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FOOD SUPPLIES & CONSUMER WELFARE DEPARTMENT

NOTIFICATION

The 1st August, 2017

No.15232-FSCW-NFS-POL-0004/2017/FSCW.— The following draft of certain rules which the State Government propose to make in exercise of the powers conferred by sub-sections (1) and (2) of Section 40 of the National Food Security Act, 2013 (20 of 2013) is hereby published as required by sub-section (1) of the said Section for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after expiry of a period of fifteen days from the date of their publication in the *Odisha Gazette*.

Any objection or suggestion which may be received by the Joint Secretary to Government, Food Supplies & Consumer Welfare Department, Odisha Secretariat, Bhubaneswar, 751001 (e-mail: fcspsc@ori.nic.in) with respect to the said draft before expiry of the period so specified above, will be considered by the State Government.

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Chapter-I

Preliminary

1. Short title and commencement: — (1) These rules may be called the **Odisha State Food Security (Targeted Public Distribution System) Rules, 2017**.

(2) They shall come into force on the date of their publication in the *Odisha 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) "complaint" means a representation in writing or through electronic means containing a grievance with regard to distribution of entitlements under the Act;
- (d) "Corpus Fund" means the fund created by the Government for payment of Food Security Allowance;
- (e) "District Grievance Redressal Officer" means an officer appointed or designated by the Government for each district, under section 15 of the Act;
- (f) "Entitled Person" means a person belonging to eligible households identified as such under the Act by the Government and in possession of a valid ration card;
- (g) "Government" means the Government of Odisha; and
- (h) "Nodal Officer" means an officer designated as such by the Government under section 14 of the Act;

(2) Words and expressions used but not defined in these rules, but defined in the Act or in the Essential Commodities Act, 1955, or the Targeted Public Distribution System (Control) Order 2015 published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i), vide G.S.R. number 213 (E) dated the 20th March, 2015 or the Odisha Public Distribution System (Control) Order, 2016 published in the *Gazette of Odisha* vide Extraordinary issue no. 504 dated the 16th March, 2016 shall have the meaning as respectively assigned to them in those Acts, rules or orders.

Chapter-II

Identification of eligible households

3. Identification of eligible households:— (1) The Government shall identify the households to be covered under the Antyodaya Anna Yojana in accordance with the guidelines applicable to the said scheme for the purpose of clause (a) of sub-section (1) of Section 10 of the Act.

(2) The guidelines for the households other than those covered under sub-rule (1) as priority households to be covered under the Targeted Public Distribution System shall be as follows:—

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

(3) Save as otherwise provided in sub-rule (2), all other households shall be priority households to be covered under the Targeted Public Distribution System except having any one of the following criteria, namely:—

- (i) Households having a member who owns a Four Wheeler vehicle or a Heavy Vehicle or two or more motorized three wheelers or two or more Motor Boats or a Trawler.
- (ii) Households having a member who owns mechanized agricultural equipment such as Tractors and Harvesters.
- (iii) Households having a member working as a regular employee of the Central or the State Government, Public Sector Undertaking, Government aided Autonomous bodies and Local bodies (Incentive and honorarium based workers would not be considered under this criterion). Household having a member working in private sector with monthly salary of more than rupees ten thousand in rural areas and rupees fifteen thousand in urban areas.
- (iv) Households having a member who owns an Enterprise (other than micro-enterprises) registered with the Government for manufacturing and services.

- (v) Households having a member earning more than rupees ten thousand per month in the rural and rupees fifteen thousand per month in urban areas.
- (vi) Households having a member paying Income Tax or Professional Tax.
- (vii) Households having domestic electric connection with a load of 2 KW or more andor consuming an average of 300 units of energy (KWH) per month.
- (viii) Households having a member drawing a monthly pension of more than rupees ten thousand per month in rural areas and rupees fifteen thousand per month in urban areas.
- (ix) Households who own three or more rooms with Pucca walls and Pucca roof not constructed under the Indira AwasYojana or Pradhan Mantri Awas Yojana or Biju Pucca Ghar Yojana.

