

Tamil Nadu Food Security Rules, 2017

TAMILNADU

India

Tamil Nadu Food Security Rules, 2017

Rule TAMIL-NADU-FOOD-SECURITY-RULES-2017 of 2017

- Published on 5 July 2017
- Commenced on 5 July 2017
- [This is the version of this document from 5 July 2017.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Food Security Rules, 2017Published vide Notification No. G.O.(Ms) No. 89, Co-operation, Food And Consumer Protection (B1), dated 05.07.2017Last Updated 23rd January, 2020No.SRO A-33(a)/2017. - In exercise of the powers conferred by sub-section(1) of section 40 of the National Food Security Act, 2013 (Central Act 20 of 2013), the Governor of Tamil Nadu hereby makes the Tamil Nadu Food Security Rules, 2017, the draft of the same having been previously published, as required by sub-section (1) of section 40 of the said Act.Chapter - 1 Preliminary

1. Short title.

- These rules may be called the Tamil Nadu Food Security Rules, 2017.

2. Definitions.

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the National Food Security Act, 2013 (Central Act 20 of 2013);(b)"Chairperson" means the Chairperson of the State Food Commission;(c)"Adjudicating Officer" means a member of the Commission specially authorised for adjudging penalty under section 33 of the Act;(d)"Civil Supplies Department" means the Department in-charge of implementation of the Targeted Public Distribution System;(e)"Commission" means the Tamil Nadu State Food Commission constituted under section 16 of the Act;(f)" Complaint" means and includes a representation in writing or through electronic means containing a grievance alleging deficiency / shortcomings in the implementation of the Act;(g)"District Grievance Redressal Officer" means an Officer appointed or designated by State Government for each district, under section 15 of the Act;(h)"Schedule" means the Schedule appended to these Rules;(2)The words and expressions used in these rules but not specifically defined herein, shall have the same meaning as assigned to them in the Act.Chapter- II Identification of Priority Households And Transparency

3. Guidelines for identification of Priority Households.

(1)The guidelines for identification of priority households to be covered under the Targeted Public Distribution System to receive the entitlement under sub-section (1) of section 3 of the Act shall be as specified in the Schedule.(2)While identifying the priority household for entitlement under sub-section (1) of section 3 of the Act, utmost care shall be taken by all concerned and it shall be ensured that no genuine and deserving household is left out.

4. Disclosure of records.

(1)All Public Distribution System related data shall be placed in the public domain by hosting on web portal viz., www.tnpds.gov.in. Relevant documents and records shall be kept open for inspection by the public in fair price shops and Village Administrative Offices during working hours on all the working days.(2)Without prejudice to the provisions of sub-rule (1), the following documents and records shall be displayed prominently in the offices of the Taluk Supply Officers in the districts other than Chennai and in the offices of the Assistant Commissioners of Civil Supplies in Chennai:- (a)Guidelines for identification of eligible Priority households, List of beneficiaries under Antyodaya Anna Yojana and priority households; and (b)Details of the Fair Price Shops, stock position of essential commodities in each fair price shop, working hours of fair price shop, selling price of each commodity, address of the shop and other means of contact of designated authorities.

5. Conduct of Social Audit.

- Every local body shall conduct or cause to be conducted social audit at least once in a year on the functioning of the fair price shops, entitlements, functioning of Public Distribution System and cause to publicise its findings and take necessary further action by forwarding it to the District Grievance Redressal Officer for redressal. Chapter - III Internal Grievance Redressal Mechanism

6. Internal System of Grievance Redressal.

(1)A complaint under these Rules may be lodged with the Nodal Officer concerned at his office in writing or through the following State level toll-free help line numbers, namely:- (a)1967; and (b) 1800 425 5901. A complaint may also be made through the Web portal of the State Government, namely, www.tnpds.gov.in. (2)Every complaint so received shall be assigned an Unique Complaint number with date, which shall be informed to the Complainant.

7. Nodal Officer.

(1)The District Supply Officer of the district and the Taluk Supply Officer of the taluk shall be the Nodal Officers to ensure smooth implementation of Public Distribution System. (2)The Nodal Officer shall, - (a)verify, at the end of every month, the status of supply of food grains to the entitled persons as per the entitlement under the Act; (b)on receipt of a complaint or otherwise, record in writing the reasons for non supply of entitled quantity of food grains to any entitled person and shall

redress such grievance: Provided that where a complaint pertains to non supply of food grains due to wilful lapse of any Fair Price Shop, the same shall be forthwith forwarded to the District Grievance Redressal Officer for necessary action; (c) ensure that a complaint alleging deficiency / shortcomings in the implementation of the Act is redressed within thirty days from the date of receipt of the complaint.

