

TRIPURA**GAZETTE***Published by Authority***EXTRAORDINARY ISSUE**

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**PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.**

GOVERNMENT OF TRIPURA
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT

No.F.15-1(15)-LIT/DF/2013/13307

Dated, Agartala, the 8th August, 2016.

NOTIFICATION

Whereas, the draft Tripura Food Security Rules 2016 was previously published in the Tripura Gazette in compliance of sub-section (1) of Section 40 of the National Food Security Act 2013 (No. 20 of 2013) vide the Tripura Gazette, Extraordinary issue No. 229 dated July 16, 2016, inviting general views or suggestions;

And whereas, within the stipulated period of 15 days for submission of such views or suggestions, no views or suggestions have been received from any person with respect to the said draft Rules;

Now therefore, in exercise of the powers conferred by section 40 of the National Food Security Act 2013 (No. 20 of 2013), the State Government hereby makes the following Rules, namely;

1. Short Title and Commencement:

- (1) These rules may be called **The Tripura Food Security Rules, 2016.**
- (2) They shall come into force on the date of their publication in the Tripura Gazette.

2. Definitions:

- (1) In these rules, unless the context otherwise requires, -
 - (a) 'Act' means the National Food Security Act 2013 (20 of 2013);
 - (b) "Agent" means a person duly authorized by a party to present any appeal or reply on its behalf before the appropriate authority;
 - (c) "Appellant" means a party which makes an appeal against the order of the District Grievance Redressal officer (DGRO);
 - (d) " Complaint" means and includes a representation in writing or through electronic means containing a grievance alleging deficiency/shortcomings in the implementation of the Act;
 - (e) " Chairperson" means a Chairperson of the State Food Commission established under sub-section (1) of the section 16 of the Act;
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- (f) "District Grievance Redressal Officer" or DGRO means officer at the District level to redress the grievances of the complainant as appointed/designated under section 15 of the Act;
 - (g) "Memorandum" means memorandum of appeal filed by the appellant;
 - (h) "Member" means the Members of the State Food Commission and includes the Chairman;
 - (i) 'Nodal Officer' means the Sub Divisional Magistrate dealing with the implementation of the Act at the Sub Division level under this Rules;
 - (j) "Respondent" means a person who answers any memorandum of appeal;
 - (k) "Rules" means the instant Rules namely "The Tripura Food Security Rules, 2016" and "rule" or "sub-rule" means any specific rule or sub-rule appended therein.
 - (l) "Sub Divisional Magistrate" means the Sub Divisional Magistrate (SDM) of a Sub Division;
 - (m) "State" means the State of Tripura;
 - (n) "State Commission" means the State Food Commission constituted under Section 16 of the Act;
 - (o) "State Government", means the Government in the Food, Civil Supplies & Consumer Affairs Department.
 - (p) "Selection Committee" means committee constituted for selection of DGRO under rule 6 and Chairperson & Members of State Food Commission under rule 9(1) of the Rules.
- (2) The words and expressions not defined here but defined in the Essential Commodities Act, 1955, or any other relevant Act shall have the meaning respectively assigned to them in those Acts.
- (3) All other words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Guidelines for identification of priority households:

- (1) Identification of Priority Household shall be based upon inclusion & exclusion criteria to be determined by the State Government from time to time subject to the following restrictions:
- (i) The following category of families which does not possess any of the exclusion criteria indicated at sub-rule (ii) will be **automatically included** in the priority Group:
 - a. Family from Reang community which has been notified as Primitive Group in case of Tripura.
 - b. Family headed by disabled person (more than 40% disability certified by the Competent Authority)
 - c. Family headed by widow, deserted women, unmarried women or single woman family
 - d. Occupationally vulnerable households where the main source of income is from one or more of these occupations:

