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An Act to ensure food security to enable assured economic and social access to adequate food and life with dignity, for all persons in the country, at all times, in pursuance of their fundamental right to live with dignity.

Preamble

WHEREAS, Article 25 of the Universal Declaration of Human Rights (1949) recognizes the right of everyone to adequate food;

AND WHEREAS, Article 11 of the International Covenant on Economic, Social and Cultural Rights (1966) and the General Comment 12 of the Committee on Economic, Social and Cultural Rights further elaborate the responsibilities of all State Parties to recognize the right of everyone to be free from hunger;

AND WHEREAS further responsibilities in this regard, particularly with reference to children and women, derive from the Convention of the Rights of the Child (Articles 22, 23, 24, 26, 27.1 and 27.3) and the Convention on the Elimination of All Forms of Discrimination against Women (Article 12, 13 and 14);

AND WHEREAS Articles 5, 25 and 28 of the Convention on the Rights of Persons with Disabilities recognises the special measures required to accelerate disabled persons' de facto equality of access to nutrition;

AND WHEREAS Article 21 of the Constitution of India guarantees a fundamental right to life and personal liberty, which necessarily includes the right to life with dignity;

AND WHEREAS, Article 47 of the Constitution of India makes it a primary duty of the State to raise the standard of nutrition and the standard of living of its people and to improve public health;

AND WHEREAS Article 41 of the Constitution of India obliges the State to make effective provision for securing the right to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want;

AND WHEREAS, Article 39 (a) of the Constitution of India obliges the State to direct its policy towards ensuring that the citizens, men and women, equally, have the right to an adequate means of livelihood;

AND WHEREAS Article 42 of the Constitution of India obliges the State to make provision for securing just and humane conditions of work and for maternity relief;

AND WHEREAS Articles 14 and 15 enjoin the State to ensure equality before the law and allows to this end the enactment of special provisions for women, children, Schedule Castes, Schedule Tribes and indeed any socially and educationally backward classes of citizens;

AND WHEREAS transparency and accountability are the cardinal principles underlying the implementation of the Act; that the existing administrative machinery for the disposal of grievances needs to be strengthened to secure the ends of justice;

AND WHEREAS effective redressal of a violation of a person's rights and entitlements is essential to the enjoyment of the rights;

AND WHEREAS the Supreme Court of India has recognised the right to food and nutrition as integral to the right to life; and further specified variously the corresponding duties of the State

NOW, THEREFORE a set of core entitlements within the universal right to food and nutrition are provided to be enjoyed and progressively expanded until universal access to adequate nutrition is achieved.

BE it enacted by Parliament in the Sixty First Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

1. **Short Title, Extent and Commencement.-** (1) This Act may be called the National Food Security Act 2011.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different sections of the Act may be brought into force at different times:

Provided further that this Act shall be brought into force in the whole of the territory to which it extends within a period of one year from the date of passage of this Act.

2. **Definitions.-** In this Act, unless the context otherwise requires,-

(a) “**Adult**” shall mean a person who has completed eighteen year of age;

(b) “**Appropriate Government**” shall mean -

(i) in relation to the Central Government means the ministries/ departments and the public servants appointed by the said government, designated by the Central Government responsible for the implementation of the Act;

(ii) in relation to the State Government means the ministries/ departments and the public servants appointed by the said government, designated by the State Government responsible for the implementation of the Act;

- (c) **“At 2010-11 Prices”** shall mean indexed in nominal (rupee) terms in accordance with a suitable Price Index, to ensure that there is no loss of real purchasing power relative to what could have been purchased in 2010-11 with the stated number of rupees;
- (d) **“Bonded Labourer”** shall mean a bonded labourer as defined in the Bonded Labour System (Abolition) Act 1976;
- (e) **“Child”** shall mean a person who has not completed eighteen years of age;
- (f) **“Crèche”** shall mean a child care facility for children below the age of **six years**, with appropriate facilities and trained care-givers;
- (g) **“Destitute Persons”** shall mean men, women or children who lack the resources, means and support required for nutrition enabling survival with dignity;
- (h) **“Disabled Persons”** shall mean persons defined as disabled under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995;
- (i) **“Emergency and Disaster Situations”** shall mean a natural or human-made disaster as defined in the National Disaster Management Act, 2005;
- (j) **“Excluded Households”** shall mean those households identified by the State government as being in the ‘excluded’ group based on the identification criteria prescribed in Schedule ... ;
- (k) **“Fair Price Shop”** shall mean a Fair Price Shop as defined in the PDS Control Order, 2001 issued under the Essential Commodities Act, 1955;
- (l) **“Food”** shall mean any article used as food or drink for human consumption other than drugs and includes-
 - (i) any article which ordinarily enters into, or is used in the composition or preparation of, human food,
 - (ii) any flavouring matter or condiments, and
 - (iii) any other article which the Central Government may, having regard to its use, nature, substance or quality, declare, by notification in the Official Gazette, as food for the purposes of this Act;
- (m) **“Food Grains”** shall mean Rice, Wheat and Millets distributed under the Public Distribution System under this Act;

- (n) **“General Households”** shall mean those households identified by the State government as being in the ‘general’ group based on the identification criteria prescribed in Schedule ... for the grant of food grains at subsidised rates given in Schedule 4;
- (o) **“Hamlet”** shall mean a compact cluster of houses in any village;
- (p) **“Health Centre”** shall mean any public facility existing or set up for the purpose of providing health care, including Community Health Centres, Primary Health Centres, Primary Health Sub-Centres, etc;
- (q) **“Homeless Persons”** shall mean persons who do not live in structures with a roof, such as on the roadside, pavements, drainage pipes, under staircases, outside shops, or in the open, courtyards of religious structures, as well as persons who reside in homeless shelters, beggars’ homes, destitute shelters, railway tracks, nalas and the like;
- (r) **“Household”** shall mean the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card, provided that a single-member shall also constitute a household where such a person is not dependent on any other person and has no persons dependants on her or him;
- (s) **“Household Head”** shall be a woman unless there is no adult woman in the household in which case it shall be the oldest member of the household;
- (t) **“Information”** shall mean information as defined in the Right to Information Act, 2005;
- (u) **“Issue Price”** shall mean the price at which food articles are sold in any Fair Price Shop set up under the Public Distribution System in accordance with Essential Commodities Act, 1955;
- (v) **Jhuggi Jhopdi Colony”** shall mean to include the following:
 - (i) All areas notified as “slum” by State/Local Government and UT Administration under any law for the time being in force;
 - (ii) All areas recognized as “Slum” by State/Local Government and UT Administration which have not been notified as Slum under any Act;
 - (iii) A compact area of at least 20 poorly built congested tenements, in unhygienic environment, usually with high population density, inadequate infrastructure and lacking in proper sanitary and drinking water facilities; and which by reason of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety or health of the residents;

- (w) **“Job Chart”** shall mean a note describing the roles and responsibility of a public functionary as maybe issued from time to time under the rules framed under this Act;
- (x) **“Local Anganwadi”** shall mean a child care centre set up under the Integrated Child Development Services or other child care centres approved by or set up by the appropriate government for the same purpose in the neighbourhood of the person entitled to receive services under this Act;
- (y) **“Local Authority”** shall mean any of the Panchayati Raj Institutions in rural areas and Urban Local Bodies in urban areas under any law for the time being in force;
- (z) **“Malnutrition”** shall mean the condition which develops when the body is unable over time to receive or absorb adequate and appropriate calories, proteins and other nutrients required for good health, growth and maintenance of the human body and mind;
- (aa) **“Mini-Anganwadi”** shall mean a child care centre set up in small hamlets, as an extension of the network of full-fledged Anganwadis;
- (bb) **“Minimum Support Price”** shall mean the minimum price declared by the Government at which it commits to buy different food commodities from the farmers.
- (cc) **“National Commission”** shall mean the National Food Commission constituted under Section 28 of this Act;
- (dd) **“Notification”** shall mean a notification, issued under this Act and published in the Official Gazette;
- (ee) **“Nutrition Standards”** shall mean the scientifically determined quantity of nutrients including proteins and calories required to be consumed for good health, growth and maintenance of the human body and mind including those specified in Schedule I for the specific entitlements;
- (ff) **“Nutrition Rehabilitation Centre”** shall mean a centre in a hospital, Primary Health Centre or similar health facility set up or approved by the appropriate government that provides nutrition, treatment and rehabilitation of malnourished children;
- (gg) **“Prescribed”** shall mean prescribed by Rules made under this Act;
- (hh) **“Priority Households”** shall mean those households identified by the State Government as being in the ‘priority’ group based on the identification criteria prescribed in Schedule ... for the grant of food grains at subsidised rates given in Schedule 4 ;
- (ii) **“Private Contractor”** shall mean any entrepreneur, commercial enterprise or company not

- owned or controlled or funded or aided by the Appropriate Government;
- (jj) **“Public Distribution System”** shall mean Public Distribution system as defined in the PDS Control Order 2001 issued under the Essential Commodities Act, 1955;
- (kk) **“Ration Card”** shall mean a Ration Card as defined in the PDS Control Order 2001 issued under the Essential Commodities Act, 1955;
- (ll) **“Record”** shall mean Record as defined in the Right to Information Act, 2005;
- (mm) **“Referral Services”** shall mean assistance to approach a public or government-approved health facility, including a written recommendation by any authorised functionary for examination or treatment and transport;
- (nn) **“Right to Information”** shall mean Right to Information as defined in the Right to Information Act, 2005;
- (oo) **“Rules”** shall mean the rules notified by the Central Government and State Governments, as the case maybe;
- (pp) **“Rural area”** shall mean Rural Area as defined in the Mahatma Gandhi Rural Employment Guarantee Act, 2005;
- (qq) **“Senior Citizen”** shall mean any person who has attained the age of sixty years or above;
- (rr) **“Severe Acute Malnutrition”** shall mean malnutrition defined as severe acute based on World Health Organization (WHO) norms;
- (ss) **“Severe Malnutrition”** shall mean malnutrition defined as severe based on World Health Organization (WHO) norms;
- (tt) **“Severely Underweight Children”** shall mean children defined as being severely underweight by World Health Organization (WHO) norms;
- (uu) **“Social Audit”** shall mean a continuous process of public vigilance, through which potential beneficiaries and other stakeholders of an Activity or project or a scheme, are involved, at every stage from the planning to implementation, monitoring, and evaluation; and which results in ensuring public accountability in the implementation of projects, laws and policies;
- (vv) **“State Food Commission”** shall mean the State Food Commission constituted under Section ... of this Act;

- (ww) **“Starvation”** shall mean prolonged food deprivation that threatens survival;
- (xx) **“Starvation Death”** shall mean death of a person caused by starvation;
- (yy) **“Therapeutic Food”** shall mean food designed for specific, usually nutritional, therapeutic purposes including, inter alia, the treatment of severe or severe acute malnutrition in children;
- (zz) **“Urban Areas”** shall mean any area in a State covered by any urban local body or a Cantonment Board established or constituted under any law for the time being in force.

