

KARNATAKA ORDINANCE 1 OF 2006
THE KARNATAKA FOOD SECURITY ORDINANCE, 2005
Arrangement of Sections

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THE KARNATAKA FOOD SECURITY ORDINANCE, 2005

(Promulgated by the Governor of Karnataka in the fifty sixth year of the Republic of India and first published in the Karnataka Gazette Extra-ordinary on the Twelfth day of January, 2006)

An ordinance to provide for Food Security to the people, as an extension of the Human Rights in the State for matters connected therewith and incidental thereto.

Whereas both Houses of the State Legislature are not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement: (1) The Ordinance may be called the Karnataka Food Security Ordinance, 2005.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Definitions, - (1) In this Ordinance unless the context otherwise requires:

- (a) "Authorisation card" means the document issued by the Agency to an eligible beneficiary under the programme showing the nature of benefits;
- (b) "Beneficiary" means a person eligible for the benefits in accordance with section 7;
- (c) "Certification period" means the period for which a beneficiary is entitled to the benefits;
- (d) "Coupon" means any coupon, authorisation card issued to a beneficiary or an agency or food store involved in the implementation of the programme, for entitling the beneficiary or authorising such agency or food store to reach or deliver food to the beneficiary;
- (e) 'Food' means any food in any form meant for human consumption other than those prohibited by any law time being in force;
- (f) "Programme" means the Food Security programme operated under the Ordinance;
- (g) "Food store" means an establish dealing with food or articles of food, which participate in the programme;
- (h) "Agency" means any Local Authority, official or local body or other authority designated by the government as an agency to implement the programme.

(2) All other expressions used and not defined in the Ordinance shall have the same meaning assigned to them under the relevant law in force in the State.

3. Right of access to Food, - Every beneficiary shall have guaranteed access to food to prevent him starvation and hunger, delivered through a Agency.

4. Obligations of the State, - On and after the commencement of the Ordinance the State shall have the obligation to,

- a. To prepare programs for delivering the benefits under the Ordinance, and
- b. To appoint and notify one or more state agencies at the district, taluk and village levels and to regulate securing food under the Programme,

5. State Level Advisory Council, - (1) There shall be constituted a body called the State Level Advisory Council to advise the government in the matter of formulating schemes in respect of the food needs of people and to establish and operate a Food Security Fund to be set up under the Ordinance.

(2) The Council shall consist of the following, Namely, -

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|---|------------------|
| a. The Minister Incharge of Human Rights | Chairman |
| b. The Minister for Rural Development And Panchayat Raj | Member |
| c. The Minister for Food and Civil Supplies | Member |
| d. The Minister for Urban Development | Member |
| e. The Minister for Social Welfare | Member |
| f. The Minister for Women and Child Welfare | Member |
| g. The Minister for Primary and Secondary Education | Member |
| h. The Minister for Health and Family Welfare | Member |
| i. The Secretary to Government Food & Civil Supplies department | Member |
| j. The Principal Secretary, Finance Dept | Member |
| k. The Principal Secretary to Government/ Secretary to Government, RDPR | Member |
| l. The Secretary to Govt. Urban Dev Dept | Member |
| m. The Secretary to Government, Food & Civil Supplies Dept | Member |
| n. The Secretary to Government, Social Welfare Department | Member |
| o. The Secretary to Government, Primary & Secondary Education Dept | Member |
| p. The Secretary to Government, Women and Child Welfare | Member |
| q. The Secretary to Government, Health and Family Welfare | Member. |
| r. The Secretary to Government Law Department | Member-Secretary |

Provided that, the Council may co-opt as Members, not more than two persons who are specialists in the field or have worked for the cause of mitigating hunger.

6. Advice of State Council to be binding, - Advice given by the Council shall be binding on the Government departments and State agencies.

7. The Beneficiaries, - Every person who is an individual with no earned income or other source of living or a physically handicapped or mentally retarded person or an aged or sickly person having no support of his family or any other person or class of persons notified by the State Government from time to time, shall be eligible to the benefits under this Ordinance.

8. Disqualifications, - A beneficiary who is receiving any benefit under this Ordinance shall be disqualified to receive such benefit any more from the day,

- a. His income increases beyond the limit prescribed or
- b. He is found guilty of misuse of the benefits in any manner or
- c. He refuses to undertake work assigned or express instructions given by the Agency as a condition for the grant of the benefit without sufficient cause or
- d. He has been or becomes a recipient of benefit under any other welfare programme, which renders him ineligible, to participate in this programme or
- e. He violates any condition lawfully imposed a instruction issued in his interes by the Agency at the time of grant of benefits or thereafter.

