceedings before the District Grievance Redressal Officer shall be summary in nature.

The District Grievance Redressal Officer shall not be bound by the Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872.

The District Grievance Redressal Officer may follow such procedure that appears to him to be fair and proper. The District Grievance Redressal Officer shall adhere to the principles of natural justice.

Duties of the District Grievance Redressal Officer.- The following shall be the duties of the District Grievance Redressal Officer:

(1) identifying reasons for the cause of grievances and fixing the responsibility of the defaulting authority or the individual;

(2) redressing the grievance within thirty days from the date of receipt of the complaint;

(3) delivering copies of the decision to the parties concerned within a week from the date of such decision;

(4) giving substantial reasons in the event of rejection of any complaint;

(5) initiating action against all the persons indicted in the social audit within three days of submission of the consolidated report as mentioned under Sub Rule 6 of Rule 84;

(6) causing inquiry where there is dispute in the findings of social audit as mentioned under Rule 85;

(7) preparing a consolidated Action Taken Report on the social audit for each district;

(8) preparing a consolidated report of social audit including the major findings at district level, actions taken and those requiring improvements in the system, and submitting it to the State Government and Commission as mentioned under Rule 84;

(9) co-ordinating with the functionaries and implementing agencies under the Act and these Rules;
conducting monthly public hearings in different blocks/taluks to hear complaints about the functioning of all the schemes in the Act and these Rules, inform the people of achievements and failures in implementation of the Act and these Rules and also receive feedback and suggestions;

publishing on the website of Department of Food, Civil Supplies and Consumer Affairs, by 15th of every month, a report mentioning therein-

(a) number of complaints received;
(b) number of complaints pending;
(c) number of complaints disposed of; and
(d) such other particulars, as may be prescribed, for discharge of its functions under the Act and these Rules.

42. **Appeal from District Grievance Redressal Officer.**

(1) If the complainant or officer is aggrieved by the order passed by District Grievance Redressal Officer, such person may appeal to the Commission within thirty days from the date the order was received:

Provided that the Commission shall admit the appeal after the expiry of thirty days, if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(2) On the expiry of thirty days from the date of filing the complaint, the District Grievance Redressal Officer shall after informing the complainant, report every complaint which has not been redressed along with details of the complainant, nature of complaint and reasons for non-redressal of complaints to the Commission. Such complaints shall be deemed to be an appeal before the Commission.

43. **Annual report by the District Grievance Redressal Officer.**

(1) The District Grievance Redressal Officer shall analyse the complaints received and prepare an annual report to be submitted to the Commission, which shall publish the same on its website.

(2) This annual report shall-

(a) provide details of the nature of complaints and steps taken to address the complaint.
(b) incorporate the findings from the report submitted by designated officers of Internal Grievance Redressal Mechanism;
(c) highlight the responsiveness and accountability achieved by the grievance redressal mechanisms.
CHAPTER V

STATE FOOD COMMISSION

44. Constituting State Food Commission-

(1) The State Government shall, constitute a body known as the Karnataka State Food Commission to exercise the powers conferred on, and to perform the functions assigned to it, under the Act and these Rules.

(2) The head-quarters of the Commission shall be at Bangalore and the Commission may, with previous approval of the State Government, establish offices at other places in Karnataka.

45. Eligibility for appointment as Chairperson and Members of the Commission. –

(1) A person to be qualified as the Chairperson or a member of the Commission shall fulfil the following criteria. –

   (a) who is and have been member of All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; or

   (b) of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or

   (c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor; or

   (d) have at least ten years of experience in the field of agriculture, law, human rights, social service, management, nutrition, health or any allied field and research in these areas.

Provided that no person having any past record of violation of human rights or child rights shall be eligible for appointment as Chairperson or Member of the Commission.

Provided further that no person having been removed or dismissed from service of the Central Government or State Government or a body or corporation owned or controlled by the Central Government or a State Government shall be eligible for appointment as Chairperson or Member of the Commission.

(2) Chairperson or Member shall not be a member of Parliament or State Legislature or hold any office of profit (other than his office as Chairperson or Member) or be a member of any political party or carry on any business or practice any profession and accordingly, before he enters upon his office, a person appointed as the Chairperson or Member shall:

   (a) if he is a Member of the Parliament or of the Legislature of any State, resign such membership; or

   (b) if he holds any office of profit, resign from such office; or
(c) if he is a member with any political party, sever his connection with it; or
(d) if he is carrying on any business, sever his connection (short of divesting himself of ownership) with the conduct and management of such business; or
(e) if he is practicing any profession, suspend practice of such profession.

46. Appointment of Chairperson and Other Members of the Commission.-

(1) The State Government by notification shall appoint the Chairperson and other members on recommendation of a five member Selection Committee constituted by the State Government.

(2) The five-member Selection Committee shall consist of the nominees of:
   (a) Minister, Food, Civil Supplies and Consumer Affairs, Government of Karnataka;
   (b) Minister, Women and Child Development, Government of Karnataka;
   (c) Minister, Primary and Secondary Education, Government of Karnataka;
   (d) Minister, Health and Family Welfare, Government of Karnataka;
   (e) Sitting Judge, High Court of Karnataka.

(3) The recommendation of the five-member Selection Committee shall be unanimous.

47. Appointment of Member-Secretary.-

(1) The Member-Secretary shall be appointed by the State Government.

(2) The Member-Secretary, shall be an officer not below the rank of Director/Commissioner to the State Government:

Provided that the Member-Secretary has been part of Department of Food, Civil Supplies and Consumer Affairs or/and Department of Public Instruction or/and Department of Women & Child Development of the Government of Karnataka for atleast three years.

(3) The Member-Secretary shall receive such salary and other allowances as the State Government may prescribe from time to time.

(4) The Member-Secretary shall be Chief Executive of the Commission and shall,-
   (a) be responsible for executing the decisions taken by the Commission under the Act and these Rules;
   (b) exercise and discharge such powers and perform such other duties as are required for the proper administration of the Commission and its day to day management;
   (c) convene the meetings of the Commission in consultation with its Chairperson and issue notice of meetings to all concerned;
   (d) take steps to ensure the quorum required for convening a meeting of the Commission;
   (e) prepare, in consultation with the Chairperson, the agenda for each meeting of the Commission;
(f) ensure that the agenda papers are circulated to the Members at least three working days in advance of the meeting, except in cases where an urgent issue is involved;

(g) prepare the minutes of the meeting of the Commission and ensure placing of the action taken note in its subsequent meeting;

(h) take up all such matters with the State Government for release of grants, creation of posts, revision of scales, procurement of vehicles, appointment of staff, laying of annual and audit reports in the State Assembly, re-appropriation of funds, residential accommodation, and any other such matter;

(i) exercise such financial powers as are delegated to him/her by the Commission:

Provided that no expenditure on an item exceeding Fifty thousand rupees shall be incurred without the sanction of the Chairperson.

48. **Procedure for appointment of the Chairperson and Members.**

(1) To invite applications from interested candidates the Selection Committee shall –

(a) publish vacancies for the post of Chairperson and Members on its website specifying the conditions of eligibility, the mode of selection, the number of vacancies to be filled;

(b) publish vacancies for the post of Chairperson and Members in at least two national daily newspapers and two local vernacular newspapers;

(2) The advertisement calling for applications for the post of Chairperson and members shall detail the eligibility criteria including minimum number of years of relevant work experience, integrity and standing of the candidate, and the competency of the candidate to perform the functions and exercise the powers as stipulated under the Act and these Rules.

