

UTTAR PRADESH ESSENTIAL COMMODITIES (REGULATION OF SALE AND DISTRIBUTION CONTROL) ORDER, 2015

Uttar Pradesh Shasan Khadya Evam Rasad Anubhag•6 In pursuance of the provisions of clause (3) of the Constitution, the Governor is pleased to order the publication of the following English translation of notification No 178 [29-6-2016-11QT/14, dated 20 January,, 2016 Notification No. 178 129-6-2016-116 sa114 Lucknow: Dated 20 January, 2016 In exercise of the powers under section 40 of the National Food Security Act, 2013 (Act no 20 of 2013) read with section 8,12,14,15,27,28 and 29 of the said Act the Governor is pleased to make the following rules after Considering the Objections and suggestions received in pursuance of Government notification no. 2003129-6-2015-116 Sa/14, dated August 5, 2015 issued for inviting Objection and suggestions as required under section 40 of the said Act :- Short title and commencement Definitions Uttar Pradesh Food Security Rules, 2015 (1) These rules may be called Uttar Pradesh Food Security Rules, 2015 2) They shall come into force on the date of their publication in the Gazette. -(1) In these rules, unless the context otherwise requires- (a) "Act" means the National Food Security Act, 2013 [Act no. 20 of 2013]; (b) "Aggrieved Person" includes any member of his/ her family. (c) "Commission" means the State Food Commission constituted for the State of Uttar Pradesh under sub-rule (1) of rule 3 (d) "Commissioner" means the Food Commissioner, Uttar Pradesh; (e) "Collector" means Collector and District Magistrate of the district concerned; (f) "Corpus Fund" shall be the fund created by the State Government for implementing the provisions of sub rule (2) of rule 13. (g) "Divisional Commissioner" means the Divisional Commissioner of the division. (h) "Family" means group of following persons • Head of the family; • Husband/wife, including legally adopte children. Identification of ligible households • Adult children, who are fully dependent on the head of the family. • Unmarried, legally seperated and widow daughters; and Fully dependent mother/Father, of the head of the family. (i) "Governor" means The Governor of Uttar Pradesh. (j) "Principal Secretary" means the principal Secretary or The Secretary o the Food and Civil Supply department. (k)"State Government" means Government of Uttar Pradesh. 2) Words and expressions not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act. Chapter-II Guidelines for the Identification of Eligible Households -(1) The State Government shall, as soon as possible, identify- (a) the households to be covered under the Antyodaya Anna Yojana; and (b) the priority households In accordance with such guidelines including Exclusion and Inclusion Criteria otified by the State Government: Provided that such guidelines are consistent with the Act . 2) The State Government may, at such intervals or any other time, it may deem it, re-identify the eligible households; 3) The State Government may, if it deems fit, by notification, amend th uidelines from time to time prescribed under these rules and require fres urvey conducted for the identification of eligible households. Chapter-III Grievance Redressal System District Grievance (1) The State Government may appoint or designate, the following officers as he District Grievance Redressa110fficer: Redressal Officer (a) Additional District Magistrate (Civil Supplies) for such districts where the post of Additional District Magistrate (Civil Supplies) exists, (b) Regional Food Controller for the districts of Commissionary Headquarters and (c) Joint Commissioner (Food)/ Deputy Commissioner (Food) for rest of the districts. (2) District Grievance Redressal Officer shall perform such functions as prescribed under section 15 of the Act. (3) The State Government shall appoint the employees mentioned in Schedule A ppended to these rules to assist District Grievance Redressal Officer to perform he functions thereof. (4) The Collector of the District shall be the Appointing Authority for employees ppointed under sub-rule (3). -(1) The District Grievance Redressal Officer shall notify the days and time fo Hearing before District Grievance receiving the complaints under the Act. The District Grievance Redressal Office Redressal Officer. may also nominate an appropriate officer/employee to receive complaints rievances on his behalf. 2) District Grievance Redressal Officer shall conduct such enquiry as per su ule (4), and if he finds complaint to carry substance, may give directions an lief referred to in sub-rule (3) for compliance with the entitlements grante nder the Act; 3) The directions and relief to be provided by the District Grievance Redressa fficer under sub-rule (2) shall be as follows: (a) the entitlement within such period not exceeding thirty days; (b) payment of food security allowance within such period not exceedin thirty days; (c) supervision by an appropriate person/representing such provision o payment, as the case may be, under clauses (a) and (b) (d) any other direction as he/she may deems fit;