CHAPTER II
SHARING OF FINANCIAL AND OTHER RESPONSIBILITIES

3. **Sharing of Financial and other Responsibilities.**- (1) Subject to the Rules as maybe prescribed by the Central Government in this behalf, the Central Government shall meet the cost of the following namely:

- (a) For the distribution of food grains through the Public Distribution System, the Central Government shall provide grain free of cost or the cash equivalent of the procurement costs borne by State Governments in case of decentralized procurement, to State Governments, in quantities adequate to meet the entitlements of ration card holders in accordance with the standards specified in Schedule 4;
- (b) All other costs included under this Act, shall be shared between Central and State Governments in accordance with the ratios (Centre/State) that applied on 1 April, 2010, or based on a 70:30 ratio of Actual costs incurred, whichever is higher;
- (c) Administrative expenses: Other administrative expenses of at least 6 percent shall be borne by the Central Government;

(2) The Central Government shall prescribe the appropriate allocation and expenditure of administrative expenses provided for under this Act.

CHAPTER III
RIGHT TO FOOD SECURITY

4. **Right To Access Of Food Security.**- (1) Every person shall have the right of access to, at all times, either directly or by means of financial purchases, to quantitatively and qualitatively adequate, sufficient and safe food, corresponding to his or her cultural traditions and which ensures a physical and mental, individual or collective fulfilling and dignified life free of fear of hunger or malnutrition.

(2) No person shall be discriminated against on the basis of caste, creed, colour, religion, race,

gender, disease or disability in the matter of access to food and other entitlements under this Act.

5. **Life Cycle Approach.-** Food Security shall be based on the delivery of services on the life cycle approach from pregnant women and children to senior citizens so as to ensure access to food in adequate and appropriate quantities calories and proteins and other nutrients for healthy body and mind.

6. **Entitlements of Pregnant and Lactating Women.-** On and from the date of enactment of the Act, the State Government shall provide all pregnant and lactating women the following:

- (a) Nutritious take-home food grain or local and freshly cooked meals, free of charge, during pregnancy and 6 months thereafter through the local anganwadi so as to meet the nutrition standards specified in Schedule 1;
- (b) Maternity benefits of Rs. 1000 per month at 2010 -2011 prices, for a period of six months, sufficient to provide them with the nutritional requirements mentioned in Schedule I, to be spread over at the option of the woman before or after pregnancy sufficient to provide with the standard of nutrition in Schedule 1:

Provided the sum of Rs1000 per month at 2010-11 prices shall be revised every year based on an appropriate price index as determined by the Central Government;

Provided further that all pregnant women regularly employed with government / Public Sector Undertakings/ State Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force, shall not be entitled to the benefit of Section 6 clause (a) and clause (b) under this Act;

- (c) Support for practising breastfeeding for 6 months through assistance at birth, breastfeeding counselling, and related assistance consistent with the provisions of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992);
- (d) Counselling on optimal Infant and Young Child Feeding to promote appropriate complementary feeding, along with continued breastfeeding beyond the age of 6 month;

7. **Entitlements of children at the age group of 0 - 6 years.-** On and from the date of enactment of the Act, The State Government shall provide all children in the age group of 0 – 6 years the following:

- (a) food grains or local and freshly cooked meal throughout the year through the local Anganwadis to meet the nutritional standards in Schedule 1;
- (b) Services including but not limited to immunization, health check-ups, referral services, growth monitoring and promotion, pre-school education at the Local Anganwadi as may be prescribed;

8. **Midday meal to Children.-** (1) On and from the date of enactment of this Act, the State Government shall provide all children up to class-8, a local and freshly cooked mid-day meal, free of charge, in all schools run by local bodies, Government aided schools and in unaided private schools to

children admitted in accordance with Section 12 (1) of the Right of Children to Free and Compulsory Education Act, 2009, throughout the year, except during schools holidays in accordance with the nutrition standards specified in Schedule 1.

(2) Every school shall have appropriate facilities for the purpose of cooking and drinking water as maybe prescribed.

(3) The food provided through the mid-day meal shall be culturally appropriate and nutritious.

9. Prevention and Treatment of Child Malnutrition.- (1) On and from the date of enactment of this Act, the State government shall, through the local angawadi, identify children who suffer from all/any degrees of malnutrition, as maybe prescribed, as well as those experiencing growth faltering or nutritional deterioration.

(2) Every malnourished Child shall be provided support through nutrition counselling for improved locally appropriate feeding and care, health checkups and referral services to children suffering from malnutrition, by the local anganwadi, free of charge.

(3) All Severely underweight, undernourished or sick malnourished children shall be entitled to, free of charge, therapeutic foods, as maybe specified through notification, and special care at a Nutrition Rehabilitation Centre or in the community in which they are normally resident, as appropriate, in accordance with the scheme to be specified under this Act.

CHAPTER IV **ENTITLEMENTS OF SPECIAL GROUPS**

10. Entitlement of Destitute persons.- The State Government shall provide all destitute persons shall at least one local and freshly cooked meal every day, free of charge, according to the nutrition norms specified in Schedule 1, at a location close to their home, or if they are homeless, close to the place they ordinarily sleep in, in accordance with the scheme to be specified under this Act.

11. Entitlement of Homeless Persons.- The State Government shall provide all homeless and poor, casual workers and migrant labourers access to local and freshly cooked meal at Rs. 10 per meal at 2010-11 prices at Community Kitchens or in such manner as maybe prescribed.

Provided the sum of Rs. 10 at 2010-11 prices shall be revised every year based on an appropriate price index as determined by the Central Government;

Provided further that entitlements under Sections 10 and Section 11 will be applicable only after being notified by various State Governments for their respective jurisdictions;

Provided further still that such notifications shall be issued by every State Government within one year of the Act coming into force.

12. **Emergency and Disaster Affected Persons.-** The State Government shall if it is of the opinion that an emergency or disaster situation exists or upon a declaration to that effect by the National Food Commission, provide to all effected households the following:

- (a) Subsidised food grains at priority rates specified in Schedule 4 , after immediately thereafter, for a period of one year; and
- (b) Two locally prepared freshly cooked nutritious meals, shall be provided free of charge, for a period up to 3 months after the disaster.

CHAPTER – V
RIGHT OF PERSONS LIVING IN STARVATION

13. **Right of persons living in starvation.-** The Appropriate Government shall make all reasonable efforts to ensure that all persons, households, groups or communities living in starvation or conditions akin to starvation are provided appropriate nutrition to restore them with immediate effect to a condition of good health of the body and mind.

14. **Immediate Relief from Starvation.-** All persons, households, groups or communities living in starvation or conditions akin to Starvation shall with immediate effect provided the following:

- (a) local and freshly cooked meals, 3 times a day or in a frequency as maybe necessary, free of charge, for six months from date of identification;
- (b) Subsidised food grains at priority rates specified in Schedule 4, after immediately thereafter, for a period of one year;

Provided that the State Food Commission may recommend the relief mentioned in clause (a) and (b) be enhanced or period increased as it may deem fit.

- (c) Psycho-social support through professional counsellors;
- (d) Employment under National Rural Employment Guarantee Scheme work for a period of 2 years from the date of identification, in the affected area;
- (e) Any other relief deemed necessary by the State Government.

15. **Proactive investigation.-** The State Government shall proactively identify groups, communities and tribes living in starvation or in condition akin to starvation and provide the relief mentioned in Section 14 under this Act.

16. **Right to Approach the District Grievance Redressal Officer.-**Every persons, households, groups or communities living in conditions of starvation shall have the right to approach the District Grievance Redressal Officer for immediate relief under Section 14 of this Act and the District Grievance Redressal Officer shall be bound to provide such relief.

CHAPTER – VI

RIGHT TO RECEIVE SUBSIDIZED FOOD GRAINS

17. **Identification of Households:** The State Government shall, based on the criteria mentioned in Schedule. ... and Schedule ... identify households known as the Priority Group and General Group and issue to them appropriate Ration Cards to enable them to receive food grains at the rates applicable to them.

18. **Subsidised Food Grains to rural households.- (1)** The State Government shall provide to all rural households on the basis of criteria mentioned in Schedule to subsidized food grains at the rates specified in Schedule 4 hereto, to be known as the Priority Group.

