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GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF FOOD & CIVIL SUPPLIES
ITANAGAR

DRAFT NOTIFICATION

The 25th September, 2017

No. DFCS/MON/ATR/2015.— The following draft rules, which the State Government proposes to make in exercise of the powers conferred by sub-section (1) of Section 40 of the National Food Security Act, 2013(20 of 2013), except as respect things done or omitted to be done before such supersession, is hereby published, as required by the said section for information of all persons likely to be affected thereby; and notice hereby given that the said draft rules shall be taken into consideration after the expiry of a period of thirty days from the date on which the copies of the gazette containing this notification are made available to the public.

Objections or suggestions which may be received from any person with respect to the said draft rules before the expiry of the aforesaid period shall be taken into consideration by the state Government.

Objection or suggestions, if any, may be addressed to the Director, Department of Food and Civil Supplies, Naharlagun, Papum Pare district, Arunachal Pradesh.

1. Short title, extent and commencement :

- (1) These Rules may be called the **Arunachal Pradesh Food Security Rules, 2015**.
- (2) They shall extend to the whole state of Arunachal Pradesh.
- (3) They shall come into force from 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.
 - (b) "Chapter", "Section" and "Schedule" means respectively Chapter, Section of, and Schedule to, the Act.
 - (c) "Household" means:

'Household' will mean a nuclear family comprising mother, father, and their children. Dependent parent, single women which includes widow, abandoned, separated, divorced or unmarried women over age 35 years with or without their dependent children, disabled with or without their dependent children, even if they have a common roof or hearth will be treated as separate household for the purpose of this Act.

- (2) All words and expression not defined here but defined in the National Food Security Act, 2013, Essential Commodities Act, 1955, or any other relevant Act shall have the same meaning respectively assigned to them in those Acts.

3. Display in Public Domain :

- (1) On completion of each identification process, the State Government shall display prominently and place in public domain the list of names of persons/households identified for inclusion in 'Priority' or 'Antyodaya' category.
- (2) The lists of names of eligible households will be displayed at the DFCSO Office, SDO/EAC/CO Office, Gram Panchayat/Municipal Office and Fair Price Shop prominently.
- (3) The State Government will also display the list of eligible households on its website in official language of the State and Central Government.

4. Guidelines for Identification of Eligible Beneficiaries :

- (1) The State Government shall frame and publish in Gazette notification guidelines for identification of households falling in the "Priority Category" under Targeted Public Distribution System for the entitlements under Section 3 (1).
- (2) For the purpose of any rules and guidelines framed under rule 4 of these rules, the process of identification and the inclusion in priority category shall not be preclude any of the BPL/APL lists or criteria maintained by the Government for the purpose of TPDS prior to the publication of these rules; Provided further that the process of identification shall be completed within 6 (six) months from the publication of these rules.
- (3) The designated authority shall issue a ration card within one month of the date of receipt of application after necessary checks and verification.

5. List of eligible Households :

- (1) The State Government will identify the list of eligible households within the number of persons determined under section 9 of the Act for the rural and urban areas in accordance with the guidelines framed under rule 4.
- (2) The State Government shall annually update the list of eligible households within the number of persons determined under section 10 of the Act for the rural and urban areas in accordance with the guidelines framed under rule 4. Provided that the State Government may take into consideration the social and economic data captured by the Census of India for the purpose of identification of eligible beneficiaries under the Act.
- (3) Any person/organization/government authority who has reasonable cause to believe that any person/household or a group of persons/group of households who should have been included in the Priority/AAY Category and their name has not been included in the list relevant to that category, or any person/households who should not have been included in the Priority/AAY category and their name has been included in the list relevant to that category, may file a complaint to the competent authority for inclusion or elimination, as the case may be, of names of such persons/households.

