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Enhancing the Role of State Food Commissions



CENTRE FOR CHILD AND THE LAW (CCL)
National Law School of India University (NLSIU)



Enhancing the Role of State Food Commissions

Towards Effective Implementation
of the National Food Security Act 2013



CCL NLSIU

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his manual aims to cater to the urgent need for resource material for the members and chairpersons of State Food Commissions (SFCs) established under the National Food Security Act 2013. Although, the functioning and experience of existing independent commissions may be drawn upon for ensuring effectiveness of SFCs, special law under which they have been established (the NFSA) and the normative framework on right to food needs to be extensively referred to while putting together any resource material for the SFCs. This manual hence is based on the legal provisions in NFSA, conceptual and theoretical framework of right to food as well as experiences drawn from other commissions. Legal and constitutional experts, right to food activists, members of various commissions and academics have contributed towards putting together this resource.

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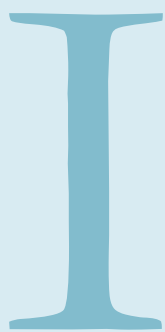
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ACRONYMS

CESCR	Covenant on Economic, Social and Cultural Rights
GHI	Global Hunger Index
ICDS	Integrated Child Development Services
MBS	Maternity Benefit Scheme
MDMS	Mid-Day Meal Scheme
NFHS	National Family Health Survey
NFSA	National Food Security Act 2013
NHRC	National Human Rights Commission
NHRI	National Human Rights Institutions
NSSO	National Sample Survey Organisation
THR	Take Home Ration
TPDS	Targeted Public Distribution System
UDHR	Universal Declaration on Human Rights

Introduction



Institutions for monitoring the protection of special categories of human rights have been in existence in India since the early 1990s. While there is a National Human Rights Commission (NHRC) and the State Human Rights Commissions in all the states, that came into existence through the Protection of Human Rights Act 1993, violation of specific human rights and especially of vulnerable groups triggered the establishment of Commissions looking at specific rights, or rights of specific groups. The examples of the Commissions that are focused on specific groups' rights include Commissions for the Protection of Child Rights (CPCRs) and Women's Commissions. It is also important to point out that some such commissions derive their mandate from the Constitution of India and some others were established through respective legislative actions by the Central government. State Food Commissions that came into being through the National Food Security Act 2013 are the recent additions to the list of such Commissions.

Why this Manual?

The Commissions are meant to serve as human rights institutions with a special mandate of 'protection, promotion and monitoring of human rights'. Like any new institutions, State Food Commissions not only have the responsibility to fulfil its mandate as per the National Food Security Act 2013, but also to ensure that appropriate systems and mechanisms are put in place in order to safeguard a robust foundation that enables it to fulfil its roles and responsibilities in an effective manner.

National Food Security Act 2013, and the State Rules adopted under the Act by different state governments definitely provide an overall framework for the Commissions to define their role. However, there are a number of areas within the legal framework that either do not clarify certain issues, or leave room for varied interpretations. Although, there have been Commissions, such as Human Rights Commissions, Child Rights Commissions and Women's Commissions in place and a closer look at their functioning does provide some insights that may inform the functioning of the State Food Commissions as well, diverse legislative frameworks that govern such Commissions may render it difficult to adopt all such insights as they stand, for the functioning of the State Food Commissions. It is important to delve deeper into the conceptual and normative frameworks and the policy environment along with the parent law, to make sure that the State Food Commissions are able to evolve as active agents for enabling robust monitoring and eventual achievement of the goal of food and nutrition security for everyone.

State Food Commissions, unlike other similar Commissions such as Women's Commissions, Children Commissions and so on, have a particular focus on a 'right' rather than a specific group. Since NFSA seeks to fulfil the goal of food and nutrition security for all, it aims to cater to a much wider population, and hence State Food Commissions also need to have similar orientation that enables them to work towards protecting and promoting food security for all, with a focus on the vulnerable groups such as children, women and those who are poor and are unable to feed themselves.

Another fact that distinguishes the State Food Commissions from other Commissions is the absence of a provision for the establishment of a National Food Commission. In the case of other state commissions, National Commissions have been a permanent source of coherent functioning and networking for the state commissions. Since NFSA 2013 does not make any such provisions, State Food Commissions are largely trying to define and tread their respective paths on their own. Although there are many other differences as regards the powers, stature and such other aspects, absence of a national level Commission leaves the State Food Commissions that have been established in different states with no collective understanding and no point of reference.

Further, food and nutrition security have multiple factors determining and ensuring them. Multi Sectoral nature, encompassing agriculture, storage, distribution, on one hand and health, education, social security, water and sanitation etc., on the other, makes its realisation a lot more complex. This also means that the State Food Commissions are supposed to have an overview of a wide spectrum of issues and challenges that prevent the realisation of food security. While doing so, these Commissions are required to work along with a number of concerned state departments having the responsibilities of implementation of the relevant schemes and programmes, especially those mentioned in the law, namely Integrated Child Development Services (ICDS), Mid Day Meal Scheme (MDMS), Targeted Public Distribution System (TPDS) and the Maternity Entitlement Scheme (ME), and those that have implications for food security. The wide spectrum of issues and schemes, also requires the State Food Commissions to work with a number of state departments and hence it is crucial to reflect on the relationship across these various departments.

The complexity of expected role and responsibilities, get further convoluted by the absolute dearth of literature that could enable the State Food Commissions to understand their own role *vis-a-vis* the state, civil society, local authorities, and other statutory institutions, including other human rights commissions. There is also no programme or accredited institution that can help these Commissions by providing relevant knowledge, skills and resources on a continuous basis. There is a need for having a range of resources that look at the role and functions of the State Food Commissions in a focused manner, which is particularly acute during the initial period when the State Food Commissions are in the process of getting established and are trying to function effectively with the limited resources available to them.

The main purpose of the Manual is to reflect on all the aforementioned issues and provide the State Food Commissions a resource that they can use during the course of their work. It is meant to explain the normative framework of - food security, grievance redressal - the core function of the Commissions, and functioning of human rights commissions; discuss and elaborate on key functions of the Commissions; and enable understanding for resolving the key problems emanating from the gaps in the legal framework. The Manual is by no means exhaustive and seeks to address the common questions that State Food Commissions may come across, especially during the initial stages of their establishment.

While this Manual is primarily targeted at the members, Chairpersons and Member Secretaries of the State Food Commissions, it may also provide some reflective insights to the officers and staff of these Commissions, and of the concerned state departments, as well as researchers. Some issues dealt with in the Manual may also be of use for introspection of the policy framework.

It is to be noted that the information provided in the Manual explains the legal provisions and suggests various ways for the State Food Commissions to function effectively, however, the same should not be construed as legal advice. The Commissions, hence, should seek expert opinion based on legal research on specific issues. It is hoped that this Manual will be useful for the State Food Commissions in initial phases. A more advanced version of the Manual may be prepared based on the challenges faced by the Commissions and along with the evolution of policy and legal framework.

Preface

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he objective of the National Food Security Act, 2013 is *'to provide food and nutritional security in human life cycle approach by ensuring access to adequate quantity of food grains at affordable prices to people to live a life with dignity...'* The objective of the Act can only be achieved when the members of the State Food Commissions truly understand the responsibility

entrusted upon them. Article 21 of the Constitution of India provides a fundamental right to life that also includes within its ambit the Rights to Work and Food. A number of judgments of the Supreme Court have interpreted Article 21 to include both these aspects as integral parts of right to life. A reading of the Preamble to the Constitution, explains that it is the duty of the Government to not only ensure political, economic and social rights but also ensure that all individuals live with dignity and that in order to live with dignity, food is essential. Even though the Supreme Court did not declare right to food as a fundamental right there is an obligation cast on the Government to ensure that there is sufficient opportunity to live in dignity.

The legislations enacted to ensure right to work and right to food as statutory rights have been less effective because they were enacted with the political motive and therefore, they were not able to help the common man. In our country, although we have some remarkable pieces of legislation, the problem persists as regards their implementation. In the National Food Security Act 2013, special care has been taken to protect the interests of women, children, and individuals belonging to the most vulnerable sections of the society. Parliament of India has considered the interest of most of the vulnerable groups, in some form or the other while enacting this legislation.

For proper implementation of the Act, it is essential for the members of the State Food Commissions to monitor and evaluate the implementation of the Act. Not only are they the monitoring agencies but they have also been entrusted with the power to advise the Government on proper implementation of this Act. This legislation which confers suo moto power for registering complaints, along with the original power as well as the appellate powers to one authority, demonstrates the importance of the role of the Commissions in aiding the effective implementation of the Act. Considering the importance of the State Food Commissions, the persons appointed as members of the Commission need to have a rich experience in addressing the challenges faced in implementation. Since the Act, instead of giving only limited powers, confers all the powers of a civil court in enforcing attendance, and conducting inquiry to these Commissions, while holding an inquiry or hearing an appeal, the Commission would exercise the powers of a Civil Court. The principle of natural justice says that a person should be heard before any action is taken

against him or her. Commissions are not entrusted with the powers of a Criminal Court, which means if an act of any officer amounts to a criminal offence, then the members of the commission should refer the matter to the Magistrate in accordance with section 346 of the Code of Criminal Procedure, 1978. The Commission is not only responsible for the supervision and evaluation of the Act but also to ensure transparency and to ensure that the funds allocated by the Government are not misappropriated.

It is important to note that the work of the Commission and its subordinates will be subjected to public scrutiny. Commissions must hence ensure that all targeted public distribution systems related records are placed in the public domain and kept open for inspection for the public in a manner prescribed by the State Government and that social audit should be conducted through independent agencies.

The object of the Act and its importance needs to be kept in mind while the State Commissions discharge their functions. Members of the Commissions have been entrusted with certain powers and it is through them that the Act is to be implemented properly. If they are lethargic and if they fail to act, it will manifest in the violation of human rights of those persons for whose benefit this law is enacted. State Food Commissions' focus should not just be restricted only to food security in general but they should also focus on protecting the interest of single women, adolescent girls and individuals belonging to vulnerable sections of the society, in particular.

Hon'ble Justice N. Kumar (Retired)

*Former Judge, High Court of Karnataka,
Executive Chairman, International Centre for Alternative Dispute Resolution (ICADR), Bangalore
National Human Rights Commission Chair on Human Rights at NLSIU, Bangalore*

I. State Food Commissions (SFCs) under the National Food Security Act (NFSA)



S

tate Food Commissions (SFCs) are independent grievance redressal mechanisms established at the state level for monitoring the implementation of NFSA, redressing the grievances, and advising the state governments for effective implementation of the Act. SFCs are supposed to be established as independent bodies and should be free from administrative control by the state. These commissions, as in the case of other commissions such as human rights commissions, women’s commissions and child rights commissions should be based on the principle of autonomy and should be in a position to give recommendations to the state governments on the ways the provisions of the law should be implemented.

Section 16 of NFSA 2013 requires all state governments to constitute a State Food Commission (SFC) for the purpose of monitoring and reviewing the implementation of this Act. The SFCs are supposed to consist of a Chairperson, five other Members and a Member-Secretary. The Act also makes it mandatory to have at least two women as its members and mandates representation of one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes. These members are to be drawn from either 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.

As mentioned in Section 16 (6), the State Commissions have the following functions:

- a. *monitor and evaluate the implementation of the Act, in relation to the State;*
- b. *either suo motu or on receipt of complaint inquire into violations of entitlements provided under Chapter II of the Act;*
- c. *give advice to the State Government on effective implementation of this Act;*
- d. *give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organisations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in the Act;*

- e. *bear appeals against orders of the District Grievance Redressal Officer;*
- f. *prepare annual reports which are to be laid before the State Legislature by the State Government.*

It is the responsibility of the respective state governments to make administrative and technical staff available to the State Commission for proper functioning. State governments are also supposed to define the method of appointment of the staff, their salaries, allowances and conditions of service and also provide for salaries and allowances of Chairperson, other Members, Member-Secretary, support staff, and other administrative expenses required for proper functioning of the State Commission.

Although food and nutrition security remains to be a multi sectoral issue, and efforts are to be made in all the related sectors that determine or have implications for food and nutrition security for people, NFSA has a specific focus on the following schemes in terms of the entitlements of people:

1. Integrated Child Development Services (ICDS)
2. Mid-day Meal Scheme (MDMS)
3. Maternity Cash Entitlements or The Maternity Benefit Scheme (MBS)
4. Targeted Public Distribution System (TPDS)

Recognising that these schemes have been the core programmatic interventions in this area, the role of State Food Commissions assumes importance with regard to ensuring adequate implementation, taking note of the lapses and redressing grievances.

II. Why State Food Commissions?



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actors that necessitated the establishment of the State Food Commissions are multifold. Rising hunger and malnutrition in various parts of the country that continues to reflect in the health and nutrition profile of the country continue to prevail in spite of a number of schemes and programmes. Converting certain benefits available through schemes and programmes into legal entitlements would mean that people could seek redressal from courts in the event of any violation. With the inclusion of a robust mechanism for grievance redressal, National Food Security Act 2013 attempts at minimising such violations.

Figure 1 India and its neighbours on Global Hunger Index

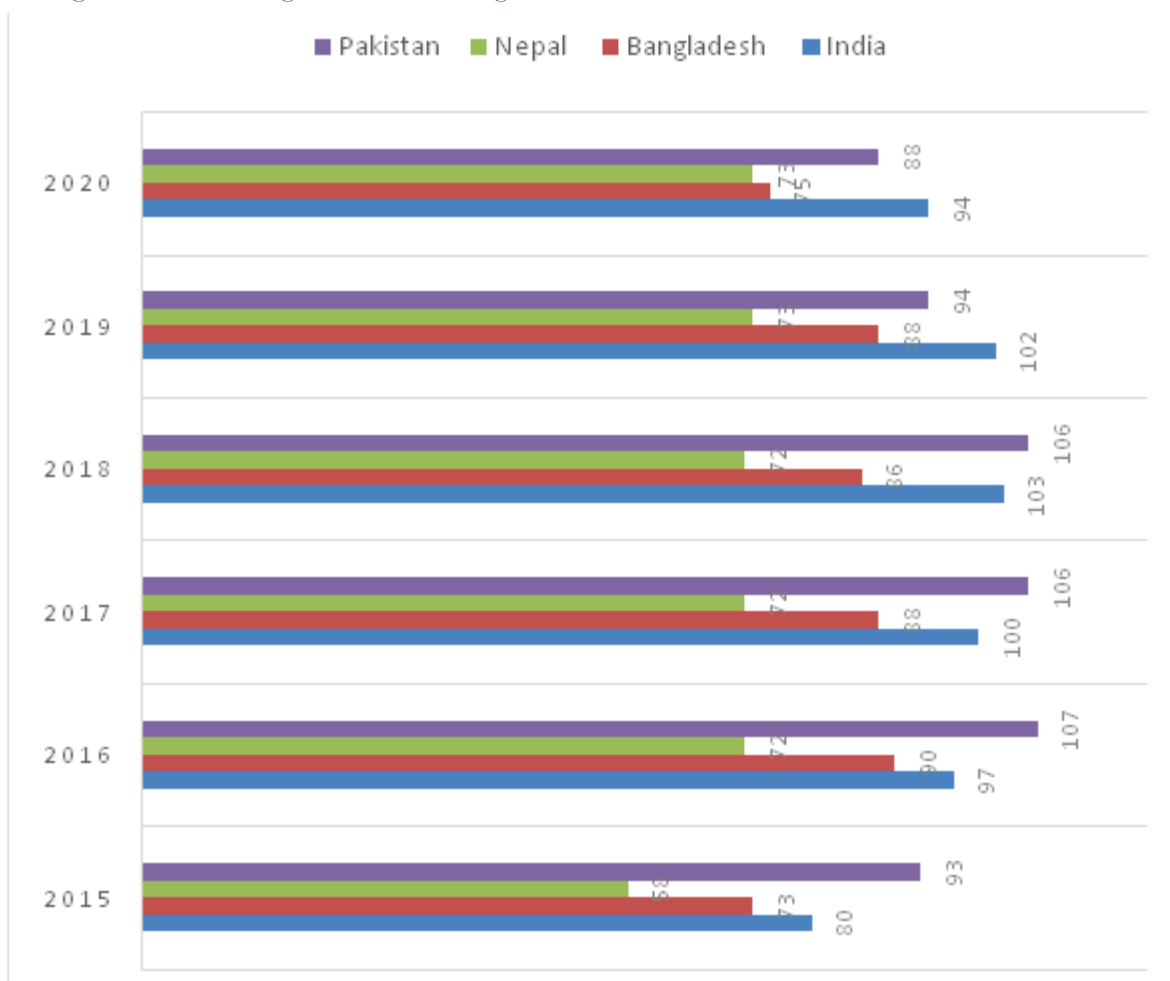
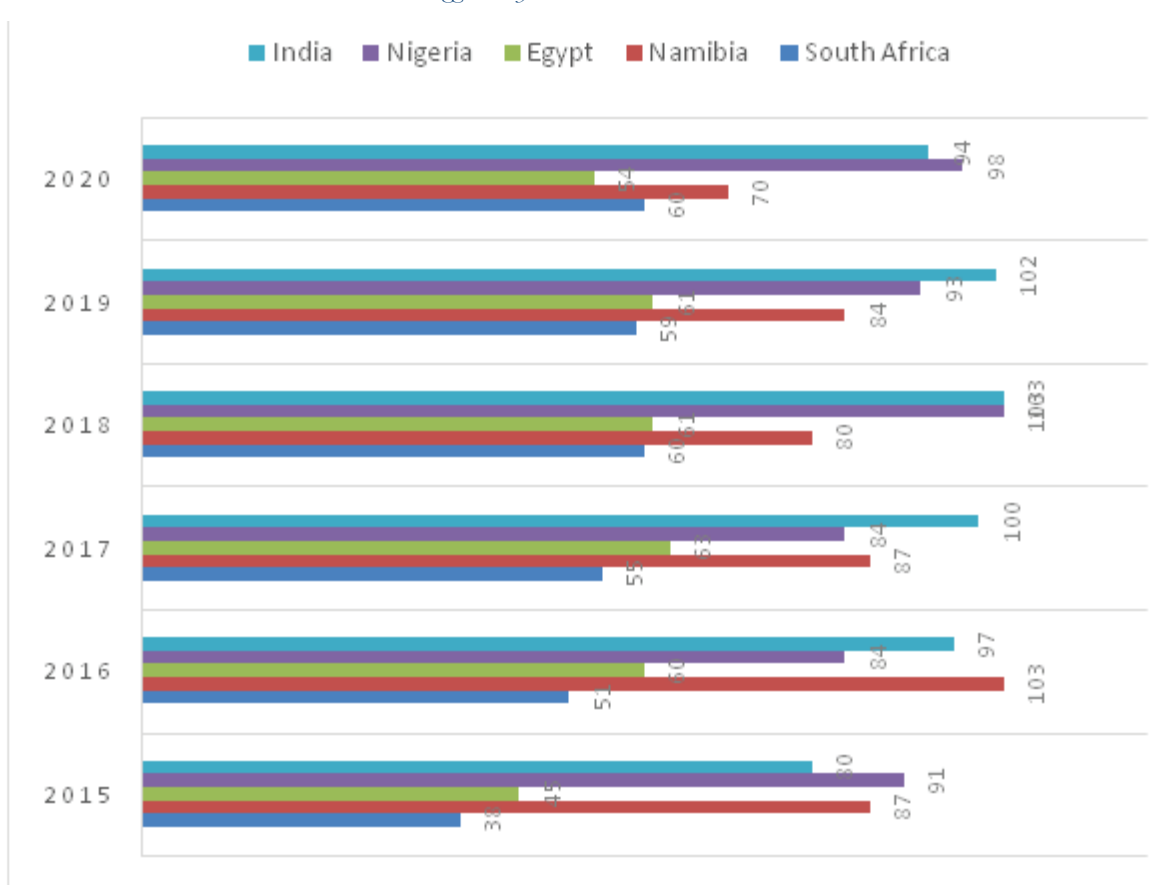


Table 1 Direct and Indirect Interventions suggested by the National



2.1 Hunger and Malnutrition

Hunger and malnutrition are major problems that India has been facing for a long time, although there has been a change in the nature of food insecurities. At the onset of the 19th century and the period preceding that, lack of food pushed poor people to starvation to such an extent that even survival was a challenge. With the increased food grain production during the mid and later decades of 20th century India, the situation improved and India gained self-sufficiency in food grain production, though limited to grains such as wheat and rice. Over many decades, while the number of people getting adequate calories increased, lack of diversity in food production and distribution continued to affect nutrition levels of people, especially women and children.

Limited access to diverse food over a period of time have manifested in poor nutritional levels, and the same can also be seen in the abysmal status of India on the Global Hunger Index (GHI) that is based on percentage of population that is undernourished; percentage of children under five years who suffer from wasting; percentage of children under five who suffer from stunting, and child mortality. India has the largest number of malnourished children and houses about 50% of the total undernourished children of the world¹. Three infants die every two minutes in India due to lack of water, sanitation and adequate nutrition². In the 2020 Global Hunger Index, India ranks 94th out of the 107 countries. With a score of 27.2, India has a level of hunger that is serious.³ Only 10% of children receive an adequate diet in India. The Report shows that 14% of the population is undernourished. Amongst under-five children, prevalence of wasting is 17.3%, rate of stunting is 34.7% and the under-five mortality rate is 3.7%.⁴ Additionally, as per the Global Nutrition Report 2020, India is among 88 countries that are likely to miss the global nutrition targets by 2025.⁵ India's infant mortality rate in 2017 was 32 deaths per 1,000 live births, compared to the global average of 12. Neonatal mortality rates show a similar gap-24 per 1,000 live births for India, compared with the global average of 18. The mortality rates of Bangladesh and Nepal are 32 and 34, as compared to 39 for India. About 8, 02,000 deaths were reported in India in 2017 (the lowest in five years) but these infant death

numbers remained the highest in the world, followed by China at 3, 30,000.⁶

The Global Hunger Index (GHI) is a tool designed to comprehensively measure and track hunger at the global, regional, and country levels. The International Food Policy Research Institute (IFPRI) calculates GHI scores each year to assess progress, or the lack thereof, in combating hunger.

India's rank on the Global Hunger Index (GHI) continues to decline over the years and India's performance as compared to other developing countries is quite disappointing. (See *Figure 1*). Nearly half of the women aged between 15-49 years in India are anaemic, and more than one-third women have low BMI, which reflects on wellbeing of human capital. Similarly, 38.4 percent children under five years of age have low height-for-age, and 21 per cent have low weight-for-age, this compromises physical growth, development, cognition and cumulative lifelong learning.

These extremely disturbing figures say volumes about the status of Indian child in terms of her health and nutrition status. The need to address malnutrition in India was articulated way back in 1970s and Integrated Child Development Services (ICDS) was the first programmatic framework that dealt with the issue of malnutrition in a holistic manner through provision of six services including: Supplementary Nutrition, Immunization, Health Check-up, Referral, Pre School Education, Nutrition and Health Education. Similarly, Mid-Day Meal programme was launched in 1995 by the central government to address classroom hunger among school going children and retain them in school. Both these programmes along with other food based and social security schemes such as *Antyodaya Anna Yojana* (AAY), maternity entitlements and employment guarantee, formed the basis for ensuring food and nutrition security for the vulnerable groups.

Public Distribution System (PDS) aimed at ensuring food security through provision of food grains at subsidized prices. Subsequent to that as well there have been many policy initiatives, schemes and programmes that aimed at addressing malnutrition among children of various groups, pregnant women and lactating mothers, and the adolescent girls, either directly or indirectly. National Nutrition Policy (NNP)

1 <http://www.assocam.org/newsdetail.php?id=6565>

2 <https://www.livemint.com/Politics/OIdNvn30nqdrGQC6pARu3J/India-has-largest-number-of-malnourished-children-in-the-wor.html>

3 <https://www.globalhungerindex.org/india.html>

4 <https://www.globalhungerindex.org/india.html>

5 <https://globalnutritionreport.org/resources/nutrition-profiles/asia/southern-asia/india/>

6 <https://timesofindia.indiatimes.com/india/three-infants-die-every-two-minutes-in-india-unigme/articleshow/65856447.cms>

1993 was the first policy document that reflected on the malnutrition in India and its association with the household level food insecurities, and the socio economic environment that determined the status of nutrition for children. NNP also established the multi-sectoral nature of the issue of

Nutrition Policy 1993

malnutrition and its implications for national health profile, growth, poverty and even women’s empowerment. The Policy also suggested a number of immediate and longer-term measures to address malnutrition.

Direct Interventions	Indirect interventions
<ul style="list-style-type: none"> ● Nutrition interventions for vulnerable groups ● Expansion of safety nets ● Reaching out to adolescent girls ● Preventing low birth weights ● Control of micronutrient deficiencies among vulnerable groups ● Fortification of essential foods ● Food availability/security 	<ul style="list-style-type: none"> ● Diversification in production and of public distribution ● Land reforms ● Nutrition surveillance ● Equal wages ● Women empowerment ● Minimum wage administration ● Community participation ● Awareness and communication

Supreme Court of India in *PUCL Vs Union of India*⁷, identified eight schemes and programmes as forerunners in achieving food and nutrition security for people in India:

- *Annapoorna Yojana*
- *Antyodaya Anna Yojana*
- Integrated Child Development Services
- Mid-Day Meal Scheme
- Targeted Public Distribution Scheme
- Old Age Pension
- Maternity Benefits Scheme
- National Family Benefit Scheme

These schemes continue to be the most critical programmatic interventions for addressing the issue of hunger and malnutrition in India.

2.2 About NFSA

Increasing number of malnourished children need strong legislative measures and the same was expected to be achieved with the promulgation of the National Food Security Act 2013 (NFSA). Despite several limitations, the NFSA converted a number of benefits available through schemes

into legally enforceable entitlements. The effectiveness of the law in addressing the problem of food insecurities depends on the way progressive provisions in this law are implemented on the ground by the state governments.

National Food Security Act (NFSA) 2013 was the first legislative initiative that sought to *provide food and nutrition 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 and for matters connected therewith or incidental thereto.*

In order to achieve this objective, NFSA makes provision of food grains at subsidised rates for 75% of rural population and 50% of urban population as well as specific entitlements for children. Section 3 provides for the right to receive food grains: Rice at @ ` 3/kg, wheat @ ` 2/kg and coarse grains @ ` 1/kg per person per eligible household. These eligible households are to be determined by the respective state governments. Section 4 provides for nutritional support for pregnant women and lactating mothers through local *Anganwadis*. Section 5, makes mid-day meals for children upto class VIII or 14 years as legal entitlement, and Section 6 requires state governments to provide additional nutrition to malnourished children. Schedule II of NFSA further quantifies these entitlements for various groups.

7 (Civil) No. 196/2001, People’s Union for Civil Liberties v. Union of India & Others (PUCL)

Table 2 Entitlements in National Food Security Act 2013

S.no	Right-holders	Entitlement under NFSA, 2013 (Schemes: TPDS, MDMS, ICDS, MBS)
1.	Households entitled to/availing benefits from AAY	35 Kg of food grains per household per month
2.	Households entitled to/availing benefits from TPDS	5 Kg of food grains per person per month
3.	Pregnant women entitled to/availing benefits under ICDS	Meal, free of charge, during and six months after child birth, through local AWC
4.	Lactating mothers entitled to/availing benefits under ICDS	Meal, free of charge, during and six months after child birth, through local AWC
5.	Children aged below three years entitled to/availing benefits under ICDS	Take home Ration
6.	Children aged between three and six years, entitled to/availing services under ICDS	Morning snack and hot cooked meals at Anganwadi Centre
7.	Children aged between 6 months and 6 years who are malnourished	Take home ration with additional food supplementation
7.	Children aged 6-14 years availing benefits under MDMS	One mid-day meal, free of charge, every day, in all schools run by local bodies, Government and Government-aided schools
8.	Pregnant women entitled to/availing benefits under MBS	Maternity benefit of not less than Rs. 6000, in instalments as may be prescribed by the State Government

The Department of Food and Civil Supplies for implementation of Targeted Public Distribution System (TPDS), Department of Education for provision of Mid-day Meals and Department of Women and Child development and Health have key roles in implementation of ICDS and provision of maternity benefits, respectively. As internal grievance redressal mechanisms, (IGRM) all these departments are supposed to establish helplines, call centres, complaint boxes and designate nodal officers for redressal of complaints. In addition to IGRM, NFSA also provides for independent mechanisms for redressal of grievances. Section 15 makes provision for District Grievance Redressal Officers (DGRO) who have the mandate to receive and redress complaints relating to all the schemes under NFSA. However, the constitution of State Food Commissions (Section 16) in all the states is the most vital component of the grievance redressal mechanism under NFSA.

II.4 Redressing grievances

Social legislations are vehicles of social change in modern democratic societies. Law as a tool for social transformation finds its manifestation through social legislations that are enacted with a view to protect and promote the rights of vulnerable groups or to bring about social and economic wellbeing for people in a society. Most of the economic, social and cultural rights are translated into reality through such social legislations and policies that encompass not

only the entitlements but also the means to access such entitlements. Enactment of laws ensures enforceability of the provisions and enables those who are deprived of the entitlements as mentioned in the legal framework to seek justice from the appropriate and identified authorities.

Realisation of economic, social and cultural rights requires the governments to take positive measures to fulfil the rights. In order to ensure effective implementation, most of the social legislation also includes a system for redressal of grievances against the violators. The grievance redressal mechanism (GRM) ensures that the object of the law is fulfilled in its true spirit. GRM ensures that the administration and implementation of the law remains transparent and implementing agencies are accountable, responsive and user friendly.

Grievance Redressal mechanism under the National Food Security Act (NFSA) 2013

Chapter VII of NFSA includes an elaborate three tier mechanism for grievance redressal. Internal Grievance Redressal Mechanism (IGRM), District Grievance Redressal Officer (DGRO) and State Food Commissions (SFCs).

1. Internal Grievance Redressal Mechanisms (IGRMs)

Section 14 of NFSA rests the responsibility of redressal of grievances by the respective departments having the overall responsibility of implementation of the respective scheme

and programmes. These may include call centres, help lines, designation of nodal officers, or such other mechanisms.

2. *District Grievance Redressal Officer*

State governments are supposed to appoint or designate District Grievance Redressal Officers (DGRO) (Section 15) for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled food grains or meals as per the Act and to enforce the entitlements under the Act. DGRO is supposed to take necessary action in a time bound manner for redressal of complaints.

3. *State Food Commissions (SFCs):*

State Food Commissions (SFCs) are to be composed of a Chairperson, five members and one Member Secretary who is supposed to be an officer of the State Government. NFSA makes it mandatory for the State Governments to ensure representation of at least two women, and one person each belonging to Scheduled Castes and Scheduled Tribes.

Section 20 of the Act further defines the powers of SFCs. It states that the SFCs while inquiring into any matter, 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:

1. summoning and enforcing the attendance of any person and examining him on oath;

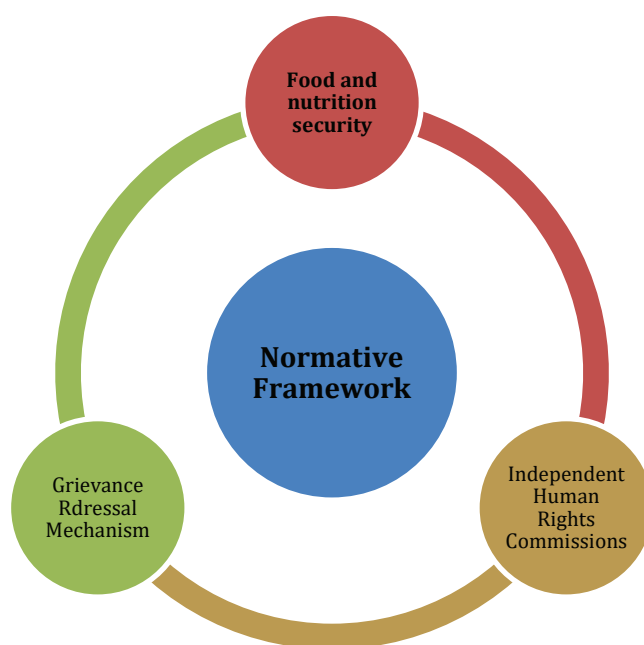
2. discovery and production of any document;
3. receiving evidence on affidavits;
4. requisitioning any public record or copy thereof from any court or office; and
5. issuing commissions for the examination of witnesses or documents.

The State Commissions also have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973. Civil Court powers of the SFCs have been further elaborated in part V of this document.

It is the responsibility of the state government to provide administrative and technical staff for proper functioning of the state food commissions. However, the Act also makes it clear that any vacancy or any defect in the constitution of the Commission, or any other irregularity in the procedures shall not render any action or proceeding of the commissions invalid.

Implementation of the National Food Security Act 2013 in its true spirit entails that its administration is guided and informed by the norms and standards pertaining to:

III. What is the normative Framework of NFSA?



3.1 Normative framework that governs food and nutrition security

According to the Food and Agriculture Organisation (FAO), food security exists when all people, at all times, have physical, economic and social access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.

Availability, Access, Adequacy, Stability and Utilisation of food are the major components of right to food. All these conditions are to be met for ensuring that people are food secure. Availability connotes that food should be available at all times for people and this

takes us to the issues of production of ample food within a country and supply of food, food stocks and net availability of food grains and other food items. Secondly, availability of sufficient quantities of food may not ensure access to such food for all. At national level this may be related to the balance in export and import of food commodities so that people of the country can access food that is available through production. However, even more important is the need to ensure household level food security, which is determined by access to productive resources, purchasing power, access to employment opportunities and provisions to be made through welfare schemes in case of vulnerable groups. Social barriers based on caste and gender may also obstruct peoples' access to food and these factors are also taken into account while ensuring access to food.

Adequacy of food encompasses many aspects of food – it means that food should be adequate in quantity, quality as well as nutritionally. Not only should food be safe and nutritious, it should be culturally acceptable too.