Provided that the rooms constructed under the Indira Awas Yojana or Pradhan Mantri Awas Yojana or Biju Pucca Ghar Yojana shall not be covered under this exclusion criteria.

(4) The Government shall finalise the process and procedure for seeking application from eligible households for ration cards.

(5) The Government shall widely publicise the process for the information of public and set up help desk at Block, Municipality and Municipal Corporation level.

(6) The authority designated by the Government shall issue ration cards after receipt of application and their checks and verification in a time bound manner as shall be notified by the Government.

(7) The process of identification of eligible households shall be a continuous process to include eligible households and to remove ineligible households from the beneficiary database.

(8) Any person or organization or Government authority who has reasonable cause to believe that any person or household or a group of persons or group of households who deserves to have been included in the priority or Antyodaya Anna Yojana category and their names but have not been included in the list relevant to that category; or any person

or household or a group of persons or group of households who not being deserved have been included in the priority or Antyodaya Anna Yojana category and their names have been included in the list relevant to that category; may file a complaint to a Competent Authority, as notified by the Government, for inclusion or exclusion, as the case may be, of names of such person or household.

4. Display in Public Domain:— (1) On completion of each round of process for identification of eligible households, the Government shall display prominently and place in public the list of names of persons or households identified for inclusion in ‘priority’ or ‘Antyodaya’ category:

(2) The list of names of eligible households shall be displayed at the Grama Panchayat Office and Fair Price Shops prominently.

(3) The Government shall also display the list of eligible households on its official websites and the official websites of the Central Government.

Chapter – III

Grievance Redressal Mechanism

5. Internal System of Grievance Redressal:— (1) The Government shall set up an internal grievance redressal mechanism for disposal of the complaints, resolution of queries and providing information relating to the provisions of the Act to the public.

(2) Without prejudice to the general provisions contained in sub-rule (1) and to facilitate redressal of grievances related to the Act, the Food Supplies & Consumer Welfare Department shall put in place call centres, toll-free helpline numbers and websites through the Departmental website and other media, as may be specified by notification by the Government.

(3) The call centres shall provide support in Odia language or local dialect to the extent possible

6. Nodal Officer:— The Government shall designate Nodal Officers at Block, Municipality or Municipal Corporation level for the purpose of Internal Grievance and redressal of public complaints. The Civil Supply Officer of the District shall be designated as District Level Nodal Officer with respect to Targeted Public Distribution System Scheme. Similarly, Inspector of Supply or Marketing Inspector or Assistant Civil Supply Officer, shall be Block Level Nodal Officers for Targeted Public Distribution System Scheme.

7. Responsibilities of Nodal Officers:— The Nodal Officer referred to in rule 6 shall —

(1) be the first level of interface for redressal of grievances and queries of the beneficiaries related to the schemes of Targeted Public Distribution System Scheme;

(2) be responsible for proper management and control of the Call Centres and helplines;

(3) register the complaints received, verify the facts by the concerned officers, take remedial action for its redressal and inform the complainant in writing or through e-mail about the manner in which the grievance has been redressed;

(4) forward the complaints to such officials dealing with the subject or District Grievance Officers for speedy disposal of the complaint(s);

(5) verify or cause to verify, at the end of every month at each Fair Price Shop, the status of supply of food grains to the entitled persons as per the entitlement under the Act;

(6) record in writing, the reasons for non-supply of entitled quantity of food grains to any entitled person;

(7) ensure payment of food security allowance to the entitled person in every case where entitled quantity of food grains has not been supplied due to non- availability of food grains or for any unforeseen reasons;

(8) register a complaint with the District Grievance Redressal Officer forthwith where food grains have not been supplied due to any willful lapse of any Fair Price Shop Dealer or any other official; and

(9) perform other responsibilities as may be assigned by the Government from time to time.

