

**U.T. ADMINISTRATION OF DAMAN & DIU
FOOD & CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
COLLECTORATE, MOTI DAMAN.**

**DRAFT MODEL RULES ON GRIEVANCE REDRESSAL MECHANISM UNDER
NFSA**

No. 1/299/COL/CSD/RULES/DMN/2015-16/6078

Dated 13/07/2017

U.T. ADMINISTRATION OF DAMAN & DIU GRIEVANCE REDRESSAL RULES, 2016

DRAFT NOTIFICATION

Whereas the draft of the U.T. Administration of Daman & Diu Grievance Redressal Rules, 2016 which the Government of U.T. Administration of Daman & Diu proposes to make in exercise of the powers conferred under Section 40 of the National Food Security Act 2013 was published as required by sub-section 1 of Section 40 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said rules would be taken into consideration after expiry of a period of thirty days from the date of its publication in the Official Gazette.

The UT Administration of Daman & Diu invites views & suggestions in respect of the proposed rules/ draft rules from the public on the concerned at large. Any views or suggestions, which may be received from any person with respect to the said draft rules before the expiry of the period so specified will be considered by the U.T. Administration of Daman & Diu.

Now, therefore in exercise of the powers conferred under sub-section (1) of Section 40 of the National Food Security Act, 2013, the U.T. Administration of Daman & Diu Government hereby make the following Rules namely:-

**Chapter I
Preliminary**

1. Title and Commencement:

- (i) These Rules may be called the U.T. Administration of Daman & Diu Grievance Redressal Rules, 2016.
- (ii) They shall come into force from the date of their publication in the official Gazette.

2. Definitions:- In these rules, unless the context otherwise requires:-

- i) 'Act' means the National Food Security Act, 2013.
- ii) 'Appellant' means a party which makes an appeal against the order of the District Grievance Redressal Officer.
- iii) 'Civil Supplies Department' means the Department in-charge of implementation of Targeted Public Distribution System in U.T.
- iv) 'Complaint' means a representation in writing or through electronic means containing a grievance with regard to distribution of entitlements under the Act.
- v) 'Designated commission' means any existing statutory commission designated by the U.T Administration, under Section 18 of the Act, to exercise the powers and perform the functions of the State Food Commission.
- vi) 'District Grievance Redressal Officer' means an Officer appointed or designated by U.T Administration for each district, under Section 15 of the Act
- vii) 'State Food Commission' means the Commission to be constituted by the U.T Administration under Section 16 of the Act.
- viii) The words and expressions used in these rules and not defined shall have the same meaning as assigned to them in the Act.

Chapter II

Internal Grievance Redressal Mechanism

3. As part of internal grievance redressal mechanism, the U.T Administration shall designate nodal officers, as provided under Section 14 of the Act, at Block, District and State levels to receive complaints from beneficiaries.

4. U.T Administration shall also create facilities for registering complaints through toll free helpline numbers and PDS portal and give it wide publicity.

5. Complaints from higher level to lower level may be transferred through e-mail or any other web based system. The delay in transmission of complaint from one level to another however shall not be cited as reason for delay in disposing off the grievance

6. Every complaint received through nodal officers, toll free helpline numbers and PDS portal shall be given a unique complaint number.

7. After verification of facts by the concerned officers of the U.T Administration about the complaint received, remedial action for its redressal shall be completed within 15 days from receipt of the complaint.

8. The complainant shall be informed in writing or through e-mail or telephonically or orally about the manner in which grievance has been redressed.

Chapter III

District Grievance Redressal Officer

9. The U.T Administration shall appoint or designate, for each district, an officer to be the District Grievance Redressal Officer under Section 15 of the Act.

10. (1) In the case of fresh appointment, the District Grievance Redressal Officer shall be appointed by the U.T Administration from amongst persons:

(a) who are or have been member of the civil services of the State or Union or holding a civil post under the State/ U.T having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field;

(b) of eminence in public life with wide knowledge and experience in agriculture, social service, food policy or public administration

(2) The officers so appointed shall be of the level of Director in the U.T Administration and shall be entitled to receive pay and allowances of an officer of equivalent grade in the U.T Administration.

Or

The Collector/ Director (F&CS), Daman and the Collector, Diu shall be the District Grievance Redressal Officer.

11. No officer directly engaged in the delivery of entitlements under the Act shall be designated as District Grievance Redressal Officer.

12. The U.T Administration shall, immediately on appointment or designation of District Grievance Redressal Officers, -

(a) Give wide publicity through newspaper and other means about District Grievance Redressal Officers including name, address, telephone number, e-mail address, facsimile number and other means of contacting him, in respect of each area for which the District Grievance

Redressal Officer has been appointed or designated, and thereafter repeat it at regular intervals.

