

F. No. 9-7/2017-Desk(MDM)
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy

Shastri Bhawan, New Delhi
Dated 8th June, 2017

Subject : Mid-Day Meal (Amendment) Rules 2017 –reg.

As you are aware that Mid-Day-Meal Guidelines, 2006 and Mid Day Meal Rules, 2015 provides for setting up of Centralised Kitchens for a cluster of schools in urban areas where there is a space constraint for construction of kitchens in individual schools. As per the AWP&B data submitted by States/UTs, 17 States/UTs are providing mid day meal to 72 lakh children studying in 42,383 schools through Centralized Kitchens.

2. The Mid Day Meal (Amendment) Rules, 2017 amending the sub-rule (2) of rule 5 of Mid-Day Meal rules, 2015 has been notified vide G.S.R. 471(E) dated 16th May, 2017 as below:

" (2) Every school shall have the facility for cooking meal in hygienic manner and the schools in urban areas and in identified rural areas which have good road connectivity and viable cluster of schools, for the purpose of leveraging efficiency gains, may use the facility of centralised kitchens for cooking meals wherever required in accordance with the guidelines issued by the Central Government and the meal shall be served to children at respective school only."

(A copy of Notification of Mid Day Meal (Amendment) Rules, 2017 is enclosed).

3. A Committee was constituted by the Secretary, SE&L under the Chairmanship of Joint Secretary, SE&L in order to prepare a draft Model MoU with regard to engagement of NGOs for serving of mid day meals under MDMS and to revisit the existing guidelines with regard to engagement of NGOs for serving of mid day meals under MDMS.

4. Some of the formats of the existing MoUs signed by the States with Centralized Kitchens were examined by the Committee and 'Model MoU' between States/UTs and Centralized Kitchens have been formulated and circulated to all States/UTs vide this Department of even no. dated 26th April, 2017.

5. It has further been decided that Centralized Kitchens may also be permitted under Mid Day Meal Scheme to cover cluster of schools in identified rural areas which have good road connectivity, for the purposes of leveraging efficiency gains. A copy of revised guidelines 2017 for engaging Civil Society Organizations (CSOs)/NGOs is enclosed for information and further necessary action.



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To

The Additional Chief Secretaries/ Principal Secretaries/Secretaries (Education) or Nodal Department for Mid Day Meal Scheme of all States/UTs.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 375]

नई दिल्ली, मंगलवार, मई 16, 2017/वैशाख 26, 1939

No. 375]

NEW DELHI, TUESDAY, MAY 16, 2017/VAISAKHA 26, 1939

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 16 मई, 2017

सा.का.नि. 471(अ).—केंद्रीय सरकार राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (2013 का 20) की धारा 39 की उप-धारा (2) के खंड (ख) के साथ पठित उप-धारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मध्याह्न भोजन नियम, 2015 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम मध्याह्न भोजन (संशोधन) नियम, 2017 है।
(2) ये राजपत्र उनके प्रकाशन की तारीख को प्रवृत्त होंगे।
2. मध्याह्न भोजन नियमों के नियम 5 में उप-नियम (2) के स्थान पर निम्नलिखित उप-नियम रखा जाएगा अर्थात्:—

“(2) प्रत्येक स्कूल में स्वच्छ तरीके से भोजन बनाने की सुविधा होनी चाहिए। शहरी क्षेत्रों, चिन्हित ग्रामीण क्षेत्रों जहां सड़क समकेंद्रता हो और स्कूलों के समूह वाले क्षेत्र अभिलाभ के प्रयोजन के लिए केंद्रीय सरकार द्वारा जारी दिशा-निर्देशों के अनुसार जब कभी अपेक्षित हो भोजन पकाने के लिए केन्द्रीकृत रसोईघर की सुविधा का उपयोग कर सकेगा और केवल संबंधित स्कूल के बालकों को ही भोजन परोसना होगा।”

[फा. सं. 1-6/2009-डेस्क (एमडीएम)]