8. District Grievance Redressal Officers:— (1) The Government shall by notification appoint or designate any officer not below the rank of Senior Class I Official as the District Grievance Redressal Officer.

(2) The Government shall provide support staff as may be decided from time to time to assist the District Grievance Redressal Officer to perform the functions thereof.

(3) No officer directly engaged in the delivery of entitlements under the Act shall be designated as the District Grievance Redressal Officer.

(4) The Project Director, District Rural Development Agency of the District shall be the District Grievance Redressal Officer in the State.

(5) Notwithstanding anything contained before the Government may change and re-designate any other officer not below the rank of Senior Class I Officer.

(6) The Government shall, immediately after appointment or designating the District Grievance Redressal Officer —

(a) give wide publicity through newspaper and other means about the District Grievance Redressal Officers including name, address, telephone number, e-mail address, facsimile number and other means of contacting him, in respect of each area for which the District Grievance Redressal Officer has been appointed or designated, and thereafter repeat it at regular intervals:

Provided that in case of change of the name of the District Grievance Redressal Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him, shall be suitably intimated to the public.

(b) display, at its each office of Civil Supplies Department, fair price shops, other public places, official website and at the office of the Grievance Redress Officer and the State Food Commission, the name of the District Grievance Redress Officers, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each District for which the District Grievance Redress Officer has been appointed or designated.

9. Powers and functions of the District Grievances Redressal Officer:— (1) The District Grievance Redressal Officer shall hear grievances regarding non-distribution of entitled food grain, and matters relating thereto, and take necessary action for their redressal in such manner as prescribed under these rules.

(2) No grievance shall be rejected unless an opportunity of being heard has been given to the complainant.

(3) The District Grievance Redressal Officer shall —

(a) monitor the regularity of distribution of food grains;

- (b) look into violations of entitlements passed on to the beneficiaries under the Targeted Public Distribution System Scheme – either *suo motu* or on receipt of grievances from any source including news items;
- (c) recommend relief to be provided to the aggrieved persons by the public servant associated with the complaint:

Provided that the public servant shall be given reasonable opportunity of being heard before any penalty is imposed.
- (d) monitor timely payment of Food Security Allowance, if applicable;
- (e) update the District Level Vigilance Committee about status of the grievance redressal related to Targeted Public Distribution System in the District;
- (f) receive summary report from Nodal Officers as per the provisions of rule 10 of the Food security Allowance Rules, 2015
- (g) carry out other functions as may be directed by the Government from time to time

10. Lodging of Grievances:— (1) Any aggrieved person may file and submit his grievance to the District Grievance Redressal Officer in Form A in writing or dropping their written grievance in grievance boxes, installed at the office of the District Grievance Redressal Officer or by e-mail or by post, or in the Department portal or in any other manner as may be specified by the Government or convenient to the aggrieved person on any working day.

(2) The District Grievance Redressal Officers may nominate an appropriate officer or employee in his office to receive grievances on his behalf.

(3) Each single grievance received at District Grievance Redressal Officer's Office shall be recorded with full details in a Grievance Register with pages machine numbered and assigned with a unique serial number in running sequence. This number shall be reflected in the acknowledgement slip issued to the complainant.

(4) No anonymous grievance shall be entertained.

11. Hearing before the District Grievance Redressal Officer:— (1) District Grievance Redressal Officer shall conduct such enquiry to a complaint received under sub-rule (1) of rule 10 as per the provisions of rule 12 and if he finds complaint to carry

substance, may give directions and relief referred to in sub-rule (3) for compliance with the entitlements granted under the Act.

(2) if he finds any complaint which does not have any substance, discharge the notice.

(3) The directions and relief to be provided by the District Grievance Redressal Officer under sub-rule (1) shall be as follows,—

- (a) direction for provision of the entitlements not provided within such period not exceeding thirty days; or
- (b) direction for payment of food security allowance within such period not exceeding thirty days;
- (c) direction regarding supervision by an appropriate person and representative, of such provision or payment, as the case may be, under clauses (a) and (b).