Food diversity and utilization are related to the needs of the body and its capacity to absorb various nutrients in the food. Sufficient energy and nutrient intake by individuals is the result of good care and feeding practices, food preparation, diversity of diet and intra-household distribution of food. Combined with good biological utilization of food consumed, this determines the nutritional status of individuals. This entails access to safe drinking water, sanitation, immunisation for children and ensuring the micronutrient availability as well.

Similarly, stability of food refers to continuous supply of food without gaps owing to any factor – decrease in production, unemployment or even non-functioning of welfare schemes. Change in climatic conditions, financial crises, conflicts and rise in the prices of food commodities could be the possible reasons for such instability. 'Sustainability' goes one step beyond to include more dimensions to it. It pertains to the ability of communities and people to have control over the kind of food they eat and ensure its regular supply too. Any superimposed mechanism to make food available that is not

grounded in the specific socio economic and even climatic conditions may not be sustainable for a long time. Related to these are also food preferences of people by region, religion or cultural identities. For food security objectives to be realized, all dimensions must be fulfilled simultaneously. All these conditions are to be met to ensure that people are food secure.

Human rights principles that are based on Participation, Accountability, Non-discrimination, Transparency, Human Dignity, Empowerment and Rule of Law commonly known as 'PANTHER', lend the status and character of a human right to food security. This makes Right to Food an empowering tool. Through this human rights-based approach to food security, the right to food puts people at the centre of development, so that they are recognized as rights holders and not as mere beneficiaries. These principles basically capture the approach through which the state provides for ensuring rights for people. Application of PANTHER in the evolution of interventions, mechanisms and procedures towards ensuring food security for all, results in fulfilment of right to food.

The ultimate objective of applying the rights-based framework and using right to food as a tool is to empower people and reach out to the most vulnerable people in their quest to mitigate hunger. It stresses upon the obligation of the state to take such measures that enable them to increase their purchasing power, and access food themselves too. In that sense food security can also be defined as the human right to feed oneself. State has the obligation to respect, protect and fulfil the right to food.

It is the responsibility of the state to ensure that any of its actions do not deprive people from their food security and no other private entity violates them. Similarly, the promotion obligation of the state requires the State to put welfare mechanisms in place for those who cannot grow and earn food. As regards the legal framework, the right to food framework also necessitates the availability of administrative, quasi-judicial and judicial mechanisms in place to redress the grievances. Law is used as a tool to operationalize such mechanisms.

The rights framework provides an overall theoretical construct for the analysis of food security situation and the corresponding legal framework of food security and the rationale for using rights framework is to use a coherent framework within which issues of hunger and food security can be looked at from the point of view of governance too. In order to fill the gap between the policies and their effectiveness, strengthening of relevant public institutions and coordination mechanisms with regard to implementation

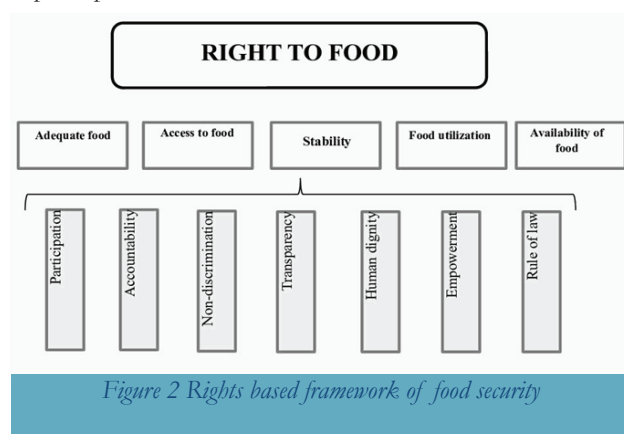


Figure 2 Rights based framework of food security

is critical. Rights based approach to food security integrates such elements and also ensures participation of civil society organizations, human rights commissions, parliamentarians and government sectors, besides those dealing with agriculture, in the entire process, and provides further justification for investment in hunger reduction.

3.2 Grievance Redressal Mechanism (GRM)

Every State Government, under Section 14 of the NFSA is obligated to set up an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers *et cetera*. Likewise, section 15 provides for a District Grievance Redressal Officer for expeditious and effective redressal of grievances. Moreover, under Section 28, every local authority is expected to conduct periodic social audits. Additionally, the NFSA (2013) also provides for setting up of Vigilance Committees as specified in the Public Distribution System (Control) Order, 2001, made under the Essential Commodities Act, 1995.

However, the functioning of the GRM under the NFSA, 2013 requires reforms. To bring about the requisite reforms, it is crucial to understand the true meaning of the term “grievance” and its “redressal”. Behavioural scientists like Dale S. Beach and J.M. Jucius have defined Grievance⁸ as a word which covers dissatisfaction or a feeling of injustice and which has one or more of the following characteristics:

- i. *It may be unvoiced or expressly stated by an employee;*
- ii. *It may be written or verbal;*
- iii. *It may be valid and legitimate, untrue or completely false, or ridiculous; and*
- iv. *It may arise out of something that is connected with the organisation in some way or the other.*

The Second Administrative Reforms Commission, in its 12th Report entitled “Citizen Centric Administration” gives suggestions for an ideal Grievance Redressal Mechanism. In the opinion of the Commission:

- There is a need for a strong and effective internal grievance redressal mechanism in each organization.
- The Union and State Governments should issue directions asking all public authorities to designate public grievance officers on the lines of the Public Information Officers under the Right to Information Act.
- These officers should be of adequate seniority and should be delegated commensurate authority.

- All grievance petitions received should be satisfactorily disposed of by these officers within thirty days.
- Non-adherence to the time limit should invite financial penalties.
- Each organization should designate an appellate authority and devolve adequate powers upon them including the power to impose fines on the defaulting officers.
- There should be analysis and Identification of Grievance Prone Areas.
- Accordingly, the Government organizations should analyse the complaints received and identify the areas wherein interventions would be required so as to eliminate the underlying causes that lead to public grievances. This exercise should be carried out at regular intervals.

These suggestions had only been partly implemented by the Government. However, if robust implementation of these suggestions can be carried out, an effective grievance redressal mechanism can be generated which is specific, accurate, responsive and time-bound.

3.3 Normative Framework that governs the functioning of human rights institutions

Human Rights Commissions are independent ombudsman that monitor the status of implementation of rights within a country. Generally, the key functions of the human rights institutions include safeguarding of human rights within the overall domestic legal framework. This may entail undertaking certain functions such as inquiry into the complaints of violations of rights, redressal of grievances, advising the state governments on adequate implementation, generating awareness on rights, and promotion of harmony between the domestic and international standards of rights.

Since the State Food Commissions, like other human rights commissions are supposed to function independent of interference from the government, these (commissions) are to be established as per the norms and standards as adopted at international level. The autonomy, at operational level may mean that these Commissions should be able to function independently without inference of any external agency. They should have autonomy to appoint staff, allocate resources, and devise work plans. They should also have financial autonomy to utilise their funds according to their requirements within the norms of public accountability. The respective governments must not influence or interfere with

8 <http://docshare01.docshare.tips/files/7434/74343527.pdf>, accessed on January 31st 2021

their operations. At the same time, the Commissions should be accountable to the Legislature and to those persons whose rights it is mandated to protect and promote.

The Paris Principles

The Principles relating to the status of National Institutions for the promotion and protection of human rights, 1993, commonly referred to as the *Paris Principles* are a set of internationally accepted minimum standards that states should seek to comply with while establishing National Human Rights Institutions (NHRIs). The United Nations General Assembly endorsed the Paris Principles on the status and functioning of national institutions for the promotion and protection of human rights in December 1993. These Principles were broadly accepted as a test for an institution's legitimacy and credibility. Paris Principles emphasize on the importance of independence of NHRIs from the government, as they have to act as a bridge between the government and the civil society for realisation of human rights.

These Principles emphasize that the NHRIs must be functionally and financially independent and should not be controlled by the government. They should have adequate funding that allows them to have their own staff and premises.

Paris principles also recommend that the Commissions should have broad mandate and their composition should be pluralistic so as to reflect the diversity of the constituency they intend to serve. Further, the Commissions should be vested with adequate powers to inquire into complaints on its own, visit various institutions and with quasi-judicial powers, should be able to summon witnesses, compel them to testify or produce documents etc. The Principles also suggest that the Commissions should be able to resolve complaints through conciliation or binding decisions.

“1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human

rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

- a) Non-governmental organisations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organisations, for example, associations of lawyers, doctors, journalists and eminent scientists;
- b) Trends in philosophical or religious thought;
- c) Universities and qualified experts;
- d) Parliament;
- e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.”

The Paris Principles also list the responsibilities of Human Rights Institutions. These include review of laws to ensure conformity with human rights standards, recommendations for new laws, or amendments to existing ones, reports on violation of human rights, promotion of harmony between national legislation and international human rights law, promotion of ratification of international conventions and their implementation and generating awareness on human rights through information dissemination and education.

IV. What to do and how to function?

M

ajor functions of the State Food Commissions may be divided into two broad categories. These are:

- a. *Redressing grievances*: SFCs have three types of jurisdictions related to complaints redressal. Complaints may come to SFCs through
 - i. appeal against the order of DGROs, or
 - ii. may be filed directly by the aggrieved person whose rights have been violated, or
 - iii. *suo motu* cognisance can be taken by SFCs for violation of any provisions of the Act

- b. Advising and giving recommendations to the
 - i. state governments and other state agencies
 - ii. autonomous bodies
 - iii. and non-governmental organisations

There are a number of activities that the commissions have to undertake in order to carry out the functions as stated in the National Food Security 2013.

Complaints Redressal Mechanism

In addition to *suo motu* complaints, the Commissions are also needed to ensure that rights holders are able to register complaints with them in case any violations occur. The complaint registration and redressal mechanism need to be easy and user friendly. Considering the fact that three of the four schemes under NFSA aim at children, it is all the more crucial to make sure that the process is easy and efficient.

Receipt of complaints: Commission should make all the efforts to make itself accessible to those who may want to report violations of their rights. Since the State Food Commissions are relatively new, publicity about the Commissions may

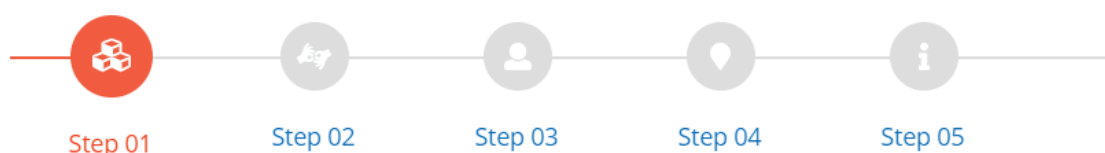
help people know about its existence and the fact that the complaints may be brought to the notice of the Commission for appropriate action. SFCs may resort to measures such as display of information along with the contact details at various places that are visible to the public, posting of the same on commonly visited webpages, and in print and audio-visual media.

It is equally important to ensure that all possible means of communication are available to the people wanting to file complaints. Complaint registration procedures should be made simple as well as transparent. Commissions may consider receiving complaints through traditional channels such as through installation of complaint boxes and receiving snail mails, as well as through modern ways such as through online platforms. While doing so the preferred language of the prospective complainant must be taken into account. Utmost care needs to be taken to ensure that anyone filing the complaints to the Commissions does not face any difficulties in doing so.

Box 1: Illustration on grievance redressal system adopted by Jharkhand State Food Commission

Jharkhand State Food Commission established an elaborate system for receiving grievances and redressing them. The system enables multiple windows for receiving complaints through regular/offline mode as well as through internet-based systems. Additionally, the grievance redressal mechanism of JSFC leverages the existing local administrative systems that are rooted in the local self-government and have institutional support from the state government. Diverse windows for complaint receiving have enabled greater access, efficiency and outreach to the grievance redressal mechanism of JSFC.

ऑनलाइन शिकायत निवारण पटल



आपकी शिकायत किस से सम्बंधित है (Type of Grievance)

अपनी शिकायत का प्रकार चुनें

अपना मोबाइल नंबर डालें (Mobile No.)

अपना मोबाइल नंबर डालें

यूजर नाम (User Name)

अपना यूजर नाम लिखें

अपना पासवर्ड डालें (Create Password)

अपना पासवर्ड डालें

फिर से अपना पासवर्ड डालें (Re-enter Password)

फिर से अपना पासवर्ड डालें

सबमिट और आगे बढ़ें

Other key features of the system that makes it easily accessible and efficient are:

- Option to file complaints in local language
- Inbuilt system for tracking of complaints by complainants using username and password
- Coordination with local and district level systems for grievance redressal
- Centralised system for tracking and monitoring all the complaints
- Provision for redressal in time bound manner
- Provision for enclosing evidence in the form of attachment
- Inbuilt system that enables sorting of complaints as per location/districts schemes and types

Classification of complaints: A case management system that makes access to information effortless and lends efficiency to the process and action on the complaints, is very important for the SFC to be effective. Suggested classification may be as follows:

- Complaints coming from different districts
- Complaints based on the 4 different schemes
- Suo Motu complaints

Based on the familiarity with geography (for instance different regions) and area of expertise (child nutrition, maternal health, public distribution systems and education), grievances may be divided among individual members of the Commission for greater level of efficiency.

Redressal of complaints: Food is a basic requirement and unlike other human rights and needs, fulfilment of this right cannot wait. In order to ensure that no person goes without food, State Food Commissions must ensure that the redressal of complaints happens in the most efficient, effective and timely manner. The system should be equipped to redress complaints within a stipulated time period so as to ensure that the time period for which the complainants have to wait to get their entitlement restored is minimised.

Awareness about Entitlements and other mechanisms

While most of the states have established the State food Commission as per the National Food Security Act, it has been noticed that the levels of awareness about their existence, their role and means to reach out to them remains quite low. State Food Commissions on their own initiative must take steps to raise awareness about entitlements as mentioned in the Act, means to access them, grievance redressal mechanism under the Act including the Internal Systems (complaints boxes, helplines, call centres and nodal officers), District Grievance Redressal Officer and the Commission itself. Provision of monitoring mechanisms such as social audits (section 28) and vigilance committees (section 29) should also be popularised.

Central Rules

- The Food Security (Assistance to State Governments) Rules, 2015;
- Food Security Allowance Rules, 2015;
- Cash Transfer of Food Subsidy Rules, 2015;
- Provisioning of Funds to State Governments for Short Supply of Foodgrains Rules, 2014.

Available at: https://dfpd.gov.in/Rules_C.htm

- Mid Day Meals Rules, *Available at: http://mdm.nic.in/mdm_website/*
- Poshan Abhiyan Guidelines, *Available at: <http://icds-wcd.nic.in/nmm/home.htm>*
- Pradhan Mantri Matru Vandana Yojana Guidelines, *Available at: <https://wcd.nic.in/schemes/pradhan-mantri-matru-vandana-yojana>*

Other material

- Legal Landscape of Food Security in India with Special Reference to children: Scope, issues and challenges
- Tracking the Implementation of National Food Security Act 2013 and Status of State Rules; Focus on Southern States
- Frequently Asked Questions on Right to Food (Hindi)
- My Food My Right; Children's Right to Food: A Perspective in Law

Available at <https://ccl.nls.ac.in/publications/books/>

Review Meetings

With a view to share the key concerns and issues with the concerned officials and determine the action points and timelines for necessary measures, State Food Commissions may adopt the strategy of conducting periodic/monthly review meetings. These reviews provide opportunity for following up with the concerned departments and officials on redressal of complaints made and issues raised earlier.

Karnataka State Food Commission organises such review meetings on a monthly basis. Meetings normally follow visits to different districts and provide the opportunity to assess the situation from the point of view of service delivery to share the key issues with the concerned officials and ensure that the issues that require attention from the officials are resolved at state level.

Function as Civil Court

As per Section 20 (1) of the NFSA 2013, State Food Commissions have the powers to function as civil court, State Food Commission can conduct inquiry, seek reports and information, and summon anyone including officials towards redressal of grievances. Commissions can make use of these powers and also impose penalty on any public servant or authority found guilty of failing to provide the relief recommended by District Grievance Redressal Officer

(DGRO). A detailed discussion of the civil court powers of the State Food Commissions may be found in Part V of this Manual.

Public Hearings

Public hearings are a powerful tool for fact finding, peoples' mobilisation and seeking accountability from the concerned functionaries. State Food Commissions may conduct such public hearings in the community where a large number of people may gather and share their problems. The Commission may make recommendations based on the facts shared and communicate the same to the officials present there.

Advising State Governments

Although NFSA 2013 is a legislation framed and enacted by the Parliament of India, the larger responsibility of its implementation lies with the respective state governments. Section 24 of the Act clearly specifies that the State Governments shall be responsible for the implementation and monitoring of the schemes of various Ministries and Departments of the Central Government in accordance with the guidelines issued by the Central Government.

The State Food Commission may advise the state governments to take necessary steps for ensuring effective implementation of provisions of food and nutrition security related schemes under the National Food Security Act in order to enable individuals to fully access their entitlements. These advises may range from provision of resources, capacity building of functionaries, improving quality of services and supplementary nutrition, adherence to norms, progressive expansion of outreach, constructive reforms in guidelines and state rules, etc. The commission through creation of a consortium may also decide to make submission

to the central government for reforms in the National Food Security Act, 2013.

Working with Civil Society Organisations

Since NGOs work closely with the community, they may be potential sources of information for State Food Commissions. Commissions may involve local NGOs during their visits, public hearings and awareness campaigns to bridge the human resource gap and also reach out to the most marginalised people.

Engaging expert agencies

While the members of the Commission have expertise in their respective areas, the Commission may also choose to get specific expertise from resource agencies and individual consultants on issues such as law and legal procedure, nutrition, sanitation, health, social audits, etc.

According to Section 16 (7) It is the responsibility of the state government to provide administrative and technical staff for proper functioning of the State Food Commission.

Field Visits

Primary function of the SFC requires identification and responding to any violations of the provisions of NFSA. In order to do that it is pertinent that the Commission undertakes visits to the service delivery points such as anganwadis, schools, fair price shops and other places in the supply chain in the provision of supplementary nutrition to children, women and other rights holders under the Act. These visits and interactions with the rights holders as well as the front line functionaries enable access to first-hand information on the status of implementation. SFCs may prioritize areas with relatively higher burden of hunger and malnutrition and take *suo moto* notice of issues and problems.

Table 3 : Actions that can be taken by SFCs

Agencies & Departments	Entitlements and corresponding provisions to be made (As per the Act)	Actions that may be taken by State Food Commission	
Food and Nutrition for Children under six years, Pregnant women and Lactating Mothers through Integrated Child Development Services (ICDS)			
<p>Department of Women and Child Development (DWCD)</p>	<p><i>Direct Service:</i> Local Anganwadi</p> <p><i>Other concerned agencies and institutions:</i> Nutrition Rehabilitation Centres (NRCs)</p>	<p>Pregnant women and lactating mothers are entitled to food (either THR or hot cooked meal) during pregnancy and six months after the child birth {Section 4 clause (a)}</p> <ol style="list-style-type: none"> 1. Section 5 (1) (a) provides that appropriate meals shall be provided to children within six months to six years of age, free of charge, through local anganwadis. 2. Identification of malnourished children and provision of extra THR of 800 Kcal and 20-25 grams of protein. 3. Infant and Young Child Feeding Promotion and Counselling. 4. Immunization and provision of Child Development counselling. 5. Conduct regular health check-ups and referral services. 	<p>In order to monitor and evaluate the implementation of Integrated Child Development Services, the State Food Commission may seek information/reports on the following –</p> <ol style="list-style-type: none"> 1. Work hours and staff at the Local Anganwadi and the help extended to the pregnant women and lactating mothers. 2. Number of pregnant women and lactating mothers receiving meals, free of charge. 3. Time record for which pregnant women and lactating mothers are entitled to such meals. 4. Quantity and quality of food received, cooked and consumed. 5. Status of pregnant women and lactating mothers with regard to employment and financial background. 6. Accounts of complaints and grievances under internal grievance redressal department, how the grievances are addressed, what are they associated with. 7. Procedure prescribed to procure free of charge meals to pregnant women and lactating mothers. 8. Number of children falling within the age group of six months to six years.

Agencies & Departments	Entitlements and corresponding provisions to be made (As per the Act)	Actions that may be taken by State Food Commission
Food and Nutrition for Children under six years, Pregnant women and Lactating Mothers through Integrated Child Development Services (ICDS)		
		<ol style="list-style-type: none"> 9. Process of identification of malnourished children 10. Number of children between 6 months to 6 years identified as malnourished 11. Status of malnourished children and progress report 12. Regular reports with regard to implementation of the scheme and its operations from anganwadi workers and ASHAs. 13. Receive feedback and suggestions from beneficiaries. 14. Form of food storage facilities in local anganwadis and modes of transportation of food to designated depots. 15. Checking constituents of the food, testing nutrition level and whether it is in adherence to the nutrition standards provided for in Schedule II 16. Report on steps taken by the state governments for achievement of objectives mentioned in Schedule III 17. Report on action taken for promotion of exclusive breastfeeding. 18. Quarterly meetings for monitoring and promotion of child growth and developmental milestones. 19. Quarterly meetings for monitoring and promotion of child growth and developmental milestones.

Agencies & Departments	Entitlements and corresponding provisions to be made (As per the Act)	Actions that may be taken by State Food Commission	
Food and Nutrition for Children between 6 to 14 years in government and government aided schools (MDMS)			
<p>Department of Education/ Public Instructions</p>	<p><i>Direct Service:</i> Government and government aided schools</p> <p><i>Other concerned agencies and institutions:</i> School Management Committee, School Development and Monitoring Committees in Karnataka</p>	<ol style="list-style-type: none"> 1. According to the provisions of Section 5 (1) (b), one mid day meal, free of charge, shall be provided to children, up to class VIII or within six to fourteen years of age, every day, except on school holidays, in all local bodies, Government and Government aided schools. 2. Every school is required to have facilities for cooking meals, drinking water and sanitation. 3. In urban areas, if needed, facilities for centralised kitchen for cooking meals may be used 4. Carry out quarterly inspections and meetings. 5. Monitor the regularity and wholesomeness of the mid-day meal served to children, cleanliness in cooking and serving of the meal, timeliness in procurement of good quality ingredients, fuel, etc. 6. Implementation of variety in the menu so as to make it attractive to children and ensure social and gender equity on a daily basis. 	<p>In order to ensure the implementation of the Mid Day Meals Scheme, the State Food Commission may seek the following –</p> <ol style="list-style-type: none"> 1. Number of children enrolled in schools up to class VIII or within the age group of six to fourteen years and report received from the department on MDMS. 2. Records of daily attendance of children 3. Menu and constituents of the meals and the frequency of change of menu along with its nutritional and cultural appropriateness 4. Number of cooks-cum-helpers and the remuneration provided to them. 5. Job chart and timings of work of cooks-cum-helpers. 6. Report on facilities for cooking, utensils, gas and other requisite materials. 7. Report on whether or not Mid-Day Meals are served in summer vacations or not as per the directives of the Supreme Court 8. Number of drinking water coolers/taps to ensure facilities of drinking water. 9. Storage facility and its operations in schools and centres. 10. Report on quantity of total food received, cooked and consumed everyday

Agencies & Departments	Entitlements and corresponding provisions to be made (As per the Act)	Actions that may be taken by State Food Commission
Food and Nutrition for Children between 6 to 14 years in government and government aided schools (MDMS)		
		<ul style="list-style-type: none"> 11. Report on adherence to nutritional standards of food as mentioned in Schedule II. 12. Report on functionality of internal grievance redressal mechanism by seeking helpline numbers, the number of calls received, frequency of calls received and what has been done to address the problem. 13. Monthly reports from nodal officers with regard to the implementation of the scheme in schools and centres. 14. Status of complaints boxes, and helplines 15. Status of complaints received through internal grievance redressal mechanism and redressal 16. Status of complaints received through DGRO 17. Report of the meetings conducted and actions taken by the School Management Committees (SMCs) to monitor the Mid day meal Scheme as per their role mentioned in Rule 7 of Mid Day Meal Rules 2015 18. Status in case of non supply and identification of cases fit for Food security Allowance as per Rule 9 of Mid Day Meal Rules 2015 with reference to Section 8 of NFSA 2013

Agencies & Departments	Entitlements and corresponding provisions to be made (As per the Act)	Actions that may be taken by State Food Commission
Food and Nutrition for Children between 6 to 14 years in government and government aided schools (MDMS)		
		<p>19. Measures to raise awareness with regard to grievance redressal mechanisms to the general public by receiving feedback from children and their parents.</p> <p>20. In case of centralised kitchens in urban areas, mode of transportation and number of helpers.</p> <p>21. Check the delivery of food grains at designated depots by seeking records from concerned authority</p> <p>22. Mode of dissemination of important instructions and information to work staff, children and parents.</p> <p>23. SFC should ensure that the State level Steering cum Monitoring Committee for Mid Day Meal Scheme is established and is functional as required under Rule 6 of Mid Day Rules 2015</p> <p>24. SFC may cause to initiate the testing of meals by accredited laboratories as per Rule 8 of Mid Day Rules 2015</p>

Agencies & Departments		Entitlements and corresponding provisions to be made (As per the Act)	Actions that may be taken by State Food Commission
Maternity Benefits Scheme (MBS)			
Department of Health	Local Anganwadi, Public Health centre	According to Section 4 (b), every pregnant woman and lactating mother is entitled to cash maternity benefit of <i>not less than rupees six thousand, in such instalments as may be prescribed by the Central Government</i>	<p>In order to monitor and evaluate the implementation of Maternity Benefits Scheme, the State Food Commission may seek report on the following –</p> <ol style="list-style-type: none"> 1. Procedure for procuring the maternity benefit amount of rupees six thousand and documents to be submitted to avail such benefits. 2. Efforts made to raise awareness about the available entitlements 3. Reports with regard to complaints and grievances, what are they associated with, how are they addressed and problem solving mechanism. 4. Number of pregnant women and lactating mothers receiving the amount of rupees six thousand. 5. Records of total amount released by the authority and the total amount received by the beneficiaries <i>vis-a-vis</i> total deliveries in a given period. 6. If there is any rejection of applications find out reasons & rectify if possible 7. Employment status of beneficiaries along with their financial backgrounds. 8. Number of instalments in which the amount of rupees six thousand is released and provided to the beneficiaries. 9. Frequency of instalments in which the amount of rupees six thousand is released. 10. Accounts of workers and their work records at the local anganwadi.

Table 4 *Anganwadi Infrastructure Checklist*

<i>Sl. No.</i>	<i>Infrastructure Facilities</i>	<i>Available or Not</i>	<i>In good/working condition or not</i>	<i>Remarks/Follow up Action</i>
1	Store Room			
2	Kitchen			
3	<i>Balasnehi</i> Painting Done			
4	Drinking Water Connection			
5	Water availability			
6	Water filter			
7	Light			
8	Fan			
9	Compound wall			
10	Plates			
11	Fire extinguisher			
12	Utensils			
13	Pressure Cooker			
14	Adult Weighing Scale			
15	Baby Weighing Scale			
16	Infant weighing scale			
17	Gas Connection			
18	Gas Stove			
19	Toilets and availability of water			
20	Paint Required			
21	Kitchen Garden			
22	Glasses			
23	Mats			
24	Number of LPG Cylinders			

Table 5 *School Infrastructure Checklist*

<i>Sl. No.</i>	<i>Infrastructure facilities</i>	<i>Available or Not</i>	<i>In good/working condition or not</i>	<i>Remarks/Follow up Action</i>
1	Store Room			
2	Kitchen garden			
3	Drinking Water Connection			
4	Availability of water			
5	Dining space			
6	Plates			
7	Utensils			
8	Pressure Cooker			
9	Weighing Scale			
10	Gas Connection			
11	Gas Stove			
12	No. of Cylinders			
13	Paint Required			
14	Water Filter Available			
15	Electric Light			

16	Electric Fan			
17	Compound Space			
18	Glasses			
19	Mats			
20	Separate Toilets for girls and boys			

Preparation of Annual report

Section 16 (6) (f) requires State Food Commissions to prepare and submit annual reports that are supposed to be laid before the State Legislature by the State Department. In addition to reporting on various activities undertaken by the Commissions, these reports provide an opportunity to the Commissions to bring key concerns regarding the legal framework, especially the State Rules under the NFSA, to the notice of policy makers.

Purpose and importance: Annual reports by the State Food Commissions serve as a crucial source of information on the status of food and nutrition security in the given states while simultaneously assuring accountability and transparency in the functioning of the Commissions, by requiring them to provide comprehensive description of the activities and functions of the Commission, nature of complaints handled, recommendations made, staffing and salaries, budget, expenditures, etc. The reports could also indicate the extent of implementation and compliance with the legislation, policies, regulation and programmes for food security and nutrition. An Annual report also provides the Commissions with an opportunity to showcase the work undertaken and interventions made. It serves as a compendium of the Commissions' functioning in the course of one year.

How should the Annual report look like: It is important that the Annual reports of the Commissions have both qualitative and quantitative data on the total number of complaints received and dealt with and the recommendations made to the Government. Qualitative data can be in the form of proposals made towards law and policy reforms initiatives, research undertaken, etc. It is important that the identity of the complainants is not revealed through the report. The key issues, learnings and challenges must be reflected upon instead. The information presented must be based on the research and should be adequate. Ideally the report must be prepared by the Chairperson and the members with assistance from the Member Secretary, and discussed with all the members for their inputs.

The following structure may be adopted for the Annual Reports:

- i. Acronyms*
- ii. List of tables, charts, diagrams and boxes*
- iii. Executive Summary*
- Chapter I Introduction**
- Chapter II Perspective on the Food and Nutrition Security in the State**
- Chapter III Organisational Structure of the Commission**
- Chapter IV Functions (complaint redressal, monitoring visits, public hearing and other outreach)**
- Chapter V Interaction with other authorities/agencies under NFSA**
- Chapter VI Interaction with other Commissions (if any)**
- Chapter VII Interaction with NGOs**
- Chapter VIII Recommendations to the State Government**
- Chapter IX Future plans and priorities**
- Chapter X Statement of Accounts**
- Annexes*

Submission and Dissemination: After the finalisation and printing, the report should be submitted to the Department of Food and Civil Supplies and the concerned Minister for the purpose of it to be tabled in the state legislature. Discussion on the report in the legislature may generate necessary interest among policy makers and generate awareness among people and mobilise them to seek their entitlements under the Act.

V. Exercising Civil Court Powers

S

ection 20 of NFSA lists down the powers of the SFCs in relation to inquiries and one of these powers is the power of a civil court to try a suit under the Code of Civil Procedure, 1908 (CPC). Section 20 of the NFSA is as follows:

20. Powers relating to inquiries.- (1) The State Commission shall, while inquiring into any matter referred to in clauses (b) and (e) of sub-section (6) of section 16, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) and, in particular, in respect of the following matters, namely:—

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

(2) The State Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

Section 20 provides that while inquiring into matters referred to in clauses (b) and (e) of Section 16 (6) (given below), the SFC has the power of a civil court.

16 (6) The State Commission shall undertake the following functions, namely:-

- (b) either suo moto or on receipt of complaint inquire into violations of entitlements provided under Chapter II;*
- (e) bear appeals against orders of the District Grievance Redressal Officer;*

Clauses (b) and (e) refer to ‘Original’ and ‘Appellate’ jurisdictions. Original jurisdiction is receiving and hearing complaints directly or taking up matters on its own accord and passing orders for the same. Appellate jurisdiction is the jurisdiction of the SFC to review and if necessary modify or even reverse the order of the District Grievance Redressal Officer (DGRO). Section 20 (1) broadly says that the SFC has the power of Civil Court while hearing a complaint. All these powers are an inherent part of a ‘suit’. Let us understand in brief as to what a ‘suit’ is and also the important stages of a suit.

'Suit' is the legal term which denotes the filing of any complaint (or petition) by an aggrieved party before a judicial forum. This is how we can define "suit" in the simplest way. In common parlance, the term "suit" includes all proceedings of a judicial or quasi-judicial nature in which disputes of aggrieved parties are adjudicated before an impartial forum¹. Thus, the proceedings need not be judicial in nature, it can be quasi-judicial too. The proceedings before SFCs are quasi-judicial in nature. The requisites of a suit are opposing parties, a matter which is in dispute, a set of facts which enables one party to bring an action against the other party and lastly some relief which will be sought by the party who instituted the suit. The term "suit" has not been defined in the Code of Civil Procedure, 1908. Section 26 of the Civil Procedure Code speaks of 'Institution of suits'. According to it, every suit shall be instituted by the presentation of a plaint or any other prescribed manner.

What is a plaint: Plaint is the written document which a party submits to the Court mentioning the facts and the claims associated with it. When this is related to the proceedings before the SFC, any party/person may approach the Commission with a 'Complaint'. Here the 'complaint' before the SFC can be understood to be analogous with the 'plaint' and this initiates the proceedings before the SFC.

The Commission after admitting the 'plaint' will issue summons to the opposite party. Summons is the intimation which is sent by the SFC to the opposite party stating that s/he is required to appear before the commission. At the next stage, the parties are expected to appear before the Commission on the prescribed date. Meanwhile the opposite party (defendant) should present a 'written statement' within thirty days from the date of service of summons. A 'written statement' is a reply to the 'plaint', where the defendant will give a reply to each of the allegations made by the plaintiff. The said period of thirty days can be extended up to ninety days² by the Commission. Suppose the defendant does not appear on the prescribed date, the Commission may proceed *ex parte* against the defendant and may pass a decree in favour of the plaintiff, if the plaintiff proves his case.³

After submission of the plaint and the written statement to the Commission, the commission will examine both the parties to ascertain the facts in controversy in the suit. The procedure regarding this stage is provided under Order X (Examination of parties by the court) of CPC. The aim at this stage is to ascertain from each party (Plaintiff and

Defendant/ Complainant and Opposite Party) whether s/he admits or denies the allegations or facts that are made in the plaint or in the written statement. This stage is known as the 'first hearing'. The parties to the suit will then be made aware of all the facts, allegations and counter allegations and the documents which are to be provided by them to prove their case. An application can be made by either party to the commission to issue summons to any person decided to be called as witness. The procedures in relation to summoning and attendance of witnesses are provided under Order XVI and Order XVII of CPC. The Commission may pass orders after institution and before the final disposal of the suit. These orders are called 'interim' or 'interlocutory' orders. There are various interim orders and order for issuing commissions is one of them.

