



Government of Jammu And Kashmir  
Department of Food, Civil Supplies and Consumer Affairs  
Civil Secretariat, J & K Srinagar  
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**Subject: WP(Civil)No.857/2015-Swaraj Abhiyan V/s UOI & Ors—  
Formulation of Jammu and Kashmir Food Security Rules.**

**Ref:-** (1) Orders of the Hon'ble Supreme Court dated: 22.03.2017, 26.04.2017 & 21.07.2017 passed in subject writ petition.

(2) Minutes of the meeting held on 17.08.2017 of the State Food Secretaries under the chairmanship of Secretary, F&PD Government of India, Ministry of Consumer Affairs, Food and Public Distribution Department, Department of Food & Public Department.

**GOVERNMENT ORDER NO. 370-FCS&CA OF 2017**

**D A T E D: 22 -09- 2017**

Whereas, the National Food Security Act 2013 was implemented in the State of Jammu & Kashmir vide cabinet decision No. 166/13/2015 dated: 02.12.2015 followed by Government Order No.01-CAPD of 2016 dated 04-01-2016; and

Whereas, the section 40 of National Food Security Act empowered the State Government to make rules in consonance with the Principal Act and rules made by the Central Government under the authority of the Principal Act; and

Whereas, the State Government vide SRO 16 dated: 15.01.2016 designated the State Consumer Dispute Redressal Commission (SCDRC) to exercise the function of State Food Commission (SFC) in terms of section 18 of the Principal Act; and

Whereas, the department vide Government Order No. 06-CAPD of 2016 dated: 15.01.2016 nominated all Deputy Commissioners as District Grievance Redressal Officers (DGRO) in terms of section 15 of the National Food Security Act, 2013; and

Whereas, the department under section 40 of the Principal Act initiated the process of formulation of Jammu and Kashmir Food Security Rule, but in view of fulfillment of certain codal formalities in terms of J&K Business Rules, the draft of the said rules is yet to be finalized; and

*For*  
21/9/17 *[Signature]*

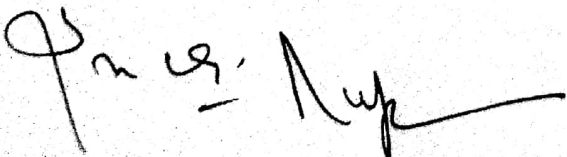
Whereas, the Hon'ble Supreme Court in the subject writ petition titled WP(Civil)No.857/2015-Swaraj Abhiyan V/s UOI & Ors passed certain directions regarding the pattern of formulation of the rules under section 40 of the Principal Act from time to time; and

Whereas; the Government of India, Ministry of Consumer Affairs, Food & Public Distribution Department, Department of Food & Public Distribution vide DO No. 15-5/2016-NFSA dated: 07.08.2017 reiterated the following directions of the Hon'ble Apex Court passed on 21.07.2017:-

- a) To notify appropriate rule for a Grievance Redressal Mechanism under NFSA and designate appropriate and independent official as District Grievance Redressal Officer (DGRO) within a fixed time frame and in any case within this year. Adequate publicity should be given to appointment and designation of DGROs so that any aggrieved person can approach them without fear.
- b) To constitute and establish and make fully functional State Food Commission (SFC) under NFSA before end of the year and to ensure that adequate arrangements are made to provide infrastructure, staff and other facilities for meaningful functioning of SFC, including preparation of annual reports to be laid before State Legislature.
- c) To constitute and establish a functioning Vigilance Committee in terms of Section 29 of NFSA before the end of the year for carrying out its duties and responsibilities.
- d) To ensure that the social audit machinery postulated by Section 28 of NFSA and which is already in place in so far as the MGNREGA Act is concerned is established at the earliest with appropriate modifications to enable every State Government and Union Territory so that a periodical social audit is conducted and NFSA is purposefully implemented for benefit of the people.