12. Process followed by District Grievance Redressal Officer for disposal of grievances:— (1) The receipt and disposal of all grievances shall be recorded in a Complaint Register in Form B.

(2) He will verify whether there is a *prima facie* substance in the complaint to proceed in the matter.

(3) If the nature of the complaint necessitates enquiry or spot verification, it shall be completed with the help of the Nodal Officials or other officials as may be decided by the District Grievance Redressal Officer and necessary action to address the grievances shall be taken.

(4) If he is satisfied that there is *prima facie* ground to proceed in the matter, he shall issue a notice to all parties in the case by fixing a date, time, place for the hearing.

(5) Notice may be sent through SMS, phone calls, what's app along with other routine modalities including but not limited to post and fax.

(6) On the date fixed for hearing, the District Grievance Redressal Officer shall hear the parties and take such evidence as may be adduced by the parties.

(7) If, on the date fixed by the District Grievance Redressal Officer, the complaint or his authorized representative is absent, the District Grievance Redressal Officer shall dismiss the complaint.

(8) If, on the date fixed by the District Grievance Redressal Officer, the defending party is absent, the District Grievance Redressal Officer shall proceed to enquire the matter *ex parte* and decide accordingly.

(9) The District Grievance Redressal Officer may, at the request of the parties or *suo motu*, adjourn the proceedings to some other date with or without cost.

(10) After the enquiry, the District Grievance Redressal Officer shall pass a reasoned order.

(11) The orders of the District Grievance Redressal Officer shall be available for inspection by any person.

(12) The District Grievance Redressal Officer shall 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.

13. Timely disposal of the complaints:— (1) An inquiry under this rule shall be finalized as soon as possible, but in no case later than **90** calendar days of its being received by the District Grievance Redressal Officer.

(2) In case a complaint has to be resolved by any other authority, the concerned District Grievance Redressal Officer shall conduct preliminary enquiry and refer the matter to such authority within 15 days under intimation to the complainant. Such authority shall inform the District Grievance Redressal Officer of its decision and action taken within 15 days upon the receipt of the complaint.

(3) Where the complaint cannot be resolved within time allowed under sub-rule (1), in each such case, the District Grievance Redressal Officer shall record reasons in writing and keep it in the concerned case record.

(4) The complainants must be informed of the action taken, in writing through posts and acknowledgement receipts obtained.

14. Appeal against the orders of the District Grievance Redressal Officer:— (1)

Any complainant or the officer or authority against whom the order has been passed by the District Grievance Redressal Officer and who is not satisfied with the order may, within thirty days of receipt of the intimation under sub-rule (3) prefer an appeal against such order before the State Food Commission.

(2) The decision of the State Food Commission shall be final in respect of appeals in all matters related to non-distribution of food grains and matters relating thereto.

(3) The decision of the State Food Commission thereon shall be communicated to the appellants in writing through posts and acknowledgement receipt obtained.

15. Report:— A monthly report on complaints received and disposed-off shall be sent by the District Grievance Redressal Officer to the Government

Chapter –IV
Transparency and Accountability

16. Disclosure of records of Targeted Public Distribution System:— (1) All Targeted Public Distribution System related records, such as, —

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

17. Social Audit:— (1) The local authority or any other authority authorized by the Government shall conduct or cause to be conducted periodic social audit on the functioning of Fair Price Shops after giving seven days' notice to the said Fair Price Shops and concerned authorities in accordance with such guidelines issued by the Government from time to time.

(2) The objective of social audit shall be to evaluate the effective functioning of the Targeted Public Distribution System and to associate Civil Society Organizations with the supervision of Targeted Public Distribution System for better quality of service, better adherence with the defined goals and efficient utilization of resources.

18. Manner of Conduct of Social Audit:— (1) The services of Voluntary Consumer Organizations actively working for consumer protection and local NGOs with good track record shall be utilized to conduct social audit either on voluntary basis without payment of any honorarium from the Government or on payment of a fixed remuneration per social audit meeting as may be decided by the Government.