The next stage is the hearing of the suit and examination of witnesses (Order XVIII). This involves the examination of witnesses wherein evidence shall be taken orally in open court. Both the parties shall state their respective case and produce her/his evidence in support of the issues which s/he is bound to prove. All these procedures shall be in accordance with the provisions of the Indian Evidence Act, 1872. After evidence from both sides are presented, the suit reaches the argument stage where all parties are allowed to present a summary of their case including the evidence. After hearing both the parties, the Commission passes an order. Commissions can follow the rules laid down in Order XX of CPC while drafting its orders.

Let us look at the powers of the SFCs specified under Section 20 (1) of NFSA in detail.

Summoning and enforcing attendance of any person and examining him on oath

One power of the Civil Court which is available to SFC is to issue summons and enforce attendance of any person and examine her/him on oath.⁴ The rules laid down under CPC for issuing summons are to be followed by SFCs as well, wherever possible. Before going into the particular provisions of the CPC on summons, it is important that we understand what 'summons' is and the objective behind issuing summons by a court.

The term 'summons' has not been defined in CPC. In the simplest sense, summons is the intimation which is sent by the court to the defendant. When a plaint has been filed in the court, the defendant has to be informed of the plaint and the requirement of him being present in court to

1 Ethiopian Airlines v. Ganesh Narain Saboo, (2011) 8 SCC 539

2 Rule 1 of Order VIII, CPC

3 Rule 6 of Order IX, CPC

4 Section 20(1)(a) of NFSA, 2013

defend himself. This process of informing the defendant is technically known as the issuing of summons. The concept of summons is in consonance with the principle of natural justice, that 'no one can be condemned unheard of' (*audi alteram partem*). Through this procedure of issuing summons, the court gives an opportunity to the defendant (opposite party) to state his side.

According to Rule 1, Order V of CPC, every summons should be signed by the chairperson of SFC or such officer appointed by him and the seal of the SFC should be affixed on it. Rule 2 further states that it must be accompanied by the complaint. All summons should be in the format prescribed in Appendix B to the first schedule of CPC.

Summons may be issued by the commission under various circumstances. Summons may be issued to a defendant (opposite party) or to witnesses. Order V explains the rules regarding summons to a defendant while Order XVI deals with summons to witnesses.

Summons to Defendant: The summons must give sufficient time to the defendant to enable him to appear and answer the claim of the plaintiff on the fixed date.⁵ The summons should contain an order to the defendant to produce all documents or copies in his possession upon which he intends to rely upon in support of his case.⁶ When a suit has been instituted, the commission must issue summons to the opposite party calling upon him to appear and answer the claim of the plaintiff by filing a written statement within thirty days from the date of service of summons.⁷

Service of summons is another important aspect in relation to summons and CPC has given elaborate rules for the same. CPC prescribes the following modes of service of summons:

- (i) In ordinary situations, the summons should be served either upon the defendant in person or on his agent empowered to accept it on his behalf. If the defendant is absent from his residence at the time of service of summons, then the summons may be served on any adult male or female member of the defendant's family residing with him.⁸ Where there are two or more defendants, service of summons should be made on each defendant.⁹

The service of summons, addressed to the defendant or his agent, may be made by delivering or transmitting a copy of the summons through:

5 Rule 6 of Order V, CPC
6 Rule 7 of Order V, CPC
7 Section 27, Order V Rule 1(1), CPC
8 Rule 15, Order V.
9 Rule 11, Order V, CPC

- Registered post acknowledgement due;
- Speed post;
- A courier service approved by the high court;
- Any other means of transmission of documents, including fax service or electronic mail service.

- (ii) Substituted service denotes a substitute or alternate mode of service of summons. Substituted services can be resorted to when the defendant refuses to accept the summons and sign the acknowledgement, and where he successfully avoids service of summons. Under this there are two modes.

The first mode can be resorted to when the defendant refuses to sign the acknowledgement or when following conditions are satisfied:

- The service officer cannot find the defendant after using all due and reasonable diligence.
- The defendant is absent from his residence and there is no likelihood of his return within a reasonable time.
- There is no authorised agent or any other person upon whom the Code permits service of summons.

And the manner of service of summons under the first mode is as follows:

- A copy of summons shall be affixed on the outer door or other conspicuous part of the house where the defendant ordinarily resides or carries business or personally works for gain
- The original summons shall be returned with the report of the serving officer.

The second mode is sought when the defendant keeps out of the way to avoid service of summons or if the summons cannot be served in an ordinary way for any other reason. In these situations, summons can be served in the following manner:

- A copy of the summons may be affixed on a conspicuous part of the commission.
- A copy of summons may also be affixed on conspicuous part of the house where the defendant is last known to have resided or carried

on business or personally worked for gain

- If necessary, the commission may direct that a public advertisement be issued in a local newspaper having circulation in the area where the defendant is last known to have resided or carried on business or personally worked for gain.

Another rule with respect to service of summons on the defendant is as follows:

- Where the defendant is a public officer (not belonging to the Indian Military, Naval or Air Force), or is a servant of the railway company or local authority, the summons may be served through the head of the department in which the defendant is employed.¹⁰

If the defendant refuses to accept the summons, he is deemed to have been served. Also, where the defendant has refused to take delivery of the summons, the commission is to proceed as if the summons have been served.¹¹

Summons to Witness: Order XVI of CPC deals with the summons to witnesses. The parties to the suit should submit a list of witnesses to the commission, whom they propose to call either to give evidence or to produce documents. This is also to obtain summonses for their attendances in court. Sub rule (3) of Rule 1 empowers the commission to permit a party to call any witness whose name has not been mentioned in the list, if sufficient reason is given for omission of the witness' name in the said list. The commission also has the power to summon any person as a witness if it thinks that the ends of justice so require or that the case before it needs that kind of evidence.¹² This power of the commission to examine a witness *suo motu* is discretionary.

Every summons issued to a witness should contain the following particulars:

- the time and place at which he is required to attend,
- whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes;
- any particular document, which the person summoned is called on to produce.

Rule 8 of Order XVI provides that every summons shall be served in the same manner as summons to the defendant.

10 Rule 27 of Order V, CPC

11 Rule 9 of Order V, CPC

12 Rule 14, Order XVI; Section .30(b), CPC

13 Rule 9, Order XVI, CPC

14 Rule 11 of Order XVI, CPC

15 Rules 12, 13 of Order XVI, CPC

Service of summons should be in such a manner that it gives reasonable time to a witness for preparation and for travelling to the place at which his attendance is required.¹³

Section 32 of CPC prescribes the powers of the commission for securing the attendance of a person to whom a summons has been issued. For that purpose the commission forwards the case to the magistrate under section 346 of Criminal Procedure Code, 1973 requesting for (a) issuance of a warrant for his arrest; (b) attachment and selling of his property; (c) imposition of a fine upon him not exceeding five thousand rupees; (d) an order to the person to furnish security for his appearance and in default commit him to the civil prison. Where the person appears after the attachment of his property and satisfies the court that he did not fail to comply with the summons and that he had no notice of the proclamation, the court shall release the property from attachment.¹⁴ If however, such person does not appear or appears but fails to satisfy the court, the court may impose upon him a fine not exceeding five hundred rupees as it thinks fit and attach and sell the property for recovery of the same.¹⁵

Discovery and Production of Documents

A party to a suit is entitled to know beforehand what documents his opponent has in his possession and to inspect them, whether they relate to his own case or to his opponent's case. In CPC there are various provisions dealing with discovery, inspection and production of documents. The purpose of these provisions are to enable a party to compel his opponent to disclose the documents in his possession relating to any matter in question in the suit, in order to put an end to unnecessary and protracted inquiry pertaining to these documents. Discovery means to compel the opposite party to disclose what he has in his possession. Discovery can be of two kinds, namely: (i) discovery by interrogatories; and (ii) discovery of documents. What we are concerned about here is with respect to discovery of documents.

Section 30 of CPC empowers the commission to make an order for discovery. It states that subject to prescribed conditions and limitations, the commission may, at any time, either on its own motion or on the application of any party, make such orders relating to the delivery and answering of interrogatories, the admission of documents and facts, and the discovery, inspection, production, impounding and return of documents or other material objects producible as

evidence.¹⁶

Order XI of CPC deals with 'Discovery and Inspection'. Rule 12 deals with 'Application for discovery of documents'. As per this rule, any party to the suit may apply to the commission requesting for an order directing the other party to make discovery of the documents which are in his possession. If the commission makes an order for discovery, the opposite party is bound to make an affidavit of documents. An affidavit of documents shall list all the documents which are, or have been, in his possession relating to the matter in question in the proceedings.

Rule 21 speaks of the consequence of non-compliance with order of discovery or inspection. As per this provision, where any party fails to comply with any order for discovery or production of documents, if such party happens to be a plaintiff, his suit may be dismissed for want of prosecution, and, if it happens to be a defendant, his defence will be struck off and will be placed in the same position as if he had not defended. Such an order can be passed only after giving notice and a reasonable opportunity of being heard to the plaintiff and defendant, as the case may be. The Supreme Court has held that the stringent provisions of Order XI Rule 21 must be applied only in extreme cases and as a last resort.¹⁷

Order XIII deals with production, impounding and return of documents. As per Rule 1, the parties should produce all the documentary evidence in original. This must be accompanied by an accurate list of documents. This rule shall not apply to documents produced for cross-examination of witnesses of the other side or documents handed over to a witness merely to refresh his memory. The Supreme Court has held that a civil court has power to receive any document at a later stage if the genuineness of a document is beyond doubt and it is relevant or material to decide the real issue in controversy.¹⁸ As per Rule 3, the commission may at any stage of the suit reject any document which it considers irrelevant or otherwise inadmissible, recording the grounds of such rejection. Rule 11 provides that these provisions on documents shall apply to all material objects producible as evidence.

Receiving evidence on Affidavits

In common terms, an affidavit is a sworn statement in writing made especially under oath or on affirmation¹⁹. A person making an affidavit is called a deponent and he deposes to the facts contained in the affidavit. Affidavits are

to be attested by a required, qualified person and that such a person before whom it is sworn to can be a magistrate, a public notary or ministerial officers or oath commissioners. Examination-in-chief can also be through an affidavit and the person need not be physically present to give his statement as it was done earlier. But the physical presence of the person deposing is required for cross-examination and that cannot be done through affidavits.

Requisitioning public records or copies of it from any court and office

If any document required by the Commission to dispose of a case is available with the parties, then a summons may be issued to produce that document before itself. But if the document is a public record or copy which is present with any court or office, then the Commission can send a letter to such Court or Office requesting for the said document. As requisitioning original records may take time, authorised certified copies of it may be accepted and the commission has to look into whether it is a properly and duly secured certified copy of the record with the seal and acknowledgment of the same.

Issuing commissions for the examination of witnesses or documents

Another power that the SFC has is the power to issue commissions. Sections 75 to 78 of CPC deals with the power of the court to issue commissions. Order XXVI of CPC has provided the detailed provisions with respect to the same. Commission is an individual or a group of individuals who have been formally chosen and given authority to perform special duties²⁰.

Section 75 lists out the various purposes for which the SFC may issue commissions and they are as follows:

- a) To examine witnesses
- b) To make a local investigation
- c) To examine or adjust accounts
- d) To make a partition
- e) To hold a scientific, technical, or expert investigation
- f) To conduct sale of property which is subject to speedy and natural decay and which is in the custody of the Court pending the determination of the suit

16 Sec. 30(b), CPC

17 Babbar Sewing Machine Co. v. Triloki Nath Mahajan, AIR 1978 SC 1436

18 Billa Jagan Mohan v. Billa Sanjeeva, (1994) 4 SCC 659

19 Merriam-Webster dictionary

20 Cambridge dictionary

g) To perform any ministerial act

Of the above mentioned scenarios, SFCs can issue commissions for (a), (b), (c), (e) and (g). Order XXVI of CPC contains the rules related to each of the above circumstances in which a commission can be issued. The important rules are discussed below.

Rules 1 to 8 speaks of 'Commission to examine witnesses'. Rule 1 elaborates on the circumstances under which SFCs may issue commission to examine witnesses. The general rule is that evidence of a witness should be taken in open and tested by cross examination. But the SFC may issue a commission for the examination of any person in the following circumstances:

- If the person sought to be examined resides beyond the local limits of the jurisdiction of the SFC.
- If the person due to sickness or infirmity is unable to be present.
- In the interest of justice or for any other reason his examination on commission will be proper.
- If he is a government servant and in the opinion of the commission he cannot attend without detriment to the public service.
- If he is residing out of India and the commission is satisfied that his evidence is necessary.

Rules 9 and 10 of Order XXVI says that the SFC may issue a commission to a person directing him to conduct a local investigation and to report it. Rules 11 and 12 says that if in any suit, an examination or adjustment of account is needed then the SFC may issue a commission to such a person as it thinks fit directing him to make such examination or adjustment. Rule 10A speaks about scientific investigation. Where any question arising in a suit involves any scientific investigation which cannot be conveniently conducted before the SFC, the SFC may issue a commission to such a person as it thinks fit directing him to inquire into such questions and report back. This rule may also be made use of to obtain expert opinions. Rule 10B says that the SFC can also issue commission to perform ministerial acts. Ministerial work means works like accounting, calculation and other

work of a like nature.

Rules 16-18 elaborates on the powers of a Commissioner. The Commissioner may summon and procure the attendance of parties and their witnesses and examine them, call for and examine documents, enter into any land or building mentioned in the order, proceed *ex parte* if the parties do not appear before him in spite of the order of the SFC.

Inherent powers of a Civil Court

Section 20(1) has laid stress on powers of SFC related to particular aspects of the civil court. Apart from this, it is to be understood that a civil court has other powers while trying a suit which can be applied to SFCs also wherever required.

First of all, it is to be understood that the powers of a civil court are very vast. CPC does not have a specific chapter dealing with the powers of the civil court but they are scattered across. The civil court has been provided with 'Inherent' powers. The word 'inherent' means essential or natural. Inherent powers are the fundamental powers of the court that may or may not be specified in CPC. These powers are vested with the court in furtherance of its objective. The Supreme Court has validated inherent powers as, "The inherent power has not been conferred upon the court; it is a power inherent in the court by virtue of its duty to do justice between parties before it"²¹. Another reason for identification of inherent powers is that the legislature cannot contemplate all the possible circumstances that may arise during litigations and courts are vested with these inherent powers to address these unforeseen circumstances. All these powers are discretionary and must be exercised judiciously and in the interests of justice.²²

21 Manohar Lal Chopra v. Seth Hiralal, AIR 1962 SC 527

22 K.C.Skaria v. State of Kerala, (2006) 2 SCC 285

V. Finding Solutions



number of areas pertaining to implementation of NFSA are marred with ambiguity posing a challenge for the implementation and monitoring agencies. State Food Commissions, during the short period of their existence have already encountered many such issues, ranging from gaps in the legal framework, to lack of clarity, and at times overlapping jurisdictions that cause problems for the Commissions to function effectively. Let's discuss few common problems that Commissions are facing and what could be the possible ways of addressing them:

TPDS and NFSA

Targeted Public Distribution System (TPDS), as in the case of other schemes referred to in the NFSA, was an established system for food distribution. Existence of the systems definitely ensured quick rolling out of NFSA. However, this has also paved the way for many overlaps and confusions, some of which should be addressed to bring in adequate reforms in the respective TPDS Control orders and State Rules. In the absence of it, legal entitlements get diluted, monitoring mechanisms and grievance redressal mechanisms continue to fall within the programmatic purview without legal enforceability.

State Food Commissions may advise the state government to clarify the provisions related to the targeted public distribution system (TPDS) that may continue to be administered through TPDS Control orders under the Essential Commodities Act 1955 as before, and the provisions and mechanisms that are to be governed as part of NFSA 2013.

Identifying the provisions to be governed through the State Food Security Rules under NFSA

As per Section 40 of the National Food Security Act 2013, following come under the direct purview of NFSA:

- (a) *Guidelines for identification of priority households;*
- (b) *Internal grievance redressal mechanism;*
- (c) *Qualification for appointment as District Grievance Redressal Officer (DGRO);*
- (d) *Method, terms and conditions of appointment of DGRO;*
- (e) *Manner and time limit for hearing complaints by the DGRO;*
- (f) *Method of appointment and terms & conditions of appointment of Chairperson, other Members and Member Secretary of the State Commission, procedure for meetings of the Commission and its power;*

- (g) Method of appointment of staff of the State Commission, their salaries, allowances and conditions of service;
- (h) Manner in which Targeted public Distribution System (TPDS) related records shall be placed in the public domain and kept for inspection to the public;
- (i) Manner in which social audit on the functioning of fair price shops, TPDS and other schemes shall be conducted;
- (j) Composition of Vigilance Committees;
- (k) Schemes or programmes of the Central Government or the State Governments for utilisation of institutional mechanism under Section 43 of the Act;
- (l) Any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

Other provisions expressly mentioned under NFSA 2013

24. (1) The State Government shall be responsible for implementation and monitoring of the schemes of various Ministries and Departments of the Central Government in accordance with guidelines issued by the Central Government for each scheme, and their own schemes, for ensuring food security to the targeted beneficiaries in their State.
- (2) Under the Targeted Public Distribution System, it shall be the duty of the State Government to—
- (a) take delivery of food grains from the designated depots of the Central Government in the State, at the prices specified in Schedule I, organise intra-State allocations for delivery of the allocated food grains through their authorised agencies at the door-step of each fair price shop; and
 - (b) ensure actual delivery or supply of the food grains to the entitled persons at the prices specified in Schedule I.
- (3) For food grain requirements in respect of entitlements under sections 4, 5 and 6, it shall be the responsibility of the State Government to take delivery of food grains from the designated depots of the Central Government in the State, at the prices specified in Schedule I for persons belonging to eligible households and ensure actual delivery of entitled benefits, as specified in the aforesaid sections.
- (4) In case of non-supply of the entitled quantities of food grains or meals to entitled persons under Chapter II,

the State Government shall be responsible for payment of food security allowance specified in section 8.

- (5) For efficient operations of the Targeted Public Distribution System, every State Government shall,—
- (a) create and maintain scientific storage facilities at the State, District and Block levels, being sufficient to accommodate food grains required under the Targeted Public Distribution System and other food based welfare schemes;
 - (b) suitably strengthen capacities of their Food and Civil Supplies Corporations and other designated agencies;
 - (c) establish institutionalised licensing arrangements for fair price shops in accordance with the relevant provisions of the Public Distribution System (Control) Order, 2001 made under the Essential Commodities Act, 1955, as amended from time to time.

Other matters on which the State government has the power to frame Rules under the NFSA 2013 include:

- (1) identifying the households covered under AAY in accordance with guidelines applicable to the scheme [Section 10 (1)].
- (2) updating the list of eligible households [Section 10 (2)].
- (3) placing the list of identified eligible households in public domain and displaying it prominently [Section 11].
- (4) undertaking the reforms in TPDS mentioned under Section 12 of the Act.
- (5) Assigning additional responsibilities to local authorities for implementation of TPDS. [Section 25 (2)].
- (6) Assigning such duties and responsibilities to the local authorities for implementing different schemes of Ministries and Departments of the Central Government and State Government, prepared to implement the provisions of the Act [Section 26].
- (7) The purpose of progressively realizing the objectives specified in Schedule III [Section 31].
- (8) Continuing or formulating other food or nutrition-based welfare schemes or plans [Section 32].

It is thus clear that in addition to the express matters for State Rulemaking under NFSA 2013 as provided under Section 40, there are other matters too that are to be governed through NFSA.

Many TPDS Control Orders in different states continue to include some provisions that should be governed through State Rules under NFSA. These are:

- (1) Entitlements.
- (2) Vigilance Committees
- (3) Grievance Redressal Mechanism including the internal system
- (4) Social Audits
- (5) Manner in which TPDS related records shall be placed in public domain and kept for inspection to the public.
- (6) Guidelines for identification of eligible households.

Clarity over such divisions may aid State Food Commissions and the state departments to function with administrative efficiency.

Penal Provisions

The overlap between TPDS and NFSA may have its implications beyond the non-enforceability issue. Overlapping jurisdiction of authorities under the TPDS Control Order and those recognised under the State Food Security Rules may come in direct friction. An example of it is the penal provisions that have found place in both the NFSA and the TPDS Control Orders.

Overlapping jurisdiction: An Illustration

The State Food Commission (SFC) encountered a peculiar situation arising out of the overlap between the jurisdictions of the State Food Commissions (SFCs) under the National Food Security Act 2013 and the provisions of the TPDS Control Orders passed under the Essential Commodities Act, 1955. The Commission undertook a surprise inspection of godowns. During inspection of the stock, it was found that there was a shortage of 74.10 quintals of rice in the storage. The members of the Commission were told that 40 quintals of rice was kept in State Food and Civil Supplies Corporation godown. When the godown incharge was asked about this, he responded in writing that they do not hold any stocks of FPS.

The Commission also found that rightholders under National Food Security act 2013 were being given only 5 kgs of food grains per person, as against the mandated 7 kgs per person and the ration card holders were forced to pay extra money to purchase the food grains from the open market. The Commission, while making note of these discrepancies, suspended the license of the FPS dealer.

The FPS dealer appealed against this order to the Deputy Director, Department of Food and Civil Supplies, who is the appellate authority under the Targeted Public Distribution Control Order

(TPDS) 2016 and sought reinstatement of his license. The Deputy Director recommended the reinstatement of the license.

This incident illustrates inherent discrepancies in the law especially as regards the jurisdiction of the State Food Commission and Department of Food Civil Supplies. As the TPDS existed even before the NFSA, there are a number of gaps and overlaps that remain unaddressed and unresolved and the situations like the one mentioned are bound to arise.

However, in the given case and more such instances that are similar to this one, following line of arguments may be put forth:

In the event of any inconsistency and conflicting jurisdictions, the provisions of the National Food Security Act, and the orders issued thereunder, will prevail over the provisions and orders under the TPDS Control Orders of respective states, because of the following reasons:

1. NFSA is a central law and hence will prevail over the state TPDS control orders which are passed by the state.
2. NFSA will prevail as it is a special law that was enacted more recently than the Essential Commodities Act under which the TPDS Control Orders are issued.
3. Most importantly, section 36 of NFSA clearly states, *The provisions in this Act or the schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.*

This provision lends an overriding effect to NFSA.

No response – build alliance

Independent commissions' primary role is to monitor the implementation of the corresponding laws and advise the state government, while also providing redressal. Commissions may make recommendations, seek information and also recommend the state agencies to take action. However, the commissions do not have the power to enforce their recommendations. Often, such recommendations may not receive optimum response by the respective state agencies. This situation, if prolonged, may render the very existence of the Commission as obsolete. It is extremely important for the Commissions to build alliances with the civil society organisations, academic and technical institutions, and other commissions within the state and beyond.

Jharkhand State Food Commission (JSFC) working closely with NGOs

As the State Food Commissions are newly formed institutions, in many states, working relationships between the Commission and the civil society organisations have not been strong. Jharkhand State Food Commission (JSFC) made use of the consultative process that was facilitated in collaboration with the National Law School of India University (NLSIU) and built a close working relationship with the NGOs which participated in this consultation. The consultation provided an opportunity for the Commission to share various channels of communication that may be used by the NGOs and for NGOs to seek any clarifications. However, most importantly, it helped build a bridge and trust between NGOs and the Commission. JSFC has created an online group that is used by the Commission to share information and by the NGOs to bring any discrepancy in the implementation of NFSA to the notice of the Commission.

Overcoming the challenge of COVID-19

COVID-19 pandemic has shaken the entire humanity, and many people have been suffering its immediate impacts beyond health-related issues as well. Loss of livelihoods and food insecurities have come to haunt many communities in rural and urban areas. Restrictions of movements dampened the capacities of several agencies to respond to the crisis. In this unprecedented time of crisis, only few institutions were able to quickly adapt and invent novel ways to keep themselves afloat, and remain relevant, overcoming the challenges.

Rising hunger and malnutrition in the COVID-19 era required the food and nutrition based schemes and programmes to function efficiently more than any other time. However, we know that most such services crippled and access to them became an issue for poor people, especially during the lockdown and also raised safety concerns.

What all SFCs could do in the times of Pandemic and similar emergency situations

COVID-19 pandemic has created many hurdles for the Commission. There are a few practices adopted by different Commissions that have helped overcome the challenges posed by movement restrictions:

Use of virtual platforms for receiving and dissemination : The Pandemic encouraged people to explore alternative ways of functioning. Increased

numbers of people, professionals are using virtual platforms for interaction. While some of the Commissions easily adapted to this new way of functioning, some of them need to move in this direction in the interest of efficient functioning.

Conducting online hearings: During the lockdown and similar situations of emergencies, many people end up suffering deprivations and violation of rights and entitlements also increases. In such situations, the Commissions may resort to online hearings enabled through local panchayat or similar agencies having the bandwidth of facilitating it. This also saves the rights holders from the difficulty and risk of travelling all the way to any other place of hearing.

Coordination with agencies operating at local level: Emergencies are also opportunities to explore and strengthen collaborations with a number of agencies and organisations, especially those having presence at local levels such as panchayats, social audit units, and other specialised organisations such as ChildLine and *Mahila Samakhyas*. Such collaborations help Commissions keep a tab on the local situation and also follow up and resolve the issues more efficiently.

Although devised and adopted during the pandemic, these practices may be extremely useful even in normal situations.

Work with other systems and framework

NFSA provides for a comprehensive system for transparency, monitoring, and grievance redressal for the rights holders. Optimising the potential of all these provisions is critical to the implementation of NFSA in its true letter and spirit. It may imply activating some of these systems and working closely with them to ensure their effectiveness and agility.

Internal Grievance Redressal System (IGRM)

Section 14 of NFSA requires states to put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or any other mechanism, as notified by the states. Because of being located within the respective departments, unlike the DGROs and the SFCs that are of independent nature, internal mechanisms may be optimised to ensure effective functioning and speedy redressal of complaints. SFCs must ensure that such mechanisms are put in place in each of the concerned departments. SFCs may also seek reports from them on their functioning on a regular basis and advise the state governments to invest in their capacity and adopt other means to make them accessible and effective for people.

Transparency

Section 27 of NFSA says that all Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public. It is extremely important for the SFCs to ensure that this happens. Further, as SFCs have the responsibility to ensure that all the schemes of NFSA function well, SFCs must also ensure transparency as regards ICDS, MDMS and MBS. SFC may also choose to advise state departments on good practices, and may also engage an external agency to evolve and articulate a set of good practices and guidelines in this matter.

Social Audits

Social audit is one of the most effective ways of community participation in monitoring the implementation of any scheme, provision, or law. As per NFSA, local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action'. It may be well within the responsibilities of the Commission to ensure that social audit of all the schemes under NFSA takes place on a regular basis, adequate resources are allocated for conducting social audits, provision for capacity building is made, and participation of the community in social audits is ensured. SFCs should also ensure that the social audit report is discussed with the Vigilance Committees and the action taken report of the social audit is prepared and disseminated.

Vigilance Committees

Section 29 of NFSA requires states to form Vigilance Committees at state, district, block and fair price shop levels. SFCs should not only ensure that these are constituted, but also ensure that the constitution is based on the due representation to the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability.

SFCs should monitor and support Vigilance Committees to regularly supervise the implementation of all schemes under NFSA and make sure that Vigilance Committees formally communicate with DGROs, in case of any violation of the provisions of the Act or any malpractice or misappropriation of funds found by it.

District Grievance Redressal Officers

Crucial responsibility of redressal of complaints at district level lies with the DGROs. SFCs must ensure that all the DGROs have the required infrastructure and support mechanisms to receive and redress the complaints. SFCs should conduct interactive sessions with DGROs on a regular basis to get a sense of the nature of issues, and ensure periodic capacity building for them as in most states. DGROs are designated officers rather than permanent and SFCs may consider making recommendations to the state governments to this effect.

SFCs should also coordinate with DGRO with regard to the complaints mechanism and must ensure that these mechanisms are synergised at both the levels. A synergised system helps ensuing redressal in a timely manner and brings to notice any unwarranted delays, lending efficiency to the system.

Local authorities

Local bodies are the closest form of government for the people. As local authorities work very closely with the community, they are very well placed to understand the issues and bottlenecks in access to entitlements. Section 25 (1) of the NFSA specifically says that they are responsible for the proper implementation of this Act in their respective areas. SFCs must impress upon the state government to prepare and notify additional responsibilities for the local authorities in accordance with Section 25 (2) of the Act.

Refer to normative framework

Conceptual and normative framework on food security is quite evolved. International Covenant on Economic Social and Cultural Rights (ICESCR) and the General Comments made by the Committee on Economic Social and Cultural Rights, along with other instruments such as the Voluntary Guidelines on Right to food reflect on the obligation of the state for the realisation of the right to food. Section III of this manual reflects in detail the normative framework that governs right to food. This normative framework must be used by SFCs to uphold the right to food of people and pursue the state governments to make progressive schemes for the same. All actions of SFCs must be guided by this normative framework on right to food, SFCs must refer to these norms while negotiating with the state government and its agencies. Next section (Section VII) discusses this aspect in detail.

VI. Advancing Food Security

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FSA largely deals with the distribution aspect of food security, and its substantive provisions do not address the issue of production. However, Schedule III of the National Food Security Act, 2013 lists a number of issues as objectives to be realised progressively. Section 31 of the Act specifically mentions that the Central government, State Governments, and the local authorities must strive to progressively realise the objectives specified in Schedule III for the purpose of advancing food and nutrition security for all.

Section 30 also states that while implementing the provisions of the Act and the schemes for meeting specified entitlements, central and state governments must give special focus to the needs of the vulnerable groups especially in remote areas and other areas which are difficult to access, hilly and tribal areas for ensuring food security.

Although the Schedule does not establish any immediate obligation on the part of the state, it does provide ample opportunity for the States and the State Food Commissions to engage with many issues that determine the realisation of food and nutrition security for people.

Link between food security for all and all the objectives mentioned in Schedule III

As an agrarian society, India's food security is largely dependent on the performance of the agriculture sector. The fact that the number of hungry people is increasing in India makes us reflect on the gamut of issues that the process of *revitalisation* of agriculture should address. Local production and procurement, viability of small holdings, interests of small and marginal farmers, encouragement of local food systems, protection of small farmers' interests and so on.

Food security gets realised when supply meets demand. The

agricultural produce can be enhanced when better policies are formulated both at central and state level. There are various schemes that have been announced by the central government, to enhance, produce, insure crops, introduce technology, decrease middle man in crop selling and so forth. Further there are schemes that are in place to make storage and movement of produce more efficient, like *Gramin Bhandaran Yojna*, Private Entrepreneurs Guarantee Scheme for Construction of Godowns and many such schemes are in place. Some of the schemes that relate to the third objective are, scheme for Adolescent Girls (Rajiv Gandhi Scheme for Empowerment of Adolescent Girls), *Kishori Shakti Yojana*, National old age pension scheme.

The Policy perspective

Schedule III needs to be understood as a policy perspective. Schedule III is based on *Progressive Realisation*, an expression drawn from the International Human Rights discourse

that differentiates it from immediate realisation. Such differentiation is normally done with regard to ‘civil and political rights’ and ‘economic, social and cultural rights, with a recognition that civil and political rights cannot be curtailed. This is based on the assumption that States may not have the means to provide for the realisation of certain rights, however, these are important and hence states must continue to make progress towards their achievement. This allows state governments to take some time to reach the aims set out. Immediate realization needs to be acted upon immediately. A similar corollary can be drawn in our Constitution, wherein – Part III, the fundamental rights is for immediate realization, Part IV is for Progressive realization. However, it needs to be emphasised that progressive realisation entails obligation on the part of the states to ensure constant movement towards achievement of the goals.

Rights based framework

Schedule III also encompasses the constituents of rights-based approach that upholds the right to food is realised when all people have access to adequate food at all times. There are three broad set of sources through which right to food is realised:

- Access to productive resources
- A dignified employment and means of income
- Provisions for the vulnerable groups

Clauses 1 and 3 of Schedule II deal directly with these aspects and Clause 2 provides for the conditions for their implementation. Food is a right of every citizen and schedule III carves out further more broad and long-term objectives so that the act can become more impactful. This schedule looks at progressive realisation and how in the long term the said three objectives focus on a better adapted agriculture ecosystem, where production and storage are well organised. Further, how to increase accessibility to basic requirements in life where people can lead a dignified life.

Sustainability and COVID-19

India faces the highest percentage of undernourishment and food insecurity. COVID-19 led economic decline further led to increase in food insecurity in India. Food security programs are adversely affected due to the lockdown. The crisis has exposed the inadequacy of the perspective adhered to in the legal framework regarding food security, that was limited to distribution of food. In its substantive provisions, NFSA failed to look at resilient food systems, and nutrition specific and sensitive approaches that lead to sustainable food and nutrition security. In the wake of the novel coronavirus pandemic, we need to ensure that food should be safe, accessible and affordable to all.

Outbreak of COVID-19 pandemic provides us with an opportunity to relook at these deficiencies and move towards sustainable food systems. Schedule III assumes paramount importance in addressing a range of such issues.

Progressive realisation (the aspirational view) Vs Immediate implementation (need for urgent action)

The principle of “progressive realisation” acknowledges that some of the rights (for example, the right to health) may be difficult in practice to achieve in a short period of time, and that states may be subject to resource constraints, but requires them to act as best as they can within their means. Some of the issues mentioned in this section are aspirational and will have a longer turnaround time for it to materialise into some changes that are visible in our society and how our daily transactions take place.

It is important to establish that the object of the law can be realised only when we take immediate measures towards the implementation of the provisions in Schedule III.

Other factors that establish the critical importance of Schedule III

The third objective is the most critical as it looks at the needs of the most vulnerable groups of basic requirements of their daily life. This objective is unique in the way that it focuses on the areas that are critical to lead a dignified life. It focuses on adolescent girls’ nutrition, health and education, pensions for senior citizens, persons with disability and single women. All these are integral parts of the food and nutritional security of the respective groups.