Provided that such direction shall not include payment of penalty by any public servant: Provided further that such direction shall not be inconsistent with the Act. 4) The District Grievance Redressal Officer shall • (a) ascertain that there is prima-facie substance in the complaint to proceed in the matter; (b) reject the complaint if he finds that the Complaint does not have any substance. (c) issue a notice to all parties fixing date, time and place for hearing, if he is satisfied that there is prima-facie ground to proceed in the matter; (d) hear the parties and take such evidence as may be produced or deemed necessary on the date fixed for hearing or may dismiss the complaint if the complainant or his representative is absent on the fixed date; (e) adjourn the proceedings at the request of the parties or Suo-motu to some other date with or without cost; (f) decide the complaint after the enquiry. Timely disposal The District Grievance Redressal Officer shall hear complaints regarding non-f the complaints distribution of entitled foodgrains or meals, and matters relating thereto, and take necessary action for their redressal within 90 days. Appeal against - (I) Any person aggrieved with any order passed by the District Grievance Redressal Officer may prefer an appeal before the Commission within 30 days from the receipt of such order. Redressal Officers' orders Other Internal system of grievance redressal mechanism 2) An appeal under sub-rule (1) shall be accompanied by such documents and such fee as may be determined by the State Government. - In addition to the internal system of grievance redressal mechanism for disposal of the complaints the State Government shall provide as early as possible a web-based grievance redressal portal. Vigilance committees. 9-(1) The State Government may constitute, as soon as may be after the commencement of these rules and any time thereafter as it may deem fit, constitute vigilance committees at Fair Price Shop, Block, District and State level. (2) The vigilance committee(s) shall consist of following members and be in existence for two years from its constitution- (a) At State level- (i) the Food Commissioner Uttar Pradesh-- Chairperson; (ii) one officer of Special Secretary rank in the department of Food and Civil Supplies to be nominated by the Secretary/Principal Secretary; (iii) the Director Mid Day Meal. (iv) the Director Integrated Child Development Scheme. (v) the Special Secretary, Uttar Pradesh Government in Medical Health and Family Welfare Department nominated by the Principal Secretary, (vi) the Additional Commissioner Civil Supplies shall be the convener. (vii) Chief marketing Officer/Regional Food Marketing Officer (H.Q)-Member (viii) the Chairperson of one urban or rural local body Of Uttar Pradesh nominated by the State Government. (ix) two persons having an established record of working in the field related to food, food safety, public distribution system or nutrition of not less than five years to be nominated by the State Government, (b) At District level- (i) the Collector-- Chairperson; (ii) two District level officers to be nominated by the Collector. (iii) the Basic Shiksha Adhikari, District Programme Officer of Integrated Child Development Scheme and the Chief Medical Officer ; (iv) the District Supply Officer shall be the convener. (v) the Chairperson of one urban or local body in the district, nominated by the Divisional Commissioner. (vi) District Food Marketing Officer-Member (vii) any two persons living in the district having an established record of working in the field related to food, food safety, public distribution system or nutrition of not less than two years to be nominated by the Divisional Commissioner. (c) At Block level- (i) the Sub Divisional Magistrate of the Sub Division in which the Block is situated— Chairperson; (ii) the Block Pramukh of the Block. (iii) the Block Development Officer of the Block; (iv) an officer nominated by the Sub Divisional Magistrate. (v) Area Marketing Officer/Marketing Officer.-Member (vi) the Block Education Officer, the Child Development Programme Officer of the Integrated Child Development Scheme and the Medical Officer-in-charge of the Community Health Centre, (d) (vii) the Area Rationing Officer/Supply Inspector shall be the convener (viii) two persons living in the Gram Panchayat situated in the concerned Kshetra Panchayat to be nominated by the Collector. At Fair Price Shop level- (i) the Gram Pradhan of the Panchayat; (ii) seniormost member Of the administrative Committee of Gram Sabha: Member; (iii) the Head Master Of a primary school nominate by Block Education Officer, Anganwadi Worker of Integrated Child Development Scheme, Accredited Social Health Activist. (iv) Gram Panchayat Secretary/Gram Vikas Adhikari shall be Member Convener. (v) three members of the Gram Sabha (i.e., the persons living in the area of Gram Panchayat) to be nominated by the Block Development Officer. Provided that in every Vigilance Committee Constituted in this social Audit sub rule the representation of the members belonging to the Scheduled Castes, the Scheduled Tribes, women and destitute person or person with disability shall be ensured. 3) The vigilance committees shall meet at least once in every Quarter of a calendar year. 10- The local authority or any other authority authorised by the State Government which shall conduct or cause to be conducted preaudit, social audit in the functioning of