अजय तिकी, संयुक्त सचिव

टिप्पण : मूल अधिसूचना सा.का.नि. 743(अ), तारीख 30 सितंबर, 2015 द्वारा भारत के राजपत्र, असाधारण भाग II, खण्ड 3, खण्ड-धारा (i) में प्रकाशित हुई थी।

MINISTRY OF HUMAN RESOURCE DEVELOPMENT**(Department of School Education and Literacy)****NOTIFICATION**

New Delhi, the 16th May, 2017

G.S.R. 471(E).— In exercise of the powers conferred by sub-section (1) read with clause (b) of sub-section (2) of section 39 of the National Food Security Act, 2013 (20 of 2013), the Central Government hereby makes the following rules to amend the Mid-Day Meal Rules, 2015, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Mid-Day Meal (Amendment) Rules, 2017.
(2) They come into force on the date of their publication in the Official Gazette.
2. In the Mid-Day Meal rules, in Rule 5, for sub-rule (2), the following sub-rule shall be substituted, namely:—
“(2) Every school shall have the facility for cooking meal in hygienic manner and the schools in urban areas and in identified rural areas which have good road connectivity and viable cluster of schools, for the purpose of leveraging efficiency gains, may use the facility of centralised kitchens for cooking meals wherever required in accordance with the guidelines issued by the Central Government and the meal shall be served to children at respective school only.”.

[F. No. 1-6/2009-Desk(MDM)]

AJAY TIRKEY, Jt. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 743(E), dated the 30th September, 2015.

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**Revised Guidelines 2017 for engagement of Civil Society Organizations /
Non Govt. Organisations (CSO/NGO) in Mid Day Meal Scheme**

CSO/NGO may be engaged for supply of hot cooked meal under MDMS for a cluster of schools in urban areas or in identified rural areas which have good road connectivity, for the purpose of leveraging efficiency gains.

1. Constitution of a Committee

1.1 State may constitute a committee under the chairpersonship of the Principal Secretary/Secretary of the nodal department (MDM) comprising of officers/experts from the fields of Food & Nutrition, Law, Women & Child Development, Health etc.

2. Pre-requisite for selection of CSO/NGO

The above mentioned Committee should keep the following aspects in mind while determining the suitability of a CSO/NGO for supply of cooked mid-day meal:

- 2.1** The CSO/NGO should be registered under the Societies Registration Act or the Public Trust Act, and should have been in existence for a minimum period of two years.
- 2.2** The CSO/NGO should have a properly constituted Management / Governing Body with its powers and duties clearly defined in its constitution.
- 2.3** Names of all office bearers involved in the establishment and management of such organisations should be disclosed along with their roles and responsibilities in the organisation. If any of the office bearers hold a public office, then details of that office should also be mentioned specifically.
- 2.4** Operation of the Centralised Kitchens should be entrusted under the PPP model to reputed CSO/NGO with local presence and familiarity with the needs and culture of the State.
- 2.5** The CSO/NGO should have a valid license under Food Safety and Standards Authority of India (FSSAI).

- 2.6 CSO/NGO should give a commitment to supply meals to the cluster of schools on 'No-Profit' basis.
- 2.7 CSO/NGO should give commitment to abide by the MDM Guidelines issued by MHRD from time to time.
- 2.8 CSO/NGO should give willingness to work with PRIs / Municipal bodies in accordance with relevant guidelines of the State Government.
- 2.9 The CSO/NGO should have financial and logistic capacity to supply the mid-day meal on the requisite scale.
- 2.10 The CSO/NGO should have a robust transport system for carrying the cooked mid-day meals from Centralised Kitchen to schools.
- 2.11 The CSO/NGO should not discriminate in any manner on the basis of religion, caste and creed, and should not use the programme for propagation of any religious practice.