Whereas, In the meeting held with State Food Secretaries on 17.08.2017 under the Chairmanship of Secretary F&PD,GOI it was impressed to comply the directions of the Hon'ble Apex Court and update the information pertaining to the implementation of the above said five issues; and

Whereas, the revised draft of the Jammu and Kashmir Food Security Rules have been prepared in light of the direction dated:21.07.2017 of the Hon'ble Apex Court passed in the subject writ petition read with advisories conveyed vide D.O No. 15-5/2016-NFSA dated: 07.08.2017 followed by D.O of even No. Dated; 12.09.2017; and



Whereas, in terms of J&K Business Rules, the revised draft of the 'Jammu and Kashmir Food Security Rules' has been sent to the Department of Law, Justice & Parliamentary Affairs for their vetting; and

Whereas, the draft rules dully vetted by the Department of Law, Justice & Parliamentary Affairs are requires to be get approved from the competent authority in terms of rule 31of J&K business rule, which is a time consuming process.

Now, therefore, in view of the above, facts and circumstances, the sanction is hereby accorded to follow the provisions of the revised draft rules i.e 'J&K Food Security Rules' as given in annexure to this order, in respect of the following subjects till the finalization of 'J&K Food Security Rules' to be notified in terms of section 40 of 'National Food Security Act, 2013':-

- I. Grievance Redressal Mechanism.
- II. Powers of the State Food Commission.
- III. Procedure for meeting of State Food Commission.
- IV. Composition of Vigilance Committees.
- V. Social Audit.

**By order of the Government of Jammu and Kashmir**

**Sd/-**

**(Shafiq Ahmed Raina ) IAS**

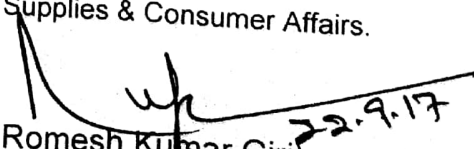
Commr./Secretary to Government  
Department of Food, Civil Supplies and  
Consumer Affairs

**No:- CAPD/Legal/27/2016**

**Dated:- .09.2017**

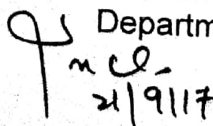
**Copy to the:-**

1. Secretary, Government of India, Ministry of Consumer Affairs, Food and Public Distribution Department, Department of Food & Public Department, Krishi Bhawan, New Delhi, 110001.
2. Director General of Police, J&K, Srinagar.
3. Divisional Commissioner, Kashmir/Jammu.
4. Director, Department of Food, Civil Supplies & Consumer Affairs, Jammu/Kashmir.
5. All Deputy Commissioners.
6. Director Archives, Archeology & Museum, Srinagar.
7. Pr. Private Secretary to the Hon'ble Minister for Department of Food, Civil Supplies & Consumer Affairs and Information Department for kind information of the Hon'ble Minister.
8. All Assistant Directors, Department of Food, Civil Supplies & Consumer Affairs.
9. Private Secretary to Commissioner/Secretary to the Government, Department of FCS&CA for information of the Commissioner/ Secretary.
10. Incharge Website, Department of Food, Civil Supplies & Consumer Affairs.
11. Government order file (W2SC).
12. Monday return file.

  
(Romesh Kumar Giri)