(2) The Central Government shall have the power, by notification, to add to the criteria in the schedule here to, but so as in a manner by not removing any category from the schedule.

(3) All rural households other than those in the priority group shall be entitled to subsidized food grains at the rates specified in Schedule 4 here to, to be known as the General Category.

(4) The State Government may by notification in the official gazette exclude persons who fulfil the exclusion criteria provided in Schedule ... , to be known as the Excluded Category.

Provided, however by making the said exclusion, the State Government shall ensure that not less than 90% of all rural households are entitled to subsidized food grains in accordance with sub section (1) and (3).

19. **Subsidised Food Grains to Urban households: (1)** The State Government shall provide to all urban households on the basis of criteria mentioned in Schedule shall be entitled to subsidized food grains at the rates specified in Schedule 4 hereto, to be known as the priority group.

(2) The Central Government shall have the power, by notification, to add to the criteria in the schedule here to, but so as in a manner not removing any category from the schedule.

(3) All urban households other than those in the priority group shall be entitled to subsidized food grains at the rates specified in Schedule 4 here to, to be known as the general category.

(4) The State Government may by notification in the official gazette exclude persons who fulfil the exclusion criteria provided in Schedule ... , to be known as the excluded category.

Provided, however by making a said exclusion, the State Government shall ensure that not less than 50% of all urban households are entitled to subsidized food grains in accordance with sub section 3.

CHAPTER VII

PUBLIC DISTRIBUTION SYSTEM

20. Procurement of Food Grains.- The Central Government shall procure or cause to procure food grains through its agencies and /or the State Governments and their agencies, as may be necessary from time to time, adequate to meet the requirements under this Act,

(2) The Central Government shall make appropriate efforts to expand procurement in states which produce surplus.

(3) The Central Government shall encourage State government to undertake a decentralized planning process at the Panchayat and to procure, store and distribute food grain at that level with a view to minimize transportation costs and losses and provide state governments with the appropriate facilities and incentives.

21. Storage of Food Grains.- (1) The Central and state governments shall take necessary steps to develop adequate infrastructure on scientific basis for storage at state, district and block level as the case may be for distribution under this Act and for adequate buffer stocks.

(2) Grain Banks: The Centre and the state government shall support local Public Distribution System models and grain banks, and assist them to be financially viable.

22. Scale of issue and Issue Price.- (1) The Central Government shall make available to the State Governments food grains for distribution under the Public Distribution System to various categories of beneficiaries at such scales and prices, as may be specified from time to time.

(2) The State Governments shall not divert the allocations made by the Central Government for distribution under the Public Distribution System to any person or for any purpose other than that mentioned in this Act

23. Distribution of Food Grains.- (1) The Central Government shall either on its own or through any other Government agency designated by it ensure physical delivery of food grains of fair quality to the State Governments for distribution under the Public Distribution System and for the aforesaid purpose make allocation in a timely manner and issue release orders for the aforesaid purpose

(2) The State Government shall on getting an allocation of food grains from the Central Government issue district wise allocation orders authorizing their agents or nominees to draw the food grains from the storage facility of the Central Government in a timely manner.

(3) The State Government shall on receipt of the allocation order make allocations of food grains by issuing a release order in favour of the Gram Panchayat.

(4) While making the aforesaid allocation, the Central Government and the State Government shall take into consideration the number of households in rural and urban areas eligible to receive subsidized food grains and make allocations to the appropriate extent.

(5) The designated authority of the State Government shall ensure delivery of one copy of allocation order made to the fair price shop simultaneously to Gram Panchayats or Nagar Palikas or Vigilance Committees or any other body nominated for monitoring the functioning of the fair price shops by the concerned State Government and such order shall specify:-

(i) Number of cards and units;

(ii) Balance in hand; and

(iii) Allocation made for each month in respect of a fair price shop.

(6) Gram Panchayats or Nagar Palikas or Vigilance Committees or any other body nominated for monitoring the functioning of the fair price shop by State Governments shall display the stocks of essential commodities allotted during the month to the fair price shops on a notice board outside their office.

(7) While making monthly allocations to the fair price shops the designated authority of State Governments shall take into account the balance stock, if any, lying un-distributed with the fair price shop owners for the subsequent allocations.

(8) State Governments shall make arrangements for taking delivery of food grains issued by the Central Government by their designated agencies or nominees from the Food Corporation of India depots/godowns and ensure further delivery to the fair price shop within the first week of the month for which allocation is made.

(9) Before making the payment to the Food Corporation of India the representatives of State Governments or their nominees and the Food Corporation of India shall conduct joint inspection of the stocks of food grains intended for issue to ensure that the stocks conform to the prescribed quality specifications.

(10) The Food Corporation of India shall issue to the State Governments stack-wise sealed samples of the stocks of food grains supplied to them for distribution under the Public Distribution System at the time of despatch.

(11) State Governments shall exercise necessary checks to ensure that full quantity lifted by them reaches their godowns and in turn the fair price shops.

(12) State Governments shall ensure that stocks of food grains under the Public Distribution System, as issued from the Food Corporation of India godowns, are not replaced by stocks of inferior quality during storage, transit or any other stage till delivery to the ration card holder.

24. Fair Price Shops.- (1) The State government shall set up Fair Price shops for the delivery of subsidized food grains within 3 Kilometres of a habitation.

(2) Community licensing and management of Fair Price Shops: The State Government shall, when issuing licenses for fair price shops, give preference to community institutions or public bodies such as Gram Panchayats, Self-Help Groups, Cooperatives, etc.

Provided further that the State Government shall undertake appropriate measures to ensure that the daily management of Fair Price Shops shall be done by women or women's collectives

(3) Financial Viability of Fair Price Shops - the State Government shall ensure that the Fair Price Shops are financially viable by ensuring that reasonable commissions, salaries for the manager are provided in a time bound manner.

(4) Duty of Fair Price Shop Owners: The responsibilities and duties of fair price shop owners shall include, inter alia –

(i) sale of essential commodities as per the entitlement of ration card holders at the retail issue prices fixed by the concerned State Government under the Public Distribution System;

(ii) display of information on a notice at a prominent place in the shop on daily basis

regarding-

- (a) list of Priority and General groups,
- (b) entitlement of essential commodities,
- (c) scale of issue,
- (d) retail issue prices,
- (e) timings of opening and closing of the fair price shop,
- (f) stock of essential commodities received during the month,
- (g) opening and closing stock of essential commodities and
- (h) the authority for redressal of grievances/lodging complaints with respect to quality and quantity of essential commodities under the Public Distribution System;
- (iii) maintenance of records of ration card holders, stock register, issue or sale register;
- (iv) furnishing of copies of specified documents, namely, ration card register, stock register, sale register to the office of the Gram Panchayat or Nagar Palika or Vigilance Committee or any other body authorized by State Governments for the purpose;
- (v) display of samples of food grains being supplied through the fair price shop;
- (vi) production of books and records relating to the allotment and distribution of essential commodities to the inspecting agency and furnishing of such information as may be called for by the designated authority;
- (vii) accountable of the Actual distribution of essential commodities and the balance stock at the end of the month to the designated authority of the concerned State Government with a copy to the Gram Panchayat;

(5) opening and closing of the fair price shop as per the prescribed timings displayed on the notice board.

(6) The manager of each Fair Price Shops shall be responsible for ensuring that details of food transactions are promptly entered in the ration cards of the recipients, in legible writing, along with the manager's signature.

25. Ration Cards.- (1) Every identified household shall receive a ration card which shall be designed to include a clear "entitlements page", written in simple words in the local language, with details of subsidized food entitlements as well as helpline numbers and grievance redressal facilities.

(2) Ration cards will be in the name of an adult woman member of the family, if any.

(3) The State Government shall ensure that no eligible applicant is denied a ration card under the Public Distribution System.

(4) The ration card holder shall be entitled to draw essential commodities from a fair price shop on weekly basis.

(5) The designated authority shall issue a ration card within one month of the date of receipt of the application after necessary checks and verification.

(6) The State Government shall specify a timeframe for making additions or alterations in the ration card. In case this time limit is not adhered to, the reasons thereof shall be intimated to the applicant in writing.

(7) The State Government shall conduct periodical checking of ration cards to weed out ineligible

and bogus ration cards and bogus units in ration cards.

(8) Elimination of bogus ration cards as well as bogus units in the ration cards shall be a continuous exercise by the State Government to check diversion of essential commodities.

26. Monitoring the Procurement, Distribution and Sale of Subsidized Food Grains.- (1) The State Government shall ensure a proper system of monitoring of fair price shops and prescribe model sale register, stock register and ration card register.

(2) The State Government shall ensure regular inspections of fair price shops not less than once in six months by the designated authority.

(3) The State Government may issue orders specifying the inspection schedule, list of check points and the authority responsible for ensuring compliance with the said orders.

(4) The State Government shall appoint a Vigilance Committee in village, in accordance with S. 95 to monitor the Public Distribution System.

(5) The meetings of the Vigilance Committees on the Public Distribution System at the State, District, Block and Fair Price Shop level shall be held on a regular basis.

(6) The date and periodicity of the said meetings mentioned in the subsection (2) above, shall be notified by State Government, however, the periodicity shall not be less than one meeting a quarter at all levels.

(7) Future allocation of food grains to the State Government shall be linked to the receipt of regular reports from the respective State Governments and furnishing of utilization certificates by them within a period of two months from the month for which allocation is made.

(8) The State Government shall ensure monitoring of the functioning of the Public Distribution System at the fair price shop level through the computer network of the NIC installed in the District NIC centres. For this purpose computerized codes shall be issued to each FPS in the district.

(9) State Government shall educate the ration card holders regarding their rights and privileges under the Public Distribution System by use of electronic and print media as well as display boards outside fair price shops.

