

NATIONAL FOOD SECURITY BILL, 2011

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	National Food Security Bill
	<p><i>An Act to ensure public provisioning of food and related measures to enable assured economic and social access to adequate food, for all persons in the country, at all times, in pursuance of their fundamental right to live with dignity</i></p>
	<p>Preamble</p> <p>WHEREAS, Article 25 of the Universal Declaration of Human Rights (1949) recognizes the right of everyone to adequate food;</p> <p>AND WHEREAS, Article 11 of the International Covenant on Economic, Social and Cultural Rights (1966) and 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;</p> <p>AND WHEREAS further responsibilities in this regard, particularly with reference to children derived from Articles 22, 23, 24, 26, 27.1 and 27.3 of the Convention of the Rights of the Child;</p> <p>AND WHEREAS Article 12, 13 and 14 of the Convention on the Elimination of All Forms of Discrimination against Women call for the end of discrimination against women in healthcare and recognise the special needs of rural women;</p> <p>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;</p> <p>AND WHEREAS Articles 14 and 15 of the Constitution of India 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;</p> <p>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;</p> <p>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;</p> <p>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</p>

	<p>unemployment, old age, sickness and disablement, and in other cases of undeserved want;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>AND WHEREAS effective redressal of a violation of a person's rights and entitlements is essential to the enjoyment of the rights;</p> <p>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</p> <p>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.</p> <p>BE it enacted by Parliament in the Sixty Second Year of the Republic of India as follows:-</p>
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	<p>CHAPTER I</p> <p>PRELIMINARY</p>
<p>Short Title, Extent and Commencement</p>	<p>1. (1) This Act may be called the National Food Security Act 2011.</p> <p>(2) It extends to the whole of India except the State of Jammu and Kashmir: Provided that the Central Government, may with the consent of the State of Jammu and Kashmir, extend the Act to the State.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:</p> <p>Provided 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 and different sections may be brought into force on different dates.</p>
<p>Definitions</p>	<p>2. In this Act, unless the context otherwise requires,-</p> <p>(a) Adult shall mean a person who has completed eighteen years of age.</p> <p>(b) “Appropriate Government” shall mean -</p> <p>(i) in relation to the ministries and departments under the Central Government or any other authority wholly or substantially financed by the said government, the Central Government;</p> <p>(ii) in relation to the ministries and departments under the State Government or any other authority wholly or substantially financed by the said government, the State Government;</p> <p>(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;</p> <p>(d) "Child" shall mean a person who has not completed eighteen years of age;</p> <p>(e) “Crèche” shall mean a child care facility for children below the age of six years, with appropriate facilities and trained care-givers;</p>

	<p>(f) “Destitute Persons” shall mean men, women or children who chronically lack the resources, means and support required for food and nutrition enabling survival with dignity, to an extent that makes the person vulnerable to living with or dying of starvation;</p> <p>(g) “Disabled Persons” shall mean persons defined as disabled under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995;</p> <p>(h) “Emergency and Disaster Situations” shall mean a natural or human-made disaster as defined in the National Disaster Management Act, 2005;</p> <p>(i) “Excluded Households” shall mean those households identified by the State government as being in the ‘excluded’ group based on the identification criteria notified by the Central Government;</p> <p>(j) “Fair Price Shop” shall mean a Fair Price Shop as defined in the PDS Control Order, 2001 issued under the Essential Commodities Act, 1955;</p> <p>(k) “Food” shall mean any article used for human consumption other than drugs and includes-</p> <ul style="list-style-type: none">(i) any article which ordinarily enters into, or is used in the composition or preparation of human food,(ii) any flavouring matter or condiment, 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; <p>(l) “Food Grains” shall mean cereals including Rice, Wheat, Millets, Sorghum and Maize etc;</p> <p>(m) “General Households” shall mean those households identified by the State government as being in the ‘general’ group based on the identification criteria notified by the Central Government for the grant of food grains at rates given in Section 24 of this Act;</p> <p>(n) “Hamlet” shall mean a cluster of houses in any village;</p> <p>(o) “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;</p> <p>(p) “Homeless Persons” shall mean persons who live in structures without a roof, such as on the roadside, pavements, drainage pipes, under staircases, outside shops,</p>
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	<p>or in the open, courtyards of religious structures, railway tracks, nalas and the like and includes persons who reside in homeless shelters, beggars' homes, destitute shelters;</p> <p>(q) “Household” shall mean a nuclear family comprising mother, father, and their children, and may include any person wholly or substantially dependent on the head of the family 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;</p> <p>(r) “Household Head” shall mean a woman unless there is no adult woman in the household in which case it shall be the oldest member of the household;</p> <p>(s) “Information” shall mean information as defined in the Right to Information Act, 2005;</p> <p>(t) “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;</p> <p>(u) “Job Chart” shall mean a note describing the roles and responsibility of a public functionary as maybe notified from time to time by rules framed under this Act;</p> <p>(v) “Local Anganwadi” shall mean a child care centre set up under the Integrated Child Development Services of the Government of India 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;</p> <p>(w) “Local Authority” shall mean any of the Panchayat Raj Institutions in rural areas and Urban Local Bodies in urban areas under any law for the time being in force;</p> <p>(x) “Malnutrition” shall mean the condition which develops when the body, over a prolonged period of time, does not receive or absorb adequate and appropriate calories, proteins and other nutrients required for good health, growth and maintenance of the human body and mind;</p> <p>(y) “Mini-Anganwadi” shall mean a child care centre set up in hamlets, as an extension of the network of full-fledged Anganwadis;</p> <p>(z) “Minimum Support Price” shall mean the minimum price declared by the Government at which it commits to buy commodities from the farmers.</p> <p>(aa) “National Food Commission” shall mean the National Food Commission constituted under Section 34 of this Act;</p>
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	<p>(bb) “Notification” shall mean a notification, issued under this Act and published in the Official Gazette;</p> <p>(cc) “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;</p> <p>(dd) “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;</p> <p>(ee) “Nutrition Related Schemes” shall mean all schemes formulated by the appropriate government to deliver entitlements under this act including but not limited to the Integrated Child Development Scheme, Midday Meal Scheme, Indira Gandhi Matritva Sahyog Yojana of the Government of India;</p> <p>(ff) “Prescribed” shall mean prescribed by Rules made under this Act;</p> <p>(gg) “Priority Households” shall mean those households identified by the State Government as being in the ‘priority’ group based on the identification criteria notified by the Central Government for the grant of food grains at rates given in Section 23 of this Act ;</p> <p>(hh) “Private Contractor” shall mean any entrepreneur, commercial enterprise or company not owned or controlled or funded or aided by the Appropriate Government;</p> <p>(ii) “Public Distribution System” shall mean Public Distribution system as defined in the Public Distribution system Control Order 2001 issued under the Essential Commodities Act, 1955;</p> <p>(jj) “Ration Card” shall mean a Ration Card as defined in the PDS Control Order 2001 issued under the Essential Commodities Act, 1955;</p> <p>(kk) “Record” shall mean Record as defined in the Right to Information Act, 2005;</p> <p>(ll) “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;</p>
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	<p>(mm) “Right to Information” shall mean Right to Information as defined in the Right to Information Act, 2005;</p> <p>(nn) “Rules” shall mean the rules notified by the Central Government and State Governments, as the case maybe;</p> <p>(oo) “Rural area” shall mean any area in a State not covered by any urban local body or a Cantonment Board established or constituted under any law for the time being in force</p> <p>(pp) “Senior Citizen” shall mean any person who has attained the age of sixty years;</p> <p>(qq) “Severe Acute Malnutrition” shall mean malnutrition defined as severe acute based on World Health Organization (WHO) norms;</p> <p>(rr) “Severe Malnutrition” shall mean malnutrition defined as severe based on World Health Organization (WHO) norms;</p> <p>(ss) “Severely Underweight Children” shall mean children defined as being severely underweight by World Health Organization (WHO) norms;</p> <p>(tt) “Social Audit” shall mean a continuous process of public vigilance through which potential beneficiaries and other stakeholders of an entitlement or a scheme are involved in monitoring, and evaluation of the delivery of all entitlements under this Act;</p> <p>(uu) “State Food Commission” shall mean the State Food Commission constituted under Section 52 of this Act;</p> <p>(vv) “Starvation” shall mean prolonged involuntary deprivation of food that threatens survival with dignity;</p> <p>(ww) “Starvation Death” shall mean death of a person caused by starvation;</p> <p>(xx) “Take-home Rations” means food that can be taken and prepared or eaten at home, and stored in room temperature for at least two weeks;</p> <p>(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;</p> <p>(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</p>
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	time being in force.
	<p>CHAPTER II</p> <p>SHARING OF FINANCIAL AND OTHER RESPONSIBILITIES</p>
<p>Sharing and other financial responsibilities</p>	<p>3. (1) Subject to the Rules as maybe prescribed, the Central Government shall provide to the State governments the following namely:</p> <p>(a) Food grains free of cost, including costs of storage and transportation; or the cash equivalent of the procurement costs borne by State Governments in case of decentralized procurement, to State Governments;</p> <p>(b) Administrative expenses of a minimum of six percent for the implementation of this act;</p> <p>(2) All other costs incurred under this Act, shall be shared between Central and State governments in such a way that Central Government bears at least 70% of all costs.</p>
	<p>CHAPTER III</p> <p>RIGHT TO FOOD SECURITY</p>
<p>Right to access of food security</p>	<p>4. Every person shall have physical, economic and social access, at all times, either directly or by means of financial purchases, to quantitatively and qualitatively adequate, sufficient and safe food, which ensures an active and healthy life.</p>
<p>Life-Cycle Approach</p>	<p>5. Food Security and the obligations created under this Act of appropriate governments, shall be based on access to adequate and appropriate food throughout the life cycle of a human being from pregnancy to old age so as to ensure a healthy body and mind.</p>
<p>Entitlements of Pregnant and Nursing Women</p>	<p>6. On and from the date of enactment of the Act, the State Government shall provide all pregnant and nursing women the following:</p> <p>(a) Take-home rations or nutritious 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;</p> <p>(b) Maternity benefits of Rs. 1000 per month, for a period of six months,</p>

