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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Food & Supplies Department

11/A, Mirza Ghalib Street, Kolkata 700 087

NOTIFICATION

No. 2243-FS/Seckt./Food/14R-04/15

Dated: 9th August, 2018.

WHEREAS the draft of the West Bengal State Food Commission (Method of Appointment, Conditions of Service of Chairperson, other Members Secretary and Staff) Rules, 2018 was published in the *Kolkata Gazette, Extraordinary*, PART I, dated the 6th July, 2018 *vide* this Department's notification No. 1232-FS/Seckt./Food/14R-04/15, dated the 6th day of June, 2018, for inviting objections and suggestions from all persons likely to be affected thereby, within fifteen days from the date of its publication as required by sub-section (1) of section 40 of the National Food Security Act, 2013 (20 of 2013);

AND WHEREAS no objections or suggestions have been received by the State Government till date;

NOW, THEREFORE, in exercise of the power conferred by sub-section (1), and in particular, clause (f) and clause (g) of sub-section (2) of section 40 of the National Food Security Act, 2013, the Governor is pleased hereby to make, after previous publication, the following rules, namely:—

Rules

1. **Short title and commencement.** — (1) These rules may be called the West Bengal State Food Commission (Method of Appointment, Conditions of Service of Chairperson, other Members, Member-Secretary and Staff) Rules, 2018.
(2) They shall come into force on the date of their publication in the *Official Gazette*.
2. **Definitions.** — (1) In these rules, unless the context otherwise requires,—
 - (a) "Act" means the National Food Security Act, 2013 (20 of 2013);
 - (b) "Annexure" means Annexure appended to these rules;
 - (c) "Chairperson" means the Chairperson of the State Commission;
 - (d) "Member" means the member of the State Commission;
 - (e) "Member-Secretary" means the Member-Secretary of the State Commission;
 - (f) "section" means the section of the Act;

- (g) "State Commission" means the West Bengal State Food Commission constituted under section 16 of the Act;
- (h) "State Government" means the Government of West Bengal in the Food and Supplies Department.
- (2) Words and expressions used and not defined in these rules but defined in the Act, shall have the same meanings as respectively assigned to them in the Act.

3. Eligibility for appointment as Chairperson, other Members and Member-Secretary.— (1) The Chairperson and five other Members shall be appointed from amongst persons –

- (a) who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or 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 and having minimum of 10 years experience as Secretary to the State Government or at an equivalent post in the Government of India; or
- (b) 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; or
- (c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor;
- (2) The Member-Secretary shall be an officer of the State Government not below the rank of Joint Secretary to the State Government.
- (3) There shall be at least two women, whether Chairperson, Member-Secretary or Member amongst the Chairperson, five other Members and Member-Secretary of the State Commission.
- (4) There shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson or Member or Member-Secretary, amongst the Chairperson, five other Members and Member-Secretary of the State Commission.

4. Term of office of Chairperson and other Members. – The Chairperson and every other Members shall hold office for a term not exceeding three years from the date on which he or she enters upon his or her office and shall be eligible for re-appointment:

Provided that no person shall hold office as the Chairperson or other Members after he or she has attained the age of sixty-five years.

5. Resignation and removal of Chairperson and other Members from their office. – (1) The Chairperson or any other Member may, by notice in writing under his or her hand addressed to the Governor of the State, resign from his or her office.

- (2) The State Government may remove the Chairperson or any Member of the State Commission in accordance with the provisions of sub-sections (9) and (10) of section 16.

6. Method of Appointment of Chairperson, Member-Secretary and other Members. – (1) The Chairperson, Member-Secretary and other Members shall be appointed by the Governor under his hand and seal on the recommendation of the State Government.

- (2) The State Government shall constitute a Search-Cum-Selection Committee consisting of three members as mentioned below for recommendation of the names for appointment of Chairperson, Member-Secretary and other Members of the State Commission:—

Sl. No.	Name	Designation
(1)	(2)	(3)
1	Chief Secretary, Government of West Bengal	Chairperson
2	Secretary, Food and Supplies Department, Government of West Bengal	Member
3	Secretary, Personnel and Administrative Reforms & e-Governance Department, Government of West Bengal	Member

- (3) The Selection Committee shall select and recommend name or names to the State Government for appointment of the Chairperson, Member-Secretary and other Members.
- (4) While selecting the Members of the State Commission, due regard shall be given to the provisions of rule 3.
- (5) 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, Member-Secretary or Member, as the case may be and shall be concluded within two months therefrom.
- (6) The Member-Secretary shall be appointed on deputation as provided in the Act.