(2) Voluntary Consumer Organizations and Non-Government Organizations shall be selected by the Collectors, after careful verification of their antecedents and track record, for each Block and Urban Local Body.

(3) Fair Price Shop-wise schedule for social audit shall be drawn up in advance jointly by the Voluntary Consumer Organization or Non-Government Organization and the Block Development Officer or Municipal Commissioner or Executive Officer. Wide publicity shall be given for social audits by the Block Development Officer of Block or Municipal Commissioner of Municipal Corporation or Executive Officer of Urban Local Body and the Voluntary Consumer Organization or Non-Government Organization to facilitate public participation.

(4) Social Audit shall be attended by Block and Fair Price Shops level Vigilance Committee members, elected PRI/ULB representatives, general public and members of Voluntary Consumer Organization or Non-Government Organization. At least one officer of Civil Supplies and one officer from other Departments deputed by Collector or Block Development Officer or Executive Officer of Municipality or Municipal Commissioner of Municipal Corporation shall remain present during the Social Audit and authenticate the 'Social Audit Report' along with the Voluntary Consumer Organization or Non-Government

Organization representatives. The Collector or other senior officer shall, at least, attend a few of such social audit session.

(5) Social Audit sessions shall cover the overall functioning of the schemes; and more specifically, the following aspects. —

- (a) Regular opening of the Fair Price Shops;
- (b) Timely receipt and distribution of food grain;
- (c) Quality of food grains and correct weighment;
- (d) Proper and correct maintenance of records and Point of Sale devices;
- (e) Display of stock, price, entitlement and other details by Fair Price Dealers;
- (f) Availability of list of ration card holders;
- (g) Display of Citizen's Charter and Complaint Book;
- (h) Verification of list of ration cards and genuineness of list of card holders, People's perception on errors of inclusion and exclusion;
- (i) Verification of at least 5% of ration cards to verify proper and timely distribution of PDS commodities;
- (j) Functioning of Point of Sale Devices;
- (k) Other issues as may be decided from time to time.

(6) The Fair price Shop dealers shall be duty-bound to produce all their records to the Voluntary Consumer Organization or Non-Government Organization during the 'Social Audit' and to cooperate fully with them. Civil Supplies Official concerned deputed to the social audit shall have to ensure this aspect.

(7) The check lists and other stationery items for Social Audit shall be supplied by the Government

(8) Voluntary Consumer Organization or Non- Government Organization shall prepare the report and have the report authenticated by the members. Voluntary Consumer Organization or Non- Government Organization shall submit the report of 'Social Audit' to the concerned Block Development Organization or Executive Officer or Collector of the District to take appropriate measures as may be necessary to bring in competency in the areas of concern found out during social audit.

(9) In case of any action found to have been taken contrary to the interest of the beneficiaries at the time of social audit, the same shall be brought forthwith to the notice of the Collector for taking action as per the relevant law.

(10) Block or Municipality or Municipal Corporation wise summary report of the social audits conducted during a financial year may be sent by the Collector of the District to the Government.

(11) Social audit may be held anytime convenient to the general public. No social audit shall be conducted in a manner obstructing the normal work of any Government official or authority. Efforts shall be made to cover as many Fair Price Shops as possible, but in no case not less than twenty-five per cent in a financial year.

19. Vigilance Committee:— (1) Subject to provisions contained under the Act, the Government shall constitute or revamp the Targeted Public Distribution System of the related District, Block and FPL level Advisory Committees as Vigilance Committees. The Vigilance Committee shall be constituted at State, District, Block and Fair Price Shops Level.

(2) The Vigilance Committee shall consist of the following members and be in existence for three years from its constitution.