	<p>sufficient to provide them with the nutritional requirements mentioned in Schedule I:</p> <p>Provided the sum of Rs1000 per month shall be revised every year based on an appropriate price index as determined by the Central Government;</p> <p>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;</p> <p>(c) Support for practicing exclusive breastfeeding for 6 months through assistance at birth, skilled 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);</p> <p>(d) Counselling on optimal Infant and Young Child Feeding to promote appropriate complementary feeding;</p>
<p>Entitlements of children at the age group of 0 - 6 years</p>	<p>7. On and from the date of coming into force of the Act, the State Government shall provide -:</p> <p>(a) nutritious Take Home Rations and/or local and freshly cooked meals throughout the year through the local Anganwadi which meet the nutritional standards in Schedule 1 to all children in the age group of 0 – 3 years, :</p> <p>(b) local and freshly cooked meal in the local anganwadi, for at least 300 days in a year which meet the nutritional standards in Schedule 1 to all children in the age group of 3 to 6 years;</p> <p>(c) services including but not limited to supplementary nutrition, immunization, health check-ups, referral services, growth monitoring and promotion and pre-school education as may be prescribed, to all children in the age group of 0 -6 years,;</p>

<p>Midday meal to Children</p>	<p>8. (1) On and from the date of enactment of this Act, the State Government shall provide all children of the age group 6 to 14 years, at least one freshly cooked nutritious midday meal in all schools run by local bodies, government and government-aided schools up to Class 8 or beyond, as may be specified by the central and state governments from time to time, everyday of the year, except school holidays, of equal or greater amount, as per norms specified in Schedule I.</p> <p>(2) Every school shall have appropriate facilities for the purpose of hygienic cooking and clean drinking water as maybe prescribed.</p> <p>(3) The food provided through the mid-day meal shall be locally appropriate and nutritious.</p>
<p>No denial to any child</p>	<p>9. Any child below the age of 14, including those that are out-of-school, may approach any feeding facility such as anganwadi centre, school mid-day meals, destitute feeding centres etc., as defined under this Act, for a freshly cooked nutritious meal; no such institution may deny a freshly cooked nutritious meal to such a child on any grounds whatsoever by modalities that will be notified in the Rules.</p>
<p>Prevention and Treatment of Child Malnutrition</p>	<p>10. (1) On and from the date of enactment of this Act, the State government shall, identify children who suffer from all or any grades of malnutrition, as well as those experiencing growth faltering or nutritional deterioration.</p> <p>(2) Parents or guardians of every malnourished Child shall be provided support through nutrition counselling for appropriate therapeutic foods, health checkups and referral services, free of charge.</p> <p>(3) All severely underweight, undernourished or sick malnourished children shall be entitled, free of charge, to appropriate therapeutic foods, as maybe specified by 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.</p>
	<p>CHAPTER IV</p> <p>ENTITLEMENTS OF SPECIAL GROUPS</p>
	<p>11. The State Government shall provide all destitute persons at least one freshly cooked meal every day, free of charge, according to the nutrition standards specified</p>

Entitlement of Destitute persons	in Schedule 1, at a location close to their home, or if they are homeless, close to the place they are ordinarily to be found in, in accordance with appropriate schemes to be piloted and specified under this Act.
Entitlement of Homeless Persons	12. The State Government shall ensure urban homeless and such other needy persons as deemed appropriate, have access to affordable meals by appropriate scheme to be piloted, through a scheme of Community Kitchens run by any agency identified by the appropriate government, or any other method.
Entitlements of Migrants	13. Migrants and their families shall be able to claim all entitlements as specified under Section 4 to Section 12 of this Act, at whatever location in the country is their current place of residence.
Emergency and Disaster Affected Persons	<p>14. (1) Upon a declaration that an emergency or disaster situation exists by the State Government, provide to all persons affected by the emergency or disaster situation, subsidized food grains at priority quantities and rates specified in Section 24, immediately thereafter, for a period of one year.</p> <p>(2) All destitute persons, senior citizens, pregnant and nursing women and children, affected by the emergency or disaster, shall be provided two freshly cooked meals every day, free of charge, for a period of 3 months after the disaster.</p> <p>(3) All households shall be assured at least 200 days of wage employment for one year at minimum wages or equivalent income in case wage employment is not available or family members are not capable of working for wages</p>
	<p>CHAPTER – V</p> <p>RIGHT OF PERSONS LIVING IN STARVATION</p>
Right of persons living in starvation	15. The State 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 food to restore them with immediate effect to a condition of good health of the body and mind and for that purpose and such persons shall be entitled to the benefits mentioned in section 16 hereto.

<p>Immediate Relief from Starvation</p>	<p>16. All persons, households, groups or communities living in starvation or conditions akin to starvation shall with immediate effect be provided with the following:</p> <ul style="list-style-type: none"> (a) freshly cooked meals, at least 2 times a day, free of charge, to pregnant and nursing women, children, and destitute persons; (b) Rs. 2000 as maternity benefits to the pregnant and nursing women; (c) Subsidised food grains of twice the amount specified for priority households as specified in Schedule 4, free of charge for period, for a period of six months; (d) All households shall be assured at least 200 days of wage employment for two years at minimum wages or equivalent income in case wage employment is not available or family members are not capable of working for wages (e) Any other relief deemed necessary by the State Government to ensure that they do not under any circumstances lapse back into starvation.
<p>Proactive identification of Starvation</p>	<p>17. (1) The State Government shall ensure the proactive identification of individuals, households, and groups living in starvation or in conditions akin to starvation and provide the relief mentioned in Section 15 and 16 under this Act.</p> <p>(2) While making the said identification, the State Government shall enquire into the overall life situation of the persons, groups or communities living in starvation and the question whether the person group or community was continuously deprived of adequate food entitlements by the denial of entitlements under this act or otherwise for any reason whatsoever.</p> <p>(3) Where the conditions of starvation are found to exist the State Government shall take corrective action to ensure that functioning of the food related schemes and the delivery of entitlements under this Act or any other Acts as may be necessary.</p>
<p>Investigation of Starvation Death</p>	<p>18. (1) When a question arises whether a person has died of starvation, the appropriate government shall enquire whether such person was living in conditions of prolonged food deprivation for any reason whatsoever and shall not base its conclusion on the Post mortem report.</p> <p>(2) Upon concluding that a person has died of starvation, the household to which he or she belonged shall be provided with financial assistance under the National Family Benefit Scheme regardless of whether or not he or she was the primary breadwinner of the household.</p>

<p>Starvation Protocol</p>	<p>19. (1) The State Government shall within 6 months of the Act coming into force, establish, through a Code, the processes for investigating starvation and protocols for mandatory intervention by State authorities for relief, prevention and accountability that are in conformity with the provisions of this Act, to be known as the Starvation Protocol.</p> <p>(2) The Protocol shall establish processes which shall be transparent, reliable and respectful of the dignity of all persons.</p> <p>(3) State governments shall clearly designate authorities, at state, district and local levels, directly responsible for preventing starvation and starvation death.</p>
<p>Right to Approach the District Grievance Redressal Officer</p>	<p>20. All 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 15 of this Act and the District Grievance Redressal Officer shall be bound to provide such relief.</p>
	<p>CHAPTER – VI</p> <p>RIGHT TO RECEIVE SUBSIDIZED FOOD GRAINS</p>
<p>Identification of Households</p>	<p>21. The State Government shall, based on the criteria notified by the Central Government identify households known as the Priority households and General households and issue to them appropriate Ration Cards to enable them to receive food grains at the rates applicable to them</p>
<p>Subsidised Food Grains to rural households</p>	<p>22. (1) The State Government shall provide to all rural households on the basis of criteria notified by the Central Government, subsidized food grains at the rates specified in Section 24 hereto, to be known as the Rural Priority Households.</p> <p>(2) All rural households other than those in the priority households shall be entitled to subsidized food grains at the rates specified in Section 25 here to, to be known as the Rural General Households.</p> <p>(3) The State Government may exclude persons who fulfil the exclusion criteria notified by the Central Government, to be known as the excluded category and such households shall not be entitled to subsidized food grains;</p> <p>Provided that not less than 46% of all rural households shall be designated as Rural Priority Households.</p> <p>Provided, further, 90% of all rural households are entitled to subsidized food grains.</p>
<p>Subsidised Food Grains to Urban</p>	<p>23. (1) The State Government shall provide to all urban households on the basis of criteria notified by the Central Government, subsidized food grains at the rates specified in Section 24 hereto, to be known as the Urban Priority Households.</p>

households	<p>(2) All urban households other than those in the priority households shall be entitled to subsidized food grains at the rates specified in Section 25 here to, to be known as the Urban General Households.</p> <p>(3) The State Government may exclude persons who fulfil the exclusion criteria notified by the Central Government, to be known as the excluded category and such households shall not be entitled to subsidized food grains;</p> <p>Provided that not less than 28% of all urban households are categorised as Urban Priority Households.</p> <p>Provided, further, 50% of all urban households are entitled to subsidized food grains.</p>
Rate for Priority Households	<p>24. The State Government shall provide Priority Households whether Rural or Urban a minimum of 7 kilograms of food grains per person per month, at a price not exceeding Rs 3 per kg for rice, Rs 2 per kg for wheat and Rs 1 per kg for millets at 2011-11 rates, which will not be revised upward for a minimum period of 10 years from the date of notification of the Act.</p> <p>Provided that single-member households shall receive a minimum of 14 kilograms of grain per month at the same prices.</p>
Rates for General Households	<p>25. The State Government shall provide General Households whether Rural or Urban a minimum of 4 kilograms of food grains per person per month, at a price not exceeding 50 per cent of the Minimum Support Price for paddy, wheat and millets,.</p> <p>Provided that single-member households shall receive a minimum of 8 kilograms of grain per month at the same prices.</p>
	<p style="text-align: center;">CHAPTER VII</p> <p style="text-align: center;">PUBLIC DISTRIBUTION SYSTEM</p>
Procurement of Food Grains	<p>26. 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 food grains to meet the requirements under this Act,</p>