The advertisement shall clearly state the last date for submission of applications. There shall be a minimum gap of four weeks between the advertisement/ announcement and the last date for submitting the applications.

(3) Records of the applications received shall be maintained by the Selection Committee.

(4) After a preliminary screening of the applications it shall be confirmed whether all the applicants have met the eligibility criteria with respect to the qualifications specified in the advertisement.

(5) Application of those candidates who do not meet the eligibility criteria shall be rejected by the Selection Committee and reasons for rejection shall be recorded in writing.

(6) On the basis of such screening, the Selection Committee shall prepare a preliminary short list of candidates for the interview, and this list shall be approved by the Selection Committee after a review. A summary report of the names of the candidates rejected and the reasons for their rejection shall also be prepared and submitted to the State government by the Selection Committee.
The Selection Committee shall complete the process of screening and short listing within four weeks from the last date of submission of applications.

The Selection Committee shall publish the list of candidates shortlisted for the interview. They shall also indicate that this shortlisting is subject to the objections process.

The Selection Committee shall call for objections, along with evidence to support such objections which may render the shortlisted candidate unfit to be appointed to the State Food Commission.

Objections shall be entertained for three weeks from the date of publishing of the list of shortlisted candidates.

The Selection Committee on receiving any objections against the candidates shall conduct an inquiry within a period of four weeks from the date of receiving such an objection. If the inquiry results in a candidate being declared unfit for selection to the State Food Commission, the Search Committee shall make a report and inform the same to the State Government and the candidate. Records of the inquiry and other findings shall be maintained in a separate file and shall be made available on request to the rejected candidate.

If the candidate is found fit for selection, the Selection Committee shall make a report to the State Government and confirm to the candidate that no objections were filed or the objections filed were baseless and that the candidate can appear for the interview.

The Selection Committee shall inform the shortlisted candidates for interviews at least two weeks in advance of the date of interview.

On completion of interviews, the Selection Committee shall prepare a final list of candidates selected and shall recommend it to the State Government.

The positions of Chairperson and members of State Food Commission shall not remain vacant for more than six months.

49. **Term of office and conditions of service.**

(1) The Chairperson and every other Member shall hold office for a term not exceeding five years from the date on which such person enters upon the office and shall be eligible for reappointment:

Provided that no person shall hold office as the Chairperson or other Member after attaining the age of sixty-five years:

Provided that no Chairperson or other member shall hold office for more than two terms:

Provided that every member shall, on vacating his/her office shall be eligible for appointment as the Chairperson in the manner specified in Rule 48:

(2) The Chairperson or a member may, at any time, by writing under his/her hand addressed to the State Government, resign from his/her office.
50. Removal of Chairperson and members.-

(1) The Chairperson or any other member shall be removed from his/her office only by the order of the Governor of Karnataka on the grounds specified under Sub-Section 9 of Section 16 of the Act, after the High Court of Karnataka, on a reference made to it by the Governor, has, on inquiry, reported that the Chairperson or any other member, as the case maybe, ought on such grounds be removed.

(2) The Governor may suspend from office and if deem necessary prohibit also from attending the office during inquiry, the Chairperson or members in respect of whom a reference has been made to the High Court under Sub-Rule (1) until the Governor has passed orders on receipt of the report of the High Court on such reference.

(3) If a casual vacancy occurs in the office of Chairperson or a member, whether by reason of such person's death, resignation or otherwise, such vacancy shall be filled as per the procedure mentioned in this Chapter, and the person so appointed shall hold office for the remainder of the term of office for which the Chairperson or a member, as the case may be, in whose place that person is so appointed would have held office.

51. Salaries & Allowance.-

(1) The Chairperson shall be paid salary equivalent to the Chief Secretary to the Government of Karnataka.

(2) The members shall be paid salary equivalent to the scale of a Joint Secretary under the State of Karnataka.

Provided that the salaries, allowances and other conditions of service of the Chairperson and the members shall not be varied to their disadvantage after their appointment.

52. Staff and infrastructure to be provided by the State Government.-The State Government shall provide,-

(1) administrative and technical staff;

(2) infrastructure including office space, official vehicles and any other requirements for the proper functioning of the Commission.

53. Functions of the Commission.-

(1) The Commission shall perform all or any of the following functions namely:-

(a) monitor and evaluate the implementation of the Act and these Rules, in relation to the State of Karnataka;

(b) either suomotu or on receipt of complaint inquire into violations of entitlements provided under the Act and the Rules;

(c) advise the State Government on effective implementation of the Act and these Rules;

(d) advise implementing agencies and functionaries involved in delivery of relevant services, for the effective implementation of the Act and these Rules.
(c) hear appeals against Orders of the District Grievance Redressal Officer;
(f) hold public consultations on the issues concerning food security;
(g) prepare annual reports which shall be laid before the State Legislature by the State Government;
(h) review, from time to time, the existing provisions of the Constitution and other laws on food security and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae or inadequacies or shortcomings in such legislations.
(i) ensure public display of its Annual Reports and Action Taken Reports.

(2) The State Government shall cause the recommendations of the Commission to be laid before each House of the State Legislature along with the memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for non-acceptance, if any, of any such recommendations.

54. **Committees and Cells of the Commission.**

(1) The Commission may appoint such committees as may be necessary for dealing with such special issues as may be taken up by the Commission from time to time.

(2) The Commission shall have the power to co-opt representatives of non-governmental organizations or academic institutions working in the areas of food security, nutrition, welfare of women and children, who are not members of the Commission, as it may think fit and the persons so co-opted may on invitation attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

(3) The Commission shall have powers to seek expert advice or assistance by consultants for a specific purpose and a specific period on terms and conditions agreed in advance.

(4) The persons so co-opted shall be entitled to receive such allowances for attending the meetings of the committee as may be prescribed.

(5) The Commission shall also establish specialized cells in order to ensure efficiency. These cells shall provide support in addressing the complaints of varied nature, and also in conducting research in the specialized areas as may be specified.

55. **Procedure for transaction of business.**

(1) The Commission shall meet as and when necessary at Bangalore or at such other places as the Chairperson may think fit:

Provided that the Commission shall meet at least once a month.

(2) The Commission shall regulate its own procedure and the procedure of the committees appointed under Rule 54 thereof.

(3) The Member-Secretary along with such officers as the Chairperson may direct, shall attend the meetings of the Commission.
The quorum for the meeting of the Commission shall be two-thirds, including chairperson.

If, for any reason, the Chairperson is unable to attend the meeting of the Commission, any member chosen by the other members present amongst themselves shall preside over the meeting.

The Commission shall arrive at effective division of work among its members, so as to enable easy access to complainants, accountability and time-bound action.

All the orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Member-Secretary in this behalf.

56. Minutes of the meeting.

(1) The Member Secretary or any other officer as directed by the Commission shall record the minutes of each meeting.

(2) The minutes of the meeting of the Commission shall be submitted to the Chairperson for approval and upon approval, be circulated to all the members of the Commission at the earliest and in any case sufficiently before the date of the next meeting.

