

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

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

***Odisha State Legal Services Authority*** .... ***Petitioner***  
Mr. Gautam Mishra, Senior Advocate  
Amicus Curiae

*-versus-*

***State of Odisha and others*** .... ***Opposite Parties***  
Mr. M.S. Sahoo, A.G.A.  
Mr. D.R. Mohapatra, Standing Counsel for School & Mass  
Education Department

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE B. P. ROUSTRAY**

**ORDER**  
**23.08.2021**

**Order No.**

12.

1. This order is in continuation of the two detailed orders dated 2<sup>nd</sup> February, 2021 and 24<sup>th</sup> March, 2021 passed by this Court.

***DGROs***

2. In the order dated 24<sup>th</sup> March, 2021, this Court had in paragraph 4 noted that there were four schemes which were to be implemented under the National Food Security Act, 2013 (NFSA). The Court clarified that under Rule 8 (1) read with Rule 9 (3) of the Odisha State Food Security (Targeted Public Distribution System) Rules, 2020 ('2020 Rules'), the scope of the powers of the District Grievance Redressal Officer (DGRO) would include looking into "violations of entitlement, not limited to the Targeted Public Distribution System (TPDS), but the other schemes," including the Mid-Day Meal Scheme, the Integrated Child Development Scheme (ICDS), the Maintainability Benefit Programme (MBP) as well as any other scheme for

implementation of the NFSA. For instance, under Section 4 of the NFSA, there is a scheme for pregnant and lactating mothers which in Odisha is known as the 'Mamata' scheme.

3. From the affidavit dated 14<sup>th</sup> July, 2021 of the Additional Secretary to Government, Food Supplies and Consumer Welfare Department ('FS&CW Department'), Odisha, it is seen that social audits have been conducted only relation to the functioning of the Fair Price Shops and TPDS whereas the Court had clarified that the scope of power of the DGRO would include looking into implementation of all the schemes. The Court's clarification in this regard in its order dated 24<sup>th</sup> March, 2021 is reiterated.

4. It is directed that the State Government will place before the Court by way of an affidavit to be filed at least one week prior to the next date, details of the social audit conducted for implementation of all the schemes not limited to TPDS. The meetings held as part of the social audit should be videographed and uploaded in the website of the State Food Commission since as this will ensure greater transparency in conduct of such exercise and serve the public interest in ensuring effective implementation of NFSA. The affidavit should include the statistics regarding the functioning of the DGROs for the period 1<sup>st</sup> June to 31<sup>st</sup> October, 2021.

#### ***Vigilance Committees***

5. The Court had also noted in its order dated 24<sup>th</sup> March, 2021 that instructions had been issued on 6<sup>th</sup> July, 2020 to all Collectors for constitution of Village Committees (VCs) at all

levels to make them functional immediately in terms of Rule 19 of the 2020 Rules.

6. From the document enclosed with the affidavit dated 14<sup>th</sup> July, 2021 (Annexure-O/3 series), it is seen that the constitution of VCs is abysmally low. At the FPS level, 12068 VCs are yet to be constituted, at the ULB level, 79 and Block level, 186 are yet to be constituted. In this regard as far as District Level is concerned, this Court notes that except five districts, i.e., Dhenkanal, Ganjam, Kandhamal, Kendrapara and Sambalpur, the District Level VCs have not been constituted in any of the 25 districts. There has to be a concerted effort by the State Government to make up a shortfall at an early date to make the provisions of NFSA to be effected. Directions are accordingly issued to the State Government to constitute VCs at all the 25 remaining positively by 1<sup>st</sup> November, 2021. Special drives for constitution of VCs at Block Level, ULB Level and FPS Level be instituted and completed not later than six months from today.

***Changes to the 2020 Rules***

7. An affidavit has been filed on 19<sup>th</sup> August, 2021 by the Additional Secretary to Government, Women and Child Development Department stating that a Committee has been constituted comprising the experts working in the field of Nutrition to study and suggest for changes to be made in 2020 Rules. It is stated that the Committee has held its first meeting on 18<sup>th</sup> August, 2021. A direction be issued to this Committee to submit its final report not later than 1<sup>st</sup> November, 2021. A copy of the said report shall be placed on record before this Court

along with an affidavit of the Additional Secretary to Government, Women and Child Development Department before the next date.

***Helpline number***

8. Rule 5 of the 2020 Rules envisages an internal system of Grievance Redressal reads as under:

“5. Internal System of Grievance Redressal.—(1) The Government shall set up an internal grievance mechanism for disposal of the complaints, resolution of queries and providing information relating to the provisions of the Act to the public.

(2) Without prejudice to the provisions contained in sub-rule (1) and to facilitate redressal of grievance related to the Act, the Food Supplies and Consumer Welfare Department shall put in place call centres, toll-free helpline numbers, websites of the Department and other media, as may be specified by notification, by the Government.

(3) The call centres shall provide support in Odia language or local dialect to the extent possible.”

9. It is pointed out by Mr. Gautam Mishra, learned Amicus Curiae (AC) that all that has been done is to publicize the land-line numbers. He says that when some of the landline numbers were tried by him, they turned out to be non-existent. He points out that the Central Government has been asking the State Food Commission (SFC) to have a single Toll Free Helpline Number, give it online publicity to enable registration of complaints.

10. Rule 5 (2) of the 2020 Rules mandates that the FS&CW Department “shall put in place call centres, toll-free helpline numbers, websites of the Department and other media”. Accordingly, a direction is issued to the FS&CW Department to establish a single toll-free helpline number. The complaint received at this number shall be duly recorded and forwarded to the respective DGRO for prompt action. A turnaround time for a complaint shall be later than 72 hours. This toll-free number be publicized on the website of the SFC not later than 1<sup>st</sup> September, 2021. The summary details of the complaints received and the action taken thereon should be uploaded on the website of the Orissa SFC on a continuous basis. The responsibility for this shall be entrusted by the Secretary of the FS&CW Department to a senior level officer to ensure accountability. A compliance report in relation to the above direction in the form of an affidavit be filed at least one week before the next date of hearing.

11. List on 8<sup>th</sup> November, 2021.

12. An urgent certified copy of this order be issued as per rules.

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

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