Provided that in case of change of the name of the District Grievance Redressal Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him, shall be suitably intimated to the public.

- (b) display, at its each office of Civil Supplies Department, fair price shops, schools, anganwadis, other public places, website and at the office of the Grievance Redress Officer and the Food Commission, the name of the District Grievance Redress Officers, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each district for which the District Grievance Redress Officer has been appointed or designated.

13. Procedure for registering complaints : (1) Any aggrieved person can file and register his complaint to the District Grievance Redressal Officer in writing or through e-mail or by dropping their written grievance in grievance boxes, which shall be installed at the office of District Grievance Redressal Officers, select fair price shops, and other public places such as schools, anganwadis etc.

(2) The complaint boxes shall be opened at least once in three days to retrieve the complaints and immediate action shall be taken for their redressal.

(3) Complaints shall be filed with specific details and contact information of the complainant. No anonymous complaint shall be entertained

(4) Where a complainant is unable to make a complaint in writing, the District Grievance Redressal Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(5) All complaints shall be acknowledged by a receipt in writing or through electronic means, within one day of receipt of the complaint, specifying date and unique grievance number. Complaint or appeal shall be filed with specific details and contact information of the complainant. No anonymous or pseudonymous complaint shall be entertained.

14. Procedure for disposal of complaints: (1) For every complaint received, the District Grievance Redressal Officer shall verify whether there is a prima-facie substance in the complaint to proceed in the matter.

(2) If the District Grievance Redressal Officer is satisfied, that there is prima-facie substance in the complaint, he shall seek explanation in the matter from concerned officer (s) or agency against whom complaint has been made, alongwith relevant documents. The requisite explanation and documents shall be furnished by the concerned officer (s) or agency against whom complaint has been made, to the District Grievance Redressal Officer, within fifteen days.

(3) Based on the explanation of concerned officer (s) or agency against whom complaint has been made, and the available documents, if the District Grievance Redressal Officer is satisfied about the veracity of the grievance, he shall issue necessary order for its redressal within thirty days from the date of receipt of the complaint. District Grievance Redressal Officer shall dismiss the complaint, in case no merit is found.

(4) In the case of genuine grounds for disagreement between the parties on the claims made in the complaint, the District Grievance Redressal Officer shall issue notices to all parties in the matter about fixing date, time and place for the hearing. The officer may also, at the request of the parties or suo-moto, adjourn the proceedings to some other date with or without cost.

(5) On the date fixed for hearing the District Grievance Redressal Officer shall hear the parties and take such evidence as may be given by them. After hearing all the parties and taking into consideration the evidence during the hearing, the officer shall pass suitable order within forty-five days from the date of receipt of complaint.

Provided that if, on the date of hearing fixed by the District Grievance Redressal Officer, the complainant is absent, he may dismiss the complaint. However, if, on the date fixed by him the defending party is absent, he may proceed to enquire the matter ex-parte and decide accordingly.

(6) The complainant must be informed of the decision on his complaint in writing or through electronic mode, with a system for confirmation of its receipt by complainant.

(7) If the grievance redressal officer is of the opinion that the disposal of the complaints requires more time than prescribed under clauses (3) and (5) above, the complainant shall be sent an interim reply citing the reasons for delay.

15. Powers of District Grievance Redressal Officer: The District Grievance Redressal Officers, while enquiring into complaints, shall have powers to require any person –

- (a) to produce before, and allow to be examined such books, accounts, documents or any other material in custody or under control of the persons so required as may be specified in the requisition

(b) to furnish such information as may be required

16. Monitoring the disposal of complaints:- Disposal of complaints shall be monitored by the Secretary/Principal Secretary in charge of Civil Supplies Department of the U.T. Administration, at least once in a month.

17. Appeal : Any complainant or the officer or authority against whom any order has been passed by the District Grievance Redressal Officer, who is not satisfied with the redressal of grievance, may file an appeal against such order before the State Food Commission, within thirty days from the date of the issuance of the order by the District Grievance Redressal Officer.

18. Monthly Report : A monthly report on complaints received and disposed off by the DGRO shall be sent by the District Grievance Redressal Officer to the U.T. Administration by 15th day of the succeeding month. The U.T Administration shall send a monthly consolidated report for the U.T. as a whole to the Ministry of Consumer Affairs Food and Public Distribution, Government of India, by the end of the quarter of the year .

Chapter IV

FOOD COMMISSION:

19. The U.T Administration shall appoint, by notification, a Commission to be known as the Daman & Diu Food Commission, as per provisions of Section 16 of the Act.