(3) The conclusions of the Commission, including opinions, in every matter undertaken by it shall be recorded. Action shall be taken on the basis of majority opinion where there is any difference of opinion.

(4) A master copy of the record of all the meetings and opinions of the Commission shall be maintained duly authenticated by the Member Secretary.

(5) A copy of the minutes pertaining to each item shall be kept in the respective files for appropriate action.

57. Financial powers.

(1) The Chairperson shall have all the powers relating to financial transaction of the Commission, except in cases, which require prior approval of the State Government.

(2) The Chairperson shall obtain prior approval of the State Government in matters of posts, revision of pay scales, procurement of vehicles, re-appropriation of funds from one head to another, and such other matters determined by the State Government, by order.

Provided that the State Government shall take a decision on whether to grant approval within a period of three months from the date on which a proposal has been sent by the Chairperson.

(3) The Chairperson shall, subject to such conditions, limitations, control and supervision, have powers to delegate the financial powers to any member or the Member-Secretary.

58. Budget of the commission and grants by the government.

(1) The Commission shall prepare every year before such date and in such form, as may be prescribed, a budget estimate of its income and expenditure for the financial year to
commence on the first day of the following financial year and shall forward it to the State Government.

(2) The Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants, such sums of money as it may think fit for being utilised for the purpose of the Act and these Rules.

(3) The Commission may spend such sums out of the grants as it thinks fit for performing the functions under the Act and these Rules, and such sums shall be treated as expenditure payable out of the grants referred to in Sub-Rule(2).

59. **Accounts and Audit.-**

(1) Accounts of the income and expenditure of the Commission shall be kept in such form as may be prescribed.

(2) The Commission shall prepare an annual statement of accounts in such form as may be prescribed.

(3) The Accounts of the Commission shall be audited annually by such auditor as the State Government may appoint in this behalf.

(4) The auditor shall for the purposes of the audit, have access to all the accounts and other records of the Commission.

(5) The Commission shall pay out of the grants such charges for the audit, as may be prescribed.

(6) As soon as may be, after the receipt of the report of the auditor, the Commission shall send a copy of the annual statement of accounts together with a copy of the report of the auditor to the State Government and shall cause to be published the annual statement of account in such manner as may be prescribed.

(7) The State Government may, after perusal of the report of the auditor, give such directions, as it thinks fit, to the Commission and the Commission shall comply with such directions.

60. **Annual report.-** The Commission, shall prepare in such form and at such time for each financial year, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government. The Commission may, submit from time to time, special reports on any matter of public importance to the State Government.

**CHAPTER VI**

**TRANSPARENCY AND ACCOUNTABILITY**

61. **Disclosure of Information.-**

(1) Subject to the conditions and exemptions mentioned in the Right to Information Act, 2005, every concerned public authority under the Act and these Rules shall ensure that
there is prompt disclosure of information as required under the Right to Information Act.

(2) All the concerned public authorities under the Act and these Rules shall maintain all records in duly catalogued and indexed manner, undertake pro-active disclosure of records and keep open the records for inspection by the public.

(3) Pro-active disclosure shall include the processing of records in a consolidated and summarized form so that a lay person can understand the information. The process shall ordinarily include reading out aloud of essential information, wherever possible, establishing painted boards, publishing of information through newspaper advertisements, press releases, or the printing of leaflets and report, making announcements through the audio-visual media, such as community radio, radio, and television etc.

(4) Citizen’s Charter shall be prepared and widely publicized by all concerned public authorities under the Act and these Rules. It shall include-

(a) details of all entitlements and services provided by the public authority and conditions under which a person becomes entitled for the same; agency responsible for provisioning and time within which the provisioning of entitlements and services shall be done;

(b) the quantitative and tangible parameters (including weight, size and frequency of delivery of entitlements and services);

(c) grievance redressal mechanism including the details of authorities to whom grievances can be filed and time within which grievances shall be redressed;

(d) any other functions, obligations, responsibilities or duties the public authority is required or reasonably expected to provide;

(e) any other information relevant to the provisioning of entitlements and services.

62. Updating and display of information.- In order to ensure transparency and accountability:

(1) End to end computerization of services provided under the Act and these Rules shall be ensured by the State Government.

(2) Every school and anganwadi shall display on its walls the information regarding number of beneficiaries, details of meals and take home rations to be served to children with nutritional content specified, quantity per unit disbursed (meal and take home rations), daily menu, steps to be followed during the preparation of meal and details of safety measures undertaken.

(3) The fair price shop dealers shall update on a daily basis, the notice board placed at a prominent place in the fair price shop displaying information regarding number of eligible households and their entitlements, opening and closing stock of each day, issue price, time of opening and closing of the shop, grievance redressal mechanism and contact details of concerned authorities and other records including stock and sale registers.
(4) Records of beneficiaries, attendance registers, stock registers, sale registers, growth monitoring registers, staff attendance registers and all other relevant records shall be regularly updated by the concerned functionaries and kept open for inspection to the public.

(5) The fair price shop dealer shall make entry in the ration card in the presence of beneficiary every time the ration is distributed. The entry shall clearly mention the date on which ration is distributed, quantity distributed and shall be verified by signature by the beneficiary.

63. Quality checks.-

(1) Joint sampling shall be done by representatives of State Government and officials of Food Corporation of India before issue of food grains and commodities from godowns of Food Corporation of India and depots designated by the central government to ensure conformation to the prescribed quality standards. If the food grains and other commodities are found to be not of fair average quality, it shall be replaced by Food Corporation of India prior to lifting.

(2) A sample of food grains distributed shall be retained by the Food Corporation of India for a period of two months from the date of its distribution.

(3) The local authorities and Vigilance Committees shall exercise necessary checks to ensure that the stocks are not replaced by inferior stocks during storage, transit or any other stage in the distribution chain.

64. Ensuring proper delivery of food grains and take home rations.-

(1) The State Government shall put in place GPS enabled tracking system to monitor the movement of food grains from Food Corporation of India godowns to the fair price shops, schools, centres and anganwadis.

(2) Details of vehicles authorized to transport food grains and take home rations shall be published on the website of Department of Food, Civil Supplies and Consumer Affairs, Government of Karnataka.

(3) Doorstep delivery of food grains to the delivery outlets shall be undertaken.

65. Periodic Inspections.-

(1) Cursory, detailed and intensive inspections shall be conducted periodically by the concerned public authorities at godowns, fair price shops, schools, centres, centralized kitchens, anganwadis and other points of delivery to ensure that the responsibilities are properly discharged by various functionaries under the Act and these Rules.

(2) Inspection guidelines shall be published and each concerned public authority shall be mandated to undertake specific number of inspections at regular intervals.

(3) The inspections shall necessarily include checks on quality and quantity of food grains and meals distributed, tallying of stocks, verifying of records and functioning of godowns, whole sale depots, schools, centres, fair price shops, anganwadis, centralized kitchens and other points of delivery.
(4) Records of number of inspections undertaken by each official, findings, discrepancies found and follow-up action taken shall be maintained and publicized.

66. Vigilance Committees.- For ensuring transparency and accountability of various functionaries under the Act and Rules and supervising implementation of all schemes under the Act and these Rules, Vigilance Committees shall be set up at various levels as mentioned under Chapter VII of these Rules.