(a) State Level Vigilance Committee

- (i) Minister, Food, Supplies & Consumer Welfare, Odisha – Chairperson
- (ii) Secretary, Food Supplies & Consumer Welfare - Member Convener
- Members**
- (iii) Chief Secretary, Odisha
- (iv) Development Commissioner, Odisha
- (v) Secretary, Panchayati Raj Department, Odisha
- (vi) Secretary, Housing & Urban Development, Odisha
- (vii) Secretary, Rural Development, Odisha
- (viii) Secretary, Cooperation Department, Odisha
- (ix) Registrar of Cooperative Societies, Odisha
- (x) Two persons having established record of working in the fields of food, food safety, nutrition, public distribution system to be nominated by the Government.

(b) District Level Vigilance Committee

(i) Chairperson, Zilla Parishad– Chairperson

(ii) District Collector – Member Convener

Members

(iii) Hon'ble Members of Parliament of the District or their representatives

(iv) Hon'ble MLAs of the District or their representatives

(v) Two members of Zilla Parishad , provided one of the members shall be woman, to be nominated by Zilla Parishad.

(vi) Three Chairpersons of Blocks and one Chairperson of Urban Local Body, provided that there shall be one member belonging to the Scheduled Caste, and one member belonging to Scheduled Tribe, to be nominated by the Collector.

(vii) Additional District Magistrate in charge of Targeted Public Distribution System.

(viii) Project Director, District Rural Development Agency

(ix) Civil Supplies Officer

(x) Two representatives of Voluntary Consumer Organisations or Non-Governmental Organisations working on consumer protection activities, to be nominated by the Collector.

(xi) Two persons having established record of working in the fields of food, food safety, nutrition, public distribution system, to be nominated by the Revenue Divisional Commissioner.

(c) Block level Vigilance Committee

(i) Chairperson of the Block –Chairperson

(ii) Block Development Officer – Member Convener

Members

(iii) Hon'ble Member of Parliament of the area concerned or his representative.

(iv) Hon'ble Member(s) of Legislative Assembly having jurisdiction over the Block .

(v) Sub-Collector of the Sub-Division

- (vi) One Panchayat Samiti Member to be nominated by the Panchayat Samiti.
- (vii) Two Sarapanch to be nominated by the Block Development Officer
- (viii) Marketing Inspector or Inspector of Supplies
- (ix) Four consumers of whom at least one shall be a woman and one from Scheduled Caste or Scheduled Tribe Community to be nominated by the Block Development Officer.
- (x) One representative of a Voluntary Consumer organization to be nominated by the Block Development Officer.
- (xi) Two representatives of Women Self Help Groups other than Targeted Public Distribution System licensees to be nominated by the Block Development Officer.

Hon'ble Memebrs of Parliament and Hon'ble Members of Legislative Assembly may depute their representatives to attend the Block level meetings.

(d) Town Level Vigilance Committee

- (i) Chairperson of the Urban Local Body / - Chairperson
Mayor of the Corporation
- (ii) Municipal Commissioner or Executive – Member Convener
officer of the Municipality

Members

- (iii) Hon'ble Member of Parliament or his representative
- (iv) Hon'ble Member (s) of Legislative Assembly
- (v) Sub-Collector of the Sub division
- (vi) 2/4/5ward councilors for municipality or Urban Local Bodies up to 16, 16-20 and above 20 wards respectively to be nominated by Urban Local Bodies .
- (vii) One representative of a Voluntary Consumer organization to be nominated by the Collector.
- (viii)One representative of Women Self Help Group other than Public Distribution System licensee to be nominated by Collector.

- (ix) Three consumers of whom at least one shall be a woman and one from Scheduled Caste or Scheduled Tribe Community to be nominated by Collector.
- (x) Assistant Civil Supplies Officer concerned
- (xi) Marketing Inspector or Inspector of Supplies

(e) Grama Panchayat Level Vigilance Committee

- (i) Sarapanch of the Grama Panchayat concerned - Chairperson
- (ii) Panchayat Executive Officer – Member Convener

