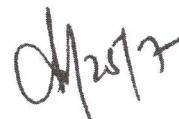


बिहार सरकार
आपदा प्रबंधन विभाग
अधिसूचना

पटना-15, दिनांक- 25/7/11

सं०-1आ०प्र०यो०-12/2010...2389/आ०प्र० अधिसूचना संख्या-...2388
दिनांक- 25/7/11 का निम्नलिखित अंग्रेजी अनुवाद बिहार राज्यपाल के प्राधिकार से
एतद् द्वारा प्रकाशित किया जाता है जो भारत-संविधान के अनुच्छेद 348 के खंड (3) के
अधीन अंग्रेजी भाषा में उक्त अधिसूचना का प्राधिकृत पाठ समझा जायेगा।

बिहार राज्यपाल के आदेश से



(व्यास जी)

सरकार के प्रधान सचिव

Government of Bihar
Disaster Management Department

NOTIFICATION

Shatabdi Anna Kalash Yojna Rules, 2011

Notification No.2388/...../dated 25/7/11 Whereas it is the duty of the state to prevent incidence of starvation amongst the indigent, old, infirm, widows, destitute and other vulnerable sections of people living in the State, and to ensure the vulnerable sections of society to have easy access to food in case they face conditions of starvation; And, whereas the vulnerable sections of Society have rightful claim over ownership and control of the material resources of the community. therefore the Governor of Bihar is pleased to make the following Rules under Article 39(b) of the Constitution of India :

(1) Short title, extent and Commencement :

These Rules may be called the "Shatabdi Anna Kalash Yojna Rules, 2011".

(2) It shall extend to the whole of the State of Bihar.

(3) It shall come into force with immediate effect.

2. Definition :

- (1) In these Rules, unless otherwise requires in the context -
- (i) **"Anchal Adhikari"** means the officer designated as such by the State Government.
 - (ii) **"Block Development Officer"** means the officer as such designated by the State Government.
 - (iii) **"Department of Disaster Management"** means the Disaster Management Department of the State.
 - (iv) **"Department of Food and Consumer Protection"** means the Department of Food and Consumer Protection of the State Government of Bihar.
 - (v) **"Department of Social Welfare"** means the Department of Social Welfare of a district.
 - (vi) **"District Magistrate"** means the District Magistrate and Collector of a district.
 - (vii) **"Fund"** means the Funds constituted under the Yojna.
 - (viii) **"Mukhiya"** means the person working as mukhiya of a gram panchayat under the Bihar Panchayati Raj Act.
 - (ix) **"Rules"** means the Shatabdi Anna Kalash Yojna Rules, 2010.
 - (x) **"State Government"** means the Government of Bihar.
 - (xi) **"Ward Councilor"** means the councilor of a municipal ward as defined in the Bihar Municipality Act, 2007.
 - (xii) **"Welfare Schemes"** means the welfare schemes of the Central and State Government under implementation in the State of Bihar by various departments of the State Government.
 - (xiii) **"Yojna"** means the Shatabdi Anna Kalash Yojna.
2. Words and expressions not defined but used in these Rules shall have the same meaning as they are understood in common parlance in the State of Bihar.

3. Constitution and Management of Funds :

- (1) A Fund in the name and style of State Shatabdi Anna Kalash Fund at the State Level, called the State Fund, and District Shatabdi Anna Kalash Fund in all districts, called the District Fund, shall be constituted for the purpose of making payments for the food grains provided to the vulnerable sections under the yojna.
- (2) All moneys allocated by the State Government under the yojna shall be kept in the Funds. General Public may also be encouraged to make contributions, in cash, to the funds.

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- (3) The State Executive Committee of the State Disaster Management Authority shall administer the State Fund. However, the Secretaries/Principal Secretaries of Food and Consumer Affairs and Social Welfare Departments shall be the special invitees in such meetings of the Committee.
 - (4) The District Disaster Management Authority shall administer the District Fund. However, the District Supply Officer/Additional District Magistrate (Supply) and District Programme Officer shall be the special invitees in such meetings of the Authority.
 - (5) The State Government shall allocate an initial corpus of Rs. 10 crore in the State Fund and shall make annual allocations, in consultation with the State Executive Committee. The allocations so made shall form part of the annual non-plan budget of the Disaster Management Department.
 - (6) Allocation shall be made to the Districts Funds in installments out of the State Fund in accordance with a criteria decided by the State Executive Committee. However, the next instalment shall be released only when the 75% of the previous installment has been spent.

