

Bhopal the 17th May 2017

No. F 7-12/2016/29-1, In exercise of the powers conferred by sub section (1) and (2) of section 40 of the National Food Security Act, 2013 (20 of 2013), the State Government, hereby, makes the following rules which have been previously published in the Madhya Pradesh Gazelle dated 7<sup>th</sup> April, 2017, namely :-

## **RULES**

### **CHAPTER I**

**1. Short title, extent and commencement:-**

- (1) These Rules may be called the Madhya Pradesh Food Security Rules, 2017.
- (2) They shall extend to the whole of Madhya Pradesh.
- (3) They shall come into force from the date of their publication in the Madhya Pradesh 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) "Appellant" means a party which makes an appeal against the order of the District Grievance Redressal Officer;
- (c) "Chairperson" means Chairperson of Madhya Pradesh State Food Commission established under section 16 of the Act;
- (d) "Complaint" means and includes a representation in writing or through electronic means containing a grievance alleging deficiency /short comings in the implementation of the Act;
- (e) "District Grievance Redressal Officer" means an officer of the district authorized by the State Government under the National Food Security Act to dispose of the complaints in the District.
- (f) "Food Commission" means Madhya Pradesh State Food Commission constituted under section 16 of the Act for the purpose of monitoring and review of implementation of the Act;
- (g) "Member" means Member of the State Food Commission;
- (h) "Member-Secretary" means Member-Secretary of the State Food Commission.

(2) Words and expressions used in these rules but not defined in these rules shall have the same meaning as assigned to them in the Act or other relevant Act /Rules.

## CHAPTER II

### WOMAN EMPOWERMENT

3. The State Government shall issue guidelines in regard to specify the procedure for entering the names of eldest adult women of the households as head of the household as per provisions of the Act.

## CHAPTER III

### INTERNAL GRIEVANCE REDRESSAL MECHANISM

4. (1) For the purposes of redressing grievances as part of internal Grievance Redressal Mechanism under Section 14 of the Act, following officers shall act as Nodal Officers at the District level for implementation of the schemes of their respective jurisdiction mentioned in the Act, namely:-

1.	Chief Executive Officer, Zila Panchayat	Panchayat and Rural Development Department
2.	District Food Supply Officer	Food, Civil Supplies and Consumer Protection Department
3.	District Program Officer	Women and Child Development Department

- (2) Any person can lodge complaint with concerned nodal officer in writing or through e-mail. Every complaint shall be assigned unique complaint number with date under receipt to the complainant.
- (3) The nodal officer shall redress the complaint within 30 days from the date of receipt of the complainant.

## CHAPTER IV

### EXTERNAL GRIEVANCE REDRESSAL MECHANISM

5. **District Grievance Redressal Officer.**- The State Government shall authorize an officer in each District to perform functions as District Grievance Redressal Officer.
6. **Procedure for Registering of Complaints Before District Grievance Redressal Officer.**
  - (1) Any aggrieved person may register his complaint to the District Grievance Redressal Officer in writing or through e-mail or by dropping their written grievance in grievance boxes at the office of District Grievance Redressal Officer.
  - (2) The complaint boxes shall be opened at 4 pm every day for collection of complaints and entering in the register.

- (3) In the event of lodging complaint in the office of District Grievance Redressal Officer, a receipt of the said complaint shall be given to the aggrieved person after completing registration.
- (4) Each Complaint shall be filed with specific details and contact information of the complainant. No anonymous complaint shall be entertained.
- (5) Each complaint shall be assigned an unique complaint number with the date.