Making it work: Schedule III and legal framework

While the international framework on food security and right to food does recognise the holistic approach as adopted in food security, it is important to draw motivation from the constitutional framework, judicial orders in a number of cases, National Nutrition Policy and many progressive legislative measures adopted by various governments in the centre and states.

1. Implementation of Schedule III may be propelled by the State Food Commission by utilising their powers, especially those mentioned in Section 16 (6) of the Act.

Section 16 (6) The State Commission shall undertake the following functions, namely:—

- (a) monitor and evaluate the implementation of this Act, in relation to the State;
- (b) either suo motu or on receipt of complaint inquire into violations of entitlements provided under Chapter II;

- (c) give advice to the State Government on effective implementation of this Act;
 - (d) give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organisations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in this Act;
 - (e) hear appeals against orders of the District Grievance Redressal Officer;
 - (f) prepare annual reports which shall be laid before the State Legislature by the State Government.
2. Schedules are an integral part of the Act. However, the nature and importance of the Schedule entirely depends on the corresponding Section. If the language of the section is weak then the Schedule cannot make the implementation effective and vice versa. Section 31 of NFSA refers to Schedule III for *progressive realisation* of certain objectives. Hence, state (governments) cannot be held accountable for ensuring immediate implementation of the clauses, and thereby the objectives articulated in the clauses. However, there are other sections, for example section 30 - 'Food security for vulnerable groups; and section 12 (2) (f) diversification of commodities distributed under public distribution system, that may be leveraged for distribution of locally grown coarse grains. It is important to read the objectives mentioned

in Schedule III in light of such enabling Sections.

3. The content of Schedule III encapsulates the most critical components of food security and hence it is important that the State Food Commission devise various ways to engage with the monitoring of the clauses in the Schedule. To do so, it is important to unpack all the objectives and the corresponding sections of the Act and read each clause of the Schedule along with relevant sections of the Act. For instance: Clause (1) Revitalisation of Agriculture - should be read along with 12 (2) (f) and (g) - *support to local public distribution models and grain banks*
4. Schedule III also provides opportunities for various departments to come together and SFCs can help bring in such convergence among various departments and Organizations. State Food Commissions may seek information and reports from a number of departments on the measures taken by them towards achieving the objectives mentioned in Schedule III.

State Food Commissions may engage in the successful realization of Schedule III of the Act, through: Compilation of all laws, rules, government and judicial orders that will aid the respective departments to take measures towards successful realization of the clauses of/objectives mentioned in Schedule III, Bring convergence between various departments. A suggestive list is given here:

Table 6 Understanding Schedule III and its Implications

Clause	Content	Relevant Department/ Agency	Relevant scheme/ Programme
Clause 1: Revitalisation of Agriculture			
Clause 1 (a)	Agrarian reforms through measures to secure the interests of small and marginal farmers.	Department of Agriculture, Department of Rural Development and Panchayat Raj, Planning, Programme Monitoring and Statistics Department	National Rainfed Area Authority - It coordinates with the Key Ministries of Agriculture & Farmers Welfare, Rural Development, Water Resources, Environment & Forests and Panchayati Raj to focus on convergence, coordination, value addition, capacity building and monitoring & Evaluation. It meets with challenges of emerging policies, technologies, marketing, social and economic changes. <i>Pradhan Mantri Fasal Bima Yojana</i> - It is an insurance service for farmers for their yields. It aims to reduce the premium burden on farmers and ensure early settlement of crop insurance claims for the full insured sum. <i>Pradhan Mantri Krishi Sinchai Yojana, Pradhan Mantri Fasal Bima Yojana, Soil Health Card Scheme, Paramparagat Krishi Vikas Yojana (PKVY)</i> etc.

Clause 1 (b)	Increase investments in agriculture including research and development, extension services, micro and minor irrigation and power to increase productivity and production	Agricultural Universities, Water Resources Department, NABARD, NABFIN, Government agencies in charge of supplying power at the district level, Planning, Programme Monitoring and Statistics Department	
Clause 1 (c)	Ensures the livelihood of farmers by way of remunerative prices, access to inputs, credit, irrigation, power, crop insurance, etc.	Agricultural Price Commission, NABARD, NABFIN, Water Resources Department, Government agencies in charge of supplying power at the district level	
Clause 1 (d)	Prohibits unwarranted diversion of land and water from food production	Department of Agriculture, Revenue Department	

Clause 2 Procurement, Storage and Movement related interventions

Clause 2 (a)	Incentivising decentralised procurement including procurement of coarse grains	Department of Agriculture, Food Corporation of India	<p>National Policy on Handling, Storage and Transportation of Food-grains- This scheme was constructed due to following reasons:</p> <ul style="list-style-type: none"> ❖ To reduce storage and transit losses at farm level where about 70% of the total food grains production is retained and consumed and also to encourage the farmer to adopt scientific storage methods. ❖ To modernize the system of handling, storage and transportation of food grains procured by the Food Corporation of India (FCI). ❖ To harness efforts and resources of public and private sectors, both domestic and foreign, to build and operate infrastructure for introduction of bulk handling, storage and transportation of food grains in the country. ● <i>Gramin Bhandaran Yojana</i> - Creation of scientific storage capacity with allied facilities in rural areas to meet the requirements of farmers for storing farm produce, processed farm produce and agricultural inputs; promotion of grading, standardisation and quality control of agricultural produce to improve their marketability; prevention of distress
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			sale immediately after harvest by providing the facility of pledge financing and marketing credit; strengthen agricultural marketing infrastructure in the country by paving the way for the introduction of a national system of warehouse receipts in respect of agricultural commodities stored in such godowns and to reverse the declining trend of investment in agriculture sector by encouraging private and cooperative sectors to invest in the creation of storage infrastructure in the country.
Clause 2 (b)	Geographical diversification of procurement operations		
Clause 2 (c)	Augmentation of adequate decentralised modern and scientific storage		
Clause 2 (d)	Top priority to movement of food grains and providing sufficient number of rakes for this purpose		
Clause 3 : Others – Access to:			
Clause 3 (a)	Safe and adequate drinking water	Concerned water supply boards, Planning, Programme Monitoring and Statistics Department, Department of Rural Development and Panchayat Raj	Indira Gandhi National Old Age Pension Scheme - The scheme is implemented as part of the National Social Assistance Programme of the Ministry of Rural Development, Government of India. It is a non-Contributory scheme and provides a monthly income for citizens or to refugees above 60 years, who have no other source of income.
Clauses 3 (b) and (c)	Health care; nutritional health and educational support to adolescent girls	Department of Women and Child Development, Department of Health and Family Welfare, Department of Public Instruction, Department of Rural Development and Panchayat Raj	Scheme for Adolescent Girls (Rajiv Gandhi Scheme for Empowerment of Adolescent Girls) - Enable the Adolescent girls for self-development and empowerment. It aims at improving their nutrition and health status. <i>Kishori Shakti Yojana (KSY)</i> seeks to empower adolescent girls, so as to enable them to take charge of their lives. It is viewed as a holistic initiative for the development of adolescent girls. Sponsored Integrated Child Development Services (ICDS) Scheme. The broad objectives of the Scheme are to improve the nutritional, health and development status of adolescent girls, promote awareness of health, hygiene, nutrition and family care, link them to opportunities for learning life skills, going back to school, help them gain a better
Clause 3 (d)	Adequate pensions for senior citizens, persons with disability and single women	Revenue Department or the Departments of Social welfare, as the case may be	

			<p>understanding of their social environment and take initiatives to become productive members of the society.</p> <p>There are many other schemes such as National Water Policy, National Health Mission (NHM), National Health Policy, <i>Rashtriya Kishor Swasthya Karyakram</i> etc.</p>
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Develop comprehensive guidelines in collaboration with the institutes having relevant expertise, aimed at all stakeholders for the implementation of Schedule III.

Specific strategies to be adopted by the Commission

The content of the Schedule that encompasses basic preconditions for ensuring food security is the primary factor

that establishes its importance. The objectives mentioned under schedule III are indicative of the lifecycle approach, also articulated in the object of the Act. The Schedule deals with the issues starting from production to storage of farm yield to fundamental requirements for adolescent girls, senior citizens, persons with disability and single women, which are the basis for realisation of food as a right.



Concluding Remarks

Independent State Food Commissions have an onerous responsibility to ensure food security for all the people in the country. While there are a number of challenges for the commissions, there are also several sources from where inspirations can be drawn by the members. The scope of the powers is within NFSA, but the same law because of its unique content and structure may be innovatively interpreted to lend the much needed strength and dynamism to the commissions. The onus is on the members of the State Food Commission to explore the potential, define their role in a manner so as to gain an edge over the bureaucratic and administrative impediments on one hand and engage with the larger goal and vision of food security for all rather than limiting themselves with merely the implementation of certain provisions. Implementation of existing legal provisions is definitely important but Commissions should make sure that these provisions are not allowed to subvert the spirit of the law and its objectives. For instance, the reforms suggested in the system should not focus only on the efficiency from the supply side but should also first take into account the right holder's perspective.

Beyond the functions as mentioned in the law, the commissions also have the responsibility to advance the agenda of food security in the country and also strengthen the legal protections. Many state food commissions have also recognised the challenges and some limitations inherent in the law, and in the interest of their goal they should lead the way to larger legal reforms as well.

Functioning and impact of the first commissions established in states under NFSA will be looked upon by the subsequent commissions and new members as a reference, and it makes it even more important for the first commissions to lead by example.

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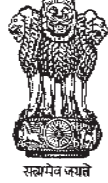
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Annexures

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 10th September, 2013/Bhadra 19, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 10th September, 2013, and is hereby published for general information:—

THE NATIONAL FOOD SECURITY ACT, 2013

NO. 20 OF 2013

[10th September, 2013.]

An Act 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 and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- (1) This Act may be called the National Food Security Act, 2013.
- (2) It extends to the whole of India.
- (3) Save as otherwise provided, it shall be deemed to have come into force on the 5th day of July, 2013.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) "anganwadi" means a child care and development centre set up under the Integrated Child Development Services Scheme of the Central Government to render services covered under section 4, clause (a) of sub-section (1) of section 5 and section 6;

- (2) "central pool" means the stock of foodgrains which is,—
- (i) procured by the Central Government and the State Governments through minimum support price operations;
 - (ii) maintained for allocations under the Targeted Public Distribution System, other welfare schemes, including calamity relief and such other schemes;
 - (iii) kept as reserves for schemes referred to in sub-clause (ii);

(3) "eligible households" means households covered under the priority households and the Antyodaya Anna Yojana referred to in sub-section (1) of section 3;

(4) "fair price shop" means a shop which has been licensed to distribute essential commodities by an order issued under section 3 of the Essential Commodities Act, 1955, to the ration card holders under the Targeted Public Distribution System;

10 of 1955.

(5) "foodgrains" means rice, wheat or coarse grains or any combination thereof conforming to such quality norms as may be determined, by order, by the Central Government from time to time;

(6) "food security" means the supply of the entitled quantity of foodgrains and meal specified under Chapter II;

(7) "food security allowance" means the amount of money to be paid by the concerned State Government to the entitled persons under section 8;

(8) "local authority" includes Panchayat, municipality, district board, cantonment board, town planning authority and in the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura where Panchayats do not exist, the village council or committee or any other body, by whatever name called, which is authorised under the Constitution or any law for the time being in force for self-governance or any other authority or body vested with the control and management of civic services, within a specified local area;

(9) "meal" means hot cooked or pre-cooked and heated before its service meal or take home ration, as may be prescribed by the Central Government;

(10) "minimum support price" means the assured price announced by the Central Government at which foodgrains are procured from farmers by the Central Government and the State Governments and their agencies, for the central pool;

(11) "notification" means a notification issued under this Act and published in the Official Gazette;

(12) "other welfare schemes" means such Government schemes, in addition to the Targeted Public Distribution System, under which foodgrains or meals are supplied as part of the schemes;

(13) "person with disability" means a person defined as such in clause (t) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

1 of 1996.

(14) "priority households" means households identified as such under section 10;

(15) "prescribed" means prescribed by rules made under this Act;

(16) "ration card" means a document issued under an order or authority of the State Government for the purchase of essential commodities from the fair price shops under the Targeted Public Distribution System;

(17) "rural area" means any area in a State except those areas covered by any urban local body or a cantonment board established or constituted under any law for the time being in force;

- (18) "Schedule" means a Schedule appended to this Act;
- 56 of 2007. (19) "senior citizen" means a person defined as such under clause (h) of section 2 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007;
- (20) "social audit" means the process in which people collectively monitor and evaluate the planning and implementation of a programme or scheme;
- (21) "State Commission" means the State Food Commission constituted under section 16;
- (22) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;
- (23) "Targeted Public Distribution System" means the system for distribution of essential commodities to the ration card holders through fair price shops;
- (24) "Vigilance Committee" means a committee constituted under section 29 to supervise the implementation of all schemes under this Act;
- 10 of 1955. (25) the words and expressions not defined here but defined in the Essential Commodities Act, 1955, or any other relevant Act shall have the meaning respectively assigned to them in those Acts.

CHAPTER II

PROVISIONS FOR FOOD SECURITY

3. (1) Every person belonging to priority households, identified under sub-section (1) of section 10, shall be entitled to receive five kilograms of foodgrains per person per month at subsidised prices specified in Schedule I from the State Government under the Targeted Public Distribution System:

Provided that the households covered under Antyodaya Anna Yojana shall, to such extent as may be specified by the Central Government for each State in the said scheme, be entitled to thirty-five kilograms of foodgrains per household per month at the prices specified in Schedule I:

Provided further that if annual allocation of foodgrains to any State under the Act is less than the average annual offtake of foodgrains for last three years under normal Targeted Public Distribution System, the same shall be protected at prices as may be determined by the Central Government and the State shall be allocated foodgrains as specified in Schedule IV.

Explanation.— For the purpose of this section, the "Antyodaya Anna Yojana" means, the scheme by the said name launched by the Central Government on the 25th day of December, 2000; and as modified from time to time.

(2) The entitlements of the persons belonging to the eligible households referred to in sub-section (1) at subsidised prices shall extend up to seventy-five per cent. of the rural population and up to fifty per cent. of the urban population.

(3) Subject to sub-section (1), the State Government may provide to the persons belonging to eligible households, wheat flour in lieu of the entitled quantity of foodgrains in accordance with such guidelines as may be specified by the Central Government.

4. Subject to such schemes as may be framed by the Central Government, every pregnant woman and lactating mother shall be entitled to—

(a) meal, free of charge, during pregnancy and six months after the child birth, through the local *anganwadi*, so as to meet the nutritional standards specified in Schedule II; and

(b) maternity benefit of not less than rupees six thousand, in such instalments as may be prescribed by the Central Government:

Provided that all pregnant women and lactating mothers in regular employment with the Central Government or State Governments or Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force shall not be entitled to benefits specified in clause (b).

Right to receive foodgrains at subsidised prices by persons belonging to eligible households under Targeted Public Distribution System.

Nutritional support to pregnant women and lactating mothers.

Nutritional support to children.

5. (1) Subject to the provisions contained in clause (b), every child up to the age of fourteen years shall have the following entitlements for his nutritional needs, namely:—

(a) in the case of children in the age group of six months to six years, age appropriate meal, free of charge, through the local *anganwadi* so as to meet the nutritional standards specified in Schedule II:

Provided that for children below the age of six months, exclusive breast feeding shall be promoted;

(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, so as to meet the nutritional standards specified in Schedule II.

(2) Every school, referred to in clause (b) of sub-section (1), and *anganwadi* shall have facilities for cooking meals, drinking water and sanitation:

Provided that in urban areas facilities of centralised kitchens for cooking meals may be used, wherever required, as per the guidelines issued by the Central Government.

Prevention and management of child malnutrition.

6. The State Government shall, through the local *anganwadi*, identify and provide meals, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule II.

Implementation of schemes for realisation of entitlements.

7. The State Governments shall implement schemes covering entitlements under sections 4, 5 and section 6 in accordance with the guidelines, including cost sharing, between the Central Government and the State Governments in such manner as may be prescribed by the Central Government.

CHAPTER III

FOOD SECURITY ALLOWANCE

Right to receive food security allowance in certain cases.

8. In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter II, such persons shall be entitled to receive such food security allowance from the concerned State Government to be paid to each person, within such time and manner as may be prescribed by the Central Government.

CHAPTER IV

IDENTIFICATION OF ELIGIBLE HOUSEHOLDS

Coverage of population under Targeted Public Distribution System.

9. The percentage coverage under the Targeted Public Distribution System in rural and urban areas for each State shall, subject to sub-section (2) of section 3, be determined by the Central Government and the total number of persons to be covered in such rural and urban areas of the State shall be calculated on the basis of the population estimates as per the census of which the relevant figures have been published.

State Government to prepare guidelines and to identify priority households.

10. (1) The State Government shall, within the number of persons determined under section 9 for the rural and urban areas, identify—

(a) the households to be covered under the Antyodaya Anna Yojana to the extent specified under sub-section (1) of section 3, in accordance with the guidelines applicable to the said scheme;

(b) the remaining households as priority households to be covered under the Targeted Public Distribution System, in accordance with such guidelines as the State Government may specify:

Provided that the State Government may, as soon as possible, but within such period not exceeding three hundred and sixty-five days, after the commencement of

the Act, identify the eligible households in accordance with the guidelines framed under this sub-section:

Provided further that the State Government shall continue to receive the allocation of foodgrains from the Central Government under the existing Targeted Public Distribution System, till the identification of such households is complete.

(2) The State Government shall update the list of eligible households, within the number of persons determined under section 9 for the rural and urban areas, in accordance with the guidelines framed under sub-section (1).

11. The State Government shall place the list of the identified eligible households in the public domain and display it prominently.

Publication and display of list of eligible households.

CHAPTER V

REFORMS IN TARGETED PUBLIC DISTRIBUTION SYSTEM

12. (1) The Central and State Governments shall endeavour to progressively undertake necessary reforms in the Targeted Public Distribution System in consonance with the role envisaged for them in this Act.

Reforms in Targeted Public Distribution System.

(2) The reforms shall, *inter alia*, include—

(a) doorstep delivery of foodgrains to the Targeted Public Distribution System outlets;

(b) application of information and communication technology tools including end-to-end computerisation in order to ensure transparent recording of transactions at all levels, and to prevent diversion;

(c) leveraging "aadhaar" for unique identification, with biometric information of entitled beneficiaries for proper targeting of benefits under this Act;

(d) full transparency of records;

(e) preference to public institutions or public bodies such as Panchayats, self-help groups, co-operatives, in licensing of fair price shops and management of fair price shops by women or their collectives;

(f) diversification of commodities distributed under the Public Distribution System over a period of time;

(g) support to local public distribution models and grains banks;

(h) introducing schemes, such as, cash transfer, food coupons, or other schemes, to the targeted beneficiaries in order to ensure their foodgrain entitlements specified in Chapter II, in such area and manner as may be prescribed by the Central Government.

CHAPTER VI

WOMEN EMPOWERMENT

13. (1) The eldest woman who is not less than eighteen years of age, in every eligible household, shall be head of the household for the purpose of issue of ration cards.

(2) Where a household at any time does not have a woman or a woman of eighteen years of age or above, but has a female member below the age of eighteen years, then, the eldest male member of the household shall be the head of the household for the purpose of issue of ration card and the female member, on attaining the age of eighteen years, shall become the head of the household for such ration cards in place of such male member.

Women of eighteen years of age or above to be head of household for purpose of issue of ration cards.

CHAPTER VII

GRIEVANCE REDRESSAL MECHANISM

14. Every State Government shall put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed.

Internal grievance redressal mechanism.

District
Grievance
Redressal
Officer.

15. (1) The State Government shall appoint or designate, for each district, an officer to be the District Grievance Redressal Officer for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapter II, and to enforce the entitlements under this Act.

(2) The qualifications for appointment as District Grievance Redressal Officer and its powers shall be such as may be prescribed by the State Government.

(3) The method and terms and conditions of appointment of the District Grievance Redressal Officer shall be such as may be prescribed by the State Government.

(4) The State Government shall provide for the salary and allowances of the District Grievance Redressal Officer and other staff and such other expenditure as may be considered necessary for their proper functioning.

(5) The officer referred to in sub-section (1) shall hear complaints regarding non-distribution of entitled foodgrains or meals, and matters relating thereto, and take necessary action for their redressal in such manner and within such time as may be prescribed by the State Government.

(6) Any complainant or the officer or authority against whom any order has been passed by officer referred to in sub-section (1), who is not satisfied with the redressal of grievance may file an appeal against such order before the State Commission.

(7) Every appeal under sub-section (6) shall be filed in such manner and within such time as may be prescribed by the State Government.

State Food
Commission.

16. (1) Every State Government shall, by notification, constitute a State Food Commission for the purpose of monitoring and review of implementation of this Act.

(2) The State Commission shall consist of—

(a) a Chairperson;

(b) five other Members; and

(c) a Member-Secretary, who shall be an officer of the State Government not below the rank of Joint Secretary to that Government:

Provided that there shall be at least two women, whether Chairperson, Member or Member-Secretary:

Provided further that there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson, Member or Member-Secretary.

(3) The Chairperson and other Members shall be appointed from amongst persons—

(a) 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

(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.

(4) The Chairperson and every other Member shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years.

(5) The method of appointment and other terms and conditions subject to which the Chairperson, other Members and Member-Secretary of the State Commission may be appointed, and time, place and procedure of meetings of the State Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed by the State Government.

(6) The State Commission shall undertake the following functions, namely:—

(a) monitor and evaluate the implementation of this Act, in relation to the State;

(b) either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under Chapter II;

(c) give advice to the State Government on effective implementation of this Act;

(d) give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organisations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in this Act;

(e) hear appeals against orders of the District Grievance Redressal Officer;

(f) prepare annual reports which shall be laid before the State Legislature by the State Government.

(7) The State Government shall make available to the State Commission, such administrative and technical staff, as it may consider necessary for proper functioning of the State Commission.

(8) The method of appointment of the staff under sub-section (7), their salaries, allowances and conditions of service shall be such, as may be prescribed by the State Government.

(9) The State Government may remove from office the Chairperson or any Member who—

(a) is, or at any time has been, adjudged as an insolvent; or

(b) has become physically or mentally incapable of acting as a member; or

(c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuation in office detrimental to the public interest.

(10) No such Chairperson or Member shall be removed under clause (d) or clause (e) of sub-section (9) unless he has been given a reasonable opportunity of being heard in the matter.

17. The State Government shall provide for salary and allowances of Chairperson, other Members, Member-Secretary, support staff, and other administrative expenses required for proper functioning of the State Commission.

Salary and allowances of Chairperson, Member, Member-Secretary and other staff of State Commission.

Designation of any Commission or body to function as State Commission.

18. The State Government may, if considers it necessary, by notification, designate any statutory commission or a body to exercise the powers and perform the functions of the State Commission referred to in section 16.

Joint State Food Commission.

19. Notwithstanding anything contained in sub-section (1) of section 16, two or more States may have a Joint State Food Commission for the purposes of this Act with the approval of the Central Government.

Powers relating to inquiries.

20. (1) The State Commission shall, while inquiring into any matter referred to in clauses (b) and (e) of sub-section (6) of section 16, 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:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office; and

(e) issuing commissions for the examination of witnesses or documents.

(2) The State Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

2 of 1974.

Vacancies, etc., not to invalidate proceedings of State Commission.

21. No act or proceeding of the State Commission shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the State Commission; or

(b) any defect in the appointment of a person as the Chairperson or a Member of the State Commission; or

(c) any irregularity in the procedure of the State Commission not affecting the merits of the case.

CHAPTER VIII

OBLIGATIONS OF CENTRAL GOVERNMENT FOR FOOD SECURITY

Central Government to allocate required quantity of foodgrains from central pool to State Governments.

22. (1) The Central Government shall, for ensuring the regular supply of foodgrains to persons belonging to eligible households, allocate from the central pool the required quantity of foodgrains to the State Governments under the Targeted Public Distribution System, as per the entitlements under section 3 and at prices specified in Schedule I.

(2) The Central Government shall allocate foodgrains in accordance with the number of persons belonging to the eligible households identified in each State under section 10.

(3) The Central Government shall provide foodgrains in respect of entitlements under sections 4, 5 and section 6, to the State Governments, at prices specified for the persons belonging to eligible households in Schedule I.

(4) Without prejudice to sub-section (1), the Central Government shall,—

(a) procure foodgrains for the central pool through its own agencies and the State Governments and their agencies;

(b) allocate foodgrains to the States;

(c) provide for transportation of foodgrains, as per allocation, to the depots designated by the Central Government in each State;

(d) provide assistance to the State Government in meeting the expenditure incurred by it towards intra-State movement, handling of foodgrains and margins paid to fair price shop dealers, in accordance with such norms and manner as may be prescribed by the Central Government; and

(e) create and maintain required modern and scientific storage facilities at various levels.

23. In case of short supply of foodgrains from the central pool to a State, the Central Government shall provide funds to the extent of short supply to the State Government for meeting obligations under Chapter II in such manner as may be prescribed by the Central Government.

Provisions for funds by Central Government to State Government in certain cases.

CHAPTER IX

OBLIGATIONS OF STATE GOVERNMENT FOR FOOD SECURITY

24. (1) The State Government shall be responsible for implementation and monitoring of the schemes of various Ministries and Departments of the Central Government in accordance with guidelines issued by the Central Government for each scheme, and their own schemes, for ensuring food security to the targeted beneficiaries in their State.

Implementation and monitoring of schemes for ensuring food security.

(2) Under the Targeted Public Distribution System, it shall be the duty of the State Government to—

(a) take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I, organise intra-State allocations for delivery of the allocated foodgrains through their authorised agencies at the door-step of each fair price shop; and

(b) ensure actual delivery or supply of the foodgrains to the entitled persons at the prices specified in Schedule I.

(3) For foodgrain requirements in respect of entitlements under sections 4, 5 and section 6, it shall be the responsibility of the State Government to take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I for persons belonging to eligible households and ensure actual delivery of entitled benefits, as specified in the aforesaid sections.

(4) In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter II, the State Government shall be responsible for payment of food security allowance specified in section 8.

(5) For efficient operations of the Targeted Public Distribution System, every State Government shall,—

(a) create and maintain scientific storage facilities at the State, District and Block levels, being sufficient to accommodate foodgrains required under the Targeted Public Distribution System and other food based welfare schemes;

(b) suitably strengthen capacities of their Food and Civil Supplies Corporations and other designated agencies;

(c) establish institutionalised licensing arrangements for fair price shops in accordance with the relevant provisions of the Public Distribution System (Control) Order, 2001 made under the Essential Commodities Act, 1955, as amended from time to time.

10 of 1955.

CHAPTER X

OBLIGATIONS OF LOCAL AUTHORITIES

Implementation of Targeted Public Distribution System by local authority in their areas.

25. (1) The local authorities shall be responsible for the proper implementation of this Act in their respective areas.

(2) Without prejudice to sub-section (1), the State Government may assign, by notification, additional responsibilities for implementation of the Targeted Public Distribution System to the local authority.

Obligations of local authority.

26. In implementing different schemes of the Ministries and Departments of the Central Government and the State Governments, prepared to implement provisions of this Act, the local authorities shall be responsible for discharging such duties and responsibilities as may be assigned to them, by notification, by the respective State Governments.

CHAPTER XI

TRANSPARENCY AND ACCOUNTABILITY

Disclosure of records of Targeted Public Distribution System.

27. All Targeted Public Distribution System related records shall 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.

Conduct of social audit.

28. (1) Every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government.

(2) The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits.

Setting up of Vigilance Committees.

29. (1) For ensuring transparency and proper functioning of the Targeted Public Distribution System and accountability of the functionaries in such system, every State Government shall set up Vigilance Committees as specified in the Public Distribution System (Control) Order, 2001, made under the Essential Commodities Act, 1955, as amended from time to time, at the State, District, Block and fair price shop levels consisting of such persons, as may be prescribed by the State Government giving due representation to the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability.

10 of 1955.

(2) The Vigilance Committees shall perform the following functions, namely:—

(a) regularly supervise the implementation of all schemes under this Act;

(b) inform the District Grievance Redressal Officer, in writing, of any violation of the provisions of this Act; and

(c) inform the District Grievance Redressal Officer, in writing, of any malpractice or misappropriation of funds found by it.

CHAPTER XII

PROVISIONS FOR ADVANCING FOOD SECURITY

Food security for people living in remote, hilly and tribal areas.

30. The Central Government and the State Governments shall, while implementing the provisions of this Act and the schemes for meeting specified entitlements, give special focus to the needs of the vulnerable groups especially in remote areas and other areas which are difficult to access, hilly and tribal areas for ensuring their food security.

31. The Central Government, the State Governments and local authorities shall, for the purpose of advancing food and nutritional security, strive to progressively realise the objectives specified in Schedule III.

Steps to further advance food and nutritional security.

CHAPTER XIII

MISCELLANEOUS

32. (1) The provisions of this Act shall not preclude the Central Government or the State Government from continuing or formulating other food based welfare schemes.

Other welfare schemes.

(2) Notwithstanding anything contained in this Act, the State Government may, continue with or formulate food or nutrition based plans or schemes providing for benefits higher than the benefits provided under this Act, from its own resources.

33. Any public servant or authority found guilty, by the State Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignoring such recommendation, shall be liable to penalty not exceeding five thousand rupees:

Penalties.

Provided that the public servant or the public authority, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed.

34. (1) For the purpose of adjudging penalty under section 33, the State Commission shall authorise any of its member to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

Power to adjudicate.

(2) While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignored such recommendation, he may impose such penalty as he thinks fit in accordance with the provisions of section 33.

35. (1) The Central Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or an officer subordinate to the Central Government or the State Government as it may specify in the notification.

Power to delegate by Central Government and State Government.

(2) The State Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by an officer subordinate to it as it may specify in the notification.

36. The provisions of this Act or the schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.

Act to have overriding effect.

37. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend Schedule I or Schedule II or Schedule III or Schedule IV and thereupon Schedule I or Schedule II or Schedule III or Schedule IV, as the case may be, shall be deemed to have been amended accordingly.

Power to amend Schedules.

(2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament as soon as may be after it is issued.

38. The Central Government may, from time to time, give such directions, as it may consider necessary, to the State Governments for the effective implementation of the provisions of this Act and the State Governments shall comply with such directions.

Power of Central Government to give directions.

Power of
Central
Government
to make rules.

39. (1) The Central Government may, in consultation with the State Governments and by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) scheme including cost sharing for providing maternity benefit to pregnant women and lactating mothers under clause (b) of section 4;

(b) schemes covering entitlements under sections 4, 5 and section 6 including cost sharing under section 7;

(c) amount, time and manner of payment of food security allowance to entitled individuals under section 8;

(d) introducing schemes of cash transfer, food coupons or other schemes to the targeted beneficiaries in order to ensure their foodgrains entitlements in such areas and manner under clause (h) of sub-section (2) of section 12;

(e) the norms and manner of providing assistance to the State Governments in meeting expenditure under clause (d) of sub-section (4) of section 22;

(f) manner in which funds shall be provided by the Central Government to the State Governments in case of short supply of foodgrains, under section 23;

(g) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of
State
Government
to make rules.

40. (1) The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) guidelines for identification of priority households under sub-section (1) of section 10;

(b) internal grievance redressal mechanism under section 14;

(c) qualifications for appointment as District Grievance Redressal Officer and its powers under sub-section (2) of section 15;

(d) method and terms and conditions of appointment of the District Grievance Redressal Officer under sub-section (3) of section 15;

(e) manner and time limit for hearing complaints by the District Grievance Redressal Officer and the filing of appeals under sub-sections (5) and (7) of section 15;

(f) method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member-Secretary of the State Commission, procedure for meetings of the Commission and its powers, under sub-section (5) of section 16;

(g) method of appointment of staff of the State Commission, their salaries, allowances and conditions of service under sub-section (8) of section 16;

(h) manner in which the Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to public under section 27;

(i) manner in which the social audit on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes shall be conducted under section 28;

(j) composition of Vigilance Committees under sub-section (1) of section 29;

(k) schemes or programmes of the Central Government or the State Governments for utilisation of institutional mechanism under section 43;

(l) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

(3) Every rule, notification and guidelines made or issued by the State Government under this Act shall, as soon as may be after it is made or issued, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

41. The schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees, existing on the date of commencement of this Act, shall continue to be in force and operate till such schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees are specified or notified under this Act or the rules made thereunder:

Transitory provisions for schemes, guidelines, etc.

Provided that anything done or any action taken under the said schemes, guidelines, orders and food standard, grievance redressal mechanism, or by vigilance committees shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or by any action taken under this Act.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

43. The services of authorities to be appointed or constituted under sections 15 and 16 may be utilised in the implementation of other schemes or programmes of the Central Government or the State Governments, as may be prescribed by the State Government.

Utilisation of institutional mechanism for other purposes.

44. The Central Government, or as the case may be, the State Government, shall be liable for a claim by any person entitled under this Act, except in the case of war, flood, drought, fire, cyclone or earthquake affecting the regular supply of foodgrains or meals to such person under this Act:

Force Majeure.

Provided that the Central Government may, in consultation with the Planning Commission, declare whether or not any such situation affecting the regular supply of foodgrains or meals to such person has arisen or exists.

Ord. 7 of 2013.

45. (1) The National Food Security Ordinance, 2013 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal,—

(a) anything done, any action taken or any identification of eligible households made; or

(b) any right, entitlement, privilege, obligation or liability acquired, accrued or incurred; or

(c) any guidelines framed or directions issued; or

(d) any investigation, inquiry or any other legal proceeding initiated, conducted or continued in respect of such right, entitlement, privilege, obligation or liability as aforesaid; or

(e) any penalty imposed in respect of any offence,

under the said Ordinance shall be deemed to have been done, taken, made, acquired, accrued, incurred, framed, issued, initiated, conducted, continued or imposed under the corresponding provisions of this Act.

