

HARYANA GOVERNMENT
FOOD, CIVIL, SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
Notification

The 27th November, 2017

No. FG-3-120/2017/24617.— In exercise of the powers conferred by Sub-section (1) read with Sub-section (2) of Section 40 of the National Food Security Act, 2013 (Central Act 20 of 2013), and with reference to Haryana Government, Food, Civil Supplies and Consumer Affairs Department, notification No. FG- 3/120/2017/17601, dated the 5th September, 2017, the Governor of Haryana hereby makes the following rules, namely:-

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| <p>1. (1) These rules may be called the Haryana Food Security Rules, 2017.</p> <p>(2) They shall come into force with effect from the date of their publication in the Official Gazette.</p> <p>2. (1) In these rules, unless the context otherwise requires,-</p> <ul style="list-style-type: none"> (a) "Act" means the National Food Security Act, 2013 (Central Act 20 of 2013); (b) "appellant" means a party which makes an appeal against the order of the District Grievance Redressal Officer; (c) "competent authority" means Licensing Authority appointed under the Public Distribution System (Licensing and Control) Order, 2009, and the Principal Secretary or Secretary or Director of any of the concerned department, as the case may be, in case of Government officials; (d) "Department" means Food, Civil Supplies and Consumer Affairs Department, Haryana; (e) "Deputy Commissioner" means Deputy Commissioner of the concerned district; (f) "District Grievance Redressal Officer" means an officer appointed or designated under sub-section (1) of section 15; (g) "Nodal Officer" means an officer not below the rank of Deputy Director at Head office of the Department, the District Food and Supplies Controller at district level and Assistant Food and Supplies Officer at block level, as the case may be; (h) "State Government" means the Government of the State of Haryana in of Food, Civil Supplies and Consumer Affairs Department; <p>(2) The words and expressions used in these rules and not defined but in the Act shall have the same meaning as assigned to them respectively in the Act.</p> <p>3. (1) Any person who fulfills the eligibility criteria as laid down in Schedule-I shall be identified as priority household.</p> <p>(2) The eligible household may apply in the Proforma annexed as Schedule-II to the respective Deputy Commissioner or Additional Deputy Commissioner or any other officer, as authorized by the State Government, as and when applications are invited in their district:</p> <p style="padding-left: 20px;">Provided that the criteria may be modified to facilitate and align the identified priority households within the limits fixed by the Government of India.</p> <p>4. (1) Every complaint received through toll free helpline numbers and Public Distribution System (PDS) portal shall be given a unique complaint number.</p> <p>(2) The Deputy Director shall monitor all the complaints received through online e-PDS portal available on the department's website or through the telephonic helpline setup in this regard and shall forward the same to the concerned Nodal Officer for redressal.</p> | <p>Short title and commencement.</p> <p>Definitions.</p> <p>Identification of Priority Households section 10</p> <p>Internal Grievance Redressal Mechanism section 14</p> |
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District
Grievance
Redressal
Officer.
section 15

Procedure for
registering
complaints.
section 15

Procedure for
disposal of
complaints.
section 15

Power of
District
Grievance
Redressal
Officer.
section 15

Monitoring the
disposal of
complaints.
section 15

(3) After the verification of facts by the concerned Nodal Officer, he shall propose remedial action for its redressal and shall inform the complainant in writing or through e-mail or telephonically about the manner in which grievance has been redressed within a period of thirty days of the receipt of complaint.

5. (1) The Deputy Commissioner shall function as District Grievance Redressal Officer.

(2) The address, telephone numbers, e-mail address, facsimile numbers in respect of each district shall be displayed at each office of the department, fair price shop, school, anganwaris, other public place, website as well as in the office of the District Grievance Redressal Officer.

6. (1) Any aggrieved person in matters relating to distribution of entitled foodgrains or meals under Chapter-II of the Act may file and register his complaint with the District Grievance Redressal Officer in writing or through e-mail or by dropping their written grievance in grievance boxes, which shall be installed at the office of District Grievance Redressal Officer, selected fair price shops, and other public places such as schools, anganwaris etc.

(2) Complaints shall be filed with specific details and contact information of the complainant. No anonymous complaint shall be entertained.