(10) State Government shall issue and adopt the Citizen's Charter based on the model Citizens Charter issued by the Central Government.

(11) The designated authority shall direct the concerned fair price shop owner to provide relevant extracts of the documents maintained by him on an application made by a beneficiary, on payment of a prescribed fee.

27. Use of Technology and Monitoring and Information System.- State Government shall ensure end-to-end computerization of the Public Distribution System while ensuring that each unit of food grains is tagged with the a unique identification number from the stage of procurement to delivery to the ultimate beneficiary with a view to ensure the receipt of the food grain to the beneficiary.

CHAPTER – VIII
NATIONAL FOOD COMMISSION

28. Constitution of National Food Commission.- (1) The Central Government shall constitute a body known as the National Food Commission, to exercise the powers and perform the functions assigned to it under this Act.

(2) The National Food Commission shall be a body corporate with the name aforesaid having perpetual succession and a common seal with the power, subject to the provisions of this Act to acquire, hold and dispose of property and to contract, and may, by the aforesaid name, sue or be sued.

(3) The National Food Commission shall consist of a Chairperson, a Vice-Chair-person and five other Members.

(4) The Chairperson shall be a person who is or has been a Judge of the Supreme Court, to be appointed by the Central Government.

Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of India.

(5) The headquarters of the National Food Commission shall be at Delhi and the National Food Commission may, with the previous approval of the Central Government, establish offices at other places in India.

29. Eligibility for appointment of Vice Chairperson and other members.- The Vice Chairperson and other members shall be appointed from amongst persons—

(a) Who have been or are in an All – India Service or any civil service of the Union or in a civil post under the Union having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition and health or any allied field:

(b) who are of eminence in public life with wide knowledge and experience in law, human rights, science and technology, social service, management, nutrition, food policy or public administration:

(c) Who have a proven record of work relating to the improvement of the Food and Nutrition Rights of the poor:

Provided that, at all times, there shall be not less than two women, one person belonging to Scheduled Castes and one person belonging to the Scheduled Tribes whether from amongst the Chairperson, Vice-Chairperson or Member;

30. Disqualification for the appointment of Chairperson, Vice Chairperson and other members.- A person shall be disqualified for appointment, if he-

(a) is a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or holds any other office of profit or connected with any political party or

- carrying on any business or pursuing any profession; or
- (b) has been convicted and sentenced to imprisonment for an offence; or
- (c) has been suspended, removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or
- (d) has, in the opinion of the Central Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or
- (e) has such other disqualifications as may be prescribed by the Central Government.

31. Appointment of Chairperson, Vice-Chairperson and other Members.- (1) The Chairperson, Vice-Chairperson and Members shall be appointed by the President by warrant under his or her hand and seal:

Provided that every appointment under this sub-section shall be made by the Selection Committee consisting of:

- (i) The Prime Minister (as chair)
- (ii) A Judge of the Supreme Court, to be nominated by the Chief Justice of India, who shall be the Chairperson of the National Food Commission.
- (iii) The Leader of Opposition of the Lok Sabha
- (iv) The Leader of Opposition of the Rajya Sabha
- (v) The Speaker of the House or his/her nominee, provided that the nominee is a Member of Parliament
- (v) Chairpersons of the following national level statutory commissions: National Human Rights Commission, National Commission for Women, National Minorities Commission, National Commission for the Protection of Child Rights, National Commission for Scheduled Caste, and National Commission for Scheduled Tribes.

(2) The process of selection shall be initiated by the Central Government within three months of the coming into force of this Act in the first instance and three months prior to the completion of tenure of the existing Chairperson, Vice-Chairperson or Member and shall be concluded within two months.

(3) The decisions of the Selection Committee shall be by a simple majority.

(4) Before selection, the central government shall notify, in the Gazette, the number of vacancies and eligibility criterion.

(5) The Central Government shall invite private individuals and organisations to nominate suitable persons for the vacancy, provided that, a person shall not be eligible for consideration unless he or she receives a minimum of two nominations.

(6) The Central government shall, put out, in the public domain, a panel consisting of the names of all the proposed candidates for the vacancy. Members of the public will have a right to send in objections to any proposed candidate. The panel of proposed candidates together with the objections if any, shall be placed before the selection committee which shall then proceed to make the selection.

32. Resignation and removal of Chairperson, Vice-Chairperson and Members.- (1) The Chairperson, Vice-Chairperson or any Member may, by notice in writing under his or her hand

addressed to the President of India, resign from his or her office.

(2) The Chairperson, the Vice-Chairperson or any Member of the National Food Commission shall only be removed from his or her office by order of the President on the grounds of proven misbehaviour or functional incapacity after the Supreme Court in a reference made to it by the President, has on inquiry, held, in accordance with the procedure prescribed in that behalf that the person ought on any such ground be removed.

(3) Notwithstanding anything in sub-section (2), the President may by order remove from office the Chairperson, Vice-Chairperson or any other Member if the Chairperson, Vice-Chairperson or any other Member, as the case may be who -

- (a) engages during his or her term of office in any paid employment outside the duties of his or her office; or
- (b) is unfit to continue in office by reasons of infirmity of mind or body; or
- (c) indulges in Acts of corruption as defined in the Prevention of Corruption Act, 1986

33. Vacancies in the National Food Commission.- (1) No Act or proceedings of the National Food Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the National Food Commission.

(2) In the event of the occurrence of any vacancy in the office of the National Food Commission caused by any reason, a selection shall be held in accordance with section 24 to fill the vacancy within two months of the vacancy arising.

(3) A member so appointed to fill a vacancy shall serve for the remainder of the predecessor's term and, if that period is two years or less, shall be eligible for re-selection for a full term.

34. Terms and conditions of service of Chairperson, Vice-Chairperson and Members.- (1) Members of the National Food Commission shall be appointed for tenure of 3 years. The tenure may be extended by an additional three years or till the incumbent attains the age of 70 years, as maybe prescribed in the Rules.

Provided that a person appointed as Chairperson or Vice-Chairperson shall not be eligible for re-appointment in the same capacity.

(2) The salaries and allowances payable to, and other terms and conditions of services of the Chairperson, Vice-Chairperson and Members shall be such as may be prescribed.

(3) Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member shall be varied to his or her disadvantage during his or her tenure.

35. Procedure to be regulated by the National Food Commission.- (1) Subject to the provisions of this Act and the rules made thereunder, the National Food Commission shall have to power to lay down its own procedure.

(2) All orders and decisions of the National Food Commission shall be authenticated by the Member - Secretary or any other officer of the National Food Commission duly authorized by the Chairperson in this behalf.

36. Officers and other staff of the National Food Commission.- (1) Subject to such rules as may be made by the Central Government in this behalf, the National Food Commission may appoint such other administrative, technical staff as it may consider necessary.

(2) The salaries, allowances and conditions of service of the officers and other staff appointed under Section 37 sub section – (1) shall be such as may be prescribed.

(3) The National Food Commission shall perform its functions on its own or through the State Authorities appointed under this Act, or through any persons appointed by it or through such other procedures and mechanisms it may adopt.

37. Functions of the National Food Commission. –The National Food Commission shall perform all or any of the following functions, namely:-

(a) Suo Motu or on a receipt of complaint, inquire into-

(i) Violation of any section of Chapters II, III,IV, V, VI and VII and any schedule mentioned thereunder, of this Act;

(ii) Dereliction of duty by a public servant as defined under Section 79 of this Act:

Provided that if the State Food Commission or the District Grievance Redressal Officer has taken cognizance of the violation, the National Food Commission shall not inquire into such complaint.

(b) Intervene in any proceeding involving any allegation of denial of entitlement pending before a court with the approval of such court.

(c) advise the Central Government on framing appropriate schemes for all the entitlements provided under this Act

(d) Advise the Central and State government, their agencies, autonomous bodies as well as non-governmental organisations involved in delivery of relevant services, steps for the effective implementation of schemes made under this Act, to enable individuals to fully access all food entitlements created by the Act.

(e) Monitor the conditions of persons living in starvation and where necessary give appropriate advice to the State Government.

(f) Annually monitor and evaluate the implementation of the Act and schemes made there under, including the functions of the District Grievance Redressal Officer.

(g) Frame requisite guidelines for training and capacity building of all persons charged with the duty of implementation of the schemes as well as Nodal Officers and District Grievance Redressal Officer.

(h) On its own motion or on the recommendation of the State Government, notify an area affected by a natural or human made disaster or emergency which threatens the food security of its residents.

(i) Impose penalties in accordance with Section 81 of this Act.

(j) Entertain appeal against the orders of the State Food Commission in accordance with S. 61 of this Act.

(k) Make annual report based on evaluations undertaken and submit them before the Parliament.

38. Powers relating to inquiries.- (1) The National Food Commission shall, while inquiring into complaints under this Act, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters, namely :

- (a) summoning and enforcing the attendance of witnesses and examine them on oath;
- (b) discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) any other matter which may be prescribed.

(2) The National Food Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the National Food Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code.

(3) The National Food Commission or any other officer, not below the rank of a Gazetted Officer, specially authorized in this behalf by the National Food Commission may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies there from subject to the provisions of section 100 of the Code of Criminal Procedure, 1973, in so far as it may be applicable.

(4) The National Food Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code is committed in the view or presence of the National Food Commission, the National Food Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973 , forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 .

(5) Every proceeding before the National Food Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code , and the National Food Commission shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973

(6) Where the National Food Commission considers it necessary or expedient so to do, it may, by order, transfer any complaint filed or pending before it to the State Food Commission of the State from which the complaint arises, for disposal in accordance with the provisions of this Act.

