

West Bengal Food Security Rules, 2016

GOVERNMENT OF WEST BENGAL
Food & Supplies Department
11 A, Mirza Ghalib Street
Kolkata – 700 087

No. 2481A/FS./Sectt/Food/14R-05/2016 dt. 07.09.2016

NOTIFICATION

The following draft rules which the Governor, in exercise of the power conferred by clauses (a), (b), (c), (d), (e), (h), (i), (j), (k) and (1) of sub-section (2) of section 40 of the National Food Security Act, 2013 (20 of 2013) proposes to make, is hereby published as required under sub-section (1) of the said section for information of persons likely to be affected thereby;

The draft will be taken into consideration on or after the expiry of fifteen days from the date of its publication in the Official Gazette and objection or suggestion, if any, with respect thereto which may be received by the undersigned before the said date, shall be duly considered:-

Draft rules

CHAPTER I

PRELIMINARY

1. Short title and commencement

- (1) These rules may be called the West Bengal Food Security Rules, 2016.
- (2) They shall come into force on 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 (20 of 2013);

(b) “district” means a district of the State of West Bengal;

Explanation – The area comprising under the Kolkata Municipal Corporation shall be deemed to be a district for the purpose of these rules;

(c) “District Controller” means the District Controller of Food and Supplies Department, Government of West Bengal, and includes the Joint Director of Rationing;

(d) “local authority” means the Panchayat, municipality, municipal corporation, Gorkhaland Territorial Administration, Industrial Township or any other authority or body vested with the control and management of civic services, within a specified local area;

(e) “rural area” means any area in the State except those areas covered by any urban local body or a cantonment board established or constituted under any law for the time being in force;

(f) “State” means the State of West Bengal;

(g) “State Government” means the Government of West Bengal in the Food and Supplies Department;

(h) “Sub-Divisional Controller” means the Sub-Divisional Controller of Food and Supplies Department, Government of West Bengal and includes the Rationing Officer.

(2) The words and expressions not defined here but defined in the Act, or Essential Commodities Act, 1955 (10 of 1955), or any other relevant Act shall have the meaning respectively assigned to them in those Acts.

CHAPTER II

GUIDELINES FOR IDENTIFICATION OF PRIORITY HOUSEHOLDS

3. Guidelines for identification of priority household under sub-section (1) of section 10

The State Government may, by notification, frame separate guidelines with respect to identification of eligible household under the Act:

Provided that the scheme or guidelines with respect to identification of eligible household existing on the date of commencement of these rules shall continue to be in force till such time the scheme or guidelines are framed by the State Government as per the provisions of this rule.

CHAPTER III

GRIEVANCE REDRESSAL MECHANISM

4. Internal Grievance Redressal Mechanism

(1) The State Government shall, by notification, designate an officer, not below the rank of Joint Secretary, as Nodal Officer for the purposes of management of internal Grievance Redressal Mechanism.

(2) The Nodal Officer shall monitor the functioning of call centres, help lines toll free numbers, District Grievance Redressal Officer and ensure proper implementation of the provisions contained in chapter VII of the Act.

5. Appointment of District Grievance Redressal Officer

An Additional District Magistrate of concerned district, as may be designated by the District Magistrate, shall discharge the functions of the District Grievance Redressal Officer under the Act:

Provided that in respect of areas under Kolkata Municipal Corporation, an officer under section 14 of the Kolkata Municipal Corporation Act, 1980, other than Municipal Commissioner, to be nominated by Mayor-in-Council shall be the District Grievance Redressal Officer.

6. Power of District Grievance Redressal Officer

- (1) Every District Grievance Redressal Officer shall exercise the power conferred under the Act.
- (2) The power referred to in sub-rule (1) shall include the power to hear complaint relating to following matters, namely:-
 - (i) issuance and cancellation of ration cards;
 - (ii) non-distribution of entitled foodgrains referred to under the Act;
 - (iii) any other matter related to Public Distribution System as may be specified by the State Government under the Act.
- (3) The District Grievance Redressal Officer will also act upon information received in writing, from the various Vigilance Committees constituted as per the provisions of section 29 of the Act.

7. Filing of complaint

A person being aggrieved by an action or decision of the Fair Price Shop dealer, distributors, Rationing Officer, Sub-divisional Controller, District Controller or the Joint Director of Rationing, as the case may be, with respect to matters mentioned in sub-rule (2) of rule 6 may file a complaint before the District Grievance Redressal Officer in Form-1.

