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#### NOTIFICATION

No. B. 13015/15/2021-FCS&CA, the 27<sup>th</sup> September, 2022. In pursuance of the decision of the Council of Ministers vide No.J.11011/1/2022-POL/Vol-II dated 31.08.2022 and in exercise of the powers conferred by clause (i) of sub-section (2) of section 40 of the National Food Security Act, 2013 (No. 20 of 2013) and after having invited objections or suggestions on the proposals contained in the Draft Notification published in the Mizoram Gazette Extra Ordinary, Issue No. 175, vide No. B.13015/15/2021-FCS&CA dated 24.03.2022, the Governor of Mizoram hereby notifies the 'The Mizoram Social Audit (Functioning of Fair Price Shops, Targeted Public Distribution System and Other Welfare Schemes) Rules, 2022'.

1. Short Title, Extent and Commencement -
  - 1) These rules may be called ' The Mizoram Social Audit (Functioning of Fair Price Shops, Targeted Public Distribution System and Other Welfare Schemes) Rules, 2022'.
  - 2) They shall extend to the whole of Mizoram.
  - 3) They shall come into force on the date of publication in the Official Gazette.
2. Definitions -

In these rules, unless the context otherwise requires,

  - 1) 'Act' means the National Food Security Act, 2013.
  - 2) 'State Government' means Government of Mizoram.
3. Social Audit Facilitation -
  - 1) The State Government shall identify or establish, an organization/ body (herein after referred to as Social Audit Unit) to facilitate conduct of social audit by Gram Sabha.
  - 2) The Social Audit Unit shall be responsible for the following, namely -
    - (i) Build capacities of Gram Sabha for conduct of social audit; and towards this purpose, identify, train and deploy suitable resource persons at village, district and state level, drawing from primary stakeholders and other civil society organizations having knowledge and experience of working for the rights of the people.
    - (ii) Prepare social audit reporting formats, resource material, guidelines and manuals for the social audit process.
    - (iii) Create awareness amongst the consumers about their rights and entitlements under the Act.

- (iv) Facilitate verification of records with primary stakeholders and Fair Price Shop (FPS).
  - (v) Facilitate smooth conduct of social audit at Gram Sabha for reading out and finalizing decisions after due discussion.
  - (vi) Host the social audit reports including action taken reports in the public domain.
4. Implementation Structure of Social Audit -
- 1) State Level :-
    - (i) The State Level Committee on Targeted Public Distribution System (TPDS) will be constituted by the State Government under the Chairmanship of Hon'ble Minister, FCS&CA.
    - (ii) The State Level Committee shall be responsible for overall Planning, Implementation, Monitoring and Evaluation of TPDS within the State.
    - (iii) The Committee shall be responsible to take follow up action on the findings of the social audit.
    - (iv) The composition, powers and function of State Level Committee of TPDS are given under Schedule-I of these rules.
    - (v) The State Government shall constitute Executive Committee under the chairmanship of Director, FCS&CA. The roles and responsibilities of the Executive Committee are given under Schedule – II of these rules.
  - 2) District Level :-
    - (i) The State Government may constitute District Level Committee for monitoring the implementation of TPDS and Social Audit under the Chairmanship of Additional Deputy Commissioner.
    - (ii) The composition, powers and function of District Level Committee are enunciated under Schedule – III of these rules.
  - 3) Village/Local Level :-
    - (i) The State Government shall constitute Village/Local Level Committee under the Chairmanship of President/ Chairman, Village/Local Council.
    - (ii) The composition, powers and function of Village/Local Level Committee are given under Schedule – IV of these rules.
5. Social Audit Pre-requisites -
- 1) The Social Audit shall be a process independent of any process undertaken by the implementing agency of the scheme.
  - 2) The implementing agency shall at no time interfere with the conduct of social audit.
  - 3) Notwithstanding anything contained in sub-rule (2), the District Civil Supplies Officer (DCSO) shall provide requisite information for making it available to Social Audit Unit at least fifteen days prior to the date of commencement of the social audit.
  - 4) The resource persons deployed for facilitating social audit in a village shall not be residents of the same village.
  - 5) The District Civil Supplies Office (DCSO) shall make accommodation of Social Audit Team whenever necessary in the cheapest Government lodge/facilities.