(7) Every complaint transferred under sub-section (6) shall be dealt with and disposed of by the State Food Commission as if it were a complaint initially filed before it.

39. **Investigation .-** (1) The National Food Commission may, for the purpose of conducting any investigation pertaining to the inquiry, utilise the services of any officer not below the rank of Deputy Inspector General of Police, with the concurrence of the Central Government as the case may be.

(2) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the National Food Commission:

- (a) summon and enforce the attendance of any person and examine him;
- (b) require the discovery and production of any document; and
- (c) requisition any public record or copy thereof from any office.

(3) The provisions of section 41 shall apply in relation to any statement made by a person before any officer or agency whose services are utilised under sub-section (1) as they apply in relation to any statement made by a person in the course of giving evidence before the National Food Commission.

(4) The officer or agency whose services are utilised under sub-section (1) shall investigate into any matter pertaining to the inquiry and submit a report thereon to the National Food Commission within such period as may be specified by the National Food Commission in this behalf.

(5) The National Food Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under sub-section (4) and for this purpose the National Food Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it thinks fit.

40. **Statement made by persons to the National Food Commission .-** No statement made by a person in the course of giving evidence before the National Food Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement –

- (a) is made in reply to the question which he is required by the National Food Commission to answer; or
- (b) is relevant to the subject matter of the inquiry.

41. **Persons likely to be prejudicially affected to be heard .-** If, at any stage of the inquiry, the National Food Commission-

- (a) considers it necessary to inquire into the conduct of any person; or
- (b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry;

it shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence:

Provided that nothing in this section shall apply where the credit of a witness is being impeached.

42. **Inquiry into complaints .-** The National Food Commission while inquiring into the complaints of violations under this Act may-

- (i) call for information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto within such time as may be specified by it;

Provided that-

- (a) if the information or report is not received within the time stipulated by the National Food Commission, it may proceed to inquire into the complaint on its own;
- (b) if, on receipt of information or report, the National Food Commission is satisfied either that no further inquiry is required or that the required Action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly;
- (ii) without prejudice to anything contained in clause (i), if it considers necessary, having regard to the nature of the complaint, initiate an inquiry.

43. Steps during and after inquiry.- The National Food Commission may take any of the following steps during or upon the completion of an inquiry held under this Act, namely:-

- (a) where the inquiry discloses that a violation of the provisions of this Act or dereliction of duty by a public servant, has been committed, it may recommend to the concerned Government or authority-
 - (i) to make payment of compensation or damages to the complainant or to the victim or the members of his family as the National Food Commission may consider necessary in accordance with Section 82 of this Act.
 - (ii) to initiate proceedings for prosecution or such other suitable Action as the National Food Commission may deem fit against the concerned person or persons;
 - (iii) to take such further Action as it may think fit;
- (b) Impose penalty in accordance with Section 81 of this Act;
- (c) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;
- (d) recommend to the Appropriate Government or authority at any stage of the inquiry for the grant of such immediate interim relief as it may deem fit;
- (e) subject to the provisions of clause (e), provide a copy of the inquiry report to the petitioner or his representative;
- (f) the National Food Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the National Food Commission may allow, forward its comments on the report, including the Action taken or proposed to be taken thereon, to the National Food Commission;
- (g) the National Food Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the Action taken or proposed to be taken by the concerned Government or authority on the recommendations of the National Food Commission.

44. **Appeal .-** Any person, aggrieved by an order made by the National Food Commission in exercise of its function conferred by clause (a) of section 37 may prefer an appeal against such order to the Supreme Court within a period of ninety days from the date of the order:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that there was sufficient cause for not filing it within that period.

Provided further that no appeal shall lie against any other order of the National Food Commission.

CHAPTER – IX
STATE FOOD COMMISSION

45. **Constitution of State Food Commission.-** (1) The State Government shall constitute a body known as the State Food Commission to exercise the powers and perform the functions assigned to it under this Act.

(2) The State Food Commission shall be a body corporate with the name aforesaid having perpetual succession and a common seal with the power, subject to the provisions of this Act to acquire, hold and dispose of property and to contract, and may, by the aforesaid name, sue or be sued.

(3) The State Food Commission shall consist of a Chairperson, a Vice-Chair-person and five other Members.

(4) The Chairperson shall be a person who is or has been a Judge of the High Court, to be appointed by the State Government.

Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of India.

(5) The headquarters of the State Food Commission shall be at such place in the State as the State Government may, by notification in the Official Gazette, specify and the State Food Commission may, with the previous approval of the State Government, establish offices at other places in the State.

46. **Eligibility for appointment of Vice Chairperson and other members.-** The Vice Chairperson and other members shall be appointed from amongst persons—

- (a) who have been or are in an All – India Service or any civil service of the Union or State or in a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition and health or any allied field;
- (b) who are of eminence in public life with wide knowledge and experience in law, human rights, science and technology, social service, management, nutrition, food policy or public administration;
- (c) who have a proven record of work relating to the improvement of the Food and Nutrition Rights of the poor:

Provided that, at all times, there shall be not less than two women, one person belonging to

Scheduled Castes and one person belonging to the Scheduled Tribes whether from amongst the Chairperson, Vice-Chairperson or Member.

47. Disqualification for appointment of Chairperson, Vice Chairperson and other members.-

A person shall be disqualified for appointment, if he-

- (a) is a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or holds any other office of profit or connected with any political party or carrying on any business or pursuing any profession; or
- (b) has been convicted and sentenced to imprisonment for an offence; or
- (c) has been suspended, removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or
- (d) has, in the opinion of the State Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or
- (e) has such other disqualifications as may be prescribed by the State Government.

48. Appointment of Chairperson, Vice-Chairperson and other Members.- (1) The Chairperson, Vice-Chairperson and Members shall be appointed by the Governor by warrant under his or her hand and seal:

Provided that every appointment under this sub-section shall be made by the Selection Committee consisting of:

- (i) The Chief Minister (as chair)
- (ii) A Judge of the High Court, to be nominated by the Chief Justice of India, who shall be the Chairperson of the State Food Commission
- (iii) The Leader of Opposition of the Legislative Assembly
- (iv) The Speaker of the House or his/her nominee, provided that the nominee is a Member of State Legislature.
- (v) Chairpersons of the following national level statutory commissions: National Human Rights Commission, National Commission for Women, National Minorities Commission, National Commission for the Protection of Child Rights, National Commission for Scheduled Caste, and National Commission for Scheduled Tribes.

(2) The process of selection shall be initiated by the State Government within three months of the coming into force of this Act in the first instance and three months prior to the completion of tenure of the existing Chairperson, Vice-Chairperson or Member and shall be concluded within two months.

(3) The decisions of the Selection Committee shall be by a simple majority.

(4) Before selection, the State government shall notify, in the Gazette, the number of vacancies and eligibility criterion.

(5) The State Government shall invite private individuals and organisations to nominate suitable persons for the vacancy, provided that, a person shall not be eligible for consideration unless he receives a minimum of two nominations.

(6) The State government shall, put out, in the public domain, a panel consisting of the names of all the proposed candidates for the vacancy. Members of the public will have a right to send in objections to any proposed candidate. The panel of proposed candidates together with the objections if any, shall be placed before the selection committee which shall then proceed to make the selection.

49. Resignation and removal of Chairperson, Vice-Chairperson and Members.- (1) The Chairperson, Vice-Chairperson or any Member may, by notice in writing under his or her hand addressed to the Governor of the State, resign from his or her office.

(2) The Chairperson, the Vice-Chairperson or any Member of the State Food Commission shall only be removed from his or her office by order of the Governor on the grounds of proven misbehaviour or functional incapacity after the High Court in a reference made to it by the Governor, has on inquiry, held, in accordance with the procedure prescribed in that behalf that the person ought on any such ground be removed.

(3) Notwithstanding anything in sub-section (2), the Governor may by order remove from office the Chairperson, Vice-Chairperson or any other Member if the Chairperson, Vice-Chairperson or any other Member, as the case may be who -

- (a) engages during his or her term of office in any paid employment outside the duties of his or her office; or
- (b) is unfit to continue in office by reasons of infirmity of mind or body; or
- (c) indulges in Acts of corruption as defined in the Prevention of Corruption Act, 1986

50. Vacancies in the State Food Commission.- (1) No act or proceedings of the State Food Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the State Food Commission.

(2) In the event of the occurrence of any vacancy in the office of the State Food Commission caused by any reason, a selection shall be held in accordance with section 24 to fill the vacancy within two months of the vacancy arising.

(3) A member so appointed to fill a vacancy shall serve for the remainder of the predecessor's term and, if that period is two years or less, shall be eligible for re-selection for a full term.

51. Terms and conditions of service of Chairperson, Vice-Chairperson and Members.- (1) Members of the State Food Commission shall be appointed for tenure of 3 years. The tenure may be extended by an additional three years or till the incumbent attains the age of 70 years, as maybe prescribed in the Rules.

Provided that a person appointed as Chairperson or Vice-Chairperson shall not be eligible for re-appointment in the same capacity.

(2) The salaries and allowances payable to, and other terms and conditions of services of the Chairperson, Vice-Chairperson and Members shall be such as may be prescribed.

(3) Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member shall be varied to his or her disadvantage during his or her tenure.

52. Procedure to be regulated by the State Food Commission.- (1) Subject to the provisions of this Act and the rules made thereunder, the State Food Commission shall have to power to lay down its own procedure.

(2) All orders and decisions of the State Food Commission shall be authenticated by the Member - Secretary or any other officer of the State Food Commission duly authorized by the Chairperson in this behalf.

