

# Punjab Food Security Rules, 2016

PUNJAB

India

## Punjab Food Security Rules, 2016

### Rule PUNJAB-FOOD-SECURITY-RULES-2016 of 2016

- Published on 19 December 2016
- Commenced on 19 December 2016
- [This is the version of this document from 19 December 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

Punjab Food Security Rules, 2016Published vide Notification No. 2FD(513)-2016/2982, dated 19th December, 2016Government of PunjabDepartment of Food, Civil Supplies and Consumer Affairs(Food Distribution Branch)No. 2FD(513)-2016/2982. - In exercise of powers conferred by sub-section 1 read with clauses (a) to (l) of sub-section 2 of section 40 of the National Food Security Act, 2013 (Central Act No. 20 of 2013), the State Government hereby makes the following Rules namely:

## Chapter I Preliminary

### 1. Title and commencement.

(1)These rules may be called the Punjab Food Security Rules, 2016.(2)They shall come into force on and with effect from the date of their publication in the Official Gazette.

### 2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the National Food Security Act, 2013 (Central Act No. 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 the District Food and Supplies Controller (Licencing Authority) in case of a Fair Price Shop Owner and the Principal Secretary or the Secretary or the Director as the case may, of any of the concerned department of the Government of Punjab as per the Service Rules in case of Government officials;(d)"Department" means the Department of Food, Civil Supplies and Consumer Affairs;(e)"District Grievance Redressal Officer" means an officer appointed or designated as such under subsection (1) of section 15;(f)"State Food Commission" means the Commission to be constituted by the State Government under Section 16 of the Act;(g)"State Government" means the

Government of the State of Punjab in the Department of Food, Civil Supplies and Consumer Affairs; and(h)The words and expressions used in these rules and not defined shall have the same meaning as assigned to them in the Act.

## **Chapter II**

### **Ration Card**

#### **3.**

Any person who fulfills the eligibility criteria as laid down in Schedule I, can apply in the format given in Schedule-II for identification as priority households to the respective Deputy Commissioner or Sub-Divisional Magistrate, when applications are invited in their district, provided the total number of beneficiaries in the State shall not exceed the percentage of rural and urban population to be covered under the Act as fixed by the Government of India from time to time.

#### **4.**

The department shall issue ration cards only to such identified priority households and the lists of such priority households shall be made available to the public.

## **Chapter III**

### **Internal Grievance Redressal Mechanism**

#### **5.**

All the Assistant Food & Supply Officer or the Food & Supplies Officer, as the case may be, in the block, the District Food & Supplies officer in the district and the officer in charge of the Food Distribution branch at head office of the department not below the rank of Joint Director shall function as Nodal officer for Internal Grievance Redressal Mechanism.

#### **6.**

The Nodal Officer shall monitor all the complaints received through online ePDS portal available on the department's website or through the telephonic help line setup in this regard and shall forward the same to the officer concerned for their redressal.

#### **7.**

Every complaint received through Nodal Officers, toll free helpline numbers and PDS portal shall be given a unique complaint number.

## **8.**

After verification of facts by the concerned officers of the State Government about the complaint received, remedial action for its redressal shall be completed within fifteen days from receipt of the complaint.

## **9.**

The complainant shall be informed in writing or through e-mail or telephonically about the manner in which grievance has been redressed.

# **Chapter IV**

## **External Grievance Redressal Mechanism**

### **10. District Grievance Redressal Officer.**

(1) All the Deputy Commissioners or an officer not below the rank of Additional Deputy Commissioner shall function as exofficio District Grievance Redressal Officer for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapter II, and to enforce the entitlements under the Act. (2) Display the address, telephone numbers, e-mail addresses, facsimile numbers and other means of contacting the District Grievance Redressal Officer, in respect of each district shall be displayed at each office of the department in the district, fair price shops, schools, anganwadi's, other public places, website and at the office of the Grievance Redress Officers. (3) 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.