	<p>(2) The Central Government shall make appropriate efforts to expand decentralised procurement in states.</p> <p>(3) Central and state governments shall take measures to promote and facilitate the procurement of millets and other nutritious grains, by ensuring appropriate quality standards, timely announcement of support prices, and adequate procurement arrangements.</p> <p>(4) The Central Government shall encourage State governments to undertake a decentralized planning process and to procure, store and distribute food grain at local levels from district to panchyat, with a view to minimize transportation costs and losses and provide state governments with the appropriate facilities and incentives.</p> <p>(5) The appropriate government will open procurement centres within a radius of 10 kilometres wherever feasible and provide on spot payment to farmers.</p>
<p>Power to delegate</p>	<p>27. (1) The Central Government may, by notification, direct that the powers exercisable by it under this Act, may also be exercised, in such circumstances and subject to such conditions, if any, as may be specified in the notification, by the State Government or to an officer subordinate to the Central Government or the State Government.</p> <p>(2) The State Government may, by notification, direct that the powers exercisable by it under this Act, may also be exercised, in such circumstances and subject to such conditions, if any, as may be specified in the notification an officer subordinate to it</p>
<p>Storage of Food grains</p>	<p>28. (1) The Central and state governments shall take necessary steps to develop adequate infrastructure designed and constructed on scientific basis for storage of food grains at state, district and block level as the case may be for distribution under this Act and for adequate buffer stocks.</p>
<p>Local Public Distribution Model</p>	<p>29. The Centre and the state government shall support local Public Distribution System models including grain banks as maybe deemed necessary, and assist them to be financially viable.</p>
<p>Quantity and Issue Price</p>	<p>30. (1) The Central Government shall make available to the State Governments food grains for distribution under the Public Distribution System to various categories of Households at such quantity and prices as to meet the requirements under this Act.</p> <p>(2) The State Governments shall not divert the allocations made by the Central</p>

	Government for distribution under the Public Distribution System to any person or for any purpose other than that mentioned in this Act.
Distribution of Food Grains	<p>31.</p> <p>(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.</p> <p>(2) The State Government shall on getting an allocation of food grains from the Central Government issue district wise allocation orders and make arrangements for the foodgrains to be delivered to the district godowns and further to the fair price shops.</p> <p>(3) While making the aforesaid allocation, the Central Government and the State Government shall take into consideration the number of individuals and households in rural and urban areas eligible to receive subsidized food grains and make allocations to the appropriate extent.</p> <p>(4) 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.</p> <p>(5) 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.</p> <p>(6) At the time of delivery to the Fair Price Shops, the grain shall be weighed in public in the presence of members of the Vigilance Committee.</p>
Fair Price Shops	<p>32. (1) The State government shall set up Fair Price shops for the delivery of subsidized food grains within 3 Kilometres of a habitation.</p> <p>(2) The State Government shall, when issuing licenses for fair price shops, give preference to community institutions such as Self-Help Groups and Cooperatives or public bodies such as Gram Panchayats or nongovernmental organizations.</p> <p>(3) The State Government shall undertake appropriate measures to ensure that the daily management of Fair Price Shops shall, wherever possible, be done by women or women's collectives.</p>

	<p>(4) The State Government shall ensure that the Fair Price Shops are financially viable by ensuring that reasonable commissions and operational costs are provided in a time bound manner.</p> <p>(5) The responsibilities and duties of fair price shop owners shall include, inter alia –</p> <ul style="list-style-type: none">(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 board at a prominent place in the shop on daily basis and regarding-<ul style="list-style-type: none">(a) list of Priority and General groups,(b) entitlement of essential commodities,(c), quantity of food available(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;(i) Manager's Name, Contact details including address and telephone number(j) Telephone Helpline Number and the address of the Public Grievance Kiosk(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) accounts 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; <p>(6) Opening and closing of the fair price shop as per the prescribed timings displayed on the notice board.</p> <p>(7) The manager of each Fair Price Shop 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.</p>
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<p>Ration Cards</p>	<p>33. (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 official language(s) of the state, with details of foodgrain entitlements as well as helpline numbers and grievance redressal mechanisms.</p> <p>(2) Ration cards shall be issued in the name of an adult woman member of the family, if any.</p> <p>(3) The State Government shall ensure that no eligible household is denied a ration card under the Public Distribution System.</p> <p>(4) The designated authority shall issue a ration card within one month of the date of survey or of receipt of the application after necessary checks and verification.</p> <p>(5) The State Government shall upon application make any additions or alterations in the ration card within one month of receipt of application</p> <p>(6) The State Government shall conduct periodical checking of ration cards to clear ineligible and bogus ration cards as well as bogus units in ration cards.</p>
<p>Monitoring the Procurement, Distribution and Sale of Subsidized Food Grains</p>	<p>34. (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 to be maintained manually or electronically.</p> <p>(2) The State Government shall ensure regular inspections of fair price shops not less than once in six months by the designated authority.</p> <p>(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.</p> <p>(4) The meetings of the Vigilance Committees on the Public Distribution System appointed under this Act shall be held on a regular basis.</p> <p>(5) The date and periodicity of the said meetings mentioned in the subsection (4) above, shall be notified by State Government, however, the periodicity shall not be less than one meeting a quarter.</p> <p>(6) The State Government shall ensure monitoring of the functioning of the Public Distribution System at the fair price shop level through telephone help-lines, SMS alerts, and online monitoring and grievance redressal system .</p>

	<p>(7) State Government shall inform 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.</p> <p>(8) State Government shall issue and adopt the Citizen's Charter based on the model Citizens Charter adopted by the Central Government under the guidelines of the Department of Administrative Reforms & Public Grievances, outlining the functions of the department responsible for delivery of services under the Public Distribution System, the names of the persons responsible and their contact details.</p> <p>(9) Any individual shall be authorized to examine all records, samples and stocks at the Fair Price Shops, including stock register, issue/sale register, samples of foodgrains etc.</p> <p>(10) The designated authority shall ensure that fair price shop owner provides information as per the norms under the Right to Information Act, 2005.</p> <p>(11) A social audit of each Fair Price Shop shall be conducted at least once a year at the Gram Sabha, including reading aloud in public of a summary of transactions in the previous 12 months.</p>
<p>Use of Technology and Monitoring and Information System</p>	<p>35. (1) The State Government shall ensure end-to-end computerization of the Public Distribution System at all stages of procurement, storage, distribution and sale of food grains which shall include:</p> <ul style="list-style-type: none"> (a) list of beneficiaries (b) list of licensees (c) position of stocks, flow and distribution of food grains on at least a weekly basis (d) financial transactions at the FPS level on a weekly basis (e) financial transactions at all other levels on an online real time basis <p>(2) The State Government may also apply ICT, Smart Cards and other innovative technologies subject to successful pilots.</p> <p>(3) The State Government shall place all information received through sub section (1) on a website</p>
	<p>CHAPTER VIII</p> <p>NATIONAL FOOD COMMISSION</p>
<p>Constitution of</p>	

<p>National Food Commission</p>	<p>36. (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.</p> <p>(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.</p> <p>(3)The National Food Commission shall consist of a Chairperson, a Member Secretary and five other Members.</p> <p>(4) The Member Secretary shall be the Chief Executive Officer of the National Food Commission and shall exercise such powers and discharge such functions of the Commission as may be delegated to him by the National Food Commission or the Chairperson as the case may be.</p> <p>(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.</p>
<p>Eligibility for appointment of Chairperson, Member Secretary and other members</p>	<p>37. - The Chairperson, Member Secretary and other members shall be appointed from amongst persons—</p> <p>(a) Who is or has been 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:</p> <p>(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</p> <p>(c) who have a proven record of work relating to the improvement of the Food and Nutrition Rights</p> <p>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, Member Secretary or Member;</p> <p>Provided further that, at any time at least half the Members should be persons who have never held any public office</p>
<p>Disqualification for the appointment of Chairperson, Member</p>	<p>38. A person shall be disqualified for appointment, if he-</p> <p>(a) holds any other office of profit or connected with any political party ; or</p> <p>(b) has been charged with or convicted and sentenced to imprisonment for an offence involving moral turpitude or corruption under the Prevention of Corruption</p>

<p>Secretary and other members</p>	<p>Act, 1988; or</p> <p>(c) has been suspended, removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or</p> <p>(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</p> <p>(e) has such other disqualifications as may be prescribed by the Central Government.</p>
<p>Appointment of Chairperson, Member Secretary and other Members</p>	<p>39. (1) The Chairperson, Member Secretary and Members shall be appointed by the President by warrant under his or her hand and seal:</p> <p>(2) Every appointment under sub-section (1) shall be made by the Selection Committee consisting of:</p> <ul style="list-style-type: none"> (i) The Prime Minister (as chair) (ii) Minister of the Nodal Ministry (iii) The Leader of Opposition (iv) 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. <p>(3) 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, Member Secretary or Member and shall be concluded within two months.</p> <p>(4) The decisions of the Selection Committee shall be by a simple majority.</p> <p>(5) Before selection, the central government shall notify, in the Official Gazette, the number of vacancies in the post of members and eligibility criterion for selection.</p> <p>(6) The Central Government shall invite nomination of suitable persons for the vacancies from the general public who meet the eligibility criterion for appointment as Members to the National Food Commission.</p> <p>Provided that, a person shall not be eligible for consideration unless he or she receives a minimum of two nominations.</p> <p>(7) The Central government shall publish the names of all eligible persons nominated and all other persons proposed to be appointed for the vacancy or vacancies to the National Food Commission.</p>