20. Chairperson and Members of the Commission shall be appointed by the U.T Administration on the recommendation of a Selection Committee constituted by the U.T. Administration of Daman & Diu

21. Status, pay & allowances and other facilities of Chairperson and other Members of Food Commission shall be equivalent to the status, pay & allowances and other facilities to the State Minister of the U.T Administration and Secretary to the Government, respectively. In case any retired Government servant is appointed on these posts, the pay and allowances shall be governed by the Rules prescribed by the U.T Administration on re-employment.

Or

The Collector/ Director (F&CS), Daman and the Collector, Diu shall be the District Grievance Redressal Officer.

22. Constitution of Food Commission for Daman and Diu is designated by the U. T. Administration to exercise the powers and perform the functions of Food Commission referred to under Section 16 of the Act.

23. The Chairperson and other Member(s) of the designated Commission by the U.T. Administration shall specifically perform functions of Food Commission also.

The details of Chairperson and other Members of the designated commission are as under:

1.	Secretary (F&CS), Daman & Diu	Chairperson
2.	Director (F&CS), Daman & Diu	Member
3.	Collector, Diu	Member
4.	Dy. Commissioner (F&CS), Daman	Member Secretary
5.	Non Government Official.	Member
6.	CDPO, Daman.	Member
7.	The Dy. Director of Accounts.	Member

24. U.T. Administration shall provide additional staff to the designated commission for proper discharge of its function as Food Commission.

25. Any member of the Food Commission may, by notice in writing under his hand addressed to the Governor of the U.T with a copy to the Chairperson, resign his office.

26. Meeting of the Commission shall be convened by the Member Secretary, on the directions of the Chairperson, as per the requirement of work, but at least once in six months.

27. **Review and Monitoring** : For review and monitoring of implementation of the Act, the Commission shall hold regular meetings with the officers of the Civil Supplies Department of the U.T, other concerned agencies of the U. T. Administration, reputed NGOs and members of the civil society, and give its advice to the U.T. Administration for effective implementation of the Act.

28. **Procedure for registering complaints and appeals** : (1) Complaint regarding violation of entitlements under the Act and appeal against the order of the District Grievance Redressal Officer shall be presented by the complainant or appellant to the Food Commission in person or by registered post or any electronic mode, addressed to the Member-Secretary of the Commission.

(2) Any appeal against the order of the District Grievance Redressal Officer shall be filed before the Food Commission within time-limit prescribed under Rule 16.

(3) Every appeal shall be accompanied by the certified copy of the order of the District Grievance Redressal Officer appealed against and such of the documents as may be required to support grounds of appeal.

(4) Complaint or appeal shall be filed with specific details and contact information of the complainant. No anonymous or pseudonymous complaint shall be entertained

29. Disposal of complaints and appeals by the Food Commission:

- (1) The Commission shall, on receipt of any complaint, seek a report on it from the District Grievance Redressal Officer, alongwith supporting documents, who shall be required to furnish it within fifteen days.
- (2) Taking into consideration the report of the District Grievance Redressal Officer, and the available documents, the Commission shall issue appropriate orders for redressal of the complaint, within fifteen days from the receipt of the report of the District Grievance Redressal Officer.
- (3) In the case of appeal against the orders of the District Grievance Redressal Officer, the Commission shall fix a date, time and place for the hearing the appeal and issue notices to all the parties. The Commission may also, at the request of the parties or *suo-motu*, adjourn the proceedings to some other date with or without cost.
- (4) On the date of hearing, it shall be obligatory for the parties to appear before the Food Commission. If appellant fails to appear on such date, the Food Commission may in its discretion either dismiss the appeal or decide ex-parte on merits. If the respondent or his agent fails to appear on such date, the Food Commission shall proceed ex-parte and shall decide the appeal on merits of the case.
- (5) The Food Commission will resort to summary procedure and an appeal shall be decided, within a period of thirty days from the date of receipt of appeal, by giving all concerned an opportunity of hearing.
- (6) The order of the Food Commission shall be authenticated by the Member-Secretary or any other officers of the Commission duly authorized by the Commission on its behalf.

(7) The Food Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

30. If the Food Commission is of the opinion that the disposal of the appeal requires more than thirty days, the appellant shall be sent an interim reply citing the reasons for delay.


31. **Powers of the State Food Commission:** The Food Commission, while enquiring into complaints, shall have powers to require any person –

(a) to produce before, and allow to be examined such books, accounts, documents or any other material in custody or under control of the persons so required as may be specified in the requisition

(b) to furnish such information as may be required

32. **Maintenance of records :** Commission shall maintain all the records, including the appeals and records related to their disposal.

33. **Stamps and Logo :** The stamps and logo of the Daman & Diu Food Commission shall be as specified by the U. T. Administration.


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