### **11. Procedure for registering complaints.**

(1) Any aggrieved person can 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 Officers, select fair price shops, and other public places such as schools, anganwadi's etc. (2) The complaint boxes shall be opened at least once in three days to retrieve the complaints and immediate action shall be taken for their redressal. (3) Complaints shall be filed with specific details and contact information of the complainant. No anonymous complaint shall be entertained. (4) Where a complainant is unable to make a complaint in writing, the District Grievance Redressal Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing. (5) All complaints shall be acknowledged by a receipt in writing or through electronic means, within one day of receipt of the complaint, specifying date and unique grievance number.

## **12. Procedure for 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(s) or agency against whom complaint has been made, alongwith relevant documents. The requisite explanation and documents shall be furnished by the concerned officer(s) or agency against whom complaint has been made, to the District Grievance Redressal Officer, within fifteen days. (3) Based on the explanation of concerned officer(s) or agency against whom complaint has been made, and the available documents, if the District Grievance Redressal Officer is satisfied about the veracity of the grievance, he shall issue necessary order for its redressal within thirty days from the date of receipt of the complaint. District Grievance Redressal Officer shall dismiss the complaint, in case no merit is found. (4) 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 about 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. (5) On the date fixed for hearing the District Grievance Redressal Officer shall hear the parties and take such evidence as may be given by them. After hearing all the parties and taking into consideration the evidence during the hearing, the officer shall pass suitable order within forty-five days from the date of receipt of 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. (6) The complainant must 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 grievance redressal officer is of the opinion that the disposal of the complaints requires more than prescribed under clauses (3) and (5) above, the complainant shall be sent an interim reply citing the reasons for delay.

## **13. Powers of District Grievance Redressal Officer.**

(1) The District Grievance Redressal Officers, 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) The District Grievance Redressal Officer can issue appropriate orders disposing of the complaints received under sub-section (1) of section 15. (3) While deciding a complaint, the District Grievance Redressal Officer can recommend the action to be taken by the competent authority against the fair price shop owner or the employee of the Department concerned, if found to be responsible, according to the provisions of these rules.

## **14. Monitoring the disposal of complaints.**

- Disposal of complaints shall be monitored by the Secretary/ Principal Secretary in charge of the Department of the State Government, at least once in a month.

## **15. Appeal.**

- Any complainant or the officer or authority against whom any order has been passed by the District Grievance Redressal Officer, who is not satisfied with the redressal of grievance, may file an appeal against such order before the State Food Commission, within thirty days from the date of receipt of the order by the District Grievance Redressal Officer.

## **16. Monthly Report.**

- A monthly report on complaints received and disposed off by the District Grievance Redressal Officer shall be sent by the District Grievance Redressal Officer 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.

## **Chapter V**

### **State Food Commission**

## **17.**

The State Government shall appoint, by notification, a commission to be known as the State Food Commission, as per provisions of Section 16 of the Act.

## **18. Method of Appointment.**

(1) For appointment of Chairperson and members of the State Food Commission, the Applications shall be invited through a public notice in newspapers/ website of the Department. (2) A Screening committee shall shortlist the available candidates for appointment as Chairperson and members of the State Food Commission. The said screening committee shall consist of the following:-

- |   |            |
|---|------------|
| (a) Secretary to Government of Punjab, Department of Food, Civil Supplies & Consumer Affairs. | - Chairman |
| (b) Director, Food, Civil Supplies and Consumer Affairs.                                      | - Member   |
| (c) Director, Social Security, Women and Child Development.                                   | - Member   |

(3) The list of candidates shortlisted by the committee shall be submitted to the State Government for consideration/ final decision regarding appointment of the Chairperson and members.

## **19. [ The terms and conditions of service and status of the Chairperson and other Members of the State Food Commission. [Substituted by Notification No. 2FD(513)2018/1187, dated 12.4.2019.]**