3 Responsibilities of the CSO/NGO

- 3.1 The CSO/NGO shall keep the food grains and other materials in hygienic conditions, free of pests, insects, fungus etc.
- 3.2 Drinking water should be tested for its potability as per the schedule decided by the States/UTs.
- 3.3 Only packed dals, salt, spices, condiments and oil with AG-MARK /FSSAI quality symbol should be used for cooking mid-day meal.
- 3.4 CSO/NGO shall ensure that the food articles shall be used in FIFO basis. Shelf life of the food articles needs to be checked from time to time.
- 3.5 In case the State has provision of egg / milk / fruit in the Menu and the CSO/NGO is not willing to provide the same, the State should make alternative arrangements to supply egg / milk / fruit as prescribed in the menu.
- 3.6 CSO/NGOs should supply the cooked meal in good quality sealed insulated/stainless steel containers. Temperature of the mid-day meal when served should be maintained at or above 65°C.

- 3.7 CSO/NGO should have adequate Fire safety measures in the Centralised Kitchen.
- 3.8 Cooked Mid-Day Meal is fit for human consumption for four hours after cooking and it should be transported to schools and consumed by children within that time.
- 3.9 The CSO/NGO should ensure that the cooked meal is transported and delivered at the school under the supervision of an authorized person.
- 3.10 CSO/NGO shall carry out training of CCHs on health, food safety, hygiene and methods of cooking at regular intervals.
- 3.11 CSO/NGO shall also ensure that CCH working at centralized kitchens are free from any disease particularly contagious diseases. CSO/NGO shall arrange medical check-up of CCH at least once in six months.
- 3.12 CSO/NGO shall ensure that the CCH are provided Aprons, Head-gears and gloves during cooking of mid-day meal.
- 3.13 The CSO/NGO shall ensure that the premises should be clean, adequately lighted and ventilated and have sufficient free space for movement. Floors, ceilings and walls must be maintained in a sound condition. The floor and skirted walls should be washed as per requirement with an effective disinfectant. The premises should be kept free from all insects. No spraying should be done during the cooking of Mid-Day Meal, but instead fly swats/flaps should be used to prevent flies getting into the premises. Windows, doors and other openings should be fitted with net or screen, as appropriate to make the premise insect free.

4 Responsibility of the State Government

- 4.1 **Cooking Cost** - The State Government will pay/reimburse the cooking cost to the CSO/NGO as per the instructions / norms of GOI/State Government.
- 4.2 **Supply of Food grains**
 - 4.2.1 The CSO/NGO shall lift the food grains from Food Corporation of India (FCI)'s godown against the 'Release Order' issued by the State Government on the basis of allotted number of children and working days.

Subsequently transportation charges will also be reimbursed to the CSO/NGO as per the rates fixed by the Government of India or by the State Government.

Or

4.2.2 The State Government shall make arrangements for delivery of food grains at the centralized kitchen on the basis of allotted number of children and working days.

4.3 Cook-cum-Helpers – The honorarium to cook-cum-helpers can be apportioned if the Centralized Kitchen is not serving meals at the schools. The States/UTs may lay down the principle and procedure for apportionment of admissible honorarium for cook-cum-helpers deployed at schools and working at the Centralized Kitchen for cleaning of food grains, cutting of vegetables, cooking of meals etc. at Centralized Kitchen.

4.3.1 The State may ensure that, the cook-cum-helpers already engaged in the schools are not displaced in case of expansion of centralized kitchen. All efforts should be made to retain them as helpers for serving of meals, cleaning of utensils etc. in the schools.

4.4 The State Government shall get the samples tested from any reputed laboratory regarding requisite calories and proteins contents at its own cost at regular intervals.

5 Assets created through assistance from State Government

5.1 CSO/NGO should give written commitment to return to the State Government the permanent/semi-permanent assets, if any, acquired by it through the grants received under the programme, once the agreement / MOU expires.

6 Important clauses also to be included in Agreement / Memorandum of Understanding (MOU)

6.1 A contract / MOU between the CSO/NGO and State shall be signed to define the liabilities of the parties and the consequences of non-performance on their parts. It should also include a stringent mechanism to check and supervise the quality and quantity of meal supplied by the CSO/NGO to the children.