7. (1) If the District Grievance Redressal Officer is satisfied, he shall seek explanation in the matter from concerned officer or agency (Food Corporation of India, Confed, Hafed, Haryana Warehousing Corporation, Depot Holder and Aanganwari etc.) against whom complaint has been made, alongwith relevant documents. The requisite explanation and documents shall be furnished by the concerned officer or agency against whom complaint has been made, to the District Grievance Redressal Officer, within seven days of the receipt of notice.

(2) In the case of genuine grounds for disagreement between the parties on the claims made in the complaint, the District Grievance Redressal Officer shall issue notices to all parties in the matter fixing date, time and place for the hearing. The officer may also, at the request of the parties or suo moto, adjourn the proceedings to some other date with or without cost.

(3) On the date fixed for hearing, the District Grievance Redressal Officer shall hear the parties and record the evidence. After hearing the parties and taking into consideration the evidence, the District Grievance Redressal Officer shall pass suitable order within thirty days from the date of receipt of the complaint:

Provided that if, on the date of hearing fixed by the District Grievance Redressal Officer, the complainant is absent, he may dismiss the complaint. However, if, on the date fixed by him, the defending party is absent, he may proceed to enquire the matter ex-parte and decide accordingly.

(4) The complainant shall be informed of the decision on his complaint in writing or through electronic mode.

8. (1) The District Grievance Redressal Officer, while enquiring into complaints, shall have powers to require any person,-

(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.

(2) While deciding a complaint, the District Grievance Redressal Officer may recommend the action to be taken by the competent authority against the fair price shop owner as per Haryana Public Distribution System (Licensing and Control) Order, 2009 and the employee of the Department concerned as per Haryana Civil Service (Punishment and Appeal) Rules, 2016, if found to be responsible, according to the provisions of these rules.

9. The Director, Food Civil Supplies and Consumer Affairs shall monitor the disposal of complaint on monthly basis preferably by the 7th day of preceding month and forward a report in this regard to the State Government by the 15th day of the preceding month.

10. A monthly report on complaints received and disposed off by the District Grievance Redressal Officer shall be sent to the State Government by 15th day of the succeeding month. State Government shall send a monthly consolidated report for the State as a whole to the Ministry of Consumer Affairs Food and Public Distribution, Government of India, by the end of the succeeding month.

Monthly Report.
section 15

11. (1) Any person aggrieved by the decision of the District Grievance Redressal Officer may file a memorandum of appeal to the State Commission in person or through registered post addressed to the State Commission within a period of thirty days from the date of receipt of order of District Grievance Redressal Officer.

Procedure in
Appeals.
section 15 (7)

(2) Each memorandum of appeal shall be accompanied by the certified copy of the order of the District Grievance Redressal Officer appealed against and such other documents, as may be required to support grounds of objection mentioned in the memorandum.

(3) When the appeal is presented after expiry of the period of limitation, the memorandum shall be accompanied by an application supported by an affidavit setting forth the fact on which the appellant relies to satisfy the State Commission that he has sufficient cause for not preferring the appeal within the period of limitation.

(4) On the date of hearing or any other day to which hearing may be adjourned, it shall be obligatory for the parties or their authorized agents to appear before the State Commission. If appellant or his authorized agent fails to appear on such date, the State Commission may, in its discretion, either dismiss the appeal or decide it on the merit of the case. If respondent or his authorized agents fails to appear on such date, the State Commission shall proceed ex-parte and shall decide the appeal ex-parte on the merits of the case.

(5) The appellant shall not, except by leave of the State Commission, urge or be heard in support of any ground of objection not set forth in the memorandum but the State Commission, in deciding the appeal, shall not confine to the grounds of objection set forth in the memorandum or taken by the leave of the State Commission under this rule:

Provided that the commission shall not rest its decision on any other ground unless the party who may be affected thereby, has been given, at least one opportunity of being heard by the State Commission.

12. The State Commission shall maintain all the records, including the appeals and records related to their disposal.

Maintenance of
records.
section 16

13. The stamps and logo of the State Commission shall be as specified by the State Government.

Stamps and Logo.
section 16

14. The State Commission shall submit annual report to the State Government. The Administrative Secretary of the Department shall review the functioning of State Commission at regular intervals.