53. Officers and other staff of the State Food Commission.- (1) Subject to such rules as may be made by the State Government in this behalf, the State Food Commission may appoint such other administrative, technical staff as it may consider necessary.

(2) The salaries, allowances and conditions of service of the officers and other staff appointed under Section 55 shall be such as may be prescribed.

(3) The State Food Commission shall perform its functions on its own or through the State Authorities appointed under this Act, or through any persons appointed by it or through such other procedures and mechanisms it may adopt.

54. Functions of the State Food Commission. – (1) The State Food Commission shall perform all or any of the following functions, namely:-

(a) Suo Motu or on a receipt of complaint, inquire into-

(i) Violation of any section of Chapters II, III, IV, V, VI and VII and any schedule mentioned thereunder, of this Act;

(ii) Dereliction of duty by a public servant entrusted with the performance of duty under this Act.

Provided that if the National Food Commission or the District Grievance Redressal Officer has taken cognizance of the violation, the State Food Commission shall not inquire into such a complaint.

(b) Intervene in any proceeding involving any allegation of denial of entitlement pending before a court with the approval of such court.

(c) Advise the State government, their agencies and autonomous bodies as well as non-governmental organisations involved in delivery of relevant services, steps for the effective implementation of food and nutrition related schemes, to enable individuals to fully access all food entitlements created under this Act.

(d) Monitor the conditions of persons living in starvation and where necessary give appropriate advice to the State Government in consonance with the advise, if any, issued by the National Food Commission.

(e) Monitor and evaluate the implementation of the Act and schemes made there under, including the functions of the District Grievance Redressal Officer.

(f) Undertake training and capacity building of all persons charged with the duty of implementation of the schemes as well as Nodal Officers and District Grievance Redressal Officer.

(g) Entertain appeal against the orders of the District Grievance Redressal Officer in accordance

with Section 71 of this Act.

- (h) Impose penalties in accordance with Section 81 of this Act.
- (i) Make annual report based on evaluations undertaken and Submit them before the National Food Commission

55. Powers relating to inquiries .- (1) The State Commission shall, while inquiring into complaints under this Act, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 , and in particular in respect of the following matters, namely :

- (a) summoning and enforcing the attendance of witnesses and examine them on oath;
- (b) discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) any other matter which may be prescribed.

(2) The State Food Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the State Food Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code.

(3) The State Food Commission or any other officer, not below the rank of a Gazetted Officer, specially authorised in this behalf by the State Food Commission may enter any building or place where the State Food Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies there from subject to the provisions of section 100 of the Code of Criminal Procedure, 1973, in so far as it may be applicable.

(4) The State Food Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code is committed in the view or presence of the State Food Commission, the State Food Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973 , forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 .

(5) Every proceeding before the State Food Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code, and the State Food Commission shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973

(6) Where the State Food Commission considers it necessary or expedient so to do, it may, by order, transfer any complaint filed or pending before any District Grievance Redressal Officer to itself or to any other District Grievance Redressal Officer of the State for disposal in accordance with the

provisions of this Act.

(7) Every complaint transferred under sub-section (6) shall be dealt with and disposed of by the State Food Commission as if it were a complaint initially filed before it.

56. Investigation .- (1) The State Food Commission may, for the purpose of conducting any investigation pertaining to the inquiry, utilise the services of any officer not below the rank of Superintendent of Police, with the concurrence of the State Government as the case may be.

(2) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the Commission:

- (a) summon and enforce the attendance of any person and examine him;
- (b) require the discovery and production of any document; and
- (c) requisition any public record or copy thereof from any office.

(3) The provisions of Section 59 shall apply in relation to any statement made by a person before any officer or agency whose services are utilised under sub-section (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.

(4) The officer or agency whose services are utilised under sub-section (1) shall investigate into any matter pertaining to the inquiry and submit a report thereon to the State Food Commission within such period as may be specified by the Commission in this behalf.

(5) The State Food Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under sub-section (4) and for this purpose the Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it thinks fit.

57. Statement made by persons to the State Food Commission .- No statement made by a person in the course of giving evidence before the State Food Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement -

- (a) is made in reply to the question which he is required by the State Food Commission to answer; or
- (b) is relevant to the subject matter of the inquiry.

58. Persons likely to be prejudicially affected to be heard .- If, at any stage of the inquiry, the State Food Commission-

- (a) considers it necessary to inquire into the conduct of any person; or
- (b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry;

it shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence:

Provided that nothing in this section shall apply where the credit of a witness is being impeached.

59. Inquiry into complaints .- The State Food Commission while inquiring into the complaints of violations under this Act may-

- (i) call for information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto within such time as may be specified by it;

Provided that-

- (a) if the information or report is not received within the time stipulated by the State Food Commission, it may proceed to inquire into the complaint on its own;
 - (b) if, on receipt of information or report, the State Food Commission is satisfied either that no further inquiry is required or that the required Action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly;
- (ii) without prejudice to anything contained in clause (i), if it considers necessary, having regard to the nature of the complaint, initiate an inquiry.

60. Steps during and after inquiry.- The State Food Commission may take any of the following steps during or upon the completion of an inquiry held under this Act, namely:-

- (a) where the inquiry discloses that a violation of the provisions of this Act or dereliction of duty by a public servant, has been committed, it may recommend to the concerned Government or authority-
 - (i) to make payment of compensation or damages to the complainant or to the victim or the members of his family as the Commission may consider necessary in accordance with Section 82 of this Act.
 - (iv) to initiate proceedings for prosecution or such other suitable Action as the Commission may deem fit against the concerned person or persons;
 - (v) to take such further Action as it may think fit;
- (b) Impose penalty in accordance with Section 81 of this Act;
- (c) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;
- (d) recommend to the concerned Government or authority at any stage of the inquiry for the grant of such immediate interim relief to the copy from District Grievance Redressal Officer;
- (e) subject to the provisions of clause (e), provide a copy of the inquiry report to the petitioner or his representative;
- (f) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the Action taken or proposed to be taken thereon, to the Commission;

- (g) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the Action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

61. **Appeal.**- Any person aggrieved by an order made by the State Food Commission may prefer an appeal against such order to the National Food Commission within a period of thirty days from the date of the order, in such form and manner as may be prescribed:

Provided that the National Food Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

Provided further that no appeal shall lie against the order of compensation passed by the State Food Commission, unless it is an appeal for enhancement of compensation.

CHAPTER X

DISTRICT GRIEVANCE REDRESSAL OFFICER

62. **Appointment of the District Grievance Redressal Officer.** – (1) The Central Government shall appoint a District Grievance Redressal Officer who shall be selected by the Union Public Service Commission.

(2) On selection, candidates shall be allotted to the states in accordance with the recruitment rules.

(3) Every member of the District Grievance Redressal Officer shall hold office for a term of five years or up to the age of forty-five years, whichever is earlier:

Provided that a member shall not be eligible for re-appointment as District Grievance Redressal Officer, however, this shall not disqualify him for appointment to the State Food Commission.

Provided further that a member may resign his office in writing under his hand addressed to the Central Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who is required to be appointed under the provisions of sub-section (2) in place of the person who has resigned.

(4) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the members of the District Grievance Redressal Officer shall be such as may be prescribed by the Central Government.

63. **Disqualification for appointment of District Grievance Redressal Officer.**- The District Grievance Redressal Officer shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any

political party or carrying on any business or pursuing any profession.

64. Jurisdiction of the District Grievance Redressal Officer .- (1) Subject to the other provisions of this Act, the District Grievance Redressal Officer shall have jurisdiction to entertain complaints for denial of any entitlement mentioned in Chapters III, IV, V and VI this Act within the limits of the district.

(2) A complaint relating to the violation of any Section of Chapters II, III, IV, V, VI and VII and any schedule mentioned thereunder of this Act, shall be instituted with a District Grievance Redressal Officer within the local limits of whose jurisdiction the cause of Action, wholly or in part, arises.

(3) A grievance received through the Centralized Public Grievance Redress and Monitoring System shall be treated as complaint and decided upon, in accordance with the provisions of this Act.

65. Who can make a complaint: Any individual, group, community, Non Governmental Organization working on right to food, Commission, or vigilance committee can file a complaint before the District Grievance Redressal Officer.

66. Manner in which complaint shall be made.- A complaint can be made either in writing, or by electronic means in English or in Hindi or in the official language of the area in which the complaint is made:

Provided that if such a complaint cannot be made in writing, the District Grievance Redressal Officer shall be render all reasonable assistance to the complainant making the complaint orally to reduce the same to writing.

67. Procedure on Receipt of Complaint.- (1) The District Grievance Redressal Officer shall inquire into and decide a complaint promptly and in any case within 10 days

Provided that in case the complaint is not decided within the time period specified above, the proceedings before the District Grievance Redressal Officer shall not lapse and the District Grievance Redressal Officer shall record in writing reasons for the delay and provide copies of the same to the parties, but not more that 15 days.

Provided further that in cases of emergency or starvation, the District Grievance Redressal Officers shall decide the complaint within one day.

(2) On receipt of a complaint of violation of the provision of the Act, the District Grievance Redressal Officer shall investigate into the complaint and for the aforesaid purpose shall issue notice to the appropriate public servant whose duty it is to provide the benefit, to show cause why the benefit should not be allowed.

(3) In any such complaint where it is alleged that a person has been denied the benefits under Chapters III, IV, V and VI, the onus shall be on the public servant whose duty it is to provide such benefits to justify that the benefits were in fact provided or were not due as the case may be.

(4) When dealing with the complaint, the District Grievance Redressal Officer may call for records and documents as may be deemed necessary from any authority responsible for the implementation of this Act.

(5) While investigating any complaint the District Grievance Redressal Officer may call upon any public servant to assist him in the investigation and the said public servant shall be subject to the direction and control of the District Grievance Redressal Officer.