- Part-time/fulltime domestic workers
 - Rickshaw Pullers
 - Porters
 - Street Vendor/ Cobbler/Hawker /Plumber/ Mason/Painter/ Welder /Security Guard
 - Artisan/Handicraft Worker/Tailor
 - Bidi Shramik/Agarbati Stick Maker
- e. All household of agricultural/unskilled daily wage earners from unorganized sector whose main occupation is daily wage labour.
- f. All household of small & marginal farmers (owing land up to 0.5 acre of agricultural land)
- (ii) The following families would be **automatically excluded**:
- a. Family having a government employee (**except** contractual employees/daily wagers/ Anganwadi/ ASHA employees/Home-guard/Community Health Volunteer);
- b. Any family having an Income Tax/Service Tax payer;
- c. Total income of the family from all sources is more than Rs. 1.2 lakh per year;
- d. Any family having more than one of the following movable assets:
- LED/LCD Colour Television Set;
 - Refrigerator;
 - Air Condition machine;
 - Motorised Vehicle (Two wheeler & above);
- e. Any family having more than two acres of agricultural land;
- f. Any family having Rubber plantation/Orchard/Tea plantation measuring more than two acres of land;

(iii) While selecting the beneficiaries, utmost care has to be taken by the concerned officers to ensure that no genuine & deserving family is left-out.

(2) **Procedure for finalization of list of Priority Households (PH/PG) would be as follows:** (i) Preparation of draft list of Priority Households including AAY, BPL, Ad-hoc BPL, listed BPL, as the case may be.

(ii) Approval of the list of Priority Households by PRIs/ULBs (Gram Sabha/Nagar Sabha/Village Committee in TTAADC area etc.);

(iii) Settlement of claim & objections by the Block Development Officer/Executive Officer of ULBs/CEO/Commissioner of Nagar Panchayet/Municipal Council/Municipal Corporation, as the case may be or as may be decided by the Govt;

(iv) Display of Final List in conspicuous places/offices/portals etc;

(3) Any household which is not satisfied with his/her status or that of others, believing wrong inclusion in the list or wrong exclusion from the list, as the case may be, can approach respective Gram Panchayat/ ADC village, Nagar panchayat / Municipal Ward offices and make claims with appropriate documentary evidence. For this purpose, the State Government shall designate officers

who will be competent to take a decision on the claims and objections from the public and revise the list.

(4) Households not satisfied with their status in the revised list will have the right to appeal at the Sub Division level before the respective sub Divisional magistrate to take decision within a reasonable period.

(5) Once the list of Priority Households is finalized and published there shall be a lock-in period of three years or further extension period as notified by the State Government.

Provided that by this time, if any Priority Household got socially/economically upgraded or the said household lost the validity to enjoy such status, and, if in this regard any complaint is lodged by anybody, or such information is received by the appointed officer at the Sub Division level, he shall, either acting on the complaint or *suo-moto*, take cognizance of the matter and get the matter enquired into by an officer not below the rank of DCM/DC and dispose of the matter in a manner prescribed in quasi-judicial procedure by a reasoned order.

If aggrieved, any person may appeal to the District Magistrate & Collector against such order of the appointed officer at the Sub Division level within 15 days of the receipt of such order. The appointed officer at the Sub Division level or the DM & Collector, in each case, shall dispose of any complaint/appeal within 60 (sixty) days.

Provided further that no such proceeding shall be completed unless the person, against whom the enquiry has been undertaken, is given a scope to state his case governing Principle of Natural Justice.

(6) The State Government shall carry out census/survey and collect information on various indicators after every 10 years or as may be determined by the state Government. The methodology and criteria for identification of Priority Households, as may be decided, shall be revisited at any point of time by the State Government, if deemed required.

(7) The entire process of identification and selection of priority households shall be governed by the Principle of Natural Justice ensuring people to give them opportunity to receive unbiased selection and fair settlement of disputes.