Review and
Monitoring.
section 16

15. Records relating to Targeted Public Distribution System –

Conduct of Social
audit.
sections 27 and
28

- (i) All the lists of the eligible beneficiaries and the allocation of food grains in the State shall be regularly updated by the department on its website;
- (ii) The department shall get the social audit in rural and urban area on the functioning of Fair Price Shops and Targeted Public Distribution System twice in a year, by the concerned Gram Panchayat by constituting a Committee consisting of five Members out of which atleast one shall belong to Scheduled Caste, one Backward Class and one woman. The Committee in urban area shall likewise be constituted by concerned Municipal Council/ Committee/ Corporation.

16. The composition of the Vigilance Committees at the State, District, Block and Fair Price Shop levels shall be as per Schedule-III.

SCHEDULE-I*[see rule 3(1)]***ELIGIBILITY CRITERIA FOR IDENTIFICATION OF PRIORITY HOUSEHOLDS UNDER NATIONAL FOOD SECURITY ACT, 2013**

| Sr. No. | Rural Areas | Urban Areas |
|---------|--|--|
| 1 | 2 | 3 |
| 1 | The Antyodaya Anna Yojana (AAY) households would be automatically covered as per the existing scheme of the Government of India. | The Antyodaya Anna Yojana (AAY) households would be automatically covered as per the existing scheme of the Government of India. |
| 2 | All Below Poverty Line (BPL) households would be automatically covered under Priority Households. | All Below Poverty Line (BPL) households would be automatically covered under priority households. |
| 3 | All homeless households | All households living in katcha houses or all homeless households. |
| 4 | Households where Head of the family is a disabled person. | Households where Head of the family is disabled person. |
| 5 | All households headed by a widow or single women (unmarried/ separated/ deserted) | All households headed by a widow or single women (unmarried/ separated/ deserted) |
| 6 | All households of landless agricultural laborers. | <p>Occupationally vulnerable households where the main source of income is from one or more of these occupations like: {except Government employees/ contractual /work charged / daily wagers of Government of India, State Governments and Union Territories or Boards /Corporations / Enterprises/ undertakings, other Autonomous bodies/ Authorities like Universities etc., Municipal Corporations, Municipal Councils, Municipal Committees, Improvement Trusts etc.}</p> <ul style="list-style-type: none"> • Rag-pickers • Beggars • Domestic workers • Street vendors/ cobblers/ hawkers/ other service provider working on streets • Construction workers /plumber/ mason/ labour/ painters/ welders/ security guards/coolies/ head-load workers • Sweepers/sanitation workers/malis • Home-based workers/ artisan/ handicrafts workers/ tailors • Private transport workers/ drivers/ conductors/ helpers to drivers and conductors/ cart pullers/rickshaw pullers etc. • Shop workers/Assistants/ Peons in small establishments/ helpers/ delivery Assistants/ Attendants/ waiters • Electricians/mechanics/assemblers/ repair workers • Washer men/ chowkidars • Person having no income from any source <p>Others, as may be specified by the State or Central Government</p> |

| | | |
|------------------------------|---|---|
| 7 | All households of small and marginal farmers owning land upto two acres. | |
| 8 | Occupationally vulnerable households where the main source of income is from one or more of these occupations:- <ul style="list-style-type: none"> • Cultivation • Manual casual labour • Part-time or full-time domestic service • Foraging, rag picking • Non-agricultural Own Account Enterprise • Begging/Charity/Alms collection • Others, as may be specified by the State or Central Government | |
| Except the following: | | Except the following: |
| 1 | All income tax payers | All income tax payers |
| 2 | All Goods and Service Tax asseses registered under Goods and Service Tax Act, 2017 (Haryana Act 19 of 2017) | All Goods and Service Tax asseses registered under the Haryana Goods and Service Tax Act, 2017 (Haryana Act 19 of 2017) |
| 3 | All Service Tax payers | All Service Tax payers |
| 4 | All Professional tax payers | All Professional tax payers |
| 5 | Any household having more than two acres of land of any type. | Any household owning a house built on a plot area of more than hundred square yards. |
| 6 | Any household owning motorized four wheeler | Any household owning Air Conditioner or motorized four wheeler. |
| 7 | Any household which owns/operates an enterprise(s) registered with the State Government/Central Government. | All employees of Government of India, State Governments and Union Territories or its boards/corporations / enterprises/ undertakings, other Autonomous bodies/ Authorities such as Universities etc., Municipal Corporations, Municipal Councils, Municipal Committees, Improvement Trusts etc. |
| 8 | Any household which owns mechanized four wheeler agricultural equipment(s) | Any household having annual income of more than one lakh rupees from all the sources. |
| 9 | All employees of Government of India, State Governments and Union Territories or its boards /corporations / enterprises /undertakings, other Autonomous bodies/ Authorities such as Universities etc., Municipal Corporations, Municipal Councils, Municipal Committees, Improvement Trusts etc. | Any other households, which may be excluded as per criteria, as prescribed by the State Government/ Central Government. |
| 10 | Any household having annual income of more than one lakh rupees from all the sources. | |
| 11 | Any such other households, which may be excluded as per criteria, as prescribed by the State or Central Government. | |