7. **Proceedings of the State Commission.** – (1) Subject to the provisions of the Act and the rules made there under, the State Commission shall have the power to lay down its own procedures.

- (2) The Chairperson may instruct the Member-Secretary to call a meeting of the State Commission to be held at such time, and at such place, as the Chairperson may direct. In addition, any Member may request for a meeting of the State 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 unless all the Members waive the notice in writing.

- (3) The State Commission shall be entitled to decide urgent matters by circulation of papers to Members.
- (4) In case a difference of opinion among the Members, the opinion of majority shall prevail and the opinion of the State Commission shall be expressed in terms of the views of the majority. Each Member shall have one vote only. The Chairperson shall have no casting of second vote.
- (5) All decisions, directions and orders of the State Commission shall be in writing and shall be supported by reasons.
- (6) The decisions, directions and orders of the State Commission shall be available for inspection by any person and the copies of the same shall also be made available in a manner as the State Commission may specify.
- (7) When the Chairperson is unable to discharge the functions owing to absence, illness or any other cause, a Member nominated by the Chairman shall discharge the functions of the Chairperson, until the day on which the Chairperson assumes the charge of his functions.
- (8) The Chairman shall be the Chief Executive Officer of the State Commission and shall exercise such powers and discharge such functions as delegated to him by the State Commission.
- (9) All orders and decisions of the State Commission shall be authenticated by the Member-Secretary or any other officer of the State Commission duly authorised by it in this behalf.
- (10) The quorum for meeting of the State Commission shall be two.

Provided that for a meeting of the State Commission to review any previous decision taken by the State 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.

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

8. **Salary, allowances and other conditions of the Chairperson and Members.**– The salary and other allowances payable to–

- (a) the Chairperson, shall be such as mentioned in Annexure A;
- (b) the Member, shall be such as mentioned in Annexure B:

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:

3. Provided further that where the Chairperson or Member, if at the time of his appointment is in receipt of retirement benefits in respect of a previous service rendered in a Corporation established by or under any Central Act or a 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 also that the salaries, allowances and other conditions of service of the Chairperson or Member shall not be varied to their disadvantage after their appointment.

9. **Appointment of staff of the State Commission, their salaries, allowances and conditions of service.**— (1) The State Government shall appoint such other officers or employees as deemed necessary for performance of the functions of the State Commission.
- (2) The administrative and technical staff of the State Commission shall be placed on deputation from the officers and employees of the State Government on usual terms and conditions until the rules regulating the method of appointment of the staff of the State Commission, their salaries, allowances and other conditions of service, prescribed under sub-section (8) of section 16 are framed.
- (3) The salary and allowances payable to and other terms and conditions of the service of other officers and employees, appointed for the purpose of the State Commission, shall be equivalent to the salary and allowances and other terms and conditions of service admissible to the equivalent ranks of the officers and employees of the State Government.
4. 10. **Interpretation.**— If any question arises about the interpretation of the provision of this rules, the matter shall be referred to the State Government and the decision of the State Government thereon shall be final.

ANNEXURE A

Salaries, Allowances and other facilities etc. admissible to the Chairperson, West Bengal State Food Commission

(See clause (a) of rule 8)

The salaries, allowances and other facilities etc. admissible to the Chairperson, West Bengal State Food Commission shall be as detailed below:—

Sl. No.	Subject	Details
(1)	(2)	(3)
1.	Pay Dearness Allowance H.R.A.	Rs. 2, 50, 000/- per month <i>minus</i> superannuation pension before commutation). As admissible as per Government of India rates. As per GOI rates as admissible vide GOI No. 2/5/2017- EII(B) dated 07.07.2017
2.	Sumptuary Allowance	Rs. 15,000/- per month.
3.	Conveyance Allowance	(c) A staff car and two hundred litres of fuel per month or actual consumption of fuel whichever is less, (d) In case, the facility at (a) above is not availed, its quantum of Car Allowance will be Rs.60,000/- per month.