4. Internal Grievance Redressal Mechanism:

(1) There shall be an Internal Grievance Redressal Mechanism in the Office of the Sub-Divisional Magistrates to be notified by the State Government for redressal of the grievances of the TPDS beneficiaries which shall function in the following manner:

(a) **Manner of Lodging Complaints:** (i) The Sub Divisional Magistrate of the respective Sub Division shall act as *Nodal officer* for redressal of grievances of the cardholders at first place. Any

person or institution can lodge complaints in Form-A (proforma) with Inspector (Food)/Sub Divisional Controller(Food)/ Assistant Director(food)/Sub-Divisional Magistrate of the concerned Sub Division in respect of any deficiency/short-coming/corruption or mismanagement regarding distribution of entitled foodgrains or meals, distribution of other ration commodities not specified in the Act and ration card related matters. On receipt of the complaint, it shall be entered into Complaint Register in Form-B and printed acknowledgement slip bearing date and number in Form-C shall be issued to the complainant or his authorized representative forthwith. Complaints received by post, e-mail, or by any other mode will also be entertained and acknowledged at the earliest possible.

(ii) The Inspector (Food)/Chief Inspector (Food)/Sub Divisional Controller (Food)/Assistant Director (food), as the case may be, shall immediately place all such complaints received from any person/institution before the *Nodal officer* for disposal.

(iii) There shall be a State Level Call Centre/ Toll free helpline for receipt & disposal of complaints in such a manner as may be notified by the state Government.

(b) Manner of Disposal of Complaint: (i) The Nodal Officer shall refer all complaints relating to non-distribution of entitled foodgrains or meals to DGRO within 7 (seven) working days with intimation to the complainant;

(ii) In case of other complaints, the Nodal Officer shall conduct due inquiry including personal hearing by engaging any field level officer not below the rank of Sub Inspector(Food), under his disposal and dispose the same within 30 (thirty) days from the date of receipt of the complaint.

5. Qualification for appointment as District Grievance Redressal Officer (DGRO) and its powers:

(1) Any person who is or has been a member of the All India service or any Civil Service of the state or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field or any person of eminence in public life with knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration or who have been a proven record of work relating to the improvement of the food and nutrition rights of the poor shall be appointed and act as "District Grievance Redressal Officer" (DGRO) for any particular district or more than one districts under the Act, as decided by the State Govt.

(2) **Powers of DGRO:** (i) The DGRO of the district under the Act, shall hear complaints, if referred to him by the Nodal Officer or directly lodged with him or lodged against any order of

Nodal Officer or taken *suo moto* by him, for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapter II of the Act, and to enforce the entitlements under this Act.

(ii) The DGRO shall have powers to require any person,-

(a) to produce before, and allow to be examined such books, accounts, documents or commodities in the custody or under the control of the person so required as may be specified or described in the requisition, if the examination of such books, accounts, documents or commodities are required for the purpose of this Act;

(b) to furnish such information as may be required for the purpose of this Act.

(iii) The DGRO shall, in any dispute, decide as the final authority, so far as matters related to his territorial jurisdiction are concerned, under the provision of the Act. DGRO's decision can be challenged only in State Food Commission (SFC).

6. Method and terms and conditions of appointment of the DGRO:

(1) Every appointment under sub rule (1) of rule (5) shall be made by the Government after considering the recommendation of a selection committee consisting of the following, namely:

(a) Chief Secretary, Govt. of Tripura – Chairman

(b) The LR & Secretary, Govt. of Tripura – Member

(c) Secretary in charge, Food, CS& CA Department - Member

(2) Other terms and conditions of appointment including salaries and allowances or remuneration payable to and service conditions of DGRO shall be as fixed by the state Government.

7. Manner and time limit for hearing complaints by the DGRO:

(1) The DGRO shall hear complaints, if referred to him by the Nodal Officer or directly lodged with him or lodged against any order of Nodal Officer or taken *suo moto* by him, regarding non-distribution of entitled foodgrains or meals, and matters relating thereto, and take necessary action for their redressal within **60 (sixty)** working days from the date of receipt of the grievance.