7. **Procedure of Disposal of Complaints.-**

- (1) For every complaint received, the District Grievance Redressal Officer shall verify whether there is a *prima-facie* substance in the complaint to proceed in the matter.
- (2) If the District Grievance Redressal Officer is satisfied that there is *prima-facie* substance in the complaint, he shall seek explanation in the matter from concerned officer or person or agency along with relevant documents. The requisite explanation and documents shall be furnished by the concerned officer/person/agency to the District Grievance Redressal Officer, within fifteen days.
- (3) Based on the explanation of concerned officer or person or agency and the available documents, if the District Grievance Redressal Officer is satisfied about the veracity of the grievance, he shall redress the complaint within a period of thirty 30 days from the date of receipt of the complaint. District Grievance Redressal Officer shall dismiss the complaint, in case no merit is found.
- (4) If the District Grievance Redressal Officer feels that the matter needs to be further examined, he may,-
  - (i) get the matter enquired by a suitable officer of the State Government at District level and decide on the basis of report so received within forty five days from the date of receipt of the complaint, or
  - (ii) if considered necessary, give an opportunity to the complainant and officer/person/agency concerned with the complaint, to present their case on a fixed date and after having heard them and taking into consideration the evidences submitted, decide the matter within forty five days from the date of receipt of the complaint.
- (5) If the complainant remains absent on the date of hearing, the District Grievance Redressal Officer may dismiss the complaint or proceed to enquire the matter *ex parte* and decide. If, however, the officer/person/agency concerned with the complaint, called by the District Grievance Redressal Officer is absent on the date fixed by him, he may proceed to enquire the matter *ex parte* and decide.

- (6) The complainant shall be informed of the decision on his complaint in writing or through electronic mode, with a system for confirmation of its receipt by complainant.
- (7) If the District Grievance Redressal Officer is of the opinion that the disposal of the complaints requires more time than prescribed under sub-clause (4) above, the Complainant shall be sent an interim reply citing the reasons for delay.

8. **Powers of District Grievance Redressal Officer.**- The District Grievance Redressal Officers, while enquiring into complaints, shall have powers to require any concerned official/persons at District/field level-

- (a) to produce before, and allow to be examined such books, accounts, documents or any other material in custody or under control of the persons so required as may be specified in the requisition;
- (b) to furnish such information as may be required.

9. **Periodical Reports:** District Grievance Redressal Officer shall send a monthly report on complaints received and disposed of by him to the State Government by 15<sup>th</sup> day of the succeeding month through Commissioner Food, Civil Supplies and Consumer Protection.

10. **Appeal.**- Any complainant or any person/ agency aggrieved with order of the District Grievance Redressal Officers, may file an appeal before Food Commission within a period of thirty days from the date of issuance of the order.

## CHAPTER V

### FOOD COMMISSION

11. **(1) Method of Appointment of Chairperson and Members :-**

For the constitution of the Food Commission as per requirements of Section 16 of the Act, applications shall be called for by the Department of Food, Civil Supplies and Consumer Protection of the State Government through advertisement. Scrutiny of the applications shall be conducted by a committee under the Chairmanship of Chief Secretary, members whereof shall be the Senior Secretaries of the Department of General Administration, Food Civil Supplies and Consumer Protection, Women and Child Development, Panchayat and Rural Development Department, Law and Legislative Affairs Department. The said committee shall prepare a panel for each vacant post of members and Chairperson and send it to the state government with its comments/recommendation. The State Government may either select suitable candidates from the said panel or at its discretion may directly select any other persons having the qualification required under section 16 of the Act.

**(2) Eligibility for the post of Chairperson-**

(a) Eligibility of a person in case of a serving/retired government servant to be appointed at the post of Chairperson shall be as follow:-

**The chairperson** of the Food Commission shall either be a member of the All India Services or any other Civil Services of the Union or State holding a post at Chief Secretary rank or equivalent, or should be retired from the post of Chief Secretary rank under All India Services or any other Civil Services of the Union or State and who has 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.

(b) Eligibility of a person other than existing/retired government servant to be appointed for the post of chairperson should be as below:-

- (i) **He/She** should be a person 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
- (ii) **He/She** should be a person who has a proven record of work relating to the improvement of the food and nutrition right of the poor.

**(3) Eligibility for the post of Members-**

(a) Eligibility of a person in case of a serving/retired government servant to be appointed at the post of Member shall be as below:-

**He/She** should be a person who has or have been member of the All India Service or any other civil service 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.

(b) Eligibility of a person other than existing/retired government servant to be appointed at the post of member should be as below:-

- (i) **He/She** should be a person 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
- (ii) **He/She** should be a person who has a proven track record of work relating to the improvement of the food and nutrition rights of the poor.