(1)The Chairperson and every other Member of the State Food Commission shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for reappointment as such: Provided that no person shall hold office as Chairperson or other Member after he has attained the age of sixty-five years.(2)The Chairperson or Other Members, as the case may be, of the State Food Commission, -(a)in the case of Chairperson, may resign from his office at any time by writing under his hand which shall be addressed to the Governor; and(b)in the case of Member, may resign from his office at any time by writing under his hand which shall be addressed to the State Government; or(c)Chairperson or Member, as the case may be, may be removed from their office as per the provisions contained in sub-section (9) of section 16 of the Act.(3)The provisions relating to the salaries and allowances, other conditions of service and status of the State Chief Information Commissioner (who is equal to the Election Commissioner of the Election Commission of India), and the State Information Commissioners (who are equal to the Chief Secretary to the State Government), under the Right to Information Act, 2005, shall apply mutatis mutandis to the Chairperson and the Members of the State Food Commission, respectively.(4)To carry out the functions of the State Food Commission under the provisions of sub-section (6) of the section (16) of the Act, all powers relating to the general superintendence, directions and management of the affairs of the State Food Commission, shall vest in the Chairperson and the other Members of the State Food Commission, for effective functioning of the said commission.]

## **20. Place of Sitting and other matters relating to State Commission.**

(1)The office of the State Commission shall be located at the capital of the State.(2)The working days and the office hours of the State Commission shall be the same as that of State Government.(3)Sittings of the State Commission, as and when necessary, shall be convened by the Chairperson.(4)No Act of proceedings of the State Commission shall be invalid by reason only of the existence of any vacancy among its members or any defect in its constitution thereof. The State Government shall appoint/depute such staff, as may be necessary to assist the State Commission in its work and perform such other functions as are provided under the Act.(5)If during the proceedings conducted under subsection 6 of section 16 of the Act, the State Commission fixes a date for hearing of the parties, it shall be obligatory on the complainant and opposite party or his authorized agent who appear before the State Commission on such date of hearing or any other date to which hearing could be adjourned. Where the complainant or his authorized agent fails to appear before the State Commission on such day, the State Commission may in its discretion either dismiss the complaint for default or decide it on merits. Where the opposite party or its authorized agent fails to appear on the day of hearing, the State Commission may decide the complaint ex-parte.(6)A complaint presented before the State Commission shall be decided within 90 days from the date of notice received by the opposite party.(7)Where the opposite party admits the allegations made the complainant, the State Commission shall decide the complaint on the basis of merit of the case and documents present before it.(8)Order of the State Commission shall be signed and dated by the members of the State Commission constituting the bench and shall be communicated to the parties free of charge.

## **21. Procedure for hearing of appeals [section 16 (6) (e)] of National Food Security Act.**

(1)The memorandum of appeal shall be presented by the appellant or his authorized agent to the State Commission in person or sent by registered post addressed to the State Commission.(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 of the documents as may be required to support grounds of objection mentioned in the memorandum.(3)The period of limitation for filing the appeal against the order of the District Grievance Redressal Officer shall be 30 days from the date the certified copy of the order appealed against, is received by the appellant.(4)When the appeal is presented after expiry of the period of limitation as specified in the Act, 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.(5)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.(6)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.

## **22. Maintenance of records.**

- Commission shall maintain all the records, including the appeals and records related to their disposal.

## **23. Stamps and Logo.**

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

## **24. Amicus Curiae.**

- The State Food Commission can appoint Amicus Curiae in order to ensure transparency and objectivity.

## **25. Appointment of Staff of the State Food Commission.**

- The State Food Commission, being an autonomous body, shall appoint on contract or outsource (as prescribed by the State Government), such administrative and technical staff, as may be necessary, to assist the State Food Commission for proper discharge of its function. The salaries and other allowances of such staff of the State Food Commission shall be as determined by the State Government from time to time.

## **26. Review and Monitoring.**

- For review and monitoring of implementation of the Act, the Commission shall hold regular meetings with the officers of the Department of the State, other concerned agencies of the State Government, reputed NGOs and members of the civil society, and give its advice to the State Government for effective implementation of the Act.

## **Chapter VI**

### **Social Audit**

## **27. Records relating to Targeted Public Distribution.**

- All the lists regarding eligible beneficiaries and the allocation of food grains in the State shall be regularly updated by the State Government on its website.

