

09. 02.02.2021

This matter is taken up by video conferencing mode.

2. Heard Mr. G. Mishra, learned Senior Counsel for the Petitioner and Mr. A. K. Parija, learned Advocate General assisted by Mr. M.S. Sahoo, learned Addl. Government Advocate for the State-Opposite Parties.

3. Three issues have been highlighted by Mr. Mishra. He first points out that Section:-15 of the National Food Security Act, 2013 (NFSA) envisages the appointment of a District Grievance Redressal Officer (DGRO), who is expected to be independent. He refers to the following observations of the Supreme Court in *Swaraj Abhiyan v. Union of India, (2018) 12 SCC 170*:

“27. It was submitted by learned counsel for the petitioner that in so far as the appointment of a District Grievance Redressal Officer is concerned, an independent person should be appointed and not the District Collector or the Deputy Commissioner of the district. The reason advanced by learned counsel was that these officers are already extremely busy, they may not be able to address the grievance of the people within their district and are directly concerned with the implementation of the NFS Act. As such, they might not be independent enough to deal with the grievance.”

“30.xxx As advised by the Central Government, the grievance redressal machinery should be independent and its functioning should be transparent. As long as this is achieved, it hardly matters that some officer of the government is appointed as the District Grievance

Redressal Officer. However, as emphasized in the W.P.(C) No.857 of 2015 letter dated 14th March, 2017 it would be appropriate if an officer dealing with delivery of entitlements under the NFS Act is not appointed or designated as the District Grievance Redressal Officer since he or she might not be able to entertain a complaint against his or her own functioning. xxx”.

4. Mr. Mishra, points out that as of now, the Project Officers of the District Rural Development Agency (DRDA), have been appointed as DGROs by notifications in including one dated 14th October, 2015 and that this does not satisfy the requirement of the law as explained by the Supreme Court. Mr. Mishra, further points out that the Project Officers DRDA invariably remain busy with their primary functions and, therefore, might not be able to devote much time to the additional task as DGROs.

5. Mr. M. S. Sahoo, learned Additional Government Advocate (AGA) appearing on behalf of the State, does not dispute that the Project Directors, DRDAs are otherwise very busy. However, he seeks some time to obtain instruction whether some independent persons, who are in a position to ensure the effective implementation on the directions issued from time to time, can be appointed as DGROs for the effective implementation of the NFSA particularly in the six districts of Balangir, Kalahandi,

Koraput, Malkangiri, Nabarangpur and Nuapada.

6. Two other issues have also been highlighted by Mr. Mishra. Section:-28 of the NFSA envisages their carrying out of a social audit. Here, it is pointed out by Mr. Sahoo, learned AGA that due to the onset of COVID-19, there was a restriction on public gatherings. Therefore, the social audit had to be put on hold. Mr. Sahoo produced a copy of a notification dated 6th January, 2021 issued by the Food Supplies & Consumer Welfare Department, Government of Odisha advising that the process for conducting social audit in thirty districts should be expedited.

7. On the next date of hearing, this Court will be apprised of the progress in carrying out the social audit. Mr. Sahoo has also placed before this Court the notification dated 3rd June, 2020 published in the Odisha Gazette (Food Supplies & Consumer Welfare Department). Hopefully, with the publication of the Rules, the implementation of the NFSA in the State of Odisha, and particularly the aforesaid six districts, should improve.

8. The third issue highlighted by Mr. Mishra, is the failure to set up the Vigilance Committees ('Janch' Committees) (JCs) as required under Section:-29 of the NFSA.

9. Mr. A.K.Parija, learned Advocate General, seeks four to five weeks' time to examine the situation vis-à-vis the ground reality, including whether these are sufficient complaints that may warrant setting up of the JCs on an urgent basis. The response of the State in this Court also be placed before the Court by the next date.

List on 24th March, 2021.

(Dr. S. Muralidhar)
Chief Justice

(S. Pujahari)
Judge

