

[Authorised English Translation]

HARYANA GOVERNMENT
FOOD AND SUPPLIES DEPARTMENT

Notification

The 1st July, 2014

No. S.O. 76/C.A. 20/2013/S. 40/2014.—In exercise of the powers conferred by clause (f) of sub-section (2) of Section 40 of the National Food Security Act, 2013, (Central Act 20 of 2013) and with reference to Haryana Government, Food & Supplies Department, Notification No. S.O. 61/C.A.20/2013/S.40/2014, dated 12th June, 2014, the Governor of Haryana hereby makes the following rules, namely:—

Short title and
Commencement.

1. (1) These rules may be called the Haryana Food Security (Method of Appointment, conditions of service of Chairman and Members) Rules, 2014.
(2) They shall come into force on the date of their publication in the Official Gazette.

Definitions.

2. (1) In these rules, unless the context otherwise requires,—
- "Act" means the National Food Security Act, 2013, (Central Act 20 of 2013);
 - "Chairman" means the Chairman of the Commission;
 - "Commission" means the Haryana State Food Commission;
 - "Member" means the member of the Commission;

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

Search
Committee for
appointment of
Chairperson,
Member
Secretary and
other members.
sections 16 and
40.

3. (1) The Chairperson and Members shall be appointed by the Governor by warrant under his hand and seal on the recommendations of the State Government.

(2) The process of selection shall be initiated by the State Government within three months of the coming into force of these rules in the first instance and three months prior to the completion of tenure of the existing Chairperson or Member, as the case may be and shall be concluded within two months.

(3) There shall be a Search Committee consisting of a Chairperson and as many members as appointed by the State Government to assist it while firming up its recommendations for appointment of Chairperson/Members of the Commission. The Search Committee shall function subject to the following namely:—

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The Search Committee in its own wisdom may fix and/or vary the said principles, procedure and criterion at any time. However, while selecting the persons for recommending for appointment as Chairperson or members, it shall consider:-

- (i) in case a candidate belongs to the category provided under clause (a) of sub-section (3) of section 16, he shall be from Class-I Services;
 - (ii) in case a candidate belongs to the category provided under clause (b) or (c) of sub-section (3) of section 16, he shall be a graduate in professional course or post graduate in any stream.
- (4) The State Government may, if it deems fit, require the Search Committee to revisit the principles, procedure and criterion adopted by it and may require the Search Committee to delete, include or vary them as suggested by it and to adhere to such suggestions which shall be binding on the Search Committee.
- (5) (a) The State Government shall retain the prerogative to forward names of persons to be considered by the Search Committee as candidates in the process of making its recommendations and the Search Committee shall consider all such names on their own merits positively.
- (b) The Search Committee may recommend upto three times as many names as the vacancies notified to it to be considered for being filled up. However, the vacancies notified to the Search Committee may be withdrawn, reduced, altered or increased at any point in time prior to the actual appointment of Chairman/Member (s) by the Government at its pure discretion.
- (c) The Search Committee shall prepare its report in an alphabetical order (considering the first name of the candidate) and shall place it before the State Government, with all relevant material of the candidates, for the approval of the name (s).
- (6) The State Government shall be at liberty to select as many person (s) as it deems suitable for being recommended to be appointed as Chairman/Member(s) out of the recommendations so received from the Search Committee and shall not be bound to make all the requisite recommendations out of the recommendations so received from the Search Committee. The State Government, if it deems so to do as fit, shall be at liberty to adopt not less than the requisite number of vacancies as notified to the Search Committee as fit to be recommended by it for being appointed as Chairman/Members out of the recommendations received from the Search Committee.

(7) The office of Chief Secretary, Haryana or any other office/officer appointed by the Chief Secretary shall provide secretarial assistance to the Search Committee.

(8) The Member Secretary of the Commission shall be appointed on deputation as provided under the Act.

Resignation of
Chairperson
and Members.
sections 16 and
40.

4. The Chairperson or any Member may, by notice in writing under his hand addressed to the Governor of the State, resign from his office.

Procedure to be
regulated by
the
Commission.
sections 16 and
40.

5. (1) Subject to the provisions of the Act and the rules made thereunder, the Commission shall have the power to lay down its own procedure.

(2) 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 in this behalf.

Appointment of
the staff and
consultants of
the
Commission.
sections 16 and
40.

6. (1) The Commission shall, in consultation with the State Government, determine the number, nature and categories of other officers and employees required to assist the Commission in the discharge of its functions.

(2) The salaries and allowances payable to the members and the administrative expenses, including salaries, allowances and pensions payable to or in respect of the officers and other employees of the Commission, shall be charged to the Consolidated Fund of the State.

(3) The Commission shall be entitled to appoint, from time to time, consultants required to assist the Commission in the discharge of its functions on terms and conditions to be decided by the Commission in consultation with Government.

Proceedings of
the
Commission.
sections 16 and
40.

7. (1) The quorum for the meeting of the Commission shall be two; Provided that for a meeting of the Commission to review any previous decision taken by the Commission or for consideration of any issue which could not be decided on account of equality of votes in favour of and against the resolution proposed, the quorum for the meeting shall be all members being personally present.

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

(3) The Commission shall be entitled to decide urgent matters by circulation of the papers to members.

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(4) In case of a difference of opinion among the members of the Commission, the opinion of the majority shall prevail and the opinion of the Commission shall be expressed in terms of the views of the majority. Each member of the Commission shall have one vote only. The Chairman shall have no casting or second vote.

(5) All decisions, directions and orders of the Commission shall be in writing and shall be supported by reasons. The decisions, directions and orders of the Commission shall be available for inspection by any person. Copies of the same shall also be made available in a manner as the Commission may specify.

(6) 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.

(7) The Member Secretary shall be the Chief Executive Officer of the Commission and shall exercise such powers and discharge such functions, as delegated to it by the Commission.

(8) The headquarter of the Commission shall be at such place, as the State Government may, by notification in the Official Gazette, specify and the Commission may, with the previous approval of the State Government, establish offices at other places in the State.

8. (1) The salaries and allowances payable to and other terms and conditions of service of—

(a) the Chairperson shall be the same as that of the State Chief Information Commissioner of Haryana State Information Commission;

(b) the Member shall be the same as that of a State Information Commissioner of the Haryana State Information Commission :

Provided that if the Chairperson or a Member, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Chairperson or 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 Member if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation

Pay and allowances of Chairman and Members. Sections 17 and 40.

established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chairperson or Member shall be reduced by the amount of pension equivalent to the retirement benefits:

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

T.V.S.N. PRASAD,
Principal Secretary to Government Haryana,
Food and Supplies Department, Chandigarh