8. Vigilance Committees.

(1) Vigilance Committees shall be constituted at different levels as detailed below:-(a) Shop level Vigilance Committee shall be constituted by drawing members from amongst the consumers of the fair price shops with not less than five members and not exceeding seven members giving due representation to women and Scheduled Castes / Scheduled Tribes. While doing so, due preference may be given to Government employees, representatives of Consumer Organization and local body representatives. (b) Taluk / Zone level Vigilance Committee shall consist of-

- | | |
|---|---------------|
| (i) Revenue Divisional Officer / Sub Collector / Regional Deputy Commissioner/ Joint Commissioner in Greater Chennai Corporation | - Chairperson |
| (ii) Local Member of Legislative Assembly / Members of Legislative Assembly | - Member |
| (iii) Tahsildar / Assistant Commissioner of the Zone concerned | - Member |
| (iv) Local Body Representative | - Member |
| (v) Representative of Consumer Organisations | - Member |
| (vi) Taluk Supply Officer/ Assistant Commissioner (Civil Supplies) | - Convener |
| (vii) Five other members giving due representation to women, eminent persons, Scheduled Castes / Scheduled Tribes, destitute persons, persons with disability and persons involved in cooperative movement. | - |
- (c) District level Vigilance Committee shall consist of-
- | | |
|--|---------------|
| (i) District Collector / Commissioner of Greater Chennai Corporation, in case of Chennai District | - Chairperson |
| (ii) Members of Parliament | - Member |
| (iii) Sub Collectors / Revenue Divisional Officers/ Regional Deputy Commissioner / Regional Joint Commissioner in Greater Chennai Corporation | - Member |
| (iv) District level Local Body Representative | - Member |
| (v) Inspector, Civil Supplies Crime Investigation Department | - Member |
| (vi) Regional Manager / Senior Regional Manager, Tamil Nadu Civil Supplies Corporation | - Member |
| (vii) Joint Registrar of Cooperative Societies | - Member |
| (viii) District Supply Officer / Deputy Commissioner in case of Chennai Corporation | - Convener |
| (ix) Five other members giving due representation to women, Consumer Organisations, eminent persons, Scheduled Castes / Scheduled Tribes, destitute persons, persons with disability and persons involved in cooperative movement. | |

(d) State level Vigilance Committee shall consist of-

- | | |
|---|---------------|
| (i) Commissioner of Civil Supplies and Consumer Protection | - Chairperson |
| (ii) Registrar of Co-operative Societies | - Member |
| (iii) General Manager (Business), Tamil Nadu Civil Supplies Corporation | - Member |
| (iv) Joint Commissioner of Civil Supplies and Consumer Protection | - Convener |
| (v) Six other members giving due representation to women, Consumer Organisations, eminent persons, Scheduled Castes / Scheduled Tribes, destitute persons, persons with disability and persons involved in co-operative movement. | |

(2) The Members of the Vigilance Committee except the designated Government Servants and elected representatives at Shop Level, Taluk / Zone Level and District Level in all districts except Chennai shall be nominated by the District Collectors concerned. The Members of the Vigilance Committee except designated Government servants and elected representatives at the Shop Level, Taluk / Zone Level and District Level in Chennai and at State Level shall be nominated by the Commissioner of Civil Supplies and Consumer Protection. (3) The term of office of the nominated members shall be two years from the date of nomination. (4) The Vigilance Committees shall meet at the Shop Level and Taluk / Zone Level at least once in a month and at the District / State level at least once in a quarter.

9. District Grievance Redressal Officer.

(1) The District Revenue Officer shall be the District Grievance Redressal Officer (DGRO), as designated by the State Government: Provided that wherever it is considered necessary, the State Government may appoint a full time District Grievance Redressal Officer for a district who shall be a Government Officer not below the rank of District Revenue Officer. (2) The names of District Grievance Redressal Officer including their addresses, telephone numbers, email address, the area for which they have been appointed or designated may be prominently displayed at each office of the Civil Supplies Department, fair price shops, other public places, web portal of the State Government and at the offices of the District Grievance Redressal Officer and the Commission.