8. Manner and time limit for hearing complaints by the District Grievance Redressal Officer and the filing of appeals under sub-sections (5) and (7) of section 15 of the Act

- (1) On receipt of the complaint under rule 7, if the District Grievance Redressal Officer is of the opinion that there exists a prima facie case, it shall, forward the complaint to concerned authority mentioned in rule 7 within five working days for taking proper steps for redressal of grievance.
- (2) The concerned authority shall submit a report on the action taken by him on the complaint of the complainant within five working days thereafter.
- (3) On receipt of the report mentioned in under sub-rule (2), the District Grievance Redressal Officer shall dispose of the matter preferably within 15 working days and communicate the same to the complainant and the authorities concerned:

Provided that the District Grievance Redressal Officer, while disposing of the matter under this rule by passing a reasoned order may give an opportunity of being heard to the complainant and the proper parties.

- (4) Every authority concerned shall be duty bound to comply with the decision of the District Grievance Redressal Officer,
- (5) If the complainant or the officer or authority is not satisfied by the order passed by the District Grievance Redressal Officer, he may prefer an appeal before the State Commission within 30 days from the date of communication of the order and the State Commission shall dispose the appeal by passing a reasoned order after hearing the proper parties together with the person, whose order

has been appealed of within 30 days from the date of the receipt of the appeal:

Provided that the delay in preferring appeal may be condoned by the State Commission, if sufficient cause for such delay is properly explained to the State Commission.

CHAPTER IV TRANSPARENCY AND ACCOUNTABILITY

9. Targeted Public Distribution System related records to be placed in the public domain and kept open for inspection to public under Section 27

(1) The State Government shall place the data pertaining to Public Distribution System together with all notifications, orders, and circulars relating thereto in the public domain for inspection to public.

(2) All the records mentioned in sub-rule (1) shall be placed on the notice Board of the concerned offices of the Department

(3) Every Sub-Divisional Controller offices and District Controller offices of the State Government shall also display all important notification, orders and circulars on its notice board for inspection to the public.

10. Social audit on the functioning of Fair Price Shops, Public Distribution System and other welfare schemes shall be conducted under section 28 of the Act

(1) The State Government may entrust a Local authority to conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Public Distribution System and other welfare schemes envisaged in the Act.

(2) Every Local Authority entrusted with the work of social audit shall have power to gather data from the concerned offices of the Government of West Bengal, as it may deem fit, and after conducting the social audit, it shall forward its reports and findings to the State Government.

(3) On receipt of the report and findings on social audit, the State Government shall take necessary action on the findings and keep the same on public domain.

CHAPTER V COMPOSITION OF VIGILANCE COMMITTEES

11. Constitution of State Level Vigilance Committee

(1) There shall be a State Level Vigilance Committee constituted for performing the functions mentioned in sub-section (2) of section 29 of the Act comprising of-

(i) the Chief Secretary	Chairman
(ii) the Commissioner, Food, Food and Supplies Department, Government of West Bengal	Member - Conven

	er
(iii) Secretary, Finance Department, Government of West Bengal	Member
(iv) Secretary, Panchayat & Rural Development Department, Government of West Bengal	Member
(v) Secretary, Municipal Affairs Department, Government of West Bengal	Member
(vi) Secretary, School Education Department, Government of West Bengal	Member
(vii) the Secretary, Department of Women & Child Development and -Social Welfare, Government of West Bengal	Member
(viii) one representative each from the women and destitute person or persons with disability to be nominated by the Secretary, Department of Women & Child Development and Social Welfare, Government of West Bengal	Member
(ix) one representative belonging to the Scheduled Caste to be -nominated by the Secretary, Backward Classes Welfare Department, Government of West Bengal	Member
(x) one representative belonging to the Scheduled Tribes to be nominated by the Secretary, Tribal Development Department, Government of West Bengal	Member
(xi) the Managing Director, West Bengal State Warehousing Corporation Ltd.	Member
(xii) the Director, District Distribution, Procurement and Supplies, West Bengal	Member
(xiii) the Director of Consumer Goods, West Bengal, Food and Supplies Department, Government of West Bengal	Member
(xiv) the Director of Finance, West Bengal, Food and Supplies Department, Government of West Bengal	Member
(xv) The General Manager, Food Corporation of India	Member
(xvi) the Director of Rationing, West Bengal	Member
(xvii) An officer each to be nominated by the Authority of Kolkata Municipal Corporation and the Howrah Municipal Corporation	Member

(2) The State Level Vigilance Committee shall hold meeting at least once in a period of six months to review allocation, lifting, stock position, quality and supply situation of articles issued under Public Distribution System and discuss matters referred to in reports received from the Committees constituted under rules 12 and 13.