**(4) Appointment of Member-Secretary-**

The State Government shall appoint an Officer not below the rank of Secretary serving under the State Government as Member-Secretary of the Food Commission. The post of Member-Secretary may be filled either by deputation of an Officer not below the rank of Secretary to the State Government, or may be

assigned to an Officer of the abovesaid rank additionally with his/her other regular duties assigned by the State Government.

**(5) Supporting Staff**

(a) The State Government shall make available the following staff to the Food Commission:-

SN	Name of the Post	No. of the Post Sanctioned	Pay Scale
1	Administrative Officer	1	15400-39100 Grade Pay 6600
2	Personal Secretary	1	9300-34800 Grade Pay 4200
3	Accountant	1	9300-34800 Grade Pay 4200
4	Stenographer	4	5200-20200 Grade Pay 2800
5	Assistant	2	5200-20200 Grade Pay 2800
6	Steno-typist	1	5200-20200 Grade Pay 1900+125
7	Reader	2	5200-20200 Grade Pay 2400
8	Record keeper	1	5200-20200 Grade Pay 2400
9	Assistant Grade 3	4	5200-20200 Grade Pay 1900
10	Peon	3	4400-7440 Grade Pay 1300

(b) The terms and conditions of the service of the above said staff of the Food Commission shall be same as applicable to the respective posts of the State Government.

(c) The State Government, unless the above posts are filled, may appoint on deputation/contract or outsource such technical, clerical and other required staff, as may be necessary for proper and expeditious discharge of functions of Food Commission.

**12. Place of Sitting and Other matters Relating to Food Commission.-**

- (1) The office of Food Commission shall be located at Bhopal and its address shall be published by the State Government.
- (2) The working days and the office hours of the Food Commission shall be the same as that of State Government.
- (3) Sittings of the Food Commission, as and when necessary, shall be convened by the Chairperson.
- (4) The quorum for the sittings of the Food Commission shall be as decided by the chairperson.
- (5) The Member Secretary shall assist in holding the sittings of the Food Commission.
- (6) The Member Secretary shall, in consultation with the Chairperson, prepare the agenda for each sitting of the Food Commission.

(7) The notice regarding meetings of the Commission shall be issued by Member-Secretary of the Commission on the direction of the Chairperson. The Commission shall devise the procedure to be adopted for its sittings.

**13. Salaries and Allowances of Chairperson and Members.-**

**(1) In case of existing/retired officer of any Government/Public Sector Undertaking.**

- (a) In case of existing government servant to be appointed upon the post of chairperson or member, the salaries and allowances payable shall be same as paid on deputation.
- (b) If the Chairperson or Member, at the time of his/her appointment is, in receipt of a pension, in respect of his/her previous service under the Government of India or under any State Government, his/her salary for the post of the Chairperson or Member, shall be reduced by the amount of the pension including any portion of pension which was commuted.

**(2) In case of other than existing/retired officer of any Government/Public Sector Undertaking.**

In case of a person other than existing or retired officer, being appointed as Chairperson or Member of the Food Commission, the monthly honorarium, hospitality allowance, daily allowance and house rent allowance shall be as below subject to revision from time to time:

Serial No.	Name of the Post	Honorarium and hospitality Allowance	Daily Allowance (per day @ 375)	House Rent Allowance
1	Chairperson	13000	11250	10400
2	Member	10000	11250	10400

**14. Terms and Conditions of the Chairperson and other Members of the Food Commission.-**

- (1) The Chairperson and other Members shall hold office subject to maximum age of 65 years for a period of five years from the date on which he enters upon his office unless removed earlier.
- (2) A person who held the office of the Chairperson or Member shall be eligible for re-appointment but no person shall hold office as the Chairperson or other Member after attaining the age of sixty-five years.
- (3) The Chairperson or a Member may, by writing under his hand addressed to the Government, resign from the office of the Chairperson or Member, as the case may be, at any time.
- (4) An officer who has been selected for appointment as Member-Secretary shall hold such office on deputation/ex officio.

(5) The Government may remove a person from the office of the Chairperson or a Member, if that person-

- is, or at any time has been, adjudged as an insolvent; or
- has become physically or mentally incapable of acting as Chairperson or a member; or
- has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
- has so abused his position as to render his/ her continuation in office detrimental to the public interest:

Provided that, no Chairperson or Member shall be removed from the office under clause (d) or clause (e) of sub-rule above unless he has been given a reasonable opportunity of being heard in the matter.

