

**GOVERNMENT OF NAGALAND  
FOOD AND CIVIL SUPPLIES DEPARTMENT**



**NAGALAND FOOD SECURITY RULES  
2016**

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FOOD & CIVIL SUPPLIES DEPARTMENT**

In exercise of the powers conferred by sub-section (1) of section 40 of the National Food Security Act, 2013 (No. 20 of 2013) The State Government of Nagaland hereby makes the following rules namely: - "Nagaland Food Security Rules, 2016"

**Chapter-1  
Preliminary**

**1. Title, extent and commencement.**

- (i) These rules may be called the Nagaland Food Security Rules, 2016.
- (ii) They shall extend to the whole State of Nagaland.
- (iii) They shall come into force from the date **of notification published (publication)** in the official gazette.

**2. Definition.**

- (1) In these rules, unless the context otherwise requires,
  - (i) "Act" means the National Food Security Act, 2013.
  - (ii) "Chapter", "Section" and "Schedule" means the chapter, section and schedule of the Act.
  - (iii) "Household" will mean a nuclear family comprising a father, mother and children, dependent parent, single women which will include widow, abandoned, separated, divorced or un-married woman over 35 years with or without their dependent children disabled with or without their dependent children and even if, they have common roof or hearth it will be treated as a separated household for the purpose of the Act.

- 3. All words and expression not defined here but defined in the National Food Security Act, 2013; Essential commodities Act, 1955 or any other relevant Act shall have the same meaning respectively assigned to them in those Acts.

- (d) Identification of Priority Household shall be based upon inclusion & exclusion criteria to be determined by the State Government from time to time.

**6. List of eligible households for the purpose of section 10 (2).**

- (a) The State Government will identify the list of eligible households based on criteria laid out in section 9 and section 3(2)

- (b) The State Government shall annually update the list of eligible beneficiaries based on the ratification received from Village Councils/ Urban Committees.

Provided further that the State Government may take into consideration the social and economic data captured by the Census of India for the purpose of identification of eligible beneficiaries under the Act.

- (c) Any person, organization or Government authority who has reasonable cause to believe that any person/household or a group of persons/group of households who should have been included in the priority/AAY category and their names has been included in the list relevant to that category; or any person/household or a group of persons/group of households who should not have been included in the priority/AAY category and their names has been included in the list relevant to that category; may file a complaint with a competent authority for inclusion or elimination, as the case may be, of names of such persons/households.

**7. Identification of beneficiaries in priority category.**

- (a) Notwithstanding anything contained in the rules and the NFSA, and subject to provisions thereof, the State Government may from time to time, prescribe criteria for exclusion of households for entitlement under section 3 of the Act.

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Provided that all households belonging to the following categories shall be designated as excluded households.

- (b) All such families/households residing in urban areas who fulfill any of the following criteria shall not be included in the priority category for the purpose of entitlements under section 3 of the Act.

i. Family having a government employee (except contractual employees/ Fixed Payee/ Casual Labour/ daily wagers/ Anganwadi/ ASHA employee/ Home-guard/ community Health Volunteer/ Grade-IV staff).

ii. Any family having Income Tax/ Service Tax Payer.

iii. Total income of the family from all sources is more than 2.5 Lakh per annum.

iv. Any family having more than one of the following movable assets: -

(i) 4-wheeler motorized vehicle.

(ii) Air conditioner.

v. All such households who owns such a pucca house in urban areas, which has a carpet area of more than one thousand square feet, and or liable to pay property as per prevailing rules of the local bodies.

**Public Domain**

**8. Display in Public Domain for the purpose of section 11.**

- (a) On completion of each identification process, it shall be displayed prominently and placed in public domain the list of names of persons and households for inclusion in 'priority' or, 'Antyodaya' category.

- (b) The lists of names of eligible households will be displayed at the Village Council/ Urban Committees and Ration shops prominently.

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i. If he finds any complaint carries substance, may give such directions and relief as enumerated in sub-rule (c) below for compliance with the entitlement granted the Act.

ii. If he/she finds the complaint does not have any substance, discharge the notice.

(e) The directions and relief that can be provided by the DGRO shall be as follows:

i. Direction for provision of the entitlement not provided within such period not exceeding thirty days; or

ii. Direction for payment of food security allowance within such period not exceeding thirty days.

iii. Direction regarding supervision by an appropriate person/representative, of such provision or payment, as the case may be, under clause (a) (b) above.

iv. Any other appropriate direction.

