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NOTIFICATION

No.B.12012/1/2016-FCS&CA, the 10th October, 2019. In pursuance to decision of Council of Ministers vide letter NO.J.11011/1/2019-POL/Vol-IV dt.3.10.2019 and in exercise of the powers conferred by sub-section (2) of section 40 read with sub-section (5) of section 16 of the National Food Security Act, 2013 and as required under sub-section (1) of section 40 of the National Food Security Act, 2013, having invited objections or suggestions on the proposals contained in the Draft Notification published in the Mizoram Gazette Extraordinary, Issue No. 489 vide No.B.12012/1/2016-FCS&CA dated 16th July, 2019 and with expiry of 30 (thirty) days from the date of publication, the Governor of Mizoram hereby notifies the Mizoram State Food Commission (Procedure for Appointment of Chairperson, Members and Staff and the Conditions of Service) Rules, 2019.

1. Short title, extent and commencement.-

- (1) These rules may be called the Mizoram State Food Commission (Procedure for Appointment of Chairperson, Members and Staff and the Conditions of Service) Rules, 2019.
- (2) They shall come into force from the date of publication in the Official Gazette.
- (3) They shall extend to the whole of Mizoram.

2. Definitions.-

- (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the National Food Security Act, 2013.
 - (b) "State Food Commission" means the Mizoram State Food Commission as notified vide Notification No.B.12012/1/2016-FCS&CA dt.3.10.2018.
 - (c) "Government" means Government of Mizoram.
 - (d) "Chairperson" means the Chairperson of the State Food Commission.
 - (e) "Member" means the member of the State Food Commission.
 - (f) "section" means section of the Act.
- (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, other Members and Member Secretary of the Mizoram State Food Commission.-

- (1) Every appointment under Sub-Section (2) of Section-16 of the Act 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 – Government of Mizoram. | Chairman |
| 2. | Secretary, Department of Personnel & Administrative Reforms – Government of Mizoram. | Member |
| 3. | Secretary, Law & Judicial Department – Government of Mizoram. | Member |
| 4. | Secretary, Food, Civil Supplies & Consumer Affairs Department – Government of Mizoram. | Member Secretary |

- (2) The Selection Committee shall select and recommend a panel of names, within such period as may be fixed by the State Government, to the State Government, for appointment of the Chairperson, other Members and Member Secretary of the State Food Commission;
- (3) While selecting the names of the Chairperson, other Members and Member Secretary of the State Food Commission, due regard shall be given to the provisions of Section 16 of the Act.

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

- (1) The Chairperson and every other member shall hold office for a term not exceeding 5 (five) years from the date on which he enters upon his office unless removed earlier and shall be eligible for re-appointment, provided that no person shall hold office as the Chairperson or other member after he has attained the age of 65 (sixty-five) years;
- (2) Subject to sub rule (1), 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 shall hold such office on deputation.

5. Salaries and Allowances of Chairperson, Member and Member Secretary of the State Commission.-

- (1) The Chairperson shall receive an honorarium of Rs. 30,000.00 (Rupees thirty thousand) (fixed) per month;
- (2) The members shall be paid an honorarium of Rs. 20,000.00 (Rupees twenty thousand) per month subject to revision by the State Government from time to time;

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

- (1) The State Food Commission shall, while inquiring into any matter referred to in clause (b) and (e) of sub-section (6) of section 16, of the National Food Security Act, have all the powers of Civil Court while trying a suit under the Code of Civil Procedure, 1908, and, in particular, in respect of the following matters, namely:
- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) issuing commissions for the examination of witness or documents.
- (2) The State Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall

proceed to hear the complaint against the accused as if the case has been forwarded to him under Section-346 of the Code of Criminal Procedure, 1973;

- (3) Inspect or cause to be inspected, the non-compliance of policy decisions of the Government relating to the Act;
- (4) Organize regional camps for building awareness about benefits and entitlements under the Act and define measures for redressal of grievance;
- (5) Lay down procedure for day-to-day functioning.

7. Procedure of meetings.-

- (1) The State Food Commission shall meet once in every month in its office at such time as the Chairperson thinks fit;
- (2) The quorum for the meeting of the State Food Commission shall be 4 (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.

8. 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:-

- (1) Execute all decisions taken by the State Food Commission in exercise of its powers and functions as the State Food Commission;
- (2) 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;
- (3) Convene the meetings of the State Food Commission in consultation with its Chairperson and cause service of notices of the meetings to all concerned;
- (4) 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;
- (5) Make available records covering the agenda items to the State Food Commission for reference;
- (6) Ensure that the agenda papers are circulated to the members at least before three clear working days in advance of the meeting, except in cases when urgent attention is required;
- (7) 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;
- (8) Ensure that the procedure of the State Food Commission is followed by it in transaction of its business;
- (9) Take up all such matters with the Government for release of grants; creation of posts, revision of pay 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;
- (10) Exercise such financial powers as may be delegated to him by the Chairperson on behalf of the State Food Commission;
- (11) Shall be the appointing and disciplinary authority in respect of officers and other employees of the State Food Commission.

9. 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 from 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 District Grievance Redressal Officer (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 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) Order 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.

10. 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 purpose 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, 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 expenditure on items exceeding Rs. 25,000.00 (Rupees Twenty Five Thousand);
- (4) The Member-Secretary shall have powers to execute all decisions taken by the Chairperson on his behalf relating to financial matters;
- (5) 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 etc.,

H.L. Rochungnunga, IAS,
Commissioner & Secretary to Government of Mizoram,
Food, Civil Supplies & Consumer Affairs Department.