	<p>(8) Any person may object for reasons to be stated in writing to the proposed appointment of any member whose name is in the list published under sub section (7)</p> <p>(9) The list so prepared together with the objections received shall be placed before the selection Committee who shall proceed to make the selection.</p>
<p>Resignation and removal of Chairperson, Member Secretary and Members</p>	<p>40. (1) The Chairperson, Member Secretary 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.</p> <p>(2) The Chairperson, the Member Secretary 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 misbehavior 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.</p> <p>(3) Notwithstanding anything in sub-section (2), the President may by order remove from office the Chairperson, Member Secretary or any other Member if the Chairperson, Member Secretary or any other Member, as the case may be, -</p> <ul style="list-style-type: none"> (a) engages during his or her term of office in any paid employment outside the duties of his or her office; or (b) is functionally unfit to continue in office; or (c) Is charged with corruption under the Prevention of Corruption Act, 1988 or any other similar law for the time being in force
<p>Vacancies in the National Food Commission</p>	<p>41. (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.</p> <p>(2) If a vacancy occurs in the office of the National Food Commission, caused by any reason, such vacancy shall be filled within a period of ninety days by making afresh appointment in accordance with the provisions of section 39.</p> <p>(3) The person so appointed shall hold office for the remainder of the predecessor's term of office and if that period is two years or less, he shall be eligible for re-selection for a full term.</p>
<p>Terms and conditions of service of Chairperson, Member Secretary and Members</p>	<p>42. (1) A person appointed as a Chairperson/Member shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment for another term of three years.</p> <p>Provided that no Chairperson/Member shall hold office after he has attained the age of seventy years.</p> <p>(2) A person appointed as Member Secretary shall not be eligible for re-</p>

	<p>appointment in the same capacity.</p> <p>(3) The salaries and allowances payable to, and other terms and conditions of services of the Chairperson, Member Secretary and Members shall be such as may be prescribed.</p> <p>(4) The salary and allowances nor the other terms and conditions of service of the Chairperson, Member Secretary or a Member shall be varied to his or her disadvantage after his or her appointment.</p> <p>(5) Reappointment to the post of member shall be in accordance with Section 37 of this Act.</p>
<p>Procedure to be regulated by the National Food Commission</p>	<p>43. (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.</p> <p>(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.</p>
<p>Officers and other staff of the National Food Commission</p>	<p>44. (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.</p> <p>(2) The salaries, allowances and conditions of service of the officers and other staff appointed under sub section (1) shall be such as may be prescribed.</p>
<p>Functions of the National Food Commission</p>	<p>45. The National Food Commission shall perform all or any of the following functions, namely:-</p> <p>(a) Suo moto or on a receipt of information, inquire into-</p> <p>(i) Violation of any provisions of Chapters II, III, IV, V, VI and VII and any schedule mentioned thereunder, of this Act;</p> <p>(ii) Dereliction of duty by a public servant as defined under Section 85 of this Act:</p> <p>Provided that the National Commission shall not inquire into any matter that is pending before the State Food Commission or a District Grievance Redressal Officer duly constituted under this Act.</p> <p>(b) Intervene in any proceeding involving any allegation of denial of entitlement pending before a court with the approval of such court.</p> <p>(c) advise the Central Government on framing appropriate schemes for all the entitlements provided under this Act</p> <p>(d) advise the Central and State government, their agencies, autonomous bodies as well as non - governmental organisations involved in delivery of relevant services,</p>

	<p>steps for the effective implementation of schemes made under this Act, to enable individuals to fully access all food entitlements created by the Act.</p> <p>(e) Monitor the conditions of persons living in starvation and where necessary give appropriate advice to the State Government.</p> <p>(f) 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.</p> <p>(g) Identify an area affected by a natural or human made disaster or emergency which threatens the food security of its residents and recommend to the central and state governments or to the National Disaster management Authority, for notification of the said area.</p> <p>(h) Impose penalties in accordance with Section 87 of this Act.</p> <p>(i) Entertain appeal against the orders of the State Food Commission in accordance with S. 58 of this Act.</p>
<p>Powers relating to inquiries</p>	<p>46. (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 :</p> <p>(a) summoning and enforcing the attendance of witnesses and examining them on oath;</p> <p>(b) discovery and production of any document;</p> <p>(c) receiving evidence on affidavits;</p> <p>(d) requisitioning any public record or copy thereof from any court or office;</p> <p>(e) issuing commissions for the examination of witnesses or documents;</p> <p>(f) any other matter which may be prescribed.</p> <p>(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.</p> <p>(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</p>

	<p>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.</p> <p>(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 .</p> <p>(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</p> <p>(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.</p> <p>(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.</p>
<p>Investigation</p>	<p>47. (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.</p> <p>(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:</p> <ul style="list-style-type: none"> (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. <p>(3) The provisions of section 48 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.</p>

	<p>(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.</p> <p>(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.</p>
<p>Statement made by persons to the National Food Commission</p>	<p>48. 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 –</p> <p>(a) is made in reply to the question which he is required by the National Food Commission to answer; or</p> <p>is relevant to the subject matter of the inquiry.</p>
<p>Persons likely to be prejudicially affected to be heard</p>	<p>49. If, at any stage of the inquiry, the National Food Commission-</p> <p>(a) considers it necessary to inquire into the conduct of any person; or</p> <p>(b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry;</p> <p>it shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence:</p> <p>Provided that nothing in this section shall apply where the credit of a witness is being impeached.</p>
<p>Inquiry into complaints</p>	<p>50. The National Food Commission while inquiring into the complaints of violations under this Act may-</p> <p>(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;</p> <p>Provided that-</p> <p>(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;</p> <p>(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</p>

	<p>not proceed with the complaint and inform the complainant accordingly;</p> <p>(ii) without prejudice to anything contained in clause (i), if it considers necessary, having regard to the nature of the complaint, initiate an inquiry.</p>
<p>Steps during and after inquiry</p>	<p>51. The National Food Commission may take any of the following steps during or upon the completion of an inquiry held under this Act, namely:-</p> <p>(a) recommend to the appropriate government disciplinary action or proceedings against a public servant where the inquiry discloses a misconduct under the Central Civil Services Conduct Rules or the commission of an offence</p> <p>(b) direct the Appropriate Government to grant compensation or damages to the complainant or to the members of his family as the National Food Commission may consider necessary in accordance with Section 88 of this Act.</p> <p>(c) Impose penalty in accordance with Section 87 of this Act;</p> <p>(d) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;</p> <p>(e) 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;</p> <p>(f) subject to the provisions of clause (e), provide a copy of the inquiry report to the petitioner or his representative;</p> <p>(g) 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;</p> <p>(h) 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.</p>
<p>Appeal</p>	<p>52. Any person, aggrieved by an order made by the National Food Commission in exercise of its function conferred by clause (a) of section 45 may prefer an appeal against such order to the Supreme Court within a period of ninety days from the date of the order:</p> <p>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.</p> <p>Provided further that no appeal shall lie against any other order of the National Food Commission.</p>

<p>Annual Reports</p>	<p>53. (1) The National Food Commission shall submit an annual report to the Central Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.</p> <p>(2) The Central Government shall cause the annual and special reports of the National Food Commission to be laid before each House of Parliament along with a memorandum of action taken or proposed to be taken on the recommendations of the National Food Commission and the reasons for non-acceptance of the recommendations, if any</p>
	<p>CHAPTER IX</p> <p>STATE FOOD COMMISSION</p>
<p>Constitution of State Food Commission</p>	<p>54. (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.</p> <p>(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.</p> <p>(3) The State Food Commission shall consist of a Chairperson, a Member Secretary and five other Members.</p> <p>(4) The Member Secretary shall be the Chief Executive Officer of the State Food Commission and shall exercise such powers and discharge such functions of the Commission as it may delegate to him.</p> <p>(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.</p>
<p>Eligibility for appointment of Chairperson, Member Secretary and other members</p>	<p>55. The Chairperson/Member Secretary and other members shall be appointed from amongst persons—</p> <p>(a) Who have been or are in an All – India Service or any civil service of the Union/State 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:</p>

	<p>(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;</p> <p>(c) who have a proven record of work relating to the improvement of the Food and Nutrition Rights of the poor:</p> <p>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, Member Secretary or Member.</p> <p>Provided further that, at any time <i>a minimum of</i> half the Members should be persons who have never held any public office</p>
<p>Disqualification for appointment of Chairperson, Member Secretary and other members</p>	<p>56. A person shall be disqualified for appointment, if he-</p> <p>(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</p> <p>(b) has been charged with or convicted and sentenced to imprisonment for an offence involving moral turpitude or corruption under the Prevention of Corruption Act, 1988; or</p> <p>(c) has been suspended, removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or</p> <p>(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</p> <p>has such other disqualifications as may be prescribed by the State Government.</p>
<p>Appointment of Chairperson, Member Secretary and other Members</p>	<p>57. (1) The Chairperson/ Member Secretary and Members shall be appointed by the Governor by warrant under his or her hand and seal:</p> <p>Provided that every appointment under this sub-section shall be made by the Selection Committee consisting of:</p> <p>(i) The Chief Minister (as chair)</p> <p>(ii) Minister concerned of the nodal Ministry</p> <p>(iii) The Leader of Opposition of the Legislative Assembly</p> <p>(iv) Chairpersons of the following state level statutory commissions: State Human Rights Commission, National Commission for Women, State Minorities Commission, State Commission for the Protection of Child Rights, and State Commissions for Scheduled Castes and Scheduled Tribes</p> <p>(2) The process of selection shall be initiated by the State Government within</p>

	<p>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, Member Secretary or Member and shall be concluded within two months.</p> <p>(3) The decisions of the Selection Committee shall be by a simple majority.</p> <p>(4) Before selection, the State government shall notify, in the Official Gazette, the number of vacancies and eligibility criterion.</p> <p>(5) The State Government shall invite nomination of suitable persons for the vacancies from the general public who meet the eligibility criterion for appointment as Members to the State Food Commission.</p> <p>Provided that, a person shall not be eligible for consideration unless he or she receives a minimum of two nominations.</p> <p>(6) The State government shall publish the names of all eligible persons nominated and all other persons proposed to be appointed for the vacancy or vacancies to the State Food Commission.</p> <p>(7) Any person may object for reasons to be stated in writing to the proposed appointment of any member whose name is in the list published under sub section (6)</p> <p>(8) The list so prepared together with the objections received shall be placed before the selection Committee who shall proceed to make the selection.</p>
<p>Resignation and removal of Chairperson, Member Secretary and Members</p>	<p>58. (1) The Chairperson, Member Secretary 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.</p> <p>(2) The Chairperson, the Member Secretary 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 misbehavior 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.</p> <p>(3) Notwithstanding anything in sub-section (2), the Governor may by order remove from office the Chairperson, Member Secretary or any other Member if the Chairperson, Member Secretary or any other Member, as the case may be -</p> <p>(a) engages during his or her term of office in any paid employment outside the duties of his or her office; or</p> <p>(b) is unfit to continue in office by reasons of infirmity of mind or body; or</p> <p>indulges in Acts of corruption as defined in the Prevention of Corruption Act, 1988</p>