Provided that such direction shall not include payment of penalty by any public servant and provided further that such direction shall not be inconsistent with the Act.

(f) The process followed by the DGRO for the enquiry shall be-

i. He will verify whether there is a prima-facie substance in the complaint to proceed in the matter,

ii. If he is satisfied, that there is a prima-facie ground to proceed in the matter, he shall issue a notice to all parties in the case about fixing date, time and place for the hearing;

iii. On the date fixed for hearing, he shall hear the parties and take such evidence as may be given by them;

iv. If the complainant or his authorized representative is absent, he may dismiss the complaint;

v. If the defending party is absent, he may proceed to enquire the matter ex-parte and decide accordingly;

vi. He may, at the request of the parties or Suo-motu adjourn the proceedings to some other date with or without cost;

vii. After the enquiry, the DGRO shall give his judgement, which shall clearly state in writing the reasons for his judgement.

(g) The District Grievance Redressal Officer shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 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. Requisitioning any public record or copy thereof from any Court or Office; and

v. Issuing commissions for the examination of witnesses or documents.

#### 11. Appeal against DGR Officer's order:

(a) Any person aggrieved from an order passed by the DGRO may prefer an appeal before the Commission within 30 days of the order.

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

#### 12. State Food Commission:

(a) The State Food Commission shall be constituted in accordance with the provisions of section 16 (2) and (3) of the Act for the purpose of monitoring and review of implementation of the Act. For constitution of the State Food Commission, a Selection Committee shall be constituted consisting of the following officials.

i. Chief Secretary, Govt. of Nagaland : Chairman

ii. Secretary, Social Welfare : Member

iii. Secretary, F&CS : Member Secretary

(b) The Selection Committee shall select from the panel of names for the appointment of the Chairperson and other two members, one member of which shall be woman.

The Chairperson and other members shall be appointed from amongst persons

- i. Who are or have been member of IAS or any other Civil Services of the State or holding executive post under the 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;
- ii. Of eminence in public life with wide knowledge and experience in agriculture, Law, Human Rights, Social Service, management, nutrition, health, food policy or public administration.\
- iii. Who have a proven record of work relating to the improvement of food and nutrition rights of the poor.

(c) The chairperson and every other member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for reappointment to a maximum of two(2) five year terms or till the age of 65 years, whichever is earlier.

(d) The salaries and allowances or remuneration payable to and other terms and conditions of service of the Chairperson shall be as per the format displayed.

### **SCHEDULE- III**

#### **The salaries and allowances or remuneration payable to the Food Commission employees**

Sl. No	Particulars	Per month fixed (in rupees)
1.	Chairman	Rs. 50,000/-
2.	2 Members	Rs. 40,000/- x2 = Rs. 80,000/-
3.	Stenographer	Rs. 20,000/-
4.	LDA cum Computer Assistant	Rs. 15,000/-
5.	Office Peon cum Chowkidar	Rs. 8,000/-

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(e) The Commission shall have the following administrative staff for proper functioning of the Commission.

- (i) One Stenographer,
- (ii) One LDA- cum - Computer Assistant.
- (iii) One Office Peon cum Chowkidar

(f) i. The Commission shall meet formally at least once in a month in the Head Quarter or its Office in other places as per the necessity for implementation of the Act.

ii. The member secretary of the State Food Commission shall be a cadre of Joint Secretary or above of the Food & Civil Supplies Department and shall be appointed on Ex-officio basis by the State Government.

iii. The Member Secretary shall be the Chief Executive Officer of the Commission and shall exercise such powers and discharge such functions, as delegated by the Commission.

iv. The Chairperson may entrust the Member Secretary to call a meeting to be held at such time and place as may direct. In addition, any member of the Commission may request for a meeting at any time by sending a notice in writing to the other members with a copy to the Member Secretary. The notice of all meetings shall be given to the members in writing.

v. In case of difference of opinion among the members, the opinion of the majority shall prevail. Each member shall have one vote only.

vi. All decisions, directions and orders of the Commission shall be in writing and shall be supported by reasons. Copies of the same shall be available for inspection in the website of the Commission and in a manner as the Commission may specify.

vii. When the Chairperson of the Commission is unable to discharge the functions owing to absence, illness or any other cause, the next senior member of the Commission shall discharge the functions of the Chairperson, until the day on which the Chairperson assumes the charge of his functions.