- 6.2 The duration of the agreement should be clearly mentioned in the agreement.
- 6.3 Further extension of the duration of Agreement/MOU should be done with the prior approval of the competent authority.
- 6.4 The performance of CSO/NGOs engaged in serving MDM to children should be assessed every year through a credible system of evaluation.
- 6.5 Renewal of MOU with a CSO/NGO should depend on its performance evaluation.
- 6.6 The number of students and schools along with name of the districts/blocks to be covered by the CSO/NGOs should be clearly mentioned.
- 6.7 Mid-Day Meals would be prepared by CSO/NGOs as per prescribed food and nutrition norms by MHRD/State Government.
- 6.8 Weight norms for the per meal cooked food in accordance with the menu will be finalized by mutual consultation between the State and the NGO, so as to ensure adequate supply of hot cooked food as per the norms.
- 6.9 The CSO/NGOs should furnish a monthly report to the implementing State/UT on lifting and utilization of food grains and funds as well as number of children covered. The CSO/NGO will also submit the duly verified bills by 7th of the next month. The State Government will ensure payment within one week upon receipt of duly verified bills from the Second Party.
- 6.10 The CSO/NGO shall not entrust/ sub-contract the programme or divert any part of the assistance (food grains/funds) to any other organization/agency.

7 Report

- 7.1 The CSO/NGO will furnish to the State Government an Annual Report along with audited statement of accounts in terms of all grants received from the State Government and donations received in the name of Mid-Day Meal Scheme, both in cash and kind, duly certified by an approved Auditor.

- 7.2** All accounts, stock and registers maintained by the CSO/NGO should be open to inspection by officers appointed by the State Government / Central Government.

8 Renewal / termination

- 8.1** The renewal of contract shall be subject to outcome of evaluation by a credible third party commissioned by the State Government. The evaluation study report should be submitted 2 months prior to the closure of agreement period.
- 8.2** In the event, CSO/NGO desires to stop the supply of the meal for any reason, it shall give three months' notice in writing to the State Government, failing which the CSO/NGO shall be liable for penalties as decided by the State Government.
- 8.3** The State Government shall be at liberty to modify or terminate the agreement at any time during the contract period by giving 30 days' notice.
- 8.4** The State Government can terminate the agreement by giving 3 months' notice if the MHRD, Government of India does object to this arrangement.

9 Liability/Penalty clause:

- 9.1** The CSO/NGO will be responsible for any untoward incident such as food poisoning of children due to the serving of adulterated, contaminated or stale meal and entire responsibility for any civil and criminal liability arising out of that shall rest entirely with the NGO.
- 9.2** If the quality of the meals is found to be sub-standard or not fit for human consumption, the school shall have the right to return the whole/entire or part of the cooked meal supplied to the children. No claim for compensations for such meals from the CSO/NGO shall be reimbursed.
- 9.3** The mid-day meal should be supplied at the fixed time on every school day. In case the CSO/NGO fails to supply the cooked meal on a given day, the authorities shall have the option to procure the supply from any other supplier/market and the cost of the same shall be deducted from the bills of CSO/NGO.

10. Contingency Plan for Medical Emergency: The State/CSO/NGO should have a Contingency Plan for any untoward incident. The names and telephone numbers of the nearest hospitals, Primary Health Centre, Ambulance, Police, Fire-brigade should be displayed at prominent places.

11. Arbitration:

In the event of any dispute arising out of the agreement the same shall be referred to the sole arbitration of the State Government or any officer appointed by the State Government on its behalf. The proceedings held by the arbitrator in making award will be in accordance with the provisions of Indian Arbitration and Conciliation Act 1996 or any statutory amendments thereof. The award of the arbitrator shall be final and binding on both the parties.

12. Any Other Conditions

State Government may prescribe such other conditions, as they may deem appropriate, in addition to the conditions stated above.