67. Social Audits.- Social Audits shall be conducted every year as per provisions provided in these Rules.

68. Annual Reports.- Annual reports as mentioned under Rules 26, 43 and 60 of shall be furnished by the respective authorities and these shall be made public.

69. Feedback mechanism and reporting.-

(1) The State government shall put in place a feedback mechanism consisting of facilities to register suggestions by public online, through phone, letters etc.

(2) Facility shall be provided to public for reporting smuggling of the commodities provisioned under the Act and Rules to the District Grievance Redressal Officer.

(3) A reward shall be given for each event of smuggling reported and ending in seizure.

(4) Confidentiality of informants shall be strictly maintained by these officers to ensure their safety.

CHAPTER VII
VIGILANCE COMMITTEES

70. Composition of the Vigilance Committee.-

(1) The Composition of Vigilance Committee at fair price shop level shall be as follows-

<table>
<thead>
<tr>
<th>Person</th>
<th>Number</th>
<th>Position in the Vigilance Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gram Panchayat President</td>
<td>1</td>
<td>President</td>
</tr>
<tr>
<td>Gram Panchayat members selected by the Panchayat</td>
<td>2</td>
<td>Member/Member Secretary</td>
</tr>
<tr>
<td>SC Women from eligible household</td>
<td>2</td>
<td>Member</td>
</tr>
<tr>
<td>ST Women from eligible household</td>
<td>2</td>
<td>Member</td>
</tr>
<tr>
<td>OBC Woman from eligible household</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>General Category Woman from eligible household</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Social Worker or President of local women Self Help Group</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Destitute Person or person with disability</td>
<td>1</td>
<td>Member</td>
</tr>
</tbody>
</table>
(a) Amongst the two gram panchayat members, one shall be a woman.

(b) In case there is no household belonging to one of these categories- Scheduled Castes, Scheduled Tribes, Other Backward Classes, General living in the jurisdiction of fair price shop, the vacant positions shall be filled by women from Scheduled Castes, Scheduled Tribes or Other Backward Classes.

(c) SC/ST/OBC/General women members of the Vigilance Committee shall be elected by persons from the respective category during Gram Sabhas.

(d) The other non ex-officio members shall be elected during the Gram Sabha.

<table>
<thead>
<tr>
<th>Person</th>
<th>Number</th>
<th>Position in the Vigilance Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>President, Taluk Panchayat</td>
<td>1</td>
<td>President</td>
</tr>
<tr>
<td>President, Taluk Level Municipal Council</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Women member from Taluk Panchayat selected by the Panchayat</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Women Member from Taluk level Municipal Council, selected by the Council</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Senior most Block level officials from the Department of Food, Civil Supplies and Consumer Affairs, Department of Women and Child Development and Department of Public Instructions- of Govt. of Karnataka</td>
<td>3</td>
<td>Members</td>
</tr>
<tr>
<td>SC woman from eligible household</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>ST woman from eligible household</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>OBC woman from eligible household</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>General category woman from eligible household</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Social Worker working in the field of food and nutritional security</td>
<td>2</td>
<td>Members</td>
</tr>
<tr>
<td>Anganwadi Worker</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Principal of local school or centre specified under Rule 10 Sub Rule 1 (c &amp; d)</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Destitute Person / Persons with Disability</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Assistant Commissioner</td>
<td>1</td>
<td>Member Secretary</td>
</tr>
</tbody>
</table>

(2) Vigilance Committee at School Level: The School Development and Monitoring Committees (SDMC) as mentioned in Part V Rule 13 of the Karnataka State Rules (no. ED 77 YOYOYA 2010, Bangalore, dated 28th April 2012) under the Right of Children to Free and Compulsory Act, 2009, shall function as the vigilance committees at school level for the monitoring of the implementation of the provisions pertaining nutrition for school going children.

(3) Bala Vikasa Samithi (as mentioned under order dated 3. 11. 2007, No. MME 235 ICD 2007) shall act as vigilance committees at anganwadi level for the monitoring of the provisions relating to benefits available to children upto the age of six years, pregnant women and lactating mothers.
(4) Composition of Vigilance Committee at Block level shall be as follows-

(a) 50% of the members in the Vigilance Committee shall be women.
(b) Of the four women members from eligible households, belonging to different categories mentioned above, two members shall have their children studying in local anganwadi or local school or centre specified under Rule 10 Sub Rule 1 (c & d) and one member is/ has been entitled to maternity benefits as mentioned under Section 4 of the Act.
(c) In case there is no household belonging to one of these categories—Scheduled Castes, Scheduled Tribes, Other Backward Classes, General living in the Block, the vacant positions shall be filled by women from Scheduled Castes, Scheduled Tribes or Other Backward Classes.
(d) The Social workers shall be nominated by the District Grievance Redressal Officer.
(e) All other non- ex officio members shall be nominated by the President of the Vigilance Committee at Block level.

(5) Composition of Vigilance Committee at District level shall be as follows,

<table>
<thead>
<tr>
<th>Person</th>
<th>Number</th>
<th>Position in the Vigilance Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>President, Taluk Panchayat</td>
<td>1</td>
<td>President</td>
</tr>
<tr>
<td>District in charge Minister</td>
<td>1</td>
<td>President</td>
</tr>
<tr>
<td>President, Zilla Panchayat</td>
<td>1</td>
<td>Member Secretary</td>
</tr>
<tr>
<td>President, District Municipal Council</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Deputy Commissioner (District in Charge)</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Chief Executive Officer</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Women member from District Municipal Council</td>
<td></td>
<td>Member</td>
</tr>
<tr>
<td>by the District Municipal Council</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Women member from Zilla Panchayat</td>
<td></td>
<td>Member</td>
</tr>
<tr>
<td>selected by the Zilla Panchayat</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Deputy Directors from Department of Food,</td>
<td>3</td>
<td>Members</td>
</tr>
<tr>
<td>Civil Supplies and Consumer Affairs,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Public Instructions and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Women and child Development-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government of Karnataka</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SC woman from eligible household</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>ST woman from eligible household</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>OBC woman from eligible household</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>General category woman from eligible</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>household</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Destitute Person/ Person with disability</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Anganwadi Worker</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Principal of local school or centre specified under Rule 10 Sub Rule 1 (c &amp; d)</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Social Worker working in the field of food and nutritional security</td>
<td>2</td>
<td>Members</td>
</tr>
</tbody>
</table>
(a) 50% of the members in the Vigilance Committee shall be women.

(b) Of the four women members from eligible households, belonging to different categories mentioned above, two members shall have their children studying in local anganwadi or local school or centre specified under Rule 10 Sub Rule 1 (c & d) and one member is/ has been entitled to maternity benefits as mentioned under Section 4 of the Act.

(c) In case there is no household belonging to one of these categories- Scheduled Castes, Scheduled Tribes, Other Backward Classes, General living in the jurisdiction of Fair Price Shop, the vacant positions shall be filled by women from Scheduled Castes, Scheduled Tribes and Other Backward Classes.

(d) In case of Bangalore Urban district, Mayor of Municipal Corporation shall be the President of Vigilance Committee and there shall be two women members from the Municipality.

(e) The Social worker shall be nominated by the District Grievance Redressal Officer.

(f) All other non- ex officio members shall be nominated by the President of the Vigilance Committee at the District level.