SCHEDULE-II*(see rule 3(2))***Self Declaration form for inclusion in the Priority Household list****National Food Security Act, 2013****(FOR RURAL AREA)**

A declaration form which is to be given by the Head of the family for inclusion of the family in the Priority Household families in the State of Haryana under Public Distribution System .

I.....S/D/W of Sh./Smt.....resident ofdeclare in the best of my knowledge that :-

- (i) I or my any family members is not the Tax payer.
- (ii) I or my any family members is not the registered assessee Tax payer under the Haryana Goods and Service Tax Act, 2017 (Haryana Act 19 of 2017).
- (iii) I or my any family members is not the Service Tax payer.
- (iv) I or my any family members is not the Commercial Tax payer.
- (v) I or my any family members does not own more than two acres of land.
- (vi) I or my any family members does not own the four wheeler vehicles (like Car, Van, Four Wheeler, Truck, etc.)
- (vii) I or my any family members does not own any registered firm under Government.
- (viii) I or my any family members is not an employee under Union Territory/State/Centre Government or Council/Cooperation/ firm/Undertaking etc., Independent entity like University etc., Municipal Corporation/Municipal Council/Municipal Committee or Improvement Trust.
- (ix) I or my any family members does not earn more than one Lakh rupees per annum.

I hereby declare that all the facts given above are based on best of my knowledge and nothing has been concealed. If any of the above facts found to be false, I shall be responsible for any legal action. I also declare that I shall be liable to return the market value of the product/assistance along with the fine/interest decided by the competent authority. In future, if I or any of my family members become ineligible as per the parameters set by the Government, I shall be bound to inform the District Food and Supplies Controller, in time and shall not receive any benefit given under such Schemes.

Place :

Signatures.....

Date :.....

Name.....

(FOR URBAN AREA)

A declaration form which is to be given by the Head of the family for inclusion of the family in the priority household families in the State of Haryana under Public Distribution System.

I.....S/D/W of Sh./Smt.....resident ofdeclare in the best of my knowledge that :-

- (i) I or my any family members is not the Tax payer.
- (ii) I or my any family members is not the registered assessee Tax payer under the Haryana Goods and Service Tax Act, 2017 (Haryana Act 19 of 2017).
- (iii) I or my any family members is not the Service Tax payer.
- (iv) I or my any family members is not the Commercial Tax payer.
- (v) I or my any family members does not own more than two acres of land.
- (vi) I or my any family members neither own any house which is build on one hundred square yard plot/flat or more area under Municipal Corporation or Municipal Council.
- (vii) I or my any family members does not own any Air Conditioner (A.C).
- (viii) I or my any family members does not own the four wheeler vehicles (like Car, Van, Four Wheeler, Truck, etc.)
- (ix) I or my any family members is not an employee under Union Territory/State/Centre Government or Council/Cooperation/ firm/Undertaking etc., Independent entity like University etc., Municipal Corporation/Municipal Council/Municipal Committee or Improvement Trust.
- (x) I or my any family members does not earn more than one Lakh rupees per annum.