6. Criteria for selection of Beneficiaries Households under AAY and Priority Category :

- (1) Those households being covered under Antyodaya Anna Yojana (AAY) shall be considered for inclusion in accordance with the guidelines applicable to the said scheme.
- (2) For the purpose of section 30 of the Act, the State Government shall conduct an identification process from among Priority Households belonging in the following category and ensure their names are automatically included for entitlements under the Antyodaya Anna Yojana.
- (3) All such families/households residing in urban area who fulfill any of the following criteria shall be identified and provided entitlements under the Antyodaya Anna Yojana.
 - (a) Homeless/houseless persons or person residing in temporary establishments, building, huts, etc.
 - (b) Households with no source of income or any of members of which is engaged in a vulnerable occupation like beggar/rag picker, domestic worker and sweeper/sanitation worker/mali or persons employed in irregular work.
 - (c) Households which do not have an able male person aged between 18 and 60 years.
 - (d) if all earning adult member(s) in the household is/are either disabled, chronically ill or aged more than 60 years.
- (4) All such families/households residing in rural area who fulfil any of the following criteria shall be identified and provided entitlements under the Antyodaya Anna Yojana.
 - (a) Designated 'Particularly Vulnerable Tribal Groups'.
 - (b) Communities with less than 10% female literacy rate.
 - (c) All households headed by a minor.
 - (d) Destitute households which are dependent predominantly on alms for survival.
 - (e) Homeless households.
 - (f) Any member of the household is a bonded labourer, all households headed by a widow or a single woman.

- (g) All households headed by a terminally ill person.
 - (h) All households headed by a person with disability.
 - (i) All households headed by a person released from bonded labour.
 - (j) All households of small farmers and marginal farmers.
 - (k) All households with no adult member between age 16 and 59, including all households headed by a person of sixty years of age or more with no assured means of subsistence or social support.
 - (l) Households with no literate adult above 25 years of age.
 - (m) Landless households deriving a major part of their income from manual casual labour.
- (5) All economically weaker households not included under sub rule (1) of rule 6, shall be included under Priority Households (PHH) subject to the following exclusion criteria :-
- (a) Households who own a pucca house/RCC house in urban areas with carpet area of more than one thousand square feet.
 - (b) Households possessing any one of the followings:-
 - (i) Four (4) wheeler motorized vehicle.
 - (ii) Air Conditioners.
 - (iii) Computer or Laptop with internet.
 - (iv) Three (3) Wheeler motorized vehicle (two or more).
 - (c) Households with any member as regular employee of Central Government, State Government, PSUs, Govt. aided autonomous bodies and local bodies with pay grade of ₹ 4200 and above.
 - (d) Households having Government allotted land for commercial purpose in the urban areas.
 - (e) Households owning mechanized agricultural equipments such as Tractors or Harvesters.
 - (f) Households with any member as elected representatives who are receiving Pay/Salary from the State exchequer.
 - (g) Households with enterprises (other than micro-enterprises) registered with the Government for manufacturing and services.
 - (h) Household paying Income Tax or Professional Tax.
- (6) In addition to the sub rule (5) of rule 6, the following households will be included in the Priority Households (PHH) based on AUTO INCLUSION CRITERIA:-
- (a) All households of Primitive Tribal Groups.
 - (b) Household having a widow pension holder.
 - (c) Household having a person with disabilities of 40% or more.
- (7) The process of identification shall lay that all such persons who do not fulfill the parameters for the exclusion criteria prescribed shall automatically be included in the Priority Category.
- (8) Notwithstanding anything contained in these rules and the National Food Security Act, and subject to provisions thereof, the State Government may from time to time, prescribe such other criteria for exclusion of households for entitlements under section 3 of the Act.

7. Establishment of Internal Grievance Redressal Mechanism :

- (1) For redressal of public complaints, an officer of Food & Civil Supplies Department shall be designated as Nodal Officer for receiving complaints under Targeted Public Distribution System are in the Districts of the state.
- (2) The Nodal officer shall forward the complaints to the District Grievance Redressal Officer (DGRO) or such official dealing with the subject for speedy disposal of the complaint(s).
- (3) To facilitate the grievance redressal mechanism, the Food & Civil Supplies Department shall put in place call centres, websites and the help line numbers through the departmental website and other media.

8. Designation of District Grievance Redressal Officer (DGRO) :

- (1) The State Government may by notification, appoint/designate any officers, not below the rank of Under Secretary or equivalent as the District Grievance Redressal Officer of the Food & Civil Supplies Department for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to the distribution of entitled foodgrains under Chapter-II and to enforce the entitlement under the Act.
- (2) The State Government through the Secretary, Food & Civil Supplies, shall initiate the proposal recommending the name of the officer to be appointed as the District Grievance Redressal Officer.

9. Powers of the District Grievance Redressal Officer (DGRO) :

- (1) The District Grievance Redressal Officers shall, subject to the provisions contained under sub-section (5) of section 15 of the Act, exercise the following powers, namely:-
 - (a) To hear the complaints within a reasonable time and dispose off the grievances not later than 30 (thirty) days.
 - (b) To submit the action taken report in time to the appropriate authority within 10 (ten) days from the date of communicating the order of disposal of grievances to the complainant.