Fair Price Shops of Targeted Public Distribution System and their welfare schemes after giving fifteen days notice to the said shops and concerned authorities in accordance with such guidelines as may be notified from time to time by the State Government. Keeping Records II- (1) All Targeted Public Distribution System related records such as ; In Public Domain (a) Guidelines notified by the State Government for identification of eligible Priority households; (b) List of beneficiaries identified as Antyodaya Ann Yojana households or eligible Priority households for distribution of foodgrains under Targeted Public Distribution System under section 3 of the Act; (c) The entitlements Of Food Grains, including quantity and price, of beneficiaries under (b) above; (d) Details Of the Fair Price Shops in the state, districts, block etc; (e) Policy Directives issued by the State Government or the Food Commissioner, Uttar Pradesh to the Collectors, District Grievance Redressal Officers and other officers of the State Government for effective and efficient implementation of the Act; (f) any other record which is considered by the Food Commissioner; shall be published in the public domain on the web portal and be open for public inspection, free Of charge, and shall be kept at places mentioned in Schedule-B appended to these rules by the authorities indicated in column (4) of said Schedule. (2) Any person may get, on request, copies of the records on payment of fee as may be determined by the Food Commissioner which shall be given to the said person within 15 days of the date of receipt of written request along with such fee.

Chapter-IV Miscellaneous Payment of Food 12-(1) The offices/officers mentioned in column-2 of Schedule C appended to security Allowance Report of unclaimed entitlements Feed back of default in revision of Entitlements. Reforms in targeted Public Distribution system these rules shall be responsible for action specified against each timely. (2) In case of failure to provide the entitlements as required under the Act the beneficiary shall be paid by the State Government such Food Security Allowance as notified by the Central Government under the provision of section 8 and section 39 of the Act. 3) Any Food Security Allowance paid by the State Government shall be recovered from the responsible offices/officers mentioned in Schedule-c appended to these rules. Provided that the State Government shall bear the cost Of Food Security Allowance for first year from the date for its implementation notified by the Government Of India. (4) A Corpus Fund shall be created by the State Government immediately for the purposes of sub rule (3) Provided that the location of and power to release payment from, such corpus fund shall be delegated by the State Government to district/tahsil/Block level for timely payment of allowance. (5) The State Government and the Food Commissioner shall take necessary Steps to ensure higher/adequate security deposit etc. from Fair Price Shopkeepers and transporters, to provide for recoveries from them as required in sub rule (3) above. 6) The State Government and Commissioner shall take necessary steps to ensuring recovery of balance recoverable under sub rule (3) after exhausting security amount etc. in sub rule (5), as arrears of land revenue. 3-Any public authority responsible for delivery Of entitlements under the Act shall, in cases where beneficiary does not turn up to claim the entitlements, report such event along with beneficiarywise list to the Collector or any other authority as may be notified by the State Government. 14- The State Government shall, as soon as possible issue detailed guidelines for feedback mechanism under rule 13 including guidelines, electronic/on-line mode of documentation etc. 15-The State Government shall, as soon as may be, notify detailed guidelines for the reforms in the Targeted Public Distribution System as required by section 12 of the Act. Schedule-A List of Officers and Employees in the Office of Every District Grievance Redressal Officer. Sl. 2 3 4 Sl. (1 2. 3. 4 post Stenographer Cum Computer Operator Senior Assistant Junior Assistant Fourth Class Employees See Rule 5 3 Nos. 2 Schedule-B Pay Grade 5200-20,200 Grade Pay 2,800 5.200-20,200 Grade Pay 2,800 Grade Pay 1,900 Through Outsourcing List of Places where Documents shall be Kept Open for Inspection. Level at which Records to, be Maintained See Rule 10 3 Concerned Office 3 Concerned Officer (4) 2 State Records District Records Documents related to Targeted Public Distribution System Level Level At Food Commissioner's Office At District Supply Officer's Office At the office of Area Rationing Officer At Gram Panchayat's Office Additional Commissioner nominated by the Block/Urban local body Records Village Records Level Level Food Commissioner District Supply Officer ARO/Supply Inspector Village Development Panchayat Officer Officer/ Village Responsibility of offices/officer for implementation of Targeted public Distribution System within the stipulated time. (See Rule 12(1)] St. no. (1) 1. 2. 3. 4. 5