Provided that the manner of lodging complaint to the DGROs shall be as same as prescribed under clause (i) of sub-rule (1) (a) of rule 4 as prescribed for the Nodal Officers. The office of the DGRO shall duly acknowledge the receipt of complaint to the complainant.

(2) The DGRO shall, after getting the complaint, enquire the matter in due spirit of law as he thinks fit.

(3) The DGRO may refer the complaint to any related authorities for causing inquiry and report to him or he may call for explanation to any authority under his jurisdiction including the Nodal

Officer or may issue summon to any such authority or the complainant to appear before him/her for a personal hearing.

(4) The DGRO will resort to summary procedure and will dispose of the complaint by giving all concerned an opportunity of hearing.

(5) The DGRO shall, in any dispute, decide as the final authority, so far as matters related to his territorial jurisdiction is/are concerned, in consultation with the State Government or under the provision of the Act.

(6) The DGRO shall, after causing enquiry and hearing both the parties in person or on records, pass a speaking order, against which appeal may be preferred by the aggrieved party in State Commission within 30 (thirty) days from the date of receipt of the complaint.

(7) While disposing of such complaints, DGRO may take all necessary administrative assistance from the office (Food Section) of respective Sub Divisional Magistrate.

8. Filing of appeal before the State Food Commission (SFC):

(1) Any complainant or the officer or authority against whom any order has been passed by DGRO, who is not satisfied with the redressal of grievance may file an appeal against such order before the State Food Commission within a period of 30 (thirty) days from the date of receipt of the order from the DGRO.

(2) Memorandum shall be presented by the appellant or his agent to the State Food Commission in person or be sent by registered post or any electronic mode (if prescribed) addressed to the Commission.

(3) Every memorandum filed under sub-rule (2) shall be legible handwriting preferably typed and shall set forth concisely under distinct heads, the grounds of appeal without any argument or narrative and such grounds shall be numbered consecutively.

(4) Each memorandum shall be accompanied by the certified copy of the order of the District Redressal officer appealed against and such of the documents as may be required to support grounds of objection mentioned in the memorandum.

(5) The appellant shall submit four copies of the memorandum to the State Food Commission for official purpose.

(6) On the date of hearing or any other day to which hearing may be adjourned, it shall be obligatory for the parties or their agents to appear before the State Food Commission. If appellant or his agent fails to appear on such date, the State Commission may in its discretion either dismiss the appeal or decide ex-parte on merits. If the respondent or his agent fails to appear on such date, the State Commission shall proceed ex-parte and shall decide the appeal on merits of the case.

(7) The State Food Commission will resort to summary procedure and the appeal shall be decided, within a reasonable period, by giving all concerned an opportunity of hearing.

(8) The order of the State Commission shall be authenticated by the Member Secretary or any other officers of the commission duly authorised by the commission on its behalf.

9. Method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member secretary of the State Food Commission (SFC), procedure for meetings of the commission and its powers:

(1) Every appointment under sub section (2) of Section 16 shall be made by the State Government on the recommendation of a Selection Committee consisting of the following members, namely:-

Sl No.	Name	Designation
1.	Chief Secretary - Govt. of Tripura	Chairman
2.	The LR & Secretary - Govt. of Tripura	Member
3.	Secretary in charge, Food - Govt. of Tripura	Member

(2) The selection committee shall select and recommend a panel of names, within such period as may be fixed by the State Government in this behalf, to the State Government for the appointment of the Chairperson, other Members and Member secretary of the State Food Commission (SFC).

(3) While selecting the names of the Chairperson, other Members and Member secretary of the SFC, due regard shall be given to the provisions of Section 16 of the Act.

(4) **Terms & conditions of appointment and procedure for meeting of the commission:** (i) Terms and conditions of appointment of Chairperson, other Members and Member Secretary and their salaries and allowances or remuneration payable to and other T&C etc. shall be as fixed by the state Government.