10. Manner and time limit for hearing complaints :

- (1) The District Grievance Redressal Officer (DGRO), on receipt of written complaints on non-receipt of entitlements by the eligible beneficiaries' households shall cause to have an enquiry immediately.
- (2) The District Grievance Redressal Officer (DGRO) shall fix up a date for hearing within a period of 30 (Thirty) days for cases not resolved that need hearing with the aggrieved party, in his/her office chamber, for the redressal of the grievance.
- (3) Food Security allowances as entitled in the Act shall be finalized and paid to the aggrieved person as per the provisions under NFSA/13 and at the rate fixed by the Government of India in this regard.
- (4) Food Security Allowance (FSA) shall be calculated and notified by the State government as envisaged in the Act as follows;

$$= [(1.25 \times \text{MSP}) - \text{CIP}] \times \text{Entitlement.}$$
 Where MSP = Mean Support Price at the time, CIP = Central Issue Price.
- (5) Payment of Food Security Allowance and Penalty Chargeable shall be;
 - (i) The Nodal Officer concern shall ensure payment of Food Security Allowance to the consumer within 3 (three) weeks from the date of receipt of report on non-supply of entitled food grain subject to conduct of enquiry, hearing proceedings and finalization by the DGRO on the complaint.
 - (ii) The DGRO, in its Redressal proceeding order, shall fix penalty on the defaulter responsible for causing the non-supply of entitled food grain chargeable at double the Central Issue Price (CIP) in addition to the Food Security Allowance (FSA) payable to the aggrieved consumer.
 - (iii) The Food Security Allowance (FSA) recovered amount with penalty charged shall be deposited under the Head of Account -'1456-Civil Supplies' by the defaulter through treasury challan.
 - (iv) In case, non-supply of food grains is established against a same defaulter again, the DGRO, in addition to the Food Security Allowance (FSA) and penalty chargeable as in the first instance, shall in its Redressal proceeding order specify if the defaulter is a habitual in negligence and intentions as per enquiry findings and shall advice for criminal proceedings under Essential Commodities Act 1955 and other relevant section of the law.

11. Constitution of State Food Commission :

- (1) The State Food Commission shall be constituted by the State Government under sub-sections (2) & (3) of Section 16 of the Act and shall perform the functions assigned to it under sub-section (6) of section 16 of the Act.
- (2) The office of the Secretary, Food and Civil Supplies, Government of Arunachal Pradesh, shall provide necessary secretarial assistance to the State Food Commission.
- (3) The Headquarters of the Commission shall be located at Itanagar, Arunachal Pradesh.
- (4) The State Government may, if necessary, by notification, designate any statutory Commission or a body to exercise the powers and perform the function of the State Food Commission as per Section 18 of the Act.

- (5) 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 approval of Central Government as per Section 19 of the Act.
- (6) The powers, vacancies etc. relating to State Food Commission as envisaged in the section 20 and 21 of the Act shall be applicable in the State of Arunachal Pradesh.

12. Procedure to be followed by the State Food Commission :

- (1) Subject to the provisions in the Act and the rules made there under, the State Food Commission shall have the powers to formulate its own procedures.
- (2) All orders and decision shall be authenticated by the Member Secretary or any other officers of the Commission duly authorized by the Commission on its behalf.
- (3) The Member Secretary shall act as the Chief Executive Officer of the Commission and shall exercise such powers and functions as delegated to it by the Commission.
- (4) The Chairperson of the Commission may direct the Member Secretary to call the meeting of the Commission which may be held from time to time as the Chairperson may direct.
- (5) Any member of the Commission may request for the meeting of the Commission by submitting a written notice to the Chairperson.
- (6) In case of difference of opinion amongst the members of the Commission, the opinion of the majority shall prevail through the process of secret ballot by each member.
- (7) All directives, decisions and orders of the Commission shall be given in writing with proper and legally valid justifications. The directives, decisions and orders of the Commission shall be made available to the applicant in the manner as the commission may specify.