Under Secretary to the Government

Department of Food, Civil Supplies and  
Consumer Affairs

  
21/9/17

ANNEXURE TO THE GOVERNMENT ORDER NO. 37 OF FCS&CA of 2017  
DATED: 22-09/2017

I. Grievance Redressal Mechanism:-

(a) Internal Grievance redressal mechanism:-

- (1) For the purpose of section 14 of the Act, all the Inspectors or TSOs of Department of Food Civil Supplies and Consumer Affairs in their respective block or tehsil, the Assistant Directors, Department of Food Civil Supplies and Consumer Affairs in the respective district, and the officer in charge of the Food Distribution section in Directors, Department of Food, Civil Supplies and Consumer Affairs not below the rank of Joint Director Department of Food Civil Supplies and Consumer Affairs in the respective Division, shall function as Nodal officer for Internal Grievance Redressal Mechanism.
- (2) The Nodal Officer under sub-rule (1) shall monitor all the complaints received through online ePDS portal available on the department's website or through the telephonic help line setup in this regard or receive personally shall forward the same to the concerned District Grievance Redressal Officer for their redressal.
- (3) Any person; or body of persons; are institution dealing with the matter of Consumer Welfare can lodge a complaint, with the concerned block or tehsil level Nodal Officer, as the case may be.
- (4) There shall be a call center based help line with toll – free Number to be established in the offices of Director 's Department of Food, Civil Supplies and Consumer Affairs for registering complaints and providing information to the public.  
Provided that the complaints relating to Non-Distribution of entitled food received by the concerned block level or tehsil level Nodal Officer, as the case may be, shall be referred to the concerned District Grievance Redressal Officer (DGRO) within seven working days with intimation to the complainant.
- (5) On receipt of complaint through any mode, it shall be entered into complaint register and printed acknowledgment slip bearing date and number shall be issued to the complainant or his authorized representative forthwith, as the case may be.

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- (6) The block level Nodal Officer shall immediately place all such complaints received from any person; or body of persons; or institution, as the case may be, before the concerned District Grievance Redressal Officer for disposal.
- (7) The complainant shall be informed in writing or through e-mail or telephonically, as the case may be, about the manner in which grievance has been redressed.

**(b) District Grievance redressal Officer:-**

- (1) For the purpose of section 15 of the Act, the concerned Deputy Commissioner or an Officer not below the rank of Additional Deputy Commissioner shall be function as ex-officio District Grievance Redressal Officer in the respective jurisdiction for expeditious and effective redressal of grievances of the aggrieved persons in matter relating to distribution of entitled food grains under Chapter-II of the Act.
- (2) The District Grievance Redressal Officer shall hear complaints referred to him by the Nodal Officers, under Sub-Rule (6) of rule 4 or directly lodged with him or suo motto taken by him, for expeditious and effective redressal of grievance of aggrieved persons in the matters having nature of deficiency; short coming; corruption or mismanagement in distribution of entitled foodgrains to the entitled household and matters relating to distribution of entitled food grains under Chapter II of the Act.

Provided that the District Grievance Redressal Officer in case of complaint(s) received either in writing through post or through Helpline Call Centre Toll Free Number or through e-mail, as the case may be, shall cause verification of the Complaint received in order to avoid ambiguous complaint by issuing notice to the complainants in writing.

**(c) Procedure for disposal of complaints –**

- (1) For every complaint received, the District Grievance Redressal Officer shall verify whether there is a prima-facie substance in the complaint to proceed in the matter.
- (2) If the District Grievance Redressal Officer is satisfied, that there is prima-facie substance in the complaint, he shall seek explanation in the matter from concerned officer(s) against whom complaint has been made, alongwith relevant documents. The requisite explanation and documents shall be furnished by the concerned officer(s) against whom complaint has been made, to the District Grievance Redressal Officer, within fifteen days.

*Handwritten signature/initials*

- (3) Based on the explanation of concerned officer(s) against whom complaint has been made, and the available documents, if the District Grievance Redressal Officer is satisfied about the veracity of the grievance, he shall issue necessary order for its redressal within thirty days from the date of receipt of the complaint. District Grievance Redressal Officer shall dismiss the complaint, in case no merit is found.
- (4) In the case of genuine grounds for disagreement between the parties on the claims made in the complaint, the District Grievance Redressal Officer shall issue notices to all parties in the matter about fixing date, time and place for the hearing. The officer may also, at the request of the parties or suo-moto, adjourn the proceedings to some other date with or without cost.
- (5) On the date fixed for hearing the District Grievance Redressal Officer shall hear the parties and take such evidence as may be give by them. After hearing all the parties and taking into consideration the evidence during the hearing, the officer shall pass suitable order within sixty days from the date of receipt of complaint.