10. Procedure for registering complaints.

(1) Any aggrieved person may register his complaint with the District Grievance Redressal Officer or an officer authorised by the District Grievance Redressal Officer for the purpose in person or in writing or through e-mail or helpline or call centre or toll free number. (2) Complaints shall be filed with specific details and information regarding contact number and address of the complainant. (3) Where a complainant is unable to make a complaint in writing, the District Grievance Redressal Officer shall render all reasonable assistance to the person for making the request reduced in writing. (4) Every complaint shall be assigned an unique complaint number. (5) The complaints may be transferred from one level to another level through e-mail or any other web based system or otherwise. The delay in transmission of complaint from one level to another shall not be cited as reason for delay in disposing off the grievance. (6) After verification of facts by the officers concerned of the State Government about the complaint received, necessary action for its redressal shall be completed within thirty days from the date of receipt of the

complaint.(7)The complainant shall be informed in writing or through e-mail about the manner in which the grievance has been redressed.

11. Procedure for disposal of complaints.

(1)The District Grievance Redressal Officer shall verify every complaint received as to whether there is prima-facie substance in the complaint to proceed further.(2)If the District Grievance Redressal Officer is satisfied that there is prima-facie substance in the complaint, he shall seek or cause to seek explanation in the matter from the officer concerned or agency against whom complaint has been made, along with relevant documents. The requisite explanation and documents shall be furnished to the District Grievance Redressal Officer by the officer concerned or the agency within fifteen days.(3)Based on the explanation of the officer concerned 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 directions for its redressal within thirty days from the date of receipt of the complaint.(4)In the case of 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 District Grievance Redressal Officer may also, at the request of the parties or suo-motu, adjourn the proceedings to some other date with or without cost.(5)On the date fixed for hearing, the District Grievance Redressal Officer or any other Officer authorised by him in this behalf shall hear the parties and take such evidence as may be given by them. After taking into consideration the evidence submitted during the hearing, he shall pass appropriate order within forty-five 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 or if the defendant is absent, he may proceed to enquire the matter as ex-parte and decide accordingly.(6)The complainant shall be informed of the decision on his complaint in writing or through electronic mode with a system for confirmation of its receipt by the complainant.(7)If the District Grievance Redressal Officer is unable to dispose any complaint within the time limit prescribed under sub-rule (3) or (5), the complainant shall be sent an interim reply citing the reasons therefor.

12. Powers of District Grievance Redressal Officer.

- The District Grievance Redressal Officer, while enquiring into a complaint, shall have the powers to require any person-(a)to produce before him such books, accounts, documents or any other material in custody or under the control of the person as may be specified in the requisition for his examination; and(b)to furnish such information as may be required for the purpose of implementation of the Act.

13. Review and Monitoring the disposal of complaints.

- The disposal of complaints shall be reviewed and monitored by the Secretary / Principal Secretary to Government, in charge of Civil Supplies Department, at least once in every quarter.

14. Appeal against order of District Grievance Redressal Officer.

- Any person aggrieved by an order passed by the District Grievance Redressal Officer may prefer an appeal before the Commission within thirty days from the date of receipt of the order.

15. Periodical Report.

- A monthly report on complaints received and disposed off by the District Grievance Redressal Officer shall be sent by him to the State Government by fifteenth day of the succeeding month. The State Government shall send a quarterly consolidated report for the State as a whole to the Department of Food and Public Distribution, Government of India within the succeeding month.

16. Appointment of Chairman and Members.

(1)The Chairperson, other Members and the Member-Secretary of the Commission shall be appointed by the State Government on the recommendation of a Selection Committee.(2)The Selection Committee shall be constituted by the State Government consisting of-

- | | |
|--|------------------|
| (a) The Chief Secretary, Tamil Nadu | Chairman |
| (b) The Secretary to Government, Co-operation, Food and Consumer Protection Department | Member-Secretary |
| (c) The Commissioner, Civil Supplies and Consumer Protection Department | Member |

(3)The Selection Committee shall prepare a panel consisting of three names for Chairperson and three names for each class or category of the Members of the Commission.(4)The Notification for selection of the Chairperson and other Members of the Commission shall be made through advertisement on the State Government web portal.(5)The Selection Committee shall select and recommend suitable names for appointment as Chairperson and members of the Commission against the vacancies to be notified by the State Government together with a concise statement showing the requisite qualification, eligibility criteria and other relevant materials of each person.