(6) Composition of Vigilance Committee at State level shall be as follows,

<table>
<thead>
<tr>
<th>Person</th>
<th>Number</th>
<th>Position in the Vigilance Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Food, Civil Supplies and Consumer Affairs, Government of Karnataka</td>
<td>1</td>
<td>President</td>
</tr>
<tr>
<td>Minister for Women and Child Development, Govt. of Karnataka</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Minister for Health and Family Welfare, Government of Karnataka</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Minister for Primary Education, Government of Karnataka</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Commissioner, Department of Food, Civil Supplies and Consumer Affairs, Government of Karnataka</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Director, Department of Women and Child, Govt. of Karnataka</td>
<td>1</td>
<td>Member Secretary</td>
</tr>
<tr>
<td>Commissioner, Department of Public Instructions, Government of Karnataka</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Commissioner, Health and Family Welfare, Govt. of Karnataka</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Women Member of State Food Commission</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Members of Legislative Assembly representing the most backward regions in State</td>
<td>2</td>
<td>Members</td>
</tr>
<tr>
<td>State Adviser to the Supreme Court Commissioner in PUCL vs Union of India and Others, Writ Petition (Civil) 196 of 2001.</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>Social Workers working in the field of food and nutritional security</td>
<td>2</td>
<td>Members</td>
</tr>
</tbody>
</table>
The chairperson of State Food Commission shall nominate the social workers and the women member of State Food Commission to the Committee.

71. **Term of the office.**-

   (1) The non ex-officio members of the Vigilance Committees shall have a term of two years from the date of appointment.

   (2) These members shall be eligible for reselection and shall not be eligible for reselection beyond two terms.

72. **Meetings.**-

   (1) The Vigilance Committees shall meet regularly to review the implementation of the Act, these Rules and the functioning of the committees.

   (2) The Vigilance Committees at fair price shop level, school level and anganwadi level shall meet at least once in a month.

   (3) The Vigilance Committees at the Block and District level shall meet at least once in two months.

   (4) The Vigilance Committee at the State level shall meet at least once in three months.

73. **Quorum.**-

   (1) The quorum for the meeting of a Vigilance Committee shall be a minimum of two-third members.

   (2) Any member who is continuously absent for three consecutive meetings shall be immediately removed from the Vigilance Committee:

      Provided that the member shall not be disqualified if such person gives a valid reason in writing, which shall be scrutinised by the Vigilance Committee at the immediate higher level for all levels except the Vigilance Committee at State level for which scrutiny shall be done by the Commission.

   (3) The decisions taken by the Committees along with reasons shall be recorded be included in the official minutes and annual report prepared by the Committees.

   (4) Any member, including an ex-officio representative, absent for more than 50% of meetings in a year shall be ineligible to become a member of the Vigilance Committee again.

   (5) If an ex officio member is removed from the Vigilance Committee as per the aforementioned clauses, the subordinate to such member shall be made a member.

**Illustration:** If President of Zilla Panchayat is removed from VMC under these Rules, the Vice President to be made the member. If a Director is removed, the direct subordinate (Assistant Director / Deputy Director) to be made the member.

74. **Functions of the Vigilance Committee.**-

   (1) The Vigilance Committees shall perform following functions, namely—
(a) Oversight and monitoring of schemes covering entitlements under Section 4, 5, 6 of the Act, and these Rules other food or nutrition based welfare schemes or plans continued or formulated by the Central or State Government under Section 32 of the Act.

(b) monitor the distribution of Food Security Allowance to entitled persons in such time and manner prescribed by Central Government.

(c) ensure transparency and proper functioning of the Targeted Public Distribution System and other nutritional support programmes covered by the Act and Rules.

(d) prevent diversion of food grains during the various stages of movement of food grains from godowns to the fair price shops, schools, centres, anganwadi, centralized kitchens and other points of delivery.

(e) be present during off-take and lifting of food grains at the various stages.

(f) ensure that the fair price shop dealers lift their allotted food grains by the prescribed date.

(g) compare the quality of food grains in the sealed sample cover, kept at Food Corporation of India and fair price shops with the food grains being sold at the fair price shops.

(h) undertake periodic assessment of the food grains and meals being provided through the fair price shops, anganwadis, schools and centres and other delivery points for ensuring that the quality complies with the standards and norms prescribed under the Act and other legislations such as Food Safety and Standards Act, 2006.

(i) conduct mandatory monthly field visits, checks and surprise inspections.

(j) undertake inspections of the weights and measures used in godowns of Food Corporation of India and Karnataka Food and Civil Supplies Corporation Ltd and fair price shops to detect the violation of Weights and Measures Act, 1976 and the Rules.

(k) carry out monthly review of records, including allotment and sub allotment letters, sales register, stock register, details of beneficiaries, growth monitoring register etc.

(l) ensure accountability of each of the functionaries involved in the implementation of the Act and these Rules;

(m) receive grievances and forwarding it to the concerned District Grievance Redressal Officer for action.

(n) inform the District Grievance Redressal Officer, in writing of any violation of the Act and these Rules or misappropriation of funds or stocks found by it and the District Grievance Redressal Officer on being informed, shall proceed to inquire into such matter.

(o) educate the public about their entitlements and various grievance redressal mechanisms provided under the Act and Rules.
(p) promote the relevant provisions for advancing food security as specified in Schedule III of the Act.

(q) ensure access to adequate pensions for senior citizens, persons with disability and single women pensions as mentioned in clause 3, sub-clause (d) of Schedule III of the Act.

75. **Vigilance Committees’ involvement in inspections.**-

(1) The relevant level Vigilance Committee shall be involved in the cursory, detailed and intensive inspections of fair price shops and wholesale depots carried out by officials of Department of Food Civil Supplies and Consumer Affairs, Government of Karnataka to make the inspection process participatory and transparent.

(2) They shall also be involved in similar inspections conducted by concerned state departments at anganwadis, schools, centres and other such points of distribution.

76. **Other responsibilities of Vigilance Committees.**-

(1) The Vigilance Committees shall also be responsible for the following-

(a) public display of the minutes of meetings of Vigilance Committees

(b) recording and sending to Vigilance Committees at higher levels monthly records on violations of Act and these Rules.

(c) maintaining records of the funds received by the Vigilance Committees.

(d) presenting the findings of the Vigilance Committee to the public during Aahara Adalats and public hearings conducted by Social Audit Unit and District Grievance Redressal Officer.

(e) preparing and sending to the Vigilance Committee at higher level an annual report of the activities undertaken by the Vigilance Committees to ensure transparency and proper implementation of the Act and these Rules.

(f) submitting the final annual report prepared by Vigilance committee at State level to the State Government and Commission.

(2) Complaints against the functioning of Vigilance Committees can be raised by the public at Aahara Adalats, during Social Audits or addressed to District Grievance Redressal Officer or Commission.

77. **Powers of the Vigilance Committees.**-

(1) The Vigilance Committee at all levels shall have the powers-

(a) of oversight and monitoring of schemes covering entitlements under Section 4, 5, 6 of the Act, these Rules and other food or nutrition based welfare schemes or plans continued or formulated by the Central or State Government under Section 32 of the Act.

(b) to conduct field inspections and checks with regard to implementation of the Act and these Rules.
(c) to obtain copies of relevant departments’ records within a week of application for the information.

