

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) PIL No.16216 of 2019**

***Odisha State Legal Services Authority* .... *Petitioner***

Mr. Gautam Mishra, Sr. Advocate  
Amicus Curiae

*-versus-*

***State of Odisha and others* .... *Opp. Parties***

Mr. M.S. Sahoo, AGA  
for all O.Ps. except O.P. No.3  
Mr. S. Parida, Standing Counsel  
for Opposite Party No.3

**CORAM:  
THE CHIEF JUSTICE  
JUSTICE B. P. ROU TRAY**

**ORDER**

**24.03.2021**

**Order No.**

10. 1. Pursuant to the order dated 2<sup>nd</sup> February, 2021, the Joint Secretary to Government, Food Supplies and Consumer Welfare Department, Odisha has filed an affidavit dated 23<sup>rd</sup> March, 2021. It is explained that of the three available officers, i.e. the Collector & District Magistrate, the Additional District Magistrate and the Project Director (PD), DRDA, the first two do not satisfy the requirement as laid down by the Supreme Court in its order dated 21<sup>st</sup> July, 2017 passed in W.P.(C) No.857 of 2015. Therefore, the Project Director (PD), DRDA, who does not have any involvement with the Public Distribution System (PDS), is according to the Government better suited for being designated as the District Grievance Redressal Officer (DGRO), whose functioning is governed by Section 15 of the National Food Security Act, 2013 (NFSA). It is stated that the Government has designated the PD DRDA of each District as DGRO in their respective jurisdictions for

expeditious and effective redressal of grievances of the aggrieved persons in the matters relating to distribution of entitled food grains or meals under Chapter-II of the NFSA and to enforce the entitlements under the said Act.

2. Indeed the role of the DGRO in terms of Section 15 (1) of the NFSA is two-fold; one is for effective redressal of grievances of the aggrieved persons and the second is to enforce the entitlements under the NFSA. The government is confident that the PDs DRDA, designated as DGRO would act independently and would not be 'subordinate to the officers against whom such complaints are lodged'.

3. The Court has perused the rules framed by the Food Supplies and Consumer Welfare Department of the Government of Odisha, the nomenclature of which is the Odisha State Food Security (Targeted Public Distribution System) Rules, 2020 (hereafter 'the 2020 Rules'), which was notified in Odisha Gazette on 3<sup>rd</sup> June, 2020.

4. Mr. Goutam Mishra, learned Amicus Curiae has pointed out how four schemes are contemplated for implementation under the NFSA. First is the Targeted Public Distribution System (TPDS) under Section 3 of the NFSA. Second is the scheme for pregnant and lactating mothers, which in Odisha known as 'the MAMATA' scheme under Section 4 of the NFSA. The third is the nutritional support for children which is governed by Section 5 (1) of the NFSA. The fourth is the Integrated Child Development Scheme (ICDS) under Section 5(1)(b) of NFSA.

5. The Court notes that under Rule 8 (1) of the 2020 Rules the DGRO is empowered to hear all grievances relating to all of the above schemes, i.e. the TPDS, ICDS and the Mid-Day Meal and Maternity Benefit Programme (MBP). In Rule 9 (1) it is stated that the DGRO shall hear grievances 'regarding non-distribution of entitled food grain, and matters relating thereto, and take necessary action for their redressal in the manner as provided under these rules.'

6. The expression 'and matters relating thereto' would obviously include matters relating to all of the above schemes which are mentioned in Rule 8 (1) of the 2020 Rules. Although Rule 9 (3) speaks of the DGRO examining violation of entitlements of beneficiaries under the TPDS, the Court is of the view that given the scope of the powers of the DGRO under Rule 8 (1) of the 2020 Rules, the scope of Rule 9 (3) thereof would include the DGRO looking into violation of entitlements, not limited to TPDS but the other schemes, including the Mid-Day Meal scheme, the ICDS and MBP and any other scheme for implementation of the NFSA.

7. Mr. Mishra has also refers to some model rules as well as suggestion by the Centre for Child and the Law, National law School of India University (NLSIU), Bangalore which he has enclosed with the compilation handed over by him to the Court today. At this stage, the Court would not like to issue any directions. It is necessary first to find out how the 2020 Rules have worked on the ground and whether in fact the PDs of the DRDAs who have been appointed as DGROs by the

Government of Odisha have been able to discharge their functions independently and effectively.

8. As regards the social audit, some more time has been sought by the Government. It is stated that the entire process of social audit would be completed by August, 2021.

9. As regards the setting up of Vigilance Committee (VC), attention is drawn to the 2020 Rules. It is stated that instructions have been issued to all Collectors on 6<sup>th</sup> July, 2020 for constitution of the VCs at all level to make them functional immediately in terms of Rule 19 of the 2020 Rules.

10. An updated status report in the form of an affidavit be filed by the next date informing the Court as to how many complaints have been received by the various DGROs in the period between 1<sup>st</sup> January and 31<sup>st</sup> May, 2021 and how the DGROs dealt with those complaints. Statistics in this regard be placed before the Court by the next date. The progress of the social audit also be informed to the Court. The affidavit also shall give the status of compliance of the directions issued for setting up of the VCs at all levels in terms of Rule 19 of the 2020 Rules.

11. Mr. Mishra has make a suggestion, and which appears to be acceptable to the Court, that the DGROs, in the discharge of their functions should seek input of the assistance of the officers of other concerned departments, i.e., Department of Women and Child Welfare Department and the Health Department.

12. The Secretary, Department of Women and Child Development may examine the report of the NLSIU, Bangalore and suggest to the Government of Odisha whether any change can be made to the 2020 Rules on the lines of the said draft.

13. List for further hearing on 22<sup>nd</sup> June, 2021.

*(Dr. S. Muralidhar)*  
*Chief Justice*

*(B.P. Routray)*  
*Judge*

M.K. Panda/K. Majhi