17. Headquarters of Commission.

- The headquarters of the Commission shall be at Chennai: Provided that the Commission may hold its sitting outside Chennai with the prior approval of the State Government.

18. Terms and Conditions of Service of Chairperson and other Members of Commission.

(1)The salaries and allowances payable to and other conditions of service of,-(a)the Chairperson, shall not be below the rank of Secretary to Government.(b)the other Members, shall be the same as that of the lowest scale (fixed) for the Joint Secretary to the Government and be paid Dearness

Allowance as admissible to the post of the Joint Secretary: Provided that the salaries, allowances and other conditions of service of a Member who is not a recipient of any form of a pension, other than a disability pension, in respect of any previous service under the Government of India or under any State Government shall be paid with an honorarium of an amount not exceeding Rs. 50,000/- (Rupees Fifty thousand only) per mensem. Such member shall also be eligible for payment of Rs. 500/- (Rupees Five hundred only) per sitting per diem: Provided further that the salaries, allowances and other conditions of service of the Chairperson or other Member shall not be varied to their disadvantage after the appointment. (2) The Chairperson or any Member of the Commission may, by notice in writing under his hand addressed to the State Government, resign from the office of the Chairperson or the Member, as the case may be, at any time: Provided that the Member shall forward a copy of his resignation to the Chairperson and the resignation shall take effect only from the date of acceptance of the resignation by the State Government. (3) An officer of the State Government who has been selected for appointment as Member-Secretary shall hold such office on deputation. (4) A casual vacancy of Chairperson or Member shall be filled up as soon as may be, by appointment of another member by the State Government from the panel of names recommended by the Selection Committee referred to in rule 16. The person so appointed shall hold office for the remaining period of the tenure of the Member in whose place he is appointed.

19. Review and Monitoring.

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

20. Meeting of Commission.

(1) Meeting of the Commission shall be convened by the Member-Secretary in consultation with the Chairperson, at least once in a week. (2) The quorum for the meeting of the Commission shall be three.

21. Duties of Member-Secretary.

- The Member-Secretary in accordance with the direction of the Chairperson shall perform the following duties, namely:-(a) execute all decisions taken by the Commission; (b) shall be responsible for the day-to-day administration of the office of the Commission; (c) convene the meetings of the Commission in consultation with its Chairperson and cause service of notices of the meetings to all concerned; (d) prepare, in consultation with the Chairperson, the agenda for each meeting of the Commission and have notes prepared, which shall be self-contained; (e) make available records covering the agenda items to the Commission for reference; (f) ensure that the agenda papers are circulated to the members in advance; (g) prepare the minutes of the meetings of the Commission and shall also ensure placing of the Action Taken Note of the decisions of the Commission before the Commission in its subsequent meetings; (h) ensure that the procedure of the Commission is followed in transaction of its business; (i) take up all such matters with the State Government for release of

grants, creation of posts, procurement of vehicles, appointment of staff, laying of annual and audit report in Assembly, re-appropriation of funds and any other matter requiring the approval of the State Government;(j)exercise such financial powers as may be delegated to him by the Commission; and(k)shall be the appointing and disciplinary authority in respect of officers and other employees of the Commission.

22. Registering and disposal of complaints and appeals by Commission.

-(1)(a) Complaint regarding violation of entitlements under the Act and appeal against the order of the District Grievance Redressal Officer shall be submitted by the complainant or appellant to the Commission in person or by registered post or through any electronic mode, addressed to the Member-Secretary of the Commission.