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- (g) The Chairperson or any member may, by notice in writing addressed to the Governor, resign from the office
  - (h) The State Government shall ensure that all the vacancies are filled and is constituted fully with all the members as provided in section 16(1) of the Act. On account of any vacancy arising out of either resignation or termination or retirement of any member, the Government shall fill the vacancy within a period of not more three months from the date of arising of the vacancy, ensuring due representation of women members as stipulated in the Act.
13. (a) The Head Quarter of the Commission shall be at Kohima as the State Government may, by notification in the Official Gazette specify and the Commission may, with the previous sanction of the State Government, establish at other places in the State.
- (b) The Commission shall be provided by the State Government with all required physical infrastructure and office amenities and equipments for carrying out its functions smoothly like conduct of meetings and hearing appeals, receiving and processing complaints and reports, preparation of reports, undertaking any research and impart studies etc.
14. The salaries and allowances payable to the members and the administration expenses, including salaries, allowance payable to or in respect of the officers and other employees of the Commission shall be charged from the consolidated fund of the State.
15. The Commission shall have the following powers in addition to the powers provided in section 20 of the Act, for performing its functions.
- (a) Subject to the provisions of the Act and the Rules there under, the Commission shall have the power to lay down its own procedure.

- (b) To hear appeal over the decisions of the District Grievance Redressal officers. The appeal shall lie within 30 days from the date on which the decision should have been made by or was actually received from the Office of DGRO.
- (c) While making a decision on the appeal or the complaint, the State Food Commission has the power to require the DGRO or any officer responsible for providing any entitlement under the Act to comply with the provision of the Food Security Act-
  - (i) Issue of ration cards or eligibility cards upon satisfying the eligibility criteria;
  - (ii) Right to receive food grains at subsidized prices by persons belonging to eligible households under TPDS or ANTYODAYAANNA YOJANA;
- (d) To summon DGRO or any other officer involved in the implementation of the Act when a grievance/complaint is received or whose presence is felt necessary for disposal of any matter before the Commission.
- (e) To necessitate the presence of the Department officials and implementation staff for any review meeting or training or any other related event.
- (f) To direct any official to act in pursuance of objectives of the Act or to perform any functions necessitated to implement the provisions of the Act.
- (g) To decide on the appeals and complaints received and direct the appropriate authority to act accordingly.
- (h) To award penalties as provided in the Rules for defaults or breach of provisions of the Act as decided by the Commission.
- (i) To visit and inspect any stock and delivery point, fair price shop, local authority, Office of DGRO or any other office performing designated functions related to the implementation of the Act.
- (j) To commission any studies or enquires in pursuit of better understanding of the implementing, impact of the Act and for necessary improvements in the implementation processes.

16. All orders and decisions of the Commission shall be authenticated by the Member Secretary or any other officer of the Commission duly authorized by it on its behalf.

17. The complainant may approach the State Food Commission by himself directly, in matter relating to distribution of entitled food grains or other entitlements as per the Act. In case the complaint is not redressed by the orders passed by the DGRO.

18. If the State Food Commission has passed any strictures against the nodal officer/DGRO, they shall be communicated to their HOD's on record for necessary action.

**19. Vigilance Committee:**

- (a) The Vigilance Committee constituted at different levels shall effectively function on the due dates.
- (b) The Vigilance Committee shall consist of 3 or 4 members and be in existence for three years tenure with effect from its constitution.

**20. State level:**

- (a) The Secretary of Food and Civil Supply Department shall be the Vice-Chairman.
- (b) The Director, Food and Civil Supply Department shall be the Convener.
- (c) The Additional Controller/HOD, Legal Metrology & Consumer Protection, Department- member

**21. District level:**

- (a) The Deputy Commissioner shall be the Chairperson.
- (b) The Assistant Director, F&CS- Member Secretary.
- (c) The Chairman, Municipal Council or District Council - Member
- (d) NGO/Consumer Organization - Member

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**22. Sub Division level:**

- (a) ADC/SDO(C) – Chairperson
- (b) Inspector/Sub-Inspector- Member/Secretary
- (c) Chairman, Town Council Member- Member
- (d) NGO/Consumer Organization- Member

**23. FPS Level:**

- (a) The Village Council Chairman shall be the Convener
- (b) Ration Cards holder- Member
- (c) GB- Member

**24. Social Audit:**

- (a) The Additional Deputy Commissioners (ADCs) of respective sub-divisions have been authorized to conduct Social Audit as may be directed from time to time, on the functioning of Fair Price Shops (FPSs), Targeted Public Distribution System (TPDS) and other Welfare Schemes (OWS).
- (b) The Social Audit Committee so constituted shall conduct the audit of the implementation of schemes under the Act in accordance with the guidelines as may be notified.
- (c) Before the Social Audit is conducted a notice of 15 days shall be given to the concerned public authorities.