4. Account and Audit of the Funds :

- (1) The Funds shall be kept in a savings bank account opened in the name of the respective Funds in a nationalized bank and the interest accrued there from shall be also form part of the Funds.
- (2) The accounts of the State and District Funds shall be maintained by the Disaster Management Department and concerned District Disaster Management Authority respectively.
- (3) The Funds shall be audited annually by the Audit wing of the Finance Department and report shall be submitted to the concerned offices and Department of Finance of the State Government.

5. Duty of Mukhiya, Ward Members, Ward Commissioners and other Panchayat level functionaries under these rules :

- (1) It shall be the duty of the Mukhiyas, Ward Councilors, Panchayat Ward Members and other Panchayat level functionaries in the village areas and concerned ward councilors in urban areas to be vigilant about the availability of food to the indigent, old, infirm, widows, destitute and other vulnerable sections/households residing within their respective jurisdiction. They shall keep special vigilance on the availability of food to those vulnerable households who are resourceless and have no means of livelihood or have been rendered incapable, permanently or temporarily, by circumstances beyond their control, of earning their livelihood.

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- (2) The panchayat level functionaries referred to in these rules shall include Angan Wadi Workers, ASHA Workers, Panchayat Sachivs, Revenue Karmacharies, Village level Agriculture Workers etc.
 - (3) In keeping the vigilance, Mukhiya, Ward Councilors and Panchayat Ward Members, as the case may be, shall have right to seek the assistance of the government field functionaries working in their respective jurisdictions. They may also seek assistance from civil society organizations.
 - (4) Every information reaching the Mukhiyas, Ward Councilors, Ward Members or the aforesaid functionaries, as the case may be, regarding any vulnerable person/household facing starvation conditions, shall be promptly enquired by the concerned and a report shall be submitted to the Mukhiya, Ward Councilors or the Block Development Officer, as the case may be.

6. Shatabdi Anna Kalash Yojna

- (1) The Food and Consumer Protection Department, in consultation with the Disaster Management Department and the concerned District Magistrate, shall maintain a revolving stock of one quintal wheat/rice at a designated Public Distribution system shop (PDS shop) in every Panchayat in each district of the State. In urban area the District Magistrate shall mark such shopkeeper of specified public distribution system shop where revolving food grains stock may be stored.
- (2) The payment for lifting of the revolving stock from the godowns of the State Food Corporation shall be made by the concerned PDS shop owner.
- (3) Food grains from this revolving stock shall, in the manner and quantities specified under these Rules, be made available, free of cost, to the indigent, old, infirm, widows, destitute and other vulnerable sections/households facing conditions of starvation.
- (4) The payments to the concerned PDS shop owner for the food grains taken out from the revolving stock under these rules shall be made promptly from the District Fund by the respective District Magistrates.
- (5) The rates at which the PDS shop shall be paid for the food grains utilized from the revolving stock shall be determined, from time to time, by the Disaster Management Department in consultation with the Food and Consumer Affairs Department.
- (6) In case any person of the vulnerable section is found facing the condition of starvation, the Mukhiya or the Ward Councilor, as the case may be, shall immediately direct the PDS shop owner to supply food grains from the aforesaid revolving stock to the concerned person at the following scale :