6. Process for conducting Social Audit -

- 1) The Social Audit Unit shall, at the beginning of the year, frame an annual calendar to have at least one social audit in each village in every twelve months and a copy of the calendar shall be sent to all the District Civil Supplies Officer (DCSO) for making necessary arrangements.
- 2) For facilitation of conduct of social audit by the Gram Sabha, the resource persons deployed by Social Audit Unit, along with primary stakeholders shall verify:-
  - (i) Ration Card eligibility under National Food Security Act (NFSA), computer entry (PoS Transaction list) and distribution of PDS items made during the specified time period, by contacting the consumers whose names are entered in such PoS transaction list.
  - (ii) Assessment of quantity at FPS with reference to records (opening, closing stock) and also distribution of PDS items by the FPS dealers.
  - (iii) The quantity allotted, distributed and balance quantity of items to verify the correctness and reliability of the reports submitted by the FPS dealers.
- 3) The consumers and the village community shall be informed about the Gram Sabha of social audit by the resource persons as well as the District Civil Supplies Officer to ensure full participation.
- 4) To conduct social audit process, a Gram Sabha shall be convened to discuss the findings of the verification exercise and also to review the compliance on transparency and accountability, fulfillment of the rights and entitlements of consumers and proper distribution of PDS items.
- 5) All FPS Dealers of villages shall be present at the Gram Sabha and respond to queries.
- 6) The Gram Sabha shall provide a platform to all consumers/villagers to seek and obtain further information and responses from all involved in the distribution of PDS items. It will also provide a platform to any person who has any contribution to make and any relevant information to present.
- 7) Vigilance Committee will be constituted in all levels under section 29 of the National Food Security Act, 2013.
- 8) The District Civil Supplies Officer shall attend the Gram Sabha or nominate an official of appropriate level for smooth conduct of the Gram Sabha.
- 9) The social audit reports shall be prepared in Mizo language by the Social Audit Unit and displayed on the notice board of the Village/ Local Council.
- 10) The action taken reports relating to the previous social audit shall be read out at the beginning of the meeting of each social audit.

Steps involved in conducting social audit	
1. Preparatory Phase-	<ul style="list-style-type: none"> <li>• Record of procurements and preparation of lists.</li> <li>• Training on the social audit process.</li> <li>• Consolidation of records into easy - to - understand formats.</li> </ul>
2. The Social Audit	<ul style="list-style-type: none"> <li>• Information gathering, cross - verification of records.</li> <li>• FPS inspection.</li> <li>• Discussion with dealers.</li> <li>• Social meeting - sharing of findings and preparation of draft decision taken format.</li> </ul>
3. The Public Forum	<ul style="list-style-type: none"> <li>• Public hearing.</li> <li>• Immediate action for petty grievances.</li> <li>• Recognition of good practices.</li> <li>• Preparation of final reports.</li> </ul>

7. Obligation of certain persons in relation to social audit -
- 1) The District Civil Supplies Officer shall ensure that all the required information and records of all FPS dealers such as allotment, list of beneficiaries of that FPS, stock of PDS, Action Taken Reports on previous social audits, grievance of complaints register, any other document that the Social Audit Unit requires for conduct the social audit smoothly are properly collated in the requisite formats and provided, along with photocopies, to the Social Audit Unit for facilitating conduct of social audit at least fifteen days in advance of the scheduled date of the social audit.
  - 2) The information referred to in sub-rule(i) shall be publicly available at the same time and the photocopies shall be available at nominal cost.
  - 3) Every District Civil Supplies Officer, or any officials on his behalf, shall :-
    - (i) Ensure that all records for conduct of social audit are furnished to the Social Audit Unit by FPS dealers through the District Civil Supplies Officer.
    - (ii) Ensure that corrective action is taken on the social audit report.
    - (iii) Take steps to recover the amount/food grain embezzled or improperly utilized; and issue receipts or acknowledgement for amount/foodgrains so recovered.
    - (iv) If foodgrains (PDS items) are found to be misappropriated, appropriate action should be taken within thirty days.
    - (v) Maintain a separate account for amounts/ foodgrains recovered during the social audit process.
    - (vi) Ensure that appropriate action (including initiating criminal and civil proceedings or termination of services) is initiated against individual or class of individuals or persons who misutilized or embezzled the foodgrain meant for the NFSA scheme under the Act.
  - 4) The State Government shall be responsible to take follow up action on the findings of the social audit.