(b) Complaint or appeal shall be filed with specific details and contact information. No anonymous complaint shall be entertained.(2)The Commission shall, on receipt of any complaint, seek a report on it from the District Grievance Redressal Officer, alongwith supporting documents, who shall be required to furnish within fifteen days.(3)Taking into consideration the report of the District Grievance Redressal Officer and the available documents, the Commission shall issue appropriate orders for the redressal of the complaint within fifteen days from the date of receipt of the report of the District Grievance Redressal Officer.(4)(a)The appeal against the order of District Grievance Redressal Officer may be filed before the Commission within thirty days from the date of receipt of the order. Every appeal shall be accompanied by a copy of the order of the District Grievance Redressal Officer and such of the documents as may be required to support grounds of appeal.(b)In the case of appeal against the orders of the District Grievance Redressal Officer, the Commission shall fix a date, time and place for hearing the appeal and issue notices to all the parties. The Commission may, at the request of the parties or suo-motu, adjourn the hearing to some other date.(5)On the date fixed for hearing, it shall be obligatory for the parties to appear before the Commission. If the appellant fails to appear on such date, the Commission may in its discretion either dismiss the appeal or decide ex-parte, on merits of the case. If the respondent or his representative fails to appear on such date, the Commission shall proceed ex-parte and shall decide the appeal on merits of the case.(6)The Commission may make such summary enquiry as it considers necessary and an appeal shall be decided, within a period of sixty days from the date of receipt of appeal, by giving an opportunity to all concerned.(7)If the Commission is of the opinion that the disposal of the appeal requires more than sixty days, the appellant shall be sent an interim reply citing the reasons for delay.(8)The order of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Commission in this behalf.(9)The Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision with proper acknowledgement.

23. Powers of Commission.

- The Commission, while enquiring into complaints, shall have powers to require any person-(a)to produce before it such books, accounts, documents or any other material in custody or under control of the person as may be specified in the requisition for its examination; and(b)to furnish such information as may be required.

24. Maintenance of records.

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

25. Appointment of Staff to Commission.

(1)The State Government shall, by order, sanction such administrative and technical staff, as it considers necessary for proper functioning of the Commission.(2)The method of appointment of staff, their salaries, allowances and conditions of service for the Commission shall be similar to those applicable to the equivalent ranks of the employees of the State Government or as may be modified by the State Government from time to time.

26. Inquiry by the Adjudicating Officer.

(1)The Adjudicating Officer shall send to the public servant or the public authority found guilty of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignoring such recommendation, a copy of the order of the District Grievance Redressal Officer, a copy of the complaint or appeal against the order of the District Grievance Redressal Officer and a copy of the order of the Commission on the complaint or appeal and issue a notice giving reasonable opportunity to the public servant or the public authority, as the case may be, to appear before him on the date, time and place specified in the notice and make his or its representation as to why a penalty should not be imposed for such failure.(2)The Adjudicating Officer shall, after hearing the public servant or the public authority, shall arrive at his conclusion on imposing such penalty as he thinks fit in accordance with the provisions of section 33 and issue an order accordingly.(3)The Adjudicating Officer shall send a copy of the order issued under sub-rule (2) to the Commission.The Schedule(See rule 3)Guidelines for Identification of Priority Households

1. Criteria for Inclusion

(i). For Urban Areas. -(a)All Antyoaya Anna Yojana families(b)Households with a beneficiary under Annapurana Anna Yojana(c)All the Below Poverty Line (BPL) families, as available with urban local bodies(d)Beneficiaries under other welfare schemes such as Old Age Pensions, etc.,(e)All households headed by a widow or single women(f)Households headed by differently-abled persons (more than 40% handicapped)(g)Other vulnerable households such as slum dwellers, resettlement

colonies, shelter-less, occupationally vulnerable groups like rag-pickers, unskilled workers, etc., poor beneficiaries under other welfare schemes of the Government(ii). For Rural Areas. -(a)All Antyoaya Anna Yojana families(b)Households with a beneficiary under Annapurana Anna Yojana(c)All the Below Poverty Line (BPL) families, as available with rural local bodies(d)Beneficiaries under other welfare schemes such as Old Age Pensions, etc.,(e)All households headed by a widow or single women(f)Households headed by differently-abled persons (more than 40% handicapped)(g)Households of agricultural labourers(h)Other vulnerable families as identified using Participatory Identification of Poor Survey

2. Criteria for Exclusion. -

(a)Households with at least one member as income tax payer(b)Households paying professional tax(c)Households classified as large farmers (i.e.) more than five acres of land(d)Households with any member, who is working or retired employee of Central/State Government, local bodies, Corporations/autonomous bodies of Central/State/Local Government(e)Any household owning a motorised four wheeler (except one commercial vehicle in household for earning livelihood)(f)Any household owning Air Conditioner(g)Households owning three or more rooms with pucca walls and pucca roof.(h)Any household which owns/operates an enterprise(s) registered under any law(i)Household having annual family income of more than Rs. 1.00 lakh from all sources