Members

- (iii) Samiti Member of the concerned Grama Panchayat.
- (iv) All Ward members of Grama Panchayat.
- (v) Four literate consumers from the Grama Panchayat of which at least one shall be woman and one from Scheduled Caste or Scheduled Tribe community to be nominated by the Grama Panchayat
- (vi) One leading Self Help Group's nominated by the Block Development Officer
- (vii) One representative of a Women Self Help Group other than a Public Distribution System licensee Women Self Help Group from the Gram Panchayat area to be nominated by the Block Development Officer.
- (viii) One voluntary consumer organization or Non- Governmental Organisation active in the field of consumer protection from the Grama Panchayat to be nominated by the Block Development Officer.
- (ix) One representative of concerned Member of Legislative Assembly
- (x) One consumer from each of the Fair Price Shop areas to be nominated by Member of Legislative Assembly.

(f) Ward Level Vigilance Committee

- (i) Corporator or Councilor of the Ward within - Chairperson and Convener which Fair Price Shop is situated

Members

- (ii) Councilors of other Wards if any, whose areas are serviced by the Fair Price Shops.

- (iii) Four literate consumers from the area of operation of the Fair Price Shop of whom at least one shall be woman and one from Scheduled Caste or Scheduled Tribe community to be nominated by the Urban Local Body
- (iv) One leading SHG's nominated by Municipal Commissioner or Executive Officer.
- (v) One representative of a WSHG to be nominated by the Municipal Commissioner or Executive Officer of the concerned Urban Local Body.
- (vi) One Voluntary Consumer organization or Non-Governmental Organization active in the field of consumer protection to be nominated by the Executive Officer.
- (vii) One representative of concerned Member of Legislative Assembly.
- (viii) One consumer from each of the Fair Price Shop area to be nominated by Hon'ble Member of Legislative Assembly:

Provided that in every vigilance committee constituted in this sub-rule, the representation of the members belonging to the scheduled Castes, Scheduled Tribes, women and destitute persons with disability shall be ensured.

(3) The Vigilance Committees shall meet at least once in every quarter of a calendar year.

(4) The Vigilance Committees shall perform such functions and have such powers as are specified under section 29 of the Act.

20. Reports:— (1) In addition to sending reports to the District Grievance Redressal Officer as per section 29 of the Act, the vigilance committees at various levels shall send monthly reports to the Block Development Officer or Municipal Commissioner or Executive Officer or Sub- Collectors or Collectors, Secretary, Food Supplies & Consumer Welfare Department as the case may be.

(2) The Vigilance Committees may also, in cases where it finds a matter to be of utmost importance, send special report to the authority mentioned in sub-rule (1) and such authority may take such report as it may deem fit.

Chapter –V

Miscellaneous

21. Payment of Food Security Allowance:— (1) The Government shall lay the principles to fix responsibility for failure to provide the entitlements as required by the Act.

(2) In case of failure to provide the entitlements as required under the Act, the beneficiary shall be paid by the Government such Food Security Allowance as notified by the Central Government under the provisions of Sections 8 and 39 of the Act.

(3) Any Food Security Allowance paid by the Government shall be recovered from the concerned responsible persons including officers of the Government according to the principles laid down under sub-rule (1).

(4) A corpus Fund shall be constituted by the Government for the payment of Food Security Allowance:

Provided that the location of and power to release payment from, such Corpus Fund shall be delegated by the Government to the District or Block or Urban Local Bodies level for timely payment of allowance.

(5) The Government shall take necessary steps to ensure higher or adequate security deposits from Fair Price Shopkeepers and Transporters to provide for recoveries from them as required in sub-rule (3).

(6) The Government shall take necessary steps to ensure recovery of balance recoverable under sub-rule (3) after exhausting security amount in sub-rule (5) as arrears of land revenue or deduction from salary or incentives payable to them.

22. Removal of Doubts:— (1) If any doubt arises with regard to the interpretation of any of the provisions of these rules, it shall be referred to the Food Supplies & Consumer Welfare Department, the Government of Odisha, whose decision shall be final and binding.

By Order of the Governor

P. K. MOHAPATRA

Principal Secretary to Government