SCHEDULE I

[See sections 3(1), 22(1), (3) and 24 (2), (3)]

SUBSIDISED PRICES UNDER TARGETED PUBLIC DISTRIBUTION SYSTEM

Eligible households shall be entitled to foodgrains under section 3 at the subsidised price not exceeding rupees 3 per kg for rice, rupees 2 per kg for wheat and rupee 1 per kg for coarse grains for a period of three years from the date of commencement of this Act; and thereafter, at such price, as may be fixed by the Central Government, from time to time, not exceeding,—

- (i) the minimum support price for wheat and coarse grains; and
- (ii) the derived minimum support price for rice,

as the case may be.

SCHEDULE II

[See sections 4(a), 5(I) and 6]

NUTRITIONAL STANDARDS

Nutritional standards: The nutritional standards for children in the age group of 6 months to 3 years, age group of 3 to 6 years and pregnant women and lactating mothers required to be met by providing “Take Home Rations” or nutritious hot cooked meal in accordance with the Integrated Child Development Services Scheme and nutritional standards for children in lower and upper primary classes under the Mid Day Meal Scheme are as follows:

Serial number	Category	Type of meal ²	Calories (Kcal)	Protein (g)
1	2	3	4	5
1.	Children (6 months to 3 years)	Take Home Ration	500	12-15
2.	Children (3 to 6 years)	Morning Snack and Hot Cooked Meal	500	12-15
3.	Children (6 months to 6 years) who are malnourished	Take Home Ration	800	20-25
4.	Lower primary classes	Hot Cooked Meal	450	12
5.	Upper primary classes	Hot Cooked Meal	700	20
6.	Pregnant women and Lactating mothers	Take Home Ration	600	18-20

SCHEDULE III

(See section 31)

PROVISIONS FOR ADVANCING FOOD SECURITY

(1) Revitalisation of Agriculture—

(a) agrarian reforms through measures for securing interests of small and marginal farmers;

(b) increase in investments in agriculture, including research and development, extension services, micro and minor irrigation and power to increase productivity and production;

(c) ensuring livelihood security to farmers by way of remunerative prices, access to inputs, credit, irrigation, power, crop insurance, etc.;

(d) prohibiting unwarranted diversion of land and water from food production.

(2) Procurement, Storage and Movement related interventions—

(a) incentivising decentralised procurement including procurement of coarse grains;

(b) geographical diversification of procurement operations;

(c) augmentation of adequate decentralised modern and scientific storage;

(d) giving top priority to movement of foodgrains and providing sufficient number of rakes for this purpose, including expanding the line capacity of railways to facilitate foodgrain movement from surplus to consuming regions.

(3) Others: Access to—

(a) safe and adequate drinking water and sanitation;

(b) health care;

(c) nutritional, health and education support to adolescent girls;

(d) adequate pensions for senior citizens, persons with disability and single women.

SCHEDULE IV

[See section 3(J)]

STATE-WISE ALLOCATION OF FOODGRAINS

S. No.	Name of the State	Quantity (in lakh tons)
1	2	3
1.	Andhra Pradesh	32.10
2.	Arunachal Pradesh	0.89
3.	Assam	16.95
4.	Bihar	55.27
5.	Chhattisgarh	12.91
6.	Delhi	5.73
7.	Goa	0.59
8.	Gujarat	23.95
9.	Haryana	7.95
10.	Himachal Pradesh	5.08
11.	Jammu and Kashmir	7.51
12.	Jharkhand	16.96
13.	Karnataka	25.56
14.	Kerala	14.25
15.	Madhya Pradesh	34.68
16.	Maharashtra	45.02
17.	Manipur	1.51
18.	Meghalaya	1.76
19.	Mizoram	0.66
20.	Nagaland	1.38
21.	Odisha	21.09
22.	Punjab	8.70
23.	Rajasthan	27.92
24.	Sikkim	0.44
25.	Tamilnadu	36.78
26.	Tripura	2.71
27.	Uttar Pradesh	96.15
28.	Uttarakhand	5.03
29.	West Bengal	38.49
30.	Andaman and Nicobar Islands	0.16
31.	Chandigarh	0.31
32.	Dadra and Nagar Haveli	0.15
33.	Daman and Diu	0.07
34.	Lakshadweep	0.05
35.	Puducherry	0.50
	Total	549.26

DR. SANJAY SINGH,
Additional Secretary to the Govt. of India.

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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय
(खाद्य और सार्वजनिक वितरण विभाग)

अधिसूचना

नई दिल्ली, 27 अक्टूबर, 2014

सा.का.नि. 743(अ).—केंद्रीय सरकार, राज्य सरकारों से परामर्श करके, राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) की धारा 23 के साथ पठित धारा 39 की उपधारा (2) के खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम खाद्यान की कम पूर्ति के लिए राज्य सरकारों को निधियों की उपलब्धता नियम, 2014 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं.—इन नियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हो,—

(क) “अधिनियम” से राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) अभिप्रेत है ;

(ख) “निगम” से खाद्य निगम अधिनियम, 1964 (1964 का 37) की धारा 3 के अधीन स्थापित भारतीय खाद्य निगम अभिप्रेत है ;

(ग) “खाद्यानों की हकदार मात्रा” से अधिनियम की धारा 22 के अनुसार केंद्रीय सरकार द्वारा राज्य सरकारों को आबंटित की जाने वाली खाद्यानों की मात्रा अभिप्रेत है ;

(घ) उन शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं, किन्तु परिभाषित नहीं हैं, वही अर्थ होंगे जो अधिनियम में हैं।

3. खाद्यानों के आबंटन के लिए समय-सीमा.—केंद्रीय सरकार और राज्य सरकारें खाद्यानों के आबंटन और अधिनियम के अधीन हकदार व्यक्तियों को वितरण के लिए उनको उपलब्ध कराने के लिए सार्वजनिक वितरण प्रणाली (नियंत्रण) आदेश, 2001 में विनिर्दिष्ट समय-सीमा का पालन करेंगे।

4257 GI/2014

(1)

4. केंद्रीय सरकार द्वारा राज्य सरकारों को खाद्यानों का आबंटन और पूर्ति.—केंद्रीय सरकार यह सुनिश्चित करेगी कि लक्षित सार्वजनिक वितरण प्रणाली के अधीन राज्य सरकारों को केंद्रीय पूल से खाद्यानों की हकदार मात्रा आबंटित की गई है और आबंटित खाद्यानों की नियमित पूर्ति प्रत्येक राज्य में केंद्रीय सरकार द्वारा अभिहित डिपों में पहुंचती है।

5. केंद्रीय सरकार द्वारा निधियां उपलब्ध कराने की रीति.—यदि केंद्रीय सरकार, किसी राज्य सरकार को खाद्यानों की हकदार मात्रा की पूर्ति करने में असमर्थ है तो वह उस राज्य सरकार को उस विपणन समय पर सुसंगत खाद्यानों के न्यूनतम समर्थन मूल्य के 1.25 गुणा और अधिनियम की अनुसूची 1 में विनिर्दिष्ट कीमत के बीच के अंतर की दर से कम पूर्ति की सीमा तक निधियां उपलब्ध कराएगी।

6. राज्य सरकारों द्वारा आनुकल्पिक इंतजाम की दशा में उपलब्ध कराई जाने वाली निधियां.—(1) यदि केंद्रीय सरकार द्वारा किसी राज्य सरकार को खाद्यानों की हकदार मात्रा उपलब्ध नहीं कराई जाती है तो वह राज्य सरकार कम पूर्ति की सीमा तक खुले बाजार से क्रय के माध्यम से अधिनियम के अध्याय 2 के अधीन हकदारियों के परिदान का इंतजाम कर सकेगी।

(2) उपनियम (1) के अधीन खुले बाजार से क्रय की दशा में केंद्रीय सरकार, राज्य सरकारों को खाद्यानों की कम पूर्ति की सीमा तक—

- (i) वह कीमत, जिस पर राज्य सरकार ने खाद्यानों को क्रय किया है और अधिनियम की अनुसूची 1 में विनिर्दिष्ट कीमतों के बीच अंतर की दर से ; या
- (ii) उस विपणन समय पर सुसंगत खाद्यानों के न्यूनतम समर्थन मूल्य का 1.25 गुणा और अधिनियम की अनुसूची 1 में विनिर्दिष्ट कीमतों के बीच अंतर की दर से,

इसमें जो भी कम हो, निधियां उपलब्ध कराएगी।

7. राज्य सरकार द्वारा निधियों का दावा करने के लिए प्रक्रिया.—नियम 5 और नियम 6 के अधीन निधियों का दावा करने के लिए राज्य सरकार, सभी विशिष्टियों सहित, केंद्रीय सरकार को निम्नलिखित को उपदर्शित करते हुए दावा प्रस्तुत करेगी, अर्थात् :—

- (i) कम पूर्ति की मात्रा ;
- (ii) अभिहित डिपो, जिसमें कम पूर्ति हुई है ;
- (iii) कम पूर्ति की अवधि ;
- (iv) खाद्यानों की कम पूर्ति से निपटने के लिए राज्य सरकार द्वारा खुले बाजार से खाद्यानों के क्रय का सबूत ; और
- (v) ऐसे अन्य आवश्यक दस्तावेज, जो दावा सिद्ध करने के लिए आवश्यक समझे जाएं।

8. केंद्रीय सरकार द्वारा दावों को प्रक्रियागत करना.—(1) केंद्रीय सरकार, नियम 7 के अधीन राज्य सरकार से प्राप्त दावों को इसके द्वारा दावे की प्राप्ति की तारीख से पन्द्रह दिन के भीतर निगम को भेजेगी।

(2) निगम, राज्य सरकार के दावे को प्रक्रियागत करने के पश्चात्, केंद्रीय सरकार द्वारा भेजे गए दावे की प्राप्ति की तारीख से पन्द्रह दिन के भीतर अपने संप्रेक्षण केंद्रीय सरकार को भेजेगी।

(3) केंद्रीय सरकार, निगम के संप्रेक्षणों की परीक्षा करने के पश्चात् निगम द्वारा किए गए संप्रेक्षणों की प्राप्ति की तारीख से पन्द्रह दिन के भीतर दावे के अवधारण पर विनिश्चय करेगी।

(4) केंद्रीय सरकार, दावे के अवधारण की तारीख से पन्द्रह दिन के भीतर राज्य सरकार को नियम 3 के अधीन अवधारित रकम को संवितरित करेगी।

[फा.सं. 15-9/2014-एनएफएसए]

दीपक कुमार, संयुक्त सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(Department of Food and Public Distribution)

NOTIFICATION

New Delhi, the 27th October, 2014

G.S.R. 743(E).—In exercise of the powers conferred by clause (f) of sub-section (2) of Section 39 read with section 23 of the National Food Security Act, 2013 (20 of 2013), the Central Government, in consultation with the State Governments, hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Provisioning of Funds to State Governments for Short Supply of Foodgrains Rules, 2014.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "Act" means the National Food Security Act, 2013 (20 of 2013);
- (b) "Corporation" means the Food Corporation of India established under Section 3 of the Food Corporation Act, 1964 (37 of 1964);
- (c) "entitled quantity of foodgrains" means the quantity of foodgrains to be allocated by the Central Government to the State Governments in accordance with Section 22 of the Act;
- (d) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Time limit for allocation of foodgrains.— The Central Government and the State Governments shall adhere to the time limit specified in the Public Distribution System (Control) Order, 2001 for allocation of foodgrains and making them available for distribution to the persons entitled under the Act.

4. Allocation and supply of foodgrains by Central Government to State Governments.— The Central Government shall ensure that the entitled quantity of foodgrains is allocated from the central pool to the State Governments under the Targeted Public Distribution System and the regular supply of the allocated foodgrains reach the depots designated by the Central Government in each State.

5. Manner of providing funds by Central Government.— If the Central Government is unable to supply the required quantity of foodgrains to any State Government, it shall provide funds to the extent of short supply to that State Government, at the rate of difference between 1.25 times the minimum support price of the relevant foodgrains for that marketing season and the prices specified in Schedule I to the Act.

6. Funds to be provided in case of alternative arrangements by State Governments.—(1) If the entitled quantity of foodgrains is not made available by the Central Government to any State Government, then that State Government may, to the extent of the short supply, make arrangements to deliver the entitlements under Chapter II of the Act through purchases from the open market.

(2) In case of purchase from the open market under sub-rule (1), the Central Government shall provide funds to the State Government to the extent of short supply of foodgrains at the rate of difference between—

- (i) the price at which the State Government has purchased the foodgrains and the prices specified in Schedule I to the Act; or
- (ii) 1.25 times the minimum support price of the relevant foodgrains for that marketing season and the prices specified in Schedule I to the Act,

whichever is lower.

7. Procedure for claiming funds by State Governments.— In making claim for funds under rules 5 and 6, the State Government shall submit the claim to the Central Government along with all particulars indicating the following, namely :—

- (i) quantity of short supply;
- (ii) designated depot where short supply has occurred;
- (iii) period of short supply;
- (iv) proof of purchase of foodgrains from open market by the State Government, to deal with the short supply of foodgrains; and
- (v) other necessary documents as may be considered necessary to establish the claim.

8. Processing of claim by Central Government.— (1) The Central Government shall forward the claims of the State Government received under rule 7 to the Corporation within fifteen days from the date of receipt of claim by it.

(2) The Corporation shall, after processing the claim of the State Government, send its observations to the Central Government within fifteen days from the date of receipt of the claim forwarded by the Central Government.

(3) After examination of the observations of the Corporation, the Central Government shall take a decision on the determination of claim within fifteen days from the date of receipt of observations made by the Corporation.

(4) The Central Government shall disburse the amount determined under sub-rule (3) to the State Government within fifteen days from the date of determination of the claim.

[No. 15-9/2014-NFSA]
DEEPAK KUMAR, Jt. Secy.


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(खाद्य और सार्वजनिक वितरण विभाग)

अधिसूचना

नई दिल्ली, 21 जनवरी, 2015

सा.का.नि. 48(अ).—केंद्रीय सरकार, राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) की धारा 8 के साथ पठित धारा 39 की उपधारा (2) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और राज्य सरकारों के साथ परामर्श करने के पश्चात् निम्नलिखित नियम बनाती है, अर्थात् :—

1. **संक्षिप्त नाम और प्रारंभ.**—(1) इन नियमों का संक्षिप्त नाम खाद्य सुरक्षा भत्ता नियम, 2015 है।
(2) ये राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।
2. **परिभाषाएं.**—(1) इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—
(क) "अधिनियम" से राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) अभिप्रेत है;
(ख) "नोडल अधिकारी" से अधिनियम की धारा 14 के अधीन राज्य सरकार द्वारा नामनिर्दिष्ट कोई अधिकारी अभिप्रेत है;
(ग) "हकदार व्यक्ति" से राज्य सरकार द्वारा अधिनियम के अधीन उस रूप में पहचाने गए पात्र गृहस्थों से संबंध रखने वाला और वैध राशनकार्ड रखने वाला, कोई व्यक्ति अभिप्रेत है;
(2) शब्द और पद, जो इन नियमों में प्रयुक्त हैं किंतु परिभाषित नहीं हैं, का क्रमशः वही अर्थ होगा जो उनका अधिनियम में है।
3. **खाद्यानों के आबंटन के लिए समय-सीमा.**—केंद्रीय सरकार और राज्य सरकारें सार्वजनिक वितरण प्रणाली (नियंत्रण) आदेश, 2001 में या केंद्रीय सरकार द्वारा समय-समय पर जारी किए अन्य आदेशों में उपबंधित समय सीमा का खाद्यानों के आबंटन तथा अधिनियम के अधीन हकदार व्यक्तियों को इन्हें उपलब्ध कराने के लिए पालन करेंगी।

4. **खाद्यानों की आपूर्ति न होने की दशा में खाद्य सुरक्षा भत्ते का संदाय.**—(1) नोडल अधिकारी प्रत्येक मास के अंत में और प्रत्येक उचित दर दुकान का अधिनियम के अधीन उनकी हकदारी के अनुसार प्रत्येक उचित दर दुकान के अधीन आने वाले हकदार व्यक्तियों को खाद्यानों के प्रदाय की प्रास्थिति का सत्यापन करेगा ;

(2) नोडल अधिकारी किसी हकदार व्यक्ति को खाद्यानों की हकदार मात्रा की आपूर्ति न किए जाने के कारणों को लेखबद्ध करेगा ;

(3) नोडल अधिकारी प्रत्येक मामले में जहां उचित दर दुकान में खाद्यानों की अननुपलब्धता या किन्हीं अपरिहार्य कारणों से हकदार खाद्यानों की मात्रा की आपूर्ति न होने के प्रत्येक मामले में हकदार व्यक्ति को खाद्य सुरक्षा भत्ते के संदाय का सुनिश्चय करेगा ;

(4) नोडल अधिकारी, जहां खाद्यानों की किसी उचित दर दुकान डीलर द्वारा जान-बूझकर आपूर्ति नहीं की गई है, वहां जिला शिकायत निवारण अधिकारी के पास तुरंत शिकायत रजिस्टर करेगा ।

5. **आपूर्ति की प्रास्थिति का सत्यापन.**—राज्य सरकार पर्याप्त अवसंरचना की उपलब्धता के अधीन रहते हुए प्रत्येक उचित दर दुकान के संबंध में निम्नलिखित को करने और अभिलिखित करने के लिए इलेक्ट्रानिकी विधियों का उपयोग करेगी और ऐसे ब्यौरों को लोक डोमेन में रखेगी-

(i) मास के अंत में खाद्यानों के वितरण की प्रास्थिति का सत्यापन;

(ii) वितरण न होने के कारण, यदि कोई हों ।

6. **खाद्य सुरक्षा भत्ते की संगणना.**—हकदार व्यक्तियों को अनुज्ञेय खाद्य सुरक्षा भत्ते की रकम की संगणना उस विपणन सत्र के लिए सुसंगत खाद्यानों के न्यूनतम समर्थन मूल्य का 1.25 गुणा और अधिनियम की अनुसूची-1 में विनिर्दिष्ट कीमतों के बीच अंतर को आपूर्ति न की गई मात्रा से गुणा करके की जाएगी ।

7. **अवधि जिसके भीतर खाद्य सुरक्षा भत्ते का संदाय किया जाना है.**—नोडल अधिकारी उस मास जिसमें आपूर्ति नहीं की गई है के पश्चातवर्ती मास के तीसरे सप्ताह के अंत तक खाद्य सुरक्षा भत्ते के संदाय का सुनिश्चय करेगा ।

8. **खाद्य सुरक्षा भत्ते के संदाय का ढंग.**—(1) राज्य सरकार हकदार व्यक्तियों को बैंक खातों के माध्यम से खाद्य सुरक्षा भत्ते के संदाय का सुनिश्चय करेगी ।

(2) यदि किसी हकदार व्यक्ति ने बैंक खाता नहीं खोला है, तो ऐसे व्यक्ति को खाद्य सुरक्षा भत्ते का आरंभिक संदाय नकद किया जाएगा:

परंतु नोडल अधिकारी यह सुनिश्चित करेगा कि ऐसे व्यक्ति द्वारा खाद्य सुरक्षा भत्ते के प्रारंभिक संदाय की तारीख से एक मास की अवधि के भीतर बैंक खाता खोल लिया गया है ।

9. **खाद्य सुरक्षा भत्ता जब संदेय नहीं है.**—खाद्य सुरक्षा भत्ता किसी हकदार व्यक्ति को संदेय नहीं होगा जो मास के दौरान अपनी हकदारी का दावा करने के लिए उचित दर दुकान पर नहीं जाता है:

परंतु नोडल अधिकारी किसी व्यक्ति को उचित दर दुकान तक जाने से और अपनी हकदारी का दावा करने से, कारणों को लेखबद्ध करते हुए, छूट दे सकेगा:

परंतु यह और कि खाद्य सुरक्षा भत्ता किसी हकदार व्यक्ति को संदेय नहीं होगा जो खाद्यानों की क्वालिटी के आधार पर या ऐसे किसी अन्य आधार पर अपनी हकदारी का दावा करने से इन्कार करता है ।

10. **नोडल अधिकारी द्वारा संक्षिप्त रिपोर्ट.**—नोडल अधिकारी नियम 4 में विनिर्दिष्ट खाद्यानों की आपूर्ति की प्रास्थिति के मासिक सत्यापन के आधार पर जिला मजिस्ट्रेट या इस प्रयोजन के लिए राज्य सरकार द्वारा प्राधिकृत किसी अन्य अधिकारी को वितरण के मास के पश्चातवर्ती मास के पंद्रहवें दिन तक हकदार व्यक्तियों को खाद्यानों की आपूर्ति न किए जाने वाले मामलों, को उपदर्शित करते हुए उनके कारणों के साथ और जहां आवश्यक हो, की गई उपचारात्मक कार्रवाई, की एक संक्षिप्त रिपोर्ट प्रस्तुत करेगा ।

11. **खाद्यानों की क्वालिटी के संबंध में शिकायत.**—खाद्यानों की क्वालिटी के संबंध में कोई शिकायत, शिकायतकर्ता द्वारा जिला शिकायत निवारण अधिकारी को लिखित में उसकी शिकायत का समाधान करने के लिए की जाएगी, जिसकी जांच और उस पर विनिश्चय जिला शिकायत निवारण अधिकारी या राज्य सरकार द्वारा प्राधिकृत किसी अन्य अधिकारी द्वारा पंद्रह दिन से अनधिक अवधि के भीतर किया जाएगा ।

12. **एक मास से अधिक हकदारी का वितरण.**—राज्य सरकारों द्वारा एक समय में एक मास से अधिक की हकदारी की आपूर्ति की पद्धति का अनुसरण करने की दशा में हकदार व्यक्तियों को ऐसी हकदारियों की आपूर्ति के सत्यापन के लिए समुचित प्रबंध संबंधित राज्य सरकार द्वारा किए जाएंगे ताकि हकदारी के अनुसार खाद्यानों के वितरण या हकदार खाद्यानों की मात्रा की आपूर्ति न किए जाने वाले मामलों की दशा में हकदार व्यक्तियों को खाद्य सुरक्षा भत्ते के संदाय का सुनिश्चय किया जा सके।

13. **राज्य सरकारों की निदेश जारी करने की सक्षमता.**—राज्य सरकारें, यदि आवश्यक समझें, तो इन नियमों के कार्यान्वयन के लिए ऐसे निदेश जारी कर सकेंगी जो वह उचित समझें।

[फा. सं. 15-59/2013-एनएफएसए]

दीपक कुमार, संयुक्त सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

NOTIFICATION

New Delhi, the 21st January, 2015.

G.S.R. 48(E).—In exercise of the powers conferred by clause (c) of sub-section (2) of Section 39 read with Section 8 of the National Food Security Act, 2013 (20 of 2013), the Central Government, after consultation with the State Governments, hereby makes the following rules, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Food Security Allowance Rules, 2015.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**— (1) In these rules, unless the context otherwise requires,—

(a) "Act" means the National Food Security Act, 2013 (20 of 2013);

(b) "nodal officer" means an officer designated as such by the State Government under section 14 of the Act;

(c) "entitled person" means a person belonging to eligible households identified as such under the Act by the State Government and in possession of a valid ration card;

(2) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. **Time limits for allocation of foodgrains.**—The Central Government and the State Governments shall adhere to the time limits provided in the Public Distribution System (Control) Order, 2001 or any other orders issued from time to time by Central Government, for allocation of foodgrains and making them available for distribution to the persons entitled under the Act.

4. **Payment of food security allowance in cases of non-supply of foodgrains.**—(1) The nodal officer shall verify, at the end of every month and at each fair price shop, the status of supply of foodgrains to the entitled persons covered under each fair price shop, as per their entitlement under the Act

(2) The nodal officer shall record in writing, the reasons for non-supply of entitled quantity of foodgrains to any entitled person.

(3) The nodal officer shall ensure payment of food security allowance to the entitled person in every case where entitled quantity of foodgrains has not been supplied due to non-availability of foodgrains at the fair price shop or for any unforeseen reasons.

(4) The nodal officer shall register a complaint with the District Grievance Redressal Officer forthwith where foodgrains have not been supplied due to any willful lapse of any fair price shop dealer.

5. Verification of status of supply.—The State Government shall use electronic methods, subject to availability of adequate infrastructure, for carrying out and recording the—

- (i) month-end verification of status of distribution of foodgrains; and
- (ii) reasons for non-distribution, if any, in respect of each fair price shop and place such details in the public domain.

6. Computation of food security allowance.—The amount of food security allowance admissible to entitled persons shall be computed by multiplying the difference between the 1.25 times the minimum support price of the relevant foodgrains for that marketing season and the prices specified in Schedule I to the Act, with the quantity of non-supply.

7. Period within which food security allowance to be paid.—The nodal officer shall ensure the payment of food security allowance by the end of the third week of the month following the month in which the non-supply occurred.

8. Mode of payment of food security allowance.—(1) The State Government shall ensure the payment of food security allowance to the entitled persons through bank accounts.

(2) If any entitled person has not opened a bank account, the initial payment of food security allowance to such person shall be made by cash:

Provided that the nodal officer shall ensure that a bank account is opened by such person within one month from the date of initial payment of the food security allowance.

9. Food security allowance when not payable.—The Food security allowance shall not be payable to an entitled person who does not visit the fair price shop to claim his entitlement during the month:

Provided that the nodal officer may exempt a person from visiting the fair price shop and claiming his entitlement, for reasons to be recorded in writing:

Provided further that the food security allowance shall not be payable to an entitled person who refuses to claim his entitlement on the ground of quality of foodgrains or on such other grounds.

10. Summary report by Nodal Officer.—The nodal officer shall, based on monthly verification of status of supply of foodgrains, specified in rule 4, submit a summary report to the District Magistrate, or any other officer authorised by the State Government for this purpose, by fifteenth day of the month following the month of distribution, indicating the cases of non-supply of foodgrains to the entitled persons, along with reasons and the remedial measure taken, wherever necessary.

11. Complaint regarding quality of foodgrains.—Any complaint relating to quality of foodgrains shall be made by the complainant to the District Grievance Redressal Officer in writing seeking redressal of his complaint, which shall be inquired into and decided by the District Grievance Redressal Officer or any other officer authorised by the State Government within a period not exceeding fifteen days.

12. Distribution of more than one month entitlement.—Where the State Governments follow the practice of supply of more than one month's entitlement at a time, appropriate arrangements for verification of supply of such entitlements to the entitled persons shall be undertaken by the concerned State Government so as to ensure distribution of foodgrains as per the entitlements or payment of food security allowance to eligible persons in case of non-supply of entitled quantity of foodgrains.

13. State Governments competent to issue directions.—The State Governments, if considered necessary, may issue such directions for the implementation of these rules, as deemed fit.

[F. No. 15-59/2013-NFSA]

DEEPAK KUMAR, Jt. Secy.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 30 सितंबर, 2015

सा. का.नि. 743(अ).- केंद्रीय सरकार राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) की धारा 39 की उप-धारा (2) के उपबंध (ख) के साथ पठनीय उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात्:-

1. संक्षिप्त नाम और प्रारंभ- (1) इन नियमों का संक्षिप्त नाम मध्याह्न भोजन नियम, 2015 है।

(2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं- इन नियमों में, जब तक अन्यथा संदर्भ से अपेक्षित न हो-

(क) "अधिनियम" राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) से अभिप्रेत है;

(ख) "खाद्यान्न" से चावल, गेहूं, मोटे अनाज अथवा इनके मिश्रण से अभिप्रेत है, जो केंद्रीय सरकार द्वारा समय-समय पर जारी आदेशों के द्वारा अवधारित क्वालिटी सन्तनियमों के अनुरूप होंगे;

(ग) "खाद्य सुरक्षा भत्ता" से संबंधित राज्य सरकार द्वारा पात्र व्यक्तियों को इस अधिनियम की धारा 8 के अधीन दिया गया खाद्यान्न और धनराशि से अभिप्रेत है;

(घ) "भोजन" से पके-पकाये गर्म भोजन से अभिप्रेत है;

(ङ.) "स्कूल" सर्व शिक्षा अभियान के अधीन समर्थित मदरसों और मकतबों सहित स्थानीय निकाय, सरकार या सरकार की सहायता द्वारा चल रहे कोई स्कूल सम्मिलित हैं।

(च) "धारा" से इस अधिनियम की धारा अभिप्रेत है; और

(छ) उन शब्दों और पदों के, जो इसमें प्रयुक्त हैं और परिभाषित नहीं हैं किंतु वही अर्थ होंगे जो उस अधिनियम में हैं।



3. **पोषक भोजन के लिए पात्रता-** कक्षा I से VIII में अध्ययन वाले छह से चौदह वर्ष की आयु समूह के भीतर प्रत्येक बालक, जो स्कूल में अभ्यावेशन करता है और उपस्थित होता है, को स्कूल अवकाश के दिनों को छोड़कर प्रत्येक दिन, अधिनियम की अनुसूची 2 में यथा-विनिर्दिष्ट पोषक मानकों वाला भोजन मुफ्त दिया जाएगा।
4. **भोजन परोसने का स्थान-** भोजन केवल स्कूल में परोसा जाएगा।
5. **भोजन तैयार करना और मानकों तथा क्वालिटी का अनुरक्षण-** (1) भोजन केंद्रीय सरकार द्वारा समय-समय पर जारी मध्याह्न भोजन मार्गदर्शक सिद्धांतों और इस अधिनियम की अनुसूची 2 में विनिर्दिष्ट उपबंधों के अनुसार तैयार किया जाएगा।
(2) प्रत्येक स्कूल में स्वच्छ रीति से भोजन पकाने की सुविधा होगी। शहरी क्षेत्र में स्थित स्कूल जहां कहीं अपेक्षित हो, केंद्रीय सरकार द्वारा जारी मार्गदर्शक सिद्धांतों के अनुसार भोजन पकाने के लिए केंद्रीकृत पाकशाला संबंधी सुविधाओं का उपयोग कर सकते हैं लेकिन बालकों को भोजन केवल स्कूल में ही परोसा जाएगा।
6. **मध्याह्न भोजन स्कीम के लिए राज्य संचालन-सह निगरानी समिति-** मध्याह्न भोजन स्कीम के लिए राज्य संचालन-सह-निगरानी समिति (एसएसएमसी) अधिनियम का कार्यान्वयन सुनिश्चित करने के आशय से स्कीम के कार्यान्वयन तथा भोजन के पोषक मानकों और क्वालिटी को बनाए रखने के लिए तंत्र की स्थापना की निगरानी करेगी।
7. **मध्याह्न भोजन योजना में स्कूल प्रबंधन समिति (एसएमसी) की भूमिका-** (1) निःशुल्क और अनिवार्य बाल शिक्षा का अधिकार अधिनियम, 2009 के अधीन स्कूल प्रबंधन समिति को यह दायित्व सौंपा गया है कि वह मध्याह्न भोजन स्कीम के कार्यान्वयन की निगरानी करेगी और मध्याह्न भोजन स्कीम के कार्यान्वयन में, बालकों को दिए जाने वाले भोजन की क्वालिटी, खाने पकाने के स्थान की साफ-सफाई और स्वच्छता बनाए रखने पर निरीक्षण रखेगी।
(2) स्कूल का प्रधानाध्यापक अथवा प्रधानाध्यापिका को सशक्त अधिकार होगा कि वह स्कूल में खाद्यान्न, पकाने की लागत आदि अस्थायी तौर पर उपलब्ध न होने के मामले में मध्याह्न भोजन स्कीम जारी रखने के प्रयोजन के लिए स्कूल में उपलब्ध निधि का उपयोग करे। मध्याह्न भोजन के लिए निधियां प्राप्त होते ही तत्काल स्कूल के खाते में उपयोग की गई धनराशि की प्रतिपूर्ति कर दी जाएगी।
8. **प्रत्यायित प्रयोगशालाओं द्वारा भोजन का परीक्षण-** (1) सरकारी खाद्य अनुसंधान प्रयोगशालाएं अथवा विधि द्वारा प्रत्यायित या मान्यता प्राप्त कोई भी प्रयोगशाला बालकों को दिए जाने वाले पके-पकाये गर्म भोजन का मूल्यांकन करेगी और इसे प्रमाणित करेगी, ताकि यह सुनिश्चित किया जा सके कि यह भोजन अधिनियम की अनुसूची 2 में विनिर्दिष्ट पोषक मानकों और क्वालिटी के अनुरूप हो। राज्य के खाद्य और औषधि प्रशासन विभाग भोजन का पोषक मूल्य और क्वालिटी सुनिश्चित करने के लिए इसके नमूने लेंगे।
(2) उप-नियम (1) में निर्दिष्ट विभाग **यादृच्छिक रूप से चुने गए स्कूलों और केंद्रीकृत पाकशालाओं से** हर माह कम से कम एक बार नमूने एकत्र करेंगे और इन्हें उप-नियम (1) में निर्दिष्ट प्रयोगशालाओं को परीक्षण के लिए भेजेंगे।
9. **खाद्य सुरक्षा भत्ता-** (1) यदि खाद्यान्न, पकाने की लागत, ईंधन उपलब्ध न होने या रसोईया-सह-हेल्पर के अनुपस्थित रहने अथवा किसी अन्य कारण से किसी भी स्कूल दिन के स्कूल में मध्याह्न भोजन उपलब्ध नहीं कराया जाता है तो नियम 3 में निर्दिष्ट प्रत्येक बच्चे को राज्य सरकार नियम 2 के उपबंध (ग) में यथा-परिभाषित खाद्य सुरक्षा भत्ता नीचे दिए गए रीति से आगामी मास की 15 तारीख तक उपलब्ध कराएगी:-
(क) बालक की पात्रता के अनुसार खाद्यान्न की मात्रा; और
(ख) राज्य में उस समय अभिभावी खाना पकाने की लागत।
(2) केंद्रीकृत पाकशाला द्वारा भोजन की आपूर्ति न करने के मामले में, केंद्रीकृत पाकशाला से उप-नियम (1) के अनुसार खाद्य सुरक्षा भत्ता वसूला जाएगा।
परंतु यदि कोई बालक उसे दिया गया भोजन किसी भी कारण से नहीं लेता है, तो राज्य सरकार अथवा केंद्रीकृत पाकशालाओं से खाद्य सुरक्षा भत्ते का कोई दावा नहीं किया जाएगा।
परंतु यह और कि खाद्यान्न और भोजन की क्वालिटी के कारणों के लिए राज्य सरकार अथवा केंद्रीकृत पाकशालाओं से कोई दावा नहीं किया जाएगा।
(3) यदि स्कूल दिनों में लगातार तीन दिन तक अथवा एक मास में कम से कम पांच दिन तक मध्याह्न भोजन उपलब्ध नहीं कराया जाता है, तो राज्य सरकार अभिकथित प्रक्रियाओं के अनुसार व्यक्ति अथवा अभिकरण पर जिम्मेदारी नियत करने के लिए कारवाई करेगी।



- (4) जहां कहीं भी केंद्रीय सरकार की कोई अभिकरण अंतर्वर्तित हो, राज्य सरकार इस मामले को केंद्रीय सरकार के साथ उठाएगी जो एक मास के अंदर इस मामले का समाधान करेगी।
10. **व्यावृत्ति-** इन नियमों में निहित बात, इसके पक्ष से जारी मार्गदर्शक सिद्धांतों अथवा मध्याह्न भोजन स्कीम से संबंधित कार्यकलापों के बारे में केंद्रीय सरकार द्वारा जारी किए जाने वाले संभाव्यतः को प्रभावित नहीं करेगी।

[फा. सं. 1-6/2009-डेस्क (एमडीएम)]

गया प्रसाद, निदेशक (मध्याह्न भोजन)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT**(Department of School Education and Literacy)****NOTIFICATION**

New Delhi, the 30th September, 2015

G.S.R.743(E).—In exercise of the powers conferred by sub-section (1) read with clause (b) of sub-section (2) of section 39 of the National Food Security Act, 2013 (20 of 2013), the Central Government hereby makes the following rules, namely:-

1. **Short title and commencement.** – (1) These rules may be called the Mid-Day Meal Rules, 2015.
(2) They shall come into force on the date of their publication in the official Gazette.
2. **Definitions.** – In these rules, unless the context otherwise requires, -
 - (a) “Act” means the National Food Security Act, 2013 (20 of 2013);
 - (b) “foodgrains” means rice, wheat, coarse grains or any combination thereof conforming to such quality norms as may be determined, by order, by the Central Government from time to time;
 - (c) “food security allowance” means the food grain and money to be paid by the concerned State Government to the entitled person under section 8 of the Act;
 - (d) “meal” means hot cooked meal;
 - (e) “School” includes any school run by Local Bodies, Government or aided by the Government including madrasas and maqtabas supported under Sarva Shiksha Abhiyan;
 - (f) “section” means the section of the Act; and
 - (g) words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.
3. **Entitlement for nutritional meal.** – Every child within the age group of six to fourteen years studying in classes I to VIII who enroll and attend the school, shall be provided meal having nutritional standards as specified in Schedule II of the Act, free of charge every day except on school holidays.
4. **Place of serving meal.** – The meal shall be served to children at school only.
5. **Preparation of meals and maintenance of standards and quality.** – (1) The meal shall be prepared in accordance with the Mid Day Meal guidelines issued by the Central Government from time to time and in accordance with the provisions of Schedule II of the Act.
(2) Every school shall have the facility for cooking meal in hygienic manner. Schools in urban area may use the facility of centralised kitchens for cooking meals wherever required in accordance with the guidelines issued by the Central Government and the meal shall be served to children at respective school only.
6. **State Steering-cum-Monitoring Committee for Mid-Day Meal Scheme.** – The State Steering-cum-Monitoring Committee (SSMC) shall oversee the implementation of the scheme with a view to ensure implementation of the Act including establishment of a mechanism for maintenance of nutritional standards and quality of meals.
7. **Role of School Management Committee (SMC) for monitoring Mid-day meals scheme.** – (1) The School Management Committee mandated under Right to Free and Compulsory Education Act, 2009 shall also monitor implementation of the Mid-day meal Scheme and shall oversee quality of meals provided to the children, cleanliness of the place of cooking and maintenance of hygiene in implementation of mid day meal scheme.
(2) The Headmaster or Headmistress of the school shall be empowered to utilise any fund available in school for the purpose of continuation of Mid Day Meal Scheme in the school in case of temporary unavailability of

food grains, cooking cost etc. in the school. The utilised fund shall be reimbursed to the school account immediately after receipt of mid day meal funds.

