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## FOOD SUPPLIES & CONSUMER WELFARE DEPARTMENT

### NOTIFICATION

The 15th March, 2016

No. 5725–09-17-15-65/2015/FS&CW.—Whereas, the draft of certain rules was published as required under sub-section (1) of Section 40 of the National Food Security Act, 2013 (20 of 2013) in an Extraordinary issue of the *Odisha Gazette* No. 212, dated the 25th January, 2016 under the notification of Government of Odisha in the Food Supplies and Consumer Welfare Department No. 1691/09-17-15-65/2015, dated the 25th January, 2016 inviting objections and suggestions from all persons likely to be affected thereby till expiry of a period of fifteen days from the date of publication of the said notification in the *Odisha Gazette*;

And, whereas, objections and suggestions received from the public on the said draft rules have been duly considered by the State Government;

Now, therefore, in exercise of the powers conferred by clause (f) of sub-section (2) of Section 40 of the National Food Security Act, 2013 (Act 20 of 2013), the State Government do hereby make the following rules to regulate the method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member-Secretary of Odisha State Food Commission, procedure of meetings of the said Commission and its powers, namely:—

1. Short Title and Commencement: (1) These rules may be called the Odisha State Food Commission Rules, 2016.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions:— (1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the National Food Security Act, 2013 (Act 20 of 2013);
- (b) “Chairperson” means the Chairperson of the State Food Commission;
- (c) “Government” means Government of Odisha;

- (d) "Member" means the members of the State Food Commission and includes the Chairperson;
- (e) "Search Committee" means the Search Committee constituted under rule;
- (f) "section" means section of the Act;
- (g) "State Food Commission" means Odisha State Food Commission constituted under National Food Security Act, 2013.

(2) Words and expressions used in these rules but not defined, shall have the same meaning as respectively assigned to them in the Act.

### 3. Method of appointment of Chairperson and other Members of the State Food Commission:

(1) The Chairperson, other Members and the Member-Secretary of the State Food commission shall be appointed by the Government on the recommendation of the Search Committee.

(2) The appointment of the Chairperson and other Members of the State Food Commission shall be made through advertisement in two Odia daily and two English national daily newspapers of wide circulation and also in the Government websites.

(3) The Search Committee shall be constituted by the Government, from time to time, consisting of:—

- (a) The Chief Secretary, Odisha .. Chairman
- (b) The Development Commissioner .. Member
- (c) The Secretary to the Government,  
Food Supplies & Consumer Welfare  
Department .. Member-Secretary

(4) The Search Committee having regards to the provisions contained in sub-sections (2) to (4) of Section 16 shall recommend, within three month from the date of its constitution, suitable names at least three times, for appointment as chairperson, Members and Member-Secretary of the State Food Commission on the vacancy to be notified by the Government.

(5) The Search Committee shall forward to the Government the suitable names, for appointment of Chairperson and other Members, prepared by it together with a

concise statement showing the requisite qualification, eligibility criteria and other relevant materials of each person, but shall not indicate any order of preference.

**4. Terms and Conditions of appointment of Chairperson and other Members of the State Food Commission:**

(1) The Chairperson and other Members shall hold office for a term of three years from the date on which he enters upon his office unless removed earlier.

(2) A person who held the office of the Chairperson or other Member shall be eligible for re-appointment, but a re-appointed Chairperson or other Member shall hold office for a period not exceeding one year from the date of his re-appointment.

(3) The Chairperson or any other Member may, by writing under his hand addressed to the Government, resign from the office of the Chairperson or the Member, as the case may be, at any time.

(4) An officer, who has been selected for appointment as Member-Secretary under sub-rule (1) of rule 3, shall hold such office on deputation.

(5) The Government may remove a person from the office of the Chairperson or the other Member referred to in the sub-rule (1), if that person,—

- (a) is, or at any time has been, adjudged as an insolvent; or
- (b) has become physically or mentally incapable of acting as a member; or
- (c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
- (e) has so abused his position as to render his continuation in office detrimental to the public interest:

Provided that, no Chairperson or other Member shall be removed from the office under clause (d) or clause (e) of this sub-section unless he has been given a reasonable opportunity of being heard in the matter.

**5. Salaries, Allowances and other conditions of service:**

- (1) The salaries and allowances payable to and other conditions of service of,—
  - (a) the Chairperson shall be the same as that of the Chief Secretary to the Government; and
  - (b) the other Members shall be the same as that of the lowest scale (fixed) for the Principal Secretary to the Government and be paid Dearness Allowance as admissible to the post of the Principal Secretary:

Provided that if the Chairperson or other Member, at the time of his appointment is , in receipt of a pension, other than a disability pension, in respect of any previous service under the Government of India or under any State Government, his salary in respect of the service as the Chairperson or the other Member shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that where the Chairperson or other Member if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government Company owned or controlled by the Central Government or State Government, his salary in respect of the service as the Chairperson or the other Member shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the Chairperson or other Member shall not be varied to their disadvantage after the appointment.

(2) The Chairperson and other Members shall not be entitled to any pension for their service rendered in the State Food Commission.

(3) The Chairperson, other Members and the Member-Secretary shall be entitled to leave, travelling allowances, conveyance, residential accommodation and facility for medical treatment as admissible to the Government Servants of their counterpart.

**6. Powers of the State Food Commission:** The State Food Commission shall have the following powers, namely:—

- (a) inspect or cause to be inspected, the non-compliance of policy decisions of the Government relating to the Act;
- (b) organize regional camps for building awareness about benefits and entitlements under the Act and define measures for redressal of grievance;
- (c) appoint, in consultation with the Government, consultants and technical Staff to assist the State Food Commission;
- (d) lay down procedure for day-to-day functioning.