Provided that if, on the date of hearing fixed by the District Grievance Redressal Officer, the complainant is absent, he may dismiss the complaint. However, if, on the date fixed by him the defending party is absent, he may proceed to enquire the matter ex-parte and decide accordingly.

- (6) The complainant must be informed of the decision on his complaint in writing or through electronic mode.
- (7) If the grievance redressal officer is of the opinion that the disposal of the complaints requires more than prescribed under clauses (3) and (5) above, the complainant shall be sent an interim reply citing the reasons for delay.
- (8) District Grievance Redressal officer shall have all the powers of a Civil Court while trying a civil suit under the code of Civil Procedure – SVT. 1977 (1929 AD), and in particular, in respect of the following matters; namely-
  - (i) Summoning and enforcing the attendance of any person and examining him on oath;
  - (ii) Discovery and production of any document;
  - (iii) Receiving evidence on affidavits;
  - (iv) Requisition of any public record or copy thereof from any court or office; and
  - (v) Issuing commissions for the examination of witnesses or documents.

*For use*

- (9) The DGROs may refer the complaints to any related authorities for causing enquiries 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 personal hearing.
- (10) The DGROs shall resort to summary procedure and will dispose of the complaint by giving all concerned and opportunity of hearing.
- (11) The DGROs 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 Food Commission.
- (12) The DGROs shall take all necessary administrative assistance from, the concerned Assistant Directors; inspector; or TSO of Department of Food, Civil Supplies and Consumer Affairs, as the case may be, while disposing of such complaints.

**(d) Powers of District Grievance Redressal Officer. –**

- (1) The District Grievance Redressal Officers, while enquiring into complaints, shall have powers to require any person-
  - (i) to produce before, and allow to be examined such books, accounts, documents or any other material in custody or under control of the persons so required as may be specified in the requisition;
  - (ii) to furnish such information as may be required.
- (2) The District Grievance Redressal Officer can issue appropriate orders in disposing of the complaints received under sub-section (1) of section 15.
- (3) While deciding a complaint, the District Grievance Redressal Officer can recommend the action to be taken by the competent authority against the fair price shop owner or the employee of the Department concerned, if found to be responsible, according to the provisions of these rules.

**(e) Monitoring the disposal of complaints –**

Disposal of complaints shall be monitored by the Administrative Secretary to the Government Department of Food, Civil Supplies and Consumer Affairs, at least once in a month.

**(f) Appeal.-**

- (1) Any person aggrieved from an order passed by the District Grievance Redressal Officer may prefer an appeal before the State Food Commission within 30 days of the order.

*Pr. S. Nup*

- (2) An appeal under sub-rule (1) shall be accompanied by such documents and fee as may be prescribed by the State Government.

**II. Powers of the State Food Commission.** – The State Food Commission shall have the following powers, namely:-

- 1) Constitute bench for deciding the appeal filed against the orders of District Grievance Redressal Officer;
- 2) Inspect or cause to be inspected, the non-compliance of policy decisions of the Government relating to the Act;
- 3) Organize regional camps for building awareness about benefits and entitlements under the Act and define measures for redressal of grievance;
- 4) appoint, in consultation with the Government, consultants and technical Staff to assist the State Food Commission ; and
- 5) lay down procedure for day-to-day functioning.

**III. Procedure for meeting of State food Commission:-**

- (1) The State Food Commission shall meet once in every month in its office at such time as the Chairperson may thinks fit.
- (2) The quorum for the meeting of the State Food Commission shall be four.
- (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.

**IV. Composition of Vigilance Committees:-**

- (1) For the purpose of section 29 of the Act, there shall be vigilance committee at Village Level, Block Level, District Level and State Level in the following manner namely;

- i. Composition of Village/Ward level committee.-The Village/Ward level vigilance Committee shall be constituted as follows:-

Rural	Urban
Sarpanch of Panchayat concerned	Concerned Member Municipal Ward
Lambardar of Village	Ex- Member Municipal Ward
Prominent Educated Person of the Village to be nominated by the concerned AD FCS&CA Department.	Prominent Educated Person of the ward/Locality to be nominated by the concerned AD FCS&CA Department.