9. Corrupt Practice, - (1) A beneficiary who is found guilty of misusing the benefits under the Ordinance in any manner or who obtains the benefit under this Ordinance by suppressing information which if disclosed would have disqualified him for the benefit and a beneficiary-family which is found to have secured benefit under this Ordinance by fraud or misrepresentation or after having secured the benefit legally fails to inform the implementing authority of any disqualification it incurs subsequently shall be committing corrupt practice under the Ordinance.

(2) A Beneficiary found guilty of corrupt practice shall be punishable with imprisonment extending upto six months or fine unto five thousand rupees or both, in each case.

10. Form of Benefits and Disbursement, -(1) the Benefits may either be in the form of Food ready for consumption or stamps that may be en-cashed during the period of participation or coupons to be redeemed as authorised agencies, food stores or others involved in the implementation of the programme

(2) The State Government may by rules prescribe the measure of benefits and the procedure for disbursement.

11. Implementing Authority, - (1) In every place other than a City Corporation area, the local Grama Panchayath, the town or as the case may be, the city Municipality in whose jurisdiction the beneficiary normally resides shall be the Authority for implementing the program.

(2) In City Corporation areas, such authority as the State Government may by notification specify shall be the Authority for implementing the program.

(3) It shall be competent for Government or the Implementing Authority to notify or appoint any voluntary agency or non-governmental organisation, registered with the Registrar of Societies for the purpose, in reaching the benefits and rendering service effectively to the beneficiaries.

12. The Food Security Fund, - (1) As soon as may be after the commencement of this Ordinance, the State Government shall create for the purpose of implementing the programme, a Fund to be called the Food Security Fund, into which shall be credited,

- (a) All grants made by the central government or the state government,
- (b) Any budgetary allocation made to the fund,
- (c) Specific endowments, gifts and donations,
- (d) Any other amounts specified by the state government to be credited to the Fund

(2) The fund shall not be utilized for any purpose other than achieving the object of the Ordinance or be diverted or appropriated for any other purpose.

Explanation: For the purpose of this sub-section 'purpose other than achieving the object' shall not include incidental expenditure incurred on handling charges, honorarium, salary or allowances, commission or such other remuneration or payment to officers or employees of the state government or Agency or local Authority.

(2) The State Government may by rules provide for the administration of the Fund and for the budgeting and accounting thereof.

13. Power to give directions, - The State Government shall have power to give directions to the departments and State agencies in charge of the program under the Ordinance.

Provided that such directions shall not be inconsistent with the provisions of the Ordinance and the rules made there under.

14. Power to make Rules, - (1) The State Government may after previous notification of not less than fifteen days make such rules as are necessary to give effect to the provisions of the Ordinance.

(2) Without prejudice to the generality of sub-section (1) such rules may provide specifically for the following namely:

- a. Formulation of programs under the Ordinance and defining the terms and conditions of administration thereof
- b. Form and measure of the benefits to be extended under each program
- c. Terms of appointment of State agencies, their task and area of operation etc.
- d. Identification of beneficiaries under each Scheme and documenting their particulars and statistics.
- e. Periodical statements and reports to be furnished by the departments and State agencies operating the Scheme
- f. Manner of administering the Food Security Fund and accounting for the expenditure there from;
- g. Any other matter which in the opinion of the State Government is necessary to be made for effective implementation of the provisions of the Ordinance.

15. Laying of Rules and programs, - Every Rule made and every program prepared under the Ordinance shall, as soon as may be after they are made or prepared, be laid before each House of the State Legislature while it is in session for a total period of thirty days which may comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule shall not be made, such rule or program shall thereafter have effect only in such modified form or be of no effect, as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule or program.

16. Power to remove difficulties, - In case of any difficulty arising in the matter of giving effect to any of the provisions of this Ordinance the State Government may by notification published in the State Gazette make provision for removing the difficulty and such provision shall be construed as if it was originally enacted in the Ordinance.

Provided that the power under this section shall not be exercised beyond three years of the date of commencement of the Ordinance.

17. Resolution of Disputes, - Any dispute arising in giving effect to the provisions of this Ordinance shall be resolved by reference to the State Level Advisory Council whose decision shall be final and binding on the parties and shall not be questioned in any Court of Ordinary Civil Jurisdiction.

T.N. Chaturvedi
Governor of Karnataka

By Order and in the name of the Governor of Karnataka

G.K. Boregowda
Secretary to Government of Karnataka,
Department of Parliamentary Affairs and Legislation.