<p>Vacancies in the State Food Commission</p>	<p>59. (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.</p> <p>(2) If a vacancy occurs in the office of the State Food Commission, caused by any reason, such vacancy shall be filled within a period of ninety days by making afresh appointment in accordance with the provisions of section 57.</p> <p>(3) The person so appointed shall hold office for the remainder of the predecessor's term of office and if that period is two years or less, he shall be eligible for re-selection for a full term.</p>
<p>Officers and other staff of the State Food Commission</p>	<p>60. (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.</p> <p>(2) The salaries, allowances and conditions of service of the officers and other staff appointed under sub section (1) shall be such as may be prescribed.</p>
<p>Functions of the State Food Commission</p>	<p>61. (1) The State Food Commission shall perform all or any of the following functions, namely:-</p> <p>(a) Suo Motu or on a receipt of complaint, inquire into-</p> <p>(i) Violation of any provision of Chapters II, III,IV, V, VI and VII and any schedule mentioned thereunder, of this Act;</p> <p>(ii) Dereliction of duty by a public servant entrusted with the performance of duty under this Act.</p> <p>Provided that the State Food Commission shall not inquire into any matter that is pending before the National Food Commission or a District Grievance Redressal Officer duly constituted under this Act.</p> <p>(b) Intervene in any proceeding involving any allegation of denial of entitlement pending before a court with the approval of such court.</p> <p>(c) Advice 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.</p> <p>(d) Monitor the conditions of persons living in starvation and where necessary give appropriate advice to the State Government in consonance with the</p>

	<p>advise, if any, issued by the National Food Commission.</p> <p>(e) 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.</p> <p>(f) Identify an area affected by a natural or human made disaster or emergency which threatens the food security of its residents and recommend to the state government or to the National Disaster management Authority, for notification of the said area.</p> <p>(g) Entertain appeal against the orders of the District Grievance Redressal Officer in accordance with Section 84 of this Act.</p> <p>Impose penalties in accordance with Section 87 of this Act</p>
Annual Report	<p>62. The State Food Commission shall submit an annual report to the National Food Commission and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.</p>
Appeal	<p>63. 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:</p> <p>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.</p> <p>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.</p>
Application of certain provisions relating to National Food Commission to State Food Commission	<p>64. The provisions of Sections 41, 42, 44, 45,46,47,48, 49, 50 and 51 shall apply to the State Food Commission and shall have effect, subject to the following modifications, namely:-</p> <p>(a) references to “National Food Commission” shall be construed as references to “State Food Commission”;</p> <p>(b) in Section 50, in clause (i), the words “Central Government or any” shall be omitted.</p> <p>(c) in Section 46, in sub section (6), for the words “before it to the State Food Commission of the State from which the complaint arises”, the words “before any District Grievance Redressal Officer to itself or to any other District Grievance Redressal Officer of the State.”</p>

	CHAPTER – X INTERNAL GRIEVANCE MECHANISM
Centralized Public Grievances Redress and Monitoring System	<p>65. (1) An online Centralized Public Grievances Redress and Monitoring System shall be put in place at various levels for covering entitlements under this Act</p> <p>(2) The Central Government departments and agencies dealing with food and nutrition related schemes of the government shall designate a Nodal Officer not below the rank of the Joint Secretary to monitor the implementation of all entitlements under this Act.</p> <p>(3) The State Government and all departments and agencies dealing with food and nutrition related schemes of the government shall designate a Nodal Officer not be below the rank of the Head of Department at the state government to monitor the implementation of all entitlements under this Act</p>
Functions of the Nodal Officer	<p>66. (1) The Nodal officer shall undertake the following function namely:</p> <p>(a) Ensure effective functioning of the Centralized Public Grievances Redress and Monitoring System.</p> <p>b) The Nodal Officer at the State level shall make and publish job charts for each functionary of the department from the village to the state level, 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.</p> <p>(c) The Nodal Officer shall also ensure that necessary delegation of powers and resources is done at district and block level for effective discharge of functions.</p> <p>(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.</p> <p>(e) Monitor grievance redressal by Block Grievance Redressal Officers & District Nodal Officers.</p> <p>(f) Ensure training and capacity building of all district nodal officers and Block Grievance Redressal Officers to redress grievances and provide entitlements in accordance with the provisions of this Act .</p> <p>(g) Submit bi annual reports to the State Food Commission indicating the number of grievance received and redressed and the time taken there in.</p>

<p>Block Facilitation Centre</p>	<p>67. (1) The District Grievance Redressal Officer shall set up a Block Facilitation Centre in every block, headed by a Block Facilitation Coordinator and staff, drawn from the community including from community based organizations if any, selected by the District Grievance Redressal Officer.</p> <p>(2) The State Government shall provide the Block Facilitation Centre with necessary support resources and infrastructure as specified under the Rules, and including infrastructure for link to the Centralized Public Grievances Redress and Monitoring System and manning a telephone help-line to register grievances under this Act.</p> <p>(3) The Block Facilitation Centre shall be adequately funded with an annual grant from the Central government which shall be immediately transferred by the State Governments to the respective blocks.</p> <p>(4) Accounts of the Block Facilitation Centre shall be maintained and submitted to the District Grievance Redressal Officer</p> <p>(5) The Block Facilitation Centre shall be under the immediate independent supervision of the District Grievance Redressal Officer, and the overall supervision of the State and National Commissions</p> <p>The State Government shall not charge any fee for this service.</p>
<p>Functions of Block Facilitation Coordinator</p>	<p>68. The Block Facilitation Coordinator shall perform the following functions -</p> <ul style="list-style-type: none"> (a) Register all grievances of denial of entitlements under this Act, received by it by various means prescribed in section ____ (b) The Block Facilitation Co-ordinator shall help a complainant register their grievance made through telephone, electronically, in writing or in person and issue a dated receipt. (c) The Block Facilitation Co-ordinator shall ensure that the complaints registered under subsection (a) above are also entered in to the Centralized Public Grievance Redress and Monitoring system. (d) Publicize the Grievance Redressal Mechanisms under this Act at the Block level. (e) Manage the Block Facilitation Centre. (f) Keep track of the status of action taken on all complaints received and exercise functions as prescribed in section 72 of the Act. (g) Inform complainants regarding action taken in response to their complaints (h) The Block Facilitation Co-ordinator shall cross-check from the complainants the veracity of the Action Taken Report and send a report to the District

	<p>Grievance Redressal Officer regarding the same.</p> <p>(i) The Block Facilitation Centre will be responsible for training and capacity building of all Vigilance Committees in the Block</p> <p>(j) The Block Facilitation Centre shall also provide training and support to the units of the social audit Directorate in the Block</p> <p>(k) The Block Facilitation Centre shall provide information and/copies of disbursements made to beneficiaries as recorded in the transaction-based MIS.</p>
<p>Telephone Helpline</p>	<p>69. (1) The Central and State Government shall create a toll free telephone helpline to register grievances under this Act which will be manned at the Block Facilitation Centre.</p> <p>Every grievance received on the telephone helpline shall be immediately registered on the Online Centralized Public Grievances Redress and Monitoring System.</p>
<p>Right to make a grievance</p>	<p>70.</p> <p>(1) Every individual has a right to make a grievance regarding entitlements under the Act to the Block Facilitation Centre orally, in writing, by using various electronic means and through the telephone helpline.</p> <p>(2) Every grievance shall be given a Unique Identification Number which shall be communicated to the aggrieved on the registration of the grievance</p>
<p>State Government to set up two-tier internal grievance mechanism</p>	<p>71.</p> <p>(1) Every State Government shall set up a two-tier system comprising of one or more Block Grievance Redressal Officers at the block level and a District Nodal Officer for redressal of grievances under the Act.</p> <p>(2) The Block Grievance Redressal Officer shall dispose of all such complaints referred to it by the Block Facilitation Centre and other means as the Central and State Government may specify, within a period of 15 days including the redressal of the grievance and the delivery of the entitlement, provided that in cases of complaints related to starvation action will commence within 24 hours.</p> <p>(3) The District Nodal Officer shall dispose of all such complaints referred to it by the Block Facilitation Centre and other means as the Central and State Government may specify, within a period of 10 days including the redressal of the grievance and the delivery of the entitlement, provided that in cases of complaints related to starvation action will commence within 24 hours</p>

<p>Procedure on receipt of complaint</p>	<p>72.</p> <p>(1) The Block Facilitation Co-ordinator shall forward forthwith the grievances of denial of entitlements received to the Block Grievance Redressal Officer of the concerned department and a copy of the grievance shall also be sent to the District Nodal Officer and the State Nodal Officer of the concerned department and to the District Grievance Redressal Officer appointed in that particular district.</p> <p>(2) The Block Grievance Redressal Officer shall redress the grievance and submit an Action Taken Report to the District Grievance Redressal Officer and District Nodal Officer within the time limit stipulated in section 71. A copy of the Action Taken Report shall be sent to the Block Facilitation Centre for communication to the complainant.</p> <p>(3) If the complaint is not redressed by the Block Grievance Redressal Officer within the prescribed time limit or if the complainant is not satisfied with the Action Taken report, the Block Facilitation Centre will forward the complaint to the District Nodal Officer for redressal.</p> <p>(4) The District Nodal Officer shall redress the grievance and submit an Action Taken Report to the District Grievance Redressal Officer within the time limit stipulated in section 71.</p> <p>(5) If the complaint is not redressed by the District Nodal Officer within the prescribed time limit or if the complainant is not satisfied with the Action Taken report, the District Grievance Redressal Officer will redress the grievance as prescribed in section 79(2).</p> <p>(6) In case either the Block Grievance Redressal Officer or the District Nodal Officer finds that there has been a violation of any of the provisions of this Act that attract a penalty, the Block Grievance Redressal Officer or the District Nodal Officer shall recommend the same to the District Grievance Redressal Officer.</p>
	<p>CHAPTER – XI</p> <p>DISTRICT GRIEVANCE REDRESSAL OFFICER</p>
<p>Appointment of the District</p>	<p>73. (1) The Central Government shall appoint in every district a District Grievance Redressal Officer, who shall be selected by the Union Public Service</p>