I hereby declare that all the facts given above are based on best of my knowledge and nothing has been concealed. If any of the above facts found to be false, I shall be responsible for any legal action. I also declare that I shall be liable to return the market value of the product/assistance along with the fine/interest decided by the competent authority. In future, if I or any of my family members become ineligible as per the parameters set by the Government, I shall be bound to inform the District Food and Supplies Controller, in time and shall not receive any benefit given under such Schemes.

Place :

Signatures.....

Date :

Name.....

SCHEDULE-III**Composition of Vigilance Committees***(see rule 16)***(i) VILLAGE/WARD LEVEL VIGILANCE COMMITTEE**

| Serial Number | Rural | Serial Number | Urban |
|---------------|---|---------------|--|
| 1 | Sarpanch - Chairperson | 1 | Municipal Councilor,-Chairperson (The Area Concerned) |
| 2 | Scheduled Caste Panch - Member (if Sarpanch of Scheduled Caste Category then Panch of other Caste) | | |
| 3 | One Male and One female –Member Beneficiaries (one widow and one disabled Other Priority Household Category) | 2 | One Male and One female – Member Beneficiaries (one widow and one disabled Other Priority Household Category) |
| 4 | One Male and One female – Member Beneficiaries BC Category (One Below Poverty Line and One Antyodaya Anna Yojana) | 3 | One Male and One female – Member Beneficiaries Backward Class Category (One Below Poverty Line and One Antyodaya Anna Yojana) |
| 5 | One Male and One female – Member Beneficiaries Scheduled Caste Category (One Below Poverty Line and One Antyodaya Anna Yojana) | 4 | One Male and One female –Member Beneficiaries Scheduled Caste Category (One Below Poverty Line and One Antyodaya Anna Yojana) |

(ii) BLOCK LEVEL COMMITTEE

1. Elected Head of Block Samiti Chairperson
2. One Male and One female Beneficiaries, (One Antyodaya Anna Yojana and One Below Poverty Line) Member
(Nominated by District Food and Supplies Controller)
3. One Male and One female Beneficiaries (One disabled and One widow, OPH Category) (Nominated by District Food and Supplies Controller) Member
4. One General and One Scheduled Caste Out of two one be female Member
(Nominated by District Food and Supplies Controller) Member
5. Representative of the System Integrator (e-Point of Sale Machine) Member
6. Assistant Food and Supplies Officer Member-Secretary
7. Block Development and Panchayat Officer Special Invitee Member

(iii) DISTRICT LEVEL COMMITTEE

| | | |
|-----|--|------------------|
| 1. | Deputy Commissioner | Chairperson |
| 2. | Additional Deputy Commissioner | Member |
| 3. | Two Sarpanches (Nominated by Deputy Commissioner) | Member |
| 4. | Two Municipal Councilors from different Blocks (Nominated by Deputy Commissioner) | Member |
| 5. | Seven Ration Card Holders (at least three women) Nominated by District Food and Supplies Controller.) Each from different block/town (At least one widow and one disabled, 2-Other Priority Household/2-Aantodya Ann Yojna/1-Below Poverty Line) | Member |
| 6. | NGO working for Consumer Affairs (Nominated by District Food and Supplies Controller) | Member |
| 7. | Male and Female Social Worker (One each) (Nominated by District Food and Supplies Controller) | Member |
| 8. | Representative of the System Integrator (e-Point of Sale Machine) | Member |
| 9. | District Manager, Confed | Member |
| 10. | District Food and Supplies Controller | Member-Secretary |

STATE LEVEL VIGILANCE COMMITTEE

| | | |
|----|--|------------------|
| 1. | Food Civil Supplies and Consumer Affairs Minister, Government of Haryana. | Chairperson |
| 2. | Principal Secretary to Government Haryana, Food, Civil Supplies and Consumer Affairs Department. | Member |
| 3. | Principal Secretary to Government Haryana, Women and Child Development Department. | Member |
| 4. | Principal Secretary to Government Haryana, Rural Development Department. | Member |
| 5. | Principal Secretary to Government Haryana, Urban Local Bodies Department. | Member |
| 6. | Principal Secretary to Government Haryana, School Education Department. | Member |
| 7. | Director General, Food, Civil Supplies and Consumer Affairs Department. | Member-Secretary |

RAM NIWAS,
Additional Chief Secretary to Government Haryana,
Food, Civil Supplies and Consumer Affairs Department, Chandigarh.