## **28. Vigilance Committee.**

- For keeping a check on the functioning of fair price shops, the Targeted Public Distribution System and other welfare schemes, the distribution of foodgrains to the beneficiaries shall be made under the supervision of the Vigilance Committee constituted at Fair Price Shop Level. The Vigilance Committee can also send its recommendations to the competent authority to take appropriate action against any of the functionaries in the Targeted Public Distribution System, if found to be negligent in performing their stipulated duties, according to these rules.

## **29. Composition of Vigilance Committees.**

- The State Government shall set up the Vigilance Committees at the State, District, Block and Fair Price Shop levels in the manner detailed at schedule III.

**I**

[Rule 3(1)]Eligibility Criteria for Identification of Beneficiaries under National Food Security Act, 2013/ New Atta Dal Scheme Eligible Families• The Antyodaya Anna Yojana (AAY) households would be automatically covered as per the existing scheme of the Government of India.• The Below



Poverty Line (BPL) families identified according to the criteria decided by the Government of India and identified beneficiary families under the State sponsored "Atta Dal Scheme" would be automatically covered under Priority Household.

- The homeless households and households living in Kutchha houses.
- Households where head of the family is disabled/ handicapped person (Should be more than 40% handicap as per the certificate issued by concerned Civil Surgeon / Medical Board).
- All households of landless agricultural labourers.
- All households of small and marginal farmers (owing fertile land upto 2.5 acres or barren land upto 5 acres).
- All households headed by a widow or a single women (unmarried/separated/deserted).
- Old age pensioners, who don't have any other family member to support them provided their annual income from all resources is upto Rs. 60,000/-.
- In water lodged areas, the condition regarding ownership of land has been released and families having land upto 5 acres are eligible.
- All such land owners in whose land there has been no produce in the last three years.
- Families of HIV/AIDS patients, verified by Director Health, Punjab.

Except The Following

- All income tax payers.
- All Value Added Tax assesses registered under the Punjab Value Added Tax Act, 2005.
- All service tax payers.
- All Professional tax payers.
- Households having more than 2.5 acres of fertile land or more than 5 acres of barren land.
- Any household owning motorized four wheeler or Air Conditioner.
- Any household which owns/operates an enterprise(s) registered with the Government.
- Families of all employees (other than contractual/ work charged/ daily wager) of Government of India, State Governments and Union Territories or its boards/ corporations/ enterprises/ undertakings/ Municipal corporations, Municipal Councils, Municipal Committees, Improvement Trusts etc. (FAMILY includes Husband, Wife & their dependent children).
- Any household having annual family income of more than Rs. 60,000/- from all sources.
- Any household owing a house built on a plot area of 100 sq. yds or more or flat of 750 sq. ft or more super area in Municipal Corporation or Municipal Councils in the State.

Note. - State Government reserves a right to fully or partially amend these eligibility criteria anytime without any notice.

## II

[Rule 3(1)] Claim form / Self-Declaration form to be filled to get the benefits under the "New Atta Dal Scheme" of the Government of Punjab Details to be filled by Applicant:

**1. Applicant s Name** \_\_\_\_\_

**2. Father s/ Husband s Name** \_\_\_\_\_

**3. Name of female head of the family** \_\_\_\_\_

**4. Total number of family members** \_\_\_\_\_

**5. Residential Address: House No.** \_\_\_\_\_

Name of locality/Street \_\_\_\_\_ Ward/Village \_\_\_\_\_

**6. Block \_\_\_\_\_ Tehsil \_\_\_\_\_ District \_\_\_\_\_**

**7. Details of family members of applicant:**

Sr No Name Relation with Applicant Age Aadhaar No./ UID No. (if any)

**8. I declare that:**

a. My family's annual income from all sources is not more than Rs. 60,000/- .b. I or any members of my family do not own agricultural land of more than 2.5 acres of cultivable land or 5 acres of barren land.c. I or any members of my family do not own four wheeler motor car or A.C.d. I or any members of my family do not pay income tax, Punjab VAT tax, Service tax or Professional tax.e. I or any members of my family do not have own a house constructed on plot of 100 sq yard or more or own a flat of more than 750 sq feet or more under any municipal corporation or municipal council in India.f. I or any member of my family is not the owner of industry recognized by the Government and no one employed in any Government or Semi-Government organization.