12. Constitution of District Level Vigilance Committee

(1) There shall be a District Level Vigilance Committee constituted for performing the functions mentioned in sub-section (2) of section 29 of the Act comprising of-

(i) District Magistrate or as the case may be, Municipal Commissioner of Kolkata Municipal Corporation	Chairman
(ii) Karmadhakshya, Khadyo-o-Sarbaraho-Sthayee- Samity, Zilla Parishad or, as the case may be, any Officer of the Kolkata Municipal Corporation appointed under section 14 of the Kolkata Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980) to be nominated by Mayor-in-Council	Member
(iii) Superintendent of Police, District Enforcement Branch or as the case may be, an officer in the rank of Deputy Commissioner of Kolkata Police to be nominated by the Commissioner of Police	Member
(iv) a person to be nominated by the Member of Parliament of the concerned district	Member
(v) One representative each from the women and destitute person or persons with disability to be nominated by the Director of District Distribution, Procurement and Supplies, West Bengal, from amongst the registered Non Government Organizations of the concerned district	Member
(vi) One representative belonging to the Scheduled Caste to be nominated by the Director of District Distribution, Procurement and Supplies, West Bengal	Member
(vii) One representative belonging to the Scheduled Tribes to be nominated by the Director of District Distribution, Procurement and Supplies, West Bengal	Member
(viii) One representative to be nominated by the Minister-in-Charge, Food and Supplies Department, Government of West Bengal	Member
(ix) All Member of Legislative Assembly of the District or their representative	Member
(x) All Sub-divisional Controller of Food & Supplies of the concerned district or the Rationing Officer, as the case may be	Member
(xi) District Controller of Food & Supplies Department, Government of West Bengal or the Joint Director of Food & Supplies, as the case may be.	Member-Convener

(2) District Level Vigilance Committee shall meet at least once in a period of three months to review allocation, lifting, stock position, quality and supply situation of articles issued under Public Distribution System and discuss matters referred to in the reports received from Block Level Vigilance Committees.

13. Constitution of Block Level Vigilance Committee

(1) There shall be a Block Level Vigilance Committee constituted for performing the functions mentioned in sub-section (2) of section 29 of the Act comprising of-

(i) Block Development Officer	Chairman
(ii) Karmadhakshya, Khadyo-o-sarbaraho-Sthayee Samity, Panchayat Samity	Member
(iii) Officer-in-Charge of the Police Station having jurisdiction	Member
(iv) Member of Legislative Assembly or his representative	Member
(v) One representative each from the women and destitute person or persons with disability to be nominated by the Block Development Officer, from amongst the registered Non Government Organizations of the concerned Block	Member
(vi) One representative belonging to the Scheduled Caste to be nominated by the Block Development Officer	Member
(vii) One representative belonging to the Scheduled Tribes to be nominated by the Block Development Officer	Member
(viii) Pradhans of the concerned Gram Panchayat as special invitee	Member
(ix) Chief Inspector, Food and Supplies Department, Government of West Bengal	Member - Convener

(2) The Committee shall hold meetings atleast once in period of two months to review quality and supply situation of articles issued under Public Distribution System at different Fair Price Shop under its jurisdiction, review inspections made by officials of Food and Supplies Department and examine matters referred to in reports received from Fair Price Shop Level Vigilance Committees.

(3) The copies of the minutes of the meetings should be sent to the Convener of the District Level Vigilance Committee within 7 days for information.

14. Constitution of Fair Price Shop Level Vigilance Committee

(1) There shall be a Fair Price Shop Level Vigilance Committee constituted for performing the functions mentioned in sub-section (2) of section 29 of the Act comprising of-

(i) Local member of the Panchayat or Ward Commissioner of the municipality or	Chairman
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municipal corporation, as the case may be, having jurisdiction over Fair Price Shop	
(ii) One Headmaster or Teacher of the locality to be nominated by the respective Sub-divisional Officer having jurisdiction over Fair Price Shop	Member
(iii) One woman member of the locality to be nominated by the respective Sub-divisional Officer having jurisdiction over Fair Price Shop.	Member
(iv) One representative belonging to Scheduled Caste of the locality to be nominated by the respective Sub-divisional Officer having jurisdiction over Fair Price Shop.	Member
(v) One representative belonging to Scheduled Tribes of the locality to be nominated by the respective Sub-divisional Officer having jurisdiction over Fair Price Shop.	Member
(vi) A destitute and disabled person of the locality to be nominated by the respective Sub-divisional Officer having jurisdiction over Fair Price Shop.	Member
(vii) Secretary of the concerned Gram Panchayat or executive officer or officer of equivalent rank of municipality or Municipal Corporation, as the case may be	Member
(viii) A person to be nominated by the concerned Member of the Legislative Assembly	Member
(ix) Inspector or Sub-Inspector of Food and Supplies Department	Member-Convener

(2) The Committee shall hold monthly meetings to discuss matters to ensure that inspection of Fair Price Shops are carried out regularly, stocks at Fair Price Shops are verified, grievances are properly attained and schedule of delivery of articles issued under public distribution system to consumers is strictly followed. Directions and guideline issued by Food and Supplies Department from time to time must be followed.

(3) The copies of the minutes of the meetings should be sent to the Convener of the Block Level Vigilance Committee within 7 days for information.

15. Interpretation

If any question arises as to the interpretation of any of the provisions of these rules, it shall be referred to the State Government, whose decision thereon shall be final.