**25. Records in Public Domain: (Schedule-1)**

- (a) Guidelines notified by the State Government for identification of Eligible Priority Households, Lists of Beneficiaries under Antyodaya Anna Yojana Households or Eligible Priority Households for public distributions under Targeted Public Distribution System under section 3 of the Act, 2013, Duty to purify the data based on Aadhaar Seeding, the entitlement of food grains including quantity and price of beneficiaries. Details of Fair Price Shops.
- (b) All documents and records shall be opened for Public Domain on the web portal maintained for their purpose. Apart from setting up of transparency Portal i.e.,

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fcs.nagaland.gov.in, 2 (Two) Toll Free Numbers i.e.,  
i) 1800 3453 705 and ii) 1800 3453 704 have been  
connected to address the grievances of the beneficiaries.

- (c) Any person may request copies of the records after paying  
such fees as may be prescribed by the State Government.

#### “Schedule- I”

List of places where documents shall be kept open for inspection.  
(see Rule:25)

Sl. No.	Level at which records to be maintained	Concerned office	Concerned officer
1	2	3	4
	Documents related to Targeted Public Distribution System		
1.	State Level Records	Secretary Food and Civil Supply	Director Food and Civil Supply
2.	District Level Records	Assistant Director Supply (ADS)	Inspector Supply
3.	Village Level Records	Village Council	Chairman/VDB Secretary
4.	Ward Level Records	Municipal/Town Committee	
5.	Fair Price Shop Records	Fair Price Shop	

#### Chapter-IV MISCELLANEOUS

##### 26. Payment of Food Security Allowance:

- (a) The principles to fix responsibility for failure to provide the entitlement as required by the Act shall be as per schedule- II.  
(b) In case of failure to provide the entitlement as required by the Act, the beneficiary shall be paid such Food Security Allowance as notified under the provision of section 8 and section 39 of the Act.

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#### “Schedule - II”

Fixation of responsibility at various levels in Targeted Public Distribution System (see rule 21 (1))

Level (1)	Required Action (2)	Responsibility (3)
First	1. Forwarding of documents for allotment for eligible households at least 3 months before the start of year	Secretary of Food and Civil Supply Department.
	2. Issue of yearly allotment by GOI at least 2 months before the start of year.	Director of Food and Civil Supply
	3. Communicating yearly allotment received from GOI to the MD/District Managers/ADS.	Secretary, Food and Civil Supply Department
	4. Deposit of money by Civil Supply/ Food and Civil Supply.	Assistant Director Supply
	5. Issue of Release Order (RO) by Secretary, Food and Civil Supply	Assistant Director Supply (At least 10 days before the month of lifting)
Second	6. Lifting of food grains from the godown of Food Corporation of India.	Assistant Director Supply
Third	7. Deposit of money by Fair Price Shop (FPS) owners for lifting of food grains.	Inspector
	8. Lifting of food grains from godown	//
	9. Distribution of food grains by Fair Price Shop owner to beneficiaries.	//

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**27. Funding of Expenditure:**

The State Government shall bear from its exchequer all expenses incurred in implementation of these Rules and the Act, beyond the expenses borne by the Central Government under cost sharing and assistance, as per section 7 and section 22 (4) (d) respectively.

**28. Modification of Rules:**

Any amendment of these Rules shall be made as per section 40 of the Act.

**29. Power to remove difficulties:**

- (a) If any difficulty arises in giving effect to the provisions of these Rules, the State Government may, by order, publish in the Official Gazette by making such provisions, not inconsistent with the provisions of the Act, and these rules, as appear to it to be necessary or expedient for removing the difficulty;
- (b) Every order made under this rule shall be laid, as soon as may be after it is made, before the State Legislature.