(6) Where during the pendency of any proceeding before the District Grievance Redressal Officer, it appears to it necessary, it may pass such interim order as is just and proper in the facts and circumstances of the case.

Provided that the District Grievance Redressal Officer may pass an ex parte order, if it may consider necessary.

(7) The Decision of the District Grievance Redressal Officer shall be binding on all parties to the complaint.

(8) For the purposes of this section, the District Grievance Redressal Officer shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:--

- (a) the summoning and enforcing attendance of any defendant or witness and examining the witness on oath,
- (b) the discovery and production of any document or other material object producible as evidence,
- (c) the reception of evidence on affidavits,
- (d) the requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source.
- (e) issuing of any commission for the examination of any witness, and
- (f) any other matter which may be prescribed.

(9) Nothing in subsection (8) shall prevent the District Grievance Redressal Officer from laying down his own procedure with a view to arrive at a conclusion in respect of the subject matter of the complaint .

68. Procedure for Investigation into Starvation.- (1) Upon receipt of information about starvation or starvation death the District Grievance Redressal Officer, within 24 hours, shall investigate the following -

- (a) the overall life situation of the person or the group or the community, as the case maybe, allegedly living in starvation.
- (b) whether conditions of prolonged deprivation of adequate food, or continuous uncertainty about the availability of food exists or existed.
- (c) complaints of persons, families, or communities living with hunger/starvation shall enquire into the working of food and nutrition entitlements in the community, fixing responsibility for failure, and suggesting a clear time bound Action plan for corrective intervention.

(2) The investigation shall also enquire into the working of food and nutrition entitlements in the community, fixing responsibility for failure, and suggesting a clear time bound Action plan for corrective intervention.

Provided that Post-mortems shall not be undertaken in investigating any complaints of starvation deaths to ascertain if the death was caused due to starvation.

69. **Power to give Directions.**- (1) If after investigation, The District Grievance Redressal Officer is of the opinion that a provision of this Act has been violated, he shall, in order to redress the breach of the violation complained of under this Act, have the power to:—

(a) Direct the appropriate authority to:

- i. Open anganwadis
- ii. Open fair price shops
- iii. Ensure mid day meals are served in accordance with Section 8 of this Act
- iv. Provide maternity benefits in accordance with Section 6 of this Act
- v. Issue ration card in accordance with the criteria mentioned in Section 18 of this Act
- vi. Require the implementation of the entitlements of Destitute Persons in accordance with Section 10 of this Act
- vii. Require the implementation of the starvation entitlements in accordance with Section 14 of this Act
- viii. Require the implementation of the disaster and emergency entitlements in accordance with Section 12 of this Act
- ix. identify a person to be included in the priority group
- x. identify a person to be included in the general group
- xi. Make regular reports to the District Grievance Redressal Officer regarding implementation of the direction given by the District Grievance Redressal Officer
- xii. Pay compensation in accordance with Section 82

(b) Nothing contained in Subsection (a) shall prevent the District Grievance Redressal Officer to give any other directions as it deems fit.

(2) While giving directions The District Grievance Redressal Officer shall give in writing the brief reasons for the passing of such directions.

(3) A Direction of the District Grievance Redressal Officer shall be binding on the parties to the complaint.

70. **Power to Impose Penalty:** The District Grievance Redressal Officer shall have the power to impose penalty in accordance with Section 81 under this Act.

71. **Appeal** .- Any person aggrieved by an order made by the District Grievance Redressal Officer may prefer an appeal against such order to the State Food Commission within a period of thirty days from the date of the order, in such form and manner as may be prescribed:

Provided that the State Food Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

Provided that no appeal shall lie against the order of compensation passed by District Grievance Redressal Officer, unless it is an appeal for enhancement of compensation.

CHAPTER – XI
INTERNAL GRIEVANCE MECHANISM

72. Centralized Public Grievances Redress and Monitoring System.- (1) Every implementing agency of the Appropriate Government, shall put in place an online Centralized Public Grievances Redress and Monitoring System created by the Ministry of Personnel, Public Grievances and Pensions.

(2) The Central Government, State Government and all departments and agencies of the government shall designate a Nodal Officer to receive and redress grievances under this Act.

(3) The Nodal officer appointed under sub Section (2) shall not be below the rank of Joint Secretary.

(4) The State Government shall ensure that the Nodal Officer in the state and The Block Facilitation Officer have the appropriate infrastructure to implement the Centralized Public Grievances Redress and Monitoring System.

73. Functions of the Nodal Officer.- (1) The Nodal officer shall undertake the following function namely:

- (a) Ensure the immediate compliance of the ministry/ department to the guidelines issued by Ministry of Personnel, Public Grievances and Pensions for the Centralized Public Grievances Redress and Monitoring System.
- (b) Make and publish a Citizen's Charter for every department concerned with the implementation of the Act in accordance with the guidelines of the Ministry of Personnel, Public Grievances and Pensions, designating the appropriate functionary within the government or the department charged with the duty of implementing this Act.
- (c) Ensure publication and wide publicity of the Citizen Charter.
- (d) Create and maintain a website with a link to the Centralized Public Grievances Redress and Monitoring System and publish details of all grievances received by the nodal officer and Action taken there upon by him on the website.
- (e) Redress grievances and provide entitlements in accordance with the provisions of this Act within the timeframe mentioned in the Citizen's Charter.
- (f) At the beginning of every financial year, prepare the annual plan of the proposed Activities to be undertaken by the department in that year.
- (g) At the end of every financial year, prepare and publish a Result Framework Document, in consonance with the guidelines issued by the Performance Management Division, Cabinet Secretariat, Government of India, indicating the due performance of the department in accordance with the annual plan made under sub section (f).
- (h) Submit bi annual reports to the National Food Commission indicating the number of grievance received and redressed and the time taken there in.

74. Right to make a Grievance.- (1) Every individual has a right to make a grievance to the Nodal Officer through the online Centralized Public Grievances Redress and Monitoring System, which shall be addressed by him within the time frame mentioned in the Citizen's Charter.

(2) Every individual has the right to get his grievance redressed and the same shall be published on the online Centralized Public Grievances Redress and Monitoring System.

75. Telephone Helpline.- (1) The Central government shall create a toll free telephone helpline to register grievances under this Act.

(2) Every grievance received on the telephone helpline shall be immediately registered on the Online Centralized Public Grievances Redress and Monitoring System.

76. People's Grievance Kiosk.- (1) The State Government shall install People's Grievance Kiosk in every block, to be managed by the Block Facilitation Officer.

(2) Each Public Grievance Kiosk shall have the online Centralized Public Grievances Redress and Monitoring System and a telephone helpline to register grievances under this Act.

(3) The State Government shall not charge any fee for this service.

77. Appointment and duty of Block Facilitation Officer.- (1) The State Government shall designate a Block Facilitation Officer not below the rank of BDO in every block to perform the following functions -

(2) Register any grievances of denial of entitlements under this Act, received by it into the Centralized Public Grievance Redress and Monitoring System.

(3) Publicize the Grievance Redressal Mechanisms under this Act at the Block level.

(4) To manage the Public Grievances Kiosk mentioned in Section 78 of this Act.

78. Procedure on receipt of complaint.- (1) Any individual can register a grievance of denial of entitlement under this Act in the Public Grievance Kiosk or through the Telephone Helpline established by the government or register a complaint with the Block Facilitation Officer in the block.

(2) Every grievance shall be given a Unique Identification Number which shall be communicated to the aggrieved on the registration of the grievance.

(3) Every grievance shall be sent to the Nodal Officer of the department concerned and a copy of the grievance shall also be sent to the Secretary of the concerned department and to the District Grievance Redressal Officer appointed in that particular district.

(4) The Nodal Officer shall address the grievance and provide the entitlements within the time frame mentioned in the Citizen's Charter.

(5) In case the grievance is not redressed within the time frame, the grievance shall be automatically deemed to be transferred to the Secretary of the concerned department who shall dispose of the grievance within the time mentioned in the Citizen's Charter.

CHAPTER – XII
DERELICTION OF DUTIES, PENALTIES AND COMPENSATION

79. Dereliction of Duty by Public Servant.- (1) When any person who is or was a public servant not removable from his or her office save by or with the sanction of the Central Government or State Government, as the case may be, authorized to Act under any provisions of this Act:

- (a) exercises the authority vested in him or her colourably or in a manner otherwise than provided under law for the time being in force, or Acts contrary to; or
- (b) omits to exercise lawful authority vested in him or her under law;

which leads to a denial of entitlement, and/ or starvation death shall be guilty of dereliction of duty and shall be penalized in accordance with Section 81 of this Act.

80. Dereliction of Duty by Government Departments.- (1) Where a dereliction of duty has been committed by a public servant under this Act -

- (a) belonging to any department of Central Government or State Government, as the case maybe, every person who, at the relevant time was directly in charge of, and was responsible for the due performance of duty by the said public servant
- (b) employed by any authority, every person who, at the relevant time was directly in charge of, and was responsible for the due performance of duty by the said public servant

shall be deemed to be guilty of dereliction of duty and shall be liable to be penalised in accordance Section 81 of this Act:

Provided that nothing contained in this sub-section shall render any person referred to in clause (a) and (b), liable to any penalty if he/she proves that the dereliction was committed without his/her knowledge or that he/she exercised all due diligence to prevent the dereliction of duty by the said official.

81. Power to impose Penalties.- (1) Where the District Grievance Redressal Officer or the State Food Commission or the National Food Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that any public servant discharging duties under the Act has, without any reasonable cause or is guilty of dereliction of his duties in accordance with this Act, it shall impose a penalty not exceeding five thousand rupees in the first instance and of Rs 100 for every day thereafter until the relief, as directed by the District Grievance Redressal Officer, is granted.