<p>Grievance Redressal Officer</p>	<p>Commission or any appropriate independent appointing body.</p> <p>(2) A Person shall not be qualified for Appointment as District Grievance Redressal Officer if he or she is below the age of 35 years or above the age of 45 years.</p> <p>(3) The qualification for appointment as District Grievance Redressal Officer shall be experience and qualification in the field of law, human rights, science and technology, social service, management, nutrition, food policy or public administration.</p> <p>(4) On selection, candidates shall be allotted to the states in accordance with the rules to be framed in that behalf.</p>
<p>Terms of office and Condition of Service</p>	<p>74. (1) Every 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;</p> <p>(2) The District Grievance Redressal Officer shall be eligible for re-selection for a second term, and shall not be eligible for any further terms.</p> <p>(3) All former District Grievance Redressal Officers shall be eligible for appointment as a Member of the State Food Commission.</p> <p>(4) On appointment, District Grievance Redressal Officers shall be provided induction training; including probation, for at least 6 months, appropriate to the demands of the job.</p> <p>(5) The State Food Commission shall conduct a performance appraisal of all District Grievance Redressal Officers in the state. A copy of the performance appraisal report shall be furnished to the National Commission.</p> <p>(6) A District Grievance Redressal Officer may resign his or her office in writing under his or her hand addressed to the Central Government and on such resignation being accepted, his or her 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.</p> <p>(7) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the District Grievance Redressal Officer shall be such as may be prescribed by the Central Government.</p> <p>(8) The District Grievance Redressal Officer may only be removed from his / her office by orders of the Governor on the ground of proved misbehaviour or incapacity after the High Court, on a reference made to it by the Governor, has on inquiry, reported that the District Grievance Redressal Officer, as the case may be, ought on such ground be removed.</p>

<p>Disqualification for appointment of District Grievance Redressal Officer</p>	<p>75. The District Grievance Redressal Officer shall not be eligible for appointment if she or he -</p> <ul style="list-style-type: none"> (a) Any public servant or non official holding any office of profit or carrying on any business or pursuing any profession during the period of appointment (b) has been charged with or convicted and sentenced to imprisonment for an offence involving moral turpitude or corruption under the Prevention of Corruption Act, 1988; 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 Appropriate Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a District Grievance Redressal Officer; or <p>has such other disqualifications as may be prescribed by the Central Government.</p>
<p>Jurisdiction of the District Grievance Redressal Officer</p>	<p>76. (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.</p> <p>(2) A complaint relating to the violation of any Section of Chapters II, III, IV, V, VI and VII and any schedule mentioned there-under 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.</p> <p>(3) A grievance received through the Centralized Public Grievance Redress and Monitoring System shall be treated as a complaint and dealt with, in accordance with the provisions of this Act.</p> <p>(4) At the end of every financial year, the District Grievance Redressal Officer shall prepare an annual report on the following:</p> <ul style="list-style-type: none"> a) Complaints received, disposed off and pending by the District Grievance Redressal Officer b) Action taken on the complaints received c) The status of functioning of the nutrition-related schemes in the district. d) Recommendations for policy changes that the State Commission and the State/Central government may consider for better implementation of nutrition related schemes. <p>(5) The annual report of the District Grievance Redressal Officer shall be submitted to the State Commission.</p>

<p>Who can make a complaint</p>	<p>77. Any individual, group, community, local body, Non Governmental Organization, or vigilance committee can file a complaint before the District Grievance Redressal Officer in relation to violation of entitlements under this Act.</p>
<p>Manner in which complaint shall be made</p>	<p>78. (1) A complaint can be made either orally or in writing, or by electronic means in English or in Hindi or in the local language of the area in which the complaint is made. (2) The Block Facilitation Co-ordinator shall render all reasonable assistance to the complainant making the complaint orally to reduce the same to writing.</p>
<p>Procedure on Receipt of Complaint</p>	<p>79. (1) On receipt of a direct complaint of violation of the provision of the Act, the District Grievance Redressal Officer shall direct the Block Grievance Redressal Officer of the concerned department to investigate into the complaint and take action.</p> <p>(2) If action is not taken by the Block Grievance Redressal Officer within 15 days, the District Grievance Redressal Officer 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.</p> <p>(3) The District Grievance Redressal Officer shall inquire into and decide a complaint as far as possible within 10 days and in any event not more than 15 days.</p> <p>(4) A complaint relating to emergency or starvation, shall be decided by the District Grievance Redressal Officers within twenty four hours.</p> <p>(5) 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.</p> <p>(6) In any such complaint, it shall be open to the public servant to show that he or she was not responsible for such denial or that the said denial was a result of a failure by some other public servant and that he or she took all reasonable steps to communicate such failure to his superior.</p> <p>(7) 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.</p> <p>(8) While investigating any complaint the District Grievance Redressal Officer may call upon any public servant to assist him in the</p> <p>(9) 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.</p>

	<p>(10) The District Grievance Redressal Officer may pass an ex parte order, if it may consider necessary.</p> <p>(11) The Decision of the District Grievance Redressal Officer shall be binding on all parties to the complaint.</p> <p>(12) 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:--</p> <ul style="list-style-type: none"> (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. <p>(13) Nothing in subsection (11 and 12) shall prevent the District Grievance Redressal Officer from laying down his own procedure/summary with a view to arrive at a conclusion in respect of the subject matter of the complaint. While dealing with the complaint of starvation the District Grievance Redressal Officer shall follow the procedure laid down under Section 17 of this Act.</p>
<p>Procedure for Investigation into Starvation</p>	<p>80. (1) Upon receipt of information about starvation or starvation death the District Grievance Redressal Officer, within 24 hours, shall investigate the following -</p> <ul style="list-style-type: none"> (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) the working of food entitlements in the community <p>When a question arises whether a person has died of starvation, the District Grievance Redressal Officer shall enquire whether such person was living in conditions of prolonged food deprivation for any reason whatsoever, and shall not base his or her conclusion on the Post mortem report.</p>
<p>Power to give</p>	<p>81. (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</p>

<p>Directions</p>	<p>the breach of the violation complained of under this Act, have the power to:—</p> <p>(a) Direct the appropriate authority to:</p> <ul style="list-style-type: none"> (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 20 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 15 of this Act (viii) Require the implementation of the disaster and emergency entitlements in accordance with Section 13 of this Act (ix) Direct access to entitlements of migrants in accordance with Section 12 of this Act. (x) Make regular reports to the State Food Commission regarding implementation of the direction given by the State Food Commission (xi) Pay compensation in accordance with Section 88 <p>(b) Nothing contained in Subsection (a) shall prevent the District Grievance Redressal Officer to give any other directions as it deems fit.</p> <p>(2) While giving directions The District Grievance Redressal Officer shall give in writing the brief reasons for the passing of such directions.</p> <p>(3) A Direction of the District Grievance Redressal Officer shall be binding on the parties to the complaint.</p>
<p>Reference to the State Food Commission</p>	<p>82. Upon failure of the parties to comply with directions under Section 81, the District Grievance Redressal Officer shall refer the failure to the State Food Commission who shall hear the reference in accordance with procedure laid down by it.</p>
<p>Power to Impose Penalty</p>	<p>83. The District Grievance Redressal Officer shall have the power to impose penalty in accordance with Section 87 of this Act, and compensation under Section 88 of this Act.</p>
<p>Appeal</p>	<p>84. 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</p>

	<p>within a period of thirty days from the date of the order, in such form and manner as may be prescribed:</p> <p>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</p> <p>Provided further that no appeal shall lie against the order passed by District Grievance Redressal Officer, unless it is an appeal for denial of compensation or continued deprivation of the rights under the Act.</p>
	<p>CHAPTER – XII</p> <p>DERELICTION OF DUTIES, PENALTIES AND COMPENSATION</p>
<p>Dereliction of Duty by Public Servant</p>	<p>85 (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:</p> <p>(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</p> <p>(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 87 of this Act.</p>
<p>Dereliction of Duty by Government Departments</p>	<p>86. (1) Where a dereliction of duty has been committed by a public servant under this Act -</p> <p>(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</p> <p>(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</p> <p>shall be deemed to be guilty of dereliction of duty and shall be liable to be penalised in accordance Section 81 of this Act:</p> <p>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.</p>
<p>Power to impose</p>	<p>87. (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</p>

Penalties	<p>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, at 2010 -2011 prices, 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.</p> <p>(2) The District Grievance Redressal Officer, State Food Commission or the National Food Commission, as the case may be, shall be competent to direct deduction of the said penalty from the salary of the public servant</p>
Compensation	<p>88. (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 a minimum of three times the cash equivalent of the entitlements that have been denied.</p> <p>(2) Any person may claim compensation for himself or herself, or for those similarly denied the entitlement.</p> <p>(3) The District Grievance Redressal Officer, or any other authority stipulated under the Act, or any enabling legislation with regard to the entitlements covered in the Act, may direct, when a grievance affects numerous persons who have similar interests and/or similar claims from a finding of a violation of this Act, that the other persons similarly deprived of their rights, are entitled to the same compensation.</p> <p>(4) The similarly affected persons shall be informed of their right to compensation through publication in widely read local newspapers, through posting of notices in either the Fair Price Shop and/or Anganwadi Centre, and the Panchayat/ward office. The similarly affected person, as defined, may claim the compensation on claim merely by proving they are a member of the defined group.</p> <p>(5) Any person may claim that he/she, individually, or for the benefit of all people, similarly interested, is entitled to relief as defined in the Act to the authority with appropriate jurisdiction under this Act.</p> <p>(6) Any person may make representations to the appropriate authority, including the District Grievance Redressal Officer, if deprived of compensation to similarly interested persons.</p> <p>(7) In making a finding on whether people with similar interests are entitled to compensation from a violation under this Act, the District Grievance Redressal Officer, or any other authority under this Act, may consider any of the following, among other:</p> <ul style="list-style-type: none"> a) community of interests; b) similar deprivation of rights or entitlements as defined in the Act; c) ability of each individual persons ability to bring an individual