(ii) Subject to the provisions in the Act and the Rules made thereunder, the commission shall have the powers to formulate its own procedure.

(iii) The Chairperson of the commission may direct the Member secretary to call the meeting of the commission which may be held from time to time as the chairperson may direct.

(5) **Power of State Food Commission (SFC):** (a) The State Food Commission shall have powers to require any person,-

(i) to produce before, and allow to be examined and kept by the State Food Commission such books, accounts, documents or commodities in the custody or under the control of the person so

required as may be specified or described in the requisition, if the examination of such books, accounts, documents or commodities are required for the purpose of this Act;

(ii) to furnish such information as may be required for the purpose of this Act.

(b) Where during discharging any function under this Act, the SFC has any ground to believe that any book, paper, commodity or document which may be required to be produced for examination are being or may be, destroyed, mutilated, altered, falsified or secreted, it may, by writing order, authorize any officer to exercise the powers of entry and search of any premises. Such authorized officer may also seize such books, papers, documents or commodities as are required for the purpose of the Act:

Provided that such seizure shall be communicated to the SFC as soon as it is made after specifying the reasons in writing for making such seizure.

(c) The SFC, on examination of such seized documents or commodities, as the case may be, may order the retention thereof or may return it to the party concerned.

10. Method of appointment of staff of the State Commission, their salaries, allowances and condition of service:

(1) In case of constitution of independent SFC under Section 16(1) of the Act or otherwise, the method of appointment of staff, their salaries, allowances and condition of service for the purpose of the State Food Commission shall be similar and equivalent to the method, salary & allowances and condition of service applicable and admissible to the equivalent ranks of the employees of the State Government or as decided by the Government from time to time.

11. Manner of disclosure of records related to Targeted Public Distribution System:

(1) A list of F.P Shop owners along with their licensing credential shall be uploaded in the State e-PDS portal.

(2) Criteria and methodology for identification of Priority Households (PH/PG) and issuance of ration cards to them will be notified on portal.

(3) Criteria and methodology for identification of Priority Households (PH/PG) as well as their entitlements shall be prominently displayed/circulated/uploaded for information of general awareness.

(4) The Sub Divisional Magistrate, shall, at their respective jurisdiction provide information to PRIs/ULBs regarding availability, movement and quality of foodgrains etc under TPDS.

(5) The D.O issuing authorities shall endorse copies of orders allocating foodgrains to all FPS level Vigilance Committees or inform electronically under e-PDS scheme or otherwise as decided or feasible from time to time.

(6) Detailed information about the Vigilance Committees such as their constitution, functions and powers shall be displayed on the e-PDS portal.

(7) Any citizen/ration holder shall have the right to scrutinize the records/certified copies relating to TPDS in line with the RTI Act. Access shall be allowed to citizens if exemption is not applicable.

(8) The Citizens' Charter shall be displayed at all offices where ration card related work is done.

(9) Each FPS shall display all relevant information such as each beneficiary's entitlement of various essential commodities, issue prices, name of Fair Price owner/licence no., timings of opening and closing of FPS and weekly closing day, stock position, timing for inspection by citizens, sample of grains, procedure for lodging complaints with reference to quality and quantity of ration commodities and other problems being faced by TPDS beneficiaries, detailed lists of Priority Households households under its jurisdiction etc. at a conspicuous place at the FPS.

(10) Any consumer or local resident attached to the FPS shall be entitled to inspect the stock register, ration card register, other records and stocks available at the FPS at the pre-appointed date/time.

12. Conduct of social audit on the functioning of F P Shops, TPDS and OWS:

(1) The State Government shall authorize the Sub Divisional Magistrates to engage all field functionaries not below the rank of Tehashildar under his disposal or any independent body to perform the work of facilitation in the conduct of periodic social audits, as prescribed, on the functioning of fair price shops, TPDS and other welfare schemes (OWS).