- ii. Composition of Block Vigilance Committee:-The Block level Committee shall be headed by the Ex. MLA/MLC (to be nominated by the Government) as its Chairman and will

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comprising of other five-six prominent ration card holders attach to the FPS, local bodies, social workers etc.(to be nominated by the TSO concerned)as members. The Block Level Vigilance Committee shall perform the functions as prescribed under section 29(2) of the Act, and accordingly shall submit their report about the functioning of FPS and other related problems.

- iii. Composition of District Level Vigilance Committee:- Each District Level Committee will comprise of about 10 members from the different segments like beneficiaries groups, social/consumer organizations, people's elected representative to be nominated by the Director Department of Food, Civil Supplies and Consumer Affairs of the respective division and shall be presided over by the Ex-Ministers of the respective District or senior most Ex-MLA/MLC to be nominated by the Government. The Chairman of District Level Committee has also been authorized to redress/solve the problems at his level to the maximum extent and whenever, it is not possible, he would refer the same with his recommendation to the State Level Committee.
- iv. Composition of State Level Vigilance Committee:- The State level Vigilance Committee shall be headed by the Minister Incharge for Department of Food Civil, Supplies and Consumer Affairs and 20-25 other members representing each district and having due representation to the local authorities, the scheduled Castes, the scheduled Tribes, women and destitute persons to be nominated by the Government shall perform the functions enumerated under section 29(2) of the Act.

(2) The Vigilance Committees shall perform such functions and have such powers as are prescribed under section 29 of the Act.

**V. Social Audit:-**

- (a) For the purpose of section 28 of the Act, the Vigilance Committees constituted under Clause I shall conduct the periodic Social Audit on the functioning of the Fair Price Shops and Government sale depots as the case may be.
- (b) **Process for conducting social audit.-**
  - (1) In order to ensure transparency in the implementation of Public Distribution System ,all targeted Public Distribution System related records shall be make available to the general public. The social audit shall be conduct in the following manner:-
    - (i) All records related to allotment, storage and distribution of ration commodities under Public Distribution System at Fair Price Shops shall be placed in the village level meeting of vigilance committee to be held on 15<sup>th</sup> August and 26<sup>th</sup> January every year for social audit.

*P. S. Nup*

- (ii) In rural areas, documents of intervening period between the village level meetings specified in the sub clause (i), shall be placed in the next village level meeting of vigilance committee by Fair Price Shop owner and Food Inspector in – charge for social audit.
  - (iii) After audit of documents by the village level vigilance committee, the report along with recommendation shall be submitted to block level vigilance committee. After examination by block level vigilance committee. After examination by block level vigilance committee, recommendation shall be forwarded to district level vigilance committee for further necessary action.
  - (iv) In urban areas, the urban local body shall hold meeting on the fixed date and shall conduct social audit. The meeting at ward level shall be conducted at least once in six months for social audit compulsorily.
  - (v) Documents of last 06 months shall be submitted by Fair Price Shop owner and Food Inspector in-charge to the ward level vigilance committee for social audit in urban areas.
  - (vi) After audit of documents at ward level meeting in urban areas, the report along with recommendation shall be submitted to block level vigilance committee. After examination by block level vigilance committee, recommendation shall be forwarded to district level vigilance committee for further necessary action.
  - (vii) After compiling the social audit report of Fair Price Shop, necessary examination shall be made at district level and concerned District Magistrate shall take further necessary action. Action taken on the social audit report shall be forwarded to concerned Directorates and Administrative Department.
- (2) The action taken report relating to the previous social audit shall be read out at the beginning of the village level or ward level meeting, as the case may be, of each social audit.

  
(Romesh Kumar Giri)

Under Secretary to the Government  
Department of Food, Civil Supplies and  
Consumer Affairs