	<p>complaint on the deprivation of right or entitlement as defined in this Act</p> <p>d) the lack of sufficient resources that would affect the ability of individuals to bring individual complaints on the deprivation of their rights or entitlements.</p>
	<p>CHAPTER – XIII</p> <p>DUTIES OF CENTRAL GOVERNMENT</p>
<p>Duties of Central Government to ensure adequate budgetary provisions</p>	<p>89. 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.</p>
<p>Duty of Central Government to Frame Schemes</p>	<p>90. (1) The Central Government shall in consultation with the National Food Commission make schemes for all the entitlements under this Act.</p> <p>Provided that all existing food and nutrition related schemes of the Central Government including but limited to, the Integrated Child Development Scheme, the Midday Meal Scheme, and the Public Distribution System and Indira Gandhi Matritva Sahyog Yojana shall be deemed to be schemes under this act.</p> <p>(2) In particular and without prejudice to the generality of subsection (1) above, such schemes shall be framed for:</p> <ul style="list-style-type: none"> (a) pregnant and nursing women (b) treatment of malnutrition in all its various forms (c) children from birth till age of six years (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
	<p>CHAPTER – XIV</p> <p>DUTIES OF THE STATE GOVERNMENT</p>
<p>Implementation of nutrition-</p>	<p>91. (1)The State Government shall be directly responsible for providing, to all eligible persons, the entitlements under this Act.</p>

related schemes	(2) The State Government shall be responsible for effective implementation of all schemes created under Section 90 of this Act.
Duty of the State Government to set up Anganwadi	<p>92. (1) The State Government shall set up Anganwadis for all children in the age group of 0-6 years and pregnant and nursing women.</p> <p>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.</p> <p>(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.</p> <p>(3) Every Anganwadis shall have a minimum facilities define as set out in Schedule - 2.</p>
Duty of the State Government to set up Nutrition Rehabilitation Centres	<p>93. The State Government shall set up Nutrition rehabilitation centres in every Community Health Centre/Block in rural areas and in every ward in urban areas in a phased manner.</p> <p>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.</p>
Duty of the State Government to set up Community Kitchens in Urban Areas	94. The state government shall put in place Community Kitchens in urban areas as may be necessary for the urban areas.
Duty of the State Government to set up Destitute Feeding Centres	95. The State government shall put in place Destitute Feeding Centres as may be necessary for the State.
Duty the State Government to Publicize and disseminate information about all	96. The 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.

Entitlements	
Duty of the State Government to issue job cards/Charts	<p>97. (1) The State Government shall issue Job Charts for all functionaries involved in the implementation all entitlements under this 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.</p> <p>(2) The job charts shall be notified as part of the Rules.</p>
Duty of the State Government to comply with directions	<p>98. The State Government shall comply with all directions given by the Central Government to advance the purposes of this Act.</p>
	<p>CHAPTER – XV</p> <p>DUTIES OF THE LOCAL AUTHORITIES</p>
Duty to monitor implementation of all schemes	<p>99. Local bodies, in addition to others, shall also be responsible for -</p> <p>(i) Monitoring the implementation of all entitlements of pregnant and nursing women as well as children.</p> <p>(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;</p> <p>(iii) monitoring all expenditure in their area;</p> <p>ensuring social audit takes place in an open and transparent, inclusive manner, with all sections of the village, fully represented;</p>
Duty to identify persons living in starvation	<p>100. 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.</p>
	<p>CHAPTER – XVI</p> <p>TRANSPARENCY AND ACCOUNTABILITY</p>
Duty to Establish Transparency Systems	<p>101. (1) It will be the duty of governments at all levels to create an effective, appropriate and citizen-friendly transparency regime for the present Act.</p> <p>(2) Access to information as defined in this Act shall extend to all persons.</p> <p>(3) The minimum content, periodicity, and other details of the information to be</p>

	<p>put out proactively shall be specified in the schedules and /or the rules.</p> <p>(4) The transparency regime for provision of information to any person shall include, but will not be restricted to:</p> <ul style="list-style-type: none"> (i) Proactive mandatory disclosure (ii) Inspection of all documents, of sites of delivery of entitlements, and offices; (iii) Making accessible the copies of document, records and samples of material; (iv) Ensuring the transparency of the decision making processes <p>(5) Planning, Implementation, Monitoring and Evaluation</p> <ul style="list-style-type: none"> (i) The process of planning, implementation, monitoring, evaluation and the consequent corrective processes of all the interventions carried for fulfillment of the entitlements guaranteed under this Act shall be transparent. (ii) The monitoring and evaluation process shall include but not be restricted to the following issues: <ul style="list-style-type: none"> a) Ensuring access to the entitlements specified in Chapter II b) Specifically ensuring that every potential beneficiary has a card that provides information appropriately about food entitlements and details of the cardholders. Appropriately the card should also contain information regarding entitlements, status, all transactions, including measurements, weights, and statistics relevant to the Act, and with a clear time frame, as detailed in the rules; c) Universal awareness of entitlements; of the process of access to these entitlements; about the officials/functionaries responsible for ensuring access to entitlements; and information about the process by which grievances/appeals/complaints can be registered, and processing and disposal of grievances/appeals/complaints; d) Redressal of grievances, appeals, corrective/punitive action on complaints; e) Parameters, time frames and process of evaluation; f) The fixing of responsibility and curative action on the basis of evaluation; g) The budgets, accounts and statements of expenditure, stock registers, along with other material relevant for monitoring expenditure, as further specified in the schedule and/or rules of the Act. <p>(6) All requests for information within a district shall be fulfilled within seven days and those outside the district within 15 days. If an applicant is unable to apply for information and/or any request for information is not complied with within the time period specified, it shall be considered a deemed refusal.</p>
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	<p>(7) The details of the type of information to be recorded, the Performa in which it is to be recorded and made public, the authority by, and the level at which this is to be recorded, the mode and, the process by which the public can ask for it, and other relevant details related to each entitlement shall be given separately in the rules to be specified by the State Governments; provided that the cost to be paid by a person obtaining information shall not only be reasonable but in no case exceed the market cost of making copies.</p>
<p>Duties of Proactive Disclosure</p>	<p>102.</p> <p>(1) All governments and the implementing agencies shall proactively disclose information to people without their seeking it, or needing to apply for it, of key documents listed in Rules.</p> <p>(2) Such pro-active mandatory disclosure shall include the dissemination of records in such a manner that a layperson can understand the information; including the dissemination of information in a consolidated and summarized form, wherever appropriate.</p> <p>(3) Proactive Disclosure shall include but not be restricted to:</p> <ul style="list-style-type: none"> a) The reading out aloud of essential information as per the prescribed formats to be specified in the schemes. b) Through hanging/putting up information on notice boards at the Gram Panchayat, Block, and District levels and the establishment of painted wall boards at prescribed locations and in the prescribed formats as specified in the schedule and/or rules c) The publishing of information through newspaper advertisements, press releases, or the printing of leaflets and reports and by making announcements through the audio-visual media, such as, community radio, radio and television. d) Key records shall also be made available on the Internet. There shall be free and open access to the websites related to the Act where, as much of the information as prescribed, including summaries and consolidated information, shall be uploaded regularly. e) Every State Government and the Central Government shall maintain an online status of information, related to expenditures and disbursements of foodgrain or nutritional supplements. f) CDs containing extracts of all the information for a Block shall be prepared every quarter, and made available for open purchase at a nominal rate, not exceeding the cost of the CD.
<p>Social Audits</p>	<p>103. (1) The Gram Sabhas and Urban Local Bodies shall conduct biannual social audits of all schemes under this Act in accordance with the rules.</p>

	<p>(2) These statutory periodic social audits shall be organised by an independent directorate/body of social audit set up under the Act responsible for facilitating the social audit, so that it is based on full information, carried out free of any interference by the implementing agency, and in an atmosphere free of fear and intimidation; the directorate will be responsible for the training, schedule and conduct of the facilitators.</p> <p>(3) The directorate shall get funding as a percentage of the administrative expenditure</p> <p>(4) The Directorate, Block Facilitation Centre and implementing agency shall publicize the date of Social Audit one month in advance and invite suggestion for the agenda for the audit.</p> <p>(5) The Directorate of Social Audits shall nominate one official from outside the department to co-ordinate and ensure that the social audit takes place as per norms.</p> <p>(6) The findings of the Audit shall be read out in the Gram Sabha and shall also be circulated to the Nodal Officer, The District Grievance Redressal Officer and The State Food Commission.</p> <p>(7) 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.</p> <p>(8) All social audits shall be universal and open, allowing for ongoing social audit (concurrent) as well as post facto social audits</p> <p>(9) The geographical unit of social audit will be decided according to the appropriate unit for delivery eg. PDS outlet, anganwadi, PHC, etc. Social Audits can also be held at the Panchayat, Block, and District levels.</p> <p>(10) No official from any implementing agency person will be permitted to convene, chair or keep minutes of the social audit</p> <p>(11) Independent audits carried out by civil society, or citizens groups which must be taken cognizance of by the directorate, and facilitated to the extent possible</p> <p>(12) The District Grievance Redressal Officer will take necessary action on the findings of all social audits, including initiating criminal action, and imposing fines and awarding compensation</p> <p>(13) The CAG will be free to mentor the process</p>
Social Audit upon	<p>104. (1) Upon finding that a situation of Starvation or Starvation Death has occurred the Gram Sabha shall undertake a special social audit to investigate the</p>