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- (i) 10 Kg (Ten kilogram) for one week to an adult.
 - (ii) 7 kg (Seven kilogram) for one week to a child.
- (7) Upon the direction of the Mukhiya or the Ward Councilor, as case may be the PDS shop owner shall supply the food grains promptly to the concerned person. The PDS shop owner shall maintain the record of the food grain utilized from the revolving stock.
 - (8) The Mukhiya or the Ward councilor, as the case may be, shall, immediately after ensuring supply of the food grain as above to the concerned person, inform the Block Development Officer and the Anchal Adhikari.
 - (9) The Block Development Officer and the Anchal Adhikari, upon receipt of the information or otherwise, shall without delay make a joint enquiry about the causes of starvation and assess the further need of food grain and means of livelihood of the concerned person. In any case, the joint enquiry shall be conducted with 3 (three) days.
 - (10) However, if any one of the Block Development Officer or the Anchal Adhikari is not present at the headquarters, the officer present shall conduct the enquiry without waiting for the other to join him.
 - (11) If upon the enquiry, the Officer(s) is satisfied that the person(s) concerned need further supply of food grains, the Block Development Officer shall immediately direct the PDS shop owner to supply food grains for 3 (three) more weeks at the scale prescribed in these rules. Thus, to begin with the persons facing starvation shall be provided with the supply of food grains for 4 (four) weeks in the aforesaid manner and quantity.
 - (12) The joint report shall, immediately after ensuring supply of the food grain as above to the concerned persons, be submitted to the Sub Divisional Officer and the District Magistrate. In the report, the Officer(s) shall, inter alia, suggest the measures required to provide means of livelihood and/or cover of welfare schemes to the concerned person(s) and also shall do assessment of further supply of food grains to the concerned persons beyond 4 (four) weeks.
 - (13) A record of all such persons to whom food grains have been distributed from the revolving stock shall be maintained at the Panchayat, Municipal Ward and Block level by the Mukhiya Ward Councilor and the Block development Officer respectively.
 - (14) The District Magistrate, upon receipt of the joint enquiry from the Officer(s), shall ensure that the concerned person, if not covered earlier, is covered under the welfare schemes of the Government. If the person is covered under any of the welfare schemes, the District Magistrate shall ensure that delivery of benefits of such schemes to that person is made without undue delay. He may direct the sub divisional officer to make further enquiry in the matter and ensure that the concerned person is taken care of.
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- (15) If the District Magistrate is satisfied that the condition of the concerned person is such that he should be provided with food for a period longer than one month, he shall direct the PDS owner to so supply the food grain to that person. Provided that the District Magistrate shall stop supply of the food grain to person once the delivery of benefits of the welfare schemes of the Government is made to the concerned person as provide in the sub rule 14 of rule 6.
 - (16) In case, the food grain in the revolving stock is diminished, the District Magistrate or Sub Divisional Officer shall order purchase of food grain from the market for supply. In all such cases payment for such food grains shall be also made from the District Fund.
 - (17) All Mukhiyas, Ward Councilors and Panchayat Ward Members and other government functionaries who have been entrusted with any task under these rules shall be executed to discharge their duties with promptness and undue delay. If they willfully fail to discharge the assigned duties, it shall tantamount to misconduct and they shall be strictly dealt under relevant Acts and conduct Rules.

7. Monitoring Mechanism and Nodal Authorities :

- (1) The implementation of this yojana shall be monitored at Panchayat level by the Mukhiya, Municipal Ward level by the Ward Councilor, at Block level by the Block Development Officer, at Subdivision level by the Sub Divisional Officer and at the district level by the District Magistrate.
- (2) The monitoring of the yojana at the State level shall be made by the Disaster Management Department.
- (3) The District Magistrate shall be nodal authority at the district level and the Disaster Management Department shall be the nodal authority at State level.

8. Transparency :

- (1) Complete transparency shall be maintained at all levels in the implementing the schemes. If it is found that any level is not functional, the next higher level shall promptly take upon itself the responsibility entrusted to the lower level under these rules.
- (2) All orders passed under these rules and all cases in which assistance has been rendered shall be placed on the website of the concerned district with full details.

9. Interpretation and Removal of difficulties :

- (1) If any difficulty arises in the interpretation of these rules or implementation of the yojana , the Disaster Management Department shall be competent to interpret it and issue instruction for its implementation. The decision of this department in all such matters shall be final and binding.

By the Orders of the Governor fo Bihar

Omprakash
(Vyas Ji)

Principal Secretary
Disaster Management Department

Memo No-.....**2388**...../DM

Patne-15, Date- **25/7/11**

Copy to-Deputy Secretary, E-Gazatte cell, finance department (with soft copy) for information and necessary action.

Omprakash
Principal Secretary

Memo No-.....**2388**...../DM

Patne-15, Date- **25/7/11**

Copy to-All District Magistrate/All Commissioner, Bihar for information and necessary action.

Omprakash
Principal Secretary

Memo No-.....**2388**...../DM

Patne-15, Date- **25/7/11**

Copy to-All Principal Secretaries/Secretary/All Head of the Department, Bihar, Patna for information and necessary action.

Omprakash
Principal Secretary

Memo No-.....**2388**...../DM

Patne-15, Date- **25/7/11**

Copy to-Chief Secretary/Development Commissioner/Secretary to Governor/Secretary to C.M. Bihar, Patna for information and necessary action.

Omprakash
Principal Secretary

Memo No-.....**2388**...../DM

Patne-15, Date- **25/7/11**

Copy to-Private Secretary to Minister, Disaster Management Department/Vice Chairman, Bihar State Disaster Management Authority, Bihar, Patna for information and necessary action.

Omprakash
Principal Secretary