8. Testing of Meals by accredited Laboratories – (1) Hot cooked meal provided to children shall be evaluated and certified by the Government Food Research Laboratory or any laboratory accredited or recognized by law, so as to ensure that the meal meets with the nutritional standards and quality specified in Schedule II to the Act. The Food and Drugs Administration Department of the State may collect samples to ensure the nutritive value and quality of the meals.

(2) The Department referred to in sub-rule (1) shall collect the samples at least once in a month *from randomly selected schools or centralised kitchens* and send such samples for examination to the laboratories referred to in sub-rule (1).

9. Food Security Allowance. - (1) If the Mid-Day Meal is not provided in school on any school day due to non-availability of food grains, cooking cost, fuel or absence of cook-cum-helper or any other reason, the State Government shall pay food security allowance as defined in clause (c) of rule 2 to every child referred to in rule 3 by 15th of the succeeding month in the manner provided herein below:-

- (a) Quantity of Food grains as per entitlement of the child; and
- (b) Cooking cost prevailing in the State.

(2) In case of non-supply of meal by the Centralised Kitchen, the Food Security Allowance shall be realised from the Centralised Kitchen as per sub-rule (1):

Provided that in case a child has not taken food on offer for whatever reasons, no claim of food security allowance shall lie with the State Government or Centralised Kitchens:

Provided further that no claim shall lie with State Government or Centralised Kitchen for reasons of quality of food grains and meal:

(3) The State Government shall take action to fix responsibility on the person or agency in accordance with the procedure laid down, if mid day meal is not provided in school on school days continuously for three days or at least for five days in a month.

(4) Wherever an agency of Central Government is involved, the State Government shall take up the matter with Central Government which shall resolve the matter within a month.

10. Saving. - Nothing in these rules shall affect the guidelines issued in this behalf or likely to be issued by the Central Government regarding the activities relating to Mid Day Meal Scheme.

[F. No. 1-6/2009-Desk(MDM)]

GAYA PRASAD, Director (Mid Day Meal)

604

No.195(11)/2014-FC A/cs
Government of India
Ministry of Consumer Affairs, Food & Public Distribution
Department of Food & Public Distribution

Krishi Bhawan, New Delhi
Dated the September 18, 2015

To
The Chairman and Managing Director,
Food Corporation of India (FCI),
16-20 Barakhamba Lane, New Delhi.

747
27/9/15

Subject: Circulating list of designated depots for the purpose of payment of Central Assistance to the State governments under NFSA Scheme.

Sir,

2nd Copy
Exp (Sales)
M (Sales)

I am directed to say that Section 22(4)(d) of the National Food Security Act, 2013 (NFSA) provides for Central assistance to States/UTs for meeting the expenditure on intra-State movement and handling of foodgrains and fair price shop (FPS) dealers margin, in accordance with such norms and manner as may be prescribed by the Central Government. Section 39(2)(e) of the Act provides for powers of the Central Government to make Rules in this regard. Accordingly, Central Government has notified the Food Security (Assistance to State Governments) Rules, 2015 in the Gazette of India, on 17th August, 2015. A copy of the notification issued in this regard is enclosed herewith for kind information.

DCM (L&S)

18/9/15

ACM-II
2/10

2. These Rules are also applicable in case of DCP States. In this regard, it may be mentioned that as per the existing provision, in case of DCP States, transportation & handling charges are allowed at both Acquisition Stage as well as Distribution Stage. However, no transportation and handling charges are being allowed to non-DCP States at present. However, keeping in view the provision now made under the above Rules, in case of DCP States, only transportation & handling charges for transportation of CMR/Wheat up to designated depots will be allowed through provisional cost sheet. For handling and transportation of CMR/wheat from designated depots to FPS, the transportation charges will be allowed under the above Rules. Similarly, in case of non-DCP States, they will be provided Central Assistance under NFSA for transportation and handling charges and margin money to FPS as per the provision made in the notification.]

CP-362

3. In this regard, it is mentioned that keeping in view the request made by this Department, FCI has already compiled lists of designated depots in case of DCP and non-DCP States. The list has been approved by the competent authority. FCI is, therefore, requested to put the lists on their website and create a link. FCI is also requested to calculate the transportation charges for paying acquisition cost in non-DCP States in accordance with these lists only.

WJ

Contd..2/-

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-2-

4. Under the revised provision, while handling and transportation charges up to designated depots will be paid through provisional cost sheet, the expenditure to be incurred by DCP States on transportation and handling of food grains from designated depots to FPS will now be governed under the above Rules notified under NFSA.

Encl: as above

Yours faithfully,



(Manoj K. Gupta)

Director

Tel.No.011-2338 9436

Copy to:

1. Joint Secretary(BP&PD), DFPD
2. Economic Advisor, DFPD



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(खाद्य और सार्वजनिक वितरण विभाग)

अधिसूचना

नई दिल्ली, 17 अगस्त, 2015

सा.का.नि. 636(अ).—केन्द्रीय सरकार, राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) की धारा 22 की उपधारा (4) के खंड (घ) के साथ पठित धारा 39 की उपधारा (2) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्य सरकारों से परामर्श करने के पश्चात् निम्नलिखित नियम बनाती है, अर्थात् :-

1. **संक्षिप्त नाम और प्रारंभ-** (1) इन नियमों का संक्षिप्त नाम खाद्य सुरक्षा (राज्यों को सहायता) नियम, 2015 है।
(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. **परिभाषाएं** - इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,-
 - (क) "आधार संख्या" से भारतीय विशिष्ट पहचान प्राधिकरण द्वारा किसी व्यक्ति को जारी पहचान संख्या अभिप्रेत है;
 - (ख) "अधिनियम" से राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) अभिप्रेत है;
 - (ग) "अभिहित डिपो" से खाद्यान्नों के वितरण के प्रयोजन के लिए केन्द्रीय सरकार द्वारा समय-समय पर, राज्यवार विनिर्दिष्ट डिपो अभिप्रेत है;
 - (घ) "हकदार व्यक्तियों और गृहस्थियों" से अधिनियम की धारा 3 के अधीन सहायता प्राप्त खाद्यान्न को प्राप्त करने के लिए राज्य सरकार द्वारा पहचान किए गए व्यक्ति या गृहस्थ अभिप्रेत है;
 - (ङ) "उठाई-धराई" से अंतर-राज्यीय संचलन में अंतर्वलित खाद्यान्नों को लादना और उतारना अभिप्रेत है;
 - (च) "अंतर-राज्यीय संचलन" से अभिहित डिपो से किसी राज्य के भीतर खाद्यान्नों का संचलन तथा उचित दर दुकानों को उनके द्वार तक इसका परिदान अभिप्रेत है। इसके अंतर्गत इस प्रक्रिया के सभी प्रक्रम सम्मिलित हैं;

- (छ) "पॉइंट ऑफ सेल यंत्र" से 'आधार संख्या' या केन्द्रीय सरकार द्वारा समय-समय पर विनिर्दिष्ट, कोई अन्य अधिप्रमाण यंत्रों के आधार पर खाद्यान्नों के परिदान के लिए हकदार व्यक्तियों या गृहस्थियों की पहचान के लिए उचित दर दुकानों पर संस्थापित और प्रचालित कोई यंत्र अभिप्रेत है;
- (ज) "प्रणाली समाकलक" से राज्य में उचित दर दुकान के लिए पॉइंट ऑफ सेल यंत्र को क्रय करने, लगाने और रख-रखाव के लिए राज्य सरकार द्वारा लगाया गया कोई अभिकरण अभिप्रेत है;
- (झ) "टाइड ओवर आबंटन" से अधिनियम की धारा 3 की उपधारा (1) के दूसरे परंतुक के अधीन हकदार व्यक्तियों और गृहस्थियों के लिए किसी राज्य या संघ राज्य क्षेत्र को आबंटन के अतिरिक्त खाद्यान्न, यदि कोई हो, किया जाने वाला आबंटन अभिप्रेत है;
- (ञ) उन पदों और अभिव्यक्तियों जो इन नियमों में प्रयुक्त हैं किंतु अधिनियम में परिभाषित नहीं हैं, के वही अर्थ होंगे जो अधिनियम में हैं।

3. **खाद्यान्नों के आबंटन के लिए समयसीमा** - केन्द्रीय सरकार और राज्य सरकार खाद्यान्नों के आबंटन और उचित दर दुकानों तक इसके परिदान के लिए, समय-समय पर यथासंशोधित सार्वजनिक वितरण प्रणाली (नियंत्रण) आदेश, 2015 या इस संबंध में केन्द्रीय सरकार द्वारा जारी किसी अन्य आदेश में उपबंधित समयसीमा का पालन करेगी।

4. **केन्द्रीय सरकार का कर्तव्य** - केन्द्रीय सरकार, अधिनियम के अधीन राज्य सरकारों को केन्द्रीय पूल से लक्षित सार्वजनिक वितरण प्रणाली के अधीन खाद्यान्नों का आबंटन करेगी और अभिहित डिपो तक उसके संचलन के लिए व्यवस्था करेगी।

5. **राज्य सरकारों के कर्तव्य** - राज्य सरकार का यह कर्तव्य होगा कि वह लक्षित सार्वजनिक वितरण प्रणाली के अधीन खाद्यान्नों का अभिहित डिपो से परिदान प्राप्त करे, अपने प्राधिकृत अभिकरणों के माध्यम से इसका परिदान उचित दर दुकानों के द्वार तक सुनिश्चित करे और अधिनियम की अनुसूची 1 में विनिर्दिष्ट दरों पर हकदार व्यक्तियों और गृहस्थियों के लिए उसका प्रदाय सुनिश्चित करे।

6. **केन्द्रीय सरकार से सहायता** - (1) केन्द्रीय सरकार, हकदार व्यक्तियों और गृहस्थियों के लिए आबंटित खाद्यान्न के वितरण के लिए खाद्यान्नों के अंतर-राज्यीय संचलन, उठाई-धराई और उचित दर दुकानों के डीलरों को संदत्त मार्जिन पर उसके द्वारा उपगत व्यय को पूरा करने के लिए राज्य सरकार की सहायता करेगी।

(2) 'टाइड ओवर आबंटन' के संबंध में ऐसी कोई सहायता संदेय नहीं होगी।

7. **केन्द्रीय सहायता के सन्निभ और पैटर्न** - (1) राज्य सरकार और संघ राज्य क्षेत्र को दी जाने वाली केन्द्रीय सहायता के सन्निभ (रुपए प्रति क्विंटल में) और केन्द्रीय सरकार का अंश (प्रतिशत में) निम्नलिखित तक सीमित होगा:

राज्यों और संघ राज्य क्षेत्रों का प्रवर्ग	व्यय के सन्निभ (दर रुपए प्रति क्विंटल)			केन्द्रीय अंश (प्रतिशत में)
	अंतर-राज्यीय संचलन और उठाई-धराई	उचित दर दुकानों के डीलर का मार्जिन		
		मूल	पॉइंट ऑफ सेल यंत्र के माध्यम से विक्रय के लिए अतिरिक्त मार्जिन	
सामान्य	65	70	17	50
विशेष	100	143	17	75

स्पष्टीकरण- इस नियम के प्रयोजन के लिए-

(1) "सामान्य प्रवर्ग के राज्यों और संघ राज्य क्षेत्रों" से निम्नलिखित अभिप्रेत है:

- (i) आंध्र प्रदेश;
- (ii) बिहार;
- (iii) छत्तीसगढ़;
- (iv) गोवा;
- (v) गुजरात;
- (vi) हरियाणा;
- (vii) झारखंड;
- (viii) कर्नाटक;



- (ix) केरल;
- (x) मध्य प्रदेश;
- (xi) महाराष्ट्र;
- (xii) ओडिशा;
- (xiii) पंजाब;
- (xiv) राजस्थान;
- (xv) तमिलनाडु;
- (xvi) तेलंगाना;
- (xvii) उत्तर प्रदेश;
- (xviii) पश्चिम बंगाल;
- (xix) चंडीगढ़;
- (xx) दादर और नगर हवेली;
- (xxi) दमन और दीव;
- (xxii) दिल्ली; और
- (xxiii) पुडुचेरी।

(2) "विशेष प्रवर्ग के राज्यों और संघ राज्य क्षेत्रों" से निम्नलिखित अभिप्रेत है -

- (i) अरुणाचल प्रदेश;
- (ii) असम;
- (iii) हिमाचल प्रदेश;
- (iv) जम्मू और कश्मीर;
- (v) मणिपुर;
- (vi) मेघालय;
- (vii) मिजोरम;
- (viii) नागालैंड;
- (ix) सिक्किम;
- (x) त्रिपुरा;
- (xi) उत्तराखंड;
- (xii) अंदमान और निकोबार द्वीपसमूह; और
- (xiii) लक्षद्वीप।

(2) उपनियम (1) में उपबंधित अतिरिक्त मार्जिन पॉइंट ऑफ सेल यंत्र के क्रय, प्रचालन, रख-रखाव की लागत, यंत्र के उपयोग के लिए परिचालन के खर्चों और प्रोत्साहन के लिए है।

(3) अतिरिक्त मार्जिन उन उचित दर दुकानों के लिए संदाय होगा जिसने पॉइंट ऑफ सेल यंत्र संस्थापित किया है और यह मार्जिन यंत्र के माध्यम से किए गए संव्यवहार तक सीमित होगा।

(4) अतिरिक्त मार्जिन राज्य सरकार से दस्तावेजों द्वारा समर्थित एक प्रमाणपत्र के आधार पर, जिनमें निम्नलिखित उपदर्शित होंगे, जारी किया जायगा अर्थात्:-

(क) उचित दर दुकानों की संख्या जिन पर पॉइंट ऑफ सेल यंत्र संस्थापित हैं और क्रियाशील हैं; और

(ख) पॉइंट ऑफ सेल यंत्र के माध्यम से किए गए सभी संव्यवहारों के ब्यौरे।

(5) राज्य सरकार, पॉइंट ऑफ सेल यंत्रों के माध्यम से किए गए सभी संव्यवहारों के ब्यौरे पब्लिक डोमेन में रखेगी।



(6) राज्य सरकार को पॉइंट ऑफ सेल यंत्रों के संस्थापन के लिए निम्नलिखित प्रतिमानों में से किसी एक प्रतिमान का चयन करने की नम्यता होगी, अर्थात्:-

- (क) राज्य सरकार, पॉइंट ऑफ सेल यंत्र का क्रय, संस्थापन और रख-रखाव कर सकेगी;
- (ख) राज्य सरकार, पॉइंट ऑफ सेल यंत्र का क्रय, संस्थापन और रख-रखाव करने के लिए एक प्रणाली समाकलक का चयन कर सकेगी;
- (ग) उचित दर दुकान का डीलर पॉइंट ऑफ सेल यंत्र का क्रय, संस्थापन और रख-रखाव कर सकेगा।

(7) चुने गए प्रतिमान पर निर्भर करते हुए, राज्य सरकार विभिन्न पणधारियों के मध्य पॉइंट ऑफ सेल यंत्र के माध्यम से विक्रय के लिए अतिरिक्त मार्जिन का प्रभाजन करने के लिए, आधार अवधारित करेगी।

(8) राज्य सरकार को दुकानों की अवस्थिति और दुकानों से संबद्ध राशन कार्डों की संख्या को ध्यान में रखते हुए राज्य के भीतर, अंतरीय मार्जिन को अनुज्ञात करने की नम्यता होगी:

परंतु केन्द्रीय सहायता नियम 7 के उपनियम (1) में विनिर्दिष्ट दरों या संपूर्ण राज्य के लिए वास्तविक औसत दर, जिस पर राज्य सरकार द्वारा वास्तविक रूप से व्यय उपगत किया गया था, जो भी निम्नतर हो, तक सीमित होगी।

(9) खाद्यान्नों के अंतर-राज्यीय संचलन और उठाई-धराई पर व्यय के लिए केन्द्रीय सहायता नियम 7 के उपनियम (1) में विनिर्दिष्ट दरों या संपूर्ण राज्य के लिए उन वास्तविक औसत दरों, जिन पर राज्य सरकार द्वारा वास्तविक व्यय उपगत किया गया था, जो भी निम्नतर हो, तक सीमित होगी।

8. **उचित दर दुकान के डीलरों को मार्जिन का अग्रिम संदाय** - (1) राज्य सरकार, उचित दर दुकान के डीलरों को मार्जिन का अग्रिम संदाय उनके द्वारा संदत्त खाद्यान्नों के मूल्यों में मार्जिन के समायोजन के द्वारा या अन्य समुचित तंत्र के माध्यम से सुनिश्चित करेगी।

(2) यदि किसी राज्य या संघ राज्य क्षेत्र में उचित दर दुकान के डीलरों द्वारा संदेय खाद्यान्नों का मूल्य उचित दर दुकान के डीलरों के मार्जिन से कम है, तो राज्य सरकार उचित दर दुकान के डीलरों को, पूर्ण रूप में, मार्जिन का पूर्व संदाय सुनिश्चित करेगी।

9. **केन्द्रीय सहायता की प्रभावी तारीख** - राज्य सरकार को केन्द्रीय सहायता अधिनियम के अधीन खाद्यान्नों के आबंटन की तारीख से प्रभावी होगी और केवल हकदार व्यक्तियों और गृहस्थियों के लिए आबंटन के लिए होगी।

10. **केन्द्रीय सहायता का जारी किया जाना** - (1) अधिनियम के कार्यान्वयन के प्रथम वर्ष में, हकदार व्यक्तियों और गृहस्थियों के लिए खाद्यान्नों के प्राक्कलित वार्षिक आबंटन तथा नियम 7 के उप-नियम (1) में यथावर्णित व्ययों के सन्नियम और केन्द्रीय अंश के आधार पर आकलित व्यय के केन्द्रीय अंश का पचहतर प्रतिशत वित्तीय वर्ष के प्रारंभ में प्रथम किस्त के रूप में राज्य सरकार के लिए अग्रिम रूप में जारी किया जाएगा।

(2) केन्द्रीय सहायता का बकाया पच्चीस प्रतिशत आगामी वित्तीय वर्ष में जारी किया जाएगा।

(3) कुल वार्षिक केन्द्रीय सहायता की स्वीकार्यता और इसकी रकम निम्नलिखित आधार पर प्राक्कलित होगी,-

- (क) अधिनियम के अधीन वित्तीय वर्ष के दौरान वास्तविक रूप से वितरित खाद्यान्नों की मात्रा;
- (ख) वास्तविक प्रति क्विंटल दरें जिन पर राज्य सरकार या संघ राज्य क्षेत्र द्वारा खाद्यान्नों के अंतर-राज्यीय संचलन, उठाई-धराई और उचित दर दुकान के डीलरों को संदत्त मार्जिन पर जो व्यय किया गया या नियम 7 के उपनियम (1) में विनिर्दिष्ट व्ययों के सन्नियम, इसमें से जो भी निम्नतर हो; और
- (ग) नियम 7 के उपनियम (1) में विनिर्दिष्ट केन्द्रीय अंश के सन्नियम।

(4) पहली किस्त के जारी किए जाने के पश्चात, यदि कोई रकम देय है, तो वह दूसरी किस्त के रूप में जारी की जाएगी।

(5) पहली किस्त में अधिक रकम के जारी किए जाने की दशा में पश्चातवर्ती वित्तीय वर्ष के लिए देय केन्द्रीय सहायता उसके प्रति समायोजित की जाएगी।

(6) राज्य सरकार, दूसरी किस्त जारी किए जाने के लिए इन नियमों के अनुसूची (1) और अनुसूची (2) में विहित प्रोफार्मा में जानकारी देगी।

(7) पश्चातवर्ती वर्षों में, केन्द्रीय सहायता निम्नलिखित के आधार पर संगणित की जाएगी,-

- (क) राज्य को हकदार व्यक्तियों और गृहस्थियों के लिए खाद्यान्नों का प्राक्कलित वार्षिक आबंटन;
- (ख) वास्तविक प्रति क्विंटल दरें जिन पर पूर्ववर्ती वर्ष के दौरान राज्य सरकार या संघ राज्य क्षेत्र द्वारा खाद्यान्नों के अंतर-राज्यीय संचलन, उठाई-धराई और उचित दर दुकान के डीलरों को पृथक्कत: संदत्त

मार्जिन पर जो व्यय किया गया था या नियम 7 के उपनियम (1) में विनिर्दिष्ट व्ययों के सन्नियम, इसमें से जो भी निम्नतर हो; और

(ग) नियम 7 के उपनियम (1) में विनिर्दिष्ट केन्द्रीय अंश के सन्नियम।

(8) उपनियम (7) के अधीन प्राक्कलित केन्द्रीय सहायता का पचहतर प्रतिशत वित्तीय वर्ष के प्रारंभ में पहली किस्त के रूप में जारी की जाएगी।

(9) केन्द्रीय सहायता का बकाया पच्चीस प्रतिशत उपनियम (3), उपनियम (4), उपनियम (5) और उपनियम (6) में विनिर्दिष्ट शर्तों के अधीन रहते हुये आगामी वित्तीय वर्ष में दूसरी किस्त के रूप में जारी की जाएगी।

11. **पूर्ववर्ती वर्षों के लिए केन्द्रीय सहायता जारी किया जाना** - राज्यों और संघ राज्य क्षेत्रों में जहां इन नियमों के प्रवृत्त होने के पहले के वर्षों में अधिनियम का कार्यान्वयन प्रारंभ हो चुका था, पूर्ववर्ती वर्षों के लिए देय केन्द्रीय सहायता का जारी किया जाना, यथास्थिति, राज्यों या संघ राज्य क्षेत्रों द्वारा इन नियमों की अनुसूची 1 और अनुसूची 2 में विहित प्रोफार्मा में दी गई जानकारी के आधार पर होगा।

12. **उपयोगिता प्रमाणपत्र** - राज्य सरकार और संघ राज्य क्षेत्र सामान्य वित्तीय नियम, 2005 में यथा उपबंधित विहित प्रोफार्मा में उपयोगिता प्रमाणपत्र केन्द्रीय सरकार को प्रस्तुत करेंगे।

[सं.15-34/2014-एनएफएसए]

नीलाम्बुज शरण, आर्थिक सलाहकार

अनुसूची -1

प्रोफार्मा

(नियम 10 का उप-नियम (6) और नियम 11 देखें)

राज्य/संघ राज्य क्षेत्र का नाम.....

विभाग.....

खाद्यान्नों के अंतर-राज्यीय संचलन और उठाई-धराई पर केन्द्रीय सहायता की दूसरी/अंतिम किस्त जारी करने के लिए दावा

बिल सं.....

तारीख.....

..... वर्ष के दौरान राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 के अधीन लक्षित सार्वजनिक वितरण प्रणाली के माध्यम से खाद्यान्नों का वितरण दर्शित करने वाली, खाद्यान्नों के अंतर-राज्यीय संचलन और उठाई-धराई पर उपगत होने वाले व्यय की विवरणी

खाद्यान्न	खाद्यान्न की मात्रा (क्विंटल में)		राज्य या संघ राज्य क्षेत्र द्वारा खाद्यान्नों के अंतर- राज्यीय संचलन और उठाई धराई पर वास्तविक व्यय		अनुमोदित सन्नियम के अनुसार खाद्यान्नों के अंतर- राज्यीय संचलन और उठाई-धराई पर व्यय (रुपए लाख में)	केन्द्रीय सहायता	
	खाद्य और सार्वजनिक वितरण विभाग द्वारा आबंटित	राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 के अधीन राज्य या संघ राज्य क्षेत्र द्वारा वितरित वास्तविक मात्रा	दर (रुपए प्रति क्विंटल में)	उपगत कुल व्यय (रुपए लाख में)		प्रतिशत*	कुल देय [स्तंभ (7) में दिया गया प्रतिशत स्तंभ (5) और (6) में से जो भी निम्न हो, पर लागू होगी] (रुपए लाख में)
1	2	3	4	5	6	7	8
गेहूं							
चावल							

मोटा खाद्यान्न							
कुल							
घटाएं : वर्ष के दौरान प्राप्त अग्रिम केन्द्रीय सहायता (रुपए लाख में)							
भारत सरकार से प्राप्त होने वाली शुद्ध रकम (रुपए लाख में)							

प्रमाणित किया जाता है कि :-

- (1) उपर्युक्त जानकारी सही है।
- (2) खाद्य सुरक्षा अधिनियम, 2013 के अधीन खाद्य और सार्वजनिक वितरण विभाग द्वारा किए गए आवंटन से लक्षित सार्वजनिक वितरण प्रणाली के माध्यम से वितरित खाद्यान्न की वास्तविक मात्रा के लिए दावा किया गया है।
- (3) दावा खाद्यान्न के अंतर-राज्यीय संचलन और उठाई-धराई पर उपगत वास्तविक व्यय के आधार पर है।
- (4) दावा पूर्वतर नहीं किया गया है।
- (5) उपर्युक्त प्रोफार्मा के माध्यम से दावा की जा रही रकम का दावा, विचाराधीन संबंधित वस्तु के लिए संगत विपणन मौसम हेतु भारत सरकार द्वारा उपापन के प्रासंगिक लागत पत्र को अंतिम रूप देते समय उपापन के प्रासंगिक/आर्थिक लागत के भाग के रूप में, भारत सरकार/भारतीय खाद्य निगम से नहीं किया गया है/नहीं किया जाएगा।

वित्तीय प्रधान

(नाम, तारीख और शासकीय मुद्रा
सहित हस्ताक्षर)

प्राधिकृत हस्ताक्षरकर्ता

(नाम, तारीख और शासकीय मुद्रा
सहित हस्ताक्षर)

प्रधान सचिव/सचिव

खाद्य और नागरिक आपूर्ति

(नाम, तारीख और शासकीय मुद्रा सहित हस्ताक्षर)

टिप्पण - प्रमाणपत्र राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 के अधीन खाद्यान्न के वितरण के लिए संबद्ध विभाग के वित्तीय प्रधान और प्राधिकृत हस्ताक्षरकर्ता के या उक्त विभाग द्वारा सम्यक् रूप से नाम निर्दिष्ट अभिकरण जो ऐसा करने के लिए प्राधिकृत है, द्वारा हस्ताक्षरित किया जाए।

*नियम 7 के उपनियम (1) में यथाविहित केन्द्रीय सहायता के अनुमोदित सन्नियम और प्रतिशतता।

अनुसूची -2

प्रोफार्मा

(नियम 10 का उप-नियम (6) और नियम 11 देखें)

राज्य/संघ राज्य क्षेत्र का नाम.....

विभाग.....

उचित दर दुकान के डीलरों के मार्जिन में केन्द्रीय सहायता की दूसरी/अंतिम किस्त जारी किए जाने के लिए दावा

बिल सं.....

तारीख.....