78. Honorarium to members of the Vigilance Committees.- The members of the Vigilance committees, who are not ex-officio members, shall be paid honorarium by the State Government.

79. Finances.-

(1) The State Government shall provide an adequate fund to carry out field inspections and for the effective functioning of the Vigilance Committees.

(2) Vigilance committees shall maintain records of the expenditure of the fund.

CHAPTER VIII
SOCIAL AUDIT

80. Conducting Social Audit.-

(1) The State Government shall facilitate conducting of social audit of the implementation of Targeted Public Distribution System and other welfare schemes relating to the Act and these Rules, in every Gram Panchayat and every Municipal Ward at least once in a year.

(2) A summary of such social audits conducted during a financial year shall be submitted by the State Government to the Comptroller and Auditor General of India.

81. Social Audit facilitation.-

(1) The State Government shall identify or establish, an agency which is independent of the implementing agencies, hereinafter referred to as Social Audit Unit, to facilitate and conduct of social audit by Gram Panchayats and Municipal Wards.

(2) The State Government shall enter into a MoU with the Social Audit Unit to facilitate and coordinate the social audit.

(3) There shall be a resource base at the state and district level for carrying out training and capacity building in social audits on an ongoing basis.

(4) The Social Audit Unit shall be responsible for the following, namely-

(a) building capacities of Gram Panchayats and functionaries at the Municipal Ward level for conducting social audit; and towards this purpose, identify, train and deploy suitable resource persons at state and district level and auditors at gram panchayat and municipal ward level, drawing from primary stakeholders and other civil society organizations having knowledge and experience of working for the rights of the people;

(b) preparing social audit reporting formats, resource material, guidelines and manuals for the social audit process;
(c) collecting all the official records pertaining to implementation of the Act and Rules in the Gram Panchayat or Municipal Ward where social audit is being conducted;

(d) facilitating verification of records with primary stakeholders;

(e) facilitating smooth conduct of social audit by Gram Panchayats and Municipal Wards and for reading out and finalizing decisions after due discussions;

(f) visiting the delivery points including schools, centres, anganwadis and fair price shops to check their functioning;

(g) hosting the social audit reports including action taken reports in the public domain;

(h) creating awareness amongst the beneficiaries about their rights and entitlements under the Act and these Rules.

(5) It shall be the obligation of implementing agencies to provide the requisite information for conducting social audit to the Social Audit Unit.

(6) The information referred to in Sub-Rule (5) shall be made available to public on demand.

82. Social Audit Resource Base.- In order to provide support to the Gram Panchayats and Municipal Wards and spread awareness regarding social audits, the State Government shall facilitate a resource base in the following manner-

(1) The Social Audit Unit with which a MoU is entered into by the State Government shall consist of resource persons, for facilitation of social audits.

(2) Resource persons shall be drawn from civil society organizations with experience in strengthening and establishing people’s rights at the grass roots level and who are specifically trained in the social audit process.

(3) Social Auditors shall be drawn from the local community and shall be trained for the purpose of conducting social audit at gram panchayat and municipal ward level. These members shall be identified in an open gram sabha, and an open municipal ward level meeting.

(4) The process of identification and training is to be followed as per the Government Orders, Memos and Executive Instructions issued by the State Government from time to time.

83. Social audit pre-requisites.-

(1) The social audit shall be independent of any process undertaken by the implementing agencies for the Act and Rules.

(2) The implementing agency shall at no time interfere with the conduct of social audit.

(3) Notwithstanding anything contained in sub-rule (2), the concerned public authorities shall provide requisite information to the Programme Officer for making it available to Social Audit Unit at least fifteen days prior to the date of commencement of the social audit. This information may be relating to-
(a) entitlements under the Act and these Rules;
(b) budgetary allocations made pertaining to provision of food security, nutrition and cash entitlements under the Act and these Rules;
(c) actual disbursal of funds and grants and accounts for the same;
(d) records of godowns, wholesale depots and vehicles used for transportation and storage of food grains;
(e) reports and records on the distribution of entitlements by fair price shops, schools, centres, centralized kitchens and anganwadis etc. which includes stock registers, sales register and growth monitoring charts;
(f) reports on grievances filed before the Internal Grievance Redressal Mechanism, District Grievance Redressal Officer and the Commission;
(g) details of Aahara Adalats;
(h) reports by the Vigilance Committees;
(i) action taken reports on grievances received;
(j) details of food security allowance disbursement;
(k) any other information relevant for conducting social audit.

(4) The social auditors deployed for facilitating social audit in a particular locality shall not be residents of the same locality.

84. **Steps for conduct of social audit.** Following steps shall be followed during conducting social audit,-

(1) Framing an Annual Calendar - The Social Audit Unit along with the district administration shall, at the beginning of the year, frame an annual calendar to conduct at least one social audit in each Gram Panchayat and Municipal Ward every year. The preparation for social audit should begin well in advance before the days scheduled for conducting social audit in each gram panchayat and municipal ward.

(2) Notifying concerned authorities and functionaries - The District Grievance Redressal Officer shall notify in writing all the concerned people’s representatives, implementing agencies and functionaries under the Act and these Rules, well in advance to ensure that they are kept informed about the process and are present at the Social Audit Gram Sabha as well as the Social Audit Municipal Ward Sabha.

(3) Filing of application for relevant accounting and non-accounting records- Application for information shall be filed before the concerned authorities and implementing agencies with a copy to District Grievance Redressal Officer at least thirty days before the commencement of the social audit. This information shall be provided within fifteen days from the receipt of the application.

(4) Identification and Training of Social Auditors- Social auditors shall be trained as per the Government Orders, Memos and Executive Instructions issued by the State Government from time to time.
Social audit process at Gram Panchayat and Municipal Ward Level shall include the following steps-

(a) Prior to the commencement of the social audit, there shall be an orientation programme with the President and members of Gram Panchayat and Municipal Wards and other people's representatives to explain the objectives of the social audit and to seek their participation in the programme.

(b) The following activities shall be undertaken in the social audit-

i. thorough verification of the implementation of the schemes under the Act, Rules and other schemes as notified by the Central and State Government;

ii. thorough verification of the disbursement of entitlements under the Act, Rules and other entitlements as notified by the Central and State Government;

iii. verification of the stocks in godowns;

iv. auditing accounts of the fair price shops, anganwadis, meals provided in schools and centres, centralized kitchens and verifying the availability of the food stock;

v. recording the written statements of the primary stakeholders on any issue faced by them in receiving the food grains, meals, food security allowances or any other entitlements provided under the Act and grievance redressal mechanisms;

vi. verifying the functioning of mechanisms undertaken by implementing agency for ensuring transparency and accountability.

vii. holding group discussions and meetings with the primary stakeholders including special meetings with Scheduled Caste/Scheduled Tribe beneficiaries on various aspects of the implementation of the Act and Rules.

(c) At the end of collection and verification of information, the auditors shall convene a Social Audit Gram Sabha and Social Audit Municipal Ward Sabha where the findings from the audit shall be shared. The date of Sabha shall be intimated to the beneficiaries and the community well in advance.

(d) The Social Audit Gram Sabha and Social Audit Municipal Ward Sabha shall begin with information sharing session where details on legal entitlements under Act and these Rules and the findings of social audit are shared.

(e) The action taken report relating to the previous social audit shall be read out at the beginning of the meeting of each social audit.