13. Disclosure of Record of targeted Public Distributon System :

- (1) The records relating to the stock and allocation of foodgrains and other essential commodities of the Food Godowns of the State, shall be uploaded in the national portal/ departmental website within 2 (two) working days of the issue of the allocation order.
- (2) The Food godown In-charge shall maintain proper accounts relating to distribution of foodgrains and other commodities on day to day basis and accounts shall be readily available for inspection by the officers not below the rank of the District Food & Civil Supplies Officer/ Local Authorized Persons or Bodies etc., as may be authorized by the State Government from time to time.
- (3) The Food godown In-charge shall not deal with direct cash transaction with any individual or fair price shops. The official shall maintain proper records of Bank/RTGS receipts and drafts realized on account of sale proceeds which shall be available for inspection by any authorized person.
- (4) Computerization of the Targeted Public Distribution System shall be undertaken for maintaining transparency in the supply chain management system of foodgrains and other essential commodities.
- (5) All the information relating to the Targeted Public Distribution System shall be hosted timely in the national and state portal.
- (6) The District Food & Civil Supplies Officer under section 14 of the Act, shall disseminate to all concerned on time to time basis through the media and other electronic modes of the day to day transaction by the department including such policy decision of the government in regard to the implementation of the schemes under Targeted Public Distribution System.

14. Conduct of Social Audit :

- (1) The Department shall at regular intervals conduct Social Audit in the Fair Price Shops of the book of accounts and other related register maintained by the vendor. For this purpose the district authority shall conduct Social Audit twice a year i.e. on 20th February (Statehood Day) and 2nd Oct (Gandhi Jayanti) by selecting at-least one FPS in each administrative circle. The local authority shall ensure Social Audit by notifying name of FPS(S) giving at-least 2(two) weeks time in advance for Social Audit.
- (2) The members of the Block Level Vigilance Committee shall be included as a part of social audit along with any interested stake holders at the time of social audit.
- (3) The elected members of Gram Panchayat/ Municipal bodies/ NGOs working for Women Empowerment shall be included during the conduct of social audit.

- (4) The social audit report shall be examined by the District Food & Civil Supplies Officers who shall take appropriate measures as may be necessary to bring in competency in the accounting process in the fair price shops.
- (5) In case of any actions found to have taken contrary to the interest of the beneficiaries at the time of social audit shall be brought forthwith to the notice of the District Food & Civil Supplies Officer, for taking action as per the relevant law.

15. Composition of Vigilance Committee :

- (1) For ensuring transparency and proper functioning of Targeted Public Distribution System and accountability of the functionaries, the State Government shall set up State Vigilance Committees as specified in the Public Distribution System (Control) Order, 2001, made under Essential Commodities Act, 1955, as amended from time to time as conferred at section 29(i) of National Food Security Act, 2013 (NFSA/13).
- (2) Subject to the provision contained under the Act and the rules made thereunder, the State Government shall by notification constitute three tiers Vigilance Committee in the State.
- (3) The three tiers Vigilance Committee, so constituted, shall be at the State Level, District Level and at Block Level.
- (4) The composition of the Vigilance Committee shall be such as may be notified by the State Government in the official gazette.

16. Utilization of Institutional Mechanism for other purposes :

The State Government may, at any time if so desires, utilize the service of the Commission established under the Act for any other beneficial purposes in the interest of the State Government.

17. Direct Benefit Transfer on Food Grain :

- (1) The subsidized amount payable shall be as per the calculation as below;
 Subsidized amount payable per Ration card = $[(1.25 \times \text{MSP}) - \text{CIP}] \times \text{Entitlement}$.
 (Quantity per ration card [@ 5 Kg per members for all members])
 Where MSP = Mean Support Price at the time, CIP = Central Issue Price.
- (2) Where ever DBT is implemented, the concerned Deputy Commissioners / District Food and Civil Supplies Officers shall ensure clean list of beneficiaries after eliminating bogus ration cards by leveraging on Aadhar and Bank Account seeding.

18. Point of Sale Device :

- (1) For implementation of mechanism through Point of Sale devices (PoS), the Pos transaction shall be printed showing entitlements, food grains issued and balance under entitlements if the beneficiary wants to avail in the next transaction.
- (2) PoS device shall ensure a way of authentication of beneficiaries however, such method should not affect quality of services to citizens adversely.
- (3) Deliberate damage or destroy of PoS by FPS causing disruption of normal process, a penalty of ₹ 5000 shall be levied on such defaulter, which shall be deposited under Head of account- '1456-Civil Supplies'.

19. Removal of Doubts :

If any doubt arises with regard to the interpretation of any provisions of these rules, it shall be referred to the Food and Civil Supplies Department, Government of Arunachal Pradesh, whose decision shall be final and binding.

The subjects which are not specified herein shall be governed by the provisions under NFSA/13, Central Rules under NFSA/13 and control orders of the Central as well as the State Governments issued from time to time.

J. Angu
 Secretary, Food and Civil Supplies,
 Government of Arunachal Pradesh,
 Itanagar.