**15. Enquiry, Review and Monitoring.-**

- Food Commission either suo motu or on receipt of complaint may inquire into violation of entitlements provided under Chapter II of the Act.
- Food Commission shall monitor and evaluate the implementation of the Act in Madhya Pradesh.
- For review and monitoring of implementation of the provisions of the Act, the Commission shall give its advice to the State Government for effective implementation of the Act.
- Food Commission shall hear appeals against orders of the District Grievance Redressal Officer.
- Food Commission shall prepare annual reports which shall be laid before the State Legislature by the State Government.

**16. Procedure for Registering Complaint and Appeals.-**

- Complaint regarding violation of entitlements under the Act or appeal against the order of the District Grievance Redressal Officer shall be presented by the complainant or appellant to the Commission in person or by registered post or any electronic mode, addressed to the Member-Secretary of the Commission.
- Any appeal against the order of the District Grievance Redressal Officer shall be filed before the Commission within time-limit prescribed under Rule 10.
- Every appeal shall be accompanied by the certified copy of the order of the District Grievance Redressal Officer and such of the documents as may be required to support grounds of appeal.
- Complaint or appeal shall be filed with specific details and contact information of the complainant.

(5) No anonymous complaint shall be entertained.

**17. Disposal of complaints and Appeals by the Food Commission.-**

- (1) The Food Commission shall, on receipt of any complaint, seek a report on it from the District Grievance Redressal Officer, along with supporting documents, who shall be required to furnish it within fifteen days.
- (2) Taking into consideration the report of the District Grievance Redressal Officer, and the available documents, the Food Commission shall issue appropriate orders for redressal of the complaint, within fifteen days from the date of receipt of the report of the District Grievance Redressal Officer.
- (3) In the case of appeal against the orders of the District Grievance Redressal Officer, the Food Commission shall give an opportunity to appellant and non-appellant to present their cases in person or through a representative on a fixed date, time and place and after having heard them, decide the appeal within a period of thirty days from the date of receipt of appeal.
- (4) On the date fixed for hearing, it shall be obligatory for the appellant and non-appellant to present their case in person or through representative before the Food Commission, and in case of failure to do so, the Food Commission may on its own discretion either dismiss the case or proceed to enquire the matter ex-parte and decide the appeal within a period of thirty days from the date of receipt of appeal.
- (5) The order of the Food Commission shall be authenticated by the Member-Secretary or any other officers of the Food Commission duly authorized by the Food Commission on its behalf.
- (6) The Food Commission shall arrange to deliver copies of the decision to the concerned parties within a period of fifteen days from the date of such decision.
- (7) If the Food Commission is of the opinion that the disposal of the appeal requires more than a period of thirty days, the appellant shall be sent an interim reply citing the reasons for delay.
- (8) The Food Commission shall, while inquiring into any matter referred to in clauses (b) and (e) of sub-section (6) of Section 16 of the Act, 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:-
  - (a) summoning and enforcing the attendance of any person and examining him/her on Oath;
  - (b) discovery and production of any documents;
  - (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.

(9) The Food 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.

**18. Financial Powers of the Food Commission.-**

- (1) The Food Commission shall be responsible for expenditure for the funds received by it for the purpose of the implementation of the Act.
- (2) The Chairperson shall have all powers relating to financial transaction of the State Food Commission, except in cases which require prior approval of the State Government.
- (3) The Chairperson shall obtain prior approval of the State Government in the matters of revision of pay scales; re-appropriation of funds from one head to another, permitting any officer of Food Commission to participate in Seminars, Conferences or Training Program abroad and such other matters as may be determined by the State Government, by order.
- (4) All financial powers of the Food Commission shall be governed by delegation of financial powers, rules and circulars, orders, instructions as may be issued by the Finance Department of the State Government from time to time in this behalf.

**19. Maintenance of records.-** The Food Commission shall maintain all the records, including the appeals and records related to their disposal.

**20. Stamps and Logo.-** The Stamps and logo of the Food Commission shall be as decided by the food commission with the approval of the State Government.