(2) The District Grievance Redressal Officer, State Food Commission or the National Food Commission, as the case maybe, shall be competent to direct deduction of the said penalty from the salary of the public servant

82. Compensation. – (1) When it is found that any person has been deprived of his/her entitlements under this Act, he/she shall be entitled to compensation to be payable by the Appropriate Government or Local Body whose duty it was to provide such entitlement as the case may be of up to three times the cash equivalent of the entitlements that have been denied:

Provided that any person may claim compensation for himself or herself or for those similarly

denied the entitlement.

(2) It shall be competent for the Appropriate Government to deduct the said compensation from the salary of the public servant, whose duty it was to provide the said entitlement, if it is found that the said public servant is guilty of dereliction of duty

CHAPTER – XIII
DUTIES OF CENTRAL GOVERNMENT

83. Duties of Central Government to ensure adequate budgetary provisions: It shall be the duty of the Central Government to ensure that adequate budgetary provisions and timely allocation of resources are made within one year from the Act being brought into force, so as to ensure that all the authorities and institutions established under this Act can function at full force and without any constraint whatsoever, as to carry out their mandate under this Act

84. Duty of Central Government to Frame Schemes: (1) The Central Government shall in consultation with the National Food Commission make schemes for all the entitlements under this Act.

(2) In particular and without prejudice to the generality of subsection (1) above, such schemes shall be framed for:

- (a) pregnant and lactating women
- (b) treatment of malnutrition in all its various forms
- (c) children from birth till age fourteen
- (d) mid day meals
- (e) protocols for dealing with starvation and starvation deaths
- (f) opening of anganwadis and facilities therein
- (g) homeless and destitute persons
- (h) community kitchens

CHAPTER – XIV
DUTIES OF THE STATE GOVERNMENT

85. Implementation of nutrition-related schemes.- (1) State Government shall be directly responsible for providing, to all eligible persons, the entitlements under this Act.

(2) State Government shall be responsible for effective implementation of nutrition-related schemes; and for following the starvation protocol.

86. Duty the State Government to set up Anganwadi.- (1) The State Government shall set up Anganwadis for all children in the age group of 0-6 years and pregnant and lactating women.

Provided that until such Anganwadis are set up, all existing Anganwadis under the integrated child development scheme of the Ministry of Women and Children shall be treated as the Anganwadis under this Act.

(2) Anganwadis shall be set up in rural rehabilitation and urban areas in proportion to the population as set out in the schedule 2 here to.

(3) Every Anganwadis shall have a minimum facilities define as set out in Schedule -2.

87. Duty of the State Government to set up Nutrition Rehabilitation Centres.- The State Government shall set up Nutrition rehabilitation centres (NRCs) in every Community Health Centre/Block in rural areas and in every ward in urban areas in a phased manner.

Provided that until such Nutrition Rehabilitation Centres are set up, all existing Nutrition Rehabilitation Centres under the National Rural Health Mission of the Ministry of Health shall be treated as Nutrition Rehabilitation Centres under this Act.

88. Duty of the State Government to set up Community Kitchens in Urban Areas.- Every state government shall put in place Community Kitchens in urban areas as may be necessary for the urban areas, in accordance with Schedule 3.

89. Duty of the State Government to set up Destitute Feeding Centres.- Every state government shall put in place Destitute Feeding Centres as may be necessary for the State.

90. Duty the State Government to Publicize and disseminate information about all Entitlements.- State Government shall ensure that all scheme guidelines are widely disseminated and made available in convenient form in local language and shall also be put up on the Internet.

91. Duty of the State Government to issue job cards: State Government shall issue “Job Charts” for all functionaries involved in the implementation of nutrition-related entitlements in Chapter 3 of the Act, and starvation complaints and enquiries, spelling out their duties, so that these duties are clear and accountability may be fixed in the event of any denial of entitlement. The job charts shall be notified as part of the Rules.

CHAPTER – XV

DUTIES OF THE LOCAL AUTHORITIES

92. Duty to monitor implementation of all schemes: Local bodies, in addition to others, shall also be responsible for -

(i) Monitoring the implementation of all entitlements of pregnant and lactating women as well as children.

(ii) Monitoring the selection of beneficiaries, especially ensuring that all households vulnerable to hunger, receive priority ration cards, and for which state government shall provide them requisite

authority;

(iii) monitoring all expenditure in their area;

(iv) ensuring social audit takes place in an open and transparent, inclusive manner, with all sections of the village, fully represented;

93. **Duty to identify persons living in starvation:** Local bodies (Panchayati Raj Institutions and Urban Local Bodies) shall ensure identification of people living with starvation in their territorial jurisdiction, and alert the district authorities of starvation like conditions, of individuals or groups. .

CHAPTER – XVI

TRANSPARENCY AND ACCOUNTABILITY

94. **Social Audits.-** (1) The Gram Sabhas and urban local bodies shall conduct biannual social audits of all schemes under this Act in accordance with the rules.

(2) The Block Facilitation officer shall participate in every Social Audit conducted under subsection (1) of Section 96.

Provided that no Nodal officer shall be permitted to convene, chair or keep minutes of the social audit.

(3) The Appropriate Government shall encourage independent audits, carried out by civil society or citizens groups, of the working of any scheme, or any aspect of any scheme.

(4) The findings of the Audit shall be circulated to the Nodal Officer, The State Food Commission and the National Food Commission and shall be treated as complaints by the Nodal Officer

95. **Vigilance Committee:** (1) The Gram Sabha shall create Vigilance Committees in every village for every entitlement in this Act.

(2) Every vigilance committee shall have, at least, the following:

(a) Two Persons belonging to a Scheduled Caste and/ or Tribe

(b) Two Women and

(c) Two Destitute Persons or disabled people

(3) The vigilance Committees shall:

(a) Regularly supervise the implementation of all schemes under this Act.

(b) Inform the Nodal Officer, in writing, of any violation of this Act.

(c) Inform within 24 hours, the Nodal Officer, in writing, of any corruption or misappropriation

of funds found by it.

CHAPTER – XVII
PROGRESSIVE REALISATION OF ENTITLEMENTS

96. **Progressive Realisation Of Entitlements.-** For further advancing food and nutritional security, central, state and local governments shall progressively endeavour to -

- (a) make efforts to revitalize agriculture and promote agrarian reform, through measures such as securing the interests of small and marginal farmers through remunerative prices, credit, irrigation, crop insurance and technical assistance;
- (b) Prohibit unnecessary and unwarranted diversion of land and water from food production; and promote decentralized food production, procurement and distribution systems.
- (c) Pay greater attention to small farmers; and women and youth farmers who constitute the majority of the farming population.
- (d) Progressively increase investments in agriculture, research and development, extension, micro and minor irrigation and rural power supply.
- (e) diversify commodities available under the Public Distribution System (PDS), to include over time pulses, oil and cooking fuel
- (f) Provide universal access to safe and adequate drinking water and sanitation.
- (g) Progressively realize universal health care.
- (h) progressively realize universal access to crèche facilities
- (i) Further the commitments enshrined in Article 47 of the Constitution of India that obliges the State to raise the level of nutrition and the standard of living and to improve public health, the Governments shall progressively realize universal access to vitamin A, iodine and iron supplementation.
- (j) Provide residential schools for all children in need of care and protection who are deprived of responsible adult protection.
- (k) Progressively realize universal nutritional, health and education support to all adolescent girls.
- (l) provide for just and humane conditions of work and maternity relief, the Governments shall progressively realize universal access to adequate pensions for aged, disabled and single women, at rates which are not less than the prevailing statutory minimum wages for unskilled workers.

CHAPTER – 18
MISCELLANEOUS

97. **Bar of jurisdiction of courts .-** No court shall entertain any suit, application or other

proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

98. Application of Indian Evidence Act, 1872.- The National Food Commission, State Food Commission, District Grievance Redressal Officer, As the case may be, may receive as evidence any report, statement, documents, information, or matter that may, in its opinion, assist it to deal effectually with a complaint, whether or not the same would be otherwise relevant or admissible under the Indian Evidence Act, 1872 (1 of 1872)

99. Power to delegate.- (1) The Central Government may, by notification, direct that the powers exercisable by it (excluding the power to make rules) may, in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or such officer subordinate to the Central Government or the State Government as it may specify in such notification.

(2) The State Government may, by notification, direct that the powers exercisable by it (excluding the power to make rules) may, in such circumstances and subject to such conditions and limitations, be exercisable also by such officer subordinate to it as it may specify in such notification.

100. Power of Central Government to give directions: The Central Government may give such directions, as it may consider necessary, to the State Government for the effective implementation of the provisions of this Act. It shall be mandatory for the State Government to comply with such directions

101. Power of Central Government to make rules: (1) The Central Government Ministries may by notification and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, (while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; provided, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule).

102. Power of State Government to make rules.- (1) The State Government may, by notification and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out provisions of this Act including but not limited to

- (a) Functioning of Anganwadis
- (b) Functioning of Midday Meals
- (c) Functioning of Nutrition Rehabilitation Centres

(2) Every rule or Scheme made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

103. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

104. Act to have overriding effect.- Notwithstanding anything to the contrary contained in any other law for the time being in force and the provisions of this Act shall prevail over the said laws.

105. No Private Contractors.- No Private contractors shall be used for the delivery of any entitlements or procurement, storage and distribution for food grains.

106. Non Reduction Clause.- The Appropriate Government shall not reduce any entitlement under this Act or schedule there under.

107. Financial Memorandum: To be Added