(f) All functionaries and implementing agencies for gram panchayats/ municipal wards, under the Act and these Rules shall be present at the Social Audit Gram Sabha and Social Audit Municipal Ward Sabha and respond to their queries.

(g) The Sabha shall provide a platform to the community to seek and obtain further
information and responses from all those involved in the implementation of the Act and the Rules. It shall also provide a platform to any person who has any contribution to make or relevant information to present.

(h) The Social Audit Gram Sabha and the Social Audit Municipal Ward Sabha shall be conducted in the presence of an independent observer deputed by the District Collector who shall not be part of the implementing agency, and preferably of a cadre not less than that of a Tahsildar.

(i) On every social audit finding, the Observer shall record, in writing, evidence of the primary stakeholders, the version of the persons indicted in the social audit. Thereafter, statements so recorded shall be read over to the deponent and such person’s signature shall be obtained.

(j) A Gram Panchayat/ Municipal Ward level Social Audit Report including all key findings and actionable points, shall be prepared by the Social Audit Unit. It shall also classify the issues as requiring punitive action, corrective action and requiring action for improvement in the system.

(k) The reports of social audits shall be prepared in local language by the Social Audit Unit and displayed on the notice board of the Gram Panchayat and Municipal Ward.

(l) In case of any illegalities and/or irregularities found in the implementation of the Act and/or Rules both, the persons responsible and the person who has wrongfully gained, shall be identified and indicted in the Report.

6 Conducting Social Audit Public Hearing at the Block level –

(a) After the conducting of Social Audit Gram Sabha and Social Audit Municipal Ward Sabha in all the gram panchayats and municipal wards, a social audit public hearing shall be held at the block headquarters, in the presence of primary stakeholders including persons belonging to eligible households, and other beneficiaries, Anganwadi Workers, Anganwadi Helpers, ASHAs and persons in charge for provision of meals in schools and centres, members of Vigilance Committees, peoples’ representatives, other functionaries under the Act and Rules and the media.

(b) The Assistant Commissioners at block level shall be responsible for making arrangements for the smooth conduct of the social audit public hearing.

(c) The District Collector shall nominate a senior officer not less than the rank of the Deputy Collector for presiding over the social audit public hearing.

(d) Key findings mentioned in the Social Audit Report shall be read out by the social audit team gram panchayat and municipal ward wise.

(e) The public shall be encouraged to testify and the concerned functionary shall respond to each of the issues identified in the social audit by giving a clarification or an explanation to the affected party and the public as to why a certain action was taken or not taken.
The functionary shall specify the time period and nature of action to be taken to rectify a gap or a lapse in the implementation as the case may be.

The Social Audit Unit shall compile gram panchayat/ municipal ward level Social Audit Reports and prepare a list of actionable points. It shall classify issues as requiring punitive action or corrective action as well as requiring actions for improvements in the system.

This consolidated report shall be sent to the District Grievance Redressal Officer within a week from the social audit public hearing.

District Grievance Redressal Officer shall prepare a consolidated report for the district based on the actionable points, including those requiring punitive action, corrective action and those requiring actions improvement in the system.

Educating the public- At every stage of social audit, the social audit unit shall undertake an initiative to inform the public about their entitlements, means to access them, and grievance redressal mechanism under the Act and Rules.

85. **Action on the social audit findings.**

1. Any issue which is raised during a social audit or any item in the social audit report that indicates a contravention of the Act and Rules or a shortcoming in the implementation of Act and Rules shall automatically be interpreted as a "complaint" under the Act and these Rules.

2. The District Grievance Redressal Officer shall be responsible for initiating action against all the persons indicted in the social audit within three days of submission of the consolidated report.

3. Where there is dispute in the findings of social audit, the District Grievance Redressal Officer shall cause an inquiry and shall decide on the issue at the earliest and not later than one month.

4. Where disciplinary action has been ordered in the public hearing, such process shall be completed after following the due process outlined in the relevant laws.

5. The persons found guilty after due process of law, shall be blacklisted from being associated with the implementation of the Act, Rules and other schemes notified by the Central government and State Government as part of the Act.

6. An Action Taken Report on the social audit findings shall be consolidated for each district by the District Grievance Redressal Officer. The Action Taken Reports shall also be shared with the Vigilance Committees and local authorities at respective levels.

7. A consolidated report including the major findings at district level, actions taken and those requiring improvements in the system, shall be prepared by respective District Grievance Redressal Officers and submitted to the State Government and the State Food Commission.

8. The State Government shall prepare a comprehensive report on social audit in the State and place the same before the Legislature every year.
(9) The State Government shall be responsible to take follow up action on the findings of the social audit.

(10) The State Food Commission shall monitor the action taken by the State Government and incorporate the Action Taken Report in the annual report to be laid before the State Legislature by the State Government.

86. Budget for Social Audit Process.- The State Government shall ensure allocation of adequate resources to meet the costs of establishing and running a Social Audit Unit and other expenses incurred in conducting of social audits.

87. No prohibition on conducting social audits by other agencies.-

(1) There shall be no prohibition on conducting of social audit by any independent agency.

(2) The implementing agencies shall provide requisite information to such agency to enable the same.

CHAPTER IX

OBLIGATION OF LOCAL AUTHORITIES

88. Obligation of local authorities at gram panchayat and ward level.- The local authorities at gram panchayat level/ward shall be responsible to undertake the following.-

(1) For implementation of the Act and Rules.-

(a) assist the concerned authorities in identification of eligible beneficiaries;

(b) provide assistance to employ cooks and helpers in anganwadis, schools and centres ensure that their payments are made on time;

(c) support people entitled to food security allowance in case of non-supply of entitled quantities of food grains or meals as mentioned under Chapter II of the Act;

(d) maintain liaison with banks and post offices to ensure maternity benefits are provided to pregnant and lactating mothers on time;

(e) facilitate programmes for early detection of malnourished children in the community and maintain tie up with the nearest Nutritional Rehabilitation Centre;

(f) monitor the maintenance of community growth charts;

(g) make provision for enquiry and facilitation desk at the Gram Panchayat office/ward office and provide documents to the public pertaining to the Act and these Rules on their request.

(2) For ensuring transparency and accountability-

(a) undertake regular and surprise visits to schools, centres, anganwadis, centralized...
kitchen, fair price shops and other points of delivery to ensure that the commodities are regularly available at the same;

(b) monitor the maintenance of display boards, records, registers and growth charts;

(c) facilitate conducting of Aahara Adalats and social audits on time;

(d) exercise necessary checks to ensure that the stocks are not replaced by inferior stocks during storage, transit or any other stage in the distribution chain;

(e) facilitate a forum for discussion in the village particularly on issues pertaining to food security, instances of child, maternal, neonatal health and starvation deaths that have occurred in the village and formulate necessary preventive actions;

(f) ensure prominent display of information charts on services, time limit and criteria for providing the services, grievance redressal mechanism specified in the Act and these Rules and the findings of Aahara Adalats, social audits at village offices.

(3) For reforming the existing system and generating awareness-

(a) receive recommendations from the public to identify and utilize locally available food high on nutrient value for enhancing food security;

(b) conduct household surveys to receive feedback from the community on implementation of the scheme specified in the Act and Rules and devise plans for overall development of the village including health sanitation and drinking water facilities;

(c) raise awareness among the public about their entitlements under the Act and Rules, through street plays, melas, wall painting and observe ‘village days’ to that effect.