Sl. No.	Subject	Details
(1)	(2)	(3)
4.	L.T.C.	Entitled to 3(three) L.T.C. per annum anywhere in India with his wife and dependent members of his family.
5.	Electricity	Reimbursement upto 10,000/- (ten thousand) units per annum.
6.	Home Guard	Three (3) Home Guards at residence to work round the clock.
7.	Free Furnishing	The value of free furnishing (including electrical appliances) provided rent free accommodation in the official residence allotted to the Chairperson not exceeding Rs.2,00,000/- (Rupees two lakh) only per term.
8.	Newspaper & Magazines	Reimbursement for eight daily newspapers and other Magazines.
9.	Residential Telephone, Mobile and Internet charges	Reimbursement for the services availed for official purpose.
10.	Medical facilities	The Chairperson & the dependent members of his family shall be entitled to such facilities for treatment & for accommodation in Government Hospital as may be prescribed from time to time. Reimbursement of medical expenses will be equivalent to that of a member of I.A.S. holding the post of Secretary to the Government of India.
11.	Travelling Allowances	As per rule No. 2(c) of the Gazette Notification No. 215 dated 20.4.2011 issued by the Ministry of Law & Justice, GOI, there are two provisions for T.A. (iii) Rs.5,000/- per day for private accommodation & (iv) Rs. 1,000/- per day for Govt. accommodation.
12.	Pension	Chairperson is entitled to a pension which is equal to the pension payable to State Chief Information Commissioner.
13.	Post retiral benefits	Chairperson shall be entitled during their lifetime to a residential Telephone free of cost and free calls to the extent of 1500 calls per month over and above the no. of free calls per month allowed by the Telephone Authority.
14.	Income Tax exemptions	As per provision of section 23D of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 read with section 8 of the State Chief Election Commissioner and other State Election Commissioners (Conditions of Service) Act, 1991, the item Nos. 3, 4, 5, 6 & 9 are exempted from income tax u/s 75 of the Income Tax Act, 1961.
15.	Decisions of Questions	If any question arises about the interpretation of the provisions of this order, the decision of the State Government thereon shall be final.

ANNEXURE B

**Salaries, Allowances and other facilities etc. admissible to the Members,
West Bengal State Food Commission**

(See clause (b) of rule 8)

The salaries, allowances and other terms and conditions of service of the Member, West Bengal State Food Commission shall be the same as detailed below:—

Sl. No.	Subject	Details
(1)	(2)	(3)
1.	Pay	Rs.2, 25, 000/- per month to be reduced by pensions (as per pension payment orders before commutations).
2.	Dearness Allowance	As admissible as per Government of India rates
3.	House Rent Allowance	As per GOI rates as admissible vide GOI No.2/5/2017- EII(B) dated 07.07.2017
4.	Conveyance Allowance	A staff car and two hundred litres of fuel per month or actual consumption of fuel, whichever is less.
5.	L.T.C	Entitled to once throughout India and once in home town in a block of four years.
6.	Newspapers and Magazines	Reimbursement for six daily newspapers and other magazines provided ceiling of expenditure restricted to Rs.800/- per month <i>vide</i> No. 18-O & M, dated 30.9.2009 of Finance (O & M) Department. Further he is entitled to receive maximum of Rs.400/- for periodicals <i>vide</i> No. 18-O & M, dated 30.9.2009.
7.	Residential Telephone, Mobile & Internet charges	Reimbursement for the services availed for official purpose <i>vide</i> No. 8482-F, dated 01.09.2009 & 7522-F, dated 26.09.08 of Finance (Audit) Department.
8.	Medical Facilities	As per the West Bengal Health for All Employees and Pensioners Cashless Medical Treatment Scheme, 2014. <i>vide</i> notification No. 4476-F (MED.), dated 28.8.2014.
9.	Travelling Allowances	(c) T.A. will be at par with an AIS officer of Chief Secretary level gets for being posted to work in the affairs of the State. (d) For journey outside the State, Government of India's O.M. No. 19030/3/2008-E IV, dated 22.01.2009 shall be followed.

By order of the Governor,

MANOJ KUMAR AGARWAL
*Pr. Secy. to the Govt. of West Bengal
& Food Commissioner,
Food & Supplies Department.*