(क) वर्ष के दौरान राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 के अधीन लक्षित सार्वजनिक वितरण प्रणाली के माध्यम से खाद्यान्नों का वितरण दर्शित करने वाली और उचित दर दुकान के डीलरों के मार्जिन पर उपगत होने वाले व्यय की विवरणी

खाद्यान्न	खाद्यान्न की मात्रा (क्विंटल में)		राज्य या संघ राज्य क्षेत्र द्वारा उचित दर दुकान के डीलरों के मार्जिन पर वास्तविक व्यय		अनुमोदित सन्नियम के अनुसार उचित दर दुकान के डीलरों के मार्जिन पर व्यय	केन्द्रीय सहायता	
	खाद्य और सार्वजनिक वितरण विभाग द्वारा आवंटित	राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 के अधीन राज्य या संघ राज्य क्षेत्र द्वारा वितरित वास्तविक मात्रा	दर (रुपए प्रति क्विंटल में)	उपगत कुल व्यय (रुपए लाख में)		प्रतिशत*	कुल देय [स्तंभ (7) में दिया गया प्रतिशत स्तंभ (5) और (6) में से जो भी निम्न हो, पर लागू होगी] (रुपए लाख में)
1	2	3	4	5	6	7	8
गेहूं							
चावल							
मोटा खाद्यान्न							
कुल							
घटाएं : वर्ष के दौरान प्राप्त अग्रिम केन्द्रीय सहायता (रुपए लाख में)							
भारत सरकार से प्राप्त होने वाली शुद्ध रकम (रुपए लाख में)							

(ख)वर्ष के दौरान पॉइंट ऑफ सेल यंत्र के माध्यम से राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 के अधीन खाद्यान्नों के विक्रय के लिए उचित दर दुकानों के डीलर को संदेय अतिरिक्त मार्जिन को दर्शित करने वाली तालिका

क्रम सं.	मद	सं./ रकम
1	राज्य/संघ राज्य क्षेत्र में उचित दर दुकानों की कुल संख्या	
2	उचित दर दुकानों की संख्या जहां पॉइंट ऑफ सेल यंत्र का संस्थापन किया गया है	
3	उचित दर दुकानों की संख्या जहां वर्ष के दौरान पॉइंट ऑफ सेल यंत्र क्रियाशील थे	
4	वर्ष के दौरान पॉइंट ऑफ सेल यंत्र के माध्यम से वितरित खाद्यान्नों की मात्रा	
5	पॉइंट ऑफ सेल यंत्र प्रयोग करने वाली उचित दर दुकानों के माध्यम से खाद्यान्नों के वितरण के लिए 17/- रुपए प्रति क्विंटल की दर से उचित दर दुकानों के डीलरों को संदेय अतिरिक्त मार्जिन की रकम (क्रम सं. 4 पर वर्णित मात्रा के लिए) (रुपए लाखों में)	
6	केन्द्रीय सरकार द्वारा संदेय अतिरिक्त मार्जिन का भाग (उपर्युक्त 5 से अधिक)	
7वर्ष के दौरान प्राप्त अग्रिम केन्द्रीय सहायता (रुपए लाखों में)	
8	भारत सरकार से प्राप्त की जाने वाली शुद्ध रकम (रुपए लाखों में) (6-7)	

(ग) यह प्रमाणित किया जाता है कि:-

(1) उपर्युक्त जानकारी सही है।

- (2) खाद्य सुरक्षा अधिनियम, 2013 के अधीन खाद्य और सार्वजनिक वितरण विभाग द्वारा किए गए आवंटन से लक्षित सार्वजनिक वितरण प्रणाली के माध्यम से वितरित खाद्यान्न की वास्तविक मात्रा के लिए ही दावा तैयार किया गया है।
- (3) दावा उचित दर दुकानों के डीलरों को मार्जिन पर उपगत वास्तविक व्यय के आधार पर है।
- (4) दावा पूर्वतर नहीं किया गया है।
- वित्तीय प्रधान
(नाम, तारीख और शासकीय मुद्रा सहित हस्ताक्षर)
- प्राधिकृत हस्ताक्षरकर्ता
(नाम, तारीख और शासकीय मुद्रा सहित हस्ताक्षर)

प्रधान सचिव/सचिव
खाद्य और नागरिक आपूर्ति
(नाम, तारीख और शासकीय मुद्रा सहित हस्ताक्षर)

टिप्पण – प्रमाणपत्र राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 के अधीन खाद्यान्न के वितरण के लिए संबद्ध विभाग के वित्तीय प्रधान और प्राधिकृत हस्ताक्षरकर्ता के या उक्त विभाग द्वारा सम्यक् रूप से नाम निर्दिष्ट अभिकरण जो ऐसा करने के लिए प्राधिकृत है, द्वारा हस्ताक्षरित किया जाए।

*नियम 7 के उपनियम (1) में यथाविहित केन्द्रीय सहायता के अनुमोदित सन्नियम और प्रतिशतता।

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

NOTIFICATION

New Delhi, the 17 August, 2015

G.S.R. 636(E).—In exercise of the powers conferred by clause (e) of sub-section (2) of section 39 read with clause (d) of sub-section (4) of section 22 of the National Food Security Act, 2013 (20 of 2013), the Central Government, after consultation with the State Governments, hereby makes the following rules, namely:-

1. Short title and commencement.— (1) The Food Security (Assistance to State Governments) Rules, 2015.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.— In these rules, unless the context otherwise requires,—

- “Aadhaar number” means the identification number issued to an individual by the Unique Identification Authority of India;
- “Act” means the National Food Security Act, 2013 (20 of 2013);
- “designated depots” means the depots specified from time to time, State-wise, by the Central Government, for the purpose of distribution of foodgrains;
- “entitled persons and households” means persons or households identified by the State Government to receive subsidised foodgrains under section 3 of the Act;
- “handling” means loading and unloading of foodgrains involved in intra-State movement;
- “intra-State movement” means movement of foodgrains within a State from the designated depots and delivering it at the door-step of fair price shops and shall include all stages in this process;
- “point of sale device” means a device to be installed and operated at fair price shops for identification of entitled persons and households for delivery of foodgrains, based on ‘Aadhaar number’ or other authentication tools, specified by the Central Government from time to time;
- “system integrator” means an agency engaged by the State Government to purchase, install and maintain the point of sale device at fair price shops in the State;
- ‘tide over allocation’ means foodgrains allocated to a State or Union territory, if any, under second proviso to sub-section (1) of section 3 of the Act, over and above the allocation for entitled persons and households;
- the words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

3. Time limit for allocation of foodgrains.—The Central Government and the State Government shall adhere to the time limits provided in the Public Distribution System (Control) Order, 2015, as amended from

time to time, or any other order issued by the Central Government in this regard, for allocation of foodgrains and delivery upto the fair price shops.

4. Duty of the Central Government.—The Central Government shall allocate foodgrains under Targeted Public Distribution System from Central Pool to the State Governments under the Act and provide for its movement upto designated depots.

5. Duty of the State Governments.—It shall be the duty of the State Government to take delivery of foodgrains under Targeted Public Distribution System from the designated depots, ensure its delivery through their authorised agencies upto the door-step of fair price shops and to ensure its supply to entitled persons and households at prices specified in Schedule I of the Act.

6. Assistance from Central Government.—(1) The Central Government shall assist the State Government to meet the expenditure incurred by it on intra-State movement, handling of foodgrains and margins paid to fair price shop dealers, for distribution of foodgrains allocated for the entitled persons and households.

(2) No such assistance shall be payable in respect of ‘tide over allocation’.

7. Norms and pattern of Central assistance.—(1) The norms of Central assistance (in ₹ per quintal) to the State Government and Union territory and share of the Central Government (in percentage) shall be limited as under:

Category of States and Union Territories	Norms of expenditure (Rate in ₹ per quintal)			Central share (in per cent.)
	Intra-State movement and handling	Fair Price Shop dealers margin		
		Basic	Additional margin for sale through point of sale device	
General	65	70	17	50
Special	100	143	17	75

Explanation- For the purposes of this rule-

(1) “General Category States and Union territories” means the following;

- (i) Andhra Pradesh;
- (ii) Bihar;
- (iii) Chhattisgarh;
- (iv) Goa;
- (v) Gujarat;
- (vi) Haryana;
- (vii) Jharkhand;
- (viii) Karnataka;
- (ix) Kerala;
- (x) Madhya Pradesh;
- (xi) Maharashtra;
- (xii) Odisha;
- (xiii) Punjab;
- (xiv) Rajasthan;
- (xv) Tamil Nadu;
- (xvi) Telangana;
- (xvii) Uttar Pradesh;
- (xviii) West Bengal;
- (xix) Chandigarh;
- (xx) Dadra and Nagar Haveli;
- (xxi) Daman and Diu;
- (xxii) Delhi; and
- (xxiii) Puducherry.

(2) “Special Category States and Union Territories” means the following-

- (i) Arunachal Pradesh;
- (ii) Assam;
- (iii) Himachal Pradesh;
- (iv) Jammu and Kashmir;
- (v) Manipur
- (vi) Meghalaya;
- (vii) Mizoram;
- (viii) Nagaland;
- (ix) Sikkim;
- (x) Tripura;
- (xi) Uttarakhand;
- (xii) Andaman and Nicobar Islands; and
- (xiii) Lakshadweep.

(2) The additional margin provided in sub-rule (1) is towards the cost of purchase, operation and maintenance of the point of sale device, its running expenses and incentive for its use.

(3) The additional margin shall be payable for the fair price shop which has installed a point of sale device and shall be limited to the transactions made through it.

(4) The additional margin shall be released on the basis of a certificate from the State Government, supported by the documents, indicating the following, namely:-

- (a) number of fair price shops at which the point of sale devices have been installed and are functional; and
- (b) the details of all transactions using the point of sale devices.

(5) The State Government shall furnish the details of all transactions made through the point of sale devices in public domain.

(6) The State Government shall have the flexibility in choosing any of the following models for the installation of point of sale device, namely:-

- (a) the State Government may purchase, install and maintain the point of sale device.
- (b) the State Government may select a system integrator to purchase, install and maintain the point of sale device;
- (c) the fair price shop dealer may purchase, install and maintain the point of sale device.

(7) The State Government shall determine the basis for apportioning the additional margin for sale through point of sale device among different stakeholders, depending upon the model chosen.

(8) The State Government shall have the flexibility to allow differential margins within the State taking into consideration the location of shops and number of ration cards attached to the shops:

Provided that the Central assistance shall be limited to the rates specified in sub-rule (1) of rule 7 or the actual average rates for the State as a whole, at which the expenditure was actually incurred by the State Government, whichever is lower.

(9) For the expenditure on intra-State movement and handling of foodgrains, Central assistance shall be limited to the rates specified in sub-rule (1) of rule 7 or the actual average rates for the State as a whole at which expenditure was incurred by the State Government, whichever is lower.

8. Advance payment of margins to fair price shop dealers.—(1) The State Government shall ensure the payment of fair price shop dealers’ margin in advance by way of adjusting the same in prices of foodgrains to be paid by fair price shop dealers, or through other appropriate mechanism.

(2) If the price of foodgrains payable by fair price shop dealers in any State or Union territory is lower than the fair price shop dealers’ margin, the State Government shall ensure upfront payment of margin, in full, to fair price shop dealers.

9. Effective date of Central assistance.—The Central assistance to the State Government shall be effective from the date of allocation of foodgrains under the Act and shall be only for allocations made for entitled persons and households.

10. Release of Central assistance.—(1) In the first year of the implementation of the Act, seventy five per cent. of the total Central share of expenditure, calculated on the basis of estimated annual allocation of food grains for the entitled persons and households, the norms of expenditure and Central share as mentioned in sub-rule (1) of rule 7 shall be released to the State Government in advance as first instalment, at the beginning of financial year.

(2) The balance twenty five per cent. of the Central assistance shall be released in the following financial year.

(3) The admissibility of total annual Central assistance and its amount shall be calculated out on the basis of,-

- (a) the quantity of food grains actually distributed during the financial year under the Act;
- (b) actual per quintal rates at which the expenditure was incurred by the State Government or Union territory on intra-State movement and handling of food grains and margins paid to fair price shop dealers, or the norms of expenditure specified in sub-rule (1) of rule (7), whichever is lower; and
- (c) norms of Central share specified in sub-rule (1) of rule 7.

(4) After release of first instalment, if any amount is due, it shall be released as the second instalment.

(5) In case of release of excess amount in the first instalment, the same shall be adjusted against due Central assistance for the subsequent financial year.

(6) For release of second instalment, the State Government shall furnish information in the proformas prescribed at Schedule I and Schedule II to these rules.

(7) In subsequent years, Central assistance shall be calculated on the basis of;

- (a) estimated annual allocation of food grains for the entitled persons and households to the State;
- (b) the actual per quintal rates at which expenditure was incurred by the State Government or Union territory during the previous year on intra-State transportation and handling of food grains and margin paid to the fair shop dealers separately or the norms of expenditure mentioned in sub-rule (1) of rule 7 whichever is lower; and
- (c) norms of Central share specified in sub-rule (1) of rule 7.

(8) Seventy five per cent. of the Central assistance estimated under sub-rule (7), shall be released as first instalment in the beginning of the financial year.

(9) The balance twenty five per cent. Central assistance shall be released as second instalment in the next financial year subject to the conditions specified in sub-rules (3) (4) (5) and (6).

11. Release of Central assistance for previous years.—In States and Union territories where implementation of the Act had started in the year(s) before coming into force of these rules, release of due Central assistance for previous years shall be made on the basis of information to be furnished by the States or Union territories, as the case may be, in the proformas prescribed at Schedule I and Schedule II to these rules.

12. Utilisation certificate.—The State Government and Union territory shall submit utilisation certificate in prescribed proforma to the Central Government, as provided under General Financial Rules, 2005.

[No. 15-34/2014-NFSA]

NILAMBUJ SHARAN, Economic Adviser

Schedule-I

PROFORMA

(See sub-rule (6) of rule 10 and rule 11)

Name of the State/UT _____

Department of _____

Claim for release of second/final instalment of Central assistance on intra-State movement and handling of foodgrains

Bill No. _____

Date _____

Statement showing distribution of foodgrains through Targeted Public Distribution System under National Food Security Act, 2013 and expenditure incurred on intra-State movement and handling of foodgrains during the year _____

Foodgrains	Quantity of Foodgrains (in quintals)		Actual expenditure on intra-State movement and handling of foodgrains by State or Union territory		Expenditure on intra-State movement and handling of foodgrains as per approved norms* (in · in lakhs)	Central assistance	
	Allocated by Department of Food and Public Distribution	Actual quantity distributed by the State or Union territory under National Food Security Act, 2013	Rates (· per quintal)	Total expenditure incurred (in · in lakhs)		Percentage*	Total due (% in col.7 to be applied to lower of col.5 or 6) (in · in lakhs)
1	2	3	4	5	6	7	8
Wheat							
Rice							
Coarsegrains							
Total							
Less: Advance Central assistance received during the year (in · in lakhs)							
Net amount to be received from Government of India (in · in lakhs)							

It is certified that:--

1. The above information is correct.
2. The claim has been prepared only for foodgrains actually distributed through Targeted Public Distribution System under National Food Security Act, 2013 out of the allocation made by Department of Food and Public Distribution.
3. The claim is based on the actual expenditure incurred on intra-State movement and handling of foodgrains.
4. The claim has not been preferred earlier.
5. The amount being claimed through above proforma have not been claimed/ shall not be claimed from the Government of India/Food Corporation of India as part of procurement incidental/economic

cost, in the finalisation of procurement incidentals cost sheet by the Government of India for the relevant marketing season for respective commodity under consideration.

Financial Head

Authorised signatory

(Signature with name, date and official seal)

(Signature with name, date and official seal)

Principal Secretary/Secretary

Food and Civil Supplies

(Signature with name, date and official seal)

Note : The certificate may be signed by the Financial Head and the authorized signatory of the department concerned with distribution of foodgrains under National Food Security Act, 2013 or the nominated agency duly authorized by that department to do so.

*Approved norms and percentage of Central assistance as prescribed in sub-rule (1) of rule 7.

Schedule-II

PROFORMA

(See sub-rule (6) of rule 10 and rule 11)

Name of the State/UT _____

Department of _____

Claim for release of second/final instalment of Central assistance for expenditure incurred on margins to fair price shop dealers

Bill No. _____

Date _____

(A) Statement showing distribution of foodgrains through Targeted Public Distribution System under National Food Security Act, 2013 and expenditure incurred on margins to fair price shop dealers during the year _____

Foodgrains	Foodgrains (in quintals)		Actual expenditure on payment of margins to fair price shop dealers by State or Union territory		Expenditure on margins to fair price shop dealers as per approved norms* (in • in lakhs)	Central assistance		
	Allocated by Department of Food and Public Distribution	Actually distributed by the State or Union Territory under National Food Security Act, 2013	Rates (• per quintal)	Total expenditure incurred (in • in lakhs)		Percen- tage*	Total due (% in col.7 to be applied to lower of col.5 or 6) (in • in lakhs)	
1	2	3	4	5	6	7	8	
Wheat								
Rice								
Coarsegrains								
Total								
Less: Advance Central assistance received during the year (in • in lakhs)								
Net amount to be received from Government of India (in • in lakhs)								

(B) Table showing additional margin payable to fair price shop dealers for sale of foodgrains under National Food Security Act, 2013 through point of sale device during the year _____

S.No.	Item	No./Amount
1	Total number of fair price shops in the State/UT.	
2	Number of fair price shops where point of sale device has been installed.	
3	Number of fair price shops where point of sale device was functioning during the year.	
4	Quantity of foodgrains distributed through point of sale device during the year.	
5	Amount of additional margin payable to fair price shop dealers @ ₹17 per quintal for distribution of foodgrains through fair price shops using point of sale device (for quantity mentioned at S.No.4). (in ₹ in lakhs)	
6	Share of additional margin payable by Central Government* (out of 5 above)	
7	Advance Central assistance received during the year (in ₹ in lakhs)	
8	Net amount to be received from Government of India (in ₹ in lakhs) (6-7)	

(C) It is certified that:--

1. The above information is correct.
2. The claim has been prepared only for foodgrains actually distributed through Targeted Public Distribution System under National Food Security Act, 2013 out of the allocation made by Department of Food and Public Distribution.
3. The claim is based on the actual expenditure incurred on margins paid to fair price shop dealers.
4. The claim has not been preferred earlier.

Financial Head

Authorised signatory

(Signature with name, date and official seal)

(Signature with name, date and official seal)

Principal Secretary/Secretary

Food and Civil Supplies

(Signature with name, date and official seal)

Note: The certificate may be signed by the Financial Head and the authorised signatory of the department concerned with distribution of foodgrains under National Food Security Act, 2013 or the nominated agency duly authorised by that department to do so.

*Approved norms and percentage of Central Assistance as prescribed in sub-rule (1) of rule 7.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

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उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(खाद्य और सार्वजनिक वितरण विभाग)

अधिसूचना

नई दिल्ली, 21 अगस्त, 2015

सा.का.नि. 649(अ).—केंद्रीय सरकार, राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) की धारा 12 की उप-धारा (2) के खंड (ज) के साथ पठित धारा 39 की उप-धारा (2) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और राज्य सरकारों के साथ परामर्श करने के पश्चात् निम्नलिखित नियम बनाती है, अर्थात् :-

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम खाद्य सहायिकी का नकद अंतरण नियम, 2015 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं.—(1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "आधार संख्या" से भारतीय विशिष्ट पहचान प्राधिकरण द्वारा जारी विशिष्ट संख्या अभिप्रेत है ;

(ख) "अधिनियम" से राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) अभिप्रेत है ;

(ग) "हकदार गृहस्थी का बैंक खाता" से गृहस्थी के प्रमुख द्वारा हकदार गृहस्थी में से किसी सदस्य का, कोर बैंककारी प्रणाली का अनुसरण करते हुए किसी बैंक में खाद्य सहायिकी के नकद अंतरण को प्राप्त करने के लिए डिजिटल हिताधिकारी डाटाबेस में उपदर्शित बैंक खाता अभिप्रेत है ;

(घ) "बैंक खाता ब्यौरे" से उस बैंक के भारतीय वित्तीय प्रणाली कोड सहित हकदार गृहस्थी के बैंक खाते की संख्या अभिप्रेत है ;

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(1)

- (ड) "हिताधिकारी डाटाबेस" से सदस्यों के ब्यौरे सहित सभी हकदार गृहस्थियों की सूची अभिप्रेत है ;
- (च) "केंद्रीय निर्गम मूल्य" से अधिनियम की अनुसूची 1 में पात्र गृहस्थियों के लिए विनिर्दिष्ट खाद्यान्नों का मूल्य और अधिनियम की धारा 3 की उप-धारा (1) के अधीन 'टाइड ओवर' आबंटन हेतु केंद्रीय सरकार द्वारा समय-समय पर अवधारित खाद्यान्नों का मूल्य अभिप्रेत है ;
- (छ) "हकदार गृहस्थी" से अधिनियम में विनिर्दिष्ट पात्र गृहस्थी और 'टाइड ओवर' आबंटन में से राज्य सरकार से सहायता प्राप्त खाद्यान्न प्राप्त करने वाले गृहस्थी, जिनके पास विधिमान्य राशन कार्ड है, अभिप्रेत है ;
- (ज) "खाद्यान्नों की अधिकृत मात्रा" से अधिनियम की धारा 3 की उप-धारा (1) के अधीन पात्र गृहस्थियों को वितरित की जाने वाली खाद्यान्नों की मात्रा या राज्य सरकार द्वारा अन्य हकदार गृहस्थियों, यदि कोई हो, को 'टाइड ओवर' आबंटन में से वितरित खाद्यान्नों की मात्रा अभिप्रेत है ;
- (झ) "परिलक्षित क्षेत्र" से किसी राज्य या संघ राज्यक्षेत्र के भीतर कोई विनिर्दिष्ट क्षेत्र, जिसके लिए राज्य सरकार की स्कीम के कार्यान्वयन हेतु कोई लिखित सहमति है, अभिप्रेत है ;
- (अ) "सार्वजनिक वित्तीय प्रबंधन प्रणाली" से महालेखा-नियंत्रक, वित्त मंत्रालय, भारत सरकार द्वारा निधि प्रबंधन, ई-संदाय और प्रबंधन सूचना प्रणाली हेतु स्थापित वेब आधारित ऑन लाइन संव्यवहार प्रसंस्करण प्रणाली अभिप्रेत है ;
- (ट) "स्कीम" से सीधे हकदार गृहस्थियों के बैंक खातों में, खुले बाजार से खाद्यान्नों की अधिकृत मात्रा का क्रय करने हेतु समर्थ बनाने के लिए, खाद्य सहायिकी नकद में प्रदान करने की प्रणाली अभिप्रेत है ;
- (ठ) "राज्य अभिकरण" से राज्य सरकार द्वारा केंद्रीय सरकार से किसी पृथक् बैंक खाते में नकद सहायिकी प्राप्त करने और हकदार गृहस्थियों के बैंक खातों में उनके खाद्यान्नों की अधिकृत मात्रा पर आधारित देय सहायिकी जमा करने के लिए अभिहित विभाग या निगम या कार्यालय अभिप्रेत है ;
- (ड) "टाइड ओवर आबंटन" से अधिनियम की धारा 3 की उप-धारा (1) के दूसरे परंतुक के अधीन राज्यों या संघ राज्यक्षेत्रों को आबंटित खाद्यान्न, यदि कोई हों, अभिप्रेत है ।

(2) शब्द और पद, जो इन नियमों में प्रयुक्त हैं, किन्तु इन नियमों में परिभाषित नहीं हैं, परंतु अधिनियम में परिभाषित हैं, के वही अर्थ होंगे, जो उनके अधिनियम में हैं ।

3. (1) राज्य सरकार इस स्कीम का कार्यान्वयन केंद्रीय सरकार के अनुमोदन से कर सकेगी ।

(2) स्कीम, परिलक्षित क्षेत्रों में कार्यान्वित की जाएगी :

परंतु शेष क्षेत्रों में लक्षित सार्वजनिक वितरण प्रणाली के माध्यम से खाद्यान्नों के वितरण की प्रचलित प्रणाली जारी रहेगी ।

4. स्कीम को कार्यान्वित करने की शर्तें.—राज्य सरकार स्कीम का कार्यान्वयन किसी परिलक्षित क्षेत्र में निम्नलिखित शर्तों के अधीन करेगी, अर्थात् :—

- (क) हिताधिकारी डाटाबेस का पूर्ण डिजिटलीकरण और डी-डुप्लीकेशन ;
- (ख) डिजिटल हिताधिकारी डाटाबेस में बैंक खाता ब्यौरे और आधार संख्या, यदि उपलब्ध हो, की सीडिंग ;
- (ग) खुले बाजार में खाद्यान्नों की पर्याप्त उपलब्धता सुनिश्चित करना ; और

- (घ) हकदार गृहस्थियों के लिए केंद्रीय सरकार से नकद सहायिकी प्राप्त करने हेतु और सार्वजनिक वित्तीय प्रबंधन प्रणाली के माध्यम से हकदार गृहस्थियों के बैंक खातों में सहायिकी की देय राशि का अंतरण करने के लिए पृथक् बैंक खाते वाले किसी राज्य अभिकरण की पहचान करना ;
5. खाद्य सहायिकी की संगणना.—हकदार गृहस्थी को संदेय खाद्य सहायिकी की राशि की संगणना, खाद्यान्नों की अधिकृत मात्रा को लागू न्यूनतम समर्थन मूल्य (चावल की दशा में व्युत्पन्न न्यूनतम समर्थन मूल्य) के 1.25 गुणा और केंद्रीय निर्गम मूल्य के अंतर के साथ गुणा करके की जाएगी या जैसा केंद्रीय सरकार द्वारा समय-समय पर संशोधित किया जाए।
6. खाद्य सहायिकी के नकद अंतरण की रूपात्मकताएं.—(1) राज्य सरकार सहायता प्राप्त खाद्यान्नों को प्राप्त करने के लिए अधिनियम के अधीन अवधारित राज्य या संघ राज्यक्षेत्र के लिए पूर्ण समावेश के दृष्टिगत परिलक्षित क्षेत्र का डिजिटल हिताधिकारी डाटाबेस तैयार करेगी, जिसमें बैंक खाता ब्यौरे और आधार संख्या, यदि उपलब्ध हो, सम्मिलित होंगे।
- (2) राज्य सरकार द्वारा परिलक्षित क्षेत्र हेतु डिजिटल हिताधिकारी डाटाबेस, बैंक खाता ब्यौरे और आधार संख्या, यदि उपलब्ध हो, की सीडिंग के साथ सार्वजनिक वित्तीय प्रबंधन प्रणाली के पोर्टल पर आधार संख्या और बैंक खाते ब्यौरे की संवीक्षा, सत्यापन और विधिमान्यकरण के लिए साझा किया जाएगा।
- (3) सार्वजनिक वित्तीय प्रबंधन प्रणाली द्वारा की गई संवीक्षा के निष्कर्ष राज्य सरकार के साथ साझा किए जाएंगे।
- (4) राज्य सरकार सार्वजनिक वित्तीय प्रबंधन प्रणाली के निष्कर्षों में उठाए गए विवादों को सुलझाएगी और परिलक्षित क्षेत्रों हेतु अंतिम डिजिटल हिताधिकारी डाटाबेस, बैंक खाता ब्यौरे और आधार संख्या, यदि उपलब्ध हो, की सीडिंग के साथ सार्वजनिक वित्तीय प्रबंधन प्रणाली के पोर्टल पर उपलब्ध कराएगी।
- (5) राज्य सरकार अंतिम डिजिटल हिताधिकारी डाटाबेस, खाद्यान्नों की अधिकृत मात्रा और नियम 5 के अधीन नकद खाद्यान्न सहायिकी की संगणना के आधार पर, इन नियमों से संलग्न प्रोफार्मा में केंद्रीय सरकार द्वारा राज्य अधिकरण के बैंक खाते में देय नकद सहायिकी के अंतरण हेतु संक्षिप्त प्रस्ताव भी तैयार करेगी और सार्वजनिक वित्तीय प्रबंधन प्रणाली के पोर्टल पर रखेगी।
- (6) केंद्रीय सरकार, मासिक आधार पर राज्य या संघ राज्यक्षेत्र की अंतिम डिजिटल हिताधिकारी डाटाबेस के लिए नियम 5 के उपबंधों के अनुसार संगणित कुल नकद सहायिकी राज्य अभिकरण के बैंक खाते में अंतरित करेगी।
- (7) यदि राज्य सरकार अधिनियम के अधीन केंद्रीय निर्गम मूल्य से परे खाद्यान्नों पर सभी हकदार गृहस्थियों या उनके किसी भाग को और सहायता दे रही है तो राज्य सरकार डिजिटल हिताधिकारी डाटाबेस में ऐसी हकदार गृहस्थियां जो राज्य सरकार से अतिरिक्त सहायिकी प्राप्त करने की पात्र हैं और प्रत्येक ऐसे हकदार गृहस्थियों के लिए नकद में राज्य सहायिकी की रकम को स्पष्टतः चिह्नित करेगी और राज्य अभिकरण के बैंक खाते में राज्य सहायिकी की कुल रकम जमा करेगी।
- (8) राज्य अभिकरण अधिकृत नकद सहायिकी की समेकित राशि, जो नियम 5 के उपबंधों के अनुसार केंद्रीय सहायिकी और उपनियम (7), यदि लागू हो, के उपबंधों के अनुसार राज्य सहायिकी से मिलकर बनेगी, सार्वजनिक वित्तीय प्रबंधन प्रणाली के माध्यम से महालेखा-नियंत्रक वित्त मंत्रालय, भारत सरकार द्वारा समय-समय पर विनिर्दिष्ट प्रक्रिया का अनुसरण करते हुए मासिक आधार पर डिजिटल हिताधिकारी डाटाबेस में हकदार गृहस्थियों के वैयक्तिक बैंकखातों में जमा करेगा।
- (9) उप-नियमों (1) से (8) में विनिर्दिष्ट सभी क्रियाकलाप ऑनलाइन किए जाएंगे।
- (10) केंद्रीय सरकार से राज्य अभिकरण और राज्य अभिकरण से हकदार गृहस्थियों को नकद सहायिकी के मासिक अंतरण हेतु डिजिटल हिताधिकारी डाटाबेस उस विशिष्ट मास के लिए रोक लगी हुई समझी जाएगी।
- (11) राज्य सरकार ये सुनिश्चित करने के लिए कि नकद अंतरण केवल हकदार गृहस्थियों के बैंक खातों में किया जा रहा है, डिजिटल हिताधिकारी डाटाबेस का नियमित ऑनलाइन अद्यतन करेगी।
- (12) राज्य सरकार उप-नियम (5) के अधीन पश्चातवर्ती महीनों के लिए संक्षिप्त प्रस्ताव भेजने से पूर्व, राशन कार्डों से हटाई गई या रद्द की गई प्रविष्टियों को ध्यान में लेगी।

(13) राज्य सरकार स्कीम के अधीन नकद अंतरण के माध्यम से अधिनियम में विनिर्दिष्ट लक्षित हिताधिकारियों की खाद्यान्न हकदारी सुनिश्चित करने का प्रयास करेगी।

7. समय-सीमा.—(1) राज्य सरकार नियम 6 के उप-नियम (4) के उपबंधों के अनुसार सार्वजनिक वित्तीय प्रबंधन प्रणाली के पोर्टल पर अंतिम डिजिटल हिताधिकारी डाटाबेस पूर्ववर्ती मास की दस तारीख तक साझा करेगी।

(2) राज्य सरकार नियम 6 के उप-नियम (5) के उपबंधों के अनुसार केंद्रीय सरकार द्वारा राज्य अभिकरण के बैंक खाते में नकद सहायिकी के मासिक अंतरण हेतु पूर्ववर्ती मास की दस तारीख तक एक संक्षिप्त प्रस्ताव रखेगी।

(3) केंद्रीय सरकार नियम 6 के उप-नियम (6) के उपबंधों के अनुसार राज्य सरकार के प्रस्ताव की सम्यक् संवीक्षा के पश्चात् राज्य अभिकरण के बैंक खाते में मासिक आधार पर कुल देय नकद सहायिकी पूर्ववर्ती मास की 15 तारीख तक जमा करेगी।

(4) राज्य अभिकरण नियम 6 के उप-नियम (8) के उपबंधों के अनुसार हकदार गृहस्थियों के बैंक खातों में मासिक आधार पर नकद सहायिकी पूर्ववर्ती मास के अंतिम सप्ताह तक अंतरित करेगा।

8. समवर्ती मूल्यांकन—(1) राज्य सरकार लक्षित हिताधिकारियों को खाद्य सुरक्षा सुनिश्चित करने में स्कीम की प्रभावशीलता का समवर्ती मूल्यांकन करवाएगी और स्कीम के कार्यान्वयन के छह मास के अंत में केंद्रीय सरकार को प्रथम रिपोर्ट प्रस्तुत करेगी।

(2) राज्य सरकार स्कीम के कार्यान्वयन के एक वर्ष के अंत में केंद्रीय सरकार को दूसरी रिपोर्ट प्रस्तुत करेगी।

9. उपयोगिता प्रमाणपत्र—राज्य सरकार सामान्य वित्तीय नियम, 2005 के अनुसार विनिर्दिष्ट प्रोफार्मा पर उपयोगिता प्रमाणपत्र केंद्रीय सरकार को प्रस्तुत करेगी।

[सं. 3-7/2015-एनएफएसए]

नीलाम्बुज शरण, आर्थिक सलाहकार

प्रोफार्मा
(नियम 6(5) देखें)

(क) राज्य/संघ राज्यक्षेत्र का नाम :

(ख) स्कीम के कार्यान्वयन हेतु राज्य/संघ राज्यक्षेत्र के भीतर परिलक्षित क्षेत्र :

(ग) स्कीम के कार्यान्वयन हेतु परिलक्षित क्षेत्र (क्षेत्रों) के संबंध में ब्यौरे :

हकदार गृहस्थियों का ब्यौरा	परिलक्षित क्षेत्र (क्षेत्रों) में कुल संख्या	खाद्यान्न आवश्यकता (टनों में)#			मासिक अंतरण अनुमानित (करोड़ रुपयों में)	नकद की राशि (करोड़ रुपयों में)	राज्य अभिकरण को नकद सहायिकी के पूर्व अंतरण में से अतिशेष, यदि कोई हो (करोड़ रुपयों में)
		गेहूँ	चावल	कुल			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
अंत्योदय अन्न योजना गृहस्थियाँ							
ऊपर वर्णित अंत्योदय अन्न योजना गृहस्थियों में व्यक्ति							
प्राथमिकता गृहस्थियों के व्यक्ति							
टाइड ओवर आवंटन*							

अंत्योदय अन्न योजना गृहस्थियों के लिए 35 कि.ग्रा. प्रति गृहस्थी प्रतिमास की दर से और प्राथमिकता गृहस्थियों के लिए 5 कि.ग्रा. प्रति व्यक्ति प्रतिमास की दर से।

* कृपया इस आवंटन में से कवर किए जा रहे गृहस्थियों की संख्या और निर्गम का पैमाना स्तंभ (2) में दर्शाएं।

टिप्पण : स्तंभ (2) में दर्शाए गए व्यक्तियों और गृहस्थियों की संख्या नियम 2 (ड) के अधीन यथापरिभाषित डिजिटल और डिडुप्लीकेटड हिताधिकारी डाटाबेस के अनुसार होनी चाहिए, जिसमें बैंक खाता ब्यौरे और आधार संख्या, यदि उपलब्ध हो, सीडिड होने चाहिए

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

NOTIFICATION

New Delhi, the 21st August, 2015

G.S.R. 649(E).—In exercise of the powers conferred by clause (d) of sub-section (2) of Section 39 read with clause (h) of sub-section (2) of section 12 of the National Food Security Act, 2013 (20 of 2013), the Central Government, after consultation with the State Governments, hereby makes the following rules, namely:-

1. Short title and commencement.—(1) These rules may be called the Cash Transfer of Food Subsidy Rules, 2015.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) "Aadhaar number" means the identification number issued by the Unique Identification Authority of India;
- (b) "Act" means the National Food Security Act, 2013 (20 of 2013);
- (c) "Bank account of entitled household" means the bank account of any of the members of entitled household in any bank, following the Core Banking System, indicated by the head of the household in the digitised beneficiary database, for receiving cash transfer of food subsidy;
- (d) "Bank account details" means number of the bank account of entitled household along with the Indian Financial System Code of that bank;
- (e) "Beneficiary database" means list of all the entitled households, along with the details of the members;
- (f) "Central Issue Price" means price of foodgrains specified for eligible households in Schedule I of the Act and price of food-grains determined by the Central Government from time to time for 'tide over' allocation under sub-section (1) of section 3 of the Act;
- (g) "entitled households" means the eligible households referred to in the Act and households receiving subsidised foodgrains from the State Government out of 'tide over' allocation, who or which possess a valid ration card;
- (h) "entitled quantity of foodgrains" means quantity of foodgrains to be distributed to eligible households under sub-section (1) of section 3 of the Act or quantity of foodgrains distributed by the State Government to other entitled households, if any, out of the 'tide over' allocation;
- (i) "Identified areas" means a State or Union territory or any specified area within the State or Union territory for which there is a written consent of the State Government for implementation of the Scheme;
- (j) "Public Financial Management System" means a web-based online transaction processing system established by the Controller General of Accounts, Ministry of Finance, Government of India for fund management, e-payment and Management Information System;
- (k) "Scheme" means a system to provide food subsidy in cash directly into the bank accounts of entitled households to enable purchase of the entitled quantity of foodgrains from the open market;
- (l) "State agency" means a Department or Corporation or Office designated by the State Government to receive the cash subsidy from the Central Government in a separate bank account and credit the due subsidy into the bank accounts of the entitled households, based on their entitled quantity of foodgrains;
- (m) "tide over allocation" means foodgrains allocated to States or Union territories, if any, under the second proviso to sub-section (1) of section 3 of the Act.