**9. I declare that all the information given above is true and correct to the best of my knowledge.**

Date \_\_\_\_\_ (Signature of applicant) Verification report: Name of verifying officer \_\_\_\_\_ Designation \_\_\_\_\_ Signature \_\_\_\_\_ Claim of Applicant \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_ Signature and Stamp of Sub Divisional Magistrate \_\_\_\_\_



**Composition of Vigilance Committee's (1) State Level Vigilance Committee**

- |  |                 |
|--|-----------------|
| (a) Chief Secretary to Government of Punjab  | - Chairman      |
| (b) Secretary to Government of Punjab, Department of Food, Civil Supplies & Consumer Affairs, Punjab.  | - Vice Chairman |
| (c) Director, Food, Civil Supplies and Consumer Affairs, or any officer nominated by him, not below the rank of Joint Director in the department | - Convener      |
| (d) Director, Local Government   | - Member        |
| (e) Director, Panchayats and Rural Development.  | - Member        |
| (f) Director, Social Security  | - Member        |
| (g) Director, School Education   | - Member        |

- (h) Director, Health Services - Member
- (i) Three Deputy Commissioners to be nominated by Chairman as members. These nominations are to be made on rotational basis to give representation to all the districts, among which, two Deputy Commissioners shall cease to be a member after every one year.
- (j) Four Members nominated by the Chairman from amongst the members of Scheduled Castes, Backward Classes, and Women with vast experience in Social Affairs, Economic Affairs, Education, Labour, Farming. All the meetings of the State level Vigilance committee shall be presided over by the Chairman only. The quorum for meeting of the committee shall be seven members. The nominated Deputy Commissioners shall bring along two members of the District level Vigilance Committee for the meeting of the State Level Vigilance Committee as Special Invitees.
- (2) District Level Vigilance Committee
- (a) Deputy Commissioner of the district concerned - Chairman
- (b) District Food and Supplies Controller concerned - Convener
- (c) Ten members to be selected by the Chairman from Block Committees (Urban and Rural both) in the respective district with due representation to National Food Security Act beneficiaries Priority Household/ Antyodaya Anna Yojana category.
- (d) Five members nominated by the Chairman from amongst members of the scheduled castes, Backward Classes and Women, with vast experience in Social Affairs, Economic Affairs, Education, Labour, Farming. All the meetings of the District Level Vigilance Committee shall be presided over by the Deputy Commissioner concerned. The quorum for the meeting of the committee shall eight members.
- (3) Block Level Vigilance Committee
- (a) Sub-Divisional Magistrate of the sub-division concerned - Chairman
- (b) Food and Supplies officer or Assistant Food and Supplies Officer of the block concerned - Convener
- (c) Six members to be selected by the Chairman from village or ward committees falling within the respective block with due representation to National Food Security Act beneficiaries Priority Household/ Antyodaya Anna Yojana category urban and rural both.
- (d) Five members nominated by the Chairman from amongst the members of the Scheduled Castes, Backward Castes, Women, with vast experience in Social Affairs, Economic Affairs, Education, Labour, Farming. All the meetings of the Block Level Vigilance Committee shall be presided over by the Chairman. The Chairman shall ensure the constitution of Vigilance Committee's for each block separately. The quorum for meeting of the committee shall seven members.
- (4) Fair Price Shop Level Vigilance Committee
- (a) Sarpanch or Zila Parishad Member or Panch or Block Samiti Member to be nominated by the Sub-Divisional Magistrate, with with eminence in social affairs, economic affairs & education - Chairman
- (b) Inspector, Food and Supplies Concerned - Convener
- (c) Two members from amongst Scheduled Castes.
- (d) One member from amongst Backward Classes.
- (e) Two members from amongst National Food Security Act beneficiaries Priority Household/ Antyodaya Anna Yojana category Women.
- (f) One member from amongst the representatives of Labour or Farming community. The Chairman of the fair price shop level Vigilance Committee shall nominate other members of the committee in consultation with convener. The Sub-Divisional Magistrate concerned shall ensure that each Fair Price Shop shall have a vigilance committee.