(2) A simple form at/questionnaires shall be devised which will be provided to all participants of the concerned Gram Sabha/Nagar Sabha/Ward Sabha, as the case may be, so that people can opine their views.

(3) The respective field functionary shall collect duly field up format/ questionnaires from all the participants of the concerned Gram Sabha.

(4) On the basis of all such field up format/ questionnaires, the respective field functionaries shall prepare & submit a consolidated Action Taken Report (ATR) to the Sub- Divisional Magistrate indicating special measure to be taken for betterment of functioning of fair price shops, TPDS and OWS, if any.

(5) SDMs, so authorised in this behalf, may also take recourse of any other manner to conduct social audit in respect of particular fair price shops when organising Gram Sabha could not be

possible. For example, in pursuance of sub-rule (2) above, format/questionnaires, as may be devised, may be circulated among a minimum, say 30% of the card holders of a particular fair price shop for audit of performance. In this regard, the dealer of fair price shop/licensee shall not be engaged in circulation/collection of format/questionnaires.

(6) The Sub Divisional Magistrate shall take every necessary action within his competence accordingly and refer all such ATR to the State Government for taking necessary action, if taking such actions is beyond his competence.

13. Setting up of Vigilance Committees:

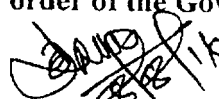
(1) For ensuring transparency and proper functioning of the Targeted Public Distribution System and accountability of the functionaries in such system, there shall be Vigilance Committees to be set up by the State Government as specified in the Targeted Public Distribution System (Control) Order, 2015 or any subsequent order made under the Essential Commodities Act, 1955 as amended from time to time, preferably at the State, District, Block and Fair price shop levels consisting of such persons, as prescribed.

(2) The composition of such vigilance committees shall be such as may be notified and/or as amended by the State Government in the official gazette.

14. Utilization of Institutional mechanism for other purposes: The State Government shall utilize the services of District Grievance Redressal Officers and State Food Commission in the matter of proper implementation of other schemes and programme of the Central Government or the State Government as may be notified by the State Government.

15. Removal of doubts: If any doubt arises with regard to the interpretation of any provisions of these Rules, it shall be referred to the Food, Civil Supplies and Consumer affairs department, Government of Tripura, whose decision shall be binding.

By order of the Governor,



(Dr. D. Basu, IAS)

Additional Secretary to the
Government of Tripura

Form- A
[See rule-4(1)(a)(i)]

Proforma for Lodging Complaints/Grievances under The Tripura Food Security Rules, 2016

To

The Nodal Officer (Sub-Divisional Magistrate) / District Grievance Redressal Officer

------(Address)

Sir/Madam,

With respect to implementation of NFS Act, 2013 / non-delivery of other ration commodities etc. against my / our Food Security/ Ration Card / AAY Card / Priority Household Card No _____ of _____ (Name of Fair Price Shop) under _____ (Name/No. of Gram/GP/ Ward) in _____ (Name of Sub Division/District), I want to bring to your notice the following grievances/ deficiencies for redressal at appropriate level:

- (a) Complaint in details (may attach separate paper with signature, if necessary):
- (b) Complete postal address of the complainant:
 - (i) Full name of the complainant:
 - (ii) Father/ Husband's Name:
 - (iii) Village/ Street/ Para:
 - (iv) Post office:
 - (v) District:
 - (vi) PS:
 - (vii) Pin code:
 - (viii) Contact No, if any

(Complainant's Signature)
Date

Form- C
[See rule-4(1)(a)(i)]

Receipt for complaints/ grievances under The Tripura Food Security Rules, 2016

No.

Dated

Received from Sri/Smt. _____ S/O,/ D/O,/ Wife of/ Husband of _____ of _____ (address) a grievance/ complaint relating to _____ on _____ at _____. The said grievance/ complaint has been entered into complaint register vide No. _____ dated _____.

Office Seal with date

Dated Signature of designated official
Designation:
Seal