(2) Words and expressions used and not defined in these rules but defined in the Act shall have the same meanings as assigned to them in the Act.

3. (1) The State Government may implement the Scheme with the approval of the Central Government.

(2) The Scheme shall be implemented in the identified areas:

Provided that the prevailing system of distribution of foodgrains through Targeted Public Distribution System shall continue in the remaining areas.

4. **Conditions for implementing the Scheme.**—The State Government shall implement the Scheme in any identified areas subject to the following conditions, namely:—

- (a) complete digitisation and de-duplication of beneficiary database;
- (b) seeding of bank account details and Aadhaar number, if available, in the digitised beneficiary database;
- (c) ensuring adequate availability of foodgrains in the open market; and
- (d) identification of a State agency, having a separate bank account, to receive the cash subsidy from the Central Government for the entitled households and to transfer the due amount of subsidy into the bank accounts of entitled households through Public Financial Management System.

5. **Computation of food subsidy.** —The amount of food subsidy payable to a entitled household shall be computed by multiplying entitled quantity of foodgrains with difference between 1.25 times applicable Minimum Support Price (derived Minimum Support Price in the case of rice) and the Central Issue Prices, or as may be revised from time to time, by the Central Government.

6. **Modalities of cash transfer of food subsidy.**—(1) The State Government shall prepare the digitised beneficiary database of the identified area, seeded with bank account details and Aadhaar number, if available, keeping in view the total coverage for the State or Union territory determined under the Act for receiving subsidised foodgrains.

(2) The digitised beneficiary database for the identified area, seeded with bank account details and Aadhaar number, if available, shall be shared by the State Government on the portal of the Public Financial Management System for scrutiny, verification and validation of Aadhaar number and bank account details.

(3) The findings of the scrutiny done by the Public Financial Management System shall be shared with the State Government.

(4) The State Government shall address the issues raised in the findings of the Public Financial Management System and place the final digitised beneficiary database for the identified area, seeded with bank account details and Aadhaar number, if available, on the Public Financial Management System portal.

(5) On the basis of final digitised beneficiary database, the entitled quantity of foodgrains and formula for computation of cash food subsidy under rule 5, the State Government shall also prepare and place a summary proposal, on the Public Financial Management System portal, as per the proforma annexed to these Rules, for transfer of due cash subsidy by the Central Government into the bank account of the State Agency.

(6) The Central Government shall transfer, on monthly basis, the total cash subsidy for the final digitised beneficiary database of the State or Union territory, computed in accordance with the provisions of Rule 5, into the bank account of the State agency.

(7) In case, the State Government is further subsidising the foodgrains beyond the Central Issue Prices under the Act, for all the entitled households or a part thereof, the State Government shall clearly earmark in the digitised beneficiary database such of the entitled households which are eligible to receive additional subsidy from the State Government

and amount of State subsidy in cash for each of such entitled households and credit the total amount of State subsidy into the bank account of State Agency.

(8) The State agency shall credit the consolidated amount of entitled cash subsidy comprising of Central subsidy in accordance with the provisions of rule 5 and State subsidy as per the provisions of sub-rule (7), if applicable, into the individual bank accounts of entitled households in the digitised beneficiary database, on monthly basis, through the Public Financial Management System by following procedure specified by Controller General of Accounts, Ministry of Finance, Government of India, from time to time.

(9) All the activities specified in sub-rules (1) to (8) shall be made online.

(10) The digitised beneficiary database for monthly transfer of cash subsidy from the Central Government to the State agency and from the State agency to the entitled households shall be deemed to be frozen for that particular month.

(11) The State Government shall undertake regular online updation of digitised beneficiary database, to ensure that cash transfer is being made only in the bank accounts of entitled households.

(12) The State Government shall take into account deletions or cancellation of ration cards, before sending summary proposal under sub-rule (5) for subsequent months.

(13) The State Government shall endeavour to ensure foodgrains entitlement of targeted beneficiaries specified in the Act, through cash transfer under the Scheme.

7. Timelines.—(1) The State Government shall, in accordance with the provisions of sub-rule (4) of rule 6, share the final digitised beneficiary database on the Public Financial Management System portal by 10th day of the preceding month.

(2) State Government shall, in accordance with provisions of sub-rule (5) of rule 6, place a summary proposal by 10th day of the preceding month, for monthly transfer of cash subsidy by the Central Government into the bank account of State Agency.

(3) The Central Government shall, in accordance with provisions of sub-rule (6) of rule 6, after due scrutiny of the proposal of the State Government, credit the total due cash subsidy on monthly basis into the bank account of the State Agency by 15th day of the preceding month.

(4) The State Agency shall, in accordance with provisions of sub-rule (8) of rule 6, transfer the cash subsidy on monthly basis into the bank accounts of entitled households by last week of the previous month.

8. Concurrent Evaluation.—(1) State Government shall get the effectiveness of the Scheme, in ensuring food security of the targeted beneficiaries, evaluated concurrently and submit the first report to the Central Government at the end of six months of implementation of the Scheme.

(2) The State Government shall submit second report to the Central Government at the end of one year of implementation of the Scheme.

9. Utilisation Certificate.—The State Government shall submit utilisation certificate in a specified proforma to the Central Government, in accordance with provisions of the General Financial Rules, 2005.

[No. 3-7/2015-NFSA]

NILAMBUJ SHARAN, Economic Adviser

PROFORMA

[See rule 6(5)]

- (a) Name of the State/Union territory
 (b) Area (s) within the State/ Union territory identified for implementation of the scheme :
 (c) Details regarding the area (s) identified for implementation of the scheme :

Details of Entitled Households	Total number in the identified area (s)	Foodgrain requirement # (in tons)			Estimated Amount of monthly cash transfer (Rs. in Crore)	Balance, if any, out of earlier transfer of cash subsidy to the State Agency (Rs. in Crore)
		Wheat	Rice	Total		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Antyodaya Anna Yojana households						
Persons in the above mentioned Antyodaya Anna Yojana households						
Persons belonging to priority households						
Tide over allocation *						

At the rate of 35 kilogram per households per month for Antyodaya Anna Yojana households and at the rate of 5 kilogram per person per month for priority households.

* Please indicate the number of households being covered out of this allocation and the scale of issue in column (2).

Note: The number of persons and households indicated in column (2) should be as per the final digitised and de-duplicated beneficiary data-base, as defined under Rule 2 (e), seeded with bank account details and Aadhaar number, if available.



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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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महिला एवं बाल विकास मंत्रालय

अधिसूचना

नई दिल्ली, 20 फरवरी, 2017

सा.का.नि. 149(अ).—राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) की धारा 39 की उपधारा (2) के खंड (ख) और (ग) के साथ पठित उपधारा (1) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए तथा पूरक पोषण (समेकित बाल विकास सेवा स्कीम के तहत) नियमावली, 2015 के अधिक्रमण में, ऐसी चीजों को छोड़कर जो अधिक्रमण से पूर्व की गई हैं या करने के लिए छोड़ी गई हैं, केंद्र सरकार, राज्य सरकारों तथा संघ राज्य क्षेत्र प्रशासनों के परामर्श से, एतद्वारा बच्चे के जन्म के बाद 6 माह तक प्रत्येक गर्भवती महिला एवं धात्री माता और 6 माह से 6 साल के आयु वर्ग के प्रत्येक बच्चे (कुपोषण से पीड़ित बच्चों सहित) के लिए वर्ष में 300 दिन के लिए उक्त अधिनियम की अनुसूची-II में निर्दिष्ट पोषण संबंधी मानकों के अनुसार उक्त अधिनियम के प्रावधानों के तहत निर्दिष्ट हकदारियों को विनियमित करने के लिए निम्नलिखित नियम बनाती है, अर्थात: -

भाग I – प्रारंभिक

1. **संक्षिप्त शीर्षक एवं प्रारंभ.**—(1) इन नियमों को पूरक पोषण (समेकित बाल विकास सेवा स्कीम के तहत) नियमावली, 2017 कहा जायेगा।

(2) वे राजपत्र में प्रकाशन की तिथि से प्रभावी होंगे।

2. **परिभाषाएं**— इन नियमों में जब तक संदर्भ में अन्यथा अपेक्षित न हो, -

(क) “अधिनियम” का अभिप्राय राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) से है;

(ख) “बोर्ड” का अभिप्राय खाद्य एवं पोषण बोर्ड से है;

- (ग) “भोजन” का अभिप्राय अधिनियम की धारा 2 के खंड (9) में यथा परिभाषित भोजन से है;
- (घ) “खाद्य सुरक्षा भत्ता” का अभिप्राय अधिनियम की धारा 2 के खंड (7) में यथापरिभाषित खाद्य सुरक्षा भत्ता से है;
- (ङ.) “धारा” का अभिप्राय अधिनियम की धारा से है;
- (च) इसमें प्रयुक्त तथा अपरिभाषित परंतु अधिनियम में परिभाषित शब्दों एवं अभिव्यक्तियों का अभिप्राय वही होगा जो अधिनियम में उनके अभिप्राय निर्धारित हैं।

भाग II - पात्रता एवं पोषण मानक

3. **पात्रताओं का स्वरूप** – (1) अधिनियम की धारा 4, 5 और 6 में उल्लिखित पात्रताएं बच्चे के जन्म के बाद 6 माह तक प्रत्येक गर्भवती महिला एवं धात्री माता तथा 6 माह से 6 साल की आयु के प्रत्येक बच्चे (कुपोषण से पीड़ित बच्चों सहित) को केंद्र सरकार की आंगनवाड़ी सेवा (समेकित बाल विकास सेवा स्कीम) के पूरक पोषण कार्यक्रम के तहत प्रदान की जाएंगी।

(2) आंगनवाड़ी सेवाओं (समेकित बाल विकास सेवा) के तहत पूरक पोषण मुख्यरूप से संस्तुत आहार भत्ता तथा औसत दैनिक आहार ग्रहण के बीच अंतर को पाटने के लिए तैयार किया गया है।

4. **भोजन परोसने का स्थान** – (1) आंगनवाड़ी सेवा (समेकित बाल विकास सेवा) एक स्वयं चयनित स्कीम है तथा धारा 4 के खंड (क), धारा 5 की उपधारा (1) के खंड (क) और धारा 6 में यथाउल्लिखित पात्रताएं उनको उपलब्ध होंगी जो नज़दीकी आंगनवाड़ी केंद्र में अपना पंजीकरण कराएंगे और समय-समय पर राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा यथा अधिसूचित इसके कार्य के घंटों के दौरान आंगनवाड़ी केंद्र में आएंगे।

(2) भोजन निकटतम आंगनवाड़ी केंद्रों में प्रदान किया जाएगा, जहां लाभार्थी पंजीकृत या नामांकित है।

5. **आईसीडीएस के तहत पूरक पोषण** – लाभार्थियों की विभिन्न श्रेणियों के लिए आंगनवाड़ी सेवा (समेकित बाल विकास सेवा) के तहत पूरक पोषण निम्नानुसार होगा:-

क्र.सं.	श्रेणियां	अधिनियम की अनुसूची 2 में निर्दिष्ट पोषण संबंधी मानकों के अनुसार भोजन या खाद्य का प्रकार
(1)	(2)	(3)
1	बच्चे (6 से 36 माह)	अधिनियम के प्रावधानों के अनुरूप आंगनवाड़ी सेवा (समेकित बाल विकास सेवा) के दिशानिर्देशों के अनुसार घर ले जाने वाला राशन।
2	कुपोषित बच्चे (6 से 36 माह)	800 कैलोरी तथा 20-25 ग्राम प्रोटीन के खाद्य संपूरण के साथ उपर्युक्त प्रकार का घर ले जाने वाला राशन।
3	बच्चे (3 से 6 वर्ष)	आंगनवाड़ी सेवा (समेकित बाल विकास सेवा) के मानदंडों के अनुसार सवेरे का नाश्ता तथा गरम पका हुआ भोजन।
4	कुपोषित बच्चे (3 से 6 वर्ष)	3-6 आयु वर्ग के बच्चों को प्रदान किए जाने वाले भोजन या खाद्य के अलावा अतिरिक्त 300 कैलोरी ऊर्जा तथा 8-10 ग्राम प्रोटीन।
5	गर्भवती महिलाएं तथा स्तनपान कराने वाली या धात्री माताएं।	अधिनियम के प्रावधानों के अनुरूप आंगनवाड़ी सेवा (समेकित बाल विकास सेवा) के दिशानिर्देशों के अनुसार घर ले जाने वाला राशन।

नोट : 6 माह की आयु तक बच्चों के लिए स्तनपान शीघ्र शुरू कराने एवं केवल स्तनपान कराने को प्रोत्साहित किया जाएगा। 6 माह से 12 माह के बच्चों के लिए आयु के अनुरूप पर्याप्त पूरक आहार (अनाज आधारित) का सुनिश्चय किया जाएगा तथा सतत स्तनपान के साथ 12 माह से 24 माह की आयु तक संतुलित खाद्य प्रदान किया जाएगा।

6. **पोषण संबंधी मानक** – पोषण संबंधी मानक वही होंगे जो अधिनियम की अनुसूची II तथा समय-समय पर महिला एवं बाल विकास मंत्रालय, भारत सरकार द्वारा जारी किए गए पोषण एवं आहार संबंधी मानकों में प्रदान किए गए हैं।

भाग III – भोजन की गुणवत्ता तथा मानक का अनुरक्षण, उनका प्रवर्तन एवं निगरानी

7. **भोजन तैयार करना तथा उसकी गुणवत्ता एवं मानक का अनुरक्षण –** (1) राज्य सरकारों तथा संघ राज्य क्षेत्र प्रशासनों द्वारा खाद्य सामग्रियों के प्रापण तथा भोजन तैयार करने का कार्य भारत के माननीय उच्चतम न्यायालय द्वारा जारी किए गए विभिन्न निर्देशों, अधिनियम की अनुसूची II तथा उस समय लागू किसी अन्य कानून के प्रावधानों के अनुरूप समय-समय पर केंद्र सरकार द्वारा जारी किए गए दिशानिर्देशों, अनुदेशों या आदेशों के अनुसरण में होगा।

(2) राज्य सरकार अथवा संघ राज्य क्षेत्र प्रशासन, खाद्य एवं पोषण बोर्ड (जिसे आगे बोर्ड कहा जाएगा) के सहयोग से, खाद्य सुरक्षा के मानकों के मामले में पूरक पोषण के अलावा खाद्य संघटकों की गुणवत्ता सुनिश्चित करेंगे।

(3) पूरक पोषण प्रति आहार अंतःक्षेप की लगातार गुणवत्ता और पोषाहारीय मूल्य सुनिश्चित करने के लिए खाद्य सुरक्षा और मानक अधिनियम, 2006 (2006 का 34) के उपबंधों के अंतर्गत निर्धारित मानकों के अनुरूप होगा और यह भी सुनिश्चित किया जाएगा कि स्वच्छ स्थिति बनाए रखने के लिए भोजन पर्याप्त सफाई और सुरक्षित पेयजल वाली रसोई में ही तैयार किया जाता है।

(4) खाद्य सुरक्षा मानकों के मामले में पूरक पोषण के अलावा खाद्य संघटकों की गुणवत्ता सुनिश्चित करने के लिए आंगनवाड़ी सेवाओं (समेकित बाल विकास सेवा) के अंतर्गत जिला कार्यक्रम अधिकारी और बाल विकास परियोजना अधिकारी का उत्तरदायित्व होगा।

(5) बोर्ड, राज्य सरकारों और संघ राज्य क्षेत्र प्रशासनों के सहयोग से, आवधिक जांच करेगा और खाने की जांच करेगा अथवा उस समय प्रवृत्त किसी भी कानून द्वारा अधिकृत या मान्यता प्राप्त सरकारी खाद्य अनुसंधान प्रयोगशालाओं के माध्यम से जांच कराएगा ताकि यह सुनिश्चित किया जा सके कि भोजन अधिनियम की अनुसूची II में विनिर्दिष्ट पोषण मानकों एवं गुणवत्ता से मेल खाता हो।

(6) उसी प्रकार, राज्य सरकार अथवा संघ राज्य क्षेत्र प्रशासनों द्वारा यथा प्राधिकृत अधिकारी औचक निरीक्षण करेगा और नमूना लेगा और भोजन की गुणवत्ता एवं पोषाहारीय मूल्य सुनिश्चित करने के लिए उपरोक्त प्रयोगशालाओं के माध्यम से उनकी जांच कराएगी।

(7) आंगनवाड़ी केन्द्र पर लाभार्थियों को खाना परोसने से पहले इसे आंगनवाड़ी कार्यकर्त्री अथवा सहायिका द्वारा चखा जाना चाहिए।

8. **खाद्य सुरक्षा भत्ता –** (1) खाद्यान्नों की अनुपलब्धता और किसी अन्य कारण से किसी दिन आंगनवाड़ी केन्द्र पर लाभार्थियों को भोजन की अनापूर्ति के मामले में, राज्य सरकारें अथवा संघ राज्य क्षेत्र प्रशासन नियम 3 में संदर्भित प्रत्येक लाभार्थी को नियम 11 में विनिर्दिष्ट दर के अनुसार नियम 2 के खण्ड (घ) में यथापरिभाषित खाद्य सुरक्षा भत्ता का भुगतान करेंगे:

बशर्ते कि किसी भी कारण से भोजन दिए जाने पर लाभार्थी द्वारा खाना न लेने के मामले में राज्य सरकार अथवा संघ राज्य क्षेत्र प्रशासन अथवा आंगनवाड़ी केन्द्र के ऊपर खाद्य सुरक्षा भत्ता देने का दावा नहीं होगा:

बशर्ते कि इसके अलावा नियम 7 के उपबंधों के अध्यक्षीन खाद्यान्नों एवं भोजन की गुणवत्ता के कारण राज्य सरकार अथवा संघ राज्य क्षेत्र प्रशासन के ऊपर कोई दावा नहीं होगा।

(2) खाद्यान्नों की अनापूर्ति के लिए लाभार्थी से शिकायत मिलने पर, संबंधित राज्य सरकार अथवा संघ राज्य क्षेत्र प्रशासन मामले की जांच करेगा, और यदि लाभार्थी को खाद्य सुरक्षा भत्ता देने का निर्णय लिया जाता है, तो लाभार्थी को शिकायत पर निर्णय के एक माह के भीतर हकदारी के अनुसार भत्ते का भुगतान किया जाएगा।

(3) यदि आंगनवाड़ी केन्द्र में लगातार तीन दिन अथवा एक माह में कम-से-कम पांच दिन भोजन प्रदान नहीं किया जाता है, तो राज्य सरकार अथवा संघ राज्य क्षेत्र प्रशासन, निर्धारित प्रक्रिया के अनुसार व्यक्ति अथवा एजेंसी की जिम्मेवारी निर्धारित करने के लिए कार्यवाही करेगा।

9. **पूरक पोषण की निगरानी और समीक्षा प्रबंधन का उत्तरदायित्व** – संबंधित राज्य सरकार अथवा संघ राज्य क्षेत्र प्रशासन और समय-समय पर केन्द्र सरकार के महिला एवं बाल विकास मंत्रालय द्वारा राष्ट्रीय, राज्य, ब्लॉक एवं आंगनवाड़ी स्तर पर गठित निगरानी एवं समीक्षा समितियां समय-समय पर केन्द्र सरकार के महिला एवं बाल विकास मंत्रालय द्वारा जारी दिशा-निर्देशों में परिभाषित उनकी भूमिका के अनुसार जल एवं सफाई सुविधा सुनिश्चित करने, आंगनवाड़ी केन्द्रों का नियमित कार्यकरण सुनिश्चित करने, आंगनवाड़ी केन्द्रों पर बिना किसी बाधा के पूरक पोषण की नियमित आपूर्ति और आयोडीन युक्त और आयरन संपुष्टिकृत आयोडीन युक्त नमक का उपयोग सुनिश्चित करने, मानकों के अनुसार विभिन्न स्तरों पर निगरानी एवं पर्यवेक्षण दौरे सुनिश्चित करने, आंगनवाड़ी केन्द्रों पर पूरक आहार की प्रदायगी की विधि, स्व-सहायता समूहों की भागीदारी, उनके माध्यम से पूरक पोषण की आपूर्ति एवं गुणवत्ता सुनिश्चित करने और उपरोक्त से संबंधित सभी अन्य मुद्दों के लिए जिम्मेवार होंगे:

बशर्ते कि स्व-सहायता समूहों की भागीदारी होने तक, पूरक पोषण की आपूर्ति केन्द्र सरकार और राज्य सरकारों अथवा संघ राज्य क्षेत्र प्रशासनों द्वारा मौजूदा नियमों एवं विनियमों के अनुसार ऐसे अन्य स्रोतों अथवा अनुमोदित एजेंसियों से सुनिश्चित की जाएगी।

भाग IV – लागत मानक और लागत भागीदारी

10. **पूरक पोषण मानक** – पूरक पोषण केन्द्र सरकार के महिला एवं बाल विकास मंत्रालय द्वारा समय-समय पर जारी संशोधित पोषण एवं आहार मानकों के अनुरूप होगा।

11. **पूरक पोषण के लिए लागत मानक** – लाभार्थियों की विभिन्न श्रेणियों के लिए लागत मानक निम्नानुसार अथवा केन्द्र सरकार द्वारा यथासंशोधित होंगे:

क्र.सं. (1)	श्रेणी (2)	वर्तमान दर (प्रति लाभार्थी प्रति दिन) (3)
1.	बच्चे (6 से 72 माह के बीच)	6.00 रुपये
2.	कुपोषित बच्चे (6 से 72 माह के बीच)	9.00 रुपये
3.	गर्भवती महिलायें और स्तनपान कराने वाली माताएं	7.00 रुपये

12. **पूरक पोषण की लागत भागीदारी का अनुपात** – (1) आंगनवाड़ी सेवाओं (समेकित बाल विकास सेवा) के अंतर्गत पूरक पोषण की लागत, इन नियमों के अनुसार, असम, अरुणाचल प्रदेश, मिजोरम, मणिपुर, मेघालय, नागालैण्ड, त्रिपुरा, सिक्किम, हिमाचल प्रदेश, जम्मू व कश्मीर और उत्तराखण्ड राज्यों में लागत 90 प्रतिशत केन्द्र सरकार वहन करेगी और शेष 10 प्रतिशत ऐसी राज्य सरकारों द्वारा वहन किया जाएगा, केन्द्र सरकार और राज्य सरकार अथवा विधान मंडल वाले संघ राज्य क्षेत्र प्रशासन, नामतः दिल्ली एवं पुदुच्चेरी द्वारा समान अनुपात में अथवा समय-समय पर केन्द्र सरकार द्वारा यथा संशोधित अनुपात में साझा किया जाएगा।

(2) संघ राज्य क्षेत्रों के लिए, नामतः अंडमान व निकोबार द्वीप समूह, चंडीगढ़, दादर व नागर हवेली, दमन व दीव और लक्षद्वीप के लिए केन्द्र सरकार आंगनवाड़ी सेवाओं (समेकित बाल विकास सेवा) के अंतर्गत पूरक पोषण प्रदान करने के लिए पूरी लागत अथवा समय-समय पर केन्द्र सरकार द्वारा यथा संशोधित अनुपात में वहन करेगी।

13. **नियमों का किसी स्कीम पर प्रतिकूल प्रभाव न पड़ना** – इन नियमों के उपबंध केन्द्र सरकार द्वारा क्रियान्वित की जा रही किसी भी मौजूदा स्कीम के अतिरिक्त होंगे और ऐसी स्कीमों पर प्रतिकूल प्रभाव नहीं डालेंगे।

[फा. सं. 22-3/2016-सीडी-III]

लीना नायर, सचिव

MINISTRY OF WOMEN AND CHILD DEVELOPMENT**NOTIFICATION**

New Delhi, the 20th February, 2017

G.S.R. 149(E).—In exercise of the powers conferred by sub-section (1) read with clause (b) and clause (c) of sub-section (2) of section 39 of the National Food Security Act, 2013 (20 of 2013), and in supersession of the Supplementary Nutrition (under the Integrated Child Development Services Scheme) Rules, 2015, except as respects things done or omitted to be done before such supersession, the Central Government, in consultation with the State Governments and Union territory Administrations, hereby makes the following rules to regulate the entitlements specified under the provisions of the said Act for every pregnant woman and lactating mother till six months after child birth, and every child in the age group of six months to six years (including those suffering from malnutrition) for three hundred days in a year, as per the nutritional standards specified in Schedule II to the said Act, namely: –

PART I – PRELIMINARY

- 1. Short title and commencement.**— (1) These rules may be called the Supplementary Nutrition (under the Integrated Child Development Services Scheme) Rules, 2017.
(2) They shall come into force on the date of their publication in the Official Gazette.
- 2. Definitions.**— In these rules, unless the context otherwise requires, –
 - (a) “Act” means the National Food Security Act, 2013 (20 of 2013);
 - (b) “Board” means Food and Nutrition Board;
 - (c) “meal” means the meal as defined in clause (9) of section 2 of the Act;
 - (d) “food security allowance” means the food security allowance as defined in clause (7) of section 2 of the Act;
 - (e) “section” means section of the Act;
 - (f) words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

PART II – ENTITLEMENT AND NUTRITIONAL STANDARDS

- 3. Nature of entitlements.**— (1) The entitlements referred to in sections 4, 5 and section 6 of the Act shall be provided under the Supplementary Nutrition Programme of Anganwadi Services (Integrated Child Development Services Scheme) of the Central Government to every pregnant woman and lactating mother till six months after child birth, and every child in the age group of six months to six years (including those suffering from malnutrition).
(2) The Supplementary Nutrition under the Anganwadi Services (Integrated Child Development Services) is primarily designed to bridge the gap between the Recommended Dietary Allowance and the Average Daily Intake.
- 4. Place of serving meal.**— (1) The Anganwadi Services (Integrated Child Development Services) is a self-selecting scheme and the entitlements, as mentioned in clause (a) of section 4, clause (a) of sub-section (1) of section 5 and section 6 shall be available to those who enrol themselves and visit the nearest anganwadi centre during its working hours, as notified by the State Government or the Union territory Administration from time to time.
(2) The meal shall be served at the nearest anganwadi centres where the beneficiary is registered or enrolled.
- 5. Supplementary Nutrition under ICDS.**— The Supplementary Nutrition under the Anganwadi Services (Integrated Child Development Services) for different categories of beneficiaries shall be as under:-

S. No.	Categories	Type of meal or food as per the nutritional standards specified in Schedule II of the Act
(1)	(2)	(3)
1.	Children (Between 6 to 36 months)	Take home ration as per Anganwadi Services (Integrated Child Development Services) guidelines in conformity with the provisions of the Act.
2.	Malnourished children (Between 6 to 36 months)	The same type of take home ration as above with food supplement of 800 calories and 20-25 grams of protein.
3.	Children (Between 3 to 6 years)	Morning snacks and hot cooked meal as per Anganwadi Services (Integrated Child Development Services) norms.
4.	Malnourished children (Between 3 to 6 years)	Additional 300 calories of energy and 8-10 grams of protein in addition to the meal or food provided to children between three to six years.
5.	Pregnant women and lactating or nursing mothers	Take home ration as per Anganwadi Services (Integrated Child Development Services) guidelines in conformity with the provisions of the Act.

Note:- Early initiation and exclusive breast feeding shall be promoted for children up to the age of six months. Adequate age-appropriate complementary feeding (cereal based) shall be ensured for children from six months to twelve months of age and balanced food shall be provided from twelve months to twenty-four months along with continued breast feeding.

6. **Nutritional standards.**— The nutritional standards shall be the same as provided in Schedule II of the Act and the Nutritional and Feeding norms issued by the Central Government in the Ministry of Women and Child Development from time to time.

**PART III – MAINTENANCE OF STANDARD AND QUALITY OF MEAL,
THEIR ENFORCEMENT AND MONITORING**

7. **Preparation of meal and maintenance of its standard and quality.**—

(1) The procurement of food items and preparation of meals by the State Governments and the Union territory Administrations shall be in accordance with the guidelines, instructions or orders issued by the Central Government from time to time in conformity with various directions issued by Supreme Court of India, the provisions of Schedule II to the Act and any other law for the time being in force.

(2) The State Governments and the Union territory Administrations, with the support of Food and Nutrition Board (hereinafter referred to as the Board) shall ensure the quality of supplementary nutrition with reference to the norms of food safety, as well as food composition.

(3) The Supplementary Nutrition shall conform to the standards laid down under the provisions of the Food Safety and Standards Act, 2006 (34 of 2006) to ensure consistent quality and nutritive value of the intervention per serving and it shall also be ensured that the meal is prepared in kitchen having adequate sanitation and safe drinking water to maintain hygienic conditions.

(4) It shall be the responsibility of the concerned District Programme Officer and the Child Development Project Officer under the Anganwadi Services (Integrated Child Development Services) to ensure the quality of supplementary nutrition with reference to the norms of food safety, as well as food composition.

(5) The Board, in collaboration with the State Governments and the Union territory Administrations, shall carry out periodic checks and test the meal or get it tested through the Government Food Research Laboratories accredited or recognised by any law for the time being in force, so as to ensure that the meal meets with the nutritional standards and quality specified in Schedule II of the Act.

(6) Similarly, the officers, as authorised by the State Governments or the Union territory Administrations, shall also conduct surprise checks and draw samples and get them tested through the above laboratories to ensure quality and nutrient value of the meal.

(7) The food should be tasted by the anganwadi worker or helper before it is served to the beneficiaries at anganwadi centre.

8. **Food Security Allowance.**— (1) In case of non-supply of meal to the beneficiaries in anganwadi centre on any day due to non-availability of food grains or any other reason, the State Governments or Union territory Administrations shall pay food security allowance as defined in clause (d) of rule 2 to every beneficiary referred to in rule 3 as per rates specified in rule 11:

Provided that in case the beneficiaries have not taken food on offer for whatever reasons, no claim of food security allowance shall lie with the State Government or Union territory Administration or anganwadi centre:

Provided further that subject to the provisions of rule 7, no claim shall lie with State Government or Union territory Administration for reasons of quality of food grains and meal.

(2) On receipt of a complaint from beneficiary for non-supply of foodgrains, the concerned State Government or Union territory Administration shall enquire the issue, and in case it is decided to pay food security allowance to the beneficiary, the same shall be paid to the beneficiary, as per the entitlement, within one month of decision on the complaint.

(3) The State Government or Union territory Administration shall take action to fix responsibility on the person or agency in accordance with the procedure laid down, if meal is not provided in anganwadi centre continuously for three days or at least for five days in a month.

9. **Responsibility to monitor and review arrangement for supplementary nutrition.**— The respective State Governments and Union territory Administrations, and the Monitoring and Review Committees at the National, State, District, Block and anganwadi levels, constituted by the Central Government in the Ministry of Women and Child Development from time to time, shall be responsible to monitor and review the status of arrangement for Supplementary Nutrition, convergence with the line departments to ensure water and sanitation facilities, ensure regular functioning of

anganwadi centres, ensure regular supply of Supplementary Nutrition at anganwadi centres without disruptions and use of iodised or iron fortified iodised salts, ensure monitoring and supervision visits by officials at different levels as per norms, method of delivery of supplementary food at anganwadi centres, engagement of Self Help Groups, ensure supply and quality of Supplementary Nutrition through them and all other issues relating to the above, as per their roles defined in the guidelines issued by the Central Government in the Ministry of Women and Child Development from time to time:

Provided that till the engagement of Self Help Groups, the supply of Supplementary Nutrition shall be ensured from such other sources or approved agencies in terms of the existing rules and regulations notified by the Central Government and the State Governments or Union territory Administrations.

PART IV – COST NORMS AND COST SHARING

- 10. Supplementary Nutrition norms.**— The Supplementary Nutrition shall be in conformity with the Revised Nutritional and Feeding norms issued by the Central Government in the Ministry of Women and Child Development from time to time.
- 11. Cost norms for Supplementary Nutrition.**— The cost norms for the Supplementary Nutrition for various categories of beneficiaries shall be as under or as may be revised by the Central Government:

S. No.	Categories	Present rates (per beneficiary per day)
(1)	(2)	(3)
1.	Children (Between 6 to 72 months)	Rs.6.00
2.	Malnourished children (Between 6 to 72 months)	Rs.9.00
3.	Pregnant women and lactating or nursing mothers	Rs.7.00

- 12. Proportion of cost sharing of Supplementary Nutrition.**— (1) The cost of supplementary nutrition under the Anganwadi Services (Integrated Child Development Services), as per these rules, shall be shared by the Central Government and the State Governments or Union territory Administrations with Legislatures, namely, Delhi and Puducherry, in equal proportion except the States of Assam, Arunachal Pradesh, Mizoram, Manipur, Meghalaya, Nagaland, Tripura, Sikkim, Himachal Pradesh, Jammu and Kashmir and Uttarakhand where the Central Government shall bear ninety per cent. of the cost and the remaining ten per cent. shall be borne by such State Governments or as revised by the Central Government from time to time.

(2) For the Union territories, namely, the Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep, the Central Government shall bear entire cost of providing supplementary nutrition under Anganwadi Services (Integrated Child Development Services Scheme) or as revised by the Central Government from time to time.

- 13. Rules not in derogation of any Scheme.**— The provisions of these rules shall be in addition to and not in derogation of any existing Scheme implemented by the Central Government.

[F. No. 22-3/2016-CD-III]

LEENA NAIR, Secy.