## CHAPTER VI

### TRANSPARENCY, ACCOUNTABILITY AND SOCIAL AUDIT

**21.**

- (1) All information in respect of targeted Public Distribution System, such as fair price shop, names and addresses of Issue Centers of Madhya Pradesh State Civil Supplies Corporation and allocation, lifting and distribution of foodgrains shall be displayed on the website of the department at the State level.
- (2) Under the scheme, list of identified and eligible households shall be displayed at concerned Gram Panchayats, Government fair price shops and website of the department for perusal of the general public.
- (3) All records regarding allocated and distributed foodgrains within one year under the Targeted Public Distribution System shall be provided for perusal of general public at Government fair price shop.

## **22. Social Audit of the Schemes.-**

- (1) The State Government may authorize the Gram Panchayats in Rural areas and Municipal Corporation/ Nagar Palika/ Nagar Parishad in urban areas, for conducting social audit of the schemes mentioned in the Act.
- (2) The State Government may issue guideline in respect of specifying procedure for social audit.

### **23. Constitution of Vigilance Committees.-**

(1) For ensuring transparent and effective execution of the provisions of the Act and Targeted Public Distribution System, following vigilance committees shall be constituted at State, District, Block and Fair Price Shop level :-

#### **(A) State Level Vigilance Committee :-**

President Minister, Government of Madhya Pradesh, Food, Civil Supplies and Consumer Protection Department.

**Members** 1. Principal Secretary, Government of Madhya Pradesh,  
Food, Civil Supplies and Consumer Protection Department.

2. Principal Secretary, Government of Madhya Pradesh, Cooperative Department.

3. Principal Secretary, Government of Madhya Pradesh, Panchayat and Rural Development Department.

4. Principal Secretary, Government of Madhya Pradesh, Women and Child Development Department

5. Principal Secretary, Government of Madhya Pradesh, Public Health and Family Welfare Department

## 6. Commissioner, Cooperatives and Registrar Cooperatives.

## 7. Commissioner, Woman Empowerment

8. Managing Director, Madhya Pradesh State Civil Supplies Corporation.

9. Managing Director, Madhya Pradesh State Cooperative Bank Limited.

#### 10. Director, Mid Day Meal Scheme.

11. State Advisor for Commissioners in the matters of Food Security in the Supreme Court.

12. Two representatives nominated by Incharge Minister of the Department.

13. Commissioner, Food, Civil Supplies and Consumer Protection,  
Madhya Pradesh (Member-Secretary)

**(B) District Level Vigilance Committee :-**

Members 1. Commissioner, Municipal Corporation.

2. District Supply Controller/District Supply Officer.

3. District Programme Officer, Women and Child Development.

4. Chief Medical and Health Officer.

5. Deputy Commissioner/Assistant Commissioner-cum-District Registrar Cooperative Societies.

6. Project Officer, Urban Development Authority.

7. Two representatives nominated by Incharge Minister of the District.

Member Secretary 8. Chief Executive Officer, District Panchayat/Additional Collector, who does not have liability of District Grievance Redressal Officer.

**(C) Block Level Vigilance Committee :-**

President President, Janpad Panchayat.

Members 1. Chief Municipal Officer of Chief Municipal Council/Nagar Panchayat of Block Headquarter.

2. Project Officer, Women and Child Development.

3. Block Education Officer.

4. Block Medical Officer.

5. Assistant Supply Officer/Junior Supply Officer.

6. President of Food Committee of Janpad Panchayat.

7. President of Food Committee of Block Headquarter.

8. Two women Sarpanch nominated by the Janpad President.

9. Four ration card holders of eligible category households of Block Headquarter, in which two households are of Antyodaya category (nominated by Janpad President).

10. Two members of Consumer Protection Vigilance Committee at District level.

11. One representative of Active Voluntary Consumer Association.

12. Two representatives nominated by local Legislator.

Member Secretary 13. Chief Executive Officer (Janpad Panchayat).

**(D) Fair Price Shop Level Vigilance Committee :-**

**(i) In Urban Area -**

President Councilor of that ward where Government Fair Price Shop is situated. If more than one ward is affiliated to the shop, Councillor of other ward shall be Co-President.

Members 1. Below Poverty Line ration-card holder of Scheduled Castes.