6. Responsibility (2) Food Commissioner Office and Food and Civil Supplies Department Food Commissioner Office (To be completed within a week of receipt from Government of India) Regional Food Controllers (At least 15 days before the month of lifting) to be completed by 22nd of

every month District Managers of State Food Corporation (SFC) District Food Marketing Officer
Required Action (3) Forwarding of Demand for Allotment for eligible households at least three months before the start Of year Circulating yearly allotment received from Government of India to Regional Food Controllers (RFC) Deposit of Money by Regional Food Controllers with Food Corporation of India (FCI) Lifting of food grains from the godown of FCI In Lucknow, Bareilly, Moradabad and Devipatan Divisions In other Divisions Block Godown hiring/arranging adequate capacity at least 15 days before start of lifting: Godown Incharge of State Food Corporation (SFC) Area Marketing Officer (AMO)/Marketing Inspectors(MI) In Lucknow, Bareilly, Moradabad and Devipatan Divisions In other Divisions Receiving food grains at Block Godown: Godown Incharge of State Food Corporation (SFC) Area Marketing Officers/Marketing in Lucknow, Bareilly, Moradabad and Devipatan Divisions [n Other Divisions Inspectors FPS owner/Area Rationing Officer (ARO)/ Supply Inspector (SI) for the godown concerned or if no one is available as such then the concerned District Supply Officer (Between 16-22 of the lifting month) Area Rationing Officer (ARO)/ Supply Inspector (SI) for the godown concerned or if no one is available as such then the concerned District Supply Officer (Next day Of deposit of money) Deposit of money by Fair price Shop(FPS) owners for lifting of food grains Providing details of money deposited to Godown Incharge/AMO/MI 8.9

10. Lifting of food grains from Block godown by: Godown Incharge of SFC/AMO/MI (From 23rd to end of the lifting month) FPS owners _(From 23rd to end of the lifting month) FPS owner Where door step delivery is in force in other areas Distribution of food grains by FPS owner to beneficiaries
A.The RFC and their lifting agencies like SFC shall appoint adequate number of transport contractors with sufficient capacity to ensure timely lifting of food grains from FCI godowns to Block godowns. **B.** The agreement with the transport contractors shali contain a provision for recovery of Food Security Allowance paid or payable, if any, by one or more officers of Department of Food & Civil Supplies, in following cases:- (i) If order for lifting is issued in time by the Department to such contractor or his representative; (ii)If adequate space is available in the block godowns; (iii) If adequate food grain is available in the FCI godowns; **C. D. E.** RFC shall prepare movement plan in advance and monitor it on a daily basis. Daily status of lifting shall also be sent to the Food Commissioner's Office. The FPS owners shall distribute the food grain to beneficiaries on fixed dates and send a report of lifting of food grain by beneficiaries to District Supply Officer within two days of each such distribution day. A list of beneficiaries lifting food, not lifting food and food grain remaining at FPS shall also be reported to District Supply Officer by the end of month of distribution, Accordingly Fair Price shopwise list and information about beneficiaries not lifting food shall be sent by District Supply Officer to Collector every month.
 (Sudhir Garg) Principal Secretery