**7. Headquarters of State Food Commission:** (1) The headquarters of the State Food Commission shall be at Bhubaneswar.

(2) The working days, office hours of the State Food Commission shall be the same as that of the State Government.

(3) The official seal and emblem of the State Food Commission shall be such as the Government may specify.

(4) Place of sitting of the State Food Commission shall be decided by the Chairperson and he may hold its sitting at other suitable place within the State with prior approval of the Government.

**8. Procedure for meeting:** (1) The State Food Commission shall meet once in every month in its office at Bhubaneswar at such time as the Chairperson thinks fit.

(2) The quorum for the meeting of the State Food Commission shall be three.

(3) The Member Secretary, along with such officers as the Chairperson may direct, shall assist in holding the meeting of the State Food Commission.

(4) The Member Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the State Food Commission.

**9. Duties of the Member Secretary:** The Member-Secretary shall, in addition to functions as provided in the Act and rules and in accordance with the direction of the Chairperson, have the following duties, namely:—

(a) execute all decisions taken by the State Food Commission in exercise of its powers and functions of the State Food Commission;

(b) exercise and discharge such powers and perform such duties as may be required for the proper administration of the affairs of the State Food Commission and its day to day management;

(c) convene the meetings of the State Food Commission in consultation with its Chairperson and cause service of notices of the meetings to all concerned;

(d) prepare, in consultation with the Chairperson, the agenda for each meeting of the State Food Commission and have notes prepared, which shall be self-contained;

(e) make available records covering the agenda items to the State Food Commission for reference;

- (f) ensure that the agenda papers are circulated to the members at least three clear working days in advance of the meeting, except in cases when urgent attention is required;
- (g) prepare the minutes of the meetings of the State Food Commission and shall execute the decisions of the State Food Commission taken in the meeting and shall also ensure placing of the Action Taken Note of the decisions of the State Food Commission before the State Food Commission in its subsequent meetings;
- (h) ensure that the procedure of the State Food Commission is followed by it in transaction of its business;
- (i) take up all such matters with the Government for release of grants, creation of posts, revision of scales, procurement of vehicles, appointment of staff, laying of annual and audit report in Assembly, re-appropriation of funds, residential accommodation and any other matter requiring the approval of the State Government;
- (j) exercise such financial powers as may be delegated to him by the Chairperson on behalf of the State Food Commission;
- (k) incur no expenditure exceeding twenty-five thousand rupees without the sanction of the Chairperson; and
- (l) shall be the appointing and disciplinary authority in respect of officers and other employees of the State Food Commission.

**10. Procedure for hearing Appeal:** (1) Any citizen aggrieved by a decision of the District Grievance Redressal Officer (DGRO) may file a Memorandum of Appeal with the State Food Commission within thirty days of such decision.

(2) When the Memorandum of Appeal is presented after thirty days, such Memorandum of appeal shall be accompanied by an application supported by an affidavit setting forth the fact on which the Appellant relies to satisfy the State Food Commission that he has sufficient cause for not presenting the appeal within the period of limitation.

(3) Any Memorandum of Appeal so filed with the State Food Commission must be heard and disposed of within a period of sixty days of the filing of such appeals.

(4) The Memorandum of Appeal shall be filed in triplicate and accompanied by a true copy of the orders of the DGRO appealed against and such other documents as

may be required to support ground of objections mentioned in the Memorandum of Appeal.

(5) The Chairperson shall have power to constitute a Bench consisting of two or three members and declare any member, as he deems fit, to preside over the Bench, where the Chairperson is not the member of such Bench:

Provided that the Chairperson may constitute or reconstitute Benches from time to time.

(6) The decision of the Bench is to be made according to the opinion of the majority of the Bench.

Provided that if the member of a Bench consisting of an even number differ in opinion on any point, they shall state the point or points on which they differ and make a reference to the Chairperson who shall either hear the case or refer the case to another Bench for decision.

(7) While hearing the appeal, the Bench shall consider the grounds of appeal and shall decide the case accordingly.

(8) Orders of State Food Commission on appeal shall be signed and dated by the Members thereof hearing the appeal and shall be communicated to the parties free of charge.

**11. Financial powers of the State Food Commission:** (1) The State Food Commission shall be responsible for expenditure for the funds received by it for the purposes of the implementation of the Act.

(2) The Chairperson shall have all powers relating to financial transaction of the State Food Commission, except in cases which require prior approval of the Government.

(3) The Chairperson shall obtain prior approval of the Government in the matters of creation of posts, revision of pay scales, procurement of vehicles, re-appropriation of funds from one head to another, permitting any officer of the State Food Commission to participate in seminars, conferences or training programme abroad and such other matters as may be determined by the State Government, by order.

(4) The Chairperson shall, subject to such conditions and limitations, control and supervision, have powers to delegate his financial powers to the Member-Secretary of the State Food Commission or to any officer of the said State Food Commission who shall be not below the rank of Group B.

Provided that no such powers shall be delegated in respect of incurring an expenditure on an item exceeding rupees twenty-five thousand.

(5) The Chairperson with the prior approval of the Government shall have powers to engage any person or persons as consultant or consultants for a specific purpose and for a specific period on the terms and conditions agreed in advance with that person relating to honorarium, traveling allowance and dearness allowance.

(6) The Member-Secretary shall have powers to execute all decisions taken by the Chairperson on his behalf relating to financial matters.

(7) All financial powers of the State Food Commission shall be governed by delegation of financial powers, rules and circulars, orders, instructions as may be issued by the Finance Department of the Government from time to time, in this behalf.

By Order of the Governor

MADHUSUDAN PADHI

Principal Secretary to Government