<p>Starvation or Starvation Death</p>	<p>following questions:</p> <ul style="list-style-type: none"> (a) Whether the family has children in age group 0 -6 years who were enrolled in the local anganwadi? If not, the reasons thereof. (b) If they were enrolled in the local angwadi, did they regularly avail of the services provided by the local anganwadi? If not, the reasons thereof. (c) Was a decline of nutritional status identified and addressed on time by the anganwadi worker? If not, the reasons thereof. (d) Whether the children between the age group of 6 to 14 years were enrolled in school and if so did they access mid-day meals regularly? If not, the reasons thereof. (e) Whether the children approached any anganwadi, destitute feeding centre, or school and were they denied access to a free local and freshly cooked meal? If so, the reasons thereof. (f) Whether the household have either priority or general ration cards, and if so did they regularly receive the prescribed quota of subsidised food grains from the ration shop? If not, the reasons thereof. (g) Whether all old people receive pensions, and were these distributed at their doorstep on time every month? If not, the reasons thereof. (h) Whether destitute persons approached the destitute feeding centre and if so were they denied food and the reasons thereof. (i) In the case of widows and disabled persons, whether they sought work under the Mahatma Gandhi Rural Emploment Guarantee Scheme and whether they got pensions or any other benefits in accordance with any act or scheme for the time being in force? <p>(2) The findings of the Social Audit shall be read out in the Gram Sabha and a copy of the same shall be circulated to the District Grievance Redressal Officer.</p>
<p>Vigilance Committee</p>	<p>105. (1) The Gram Sabha shall appoint Vigilance Committees in every village for regularly monitoring the delivery of entitlements under this Act.</p> <p>(2) Every vigilance committee shall have, a minimum of , the following:</p> <ul style="list-style-type: none"> (a) Two Persons belonging to a Scheduled Caste and/ or Tribe (b) Two Women and (c) Two Destitute Persons or disabled people (d) Vigilance Committee members shall be appointed for a maximum of six months so that a number of people in the village are trained on a rotating basis. (e) The members of the Vigilance Committee shall go through a training in public monitoring organised by the Block Facilitation Centre and the Social Audit Directorate
<p>Functions of the Vigilance Committee</p>	<p>106. (1) The members of the Vigilance Committee shall be given a job chart by the Nodal Officer which shall include the following functions:</p> <ul style="list-style-type: none"> (a) Regularly supervise the implementation of all schemes under this Act. (b) Inform the Block Grievance Redressal Officer of the relevant department , in writing, of any violation of this Act, with a copy to the Block Facilitation Centre.

	<p>(c) Inform within 24 hours, the Block Grievance Redressal Officer and the Block Facilitation Centre, in writing, of any offence or misappropriation of funds</p> <p>(2) Members of the Vigilance Committee, under the supervision of the Directorate for social audits, shall also be the Social Audit facilitators and shall be entitled to:</p> <p>(a) The requisition of all necessary information and records from the Gram Panchayat and any department a minimum of 15 days in advance of the scheduled date of social audit.</p> <p>(b) Facilitating and assisting beneficiaries and stake holders of the Gram Sabha in verifying records and financial expenditure, obtaining oral and written testimonies, and conducting onsite inspections etc during the Social Audit.</p> <p>(c) Facilitating and assisting the independent audits, carried out by civil society or citizens groups, of the working of any scheme, or any aspect of any scheme</p>
<p>Inspection of activity, documents and records</p>	<p>107. (1) Every person shall be entitled to inspect all records or documents or sites, as the case maybe, related to the implementation of the act in the following manner:</p> <p>(a) Make an application, in writing, to the Public Information Officer of the Department.</p> <p>(b) Upon receipt of such application the Public Information Officer shall give access to the person to inspect the documents for a period of three hours: Provided that the Public Information Officer shall have the discretion to extend the time for another hour.</p> <p>(2) The Inspection of documents, records and sites would include but not be limited to:</p> <p>(i) inspection of stocks, storage and disbursement activities, and documents/records;</p> <p>(ii) taking notes, extracts or certified copies of documents or records or information including samples of food grains;</p>
<p>Implementation of the Right to Information Act</p>	<p>108. (1) When information is sought under The Right To Information Act 2005, is related to the implementation of benefits under this Act, the Public Information Officer shall provide the said information within seven days and Section 7 in the said act shall stand amended accordingly.</p> <p>Provided that in situations of Starvation, or akin to starvation or Starvation Death, the information shall be provided within 48 hours.</p>
	<p>CHAPTER – XVII</p> <p>PROGRESSIVE REALISATION OF FOOD SECURITY</p>
	<p>109. For further advancing food and nutritional security, central, state and local governments shall progressively endeavour to -</p> <p>(a) make efforts to revitalize agriculture and promote agrarian reform, through</p>

<p>Progressive Realisation of Food Security</p>	<p>measures such as securing the interests of small and marginal farmers through remunerative prices, credit, irrigation, crop insurance and technical assistance, and focus on dryland regions;</p> <p>(b) Prohibit unnecessary and unwarranted diversion of land and water from food production; and promote decentralized food production, procurement and distribution systems;</p> <p>(c) Pay particular attention to small farmers; and women and youth farmers who constitute the majority of the farming population;</p> <p>(d) Progressively increase investments in agriculture, research and development, extension, micro and minor irrigation and rural power supply;</p> <p>(e) diversify commodities available under the Public Distribution System (PDS), to include over time pulses, oil and cooking fuel;</p> <p>(f) Provide universal access to safe and adequate drinking water and sanitation.</p> <p>(g) Progressively realize universal health care coverage;</p> <p>(h) progressively realize universal access to crèche facilities;</p> <p>(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.</p> <p>(j) Provide residential schools for all children in need of care and protection who are deprived of responsible adult protection.</p> <p>(k) Progressively realize universal nutritional, health and education support to all adolescent girls.</p> <p><u>(l)</u> Provide for just and humane conditions of work and maternity relief,</p> <p>(m) Provide for 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.</p> <p>(n) Provide special nutrition support for persons with stigmatised and debilitating ailments such as HIV/AIDS, leprosy and TB.</p>
	<p>CHAPTER – XVIII</p> <p>MISCELLANEOUS</p>
<p>Bar of jurisdiction of courts</p>	<p>110 . 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 or where appropriate in proceedings under Article 226 and 227 of the Constitution of India.</p>
<p>Application of Indian Evidence</p>	<p>111. 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</p>

Act, 1872	with a complaint, whether or not the same would be otherwise relevant or admissible under the Indian Evidence Act, 1872 (1 of 1872).
Power to delegate	<p>112. (1) The Central Government may, by notification, direct that the powers exercisable by it under this Act, may also be exercised, in such circumstances and subject to such conditions, if any, as may be specified in the notification, by the State Government or to an officer subordinate to the Central Government or the State Government.</p> <p>(2) The State Government may, by notification, direct that the powers exercisable by it under this Act, may also be exercised, in such circumstances and subject to such conditions, if any, as may be specified in the notification an officer subordinate to it.</p>
Power of Central Government to give binding directions	113. 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, and it shall be mandatory for the State Government to comply with such directions.
Power of Central Government to make rules	114. 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.
Power of State Government to make rules	<p>115. (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</p> <ul style="list-style-type: none"> (a) Functioning of Anganwadis (b) Functioning of Midday Meals (c) Functioning of Nutrition Rehabilitation Centres <p>(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.</p>
Power to remove difficulties	<p>116. (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.</p> <p>(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.</p>
Act not to have	117. The provisions of this Act shall be in addition and not in derogation of any other law for the time being in force, except to the extent of inconsistency, in which case, the

overriding effect	provisions of this Act shall prevail.
No Private Contractors	118. No private contractors shall be used for the production and processing of take-home rations or freshly cooked meals under any maternal and child feeding programme.
Non Reduction Clause	119. The Appropriate Government shall not reduce any entitlement under this Act or schedule there under.
Protection of Action Taken in Good Faith	120. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.
Power to Make Regulations	121. The National Food Commission and the State Food Commission may with the previous approval of the Central Government or the State Government as the case maybe, by notification, make regulations not inconsistent with this Act and in particular may make provisions for the functioning of the said commissions as the case maybe.
Financial Memorandum	122. To be Added

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SCHEDULE – 1

Nutritional Standards

1. **Nutrition Standards:** The Nutrition standards for children in the age group of 0 – 14 years, pregnant and lactating women as well destitute persons required to be met whether by providing of take home rations or local and freshly cooked meals in accordance with this Act, are as follows:

Category	Calories (Kcal)	Protein (g)
Children (0 – 6 years)	500	12 – 15
Children (0 – 6 years) who are malnourished	800	20 – 25
Pregnant and Lactating mothers	600	18 – 20
Destitute Persons	1000*	
Primary schools/sections	450^	12
Upper-primary schools/sections	700 ^	20

* Including 200 grams of cereals.

^ Including 100 grams and 150 grams of food grains, respectively.

NB. Nutritional standards are notified to provide balanced diet and nutritious foods in terms of the calorie counts specified

SCHEDULE - 2**Norms for Anganwadis**

1. Population Norms.- The Appropriate Government shall take into consideration the following Population norms for setting up anganwadi centres and mini-anganwadi centres:

No. of anganwadis	Population range	Tribal /Riverine/Desert, Hilly and other difficult areas/ Projects
Mini-anganwadi	150-400	50-150
1 Anganwadi	400-800	150-300
2 Anganwadis	800-1600	300-800
3 Anganwadis	1600-2400*	600- 1600

* Thereafter in multiples of 800 one AWC

NB. These norms are indicative, and state governments can amend these norms if required based on local conditions

2. Minimum Facilities.- Each Anganwadi shall have the following minimum facilities:

- (i) At least two Anganwadi workers and one Anganwadi helper;
- (ii) Its pucca building;
- (iii) Weighing scales required for different age groups , along with mother child protection cards, growth monitoring charts;
- (iv) A medical kit with basic drugs including ORS and IFA tablets or syrup;
- (v) A kitchen shed with adequate ventilation, utensils, storage facilities;
- (vi) Safe drinking water and functional toilets;
- (vii) Plates in sufficient quantity for all children;