- 5) The State Food Commission shall monitor the action taken by the State Government and incorporate the Action Taken Report in the annual report to be laid before the State Legislature by the State Government.

The costs of establishing the Social Audit Unit and conduct of social audit shall be met by the State Government as per availability of additional fund in this regard.

Schedule – I [See Rule 4(1)(iv)]

State Level Committee:- State Level Committee is an apex body for the overall control and monitoring of social audit. Members of the apex committee are as follows :-

- 1) Hon'ble Minister, Food, Civil Supplies & Consumer Affairs, Department, Mizoram. - Chairman
- 2) Secretary, Food, Civil Supplies & Consumer Affairs, Government of Mizoram. - Member-Secretary
- 3) Director, Food, Civil Supplies & Consumer Affairs, Mizoram. - Member
- 4) Director, State Institute of Rural Development & Panchayati Raj, Mizoram. - Member
- 5) Director, Mizoram Society for Social Audit, Accountability and Transparency (MISSAAT) (SAU, Mizoram). - Member
- 6) Chairman, Mizoram State Food Commission. - Member
- 7) Representative of Finance Department, Government of Mizoram. - Member
- 8) Representative of Law & Judicial Department, Government of Mizoram. - Member
- 9) Deputy Secretary, Food, Civil Supplies & Consumer Affairs, Government of Mizoram. - Member
- 10) Additional Director, Food, Civil Supplies & Consumer Affairs Department, Mizoram. - Member
- 11) Joint Controller, Legal Metrology, Mizoram. - Member

State Level Committee will be convened as and when considered necessary by the Chairman/ Member-Secretary of the Committee.

Schedule – II [See Rule 4(1)(v)]

Executive Committee:- Executive Committee is to impart training and design social audit formats. Members of the committee are :-

- 1) Director, FCS&CA Department, Mizoram. - Chairman
- 2) Deputy Director (G), FCS&CA Department, Mizoram. - Member-Secretary
- 3) Additional Director, FCS&CA Department, Mizoram. - Member
- 4) Joint Director, FCS&CA Department, Mizoram. - Member
- 5) All District Civil Supplies Officers, Mizoram. - Members

Schedule – III [See Rule 4(2)(ii)]

District Level Committee:- District Level Committee is to assist social audit and provide records and to provide resource persons to the village/local level Social Audit. Members of the committee are :-

- |    |  |   |                  |
|----|--|---|------------------|
| 1) | Concerned Additional Deputy Commissioner.                    | - | Chairman         |
| 2) | Concerned District Civil Supplies Officer.                   | - | Member-Secretary |
| 3) | Representative from Joint Village/Local Council Association. | - | Member           |
| 4) | Representative from Joint NGOs (District Level).             | - | Member           |
| 5) | Inspector, FCS&CA Department, (District Headquarters).       | - | Member           |

Schedule – IV [See Rule 4(3)(ii)]

Village/Local Level Committee :- Village/Local Level Committee is to assist Social Audit by functioning as a tool to facilitate Social Audit process and management of meetings at village/local level to enable transparency and accountability. Members of the committee are :-

- |    |   |   |                   |
|----|---|---|-------------------|
| 1) | President/Chairman, Village/Local Council.              | - | Chairman          |
| 2) | Representative from local NGOs (YMA, YLA, etc.).        | - | Member-Secretary  |
| 3) | Representative from local Consumer Union.               | - | Member            |
| 4) | Members of Village/Local Council.                       | - | Members           |
| 5) | Concerned Centre-in-charge, FCS&CA Department, Mizoram. | - | Ex-officio Member |

By order in the name of Governor of Mizoram

Ramdinliani,  
Secretary to the Government of Mizoram,  
Food, Civil Supplies & Consumer Affairs Department.