(4) carry out such other responsibilities which maybe assigned by higher authorities.

89. Obligation of local authorities at block/taluk level.- The obligation of local authorities at block level shall be as follows.-

(1) For implementation of the Act and Rules -

(a) build liaison between authorities of Gram Panchayat/ ward, and district level;

(b) ensure easy accessibility to fair price shops and provide assistance in issuing/cancelling licenses for the fair price shops;

(c) assist the aggrieved persons to take necessary steps on any instance of violation in implementation of the Act and these Rules;

(d) render such other assistance to the gram panchayat/ ward authorities for the effective implementation of the Act and these Rules.

(2) For ensuring transparency and accountability-

(a) monitor the regular conducting of social audits, Aahara Adalats and provide assistance in identifying and training the cadre conducting social audits;
(b) ensure that the food grains and meals provided by implementing agencies meet the quality standards, minimum nutritional and food safety requirements mentioned under the Act and these Rules;

(c) conduct periodic inspection of godowns and warehouses;

(d) supervise and monitor the plans of Gram Panchayat/ward and block level authorities for the effective implementation of the Act and these Rules and review its progress on regular basis and prepare an annual report on the same.

(3) For ensuring transparency-

(a) ensure prominent display of information charts on services, time limit and criteria for providing the services, grievance redressal mechanism specified in the Act and these Rules and the findings of Aahara Adalats, social audits at village and block level offices;

(b) ensure availability of enquiry and facilitation desks at the block panchayat offices.

(4) For reforming the existing systems and capacity building-

(a) develop village/gram panchayat/ Cluster level nutrition and food security plans and undertake various measures for awareness generation and social mobilization;

(b) ensure that the proposal for reforms received from the authorities at village level are forwarded to district level;

(c) ensure training to women Self Help Groups and other persons/groups involved in the preparation of meals, Anganwadi Workers, schools, fair price shop dealers, Vigilance Committees and facilitate technical support to gram panchayats;

(d) Interact with the local community to create awareness about the Act and these Rules and to identify issues in implementation.

(5) Carry out such other responsibilities which may be assigned to it by higher authorities.

90. Obligation of local authorities at district level.- The obligation of local authorities at district level shall be as follows-

(1) For implementation of the Act and Rules-

(a) render assistance to village and block/taluk level authorities to carry out necessary functions for the implementation of the Act and these Rules;

(b) ensure active participation of all the concerned state departments in the district for effective implementation of the Act and these Rules;

(c) attend meetings of Vigilance Committees, social audit and Aahara Adalats conducted at various levels;

(d) review the release and timely utilization of funds by Central and State Government;

(e) receive and consolidate annual block level plans into District Plan and initiate necessary actions.
(2) For monitoring and grievance redressal-
   (a) monitor the performance of various authorities in the district, review the progress of implementation on regular basis and publish a report on the same;
   (b) ensure the publication of citizen’s charter by all the public authorities under the Act and uploading of the public documents relating implementation of the Act and these Rules on the district website.

(3) For reforming the existing system-
   (a) facilitate technical support to gram panchayats, wards, block panchayats, develop plans for training and capacity building of the stakeholders;
   (b) ensure direct door step delivery of food grains.

(4) Carry out such other functions as maybe assigned to it by the State Government.

CHAPTER X
CAPACITY BUILDING, AWARENESS GENERATION, REFORMS AND ALLOCATION OF RESOURCES

91. Capacity Building.-
(1) The concerned state departments shall take necessary measures to implement the provisions of the National Training Policy, 2012.

(2) The concerned state departments shall, as per the National Training Policy, 2012 and notifications and orders thereunder issued by the Central and State Governments from time to time, undertake required measures to build the capacities of functionaries involved in the implementation and monitoring of the provisions in Act and these Rules.

Without prejudice to the abovementioned provision, such functions shall include:
   (a) conducting job trainings, Induction trainings and Refresher trainings for functionaries at various levels – village, block, district and state;
   (b) preparing Annual Training Plan for all the functionaries under its control;
   (c) seeking services of specialised training agencies, academic institutions and research institutions in preparing modules and conducting trainings;
   (d) developing a training management information system to facilitate training and development activities of the concerned state department;
   (e) drawing clearly defined job charts for the functionaries;
   (f) uploading the training materials on the website of concerned state department for easy accessibility.
undertaking benchmarking/evaluation study of training institutions.

commissioning surveys/studies to measure the beneficiaries’ satisfaction level on the services delivered by the concerned state department.

reviewing the implementation of Annual Training Plan, Cadre Training Plan and the functioning of the training institutions under ministry/department.

ensuring that curricula, content and training methodologies are constantly reviewed and modified to take account of training feedback and the need of beneficiaries.

ensuring that appropriate funds are available for the training to be carried out by training institutions.

ensuring that training institutes put in place a rigorous system of evaluation of training programmes and assessment of their impact on individual’s performance over time.

incorporating a separate section on the concerned state department’s annual report on training and capacity building activities undertaken during a year.

92. **Awareness Generation.**

(1) The State Government shall take different measures to educate the public about their entitlements under the Act, these Rules and other food and nutrition based plans or schemes formulated or continued by the Central or State Government under Section 32, means of accessing the entitlements, grievance redressal mechanisms, systems of monitoring the implementation of Act and Rules and other new developments in the Act and these Rules.

(2) Such measures may include holding regular public meetings, distributing pamphlets, painting on walls, updating on a regular basis the details about implementation of Act and Rules on the website of concerned departments, creating awareness about new methods of accessing their benefits such as online filing of ration cards and registration for maternity benefits etc. Both print and electronic media, as well as innovative means to reach out to people shall be used to this end.

93. **Allocation of adequate resources.**

(1) State government shall ensure allocation of adequate resources for the implementation of the provisions in the Act and Rules.

(2) The criteria and method of derivation of the budget shall be transparent and made public.

(3) The allocation shall be revised periodically by linking it to food inflation index and keeping in view the need to advance food and nutritional security.

94. **Reforms in the existing systems.** The State Government shall progressively undertake the following reform measures in the public distribution system and the welfare schemes.

(1) Increase the coverage of beneficiaries under Targeted Public Distribution System gradually
such that universal Public Distribution System is achieved within five years. For this, the State government may examine models followed in other States and usher in universal Public Distribution System from its own resources.

(2) Impose a food security cess to raise funds for the same.

(3) Ban outsourcing and Public Private Partnerships in cooking and supply of mid-day meals.


(5) Realize universal access to crèche facilities.
The Centre for Child and the Law (CCL), NLSIU is a specialised research Centre established about two and a half decades ago with a vision to institutionalise child rights culture in the society. The Centre engages with direct field intervention, research and capacity building of a range of actors and also strives to reform law and policy on issues concerning children. In addition to the work in the area of child rights as a whole, CCL has also been doing focused work on juvenile justice, right to education, child marriage and Right to Food for Children.

National Food Security Act (NFSA) 2013, in addition to ensuring food security for all, has a lot of potential to ensure right to food for children too. With the research on status of implementation of NFSA, the Centre seeks to strengthen advocacy on implementation of various aspects of the law with a focus on entitlements, monitoring mechanism and grievance redressal.